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House of Representatives

The House met at 10 a.m.

Rev. John C. Garrett, Parish of Our Lady of Sorrows-St. Anthony, Hamilton, New Jersey, offered the following prayer:

“We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.”

God, Creator of heaven and Earth, the Founders of this great Nation recognized the basic principle that You are our Creator and we are Your noble, yet humble creatures. As such, all men and women are loved and treasured by You. Send Your blessings on the women and men of this honorable House so that they will be guided by Your divine law in their deliberations. Grant them the wisdom to seek the common good for all people. May all their actions demonstrate respect and reverence for all people; each made in Your divine image and likeness. Let all this be done for Your greater glory. We ask this in Your divine name.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan (Mr. KNOLLENBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 1-minute requests on each side of the aisle.

BRING DOWN PRICES AT THE PUMP TODAY

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute.)

Mrs. CHRISTENSEN. Madam Speaker, every day Americans are struggling to drive their kids to school or run important errands. Every day Americans are struggling to fill up their gas tanks. And every day President Bush opposes a different Democratic solution to bringing down prices at the pump.

Today is day 9 of our efforts urging the President to release oil from the Strategic Petroleum Reserve, a move that has a history of real results. But the White House has slammed the idea, saying it has been ineffective in the past.

I guess President Bush doesn't remember when his father released oil from the Reserve in 1990 and oil prices dropped 33 percent immediately. Or when President Clinton took action in 2000. Real relief was apparent before oil even reached market. He also forgot when he himself released oil from the SPR only 2 years ago, and a barrel of oil dropped \$5.

This is action Americans are demanding; relief at the pump now.

Madam Speaker, releasing oil from the reserve is a tested and proven solution to providing struggling Americans with relief today. It is time President Bush stands up for consumers and taps into the Strategic Petroleum Reserve.

DESTROY THE BOOKS

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

Mr. POE. Mr. Speaker, the elite Cambridge University Press of the United Kingdom is destroying controversial books, reminiscent of the Berlin book burnings of 1933.

In an effort not to offend wealthy Saudi banker Sheikh Khalid bin Mahfouz, the timid publisher cowered in fear and is pulping and destroying all known copies of its book “Alms for Jihad” that alleges the Saudi banker's ties to charities that fund terrorist organizations. The writers of the book stand by their work, however.

Mr. Speaker, here is the real problem. In the United Kingdom more and more frivolous libel suits are brought against writers and publishers by people with connections to terrorist groups because the United Kingdom court system is weighed in favor of suppression of controversial free speech in the marketplace of ideas. So many publishers like Cambridge are intimidated and are afraid to publish controversial topics. After all, the British court system is just too sophisticated to allow books to be printed that might offend someone.

The writers of “Alms for Jihad” should publish their book in the United States because we thrive on controversial speech, whether alleged terrorist sympathizers like it or not.

And that's just the way it is.

UNITED WAY OF HUDSON COUNTY, NEW JERSEY

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

Mr. SIREs. Mr. Speaker, I rise today to highlight the good work of the United Way of Hudson County, New Jersey. They have a distinguished history of working with their partners to help the homeless in Hudson County.

I would like to highlight just a few of the good things that United Way of

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

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



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Hudson County is doing in my district. They are, in part, responsible for a Bayonne facility for homeless men, a program for the elderly in Jersey City, a training program for 59 shelter residents, housing for Hudson County individuals with HIV/AIDS, meals, soup kitchens, and educational services for homeless persons.

In 2005 the United Way of Hudson County created an emergency shelter system for the homeless that was widely honored by the U.S. Department of Housing and Urban Development, the State of New Jersey, and the State Association of Community Development Directors.

In 2006 they were awarded the County's first "Housing First" grant from the U.S. Department of Housing and Urban Development. This grant provided housing for social services for 26 disabled individuals. Their Housing First focus, championed by the United Way and the County Executive, Tom DeGise, will provide housing and hope for a better future for the homeless of Hudson County.

Please join me on July 30 for the second congressional reception honoring the United Way.

TRIBUTE TO THE SPECIAL OLYMPICS

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

Mr. KNOLLENBERG. Mr. Speaker, I rise today to commemorate an organization that has contributed to our community in my district in Michigan for something like 40 years, and has inspired us in many ways.

The Special Olympics is a beacon of opportunity and support for people with intellectual disabilities, providing training and athletic competition in over 100 countries.

Michigan's 9th district, my district, is no exception. We have been blessed with a dedicated and vigilant local organization there that has established a successful program with amazing results.

More than 400 athletes participated in this year's Oakland County Spring Games this past May, including Charles Howard from Farmington and Jaime Bonneau from Clarkston, who have been selected to compete in the World Games in 2009. I extend my best wishes to their respective competitions.

On the 40th anniversary of this extraordinary organization, I wish to honor them for their efforts and their contributions to our community and the communities around the Nation.

POSITIVE CONTRIBUTIONS OF IMMIGRANTS

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

Mr. BACA. Mr. Speaker, I speak on behalf of immigrants. Sometimes he-

roes come from the least expected places. Such is the case of Edwin Ramirez from Pacoima, California. Ramirez, despite his obstacles, successfully built small businesses with his brother.

In 1990, as a parent and a leader with a vision, he quickly rose as a leader in his local PTA and within Los Angeles Unified School District. Ramirez also founded and became president of the Pacoima Neighborhood Council to voice concerns of his community.

Edwin Ramirez is an example of the American dream and a hero in the community. Edwin is an immigrant. It is because of Edwin Ramirez and other role models like him that our country has always welcomed immigrants.

For those reasons, on behalf of the American dream, I urge my colleagues to support comprehensive immigration on behalf of the 12 million to 14 million people here in the United States.

COMMONSENSE SOLUTION

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

Mr. WILSON of South Carolina. Mr. Speaker, it is a basic rule of economics that when demand goes up, but supply remains stagnant, prices go up. That is the primary cause of the recent rise in gas prices.

Energy costs affect our transportation costs, our food costs and our national security. If there were a silver bullet, an alternative energy source that could replace oil tomorrow, we would all be for it. But there isn't. So while we are working with oil, it makes economic and national security sense to reduce our dependence on foreign imports.

If my colleagues on the other side of the aisle want to invest in alternative energy, good. So do we. If they want to promote conservation, good. So do we. But if they continue to stand in the way of opening up new areas right here at home for oil and natural gas exploration, then they will stand alone.

House Republicans are ready to act because Americans want an all-of-the-above energy policy. When will House Democrats stand with the American people, rather than in their way?

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

□ 1015

ALPHA KAPPA ALPHA

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

Mr. COHEN. Mr. Speaker, in Washington this week, there are thousands and thousands of African American women who are members of the Alpha Kappa Alpha sorority. That was the first Greek letter African American sorority in this country. It's been a sorority that's been intertwined with all

of the activities of this society. In the last 100 years through women's suffrage and the civil right's movement, there have been active members.

Service and scholarship are the bywords of the Alpha Kappa Alpha sorority. Their members have included Coretta Scott King and Rosa Parks, and honorary members have included Eleanor Roosevelt, and announced yesterday, Michelle Obama.

The Alpha Kappa Alpha women are doing good works in this country, and I appreciate their including me. I will be joining them at a luncheon today. And I congratulate them on 100 years of service started at Howard University here in Washington, D.C.

CONGRESS MUST LIFT THE MORATORIUM ON DRILLING

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

Mr. LAMBORN. Mr. Speaker, I rise today to address the energy crisis gripping our country. The time has come for America to unite behind an aggressive campaign to reduce our dependence on foreign energy. Failure to act now will only drive up energy prices and destroy good-paying jobs.

Solving this crisis requires producing more American energy. We must lift the moratorium imposed by Congress on offshore drilling. Also, we must remove the roadblocks preventing leasing programs for oil shale on public lands. Finally, we must allow responsible drilling in ANWR. Doing these things will have an immediate impact on gasoline prices.

President Bush this week lifted the executive moratorium on new oil and gas exploration on the Outer Continental Shelf. This is an important first step but must be followed by action from Congress to finish the job. Billions of barrels of oil and trillions of cubic feet of natural gas are available to America if we do this. We are the only country in the world not using the energy at its disposal.

Congress must act immediately to help lower gasoline prices for all Americans.

REPUBLICANS' ENERGY SOLUTION IS WORKING FOR BIG OIL BUT NOT FOR THE AMERICAN PEOPLE

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

Mr. McDERMOTT. Mr. Speaker, when the President took office, gasoline cost less than \$1.50 a gallon, and a barrel of oil was selling for \$30. So they had a planning meeting down at the White House, and gas has jumped to \$4.50 a gallon and oil is nearly \$150 a barrel.

Despite these facts, the President would like the American people to believe that he has proposed a credible

new plan to lower energy prices, but consider this: The President's invasion of Iraq and tacit military threats to Iran have destabilized the Middle East and driven oil prices out of control.

Big Oil has leases, access, and decades to drill on millions of acres on the Continental Shelf, but they choose instead to drill down into the wallets of the American people. Oil companies are already exploring today. They're exploring the upper limits of their stock prices by using their billions in profits to buy back stock, not to reinvest in America.

We still don't know what the Vice President's secret meeting with the industry was when gas prices were \$1.50 a gallon, but it sure looks like it's working for the oil companies, but it isn't working for us.

We've got a plan, and we will propose it and bring it out here on the floor.

THE FUTURE OF AMERICA IS AT STAKE

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, to help families dealing with the high price of gas, the White House ended the ban on deep ocean energy exploration. Now it's up to the Congress to give this commonsense move the final green light.

We must pursue increasing production of American-made energy in an environmentally conscious manner off the coast of the Atlantic, the Gulf, and the Pacific. We have the technology to access fuels right here in America while still protecting our natural resources for future generations.

We should and must develop our own oil and natural gas resources in the deep waters offshore, on Federal lands, and in oil shale if we want to revive America's independence. It's past time Congress got off the dime and approved deep ocean energy exploration today.

Americans, the future of America is at stake.

MOVING TOWARDS A NEW DIRECTION

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

Mr. ALTMIRE. Mr. Speaker, the American economy has lost nearly half a million jobs this year with six consecutive months of negative job growth. In fact, under this administration our economy has the slowest record of job growth since the Hoover administration, has added \$3.5 trillion dollars to the national debt and seen the value of the dollar plummet. Gasoline is \$4.10 a gallon, the stock market has flatlined, the financial industry is in crisis, and the housing industry teeters on the brink.

We simply cannot afford to continue the same failed policies of the past 8

years. And while Senator MCCAIN's chief economist says that it's all in our heads, that the Americans are just whining about the economy, Democrats recognize the problem and are working to provide some relief. And though we lack cooperation from a President who doesn't share our values, we have shown leadership by overriding his vetoes four times now and counting.

Democrats in Congress are leading the way and moving towards a new direction for our economy.

ENERGY POLICY

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

Mr. BROWN of South Carolina. Mr. Speaker, yesterday I spoke at a rally highlighting how America's energy crisis is impacting the working men and women in our Nation. The average working person in my district works at a hotel or a restaurant meeting the needs of the tourism industry.

That average person also drives to work. There is no light rail or subways taking them from rural homes to their place of work near the coast. The folks they serve probably drove hundreds of miles with their families for a well-deserved vacation, but few families are coming to the beach this year because of high gasoline prices. It also means that few folks will be working at the hotels and restaurants.

Mr. Speaker, the Democrat-led House's lack of action on energy policy is affecting every segment of our society, so much so that I am receiving drill bits in the mail demanding that we take action to lower energy prices in America. Those drill bits aren't coming as part of some well-financed campaign; they're coming because we can no longer hope that the problem will go away.

Like many other countries, the United States is blessed with many types of natural resources. I agree with the vast majority of Americans by viewing our natural resources as one of our greatest assets, not as an environmental liability.

We must take action now and vote on legislation immediately that would allow for more domestic energy to be produced by Americans for Americans.

LIHEAP

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

Mr. OLVER. Mr. Speaker, to significantly lower gas prices at the pump, Congress must end rampant speculation in crude oil futures, yet our Republican colleagues in both branches have consistently opposed such legislation. Meanwhile, a whole new crisis looms as families face a price approaching \$5 per gallon for heating oil for their homes. That's twice last winter's price.

Last winter in Massachusetts and New England alone, 350,000 low-income families used the LIHEAP program to get by, yet only one in four of the families eligible by income use the program. Many of those already eligible families will be in desperate need of help this winter, and many more middle-income families' budgets will be severely stressed by the doubled price of home heating oil.

Heat for a home or an apartment is not optional for any family, and Congress must act on an historic investment in LIHEAP before we finish our session.

DIPLOMATIC PRESSURE ON IRAN IS WORKING

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

Mr. PENCE. Mr. Speaker, no one wants war with Iran, but America and our allies in Europe have been exerting increased diplomatic and economic pressure to move the nation of Iran and its government away from developing a nuclear program.

In May, Congressman GARY ACKERMAN and I introduced bipartisan legislation, H. Con. Res. 362, urging this administration to impose expanded economic sanctions on key sectors of the Iranian economy. It appears as though it's having its good effect. In what's being reported today as what will be the "closest contact between the two countries since the Iranian revolution of 1979," this weekend, U.S. Ambassador William Burns will meet with top arms negotiators from Tehran. It will be more of a listening session and should not be overstated.

However, I would offer that this glimmer of hope in these negotiations is precisely because of the resolve of the United States and the European community to economically and diplomatically isolate Iran over its nuclear ambitions. But now is not the time for us to shrink from renewed diplomatic pressure.

I urge all of my colleagues to join Congressman GARY ACKERMAN and me and cosponsor H. Con. Res. 362 before this weekend. Let's send a deafening message to the negotiators in Iran that the American people stand for diplomatic and economic isolation until they abandon their nuclear ambition.

THE ANSWER TO OUR OIL PROBLEM: PRODUCE, PUNISH, AND PROMOTE

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

Mr. PERLMUTTER. Good morning. My friends on the Republican side of the aisle are complaining about gas prices, but with two oil men in the White House, is it any wonder that the price per barrel has gone from \$30 at the beginning of the Bush administration to \$150 or thereabouts.

The Republicans have taken the tack that we should drill, drill, drill. That's not the answer. We're not going to drill our way out of this problem. I would say it's the three P's: produce from the 68 million acres that we have under lease and are permitted today, punish the people who have been hoarding, gouging, and speculating in oil futures, and the third is promote efficiency and alternative forms of energy.

We've learned this lesson too many times. We need to come up with a new way to power this nation. If we do these three P's, produce from what we've got, punish those people who are gouging us, and third, promote energy efficiency and alternative energy, we will change the direction of this nation. And we need to do it right now.

OFFSHORE OIL EXPLORATION

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

Mr. PITTS. Mr. Speaker, until this week, there were two prohibitions on offshore drilling, two prohibitions from keeping us from accessing billions of barrels of American oil. One was imposed by Congress; another by executive order in 1990. But now President Bush has lifted the executive ban.

Standing in the Rose Garden he said, "The only thing now standing between the American people and these vast oil resources is action from the U.S. Congress. Now the ball is squarely in Congress' court."

There can be no mistake. Congress must answer to the American people why we are not allowing the production of American-made energy right here at home, why Congress prefers the money to be sent to dictators and unsavory regimes around the world.

Speaker PELOSI and the Democratic leadership in this House should bring legislation to the floor to vote on opening the deep waters off our coast to allow us to access billions of barrels of American-made energy immediately. Otherwise, the price of gasoline and home heating oil will continue to rise.

THE TIME FOR ACTION IS NOW

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

Mrs. BLACKBURN. Mr. Speaker, it is hot in Tennessee this summer, and in my district, a lot of us are moving the thermostat up, the house is a little bit warmer, we're sitting on the front porch, and we're asking ourselves a question: Are we better off or worse off today than we were in the summer of 2006? I will tell you what my constituents are saying: They were better off in 2006, and they're asking what has happened since that time.

Well, the Democrats took control of both chambers of this House. And you know what? They are not doing one

thing to turn the heat down on the American consumer. As long as the energy crisis is not addressed, the price of oil is going to affect everything else: transportation, food, home cooling, home heating this fall. TVA, which provides electricity for most Tennesseans as well as six other States and over 8.8 million people, recently had to increase its wholesale fuel cost. Of course, the price gets passed on to the consumer and the consumer pays the bill.

We have legislation that would address this issue, Mr. Speaker. It is time for action.

□ 1030

WELCOMING FATHER JOHN GARRETT, PAROCHIAL VICAR OF OUR LADY OF SORROWS-ST. ANTHONY'S CHURCH

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

Mr. SMITH of New Jersey. Mr. Speaker, it is my distinct honor to welcome our guest chaplain, Father John Garrett, the parochial vicar of Our Lady of Sorrows-St. Anthony's Church, located in my hometown of Hamilton, New Jersey.

I have known, respected, and admired Father Garrett all of his life. Even as a young man, I was deeply impressed by his innate goodness, generosity, enthusiasm, motivation, tenacity, and above all, deep faith. It was a privilege for me to nominate Father Garrett, then known as J.C., as my first page, way back in the 1981-1982 school year. That's how far back we go.

Throughout his life, Father Garrett has always applied his enormous talents in ways that benefit others. In addition to living and preaching the gospel, he is also a board certified psychologist. His expertise includes helping those with depression, anxiety, panic disorders, PTSD, personality disorders, and the chronically mentally ill.

Along with his doctorate in psychology, Father Garrett has two master's degrees and has served as director of the graduate program at Columbia College in Missouri.

A man of deep faith, Father Garrett has and continues to make enormous contributions in promoting and securing the mental and spiritual health and well-being of others.

I welcome him back to the House of Representatives and thank him for his extraordinary commitment to serving others and for so effectively and faithfully radiating the love, the mercy, and the compassion of Christ.

Welcome, Father Garrett.

PROVIDING FOR CONSIDERATION OF H.R. 5959, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Com-

mittee on Rules, I call up House Resolution 1343 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1343

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 2. During consideration in the House of H.R. 5959 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from Florida is recognized for 1 hour.

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

GENERAL LEAVE

Mr. HASTINGS of Florida. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

Mr. HASTINGS of Florida. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1343 provides for consideration of H.R. 5959, the Intelligence Authorization Act for Fiscal Year 2009, under a structured rule. The rule provides 1 hour of debate controlled by the Permanent Select Committee on Intelligence and makes in order seven amendments.

Three amendments are to be offered by my colleagues in the minority, including one by the Republican whip and one by the ranking Republican of the Intelligence Committee. Three are to be offered by Democrats, and the last one by two bipartisan sponsors. This is a fair rule, and I urge my colleagues to support it.

Mr. Speaker, today, more than ever, strengthening our intelligence apparatus and giving it the flexibility it needs to meet continuing threats should be one of this body's highest priorities. The resurgence of al Qaeda and increasing global threats underscore the importance of the authorization bill before us today.

The Intelligence Authorization Act authorizes funding for 16 United States intelligence agencies and intelligence-related activities of the United States Government for fiscal year 2009.

Due to the classified nature of this bill, I wish to point out that Members can view the classified portions of the bill by making an appointment with the Intelligence Committee in H-405 of the Capitol.

Despite the House's best efforts, for the past 3 years an intelligence authorization bill has not become law. Therefore, I am very pleased today with this well-balanced, bipartisan bill. I am hopeful that this great work will continue, concluding with the President's signature of the underlying legislation into law.

This year's intelligence authorization bill adds crucial funding to enhance human intelligence collection, as well as for other enduring and emerging global security challenges we face in Asia, Africa, and Latin America. The bill also provides funding to address the impact of climate change on our national and energy security.

Mr. Speaker, in recent years, we have seen the devastating costs that flawed intelligence and a misinformed Congress can have on national security. This bill enhances accountability and transparency through long overdue oversight and monitoring.

The underlying bill increases reporting requirements to the House and Senate Intelligence Committees on the nu-

clear capabilities of North Korea, Iran, and Syria.

The bill also amends the National Security Act to require the executive branch to provide Congress with the necessary information about our intelligence operations to ensure proper oversight.

As someone who sat through countless hours of Intelligence Committee hearings and briefings, I have been appalled by the unwillingness and outright stonewalling of the Bush administration when Members have asked even the most basic of questions about our intelligence community policies and practices.

Additionally, the underlying legislation helps restore our Nation's global credibility by ensuring that we meet our international obligations. The reporting requirements on compliance with the Detainee Treatment Act and the Military Commissions Act regarding detentions and interrogations bring credibility and security to our Nation for future generations.

The bill also furthers our commitment to improving the intelligence community's security and clearance process. It increases pay for intelligence officers—and I would underscore much-needed increases—and enhances oversight and accountability through the creation of an intelligence community Inspector General.

Moreover, the underlying legislation includes a provision that would require reporting on plans to enhance diversity within the intelligence community, and a lot of effort has gone into this particular measure, beginning with our former colleague, Louis Stokes, and our departed colleague, Julian Dixon, and the work of my colleague, SANFORD BISHOP, and myself, as well as the Chair and countless members of the committee in trying to ensure that we have appropriate diversity in the intelligence community.

The diversity of our Nation should be directly reflected in our intelligence community's workforce. We cannot, and will not, appropriately meet our security challenges without ensuring this. I appreciate and support these efforts, as the issue, as I expressed, was one of my top concerns when I served on the Intelligence Committee.

Finally, I would like to thank Chairman REYES for including in his amendment a provision written by my colleague on the Rules Committee, Representative PETER WELCH, that addresses the employment needs of resettled Iraqi and Afghani interpreters.

Our government has a moral responsibility to provide proper resources for these allies who risked their lives to assist our efforts to fight global terrorist threats. This measure will help fill gaps in our intelligence-gathering activities and is a start toward fulfilling our obligations to our Iraqi and Afghani allies.

Mr. Speaker, the threats posed to our Nation are only intensifying. To keep pace, America's intelligence commu-

nity requires the most robust and modern tools to identify and disrupt such attacks. This Intelligence Authorization Act does just that.

I urge my colleagues to support this rule and the underlying legislation.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend and namesake from Florida for yielding me the customary 30 minutes, and I yield myself as much time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, the underlying intelligence authorization bill that this rule makes in order generally has bipartisan support in this House. This support comes in part from a number of Republican amendments that were adopted during the Intelligence Committee markup.

Among the adopted amendments was one offered by Ranking Member HOEKSTRA to eliminate all earmarks from the bill and to strike the provision transferring \$39 billion to the Department of Justice for an entity known as the National Drug Intelligence Center.

This appropriateness of earmarking intelligence funds, and controversy surrounding this earmark in particular, was a serious issue during last year's consideration of this bill.

By adopting the Republican ban on earmarks in committee, such controversies are diminished, but Mr. Speaker, the larger need for earmark reform across Congress still remains.

Mr. Speaker, I support a 1-year earmark moratorium for all Members to allow for reforms to take place. Key among these reforms should be a definition of what is an appropriate allocation of Federal funds and what is an abuse of taxpayer dollars that assumes no essential or relevant Federal Government need.

□ 1045

Republican efforts to institute a 1-year ban on earmarks and to allow for a reform have been stymied by opposition from Speaker PELOSI and the other liberal leaders of the House.

While it is a small sign of success that earmarks have been stricken from this bill, a great deal more needs to be done to restore the American people's faith on how Congress spends taxpayers' money.

Now, Mr. Speaker, on the rule itself, I would like to make two points. First, the rule is unnecessarily restrictive and only makes in order half of the 20 amendments filed with the Rules Committee; just 10 amendments will be debated on this bill. There were other relevant amendments that were offered by Representatives on both sides of the aisle that were blocked by the Democrat Rules Committee.

In this instance, Mr. Speaker, the best that can be said about this unfair rule is that it at least treats both Republicans and Democrats unfairly by

blocking an almost equal number of amendments from Representatives of each party. However, Mr. Speaker, restricting debate on both sides of the aisle is not what the American people were promised by those who now control this House. They promised an historic level of bipartisan openness, not the record-setting shutdown of debate on the House floor that they've been practicing for the past year and a half.

Finally, Mr. Speaker, this rule waives the PAYGO rule written and passed by the liberal Democrat majority in January of 2007. Now my colleagues on the other side of the aisle may rush to say that they had to waive PAYGO rules because this is an intelligence bill and there is a classified section that isn't public, so it can't be read to make a parliamentary ruling on whether PAYGO has been violated. That's what the argument will probably be. Yet, Mr. Speaker, this is a false excuse.

The fault here rests not with the need to keep secret the classified information in the bill, it's that the Democrat majority chose to write the new House rules—initially—behind closed doors without consulting with the whole House or with Republicans. In doing so, they have made error after embarrassing error. On multiple occasions, this House has had to go back and fix mistakes in the rules that Democrat leaders made by refusing to work or even consult with Republicans. They had to do it on charitable fund raising, plane travel, and banning Members from flying their own airplanes.

And when it comes to PAYGO, not only was the rule written poorly to apply to classified parts of the bill, but it's a rule that Democrat leaders have decided to ignore for politically expedient reasons.

There is a great deal of talk from the liberal majority on their allegiance to PAYGO, yet they've just ignored it time after time when it suits their purposes; for example, on the farm bill, on unemployment insurance extensions, and on fixing the alternative minimum tax.

Mr. Speaker, it's inconsistent to use PAYGO as an excuse to block proposals and amendments you oppose and then ignore PAYGO on a bill that you really want to pass. PAYGO is simply a smokescreen, Mr. Speaker, that this Democrat Congress is trying to use to cover for the largest proposed tax increase in American history and tens of billions of dollars in higher government spending.

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

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 5 minutes to my good friend from Massachusetts (Mr. MCGOVERN) with whom I serve on the Rules Committee.

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this rule. And I want to take my time to also rise in support of the Blunt amendment on Colombia.

Mr. Speaker, I cannot describe the joy and the excitement that I felt on July 2 when I knew the rescue operation had been successful and that Mark Gonsalves, Keith Stansell, Thomas Howes, Ingrid Betancourt and 11 Colombians were finally free after years of torment and brutality suffered at the hands of the FARC.

I immediately wrote President Uribe congratulating him on the successful rescue. I also told President Uribe and members of the Colombian families that I remain committed to working for the release of the rest of the hostages. I would like to enter a copy of that letter into the RECORD.

Mr. Speaker, I know I speak for all my colleagues when I say that I want to see an end to the conflict in Colombia. I want to see the dismantling of all paramilitary, FARC, ELN, and other armed groups in Colombia. Clearly, this is in the best interests of the Colombian people as well as the United States.

I want to see the Colombian military and security forces finally break their ties to armed groups, drug lords and criminals, and to fully respect the rights of all Colombian citizens.

The Blunt amendment notes how intelligence and other cooperation by the United States contributed to weakening all of Colombia's illegal armed actors—the paramilitaries, the FARC and the ELN. It states that such assistance should continue to capitalize on recent successes. Mr. Speaker, I couldn't agree more. According to an analysis by the Center for International Policy, what is most interesting about the hostage rescue operation and other recent successes is how different it is from what has failed in the past, namely, massive and expensive military offenses, fumigation, and racking up civilian body counts. The rescue highlights what has worked—the intelligence and cooperation that the gentleman from Missouri encourages us to continue:

A greater intelligence focus aimed at the top leadership of the FARC and the captors of the hostages;

A public relations campaign making it clear to the guerrilla rank-and-file that those who desert and who surrender to the government will not be tortured or disappear as in the past, but instead will get job training, a stipend, and the promise of a new life;

And an increased presence by security forces in population centers and on main roads aimed at protecting civilians rather than treating them as suspects.

Mr. Speaker, most interesting about these strategies is that, with the exception of the cost of increased manpower and protective presence, they are relatively inexpensive. These efforts, which have proven so effective, make up only a sliver of Colombia's defense budget and only a sliver of U.S. assistance. Planners of future aid packages to Colombia should take note.

Intelligence and encouragement of desertion work—these relatively cheap

but vastly improved capabilities made the bloodless rescue mission possible. It is hard to imagine the Colombian military of even just 2 years ago pulling off an operation like this, but today we celebrate the freedom of 15 Colombians and Americans.

Mr. Speaker, I would like to enter into the RECORD a letter sent by Senator RICHARD LUGAR to President Uribe urging him to seize this moment and open up negotiations with the FARC and the ELN to end the conflict and release the hundreds of Colombians who remain in captivity. Thus, indeed, will Colombia finally defeat the guerrillas and hopefully reunite the remaining hostages with their families and loved ones. I remain committed to this cause, and every Member of this Chamber should remain committed to this cause.

Mr. Speaker, I have many, many deep concerns about the human rights situation in Colombia and some of the aid we send. But the Blunt amendment is not an endorsement of the "same old, same old." It is a recognition of something that has worked.

I urge all my colleagues to support the Blunt amendment, and I urge passage of this rule.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 2, 2008.

Hon. ÁLVARO URIBE VÉLEZ,
President, Republic of Colombia, Casa de Nariño
Bogotá, Colombia.

DEAR PRESIDENT URIBE, I just want to express my deepest appreciation and gratitude for the successful operation that freed 15 of the hostages—eleven Colombians, Ingrid Betancourt, and the three Americans.

No doubt like everyone watching the breaking news throughout this afternoon, I simply have no words to express what I'm feeling.

I can only say thank you to you and to everyone who was involved in this very successful and intelligent ruse that resulted in freeing so many without a single shot fired or anyone injured.

As always, I remain committed to working with you and with my counterparts in the international community to secure the freedom of the remaining Colombian captives.

Sincerely,

JAMES P. MCGOVERN,
Member of Congress.

U.S. SENATE,
Washington, DC, July 8, 2008.

His Excellency, ALVARO URIBE,
President of the Republic of Colombia,
Bogotá, Colombia.

DEAR MR. PRESIDENT: I write to congratulate you on the Colombian military's daring operation to rescue hostages held by the Revolutionary Armed Forces of Colombia (FARC), including three American military contractors, Ingrid Betancourt, and several members of the Colombian military. I believe this operation marks a turning point in Colombia's struggle against the violent and decades-long conflict and will be viewed as an example of the progress that the United States and our Latin American friends can realize when acting in partnership.

It will not go unnoticed that this historic success against violent guerillas was most distinguished by cooperation and execution of a non-violent nature. I remain hopeful that this event opens a new chapter in Latin American history, one in which ideological

and territorial disputes may be resolved through persuasion rather than coercion.

With the FARC on its heels for the moment, I encourage you to press for its disarmament and its renunciation of drug trafficking and extortion in exchange for a seat at the negotiating table. In this regard, I applaud Colombia's decision to seek direct talks with FARC rebels to explore further hostage releases; these steps could lay the groundwork for broader gains in the interest of peace for the people of Colombia. In addition, I would urge you to consider including the National Liberation Army (ELN) as part of future talks to end the violence. Lastly and more generally, I would encourage you to consider Brazil, a country with a record of bridging ideological divisions and displaying an awareness of regional sensitivities, as a possible mediator for any discussions. These, of course, are decisions for your government to make, but your many friends want to be as helpful and supportive as possible.

For the United States, Colombia's achievement should be taken as a sign of the tangible results that patient, committed and consistent policies of cooperation and assistance can yield. These latest blows against the FARC demonstrate how U.S. funding can be spent constructively for the cause of peace in our region, and I am hopeful that the U.S. Congress will deepen support for you and your country's quest for peace.

Once again, I applaud your leadership, the Colombian military's impressive action against the FARC, and the steadfastness of the Colombian people.

Sincerely,

RICHARD G. LUGAR,
United States Senator.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. I thank the gentleman from Washington for yielding.

Mr. Speaker, I do rise in opposition to the rule for consideration of the fiscal year 2009 Intelligence Authorization Act.

As a former member of the House Select Committee on Intelligence, I strongly believe we must enact all of the 9/11 Commission's intelligence recommendations, even those that apply to our own congressional committees.

In its final report, the 9/11 Commission concluded that, "Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by the current congressional rules and resolutions, we believe the American people will not get the security they want and need."

The bipartisan 9/11 Commission report and the subsequent 9/11 Public Disclosure Project recommended three alternatives for reforming congressional oversight of intelligence. These options include:

One, establishing a joint committee on intelligence modeled after the old Joint Committee on Atomic Energy;

Two, establishing House and Senate committees on intelligence with authorizing and appropriating authority; or

Three, establishing a new appropriations subcommittee on intelligence.

In the wake of the terrorist attacks of 2001, Congress enacted a large major-

ity of the commission's recommendations. However, as it turns out, it has been those recommendations that apply directly to the tangled rules and procedures here in the United States Congress which have been left unfinished.

Last year, Congress applied a Band-Aid to this problem by creating a powerless Intelligence Oversight Panel that has very little control over actual funding decisions. Despite what I am certain are sincere efforts on the part of members of this panel, this is clearly not what the 9/11 Commission recommended. In fact, its report plainly states that "tinkering with the existing committee structure is not sufficient."

As a result, experts on the 9/11 Commission, including a leading Democrat from the commission who I happened to speak with this morning, are concerned that intelligence agencies can dodge effective oversight by going around the authorizing committees that scrutinize them most closely. For example, last year, the ranking member of the Senate Intelligence Committee described what he called a "consistent pattern" in which the authorizing committee held in-depth hearings and then made specific funding recommendations for several secret programs only to have appropriators go in a dramatically different direction.

Yesterday, Congressman SHAYS and I appeared before the Rules Committee and offered a simple amendment to the bill before us calling for a sense of Congress that this House should act at the start of next year to implement these crucial 9/11 recommendations. Unfortunately, despite vocal support from both Democrats and Republicans on the Rules Committee last night, this amendment was denied under today's rule.

I have no doubt that implementing this proposal will be a challenge, yet we cannot continue to just sweep this vital 9/11 Commission recommendation under the rug while at the same time calling for other government agencies to make reforms. A former 9/11 Commission member, Tim Roemer, noted recently, "Out of all the many recommendations of the 9/11 Commission, the congressional reform one might be the hardest, but it may be the single most important."

Mr. Speaker, the American people have insisted that we implement all of these important recommendations, even those that are difficult. We will be doing this country a disservice until we put in place an effective committee structure capable of giving our national intelligence agencies the oversight, support and leadership they need.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I rise to oppose this resolution, but recognize

that three Republican amendments were made in order and three Democratic amendments.

But what troubles me is that this House, over so many years, continues to avoid meaningful debate. I was at the NAACP Convention in Cincinnati this week. Before Barack Obama spoke that night, they had a debate between college students from Stockton, California and Detroit, Michigan, about health care. They had three speakers for the pro position and three speakers for the con. It was a fascinating experience. It was electric.

We were witnessing a debate on an issue with 10,000 people listening. And I thought, I haven't experienced this in years. I haven't heard such a meaningful debate in years. And yet I serve in Congress, and we haven't had that kind of debate. And we're not going to have a meaningful debate on the authorization bill on intelligence today.

The amendment Mr. CASTLE talks about deserves to be debated. It was a recommendation of the 9/11 Commission. My Democratic colleagues won this House in part by saying we need to implement the recommendations of the 9/11 Commission, but they won't allow a debate on something so fundamental.

Why shouldn't there be a Joint House and Senate Committee on Intelligence, or, why shouldn't we establish a House and Senate Committee on Intelligence with authorization and appropriation powers; or, at least have a separate Appropriations Committee on Intelligence because now the defense subcommittee of appropriations decides what goes in the intelligence bill.

Why shouldn't we have a debate about that? Why shouldn't we educate ourselves about the pros and the cons of it? Why shouldn't the American people be allowed to hear such a debate?

Why is Congress failing to live by the recommendations—or at least debate the recommendations of the 9/11 Commission, which my colleagues on the other side of the aisle professed to want to do before the election? Not to even have a debate is hard to understand.

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There was a second amendment that was not allowed in order. This one was to declassify the bottom line of the budget on Intelligence. In other words, we would know what it is. The remarkable thing is our adversaries know. I won't talk about recent numbers, but I will tell you this: Ten years ago, when you read about the numbers in the New York Times, we couldn't say the number was accurate, but it was the number. The Times was right 10 years ago, 11 years ago and 12 years ago and 13 years ago and 14 years ago. The New York Times knew, but the American people are not allowed to know. Our adversaries knew. The Soviet Union knew. Who didn't know? The American people.

It's not just that. Another problem is we have to hide tens of billions of dollars in our budget that are going to the Intelligence Committee.

So there are things throughout the budget that really aren't going to the things we say they are. They're not going there. They're going to the Intelligence Committee. So we have to distort our budget by tens and tens and tens of billions of dollars and tell people the money is going there when it isn't.

We even have Members come on the House floor who want to take out money from those appropriations, and they don't know that they're not taking it out of what that says it's going to go to, because it's going to go to the Intelligence Committee.

So let's just step back a second and think. Our adversaries know what the bottom line of our budget is and the American people don't, but when my constituents look at expenditures and say "why are you spending money here or there?" I can't tell them we're not. I can't tell them it's really going to the Intelligence budget, but we don't want you to know the bottom line in the Intelligence budget.

All we would have to do is just say, "X" billion of dollars is going to Intelligence. Then we wouldn't have to fit in "X" billion of dollars throughout the budget and hide it. We would just give the bottom line, and then the other parts of the budget would be honest.

Now, some members may not be concerned with this, but the sad thing is we're not going to have a debate on it because this amendment was not allowed by the Rules Committee. I don't know if it's ever going to happen.

When I ran for Congress, I thought we would have a debate about real things. We're not having that and we haven't for a long time.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the rule. I understand there was an amendment adopted in committee that struck all of the earmarks in the bill. I applaud this. It's a great day when we decide that the Intelligence Authorization Bill is not the place to put secretive earmarks. So that was, indeed, a good thing.

I should also mention that the committee also prohibited \$39 million from going from the National Drug Intelligence Center. This is a center that has been in need of closing down for years. The administration says that the NDIC has proven ineffective in achieving its assigned mission. Yet it still receives money every year, not because it's effective, not because it does anything that the other drug centers do—there are some 19 of them, I believe, that are already in existence, and it simply duplicates some of those efforts—but because there is a powerful

appropriator who continues to make sure that that center is funded.

What I wanted to do was to have an amendment here where we could make certain that the NDIC was not funded in any portion of this bill, not just the earmarks in the unclassified version, but to make sure that funding did not go again to the NDIC. That amendment was not allowed.

We really need to tighten this up, Mr. Speaker, as I mentioned. This is a center that the administration has said for years needs to be closed. We know it. The administration knows it. Yet we have a powerful appropriator who ensures that money continues to flow, not because the Nation needs it but simply because we can do it, and that's not a good enough reason.

So I would urge us to reject the rule and to come back with a rule that allows meaningful amendments to be debated here.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, may I inquire of my friend from Massachusetts, who is substituting for my namesake, I gather, if he has any more speakers on his side.

Mr. MCGOVERN. I'm the last speaker, and I'm waiting with great anticipation for your close.

Mr. HASTINGS of Washington. With that then, Mr. Speaker, I yield myself the balance of my time.

This rule provides for the consideration of the Intelligence Authorization Bill for the next fiscal year. This legislation is important to our national security, and it deserves the attention of this House. However, this Congress also needs to address the issue of skyrocketing gas prices that affect both our economic and our national security.

For months now, Democratic leaders have blocked debate and votes on legislation that would produce more American-made energy, which would open parts of Alaska, Federal lands and offshore to oil and gas drilling. As a result, in the long run, it would lower the price of gasoline.

Mr. Speaker, Americans are hurting and Congress needs to act. Therefore, I urge my colleagues to vote "no" on the previous question so that I can amend the rule to allow for much needed energy legislation to be considered on this House floor.

By defeating the previous question, the House can finally vote on this vital economic and national security issue.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I urge my colleagues to defeat the previous question so that this House can get serious about rising gas prices and so that we can start producing American-made gasoline.

I yield back the balance of my time. Mr. MCGOVERN. Mr. Speaker, let me say to my colleagues that this is a good rule, and it deserves to be supported. I would urge a "yes" vote on the previous question and on the rule.

I would say to my colleagues that what the gentleman from Washington just proposed on energy is yet another smoke screen by the Republicans in their effort to try to cover up their horrendous record on energy. They have been in control of this Congress. They were in control of the White House for years, and what we have seen are skyrocketing gas prices. They have done nothing to make us more energy independent.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. MCGOVERN. No, I will not.

They have frustrated efforts by the Democratic majority to try to support alternative renewable, clean sources of energy from solar, to wind, to fuel cell technology, to you name it, and they have been against it. The President has refused to heed the appeal by Democrats and by the Speaker of the House to tap into the Strategic Petroleum Reserve to provide the American people with immediate relief from these high gas prices.

What we have gotten is the same old, same old. We have two oilmen in the White House, and we have policies being proposed by the other side of the aisle which is the same old same old. Give the oil companies whatever they want. You know what? The oil companies are wrong, and they're gouging the American taxpayer, and it's about time we had a Congress that stood up to them.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1343 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2493) to amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and (2) an amendment in the nature of a substitute if offered by Representative Dingell of Michigan or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent;

and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the *Floor Procedures Manual* published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from *Congressional Quarterly's "American Congressional Dictionary"*: "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. 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. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H.R. 415, TAUNTON RIVER WILD AND SCENIC DESIGNATION

Mr. MCGOVERN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1339 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1339

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 415) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be

considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 415 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 3. The House hereby (1) takes from the Speaker's table the bill (S. 2062) to amend the Native American Housing Assistance and Self-Determination Act of 1996 to reauthorize that Act, and for other purposes; (2) adopts an amendment in the nature of a substitute consisting of the text of H.R. 2786 as passed by the House; (3) passes such bill, as amended; (4) insists on its amendment; and (5) requests a conference with the Senate thereon.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

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

I yield myself as much 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 1339.

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, House Resolution 1339 provides for the consideration of H.R. 415, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System.

This structured rule provides for 1 hour of general debate to be controlled by the Committee on Natural Resources. The rule makes in order four amendments which are printed in the Rules Committee report. The amendments are each debatable for 10 minutes, and the rule also provides one motion to recommit with or without instructions.

Mr. Speaker, I rise today in strong support of this rule and in strong support of the underlying legislation. Introduced by my colleague from Massachusetts, Chairman BARNEY FRANK, I am proud to be an original cosponsor of H.R. 415.

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This legislation would designate portions of the Taunton River in Massachusetts as part of the National Wild and Scenic Rivers program. It is important to note that this legislation has support from every House member from Massachusetts and Rhode Island and from every government of the affected communities along the river.

Mr. Speaker, I would also like to point out that this designation only affects three congressional districts in Massachusetts and two in Rhode Island. It does not impact any other State in our country.

Mr. Speaker, the Taunton River fully qualifies for and deserves this designation. As determined by the National Park Service, and I repeat, as determined by the National Park Service “the Taunton River is eligible for wild and scenic designation based on its free flowing condition and the presence of outstandingly remarkable natural and cultural resource values.”

Mr. Speaker, it is also important to note that this designation is distinct for different segments along the Taunton. Two segments of the river would be designated “scenic” and two as “recreational.”

Now some of my friends on the other side of the aisle have suggested that the Taunton isn’t scenic enough or that it’s too urban for this designation. One of my colleagues even went so far as to say that the only thing scenic about this area is the graffiti on the bridges. Mr. Speaker, I find that statement not just wrong-headed but deeply offensive to the people that I represent. That kind of elitism serves no purpose and has no role in this debate.

I would ask my friends on the other side of the aisle who believe that the Taunton River doesn’t meet the right criteria for this designation to actually pay attention to what those criteria are. The Taunton River is the longest undammed coastal river in New England. It is home to over 150 species of birds, 45 species of fish and 360 plant species. It is the largest contributor of fresh water to Narragansett Bay. And its shoreline provides for a wide variety of recreational opportunities. For the communities of Fall River, Somerset and the others along the Taunton, this designation will support the economic development plans within the area. In my district, the Fall River portion of the river, the “recreational” designation complements the city’s plan for waterfront revitalization, which includes a marina and a boardwalk.

Lastly, Mr. Speaker, I want to address the baseless claim that this legislation is some sort of end around to prevent energy development in Massachusetts. This is an argument cooked up by one particular energy company that wanted to build a liquefied natural gas facility within a stone’s throw of people’s homes. This company has even purchased full-page newspaper ads in an ill-conceived lobbying campaign. Sadly, some of my colleagues on the other side of the aisle have bought into their false argument hook, line and sinker.

First off, efforts to designate the Taunton began well before any proposal for a liquefied natural gas plant was announced. My mentor, Congressman Joe Moakley, filed legislation to study the river’s designation in 1999, while the proposal for LNG was made public 3 years later in 2002. Secondly, this legislation is based on a study compiled by President Bush’s National Park Service between 2000 and 2002.

And finally, this LNG plant proposal has been roundly rejected by the

United States Coast Guard, the United States Navy, and the Commerce Department, due to overwhelming navigational suitability, environmental issues and maritime safety concerns. In other words, there is nothing this legislation can do that hasn’t already been done by the people we task to keep our waterways safe.

Mr. Speaker, this legislation has never been about stopping LNG or energy production. In fact, by denying the communities and the Taunton River this designation, we further hinder their ability to utilize the river as a catalyst for economic development. This bill is about protecting the natural and cultural resources of the people who live along the Taunton River. It’s about telling the people of southeastern Massachusetts that their environment, their heritage, their recreational opportunities and their economic development matter too.

I very much look forward to this debate. And I am eager to hear what my friends on the other side of the aisle have to say about this bill. I encourage my colleagues to support this rule and the underlying bill.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend from Massachusetts (Mr. MCGOVERN) for yielding me the customary 30 minutes. I yield myself such time as I may consume.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, I oppose this unfair rule and the underlying bill that makes a mockery of our Nation’s Wild and Scenic River law.

First, this rule unfairly restricts Members from being able to offer amendments on the House floor. It’s not the first time. It’s a continuing pattern that we have seen over and over and over again. While every Democrat amendment filed with the Rules Committee was made in order, this rule allows only two out of 15 Republican amendments to be offered on the floor.

Seven attempts were made in the Rules Committee meeting on Monday to allow more amendments to be offered and to allow the House to consider the bill under an open rule allowing every Member of this body an opportunity to offer amendments on the House floor. Yet Democrats on the Rules Committee voted to block each and every attempt to allow a more open consideration of this bill.

My colleagues on the other side of the aisle may attempt to argue that some of the amendments weren’t allowed for technical reasons, but those excuses ring hollow. Mr. Speaker, when they block every single attempt to allow for a more open debate.

Now, Mr. Speaker, to the underlying bill to designate the Taunton River in Massachusetts as a wild and scenic river. Mr. Speaker, I openly admit that I have never visited this river myself.

But as they say, “a picture is worth a thousand words.” Mr. Speaker, I could say nothing at all, but a picture does say a thousand words. Here I have a photograph with me of a portion of this river that is anything but wild and scenic.

Now, a simple glance at this photo would be enough for the House to just halt consideration of this legislation. Such a heavily developed and industrialized riverfront, with its multilane roadways, massive bridges and fuel storage tanks should disqualify, should disqualify this section of the river from being labeled wild and scenic.

Now it’s argued that the reason this portion is included is because it’s “recreational.” Mr. Speaker, honestly, it’s hard to imagine that one would choose to go swimming or enjoy a peaceful canoe trip through this portion of the river. Quite simply, this portion of the river simply should not be afforded among the highest environmental protections possible under Federal law by designating it as a wild and scenic river. Mr. Speaker, quite bluntly, if this qualifies, if this qualifies as a wild and scenic river under the intent of that statute, then downtown Manhattan can be a national forest and Six Flags can be a national park.

This bill was scheduled to be considered by the House last week, yet it was postponed and rescheduled again for this week. This delay was caused when questions were raised that the true purpose of the bill, to name this river as wild and scenic, was to block a liquefied natural gas, or LNG, plant that has been proposed to be sited there. With record gas prices and high energy costs, Mr. Speaker, this is a serious question, because passage of this bill would block the proposed LNG plant from ever being built.

Now my colleagues will argue, as they have already argued, that it already won’t be built because the Coast Guard and others have raised objections and there are difficult hurdles under current law to overcome. However, the fundamental point is that today the law allows, the law allows today, for an LNG plant to be built if it can meet the necessary requirements. If it can’t meet them right at this minute, then over time they may meet them. Or as the need for this energy becomes more apparent, then maybe the groundswell of support could allow this project to go forward. But if this law passes, Mr. Speaker, it will be impossible to build an LNG plant if this bill becomes law.

So, Mr. Speaker, at a time when the liberal leaders of this House block any effort to increase energy production right here in America, when gas prices are skyrocketing and Americans are hurting, now is not the time, is not the time, to make energy more difficult to get or more expensive.

Now the sponsor of this bill, Mr. FRANK, testified before the Rules Committee on Monday. And Mr. MCGOVERN in his remarks elaborated on this facility. He asked that the wishes of the

Massachusetts delegation be respected in naming this a wild and scenic river because it only applies to them in Massachusetts. Well, Mr. Speaker, I must note with irony, with irony, that a request coming from the Massachusetts delegation to respect their wishes on this river, this bill, in opposition to this LNG plant. The argument is that this is in their backyard. And yet, Mr. Speaker, members of the Massachusetts delegation have repeatedly, repeatedly, voted to oppose the wishes of the Alaska delegation. On what you might ask? Well specifically on Alaska's wishes to develop the oil reserves in ANWR. Mr. Speaker, the folks of Massachusetts may have big backyards. But they don't stretch thousands of miles away to Alaska.

We must recognize that if this industrial riverfront is permitted to be added to our Nation's wild and scenic rivers list, then truly all qualified rivers are diminished. This doesn't just affect Massachusetts. It affects every State in which there is a wild and scenic river. And in my home State of Washington, there are several.

Mr. Speaker, I urge my colleagues to oppose this rule and oppose this bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, let me begin by saying that I have great respect for the gentleman from Washington State. But listening to his remarks, it makes me sad that this Chamber, this Congress, has kind of disintegrated to a point where there seems to be no collegiality and no kind of honest debate about what the facts are here.

Mr. HASTINGS of Washington. Would the gentleman yield?

Mr. MCGOVERN. I'm happy to yield to the gentleman.

Mr. HASTINGS of Washington. Well, I appreciate the gentleman yielding. I tried to get him to yield when he was closing on the last bill, and he didn't. So when one talks about collegiality, one should start maybe with his own.

The point is, on this issue, is it not correct that in Rules Committee last night or the night before last when we were up there, you stated, and Mr. FRANK stated, very specifically, that the House should respect the wishes of the Massachusetts delegation? And is it not true that the gentleman I think from Massachusetts and maybe other members of the Massachusetts delegation have done precisely the opposite as it relates to the wishes of the Alaska delegation?

Mr. MCGOVERN. I thank the gentleman for has question. I don't recall Mr. FRANK's remarks verbatim. I am happy to look at the transcript. I did not say that. Let me respond here. And maybe the gentleman didn't hear my opening statement. But the Taunton River is eligible for a wild and scenic designation. But also part of it is eligible based on "recreational." That is the word that the Bush administration's National Park Service has said is appropriate. Now, I very rarely agree

with the Bush administration on anything. And I'm sorry the gentleman disagrees with the Bush administration on this. But what I find particularly cynical is the photograph that the gentleman just held up which is the exact photograph that this big-moneyed energy company published as part of an ad in a number of newspapers.

Mr. HASTINGS of Washington. Would the gentleman yield on that point just for clarification? Is the gentleman denying that this is not a photograph of the Taunton River?

Mr. MCGOVERN. It is a photograph of the Taunton River. But the interesting thing about that photograph is the angle at which it has been taken. The fact of the matter is that this photograph that this big-moneyed energy company that my friend on the Republican side has held up is saying that this will be part of the, this area will be included in the designation which seeks to prove I think how inappropriate it has become because this industry has actually manipulated this photograph. But in fact much of that photograph is of a park.

You will note in the picture a World War II battleship. That is the USS *Massachusetts*. And let me show you it is no part of any industrial use today. It's part of a recreational area. The battleship is the centerpiece of a very important urban park called the Heritage Park in the city of Fall River. And there is a great deal of open space that is shielded cleverly, very cleverly in that photograph that was paid for by a big-moneyed energy company. On the opposite side of that river are boat ramps and houses that go right to the river for recreational purposes. And it's part of my district.

Now the gentleman maybe has a bias against providing working class people who live in urban areas any benefits from any kind of environmental designation. I disagree with him if that is his opinion. But he mentioned that the purpose of all of this was, in fact, to prevent an LNG site facility from being built in the middle of Fall River.

□ 1130

Let me put this out there so my colleagues understand this. There are currently only eight LNG terminals in the United States of America. Of those eight, Massachusetts currently has two LNG terminals in operation with a third one that has been approved by FERC. Massachusetts is the only State to permit not one, but two new LNG import facilities this decade in this country. Each of these facilities is authorized to double its output capacity.

I will yield after I finish my statement.

Mr. BOUSTANY. I think the gentleman is in error. There actually has been a new LNG facility that just went online in Louisiana, and two more that will open in a few months.

Mr. MCGOVERN. Reclaiming my time, the bottom line is we in Massachusetts realize the need for these LNG import facilities.

And I would like to point out to the gentleman from Washington, and if my geography is correct, Washington is still a coastal State, unless that has changed, but that his State has no LNG terminal in operation, under construction, or even proposed.

So when he implies that somehow the Massachusetts delegation is not stepping up to the plate in terms of making sure that not only New England but this Nation has energy, he is wrong. Massachusetts has been a leader on this.

Let me point out one other thing. This is not a Republican-Democrat issue with regard to the LNG facility and the Fall River. Mitt Romney, who the last time I checked was a Republican, and still is a Republican, was a leading opponent in the siting of the LNG facility in the middle of Fall River. In 2006, Governor Romney stated, "Weaver's Cove and Fall River strike me personally as being an ill-advised site to receive LNG." Realizing that they were trying to site an LNG facility in a highly populated area, Governor Romney asserted, "I don't like the idea of an LNG facility going into a populated area, not in the post-9/11 world."

We in Massachusetts have worked with energy companies to try to site these LNG facilities safely offshore. The idea that you would site an LNG facility in an area where there are countless people within a 1-mile radius of this facility is crazy.

Richard Clarke, the terrorist expert said, "This is a bad idea." Now that is one opinion. Another opinion is the U.S. Coast Guard said it is a bad idea. The U.S. Navy says it is a bad idea. The Commerce Department says it is a bad idea. You are the only one who says it is a good idea, you and a big moneyed energy company.

Mr. Speaker, we are hearing all kinds of red herrings here, but understand one thing, this is not about energy. This is about whether or not a working class city, kind of the home base of the industrial revolution that is located on this river, can be designated as a wild and scenic area, whether or not the recreational aspects of this river can be recognized, whether or not we can afford this city of Fall River the benefits to help them use this river as a catalyst for economic environment.

It is too bad that this has become an elitist debate about well, no, you don't deserve it because this is a working class, urban area, home of the industrial revolution. You don't deserve that designation. I think that is wrong.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 23½ minutes remaining. The gentleman from Massachusetts has 18 minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my friend from Washington for yielding.

You know, I am going to try to hurriedly plot these dots so you can connect them. But I want to go back because what I would call this Congress is the smoke and mirrors Congress. We have heard denials from the gentleman about what the real intent of this designation was and that the picture that we have here does not speak for what it is.

I think, Mr. Speaker, most people can look at this photo, and you can call it wild and scenic if you want. It looks fairly wild; but scenic, I don't know. I haven't been there either. Let me say this. I think we need to get this into perspective as to the smoke and mirrors that has been going on in this Congress.

I want to read a quote. Mr. KANJORSKI was being interviewed by a paper in the town of Ashley. Mr. KANJORSKI in his remarks said Democrats had overpromised during the 2006 congressional elections by implying they could end the war if they controlled Congress.

Mr. Speaker, here is the result. It says, "Now, anybody who is a good student of government would know that was not true." Mr. KANJORSKI said that in an Ashley town hall meeting in August. "But you know the temptation to want to win back Congress—we sort of stretched the facts, and the people ate it up."

I think we are seeing a continuation of that. We are stretching the facts that this is wild and scenic. Now, I think you go back, and this could go back to May of 2007 when we passed the Udall amendment in this House which prohibited the mining of shale oil out west. At that point in time, even by the majority charts, the price of crude oil went sky high with speculation because finally the speculators realized that we were not going to do anything to meet our own energy needs.

Just since President Bush lifted the executive ban and since he had the press conference yesterday about drilling, just the very mention about lifting the ban, starting to drill and starting to look at our own production and our own resources, the price of a barrel of oil has dropped over \$10 a barrel.

Now we can do something here, but this is just another nail in the coffin for us that people are going to see that we don't want to increase energy production. Let me tell you something, the people up north had better understand that the price of natural gas and home heating oil is double what it was last year. So now if you get cold in your home in the winter, you are not even going to be able to afford to drive somewhere warm.

So this, I think, if you look at it and if you look at the overall connection of the dots—

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. HASTINGS of Washington. I yield the gentleman 30 additional seconds.

Mr. WESTMORELAND. If you can look at the overall connection of the dots, this is just another one of those connections that shows that the majority party here is not going to give a clear up-or-down vote on increasing our oil production. It is going to continue to give the world and other countries the idea that we are going to be dependent on their foreign oil, and it is another example of: Well, we may have stretched the truth, and the people ate it up.

Mr. MCGOVERN. Mr. Speaker, I listened to the previous speaker, and I am confused because he doesn't address what we are talking about here which is the designation of the Taunton River as having a wild and scenic designation.

Again that photo that he held up, which my colleague from Washington State held up, which was a photo taken by a big moneyed special interest energy company, is inaccurate. I mean everything below the bridge seen in the middle of that picture is not covered by this bill.

Here is if you take a picture from the other side which actually is the part that we are talking about being covered, it is a much, much different picture. It doesn't fit into the strategy of this special interest big moneyed energy company, but the reality is you see a much different picture of what we are trying to protect and what we are trying to preserve.

If people want to have a debate on energy, fine. I would simply say Massachusetts is doing its part. We are actually moving forward on licensing more LNG facilities. We recognize the need to do our part. We are doing the right thing.

The objection to this site for that LNG facility is that it is in the middle of a densely populated area that when these ships had to go down the Taunton River, three bridges needed to be shut down. The Coast Guard said it was a bad idea. I'm sorry you know more than the Coast Guard, about I trust the Coast Guard to tell me about navigational matters more than I do any of my colleagues on the other side of the aisle. The U.S. Navy complained about it. The U.S. Department of Commerce said it didn't make any sense.

So this is a smoke screen, and it really is an insult to the people who live in this area. These are hardworking people and they don't deserve to be a pawn in your political debate. So I would urge my colleagues to support the underlying bill and support the rule.

I reserve the balance of my time. Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, in my opening remarks I made the observation that passing this bill with what this picture shows—

Mr. MCGOVERN. Would the gentleman yield to me?

Mr. HASTINGS of Washington. I would be happy to yield to the gentleman.

Mr. MCGOVERN. That picture is inaccurate. You are holding up a picture that is inaccurate. What we are looking at there is not what is covered by this designation.

Mr. HASTINGS of Washington. Reclaiming my time, when I asked the gentleman if this in fact was a picture of the Taunton River, the gentleman responded in the affirmative. Now there may be some changes, but he did say this is the Taunton River.

Now in my remarks I said that this diminishes the wild and scenic rivers that are in every place in this country. I said that there are several of them in my State. So I would just ask my colleagues this one simple question: Are we going to change the wild and scenic designation in this country to look like this? Or like this? This is a picture of the Klickitat River which is a wild and scenic designation in my State.

So if we are going to argue on the merits of wild and scenic, and making something that is urban like this as wild and scenic, we need to take into consideration what it historically has been, like the Klickitat River in my State.

That is a fundamental argument that is going on here today. There are others things that enter into it, and I would be more than happy to engage in that later in my remarks. But this is a fundamental difference, and what they are trying to do with this wild and scenic designation in an urban area compared to what has been done all across the country, including my home State of Washington.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, we have all kinds of inaccurate statements being made here and inaccurate photos being shown here.

Let me repeat, as determined by the National Park Service, "The Taunton River is eligible for wild and scenic designation based on its free-flowing condition and the presence of outstandingly remarkable, natural and cultural resource values." That is a quote from the National Park Service.

It is also important to note that this designation is distinct for different segments along the Taunton River. Two segments of the river would be designated as scenic and two as recreational. This is not something that Congressman FRANK or myself came up with out of the blue. This is what the Bush administration National Park Service has concluded.

I mean, I trust the National Park Service to tell me whether or not something fits this designation or it doesn't fit this designation, more so than some of my colleagues who are trying to make this into a political football.

Again, I would show this picture which is a more accurate picture of what we are trying to protect. And I would also say again that what I find

particularly offensive about this debate is that the people who are trying to be denied the benefits of this designation are hardworking people from Fall River. These are people who work in factories. These are people who have really been an engine for the economic development of this country over the years. And they are working class people. All of a sudden we are told that somehow they don't deserve this kind of benefit from this designation. Talk about elitism.

The National Park Service says this is the right thing to do. The previous designation of the other part of the Taunton River, by the way, when my colleague Joe Moakley brought it up, was voice voted. Everybody here thought it was a good thing. Now because we are all into politics and it is the election season, people are looking for anything to try to make a political point.

Enough with the political posturing. Let's once in awhile do the right thing. Let's once in awhile listen to what the National Park Service has said on this issue. Let's do what the people of this community want. Let's help this community benefit from the economic development incentives that will come from this designation.

□ 1145

These are good people. This is a good community. I am proud to represent the people of Fall River. Congressman FRANK is proud to represent the people of Fall River, and I urge all my colleagues on both sides of the aisle to put the politics aside and do the right thing and vote for this bill.

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

Mr. HASTINGS of Washington. Mr. Speaker, before I yield to my friend from Louisiana, I want to ask my friend from Massachusetts, and I will be happy to yield, that picture you have, I understand, is an artist's rendering of the river; is that correct?

Mr. MCGOVERN. This is a photograph.

Mr. HASTINGS of Washington. It is a photograph?

Mr. MCGOVERN. Yes, it looks so beautiful it looks almost like it has been painted, but it's a photograph.

Mr. HASTINGS of Washington. I thank the gentleman.

Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. I thank my colleague from Washington State for yielding to me.

Mr. Speaker, I rise in opposition to the rule and this underlying bill, because I believe, first of all, this is an abuse of the Wild and Scenic Rivers Act. It's further demonstrating the party here, the opposite party position that we have to have an either/or policy. It's either the environment or energy.

Whereas I believe on our side of the aisle, we are advocating that the two

can march hand-in-hand. I believe this is also a way of blocking sensible energy policy going forward. Clearly, I think, the American public understands it, as well as we do, that we need a comprehensive energy policy.

I want to make a few points. First of all, we have seen LNG development down in my district. I have got one facility that is expanding on a river. It's in the midst of a very densely populated area. That river is used not only for industrial purposes, but also recreational purposes. There has been a record of safety, in fact, an unprecedented record of safety.

We have a new LNG facility that came online, I guess, a couple of months ago. Secretary Bodman was down there with me. This is creating new American high-paying jobs. Furthermore, there are two other LNG facilities under construction. Finally, I would say these are all small companies. They are not large, big oil companies.

One of the companies, the one that does have the one, the facility that's new and up and running and building a second one, not only that, what they have done is participated in coastal restoration projects and marsh preservation. So we know down in Louisiana that our beautiful marsh and wetlands can also be a working wetlands.

We also know that this creates great jobs. We also know there is a record of safety with the facility that's in the midst of a densely populated area.

I would ask my colleague, what's he going to say to his constituents in Massachusetts and the Northeast when heating oil prices are going to be exorbitant in this next winter? What is he going to do? What is he going to say?

Mr. MCGOVERN. Would the gentleman yield?

Mr. BOUSTANY. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. I would say first of all Massachusetts currently has two LNG terminals, and we have licensed another one. We are not opposed to LNG. We are doing our part.

Mr. BOUSTANY. If I may reclaim my time. Why are they intent on abusing the Wild and Scenic Rivers Act as a backdoor approach to block LNG? I don't understand that.

Clearly, these companies have been good corporate citizens, and they have worked to be good stewards of the environment. I will point out that one company, in addition to marsh restoration and preservation, also prepaid taxes in the State of Louisiana to build schools after Hurricane Rita.

This company also built the new health clinic in a small town that never had a health clinic before. These companies are good stewards. They show that environmental policy and energy policy can march hand-in-hand.

I don't understand the argument that the other side is making. They are just intent on blocking comprehensive energy policy, and I oppose the bill.

Mr. MCGOVERN. Mr. Speaker, I feel like I'm in a Twilight Zone episode

here. This doesn't make any sense. None of this makes any sense.

First of all, I would say to the gentleman that we have just as many LNG facilities as you do in Louisiana. I would say to the gentleman that we are moving forward. We just licensed another LNG facility.

I don't know what he's talking about. It doesn't make any sense to me when you talk about we are trying to frustrate our efforts.

Let me also say to the gentleman, with regard to this particular site, the United States Navy opposed the LNG terminal in Fall River, as they indicated it would disrupt their operations in their nearby Newport, Rhode Island, base.

The Commerce Department, Commerce Secretary Gutierrez ruled that Fall River would be an inappropriate site, citing the negative impacts on the flow of commerce along the waterway and environmental concerns. The United States Coast Guard. The Coast Guard.

Now you may be an expert on navigational issues, but I trust the Coast Guard more than I trust you on these issues. The Coast Guard has rejected the LNG plant in Fall River three times.

Captain Roy Nash, the head of the port of southeastern New England, found that the plan is "unsuitable from a navigation safety perspective for the type, size and frequency of LNG marine traffic."

So this site doesn't make any sense. So the State of Massachusetts said, but we want to do our part, so we have licensed another facility. So where are we frustrating attempts on energy?

Mr. BOUSTANY. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from Louisiana.

Mr. BOUSTANY. Thank you.

I just want to point out that the gentleman has made an argument about population centers precluding the building of these facilities. That should not be a preclusion to building because there is a safety record, and these facilities can be done safely.

Mr. MCGOVERN. If I may reclaim my time, the U.S. Navy, the Commerce Department and the Coast Guard said this particular site is unsuitable. Oh, and by the way, here is another photo, not an artist rendition. It looks like it might be an artist. It looks, again, very picturesque, like it could have been done in oil colors. But this is another photo of what we are trying to protect.

Let me also say that the Wild and Scenic Rivers Act of 1969 does not discriminate between urban and rural. This bill is consistent with the law and recommended by the Bush administration's National Park Service.

Mr. BOUSTANY. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman briefly.

Mr. BOUSTANY. That picture you just showed us is actually a very nice

site for an LNG facility, but I would point out that I think the Coast Guard considerations were about specifically a bridge. That's fine. If that's the problem, I understand that. Also, why abuse the act? Why abuse the act?

Mr. MCGOVERN. I reclaim my time.

The gentleman obviously has not read the Coast Guard's recommendation on this issue. It is more than just about a bridge, and there are many bridges involved.

Again, I would say to the gentleman that the debate is not about an LNG facility, it's about whether or not this area deserves the designation that we are debating here today.

And I'm sorry, I understand it's a political year, it's an election year, and the people on the other side are just trying to make political points. It's just sad that they are doing so potentially at the expense of some good people in Fall River.

Mr. Speaker, I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, how much time on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 15 minutes remaining, and the gentleman from Massachusetts has 10½ minutes remaining.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 minute.

A lot has been said here just recently in the last exchange about plans. I have here a Boston Herald editorial called "Cold Water on River Plan" dated the 10th of July. I will read parts of it here:

"Bay State pols have a long tradition of using the law rather creatively to further their own political aims. But the effort by U.S. Representative BARNEY FRANK to transform a stretch of industrial riverfront in Fall River into a 'wild and scenic' resource is as shameless as it gets."

They go on to say, "It is the latest attempt to kill a controversial plan for the Weaver's Cove liquefied natural gas terminal."

I repeat once again, it's not people from other parts of the country talking about this. This is the Boston Globe. Or the Boston Herald.

[From the Boston Herald, July 10, 2008]

COLD WATER ON RIVER PLAN

Bay State pols have a long tradition of using the law rather creatively to further their own political aims. But the effort by U.S. Rep. Barney Frank to transform a stretch of industrial riverfront in Fall River into a "wild and scenic" resource is as shameless as it gets.

Think "A River Runs Through It" and you can picture the waterways that typically win "wild and scenic" designation. But until Republicans intervened Frank was close to securing that protected status for the Taunton River, limiting development along the river and its "immediate environment."

It is the latest attempt to kill a controversial plan for the Weaver's Cove liquefied natural gas terminal. A vote was canceled yesterday, with Frank's office suggesting Republicans wanted to make it a "national issue."

Well, they HAVE pointed out the irony of top Democratic leaders (Sens. Kennedy and

Kerry sponsored the bill in the Senate) going all out to kill a plan that would ease the delivery of natural gas to New England customers. . . .

Yes, environmentalists have been seeking a special designation of the river for years. But if anyone believes it would have gained this kind of momentum without Weaver's Cove, well, we have some rusty container ships, fuel storage tanks and warehouses along the Taunton River you might be interested in.

The amusing thing is none of this seems necessary, given that the Coast Guard has already rejected Weaver's Cove based on quite legitimate concerns about navigation and safety. Guess you never can have enough insurance.

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

Mr. MCGOVERN. There is a difference between the Boston Globe and the Boston Herald, I should tell the gentleman.

Mr. Speaker, the Bush administration's National Park Service has suggested that this is an appropriate designation. Maybe they were brainwashed, I don't know. But it is just sad that you have, on the other side, some on the other side, have tried to make this a political pawn in your election-year politics.

This is really sad, and it's unfortunate, again, that the potential losers on this could be the hardworking people of Fall River and Somerset and the people along the Taunton River. This, to me, makes sense. Again, the Coast Guard has been emphatic in their opposition to this. I am interested. It's fascinating to see some of my colleagues on the other side of the aisle claim they know more than the United States Coast Guard. But when it comes to navigational and safety matters, I trust them.

But when it comes to designations, when it comes to parkland designations and wild and scenic designations and recreational designations, I am going to trust the Bush's administration's National Park Service more than some of my colleagues.

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I thank my friend from Washington for yielding.

Mr. Speaker, this is almost comical. It is almost comical to have the gentleman on the other side of the aisle talking about the credibility that the Bush administration brings to this project. I have heard the gentleman give Bush no credit for anything. For anything.

I hear him giving the Navy and the Coast Guard credit, the administration's Secretary of the Interior, whatever it is, credit. He has never given the Bush administration credit for anything.

We had WHINSEC, which is in my district, talking about giving the military credit and the ability to put forth good judgment. He said, no, we're going

to expose all the people that are attending this college, this facility, to help bring about peaceful negotiations and peace in Central America.

This is almost comical. And I will tell the gentleman that you can fool some of the people some of the time, but you can't fool all of the people all of the time. We are exposing what this project is about, and they are grasping at straws to use the argument that they are saying and giving the credibility to the Bush administration when they have never given him credit for anything.

Mr. MCGOVERN. Mr. Speaker, I would just respond to the gentleman that on the issue of energy, Massachusetts has twice as many LNG facilities as Georgia. I would suggest he go back and do his part to help provide more energy for our country.

I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

We have had a discussion in several areas on this project. Let me start with the most fundamental area, and that's the designation of wild and scenic. I pointed out, by making this river, which is industrial—and I might add, by the way, that the initial study called for studying the wild and scenic designation only on the upper stretches, as I understand, of the Taunton River, not the lower. But the final report came back, because, as the report said, if the river could talk, this would be what they wanted.

My goodness, we are listening to rivers. I would like to see that testimony to see what the river exactly said.

But at any rate, the bottom half was put into this wild and scenic designation.

As I pointed out, this is dramatically different, dramatically different from other wild and scenic designations across the country like the Klickitat River in my district. We talked about the issue of power and siting energy plants.

The gentleman from Louisiana, where there are a lot of natural gas areas, among other energy producers in that State, is certainly knowledgeable when it comes to that. There is a lively exchange on this.

Also, the Boston Herald, as I pointed out said, editorially, a week ago, less than a week ago, that this is a shameless way in order to take this issue off the table.

But here is the final component, and we really haven't talked about that yet, but I do want to talk about that.

I have an article here from The Herald News, which is the Fall River Herald News, and it's an article, the byline is by Mr. Will Richmond, it was written on the 15th of July, which was yesterday.

The headline that I see here is "Scenic Designation Could Sink Riverfront Businesses." I bring that up in this context because my friend on the other side of the aisle was making the argument that this designation would be

good for the economy and so forth, presumably from the standpoint of tourism and so forth, but there are some businesses that are located right in this area, and they have some real doubts.

Let me read a couple of excerpts, if I may, out of this article:

“With the U.S. House of Representatives scheduled today to vote on the designation of the lower Taunton River as part of the Wild and Scenic Rivers Act, shipbuilders and other businesses located on the banks of the waterway are anxiously watching.

“The designation would hamper businesses, they say, possibly even leading to closures.”

□ 1200

Now before I go on, I would just say, how does that help the people that live in this area by this designation?

And I go on to quote, and I'm quoting a Mr. Donald Church, who is with Seaboats, Inc. He is the owner of Seaboats, Inc. And he says, “It's all great to be touchy and feely, and it's great to protect the environment. But people in this city have got to have jobs.”

He goes on to say that because of this, there is some question, and it “could easily lead to him selling his business,” which, I might add, has a \$5 million annual payroll.

On the other side of the river, there is another shipbuilder, Gladding-Hearn, and their president, Peter Duclos, and I hope I say that correctly, said, and I quote, “Our feeling is that it's a stretch to be applying a noble environmental act on this part of the river,” Duclos said. “This area is industrial historically. Fall River wouldn't be here without a deep water part. I'm not sure this legislation is in the best interest of the businesses along the river.” And he's talking about potentially adding 50 new jobs, but they have some real concerns about this designation.

Now, I might say, Mr. Speaker, from my experience in the western part of the United States, where we have these “nice” environmental designations, wild and scenic being among them, you have, our experience in the West has been, a restriction of use on these rivers, rather than an expansion. And this is precisely what these shipbuilder owners are saying with this potential designation on the industrial area of this river.

So we have three aspects to this, as I mentioned. We have the aspects of undermining what the intent was of wild and scenic designation as it was put in law to really protect wild and scenic. We have the issue of energy. That has been well discussed, especially when we have energy prices going up, and we have a potential here to locate an LNG plant. And then we have the issue of jobs in this area where there is concern in this area.

So, Mr. Speaker, I would say that, if for no other reason, it is a reason to de-

feat the rule, it is a reason, actually, to defeat the previous question so we can talk about energy; and I will be offering an amendment to that effect. But it is about defeating the rule so maybe the Rules Committee can go back, make an open rule and perfect this legislation to make it more palatable, not only to the Members of this House, but also to people that live in that area.

And, Mr. Speaker, I ask unanimous consent to have this inserted in the RECORD.

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

There was no objection.

[From the Fall River Herald News, July 15, 2008]

SCENIC DESIGNATION COULD SINK RIVERFRONT BUSINESSES

(By Will Richmond)

It's tough to find someone who disagrees that the upper reaches of the Taunton River aren't wild and scenic, but ask some business owners along the lower stretch of the river and you're likely to get a different response.

With the U.S. House of Representatives scheduled today to vote on the designation of the lower Taunton River as part of the Wild and Scenic Rivers Act, shipbuilders and other businesses located on the banks of the waterway are anxiously watching.

The designation—Senate approval would still be needed should the House pass the measure—would hamper business they say, possibly even leading to closures.

“It's all great to be touchy-feely, and it's great to protect the environment, but people in this city got to have jobs,” Seaboats Inc. owner Donald Church said.

Church said he is seeking to expand his business's docking abilities as a new vessel is being built, but with the designation's proposal up for consideration, additional hurdles are likely to block his way.

“I'm building vessels that are getting too big to place on our dock, but to expand I'm going to have to jump through five more hoops with the Parks Service, and odds are they are going to say ‘No,’” Church said.

He added that attempts to stall expansion could easily lead to him selling his business, which pays out approximately \$5 million in payroll annually.

Across the river in Somerset, shipbuilders Gladding-Hearn and Fortier Boats are also concerned about the impact the designation could have on their businesses.

Gladding-Hearn President Peter Duclos said attempts to conduct maintenance work on the rail tracks that bring completed ships into the river has already been stalled by the potential designation.

“Our feeling is that it's a stretch to be applying a noble environmental act to this part of the river,” Duclos said. “This area is industrial historically. Fall River wouldn't be here without a deep water port. . . . I'm not sure this legislation is in the best interest of the businesses along the river.”

Duclos said Gladding-Hearn is anticipating growth that could add 50 new jobs, but he noted the company has already had to turn away several large vessel contracts due to constraints limiting the size of the boats they can construct.

He said the company's facilities often need to be modified to meet job specifications and the process of acquiring additional permits due to the designation could lead to penalties for not meeting completion dates.

“This area needs jobs and economic development, and I think that should be part of

this but this act is somewhat contrary to that,” Duclos said.

Fortier Boats owner Roger Fortier, whose company is next to Gladding-Hearn on Riverside Avenue, declined comment for the story, but an objection letter he wrote in opposition to the bill indicates the company is concerned about how the designation would affect the maintenance and expanding of their marine travel lift facility and deep draft dock.

Both Duclos and Church said their companies have no ties to the proposed liquefied natural gas terminal planned for the banks of the river and offered the designation for the remaining stretch of river is appropriate.

“It's unfortunate it's become all wrapped up in the LNG thing, but the reality is that is not our fight,” Duclos said. “Many of those types of proposals will come and go, but we'll be here.”

Mr. HASTINGS of Washington. And with that, Mr. Speaker, I will reserve my time.

Mr. MCGOVERN. Mr. Speaker, how much time is remaining on both sides, please?

The SPEAKER pro tempore. 9½ minutes to the gentleman from Massachusetts and 7 minutes to the gentleman from Washington.

Mr. MCGOVERN. Mr. Speaker, I just want to ask unanimous consent to insert into the RECORD an editorial from the Fall River Herald News in support of this, in support of the underlying legislation.

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

There was no objection.

[From the Fall River Herald News, July 11, 2008]

OUR VIEW: SOUTH COAST'S WILD SIDE

No one would dare argue that the lower portion of the Taunton River wends its way through a lush jungle surrounded by overgrown foliage, inhabited by giant anacondas and teeming with woolly monkeys and three-toed sloths.

But a river doesn't necessarily have to look like the Amazon to be a fragile ecosystem in need of protection. Yes, people use the Taunton River. Businesses and residences—including boat yards, condominium complexes and even power plants—line its shores, bridges span its waters and boaters navigate its currents. But while the river may not reach the same threshold as a tropical rainforest's waterways in terms of “wild,” it is definitely scenic and is home to dozens of species of fish and birds that need to be protected from the unremitting encroachment of human development.

That is the intent of the National Wild and Scenic River designation: to protect rivers with cultural, wildlife, recreational and historic values. The Taunton certainly fits the definition. It is the longest coastal river in New England without dams and supports 45 species of fish and many species of shellfish. The watershed is the habitat for 154 types of birds, including 12 rare species. It's shores are home to otter, mink, grey fox and deer. The river's recreational value is obvious by the number of boats on the water on any given summer day and its history—before it was polluted—as a shellfishing ground meets the cultural standard.

U.S. Rep. Barney Frank recognizes the river's value, prompting him to sponsor legislation to designate it “wild and scenic,” supported by Rep. James McGovern and Sens. John Kerry and Edward Kennedy. Unfortunately, Republicans in the U.S. House of

Representatives do not support protecting ecosystems like the Taunton River.

Led by Rep. Rob Bishop (R-Utah), the House Republican Conference opposes the wild and scenic designation, despite passage by the House Natural Resources Committee, which found the Taunton meets the designation based on its free flow and research value. Bowing once again to Big Energy, the Republicans claim the proposal is a thinly veiled attempt to block transmission of liquefied natural gas through the river to Weaver's Cove. Bishop—who represents a state 2,500 miles away from Massachusetts—referred to the Taunton as “a business river” and claimed Frank’s legislation was nothing more than an “effort to stop energy production.”

Bishop’s claims are wrong-headed on a number of fronts, not the least of which is his implication that stemming fossil fuel production is a bad thing given its devastating environmental impacts. Bishop is ignoring the prevalent wildlife in and around the Taunton River and incorrectly assuming that an effect of the designation—which would hamper Hess’ LNG efforts—is the intent of the proponents.

In the face of such short-sighted opposition from Republicans, Frank had requested his legislation be removed from consideration by the full House, which was originally scheduled for this past Wednesday. The vote was postponed and will be heard sometime next week, Frank announced Thursday.

Hess’ and Weaver’s Cove Energy’s LNG proposal shouldn’t even be part of the discussion. Once it finally meets its inevitable demise—removing Big Energy from the discussion—the wild and scenic proposal would breeze through the House, as it should. It is unfair to deny SouthCoast residents a clean, safe, protected river because some politicians continue to do the bidding of giant energy corporations.

Mr. MCGOVERN. I reserve my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I had intended to obviously reserve my comments till the bill itself this afternoon, but after listening to the debate on the rule I felt somewhat compelled to say a few things about it.

Earlier this morning in the 1-minute, one of the members of the Massachusetts delegation came to the floor and spoke about the significant problem of heating that will be taking place in the State of Massachusetts. He said that there were 350,000 people of Massachusetts that needed LIHEAP. That is subsidization for heating energy that all of us in the United States pay for the citizens of his State, and there would be more this fall. In fact, he said heat is not optional. It is something that has to be there.

Certainly this action right now does not help that problem. It retards our efforts to try and come up with it.

I am also somewhat confused as we are talking about this proposal. It is very clear that this proposal to study this river had certain sections. We are only talking here so far about segment 4; the lower part of the Taunton River, which, for the first time, has been designated as a potential wild and scenic river site.

I will say though that when the Park Service presented their information,

they did not come up with a recommendation; they came up with three recommendations. Only recommendation B is the one that has decided to be included in this particular bill, the so-called environmental recommendation.

But I want you to know in the recommendation in which they said this particular recommendation is easily for a river that is the most developed of any that has ever been submitted for this kind of designation, and that would be problematic, and there is no precedent, no precedent for this kind of area to be included in a wild and scenic designation, although it does meet political expectations of the area.

Now, there are other options that we could take, and there will be an amendment put on this floor to do this the right way, by taking the area that in 2000 was designated for study and appropriated for study and putting that which does have wild and scenic designation and characteristics into existence. But not this lower portion.

In fact, there is another article that appeared yesterday in the Massachusetts paper which simply said, scenic designation could sink riverfront businesses. Indeed, what we are trying to do here is an effort that will aid some businesses but harm other businesses.

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

Mr. HASTINGS of Washington. I yield the gentleman 1 more minute.

Mr. BISHOP of Utah. Just as in 2002, the Massachusetts delegation asked and received an appropriation to dredge this river in the effort to help some economic businesses and not necessarily others. The fact that it was dredgeable and that it was dredged, I am sorry. I don’t know if it was actually done, but the fact that it was eligible for dredging ignores the area and the criteria that is necessary even for recreational purposes in the wild and scenic designation.

There are significant problems with this type of approach, not represented by us but represented by the Park Service. There are problems, as we have talked about, the denial for the permit for an LNG port that was supposedly done by Commerce, supposedly done by the Coast Guard, and the other group to which the gentleman mentioned, those were not permanent denials. Those were temporary denials. In fact, each of them said that they could be reinstated and reapproached. It is very possible to reinstate another proposal for a LNG port at this site, unless this bill is passed.

Now, that is the reality of what is going on here. It is far different than some of the spin that we have been hearing. But this is a problematic approach.

Mr. MCGOVERN. Mr. Speaker, after that spin, I am going to reserve the balance of my time.

Mr. HASTINGS of Washington. Once again, Mr. Speaker, how much time is on both sides?

The SPEAKER pro tempore. The gentleman from Washington has 4 min-

utes. And the gentleman from Massachusetts has 9½.

Mr. HASTINGS of Washington. Mr. Speaker, I ask my friend from Massachusetts if he is prepared to close, if I close.

Mr. MCGOVERN. I will show more pictures. I will be the last one speaking on this side.

Mr. HASTINGS of Washington. I just asked the gentleman is he acknowledging that the other was an artist’s rendition? Is he acknowledging that then?

Mr. MCGOVERN. No, this is just a photograph. It is so beautiful it looks like art.

Mr. HASTINGS of Washington. I am talking about the other one.

Mr. MCGOVERN. This is a photograph too. If you come up closer, you can see that it is a photograph.

Mr. HASTINGS of Washington. Mr. Speaker, I surmise from that that he is the last speaker on that side; is that correct?

Mr. MCGOVERN. That is correct.

Mr. HASTINGS of Washington. Mr. Speaker, with that then I will yield myself the balance of my time.

Mr. Speaker, instead of considering a bill to designate industrialized riverfronts as wild and scenic to block an LNG energy plant from ever being built, this Congress should be debating bills that result in more energy and more energy production within the United States. Instead of bills that could result in higher energy costs, like this one, Congress should be working to lower gas prices and decrease the cost of energy. America needs to produce more oil and gas and energy using our own abundant reserves.

It is time for the House to debate and vote on bills to open ANWR, our oceans and Federal lands to drilling. If we were to increase the supply of oil, then the price of oil will decrease. Instead of allowing these proposals to be given a fair vote, the liberal leaders of this House are bending over backwards to block ideas to produce more American-made energy. Today, every Representative will have a chance to break Speaker PELOS’s blockage against bills aimed at lowering gas prices, and they can do that, Mr. Speaker, by voting no on the previous question. By voting no, we can end this obstruction and we can get to work.

If the previous question is defeated, I will simply amend the rule to allow the House to consider H.R. 2493, the Fuel Mandate Reduction Act, which will reduce the price of gasoline by removing fuel blend requirements and onerous government mandates if they contributed to unaffordable gas prices. This is a commonsense bill that will help lower gas prices by ending government mandates and manipulation that increase the cost to everybody’s pain at the pump.

So, Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted into the RECORD prior to the vote on the previous question.

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I once again urge my colleagues to vote "no" on the previous question so that we can debate, in an open manner, the part of the energy crisis and solutions to the energy crisis that we face in this country.

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

Mr. MCGOVERN. I yield myself the balance of our time, Mr. Speaker.

Mr. Speaker, in conclusion, let me say that this debate has been somewhat unfortunate because it has been about everything but what the underlying bill is about. As determined by the National Park Service, let me quote again, "The Taunton River is eligible for wild and scenic designation, based on its free flowing condition and the presence of outstandingly remarkable natural and cultural resource values."

It is also important to note, Mr. Speaker, that this designation is distinct for different segments along the Taunton. Two segments of the river would be designated scenic, and two as recreational. By any measure, this should be a noncontroversial bill. This should be up under suspension. There should be relatively little debate on this. I mean, this is a no-brainer.

But my colleagues on the other side of the aisle have tried to make this about everything other than what this truly is about, whether or not this community of Fall River, and the community of Somersset and other communities along the Taunton River can benefit from this designation; whether or not they deserve to be able to get this legislation passed, and use this legislation to help be a catalyst for economic development.

This is a hard working city, Mr. Speaker, good people who have hit some tough economic times and who are desperately trying to rebuild the city by bringing the waterfront back, and this would help.

And this is not about whether or not a LNG facility should be there or not. I mean, I personally believe it should not be there. But the State, the Commonwealth of Massachusetts is doing its part. I mean, it is not like Massachusetts is saying no to any LNG facility. We have two up and running, and we have permitted another. So we are doing our part.

My friend from Washington State comes from a coastal State. There are no LNG facilities there. I implore him, help us out. Do your part. We are doing our part in Massachusetts, so this is not about us saying no to LNG. We favor LNG. We favor responsible siting of LNG and we are doing that. We have more LNG facilities than anybody else here. So we are doing our part. This is not about that. That is just a smoke screen. That is just a way to politicize an issue that shouldn't be politicized.

Now, the gentleman's suggestion that we need to start drilling in ANWR. The Republicans argue that opening up the Arctic National Wildlife Refuge is an imperative for lowering gas prices, although their presidential candidate disagrees with them.

ANWR, Mr. Speaker, is a pristine wilderness, one of the most important on-shore polar bear denning habitats in the Arctic. But right on the other side of Prudhoe Bay is the National Petroleum Reserve Alaska. This area has been set aside for oil and gas exploration since the 1920s. And according to the U.S. geological survey, it contains more oil than ANWR, over 10 billion barrels of oil total. And it is open for leasing, Mr. Speaker. It is open for leasing. About 3 million acres have already been leased, and about 4 million more will be up for leasing later this year. But there have been only 25 test wells drilled there since the year 2000, and no companies are producing oil from NPRA yet.

So why would we need to open ANWR when we have this huge, untapped resource right next to the existing oil infrastructure in Alaska? And when a natural gas pipeline gets built, NPRA will be even more important. It holds over 60 trillion cubic feet of gas, nearly 16 times what ANWR holds.

The focus should be on the area that has the most oil and that is open for leasing that isn't a highly sensitive environmental area.

Mr. Speaker, we need an energy policy in this country. Unfortunately, from this White House we have gotten zero. Two oil men who are focused on nothing but what the oil companies want, and for too long a Congress that has been complicit in giving the oil companies what they want and not engaged in forward thinking policies to become energy independent. That needs to change.

But in the short-term, we also need to do something else because the fact of the matter is that there are citizens in our country right now who are paying record high gas prices, and we have a winter fast approaching where oil is going through the roof. We need relief now as well.

And that is why the President should do what the Speaker of the House has urged, and that is to tap in to the Strategic Petroleum Reserve which is now filled at a record high, and put more gas and oil into our market to help stabilize and lower prices to make sure that people in the immediate term can get through these difficult times.

□ 1215

And then we need to embrace the energy policy and the energy principles that the Speaker, the Democratic majority has laid out of a way to get to energy independence, a way to drill in a sensible and an environmentally sensible way embracing alternatives, clean renewable sources of energy now and in the future.

But what they're proposing is not the way to go. It is a smokescreen. This de-

bate has been politicized unnecessarily. This is all about political points. It is sad that on an issue so noncontroversial that it has come to that, but it has. That's the way they want to play, but it's the wrong way to do things around here.

Mr. Speaker, I would urge a "yes" vote on the previous question and a "yes" vote on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 1339 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 4. Immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider in the House the bill (H.R. 2493) to amend the Clean Air Act to provide for a reduction in the number of boutique fuels, and for other purposes. All points of order against the bill are waived. The bill shall be considered as read. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill equally divided and controlled by the chairman and ranking member of the Committee on Energy and Commerce, and (2) an amendment in the nature of a substitute if offered by Representative DINGELL of Michigan or his designee, which shall be considered as read and shall be separately debatable for 40 minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate

vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. MCGOVERN. I yield back the remaining time I have, 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. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order: ordering the previous question on House Resolution 1343, by the yeas and nays; adopting House Resolution 1343, if ordered; ordering the previous question on House Resolution 1339, by the yeas and nays; adopting House Resolution 1339, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 5959, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. The unfinished business is the vote on order-

ing the previous question on House Resolution 1343, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 226, nays 192, not voting 16, as follows:

[Roll No. 495]

YEAS—226

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

NAYS—192

| | | |
|-----------|--------------|---------------|
| Aderholt | Bachmann | Bartlett (MD) |
| Akin | Bachus | Biggart |
| Alexander | Barrett (SC) | Bilbray |

| | | |
|-----------------|-----------------|----------------|
| Bilirakis | Granger | Peterson (PA) |
| Bishop (UT) | Graves | Petri |
| Blackburn | Hall (TX) | Pickering |
| Blunt | Hastings (WA) | Pitts |
| Boehner | Hayes | Poe |
| Bonner | Heller | Porter |
| Bono Mack | Hensarling | Price (GA) |
| Boozman | Herger | Pryce (OH) |
| Boustany | Hill | Putnam |
| Brady (TX) | Hobson | Radanovich |
| Broun (GA) | Hoekstra | Ramstad |
| Brown (SC) | Hulshof | Regula |
| Brown-Waite, | Hunter | Rehberg |
| Ginny | Inglis (SC) | Reichert |
| Buchanan | Issa | Renzi |
| Burgess | Johnson (IL) | Reynolds |
| Burton (IN) | Johnson, Sam | Rogers (AL) |
| Calvert | Jones (NC) | Rogers (KY) |
| Camp (MI) | Jordan | Rogers (MI) |
| Campbell (CA) | Keller | Rohrabacher |
| Cannon | King (IA) | Ros-Lehtinen |
| Cantor | King (NY) | Roskam |
| Capito | Kingston | Royce |
| Carter | Kirk | Ryan (WI) |
| Castle | Kline (MN) | Sali |
| Chabot | Knollenberg | Saxton |
| Coble | Kuhl (NY) | Scalise |
| Cole (OK) | LaHood | Schmidt |
| Conaway | Lamborn | Sensenbrenner |
| Crenshaw | Latham | Sessions |
| Culberson | LaTourette | Shadegg |
| Davis (KY) | Latta | Shays |
| Davis, David | Lewis (CA) | Shimkus |
| Davis, Tom | Lewis (KY) | Shuster |
| Deal (GA) | Linder | Simpson |
| Dent | LoBiondo | Smith (NE) |
| Diaz-Balart, L. | Lungren, Daniel | Smith (NJ) |
| Diaz-Balart, M. | E. | Smith (TX) |
| Doolittle | Mack | Souder |
| Drake | Manzullo | Stearns |
| Dreier | Marchant | Sullivan |
| Duncan | McCarthy (CA) | Tancred |
| Ehlers | McCaul (TX) | Terry |
| Emerson | McCotter | Thornberry |
| English (PA) | McCrery | Tiahrt |
| Everett | McHenry | Tiberi |
| Fallin | McHugh | Turner |
| Feeney | McKeon | Upton |
| Ferguson | McMorris | Walberg |
| Flake | Rodgers | Walden (OR) |
| Forbes | Mica | Walsh (NY) |
| Fortenberry | Miller (FL) | Wamp |
| Fossella | Miller (MI) | Weldon (FL) |
| Fox | Miller, Gary | Weller |
| Franks (AZ) | Moran (KS) | Westmoreland |
| Frelinghuysen | Murphy, Tim | Whitfield (KY) |
| Gallegly | Myrick | Wilson (NM) |
| Gerlach | Neugebauer | Wilson (SC) |
| Gingrey | Nunes | Wittman (VA) |
| Gohmert | Paul | Wolf |
| Goode | Pearce | Young (AK) |
| Goodlatte | Pence | Young (FL) |

NOT VOTING—16

| | | |
|-------------|--------------|------------|
| Barton (TX) | Engel | Musgrave |
| Bean | Frank (MA) | Perlmutter |
| Boswell | Garrett (NJ) | Platts |
| Buyer | Gilchrest | Rush |
| Cubin | Green, Al | |
| Delahunt | Lucas | |

□ 1242

Mr. BOEHNER changed his vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 193, not voting 15, as follows:

[Roll No. 496]

YEAS—226

Abercrombie Grijalva Neal (MA)
 Ackerman Gutierrez Oberstar
 Allen Hall (NY)
 Altmire Hare
 Andrews Harman
 Arcuri Hastings (FL)
 Baca Hersheth Sandlin
 Baird Higgins
 Baldwin Hinchey
 Barrow Hinojosa
 Bean Hirono
 Becerra Hodes
 Berkley Hoekstra
 Berry Holden
 Bishop (GA) Holt
 Bishop (NY) Honda
 Blumenauer Hoyer
 Boren Inslee
 Boucher Israel
 Boyd (FL) Jackson (IL)
 Boyd (KS) Jackson-Lee
 Brady (PA) (TX)
 Braley (IA) Jefferson
 Brown, Corrine Johnson (GA)
 Butterfield Johnson, E. B.
 Capps Jones (OH)
 Capuano Kagen
 Cardoza Kanjorski
 Carnahan Kaptur
 Carney Kennedy
 Carson Kildee
 Castor Kilpatrick
 Cazayoux Kind
 Chandler Klein (FL)
 Childers Kucinich
 Clarke Lampson
 Clay Langevin
 Cleaver Larsen (WA)
 Clyburn Larson (CT)
 Cohen Lee
 Conyers Levin
 Cooper Lewis (GA)
 Costa Lipinski
 Costello Loeb sack
 Courtney Lofgren, Zoe
 Cramer Lowey
 Crowley Lynch
 Cuellar Mahoney (FL)
 Cummings Maloney (NY)
 Davis (AL) Markey
 Davis (CA) Marshall
 Davis (IL) Matheson
 Davis, Lincoln Matsui
 DeFazio McCarthy (NY)
 DeGette McCollum (MN)
 DeLauro McDermott
 Dicks McGovern
 Dingell McIntyre
 Doggett McNerney
 Donnelly McNulty
 Doyle Meek (FL)
 Edwards (MD) Meeks (NY)
 Edwards (TX) Melancon
 Ellison Michaud
 Ellsworth Miller (NC)
 Emanuel Miller, George
 Eshoo Mitchell
 Etheridge Mollohan
 Farr Moore (KS)
 Fattah Moore (WI)
 Filner Moran (VA)
 Foster Murphy (CT)
 Giffords Murphy, Patrick
 Gillibrand Murphy, Tim
 Gonzalez Murtha
 Gordon Nadler
 Green, Gene Napolitano

NAYS—193

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

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

NOT VOTING—15

Berman Engel Lucas
 Boswell Frank (MA) Perlmutter
 Buyer Gilchrest Platts
 Cubin Green, Al Rush
 Delahunt Hooley Shays

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1251

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.

Stated against:

Mr. SHAYS. Mr. Speaker, on July 16, 2008, I missed one recorded vote because I was participating in a Committee hearing.

I take my voting responsibility very seriously. Had I been present, I would have voted "no" on recorded vote No. 496.

GOLF TOURNAMENT TO HONOR VETERANS

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

Mr. EDWARDS of Texas. Members, I know there are many people across our country that wonder if there are any bipartisan traditions and relationships left in this House. Today, Mr. WAMP and I come to the floor to say the answer to that is yes.

On Monday, we continued for the 37th year a great tradition of the golfers

from the Republican side of the aisle and those from the Democratic side of the aisle in friendly competition, along with our former colleagues.

While some may have said there were a lot of VIPs at that golf course on Monday, there is no question about who the real heroes were; they were the amputees, our service men and women who are the beneficiaries of this competitive event through the Sports USA Foundation, which supports amputees and our service men and women, our veterans who have paid a dear price for their service to country.

I do want to congratulate my colleague, Mr. WAMP, the chairman of the Republican team. It appears, Mr. Speaker, that the burdens of being in the majority have weighed down the athletic talents of my Democratic colleagues.

I want to salute my cochairman in the event and the leader of the Republican team. It was a great cause for tremendous Americans who have done so much for your family, for my family, and American families. And I was proud to be part of that great tradition.

I yield time to my colleague.

Mr. WAMP. Mr. Speaker, if I may, let me tell the Members that for 37 years we've had this tradition in a bipartisan way of Members and former Members getting together, but this is the first year that we brought in this extraordinary charity, the Disabled Sports Foundation. And these wounded warriors, mostly amputees, that got joy out of playing golf with us on Monday, we raised a lot of money for them. This was so important.

We took the venue to Army-Navy Golf Club, where they are under construction with renovations. The PGA of America cosponsored it with us. The co-chairmen from the former Members were Ken Kramer and Dennis Hertel. We had 33 Republican Members and only eight Democratic Members—that's one reason the trophy is back over here this year—but y'all had a conflict, so you do have an excuse this year. But next year we should really bring people together to help these wounded warriors.

I want to say STEVE BUYER was the low gross on the Republican side for the whole House, and GENE GREEN from the Democratic side was the low net. Republicans reclaimed the trophy.

The big winners are these disabled athletes who are great American patriots. We honor them. We had fellowship. We came together. And the full House joins us in our salute to all these men and women in uniform that are disabled.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 415, TAUNTON RIVER WILD AND SCENIC DESIGNATION

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1339, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 198, not voting 13, as follows:

[Roll No. 497]

YEAS—223

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

Welch (VT)
Wexler

Wilson (OH)
Woolsey

Wu
Yarmuth

NAYS—198

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

NOT VOTING—13

| | | |
|----------|-----------|---------------|
| Boswell | Engel | Platts |
| Buyer | Gilchrest | Rush |
| Cubin | Green, Al | Thompson (CA) |
| Delahunt | Lucas | |
| Dicks | Melancon | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1302

So the previous question was ordered. The result of the vote was announced as above recorded.

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

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

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered. The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 224, nays 195, not voting 15, as follows:

[Roll No. 498]

YEAS—224

| | | |
|----------------|------------------|-------------------|
| Abercrombie | Green, Gene | Neal (MA) |
| Ackerman | Grijalva | Oberstar |
| Allen | Gutierrez | Obey |
| Altmire | Hall (NY) | Olver |
| Andrews | Hare | Ortiz |
| Arcuri | Harman | Pallone |
| Baca | Hastings (FL) | Pascarell |
| Baird | Herseeth Sandlin | Pastor |
| Baldwin | Higgins | Payne |
| Barrow | Hinchee | Perlmutter |
| Bean | Hinojosa | Peterson (MN) |
| Becerra | Hirono | Pomeroy |
| Berkley | Hodes | Price (NC) |
| Berman | Holden | Rahall |
| Berry | Holt | Rangel |
| Bishop (GA) | Honda | Reyes |
| Bishop (NY) | Hookey | Richardson |
| Blumenauber | Hoyer | Rodriguez |
| Boren | Inslee | Ross |
| Boucher | Israel | Rothman |
| Boyd (FL) | Jackson (IL) | Roybal-Allard |
| Boyd (KS) | Jackson-Lee | Ruppersberger |
| Brady (PA) | (TX) | Ryan (OH) |
| Braley (IA) | Jefferson | Salazar |
| Brown, Corrine | Johnson (GA) | Sanchez, Linda T. |
| Butterfield | Johnson, E. B. | Sanchez, Loretta |
| Capps | Jones (OH) | Kagen |
| Capuano | Kagen | Kanjorski |
| Cardoza | Kaptur | Karnahan |
| Carnahan | Kennedy | Carney |
| Carney | Kilpatrick | Carson |
| Castor | Kind | Carney |
| Chandler | Kind | Carson |
| Clarke | Klein (FL) | Castor |
| Clay | Kucinich | Chandler |
| Cleaver | Lampson | Clarke |
| Clyburn | Langevin | Clay |
| Cohen | Larsen (WA) | Cleaver |
| Conyers | Larson (CT) | Clyburn |
| Cooper | Lee | Cohen |
| Costa | Levin | Cohen |
| Costello | Lewis (GA) | Conyers |
| Courtney | Lipinski | Cooper |
| Cramer | Loeb sack | Costa |
| Crowley | Lofgren, Zoe | Costello |
| Cuellar | Lowey | Courtney |
| Cummings | Lynch | Cramer |
| Davis (AL) | Mahoney (FL) | Crowley |
| Davis (CA) | Maloney (NY) | Cuellar |
| Davis (IL) | Markey | Cummings |
| Davis, Lincoln | Marshall | Davis (AL) |
| DeFazio | Matheson | Davis (CA) |
| DeGette | Matsui | Davis (IL) |
| DeLauro | McCarthy (NY) | Davis, Lincoln |
| Dingell | McCollum (MN) | DeFazio |
| Doggett | McDermott | DeGette |
| Donnelly | McGovern | DeLauro |
| Doyle | McIntyre | Dicks |
| Edwards (MD) | McNerney | Dingell |
| Edwards (TX) | McNulty | Doggett |
| Ellison | Meek (FL) | Donnelly |
| Ellsworth | Meeks (NY) | Doyle |
| Emanuel | Michaud | Edwards (MD) |
| Eshoo | Miller (NC) | Edwards (TX) |
| Etheridge | Miller, George | Ellison |
| Farr | Mitchell | Ellsworth |
| Fattah | Mollohan | Emanuel |
| Filner | Moore (KS) | Eshoo |
| Foster | Moore (WI) | Etheridge |
| Frank (MA) | Moran (VA) | Farr |
| Giffords | Murphy (CT) | Fattah |
| Gillibrand | Murphy, Patrick | Filner |
| Gonzalez | Murtha | Foster |
| | | Frank (MA) |
| | | Giffords |
| | | Gillibrand |
| | | Gonzalez |
| | | Gordon |
| | | Green, Gene |
| | | Grijalva |
| | | Gutierrez |
| | | Hall (NY) |
| | | Hare |
| | | Harman |
| | | Hastings (FL) |
| | | Herseeth Sandlin |
| | | Higgins |
| | | Hinchee |
| | | Hinojosa |
| | | Hirono |
| | | Hodes |
| | | Holden |
| | | Holt |
| | | Honda |
| | | Hookey |
| | | Hoyer |
| | | Inslee |
| | | Israel |
| | | Jackson (IL) |
| | | Jackson-Lee |
| | | (TX) |
| | | Jefferson |
| | | Johnson (GA) |
| | | Johnson, E. B. |
| | | Jones (OH) |
| | | Kagen |
| | | Kanjorski |
| | | Kaptur |
| | | Kennedy |
| | | Kilpatrick |
| | | Kind |
| | | Klein (FL) |
| | | Kucinich |
| | | Lampson |
| | | Langevin |
| | | Larsen (WA) |
| | | Larson (CT) |
| | | Lee |
| | | Levin |
| | | Lewis (GA) |
| | | Lipinski |
| | | Loeb sack |
| | | Lofgren, Zoe |
| | | Lowey |
| | | Lynch |
| | | Mahoney (FL) |
| | | Maloney (NY) |
| | | Markey |
| | | Marshall |
| | | Matheson |
| | | Matsui |
| | | McCarthy (NY) |
| | | McCollum (MN) |
| | | McDermott |
| | | McGovern |
| | | McIntyre |
| | | McNerney |
| | | McNulty |
| | | Meek (FL) |
| | | Meeks (NY) |
| | | Michaud |
| | | Miller (NC) |
| | | Miller, George |
| | | Mitchell |
| | | Mollohan |
| | | Moore (KS) |
| | | Moore (WI) |
| | | Moran (VA) |
| | | Murphy (CT) |
| | | Murphy, Patrick |
| | | Murtha |
| | | Nadler |
| | | Napolitano |

NAYS—195

| | | |
|---------------|-------------|---------------|
| Aderholt | Bilirakis | Broun (GA) |
| Akin | Bishop (UT) | Brown (SC) |
| Alexander | Blackburn | Brown-Waite, |
| Bachmann | Blunt | Ginny |
| Bachus | Boehner | Buchanan |
| Barrett (SC) | Bonner | Burgess |
| Bartlett (MD) | Bono Mack | Burton (IN) |
| Barton (TX) | Boozman | Calvert |
| Biggart | Boustany | Camp (MI) |
| Bilbray | Brady (TX) | Campbell (CA) |

| | | |
|-----------------|-----------------|---------------|
| Cannon | Hunter | Porter |
| Cantor | Inglis (SC) | Price (GA) |
| Capito | Issa | Pryce (OH) |
| Carter | Johnson (IL) | Putnam |
| Castle | Johnson, Sam | Radanovich |
| Cazayoux | Jones (NC) | Ramstad |
| Chabot | Jordan | Regula |
| Childers | Keller | Rehberg |
| Coble | King (IA) | Reichert |
| Cole (OK) | King (NY) | Renzi |
| Conaway | Kingston | Reynolds |
| Crenshaw | Kirk | Rogers (AL) |
| Culberson | Kline (MN) | Rogers (KY) |
| Davis (KY) | Knollenberg | Rogers (MI) |
| Davis, David | Kuhl (NY) | Rohrabacher |
| Davis, Tom | LaHood | Ros-Lehtinen |
| Deal (GA) | Lamborn | Roskam |
| Dent | Latham | Royce |
| Diaz-Balart, L. | LaTourette | Ryan (WI) |
| Diaz-Balart, M. | Latta | Sali |
| Doolittle | Lewis (CA) | Saxton |
| Drake | Lewis (KY) | Scalise |
| Dreier | Linder | Schmidt |
| Duncan | LoBiondo | Sensenbrenner |
| Ehlers | Lungren, Daniel | Sessions |
| Emerson | E. | Shadegg |
| English (PA) | Mack | Shays |
| Everett | Manzullo | Shimkus |
| Fallin | Marchant | Shuster |
| Ferguson | McCarthy (CA) | Simpson |
| Flake | McCaul (TX) | Smith (NE) |
| Forbes | McCotter | Smith (NJ) |
| Fortenberry | McCreery | Smith (TX) |
| Fossella | McHenry | Souder |
| Foxx | McHugh | Stearns |
| Franks (AZ) | McKeon | Sullivan |
| Frelinghuysen | McMorris | Tancredo |
| Gallegly | Rodgers | Terry |
| Garrett (NJ) | Mica | Thornberry |
| Gerlach | Miller (FL) | Tiahrt |
| Gingrey | Miller (MI) | Tiberi |
| Gohmert | Miller, Gary | Turner |
| Goode | Moran (KS) | Upton |
| Goodlatte | Murphy, Tim | Walberg |
| Granger | Musgrave | Walden (OR) |
| Graves | Myrick | Walsh (NY) |
| Hall (TX) | Neugebauer | Wamp |
| Hastings (WA) | Nunes | Weldon (FL) |
| Hayes | Paul | Weller |
| Heller | Pearce | Westmoreland |
| Hensarling | Pence | Wilson (NM) |
| Hерger | Peterson (PA) | Wilson (SC) |
| Hill | Petri | Wittman (VA) |
| Hobson | Pickering | Wolf |
| Hoekstra | Pitts | Young (AK) |
| Hulshof | Poe | Young (FL) |

NOT VOTING—15

| | | |
|----------|-----------|----------------|
| Boswell | Feeny | Platts |
| Buyer | Gilchrest | Rush |
| Cubin | Green, Al | Wexler |
| Delahunt | Lucas | Whitfield (KY) |
| Engel | Melancon | Wu |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1310

Mr. WALSH of New York changed his 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.

The SPEAKER pro tempore (Mr. CARSON of Indiana). Pursuant to House Resolution 1339, S. 2062, as amended, is considered as passed and the House is considered to have insisted on its amendment and requested a conference with the Senate thereon.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 3890, TOM LANTOS BLOCK BURMESE JADE (JUNTA’S ANTI-DEMOCRATIC EFFORTS) ACT OF 2008

Mr. LEVIN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make the following changes in the engrossment of the House amendment to the Senate amendment to the text of H.R. 3890 that I have placed at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike subsection (c) of section 6 of the bill and insert the following:

(c) CONFORMING AMENDMENT.—Section 3(b) of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61; 50 U.S.C. 1701 note) is amended—

(1) by striking “prohibitions” and inserting “restrictions”;

(2) by inserting “or section 3A (b)(1) or (c)(1)” after “this section” and

(3) by striking “a product of Burma” and inserting “subject to such restrictions”.

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

There was no objection.

GENERAL LEAVE

Mr. REYES. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert additional information into the RECORD.

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

There was no objection.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The SPEAKER pro tempore. Pursuant to House Resolution 1343 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5959.

□ 1313

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. SALAZAR in the chair.

The Clerk read the title of the bill.

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

The gentleman from Texas (Mr. REYES) and the gentleman from Michigan (Mr. HOEKSTRA) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

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

Mr. Chairman, intelligence is critical to every decision affecting America’s national security. Whether the challenge is learning the intentions of our Nation’s adversaries or detecting the location of the next roadside IED in Iraq, America needs a well-resourced and well-managed intelligence community.

□ 1315

This committee’s primary responsibilities are to authorize funds for the intelligence agencies, to conduct vigorous oversight over their operations and to ensure that those operations are effective, legal and an appropriate use of taxpayer money.

Mr. Chairman, this afternoon I want to thank my colleague, Mr. HOEKSTRA, the gentleman from Michigan, for working with me in a bipartisan fashion to bring this bill to the floor. I also want to thank the staffs on both sides of the aisle for the great work that they have done to bring this bill to the floor today.

This year, as in years past, I have gone to the front lines to see our courageous intelligence professionals perform their jobs. They do this quietly, often without recognition or praise. Many spend time away from their families, often in very dangerous situations and under very dangerous conditions. This bill is the tangible sign of our support for the women and men of our America’s intelligence agencies.

We’re providing robust funding for our most important priorities including HUMINT, language capabilities and technical capabilities.

Our principal concern continues to be that al Qaeda is stronger today than at any time since September 11, 2001. Osama bin Laden and his key deputies remain at large. But al Qaeda is not the only terrorist group that has gained strength. Over the past 7 years, Hezbollah and Hamas have become more capable and even more determined. Dangerous states, including Syria, are pursuing nuclear capabilities. There is the possibility that one of these states, or even a rogue scientist, could transfer fissile material to a terrorist group. This must remain our foremost priority and our top concern.

This bill invests in people, our most precious resource. It adds funding to enhance human intelligence collection, not only for counterterrorism, but also for enduring and emerging global security issues, such as challenges that we face in Asia, Africa and Latin America, to name a few. This bill also contains a number of provisions that promote greater accountability, including the creation of a new Inspector General for the intelligence community.

Our bill will improve language capabilities in the intelligence community by adding funding for speakers of critical languages and requiring reports to

Congress to evaluate progress in this perennial problem area. The bill also mandates implementation of security clearance reform to make it easier for first and second generation Americans, many of whom have critical language skills, to serve in the intelligence community with proper clearances.

I mentioned earlier that one of the responsibilities of this committee is oversight. Yet this administration has repeatedly failed to comply with the National Security Act of 1947, which mandates that our committee be “fully and currently informed” of all the intelligence activities from the administration. This bill enhances congressional oversight by ensuring that the committee receives the information that it needs to perform its inherent oversight function.

Working on a bipartisan basis, our committee adopted two provisions to enhance reporting on intelligence activities to the full membership of the congressional intelligence committees. One provision would restrict 75 percent of all covert action funds until the full membership of the intelligence committees is briefed on all covert actions in effect as of April 24, 2008. A second provision would restrict the administration's attempts to brief only the chairman and ranking member and clarify which information must be reported to our full committee.

This legislation also authorizes much of the requests for the foundational activities of the cybersecurity initiative, but it also expresses the committee's serious concerns about potential policy, implementation and governance issues. Our committee is also concerned that Congress does not have a comprehensive understanding of the magnitude of human and fiscal intelligence resources that have been devoted to Iraq, possibly at the expense of fighting the war on terror. H.R. 5959 requires a detailed report to our committee on this very topic.

The bill also addresses a number of long-term technical challenges in the intelligence community. It does so by adding significant resources to modernize signals intelligence capabilities and integrate them into the global enterprise.

Finally, Mr. Chairman, despite the size of the budget request, the administration did not include funds adequate to keep the U.S. intelligence community competitive in advanced technologies. Research and development funding is our Nation's investment in maintaining our edge in state of the art technologies. Our bill adds funds to four agencies specifically for that purpose. And the committee urges the executive branch to sustain, if not increase, this level of funding in future budgets.

In our markup, Mr. Chairman, the committee adopted a number of amendments offered by both the majority and minority members. One of those important amendments, crafted with bipartisan cooperation, will pre-

vent CIA contractors from engaging in interrogations unless the Director of National Intelligence provides a waiver.

Our goal is to put this committee back in the authorization business by getting a bill to the President's desk that he can sign. To do that, we can't tackle every single important issue in this one bill. But if we fail to pass this bill, we risk eroding Congress' ability to strengthen and oversee intelligence operations that are vital to American national security.

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

Mr. HOEKSTRA. Mr. Chairman, I would like to yield myself as much time as I shall consume.

Mr. Chairman, the annual Intelligence Authorization Act is one of the most important bills that the House passes each year. It provides and allocates resources critical to national security programs that are the front lines of America's defense and foreign policies and, most critically, work to detect, prevent and disrupt potential terrorist attacks against the American people. The bill is also essential to ensure close and effective congressional oversight of the intelligence community.

There are issues that remain to be worked out as the legislative process continues. But I appreciate the work that Chairman REYES has done to avoid many of the contentious items that have recently prevented the enactment of an intelligence authorization bill. And I appreciate that the bill reflects areas of consensus on critical national security issues.

I believe that this bill is strong in two areas. First, it was significantly improved by seven Republican amendments that were adopted on a bipartisan basis to address what I believe are important issues in priorities facing the intelligence community. Among these, the committee adopted my amendment to remove all earmarks from the bill, a significant step forward. Our intelligence program should be based on only one primary consideration, what best ensures that the intelligence community is able to do its job in the interest of the national security of the United States.

The committee adopted an amendment offered by my colleague from Michigan (Mr. ROGERS) to limit the size and unintended bureaucratic growth of the Office of the DNI, the Director of National Intelligence. The bill also includes another amendment by Congressman ROGERS to require a high-level strategic evaluation of the FBI's progress in transforming its FBI's intelligence capabilities. This process may not be moving forward fast enough to accomplish the needed changes and needs close attention.

The bill is also strengthened by significant provisions to improve congressional oversight of the intelligence community and the executive branch which addressed issues I have repeat-

edly raised since serving as chairman of the committee. These include provisions to clarify that each member of the Intelligence Committee must be fully and currently briefed on current activities. Again, I'm pleased that we're able to take and improve this oversight on a bipartisan basis. Republicans and Democrats on the committee both believe that we need this information to be able to effectively do our job. Some work remains to be done to smooth this out. But we have taken the right steps to move this forward. I appreciate the chairman's work to develop this framework for this important reform.

I understand and he understands that the executive branch may not like enhanced oversight and that they have expressed their concern about the provisions of the bill that strengthen the oversight process, including congressional notification, increased reporting and auditing. But there is no single current issue on which there is stronger bipartisan consensus on the committee than our concern that the administration is not fulfilling its statutory duty to keep each member of the committee fully and currently informed with respect to certain intelligence matters.

In the past year alone, I joined with Chairman REYES to call on the President to brief the members of the committee with respect to intelligence regarding the al Kibar facility in Syria. The full committee was not briefed until the day the information was subsequently disclosed to the public. The committee was briefed months too late, and we received the information after the media did. On another matter, the administration has refused to brief all members of the committee even though it has briefed five members of the committee staff. It is clear that reforms are necessary.

In addition to these legislative provisions, I believe that the classified annex adequately supports our needs in important areas such as human intelligence collection and contains additional provisions to enhance oversight. While I may not agree with each of the specific authorizations, on balance the classified portion of the bill generally reflects consensus on the programmatic requirements needed to protect our national security.

Despite these areas of consensus, I must point out that I have concerns with parts of the bill and the action of the Rules Committee not to make certain important amendments in order. I'm disappointed with certain provisions relating to national intelligence space systems. Certain levels of funding fall short, and the bill fails to stimulate a sense of urgency in overhead architecture and shortfalls. In certain areas, it mandates technical solutions without a complete analysis.

I also have concern with what I believe is an unnecessarily complex and unwieldy provision to create a new Inspector General of the intelligence

community. While I support the enhancement of oversight for community-wide issues, this provision would significantly duplicate existing efforts and further grow the size of the DNI bureaucracy. I hope that we can continue to improve the bill as it moves through the process. I also hope that we can work to address concerns that have been raised by the intelligence community with respect to section 425 of the bill concerning the use of contractors.

Finally, I need to express my strong concern that the Rules Committee did not make in order an amendment I submitted that would prevent funds authorizing the bill from being used to transfer Guantanamo detainees to the United States. This provision should not be necessary. I believe that the public consensus that trained terrorists should not be brought into the American cities should be clear and overwhelming. However, there is a significant possibility that lawyers may try to argue that trained terrorist detainees should be released on American streets. This would be judicial activism at its worst, unsupported by either clear legal precedent or statutory authority. Congress must send a clear message immediately on this critical issue. We may have the opportunity to do that later today.

On balance, this bill is a workable bill. It needs to be improved. And I look forward to seeing exactly how the amendments process moves forward through the day.

I reserve the balance of my time.

Mr. REYES. Mr. Chairman, it is now my pleasure to yield 2 minutes to the gentleman from Alabama (Mr. CRAMER) who serves as chairman of our Subcommittee on Oversight and Investigations. May I add, Mr. Chairman, that on a personal note, I'm privileged and proud to have served with Mr. CRAMER on the Intelligence Committee for about 8 years. This is his last authorization bill. He will be retiring at the end of this Congress. So I just wanted to thank the gentleman for his service and for his work. He has never stopped working up to the very end here in his last term.

Thank you, Mr. CRAMER, for your great work.

Mr. CRAMER. Mr. Chairman, thank you for those kind words.

I, too, have enjoyed almost every minute of service on this Intelligence Committee. I say to Mr. HOEKSTRA, as well, the years that we put in together trying to steer through post 9/11, the struggles of holding the agencies' feet to the fire but at the same time forcing them to change, to do things differently to protect this country in a more unified way, it has been extremely rewarding to see both sides come together.

□ 1330

I wanted to use my time today to say that I stand in strong support of H.R. 5959 because I think this edition of the

intelligence authorization bill does the same thing, and that is it forces the agencies to be more efficient, it forces them to work together, and at the same time it is providing our men and women around this world the resources that they need to do an even better job of protecting us.

I am particularly concerned about our access to space. It is in the national interest of the United States to have domestic capability for assured access to space. So as this bill proceeds forward, I hope we will make sure that while we are performing oversight and we are forcing the agencies to become more efficient, to consolidate what they do, that we don't throw the baby out with the bath water.

I know my colleague from Alabama, TERRY EVERETT, who is going to speak in a few minutes as well, has been particularly concerned about the access to space issue. My colleague, the gentleman from Alabama (Mr. EVERETT) is leaving the committee as well, so Alabama loses one on each side after this Congress.

Mr. EVERETT, I want to say that the people of Alabama and the people of this country are proud of your career here in the United States Congress. We are proud in north Alabama of our partnership with you. And as I have watched you through the committee process bring the access to space issues to the forefront, this country is a better place because of your service here.

I also want to thank my colleagues. We work hard in cramped, windowless rooms to make sure that the agencies answer the questions that we want our constituents to have answered. They come sometimes to the committee kicking and screaming, but I am proud of the work you do.

Mr. HOEKSTRA. Mr. Chairman, I would like to extend my congratulations to Mr. CRAMER on his retirement. We are going to miss you in the committee, Mr. CRAMER. Alabama is going to lose two great Members of Congress, two members who have helped make the Intelligence Committee a better committee, who have studied the issues. We will miss you and wish you well, but I am sure we will see you again. Thank you for the work and effort you have put on the committee.

My colleague, the gentleman from Alabama (Mr. EVERETT) is also going to be leaving. I am not sure what the folks in Alabama have put in the water this year, but they are drinking the same thing and have decided to retire. Again, Mr. EVERETT has also contributed a tremendous amount of time, energy and effort in learning the issues of the Intelligence Committee and making sure that the work we do on the committee is a bipartisan effort, coordinated with the efforts in the Armed Services Committee to make sure that the Intelligence Committee and the Armed Services Committee are moving in the same direction and doing the things that are necessary to keep America safe.

At this time I would like to yield 2 minutes to the gentleman from Alabama (Mr. EVERETT).

Mr. EVERETT. Mr. Chairman, I thank Mr. HOEKSTRA and Mr. CRAMER. I can assure the American people that knowing the members on both sides of the aisle who serve on the Intelligence Committee and the staff who supports them, even though two Alabamians are leaving, the Nation will still be safe and in good hands.

I do rise in support of the Fiscal Year 2009 Intelligence Authorization Act. The process for this year's bill was much improved over last year; so for that, I thank my friend and chairman, SILVESTRE REYES, and our ranking member, Mr. HOEKSTRA. It has been 3 years since we have had an intelligence authorization bill, and that has created a void in many important policy areas and in programmatic guidance for the intelligence community.

It is critical that we get a bill passed through the House and Senate that can be signed by the President, and I hope that can be accomplished before we adjourn this year.

I have a number of concerns about the bill, some of which have been detailed in the minority views of the committee report, but I would like to focus on a few of the joint programs that have military application as well.

With regard to the national security space systems, the bill falls short of fully addressing problems in our overhead architecture. As the report notes, "National security space systems have been and will continue to be a cornerstone of the Nation's intelligence collection capability."

As Mr. HOEKSTRA pointed out, critical national security space systems are not properly funded in conjunction with a complete programmatic analysis that shows a way forward. This can be addressed and hopefully will be addressed in conference with the Senate.

As I wind down my career in Congress, this will be my last intelligence authorization work. The work we do here is fascinating and important to our national security, and I am pleased to have been a part of this for the past 6 years. As one of the crossover members from the House Armed Services Committee, I want to reiterate—

The CHAIRMAN. The gentleman's time has expired.

Mr. HOEKSTRA. I yield my colleague an additional minute.

Mr. EVERETT. I want to reiterate the importance of having members serve simultaneously on both committees. It is especially important to have a member of the Strategic Forces Subcommittee serve on HPSCI in order to maintain a clear understanding of how the shared military and intelligence overhead programs operate so that the right hand, Mr. Chairman, knows what the left hand is doing.

I say again I appreciate having served over the years with the members of the committee. I urge my colleagues to support this bill. It is not

perfect, but it is a very good bill and it needs passing.

Mr. REYES. Mr. Chairman, before recognizing a very senior and valued member of our committee, I wanted to wish my good friend and former chairman of the Strategic Forces Subcommittee on Armed Forces well on his retirement. I have had the privilege of working with Mr. EVERETT since I have been in Congress on Armed Services and also on Intelligence. I know how much he cares about the issues that affect our national security, and so I want to wish him well in his retirement as well.

Good luck, TERRY.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO), a senior member of our committee, who serves as the chairwoman of our Subcommittee on Intelligence Community Management.

Ms. ESHOO. Mr. Chairman, I want to salute the chairman of our committee for his superb leadership and caring so much about not only the issues of intelligence but everyone that is a part of the intelligence community. I want to thank all of the marvelous staff on the majority and minority side, and I salute the ranking member of the committee as well.

This is a tough committee to serve on. People don't know what we are talking about. We do it in secret. We really can't talk to our colleagues very much about it. And yet we make some of the weightiest decisions that any Members of Congress would make because we deal with what is the most important issue, and that is our national security, the protection of the American people and giving the intelligence community, making the choices to give the intelligence community all the tools it needs in order to function and protect the American people and that we weigh and balance and always know that we are working under the Constitution of the United States of America. So this is really where the rubber meets the road.

I support the bill. Just like all of the other bills we deal with, there are pluses and minuses. I am very pleased that there are no earmarks in this bill. That is the first time since I came onto the committee that that is the case. I am very glad that 75 percent of the dollars for covert action have been fenced. In other words, no notification from the administration and from the intelligence community, no money. And that's the way it should be because the American people expect us to verify. They expect us to know and then we can take action. We have to do oversight.

For the first time in the history of our country, we have brought together a National Intelligence Assessment on global climate change and the effect it will have on national security. I am very proud of the work we have been able to do on that.

For the first time there will be an inspector general in the intelligence

community; and the administration, believe it or not, is still fighting that. Imagine having an inspector general, independent oversight of the intelligence community. I think that's a darn good idea and I hope it will prevail and that the President changes his mind on this.

We still have a lot of work to do to have more human intelligence in countries where we need them. We have a lot of work to do on black prison sites, the operation of them by the CIA and renditions. But with that, Mr. Chairman, I want to commend especially Congressman BUD CRAMER for the magnificent, honest work he has done on the Intelligence Committee and here in the Congress and wish him well, and Mr. EVERETT, too.

I ask my colleagues to support the bill. It has good things and it has some other things that are missing. But overall, I think it is a bill worth supporting.

Mr. HOEKSTRA. Mr. Chairman, at this time I would like to yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY), a member of the committee.

Mr. THORNBERRY. Mr. Chairman, I want to thank the ranking member for yielding.

Mr. Chairman, this is not the intelligence authorization bill that I would have written exactly, but I think it is important to start out by thanking the chairman and the ranking member for taking some risk to have a bipartisan bill that can have support from both sides of the aisle. That is unfortunately fairly rare in this Chamber to be able to work together on something that is important, especially in national security, and yet that has happened here.

Intelligence is very important for our country's security. In many ways it is the first line of defense. Certainly all our other national security efforts depend upon intelligence. And so working together in a bipartisan way, even being willing to take some risks to have a bill with bipartisan support, means we can't have everything we want, but we will work together in order to move this bill forward.

Secondly, I think it is important to acknowledge the enormous influence of three retiring Members, three Members retiring from Congress after this Congress: the gentlewoman from New Mexico (Mrs. WILSON) whose personal military background, intelligence, and nature of her district has made her a leader on many issues, especially in the area of technical collection; the gentleman from Alabama (Mr. EVERETT) with whom I serve on the Armed Services Committee, and we have worked on many issues, but no one is as knowledgeable and passionate about the issue of space and space policy as the gentleman from Alabama; and then the other gentleman from Alabama (Mr. CRAMER), he and I were partners in the last Congress when for the first time this Congress stood up an oversight subcommittee just also as we were be-

ginning to implement the Intelligence Reform Act. The gentleman from Alabama (Mr. CRAMER) is one of those fairly rare Members who always asks what is in the best interest of the country first, and it will be a significant loss to this Congress and to the country upon his retirement.

Mr. Chairman, there are a number of commonsense reforms in this bill that may not make headlines. One of the issues Mr. CRAMER and I have worked on, for example, in the past is how can we measure improvement in intelligence, for example, in foreign language capability. There are some specific provisions in this bill which do help us have specific measurements so we can tell whether we are increasing our capability, not just as far as numbers of people but in their fluency in specific languages. That is absolutely critical for the purpose of intelligence. And yet even for something like that, it is hard for any of us to measure whether we are making the improvements that need to be made.

Making sure that any administration gives this committee the information we deserve to do our job is a challenge. This bill deserves support.

Mr. REYES. Mr. Chairman, it is now my privilege to yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER) who serves as the chairman of our Subcommittee on Technical and Tactical Intelligence and who proudly represents NSA which is in his district.

Mr. RUPPERSBERGER. Mr. Chairman, I rise today to support H.R. 5959. I would first like to thank Chairman REYES and Ranking Member HOEKSTRA for their leadership in helping us put together a good bipartisan bill. I also am going to miss BUD CRAMER, TERRY EVERETT, and HEATHER WILSON. We have all worked well together on this committee. You will be missed.

I ask my colleagues to vote for this bill because it supports the men and women who work within the intelligence community. The National Security Agency, the NSA, is headquartered in my district. I personally know that NSA's employees work very hard to ensure our Nation's security.

□ 1345

We must continue to invest in the people and resources necessary to make our intelligence community effective. Intelligence is the best defense against terrorism.

This bill advances the Cybersecurity Initiative to protect our computer networks, a very important issue that we will be dealing with in the future, cybersecurity attacks. We know now that certain countries are attacking the United States of America through the Internet.

Two, it increases research and development so that we can maintain our technical advantage; and, three, invests in both satellite and airborne collection and in the systems needed to

process, exploit and distribute this data.

The intelligence community faces enduring technical challenges, but this bill provides our people, who are our most important asset, with the tools they need to do their jobs well. In order to protect our country from threats from countries such as China and Russia, we must continue to invest heavily in science and technology.

This bill lays the foundation for the future and communicates areas of concern to current intelligence leaders and the next Presidential administration.

I urge my colleagues to support this bill and the important work of the intelligence community.

Mr. HOEKSTRA. Mr. Chairman, at this time I would like to yield 3 minutes to my colleague from the State of Michigan (Mr. ROGERS) who was successful in the committee in passing two important amendments to improve this bill.

Mr. ROGERS of Michigan. I thank the gentleman from Michigan.

Mr. Chairman, thank you very, very much for working in such a bipartisan way. I often think after some of our most spirited meetings in the Intelligence Committee, where we have passionate, civil debates, how proud, really, America would be that all of us on both sides of the aisle give all of ourselves to the right outcome on these bills. I want to thank you for allowing that debate to happen in committee.

To Mr. THOMPSON, I have enjoyed working with you on the committee, and I think we have done some great things in a bipartisan way.

Mr. Chairman, this is one of those bills that while I think both sides probably would have had a few things different, but because we committed ourselves to put the country first and bipartisanship as our final goal and what works for America, you have a package here that I think sends a great message to the most important group that this bill will impact, and that's the men and women who risk their lives every single day trying to make sure we have the best intelligence to our war fighters, to our police officers, and to keep this country safe. For all of that, to the staffs on both sides, thank you very much.

I want to bring your attention to two particular issues. There are a lot of great things in here to think about.

One is the FBI policy. Thank you again for working with us on what I think is a growing problem with the Federal Bureau of Investigation, and this, I think, was the first signal we need to get a handle on it. The FBI implemented an "up or out" policy for its supervisors that was supposed to allow new people in and promote the supervisory special agents, people who had over years developed a Rolodex where they could call the local police chiefs, work with the local community, get to know and understand and gain the trust of these local communities.

We have hustled them out after 5 years. They may be the best per-

forming supervisory agents the Bureau has ever had, but when the clock runs out, you're done.

In that policy, we have lost half. Almost 290 supervisory special agents have left management in the FBI, retired, stepped down, quit, whatever they have decided to do that wasn't in their interest or their family's interest, because of this policy.

I can think of no policy that discriminates against half of your management that we would call successful at a time where we need experience to guide these new agents, which are about half of them, by the way, are fairly new, I think under 5 years or 7 years, something like that. We have tried to work with the Director and say this is the wrong approach, this is a punishment approach. You have great men and women committing themselves to these careers, dedicating themselves to these supervisory positions. We need to reward them, not punish them.

We have tried to set up a housing policy to entice them. Three years, longer than 3 years, even after the agreement from the Director, we have been working on this to no avail. It has gone nowhere. Instead, they continue to say this is a policy that works.

They are separating themselves from the field, and it's dangerous. Over the last 2 weeks I bet I have talked to a dozen agents, some in supervisory roles, others who are not, who are impacted by their supervisors either leaving or new ones being hired, 12 agents, 100 percent unanimity. This is a bad and dangerous plan for the future of the FBI.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOEKSTRA. I yield an additional minute to my colleague.

Mr. ROGERS of Michigan. I think that this is an issue that we have to even pay more attention to. This is an important step to regain the confidence of the FBI and its leadership. It has to happen. Thanks for your leadership on it.

Lastly, I just want to talk about the DNI, the Director of National Intelligence. I have worked with Mr. THOMPSON on this. We have spent a lot of time understanding this. Our concerns are real, and the intelligence community concerns are real.

We created this new organization. Its job was to coordinate, not be operational. We have found that it goes well beyond mission creep, and it is in mission grasp. It is bloated, it's too big, and it became an agency not that supported the decision and calculations of the field, but became supported by the field.

It's a dangerous development in intelligence. I appreciate working with you. I know we have a lot more work to do. Congratulations to all on a bill that will, I think and believe, keep America safer.

Mr. REYES. Mr. Chairman, I now yield 3 minutes to the chairman of the

Terrorism, Human Intelligence Analysis and Counterintelligence Subcommittee, the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I want to thank both Chairman REYES and Ranking Member HOEKSTRA for their leadership and making sure we had a good bipartisan bill that benefits the people of this great country, the staff that worked so hard to make this happen on both sides of the aisle, and, in particular, the ranking member of my subcommittee, Mr. ROGERS, for working together to make this a good bill.

Human intelligence, or HUMINT, is one of the most difficult but effective means of understanding our adversaries' plans and intentions. This bill adds funds improve HUMINT collection on counterterrorism and other critical national security challenges. It also adds HUMINT resources for global challenges, such as the political and humanitarian crisis in Asia, Africa and Latin America. The events unfolding in those regions demonstrate that we must always have the resources to understand these threats.

The information we collect, however, is only useful if analysts translate it into actionable intelligence for policymakers and law enforcement. For that reason, this bill provides resources to improve intelligence analysis across the entire intelligence community. It also authorizes additional personnel to support State and local law enforcement so they can better address the challenges of border security, counterterrorism and infrastructure protection.

And the bill also calls for fiscal restraint. As Mr. ROGERS mentioned, since its creation in 2004, the Office of the Director of National Intelligence has grown into a bloated bureaucracy that hinders, rather than facilitates, intelligence complexes and analysis. This bill adds an amendment that Mr. ROGERS and I introduced in committee that prevents further growth in the Office of the Director of National Intelligence.

Finally, Mr. Chairman, this legislation provides critical intelligence resources for our troops and strengthens oversight of intelligence support to the military. Many of us have visited our troops in Iraq, and we have seen firsthand that good intelligence saves American lives on the battlefield.

This bill will greatly improve our intelligence capabilities and enhance our national security. I urge all my colleagues to support it.

In closing, I too want to add my name to those who are very appreciative and thankful for our friends, Mr. EVERETT and Mr. CRAMER, who did a great job on the committee. They were a pleasure to work for, they are fine Americans, and we are going to miss them.

Mr. HOEKSTRA. Mr. Chairman, at this time I would like to yield 3 minutes to another member of the committee, Mr. MCHUGH from New York.

Mr. MCHUGH. I thank the gentleman for yielding.

We have heard, I would say to my colleagues repeatedly today, this is not a perfect bill. We also should hear that shouldn't be a surprise. Rarely on the House floor here have perfect bills been delivered. Rather, as I think the Founding Fathers would have intended, we see a work in progress.

This is a bill that started off at a certain place, that came through the committee process, and although I may be somewhat prejudiced, I firmly believe has been far improved from that starting point through that committee process. There have been some seven amendments that I think have upgraded it and have put us on the right path.

I want to say Mr. Chairman, I have enormous respect, enormous affection for both the distinguished chairman from the great State of Texas, my good friend, SILVESTRE REYES, as well as the gentleman from Michigan, the distinguished ranking member, who have gone so far in working together to make such a difference. There are far, far fewer bills that reach this House floor that are more important in this day and age for the safety and for the security of the American people.

I have to tell you I share the distinguished ranking member's concerns about the failures of this administration to adequately inform, to adequately brief all the Members on both sides of the aisle, not just so-called leadership, but all the Members, as to the ongoing activities with respect to our intelligence systems throughout this world.

I think that the American people need to be assured that as we go forward in these very dangerous and uncertain times that there are certain individuals in this House that have, as the law intends, the opportunity to be fully informed and make sound judgments about what is appropriate and what is not.

Frankly, as a member of this committee, I am somewhat frustrated by the lack of total input, the lack of total briefing that has occurred from the administration side, and I look forward to a better day.

I think tomorrow can help us to further improve this bill. We have the opportunity now, through the conference process, to continue to improve upon it, to continue to make sure that the end product that we send to the other end of Pennsylvania Avenue, to the President, is a good bill, a bill that in these very challenging moments of our lives ensures the American people have the best possible, the most well-resourced, and the most responsible intelligence activities we can possibly have.

This is a very appropriate start. It deserves our support, and I urge all my colleagues to support this bill.

Mr. REYES. Mr. Chairman, I now yield 2 minutes to the gentleman from New Jersey, my colleague, Mr. RUSH

HOLT, who also serves as the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. I thank the Chair, and I rise in support of the bill.

The work in the Intelligence Committee is some of the most difficult work that goes on here in the House, behind closed doors, necessarily with little public input, but we are blessed with a good staff and a good chairman. We never forget that our work is about people, about the safety of the American people and about the hardworking, brave people of the intelligence community.

H.R. 5959 contains some useful provisions that are designed to strengthen congressional oversight. Among these is a fence of 75 percent of covert action funds, fenced until each member of the House and Senate intelligence committees has been fully briefed.

I think it would be sufficient to say that this administration has taken a cavalier attitude toward its legal obligations to keep the committees fully and currently informed.

This bill would require the CIA Inspector General to conduct audits of all covert action programs regularly. It would increase critical research and development activities and improve foreign language capabilities. It would prohibit the use of contractors for CIA detainee interrogations.

It would clarify what "fully and currently informed" in the law means for briefing Congress so that all information necessary for Congress would be provided, and it explicitly requires that all committee members be notified in general, not just selected members.

It requires guidelines for the implementation of a multilevel security clearance to increase linguistic and cultural expertise. It would require reports on the use of contractors, on workforce diversity, on foreign language proficiency, on the protection of intelligence officers' identities.

There are a number of good features. This is a good bill that strengthens our oversight of the intelligence community. We do have a long way to go to provide the kind of oversight needed after many years when the intelligence community got almost every wish, billions of dollars with insufficient justification.

I do support the bill and urge that my colleagues do as well.

□ 1400

Mr. HOEKSTRA. Mr. Chairman, at this point in time, I have no other speakers so I shall reserve the balance of my time.

Mr. REYES. Mr. Chairman, I now yield 2 minutes to the distinguished gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, as you know, bringing accountability and transparency to contracting has been a priority of mine, and I have worked to ensure that companies that we award contracts to are held respon-

sible for any abuses. I believe we must make certain that the intelligence community is not using U.S. taxpayer dollars to enter into or renew contracts with companies that may be engaging in serious abuses of law and violence toward civilians and whose actions go unpunished.

Around the world our country is contracting with private companies that employ individuals who do not wear the badge of the United States but whose behavior has, on numerous occasions, severely damaged the credibility and security of our military and harmed our relationship with other governments. Perhaps the most egregious example came on September 16, 2007, when private security contractors employed by Blackwater Worldwide killed 17 civilians and wounded many more in downtown Baghdad. No one has been held accountable for this.

At a minimum, we need a more transparent process to hold private contractors accountable and more information in order to understand their impact on our Intelligence Community, our armed forces and our larger objectives.

I thank the chairman for including language prohibiting the use of contractors for interrogation, as well as a provision requiring a comprehensive report on the use of contractors in the intelligence community.

If I may ask the chairman in a brief colloquy if the chairman will work with me to include additional language in the conference report calling for a report that examines the extent of criminal activity among intelligence community contractors and assesses the effects of hiring contracting companies that are responsible for serious legal violations.

Mr. REYES. Will the gentlewoman yield?

Ms. SCHAKOWSKY. Yes.

Mr. REYES. The answer is yes. I will be happy to work with you in conference.

Ms. SCHAKOWSKY. Well, thank you, Mr. Chairman. And I am happy to support this legislation.

Mr. HOEKSTRA. At this time I would like to continue to reserve the balance of my time.

Mr. REYES. Mr. Chairman, can I inquire as to the time on both sides.

The CHAIRMAN. The gentleman from Texas has 7½ minutes, and the gentleman from Michigan has 10 minutes.

Mr. REYES. And can I inquire of my colleague if he has any additional speakers.

Mr. HOEKSTRA. I am probably the only speaker left. I will close at the appropriate time.

Mr. REYES. Then I will be pleased to recognize a hardworking member of our committee, the gentleman from Rhode Island (Mr. LANGEVIN), for 2 minutes.

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

Mr. LANGEVIN. I thank the chairman for yielding, and I want to commend the chairman and the ranking member on their hard work on this bill, particularly staff, who also has worked hard on this legislation.

I rise today in strong support of H.R. 5959, the Intelligence Authorization Act for Fiscal Year 2009.

While the bill contains a number of important provisions to strengthen our intelligence community and enhance national security that many of my colleagues have already been speaking about, I am particularly pleased that it represents a reasonable and measured response to the administration's cybersecurity initiative.

Now, this bill, the cybersecurity initiative, is the administration's response to the cybersecurity threats facing the Nation. And although the administration has been slow in recognizing this threat, I believe the cyber initiative is a move in the right direction, but requires careful scrutiny.

Now, this bill reduces funding in selected areas where it is not adequately justified. However, recognizing that cybersecurity is a real and growing threat that the Federal Government has been slow in addressing, the Intelligence Committee has authorized more than 90 percent of the administration's requests.

At the same time, the bill clearly demonstrates that the committee does not intend to write the administration a blank check for the cybersecurity initiative, which is a multi-year, multi-billion dollar project.

Now, we need a thorough assessment of the technical feasibility and scalability of the initiative and a careful balance between cybersecurity and privacy protections. Thus, the bill envisions an advisory panel of senior representatives of Congress, the Executive Branch and industry who can tackle these issues.

I was co-chair of the CSIS Commission on Cybersecurity for the 44th Presidency, basically a commission that will present a blueprint on cybersecurity for the next President. I have been deeply involved in developing recommendations for a national cybersecurity plan that protects, among other things, our critical infrastructure assets and infrastructure itself, as well as Federal networks and also the private sector.

Furthermore, as a member of the House Intelligence Committee, and as chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science Technology, I will continue to ensure and exercise rigorous congressional oversight over this issue as it evolves.

The measure before us is an important first step in addressing our cybersecurity threats and closing that vulnerability and it is, obviously, a critical national security issue. And I urge my colleagues to support passage of this bill.

Again, I commend Chairman REYES for his leadership, and also thank staff

for the great work they have done on this bill today.

Mr. HOEKSTRA. I continue to reserve.

Mr. REYES. Mr. Chairman, it is now my privilege to yield 3 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the chairman for yielding, and rise in support of H.R. 5959.

I want to congratulate our chairman, Mr. REYES and his staff for putting the bill together. In particular, I am proud that this bill authorizes the funding that our intelligence community needs to help prevent terrorists from attacking the United States with a nuclear device.

A nuclear terrorist attack on the United States or on our troops in the field is the greatest national security threat facing our country. While part of this fight occurs at our borders, the intelligence community is the tip of the spear, at the forefront of our efforts to prevent a nuclear terror attack. The many analysts and officers of the intelligence community ensure that we know as much as possible, not only about the terrorists who would attack us with a nuclear device or a radiological disease, but also about those who may sell fissile material that they seek. This bill supports our men and women in the intelligence community as they attempt to ensure that nuclear material stays out of the wrong hands.

It is much easier to prevent terrorists from getting a hold of nuclear material than prevent them from getting nuclear material or a nuclear device into the country. Our country is large, our borders are porous, and we have to stop the access of people who mean us ill from gaining nuclear material.

The bill protects Americans against nuclear terrorism by funding the Nuclear Materials Information Program as well, a Department of Energy-led effort to understand how much nuclear material is stored worldwide, what the security is at these sites, the signatures of this material, also a key ingredient of our nuclear forensics efforts.

But there is more that we still must do. H.R. 1, signed into law by the President almost a year ago created the position of the United States Coordinator for the Prevention of Weapons of Mass Destruction, Proliferation and Terrorism. We must have an individual, a single person who can marshal all the resources and expertise to prevent the most horrific attack imaginable. However, no one has been appointed to this post. It remains vacant. I urge the President to fill this position as soon as possible.

Nuclear terrorism is the preeminent threat of our time, and all efforts have to be made to mitigate that threat. What we need to do is imagine what a post-nuclear 9/11 Commission report would look like, what would its recommendations be? And we have to implement those recommendations now; not wait until there is a calamity.

I am proud that this legislation addresses the threat by authorizing the resources our intelligence community needs to meet that threat.

And again, I want to thank you, Chairman REYES, for your leadership, and urge all of the Members to support the bill.

Mr. HOEKSTRA. Mr. Chairman, I would like to just inquire of the chairman of the committee, you are prepared to close as well?

Mr. REYES. That was our last speaker. I am prepared to close.

Mr. HOEKSTRA. Thank you. I will yield myself the balance of our time.

I am looking forward to, and I am glad that we have had such a collegial discussion about the bill, the process that we have gone through in the committee, to get to the point that we are.

Obviously, we are going to go through a process of trying to improve this bill while we are here on the floor today. I can look forward to going through that process. I look forward to hopefully passing an improved bill out of the floor, and then look forward to going to conference and hope that we can continue this same kind of partnership in trying to get, not only a bill through the House, but getting it through a conference process and getting a bill to the President that the President will sign.

It is important that the Intelligence Committees, that the House and the Senate, put their imprint on the intelligence community. We haven't been able to do that for 3 years. It is important that we do it and that we do it at this time. The intelligence community needs the kind of direction and the parameters that we have established in this bill, to ensure that Congress can do its work, but also that the intelligence community can do its work within a framework that has been established by the Congress.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. REYES. Mr. Chairman, I now yield myself the remainder of our time.

Mr. Chairman, again, I want to say how much I appreciate the cooperation and the work that the ranking member has done to bring this bill to the floor. I want to thank staffs on both sides in particular. I want to thank my Staff Director, Mike Delaney, my Deputy Staff Director and General Counsel, Wyndee Parker, and Chief Counsel, Jeremy Bash, for the great work that they have done.

And I also want to thank our Vice Chair of the committee, CONGRESSMAN LEONARD BOSWELL, who, unfortunately, was unable to accompany us here today because he is recuperating in the hospital. All of us wish him well and we want to see him back as soon as possible. He is a hard worker and contributes a lot to our committee.

And I also want to say that this is a good, solid bill. This is the kind of effort that our men and women in the intelligence community serving us proudly throughout the world deserve.

Each and every one of them gives their best effort, and they deserve the respect and the support of every Member of this body and everyone in this country. We thank them for the effort that they put forward, and we appreciate the commitment, the dedication and their professionalism, as well as the sacrifices that their families provide for our great country.

With that, Mr. Chairman, I want to say that it has been a privilege to lead this committee. We have great Members on both sides that care very much about our national security and work very hard on all the issues that are important to our country and our national security.

Mr. KUCINICH. Mr. Chairman, I want to thank all of those who serve our country through the gathering of intelligence for the protection of the American people. I appreciate their dedication and their attention to the gathering facts for deliberations related to our national security.

Regrettably, the current administration has destroyed the credibility of the Intelligence Community through the fabrication of intelligence. The Bush administration continues a relentless pursuit of a self-serving agenda rather than an agenda that serves the best interests of the American people.

No single example can more clearly illustrate this point than the administration's falsification and cherry-picking of intelligence to build a phony case for the war in Iraq. Through the manipulation of intelligence, the administration sold a war to the American public based on false statements that included a connection between Iraq and al Qaeda, Iraq and 9/11, as well as false claims that Iraq had weapons of mass destruction and intentions to attack the U.S.

As long as President Bush remains in office the intelligence budget will continue to be at risk for being used to support subversive intelligence and provide license to the administration to engage in criminal activity by shaping intelligence to fit corrupt policies.

Under the Bush administration there have emerged several high-profile classified leaks to the media that have reemphasized the need for reform within our intelligence agencies. From these media leaks, we not only became aware of the efforts to manipulate intelligence and to falsify a cause for war against Iraq but we also became aware of the illegal NSA domestic wiretapping program without a court order. We became aware of the rumored CIA detention centers in Eastern Europe, and the CIA's extraordinary rendition program, used to transport suspects to other nations with less restrictive torture policies. It is regrettable that intelligence is often reshaped to fit doctrine instead of doctrine being reshaped in the face of the facts of intelligence.

Furthermore, this bill will not stop unilateral covert U.S. intelligence operations aimed at bringing about regime change in Iran. As reported in a recent article in *The New Yorker*, the Bush administration is already engaged in collecting covert intelligence on Iran's alleged nuclear weapons program instead of engaging Iran in high-level diplomatic negotiations without preconditions. The administration has made clear their thirst for a war with Iran. The opportunity for unscrupulous tactics by this administration with respect to Iran clearly exists as long as this body stands idly by.

I strongly oppose this bill.

Mr. PRICE of North Carolina. Mr. Chairman, I rise in support of H.R. 5959, the Fiscal Year 2009 Intelligence Authorization Act, and the important measures to strengthen oversight and accountability of contractors that the bill includes.

I want to first thank Intelligence Committee Chairman SILVESTRE REYES for his leadership in crafting this bill. Chairman REYES very graciously worked with me to include in this bill major portions of legislation I recently introduced along with Representative JAN SCHAKOWSKY, H.R. 5973, the Transparency and Accountability in Intelligence Contracting Act.

For the last several years, I have been working to correct a serious lack of attention to the management and oversight of contractors in the Intelligence Community. Press reports indicate that roughly half of the Intelligence Community's budget is now contracted out, yet there is little understanding of where the money goes, what kinds of activities contractors are performing, whether this contracting saves taxpayer money, and whether the contracted activities are appropriate for private corporations to perform. Additionally, accountability for misconduct by contractors has been seriously deficient.

This rush to outsource sensitive government functions has placed private contractors at the center of some of the most significant national controversies in recent years. Contractors have been accused of torturing or abusing foreign detainees, including the practice of waterboarding high-level suspects. Contractors have participated in warrantless electronic surveillance and data-mining programs targeting U.S. citizens. Contractors have been deeply involved in the analysis of critical intelligence on Iraq and al Qaeda, including, reportedly, the preparation of the President's Daily Brief on intelligence matters.

Contractors may very well have a place in the Intelligence Community, but their role must be carefully considered, thoroughly managed, and strenuously overseen. A national conversation about the appropriate use of contractors in our national security apparatus is long overdue. This is a conversation the Administration skipped over as it was implementing this major shift in the way we conduct intelligence operations, but for the sake of the integrity of our national defense, we must collectively scrutinize this practice and set clear boundaries.

H.R. 5959 begins to put Intelligence Community contracting back on a rational and stable footing. It incorporates a number of provisions for which I have advocated. Let me highlight just a few examples.

First, the legislation would explicitly prohibit the use of contractors for the performance of interrogations. Interrogations should be carried out by individuals who are well-trained, fall within a clear chain of command, and have a sworn loyalty to the United States—not by corporate, for-profit contractors. Given how delicate such interrogations are, and how critical the intelligence they obtain might be, I believe that drawing this red line is a commonsense step with which all members should agree.

The House passed a similar restriction on Defense Department contractors as part of the Defense Authorization bill in May. This bill would appropriately extend that limit to intelligence contractors outside the DoD.

Second, the bill would require an assessment of the number and cost of contractors employed by the intelligence community, the types of activities being performed by contractors, an analysis of cost savings, and a description of mechanisms available for ensuring oversight and accountability. This assessment will give Congress the data we need to ascertain whether the use of contractors for certain activities is beneficial and what reforms may be needed.

Third, the bill would require the Director of National Intelligence to assess the appropriateness of using contractors for especially sensitive activities, including intelligence collection, intelligence analysis, interrogation, detention, and rendition. It will also require information on how many contractors are currently employed in the performance of these activities. Giving the head of the intelligence community the chance to explain the reasoning behind this widespread contracting will allow the Congress to carefully weigh the appropriate limits for intelligence outsourcing.

These provisions are not overly prescriptive or restrictive. We fully recognize that the Intelligence Community needs flexibility and agility to be able to obtain and deliver to decision-makers accurate and timely intelligence about matters involving extremely high stakes. Rather, this bill gives us the tools we need to initiate a conversation about how we can better organize, manage, and oversee contractors. It is a first step toward ending the abuses of the past.

Again, I thank Chairman REYES and his colleagues on the Intelligence Committee for recognizing the importance of addressing contractor issues in the intelligence community. I look forward to continuing to work with him on this issue.

I urge my colleagues to support this legislation.

Mr. BLUMENAUER. Mr. Chairman, I am pleased that the Democratic majority has taken a thoughtful and bipartisan approach to this year's Intelligence Authorization bill. I have expressed my concerns about the health of our intelligence community and appreciate the work that has been done to strengthen the Inspector General, increase contractor oversight, and invest in the training of our operatives.

However, I am deeply troubled that this bill does not contain a prohibition on torture, which I believe is absolutely critical. Torture violates not only the laws and values of our country, but all standards of decent human conduct. I have consistently spoken out against the stonewalling and equivocation surrounding this administration's "interrogation" of detainees. I find it appalling that it has fallen solely to the legislative and judicial branches to set interrogation and detention standards worthy of our Nation.

Yet I remain hopeful that the abuses of this administration will be checked by wise and thoughtful policy. I applauded the recent "Boumediene v. Bush" Supreme Court ruling that guarantees Guantanamo Bay detainees the right of habeas corpus. Further, I believe that extending the rules of the Army Field Manual to U.S. intelligence personnel sends a clear signal that we have broken with and are rolling back the abuses of this administration.

I support a great deal of what this bill includes, yet my greatest concern is with what this bill omits. It is my hope that Congress will

come together in conference to send a message to this administration and the world at large that Americans do not approve of, and will not stand for, torture.

Mr. REYES. I yield back the balance of my time.

The Acting CHAIRMAN (Mr. ROSS). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 5959

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Intelligence Authorization Act for Fiscal Year 2009”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

Sec. 101. Authorization of appropriations.

Sec. 102. Classified Schedule of Authorizations.

Sec. 103. Personnel ceiling adjustments.

Sec. 104. Intelligence Community Management Account.

Sec. 105. Limitation on the use of covert action funds.

Sec. 106. Prohibition on use of funds to implement “5 and out” program of the Federal Bureau of Investigation.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

Sec. 202. Technical modification to mandatory retirement provision of the Central Intelligence Agency Retirement Act.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

Sec. 301. Increase in employee compensation and benefits authorized by law.

Sec. 302. Enhanced flexibility in nonreimbursable details to elements of the intelligence community.

Sec. 303. Multi-level security clearances.

Sec. 304. Delegation of authority for travel on common carriers for intelligence collection personnel.

Sec. 305. Annual personnel level assessments for the intelligence community.

Sec. 306. Comprehensive report on intelligence community contractors.

Sec. 307. Report on proposed pay for performance intelligence community personnel management system.

Sec. 308. Report on plans to increase diversity within the intelligence community.

Sec. 309. Report on security clearance determinations.

Subtitle B—Other Matters

Sec. 311. Restriction on conduct of intelligence activities.

Sec. 312. Clarification of definition of intelligence community under the National Security Act of 1947.

Sec. 313. Modification of availability of funds for different intelligence activities.

Sec. 314. Protection of certain national security information.

Sec. 315. Extension of authority to delete information about receipt and disposition of foreign gifts and decorations.

Sec. 316. Report on compliance with the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

Sec. 317. Incorporation of reporting requirements.

Sec. 318. Repeal of certain reporting requirements.

Sec. 319. Enhancement of critical skills training program.

Sec. 320. Comprehensive national cybersecurity initiative advisory panel.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Clarification of limitation on colocation of the Office of the Director of National Intelligence.

Sec. 402. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.

Sec. 403. Additional duties of the Director of Science and Technology.

Sec. 404. Leadership and location of certain offices and officials.

Sec. 405. Plan to implement recommendations of the data center energy efficiency reports.

Sec. 406. Semiannual reports on nuclear programs of Iran, Syria, and North Korea.

Sec. 407. Title of Chief Information Officer of the Intelligence Community.

Sec. 408. Inspector General of the Intelligence Community.

Sec. 409. Annual report on foreign language proficiency in the intelligence community.

Sec. 410. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.

Sec. 411. National intelligence estimate on weapons of mass destruction in Syria.

Sec. 412. Report on intelligence resources dedicated to Iraq and Afghanistan.

Sec. 413. Ombudsman for intelligence community security clearances.

Sec. 414. Security clearance reciprocity.

Sec. 415. Report on international traffic in arms regulations.

Sec. 416. Report on nuclear trafficking.

Sec. 417. Study on revoking pensions of persons who commit unauthorized disclosures of classified information.

Subtitle B—Central Intelligence Agency

Sec. 421. Review of covert action programs by Inspector General of the Central Intelligence Agency.

Sec. 422. Inapplicability to Director of the Central Intelligence Agency of requirement for annual report on progress in auditable financial statements.

Sec. 423. Technical amendments relating to titles of certain Central Intelligence Agency positions.

Sec. 424. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for Fiscal Year 2004.

Sec. 425. Prohibition on the use of private contractors for interrogations involving persons in the custody or control of the Central Intelligence Agency.

Subtitle C—Defense Intelligence Components

Sec. 431. Integration of the Counterintelligence Field Activity into the Defense Intelligence Agency.

Subtitle D—Other Elements

Sec. 441. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.

Sec. 442. Report on transformation of the intelligence capabilities of the Federal Bureau of Investigation.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

Sec. 501. Extension of National Commission for the Review of the Research and Development Programs of the United States Intelligence Community.

Sec. 502. Amendments to the National Security Act of 1947.

Sec. 503. Report on financial intelligence on terrorist assets.

Sec. 504. Notice of intelligence regarding North Korea and China.

Sec. 505. Sense of Congress regarding use of intelligence resources.

Subtitle B—Technical Amendments

Sec. 511. Technical amendment to the Central Intelligence Agency Act of 1949.

Sec. 512. Technical amendments relating to the multiyear National Intelligence Program.

Sec. 513. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.

Sec. 514. Technical amendments to the National Security Act of 1947.

Sec. 515. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.

Sec. 516. Technical amendments to the Executive Schedule.

Sec. 517. Technical amendments relating to the National Geospatial-Intelligence Agency.

SEC. 2. DEFINITIONS.

In this Act:

(1) **CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The term “congressional intelligence committees” means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) **INTELLIGENCE COMMUNITY.**—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE I—BUDGET AND PERSONNEL AUTHORIZATIONS

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2009 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) **SPECIFICATIONS OF AMOUNTS AND PERSONNEL LEVELS.**—The amounts authorized to be

appropriated under section 101 and, subject to section 103, the authorized personnel ceilings as of September 30, 2009, for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill H.R. 5959 of the One Hundred Tenth Congress.

(b) **AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

(c) **EARMARKS.**—

(1) **IN GENERAL.**—Nothing in the classified Schedule of Authorizations, the joint explanatory statement to accompany the conference report on the bill H.R. 5959 of the One Hundred Tenth Congress, or the classified annex to this Act, shall be construed to authorize or require the expenditure of funds for an earmarked purpose.

(2) **EARMARKED PURPOSE DEFINED.**—In this subsection, the term “earmarked purpose” means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner of the House of Representatives or a Senator providing, authorizing, or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

SEC. 103. PERSONNEL CEILING ADJUSTMENTS.

(a) **AUTHORITY FOR INCREASES.**—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2009 by the classified Schedule of Authorizations referred to in section 102(a) if the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 3 percent of the number of civilian personnel authorized under such Schedule for such element.

(b) **NOTICE TO CONGRESSIONAL INTELLIGENCE COMMITTEES.**—The Director of National Intelligence shall notify the congressional intelligence committees in writing at least 15 days prior to each exercise of an authority described in subsection (a).

SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2009 the sum of \$648,842,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2010.

(b) **AUTHORIZED PERSONNEL LEVELS.**—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 772 full-time or full-time equivalent personnel as of September 30, 2009. Personnel serving in such elements may be permanent employees of the Office of the Director of National Intelligence or personnel detailed from other elements of the United States Government.

(c) **CONSTRUCTION OF AUTHORITIES.**—The authorities available to the Director of National Intelligence under section 103 are also available to the Director for the adjustment of personnel levels within the Intelligence Community Management Account.

(d) **CLASSIFIED AUTHORIZATIONS.**—

(1) **AUTHORIZATION OF APPROPRIATIONS.**—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Community Management Account for fiscal year 2009 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for advanced research and development shall remain available until September 30, 2010.

(2) **AUTHORIZATION OF PERSONNEL.**—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2009, there are authorized such additional personnel for the Community Management Account as of that date as are specified in the classified Schedule of Authorizations referred to in section 102(a).

SEC. 105. LIMITATION ON THE USE OF COVERT ACTION FUNDS.

(a) **IN GENERAL.**—Not more than 25 percent of the funds authorized to be appropriated by this Act for the National Intelligence Program for covert actions may be obligated or expended until the date on which each member of the congressional intelligence committees has been fully and currently briefed on all authorizations for covert actions in effect on April 24, 2008.

(b) **COVERT ACTION DEFINED.**—In this section, the term “covert action” has the meaning given the term in section 503(g) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

SEC. 106. PROHIBITION ON USE OF FUNDS TO IMPLEMENT “5 AND OUT” PROGRAM OF THE FEDERAL BUREAU OF INVESTIGATION.

None of the funds authorized to be appropriated in this Act may be used to implement the program of the Federal Bureau of Investigation requiring the mandatory reassignment of a supervisor of the Bureau after such supervisor serves in a management position for 5 years (commonly known as the “5 and out” program).

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2009 the sum of \$279,200,000.

SEC. 202. TECHNICAL MODIFICATION TO MANDATORY RETIREMENT PROVISION OF THE CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.

Subparagraph (A) of section 235(b)(1) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2055(b)(1)) is amended by striking “receiving compensation under the Senior Intelligence Service pay schedule at the rate” and inserting “who is at the Senior Intelligence Service rank”.

TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS

Subtitle A—Personnel Matters

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. ENHANCED FLEXIBILITY IN NON-REIMBURSABLE DETAILS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h) and

section 904(g)(2) of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c(g)(2)) and notwithstanding any other provision of law, in any fiscal year after fiscal year 2008 an officer or employee of the United States or member of the Armed Forces may be detailed to the staff of an element of the intelligence community funded through the Community Management Account from another element of the United States Government on a reimbursable or nonreimbursable basis, as jointly agreed to by the Director of National Intelligence and the head of the detailing element (or the designees of such officials), for a period not to exceed 2 years.

SEC. 303. MULTI-LEVEL SECURITY CLEARANCES.

(a) **IN GENERAL.**—Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

“(s) **MULTI-LEVEL SECURITY CLEARANCES.**—The Director of National Intelligence shall be responsible for ensuring that the elements of the intelligence community adopt a multi-level security clearance approach in order to enable the intelligence community to make more effective and efficient use of persons proficient in foreign languages or with cultural, linguistic, or other subject matter expertise that is critical to national security.”

(b) **IMPLEMENTATION.**—The Director of National Intelligence shall issue guidelines to the intelligence community on the implementation of subsection (s) of section 102A of the National Security Act of 1947, as added by subsection (a), not later than 90 days after the date of the enactment of this Act.

SEC. 304. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) **DELEGATION OF AUTHORITY.**—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting “(1)” before “The Director”;
 (2) in paragraph (1), as designated by paragraph (1) of this subsection, by striking “may only delegate” and all that follows and inserting “may delegate the authority in subsection (a) to the head of any other element of the intelligence community.”; and
 (3) by adding at the end the following new paragraph:

“(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.”

(b) **SUBMISSION OF GUIDELINES TO CONGRESS.**—Not later than 6 months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

SEC. 305. ANNUAL PERSONNEL LEVEL ASSESSMENTS FOR THE INTELLIGENCE COMMUNITY.

(a) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by inserting after section 506A the following new section:

“ANNUAL PERSONNEL LEVEL ASSESSMENT FOR THE INTELLIGENCE COMMUNITY

“SEC. 506B. (a) **REQUIREMENT TO PROVIDE.**—The Director of National Intelligence shall, in consultation with the head of the element of the intelligence community concerned, prepare an annual personnel level assessment for such element of the intelligence community that assesses the personnel levels for each such element for the fiscal year following the fiscal year in which the assessment is submitted.

“(b) **SCHEDULE.**—Each assessment required by subsection (a) shall be submitted to the congressional intelligence committees each year along

with the budget submitted by the President under section 1105 of title 31, United States Code.

“(c) **CONTENTS.**—Each assessment required by subsection (a) submitted during a fiscal year shall contain, at a minimum, the following information for the element of the intelligence community concerned:

“(1) The budget submission for personnel costs for the upcoming fiscal year.

“(2) The dollar and percentage increase or decrease of such costs as compared to the personnel costs of the current fiscal year.

“(3) The dollar and percentage increase or decrease of such costs as compared to the personnel costs during the prior 5 fiscal years.

“(4) The number of personnel positions requested for the upcoming fiscal year.

“(5) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions of the current fiscal year.

“(6) The numerical and percentage increase or decrease of such number as compared to the number of personnel positions during the prior 5 fiscal years.

“(7) The best estimate of the number and costs of contractors to be funded by the element for the upcoming fiscal year.

“(8) The numerical and percentage increase or decrease of such costs of contractors as compared to the best estimate of the costs of contractors of the current fiscal year.

“(9) The numerical and percentage increase or decrease of such costs of contractors as compared to the cost of contractors, and the number of contractors, during the prior 5 fiscal years.

“(10) A written justification for the requested personnel and contractor levels.

“(11) The number of intelligence collectors and analysts employed or contracted by each element of the intelligence community.

“(12) A list of all contractors that have been the subject of an investigation completed by the Inspector General of any element of the intelligence community during the preceding fiscal year, or are or have been the subject of an investigation by such an Inspector General during the current fiscal year.

“(13) A statement by the Director of National Intelligence that, based on current and projected funding, the element concerned will have sufficient—

“(A) internal infrastructure to support the requested personnel and contractor levels;

“(B) training resources to support the requested personnel levels; and

“(C) funding to support the administrative and operational activities of the requested personnel levels.”.

(b) **CLERICAL AMENDMENT.**—The table of contents in the first section of that Act is amended by inserting after the item relating to section 506A the following new item:

“Sec. 506B. Annual personnel level assessment for the intelligence community.”.

SEC. 306. COMPREHENSIVE REPORT ON INTELLIGENCE COMMUNITY CONTRACTORS.

(a) **REQUIREMENT FOR REPORT.**—Not later than November 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report describing the use of personal services contracts across the intelligence community, the impact of such contractors on the intelligence community workforce, plans for conversion of contractor employment into government employment, and the accountability mechanisms that govern the performance of such contractors.

(b) **CONTENT.**—

(1) **IN GENERAL.**—The report submitted under subsection (a) shall include—

(A) a description of any relevant regulations or guidance issued by the Director of National Intelligence or the head of an element of the intelligence community relating to minimum

standards required regarding the hiring, training, security clearance, and assignment of contractor personnel and how those standards may differ from those for government employees performing substantially similar functions;

(B) an identification of contracts where the contractor is performing a substantially similar functions to a government employee;

(C) an assessment of costs incurred or savings achieved by awarding contracts for the performance of such functions referred to in subparagraph (B) instead of using full-time employees of the elements of the intelligence community to perform such functions;

(D) an assessment of the appropriateness of using contractors to perform the activities described in paragraph (2);

(E) an estimate of the number of contracts, and the number of personnel working under such contracts, related to the performance of activities described in paragraph (2);

(F) a comparison of the compensation of contractor employees and government employees performing substantially similar functions;

(G) an analysis of the attrition of government personnel for contractor positions that provide substantially similar functions;

(H) a description of positions that will be converted from contractor employment to government employment;

(I) an analysis of the oversight and accountability mechanisms applicable to personal services contracts awarded for intelligence activities by each element of the intelligence community during fiscal years 2006 and 2007;

(J) an analysis of procedures in use in the intelligence community for conducting oversight of contractors to ensure identification and prosecution of criminal violations, financial waste, fraud, or other abuses committed by contractors or contract personnel; and

(K) an identification of best practices for oversight and accountability mechanisms applicable to personal services contracts.

(2) **ACTIVITIES.**—Activities described in this paragraph are the following:

(A) Intelligence collection.

(B) Intelligence analysis.

(C) Covert actions, including rendition, detention, and interrogation activities.

SEC. 307. REPORT ON PROPOSED PAY FOR PERFORMANCE INTELLIGENCE COMMUNITY PERSONNEL MANAGEMENT SYSTEM.

(a) **PROHIBITION ON PAY FOR PERFORMANCE UNTIL REPORT.**—The Director of National Intelligence and the head of an element of the intelligence community may not implement a plan that provides compensation to personnel of that element of the intelligence community based on performance until the date that is 45 days after the date on which the Director of National Intelligence submits a report for that element under subsection (b).

(b) **REPORT.**—The Director of National Intelligence shall submit to Congress a report on performance-based compensation for each element of the intelligence community, including, with respect to each such element—

(1) a description of a proposed employee advisory group to advise management on the implementation and management of a pay for performance system in that element, including the scope of responsibility of the group and the plan for the element for ensuring diversity in the selection of members of the advisory group;

(2) a certification that all managers who will participate in setting performance standards and pay pool administration have been trained on the implementing guidance of the system and the criteria upon which the certification is granted; and

(3) a description of an external appeals mechanism for employees who wish to appeal pay decisions to someone outside the management chain of the element employing such employee.

SEC. 308. REPORT ON PLANS TO INCREASE DIVERSITY WITHIN THE INTELLIGENCE COMMUNITY.

(a) **REQUIREMENT FOR REPORT.**—Not later than November 1, 2008, the Director of National Intelligence, in coordination with the heads of the elements of the intelligence community, shall submit to the congressional intelligence committees a report on the plans of each element to increase diversity within the intelligence community.

(b) **CONTENT.**—The report required by subsection (a) shall include specific implementation plans to increase diversity within each element of the intelligence community, including—

(1) specific implementation plans for each such element designed to achieve the goals articulated in the strategic plan of the Director of National Intelligence on equal employment opportunity and diversity;

(2) specific plans and initiatives for each such element to increase recruiting and hiring of diverse candidates;

(3) specific plans and initiatives for each such element to improve retention of diverse Federal employees at the junior, midgrade, senior, and management levels;

(4) a description of specific diversity awareness training and education programs for senior officials and managers of each such element; and

(5) a description of performance metrics to measure the success of carrying out the plans, initiatives, and programs described in paragraphs (1) through (4).

SEC. 309. REPORT ON SECURITY CLEARANCE DETERMINATIONS.

(a) **IN GENERAL.**—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

“**REPORT ON SECURITY CLEARANCE DETERMINATIONS**

“SEC. 508. Not later than February 1 of each year, the Director of the Office of Management and Budget shall submit to Congress a report on security clearance determinations completed or ongoing during the preceding fiscal year that have taken longer than one year to complete. Such report shall include—

“(1) the number of security clearance determinations for positions as employees of the Federal Government that required more than one year to complete;

“(2) the number of security clearance determinations for contractors that required more than one year to complete;

“(3) the agencies that investigated and adjudicated such determinations; and

“(4) the cause of significant delays in such determinations.”.

(b) **CONFORMING AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is further amended by inserting after the item relating to section 507 the following new item:

“Sec. 508. Report on security clearance determinations.”.

Subtitle B—Other Matters

SEC. 311. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 312. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking “other” the second place it appears.

SEC. 313. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

“(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and”.

SEC. 314. PROTECTION OF CERTAIN NATIONAL SECURITY INFORMATION.

(a) INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.—

(1) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking “ten years” and inserting “15 years”.

(2) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking “five years” and inserting “10 years”.

(b) MODIFICATIONS TO ANNUAL REPORT ON PROTECTION OF INTELLIGENCE IDENTITIES.—The first sentence of section 603(a) of the National Security Act of 1947 (50 U.S.C. 423(a)) is amended by inserting “including an assessment of the need for any modification of this title for the purpose of improving legal protections for covert agents,” after “measures to protect the identities of covert agents.”.

SEC. 315. EXTENSION OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

“(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraph (A) or (C) of paragraph (2) or in subparagraph (A) or (C) of paragraph (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

“(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence who shall keep a record of such information.

“(C) In this paragraph, the term ‘intelligence community’ has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

SEC. 316. REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005 AND RELATED PROVISIONS OF THE MILITARY COMMISSIONS ACT OF 2006.

(a) REPORT REQUIRED.—Not later than November 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148; 119 Stat. 2739) and related provisions of the Military Commissions Act of 2006 (Public Law 109–366; 120 Stat. 2600).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd) and section 6 of the Military Commissions Act of 2006 (120 Stat. 2632; 18 U.S.C. 2441 note) (including the amendments made by such section 6), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, the use of which has been discontinued pursuant to the Detainee Treatment Act of 2005 or the Military Commissions Act of 2006, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 and related provisions of the Military Commissions Act of 2006 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal justifications of the Department of Justice, including any office thereof, about the meaning or application of the Detainee Treatment Act of 2005 or related provisions of the Military Commissions Act of 2006 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) SUBMISSION TO THE CONGRESSIONAL ARMED SERVICES COMMITTEES.—To the extent that the report required by subsection (a) addresses an element of the intelligence community within the Department of Defense, that portion of the report, and any associated material that is necessary to make that portion understandable, shall also be submitted by the Director of National Intelligence to the congressional armed services committees.

(e) CONGRESSIONAL ARMED SERVICES COMMITTEE DEFINED.—In this section, the term “congressional armed services committees” means—

(1) the Committee on Armed Services of the Senate; and

(2) the Committee on Armed Services of the House of Representatives.

SEC. 317. INCORPORATION OF REPORTING REQUIREMENTS.

Each requirement to submit a report to the congressional intelligence committees that is included in the classified annex to this Act is hereby incorporated into this Act and is hereby made a requirement in law.

SEC. 318. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) ANNUAL CERTIFICATION ON COUNTERINTELLIGENCE INITIATIVES.—Section 1102(b) of the National Security Act of 1947 (50 U.S.C. 442a(b)) is amended—

(1) by striking “(1)”; and

(2) by striking paragraph (2).

(b) REPORT AND CERTIFICATION UNDER TERRORIST IDENTIFICATION CLASSIFICATION SYSTEM.—Section 343 of the Intelligence Authorization Act for Fiscal Year 2003 (50 U.S.C. 404n–2) is amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(c) ANNUAL REPORT ON COUNTERDRUG INTELLIGENCE MATTERS.—Section 826 of the Intelligence Authorization Act for Fiscal Year 2003

(Public Law 107–306; 116 Stat. 2429; 21 U.S.C. 873 note) is repealed.

(d) CONFORMING AMENDMENTS.—Section 507(a)(2) of the National Security Act of 1947 (50 U.S.C. 415b(a)(2)) is amended by striking subparagraph (D).

SEC. 319. ENHANCEMENT OF CRITICAL SKILLS TRAINING PROGRAM.

(a) NATIONAL SECURITY AGENCY.—Subsection (e) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking “(1) When an employee” and all that follows through “(2) Agency efforts” and inserting “Agency efforts”.

(b) OTHER ELEMENTS OF THE INTELLIGENCE COMMUNITY.—

(1) IN GENERAL.—The National Security Act of 1947 is amended by inserting after section 1021 (50 U.S.C. 441m) the following new section:

“INTELLIGENCE COMMUNITY ACQUISITION OF CRITICAL SKILLS

“SEC. 1022. (a) IN GENERAL.—The head of an appropriate department may assign civilian employees of an element of the intelligence community that is a component of such appropriate department as students at accredited professional, technical, and other institutions of higher learning for training at the undergraduate level in skills critical to effective performance of the mission of such element of the intelligence community.

“(b) PAYMENT OF EXPENSES.—The head of an appropriate department may pay, directly or by reimbursement to employees, expenses incident to assignments under subsection (a), in any fiscal year only to the extent that appropriated funds are available for such purpose.

“(c) ELIGIBILITY.—

“(1) IN GENERAL.—To be eligible for assignment under subsection (a), an employee of an element of the intelligence community must agree in writing—

“(A) to continue in the service of such element for the period of the assignment and to complete the educational course of training for which the employee is assigned;

“(B) to continue in the service of such element following completion of the assignment for a period of one-and-a-half years for each year of the assignment or part thereof;

“(C) to reimburse the United States for the total cost of education (excluding the employee’s pay and allowances) provided under this section to the employee if, prior to the employee’s completing the educational course of training for which the employee is assigned, the assignment or the employee’s employment with such element is terminated either by such element due to misconduct by the employee or by the employee voluntarily; and

“(D) to reimburse the United States if, after completing the educational course of training for which the employee is assigned, the employee’s employment with such element is terminated either by such element due to misconduct by the employee or by the employee voluntarily, prior to the employee’s completion of the service obligation period described in subparagraph (B), in an amount that bears the same ratio to the total cost of the education (excluding the employee’s pay and allowances) provided to the employee as the unserved portion of the service obligation period described in subparagraph (B) bears to the total period of the service obligation described in subparagraph (B).

“(2) DEBT OWING THE UNITED STATES.—Subject to paragraph (3), the obligation to reimburse the United States under an agreement described in paragraph (1), including interest due on such obligation, is for all purposes a debt owing the United States.

“(3) REIMBURSEMENT.—

“(A) BANKRUPTCY.—A discharge in bankruptcy under title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under an agreement described in paragraph (1) if the final

decree of the discharge in bankruptcy is issued within five years after the last day of the combined period of service obligation described in subparagraphs (A) and (B) of paragraph (1).

“(B) RELEASE.—The head of an appropriate department may release a person, in whole or in part, from the obligation to reimburse the United States under an agreement described in paragraph (1) when, in the discretion of such head of an appropriate department, such head of an appropriate department determines that equity or the interests of the United States so require.

“(C) MONTHLY PAYMENTS.—The head of an appropriate department shall permit an employee assigned under this section who, prior to commencing a second academic year of such assignment, voluntarily terminates the assignment or the employee’s employment with the element of the intelligence community that is a component of such appropriate department, to satisfy the employee’s obligation under an agreement described in paragraph (1) to reimburse the United States by reimbursement according to a schedule of monthly payments which results in completion of reimbursement by a date five years after the date of termination of the assignment or employment or earlier at the option of the employee.

“(d) RECRUITMENT.—Efforts by an element of the intelligence community to recruit individuals at educational institutions for participation in the undergraduate training program established by this section shall be made openly and according to the common practices of universities and employers recruiting at such institutions.

“(e) INAPPLICATION OF PROVISIONS ON TRAINING.—Chapter 41 of title 5 and subsections (a) and (b) of section 3324 of title 31, United States Code, shall not apply with respect to this section.

“(f) REGULATIONS.—A head of the appropriate department assigning employees in accordance with this section may issue such regulations as such head of the appropriate department considers necessary to carry out this section.

“(g) RULES OF CONSTRUCTION.—

“(1) COMPONENT.—For purposes of this section—

“(A) the Office of the Director of National Intelligence shall be considered a component of such Office; and

“(B) the Central Intelligence Agency shall be considered a component of such Agency.

“(2) REQUIRED EDUCATION PROGRAMS.—Nothing in this section shall be construed to modify, affect, or supercede any provision of law requiring or otherwise authorizing or providing for a training program described in this section.

“(h) APPROPRIATE DEPARTMENT DEFINED.—In this section, the term ‘appropriate department’ means—

“(1) with respect to the Office of the Director of National Intelligence, the Office of the Director of National Intelligence;

“(2) with respect to the Central Intelligence Agency, Central Intelligence Agency; and

“(3) with respect to an element of the intelligence community other than the Office of the Director of National Intelligence and the Central Intelligence Agency, the department of the Federal Government of which such element of the intelligence community is a component.”.

(2) CONFORMING AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after the item relating to section 1021 the following new item:

“Sec. 1022. Intelligence community acquisition of critical skills.”.

SEC. 320. COMPREHENSIVE NATIONAL CYBERSECURITY INITIATIVE ADVISORY PANEL.

Not later than February 1, 2009, the President shall submit to Congress a report on options for creating an advisory panel comprised of rep-

resentatives of Congress, the Executive Branch, and the private sector to make policy and procedural recommendations for—

(1) information security for the Federal Government;

(2) critical infrastructure;

(3) the authorities, roles, responsibilities of the intelligence community, Department of Homeland Security, and Department of Defense for purposes of supporting the Comprehensive National Cybersecurity Initiative as described in National Security Policy Directive 54/Homeland Security Policy Directive 23 entitled “Cybersecurity Policy” signed by the President on January 8, 2008; and

(4) other matters related to paragraphs (1) through (3) as the President considers appropriate.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. CLARIFICATION OF LIMITATION ON COLOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403-3(e)) is amended—

(1) by striking “WITH” and inserting “OF HEADQUARTERS WITH HEADQUARTERS OF”;

(2) by inserting “the headquarters of” before “the Office”; and

(3) by striking “any other element” and inserting “the headquarters of any other element”.

SEC. 402. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence.”.

SEC. 403. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY.

Section 103E of the National Security Act of 1947 (50 U.S.C. 403-3e) is amended—

(1) in subsection (c)—

(A) by redesignating paragraph (5) as paragraph (7);

(B) in paragraph (4), by striking “and” at the end; and

(C) by inserting after paragraph (4) the following:

“(5) assist the Director in establishing goals for basic, applied, and advanced research to meet the technology needs of the intelligence community;

“(6) submit to the congressional intelligence committees an annual report on the science and technology strategy of the Director that shows resources mapped to the goals of the intelligence community; and”;

(2) in subsection (d)(3)—

(A) in subparagraph (A)—

(i) by inserting “and prioritize” after “coordinate”; and

(ii) by striking “; and” and inserting “;”;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

“(B) identify basic, advanced, and applied research programs to be executed by elements of the intelligence community; and”.

SEC. 404. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o-1(a)) is amended—

(1) by striking “(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the” and inserting the following:

“(a) IN GENERAL.—

“(1) ESTABLISHMENT.—The”; and

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

“(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

“(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.”.

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403-3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

“(9) The Chief Information Officer of the Intelligence Community.

“(10) The Inspector General of the Intelligence Community.

“(11) The Director of the National Counterterrorism Center.

“(12) The Director of the National Counter Proliferation Center.”.

SEC. 405. PLAN TO IMPLEMENT RECOMMENDATIONS OF THE DATA CENTER ENERGY EFFICIENCY REPORTS.

(a) PLAN.—The Director of National Intelligence shall develop a plan to implement the recommendations of the report submitted to Congress under section 1 of the Act entitled “An Act to study and promote the use of energy efficient computer servers in the United States” (Public Law 109-431; 120 Stat. 2920) across the intelligence community.

(b) REPORT.—

(1) IN GENERAL.—Not later than November 1, 2008, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the plan developed under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

SEC. 406. SEMIANNUAL REPORTS ON NUCLEAR PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA.

(a) REPORTS.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by title III, is further amended by adding at the end the following new section:

“SEMIANNUAL REPORTS ON THE NUCLEAR PROGRAMS OF IRAN, SYRIA, AND NORTH KOREA

“SEC. 509. (a) REQUIREMENT FOR REPORTS.—Not less frequently than every 180 days, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People’s Republic of Korea, with regard to the nuclear programs of each such country.

“(b) CONTENT.—Each report submitted under subsection (a) shall include, with respect to the Islamic Republic of Iran, the Syrian Arab Republic, and the Democratic People’s Republic of Korea—

“(1) an assessment of nuclear weapons programs of each such country;

“(2) an evaluation, consistent with existing reporting standards and practices, of the sources upon which the intelligence used to prepare the assessment described in paragraph (1) is based, including the number of such sources and an assessment of the reliability of each such source;

“(3) a summary of any intelligence related to any such program gathered or developed since the previous report was submitted under subsection (a), including intelligence collected from both open and clandestine sources for each such country; and

“(4) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment described in paragraph (1).

“(c) NATIONAL INTELLIGENCE ESTIMATE.—The Director of National Intelligence may submit a National Intelligence Estimate on the intentions and capabilities of the Islamic Republic of Iran, the Syrian Arab Republic, or the Democratic People’s Republic of Korea in lieu of a report required by subsection (a) for that country.

“(d) FORM.—Each report submitted under subsection (a) may be submitted in classified form.”

(2) APPLICABILITY DATE.—The first report required to be submitted under section 509 of the National Security Act of 1947, as added by paragraph (1), shall be submitted not later than 30 days after the date of the enactment of this Act.

(b) CONFORMING AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by inserting after the item relating to section 508 the following new item:

“Sec. 509. Semiannual reports on the nuclear programs of Iran, Syria, and North Korea.”

SEC. 407. TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

Section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended—

(1) in subsection (a), by inserting “of the Intelligence Community” after “Chief Information Officer”;

(2) in subsection (b), by inserting “of the Intelligence Community” after “Chief Information Officer”;

(3) in subsection (c), by inserting “of the Intelligence Community” after “Chief Information Officer”; and

(4) in subsection (d), by inserting “of the Intelligence Community” after “Chief Information Officer”.

SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

“INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

“SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

“(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

“(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits on matters within the responsibility and authority of the Director of National Intelligence;

“(2) recommend policies designed—

“(A) to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence; and

“(B) to prevent and detect fraud and abuse in such matters;

“(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

“(A) problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions; and

“(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed—

“(A) significant problems and deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence; and

“(B) the necessity for, and the progress of, corrective actions.

“(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The nomination of an individual for appointment as Inspector General shall be made—

“(A) without regard to political affiliation;

“(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

“(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

“(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

“(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

“(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

“(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to matters within the responsibility and authority of the Director of National Intelligence to ensure they are conducted efficiently and in accordance with applicable law and regulations;

“(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, fraud and other serious problems, abuses, and deficiencies that may occur in matters within the responsibility and authority of the Director, and to report the progress made in implementing corrective action;

“(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

“(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

“(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

“(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

“(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

“(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

“(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

“(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

“(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

“(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

“(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

“(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

“(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

“(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

“(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by, or before, an officer having a seal.

“(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

“(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

“(C) The Inspector General may not issue a subpoena for, or on behalf of, any other element of the intelligence community, including the Office of the Director of National Intelligence.

“(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

“(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1)(A) In the event of a matter within the jurisdiction of

the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve the question of which Inspector General shall conduct such investigation, inspection, or audit.

“(B) In attempting to resolve a question under subparagraph (A), the Inspectors General concerned may request the assistance of the Intelligence Community Inspectors General Forum established under subparagraph (C). In the event of a dispute between an Inspector General within an agency or department of the United States Government and the Inspector General of the Intelligence Community that has not been resolved with the assistance of the Forum, the Inspectors General shall submit the question to the Director of National Intelligence and the head of the agency or department for resolution.

“(C) There is established the Intelligence Community Inspectors General Forum which shall consist of all statutory or administrative Inspectors General with oversight responsibility for an element or elements of the intelligence community. The Inspector General of the Intelligence Community shall serve as the chair of the Forum. The Forum shall have no administrative authority over any Inspector General, but shall serve as a mechanism for informing its members of the work of individual members of the Forum that may be of common interest and discussing questions about jurisdiction or access to employees, employees of a contractor, records, audits, reviews, documents, recommendations, or other materials that may involve or be of assistance to more than 1 of its members.

“(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

“(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

“(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

“(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

“(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

“(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

“(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

“(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

“(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month period ending December 31 (of the preceding year) and June 30, respectively. The Inspector General of the Intelligence Community shall provide any portion of the report involving a component of a department of the United States Government to the head of that department simultaneously with submission of the report to the Director of National Intelligence.

“(B) Each report under this paragraph shall include, at a minimum, the following:

“(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

“(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

“(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

“(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

“(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

“(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

“(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of matters within the responsibility and authority of the Director of National Intelligence, and to detect and eliminate fraud and abuse in such matters.

“(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of the report involving a component of such de-

partment simultaneously with submission of the report to the congressional intelligence committees.

“(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to matters within the responsibility and authority of the Director of National Intelligence.

“(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within 7 calendar days of receipt of such report, together with such comments as the Director considers appropriate. The Director shall transmit to the committees of the Senate and of the House of Representatives with jurisdiction over a department of the United States Government any portion of each report under subparagraph (A) that involves a problem, abuse, or deficiency related to a component of such department simultaneously with transmission of the report to the congressional intelligence committees.

“(3) In the event that—

“(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

“(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

“(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

“(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

“(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

“(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

“(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

“(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

“(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

“(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

“(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

“(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within 7 calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

“(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

“(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

“(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee’s complaint or information and notice of the employee’s intent to contact the congressional intelligence committees directly; and

“(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

“(iii) A member or employee of 1 of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee’s official capacity as a member or employee of such committee.

“(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

“(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

“(G) In this paragraph, the term ‘urgent concern’ means any of the following:

“(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

“(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

“(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee’s reporting an urgent concern in accordance with this paragraph.

“(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

“(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

“(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence

Program budget a separate account for the Office of Inspector General of the Intelligence Community.

“(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.”

(2) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

“Sec. 103H. Inspector General of the Intelligence Community.”

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by adding at the end the following new item:

“Inspector General of the Intelligence Community.”

SEC. 409. ANNUAL REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY.

(a) REPORT.—

(1) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), as amended by section 406 of this Act, is further amended by adding at the end the following new section:

“REPORT ON FOREIGN LANGUAGE PROFICIENCY IN THE INTELLIGENCE COMMUNITY

“SEC. 510. Not later than February 1 of each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the proficiency in foreign languages and, if appropriate, in foreign dialects of each element of the intelligence community, including—

“(1) the number of positions authorized for such element that require foreign language proficiency and the level of proficiency required;

“(2) an estimate of the number of such positions that each element will require during the 5-year period beginning on the date of the submission of the report;

“(3) the number of positions authorized for such element that require foreign language proficiency that are filled by—

“(A) military personnel; and

“(B) civilian personnel;

“(4) the number of applicants for positions in such element in the previous fiscal year that indicated foreign language proficiency, including the foreign language indicated and the proficiency level;

“(5) the number of persons hired by such element with foreign language proficiency, including the foreign language and proficiency level;

“(6) the number of personnel of such element currently attending foreign language training, including the provider of such training;

“(7) a description of such element’s efforts to recruit, hire, train, and retain personnel that are proficient in a foreign language;

“(8) an assessment of methods and models for basic, advanced, and intensive foreign language training;

“(9) for each foreign language and, where appropriate, dialect of a foreign language—

“(A) the number of positions of such element that require proficiency in the foreign language or dialect;

“(B) the number of personnel of such element that are serving in a position that requires proficiency in the foreign language or dialect to perform the primary duty of the position;

“(C) the number of personnel of such element that are serving in a position that does not require proficiency in the foreign language or dialect to perform the primary duty of the position;

“(D) the number of personnel of such element rated at each level of proficiency of the Interagency Language Roundtable;

“(E) whether the number of personnel at each level of proficiency of the Interagency Language Roundtable meets the requirements of such element;

“(F) the number of personnel serving or hired to serve as linguists for such element that are not qualified as linguists under the standards of the Interagency Language Roundtable;

“(G) the number of personnel hired to serve as linguists for such element during the preceding calendar year;

“(H) the number of personnel serving as linguists that discontinued serving such element during the preceding calendar year;

“(I) the percentage of work requiring linguistic skills that is fulfilled by an ally of the United States; and

“(J) the percentage of work requiring linguistic skills that is fulfilled by contractors;

“(10) an assessment of the foreign language capacity and capabilities of the intelligence community as a whole; and

“(11) recommendations for eliminating required reports relating to foreign-language proficiency that the Director of National Intelligence considers outdated or no longer relevant.”

(2) REPORT DATE.—Section 507(a)(1) of such Act (50 U.S.C. 415b(a)(1)) is amended—

(A) by redesignating subparagraph (N) as subparagraph (J); and

(B) by adding at the end the following new subparagraph:

“(K) The annual report on foreign language proficiency in the intelligence community required by section 510.”

(b) CONFORMING AMENDMENT.—The table of contents in the first section of such Act is further amended by inserting after the item relating to section 509 the following new item:

“Sec. 510. Report on foreign language proficiency in the intelligence community.”

SEC. 410. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (g), (k), (l), and (m) as subsections (d), (e), (f), (g), (h), and (i), respectively; and

(3) in subsection (f), as redesignated by paragraph (2), by striking paragraphs (3) and (4).

(b) CONFORMING AMENDMENTS.—Such section 904 is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking “subsection (f)” each place it appears in paragraphs (1) and (2) and inserting “subsection (e)”; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (d)(1)”; and

(B) in paragraph (2), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

SEC. 411. NATIONAL INTELLIGENCE ESTIMATE ON WEAPONS OF MASS DESTRUCTION IN SYRIA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on the history, status, and projected development of any weapons of mass destruction development program undertaken by the Government of Syria, or by any person on behalf of the Government of Syria.

(b) FORM.—The National Intelligence Estimate required under subsection (a) may be submitted in classified form.

SEC. 412. REPORT ON INTELLIGENCE RESOURCES DEDICATED TO IRAQ AND AFGHANISTAN.

Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on intelligence collection resources dedicated to Iraq and Afghanistan during fiscal years 2007 and 2008. Such report shall include detailed information on fiscal, human, technical, and other intelligence collection resources.

SEC. 413. OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES.

(a) *IN GENERAL.*—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103H, as added by section 409 of this Act, the following new section:

“OMBUDSMAN FOR INTELLIGENCE COMMUNITY SECURITY CLEARANCES

“**SEC. 103I. (a) APPOINTMENT.**—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances.

“(b) *PROVISION OF INFORMATION.*—The head of an element of the intelligence community shall provide a person applying for a security clearance through or in coordination with such element with contact information for the ombudsman appointed under subsection (a).

“(c) *REPORT.*—Not later than November 1 of each year, the ombudsman appointed under subsection (a) shall submit to the congressional intelligence committees a report containing—

“(1) the number of persons applying for a security clearance who have contacted the ombudsman during the preceding 12 months; and

“(2) a summary of the concerns, complaints, and questions received by the ombudsman from persons applying for security clearances.”

(b) *APPOINTMENT DATE.*—The Director of National Intelligence shall appoint an ombudsman for intelligence community security clearances under section 103I(a) of the National Security Act of 1947, as added by subsection (a), not later than 60 days after the date of the enactment of this Act.

(c) *CONFORMING AMENDMENT.*—The table of contents in the first section of the National Security Act of 1947 is further amended by inserting after the item relating to section 103H the following new item:

“Sec. 103I. Ombudsman for intelligence community security clearances.”

SEC. 414. SECURITY CLEARANCE RECIPROCITY.

(a) *AUDIT.*—The Inspector General of the Intelligence Community shall conduct an audit of the reciprocity of security clearances in the intelligence community.

(b) *REPORT.*—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report containing the results of the audit conducted under subsection (a). Such report shall include an assessment of the time required to obtain a reciprocal security clearance for—

(1) an employee of an element of the intelligence community detailed to another element of the intelligence community;

(2) an employee of an element of the intelligence community seeking permanent employment with another element of the intelligence community; and

(3) a contractor seeking permanent employment with an element of the intelligence community.

SEC. 415. REPORT ON INTERNATIONAL TRAFFIC IN ARMS REGULATIONS.

(a) *REPORT.*—Not later than February 1, 2009, the Director of National Intelligence shall submit to the congressional intelligence committees a report assessing—

(1) the threat to national security presented by the efforts of foreign countries to acquire, through espionage, diversion, or other means,

sensitive equipment and technology, and the degree to which United States export controls (including the International Traffic in Arms Regulations) are adequate to defeat such efforts; and

(2) the extent to which United States export controls are well matched to the scope of the foreign threat such controls are designed to defeat and whether other means could more successfully defeat such threats.

(b) *FORM.*—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) *INTERNATIONAL TRAFFIC IN ARMS REGULATIONS DEFINED.*—The term “International Traffic in Arms Regulations” means those regulations contained in parts 120 through 130 of title 22, Code of Federal Regulations (or successor regulations).

SEC. 416. REPORT ON NUCLEAR TRAFFICKING.

(a) *REPORT.*—Not later than February 1, 2009, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives, and the Committee on Armed Services and the Committee on Foreign Relations of the Senate a report on the illicit trade of nuclear and radiological material and equipment.

(b) *CONTENTS.*—The report submitted under subsection (a) shall include, for a period of time including at least the preceding three years—

(1) details of all known or suspected cases of the illicit sale, transfer, brokering, or transport of nuclear or radiological material or equipment useful for the production of nuclear or radiological material or nuclear explosive devices;

(2) an assessment of the countries that represent the greatest risk of nuclear trafficking activities; and

(3) a discussion of any dissents, caveats, gaps in knowledge, or other information that would reduce confidence in the assessment referred to in paragraph (2).

(c) *FORM.*—The report under subsection (a) may be submitted in classified form, but shall include an unclassified summary.

SEC. 417. STUDY ON REVOKING PENSIONS OF PERSONS WHO COMMIT UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

(a) *STUDY.*—The Director of National Intelligence shall conduct a study on the feasibility of revoking the pensions of personnel in the intelligence community who commit unauthorized disclosures of classified information, including whether revoking such pensions is feasible under existing law or under the administrative authority of the Director of National Intelligence or any other head of an element of the intelligence community.

(b) *REPORT.*—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing the results of the study conducted under subsection (a).

Subtitle B—Central Intelligence Agency**SEC. 421. REVIEW OF COVERT ACTION PROGRAMS BY INSPECTOR GENERAL OF THE CENTRAL INTELLIGENCE AGENCY.**

(a) *IN GENERAL.*—Section 503 of the National Security Act of 1947 (50 U.S.C. 413b) is amended by—

(1) redesignating subsection (e) as subsection (g) and transferring such subsection to the end; and

(2) by inserting after subsection (d) the following new subsection:

“(e) *INSPECTOR GENERAL AUDITS OF COVERT ACTIONS.*—

“(1) *IN GENERAL.*—Subject to paragraph (2), the Inspector General of the Central Intelligence Agency shall conduct an audit of each covert action at least every 3 years. Such audits shall be conducted subject to the provisions of paragraphs (3) and (4) of subsection (b) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q).

“(2) *TERMINATED, SUSPENDED PROGRAMS.*—The Inspector General of the Central Intelligence Agency is not required to conduct an audit under paragraph (1) of a covert action that has been terminated or suspended if such covert action was terminated or suspended prior to the last audit of such covert action conducted by the Inspector General and has not been restarted after the date on which such audit was completed.

“(3) *REPORT.*—Not later than 60 days after the completion of an audit conducted pursuant to paragraph (1), the Inspector General of the Central Intelligence Agency shall submit to the congressional intelligence committees a report containing the results of such audit.”

(b) *CONFORMING AMENDMENTS.*—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended—

(1) in section 501(f) (50 U.S.C. 413(f)), by striking “503(e)” and inserting “503(g)”;

(2) in section 502(a)(1) (50 U.S.C. 413b(a)(1)), by striking “503(e)” and inserting “503(g)”;

(3) in section 504(c) (50 U.S.C. 414(c)), by striking “503(e)” and inserting “503(g)”.

SEC. 422. INAPPLICABILITY TO DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY OF REQUIREMENT FOR ANNUAL REPORT ON PROGRESS IN AUDITABLE FINANCIAL STATEMENTS.

Section 114A of the National Security Act of 1947 (50 U.S.C. 404i-1) is amended by striking “the Director of the Central Intelligence Agency.”

SEC. 423. TECHNICAL AMENDMENTS RELATING TO TITLES OF CERTAIN CENTRAL INTELLIGENCE AGENCY POSITIONS.

Section 17(d)(3)(B)(ii) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(3)(B)(ii)) is amended—

(1) in subclause (I), by striking “Executive Director” and inserting “Associate Deputy Director”;

(2) in subclause (II), by striking “Deputy Director of Operations” and inserting “Director of the National Clandestine Service”;

(3) in subclause (III), by striking “Deputy Director for Intelligence” and inserting “Director of Intelligence”;

(4) in subclause (IV), by striking “Deputy Director for Administration” and inserting “Director of Support”;

(5) in subclause (V), by striking “Deputy Director for Science and Technology” and inserting “Director of Science and Technology”.

SEC. 424. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(2) by inserting “or in section 313 of such title,” after “subsection (a).”

SEC. 425. PROHIBITION ON THE USE OF PRIVATE CONTRACTORS FOR INTERROGATIONS INVOLVING PERSONS IN THE CUSTODY OR CONTROL OF THE CENTRAL INTELLIGENCE AGENCY.

(a) *PROHIBITION.*—Notwithstanding any other provision of law, the Director of the Central Intelligence Agency shall not expend or obligate funds for payment to any contractor to conduct the interrogation of a detainee or prisoner in custody or under the effective control of the Central Intelligence Agency.

(b) *EXCEPTION.*—

(1) *IN GENERAL.*—The Director of the Central Intelligence Agency may request, and the Director of National Intelligence may grant, a written waiver of the requirement under subsection (a) if the Director of the Central Intelligence Agency determines that—

(A) no employee of the Federal Government is—

(i) capable of performing such interrogation; and

(ii) available to perform such interrogation; and

(B) such interrogation is in the national interest of the United States and requires the use of a contractor.

(2) **CLARIFICATION OF APPLICABILITY OF CERTAIN LAWS.**—Any contractor conducting an interrogation pursuant to a waiver under paragraph (1) shall be subject to all laws on the conduct of interrogations that would apply if an employee of the Federal Government were conducting the interrogation.

Subtitle C—Defense Intelligence Components

SEC. 431. INTEGRATION OF THE COUNTERINTELLIGENCE FIELD ACTIVITY INTO THE DEFENSE INTELLIGENCE AGENCY.

(a) **REPORT.**—Not later than November 1, 2008, the Under Secretary of Defense for Intelligence shall submit to the congressional intelligence and armed services committees a report outlining the process by which the Counterintelligence Field Activity is to be integrated into the Defense Intelligence Agency. Such report shall include—

(1) a description of the nature of any law enforcement authorities to be delegated to the Defense Intelligence Agency;

(2) the authority under which the delegation of authority referred to in paragraph (1) would occur; and

(3) the guidelines for the implementation of such law enforcement authorities.

(b) **CONGRESSIONAL INTELLIGENCE AND ARMED SERVICES COMMITTEES.**—In this section, the term “congressional intelligence and armed services committees” means—

(1) the Permanent Select Committee on Intelligence of the House of Representatives;

(2) the Select Committee on Intelligence of the Senate; and

(3) the Committees on Armed Services of the House of Representatives and the Senate.

Subtitle D—Other Elements

SEC. 441. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting “the Coast Guard,” after “the Marine Corps.”; and

(B) by inserting “the Drug Enforcement Administration,” after “the Federal Bureau of Investigation.”; and

(2) in subparagraph (K), by striking “, including the Office of Intelligence of the Coast Guard”.

SEC. 442. REPORT ON TRANSFORMATION OF THE INTELLIGENCE CAPABILITIES OF THE FEDERAL BUREAU OF INVESTIGATION.

Not later than 120 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the congressional intelligence committees a report describing the Director’s long term vision for transforming the intelligence capabilities of the Bureau and the progress of the internal reforms of the Bureau intended to achieve that vision. Such report shall include—

(1) the direction, strategy, and goals for transforming the intelligence capabilities of the Bureau;

(2) a description of what the fully functional intelligence and national security functions of the Bureau should entail;

(3) a candid assessment of the effect of internal reforms at the Bureau and whether such reforms have moved the Bureau towards achieving the goals of the Director for the intelligence and national security functions of the Bureau; and

(4) an assessment of how well the Bureau performs tasks that are critical to the effective

functioning of the Bureau as an intelligence agency, including—

(A) identifying new intelligence targets within the scope of the national security functions of the Bureau, outside the parameters of an existing case file or ongoing investigation;

(B) collecting intelligence domestically, including collection through human and technical sources;

(C) recruiting human sources;

(D) training Special Agents to spot, assess, recruit, and handle human sources;

(E) working collaboratively with other Federal departments and agencies to jointly collect intelligence on domestic counterterrorism and counterintelligence targets;

(F) producing a common intelligence picture of domestic threats to the national security of the United States;

(G) producing high quality and timely intelligence analysis;

(H) integrating intelligence analysts into its intelligence collection operations; and

(I) sharing intelligence information with intelligence community partners.

TITLE V—OTHER MATTERS

Subtitle A—General Intelligence Matters

SEC. 501. EXTENSION OF NATIONAL COMMISSION FOR THE REVIEW OF THE RESEARCH AND DEVELOPMENT PROGRAMS OF THE UNITED STATES INTELLIGENCE COMMUNITY.

(a) **EXTENSION.**—

(1) **IN GENERAL.**—Subsection (a) of section 1007 of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2442) is amended by striking “September 1, 2004” and inserting “December 31, 2009”.

(2) **EFFECTIVE DATE.**—Subject to paragraph (3), the amendment made by paragraph (1) shall take effect as if included in the enactment of such section 1007.

(3) **COMMISSION MEMBERSHIP.**—

(A) **IN GENERAL.**—The membership of the National Commission for the Review of the Research and Development Programs of the United States Intelligence Community established under subsection (a) of section 1002 of such Act (Public Law 107-306; 116 Stat. 2438) (referred to in this section as the “Commission”) shall be considered vacant and new members shall be appointed in accordance with such section 1002, as amended by subparagraph (B).

(B) **TECHNICAL AMENDMENT.**—Paragraph (1) of section 1002(b) of such Act is amended by striking “The Deputy Director of Central Intelligence for Community Management.” and inserting “The Principal Deputy Director of National Intelligence.”.

(4) **CLARIFICATION OF DUTIES.**—Section 1002(i) of such Act is amended in the matter preceding paragraph (1) by striking “including—” and inserting “including advanced research and development programs and activities. Such review shall include—”.

(b) **FUNDING.**—

(1) **IN GENERAL.**—Of the amounts authorized to be appropriated by this Act for the Intelligence Community Management Account, the Director of National Intelligence shall make \$2,000,000 available to the Commission to carry out title X of the Intelligence Authorization Act for Fiscal Year 2003 (Public Law 107-306; 116 Stat. 2437).

(2) **AVAILABILITY.**—Amounts made available to the Commission pursuant to paragraph (1) shall remain available until expended.

SEC. 502. AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

(a) **GENERAL CONGRESSIONAL OVERSIGHT.**—Section 501(a) of the National Security Act of 1947 (50 U.S.C. 413(a)) is amended by adding at the end the following new paragraph:

“(3) In carrying out paragraph (1), the President shall provide to the congressional intelligence committees all information necessary to assess the lawfulness, effectiveness, cost, ben-

efit, intelligence gain, budgetary authority, and risk of an intelligence activity, including—

“(A) the legal authority under which the intelligence activity is being or was conducted;

“(B) any legal issues upon which guidance was sought in carrying out or planning the intelligence activity, including dissenting legal views;

“(C) any specific operational concerns arising from the intelligence activity, including the risk of disclosing intelligence sources or methods;

“(D) the likelihood that the intelligence activity will exceed the planned or authorized expenditure of funds or other resources; and

“(E) the likelihood that the intelligence activity will fail.”.

(b) **REPORTING ON ACTIVITIES OTHER THAN COVERT ACTIONS.**—Section 502 of such Act (50 U.S.C. 413a) is amended by adding at the end the following new subsection:

“(d) **DISTRIBUTION OF INFORMATION.**—

“(1) **REQUEST.**—Information or material provided in accordance with subsection (a) shall be made available to each member of the congressional intelligence committees, unless the President requests that access to the information or material be limited after determining that limiting such access is essential to meet extraordinary circumstances affecting vital interests of the United States. A request under this paragraph and the extraordinary circumstances referred to in this paragraph shall be detailed in writing to the Chair and ranking minority member of the congressional intelligence committees.

“(2) **DISTRIBUTION.**—If the President submits a request under paragraph (1), the Chair and ranking minority member of each congressional intelligence committee may jointly determine whether and how to limit access to the information or material within such committee. If the Chair and ranking minority member of such committee are unable to agree on whether or how to limit such access, access to the information or material will be limited. Any information or material to which access is limited shall subsequently be made available to each member of the congressional intelligence communities at the earliest possible time and shall include a detailed statement of the reasons for not providing prior access.”.

(c) **APPROVAL OF COVERT ACTIONS.**—Section 503(d) of the National Security Act of 1947 (50 U.S.C. 413b(d)) is amended—

(1) by striking “(d) The President” and inserting “(d)(1) The President”; and

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

“(2) For purposes of this subsection, an activity shall constitute a ‘significant undertaking’ if the activity—

“(A) involves the potential for loss of life;

“(B) requires an expansion of existing authorities, including authorities relating to research, development, or operations;

“(C) results in the expenditure of significant funds or other resources;

“(D) requires notification under section 504;

“(E) gives rise to a significant risk of disclosing intelligence sources or methods; or

“(F) could cause serious damage to the diplomatic relations of the United States if such activity were disclosed without authorization.”.

SEC. 503. REPORT ON FINANCIAL INTELLIGENCE ON TERRORIST ASSETS.

(a) **ANNUAL REPORTS.**—Section 118 of the National Security Act of 1947 (50 U.S.C. 404m) is amended—

(1) in the heading, by striking “SEMIANNUAL” and inserting “ANNUAL”; and

(2) in subsection (a)—

(A) in the heading, by striking “SEMIANNUAL” and inserting “ANNUAL”; and

(B) in the matter preceding paragraph (1)—

(i) by striking “semiannual basis” and inserting “annual basis”; and

(ii) by striking “preceding six-month period” and inserting “preceding year”; and

(C) by striking paragraph (2); and

(D) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) **CONFORMING AMENDMENT.**—Section 507 of the National Security Act of 1947 (50 U.S.C. 415b) is amended—

(1) in subsection (a)(1), by adding at the end the following new subparagraph:

“(L) The annual report on financial intelligence on terrorist assets required by section 118.”; and

(2) in subsection (b), by striking paragraph (6).

SEC. 504. NOTICE OF INTELLIGENCE REGARDING NORTH KOREA AND CHINA.

Section 501 of the National Security Act of 1947 (50 U.S.C. 413) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

“(f) A notification to the congressional intelligence committees regarding intelligence information relating to North Korea or China after all or part of the information has been communicated to the governments of North Korea or China, respectively, shall not be construed to fulfill the duty under this title to keep the congressional intelligence committees fully and currently informed of the intelligence activities of the United States.”.

SEC. 505. SENSE OF CONGRESS REGARDING USE OF INTELLIGENCE RESOURCES.

It is the sense of Congress that the resources authorized under this Act should not be diverted from human intelligence collection and other intelligence programs designed to combat al Qaeda in order to study global climate change.

Subtitle B—Technical Amendments

SEC. 511. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking “authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403-3(c)(7), (d), 403-4(a), (g), and 405)” and inserting “authorized under section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a)”.

SEC. 512. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) **IN GENERAL.**—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the heading, by striking “FOREIGN”; and

(2) by striking “foreign” each place it appears.

(b) **RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.**—That section is further amended—

(1) in subsections (a) and (c), by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”; and

(2) in subsection (b), by inserting “of National Intelligence” after “Director”.

(c) **CONFORMING AMENDMENT.**—The heading of that section is amended to read as follows:

“**SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.**”.

SEC. 513. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended—

(1) in subsection (c)(3)(A), by striking “annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities” and inserting “annual budget for the Military Intelligence Program or any successor program or programs”; and

(2) in subsection (d)(1)(B), by striking “Joint Military Intelligence Program” and inserting “Military Intelligence Program or any successor program or programs”.

SEC. 514. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403-1)—

(A) in subsection (d)—

(i) in paragraph (3), by striking “subparagraph (A)” in the matter preceding subparagraph (A) and inserting “paragraph (1)(A)”;

(ii) in paragraph (5)(A), by striking “or personnel” in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking “or agency involved” in the second sentence and inserting “involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)”;

(B) in subsection (1)(2)(B), by striking “section” and inserting “paragraph”; and

(C) in subsection (n), by inserting “AND OTHER” after “ACQUISITION”.

(2) In section 119(c)(2)(B) (50 U.S.C. 404(c)(2)(B)), by striking “subsection (h)” and inserting “subsection (i)”.

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432(e)(2)(D)(i)), by striking “responsible” and inserting “responsive”.

SEC. 515. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) **AMENDMENTS TO NATIONAL SECURITY INTELLIGENCE REFORM ACT OF 2004.**—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458; 118 Stat. 3643) is amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 485(e)(10)(B)), by striking “Attorney General” the second place it appears and inserting “Department of Justice”.

(2) In section 1071(e), by striking “(1)”.

(3) In section 1072(b), in the subsection heading by inserting “AGENCY” after “INTELLIGENCE”.

(b) **OTHER AMENDMENTS TO INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.**—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting “of” before “an institutional culture”;

(B) in subsection (e)(2), by striking “the National Intelligence Director in a manner consistent with section 112(e)” and inserting “the Director of National Intelligence in a manner consistent with applicable law”; and

(C) in subsection (f), by striking “shall,” in the matter preceding paragraph (1) and inserting “shall”.

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking “the Federal” and inserting “Federal”; and

(B) in paragraph (3), by striking “the specific” and inserting “specific”.

SEC. 516. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) **EXECUTIVE SCHEDULE LEVEL II.**—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

“Director of the Central Intelligence Agency.”.

(b) **EXECUTIVE SCHEDULE LEVEL III.**—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence and inserting the following new item:

“Deputy Director of the Central Intelligence Agency.”.

(c) **EXECUTIVE SCHEDULE LEVEL IV.**—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intel-

ligence Director and inserting the following new item:

“General Counsel of the Office of the Director of National Intelligence.”.

SEC. 517. TECHNICAL AMENDMENTS RELATING TO THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) **TITLE 5.**—Title 5, United States Code, is amended by striking “National Imagery and Mapping Agency” each place it appears and inserting “National Geospatial-Intelligence Agency”.

(b) **TITLE 44.**—Title 44, United States Code, is amended—

(1) in section 1336—

(A) in the heading, by striking “National Imagery and Mapping Agency” and inserting “National Geospatial-Intelligence Agency”; and

(B) by striking “National Imagery and Mapping Agency” each place it appears and inserting “National Geospatial-Intelligence Agency”; and

(2) in the table of sections at the beginning of chapter 13, by striking the item relating to section 1336 and inserting the following new item: “1336. National Geospatial-Intelligence Agency: special publications.”.

(c) **SECTION 201 OF THE HOMELAND SECURITY ACT OF 2002.**—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121) is amended by striking “National Imagery and Mapping Agency” and inserting “National Geospatial-Intelligence Agency”.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-759. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. REYES

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-759.

Mr. REYES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. REYES:

At the end of subtitle B of title III, add the following new section:

SEC. 321. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit an element of the intelligence community from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a non-conventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a non-conventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

Page 70, line 3, strike "and".

Page 70, strike line 7 and insert the following: "dated or no longer relevant; and".

Page 70, after line 7 insert the following:

"(12) an assessment of the feasibility of employing foreign nationals lawfully present in the United States who have previously worked as translators or interpreters for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element."

Page 72, line 18, insert "and analysis" after "collection".

Page 72, line 21, insert "and analysis" after "collection".

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman from Texas (Mr. REYES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. REYES. Mr. Chairman, the revised Reyes/Murphy manager's amendment does several things. First, it makes clear that the intelligence community may enter into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or produced from a non conventional petroleum source provided that certain criteria are met. Some members of our committee were interested in addressing this issue, and we, Mr. Chairman, have done our best to handle it within the jurisdiction of our committee.

Second, we included an amendment offered by Mr. WELCH to require an assessment of the feasibility of employing individuals who have worked for the Federal Government in Iraq or Afghanistan as translators or interpreters. It fits very well with the committee's other reporting requirements on foreign languages. I believe it will be helpful to know whether the intelligence community can benefit from those individuals who have already served our government in Iraq or Afghanistan.

And finally, Mr. Chairman, the manager's amendment makes a technical correction to a report on intelligence resources devoted to Iraq and Afghanistan. This correction is designed to ensure that the report captures both collection and analysis resources.

So, with that, Mr. Chairman, I urge my colleagues to support the manager's amendment, and reserve the balance of my time.

□ 1415

Mr. HOEKSTRA. Mr. Chairman, I would like to claim the time in opposition to the amendment.

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

Mr. HOEKSTRA. While I will not oppose this amendment, I do want to note my concern that it includes substantive provisions that were not included in the amendment when it was originally submitted to the Committee on Rules.

On this side, we did not have an opportunity to review those provisions before the amendment was made in

order. I'm disappointed that in this case, the process that has been so successful in terms of working together was not continued. In the future, I hope that the process will be more transparent and enable a fair opportunity to review and understand the provisions that are being included in the manager's amendment before they are submitted to the Rules Committee and before we are required to go to the Rules Committee to testify.

We support the manager's amendment. We don't support the process. But we continue to work on the process and those things as we go through that.

With that, I will yield back the balance of my time.

Mr. REYES. Mr. Chairman, while we have no additional speakers, I just wanted to assure the ranking member that, as has been stated, like the bill, this is not a perfect bill. We're still working through the process, and I assure him we will continue to work together.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. REYES).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-759.

Mr. HOEKSTRA. Mr. Chairman, I would like to, as the designee of Mr. BLUNT, call forward the second amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. HOEKSTRA:

At the end of subtitle A of title V, add the following new section:

SEC. 506. SENSE OF CONGRESS REGARDING COLOMBIAN PARAMILITARY ORGANIZATIONS.

It is the sense of Congress that—

(1) the permanent defeat of the Revolutionary Armed Forces of Columbia (FARC), United Self-Defense Forces of Colombia (AUC), National Liberation Army (ELN), and other Colombian paramilitary organizations is in the national interest of the United States;

(2) the Colombian operation that liberated Americans Keith Stansell, Marc Gonsalves, and Thomas Howes and Ingrid Betancourt and 11 other Colombian hostages from the FARC on July 2, 2008, demonstrated the professionalism of Colombian security forces and intelligence operatives;

(3) intelligence and other cooperation by the United States has played a key role in developing and reinforcing the capabilities of the Government of Colombia to address terrorist and narcoterrorist threats;

(4) intelligence and other cooperation by the United States has significantly contributed to the continued success of the Government of Colombia in impacting the capabilities of terrorist and narcoterrorist groups that have threatened the national security of Colombia and the United States; and

(5) it is critical that such assistance continue in order to support the Government of Colombia in its efforts to continue to capitalize on those successes.

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman

from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. Mr. Chairman, I strongly support this amendment. It was originally going to be offered by my colleague, the distinguished Republican whip. He was called to the White House, and I consider it an honor to move this amendment forward on his behalf.

The amendment highlights not only the absolute success of the Colombian Government in its rescue of American and Colombian hostages that had been held for years by a narcoterrorist organization, but also the clear successes of the Colombian Government's efforts after years of close cooperation with the United States.

I want to take this opportunity to commend President Uribe and the Armed Forces and the National Police of Colombia on their efforts on this rescue and their many successes in implementing Plan Colombia. The amendment emphasizes the strong need to continue our close cooperation to work towards finishing the job in Colombia. We will continue to follow these issues closely and carefully in the committee, and I appreciate the Whip's efforts to focus attention on this important issue.

With that, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I rise to claim the time in opposition to the amendment, but I support this amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. REYES. This amendment expresses congressional support of Colombia in its most recent success against the FARC. I thank the minority leader for offering it.

The United States should support democratic nations in their efforts against violent terrorist groups such as FARC. We are all proud of the recent rescue of U.S. and Colombian hostages held by the FARC. This operation shows the strength, resourcefulness, and valor of the Colombian military. These qualities were developed through cooperation between the U.S. and Colombia.

In the past years, Colombia has made great strides against the FARC and greatly has reduced their strength. Republicans and Democrats alike have supported assistance to Colombia for the past decade. We must continue to do so.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Michigan has 4 minutes remaining. The gentleman from Texas has yielded back his remaining minutes.

Mr. HOEKSTRA. Mr. Chairman, at this time I would like to yield myself 1 minute.

Again, this is an amendment that talks about the success of the programs that we have been working on in a bipartisan basis with the Colombian Government, highlighted, of course, by the recent rescue of the American and Colombian and other hostages that had been held for years; but more importantly, we have worked in a participative way, in a collaborative way, in a number of different areas, on the diplomatic front, political front, and also on an intelligence and military front and continue to do that, not only to free the hostages but also to make a firm statement against narcotraffickers that the Colombian Government, the U.S. Government, and others are committed to stopping the narcotraffic which is kind of performing and acting as a cancer in both the United States and Colombia.

This amendment by Mr. BLUNT that I have the privilege of offering recognizes the participation and the work of the various governments, the various agencies, and the various individuals that have enabled this program to be successful.

With that, Mr. Chairman, I would like to yield 2 minutes to my colleague from Illinois (Mr. WELLER).

Mr. WELLER of Illinois. Mr. Chairman, I rise in support of this amendment.

If you travel in Latin America and you ask someone in Latin America who is America's best friend, who is America's most reliable partner and ally, they would say President Uribe of the Republic of Colombia.

Ladies and gentlemen, I'm here today to stand in support of this amendment that thanks America's best friend, America's most reliable and partnered ally, particularly on the war on narcotics and counterterrorism, and to thank them for the successful rescue of three Americans. And it was done without a shot being fired, without loss of life.

It was an incredible operation, an operation based on good intelligence, on good work by the Colombian military and the resources that had been made available thanks to the work of many in this Congress. That's good news, and we want to say thank you to our friend and ally.

You know, there's a reason that President Uribe today enjoys an approval rating of almost 90 percent. He's the most popular elected official in the entire Western Hemisphere. And that's because he's made tremendous progress in dealing with the FARC and the ELN and the paramilitaries, those who have threatened the peace and security of that great nation for the last four decades. He has made tremendous progress.

And his record is successful. You look at it. Poverty has decreased by 10 percent. Today, 40 percent of the national budget is spent on social needs,

as they made progress in bringing down violence. The murder rate has been reduced by 40 percent. In fact, for labor unionists, trade activists, trade union activists, it's down about 85 percent. Tremendous.

The Acting CHAIRMAN. The time of the gentleman has expired.

Mr. WELLER of Illinois. I urge bipartisan support for this amendment.

Mr. HOEKSTRA. Mr. Chairman, I believe I have 1 minute remaining; is that correct?

The Acting CHAIRMAN. The gentleman has 1 minute remaining.

Mr. HOEKSTRA. I would like to yield my last minute to my colleague from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. I want to thank the sponsor of this sense of Congress.

We saw just a few weeks ago what happened in Colombia where the Colombian military and that democratically elected government freed a number of hostages, including Americans, that had been held hostage for over 5 years. If there's ever been a time when U.S. aid has been used effectively, we saw it just a few days ago.

It is time that this Congress stop criticizing the democratically elected government of Colombia. Stop criticizing the Colombian people and start putting the blame where the blame needs to be, and that is on those murderous FARC. The Colombian Government is doing an incredible job, a wonderful job fighting those narcoterrorist thug murderers, and they're doing it with our help. It's great that we're finally going to commend them.

I hope that this is just the first step. I hope we pass a free trade deal with Colombia because they deserve it. The democracy in Colombia deserves it, and we cannot turn our back. I hope we also stop that cut to our friend Colombia that reduces the funding to the Government of Colombia.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HOLT

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-759.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. HOLT:

At the end of subtitle A of title IV, add the following new section:

SEC. 418. MEMORANDUM TO HOLDERS OF NATIONAL INTELLIGENCE ESTIMATE ON IRAN.

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall issue a memorandum to holders of the National Intelligence Estimate entitled "Iran: Nuclear Intentions and Capabilities" regarding any intelligence on the nuclear program of Iran that has been gathered or emerged since the publication of such National Intelligence Estimate in October, 2007.

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I need not be long.

This is a straightforward, simple amendment that I hope will be without controversy. My amendment to the Intelligence Authorization Act would require the Director of National Intelligence to inform all recipients of the October 2007 National Intelligence Estimate on Iran's nuclear program of any new intelligence on this subject that has emerged since the publication last fall.

The October 2007 NIE was prepared with new and, I would say, improved procedures and provided us with insights into the status of the Iranian nuclear program. As you know, Mr. Chairman, the intelligence process is not static. This amendment is designed to ensure that Congress and others in the executive branch get the very latest information on Iran's nuclear program in a timely fashion and developed with good intelligence procedures.

I believe I have no other speakers, but I will reserve my time.

Mr. HOEKSTRA. Mr. Chairman, I ask unanimous consent to take the time in opposition, although I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. Thank you, Mr. Chairman.

I support this amendment. In the committee, I offered a similar amendment that would have required a revised National Intelligence Estimate on Iran. The discovery of the al Kibar facility in Syria shortly after the original National Intelligence Estimate on Iran came out clearly suggested that prior assessments with respect to proliferation should be reviewed and re-evaluated and the confidence level re-assessed.

The previous NIE on Iran was so poorly drafted and so seriously undermined by subsequent developments in intelligence that I thought it was necessary for the DNI to go back to the drawing board and start over. While my amendment was not successful, I believe that this amendment helps to address the issues I was attempting to raise.

Therefore, I will support this amendment.

I yield back the balance of my time
Mr. HOLT. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The amendment was agreed to.

□ 1430

AMENDMENT NO. 4 OFFERED BY MR. HOEKSTRA

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-759.

Mr. HOEKSTRA. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. HOEKSTRA:

At the end of subtitle A of title V, add the following new section:

SEC. 506. JIHADISTS.

None of the funds authorized to be appropriated by this Act may be used to prohibit or discourage the use of the words or phrases "jihadist", "jihad", "Islamofascism", "caliphate", "Islamist", or "Islamic terrorist" by or within the intelligence community or the Federal Government.

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman from Michigan (Mr. HOEKSTRA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. HOEKSTRA. At this time, I yield myself whatever time I may consume.

Mr. Chairman, I rise today in support of my amendment to prohibit the use of funds in this bill to discourage analysts from using the words "jihadist", "jihad," "caliphate," "Islamist" or "Islamic terrorist" by or within the intelligence community or the United States Government.

We are dealing with an enemy that speaks in no uncertain terms about its desire to attack our homeland and kill innocent Americans. In a statement released in March, Osama bin Laden said the following:

"God, make the mujahedin in Palestine, Iraq, Afghanistan, the Islamic Maghreb, the Arabian Peninsula, Somalia, Chechnya, and everywhere victorious. God, defeat our enemies of the Jews, the Christians, and their supporters."

More recently, in May bin Laden said the following:

"O youths of the generation: Jihad is the only way to liberate Palestine and al-Aqsa Mosque and to regain the orthodox caliphate, God willing."

Al Qaeda itself uses these terms to describe its fight against America, our allies, and moderate Muslims around the world. Why then would we prohibit our intelligence professionals from using the same words to accurately describe al Qaeda's stated goals?

Yet that is exactly what some in Washington are attempting to do. I was

dismayed to learn that over the past few months, intelligence bureaucrats at the State Department, the National Counterterrorism Center, and the Department of Homeland Security have issued memos imposing speech codes on how their employees can describe al Qaeda and other radical jihadist groups. They won't even be able to use the words these groups use themselves to describe themselves. These agencies within the intelligence community won't be able to use those words.

Mr. Chairman, free speech should not be controversial, nor should candid, accurate, and fair discussion of the self-professed goals of the terrorists that attack our homeland and have sworn to kill more Americans.

I find it more than ironic that some who have complained the loudest about politicization in the intelligence community would oppose this simple amendment to prevent the politically correct politicization of our Nation's intelligence community. We all know that political correctness can be the enemy of clarity.

We also know that radical jihadists have made repeated efforts to stifle free speech in the West, including the murder of Dutch film maker, Theo van Gogh, and frequent death threats against authors, cartoonists, and journalists.

Let's not give the radical jihadists a victory here by imposing a speech code on America's intelligence community.

With that, I will reserve the balance of my time.

Mr. REYES. Mr. Chairman, I rise to claim the time in opposition to this amendment.

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

Mr. REYES. Mr. Chairman, I oppose this amendment, which incidentally was offered in our committee but which was not agreed to.

For years, Members have come to this floor to talk about the need to win the hearts and minds of moderate Muslims. This was one of the central recommendations of the 9/11 Commission.

The Department of Homeland Security, the National Counterterrorism Center, and the State Department have issued careful guidance to their employees saying in effect, when you see the term "jihad" to describe a violent form of terrorism, you might be alienating those moderate Muslims who want to join us in the fight against terrorism.

The government must consider how its words will be interpreted by its audience. If Muslims around the world hear something other than what we want to say, we will simply not achieve our goals.

This is sensible guidance, not political correctness. Language is a strategic weapon in the war of ideas. We should, therefore, use it wisely. The administration has obviously realized this and has provided appropriate guidance.

Congress should not try to undermine this effort by sending contradictory messages about the use of these terms.

I oppose this amendment, Mr. Chairman.

I reserve the balance of my time.

Mr. HOEKSTRA. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Michigan has 2½ minutes remaining.

Mr. HOEKSTRA. At this time, I'd like to yield 1½ minutes to my colleague from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. This is the one thing that just has me scratching my head. Every day, analysts in the IC community will hear those words, "caliphate," "jihadist," "Muslim extremism," because those are the words of our enemy. And what we're telling this whole community, whose job it is to keep us informed and keep people who are going to do these intelligence investigations informed, is who they are, what they are, and how they use words, including coming up and briefing members of the State Department, ambassadors, and other things.

So what you're saying is no more free speech; we're going to hurt somebody's feelings. We don't want to say that terrorists are using words like "caliphate," they're using words like "jihad."

This is the craziest thing I have ever heard. It is political correctness that is dangerous.

If you ask the average American, should we shut down these people's use of the words in describing it to public officials, they will scratch their head and laugh. But that's exactly what you do when you create these artificial systems of the speech police.

Do you want them to walk around the halls and police those who may slip and use the word "jihadist" after quoting Osama bin Laden in trying to get somebody to understand the dangers that they pose to the United States of America?

I would just ask my colleagues, please, use a little common sense. This surpasses any, any commonsense test you can put together when it comes to free speech, number one, and accurately communicating between the powers that be, the intelligence community and policy-makers that need to have the same language that our enemy does to understand who they are and how dangerous they are.

Mr. REYES. Mr. Chairman, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman from Texas has 3½ minutes remaining.

Mr. REYES. Mr. Chairman, with that, I will yield the gentledady from California (Ms. HARMAN), former ranking member of this committee, 2½ minutes.

Ms. HARMAN. I thank the chairman for yielding to me, and I commend him and the ranking member for crafting a very good bill. Many parts of this bill that reflect work we did together in

this committee in years past, and it's wonderful that we will act on it later this afternoon.

With respect to this amendment, I rise in reluctant opposition which I want to explain. I do understand the point that we should not be engaged in political correctness or censorship. I don't think my opposition is based on either of those things.

Former Defense Secretary Rumsfeld once wrote a snowflake which asked, Are we capturing and killing them faster than they are rising up against us? The answer was no, and it's still no.

It does matter that we try to win the argument, and not just with the next generation who could become suicide bombers or build the next lethal generation of IEDs, but we win the argument with moderate Muslims, many of whom live in the United States and want to help us.

And their guidance has gone into this guidance, published by the Homeland Security Department, which is that we not use language that inflames.

To the gentleman from Michigan, there is no prohibition in this to quoting the statements of Osama bin Laden and others who use these hateful words. Why would we want to censor that? The prohibition is directed at ourselves, words that will inflame the very communities we're trying to convince.

I would just close with the observation that if we had thought a little longer about using the phrase "axis of evil" we might have, it seems to me, engendered more cooperation on the part of some countries that have, sadly, moved far away from us, and engendered more cooperation on the part of populations which now look at America with disapproval.

Mr. HOEKSTRA. Mr. Chairman, I believe I have the right to close, so I will reserve the balance of my time.

Mr. REYES. Mr. Chairman, I will just yield myself the remainder of my time to say that this is not about political correctness. This is about recognizing that words matter and the way we use words matter, particularly to those that we're trying to influence and those that we're trying to bring over in this war of ideas.

I think it's important to recognize that, again, it's not about political correctness. It's about using common sense.

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

Mr. HOEKSTRA. Mr. Chairman, I yield myself the balance of my time.

This is absolutely about political correctness. If we can't use the words that our enemies use to describe themselves and their activities, when they say jihad is the only way to liberate Palestine, and we go to local law enforcement, when we go to others in America and we describe the motivations and the intentions of those who wish to do us harm, I ask my colleagues, how do you expect the intelligence community to explain the behavior or the motiva-

tion of our enemies? Do we expect the intelligence community to say these are kind of bad people that may want to do us harm? We can't really use the words that they use to describe themselves because we've restricted the access of those words.

How will America understand the nature and the character of our enemy if we can't use the words that they use to describe themselves and we need to come up with a whole new language that is totally out of context with the enemy and the nature of the threat that we face today?

I urge my colleagues to support this commonsense amendment.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. HOEKSTRA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

The Acting CHAIRMAN. The Committee will rise informally.

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

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

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

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009

The Committee resumed its sitting.

AMENDMENT NO. 5 OFFERED BY MS. HARMAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110-759.

Ms. HARMAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. HARMAN:

At the end of subtitle A of title III, add the following new section:

SEC. 310. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.

It is the sense of Congress that—

(1) a robust and highly skilled aerospace industry workforce is critical to the success of intelligence community programs and operations;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave the intelligence community without access to the intellectual capital and technical capabilities necessary to identify and respond to potential threats; and

(3) the Director of National Intelligence should work cooperatively with other agencies of the Federal Government responsible

for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to the intelligence community.

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman from California (Ms. HARMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Ms. HARMAN. Mr. Chairman, I rise in support of the Harman-Ehlers amendment, and I'm pleased to be here on the House floor once again with my friend VERN EHLERS to call attention to a looming crisis in our aerospace industrial base.

I represent the heart of the space industrial base and have long called my district the satellite center of the universe. Most of the intelligence satellites built in the United States are built in my district, and that is why it was such an honor to serve for 8 years on the Intelligence Committee and why I'm so proud of the work the committee is doing.

I have always been mindful of the need for a skilled industrial base. Simply put, rocket scientists don't grow on trees.

Earlier this year, on a visit to a major aerospace firm in my district, there was a stark reminder of the crisis facing this industry.

□ 1445

Following a briefing on an important satellite program, I asked if any of the employees in attendance had anything to tell me. A 31-year-old engineer raised his hand and said, "All my peers are gone." Engineers his age, he explained, are leaving the aerospace industry for other fields, and very few are taking their place.

The problem is two-fold. More than 60 percent of aerospace industry workers are over 45, and 26 percent of them are eligible for retirement this year. So the result is a looming demographic cliff that leaves the intelligence community and the industry without the intellectual capital necessary to keep pace with global competitors. There are many reasons for this. Part of it is the training we give kids in secondary school. Part of it is Congress and the Department of Defense, who don't necessarily provide predictable funding streams.

We saw the results of our failure in the 1990s, when we declared a peace dividend, cut our procurement budgets, then tried to do defense procurement and satellite manufacturing on the cheap, and guess what happened? Launch failures, performance problems, and engineers abandoning the industry in droves. We have finally managed to regrow some of these specialties just at a time when, again, because of age and because other careers are more sexy, we may lose these people forever. This will hurt our national security. And this is why our amendment

expresses the sense of Congress that a skilled workforce is essential to the intelligence community's success, and that the Director of National Intelligence should work cooperatively with other government agencies to sustain and expand a diverse workforce.

Mr. Chairman, before yielding to Mr. EHLERS, I would just like to say that so much in the Intelligence bill before us—like multilevel clearances, like very sensible comments on the National Applications Office, like prohibiting the use of contractors for CIA detainee interrogations, like the requirements for more briefings for more Members of the Intelligence Committee—are ideas that were generated some years back when I had the privilege of being ranking member on the committee.

The committee matters. Bipartisanship matters. I want to commend my coauthor for the enormous work he does on this issue.

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

Mr. HOEKSTRA. Mr. Chairman, I ask unanimous consent to take the 5 minutes in opposition to the amendment, although I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I support the amendment. I appreciate the efforts of the distinguished former ranking member of the committee to call attention to the importance of the aerospace industrial base, which is critical to our intelligence efforts. I applaud her work with my colleague from Michigan (Mr. EHLERS) in bringing this amendment forward.

This amendment also further highlights the need for a comprehensive strategy for our Nation's intelligence overhead architecture. Unfortunately, I do not believe a sufficient strategy is yet in place, and I am concerned that the intelligence community is still not moving with urgency to solve this problem. We must address these issues in the interest of our national security, and just as importantly, to protect and maintain our industrial base as highlighted in this amendment.

With that, I would yield back the remainder of my 1 minute and yield the remaining 4 minutes to my colleague from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman from western Michigan for yielding to me. And I certainly thank the gentleman from California for offering this amendment.

As we discussed on the floor just a few weeks ago, I managed to get a bill passed a couple of years ago to strengthen the aerospace industry workforce just in order to help NASA, because they were having so many retirements. Many joined their workforce in the 1960s to respond to the call from

President John Fitzgerald Kennedy that we go to the Moon, and those individuals are all now retiring, and as a result we have a serious shortage of workers in the aerospace industry. But there are many other industries, including the intelligence departments of this government, that have a desperate need of those knowledgeable about aerospace and other science and mathematics areas.

As I suspect everyone in this House knows, I've worked very hard over the last 15 years trying to improve the math-science education of this Nation. It's beginning to pay dividends. Just at lunchtime today, we had a very large room full of young ladies, all of high school and college age, interested in getting into mathematics and science, so we are making progress on that. But we need much more progress if we are going to compete with China, with India, and with other nations in regard to a trained, intelligent workforce.

That's especially true, of course, in the intelligence field and in the NASA. We have some very skilled, very knowledgeable, very bright people working there, but also, we are going to be losing a number of them to retirement, in the last few years. We have to beef up that force. And so this amendment will emphasize the need that we have to encourage more individuals to go into science and mathematics at all levels, ranging from high school graduates up through Ph.Ds. And we definitely need to work at that as a Nation. I appreciate that the amendment will direct the national intelligence effort in this direction as well.

So thank you again to the sponsor of the amendment for offering this. It is a great help to our Nation, it's a great help to the intelligence service, and I'm pleased to be part of it.

Ms. HARMAN. Mr. Chairman, may I inquire as to how much time is remaining.

The Acting CHAIRMAN. The gentleman from California has 1½ minutes remaining.

Ms. HARMAN. Mr. Chairman, I yield 30 seconds to the chairman of the full committee, Mr. REYES.

Mr. REYES. I thank the gentlelady for yielding.

I just wanted to add my support to this amendment. This is a critical need that we depend on for our national security. And certainly this amendment highlights that we need to refocus our attention in this very critical area for our national security.

Ms. HARMAN. Mr. Chairman, in closing debate on this amendment, I would point out that one of the words in it, one of the things we hope to improve is "diversity" in the aerospace industrial base. This matters for lots of reasons. First of all, it reaches the whole talent pool in America, which is something we ought to be doing. But second, it matters because, as we've learned, to our detriment, a lot of the people we should be recruiting and retaining in intelligence fields, in aerospace and

elsewhere lack the diversity necessary to penetrate the hard targets.

So I would call this a win-win. If America can't produce scientists and engineers to protect our national security, we are at grave risk.

I urge an "aye" vote for this amendment. I urge an "aye" vote for the underlying bill and salute both the chairman and ranking member for bringing it to the floor on a bipartisan basis.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from California (Ms. HARMAN).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. KIRK

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110-759.

Mr. KIRK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. KIRK:

At the end of subtitle A of title IV, add the following new section:

SEC. 418. NATIONAL INTELLIGENCE ESTIMATE ON PRODUCTION AND SALE OF NARCOTICS IN SUPPORT OF INTERNATIONAL TERRORISM.

Not later than one year after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on the production and sale of narcotics in support of international terrorism, including the support the Taliban and al Qaeda receive from the sale of narcotics (particularly heroin) and the shift in production from opium to hashish in Afghanistan.

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman from Illinois (Mr. KIRK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

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

Mr. Chairman, successful counterterror campaigns teach that to win, you must attack both terrorists and their money.

Through our congressional partisan lens, the Iraq war is sometimes described as the "bad war" while Afghanistan is described as the "good war." Our partisan lens does not allow us to recognize any good news from Iraq, and also blocks bad news from Afghanistan. But in Afghanistan, we see that the Taliban is back, funded by billions from the sale of heroin.

Last month, security situations in Afghanistan worsened, and the Taliban set new records for intensity, scope and frequency of their attacks. The numbers of districts under stress, the number of district centers attacked, and the number of roadside car bombs and suicide bombs all dramatically increased. In total, the death toll in June alone numbered over 40 NATO casualties, including 27 Americans, representing the highest number killed in

any single month in 7 years of conflict in Afghanistan.

According to open-source reporting on NATO-Taliban fire fights, the Taliban has not run out of people, ammunition or supplies. And NATO ground forces did not win every battle, a new and troubling development.

For many years, Afghanistan has become the world's leading producer of heroin, responsible for roughly 92 percent of the world's supply. But the U.N. now reports that in 2008, Afghanistan has become the top producer of hashish as well. Money from heroin, and now profits from hashish, total hundreds of millions, if not billions, of dollars. In sum, the Taliban's drug profits may equal the operations budget of General McKiernan and his NATO army. This amendment will help focus the broader intelligence community on the clear nexus between narcotics and terrorism.

The hot issue yesterday was a surge in troops to Afghanistan backed by both Senators OBAMA and MCCAIN. I would sound a note of caution, though, that without aerial spraying and other counterdrug programs that have worked in Pakistan and Colombia, such an Afghan move would only accelerate violence between two now very well-funded opponents.

To turn the rising Taliban tide, we must now effectively move against heroin, and now hashish, in the narcostate that is now Afghanistan. This amendment will commission a National Intelligence Estimate to look at the nexus between drug profits and terrorism.

We all note the record of the past. In 2001, the leader of the Taliban, Mullah Omar, claimed to have eradicated the entire heroin crop of Afghanistan. That is what his PR agents wanted you to know. What they did not want you to know is Mullah Omar had stockpiled 300 tons of opium paste in warehouses south of Kandahar in an effort similar to what the Hunt brothers did with the silver market, trying to corner the market in opium and heroin.

In 2002, after coalition troops moved to replace the Taliban plan, our Ambassador to Afghanistan, Zal Khalilzad, convinced the new President, Hamid Karzai, to be against aerial spraying, saying that it would recall memories of the Soviet invasion of Afghanistan. That single move crippled counternarcotic programs in that country. Without aerial spraying, just to spray the leader's field, as has been done in Pakistan and Colombia, heroin production rose from no provinces in 2001, to 29 of 34 provinces today.

Such a rise in drug production led to enormous profits. And when asked the question, who is the chief financier of the Taliban, and partially of al Qaeda, the leading counternarcotics adviser to President Hamid Karzai told me it was Haji Bashir Noorzai, the banker to the Taliban.

In a very successful operation by the DEA, Haji Bashir Noorzai was lured first to the U.A.E., and then to New York City, where he was indicted in

the Southern District of New York and is currently incarcerated. It was a great triumph for the United States, putting Haji Bashir Noorzai on the cover of Time magazine and underscoring the important contribution that the Drug Enforcement Agency can add to the intelligence community.

At the time, DEA was not part of the intelligence community. By action of the last Congress, we brought DEA into the intelligence community and supplied them with new intelligence collection assets to operate in Afghanistan. It is because DEA is in, that with their intelligence, this amendment should pass.

Mr. REYES. Mr. Chairman, I ask unanimous consent to claim the time in opposition to this amendment; however, I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Texas is recognized for 5 minutes.

There was no objection.

Mr. REYES. Mr. Chairman, the intelligence community has devoted significant resources to collecting and analyzing intelligence on the narcotics trade and on terrorism, but it has not performed an in-depth analysis of the link between the two.

In Afghanistan, the Taliban and al Qaeda have benefited from the greater cultivation, refinement, and trade of opium and hashish. The dark world of narcotics has become a funding source for terrorist groups in Afghanistan.

This amendment proposes to bring together all of the intelligence agencies to analyze the connection between terrorists and their narcotics-backed funding. I value Mr. KIRK's interest in the narcoterrorist nexus, and therefore I support his amendment.

Mr. REYES. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. KIRK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. KIRK. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. HINCHEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110-759.

Mr. HINCHEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. HINCHEY:

At the end of subtitle B of title IV, add the following new section:

SEC. 426. REPORT ON ACTIVITIES OF THE CENTRAL INTELLIGENCE AGENCY IN ARGENTINA.

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act,

the Director of the Central Intelligence Agency shall submit to the appropriate congressional committees a report containing the following:

(1) A description of any information in the possession of the intelligence community with respect to the following events in the Republic of Argentina:

(A) The accession to power by the Military of the Republic of Argentina in 1976.

(B) Violations of human rights committed by officers or agents of the Argentine military and security forces.

(C) Operation Condor and the fate of Argentine people targeted, abducted, or killed during such Operation, including Argentine children born in captivity whose status remains unknown.

(2) All information that may lead to the discovery of the Argentine children born in captivity whose status remains unknown.

(3) A compilation of information referred to in paragraphs (1) and (2) that has been declassified.

(b) UPDATE OF COMPILATION.—Not later than one year after the date on which the report required under subsection (a) is submitted, and annually thereafter for three years, the Director of the Central Intelligence Agency shall submit to the appropriate congressional committees an update of the compilation referred to in subsection (a)(3).

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITION.—In this section, the term "appropriate congressional committees" means the Permanent Select Committee on Intelligence and the Committee on Appropriations of the House of Representatives and the Select Committee on Intelligence and the Committee on Appropriations of the Senate.

□ 1500

The Acting CHAIRMAN. Pursuant to House Resolution 1343, the gentleman from New York (Mr. HINCHEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

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

In 1976, amidst social unrest and a deep political crisis in Argentina, a military coup there installed the cruelest dictatorship that South America has ever seen. Illegal detention, torture, and summary execution of dissidents became routine.

Cross-country operations to capture and assassinate dissidents were organized in cooperation with Southern Cone military regimes in what is known as Operation Condor.

Over the years, as the victims of the repression increasingly went missing, a new tactic of the Argentine security forces, so-called, was revealed. It is estimated that nearly 30,000 people disappeared in Argentina between 1976 and 1985. Many of these victims, known as "the disappeared," were abducted, tortured, and then dropped out into the ocean.

During Operation Condor, approximately 500 Argentine women were abducted and systematically raped and impregnated by Argentine security forces. Their children were born into captivity and distributed to members

of these Argentine security forces, while the mothers are believed to have been killed. The identity of only 80 of these children have been discovered, but the whereabouts of the majority remain unknown.

My amendment seeks to shed light on the unknown fate of these children, who would be roughly in their late 20s or early 30s at this moment. The amendment would require the Central Intelligence Agency to report to the House and Senate Intelligence panels on information, any information, it has about the human rights violations of the military government in Argentina from the mid-1970s to the mid-1980s, the rise to power of that government, and the location of any Argentine children born in captivity as a result of Operation Condor.

The amendment also instructs the CIA to include a compilation of declassified documents, as well as any classified material that may exist with regard to this issue.

Given the close relationship with their Argentine counterparts in the intelligent, security, and military community, the documentation of the American intelligence community is likely to contain invaluable information to support ongoing justice investigations and the search for the children of the disappeared.

This amendment is supported by the Argentine Embassy, of course; the National Security Archive of George Washington University, and a wide array of human rights organizations.

I urge you to join me in supporting this contribution to truth and justice and something that is critically important to the future of Argentina, particularly these children.

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

Mr. HOEKSTRA. Mr. Chairman, I ask unanimous consent to claim the time in opposition to this amendment, although I will not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Michigan is recognized for 5 minutes.

There was no objection.

Mr. HOEKSTRA. Mr. Chairman, while we are still taking a look at exactly what this amendment means, it raises some concerns because I think the last thing that some of us want to do is to divert important intelligence resources and assets to take a look at something that happened 20 to 30 years ago at the same time that we are facing the threat that we face today from radical jihadists and other challenges on a global basis.

I think my colleague made some compelling arguments as to if there is information available in the intelligence community that would shed some light on these types of issues that the intelligence community should at least report that information to the Intelligence Committee so that we can determine how we should dispose of that information, perhaps make it available.

I am assuming that my colleague doesn't envision the intelligence community going out and doing new work to try to assess as to what happened 20 to 30 years ago but to report on the information that they have in their possession at that time.

I will yield to my colleague.

Is my understanding roughly correct?

Mr. HINCHEY. I think your understanding is correct. But I would just say this: that there is unquestionably a large amount of information that is available which would be very important to the Government of Argentina with regard to the location of these children. I'll just give you an example:

In 1999 the Justice Department asked for the release of this information. The State Department then released 470,000 documents on this subject; however, there was no release from other entities that contain similar documents, and it's about time that those documents become released.

Mr. HOEKSTRA. Reclaiming my time, I thank my colleague for that clarification.

So I will not oppose this amendment, Mr. Chairman. I will support the amendment. And I am sure that those of us on the Intelligence Committee can work with the individual and the intelligence community to make sure that we get the information that is out there that is available to assess it and to go through it in such a way that will not take large amounts of time from the intelligence community and divert their attention from the tasks and the challenges that they face today.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. HINCHEY. Mr. Chairman, I want to express my appreciation to the gentleman from Michigan for his statements and for his cooperation with this amendment. I am deeply grateful to him for that.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. HINCHEY).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110-759 on which further proceedings were postponed, in the following order:

amendment No. 2 by Mr. HOEKSTRA of Michigan;

amendment No. 4 by Mr. HOEKSTRA of Michigan;

amendment No. 6 by Mr. KIRK of Illinois.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. HOEKSTRA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) on which further pro-

ceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 10, answered "present" 7, not voting 8, as follows:

[Roll No. 499]

AYES—414

| | | |
|----------------|-----------------|-----------------|
| Ackerman | Conaway | Hall (TX) |
| Aderholt | Conyers | Hare |
| Akin | Cooper | Harman |
| Alexander | Costa | Hastings (FL) |
| Allen | Costello | Hastings (WA) |
| Altmire | Courtney | Hayes |
| Andrews | Cramer | Heller |
| Arcuri | Crenshaw | Hensarling |
| Baca | Crowley | Herger |
| Bachmann | Cubin | Herseth Sandlin |
| Bachus | Cuellar | Higgins |
| Baird | Culberson | Hill |
| Baldwin | Cummings | Hinojosa |
| Barrett (SC) | Davis (AL) | Hobson |
| Barrow | Davis (CA) | Hodes |
| Bartlett (MD) | Davis (IL) | Hoekstra |
| Barton (TX) | Davis (KY) | Holden |
| Bean | Davis, David | Holt |
| Becerra | Davis, Lincoln | Honda |
| Berkley | Davis, Tom | Hooley |
| Berman | Deal (GA) | Hoyer |
| Berry | DeFazio | Hulshof |
| Biggart | DeGette | Hunter |
| Bilbray | DeLauro | Inglis (SC) |
| Bilirakis | Dent | Inslee |
| Bishop (GA) | Diaz-Balart, L. | Israel |
| Bishop (NY) | Diaz-Balart, M. | Issa |
| Bishop (UT) | Dicks | Jackson (IL) |
| Blackburn | Dingell | Jackson-Lee |
| Blumenauer | Doggett | (TX) |
| Blunt | Donnelly | Jefferson |
| Boehner | Doolittle | Johnson (GA) |
| Bonner | Doyle | Johnson (IL) |
| Bono Mack | Drake | Johnson, E. B. |
| Boozman | Dreier | Johnson, Sam |
| Boren | Duncan | Jones (NC) |
| Boucher | Edwards (TX) | Jones (OH) |
| Boustany | Ehlers | Jordan |
| Boyd (FL) | Ellsworth | Kagen |
| Boyd (KS) | Emanuel | Kanjorski |
| Brady (PA) | Emerson | Kaptur |
| Brady (TX) | Engel | Keller |
| Braley (IA) | English (PA) | Kennedy |
| Brown (GA) | Eshoo | Kildee |
| Brown (SC) | Etheridge | Kilpatrick |
| Brown, Corrine | Everett | Kind |
| Brown-Waite, | Faleomavaega | King (IA) |
| Ginny | Fallin | King (NY) |
| Buchanan | Farr | Kingston |
| Burgess | Fattah | Kirk |
| Burton (IN) | Feeney | Klein (FL) |
| Butterfield | Ferguson | Kline (MN) |
| Buyer | Flake | Knollenberg |
| Calvert | Forbes | Kuhl (NY) |
| Camp (MI) | Fortenberry | LaHood |
| Campbell (CA) | Fossella | Lamborn |
| Cannon | Foster | Lampson |
| Cantor | Fox | Langevin |
| Capito | Frank (MA) | Larsen (WA) |
| Capps | Franks (AZ) | Larson (CT) |
| Capuano | Frelinghuysen | Latham |
| Cardoza | Gallegly | LaTourette |
| Carnahan | Garrett (NJ) | Latta |
| Carney | Gerlach | Lee |
| Carson | Giffords | Levin |
| Carter | Gillibrand | Lewis (CA) |
| Castle | Gingrey | Lewis (GA) |
| Castor | Gohmert | Lewis (KY) |
| Cazaaxoux | Gonzalez | Linder |
| Chabot | Goode | Lipinski |
| Chandler | Goodlatte | LoBiondo |
| Childers | Gordon | Loeb sack |
| Christensen | Granger | Lowey |
| Clay | Graves | Lungren, Daniel |
| Cleaver | Green, Gene | E. |
| Clyburn | Grijalva | Lynch |
| Coble | Gutierrez | Mack |
| Cole (OK) | Hall (NY) | Mahoney (FL) |

Maloney (NY) Pitts
 Manzullo Platts
 Marchant Poe
 Markey Pomeroy
 Marshall Porter
 Matheson Price (GA)
 Matsui Price (NC)
 McCarthy (CA) Pryce (OH)
 McCarthy (NY) Putnam
 McCaul (TX) Radanovich
 McCollum (MN) Rahall
 McCotter Ramstad
 McCrery Rangel
 McGovern Regula
 McHenry Rehberg
 McHugh Reichert
 McIntyre Renzi
 McKeon Reyes
 McMorris Reynolds
 Rodgers Richardson
 McNerney Rodriguez
 McNulty Rogers (AL)
 Meek (FL) Rogers (KY)
 Meeks (NY) Rogers (MI)
 Melancon Rohrabacher
 Mica Ros-Lehtinen
 Michaud Roskam
 Miller (FL) Ross
 Miller (MI) Rothman
 Miller (NC) Roybal-Allard
 Miller, Gary Royce
 Miller, George Ruppertsberger
 Mitchell Ryan (OH)
 Mollohan Ryan (WI)
 Moore (KS) Salazar
 Moran (KS) Sali
 Moran (VA) Sánchez, Linda
 Murphy (CT) T.
 Murphy, Patrick Sanchez, Loretta
 Murphy, Tim Sarbanes
 Murtha Saxton
 Musgrave Scalise
 Myrick Schakowsky
 Nadler Schiff
 Napolitano Schmidt
 Neal (MA) Weiner
 Neugebauer Scott (GA)
 Norton Scott (VA)
 Nunes Sensenbrenner
 Oberstar Serrano
 Olver Sessions
 Ortiz Sestak
 Pallone Shadegg
 Pascrell Shays
 Pastor Shea-Porter
 Pearce Sherman
 Pence Shimkus
 Perlmutter Shuler
 Peterson (MN) Shuster
 Peterson (PA) Simpson
 Petri Sires
 Pickering Skelton

NOES—10

Ellison McDermott Payne
 Filner Moore (WI) Stark
 Hinchey Obey
 Kucinich Paul

ANSWERED “PRESENT”—7

Abercrombie Edwards (MD) Sutton
 Clarke Hirono
 Cohen Lofgren, Zoe

NOT VOTING—8

Bordallo Fortuño Lucas
 Boswell Gilchrest Rush
 Delahunt Green, Al

□ 1538

Messrs. HINCHEY, STARK, PAYNE, and Ms. MOORE of Wisconsin changed their vote from “aye” to “no.”

Messrs. TIERNEY, JOHNSON of Georgia, BISHOP of Utah, HERGER, NADLER and Ms. LINDA T. SÁNCHEZ of California changed their vote from “no” to “aye.”

Mr. COHEN and Ms. SUTTON changed their vote from “aye” to “present.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. BORDALLO. Mr. Chairman, I was delayed in arriving to the Chamber this afternoon and the vote on the first amendment offered by Mr. HOEKSTRA of Michigan to H.R. 5959, the Intelligence Authorization Act of Fiscal Year 2009, closed before I could cast my vote. Had I been able to cast my vote on this amendment, rolcall No. 499, I would have voted “aye.”

AMENDMENT NO. 4 OFFERED BY MR. HOEKSTRA

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. HOEKSTRA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 249, noes 180, not voting 10, as follows:

[Roll No. 500]

AYES—249

Ackerman Culberson Hunter
 Aderholt Cummings Inglis (SC)
 Akin Davis (AL) Israel
 Alexander Davis (KY) Issa
 Allen Davis, David Johnson (IL)
 Arcuri Davis, Lincoln Johnson, Sam
 Bachmann Jones, Tom
 Bachus Deal (GA) Jordan
 Barrett (SC) Dent
 Bartlett (MD) Diaz-Balart, L.
 Barton (TX) Diaz-Balart, M.
 Bean Donnelly
 Berkley Doolittle
 Biggert Drake
 Bilbray Dreier
 Bilirakis Duncan
 Bishop (UT) Ehlers
 Blackburn Ellsworth
 Blunt Engel
 Boehner English (PA)
 Bonner Everett
 Bono Mack Fallin
 Boozman Fattah
 Boren Feeney
 Boucher Ferguson
 Boustany Flake
 Brady (TX) Forbes
 Broun (GA) Fortenberry
 Brown (SC) Fossella
 Brown-Waite, Foster
 Ginny Foy
 Buchanan Franks (AZ)
 Burgess Frelinghuysen
 Burton (IN) Gallegly
 Buyer Garrett (NJ)
 Calvert Gerlach
 Camp (MI) Giffords
 Campbell (CA) Gillibrand
 Cannon Gingrey
 Cantor Gohmert
 Capito Goode
 Cardoza Goodlatte
 Carney Gordon
 Carter Granger
 Castle Graves
 Cazayoux Hall (TX)
 Chabot Hastings (WA)
 Chandler Hayes
 Childers Heller
 Coble Hensarling
 Cole (OK) Herger
 Conaway Herseth Sandlin
 Costa Hill
 Costello Hobson
 Crenshaw Hoekstra
 Cubin Holden
 Cuellar Hulshof

Musgrave
 Myrick
 Neugebauer
 Nunes
 Pearce
 Pence
 Perlmutter
 Peterson (PA)
 Petri
 Pickering
 Pitts
 Platts
 Poe
 Porter
 Price (GA)
 Pryce (OH)
 Putnam
 Radanovich
 Ramstad
 Regula
 Rehberg
 Reichert
 Renzi
 Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Roskam
 Royce
 Ryan (WI)
 Sali
 Saxton
 Scalise
 Schmidt
 Sensenbrenner
 Sessions
 Shadegg
 Shays
 Shea-Porter
 Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Souder
 Space
 Stearns
 Stupak
 Sullivan
 Tancredo
 Tanner
 Taylor
 Terry
 Thornberry
 Tiahrt
 Tiberi
 Turner
 Udall (CO)
 Upton
 Walberg
 Walden (OR)
 Walsh (NY)
 Wamp
 Watson
 Weiner
 Weldon (FL)
 Weller
 Westmoreland
 Whitfield (KY)
 Wilson (NM)
 Wilson (OH)
 Wilson (SC)
 Wittman (VA)
 Wolf
 Young (AK)
 Young (FL)

NOES—180

Abercrombie Harman Pallone
 Altmire Hastings (FL) Pascrell
 Andrews Higgins Pastor
 Baca Hinchey Paul
 Baird Hinojosa Payne
 Baldwin Hirono Peterson (MN)
 Barrow Hodes Pomeroy
 Becerra Holt Price (NC)
 Berman Honda Rahall
 Berry Hooley Rangel
 Bishop (GA) Hoyer Reyes
 Bishop (NY) Inslee Richardson
 Blumenauer Jackson (IL) Rodriguez
 Bordallo Jackson-Lee Ross
 Boyd (FL) (TX) Rothman
 Boyda (KS) Jefferson Roybal-Allard
 Brady (PA) Johnson (GA) Ruppertsberger
 Braley (IA) Jones (OH) Ryan (OH)
 Brown, Corrine Kanjorski Salazar
 Butterfield Kaptur Sánchez, Linda
 Capps Kennedy T.
 Capuano Kildee Sanchez, Loretta
 Carnahan Kilpatrick Sarbanes
 Carson Kind Schakowsky
 Castor Kucinich Schiff
 Christensen LaHood Schwartz
 Clarke Langevin Scott (GA)
 Clay Larsen (WA) Scott (VA)
 Cleaver Larson (CT) Serrano
 Clyburn Lee
 Cohen Levin Sires
 Conyers Lewis (GA) Skelton
 Cooper Lipinski Slaughter
 Courtney Loeb sack Smith (WA)
 Cramer Lofgren, Zoe Snyder
 Crowley Lowey Solis
 Davis (CA) Maloney (NY) Speier
 Davis (IL) Markey Spratt
 DeFazio Matsui Stark
 DeGette McCarthy (NY) Sutton
 DeLauro McCollum (MN) Tauscher
 Dicks McDermott Thompson (CA)
 Dingell McGovern Thompson (MS)
 Doggett Meek (FL) Tierney
 Doyle Meeks (NY) Towns
 Edwards (MD) Miller (NC) Tsongas
 Edwards (TX) Miller, George Udall (NM)
 Ellison Mollohan Van Hollen
 Emanuel Moore (KS) Velázquez
 Eshoo Moore (WI) Visclosky
 Etheridge Moran (VA) Walz (MN)
 Faleomavaega Murphy (CT) Wasserman
 Farr Murphy, Patrick Schultz
 Filner Murtha Waters
 Frank (MA) Nadler Watt
 Gonzalez Napolitano Waxman
 Green, Gene Neal (MA) Welch (VT)
 Grijalva Oberstar Wexler
 Gutierrez Obey Woolsey
 Hall (NY) Olver Wu
 Hare Ortiz Yarmuth

NOT VOTING—10

Boswell Gilchrest Norton
 Delahunt Green, Al Rush
 Emerson Johnson, E. B.
 Fortuño Lucas

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1546

Mr. JACKSON of Illinois, Ms. WASSERMAN SCHULTZ, Messrs. JEFFERSON, BISHOP of Georgia and MOORE of Kansas changed their vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Ms. NORTON. Mr. Chairman, on rollcall No. 500, had I been present, I would have voted “no.”

AMENDMENT NO. 6 OFFERED BY MR. KIRK

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. KIRK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 2, not voting 11, as follows:

[Roll No. 501]

AYES—426

| | | |
|---------------|----------------|-----------------|
| Abercrombie | Brown (SC) | Cubin |
| Ackerman | Brown, Corrine | Cuellar |
| Aderholt | Brown-Waite, | Culberson |
| Akin | Ginny | Cummings |
| Alexander | Buchanan | Davis (AL) |
| Allen | Burgess | Davis (CA) |
| Altmire | Burton (IN) | Davis (IL) |
| Andrews | Butterfield | Davis (KY) |
| Arcuri | Buyer | Davis, David |
| Baca | Calvert | Davis, Lincoln |
| Bachmann | Camp (MI) | Davis, Tom |
| Bachus | Campbell (CA) | Deal (GA) |
| Baird | Cannon | DeFazio |
| Baldwin | Cantor | DeGette |
| Barrett (SC) | Capito | DeLauro |
| Barrow | Capps | Dent |
| Bartlett (MD) | Capuano | Diaz-Balart, L. |
| Barton (TX) | Cardoza | Diaz-Balart, M. |
| Bean | Carnahan | Dicks |
| Becerra | Carney | Dingell |
| Berkley | Carson | Doggett |
| Berry | Carter | Donnelly |
| Biggert | Castle | Doolittle |
| Bilbray | Castor | Doyle |
| Bilirakis | Cazayoux | Drake |
| Bishop (GA) | Chabot | Dreier |
| Bishop (NY) | Chandler | Duncan |
| Bishop (UT) | Childers | Edwards (MD) |
| Blackburn | Christensen | Edwards (TX) |
| Blumenauer | Clarke | Ehlers |
| Blunt | Clay | Elison |
| Boehner | Cleaver | Ellsworth |
| Bonner | Clyburn | Emanuel |
| Bono Mack | Coble | Emerson |
| Boozman | Cohen | Engel |
| Bordallo | Cole (OK) | English (PA) |
| Boren | Conaway | Eshoo |
| Boucher | Conyers | Etheridge |
| Boustany | Cooper | Everett |
| Boyd (FL) | Costa | Fallin |
| Boyd (KS) | Costello | Farr |
| Brady (PA) | Courtney | Fattah |
| Brady (TX) | Cramer | Feneeny |
| Braley (IA) | Crenshaw | Ferguson |
| Broun (GA) | Crowley | Filner |

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| Flake | Loeb | Loeb |
| Forbes | Lofgren, Zoe | Loeb |
| Fortenberry | Lowey | Loeb |
| Fossella | Lungren, Daniel | Loeb |
| Foster | E. | Loeb |
| Fox | Lynch | Loeb |
| Frank (MA) | Mack | Loeb |
| Franks (AZ) | Mahoney (FL) | Loeb |
| Frelinghuysen | Maloney (NY) | Loeb |
| Gallegly | Manzullo | Loeb |
| Garrett (NJ) | Marchant | Loeb |
| Gerlach | Markey | Loeb |
| Giffords | Marshall | Loeb |
| Gillibrand | Matheson | Loeb |
| Gingrey | Matsui | Loeb |
| Gohmert | McCarthy (CA) | Loeb |
| Gonzalez | McCarthy (NY) | Loeb |
| Goode | McCaul (TX) | Loeb |
| Goodlatte | McCollum (MN) | Loeb |
| Gordon | McCotter | Loeb |
| Granger | McCrery | Loeb |
| Graves | McDermott | Loeb |
| Green, Gene | McGovern | Loeb |
| Grijalva | McHenry | Loeb |
| Gutierrez | McHugh | Loeb |
| Hall (NY) | McIntyre | Loeb |
| Hall (TX) | McKeon | Loeb |
| Hare | McMorris | Loeb |
| Harman | Rodgers | Loeb |
| Hastings (FL) | McNerney | Loeb |
| Hastings (WA) | McNulty | Loeb |
| Hayes | Meek (FL) | Loeb |
| Heller | Meeke (NY) | Loeb |
| Hensarling | Melancon | Loeb |
| Hergert | Mica | Loeb |
| Herseth Sandlin | Michaud | Loeb |
| Higgins | Miller (FL) | Loeb |
| Hill | Miller (MI) | Loeb |
| Hinche | Miller (NC) | Loeb |
| Hinojosa | Miller, Gary | Loeb |
| Hirono | Miller, George | Loeb |
| Hobson | Mitchell | Loeb |
| Hodes | Mollohan | Loeb |
| Hoekstra | Moore (KS) | Loeb |
| Holden | Moore (WI) | Loeb |
| Holt | Moran (KS) | Loeb |
| Honda | Moran (VA) | Loeb |
| Hookey | Murphy (CT) | Loeb |
| Hoyer | Murphy, Patrick | Loeb |
| Hulshof | Murphy, Tim | Loeb |
| Hunter | Murtha | Loeb |
| Inglis (SC) | Musgrave | Loeb |
| Inslee | Myrick | Loeb |
| Israel | Nader | Loeb |
| Issa | Napolitano | Loeb |
| Jackson (IL) | Neal (MA) | Loeb |
| Jackson-Lee | Neugebauer | Loeb |
| (TX) | Norton | Loeb |
| Jefferson | Nunes | Loeb |
| Johnson (GA) | Oberstar | Loeb |
| Johnson (IL) | Obey | Loeb |
| Johnson, Sam | Olver | Loeb |
| Jones (NC) | Ortiz | Loeb |
| Jones (OH) | Pallone | Loeb |
| Jordan | Pascrell | Loeb |
| Kagan | Pastor | Loeb |
| Kanjorski | Payne | Loeb |
| Kaptur | Pearce | Loeb |
| Keller | Pence | Loeb |
| Kennedy | Perlmutter | Loeb |
| Kildee | Peterson (MN) | Loeb |
| Kilpatrick | Peterson (PA) | Loeb |
| Kind | Petri | Loeb |
| King (IA) | Pickering | Loeb |
| King (NY) | Pitts | Loeb |
| Kingston | Platts | Loeb |
| Kirk | Poe | Loeb |
| Klein (FL) | Pomeroy | Loeb |
| Kline (MN) | Porter | Loeb |
| Knollenberg | Price (GA) | Loeb |
| Kucinich | Price (NC) | Loeb |
| Kuhl (NY) | Pryce (OH) | Loeb |
| LaHood | Putnam | Loeb |
| Lamborn | Radanovich | Loeb |
| Lampson | Rahall | Loeb |
| Langevin | Ramstad | Loeb |
| Larsen (WA) | Rangel | Loeb |
| Larson (CT) | Regula | Loeb |
| Latham | Rehberg | Loeb |
| LaTourette | Reichert | Loeb |
| Latta | Renzi | Loeb |
| Lee | Reyes | Loeb |
| Levin | Reynolds | Loeb |
| Lewis (CA) | Richardson | Loeb |
| Lewis (GA) | Rodriguez | Loeb |
| Lewis (KY) | Rogers (AL) | Loeb |
| Linder | Rogers (KY) | Loeb |
| Lipinski | Rogers (MI) | Loeb |
| LoBiondo | Rohrabacher | Loeb |

| | | |
|------------------|------------------|------|
| Ros-Lehtinen | Roskam | Loeb |
| Ross | Ross | Loeb |
| Rothman | Roybal-Allard | Loeb |
| Royce | Royce | Loeb |
| Ruppersberger | Royce | Loeb |
| Ryan (OH) | Ryan (OH) | Loeb |
| Ryan (WI) | Ryan (WI) | Loeb |
| Salazar | Salazar | Loeb |
| Sali | Sánchez, Linda | Loeb |
| Sánchez, Linda | T. | Loeb |
| Sanchez, Loretta | Sanchez, Loretta | Loeb |
| Sarbanes | Sarbanes | Loeb |
| Saxton | Saxton | Loeb |
| Scalise | Scalise | Loeb |
| Schakowsky | Schakowsky | Loeb |
| Schiff | Schiff | Loeb |
| Schmidt | Schmidt | Loeb |
| Schwartz | Schwartz | Loeb |
| Scott (GA) | Scott (GA) | Loeb |
| Scott (VA) | Scott (VA) | Loeb |
| Sensenbrenner | Sensenbrenner | Loeb |
| Serrano | Serrano | Loeb |
| Sessions | Sessions | Loeb |
| Sestak | Sestak | Loeb |
| Shadegg | Shadegg | Loeb |
| Shays | Shays | Loeb |
| Shea-Porter | Shea-Porter | Loeb |
| Sherman | Sherman | Loeb |
| Shimkus | Shimkus | Loeb |
| Shuler | Shuler | Loeb |
| Shuster | Shuster | Loeb |
| Simpson | Simpson | Loeb |
| Sires | Sires | Loeb |
| Skelton | Skelton | Loeb |
| Slaughter | Slaughter | Loeb |
| Smith (NE) | Smith (NE) | Loeb |
| Smith (NJ) | Smith (NJ) | Loeb |
| Smith (TX) | Smith (TX) | Loeb |
| Smith (WA) | Smith (WA) | Loeb |
| Snyder | Snyder | Loeb |
| Solis | Solis | Loeb |
| Souder | Souder | Loeb |
| Space | Space | Loeb |
| Speier | Speier | Loeb |
| Spratt | Spratt | Loeb |
| Stearns | Stearns | Loeb |
| Stupak | Stupak | Loeb |
| Sullivan | Sullivan | Loeb |
| Sutton | Sutton | Loeb |
| Tancredo | Tancredo | Loeb |
| Tanner | Tanner | Loeb |
| Tauscher | Tauscher | Loeb |
| Taylor | Taylor | Loeb |
| Terry | Terry | Loeb |
| Thompson (CA) | Thompson (CA) | Loeb |
| Thompson (MS) | Thompson (MS) | Loeb |
| Thornberry | Thornberry | Loeb |
| Tiahrt | Tiahrt | Loeb |
| Tiberti | Tiberti | Loeb |
| Tierney | Tierney | Loeb |
| Towns | Towns | Loeb |
| Tsongas | Tsongas | Loeb |
| Turner | Turner | Loeb |
| Udall (CO) | Udall (CO) | Loeb |
| Udall (NM) | Udall (NM) | Loeb |
| Upton | Upton | Loeb |
| Van Hollen | Van Hollen | Loeb |
| Velázquez | Velázquez | Loeb |
| Viscosky | Viscosky | Loeb |
| Walberg | Walberg | Loeb |
| Walden (OR) | Walden (OR) | Loeb |
| Walsh (NY) | Walsh (NY) | Loeb |
| Walz (MN) | Walz (MN) | Loeb |
| Wamp | Wamp | Loeb |
| Wasserman | Wasserman | Loeb |
| Schultz | Schultz | Loeb |
| Waters | Waters | Loeb |
| Watt | Watt | Loeb |
| Waxman | Waxman | Loeb |
| Weiner | Weiner | Loeb |
| Welch (VT) | Welch (VT) | Loeb |
| Weldon (FL) | Weldon (FL) | Loeb |
| Weller | Weller | Loeb |
| Westmoreland | Westmoreland | Loeb |
| Wexler | Wexler | Loeb |
| Whitfield (KY) | Whitfield (KY) | Loeb |
| Wilson (NM) | Wilson (NM) | Loeb |
| Wilson (OH) | Wilson (OH) | Loeb |
| Wilson (SC) | Wilson (SC) | Loeb |
| Wittman (VA) | Wittman (VA) | Loeb |
| Wolf | Wolf | Loeb |
| Woolsey | Woolsey | Loeb |
| Wu | Wu | Loeb |
| Yarmuth | Yarmuth | Loeb |
| Young (AK) | Young (AK) | Loeb |
| Young (FL) | Young (FL) | Loeb |

NOES—2

| | |
|--------------|----------------|
| Paul | Stark |
| Berman | Fortuño |
| Boswell | Gilchrest |
| Delahunt | Green, Al |
| Faleomavaega | Johnson, E. B. |

NOT VOTING—11

| |
|--------|
| Lucas |
| Rush |
| Watson |

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). There are 2 minutes remaining on this vote.

□ 1554

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Mr. ROSS, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5959) to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 1343, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR.

HOEKSTRA

Mr. HOEKSTRA. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOEKSTRA. At the current time and in the current form, I am opposed to the bill.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Hoekstra moves to recommit the bill, H.R. 5959, to the Permanent Select Committee on Intelligence with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion with the following amendment:

At the end of subtitle A of title IV, add the following new section:

SEC. 418. NATIONAL INTELLIGENCE ASSESSMENT ON ENERGY PRICES AND SECURITY.

Not later than January 1, 2009, the Director of National Intelligence shall submit to Congress a national intelligence assessment on national security and energy security issues relating to rapidly escalating energy costs. Such assessment shall include an assessment of—

- (1) the short-term and long-term outlook for prices, supply, and demand for key forms of energy, including crude oil and natural gas, and alternative fuels;
- (2) the plans and intentions of key energy-producing and exporting nations with respect to energy production and supply;
- (3) the national security implications of rapidly escalating energy costs;
- (4) the national security implications of potential use of energy resources as leverage against the United States by Venezuela, Iran, or other potential adversaries of the United States as a result of increased energy prices;
- (5) the national security implications of increases in funding to current or potential adversaries of the United States as a result of increased energy prices;
- (6) an assessment of the likelihood that increased energy prices will directly or indirectly increase financial support for terrorist organizations;
- (7) the national security implications of extreme fluctuations in energy prices; and
- (8) the national security implications of continued dependence on international energy supplies.

The SPEAKER pro tempore. The gentleman from Michigan is recognized for 5 minutes.

□ 1600

Mr. HOEKSTRA. Mr. Speaker, this motion to recommit sends the bill back to the House Permanent Select Committee on Intelligence with instructions for an amendment requesting a national intelligence assessment on the strategic implications of high oil and energy prices for America.

I would like to remind my colleagues in the House today that last year, when we did the Intelligence Authorization Bill, over 230 of my colleagues voted for an amendment that would require a national assessment on global climate change and asked the intelligence community to investigate that. This is a much more pressing and a much more serious issue and a much more immediate issue.

This assessment would constitute the best analytical judgment of our intelligence community as to the outlook for supply, demand and prices for a variety of strategic energy sources. This assessment would also examine the plans and intentions of key energy-producing and exporting states. But most importantly, this assessment explores the national security implications of America's sworn enemies, such as Iran and Venezuela, using increased energy prices as leverage against us and our foreign policy goals. This assessment is timely and directly relevant to America's national security interests.

This amendment stands in sharp contrast to the repeated attempts to divert precious time and scarce intel-

ligence resources to discuss topics such as global warming, topics that merely advance an ideological agenda, rather than keeping this country and the American safe.

Take a look at specifically what this motion to recommit asks the intelligence community to do. It asks the intelligence community to look at the plans, the intentions of key energy-producing and exporting nations with respect to energy production and supply.

Energy-producing nations are changing their behavior. Why? For them it is less about increasing supply today because they are now flush with cash. Their behavior is changing.

It also asks the intelligence community to look at the national security implications of potential use of energy resources as leverage against the United States by Venezuela, Iran, or other potential adversaries of the United States as a result of increased energy prices. Some call this the "Iran premium." 80 percent of the world's oil reserves are controlled by government or national oil companies, many of them unfriendly to the United States.

This assessment also would ask for the national security implications of increases in funding to current or potential adversaries of the United States as a result of increased energy prices. This year there will be a transfer of over \$2.3 trillion from energy-consuming nations to energy-producing nations. The intelligence community should assess what the impact of that wealth transfer should be.

In addition, the community would do an assessment of the likelihood that increased energy prices will directly or indirectly increase financial support for terrorist organizations.

In an environment where America receives 60 percent of its energy overseas, where we are dependent on foreign supplies of energy, and where there are no indications that there will be decisions made to increase U.S. production, it is absolutely essential and vital that our national intelligence community does this assessment so that we, as policymakers, can understand the implications of the decisions that we make.

We need this assessment. We need to understand how vulnerable we are and the tools that our adversaries may use against us in the future.

For that reason, I urge my colleagues to support this motion to recommit. Send this bill to committee, where, on the Intelligence Committee, this can be done in a very expeditious way. To make sure that we get this information, this assessment will be required to be brought back to the House of Representatives by January of 2009.

With that, I ask for my colleagues' support, and yield back the balance of my time.

Mr. HOYER. Will the gentleman yield for a question?

Mr. HOEKSTRA. I will yield for a question.

Mr. HOYER. Am I correct that if this was forthwith—you said it could be

soon. If it was forthwith it could be done now, couldn't it?

Mr. HOEKSTRA. This motion to recommit is promptly.

Mr. HOYER. I understand that. My question to the gentleman is, if it were forthwith, what you want done could be done right now, could it not?

Mr. HOEKSTRA. I believe that the way the amendment is written, the committee can do the work, do it very, very quickly and get this bill and get this amendment back.

Mr. HOYER. I ask my friend the question again. If it was forthwith we could do what you want to do right now, could we not?

Mr. HOEKSTRA. If the amendment were forthwith, there would be another avenue to deal with it.

Reclaiming my time. The amendment is promptly, so that the committee can do the work that it is required to do and that the committee is required to do. This says we will have the committee do its work, and that the DNI will report back by January with this information that is critical to the House of Representatives.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. REYES. Mr. Speaker, I rise to object to the motion to recommit because essentially it would kill the bill and it would—

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. REYES. Thank you, Mr. Speaker. Mr. Speaker, I would ask for unanimous consent to strike the word "promptly" and replace it with "forthwith." Would the gentleman agree? Is there an objection?

The SPEAKER pro tempore. Does the gentleman from Michigan yield for such a request?

Mr. HOEKSTRA. Reserving the right to object.

The SPEAKER pro tempore. Does the gentleman yield for that request?

Mr. HOEKSTRA. Reserving the right to object, I would like to enter—I have a question for my colleague.

Mr. REYES. I asked you for unanimous consent to strike the word "promptly" and replace it with "forthwith."

Mr. HOEKSTRA. Reserving the right to object.

The SPEAKER pro tempore. The gentleman is recognized on his reservation.

Mr. HOEKSTRA. I would like to suggest to my colleague that he amend the unanimous consent request to include putting on the House Calendar the opportunity to vote on, to schedule and vote on ANWR and other production issues.

Mr. REYES. Mr. Speaker, I reclaim my time, and I withdraw the request.

The SPEAKER pro tempore. The request is withdrawn. The gentleman from Texas is recognized.

Mr. REYES. Mr. Speaker, I ask unanimous consent to strike the word

“promptly” and replace it with “forthwith.”

Mr. HOEKSTRA. Mr. Speaker, reserving the right to object.

The SPEAKER pro tempore. Will the gentleman from Michigan yield for such a request?

Mr. HOEKSTRA. Mr. Speaker, I ask my colleague again to amend his unanimous consent request.

The SPEAKER pro tempore. The gentleman is recognized on his reservation.

Mr. HOEKSTRA. My reservation is, I request, I reserve the right to object and will not object if my colleague amends his unanimous consent request to include putting on the House calendar H.R. 3089, H.R. 2279, H.R. 5656, H.R. 2208, H.R. 2493, H.R. 6107 and H.R. 6108.

The SPEAKER pro tempore. The gentleman from Texas is withdrawing his request?

Mr. REYES. The answer is no. And I reclaim my time.

Mr. Speaker, I object to the motion to recommit because it simply is intended to kill the bill. Communities all around this country are hurting with \$4 gas and all we get from the other side are charades as we've seen here tonight. The whole world watches as we try to do what's right. The whole world heard them say earlier that this was a vital and important piece of legislation that would fund the intelligence community. This is a betrayal of the work that is being done by men and women in the intelligence community that are putting their lives on the line to keep us safe. This is an outrage put forth by the politics, rather than wanting to get things done in this House.

I will tell you Mr. Speaker, why would they want to derail—

Mr. HOEKSTRA. Mr. Speaker, I demand that these words be taken down.

The SPEAKER pro tempore. The gentleman from Texas will suspend.

Mr. HOEKSTRA. Mr. Speaker, the use of the word “betrayal” in regard to my actions I believe warrant that those words be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

The Clerk read as follows:

Communities all around this country are hurting with \$4 gas and all we get from the other side are charades as we've seen here tonight. The whole world watches as we try to do what's right. The whole world heard them say earlier that this was a vital and important piece of legislation that would fund the intelligence community. This is a betrayal of the work that is being done by men and women in the intelligence community that are putting their lives on the line to keep us safe.

This is an outrage put forth by the politics, rather than wanting to get things done in this House. I will tell you Mr. Speaker, why would they want to derail—

The SPEAKER pro tempore. In the opinion of the Chair, the words complained of were not directed in such a way as to constitute a personality or otherwise transgress the bounds of decorum in debate.

The gentleman from Texas may continue.

Mr. REYES. Mr. Speaker, ironically enough, I think this is a good idea. I would gladly accept this because I think it's important that we get the information that Mr. HOEKSTRA is asking.

I yield to the gentleman from Missouri.

Mr. SKELTON. In matters of national security, we should be forthright and not engage in political back-and-forth. This is a replay of what we experienced with the national security bill, named after our friend DUNCAN HUNTER from California.

I just think it's a play on words. The word “promptly” kills the bill. If it were to say “forthwith,” it would be a more proper word and we could proceed.

Mr. REYES. Thank you, Mr. SKELTON.

Mr. Speaker, I'm still puzzled why they would want to derail this important authorization that funds the intelligence community, why they would want to destroy the bipartisanship that they bragged about earlier.

I think it is important that we let this bill go forward. I think it's important that we do what's right. I think it's important that we stop this foolishness here on the House floor.

I now yield to the distinguished majority leader.

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the word “promptly” be stricken and that the word “forthwith” be substituted in the motion to recommit.

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

Mr. HOEKSTRA. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. REYES. I will continue to yield to the distinguished majority leader.

Mr. HOYER. Ladies and gentlemen of the House, you heard me ask the question of Mr. HOEKSTRA. Wouldn't it be true that if he would use “forthwith,” what he wants to do could be accomplished right now? We would all support it. It is a worthy objective.

Unfortunately, Mr. HOEKSTRA, in the same motion where he says I want to do something says but I don't want to do it now; I am not sure when I want to do it.

I asked for unanimous consent, and I didn't get to do exactly what I think everybody in this House thinks is a good thing to do, and I will tell my friend we're going to do this. It's a good idea. But the advice you're getting is not good advice.

Ladies and gentlemen of the House, ladies and gentlemen on my side of the aisle, this continues to be a political game. If you want to take my words down on that, you can do it. This is not accomplishing the objective.

This continues to be a pattern, and the American voters are pretty smart, and they understand when somebody

says I want to do something, but by the way, I want to kill the vehicle at least temporarily that accomplishes my objective, at the same time, they think to themselves something is not right.

So, ladies and gentlemen, let me tell you. We're hopefully going to reject this motion, which sidetracks this important intelligence authorization bill, which everybody has said is an important bill, but I will tell you further, we're going to accomplish the objective of Mr. HOEKSTRA next week because it's a good objective.

But the fact of the matter is we could accomplish it right now if you didn't want to try to make some political point out of it on this intelligence bill, and you can say “oh” all you want. You can say “oh” all you want, but that is the truth and you know it. You know it in your heart, and you know it in your mind.

I urge my colleagues: reject this killing motion.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. WESTMORELAND. I think I know the answer to this, but if this motion to recommit did pass and the bill was sent back to the committee from which it came, could the bill not be reported back to this House on the next legislative day?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, and at some subsequent time, the committee could meet and report the bill back to the House.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOEKSTRA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 200, noes 225, not voting 9, as follows:

[Roll No. 502]

AYES—200

| | | |
|---------------|--------------|---------------|
| Aderholt | Blackburn | Burton (IN) |
| Akin | Blunt | Buyer |
| Alexander | Boehner | Calvert |
| Altmire | Bonner | Camp (MI) |
| Bachmann | Bono Mack | Campbell (CA) |
| Bachus | Boozman | Cannon |
| Barrett (SC) | Boustany | Cantor |
| Barrow | Brady (TX) | Capito |
| Bartlett (MD) | Broun (GA) | Carter |
| Barton (TX) | Brown (SC) | Castle |
| Biggert | Brown-Waite, | Cazayoux |
| Billbray | Ginny | Chabot |
| Bilirakis | Buchanan | Coble |
| Bishop (UT) | Burgess | Cole (OK) |

Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foss
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan

Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marshall
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pitts
Poe
Porter
Price (GA)
Pryce (OH)

Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarell
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy

Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis

Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Townes
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material regarding H.R. 415.

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

There was no objection.

TAUNTON RIVER WILD AND SCENIC DESIGNATION

The SPEAKER pro tempore. Pursuant to House Resolution 1339 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 415.

□ 1703

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 415) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System, with Mr. McNULTY in the chair.

The Clerk read the title of the bill.

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

The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

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

H.R. 415 would add a 40-mile segment of the Taunton River in Massachusetts to the Wild and Scenic Rivers System.

Back in 1999, local residents approached their congressman, our late colleague Representative Joe Moakley, about securing a wild and scenic designation for the Taunton. Representative Moakley supported the idea and introduced legislation in the 106th Congress to formally study the river. The study was released last year and found the following:

All 40 miles of the main stem of the Taunton River have been found eligible for Wild and Scenic River designation based upon free-flowing condition and the presence of one or more outstanding remarkable natural or cultural resource values . . . Outstandingly remarkable values including fisheries, history and archeology, ecology and biodiversity, and scenery and recreation.

Specifically, the study recommended 26 miles of the river for scenic designation and 14 miles, including the lower Taunton, for recreational designation.

NOT VOTING—9

Boswell
Delahunt
Gilchrist

Green, Al
Inglis (SC)
Johnson, E. B.

Lucas
Pickering
Rush

□ 1656

Messrs. LAHOOD and STUPAK and Ms. RICHARDSON changed their vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

□ 1700

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5959, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. REYES. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5959, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

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

There was no objection.

□ 1700

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110-761) on the resolution (H. Res. 1350) providing for consideration of motions to suspend the rules, which

NOES—225

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boucher
Boyd (FL)
Boyd (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Childers
Clarke
Clay
Cleave
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney

Cramer
Crowley
Cuellar
Cummings
Holt
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Gillibrand
Gonzalez
Gordon
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseht Sandlin
Higgins
Hill
Hinchey

Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowe
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (NY)

Between November of 2004 and July of 2005, all 10 communities abutting the river adopted resolutions supporting the Federal designation. The Taunton Wild and Scenic River Study Advisory Committee, representing the local communities and State and nongovernmental partners, also voted unanimously to support the designation.

So based on years of study and nearly unanimous local support and collaboration, Representative FRANK introduced H.R. 415 in January of last year. The legislation is cosponsored by the entire Commonwealth delegation in the House, and the companion bill, which passed out of committee in the other body by voice vote, is sponsored by both Commonwealth Senators. H.R. 415 was favorably reported by the Natural Resources Committee by voice vote.

In short, Mr. Chairman, this proposal has cleared every single procedural hurdle placed in its path, and I believe it's high time we approve the legislation.

Finally, Mr. Chairman, a word about the proposed Weaver's Cove LNG plant. If the need arises, we can provide more detail, but for now let me simply enter the following facts into the RECORD: The Coast Guard captain of the Port for Southeastern New England denied approval for the proposed plant based on safety concerns in December of last year. In May of this year, the First District Coast Guard commander, Rear Admiral Timothy Sullivan, upheld that decision on appeal with a thorough review that included more than 50 pages.

In addition, the Commerce Department issued a decision last month finding that "the national interest furthered by the project does not outweigh the project's adverse coastal effects. Of greatest concern are the effects on navigational safety resulting from LNG tanker traffic called for by the vessel transit plan for the project."

These decisions by the Coast Guard and Commerce Department prohibit the Weaver's Cove proposal from moving forward for one simple reason: The proposal is unsafe.

The bottom line is this, Mr. Chairman: The Taunton is deserving of this designation and this has nothing to do with the safety concerns that killed the proposed LNG facility in the area.

I urge my colleagues to support H.R. 415.

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

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

If this body were a debating society or we were involved in a high school forensics tournament and this bill were the topic of the tournament, I would be giddy with happiness every time one of my teams was given the negative side of the debate because there are so many reasons why this bill is a bad bill for policy reasons that it would almost be a rhetorical feast for even the most inexperienced and naive of my high school debaters.

Let me at least start by addressing three of the main problems with this particular bill.

First, this bill is very clearly an abuse of the Wild and Scenic River language. In 1968 when this bill was passed, its purpose was to inhibit dams and locks along rivers so that there could be a free flow of water on rustic rivers. The verb used in that act was "preservation." The goal and purpose was preservation. Not rehabilitation, not restoration, certainly not economic advantage or economic development, but simply preservation. There are some elements of this particular river which have the qualities of a wild and scenic river, specifically the upper parts of the Taunton River. But the lower parts of the Taunton River, what is sometimes called segment 4, are the elements of this river which provide major problems. They are not and do not have the qualities of a wild and scenic river.

You've seen the pictures before. All you need to do is look at the pictures and you recognize this is not the design of a wild and scenic river as envisioned in the 1968 legislation. In fact, the only part of this river that's scenic is the graffiti that's found on the bridges and the human embankments that are part of this river system. The only thing that's wild about this river are the gangs that wrote this graffiti in the first place. These are not the qualities of which we are looking for. In fact, it doesn't take a rocket scientist to realize that if you are floating down this river, it is not a wild and scenic if you can look over and see the local McDonald's right there on the bank.

What we also have is the understanding that this lower portion is supposed to be for recreation. We could believe it would be for recreation if you believe that tugboat races or barge surfing would be considered recreational activities. This is not the kind of material that one would want to find floating in a river for Boy Scout troops to try to paddle their canoes around or by.

This bill simply violates the concept of the wild and scenic river. The wild and scenic river was never intended to go through an industrial park. It was always intended to be water that was surrounded by public lands so that you could control and preserve both the water and the embankment of those public lands, not something that goes through a privatized residential/industrial park.

Also, if you look at section 1 of the act that it specifically talks not only about preservation of the water but the embankment as well, that actually in a real wild and scenic river, the National Park Service is required to take the embankment as well up to a quarter of a mile away and put that aside. Obviously, you can't do this because there is no public land on this lower Taunton River, although the National Park Service does have eminent domain power; so if you really wanted to create

a true wild and scenic river, we could probably accomplish that deal if that was really what you are after.

This bill provides economic advantages to some elements but not to others. In 2002 the sponsor and other members of the Massachusetts delegation received an earmark to try to dredge this river, a fact which should disqualify it within the National Park Service criteria in the first place. Yet what it does now when we want to make this a wild and scenic river is simply take the law and turn it on its head. This bill gives current businesses disadvantages and some current businesses advantages, as is clearly illustrated in the newspaper articles that are coming from this area already where people are wanting to know what we do to see how it impacts, positively or negatively, their business operation. And that was never, never, never the intent of the National Wild and Scenic Rivers Act.

Secondly, this is simply an abuse of the system, an abuse of power. In the year 2000, this Congress authorized a study of the Taunton River, the upper Taunton River. The authorization was for the upper Taunton River. The appropriation was to study the upper Taunton River. And yet mysteriously the National Park Service, a system that has millions of dollars of backlog, a system that has 37 studies still in backlog for Wild and Scenic River projects, a system that is always talking about how pressed they are for cash, volunteered in actual disregard to the legislative direction and legislative intent to study something never intended to be studied, never directed to be studied, and spent roughly \$400,000 to do it, in total violation to the aspect of Congress and the requirements of Congress.

One low-level employee within the National Park Service felt in some way compelled to violate Federal law to study the wrong part of the river and to spend money illegally to study the wrong part of the river and then in his report had the audacity to say, well, this would be the most developed river we would ever have in this kind of status. When asked why he did that, his response was very simple to us in committee: He did what the river would choose to do if it could speak.

□ 1715

He said that twice. Not only do we have a mid-level bureaucrat who is talking to water, but he is now interpreting the will of water. And if in 2002 it wished to be dredged and in 2008 it wishes to be wild and scenic, this must be schizophrenic water at the same time.

Here is the problem: When the National Park Service came up with their report, they did not come up with one alternative. The sponsor has chosen one of the alternatives to make part of this bill. They call that the "environmentally preferred" alternative. But there were two other alternatives

which I compare to the rational and the intelligent alternatives that did not include the lower Taunton River. And, in fact, in this so-called second version that has now become part of this bill, the report said it was problematic that there is no precedent for this kind of action, no precedent for this kind of action, but it does meet political expectations.

Let me give a third reason, and yes indeed, this is an energy reason. The potential LNG port which would be put in Weaver's Cove would have been the largest taxpaying entity. And it was not agreed to to move on so far, but it has not been stopped. This project is still viable until the year 2015. This bill, if passed, is the only way to permanently make this a moot issue.

This language is the language of the report, which simply meant that the current proposal was to be rejected but that they encouraged an additional proposal to try and work out the situational problems to be encouraged. And they gave them the time to do that. The actual report encourages them to review this issue one more time. So it is true that this issue of an LNG port is still on the table. And the only way it can be permanently taken off the table is by passage of this type of bill.

Now why would that impact me because I live in Utah and I really don't care about this river all that much? It is simply because one of the members of the delegation came down on the floor this morning and said that last year 350,000, according to his numbers, individuals in the State of Massachusetts had to be given subsidies under LIHEAP, paid by all the taxpayers of the Nation, because they did not have the ability to handle the energy crisis within their State and that, indeed, heat was not something that was negotiable. However, the problem is, why don't we simply solve the problem by providing the energy there so that you don't have to tell the citizens of Massachusetts to freeze in the dark but solve the problem yourselves?

There was an interesting discussion on the floor during the rule which the gentleman, Mr. HASTINGS of Washington, was criticized for not having LNG ports in his home State. I wish to simply respond that it was a factual accuracy that has total irrelevance to the issue, because Washington State does not need LNG ports. It has gas pipelines. The entire West is provided by gas pipelines that do not reach to the eastern coast. The only way Massachusetts can step up and solve their own problem is by having not fewer but more LNG ports. That is the only option that is left to them. And this bill does inhibit that particular option.

Now with that are only three of the many reasons why this bill should not be passed, why this bill is poor public policy, why this bill does abuse the statute and change the meaning of the words that were intended for a wild and scenic river, why this bill does disrespect to this body and how we de-

cidated to try and do this study in the first place by ignoring the will of Congress and ignoring the authorization and appropriation of Congress and going off on some other particular way. And it does stop any potential improvements of an LNG port on this river which is desperately needed in that part of the country.

Those are only three of the possible reasons. There are others. I'm sure we will hear from those others as this discussion continues on.

I reserve the balance of my time.

Mr. GRIJALVA. Just one point of clarification before I recognize the sponsor of the legislation is the issue with the LIHEAP reference. LIHEAP doesn't address the ability to get energy. It creates a situation where people can afford to buy energy.

With that, let me introduce the distinguished Congressman from the Commonwealth, Mr. FRANK, the sponsor of the legislation, for as much time as he may consume.

Mr. FRANK of Massachusetts. Mr. Chairman, I want to begin by regretting the animus toward the people we represent that we've just heard. The gentleman from Utah said, "Wild and scenic. The only thing wild about this are the gangs there." The city of Fall River, the gentleman has an amendment that would exempt from this bill the city of Fall River, Massachusetts, a city full of working people, many of them immigrants who became American citizens, and their descendants, from Portugal and elsewhere, people who worked in the garment industry and the textile industry, a city which has suffered economically the fate of de-industrialization.

Characterizing them and saying "The only thing scenic about them is their graffiti, the only thing wild about them is their gangs," they don't deserve that denigration, no matter what political points people want to score. If you want to come after me, if you want to come after Mr. KENNEDY of Rhode Island or Mr. MCGOVERN of Massachusetts, we'll deal with it. But please don't denigrate these hardworking people. Don't impute to them gang activity that doesn't exist. The gentleman who accused them of gang activity has no idea of what goes on there and he makes an inaccurate statement.

The only thing scenic is the graffiti? Is that not scenic? This is the Battleship *Massachusetts*. It's part of a national park. It's one of the few battleships that comes with a Patriot missile, because I got Raytheon to put it up there. It's a park, a park for patriotic people. Do you see any graffiti on the Battleship *Massachusetts*?

In fact, that is part of the problem here. Apparently we're told it's okay to have a wild and scenic river. And of course we're not saying it should be wild and scenic. We are talking about a part of the statute that says you can have recreation. And these are people who have decided that in part because they have lost their industrial base

that they had for a variety of reasons, they will develop new economic activity that is based on their river.

By the way, one of the bridges that is talked about, one of these structures, we have gotten money to take down. Like a number of cities that walled themselves off from the river, Fall River has appreciated the great beauty and attractiveness of that waterfront. And they would like to tear it down.

But here is the issue. Is environmentalism only for suburbanites? Do working people who have found themselves in economic distress have no right to try and enhance the quality of their environment?

Let me have some more of those pictures down here. Let me have some more to show people what we are talking about. We are not talking about only what was pictured.

This is part of the area that would be banned from the bill under the gentleman from Utah's amendment. So is this. Part of it is Mr. MCGOVERN's district. Part of it is my district. It impacts the other districts. Yes, it is not everywhere beautiful. These are people who haven't had the good fortune to live always in land that was so attractive. But they would like to try and improve their situation. They would like to be able to enhance the quality of their environment without being denigrated as gang members or graffitiists. Yes, there are a few people who do graffiti. The overwhelming majority in every single community along this river on both sides has asked for this designation. It was begun by our late and beloved colleague Joe Moakley before anybody heard of LNG. By the way, on LNG, there is an LNG plant in the district of our colleague, Mr. MARKEY. We in the Massachusetts delegation overwhelmingly supported a second LNG plant just a little bit offshore, just north of Boston that has been approved. Many of us support a third one. It is not a case of rejecting LNG. And I notice that people on the other side, those who think Fall River is just full of graffiti artists and gang members and don't know that wonderful city and the decent, patriotic people who live there, they circulated an editorial from the Boston Herald saying this isn't needed. And the Herald editorial, the op-ed piece that they circulated, concluded by saying, of course, it's not necessary because the LNG plant is dead. It's not simply the current LNG plant that has been rejected. It was the Coast Guard saying that in that narrow waterway, with the bridges that have to be traversed, you can't do it.

Carlos Gutierrez said "no," the Secretary of Commerce. I've got to say, I didn't know that I would be defending the Bush administration so much here. I know I will be defending them against the Republicans on the questions of the housing bill. But we were also told there was this terrible conspiracy with the Park Service under George Bush. I don't think the Interior Department

under President Bush was engaged in this kind of chicanery that has been imputed to them.

We are talking about the desire of people who live in an area that has some industrial activity, but some residential and recreational areas, who want to protect what they have and make it better. They have asked us, and we have worked with them, to tear down an elevated highway. We are working with them to enhance the quality of their environment in a way that will also improve things economically. Every Member of Congress whose district is remotely near here strongly supports this bill. Every city and town along the way supports this. Every elected legislator and local official supports it. For them to be told essentially that "it's too gritty, it's too grubby, you aren't people who we had in mind when we talked about the beauties of the environment, you don't deserve this because you've had graffiti and some of you belong to gangs"—an inaccurate characterization of the whole city—to deny them that is I think a degree of cruelty, frankly, that I hope this House does not encompass.

I and others have tried very hard to take into account what other Members think about their districts. To repudiate what all of the Members of Congress, five of us very directly involved here, think would be important for this particular area because an LNG plant that has been rejected by the Department of Commerce and by the Coast Guard and cannot be resuscitated, might some day in 10 years be resuscitated, and by then we will have had enough other LNG plants that it wouldn't even have any demand probably, that these people should be told, just the 9 miles, conveniently, the city of Fall River, the urban area, the area of hardworking immigrants who became American citizens, that they should be told that they don't qualify for environmental protection is a decision that I hope this House would not make.

I thank the gentleman from Arizona and the gentleman from West Virginia for the consideration they have given. It may in part be relevant that these are Members who themselves understand the desire of working people, of people who have lived in these kinds of areas, to get the same kind of consideration for their environmental needs as wealthy suburbanites.

I hope that the bill is passed without amendments that would cripple it.

Mr. BISHOP of Utah. I appreciate very much the gentleman from Massachusetts standing up to defend his constituency. It is the right thing to do. It is the proper thing for him to do. It is his job and purpose. But once again, I want him to focus in on the reality of the situation, which is not the quality of the individuals in Massachusetts. It is simply the issue at hand. This, by the way, is that same battleship—assuming there should be a battleship in a wild and scenic river zone—this is the

same battleship from the other angle which is decidedly less pristine and much more urbanized.

But the issue at hand that the gentlemen on the other side need to deal with is that the purpose of the act is for preservation, not rehabilitation, not for economic development, which are the very words that were just used. That is not what the Wild and Scenic River Act was ever intended to do. And that is what is going to be done in this particular bill. That is why we are abusing the vocabulary of the Wild and Scenic River Act. And we must focus back in on what we are doing. Indeed, the proposed LNG port is in an existing brownfield, zoned for maritime industrial use. But the issue is for what purpose are the verbs and the nouns in the Wild and Scenic River Act supposed to be implied? And does it apply to the lower Taunton? And the answer is simply "no." It doesn't meet the definition.

With that, I yield 4 minutes to the gentleman from Georgia, unless, Mr. Chairman, you would like us to reserve and then come back.

The CHAIRMAN. The gentleman from Georgia is recognized for 4 minutes.

Mr. GINGREY. Mr. Chairman, I thank the gentleman for yielding.

I do rise in strong opposition to this bill, H.R. 415, a bill to designate parts of the lower Taunton River in Massachusetts as part of the National Wild and Scenic River system, especially, Mr. Chairman, in a time when American families are paying \$4.11 for a gallon of gasoline.

The gentleman, the author of the bill that just spoke and his colleagues from the Bay State, I will give them the fact that they want to do things for the lower Taunton and the citizens of their district that live on either side of that river. But this really, in my opinion, doesn't quite pass the smell test.

Mr. MCGOVERN. Would the gentleman yield?

Mr. GINGREY. I yield to my friend from Massachusetts.

□ 1730

Mr. MCGOVERN. Two questions. One is how does LNG reduce the price of gasoline at the pump for the average citizen? And two, how many LNG facilities do you have in Georgia? I think it is one. We have two up and running in Massachusetts and a third one permitted, so don't lecture us about not doing our part in addressing the energy crisis.

Mr. GINGREY. Reclaiming my time, basically in response to my friend from Massachusetts, it is the same response that my colleague from Utah made in reference to the gentleman from Washington State when this same argument came up during the discussion of the rule.

But as the gentleman from Utah points out, the whole purpose of this act, the Wild and Scenic Rivers Act, was not for redevelopment. And I heard

the gentleman from Massachusetts (Mr. FRANK) just talk about tearing down a highway, an elevated highway to make this area more scenic. I would like my colleagues to focus in on this poster of the lower Taunton River and see how unscenic it is. It may be wild, but it is certainly not scenic.

This act was never designed for redevelopment and for tearing down bridges and highways. This is not the time to do that. Clearly, this is not a wild and scenic river and doesn't meet that designation.

I would like to continue, Mr. Chairman, and say that when the Natural Resources Committee held hearings on this bill, representatives from the National Park Service testified that this area would be the most industrialized river ever to be given this designation.

Along the shoreline of the Taunton River, you can find a hair salon, a shipyard, a port area, and yes, even a McDonald's. Now, Mr. Chairman, I don't know about you, but I don't see anything that is scenic about this industrialized area.

Furthermore, as a result of this designation, this Congress would prevent future development along the river and would therefore prohibit the proposed use of the Taunton River as a terminal for liquefied natural gas storage and distribution facility.

Again I reference this poster, right here, this is 73 acres of that proposed LNG facility that I am talking about. When brought online, this facility would have the capacity to provide the needed heating oil for up to 35 percent of all New England households. Let me repeat that, the needed heating for up to 35 percent of all New England households.

It seems to me that this majority seems perfectly content to continue with flawed energy policy that prevents a major liquefied natural gas plant from being brought online, inevitably forcing them to later expand the Low Income Home Energy Assistance Program, LIHEAP, to make up for New England's lost home heating ability. At a time when the domestic supply of energy sources is the most important issue in this country, the Democratic majority would rather stymie the growth of supply.

The CHAIRMAN. The gentleman's time has expired.

Mr. BISHOP of Utah. I yield the gentleman an additional 30 seconds.

Mr. GINGREY. The Democratic majority would rather stymie the growth of supply through this bill than to allow us to debate meaningful legislation that would help hardworking American families out of this energy crisis.

I urge all of my colleagues to oppose H.R. 415.

Mr. GRIJALVA. Mr. Chairman, I think it is important to reaffirm that the United States Coast Guard has found that the Weaver's Cove LNG proposal was unsafe. The Department of Commerce came to that same conclusion. On appeal, it came to that same

conclusion. As a result, the Weaver's Cove LNG proposal is already dead. Decisions have already been made on that subject, and have absolutely nothing to do with the Wild and Scenic Rivers Act or designation.

Mr. Chairman, with that, I yield 2 minutes to the gentleman from the Commonwealth of Massachusetts and also cosponsor of this legislation, Mr. MCGOVERN.

Mr. MCGOVERN. Mr. Chairman, I thank the gentleman. I have spoken at length about this issue this morning, but this debate is absurd. I mean, we have people holding up pictures that aren't even the right picture. The picture that the gentleman from Georgia held up, I should tell him everything south of that bridge is not covered by this designation. This is fiction that is being brought to the floor today.

The gentleman talks about LIHEAP. Yes, we do need emergency fuel assistance in New England. We have cold winters. But LNG doesn't translate into LIHEAP. And in terms of what we are doing to promote liquefied natural gas measures, we are doing much more than you are in Georgia. We have two facilities already up and running, and we have another one licensed. You know, Mr. GINGREY, help us out, do a little more in your State. Join in this cause to help us become more energy independent. Take your responsibility. We are doing it in Massachusetts. So please do not lecture us on the fact that we are not living up to our responsibility. We are.

The bottom line is, as Mr. FRANK pointed out, this is a debate about whether the hardworking people of Fall River and Somerset and other communities deserve to get this designation on the lower Taunton River. And they do.

And it really is offensive to hear the way these people have been characterized, the way these hardworking citizens have been characterized. I am proud to represent Fall River along with Congressman FRANK. These are good people and they don't deserve this and this bill, quite frankly, should not be subject to petty politics, and that is what is happening here.

Mr. FRANK of Massachusetts. Would the gentleman yield?

Mr. GRIJALVA. I yield to the gentleman.

Mr. FRANK of Massachusetts. I just want to point out, this is a park that would be excluded. Behind it you do see a superstructure. It walls off the city. That is what Mr. MCGOVERN and I have gotten money to take down, without regard to the wild and scenic, but we want to take this down and open up this waterfront even more. That is what you will deny us by killing this bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. GRIJALVA. I yield an additional 1 minute to Mr. MCGOVERN.

Mr. MCGOVERN. Mr. Chairman, I think we need to have a course in basic

energy policy here so my colleagues know the difference between liquefied natural gas and the gasoline you put in your automobile and the oil people use to heat their homes. I mean, listening to this debate here, it seems like you have no clue about the energy that our country relies on. So let's get our facts straight here. Let's stop the fiction and let's do the right thing. Let's pass this bill. The people of Fall River deserve it.

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

I appreciate once again the comments that have been made here. I appreciate the defense of constituencies. I appreciate that there is a difference between gasoline that goes in a car and gasoline that heats a home, and LIHEAP does deal with gas that does heat homes.

But once again, the issue is not the same. I want to focus on the issue. The beautiful picture you had here of the park does not qualify for the purpose of a wild and scenic river designation. That is why under the law, you are supposed to take a quarter mile on either side of the river and stop everything from that area. It is already developed. Development does not qualify even under the concept of recreation under the letter of the law.

This bill is bad because the study itself violated the law. Congress told the National Park Service to study the upper river and paid for a study of the upper river which has legitimate merits to it, and instead they studied the lower river in violation of the congressional directive.

Once they wrote their report, they still said it was problematic. There is no precedent for the lower river. It is still the problem of the details of what the river is supposed to be.

The department still recommends not doing this. The National Park Service recommends not doing this until the entire study has been totally completed. So once again we are back to this issue of what does it mean to have a wild and scenic designation?

The upper Taunton River has those qualities. The lower Taunton River does not because the purpose is for preservation, not for economic development, not for creating more urban parks, not for changing the landscape on the sides. It is for the purpose of preserving a river in its native state. That was the purpose of, and that is the intent, and there has never been a proposal to this date that is this far afield from the purpose of the 1968 act. Never. That is why there is no precedent ever for this type of action. That's why this bill should not go forward.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, how much time remains at this point?

The CHAIRMAN. The gentleman from Arizona has 15 minutes remaining. The gentleman from Utah has 10½ minutes remaining.

Mr. GRIJALVA. Mr. Chairman, I yield such time as he may consume to

the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. Mr. Chairman, I thank Chairman GRIJALVA for offering me the time, and Chairman FRANK for sponsoring this legislation, H.R. 415, the Taunton River Wild and Scenic Act, and let me just say as a Member of Congress from an adjoining district in Rhode Island, I want to repudiate the comments to the effect that these urban rivers are not wild and scenic just because they are in an urban area.

We have the Blackstone River Valley Heritage Corridor which is the Woonasquatucket River which runs right into Providence, Rhode Island, and you have a very urban river. Well, I will tell you, it is right in downtown Providence. And every weekend you have roughly 250,000 people from my State descend on downtown Providence during the weekend in order to watch the water fire because it is one of the great activities along the riverfront that takes place that draws people down to the riverfront every weekend during the summer months, and the spring months and fall months.

We also have children from Central Falls and Providence who wouldn't otherwise know that they live near a river because most of it is overgrown and yet they live merely 20 yards from the river. And now a lot of that is being opened up and they are gaining access to it, and because of the Clean Water Act that was passed in the late 1970s, we are seeing some of the indigenous fish come back and we are able to see these children go out and go fishing on the river and be able to catch fish and go canoeing and see that they can enjoy the environment as well.

The fact of the matter is I for one cannot understand why just because a river is running through a city-like environment, why children and the people who live in that urban environment cannot enjoy that river any differently than someone who lives in a real suburban and rural area, and that is something I want to disabuse everyone from.

I certainly think that the people who live in our inner cities of America deserve just as much of an opportunity to go out and enjoy the water. Frankly, it is the only open space that many of them ever gain access to. When you look at Heritage Harbor that you have seen these pictures of where the battleship *Massachusetts* is, we have Boys & Girls Clubs and we have the Boy Scouts and so forth use that battleship *Massachusetts* every single weekend over the course of the summertime. They are down there in that battleship cove, and they come from Rhode Island and Massachusetts.

This is a very active park. I think this designation fits very handsomely into what the activities of that area are. We need to preserve that area, and I think it would be disastrous to have further development that would spoil what is going on there.

The urban centers of New England are coming back alive. We lost the

manufacturing. We've lost so many of the areas that were keeping the industrial revolution alive. What is bringing these areas back is the tourism and the creative arts. People want to come back to these areas for those reasons, and that's why we want to preserve them.

The last thing we want to do is destroy what we have here which is unique to New England and that is the aesthetic value of these communities by bringing in more new construction, and that's why we want to set back the clock and keep these communities the way they were when they were originally built.

So you're right, we want to keep them historically accurate, and that's why we want them preserved time immemorial and for our children and down the line.

So that's why I think the Coast Guard was right, the National Park Service was right, and I hope my colleagues join me and all of my colleagues in the surrounding area and every single community who has voted in favor of this designation from the surrounding area in supporting H.R. 415 and making this historic Taunton Wild and Scenic Rivers Act a reality.

□ 1745

Mr. BISHOP of Utah. Once again I appreciate the comments from the gentleman, and I would like once again to try and focus on what is indeed the issue. The State of Rhode Island, the State of Massachusetts do, indeed, have coastal zone management acts in which they get Federal money to help maintain the quality of their coastal zones and rivers. The fact that they are cool rivers running in urban areas is wonderful. You can do it, it's great, but not under the definition of this act.

When the gentleman from Rhode Island says you want to put it back to the way it were, it disqualifies it from the concept of preservation of existing facilities and preservation of existing embankments. That's why you have struck too far when you go into the lower Taunton River.

Mr. Chairman, I have letters in opposition to this bill from the Shipbuilders Council of America, as well as from three companies who actually do business on the lower Taunton River who are worried about the kind of economic disadvantage they may be facing that I would like to be placed in the RECORD.

SHIPBUILDERS COUNCIL OF AMERICA,
Washington, DC, October 29, 2007.

Hon. BOB BISHOP,
Ranking Member, Subcommittee on National Parks, Forests, and Public Lands, Natural Resources Committee, 1329 Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN GRIJALVA: I am writing to express the opposition of the Shipbuilders Council of America (SCA) to H.R. 415, legislation to amend the Wild and Scenic Rivers Act (WSRA) to designate segments of the Taunton River as a component of the National Wild and Scenic Rivers System. Specifically, SCA is strongly opposed to the inclusion under the WSRA of the Lower Taunton River (Segment 4).

The Lower Taunton River does not meet designation criteria for inclusion in the WSRA. The WSRA requires that a river be "free flowing" defined as "existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modifications of the waterway". There is today significant industrialization along Segment 4 of the Taunton River including bridges, a power plant, sewage plants, marinas and shipyards, and granite bulkheads. In addition, this portion of the Taunton has been federally dredged for more than 125 years.

The SCA does not oppose designation under the WSRA of the upper portions of the Taunton River. However, inclusion of the Lower Taunton will harm existing businesses and jeopardize crucial industrial jobs.

SCA is the national association representing U.S. commercial shipyards. SCA represents approximately 40 shipyard companies that own and operate more than 100 shipyards on all three U.S. coasts, the Great Lakes and Hawaii. SCA member yards employ more than 30,000 shipyard workers. Our companies build, repair and maintain America's commercial fleet as well as small and mid-sized vessels for the U.S. military and other government agencies. SCA member yards also repair and maintain Navy combatant ships.

Sincerely,

ALLEN WALKER,
President.

GLADDING-HEARN SHIPBUILDING,
October 25, 2007.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, U.S. Senate, 304 Dirksen Senate Building, Washington, DC.

Hon. PETE DOMENICI,
Ranking Member, Energy and Natural Resources Committee, U.S. Senate, 304 Dirksen Senate Building, Washington, DC.

Subject: Opposition to Bill S868.

Reference: Bill S868, To amend the Wild and Scenic Rivers Act to include segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers Systems.

DEAR CHAIRMAN BINGAMAN AND SENATOR DOMENICI: Please accept this letter expressing our concern about and objection to the above reference Bill S868, to amend the Wild and Scenic Rivers Act (WSRA) to include segments of the Taunton River. If passed, this designation will prevent our company from maintaining and expanding our commercial waterfront facility and will cost the Commonwealth of Massachusetts much needed jobs in manufacturing.

Since 1955 Gladding-Hearn Shipbuilding, Duclos Corporation (www.gladding-hearn.com) has been located on the western shore of the Taunton River in Somerset, on a site where ships have been built for more than 150 years. In our 52 years, we have built more than 360 commercial vessels for service throughout the world. We also provide regular service and maintenance for vessels operating on the east coast.

With annual revenues of about \$18 million, we provide employment to more than 100 skilled shipbuilders of all trades and maintain active accounts with more than 800 vendors. We currently have 22 vessels under contract with a backlog extending into early 2010. These contracts include passenger vessels, pilot boats, ship docking tugs and patrol boats for the US Navy. In September of 2006 we were awarded a GSA Multiple Award Schedule on which we now have 8 standard vessels listed.

In order to meet our current contractual commitments and anticipated growing de-

mands we are investing about \$1,800,000 in new fabrication and storage facilities that will create the capacity for about 50 new skilled manufacturing jobs.

We are most concerned that the designation of the Taunton River under the WSRA will prevent us from maintaining and expanding our marine railway launching facility and our deep draft dock. In the last six months alone we have turned away several large new build vessel contracts because we do not currently have the railway capacity or draft to launch these vessels. As a result, we have submitted the first phase of our plan to the Army Corps of Engineers to increase the capacity of our marine railway. In the absence of the WSRA, we would not be required to apply for a permit for this project as it would be considered a maintenance project. But even though the Taunton River is only under consideration for the WSRA designation, we are subject the additional expense, time and scrutiny of the Army Corp and the National Park Service (NPS) under what appears to be very loose and subjective WSRA review process.

We applaud the NPS and the Taunton River Study Committee for their efforts toward designating the Upper Segments 1, 2 and 3 but strenuously oppose the inclusion of the Lower Taunton River (Segment 4) because it does not meet any of the "outstandingly remarkable resource value" criteria required by the WSRA. The WSRA requires that a river is "free flowing" which is defined as "existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modifications of the waterway". By contrast Segment 4 can be mostly characterize by two bridges, a power plant, two sewage plants, several marinas and boat builders, a former oil tank farm, granite bulkheads, and a federally dredged channel since 1870. The Port of Fall River is the second largest port in the Commonwealth and is classified under the Massachusetts Coastal Zone Management Program as a "Designated Port Area". This policy "protects and promotes appropriate marine industrial development in port areas with key industrial attributes".

The NPS Taunton Wild and Scenic River Study fails to consider potential impacts on businesses and property owners along the river as it is required to do. We have no record of any attempt by the NPS or the Taunton Wild and Scenic River Study Committee to solicit our participation in the process of developing the Stewardship Plan and Draft Study.

If the "standards" to designate a river under the WSRA can be so distorted then what hope do we have to maintain and expand our waterfront facilities to accommodate the future growth of our business. Including Segment 4 of the Taunton River in the WSRA program is not what Congress intended for this noble legislation.

Very truly yours,

PETER J. DUCLOS,
President, Director of Business Development.

From: Donald V. Church, Owner, Seaboats, Inc.

Date: October 30, 2007

Subject: Act to Designate the Taunton Wild and Scenic River.

To: Subcommittee on National Parks, Forests and Public Lands of the House Natural Resources Committee

I have reviewed the most recent studies of the "Taunton Wild and Scenic River Study" as compiled by the Park Service. In my opinion, their report is totally out of context with the lower part of the river as I know it.

The upper reaches of this river are as described "wild and scenic", however, the lower segment 4 could not under any stretch

of the imagination be classified this way. The lower segment has power plants, old oil refineries, vessel repair docks, shipyards, bridges that should be removed, Battleship Cove Museum, yacht clubs, night spots and a designated port area.

Fall River is the second deepest harbor in Massachusetts, as such it should have been on a regular dredge maintenance schedule. Dredging has not even been discussed since the 1950s.

A few years ago, a rumor from the Newport, RI pilot office indicated that the Brightman Street Bridge would be removed. If this were to happen, I believe that the river from there north, would be open to economic development. The rumor, however, was unfounded. As a result of not dredging and the hardship of the restrictions of the bridge, Shell Oil was closed and the only gasoline terminal left in South Eastern Massachusetts is in Braintree, a loss for the area east of Fall River and South of Boston. Instead of economic development, it created an economic hardship.

Our company began in 1977 in Rhode Island as a very small organization. However, in Rhode Island we did not own our facility but were on leased land. Our company became concerned about the future as the mayor of Providence was repeatedly suggesting a complete revitalization of the harbor with the usual hotels, restaurants, aquariums, etc. with no room for commercial marine ventures.

With an uncertain future, we started looking for a more business-friendly city and were able to purchase our land and dock in Fall River, MA. The company relocated in 1991 and from a small start-up company, we have grown steadily and now have contributed over 24 million dollars to the economy each year, with a payroll over 5 million.

Seaboats is continuing to grow. We are obligated to an expenditure of another \$25,000,000 this year with a payroll of over \$5,000,000 and the possibility of an additional \$30,000,000 in equipment investment.

As with any business, if you do not continue to grow, eventually you fade away. If the lower Taunton River is designated as a "wild and scenic river", it will give the NPS the authority to review certain construction activities that require a federal permit or other federal assistance. Specifically, Section 7(a) of the WSR act stipulates that "No department or agency of the U.S. shall assist by loan, grant, license, or otherwise in the construction of any water resource project that would have a direct and adverse effect on the values of which such river was established or determined by the Secretary charged with its administration".

What this would mean in the case of the entire Taunton River is that any "water resources project" that requires a federal permit (such as a U.S. Army Corps dredging permit), and that involves construction activity that would affect the flow of the river, could be subject to review by, and require approval from, the NPS. The NPS has very broad discretion to consider whether a project will have an impact on the values for which the river has been designated as a Wild and Scenic River—for example, impacts on water quality or fisheries resources. If it is determined by the NPS that the project will have a "direct and adverse effect," the federal permit or other assistance to the project cannot be issued.

In conclusion, I cannot see any benefit to the economy by designating the lower portion of the Taunton River "Wild and Scenic" nor can I see any benefit to the environment. The only possible effect would be to stop economic development.

FORTIER BOATS, INC.,

Somerset, MA, October 25, 2007.

HON. JEFF BINGAMAN,

Chairman, Energy and Natural Resources Committee, U.S. Senate, 304 Dirksen Senate Building, Washington, DC.

HON. PETE DOMENICI,

Ranking Member, Energy and Natural Resources Committee, U.S. Senate, 304 Dirksen Senate Building, Washington, DC.

Subject: Opposition to Bill S868.

Reference: Bill S868, To amend the Wild and Scenic Rivers Act to include segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers Systems.

DEAR CHAIRMAN BINGAMAN AND SENATOR DOMENICI: Please accept this letter expressing our concern about and objection to the above reference Bill S868, to amend the Wild and Scenic Rivers Act (WSRA) to include segments of the Taunton River. If passed, this legislation will prevent our company from maintaining and expanding our commercial waterfront facility and cost the Commonwealth of Massachusetts much needed jobs in manufacturing.

Since the 1940s, the site now occupied by Fortier Boats, Inc. (www.fortierboats.com) has been located on the western shore of the Taunton River in Somerset. It has always been a marina facility. In our 30 years, we have built more than 500 boats for commercial and recreational use for service throughout the world. We also provide regular service and maintenance for vessels operating on the east coast.

With annual revenues of about \$1.8 million, we provide employment to 10 skilled boat builders of all trades and maintain active accounts with more than 300 vendors. We currently have a backlog of one year. We have just completed a new building adjacent to our existing building at the cost of \$1,000,000 in order to keep up with the growing needs of our present and future customers.

We are most concerned that the designation of the Taunton River under the WSRA will prevent us from maintaining and expanding our marine travel lift facility and our deep draft dock. We are now in the present stages of changing our facility to meet the needs of the Storm Water Prevention Act. In the absence of the WSRA, we would not be required to apply for a permit for this project, as it would be considered a maintenance project. But even though the Taunton River is only under consideration for the WSRA designation, we are subject to the additional expense, time and scrutiny of the Army Corp and the National Park Service (NPS) under what appears to be a very loose and subjective WSRA review process.

We applaud the NPS and the Taunton River Study Committee for their efforts toward designating the Upper Segments 1, 2 and 3 but strenuously oppose the inclusion of the Lower Taunton River (Segment 4) because it does not meet any of the "outstandingly remarkable resource value" criteria required by the WSRA. The WSRA requires that a river is "free flowing" which is defined as "existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modifications of the waterway". By contrast Segment 4 can be mostly characterized by two bridges, a power plant, two sewage plants, several marinas and boat builders, a former oil tank farm, granite bulkheads, and a federally dredged channel since 1870. The Port of Fall River is the second largest port in the Commonwealth and is classified under the Massachusetts Coastal Zone Management Program as a "Designated Port Area". This policy "protects and promotes appropriate marine industrial development in port areas with key industrial attributes".

The NPS Taunton Wild and Scenic River Study fails to consider potential impacts on businesses and property owners along the river as it is required to do. We have no record of any attempt by the NPS or the Taunton Wild and Scenic River Study Committee to solicit our participation in the process of developing the Stewardship Plan and Draft Study.

If the "standards" to designate a river under the WSRA can be so distorted then what hope do we have to maintain and expand our waterfront facilities to accommodate the future growth of our business? Including Segment 4 of the Taunton River in the WSRA program is not what Congress intended for this noble legislation.

Very truly yours,

ROGER W. FORTIER,
President, Fortier Boats, Inc.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, let me yield to the sponsor of the legislation, Mr. FRANK, for such time as he may consume.

Mr. FRANK of Massachusetts. Mr. Chairman, I concede three business people out of this whole area opposed it. So we did not pass this by unanimous consent. Three people were there. Fortunately, my area that I represent is not the Senate. You don't need unanimous consent. If you get 98.9 percent, that's good enough.

What particularly puzzles me, though, is the gentleman from Utah apparently thinks that Congress in 1968 reached the ultimate in wisdom and that because something was passed in 1968 it can never be changed. We're not talking about interpreting the statute, we're talking about passing one. And, in fact, our views of the environment have evolved.

As my colleague from Rhode Island eloquently put it, the nature of the economy of New England has evolved. Back then it was a very industrial economy. We have lost that industrial base for reasons not, I think, largely the fault of the people there, and they are trying now to go in a new direction.

So here is where it is. If you were ever industrialized, according to the gentleman from Utah, that's it. The environment is not for you. He says, well, why doesn't the State do it? Probably because we are talking about navigable waterways, and as there are limits to what the State can impose on navigable waterways. This is a navigable waterway. There is Federal responsibility. So we are coming here to the Federal Government to empower the State. Every single community there. Governors. The previous Governor of Massachusetts, Mitt Romney, was for this. The current Governor is for it. But again the gentleman says, well, because it didn't meet this definition of 1968 you can never do it again.

We are talking about recreation, recreation for the people there, and, yes, we are saying that there is an act of Congress. We look at the 1968 act, we look at our current views of the environment, we look at the needs of the people, and this is the question. This isn't a test on what was in the minds of

people 40 years ago who passed the bill. We are the Congress. We are now passing the bill.

The gentleman's amendment excludes 9 miles, the City of Fall River, whom, again, he characterizes, as, well, the only thing that's wild there are the gangs, the only thing scenic is the graffiti. That is a very unfortunate thing to say about a city of hardworking people in which there are a number of very attractive and useful institutions and places.

But the question is, do the people who live in that 9 miles—by the way, that's on both sides of the river, and there is a less-developed town across that my colleague Mr. MCGOVERN represents—are they to be denied the chance to maximize the quality of their environment? Are they to be denied this planning tool, overwhelmingly supported by the city, so that as we tear down this elevated highway, as they expand the open space, as they take advantage of the river, they can do it in a rational way.

The gentleman keeps saying, well, but what about 1968? What about 1968? Maybe it was a good year for wine.

But the notion that because a bill was passed in 1968, this Congress has lost the ability to make subsequent decisions, makes no sense.

We are asking you, all of us who represent the affected area, all of the elected officials in the area, the overwhelming majority of people in the area, give us this tool so that we can enhance the recreational character, improve our environment, and don't say that because we once had this industrialization, we don't qualify for environmental concerns.

EXECUTIVE DEPARTMENT,
CITY OF FALL RIVER,
Fall River, MA, July 15, 2008.

Hon. BARNEY FRANK,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN FRANK: I am writing to express my full support of the bill you recently sponsored, which is currently awaiting a vote by the House, to designate the Taunton River as a Wild and Scenic River under the federal Wild and Scenic Rivers Act. As the Mayor of the City of Fall River, which is situated on Mount Hope Bay at the mouth of the Taunton River, I recognize the river's value and am pleased to join you and other legislators (Representative James McGovern and Senators John Kerry and Edward Kennedy) in support of legislation that will protect this integral resource from further development.

As a sign of Fall River's commitment the City Council of Fall River passed a resolution on May 20, 2005, in support of the recommendation for designation of the Taunton River as a Wild and Scenic River. In addition, at that same time the City Council endorsed the Taunton River Stewardship Plan developed by the Taunton Wild and Scenic River Study Committee.

Thank you for recognizing the Taunton River's remarkable value and for introducing legislation that will protect it from development and industrial use. The City of Fall River appreciates and fully supports your advocacy efforts in this matter.

Sincerely,

ROBERT CORREIA,
Mayor.

CONSERVATION COMMISSION,
TOWN OF SOMERSET,
July 11, 2005.

TAUNTON RIVER WILD & SCENIC DESIGNATION
COMMITTEE,
Taunton, MA.

DEAR COMMITTEE MEMBERS: I am pleased to inform you that on May 16, 2005 the annual town meeting for the Town of Somerset was held, at which time article 28, to see if the Town would endorse the Taunton River Stewardship Plan and seek a Wild and Scenic River Designation of the Taunton River by the United States Congress, was unanimously passed.

Sincerely,

CHRISTINA A. WORDELL,
Secretary.

OFFICE OF THE TOWN CLERK,
TOWN OF FREETOWN,
Assonet, MA, July 6, 2005.

BILL NAPOLITANO,
Taunton, MA.

DEAR MR. NAPOLITANO: This is to certify that the following vote was taken at the Freetown Annual Town Meeting held on June 6, 2005:

ARTICLE 28: To see if the Town will vote to endorse the Taunton River Stewardship Plan developed by the Taunton River Wild and Scenic River Study Committee, together with its recommendation to seek Wild and Scenic River designation through act of the United States Congress. Submitted by the Board of Selectmen. Requires Majority Vote. Finance Committee recommends. Motion made and seconded to accept the article. So voted unanimously.

Sincerely,

JACQUELINE A. BROWN,
Town Clerk.

OFFICE OF THE TOWN CLERK,
TOWN OF MIDDLEBOROUGH,
Middleborough, MA, August 8, 2005.

TO WHOM IT MAY CONCERN: I do hereby certify that the following vote was taken at the July 11, 2005, adjourned session of the June 6, 2005, Annual Town Meeting, at which a quorum was declared by the Moderator:

ARTICLE 30: Voted by a majority vote to endorse the Taunton River Stewardship Plan developed by the Taunton River Wild and Scenic River Committee, together with the recommendation to seek Wild & Scenic River designation through an act of the United States Congress.

Very truly yours,

EILEEN GATES,
Town Clerk.

OFFICE OF THE TOWN CLERK,
TOWN OF BRIDGEWATER,
Taunton, MA, June 22, 2005.

WILLIAM NAPOLITANO,
Principal Environment Planner, Southeastern
Regional Planning & Economic Dev., Taunton, MA.

DEAR MR. NAPOLITANO: This is to certify that the following article was unanimously voted at the Annual Town Meeting held on Monday, May 2, 2005:

ARTICLE 8. It was unanimously voted that the Town endorse the Taunton River Stewardship Plan developed by the Taunton River Wild and Scenic Study Committee, together with its recommendation to seek Wild and Scenic River designation through act of the United States Congress.

RONALD ADAMS,
Town Clerk.

BOARD OF SELECTMEN,
Somerset, MA, March 30, 2005.

Taunton River Wild & Scenic River Study
Committee,
c/o Bill Napolitano, SRPEDD
Taunton, MA.

DEAR MEMBERS: The Somerset Board of Selectmen would like to commend and congratulate you on your efforts to designate the Taunton River as a Wild and Scenic River under the Wild and Scenic Rivers Act. Because the Taunton River is one of the most intact ecosystems in all of New England, the unfragmented habitat and natural estuary are regionally significant. It is imperative to protect this outstanding resource.

The Taunton River has the second largest watershed in Massachusetts. Funding generated from this designation would benefit the entire region. Fragmentation of riparian corridors, floodplains, and continuous upland habitat blocks must be prevented, as well as the spread of invasive species which could displace our native communities of plants and animals. Funds could be used to ensure water quality, protect cold water habitats and restore species and anadromous fish populations.

As a result of this study, we are addressing tidal restrictions in Somerset along the Taunton River at Labor in Vain Brook to improve the biodiversity of our unique marsh system.

The Somerset Board of Selectmen is pleased to endorse the Taunton River Stewardship Plan.

Sincerely,

PATRICK B. O'NEIL,
Chairman.
ELEANOR L. GAGNON.
STEVEN MONIZ.

CITY CLERK'S OFFICE,
Taunton, MA, May 27, 2005.
Congressman BARNEY FRANK,
Jones Building,
29 Broadway, Taunton, MA.

DEAR CONGRESSMAN FRANK: At a regular meeting of the Municipal Council held on May 24, 2005, the Municipal Council went on record endorsing the Taunton River Stewardship Plan by the Taunton Wild & Scenic River Study Committee together with its recommendation seeking wild & scenic river designation through the enactment of the United State Congress.

Your attention to this matter is appreciated.

Respectfully,

ROSE MARIE BLACKWELL.

SELECTMEN AND BOARD OF HEALTH,
Raynham, MA, June 13, 2005.
Re Taunton River Stewardship Plan

JIM ROSS,
Chairman, Taunton River Wild & Scenic
Committee, c/o SRPEDD, Taunton, MA.

DEAR MR. ROSS: At the November 16, 2004 Town Meeting, residents of Raynham voted unanimously to adopt the Taunton River Stewardship Plan and recommend to Congress that the Taunton River be included in Federal Wild & Scenic Riverway Program.

The Taunton River is and has always been vital to the Town of Raynham in so many ways. From an historical, agricultural and biological perspective, the Taunton River is of unequalled value to Raynham. It has important biodiversity and ecological value. It is a source of recreation of boaters, birders, fishermen and others. And it has great scenic value.

We are hopeful that Congress will designate the Taunton River as Wild and Scenic.

Very truly yours,
 RANDALL A. BUCKNER,
 Town Administrator.

City of Fall River, In City Council.
 Be it resolved, that the City Council of Fall River hereby supports the recommendation for designation of the Taunton River as a Wild and Scenic River through act of the United States Congress, with the southern boundary of this designation defined as the south side of the Braga Bridge, and

Be it further resolved, that the City Council endorses the Taunton River Stewardship Plan developed by the Taunton Wild and Scenic River Study Committee.

In City Council May 10, 2005
 Adopted, 9 yeas.
 Approved May 20, 2005, Edward M. Lambert, Jr., Mayor.

TOWN CLERK, TREASURER
 AND COLLECTOR,
 Dighton, MA.

I, Susana Medeiros, duly appointed Clerk of the Town of Dighton, Massachusetts, hereby certify that the following is a true copy of an extract from the minutes of the Annual Town Meeting duly called and held on June 6, 2005:

Article 18. Voted: On motion of James Dights that the Town will endorse the Taunton River Stewardship Plan developed by the Taunton River Wild and Scenic Study Committee, together with its recommendation to seek Wild and Scenic River designation through act of the United States Congress.

Witness my hand and the seal of the Town of Dighton this 6th day of July 2005.
 SUSANA MEDEIROS.

TOWN OF BERKLEY,
 OFFICE OF TOWN CLERK, TREASURER,
 Berkley, MA, July 6, 2005.

BILL NAPOLITANO,
 SRPEDD,
 Taunton, MA.

DEAR MR. NAPOLITANO: As duly qualified Town Clerk of the Town of Berkley, I hereby certify the following action taken June 6, 2005 at the annual Town Meeting.

Article 32: Voted: That the Town endorse the Taunton River Stewardship Plan developed by the Taunton River Wild and Scenic Study Committee together with its recommendation to seek Wild and Scenic River designation through act of the United States Congress.

A true copy of record.
 ATTEST:
 CAROLYN AWALT,
 Town Clerk.

TOWN OF HALIFAX,
 OFFICE OF THE TOWN CLERK,
 Halifax, MA.

As Town Clerk for the Town of Halifax, I certify that the following Article was voted upon at the duly notified Annual Town Meeting held on May 9, 2005.

Article 28: Voted to endorse the Taunton River Stewardship Plan developed by the Taunton River Wild & Scenic Study Committee together with its recommendations to seek Wild & Scenic River designations through an act of the United States Congress.

Proposed by the Board of Selectmen (T. Garron).
 Passed Unanimously.

ATTEST:
 MARCIE K. COLE,
 Town Clerk.

TOWN OF LAKEVILLE,
 TOWN OFFICE BUILDING
 Lakeville, MA, December 2, 2004.
 TAUNTON WILD & SCENIC RIVER STUDY COMMITTEE,
 c/o BILL NAPOLITANO,
 SRPEDD, Taunton, MA.

DEAR MEMBERS: The Lakeville Board of Selectmen would like to commend and congratulate you on your efforts to designate the Taunton River as a Wild & Scenic River under the Wild & Scenic River Act. Because the Taunton River is one of the most intact ecosystems in all of New England, the unfragmented habitat and natural estuary are regionally significant. It is imperative to protect this outstanding resource.

The Taunton River has the second largest watershed in Massachusetts. Funding generated from this designation would benefit the entire region. Fragmentation of riparian corridors, floodplains, and contiguous upland habitat blocks must be prevented, as well as, the spread of invasive species which could displace our native communities of plants and animals. Funds could be used to ensure water quality, protect cold water habitats and restore rare species and anadromous fish populations.

We were especially impressed with the Action Strategy. Recognizing that public awareness is vital as we struggle to protect our water resources, Lakeville held its first Biodiversity Day event this year at Ted Williams Camp. We hope to expand the event and continue to celebrate biodiversity every year.

The Lakeville Board of Selectmen is pleased to endorse the Taunton River Stewardship Plan.

Sincerely,
 GERALD R. WHITE,
 Chairman.
 CHAWNER HURD.
 RICHARD F. LACAMERA.

TOWN OF SOMERSET,
 HISTORICAL COMMISSION,
 Somerset, MA, April 23, 2005.

SHEILA WEINBERG,
 VIRGINIA JACKSON,
 CO-CHAIRWOMEN, SOMERSET, MA.

BOARD OF SELECTMEN: This letter is to inform the board of selectmen of the Historical Commission's support of the Taunton River Wild and Scenic River project.

We would ask that the board of selectmen and Congress endorse the Taunton River Stewardship Plan developed by the Taunton River Wild and Scenic Study Committee, in their efforts to secure a designation for the Taunton River as a National Wild and Scenic River.

We believe this designation would insure the preservation of the Taunton River corridor as an intact river ecosystem and regional resource.

Thank you for your attention to this matter and your support of this project.
 Respectfully submitted,

SHERRY L. GALLIPEAU,
 Recording Secretary, Somerset Historical Commission.

TOWN OF SOMERSET,
 CONSERVATION COMMISSION,
 Somerset, MA, March 25, 2005.

Re Congressional Designation of the Taunton River of Massachusetts as a "Wild and Scenic River"

Hon. SPEAKER OF THE HOUSE OF REPRESENTATIVES,
 Washington, DC.

DEAR MR. SPEAKER: The town of Somerset Massachusetts Conservation Commission hereby respectfully requests that the Congress of the United States designate the

Taunton River as a "Wild and Scenic River" of the United States.

Sincerely yours,
 TIMOTHY TURNER,
 Chairman, Somerset Conservation Commission.

Mr. BISHOP of Utah. Mr. Chairman, once again, I appreciate the fact that the gentleman from Massachusetts, his views may have evolved. The law has not. We are a nation of laws, not what we wish it to be, but what the law is.

I reserve the balance of my time.
 Mr. GRIJALVA. Let me yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. That is a most extraordinary misunderstanding of the law. Yes, there was a law in 1968. Guess what this will be if we pass it—a new law. The notion that a law passed in 1968 somehow defies this Congress of the ability to pass a subsequent law incorporating current judgment doesn't make any sense to me.

You're not in court here arguing. The question is, does this Congress have the right to take into account evolved views to amend the law? Yes, there is a law on the books. If the law on the books, I would say to the gentleman, covered this, we wouldn't need this law, but this is a law that we would pass. So the notion that there was a prior law really makes less sense than a lot of other things I have heard today, which says a lot.

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

Mr. GRIJALVA. Mr. Chairman, we are prepared to close. Let me inquire of my colleague how many speakers he has.

Mr. BISHOP of Utah. I will be happy to close when you are ready.

Mr. GRIJALVA. I will reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I appreciate once again the discussion that we have had here today.

The gentleman from Massachusetts, who is the chairman of a very important committee, does a great job, charming, witty, one of the funniest Members we have in Congress, actually said what my close was going to be. Someone once asked me, why do I care about this? I'm from Utah. I don't care about this river in Massachusetts.

And you're right. I really don't. I didn't get involved in this issue by choice. The gentleman introduced a bill that had to come to my committee.

But the reason that I do care is because exactly what the gentleman from Massachusetts said. We are attempting, in a vote, by a majority vote, to change the definition of law.

When I was in college, I had a professor that told me that all those men that went to the Constitutional Convention had baggage that they took, which meant they had a common educational, classic educational system. They understood what they were talking about. They went back to the concepts of Aristotle, who loved to make

definitions of everything. He said government was of the one, the few, and the many, and it could be either good or bad depending upon the attitude of those who were empowered to govern.

Government that was good is a government where the people, the leaders of that government, cared about the individuals and were self-sacrificing. Government that was bad is where the people didn't care and they tried to make things for themselves.

Then he gave definitions to that. So a government of one that was good was a monarchy, called a monarch back then, that's positive. Government of one that was bad was a tyranny. It is no coincidence that Thomas Jefferson, when he wrote the Declaration of Independence, of all the terms he could use to describe King George called him a tyrant, because it harkened back to their common understanding of classical literature and everything that Aristotle wrote.

The government of the many that was good, he called a polity. The government of the many that was bad, bad intentions, bad mindset, he called a democracy.

That's one of the reasons why we very seldom used the term "democracy" for the first 150-plus years of this country. The idea was that the worst form of government is one in which by a majority vote you can either take property from someone else and redistribute it or you can change the definition of the law—by a majority vote.

And that's why I object to this bill, because that is exactly what we are trying to do. The language of the original act is still clear and has not been changed. The language is clear, and that's why the Park Service did say that this proposal for the lower Taunton is without precedent, that it is problematic, that it does have its problems, because the law and the words of the law need to have a meaning. The law gives us guidelines. It gives us parameters. It protects the minority at the same time it directs the majority.

It's just like if we ever come to a point of time where by a majority vote we can come in here and change the meaning of the law, we have moved to the time where we are back with Petrucchio and Bianca, where the sun is the moon and night is day and by a majority vote we can accomplish it, and that is why I am so opposed to this bill because it is exactly what the gentleman said and exactly what we are doing.

By a majority vote, we are going to change the definition of wild and scenic rivers. By a majority vote. So I really don't care if you want to do this, if it's nice, if it enhances the attitude of any kind of urban area, it is not explicit with the letter of the law and with the spirit of the law, with the understanding of the law, which is why you are supposed to take a quarter mile of an embankment on either side of the designation and keep it free from development, for preservation pur-

poses, not economic discovery and not economic development.

I have great concerns, and I have expressed this many times, with the process that we have. At no time in the debate on this floor have we had more than perhaps a half dozen Members who have heard the debate and participated in it, perhaps a larger number are listening, but what will soon happen is we will call for the vote on this bill, and through those doors will come 300 Members who have not heard the debate and do not understand the issue of this bill. They will look up on the screen and say, it's an issue, it's a bill for Mr. FRANK, and they will say, I like him. He may be of my party. I'll vote for him. He's an influential chairman. I'll support him. He is a very nice person. He is a very funny person. He is probably the best debater we have on the floor, and I'll vote for it.

But that is not the reason, and that is not a rationale for changing law by vote instead of changing the words. Words have meaning.

And if we ever deny that words have meaning, we no longer have the rule of law. All we have is what Aristotle warned and threatened and criticized that our attitude is going to be what drives us in the future, not what we should do, but what we want to do at the time.

So, yes, it is important what the 1968 bill says. Yes, it is important. Yes, the upper Taunton River has all the qualities for which the gentleman wants. And, yes, the lower Taunton River does not. I don't care whether you are talking about LNG ports or not, it doesn't meet the qualifications of a wild and scenic river.

Until we change the law, we should not, by a simple majority vote on this bill, try and change the definitions of those words. That is why I, from Utah, care about this river.

Because if we can change the meaning of the Wild and Scenic Rivers Act by this vote, there is no river in America that is not in danger of being made wild and scenic if you have enough votes to do it. There is no law that can stand if you have enough votes to do it, which is why this is supposed to be a republic, why the words have meaning and the words of the law are significant and important.

That's why I beseech the handful of Members of this floor who actually are listening to this debate to please understand the rudiments of this debate and the significant issue that we are doing right here. That's why we are making this significant. That's why we are putting this. That's why I am opposed to this bill.

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

Mr. GRIJALVA. Mr. Chairman, notwithstanding the wonderful personal attributes of Mr. FRANK, this bill, in and of itself, has tremendous merit, and that is why we brought it here for support by our colleagues. I should remind all our colleagues that this par-

ticular scenic river, the Taunton, was studied under the 1968 law, met the criteria for designation and, consequently, that is what the study recommended after 7 years of study.

Another point I think is important, as I pointed it out in the opening statement, the lower portion of the Taunton River from Muddy Cove to the Route 195 bridge in Fall River is being designated a recreational river, rather than a wild and scenic designation.

This designation is reserved for river stretches that are accessible by road or railroad, may have development, may have undergone some impoundment or diversion, but that offer outstanding opportunity for recreation.

□ 1800

The lower Taunton fits that description perfectly. The National Park Service, as I mentioned, spent 7 years studying this river, working with local communities. And I mention that because if we are going to value opinions, as my colleague from Utah was speaking, then I think a very democratic response needs to be a supportive response as well to the near unanimity of support for this designation by local communities, the elected officials, and the delegation from the State. I think that merits a value, and that value should be to extend support and credibility to their desires to have this designation occur.

I would also caution, on that note, caution my colleagues against substituting our own judgment when we do not represent the area, have not participated in or reviewed the study. This is an 80-page study that found this designation appropriate and recommended that designation.

Further, we were talking about precedent. There are several examples of other rivers, the Lower Delaware in New Jersey, the Allegheny in Pennsylvania, the Sudbury, Assabet and Concord Rivers in Massachusetts, which have similar levels of nearby development and represent very successful designations under the Wild and Scenic Rivers Act. At least, I might mention, at least two of these rivers I just mentioned, by the way, passed the House under Republican rule on suspension.

H.R. 415 is an important piece of legislation. It incorporates the designation, it incorporates the use by urban communities of the designation. It is fitting and it has been verified through study and through the cooperative work of all the communities and the delegation. I ask for its support and urge a "yes" vote.

Mr. RAHALL. Mr. Chairman, I rise as the chairman of the Committee on Natural Resources, which reported the pending legislation sponsored by the gentleman from Massachusetts, Chairman BARNEY FRANK, in support of this measure.

The 106th Congress authorized a study of the river to determine whether it is eligible for such designation. The National Park Service released a report in June of last year, finding that the river is eligible and identifying designation of the entire 40-mile segment as the environmentally preferred alternative.

H.R. 415 implements the study's findings by amending the Wild and Scenic Rivers Act to add the Taunton River.

Some apparently feel that, in their opinion, the lower portion of the Taunton River is not deserving of designation. I would first point out that the bill designates this portion of the river as a recreational river—not as a wild or scenic river. This is a designation intended for river segments just like the lower Taunton.

More important, the experts at the National Park Service, the entire Massachusetts congressional delegation, and the 10 local communities along the banks, all think the river does qualify for designation and, with all due respect, their opinions are more informed. Opponents of this river designation have attempted to link this legislation to the apparent demise of a liquefied natural gas facility that had once been proposed along the banks of the Taunton.

Approval for the LNG facility was denied—twice—by the United States Coast Guard for reasons having nothing to do with the wild and scenic designation. In fact, the designation was proposed long before the LNG facility was announced.

This is a good piece of legislation, the river is worthy of designation, and I urge the adoption of this measure.

Mr. MARKEY. Mr. Chairman, I rise in support of this bill.

Many of my Republican friends seem to think that they know better than the Commonwealth of Massachusetts and its elected representatives when it comes to meeting our state's energy needs. They claim to know not only how much LNG we need in our region, but also where these LNG terminals should be located.

I have some news for my Republican friends: you have been sold a bill of goods by the developer of the failed Weaver's Cove project, a project that was rejected by the Coast Guard which will never be built. Before you shed another crocodile tear about our need for LNG, I would like to share with you some facts about LNG in Massachusetts.

The fact is that the Commonwealth of Massachusetts has more LNG terminals in operation or approved by both Federal and State regulators than any other State in the Union! We already have two LNG importation terminals in operation, and we also have a third terminal that will become operational by next year.

Now that is a larger number of LNG terminals than is currently in place in any other State of the Union. In fact—when all three terminals are in place, we will have more LNG terminals in Massachusetts than Texas and Louisiana have today.

So, my Republican friends should stop shedding those crocodile tears about the need for more LNG in Massachusetts. Our State has already seen that need, and we have already responded to it.

Since 1971, there has been an LNG terminal in my district in Everett, Massachusetts. That terminal has been in operation longer than any other LNG importation terminal in the country. In fact, between 1971 and 2003, the Everett terminal has received about half of all of the LNG imported into the United States. The Everett terminal has two LNG storage tanks that have a combined storage capacity of 3.4 billion cubic feet, and the terminal can vaporize this LNG into natural gas at a rate of

approximately 1 billion cubic feet each day. Now, this is a facility that is located right in the middle of a densely populated urban area, and never could be built there today due to safety and security concerns.

But we need the gas that this facility produces, so we are forced to continue operating it. The Everett LNG terminal, currently operated by the Suez company, today meets 20 percent of New England's annual natural gas demand. The local natural gas distribution companies served by this terminal store the LNG that they receive from the Everett terminal in satellite terminals all around New England. That allows this LNG to meet an additional 15 percent of New England's peak natural gas demand. So, nearly 40 percent of New England's peak demand for natural gas is served by the existing Everett facility.

Now, in addition to the Everett LNG terminal, the Commonwealth of Massachusetts has also approved two additional offshore LNG terminals to meet our future demand. We learned from the lesson of Everett with these facilities, and wisely chose to locate them offshore, away from any populated areas where they could be an attractive target to terrorists.

The first offshore LNG terminal is called the Northeast Gateway. It is owned by a company called Excelerate, and it is located about 13 miles off the coast north of Boston in Massachusetts Bay. This offshore facility re-gasifies the LNG on the tanker ship, turning it back into natural gas, and then sends that gas into the existing HUB line, which is a natural gas pipeline off our coast. The Excelerate LNG facility received 1 billion cubic feet of natural gas in March, but has received no additional LNG deliveries since then because of low demand. According to Excelerate, this offshore terminal is capable of accommodating up to 800 million cubic feet of natural gas each day future growth, though they initially are projecting that it would operate at a rate of 500 million cubic feet per day and a peak capability to 600 million cubic feet per day.

In addition to this first offshore LNG terminal, there is also a second LNG terminal, which is being built by Suez, the owner of the Everett LNG terminal. Neptune, a liquefied natural gas, LNG, offshore deepwater port, is also being built approximately 10 miles off the coast of Gloucester. Neptune has received all Federal, State and local permits and approvals to proceed with construction. Pipeline construction and testing are planned for mid-July through September 2008. Work on the pipeline connection to HubLine and the buoy installation are scheduled to begin in May and end in September 2009. Neptune will be prepared to receive LNG shipments by late 2009.

When completed, the Neptune LNG project will be capable of delivering approximately 400 million cubic feet per day of natural gas to the region, or enough to heat 1.5 million homes, and 750 million cubic feet per day a peak winter day.

So, the bottom line is that with these two new facilities, we will be going from an LNG capacity of 750 million metric cubic feet per day of natural gas, and 1 billion cubic feet per day in peak periods, up to 1.65 billion cubic feet per day routine delivery capacity, and 2.45 billion peak delivery capacity.

The proposed LNG terminal at Weaver's Cove has been rejected by the Coast Guard. It is opposed by virtually every elected official in Massachusetts. It would be located right in

the middle of an urban area, just like Everett. It makes no sense from a security standpoint in a post-9/11 world. The Coast Guard has already said no to Weaver's Cove. The Commonwealth of Massachusetts has already said no. The developer doesn't like that, but his proposal has been rejected. It is going nowhere. It's not going to happen.

It also makes little economic sense to build this facility, at this location, at this time. There is not sufficient economic justification for this facility in light of the three existing or planned LNG terminals in our State. These three existing LNG facilities can meet our State's needs for natural gas for many, many years, and if we need to build another LNG terminal in the future, our State has already demonstrated that we are willing to move quickly to approve the siting of offshore LNG terminals that allow LNG to be imported into our State without any of the safety or terrorism risks associated with the siting of another urban LNG terminal.

So, don't pretend that this bill to designate the Taunton River as a wild and scenic river has anything to do with LNG. The Commonwealth of Massachusetts does not need this facility. Federal regulators have already rejected it. We already have two LNG terminals in our State, with a third on the way, and if we need more LNG in the future we can build more offshore terminals. We've demonstrated a willingness and ability to do so.

I urge the adoption of the bill.

Mr. GRIJALVA. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has now expired. Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 415

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

SECTION 1. DESIGNATION OF TAUNTON RIVER, MASSACHUSETTS.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

“() TAUNTON RIVER, MASSACHUSETTS.—*The main stem of the Taunton River from its headwaters at the confluence of the Town and Matfield Rivers in the Town of Bridgewater downstream 40 miles to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, to be administered by the Secretary of the Interior in cooperation with the Taunton River Stewardship Council as follows:*

“(A) *The 18-mile segment from the confluence of the Town and Matfield Rivers to Route 24 in the Town of Raynham, as a scenic river.*

“(B) *The 5-mile segment from Route 24 to 0.5 miles below Weir Bridge in the City of Taunton, as a recreational river.*

“(C) *The 8-mile segment from 0.5 miles below Weir Bridge to Muddy Cove in the Town of Dighton, as a scenic river.*

“(D) *The 9-mile segment from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in the City of Fall River, as a recreational river.”.*

SEC. 2. MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.

(a) TAUNTON RIVER STEWARDSHIP PLAN.—

(1) IN GENERAL.—Each river segment added to section 3(a) of the Wild and Scenic Rivers Act

by section 1 of this Act shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this section as the "Secretary") determines to be consistent with this Act).

(2) *EFFECT.*—The Taunton River Stewardship Plan described in paragraph (1) shall be considered to satisfy each requirement relating to the comprehensive management plan required under section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(b) *COOPERATIVE AGREEMENTS.*—To provide for the long-term protection, preservation, and enhancement of each river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act, pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

(1) the Commonwealth of Massachusetts (including political subdivisions of the Commonwealth of Massachusetts);

(2) the Taunton River Stewardship Council; and

(3) any appropriate nonprofit organization, as determined by the Secretary.

(c) *RELATION TO NATIONAL PARK SYSTEM.*—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), each river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act shall not be—

(1) administered as a unit of the National Park System; or

(2) subject to the laws (including regulations) that govern the administration of the National Park System.

(d) *LAND MANAGEMENT.*—

(1) *ZONING ORDINANCES.*—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(2) *VILLAGES.*—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in paragraph (1) shall be considered to be a village.

(3) *ACQUISITION OF LAND.*—

(A) *LIMITATION OF AUTHORITY OF SECRETARY.*—With respect to each river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act, the Secretary may only acquire parcels of land—

(i) by donation; or

(ii) with the consent of the owner of the parcel of land.

(B) *PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.*—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment added to section 3(a) of the Wild and Scenic Rivers Act by section 1 of this Act, the Secretary may not acquire any parcel of land by condemnation.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110-758. Each amendment may be offered only in the order printed in the report by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and con-

trolled by a proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF UTAH

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110-758.

Mr. BISHOP of Utah. Mr. Chairman, I have an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BISHOP of Utah:

Page 2, line 24, insert a close quotation mark and period after "river."

Page 3, strike lines 1 through 4.

The CHAIRMAN. Pursuant to House Resolution 1339, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Once again, I appreciate the discussion we have had on this bill. I think that is perfunctory. We have to say that. But let's once again make common the facts of this particular bill.

The Department, the National Park Service, has not supported this bill. They have asked that we refrain from it until the study is final. They have also, though, in that study, given options, three different options of what to do with this river. This bill happens to take the worst of the options, an option that has no precedent, an option that is problematic.

My amendment makes this a legitimate bill. The area to which I object, the area that does not meet the standards of a wild and scenic river, those areas I am asking to be removed. The Upper Taunton River, that is the area this Congress, in the Year 2000, mandated the study and paid for a study, and that what the study should have done, has those wild and scenic qualifications that match the law.

That is my amendment, to remove the offending sections of this bill and limit just to those which meet the meaning of the words in the law.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I claim the time in opposition.

The CHAIRMAN. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. FRANK of Massachusetts. I yield myself 2 minutes.

Mr. Chairman, who has the right to close?

The CHAIRMAN. The gentleman from Utah has the right to close.

Mr. FRANK of Massachusetts. I yield myself 2 minutes.

These are the portions of the river bank that would be excluded by the gentleman's amendment. These would not be protected. The historic park enshrining the battleship *Massachusetts* would not be protected.

The gentleman made an argument I found hard to follow. It was because the 1968 Act said one thing, it would be a violation of the rule of law to pass a law. I have never heard that. We are here in the House of Representatives debating a law. If it gets a majority and is passed by the Senate, never to be taken for granted, it will become an addition to the law. The notion that a law being passed somehow distorts the law is a grave error.

The gentleman talked about the will of the people. The overwhelming will of the people in this area is to have this designation. No, it is not wild and scenic in the dictionary definition. It is recreational, which is one of the provisions that the law calls for.

And the question is today, 40 years after the original passage of the law, do we, as a Democratically elected House—the gentleman will forgive me for using the word "democratic" affirmatively. Unlike Aristotle, I don't think "democracy" is a bad word. Do we have the right to say to urban dwellers, the people in the city of Fall River who are targeted by the gentleman's amendment, the people in the city of Fall River, an industrial area. They are the ones that are being told the environment is not for you. Environmental enhancement, the ability to use this law to get the planning right, you don't get that. You are not entitled to it because you have been an industrial area.

I don't think the House wants to deny the right to environmental improvement and enhancement to working people who live in an urban area.

I reserve the balance of my time.

Mr. BISHOP of Utah. Let me continue to reserve until we are done.

Mr. FRANK of Massachusetts. While the gentleman from Utah is thinking of something to say, I will yield to the gentleman from Arizona (Mr. GRIJALVA) such time as he may consume.

Mr. GRIJALVA. Let me state my opposition to the amendment offered by my colleague from Utah.

As I stated before, the portion of the Taunton River which will be struck out by this amendment is deserving of this designation and has nothing to do with the decisions that have already stopped the Weaver's Cove LNG facility. As we pointed out, the lower portion of the Taunton River is being designated as a recreational river, rather than a wild or scenic designation.

The designation is actually intended for river stretches that look like the Lower Taunton because they are accessible and may have some development and undergone some impoundment or diversion.

The designation is similar, as I mentioned before, to other urbanized river segments in Pennsylvania, New Jersey and Massachusetts.

There has been 7 years of study. The National Park Service thinks this segment qualifies for this designation. The towns along the river think it qualifies, and the Members of Congress from the State think it qualifies.

And I would urge my colleagues to oppose this amendment and preserve the integrity of the legislation that is before us.

Mr. BISHOP of Utah. I am prepared to close whenever the gentleman from Massachusetts is.

Mr. FRANK of Massachusetts. How much time do I have remaining?

The CHAIRMAN. The gentleman from Massachusetts has 2 minutes remaining. The gentleman from Utah has 3½ minutes remaining.

Mr. FRANK of Massachusetts. I will close.

I appreciated the kind words the gentleman from Utah had to say about me. I only wish he would extend those courtesies to my constituents who have, I think, been unfairly denigrated.

And I again want to stress there was nothing inappropriate about 40 years later the Congress deciding, by a vote, this is no fiat here, to look at the law and say, we now believe that this is an appropriate designation. It is to say to an area that has been subjected to de-industrialization, you get the support of this planning mechanism, which is necessary because it is on a navigable waterway, so it can't be entirely done by State authorities. It is supported by all of the locally elected officials, overwhelmingly by the people there, by all of the Members of Congress nearby, by the four United States Senators who would be affected. You get this ability to enhance the quality of your life and, at the same time, to find, as my colleague from Rhode Island said, a new economic pattern. And that is engaging in self-help. We are trying to help them tear down an elevated highway that is a barrier to this river. There is a coordinated set of planning activities to improve it.

And I have to say, the gentleman, I think, has helped me prove the point. In his diligent search to defeat this bill, he came up with three people in the area who were against it. Well, I don't think three people in an area of hundreds of thousands gives you, even under Aristotle's definition, the right to impugn the legitimacy of this, particularly since we are following the regular order.

I would say to my colleagues, Mr. Chairman, please don't tell the people, the hardworking people of an industrial area who are trying to improve the quality of their lives for themselves and the lives of their children, don't tell them that this environmental designation stops where they live, and that they are to be, by a specific vote of the Congress of the United States, excluded from this set of benefits.

Mr. BISHOP of Utah. I appreciate that. And to be honest, I anticipated going first in the closing of this, so the gentleman from Massachusetts could have had the last word. So I will try and be kind with that.

But to be very honest with you, Mr. Chairman, it doesn't matter how many property owners may or may not object

to it. Under our constitutional system of laws, if there are three people with property rights, they must be respected. It doesn't matter how many dislike it. They must be respected.

The gentleman has very nice people in his district. I am positive. Look who they elected. But that is not the issue. The issue is the language of the law. The language in section 16 talks about free-flowing rivers, natural waterways, existing and flowing in a natural condition. There should not be low dams, diversion works or other minor structures at the time the river is proposed.

This ain't minor structures. This is a large urban development. It does not meet the definition of those terms. We say it over and over again.

It is not the House that is denying the constituents the right to have this designation. The State of Massachusetts could do the same thing if you just used local ordinances and State authority. It is not the House that will be denying them. It is the law that denies them. It is the law that does not allow this lower river to meet definition of wild and scenic rivers. Period.

Pass the amendment, and I can easily and happily support the bill because if you pass the amendment, the parts that do qualify as wild and scenic rivers will be included as wild and scenic rivers, and the parts that do not qualify will be exempt.

I yield back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BISHOP of Utah. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. SHULER

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-758.

Mr. SHULER. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SHULER:

At the end of the bill, add the following:

SEC. 3. HUNTING, FISHING, TRAPPING, AND RECREATIONAL SHOOTING.

Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the Commonwealth of Massachusetts to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting. Nothing in this Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting.

The CHAIRMAN. Pursuant to House Resolution 1339, the gentleman from North Carolina (Mr. SHULER) and a Member opposed each will control 5 minutes.

The Chair now recognizes the gentleman from North Carolina.

Mr. SHULER. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I commend the gentleman from Massachusetts for introducing this bill to protect the Taunton River. I have the privilege of representing the mountains of western North Carolina, and I have seen the positive impact that sensible resource management has on a community.

□ 1815

I share the gentleman's commitment to protect America's wild and scenic rivers. However, I feel that additional clarification is needed to ensure that sportsmen will continue to enjoy the river and its surroundings. My amendment makes it clear that H.R. 415 does nothing to eliminate the access of the Taunton River for the purposes of hunting, fishing, trapping, or recreational shooting. These activities are an important element of the outdoor lifestyles enjoyed by thousands of families in this area.

The management and regulations of these activities traditionally have been the responsibilities of the States. This amendment makes it clear that this practice will not be interrupted by the Federal designation.

I urge my colleagues to join me in supporting the amendment and the underlying legislation.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I claim time in opposition, though to be honest, I'm not in opposition to this amendment.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. BISHOP of Utah. The words of this amendment are hauntingly familiar. As Yogi Berra would say, "It's déjà vu all over again," but I don't like to use clichés that are that old. However, this amendment is a wonderful, positive, good amendment. It's been mine up until the last couple of bills.

I like this amendment. I am proud that the gentleman from North Carolina has seen conversion to this point of view. To be honest, in our committee, on H.R. 1528, this same amendment, you voted against. I'm happy for your conversion. I welcome you over to the side of truth, right, and justice and where words have meaning.

For that reason, we are more than happy to accept this amendment. We will be supportive of this amendment. It's the right thing to do. It's the positive thing to do. It's brilliant verbiage because, to be honest, we wrote it a long time ago.

I yield back the balance of my time.

Mr. SHULER. Mr. Chairman, once again, I urge a "yes" vote on this amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. SHULER).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SHULER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from North Carolina will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. BISHOP OF UTAH

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110-758.

Mr. BISHOP of Utah. Mr. Chairman, as Mr. PEARCE's designee, I offer amendment No. 3 made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. BISHOP of Utah:

At the end of the bill, add the following:

SEC. 3. ENERGY AND CONGRESSIONAL REVIEW.

The Secretary of the Interior, in consultation with the Secretary of Energy and private industry, shall complete and submit to the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and Senators and Representatives from the States affected by the designation, a report using the best available data and regarding the energy resources available on the lands and waters included in the segments of the Taunton River designated under section 2 of this Act. The report shall—

(1) contain the best available description of the energy resources available on the land and report on the specific amount of energy withdrawn from possible development; and

(2) identify cubic feet of natural gas, natural gas transmission and storage potential, megawatts of geothermal, wind and solar energy that could be commercially produced, annual available biomass for energy production, and any megawatts of hydropower resources available, including tidal, traditional dams, and in-stream flow turbines.

The CHAIRMAN. Pursuant to House Resolution 1339, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Thank you, sir. If I had known we were having a vote on the last one, I might not have fished for the first one.

It's a wonderful opportunity for me to introduce this particular amendment from the gentleman of New Mexico who spends so much time in this area and understands it so well. We're facing, obviously, an energy crisis in the United States, and we do have a dearth of solutions that have been forthcoming in this particular body. And we have repeatedly passed legislation that actually has, over the last 30 years, restricted access, limited our resources.

This amendment is once again simple. It calls upon the Secretary of Interior to provide us the full accounting of the resources this bill may take away from the American people. Simply, the

Secretary of the Interior, in consultation with the Secretary of Energy and private industry, if it remains, shall complete and submit a report accounting for the energy resources withdrawn from future development by designation of this land and waters included in the Taunton River bill. Specifically, the report shall identify, among other sources, the amount of geothermal, wind, solar, biomass energy and any impact on electrical transmission.

The amendment is simple. If Congress is acting to take energy resources away from the people, we should know if there is a true impact by these actions.

I would urge your support of Mr. PEARCE's well-thought-out and significant amendment.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. The amendment offered by Mr. BISHOP for Mr. PEARCE is unnecessary because the designation of the Taunton River is not going to have any impact whatsoever on energy resources in the country. As a result, this amendment requires a report that will likely be only a sentence or two long.

The energy debate is ongoing in this country and here in Congress, and I can assure you that no matter where you come down on the issues raised by the debate, the Wild and Scenic Rivers Act does not even make the top 100 list of the reasons we're paying so much for gas at the pump. Reports on the impact of the Bush-Cheney energy policies or the energy policies enacted by the former Republican majority would provide significantly more insight into the problems we now face than a report on one wild and scenic river designation.

To go even further, we will debate, and I hope adopt, an amendment sponsored by Representative BOYDA making it absolutely clear that H.R. 415 will have no impact on the supply of domestically produced energy. However, Mr. Chairman, as with most amendments that are completely unnecessary, this amendment does no harm to this legislation, so we will not oppose it.

I yield back the balance of our time.

Mr. BISHOP of Utah. Mr. Chairman, I would suggest a wise choice of action, and I will yield back my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MRS. BOYDA OF KANSAS

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-758.

Mrs. BOYDA of Kansas. Mr. Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mrs. BOYDA of Kansas:

At the end of the bill, add the following:

SEC. 3. DOMESTICALLY-PRODUCED ENERGY RESOURCES.

Nothing in this Act shall impact the supply of domestically-produced energy resources.

The CHAIRMAN. Pursuant to House Resolution 1339, the gentlewoman from Kansas (Mrs. BOYDA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Kansas.

Mrs. BOYDA of Kansas. Mr. Chairman, I rise today to offer an amendment to H.R. 415, and I offer it to clear up any misconceptions there may be about the impact of this bill.

As the amendment states, "nothing in this act shall impact the supply of domestically produced energy resources." Those on the other side of the aisle have held up designating the Taunton River as a national scenic and recreational river because of supposed energy concerns.

I support domestic drilling, and I believe domestic oil production is important to our energy supply. This amendment makes it clear that we are not going to stop energy development in this bill, and we're not going to impede exploration of domestic resources. We're simply taking steps to protect the Taunton River.

We must drop the rhetoric and have a national debate about our real energy priorities by finding real solutions for the rising price of oil and gas. From the cost of fuel to increased fertilizers that are killing our farmers back in Kansas, everyone is hurting. We all know that our country needs a comprehensive energy plan to address our future.

The plan that was developed by Big Oil in the White House 8 years ago has brought us nothing but higher fuel prices, and we've sent trillions of our dollars to unfriendly governments overseas.

If you have heard me talk about the energy policy, then you have heard me talk about the three-legged stool. First and foremost, it's conservation. It's the cheapest, most fastest, and easiest piece of this puzzle. Second is an absolute determination by this country to finally break our addiction to oil through new technologies like plug-in hybrid vehicles that rely on wind or solar or nuclear or alternative sources.

Energy prices are driven by supply and demand, and we have to increase the supply of not only oil, but certainly of alternative fuels.

Third, even with these alternatives and with conservation, we must continue to have oil and gas to play a significant role in our energy policy. But we can use the lands, and we must use the lands that are currently open to drilling, like the National Petroleum Reserve in Alaska, and we need to invest in technologies that make it easier and more environmentally friendly to access.

My home State of Kansas holds wind, solar, biofuels, and yes, even nuclear

potential. If we take the simple step of just making a plug-in hybrid vehicle common and affordable, we can turn off the oil spigot and turn on the energy grid that's powered by alternatives to oil.

Today I think we've said it over and over and over again, Mr. Chairman. There are 68 million acres that are currently leased and are not being drilled. Today the leases are in place, the environmental hurdles have been cleared, but there's not drilling going on. And the American people, certainly the people of Kansas, they want to know why and so do I.

So let's talk about Big Oil's dirty little secret. They don't have the equipment necessary to drill. Eighty percent of the oil that's available on the Outer Continental Shelf is already available for offshore leasing and for drilling. But here is their little secret. There won't be any new rigs available for 1 to 2 years. According to the American Petroleum Institute, the API, that in time of increasing demand when they should have been keeping up with supply, they've been making an enormously high profit. The oil companies haven't even been growing their own stock of drilling equipment even for the lands they currently hold leases on. Mr. Chairman, I find it, and I think the good people of Kansas, as well as America, finds it just simply unbelievable.

My mom always taught me to clean up my plate before I asked for more. But the oil companies aren't following my mom's advice. They've been collecting lease after lease after lease, but they're not drilling on these lands. And it's time they get started.

The high price of oil, it's very clear that it certainly helps the big oil industry. And I don't debate that it's a very good decision to them to limit supply. But it's killing American families. It is hurting our farmers, and it is hurting our businesses.

Congress can't force these oil companies to go out and drill, but we can pass legislation that stops the hoarding of these leases on Federal lands. And we voted to do that here just 3 weeks ago. But like other important energy bills, it's gone right down partisan lines, and it's been opposed by the President.

As important as it is that we get this right, Mr. Chairman, let me go back and say, again, the people of Kansas are too smart to buy all of this. They know that ultimately, though we need that oil to bridge to the new alternative future that we're talking about in energy, we cannot drill our way out of this mess.

America uses 24 percent of the world's oil, yet we only have 2 percent of the world's reserves.

The CHAIRMAN. The time of the gentleman has expired.

Mrs. BOYDA of Kansas. Mr. Chairman, I appreciate the time.

Mr. BISHOP of Utah. Mr. Chairman, I rise to claim time in opposition, kind of.

The CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Utah. I think the other side of the aisle will be happy to know that this amendment does nothing to prevent a proposed LNG port in the Taunton River. The legislation does, but the amendment does not. I'm not really sure exactly what the amendment does. About the most you can say is it doesn't appear to do anything negative, and for that purpose I will be happy to support this amendment, because at least it recognizes that energy is important, and that's an excellent first step. A curious one, I admit, but an excellent first step, especially if it's accepted by those who are supporting the underlying legislation without the first Bishop amendment to be added to it.

It is curious also to understand what domestically produced energy source will come in this particular area unless maybe you actually do have the Park Service use their eminent domain power and actually condemn all of the land a quarter mile from either side of the river in the way a real wild and scenic river should be done. But let's see what happens.

An LNG port, if it was actually produced there, would be able within 3 years, according to best estimates, to reduce the amount of energy needs for the people that live in this area by 10 percent or more, just from this one port. But the issue at hand is not domestically produced energy because an LNG port does not bring in domestically produced energy. It's all coming from abroad.

□ 1830

The countries that produce LNG are Australia, Trinidad, Malaysia, Algeria, Nigeria, Oman, Brunei, Qatar, with other developments in Norway, Venezuela, Egypt, Bolivia, Peru, Angola, Equatorial Guinea, and Russia.

It is true that some is produced in Alaska, which I don't know if the gentlelady actually accepts that as part of the United States, but that doesn't go all the way around to the east coast. That stays up here in the West.

That's the issue. So I accept this amendment, but we're actually talking not about domestic production. The LNG port was about foreign production coming in to the country, but because it at least addresses the issue that energy is important, I'm happy to accept it.

I yield back.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas (Mrs. BOYDA).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mrs. BOYDA of Kansas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now

resume on those amendments printed in House Report 110-758 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. BISHOP of Utah.

Amendment No. 2 by Mr. SHULER of North Carolina.

Amendment No. 4 by Mrs. BOYDA of Kansas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF UTAH

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. BISHOP) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 235, not voting 15, as follows:

[Roll No. 503]

AYES—189

| | | |
|-----------------|---------------|--------------------|
| Aderholt | Emerson | LoBiondo |
| Akin | English (PA) | Lungren, Daniel E. |
| Alexander | Everett | |
| Bachmann | Fallin | Mack |
| Bachus | Feeney | Manzullo |
| Barrett (SC) | Ferguson | Marchant |
| Bartlett (MD) | Flake | McCarthy (CA) |
| Barton (TX) | Forbes | McCaul (TX) |
| Biggert | Fortenberry | McCotter |
| Bilbray | Fossella | McCrery |
| Bilirakis | Fox | McHenry |
| Bishop (UT) | Franks (AZ) | McHugh |
| Blackburn | Frelinghuysen | McKeon |
| Boehner | Galleghy | McMorris |
| Bonner | Garrett (NJ) | Rodgers |
| Bono Mack | Gerlach | Mica |
| Boozman | Gingrey | Miller (FL) |
| Boustany | Gohmert | Miller (MI) |
| Brady (TX) | Goode | Moran (KS) |
| Broun (GA) | Goodlatte | Murphy, Tim |
| Brown (SC) | Granger | Musgrave |
| Brown-Waite, | Graves | Myrick |
| Ginny | Hall (TX) | Neugebauer |
| Buchanan | Hastings (WA) | Nunes |
| Burgess | Hayes | Paul |
| Burton (IN) | Heller | Pearce |
| Buyer | Hensarling | Pence |
| Calvert | Hergert | Peterson (PA) |
| Camp (MI) | Hobson | Petri |
| Campbell (CA) | Hoekstra | Pickering |
| Cannon | Hulshof | Pitts |
| Cantor | Inglis (SC) | Platts |
| Capito | Issa | Poe |
| Carter | Johnson (IL) | Porter |
| Castle | Johnson, Sam | Price (GA) |
| Chabot | Jordan | Pryce (OH) |
| Coble | Keller | Putnam |
| Cole (OK) | King (IA) | Radanovich |
| Conaway | King (NY) | Ramstad |
| Crenshaw | Kingston | Regula |
| Culberson | Kirk | Rehberg |
| Davis (KY) | Kline (MN) | Reichert |
| Davis, David | Knollenberg | Renzi |
| Davis, Tom | Kuhl (NY) | Reynolds |
| Deal (GA) | LaHood | Rogers (AL) |
| Dent | Lamborn | Rogers (KY) |
| Diaz-Balart, L. | Lampson | Rogers (MI) |
| Diaz-Balart, M. | Latham | Rohrabacher |
| Doolittle | LaTourette | Roskam |
| Drake | Latta | Royce |
| Dreier | Lewis (CA) | Ryan (WI) |
| Duncan | Lewis (KY) | Sali |
| Ehlers | Linder | Saxton |

Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Stearns

NOES—235

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boucher
Boyd (FL)
Boyd (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Cazayoux
Chandler
Childers
Christensen
Clarke
Clay
Clever
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummins
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords

NOT VOTING—15

Blunt
Boswell
Cubin

Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)

Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascarell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Moran (VA)
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Yarmuth

Miller, Gary
Rush
Shimkus
Smith (TX)
Solis
Weiner

□ 1900

Mr. CLEAVER, Mrs. MALONEY of New York, Mr. DAVIS of Illinois, Mrs. GILLIBRAND, Mr. CHANDLER, Ms. HIRONO, and Messrs. GUTIERREZ and WELCH of Vermont changed their vote from “aye” to “no.”

Mr. LAHOOD and Ms. GINNY BROWN-WAITE of Florida changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. SHULER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina (Mr. SHULER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 0, not voting 14, as follows:

[Roll No. 504]

AYES—425

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boucher
Boustany
Boyd (FL)
Boyd (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite,
Buchanan

Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchev
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Camp (MI)
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lungren, Daniel
E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)

NOT VOTING—14

Barton (TX)
Blunt
Boswell
Cubin
Fortuño
Gilchrest

Green, Al Lucas Shimkus
Hunter Miller, Gary Solis
Johnson, E. B. Rush

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). There are 2 minutes remaining in this vote.

□ 1908

So the amendment was agreed to. The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MRS. BOYDA OF KANSAS

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Kansas (Mrs. BOYDA) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 421, noes 0, not voting 18, as follows:

[Roll No. 505]

AYES—421

Abercrombie Buyer Dent
Ackerman Calvert Diaz-Balart, L.
Aderholt Camp (MI) Diaz-Balart, M.
Akin Campbell (CA) Dicks
Alexander Cannon Dingell
Allen Cantor Doggett
Altmore Capito Donnelly
Andrews Capps Doolittle
Arcuri Capuano Doyle
Baca Cardoza Drake
Bachmann Carnahan Dreier
Bachus Carney Duncan
Baird Carson Edwards (MD)
Baldwin Carter Edwards (TX)
Barrett (SC) Castle Ehlers
Barrow Castor Ellison
Bartlett (MD) Cazayoux Ellisworth
Bean Chabot Emanuel
Becerra Chandler Emerson
Berkley Childers Engel
Berman Christensen English (PA)
Berry Clarke Eshoo
Biggert Clay Etheridge
Billray Cleaver Everrett
Bilirakis Clyburn Falleomavaega
Bishop (GA) Coble Fallin
Bishop (NY) Cohen Farr
Bishop (UT) Cole (OK) Fattah
Blackburn Conaway Feeney
Blumenauer Conyers Ferguson
Boehner Cooper Filner
Bonner Costa Flake
Bono Mack Costello Forbes
Boozman Courtney Fortenberry
Bordallo Cramer Fossella
Boren Crenshaw Foster
Boucher Crowley Fox
Boustany Cuellar Frank (MA)
Boyd (FL) Culberson Franks (AZ)
Boyd (KS) Cummings Frelinghuysen
Brady (PA) Davis (AL) Gallegly
Brady (TX) Davis (CA) Garrett (NJ)
Braley (IA) Davis (IL) Gerlach
Broun (GA) Davis (KY) Giffords
Brown (SC) Davis, David Gillibrand
Brown, Corrine Davis, Lincoln Gingrey
Brown-Waite, Davis, Tom Gohmert
Ginny Deal (GA) Gonzalez
Buchanan DeFazio Goode
Burgess DeGette Goodlatte
Burton (IN) Delahunt Gordon
Butterfield DeLauro Granger

Green, Gene Matsui Ryan (WI)
Grijalva McCarthy (CA) Salazar
Gutierrez McCarthy (NY) Sali
Hall (NY) McCaul (TX) Sánchez, Linda
Hall (TX) McCollum (MN) T.
Hare McCotter Sanchez, Loretta
Harman McCrery Sarbanes
Hastings (FL) McGovern Saxton
Hastings (WA) McHenry Scalise
Hayes McHugh Schakowsky
Heller McIntyre Schiff
Hensarling McKeon Schmidt
Herger McMorris Schwartz
Herseth Sandlin Rodgers Scott (VA)
Higgins McNeerney Sensenbrenner
Hill McNulty Serrano
Hinchey Meek (FL) Sessions
Hinojosa Meeke (NY) Sestak
Hirono Melancon Shadegg
Hobson Mica Shays
Hodes Michaud Shea-Porter
Hoekstra Miller (FL) Sherman
Holden Miller (MI) Shuler
Holt Miller (NC) Shuster
Honda Miller, George Simpson
Hooley Mitchell Sires
Hoyer Mollohan Skelton
Hulshof Moore (KS) Slaughter
Hunter Moore (WI) Smith (NJ)
Inglis (SC) Moran (KS) Smith (TX)
Inlee Moran (VA) Smith (WA)
Israel Murphy (CT) Snyder
Issa Murphy, Patrick Solis
Jackson (IL) Murphy, Tim Souder
Jackson-Lee Murtha Space
(TX) Musgrave Speier
Jefferson Myrick Spratt
Johnson (GA) Nadler Stark
Johnson (IL) Napolitano Stupak
Johnson, Sam Neal (MA) Sullivan
Jones (NC) Neugebauer Sutton
Jones (OH) Norton Tancredo
Jordan Nunes Oberstar
Kagen Obey Tanner
Kanjorski Kaptur Tauscher
Kapur Olver Taylor
Keller Ortiz Terry
Kennedy Pallone Thompson (CA)
Kildee Pascrell Thompson (MS)
Kilpatrick Pastor Thornberry
Kind Paul Tiahrt
King (IA) Payne Tiberi
King (NY) Pearce Towns
Kingston Pence Tsongas
Kirk Perlmutter Turner
Klein (FL) Peterson (MN) Udall (CO)
Kline (MN) Petri Udall (NM)
Knollenberg Pickering Upton
Kucinich Pitts Van Hollen
Kuhl (NY) Platts Velázquez
LaHood Poe Visclosky
Lamborn Pomeroy Walberg
Lampson Porter Walden (OR)
Langevin Price (GA) Walsh (NY)
Larsen (WA) Price (NC) Walz (MN)
Larson (CT) Pryce (OH) Putnam
Latham Putnam Radanovich
LaTourette Radanovich
Latta Rahall
Lee Ramstad Waters
Levin Rangel Watson
Lewis (GA) Regula Watt
Lewis (GA) Rehberg Waxman
Lewis (KY) Reichert Weiner
Linder Renzi Welch (VT)
Lipinski Reyes Weldon (FL)
Lowey Reynolds Weller
LoBiondo Richardson Westmoreland
Loeb sack Rodriguez Wexler
Lofgren, Zoe Rogers (AL) Whitfield (KY)
Lowey Rogers (KY) Wilson (NM)
Lungren, Daniel E. Rogers (MI) Wilson (OH)
Lynch Mack Roskam Wilson (SC)
Mack Mahoney (FL) Wittman (VA)
Maloney (NY) Ross Wolf
Manzullo Rothman Woolsey
Marchant Roybal-Allard Wu
Markey Royce Yarmuth
Marshall Ruppertsberger Young (AK)
Matheson Ryan (OH) Young (FL)

NOT VOTING—18

Barton (TX) Graves Peterson (PA)
Blunt Green, Al Rush
Boswell Johnson, E. B. Scott (GA)
Cubin Lucas Shimkus
Fortuño McDermott Smith (NE)
Gilchrist Miller, Gary Stearns

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN (during the vote). Members have 2 minutes remaining in the vote.

□ 1915

So the amendment was agreed to. The result of the vote was announced as above recorded.

Stated for: Mr. SMITH of Nebraska. Mr. Chairman, on rollcall No. 505, I was unavoidably detained. Had I been present, I would have voted “aye.”

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CAPUANO) having assumed the chair, Mr. McNULTY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 415) to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System, pursuant to House Resolution 1339, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMEND OFFERED BY MR.

WITTMAN OF VIRGINIA

Mr. WITTMAN of Virginia. Mr. Speaker, I have a motion to recommend at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WITTMAN of Virginia. I am, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommend.

The Clerk read as follows:

Mr. WITTMAN of Virginia, moves to recommend the bill H.R. 415 to the Committee on Natural Resources with instructions to report the same back to the House promptly in the form to which perfected at the time of this motion, with the following amendment: At the end of the bill, add the following new section:

SEC. 3. SAVINGS CLAUSE.

Nothing in this Act or the stewardship plan referred to in section 2 shall be used as a basis to restrict current and future—

(1) development and management of energy infrastructure;

(2) easements and environmental mitigation related to paragraph (1); or

(3) business and economic activities or expansion of such activities.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. WITTMAN of Virginia. Mr. Speaker, Americans are facing an energy crisis. High fuel costs are cutting short summer vacations, impacting family budgets, shuttering small businesses, increasing food costs and threatening the economic well-being of this country.

Recently, I learned of a small business in the rural part of my district that can't even receive shipments because the delivery trucks can no longer afford to drive all the way down to his shop.

This small shop owner, who operates on already tight margins, has to incur extra costs to meet the delivery truck closer into town. And this is just one of countless similar stories throughout America and throughout Virginia's First District.

The majority's response to this crisis has been to repeatedly deny the American people relief from skyrocketing fuel prices. Defying basic economics, they refuse to increase supply and encourage production of American-made energy.

The majority party decries the timeline of domestic drilling as too long, saying the American people won't see any relief for at least 5 to 10 years, as if it is somehow a bad thing for Congress to act with foresight in order to avert a deeper energy catastrophe in the near future.

In the face of "all of the above" energy policy offered by Republicans, one that includes American-made energy, encourages aggressive conservation and invests in and incentivizes clean, renewable energy, Democrats offer misdirected solutions like "use it or lose it" and recycle failed ideas of the past, like the windfall profits tax.

Today's consideration of H.R. 415 is another such mistake. Instead of restricting energy development in the name of political partisanship, we need to throw every option on the table. And I'm reminded of a story that a constituent told me about the *Apollo 13* astronauts and how they solved problems where Mission Control took everything they had at their avail, every tool, every piece of equipment at their disposal, to survive and get those astronauts back to Earth. Today, Mr. Speaker, Congress is Mission Control, and we have an energy problem.

This bill abuses the definition of Wild and Scenic Rivers by designating the urban and heavily developed lower section of the Taunton River as wild and scenic. Not coincidentally it's on this lower section of the Taunton River that a liquefied natural gas facility has been proposed. And thus this bill is yet another roadblock to increasing our energy supply. Not only could this legislation encourage budget-busting heating bills, but it will also bury local

shipbuilders in an avalanche of bureaucratic red tape. Shipbuilding facilities often need to be modified to meet job specifications. By further complicating the permitting process, this bill stymies these business' ability to meet their customers' needs.

Additionally, Mr. Speaker, the headline in the Fall River Herald News also reads about the impact on businesses where it says, "scenic river designation could sink waterfront businesses," again, another negative impact on businesses.

Congress cannot afford to remain tone deaf to the suffering of our country. This motion to recommit returns our focus on what is truly important to the American people: Relief of skyrocketing energy prices. It prohibits restrictions on the development or management of energy infrastructure. And more importantly, it expands on the language offered by Representative BOYDA to include sources of energy like clean-burning natural gas, which will play a critical role in our development of an "all of the above" energy policy.

I urge all Members to support this motion to recommit H.R. 415.

Mr. GRIJALVA. I rise to claim time in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Speaker, let me just read an amendment that passed this House unanimously just previous to this discussion, the amendment to H.R. 415 offered by Mrs. BOYDA of Kansas, "section 3, domestically-reproduced energy resources. Nothing in this Act shall impact the supply of domestically-produced energy resources."

The point being that this motion to recommit has nothing to do with the protection of domestic energy resources. It has to do with the ability by putting promptly in the motion to recommit to effectively kill this legislation.

This legislation has the support, almost unanimous support, of communities, elected officials, the delegation of the State, the Governor, and has had 7 years of study in order to receive the recommendation for the designations that are before us in this legislation.

I understand the need to talk about energy on any topic. This particular legislation has nothing to do with the high cost of gas. It has nothing to do with domestic energy supply. If we are looking for reasons, perhaps we could walk over the last 8 years of this administration and a Republican-controlled Congress and look at the failed efforts at really bringing an energy policy to the American people. That is the root cause of our problem. The root cause is not this designation today.

Let me yield now to the sponsor of the legislation, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first, let's note the non-seriousness of this. It says "promptly." It kills the bill. If you want to vote

against the bill, you can vote against the bill. This says "promptly." If it were seriously intended to be a legislative act, it would have said "forthwith."

Beyond that, it is not simply about energy. The last two lines say "nothing shall be used as a basis to restrict current and future business and economic activities." This is a license to do any business whatsoever. Now I know a couple of businesses down there that I didn't think the Republican Party would be all in favor of. They would love to have this. They will expand it and invite you down and give you a discount.

This isn't just about energy. First of all, it's about killing the bill. But what does it say? The gentleman from Arizona read the amendment we have adopted about energy. "Nothing shall be used as a basis to restrict current and future business and economic activities or expansion of such activities." It is hardly about energy.

The LNG plant has been rejected twice by the Coast Guard and once by that radical environmentalist, the Secretary of Commerce, Carlos Gutierrez, appointed by George Bush.

I'm about to yield to my colleague from Massachusetts. He and I represent hardworking people, working class people. Many of them are Portuguese immigrants and others who became American citizens who have lost their industrial base. They are trying to enhance the quality of their environment and at the same time offer an alternative economic mode.

Mr. Speaker, I urge my colleagues, don't take it out on them. If we've got a political fight over energy, let's carry it out among the big boys and girls. Don't turn to these working people and say, do you know what? You're not classy enough. You don't deserve environmental protection. That is for the elite. That is for the wealthy.

I yield, finally, to my colleague from Massachusetts.

Mr. MCGOVERN. I thank the gentleman.

Mr. Speaker, this debate has been, to say the least, strange. My friends on the other side of the aisle have come to the floor with pictures of the Taunton River that are not even part of the designation that we're talking about. They have said that this is about LNG and that Massachusetts doesn't want to do its fair share. Yet we have three LNG facilities up and running, and a third that has already been permitted. They have confused their energies. They don't know the difference between liquefied natural gas, oil and the gasoline you put in your automobile. I mean their ignorance on energy is stunning. No wonder why they lost the last election.

And finally, they have tried to make political points at the expense of the constituents that I represent and that BARNEY represents. As BARNEY said, these are hardworking people. The tone

of this debate and the way my constituents have been characterized is insulting. It's a new low even for some of the people on the other side of the aisle.

Mr. Speaker, in closing, let me just say that the Bush administration's National Park Service says that this is a good idea. It was good enough for them. It should be good enough for you. Defeat this motion and vote for the bill.

PARLIAMENTARY INQUIRIES

Mr. WESTMORELAND. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, isn't it true that the majority leader and the Speaker of this House could call a vote at any time on increasing U.S. oil production to lower the gas prices for Americans?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry.

Mr. WESTMORELAND. Further parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman may state his first parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, if this motion did pass, it could be recommitted back to the—and I doubt it will—it could be recommitted back to the committee from which it came and brought forth on the next legislative day.

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

□ 1930

Mr. FRANK of Massachusetts. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. FRANK of Massachusetts. Mr. Speaker, is asking the same unfounded inquiry repeatedly a violation of the House under dilatory tactics?

The SPEAKER pro tempore. Recognition for parliamentary inquiries is within the discretion of the Chair.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

Mr. WITTMAN of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of the bill, if ordered, and the motion to suspend with regard to House Concurrent Resolution 295.

The vote was taken by electronic device, and there were—yeas 188, nays 227, not voting 19, as follows:

[Roll No. 506]

YEAS—188

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bibray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry

Fossella
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)

NAYS—227

Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sail
Scalise
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Smith (NJ)
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Insole
Israel
Porter
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall

Matheson
Matsui
McCarthy (NY)
McColum (MN)
McDermott
McGovern
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reichert
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sanchez, Linda
T.

NOT VOTING—19

Barton (TX)
Boswell
Capps
Cubin
Gilchrest
Green, Al
Issa

Johnson, E. B.
Lucas
Miller, Gary
Murphy, Tim
Peterson (PA)
Rush
Saxton

□ 1947

Messrs. STUPAK, NADLER and HOYER changed their vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Ms. CAPPS. Mr. Speaker, on rollcall No. 506, had I been present, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 242, nays 175, not voting 18, as follows:

[Roll No. 507]

YEAS—242

Abercrombie
Ackerman
Allen

Altmire
Andrews
Arcuri

Baca
Baird
Baldwin

Barrow Hare
 Bean Harman
 Becerra Hastings (FL)
 Berkley Herseth Sandlin
 Berman Higgins
 Berry Hill
 Bishop (GA) Hinchey
 Bishop (NY) Hinojosa
 Blumenauer Hirono
 Boren Hodes
 Boucher Hoekstra
 Boyd (FL) Holden
 Boyda (KS) Holt
 Brady (PA) Honda
 Braley (IA) Hoolley
 Brown, Corrine Hoyer
 Butterfield Inslee
 Capps Israel
 Capuano Jackson (IL)
 Cardoza Jackson-Lee
 Carnahan (TX)
 Carney Jefferson
 Carson Johnson (GA)
 Castle Jones (NC)
 Castor Jones (OH)
 Cazayoux Kagen
 Chandler Kanjorski
 Childers Kaptur
 Clarke Kennedy
 Clay Kildee
 Cleaver Kilpatrick
 Clyburn Kind
 Cohen Klein (FL)
 Conyers Kucinich
 Cooper Lampson
 Costa Langevin
 Costello Larsen (WA)
 Courtney Larson (CT)
 Cramer Lee
 Crowley Levin
 Cuellar Lewis (GA)
 Cummings Lipinski
 Davis (AL) Loeb sack
 Davis (CA) Lofgren, Zoe
 Davis (IL) Lowey
 Davis, Lincoln Lynch
 DeFazio Mahoney (FL)
 DeGette Maloney (NY)
 Delahunt Markey
 DeLauro Marshall
 Dicks Matheson
 Dingell Matsui
 Doggett McCarthy (NY)
 Donnelly McCollum (MN)
 Doyle McDermott
 Edwards (MD) McGovern
 Edwards (TX) McIntyre
 Ehlers McNerney
 Ellison McNulty
 Ellsworth Meek (FL)
 Emanuel Meeks (NY)
 Engel Melancon
 Eshoo Michaud
 Etheridge Miller (NC)
 Farr Miller, George
 Fattah Mitchell
 Filner Mollohan
 Fossella Moore (KS)
 Foster Moore (WI)
 Frank (MA) Moran (VA)
 Frelinghuysen Murphy (CT)
 Giffords Murphy, Patrick
 Gillibrand Murtha
 Gonzalez Nadler
 Gordon Napolitano
 Green, Gene Neal (MA)
 Grijalva Oberstar
 Gutierrez Obey
 Hall (NY) Oliver

NAYS—175

Aderholt Brady (TX)
 Akin Broun (GA)
 Alexander Brown (SC)
 Bachmann Brown-Waite,
 Bachus Ginny
 Barrett (SC) Buchanan
 Bartlett (MD) Burgess
 Biggert Burton (IN)
 Bilbray Buyer
 Billirakis Calvert
 Bishop (UT) Camp (MI)
 Blackburn Campbell (CA)
 Blunt Cannon
 Boehner Cantor
 Bonner Capito
 Bono Mack Carter
 Boozman Chabot
 Boustany Coble

Conaway
 Crenshaw
 Culberson
 Davis (KY)
 Davis, David
 Davis, Tom
 Deal (GA)
 Dent
 Diaz-Balart, L.
 Diaz-Balart, M.
 Doolittle
 Drake
 Dreier
 Duncan
 Emerson
 English (PA)
 Everett
 Fallin

Feeney
 Ferguson
 Flake
 Forbes
 Fortenberry
 Foxx
 Franks (AZ)
 Gallegly
 Garrett (NJ)
 Gerlach
 Gingrey
 Gohmert
 Goode
 Goodlatte
 Granger
 Reichert
 Reyes
 Richardson
 Rodriguez
 Ros-Lehtinen
 Ross
 Rothman
 Roybal-Allard
 Ruppertsberger
 Ryan (OH)
 Salazar
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schwartz
 Scott (VA)
 Serrano
 Sestak
 Shays
 Shea-Porter
 Sherman
 Shuler
 Sires
 Skelton
 Slaughter
 Smith (WA)
 Snyder
 Solis
 Space
 Speier
 Spratt
 Stark
 Green, Al

Latta
 Lewis (CA)
 Lewis (KY)
 Linder
 LoBiondo
 Lungren, Daniel
 E.
 Mack
 Manullo
 Marchant
 McCarthy (CA)
 McCaul (TX)
 McCotter
 McCrery
 McHenry
 McHugh
 McKeon
 McMorris
 Hayes
 Rodgers
 Heller
 Mica
 Miller (FL)
 Miller (MI)
 Moran (KS)
 Murphy, Tim
 Musgrave
 Myrick
 Neugebauer
 Nunes
 Paul
 Jordan
 Keller
 King (IA)
 King (NY)
 Kingston
 Kirk
 Kline (MN)
 Knollenberg
 Kuhl (NY)
 LaHood
 Lamborn
 Latham
 LaTourette

Reynolds
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Roskam
 Ryan (WI)
 Sali
 Scalise
 Schmidt
 Sensenbrenner
 Sessions
 Shadegg
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Sullivan
 Tancredo
 Terry
 Thornberry
 Tiahrt
 Tiberi
 Turner
 Upton
 Walberg
 Walden (OR)
 Walsh (NY)
 Wamp
 Weldon (FL)
 Weller
 Westmoreland
 Whitfield (KY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Blunt
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boucher
 Boustany
 Boyd (FL)
 Boyda (KS)
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Broun (GA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Butterfield
 Buyer
 Calvert
 Camp (MI)
 Campbell (CA)
 Cannon
 Cantor
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson
 Carter
 Castle
 Castor
 Cazayoux
 Chabot
 Chandler
 Childers
 Clarke
 Clay
 Cleaver
 Clyburn
 Coble
 Cohen
 Cole (OK)
 Conaway
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Cramer
 Crenshaw
 Crowley
 Culberson
 Cummings
 Davis (AL)
 Davis (CA)

NOT VOTING—18

Barton (TX)
 Boswell
 Cole (OK)
 Cubin
 Gilchrest
 Green, Al

Johnson, E. B.
 Lucas
 Miller, Gary
 Peterson (PA)
 Royce
 Rush

Saxton
 Scott (GA)
 Shimkus
 Smith (TX)
 Souder
 Stearns

□ 1954

Mr. INGLIS of South Carolina changed his vote from “yea” to “nay.” So the bill was passed. The result of the vote was announced as above recorded. A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Speaker, on rollcalls Nos. 505–507, I was unavoidably detained. Had I been present, I would have voted on rollcall No. 505, Boyda—“yea”; rollcall No. 506, Wittman—“yea”; rollcall No. 507, Pas-sage—“nay.” I was unavoidably detained.

EXPRESSING APPRECIATION OF CONGRESS TO THE FAMILIES OF MEMBERS OF ARMED FORCES

The SPEAKER pro tempore. The un-finished business is the vote on the mo-tion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 295, on which the yeas and nays were ordered.

The Clerk read the title of the con-current resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. COURTNEY) that the House suspend the rules and agree to the concurrent reso-lution, H. Con. Res. 295.

This will be a 5-minute vote.

The vote was taken by electronic de-vice, and there were—yeas 415, nays 0, not voting 19, as follows:

[Roll No. 508]
 YEAS—415

Abercrombie
 Ackerman
 Aderholt
 Akin
 Alexander
 Allen
 Altmire
 Andrews
 Arcuri
 Baca
 Bachmann
 Bachus
 Baird
 Baldwin
 Barrett (SC)
 Barrow
 Bartlett (MD)
 Bean
 Becerra
 Berkley
 Berman
 Berry
 Biggert
 Bilbray
 Billirakis
 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
 Blunt
 Boehner
 Bonner
 Bono Mack
 Boozman
 Boren
 Boucher
 Boustany
 Boyd (FL)
 Boyda (KS)
 Brady (PA)
 Brady (TX)
 Braley (IA)
 Broun (GA)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Buchanan
 Burgess
 Burton (IN)
 Butterfield
 Buyer
 Calvert
 Camp (MI)
 Campbell (CA)
 Cannon
 Cantor
 Capito
 Capps
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson
 Carter
 Castle
 Castor
 Cazayoux
 Chabot
 Chandler
 Childers
 Clarke
 Clay
 Cleaver
 Clyburn
 Coble
 Cohen
 Cole (OK)
 Conaway
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Cramer
 Crenshaw
 Crowley
 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.
 Dingell
 Doggett
 Donnelly
 Doolittle
 Doyle
 Drake
 Dreier
 Duncan
 Edwards (MD)
 Edwards (TX)
 Ehlers
 Ellison
 Ellsworth
 Emanuel
 Emerson
 Engel
 English (PA)
 Eshoo
 Etheridge
 Everett
 Fallin
 Farr
 Fattah
 Feeney
 Ferguson
 Filner
 Flake
 Forbes
 Fortenberry
 Fossella
 Foster
 Foxx
 Frank (MA)
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Garrett (NJ)
 Gerlach
 Giffords
 Gillibrand
 Gingrey
 Gohmert
 Gonzalez
 Goode
 Goodlatte
 Gordon
 Granger
 Graves
 Green, Gene
 Grijalva
 Gutierrez
 Hall (NY)
 Hall (TX)
 Hare
 Harman
 Hastings (FL)
 Hastings (WA)
 Hayes
 Heller
 Hensarling
 Herger
 Herseth Sandlin
 Higgins
 Hill
 Hinchey
 Hinojosa
 Hirono
 Hobson
 Hodes
 Hoekstra
 Holden
 Holt
 Honda
 Hoolley
 Hoyer
 Hulshof
 Hunter
 Inglis (SC)
 Inslee

Israel
 Issa
 Jackson (IL)
 Jackson-Lee
 (TX)
 Jefferson
 Johnson (GA)
 Johnson (IL)
 Johnson, Sam
 Jones (NC)
 Jones (OH)
 Jordan
 Kagen
 Kanjorski
 Kaptur
 Keller
 Kennedy
 Kildee
 Kilpatrick
 King (IA)
 King (NY)
 Kingston
 Kirk
 Klein (FL)
 Kline (MN)
 Knollenberg
 Kucinich
 Kuhl (NY)
 LaHood
 Lamborn
 Lampson
 Langevin
 Larsen (WA)
 Larson (CT)
 Latham
 LaTourette
 Latta
 Lee
 Levin
 Lewis (CA)
 Lewis (KY)
 Linder
 Lipinski
 LoBiondo
 Loeb sack
 Lofgren, Zoe
 Lowey
 Lungren, Daniel
 E.
 Lynch
 Mack
 Mahoney (FL)
 Maloney (NY)
 Manullo
 Marchant
 Markey
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul (TX)
 McCollum (MN)
 McCotter
 McCrery
 McDermott
 McGovern
 McHenry
 McHugh
 McIntyre
 McKeon
 McMorris
 Rodgers
 McNerney
 McNulty
 Meek (FL)
 Meeks (NY)
 Melancon
 Mica
 Michaud
 Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, George
 Mollohan
 Moore (KS)
 Moore (WI)
 Moran (KS)
 Moran (VA)
 Moran (KS)
 Moran (VA)
 Murphy (CT)
 Murphy, Patrick

| | | |
|---------------|------------------|----------------|
| Murphy, Tim | Roskam | Tancredo |
| Musgrave | Ross | Tanner |
| Myrick | Rothman | Tauscher |
| Nadler | Roybal-Allard | Taylor |
| Napolitano | Royce | Terry |
| Neal (MA) | Ruppersberger | Thompson (CA) |
| Neugebauer | Ryan (OH) | Thompson (MS) |
| Nunes | Ryan (WI) | Thornberry |
| Oberstar | Salazar | Tiahrt |
| Obey | Sali | Tiberi |
| Olver | Sánchez, Linda | Tierney |
| Ortiz | T. | Towns |
| Pallone | Sanchez, Loretta | Tsongas |
| Pascrell | Sarbanes | Turner |
| Pastor | Scalise | Udall (CO) |
| Paul | Schakowsky | Udall (NM) |
| Payne | Schiff | Upton |
| Pearce | Schmidt | Van Hollen |
| Pence | Schwartz | Velázquez |
| Perlmutter | Scott (VA) | Visclosky |
| Peterson (MN) | Sensenbrenner | Walberg |
| Petri | Serrano | Walden (OR) |
| Pickering | Sessions | Walsh (NY) |
| Pitts | Sestak | Walz (MN) |
| Platts | Shadegg | Wamp |
| Poe | Shays | Wasserman |
| Pomeroy | Shea-Porter | Schultz |
| Porter | Sherman | Waters |
| Price (GA) | Shuler | Watson |
| Price (NC) | Shuster | Watt |
| Pryce (OH) | Simpson | Waxman |
| Putnam | Sires | Weiner |
| Radanovich | Skelton | Welch (VT) |
| Rahall | Slaughter | Weldon (FL) |
| Ramstad | Smith (NE) | Weller |
| Rangel | Smith (NJ) | Westmoreland |
| Regula | Smith (TX) | Wexler |
| Rehberg | Smith (WA) | Whitfield (KY) |
| Reichert | Snyder | Wilson (NM) |
| Renzi | Solis | Wilson (OH) |
| Reyes | Souder | Wilson (SC) |
| Reynolds | Space | Wolf |
| Richardson | Speier | Woolsey |
| Rodriguez | Spratt | Wu |
| Rogers (AL) | Stark | Yarmuth |
| Rogers (KY) | Stearns | Young (AK) |
| Rogers (MI) | Stupak | Young (FL) |
| Rohrabacher | Sullivan | |
| Ros-Lehtinen | Sutton | |

NOT VOTING—19

| | | |
|-------------|----------------|--------------|
| Barton (TX) | Johnson, E. B. | Rush |
| Boswell | Lewis (GA) | Saxton |
| Cubin | Lucas | Scott (GA) |
| Cuellar | Marshall | Shimkus |
| Dicks | Miller, Gary | Wittman (VA) |
| Gilchrest | Murtha | |
| Green, Al | Peterson (PA) | |

□ 2000

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WITTMAN of Virginia. Mr. Speaker, on rollcall No. 508, I was unavoidably detained. Had I been present, I would have voted "yea."

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN EN-GROSSMENT OF H.R. 415, TAUNTON RIVER WILD AND SCENIC DESIGNATION

Mr. CROWLEY. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 415, including corrections in spelling, punctuation, section and title numbering, cross-referencing, conforming amendments to the table of contents and short titles, and the insertion of appropriate headings.

The SPEAKER pro tempore (Mr. ARCURI). Is there objection to the re-

quest of the gentleman from New York?

There was no objection.

COMMUNICATION FROM STAFF MEMBER, THE HONORABLE NANCY PELOSI, SPEAKER OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from Nicole Sarabia Rivera, Field Representative/Caseworker, Office of the Honorable NANCY PELOSI, Speaker of the House:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 9, 2008.

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

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House of Representatives, that I have received a civil trial subpoena for documents and testimony, issued by the Small Claims Division of the San Francisco Superior Court.

After consulting with the Office of General Counsel, I have determined that compliance with the documentary aspect of the subpoena is consistent with the privileges and rights of the House, but that compliance with the testimonial aspect of the subpoena is not consistent with the privileges and rights of the House.

Sincerely,

NICOLE SARABIA RIVERA,
Field Representative/Caseworker.

AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND POLAND ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-133)

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 Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the United States of America and Poland on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed in Warsaw on April 2, 2008.

I The United States-Poland Agreement is similar in objective to the social Security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual

social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Poland Agreement contains all provisions mandated by section 233 and other provisions that deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Attached to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend to the Congress the United States-Poland Social Security Agreement and related documents.

GEORGE W. BUSH,
THE WHITE HOUSE, July 16, 2008.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110-134)

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 Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2008.

Today, Liberia continues its peaceful transition to a democratic order under the administration of President Ellen Johnson-Sirleaf. The Government of Liberia has implemented reforms that have allowed for the removal of international sanctions on Liberian timber and diamonds, and Liberia is participating in the Kimberley Process Certification Scheme and the Extractive

Industries Transparency Initiative to ensure that its natural resources are used to benefit the people and country of Liberia, rather than to fuel conflict. Charles Taylor is standing trial in The Hague by the Special Court for Sierra Leone. However, stability in Liberia is still fragile.

The regulations implementing Executive Order 13348 clarify that the subject of this national emergency has been and remains limited to the former Liberian regime of Charles Taylor and specified other persons and not the country, citizens, Government, or Central Bank of Liberia.

The actions and policies of former Liberian President Charles Taylor and other persons—in particular their unlawful depletion of Liberian resources, their trafficking in illegal arms, and their formation of irregular militia—continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose an unusual and extraordinary threat to the foreign policy of the United States, and for these reasons, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

GEORGE W. BUSH.
THE WHITE HOUSE, July 16, 2008.

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.

ASSAULT ON THE CONSTITUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the Supreme Court Justices decide cases based upon the cold written record of proceedings at the trial court. Eight of our nine Justices have never tried a case before a jury. Only one has in some very limited way. For the most part, they have been isolated from the real world all of their lives. They have dwelt in legal theory and constitutional construction, reconstruction and constitutional destruction during their entire judicial careers. They've not heard a witness testify or a defendant plead his case or have had to empanel a jury or have had to listen to little girls testify about graphic, brutal sexual assault.

The Constitution, especially the Bill of Rights, is not that complicated to most Americans, though we keep seeing the Star Chamber court of five Justices on the Supreme Court rule the opposite of the obvious meaning of the Constitution. The Supreme Court, especially recently, makes the Constitution, which is simple, complicated.

They do so to twist and turn the Constitution to mean what they want it to mean.

At least five Justices follow the doctrine of former Chief Justice Charles Evans when he said arrogantly in 1935, "We are under a Constitution, but the Constitution is what [we] the judges say it is."

This is especially true in the case of Patrick Kennedy versus Louisiana. Here are the facts of that case: Patrick Kennedy sexually assaulted his 8-year-old daughter. So brutal was the attack that she nearly bled to death. She has had to have reconstructive surgery, and her life was only saved by the medical personnel who rescued her. Louisiana and a handful of other States have said that the death penalty is warranted when a person like Patrick Kennedy rapes little kids, especially little girls.

The Supreme Court, with Justice Kennedy writing the opinion, says that that just isn't fair to the criminal in this case. He overruled the will of the people of Louisiana, the legislature of Louisiana and the unanimous jury, who all found that Patrick Kennedy should be executed for his crime. Justice Kennedy reasoned that, since the victim lived, the defendant should not get the death penalty. However, there is no logic in that argument.

The victim, certainly, could have died. If medical people hadn't saved her life, she would have bled to death. She required reconstructive surgery that she will live with for the rest of her life. So the defendant gets a break: the right to live because the hand of God and the hand of the medical personnel saved the life of the victim.

What Justice Kennedy misses is that Louisiana punishes the act of the assault—raping little girls. That's why Louisiana has executed or has written the death penalty into its law. Whether the victim lives or dies should not be a requirement to face the death penalty in Louisiana. The act of child rape alone is dastardly enough to deserve the ultimate punishment.

But, in Justice Kennedy's mind, death must result or it is cruel and unusual punishment under the eighth amendment in our Bill of Rights. Kennedy says the trend is away from the death penalty for anything but murder cases. He is wrong. For these six States that have the death penalty for child rape, these statutes are relatively new, and even our Code of Military Justice now allows the death penalty for child rape if anyone in our military rapes someone on a post or on a base.

Justice Kennedy also says it's not civilized to execute Patrick Kennedy. It's a violation of the eighth amendment. It's just not moral. But what is civilized or moral about now sending Patrick Kennedy to prison? How is that justice to Kennedy or to the victim to let him live?

Now he will be in prison at taxpayer expense at \$40,000 a year. He will receive free medical, free Internet. He

will have no responsibility. He will receive free legal services. He will receive three hot meals a day and a place to stay as long as he shall live. Is that justice? I think not.

We don't promise that to anyone. We certainly don't promise that to crime victims, because they're basically on their own after a crime is committed. Only the worst people among us get that benefit of our society, and those are child rapists.

Justice Kennedy's opinion is his own moral judgment. His opinion is not any more valuable than my opinion or my next-door neighbor's opinion for that matter. The difference is his opinion is the only one that counts under our Constitution. His opinion, as Justice Evans says, is the Constitution whether we like it or not.

Justice Kennedy is wrong. As my friend Alton Richards, a ranch foreman, has said, "Patrick Kennedy is wasting good air breathing."

Victims are denied equal protection under the Constitution because Justices like Kennedy prefer to pander to child rapists rather than to give equal protection to little girls. The same Constitution that protects people like Kennedy should protect the rights of child victims.

□ 2015

ON THE UNITED STATES ROLE IN THE WORLD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, I rise once again to discuss the need for a comprehensive strategy to advance U.S. interests in the world. Last week I delivered two addresses on this topic. In the second speech, I argued that our understanding of the role the U.S. should play in the world is a foundation of our strategy. It will define our vital interests, and it will condition the means we use for advancing those interests.

Today, the United States is the world's dominant economic, political, and military power. There is no peer or near-peer competitor to us, nor does one appear likely to emerge in the near future. Some have characterized the U.S. as a hegemonic power or as the world's policeman, both those who approve and those who disapprove of such a state of affairs. President Clinton, echoing Winston Churchill, eloquently described a vision of the U.S. as "the indispensable nation," not a world hegemon but a consistent and ever-present ally and arbiter acting around the world.

Still others advocate that the U.S. withdraw from a place of central prominence on the world stage to avoid the costs and implicit responsibilities of that role. I believe the U.S. should remain the world's indispensable nation and in a later speech, I will discuss the

ways in which this role should inform the formulation of our comprehensive strategy, but first let me discuss the other options.

Those who would have us significantly reduce our role on the world's stage cannot provide a credible description of who or what would replace the U.S. in the role of world leadership. The U.N. is not up to the task, nor is there any other international organization. As already mentioned, there is no other country in a position to fill the role of world leadership.

To embrace such an approach, we would have to accept that significant portions of the world would simply be left to their own devices. Yet we know that places as remote as the Hindu Kush are home to those who would attack us and our allies. What other corner of the world, then, do we judge to be so distant and so remote as to be beyond our interest? And how would world fault lines, such as the Taiwan Strait, the India-Pakistan Line of Control, and the Israeli-Palestinian conflict respond to a world leadership vacuum? The answer is, not well. In short, for the U.S. to abdicate its position of world leadership would be highly detrimental to our national interest.

What then does accepting a role of world leadership entail? And if it is a current necessity, is it an inherent good to be indefinitely maintained? In other words, should the U.S. view our position as world leader as so necessary to our security that we act largely to maintain this position, which is the primary characteristic of a hegemonic power or empire? Again, the answer is no. To do so is to put our national interest in opposition to the national interests of much of the rest of the world. It is inconsistent with the desires of the American people, with the extent of the costs they're willing to bear for world leadership and, I would argue, with our sense of morality and fair play. Our vital interests should be defined as suggested by President Clinton, by our role as the world's indispensable nation: taking a leadership role in advancing and protecting our interests around the world in concert with our friends and allies as part of an open and evolving international system that is fair to all nations. To do so, we must restore the prestige and credibility of the United States, and repair and rebuild the relationship with our major international partners. With this role as our goal, we can define those interests critical to achieving it, and develop and adopt an appropriate strategy.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

IT IS TIME TO HELP AMERICANS WITH GAS PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCHENRY) is recognized for 5 minutes.

Mr. MCHENRY. Mr. Speaker, the American people are hurting with the cost of gasoline at the pumps, the rising price at the pumps, a weak economy that we're facing nationally and pending tax increases, a housing crisis that's facing many Americans, the struggles we've had in western North Carolina with bad trade deals.

Mr. Speaker, the American people are hurting, and it is because of rising prices at the pumps. That is the most egregious and powerful punch that this Democrat Congress has laid before the people of America.

There are some in this House that have been advocating for increasing the supply, making sure that new oil refineries are online, new American production of oil and natural gas. Then we have those, mostly liberals in this House, mostly Democrats, that say, No. We don't want any new production. No. We will side with the extreme environmentalists, not with American people who are screaming. They will support the screaming environmentalists rather than the families that are screaming, screaming when they take their kids to school, screaming when they just go out for a Saturday afternoon.

I will tell you the American people need help when it comes to the price of fuel. And this Democrat Congress has abdicated its responsibility in this role. The American people will be furious when they find out that we have American resources that can be tapped into. And so many of us, my colleagues and many in this House, have been advocating more supply. And yet the Speaker of the House will say, No, we don't want new American supply. That won't do anything to the price of gasoline at the pumps.

Well, just this morning, the Chairman of the Federal Reserve, Ben Bernanke, testified before the Financial Services Committee. And in answering a question about the cost of price at the pumps, the question was posed to him, "Would increasing supply cut the price of gas at the pumps?" His response—here. I have blown it up large so that my Democrat colleagues can read it. The Chairman of the Federal Reserve said, "A 1 percent increase in supply could lower prices by as much as 10 percent." A 1 percent increase in supply could lower prices by as much as 10 percent. This was the testimony, as of this morning, in front of the Financial Services Committee.

This is a very important thing for this Congress to understand, that if we allow for more exploration here that has been prevented by law, it can bring down prices.

Now, I'm not a newcomer to this. I have been advocating things from my first days here in Congress. I think we

need to have an American energy policy that is multi-tiered. First, we need to have new refineries. We also, along with that, have to have new domestic exploration of oil. That can be done off the deep waters of our coast. It can be done in remote areas of Alaska, such as ANWR. It could be done in the Rocky Mountain West with oil shale production. These things can be done if Congress acts. And I think it's high time Congress acts with the price of gasoline over \$4 a gallon in western North Carolina.

But that's not it. We can't just stop there. Certainly it will bring down prices, as the Chairman of the Federal Reserve said, if we increase that production. But we have to go a step further. We have to ask the American people to conserve energy. Conservation is not a means to American energy independence, though it is a sign of personal virtue. But it can help on the margins. And it can help family budgets across western North Carolina.

But beyond that, we have to heavily invest in alternative sources of energy. There will be a day when our economy is powered by alternative sources of energy. Whether it's an electric car or hydrogen-powered automobile, a natural gas-powered automobile, or even perhaps some nuclear-powered device, these things are possible and we have to heavily invest in that. But until that day comes, it is imperative that this Congress act and act now for American energy independence through domestic energy exploration. American oil, American natural gas, that creates American jobs and keeps wealth here in America.

Mr. Speaker, it is time this Congress acts, and it's time that we take the proper steps to help the folks across America who are struggling with high gas prices.

HONORING TONY SNOW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, I come to the floor tonight to honor the memory of Tony Snow, commentator, news anchor, White House press secretary, a husband and father. The great American. We lost Tony this last weekend, and it's a tremendous loss for his family, for his colleagues and indeed, for the Nation.

It's also a great loss for humanity at large. Since Tony lost his battle with cancer on July 12, many Americans have heard stories about his wit, his humor, and his devotion to his family. I have a story of my own that I would like to share about Tony, a story that shows that Tony was very much a man of his word.

Mr. Speaker, there are certain privileges that come with being a servant here in the people's House. For me, one of those privileges is from time to time being able to go to 1600 Pennsylvania

Avenue. Whether it is a meeting or a social event, a trip to the White House is always a big deal. It's always exciting.

It was on one of those trips to the White House that I had the great fortune to meet Tony Snow. I didn't set out to meet Tony Snow that day. It happened because I had something that I had been asked to share with the President. It was a letter. It was a letter brought back by a soldier from Iraq. It was a letter that was handwritten by an Iraqi woman. It was a letter that was taken to this soldier early one summer Iraqi morning, the heat, the dust, the barriers, the wire; and this woman made her way up to the checkpoint and handed this letter to the soldier and said, Can you get this to President Bush?

The soldier lived in my district back in north Texas. So after he came home, he brought the letter with him, and he was determined to get it to the President. And he did what anyone else would do with a letter to get to the President; he brought it to the town hall where his congressman was speaking and handed me the letter in front of a great number of people and said, "Can you please help me get this letter to the President?" Of course I said I would. But I didn't really know how I was going to do that and brought the letter back to Washington.

I worked with the White House congressional liaison, but I wasn't really getting the letter to where it needed to be. So we had the White House picnic scheduled, and at the last minute, I put the letter in my pocket. I said, Well, if I see the President, I will hand the letter to him personally. But as is usually the case, you go to one of these events and the President is absolutely mobbed by people, and I honestly just didn't think I could get through the swarm of individuals that were lining up to have their picture made with the President.

So I turned around, and there was Tony Snow. I didn't know Tony, but I walked up to him and struck up a conversation. And he was very happy to oblige. He was warm, he was witty, certainly very, very easy to talk with. He was a larger-than-life press person, a pundit, a press secretary, having just a pleasant and regular conversation with a very freshman congressman from Texas.

It dawned on me that day that Tony might be the right person to whom to give this letter to take to the President. I asked him. I said, I have a letter that a soldier asked me to deliver to the President that was given to him by a woman in Iraq. Do you think you can help me? He said of course he would take the letter, and he'd be happy to see that it got into the hands of the President.

Now, that was the White House picnic in June. Many, many months went by, many, many weeks went by, a couple of months went by. I didn't hear anything, and I really wondered what had happened to that letter, if it had

ever gotten to where it was intended to go.

And then at another event right at the start of school in September back in my district, the same soldier came up to me at a Chamber of Commerce breakfast. Again, a lot of people around, and very excitedly said, "I just want you to know what you have meant to me getting my letter to the President." And I was somewhat taken aback because I didn't know the President received the letter. He said, Oh, yes. They called me from the White House. They identified themselves. At first I thought it was some of my buddies that were kidding with me. But in fact the letter had gotten to the White House. The President called me and thanked me for it. In the letter, the woman had thanked the President for everything he had done for the Iraqi people and said she was praying for him every day, and the President was deeply touched by the woman's words.

Now, Tony Snow did not have to take that letter from me that day. He didn't have to deliver it to his boss. He didn't have to take it to the President. But that's just the kind of person he was: honest, decent, and a man of his word at all times.

Well, certainly for me it was a great honor for me to meet Tony Snow that day. Certainly the country again mourns his loss, and I just wanted to bring to the floor this evening one of the other stories of what a great American Tony was and how much, as a country, we will miss him and honor his memory.

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**AIR FORCE GENERAL MOSELEY
AND SECRETARY WYNNE
SHOULD BE HONORED, NOT
FIRED**

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. STEARNS) is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, the June 5 forced resignations of Air Force Secretary Michael W. Wynne and Chief of Staff General T. Michael Moseley represent the first time in United States history the top uniformed and civilian leaders of any service were ousted simultaneously. The actions of Secretary of Defense Gates are totally unprecedented and deserve deeper scrutiny and inquiry.

Successful leaders must focus on today's problems while simultaneously anticipating future challenges. The tenures of Moseley and Wynne were defined by these characteristics. They cultivated a service that was second to none.

Moseley and Wynne developed and employed new technology, such as the unmanned aerial vehicles that are yielding unparalleled effects on the battlefield. They also recognized that the Air Force has to adapt to a changing world, and they directed the service

to build competencies in new areas such as cyberspace and alternative fuels. And finally, Wynne and Moseley took action to re-capitalize the Air Force's aging fleet with a wide array of assets, including the tanker, the F-22, and the next generation bombers. These are steps that will prove essential as the service confronts future challenges.

Secretary Gates' real reasons for the firing of Secretary Wynne and General Moseley may never be known. However, I have come to believe that his stated reasons do not necessarily match up with reality. The publicly stated reason was primarily because of the violation in sending nuclear control units to Taiwan. Perhaps the real reason for the firings is because of disagreements on the strategic defense of this Nation.

The parts that were in violation were removed from the nuclear control list in 1991. The parts shipped were just special lamps. Moseley and Wynne had approved a correction on this matter and were spending over \$1 billion to make those corrections. If Secretary Gates, or others in the Pentagon, had some concerns, they could have voiced those concerns much earlier.

In addition, it is important for the Secretary to release the full report by Admiral Kirkland Donald, who investigated the case of the mistaken shipment to Taiwan. Admiral Donald's findings directly led to the firing of Moseley and Wynne, and the report should be made public as soon as possible. I call on the Secretary tonight to make this report public.

Now, there have been reports that Moseley and Wynne constantly clashed with the Secretary of Defense's office over greater procurement of the F-22. In order to avoid a showdown with the Air Force, the Defense Department decided that instead of closing down the F-22 line, it would restrict how many planes the Air Force could buy and leave the ultimate decision to the next administration.

The F-22 will serve as replacements for the aging F-117s and F-15s. The Air Force needs a minimum of 381 F-22s to fill out its 10 air and space expeditionary forces. However, it has been authorized funds for only 183. As a result, the Air Force must keep selected F-15s and F-16s in service much longer than had been expected. Mostly and Wynne fought hard for the F-22 against the wishes of Secretary Gates and his office.

Now, considering the impressive record of General Moseley and Secretary Wynne, one must ask why they were forced to resign. While I certainly understand and share the Secretary's concern regarding the Air Force's control over its nuclear inventory, I think the reason for the firings extends far past his publicly stated reason.

We had a clash of philosophies here. Moseley and Wynne were not leaders that were content with simply toeing the line for today. They were pushing

hard for the future. This garnered much criticism, with many suggesting that it is impossible to adequately focus on today's challenges if one is also thinking about the future. That's what Secretary Gates believed. He even went so far as to deliver a speech where he disparagingly termed this concept as "next-waritis." Is it not the responsibility of the Secretary of Defense to plan for the future defense of this Nation?

Many mistakes that Moseley and Wynne were blamed for can be laid squarely at the feet of the Pentagon leadership. Without a real commitment from the Secretary of Defense' office, many of those problems will persist. To ignore this trend is simply irresponsible. General Moseley and Secretary Wynne understood this. Unfortunately, it led to their dismissal.

Responsible military leaders do not have the luxury of focusing on the present at the expense of the future. Failure to anticipate, adopt and learn lies at the core of military disasters. Given the stakes, "next-war-it is" is a sacred duty, not a reason for decapitating the leadership of the Air Force. History has taught us repeatedly that those who solely fixate on today's problems will be woefully unprepared to address tomorrow's challenges. Iraq and Afghanistan are obviously important, but we must also respond to global trends and realize that future wars may not always mirror our past conflicts.

We must support our military leaders who aggressively tackle the challenges of today and tomorrow. Firing Moseley and Wynne for taking this comprehensive view is simply irresponsible and sets a disastrous precedent. Instead, we owe them a debt of gratitude for all they did to help win today's fight and help the nation posture for the future. They understood the complex array of challenges facing the country and I stand resolute in my support for continuing this encompassing approach—the nation cannot afford to consider any other option.

Many of the mistakes that Moseley and Wynne were blamed for can be laid squarely at the feet of the Pentagon leadership. Without a real commitment from the Secretary of Defense's office, many of these problems will persist. We cannot ask aircrews to fly in combat missions if their airplanes are falling out of the sky due to structural fatigue. We cannot afford the cost of inefficiencies within the Department of Defense that is created by unnecessary overlap in roles and missions. We cannot ask our Airmen to undertake missions if they are not supported with adequate budgets to facilitate those missions that we as a nation ask them to fulfill.

To ignore these trends is simply irresponsible and could prove devastating for the nation. It takes an immense amount of time, planning, and resources to posture for these challenges and we will not have the luxury of any of these elements when what was once a seemingly distant future threat becomes a critical challenge for today. General Moseley and Secretary Wynne understood this. Unfortunately, it led to their dismissals.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CALVERT) is recognized for 5 minutes.

(Mr. CALVERT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the 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.)

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.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

(Mr. FLAKE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CAMPBELL) is recognized for 5 minutes.

(Mr. CAMPBELL of California addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas (Mr. MORAN) is recognized for 5 minutes.

(Mr. MORAN of Kansas addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

(Mr. WOLF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

(Mr. ROHRABACHER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

ENERGY SOLUTIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Minnesota (Mrs. BACHMANN) is recognized for 60 minutes as the designee of the minority leader.

Mrs. BACHMANN. Mr. Speaker, I thank you for that designation of hour, and the purpose for being here this evening is to focus on the number one issue that many of us are hearing from our constituents back home, and that's the pain that they're feeling over the increase in energy prices.

There are a number of us here that are serving in the United States House of Representatives that are hearing the American people, Mr. Speaker, and we are crying out, as our constituents are crying out, to make sure that something can be done.

And the reason why we're bringing this discussion here before this body, the most magnificent body on the planet, the floor of the United States Congress, where freedom reigns, we're bringing this up here because the United States Congress is the entity that caused the current problem that we're under, and let me explain why.

The United States Congress has made it virtually illegal to access America's rich storehouse of energy resources. I know it's hard to believe, Mr. Speaker. It's almost impossible to believe. Why would any group of people, especially in a country where there's freedom, want to restrict access to energy resources? It doesn't make any sense.

So a number of us are here this evening because we want to talk about the possibilities that there are to have energy independence in the United States and to reach the very possible goal of getting back to having Americans pay \$2 a gallon or less.

So, to start off this evening, I'd like to call on my colleague and I'd like to defer to him, Mr. PATRICK MCHENRY from the great State of North Carolina.

Mr. MCHENRY. I thank my colleague for yielding, and Congresswoman BACHMANN, thank you for your leadership here. This is your first term in Congress. To take such an active role on energy policy is very helpful, not just for Minnesotans but for the rest of the country as well. Thank you, and thank you for hosting this hour as well.

I think it's important that the American people understand what's happening in terms of energy policy. This challenge was not created overnight, nor will it be fixed overnight. But we have to take steps now to make sure we have an American energy independence day in the future. And what we can do now to decrease the price at the pumps is to increase supply. I think the American people understand the laws of supply and demand, but let's

talk about some of the basics of energy.

First of all, the American people, we consume about 20 million barrels per day; yet we only produce roughly 6 million barrels a day of oil. Now, what that means is we have to import the majority of our oil. Now, that's a dangerous position to be in.

Two of the largest countries we have to import oil from are Venezuela and Saudi Arabia. We know through Hugo Chavez in Venezuela that they're not allies. We also know through terrorist attacks around the world that the Saudi Arabians are not allies either, though they may say it.

Now, this puts us at great risk, not just in terms of our national security because we have to import the fuel from overseas, but it's also a matter of economic security, which we're facing right now.

And folks from Western North Carolina where I represent, they're hurting. The American people are hurting. We're in an economy fueled by oil. It means that every product delivered to market has to be on a truck, a plane, a train, some sort of oil-powered transportation.

Now, that's a risky position we have to be in. So what we have to do now are take positive steps to increase American energy production. How do we do that? Well, we have to streamline the process for licensing so that the oil companies can go out and actually explore areas within Federal control, for instance, off the Outer Continental Shelf. That's an area in the deep waters off the coasts of North Carolina, across the eastern seaboard, off the coast of Texas and the gulf coast region. It's also off the west coast as well.

We have large supplies of oil that have been taken off-line due to congressional action. These areas have been off-line for energy exploration and production. So that means that we can't get oil out of those areas; though, we know oil is there.

We also have areas like remote areas of Alaska, for instance, that are off-line for energy exploration and production. We also have a resource called oil shale in the Rocky Mountain West. We have three times the reserves of Saudi Arabia tied up in oil shale. We have oil here in the Rocky Mountain West that we just need to be able to tap, but Congress has made a law preventing us from doing so.

Now, you can see and the American people can understand and do the math here; yet it's congressional action that's preventing us from being independent when it comes to energy, especially oil.

We also have challenges with natural gas, but going through all this, we understand that we have to increase American production of oil.

In World War I, we produced 67 percent of the world's oil, during World War I. Less than 100 years ago, we produced two-thirds of the world's oil here

in the United States. You know, we also invented drilling of oil. We invented the oil derrick here in the United States. We developed the technology, even the drill bit, and everything used to produce oil was originally an American invention, which brings me to the next phase here.

We have to use American ingenuity to go that next step beyond oil, to go that next step beyond natural gas. We can do that. The American people, we have brilliant minds here, brilliant minds. We have to unleash those brilliant minds on this challenge that we have in an oil-powered economy, and we have to break this monopoly that oil has on all that we do as Americans.

And the way we do that, I have a piece of legislation called the Independence Prize. It's a \$1 billion prize for a private sector innovation for an American company to produce an American idea that makes us energy independent as Americans. How wonderful is that? We could unleash the private sector on a large public policy issue and thereby take that next step away from oil and natural gas to some future form of energy.

Now, until that day comes, when we have some new American idea to power our economy, we must make sure that we have energy exploration and refining here. We also have to make sure that we use coal. We also have to make sure we use nuclear power. We have to use the resources that God gave us here in the United States.

□ 2045

And if we do that, we can be energy independent.

But we have to have the will of the American people behind us. In the most recent poll, 73 percent support Outer Continental Shelf drilling and energy exploration. Now, that means the American people are behind more energy exploration. The American people also want wind and solar and biomass and all sorts of alternative energy sources to power our economy. And we should do all of those things.

Now, my strategy, and I think the conservative solution—and the American solution, better yet—is to do all of the above when it comes to energy. It's a massive problem. We have to have a massive answer to this by taking every answer possible and pursuing them all.

We're a great Nation, the strongest economy in the world, though we're facing enormous challenges right now brought on by high gas prices and some other challenges. But with the power that we have of the American people, by American ingenuity we can be energy independent. We can increase supply of oil in the meantime to bring down the price of gas at the pumps.

I'm so grateful that my colleague, Congresswoman BACHMANN, is hosting this hour to ensure that the American people can hear directly what we're facing here in Congress. And it is the liberal Democrat-controlled Congress that refuses to bring up legislation

that I've outlined and that Congresswoman BACHMANN will be talking about this evening.

Now, it's the failure of action that has resulted in high gas prices. And it's high time Congress acted so we can actually become energy independent as Americans.

Thank you, Congresswoman BACHMANN.

Mrs. BACHMANN. I thank the gentleman. I appreciate, Congressman MCHENRY, your passion, your work on the issue, particularly the work that you are doing offering that spectacular prize.

One thing that we do understand and know in the depth of our bones is that American innovation has never died, it has always been alive and well. And when you hold that tremendous carrot out there, we know the American people can deliver, Mr. Speaker. That has been proved generation after generation. Every generation has been presented with a crisis.

Today, in the United States, this Special Order hour and the speakers who will be speaking now during this time are addressing the number one challenge of our age. And the great thing is the fact that we have an answer. It's entirely possible to solve this crisis. And we know the formula: It's explore here in America. Do it now so that the American people can get back to paying \$2 a gallon for gas or less. It's entirely possible, and it can be done.

That's why so many of us are excited. This coming weekend the Republican leader, JOHN BOEHNER, will be hosting a trip with about 10 freshmen, and we will be doing an American energy tour. On that tour, we will have a chance to go to Golden, Colorado to take a look at the national alternative energy laboratories, where we can find some of the ideas of the next generation, innovation that is yet to come on energy use and independence. And from there we will go up to Alaska, to ANWR, where there are proven reserves.

To speak out more on ANWR tonight, I've asked, and he has accepted, the Representative from western Iowa, Representative STEVE KING, who has been to the ANWR region of Alaska, who has been there, who knows the value of energy independence.

Before I yield to my brother, I want to just highlight today in the Financial Services Committee—of which I am a member and of which Congressman MCHENRY, who was here speaking before myself, is also a member—we had the occasion to have the Federal Reserve Chairman, Mr. Ben Bernanke, in front of the committee today. And for all of us this was an enlightening moment because the Federal Reserve Chair stated without blinking an eye today in committee, he said, "A 1 percent increase in supply of energy"—American energy—"could lower prices by as much as 10 percent."

Mr. Speaker, this is the Chairman of the Federal Reserve Board, who told

our Committee on Financial Services that if you increase the source of American supply by even 1 percent, you can lower the price at the pump by 10 percent. Well, Mr. Speaker, the Republicans in the United States House of Representatives want to increase American supply vastly more than by 1 percent. We can do that, and we can get back to \$2 a gallon of gasoline.

So now I would like to take the opportunity, Mr. Speaker, to yield to my colleague, the esteemed Representative STEVE KING from western Iowa, on the issue of ANWR.

Mr. KING of Iowa. I thank the gentledady from Minnesota. Thanks for organizing this Special Order and thanks for taking a leadership role on this energy issue and a number of other issues and establishing yourself here in the United States Congress.

The issue of ANWR is something that I've talked about some in the past. And I will try to confine my discussion to ANWR, the Arctic National Wildlife Refuge.

And I will start this way: A couple or 3 years ago I was at the Iowa State Fair where they asked us, as elected representatives, to give a 20-minute speech while the press listens to the 20-minute speech, then they write some stories about what we said and we get into the news. So Members of Congress line up there and candidates line up. And I drug a bale of straw down to stand on.

And so I was standing there on a bale of straw at the Iowa State Fair, and I began to tell people about ANWR, the Arctic National Wildlife Refuge. And one of the things that I said was, there are no trees in ANWR. And if you've seen a commercial, perhaps a commercial published by the Sierra Club, that shows or imagines a pristine alpine forest, if you see a picture of a pristine alpine forest and people are telling you we can't drill in ANWR, I can guarantee you it's not a picture of ANWR. It's not a picture of the Arctic National Wildlife Refuge.

The first thing we need to remember is that "arctic" means up in that area north of the Arctic Circle. The definition of the Arctic Circle is—go back to your eighth grade general science, Mr. Speaker, and ladies and gentlemen, where we learned in about eighth grade that the Arctic Circle is that circle around the globe north of which trees can't grow. And so, by definition, if it's the Arctic National Wildlife Refuge, there are no trees up there.

And so, in any case, there was a trucker standing in the crowd that began to scream at me, "liar, liar"—which is no way to treat a public servant. And I was ready to come down off of that bale of straw and deal with him like the boys who grew up in the corn fields, but in the end I convinced some other folks to go down there and do what I would do if I didn't have to give the speech.

And the paper wrote up a story about how Steve King wasn't entirely accu-

rate because they talked to a botanist who alleged that there was a tiny little sliver of plant that grows within the tundra that doesn't get more than 10 to 12 inches tall that technically could be considered a tree, not one you could cut a log out of, not one you could climb, not one that a squirrel would recognize as a tree, but according to a botanist, a tree just the same. So I guess you could say that maybe there are some trees in ANWR, but they aren't as tall as the tundra grass. And that's all that you'll see out there for millions and millions of acres.

Part of it's the Brooks Range, a lot of it is mountainous, mountainous bare stone with snow that's on it 12 months out of the year 24 hours a day. But we're talking about drilling in the oil deposits in the Arctic Coastal Plain. The Arctic Coastal Plain of the Arctic National Wildlife Refuge people imagine as just teeming with caribou and arctic wolves or fox or whatever they have up there, all of this teeming with wildlife because they've given it a name called the Arctic National Wildlife Refuge.

Well, ladies and gentlemen, and Mr. Speaker, there are 19.6 million acres in ANWR. Most of it is mountainous—and we don't want to go in there, you couldn't get a drill rig in there anyway. We want to drill the Coastal Plain. The Coastal Plain is just a flat coastal plain, pretty close down near sea level. It undulates a little bit, and it has permafrost all of 10 months out of the year. And then when it thaws and when the sun shines and the mid-night sun shines on it, it will penetrate down through the permafrost a foot to 18 inches, something like that.

And so we hear people like Senator TOM HARKIN say, I went to ANWR and I camped up in ANWR and I floated a river in ANWR—now I didn't see any rivers there, but I take him at his word—he floated a river in ANWR, and he could dip his cup into the water and take a drink. And he thinks that's pretty nice and we ought to keep it that way.

Well, it still is that way. You can float the rivers on the North Slope of Alaska and dip your cup in the water and drink them and they're just as clean and pristine as they ever were. I would be a little worried about the polar bears walking through it, a little worried about what the salmon do in it, but nonetheless, if you choose to drink out of that river it's going to be as safe for you today as it was 50 years ago or 100 years ago. But that's no reason to deprive the United States of America of energy.

And so, the Coastal Plain of the Arctic National Wildlife Refuge, for example, the North Slope of Alaska, which we've already developed, has a caribou herd there—actually, it has several of them scattered around. In fact, in 1970, when we began to open up the North Slope of Alaska and they said, you'll destroy this environment, and so we can't go up there and drill. And the en-

vironmentalists stuck some court injunctions on it and they were successful for 2 years in keeping us out of there.

But when they started that, there were 7,000 caribou on the North Slope of Alaska running around out there, eating the Arctic tundra grass that was there. And then we went ahead and started building the pipeline in 1972 and completed it in 1975—and perhaps I'll go back to that. And then we watched that caribou herd that went from 7,000 head of caribou in 1970 to—about 3 years ago when I did this trip and we had the count—28,000 caribou on the North Slope of Alaska. Well, that would convince me that the environment, if there was any damage up there, surely it didn't damage the reproductive capabilities of the caribou. And I made that statement to a reporter one day, and he said, well, of course there's a lot of caribou on the North Slope of Alaska, that's because the pipeliners shot all the wolves. Now, you've got to be a little bit off on the other side to come to an immediate conclusion like that.

And I can tell the gentledady from Minnesota and the Speaker, I can tell you that that aim that he took was way off the mark on pipeliners shooting all the wolves that would have eaten the caribou and held the herd down to 7,000 head. That didn't happen. It didn't happen by the pipeliners because I was signed up to go up on that pipeline. And I can tell you what it paid, it was \$9.75 an hour in 1972. And we worked seven 14-hour days of the week, and we did that for six weeks. We got 2 weeks off. I didn't get to go because of the court injunction—I was actually signed up in 1970—the court injunction shut down my travels up there. So that was the situation.

And that was a lot of money in 1972. They had to pay that kind of money, \$9.75 an hour, then because here were the rules: We're going to hire men to go up there and build these roads and these pipelines and drill these wells and open up this oil field. And the rules are this; first rule is, no women. You have to pay a man a lot of money to go someplace where there are no women. Second thing, no booze. And I'll add a little more to the per-hour scale of that. Third thing, no gambling. Well, it's pretty tough when you've got nothing to do up there, with no booze and no women, to do anything but gamble. The fourth thing was, no guns. So if there's no women, no gambling, no booze and no guns, there were no pipeliners shooting any wolves on the North Slope of Alaska. Therefore, one could conclude, short of another one of those crazy explanations, that the caribou thrived with the new environment that they had, which allowed them to get up out of that ice cold water, where they were dropping their calves during calving time, and up on the dry near the Alaska Pipeline, where it's warm, too.

So what we have is this: We've developed the North Slope of Alaska. We did

that from 1972 until 1975. We built a 600-mile road from Fairbanks North to get up there to Prudhoe Bay and Deadhorse access—milepost zero of the Alaska Pipeline—to build an 800-mile pipeline from Deadhorse on the Arctic Ocean down to the Port of Valdez, drilled a bunch of wells up there, sunk the casings down, cemented the casings and put pumps down in those casings. You can fly over that area today, the North Slope of Alaska, the identical environment and topography of ANWR, and I can take DENNIS KUCINICH up there, my friend, and I would have to point to him and say, here's a well, here's a well. He wouldn't recognize them from the air, even flying along at about 4,000 feet or less, because, first of all, there are no derricks up there, not one. There are only six drill rigs working in Alaska now because of the environmental lawsuits that have shut them down. And so you'll have a hard time finding a drill rig, there won't be derricks in the North Slope.

And when you think of the pump jacks, the traditional oil well pumps that have the counterweight that chug around, they aren't up there either. So unless you're an expert, you're not going to even see where the wells are.

But if you look real close and you know what you're looking for, you will see these work over pads that I judge to be about 50 feet wide and maybe 100 or 125 feet long, big enough to bring a rig up on if you need to pull the pump out. And it's a pad of white rock, maybe three feet thick or so, and they use that in the wintertime, come in on an ice road if they need to work on a well, and go in and pop the cap off and go down and start pulling the pump pipe out, they go down and pull out a submersible pump from down there, work the pump over, put in a new one, drop it in, get the well going again. But there is not a pump sitting above the surface of the North Slope of Alaska that I could find. There may be some out there that I couldn't see.

So what we've done is, in a very environmentally friendly fashion, gone into identical environment and topography on the North Slope of Alaska, developed an oil field with 1970s technology, built a pipeline 800 miles long, built a road 600 miles long to get up there, built a service road alongside that pipeline part of the time—and most of that's ice roads today—got all of that done from '72 to '75, and pumped oil. And yet I stand on the floor of this Congress and I hear people on the other side of the aisle, you and you stand up and say, well, it's going to take 10 years to get oil out of ANWR. And the other night it was 20 years to get oil out of ANWR.

And so I look at that and I think, wait a minute, we had the Manhattan Project. We started after the beginning of World War II to build an atom bomb, a series of them, figure out how to deliver them and how to penetrate the air defenses of Japan. We built the atom bombs, we flew them over Japan and

we dropped them on Hiroshima and Nagasaki in 1945. Three plus years to do the Manhattan Project.

And then, what else was amazing? Let's see. It was in 1963, when John F. Kennedy said, hey, let's go to the Moon. That little nudge that he gave in that important speech inspired America and NASA, and 6 years later we're on the Moon with Neal Armstrong. One giant step and we're on the Moon, 6 years.

□ 2100

And they are telling us that we can't build 74 miles of pipeline from Prudhoe Bay, Deadhorse access, east over into ANWR and hook onto some wells that we would sink down and not get oil coming out for a decade or two until another generation has come and gone? That's a defeatist attitude. That's not the America I know.

And there is no argument that the environment was damaged on the North Slope or they would have brought up posters here and put this on the floor over and over again.

So we need to drill ANWR. We need to drill the Outer Continental Shelf. We need to drill the nonnational park public lands. And we need to drill everywhere all the time. It's not an environmental issue. The issue is people that want to ride bicycles instead of drive cars, that's the people on that side of the aisle that are shutting down our access to energy.

I thank the gentlewoman from Minnesota.

Mrs. BACHMANN. Thank you, Representative KING, for your firsthand eyewitness experience of the ANWR area. I know the freshmen that are planning to go this weekend can't wait to get that same bird's-eye view.

Mr. KING of Iowa. Will the gentlewoman yield for just a moment?

Mrs. BACHMANN. Yes, I would be happy to.

Mr. KING of Iowa. Thank you. I had forgotten that you're going, and I am so glad that you're going up there to see it for yourself.

Now, when you get in that 19-passenger twin-engine Grumman and you fly out of Deadhorse and you fly over to Kaktovik, ask that pilot to get down real low and have everybody on that plane looking for wildlife. We did that. We zigzagged around across the Coastal Plain looking for the wildlife.

I forgot to tell you there is no resident caribou herd in ANWR. They live in Canada. They come over to have their calves mid-May until mid-June. When the calves can walk, they go back. It's a kind of migrant maternity ward is what it is. They go back to Canada and live over there, and they're doing fine. So this is after mid-June. So fly around out there and look around for wildlife. What we found when we looked were four musk oxen standing there with their heads down. They wouldn't have known if they were standing next to an oil well or not either.

Mrs. BACHMANN. I thank the gentleman for yielding back.

We are excited about being able to go up there this coming weekend. And just think, here we are at the end of July. The end of July. And when we had our briefing this afternoon, what we were told is that essentially we should be taking with us a waterproof down parka. So this is not necessarily an area where we are going to find tourists lying on a beach. There probably couldn't be a better square footage area on the planet to drill than the ANWR area. And I know the freshmen that are going look forward to having another Special Order when we come back, Mr. Speaker, so we can report to the American people on our findings.

Before I yield to the gentlewoman from Ohio, I just wanted to mention that one argument that we have been hearing a lot from the Democrats who are in charge of Congress—the Democrats control the agenda both in the House and in the Senate. And it's really mind bending to think that the Democrats have taken virtually no initiative whatsoever to add even one new drop of oil into the American pipeline nor one new watt of electricity. It's absolutely true. There has been complete inertia on the part of increasing America's energy supply.

What have we heard from the Democrats? We have heard for a catcall from them that 68 million acres that are leased out right now to companies that want to produce energy in America that apparently, according to Democrats, they're just sitting on that land.

Well, now, first of all, that doesn't make sense. My husband and I are business owners. One thing business owners don't do because there's not a lot of margin, there's not a lot of fluff or padding left in your business budget, you don't just buy assets and leave them to not produce. It's a nonsensical argument from the Democrats. When they're saying that there are 68 million acres that are being leased, recognize, as the people, and your Federal Government, Mr. Speaker, deal with onshore and offshore leases, they told me this: They said, Representative BACHMANN, every single acre is leased, and every single acre is in the current range of exploration. It takes so long to permit. And then the Federal Government allows 11 different points in the permitting process where lawsuits can be filed against the people who want to produce energy. So these energy producing wannabes are in a very difficult position of putting their capital on the table, their money on the table to try to drill for energy, and at the same time they have to wait for these artificial timelines to expire for a permitting process and they have to deal with these nonstop lawsuits. It's amazing anyone wants to go into the business. And yet, unfortunately, this is the only thing that our colleagues on the other side, the Democrats, have come up with as an excuse on drilling. It doesn't make any sense to me. I'm

sure, Mr. Speaker, it makes no sense to the people who are watching tonight.

So I would like to yield to the gentlewoman from Ohio, Mrs. JEAN SCHMIDT, for her comments now on energy.

Mrs. SCHMIDT. I want to thank the gentlewoman from Minnesota for providing us this hour for a commonsense view on the energy situation and for my colleague from Iowa for his bird's-eye perspective of what it is actually like in Alaska.

Behind me it says \$2 a gallon. I wish I could say that it was a long time ago that we saw \$2 a gallon at the pump, but it really wasn't that long ago. And that's unfortunate because Americans are feeling squeezed as they see the price at the pump continue to rise.

You know, since the new Congress took over in January of 2006, we have seen an almost 70 percent increase in the price of gas. So that means every time Americans go to the pump, they're seeing more and more of their precious dollars out of their wallet being used for their transportation costs. And this is making them make some really tough decisions.

Discretionary spending is down, which is, in part, affecting our economy. Americans are feeling squeezed, and some are feeling that squeeze when they try to feed their family at the table.

And you might ask what does food cost have to do with petroleum? Well, it has a lot to do with petroleum. Half of my district is agriculture. And I hear from farmers that the cost of producing their crops, their grain, their cattle is rising exponentially.

Mrs. BACHMANN. Reclaiming my time, I had the Minnesota turkey producers in my office just a few days ago, and they told me that their energy prices have tripled this year in three different ways: One is in the area of feed. Another is the climate control that they have to have in the turkey houses. In Minnesota it gets hot and it gets cold. And then the third is on the transporting of the birds both to and from being produced. So they said they're getting hit on every single level. And the Minnesota Farm Bureau was in my office yesterday. They told me the same thing.

It doesn't matter which part of agriculture we are talking about. In Minnesota we have a lot of agriculture. Our farmers are feeling it, and not only are our farmers feeling it, our constituents, every time they go to the grocery store, are feeling it. So I thank the gentlewoman for bringing up this very important point.

I yield to the gentlewoman.

Mrs. SCHMIDT. Exactly. Because everything they do to produce the food at our table has some sort of a petroleum element to it. It's hard to remove the petroleum element from the production of food.

But farmers are not alone in feeling the price at the pump. Governments are also feeling that price, and I think we forget about that. Local govern-

ments especially are hard hit with the pain because their ability to garner dollars for their governments are so restricted. When you just think about police departments and how much fuel they use and how much of their budget is now eaten up with the price of fuel, what kind of decisions are they having to make in order to meet their fuel costs?

It's not just the police departments. Think about your road departments. When you put asphalt on the ground, that's petroleum based, and so now you're looking at trying to put new pavement on the ground. You're looking at an exponential rise in the cost of that pavement. What kind of decisions are being made there?

But it's not just that part of local government. Think about our schools and how hard hit our schools are because it's not just in keeping their buses running, which is, again, fuel based, but keeping the lights and heat on in their schools. How much of their budget is being eaten up in operational costs, costs that should be going to educating our children?

But my folks in my district, especially the rural parts of my district, are being especially hard hit, and it's because we don't have the luxury of mass transit when you get to parts of my district like the eastern part of Clermont County and Brown County and Adams County and the rest of the counties out east. So they have to rely on cars to get to their jobs. And when you look at folks in Adams County and Brown County and you look at their average commute to and from work, it's not surprising to see them go over 100 miles a day to and from work just to put the food on their table. And when they see gas prices rising from \$2.33, which was the average price of a gallon of gas 2 years ago, to \$4.09 a gallon, which is the average price today, you can imagine what kind of a bite that's taken out of many of the folks in my district.

It is our responsibility to address this problem and address this problem now. Our folks are saying they can't afford for us to wait. They can't afford for bickering and partisan politics. They want us to come together and solve this issue. And we can do that. But it requires us to do two things, my good friend from Minnesota. It means increasing the supply and decreasing the demand. And that's what we can do and do now.

When most Americans are asked in poll after poll, they're willing to drill, drill in the Outer Continental Shelf, drill in Alaska. And they understand that we now have technology that is environmentally sensitive to do this.

But it's not just drilling that will solve this issue. We must also decrease demand. And Americans are doing their part. They're driving less. They're conserving their energy. They are doing their part. They are doing what they can because they have got strained wallets. It's up to us to com-

plete the task and do ours. But, unfortunately, this new Congress, with its Democratic leadership, lacks the will to do just that.

It is the middle of July, and we have done nothing to address this situation. Why aren't we looking at drilling and not just drilling but looking at wind, solar, hydrogen, nuclear, all those things that will help us reduce the demand for foreign oil and increase the supply of energy here in the United States?

My dear friend from Minnesota, the American public expects us to act and act now. They are tired of our bickering. They're tired of the partisan politics. I thank you tonight for talking about this critical issue. I am willing to roll up my sleeves. I know you are willing to roll up yours. It is incumbent upon each and every one of us to do our part because we can no longer wait. Thank you.

Mrs. BACHMANN. I thank the gentlewoman from Ohio, JEAN SCHMIDT, for her work that she has done and for listening to her constituents.

I know off the floor we have talked about the beating that your constituents are taking on this issue. I know your heart is breaking for the people back in your district in Ohio. You see the reality of how this is impacting people.

And you spoke about petroleum, how petroleum is a part of every meal that we have. And I know that truckers in Minnesota told me that everything you have on your table takes about on average 1,200 miles in a truck or in some form of transportation to get to that table. So if we haven't seen increases in groceries, and I know in Minnesota we have seen increases in groceries, we are going to continue to see them if we don't solve this problem. We can get back to \$2 a gallon gasoline. It's entirely possible because we have the resources.

So I thank you for your fervor on this issue. And I know one thing: Had the Republicans been in control of Congress this year, we would have seen action. We wouldn't have seen inertia. Just like the Republican-controlled Congress passed measures before in previous years to drill in ANWR. Unfortunately, when those measures made it to the Senate, they weren't passed. The one year when both the House and the Senate passed a bill to begin drilling in ANWR, which was in 1995, unfortunately, President Bill Clinton chose to veto that legislation. We would have had all of that oil online and swooshing down the pipeline from Alaska down to the lower 48 so that we could have had that available.

□ 2115

Mrs. SCHMIDT. If we had acted in 1995, look where we would be today. I don't think we would be in this energy situation, this energy crisis that we're in. I don't think we would see a downturn in our economy, because we would be relying on ourselves and not the rest

of the world to keep our lights on. It is incumbent from not just a national security perspective, an economic security perspective, but the perspective of the American public that we act and we act now. I thank you so much for this opportunity.

Mrs. BACHMANN. I thank the gentlelady.

With that, I will yield to the gentleman from Ohio, your colleague, Mr. BOB LATTA, a new Member to this body as I am a new Member to the body, but a longtime friend of liberty and an individual who understands the importance of American energy independence. And I thank the gentleman for his willingness to be a part of this hour this evening.

Mr. LATTA. I thank the gentlelady from Minnesota for this hour and for her leadership on this issue. It is an important issue. It is probably the most important issue facing this Nation today. Our well-being and our economic independence relies upon it. And the other Members that have spoken, the gentlelady from Ohio, the gentleman from Iowa and the gentleman from North Carolina all touched on these major issues that we have to be looking at from ANWR, to drilling, to making sure that we have energy conservation in this country.

So I thank the gentlelady for her time here tonight and for her leadership. The big issue really is this: The people back home understand what the issue is, and Congress doesn't. That is the big issue. We have had many telephone town halls that we have conducted. The people back home, the vast majority of that hour and a half is all dedicated to one thing: What is Congress going to be doing about energy in this country? We have got to be doing something right now.

Why is it important? Because you have to think about a few things. As we have seen in these charts and the graphs tonight, when gasoline is over \$4 a gallon, when diesel is over \$4.69 a gallon, we are talking energy equals manufacturing equals jobs. It spreads out across the economy. And when you are talking about spreading across the economy, we have people having to pay more and more and more for the energy to put in their vehicles, energy to put in their trucks and tractors and to heat their homes this winter.

We are in trouble because we have been told over and over that Americans aren't saving enough. We're not saving enough. Well, if we are going to put more and watch more of our dollars go overseas, and a lot of people are starting to see the commercials, that T. Boone Pickens is running right now showing how many dollars are flowing out, over 65 percent or 70 percent of every gallon of oil that comes into this country is imported that we are using, 65 percent. That is really a tough thing for us to be doing.

So we have to make sure that the future holds that America can take care of itself. Because we want to make sure

that our kids can have a good college education, that people can buy a home, that people can make sure they can save for their future, for their retirement.

But if all we're going to be doing is putting more and more dollars into an envelope and shipping it overseas, that is not the future for America. It has already been stated, we have to produce and we have to conserve in this country. But we can't wait. And it has been talked about earlier, when President Clinton vetoed the bill back in 1995, we would have 1 million extra barrels of oil flowing down here every day, 1 million barrels. But we don't.

And it's also the naysayers saying that, well, it might take time. Well, we don't know how much time we're talking about. We can always say it can take 10 or 15 or 20 years. But it can take a lot less. But that is the spirit of America. If we put our minds to it, we are going to get it done. We're in a crisis. And in a crisis, that is where America shines. So we want to make sure that we start working on this.

The other thing that was mentioned by the gentlelady from Ohio, my colleague, is that when you're talking about all these groups out there, organizations, local government and schools that are being hit hard, one of the things she didn't mention is the volunteer firemen out there. We have a lot of volunteer fire departments across my entire district. We don't have a lot of departments that are there 24 hours a day. And a lot of these volunteers out there are now saying we don't know if we will have enough fuel to get to these fires. Because there is just not enough money. The price keeps going up. They are running at a cash crunch.

We talk about public safety out there that we have to worry about. And we're talking about those volunteer firemen out there that have to make sure that they get that fire truck to that fire in time.

The other thing happening in my district right now is across the entire country. It is wheat harvest time. And so the farmers are out there bringing in that wheat. But again, they're paying a lot of money to do it. And not only once they get the wheat harvested with the combine and with the diesel fuel, but then they have to put it in trucks to haul that wheat to the elevators or wherever it is going to be stored. So again, there is costs involved over and over. It's driving up the price for all of America. We've got to be doing something now. We can't wait.

And again, the folks back home get it. Congress isn't getting it. The Democratic-controlled Congress here has got to realize that the American people are saying we have got to conserve and we have got to drill. We have to make sure that we use the assets we have in this country to do it. And as my district points out, according to the National Manufacturers, we have about the

ninth largest number of manufacturing jobs across the entire country. I have the number one agricultural district in the State of Ohio. I have transportation in my district. At one point you can almost be within 60 percent of the United States population in one day's hard drive.

So we have all these things going on. But we're not going to be producing food. We're not going to stay food-independent in this country if we don't do something about this right now. So the time to act is now, not later. When the President just the other day said that he was going to lift the ban on his end on offshore drilling, it is time for Congress to do the same. And I demand that we start working on that to make sure we get that done right now. Because you know what happened right off the bat, the world market said, do you know what? The Americans are serious. The Americans are saying we're going to go out there and drill. That price of oil is starting to go down. It's down about \$9 from where it was. But that is because the world is thinking, hey, America might be getting serious about this.

We have all these energy resources out there. As has been pointed out, 10.3 billion barrels in ANWR. And again we're only talking about as the gentleman from Iowa stated, you are talking about a 2,000-acre out of a 19.5-million acre area, a very small footprint that would be confined. It would be an area that we can make sure we get that oil drilled. And we have to do it. We have to get that oil up. We have to get it moving.

The Outer Continental Shelf, we are talking about 420 trillion cubic feet of natural gas. We are talking about 86 billion barrels of oil. What are we doing? Absolutely nothing. It's time to start acting and start acting now, because if we don't, it will be, well, if another year goes by, we can't do it because it will take that much more time. The time to act is absolutely right now. And we have to get it done.

America has so many resources at its disposal. But we're not using them. We've talked about oil. We've talked about natural gas. The other thing up here that has also been talked about a little earlier is oil shale. We are talking about 2.1 trillion barrels of oil in oil shale out West. And what are we doing? Nothing. Congress has to start lifting the restrictions so that America will be energy independent and get it done right now. Because if we don't do it, we can't be held hostage by dictators around the world and also by Middle Eastern oil. It's time to act right now.

And as we also talk about some other things that we have in this country that we want to make sure that we keep using, we have over 24 percent or 25 percent of the world's coal. And what are we doing in this country? Well, we don't like coal. Well, we have an abundance of coal. We can gasify it. We can liquefy it. And we can make

sure it is done in a clean manner and start utilizing it. In Ohio we have what we call "high sulfur" coal. It is too expensive to use. Well, not only if we can use it in a clean system what we can do out there with that coal is in a clean system we can put more people to work that want to go out there and mine that coal. We have other people that can transport that coal. So we want to make sure that we have that coal out there for Americans to be using and using it today.

Another area is of course that we have talked a little bit about earlier, we talked about the alternatives, the supplementals. In my district alone, we can talk about several things. Out my back door we have the only four wind turbines in the State of Ohio. We can also use those wind turbines across the country. We can start utilizing them. But we also have other things in my district. We have solar power production. We have folks out there producing and working on getting a hydrogen engine. We have people out there working with ethanol, biodiesel.

So America has all these resources. We are a great country. We can get it done. And I just want to thank the gentlelady from Minnesota again for her leadership on this and for putting this hour on tonight. We have got to get this out to the American people. But it is one of those issues that the people back home are far ahead of us here in Congress. And it's time that the people here in Washington start listening to what the people back home say.

Mrs. BACHMANN. I thank the gentleman from the Buckeye State, Mr. LATTA, for your words because you understand the answer, which the American people get. This is not terribly complicated. This is not difficult to figure out. America has made a big mistake. And it isn't the American people that have made a big mistake. It's the Members of Congress that made a big mistake when they made it illegal, and that's right, the United States Congress made it illegal to access the answer to our energy problem.

Mr. LATTA has laid that case out very well. He has made the case. And he has made the case that we need to change the way we're doing business, and we need to make it legal. And instead of being one of the biggest importers of energy, we can be the biggest exporter. Because it's all about jobs.

And that is why I would like to hand out the baton now to my esteemed colleague from the State of Michigan, Representative TIM WALBERG. Because in the State of Michigan, Mr. Speaker, there is possibly no other State that compares in terms of the misery that they have dealt with with their recession and with the job losses. And I think probably no one can speak to this better than Representative TIM WALBERG and also his esteemed colleague, THADDEUS MCCOTTER.

And now I will yield to my friend, Representative TIM WALBERG.

Mr. WALBERG. I thank the gentlelady from Minnesota for hosting this hour and leading us in it. And you're absolutely right. Michigan is hurting. People are angry. They are fearful. They're worried about things that they seem to feel they have no control over. And this is an issue that is number one on their mind. The bottom line is, they do not agree with the Democratic majority that says that their strategy right now on lowering gas prices is "to drive small cars and wait for the wind."

That very week that that statement was made, I was spending some time back in the district, and I had the opportunity to pump gas. I would walk up to a car in a gas station and say, hi, I'm Congressman TIM WALBERG, and if you'll allow me to pump your gas for you, I would like to hear what you have to say about energy, your ideas, your comments, your concerns.

And the talking points came right from my playbook without even indicating to them where I was standing on the issue. The people of Michigan in my district that I talked to, one after another, these were just general random picks at the gas station, said, we need to drill now. We need to drill the Outer Continental Shelf. We need to drill ANWR. We need to use nuclear power. We need to conserve. We need to use biofuels. We need to use wind, solar energy. Across the board, they get it.

And so our agenda as Republicans has been, and I think it needs to continue to be until we get relief and get the answer, agree to, that is to hold a vote to increase the production of American-made energy before we go home for our break. It's the only thing that we ought to do. The people are asking for it. And the leadership, Mr. Speaker, needs, needs to let us have these votes that will allow it.

I talked to a lady at the gas station that I was pumping. And she first said, do you really want to hear my concern? I said absolutely. And she said, I work at the University of Michigan Hospital. I drive from Adrian, Michigan, to Ann Arbor. And I have had to choose now, and it has worked out with the hospital that I go only 2 days a week. I work two 8-hour shifts back to back each of those days so I don't have to drive as much and I can spend the time at home with my family. Then she turned and she said, my daughter here is 13 years old. She was in the car with her. She said, when I was 16 years of age and got my driver's license, on Friday nights generally I had a battle royal with my father arguing why I should be allowed to have the keys to the car to go out with my friends. And then her face saddened as she said to me, my daughter won't have that opportunity to argue with me, because when she asks for those keys, the only answer is, we don't have the fuel to do that. And she said that is a part of childhood, that is a part of the teenage years. That is just traditional. And we are giving that away, along with many

other things we have talked about tonight.

So what are we going to do about it? Well, we don't just talk about it. There are at present bills in committee that would do all of the above that we have talked about. There are five discharge petitions on the floor of the House at this point in time, one that I have offered that would bring out of committee for a vote the No More Excuses Energy Act that simply says get it done, use anything that we can here in this country to be totally independent. That has not been agreed to yet. We have another discharge on expanding American refinery capacity using closed military installations. It makes all good sense to get on with refinery. The third one that is on the floor is to repeal the ban on acquiring alternative fuels like shale oil, tar sands and coal-to-liquid technology. It's amazing we won't bring that bill to the floor to vote on. The people want it.

□ 2130

A fourth that is on the floor is the Coal-to-Liquid Fuel Act which makes all good sense because that also can be used in our fighter planes.

And a final one that came on this week was the Fuel Mandate Reduction Act of 2007 which says let's suspend the boutique fuels, the special blends that add additional costs when they come to the pump.

People in my district, which is the largest ag district in the State of Michigan, are frustrated with the costs that go into food and its production, and all of the above, and they are saying the time is now, not drive small cars and wait for the wind.

I know my good friend, the gentleman from Michigan (Mr. MCCOTTER) has a different district than I have, but I bet that your people are saying basically the same thing.

Mrs. BACHMANN. I yield to the gentleman from Michigan (Mr. MCCOTTER).

Mr. MCCOTTER. We all have different constituencies, but I think you said something that I can't quite agree with, and that is that everybody seems to understand this problem and what the solutions are.

I had a friend. We used to play in a band back in Detroit Rock City, and my brother one time loaned him my guitar. So it dawned on me that before the statute of limitations expired, I better go get my guitar back.

So I went to see Bob. He was living in his parents' basement and he was enjoying some goat's milk and granola. I complimented him on his earth shoes and I said, "Dude, I want my guitar back."

He said, "You can have it back because it doesn't make very much noise."

I said, "Bob, it's an electric guitar. You have to plug it in." Bob didn't like that because Bob believed he was getting electricity from the local nuclear plant and had to make a stand even at the expense of no one hearing his cacophony of terrible folk music.

He then said, "You work in Congress, right?"

"Yes, I do."

"So you go up to Lansing to do that?"

"No, Bob, I go up to Washington."

He said, "I have something to tell you people."

I was fascinated, so I said, "What do you have?"

He said, "We have to get the rest of the world to like us, and we have to stop our reliance on foreign oil. And we have to make sure that we don't tear up America's natural resources trying to drill our way out of this problem."

I looked at Bob and I said, "Bob, I would rather have the world respect America, but be that as it may. You want people to like America, but you have just told them you are not going to buy their product because they are foreigners. This might be detrimental to your cause. And if you are talking about not producing American oil, where are you going to get the oil to compensate for that so as supply increases, prices can come down?"

He then said that he agreed with many Democrats that we should have OPEC produce more oil.

I then asked Bob if he understood that OPEC is composed of foreigners whose oil he no longer wanted to buy so we could break America's reliance on foreign oil. The dazed look on his face was akin to the one that he had probably around 1983 from night shortly before his parents took away the car keys for quite some time.

The reality is we hear circular arguments about what needs to be done. Bob is not an exception. Every day here on the floor of the Congress we hear every excuse in the book as to why the American people will not be allowed to solve the gas price problem and the energy problem.

As Ronald Reagan once said: In this instance, government is not the solution, government is the problem.

If the government would just get out of the way, remove its regulations, litigation, taxation, and other obstacles to the production of American energy by entrepreneurs and allow free markets to work, the supply of oil will increase. It will be American oil. The price will start to stabilize as investors within the world markets realize that we are serious about attaining energy security. Gas prices will precipitously fall, and not only will the energy problem begin to be addressed by the very people who can do it best, the American people, you will also start to see people understand that there is no other alternative than to face the reality that if you want energy security, you must concomitantly reduce the bureaucracy.

Again in a nutshell, if we want to help our little guys and gals, get big government out of their way, allow American energy production, allow for commonsense conservation, allow for free market innovations as we transition to energy security and independ-

ence. That is the best thing we can do for our constituents and for my friend Bob.

I yield back.

Mrs. BACHMANN. Mr. Speaker, I think it is important for the American people to understand, as incredulous as it sounds, the majority, which again is run by the Democrats, both in the House and in the Senate, have made a deliberate decision to do absolutely nothing, nothing, nothing to bring even one drop of oil or one new watt of electricity online for the American people.

I just read this morning in my clips in Minnesota that energy went out in the afternoon. It was so hot, the demand was so high our energy grid is getting overloaded and we haven't been building the new power plants and exploring for the new energy.

This is key, Mr. Speaker, for the American people to know. The Republicans in Congress have a plan. It is American energy, yes. The Democrats have said American energy, no. We want \$2 a gallon gas. We can get there if we drill here, drill now, so the American people can pay less. It's entirely possible.

The Democrat plan has been drive less, pay more. It's not working real well, Mr. Speaker. People don't like that plan. They really would like to be able to pay \$2 a gallon gas, especially when they know it is possible.

We are so grateful we can have this opportunity tonight, so grateful. But I tell you, the passion burns pretty deep in here because we know when we go home fairly soon for the August break, we have a lot of angry people on our hands at home, and they have every right to be angry. We are here calling on the Democrat Congress, pleading with the Democrat Congress, listen to the American people. Drill here, drill now so the American people can pay less.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, I want to thank you. It is always an honor to come before the House and the 30-Something Working Group, running some 5 or 6 years strong now, coming to the floor on behalf of the American people with fact not fiction. We know that in this day and time it is easy to be misled. And I don't know if it is something that someone means to do or doesn't mean to do, but it happens sometimes. We take great pride in not only having footnotes for what we do and what we say, but making sure that we have the facts to back up what we are sharing with the Members.

Every 30-Something Working Group we start off by sharing with the Members what is happening in Iraq. As of

today, July 16, 2008, by 10 a.m., total casualties in Operation Iraqi Freedom is 4,121; total number wounded in action returned to duty, 16,901; and total number wounded in action not returning to duty is 3,508.

I think it is very important that we continue to pay close attention to that issue of what is happening right now in Iraq and what is happening in many of the American families that we cherish and celebrate and honor that are military families that are having to worry about their loved ones in harm's way. We have to keep that at the forefront.

As you know, over the past 2 weeks Members have been coming to the floor speaking on the issue of energy. I am happy to not only report but continue to say it wasn't until this Democratic Congress when it was elected, Mr. Speaker, and Members, to lead on behalf of the American people that once upon a time in the 108th Congress and 109th Congress, we talked about if given the opportunity to lead what we would do.

It is one thing in politics to talk about if you give me a chance, this is what I will do. I will go to Washington, DC, and make this or that happen. It is a good thing because we have actually moved in that direction.

I couldn't help but hear my colleagues who I have a great deal of respect for, but I may disagree with from time to time. I can tell you in light of me disagreeing with them, I am just so happy that I do have fact on my side and on the side of the American people because we have been trying to move this Congress and we have done so with the American people's help in electing a Democratic majority Congress.

But we have not been able to overcome the executive branch which is the Bush White House. I think it is also important for us to understand that this whole issue of how we got to \$4.30-something gas was not engineered by anyone on the Democratic side of the aisle. I think the policies, the energy policies that were set forth by the Bush administration, the 2001 meeting which took place in Vice President CHENEY's part of the White House, the working group on energy, the 108th Congress and the 109th Congress who worked very hard to, and the Congress before that, the Republican-led Congresses which worked hard to follow this policy that the Bush administration set out to please oil companies that has led us into the prices that we are paying here today.

I have to lay that out, Mr. Speaker, to get to what Democrats have done. I am going to do that very quickly because I think I am on the side of solutions versus argument. But for the Members to understand what the solutions should be and the direction that we should be running in at a very fast pace or run or sprint is one of fact and not fiction.

You would have a number of Members in this Congress believe and the American people believe that with two

oil men in the White House we would have some sort of solution as it relates to this issue of oil, but that is not the case.

As we continue to deal with this issue of oil only, because it seems like that is what the Republican side is talking about, it seems to be a part of the problem and not the solution.

If you want to resolve something, you have to start looking at doing things differently. You can't do the same thing expecting different results. When you look at oil and you look at the number of those who have given their life in Iraq, and the reason why Iraq is so important to this country is based on energy. If we had action when the Bush administration took over the executive branch and when the Republicans had the opportunity to lead, well, it was already there according to economists and others, but if they would have had the courage to stand up against Big Oil and say no, we know what you want, but the studies have shown we need to start looking toward alternative fuel, we need to start being innovative and deal with safe standards and make sure that our vehicles get more mileage. We have to incentivize through tax incentives Detroit and other auto-making parts of America, that we want vehicles that run on less fuel. But no, that was not the argument. That was not what the Republican majority pushed towards. They kept pushing towards this kind of cake and ice cream experience with the oil industry.

I have nothing against the oil industry. Some neighborhoods they may say I am not mad at the oil industry, but I think it is important to note that the only way they could have gotten away with what they have gotten away with is with the help of individuals that were in those Congresses previous to this Congress, the Democratic-led Congress. The only way they got what they are celebrating now is because there is two oil men in the White House. It is well-documented. It is not just me saying that. Anyone can go on the Internet and get this information because that's where their history has been.

□ 2145

I have a couple of charts here: 8 years of Bush, two oil men in the White House, \$4 a gallon gas. I mean, I just leave it up to your imagination. I am just one Member of Congress that has a theory, not a theory, but following fact.

What are some of the great ideas on the other side? Well, let's drill in the Arctic wildlife refuge. Let's do that. I think that's important. Yes, let's drill. That was last Congress' argument. Some have said this Congress has a solution. I am not talking fiction, I am talking fact.

That would only bring about 1.8 cents per gallon savings in 2025. Now that's 2025. That's not talking about right now, Members. That's not talking about how families are trying to figure

out how they are going to, when they are looking at their vehicles and knowing they are no longer going to be able to afford to take their kids to extracurricular activities, in some cases not even being able to take them to school, in some cases having to walk to make it to religious events, whichever their religion may be, because they can't afford fuel.

Some have had to turn off certain things like cable television or had to do away with certain activities that their children were involved in or philanthropic contributions, at their own level, but it was just \$10 or \$50 a month to make the world better. They had to cut back on that, put it in the tank.

But this is what the Republicans were talking about and Democrats fought them back. I talked about the 2001 meeting that took place in the White House. It is well documented, well documented.

I can tell you, when I come back to the floor, I am going to bring my chart out that I used to bring, actually the letter that talked about, and the news report, from the Washington Post, it talked about the meeting that took place in 2001.

I know this is hard to see for many of the Members, but in 2002, that meeting started to pay off for Big Oil. Meanwhile, our Republican colleagues, who were in the majority, just stood idly by, and turned the other cheek. There was no problem with oil. There was no problem.

The alternative, why do we have to deal with that when we have oil? Why do we have to deal with that when we have over 143 troops that are in Iraq that's protecting the Iraqi oil, and we have our Commander in Chief holding the hand of the Saudi Arabian king. We have those relationships.

Meanwhile, our constituents, Members, people here in America are not celebrating what these oil companies are celebrating. Again, I have nothing against oil companies, they are doing what they do in a capital society, but they are only allowed to do this because of the Republican past Congress. Remember, I want to make sure the Members know. I'm coming to what we did in this Congress and what role you played in that solution towards bringing gas prices down, or, what I may add, energy prices.

In 2000, the record-breaking profits of some \$30 billion; 2003, again, breaking records, \$59 billion; 2004, \$82 billion for the oil companies and profits; 2005, \$109 billion in profits; 2006, \$118 billion. It's, again, climbing, and in 2007, \$23.3 billion in profits for oil companies based on the Republican-led energy initiatives.

Now they are in the minority, they are now saying, well, we can't get what we want on the table. They have already voted to drill in not only environmentally sensitive places, but places that the oil companies have not even started to drill in yet. We just gave out a whole bunch of leases to the

oil companies. They are not even using 80-some odd percent of those leases that have been allowed, they have been allowed to drill. They haven't done it.

So it's almost like having a full plate of food. Imagine you at home, okay, and sitting around the table, Big Oil with food just falling off all ends of the plate, something real heavy like a big steak or something, and mashed potatoes and beans, you know, rolling all over the table, saying we need more. That's what they are saying as it relates to more leases, more drilling. We need more. Okay.

Imagine the individual that's going there to fill the tank with very little on their plate, because they can't afford to put food on their plate because they are too busy paying what we are looking at in these record-breaking profits for these oil companies, with very little on their plate, if anything at all. When you start talking about more drilling, more drilling, you know, it doesn't add up because you have talked about some of these issues.

Let me just mention something here. I am so glad that I got this because I asked for it. I couldn't happen but see the President yesterday quoted in his press conference. We started talking about issues as it relates to oil, I mean, drilling. The President says a lot, so it's kind of hard to try to deal with what he is saying. But he said that, in so many words, and I will go ahead, because it's a lot of words here that he used to describe one thing, in his remarks, he said that drilling will not deal with the oil prices tomorrow. It won't give us the relief that we're looking for.

That's what the President said yesterday on his press conference. Now you can go on pretty much to cnn.com, any other Web site that would have the transcript, but basically we pull these remarks from the transcript. I want to make sure that we get a chart so that people can see it, and we may want to put it on our Web site.

Now, on the Democratic side, we have talked about a number of initiatives. Our comprehensive strategy has been about not only incentivizing wind, solar, geothermal, hydro and American-grown biofuels, but also promote energy, like I mentioned, energy efficiency, efficient cars, buildings. The greening of the Capitol is already under way and has happened. Actually, I wrote a piece this month in the Capital File Magazine talking about what we are doing here in the Capitol to green the Capitol and save our environment and lead by example.

The Speaker is leading that in a very special way, making homes and appliances more energy efficient, boosting American innovation and research, reward conservation, expedite responsible American drilling and also telling Big Oil to use it or lose it. Basically, when you are looking at all the leases that are out there, all the opportunities that Big Oil has right now, but, better yet, it's almost like what we

call the Potomac two-step, because I think that's what the Republican side is doing and the White House is doing.

They are saying drill, drill, drill, because, guess what, that's what's been putting gas in their tank, I think, politically, because the oil companies believe that they are our friends.

The Democrats, they are the problem, because we are talking about alternative fuel. We are talking about conserving. We are talking about investing in the Midwest versus the Middle East. So we are disrupting, when I say we, the American people who voted for this new Congress that we celebrate now, voted for this fact-not-fiction Congress, voted for this new-direction Congress, they voted for change. Republicans are still here singing a song that these oil companies have put on a sheet and started talking about we need to drill to create jobs.

Well, guess what, why haven't they done it with all of the leases that are out there right now and all of the jobs that need to be created. If Big Oil, based on the profits that they have made, can turn this whole economy around and take us out of this recession that some speak of, just with the snap of their fingers, but, guess what, there is something that we call stockholders. They want their money.

They want those dollars to be placed. They don't want to employ people. That will have something to do with my bottom line. So when folks start coming to the floor and start talking about oh, we drill \$2 gas, I look forward to that. But we are going to get there doing the same thing, doing the same thing expecting different results.

It's almost like going to the refrigerator, pulling out a carton of milk and saying oh, wow, it's spoiled, put it back in, maybe it will be fresh tomorrow. That doesn't make sense. It doesn't make sense to keep doing the same thing.

Now, let me just mention here what we have done, and this is, as I understand, on the Speaker's Web site, www.speaker.gov. I think this is important because this is in the CONGRESSIONAL RECORD and also Congressional Action. Now law because of what the Democrats have done here. The farm bill which is an historic investment in affordable biofuel and also beefed up oversight on market manipulation. House bill 2419. The President's veto was overridden.

Now this is the President. You would think, you out there paying this gas, you are paying this big-time deal for gas. We are trying to find some competition for Saudi Arabia and other OPEC countries saying, guess what, we're not going to have to hold your hand walking down some park, our Commander in Chief. We're not going to have to go to war in the Middle East because we have to protect the oil so that we can continue to run our vehicles. We're going to come up with our own bill. We're going to come up with our own way of building energy in a clean way.

And to those that believe in shipping jobs overseas, we're going to create green jobs while we're at it. We are going to make sure that Americans have jobs from those that just have a GED or no high school diploma at all, to those that are architects and have postgraduate studies and who have gone on to do so many things in our society, everyone gets to work in a green society. That's what we are creating, and that's what that farm bill moved, but we had to override the President on May 21, 2008, with a vote of 316-108, and the Democrats moved in that direction.

I think it's important that everyone understand what's taking place here, because when folks come to the floor and talk about they have the answer, many of these individuals have not even voted for the bills that would do exactly what they are talking about doing. This is fact. That's not fiction. Thanks to the Members, we did override with some Republican support. But if it wasn't for the Democratic leadership, this would have never, never happened.

The veto threat, Renewable Energy and Jobs Act, H.R. 6049, passed on May 21. The Democrats, we voted 263-160. I think it's important that everyone understands that that vote came about with 228 Democrats voting in the affirmative versus 35 Republicans voting in the affirmative with 159 Republicans voting against it.

Another veto threat, which is Gas Price Relief for Consumers Act holding OPEC, which is, you know, the oil companies accountable for price fixing, H.R. 6074, again. We have the President that has put out a veto threat. That bill passed the House on May 20, this year, 324 voting in the affirmative, 84 Republicans voting against it, now law. This is the legislation that we put forth, never would have been law if we wouldn't have put it forth. When I say we, I'm saying the Democrats here in Congress.

The Strategic Petroleum Reserve Fill Suspension and Consumer Protection Act, H.R. 6022. I think it's important that you look at this. It passed May 13, 2008, some 385-25. I think it's important that we look at the fact that all Democrats voted for it, 223 voting, Republicans voted in the affirmative, 162-25. That issue, that's now law.

Repeal subsidies to profit-rich big oil companies, invest in renewable energy and fuel efficiency, H.R. 5351, passed February 27. It passed by a 236 vote, 182 voting against the legislation. 219 Democrats voted in the affirmative, 8 voted against. The Republicans, 17 voted for, 174 voted against. You have got to think about that, you have got to think about the whole issue, and that has been threatened by the President that he is going to veto it.

Now, we start talking about the profits that we use, because the real issue is that we need money to come up with alternative fuel. But, again, when it comes down to standing up to Big Oil, cricket sounds on the other side. You

know, all bold when it's talking about what Democrats won't let us do. That's interesting, because I have been in Congress under Republican leadership for 4 years, and I have only been in Congress for a year and some change under the Democratic leadership and I can't believe some of the arguments that are coming out on the other side about what they can't do when they've had all of these years to do it.

The American people, I am not talking about Democrats, I am talking about Republicans. I am talking about independents. I am taking about first-time voters, and say, guess what, if you are going to do what you do for Big Oil, then we're going to find somebody else to represent us, and they did.

□ 2200

And the numbers within the double digits on the Republican side are now watching me here on the floor, talking to the Members, Mr. Speaker, because they made the wrong decisions because they followed leadership. We're going to talk about that in a minute right after this chart. They followed their Republican leadership that led them into a hole, and that hole is right in the La-Z-Boy at home, checking this fact-not fiction piece that I'm giving here on the floor. When you look at that vote, that's telling in itself.

Now law. Energy independence law and market manipulation banned and new vehicle mileage standards: H.R. 6. It was passed on December 18 of 2007. 314 votes. The Democrats voted in the affirmative. 100 voted against, Republicans. 219 Democrats voted in the affirmative. Only 4 Democrats voted against it. Republicans were 95 voting in the affirmative and 96 voting against it. That's now law. It never would have been if it weren't for a Democratic-led Congress bringing about that kind of justice on behalf of the American people.

The America Competes Act with energy, research and the development of clean energy and technologies: H.R. 2272. It passed into law—it is now law—on August 2, 2007. 369 Democrats voted in the affirmative. There was an overall vote of 369 to 57 Republicans who voted against it.

Veto threat. Crack down on gas price gouging. Like my pastor would say, I'm going to read that again. Crack down on gas price gouging: H.R. 1252. It passed on May 23 of 2007 with 284 voting in the affirmative and 141 voting against it. On the Democrat side, 228 voting in the affirmative, 1 Democrat voting against it. On the Republican side, 56 Republicans voting for it, 140 against it.

That's part of the solution there. I think that's something we need to look at and something that the President has said that he's going to veto.

Veto threat, holding OPEC accountable, oil price fixing, again, that's standing up to Big Oil. That's standing up to the Middle East, saying we're no longer going to let you lead us by the

nose. We're going to take responsibility for our own energy. It passed May 22, 2007 with 345 voting in the affirmative and 72 voting against. The President has said that he's going to veto it.

Now, when we start talking about who's doing what and who's not, you may see these pieces of paper here, but basically, we just covered up the names of the Republican leadership because that's just a personal policy of mine, Mr. Speaker. I just don't want to, you know, "out" these individuals because, I think, the record speaks for itself, but I'm still making the point, and they know who they are.

This is the Republican leadership from top to bottom, and I think that it's important that everyone pays attention to this. As to some of the legislation that I read off, these very individuals voted against it, and I think that's the reason we see the kind of discourse from the other side of the aisle in talking about the old direction versus the new direction. They will throw some new direction stuff in there, knowing that, you know, they really don't mean it. You know, we had the opportunity to do it, but we didn't do it, but we're going to criticize the other side and say they haven't done it.

We have done it. It is the body of several pieces of legislation that have not only become law but that are in the process of becoming law if there were a President in the White House who would allow it to become law.

You remember that old bill on Capitol Hill. This goes down to the majority leader. This goes all the way down to the whip and to the Republican Conference Chair. We have the policy Chairs and all. If you will look at when it came down to OPEC price fixing, the two top leaders on the Republican side voted against that legislation. The No. 5 leadership, No. 6 and No. 7 voted against it.

When you look at the price-gouging legislation that we passed, when we were looking for that leadership of coming together in a bipartisan way, the top Republican leader voted against it. The whip voted against it. The third in charge voted against it. The fifth in charge voted against it. The sixth, seventh, eighth, and ninth voted against it and on down the line. This is not fiction. This is fact, okay? This is the CONGRESSIONAL RECORD.

Renewable energy. The first man voted against it over on the Republican side and the second, third, fourth, fifth, sixth, seventh, eighth, and ninth, all the way down. Now, if I'm wrong, somebody come and tell me I'm wrong. I don't think so. This is in the CONGRESSIONAL RECORD.

Energy security. The top voted against it. If you jump down, No. 4 voted against it as well as No. 5, No. 6, No. 7, and No. 8.

So, when folks come to the floor and start talking about "we have a plan" and "we know the answer," show me the beef, like that Wendy's commercial

used to go. You know, it used to say, "Now show me the beef." I want to know where it is. I don't see it.

I've just come to the floor just to share a little bit because I'm glad that my constituents in the 17th Congressional District from South Florida federalized me to come here to provide this kind of representation and to be able to shed light on the action that has taken place. It's not over yet. We don't have everything that we need to be able to do the things that we need to do on behalf of our constituents because we still have some rules over in the other body across the hall, and we still have the issue in the White House as it relates to the two architects, if I could put it that way, of our energy plan now, who are defending that plan to the end. They have talked about they're not going to do some of the things that we feel should be done now, things that a number of people have said that would help.

We talked about a number of issues as they relate to our passage of legislation, but one thing I left out on that chart that I think we need to share with the Members tonight is the Drill Responsibly in Leased Lands Act, which is called the DRILL Act. It mandates annual lease sales in the Alaska National Petroleum Reserve. It also has more oil than the Arctic National Wildlife Refuge, and the oil can be brought to the market more quickly.

It requires the Bush administration to facilitate the competition of oil pipeline infrastructure in the Reserve and to facilitate the construction of the Alaskan natural gas pipeline, and it bans the export of Alaskan oil outside of the U.S.

It also incorporates the "use it or lose it" legislation. I can tell you that it is compelling oil companies to start drilling on the 68 million acres of undeveloped Federal oil reserves which they are currently warehousing or they are losing the ability to obtain the new leases. I think that it's important that we deal with those issues sooner rather than later.

Before I get into another part of my talk, here is my good friend, Representative ARCURI, from the great State of New York. We have been to a number of places together. We've been to Iraq, and we've also been on some other defense-related visits. I'm so glad that he's here to share a little bit about this issue of energy.

Mr. ARCURI. I thank my friend for yielding. Although it has been a couple of years since I was 30-something, I appreciate your yielding me some time.

Thank you for being here tonight and for talking about some reasonable positions that we're taking with respect to energy in this country. It's sad. I've been here for the past couple of hours, listening to my colleagues and to my friends from the other side of the aisle who were talking about their perception of what Congress is doing. It's sad because it's a real revisionist sort of perception because they see it from a

perspective that, frankly, just isn't the case.

When they say that nothing is being done, frankly, I don't know what they're talking about or what they're seeing, because there are a number of things being done. They may not be the things that they would like to see done, but clearly, a number of steps have been taken, and I think they are steps that are practical and smart and wise.

One of the things that troubles me is that the only thing we hear from the other side of the aisle is drill, drill, drill. All they ever talk about is drill, and that presumes that we are going to be drilling for oil and that we are going to be reliant upon oil. You know, that's what put us in the situation we're in now—the reliance upon a finite resource that is not going to last forever. They want to continue to drill, and it's important.

I was just reading an article, and it talks about how important it is to drill. I support drilling. I think we should drill. There are 68 million acres that are available to drill on, and we should be drilling on them. We should be drilling in Alaska on the Strategic Petroleum Reserve. That's why they call it the "petroleum reserve," because there's petroleum there. We can be drilling there. We should be drilling there. The oil companies can do it. Why aren't they doing it? Well, if their companies are making the biggest profits in the history of their business, why would they do anything differently?

That's why we have backed legislation that says "use it or lose it." It's the same thing that we do for the coal companies. If they have reserves, if they have leases on the properties, they should very well be drilling on them.

You know, recently, I spoke to a group of teenagers, high school students, in an organization called Boys State, in New York State. There were about 600 young boys, and I was speaking to them, and I was talking to them about how important it will be in the future for energy policy to be focused on not just finite resources but on the future.

It's interesting because, when you talk to young people about the future, when you talk to young people about renewables, when you talk to young people about geothermal, about wind power, about solar power, and about cellulosic ethanol, they get it. It occurred to me that our generation got it back in the '70s. When everybody was talking about the energy crisis back in the '70s, we got it. We understood exactly what needed to be done. Only it wasn't done, and the last generation passed the problem on to us. Now it is our responsibility to do something, not to pass it on, not to just drill, drill, drill, drill, and then in 10 years or in 15 years have our children and our grandchildren have to deal with the very same problems that we're dealing with today.

We need to have a responsible, reasonable energy policy. That's the difference between what our side of the aisle is developing and what the other side of the aisle is developing. They're not developing an energy policy. Drill, drill, drill is not an energy policy. You cannot drill your way to energy independence. All you can do is become more dependent.

I'm a former D.A., and it's a lot like being addicted to drugs. When you see drug dealers, people who are addicted to drugs, all they want are more and more drugs. We can not be addicted to oil. We can't just constantly look for more and more oil. That is part of the solution, but it is only a part of the solution.

It's also the renewables. It's natural gas. It's geothermal. It is cellulosic ethanol. It's biofuels. That is the future. That is what our country should be looking at. That's real energy policy. That's the futuristic kind of energy policy that I want to pass on to my children so that my children don't have to be saddled with the same problems that our generation is saddled with. Those are the kinds of things that we should be doing, as any good parent would do.

I heard my colleagues a little earlier talking about natural gas reserves. I'm fortunate to represent an area in Upstate New York that actually has one of the largest shale deposits of natural gas, the Marcellus Shale Deposit, which extends from northern Pennsylvania into southern New York and into eastern Ohio.

There, the Federal Government doesn't control or own any of that land. That's privately owned by farmers, by individuals, and we're starting to see some oil companies leasing small amounts of that property. Well, there's no governmental regulation here. There's no difficulty in terms of getting leases. If the energy companies want to come out and get the leases, they can do it. It is available to them. So, when we hear these arguments that Congress is putting some kinds of limitations on the ability of energy companies to drill, that just isn't the case. That isn't factual.

What we need to develop in this country is a real long-term energy policy that deals not only with the short term but with the middle term and with the long term. There are a couple of other points that I think are very important that I would just like to touch on.

Recently, we passed a piece of legislation that required the President to stop buying into the Strategic Petroleum Reserve. That was critically important. Additionally, we need to do a little more. Perhaps we need to have the President release some of the petroleum that is in the Strategic Petroleum Reserve.

□ 2215

You know, it's there for a reason. It's there for an emergency. I would say

there is an emergency that we're in today. And perhaps that's the kind of thing that the President should be looking at now.

Additionally, in Congress we've taken some intermediate steps like we reappropriated the Amtrak bill. That's critical. We've passed legislation that provides for rural mass transit. In a time when energy prices are high, people are going to rely more upon mass transit.

That is the kind of strategy that we need, a full-scale energy strategy that deals not just with drilling, that deals not just with nuclear, that deals not just with renewables, but across the board.

So I think that is clearly what the Democratic majority is working towards. It's working towards trying to move America off our addiction to finite resources like gas and oil and move it into something that makes more sense for our future, for our children, and for our grandchildren.

I would like to thank the gentleman very much for yielding the time to me.

Mr. MEEK of Florida. No problem. Anytime you're ready, Mr. ARCURI. I'm no longer 30, but I'm part of the "Something" part. So you're always welcome in the 30-Something Working Group. And I want to thank you for bringing those facts to the floor. I think it's important the more Members we get from different parts of the country sharing what they know, what their constituents share with them when they go back home, I think it's important for the Members to hear that. The diversity of ideas makes this body great.

We do have some great ideas coming from the other side of the aisle, too, but it's important that we don't do an us-against-them kind of atmosphere. I believe in bipartisanship. We've had more bipartisanship votes on major pieces of legislation in the 110th Congress than we have had in the previous Congresses. I think that's what the American people are looking for, Mr. Speaker, and I think that's what the Members would like to have.

But in a time of crisis, the last thing that we need to do is to have the kind of dragging down of efforts that we're trying to carry out, of saying, Well, the Democrats won't allow us to do this; they will not allow us to do that. If it's a body of a piece of legislation, just because one of your Members doesn't need that legislation doesn't mean that it's bad legislation.

We're in the majority just like the Republicans were in the majority once upon a time. And we're leading on behalf of the American people. A number of the votes that we've taken on energy, we celebrate a number of Republican votes being with us on those votes. That's the reason some of them become law. That's the reason why we are able to override the President.

So we cannot defend the actions of the President when he's wrong, and I commend some of my colleagues on the

other side of being a part of that, but there are a number in double digits, and sometimes, you know, into the hundreds that defend the President to protect the White House. We're not up here to protect the White House. If it's a Democrat or Republican there, we weren't sent up here to say, "Oh, we're here to protect the White House." We're here to protect the American people. So I think that's important.

I want to mention a few things of what we've done as Democrats.

I'm going to read, Mr. Speaker, from the 2008 letter on July 8 that the Speaker sent the President about the Strategic Petroleum Reserve, which we call the SPR, signed bipartisan legislation into law that I talked about earlier to urge the President to release some of the oil, that refined fuel, from the Strategic Oil Reserve. Now this is not the first time. This is not something that the Speaker said, Oh, let's just do this because of the first time that we would have ever done it in the country. That's not the case. Desert Shield, Desert Storm drawdown by George W. Bush I, withdraw from the Strategic Oil Reserve on January 17, 1991. That brought gas prices down.

Also, we started looking at President Bill Clinton in 2000, released 30 million barrels from the Strategic Oil Reserve, and I will talk about what it did to gas prices. It happened then.

And in 2005, this President, President Bush, after Hurricane Katrina drew down, offered some 30 million gallons out of there which brought prices down. I think that it's important that everyone understands that.

The President can make a decision that can bring gas prices down now. Will it be forever? No, it will not be forever. Is the Reserve at 97 percent full? Yes, it is. Authorities said that it should be at 85 percent. But we're at 97 percent.

What's happening right now, probably not to the Members of this Chamber because we're paid beyond what the average Americans would be paid, over some \$160,000, and a lot of our travel is per diem travel as we move around our districts, reimbursement for gas. The Members here are probably not affected. But for those individuals who don't have per diem reimbursement, for those individuals who know what it means to punch in every day and punch out every day, for those individuals that are trying to make it from point A to point B, who have a family member with a health care crisis and have to make the decision whether you're going to make that hour-long trip or not based on the price of gas, being able to release fuel from the Strategic Oil Reserve would be the right thing to do.

What happens? We're talking fact, not fiction. Using the Strategic Petroleum Reserve, it brings down prices of oil. In 1991, did I mention earlier? It brought it down 33.4 percent. In 2000, it brought it down 18.7 percent. In 2005, it brought it down 9.1 percent. And it

would even bring it down even more if we were to do it now.

I say all of that, Mr. Speaker and Members, that as we start looking at alternative fuel, as we start looking at what Big Oil should be doing versus trying to say this is the last day of school, let's get more leases and push this kind of drill thing as though that's the answer—because if that was the answer, we wouldn't be at over \$4 a gallon that individuals are paying for gas. If you are fortunate enough to have a Pontiac Grand Prix, it costs \$62.74 for you to fill it up, leave alone someone that may have a Honda Accord. An Accord, it costs \$68.26. If you happen to have a Chevy Impala, lucky enough to have one, \$62.73 and \$2,798 a year.

A Chevy Suburban, many small businesses have to be able to move around big loads. You have \$124 at the pump, some \$4,391 that one may spend a year. A Ford Escape costs \$60.88 to be able to fill up, and many small businesses have Ford F10 trucks that cost \$113.83 to be able to fill that up.

I think that's important. For those individuals who are paying through the nose right here, right now understand what it means.

I'm going to close with this. A lot of air travel. A lot of people want to take trips this summer. Cannot take those trips, cannot reunite with family, cannot go on that business trip that they needed to go on to be able to keep that small business going because of the prices of flying on airlines right now, leave alone trying to take something with you. You get to the airport, now that's \$35, sometimes \$50, sometimes \$100 to carry a bag on the plane to check it, to get on the plane.

You better get some water because if you're trying to get water on the plane, that's \$5, leave alone a bag of mixed nuts or some sort of potato chips. They even sell them now, I mean it's almost like \$10 a pack, okay. Leave alone the price of the ticket.

And what we find out from the chairman of Transportation, if we were to go into the Strategic Petroleum Reserve, it would be a \$10 drop in the price per barrel of oil as a result. It would save \$420 million per year for Northwest Airlines. You got folks getting laid off because folks walking around here talking about drilling only and not talking about some of the things we could do now to be able to save this economy.

It would bring about also a \$840 million saving per year to United Airlines, a \$900 million savings for American Airlines, another airline that's laid off thousands of people.

So when we look at this, we're looking at what we're paying because of the inaction of the White House. All we can do is put pressure on the White House. We ask our friends on the other side to join us on that. Some have. We're asking for more to do so. We're asking for the American people to not only work in a way of moving in a more greener way, but we also want to incentivize you in doing that.

Mr. Speaker, with that, it's always a great honor to come before the House. I'm glad that Mr. ARCURI joined me for a short while tonight, and we want to thank not only the Democratic leadership but all the Members of Congress that are about the solution as it relates to these gas prices, as it relates to moving in the direction, a new direction we look at in alternative energy; and it will be a brighter day not only for this country but also as it relates to the whole military issue that I will talk about the next time we come to the floor. I'm talking about what the military spends, which is the largest consumer of energy and which may save fuel on the face of the earth when it comes down to one entity.

With that, we yield back the balance of our time.

GREAT AMERICANS

The SPEAKER pro tempore (Mr. PATRICK J. MURPHY of Pennsylvania). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING. Mr. Speaker, I appreciate being recognized to address you here on the floor of the United States Congress.

All of this subject matter that we have before us, we have weighty decisions here before this Congress. As we prepare to go forward into a Presidential election, these issues come more and more to the focus.

But also I know that while we are deliberating on our intense issues that will set the destiny of America, we have great Americans that have served in this Congress that have helped set the destiny and direction of this country as well. And as we move towards those dates, it's important that we recognize those people.

One of those folks that is among that group I'm talking about is with us here tonight, Mr. Speaker, and that's the gentleman from California, the ranking member of the Armed Services Committee, the former chairman of the Armed Services Committee, a brave patriot in his own right.

I would be happy to yield so much time as he may consume to Mr. DUNCAN HUNTER of California.

Mr. HUNTER. I thank the gentleman for yielding, and I'm ready to give him more time with that wonderful introduction, one that I don't deserve. But I thank the gentleman.

I asked Mr. KING to let me take a little time from his time tonight to talk about a couple of wonderful individuals. The first person I would like to mention is, of course, a lady who has been a wonderful representative from my office for many years in Imperial County, which was a big part of my congressional district for many years, and that's Carole Starr. And Carole Starr, when I got my congressional district moved out to Imperial County from San Diego County and went literally all the way from the Pacific

Ocean to the Colorado River to Arizona, taking in the entire Mexican-California border, I found that I had a brand new constituency. It's a lot like the gentleman's from Iowa.

I had a large farming constituency, a community in Imperial County with people of great character and people with lots of issues that were vastly different than the issues of folks who live in San Diego, but also people with a wonderful sense of patriotism. In that big valley, Imperial Valley, we had the Naval Air Facility where the Blue Angels train in the wintertime, and where we now have one of the best training grounds of any location in the United States. We're adjacent to the big Chocolate Mountain Gunnery Range, and an airplane or a group coming from any part of the United States to train can get up there and train 365 days a year in that good desert air.

We also have that wonderful farming constituency, probably the most productive land in the world, acre-for-acre, under irrigation from the Colorado River. It's a place where we have lots of people with great character. And communities like Brawley and El Centro and Calexico and Imperial and lots of other wonderful communities in Imperial County.

Running that entire county for our office was a wonderful lady named Carole Starr. I lost the Valley a few years ago, Imperial Valley, in redistricting, but Carole Starr was such a fantastic person, and today is quite ill, she's under the weather right now and is home resting in Imperial County with a very difficult ailment. But I just thought it would be important to take the floor and talk about Carole for a minute because she was such a big part of our operation in Imperial County and such a wonderful leader in that county.

□ 2230

You know, I had a pretty full office in San Diego County and usually seven or eight folks there in the office. Carole Starr ran the Imperial County office all by herself, and whether you were a person of means in Imperial County, or if you just hitchhiked in and just came in off of the freeway off-ramp, you could walk into our congressional office in Imperial Valley Airport in Imperial and knock on that door, and Carole Starr would greet with you with a smile and say, "How can I be of service to you?"

And Carole weathered all these very difficult issues that we had, from the carnal bunt disease that took down our green crop one year, to the myriad problems with the Colorado River, the desalinization plant there at Yuma, the ongoing water struggles that always engulfed California politics, and of course, all of the day-to-day work that you find in any congressional office where you have folks that need to get that Social Security check or make sure that they get that particular veterans' service or have some help with the IRS.

Anybody could walk in Carole Starr's door, and they would be greeted with great professionalism, a warm smile, and a "How can I help you" attitude, and I always called Carole Starr the "Star of the Valley."

And you know, over the years, Mr. Speaker, when I would visit Imperial Valley with my family, and especially my two boys, Duncan and Sam, Sam started out when we got Imperial County. Really, he had just been born. He was a brand new baby, and over the years, he grew, and one of the things that we did many times when we were in Imperial Valley was we would always match up Carole, who stood about five three, with Sam. And Carole always wanted to see how fast he was growing and try to estimate when he would surpass her height.

I know one time, back when DICK CHENEY came to Imperial County to work with me on some of the desert issues, and Carole Starr would always do a back-to-back with my son Sam to see how much he had grown over the last month or so. And on that occasion—and that was about, oh, I don't know, about 1992 or 1994—in fact, my son Sam Hunter at that point surpassed Carole Starr in height, and of course, he's been growing ever since. He's now about six two.

But Carole Starr was just a warm, wonderful person who had a trademark of directness and honesty and good will. And today, she lies quite stricken by a very severe ailment, and I just hope that God will hold her in the palm of his hand and take care of her and give comfort to her family because Carole Starr represented the very best of our outreach to our community.

And I know every Member of this body has several dimensions to their service. One dimension is what we do here on the House floor and what we do with respect to legislation and bills and the administration, whether it's Democrat or Republican. But the other dimension is how we relate to our constituents in our district, and just like the gentleman from Iowa, we all have about 700,000 folks in our district. And some of them have real pressing problems, and in some cases, we are the last resort for those constituents who have been to Federal agencies and have been turned down or stiff-armed or have no other options, and they come to us.

And sometimes we're able to help them, but we're only able to help them when we have great, wonderful people serving us in our district offices, and Carole Starr, who ran the entire Imperial County—and I called her the "Star of the Desert" because she truly was one of those people with a great, great heart and great professionalism.

Mr. Speaker, I'd also like to mention a couple of other individuals who are very important to me, and I know we've got lots of people retiring this year. We've got a lot of folks that have served here for many years. I just want to mention a couple of people, JIMMY SAXTON and TERRY EVERETT, two great

personal friends and two great servants of this country on the House Armed Services Committee are, in fact, retiring.

You know, JIMMY SAXTON came in, I believe it was in 1982 when he came into office, and I remember he replaced Ed Forsythe. In fact, when he went in to get the obligatory picture taken with then-President Ronald Reagan when he was a candidate for Congress, Ed Forsythe had passed away. And he was that well-known Congressman who had a butch haircut, and he wore a bow tie and was quite well-known on Capitol Hill.

And when JIMMY SAXTON walked up to Ronald Reagan and said I'm running for Ed Forsythe's seat, Ronald Reagan, not having read the Washington Post all that much, said "Go get him," and of course, JIMMY SAXTON said, "I can't do that, he's a decedent, and I'm running for the open seat."

But JIMMY SAXTON started a career in which he represented his Third District in New Jersey so ably, and he worked on environmental matters. He worked on local issues, and he protected those important military bases and gave them their best shot at surviving base closure, which he did very effectively, I might add, and he helped to bring the New Jersey back to New Jersey, that great battleship.

But I think JIMMY's most important work was done in the Armed Services Committee, in that committee and on the House floor. He chaired that very important Subcommittee on Terrorism. He traveled around the world. Every time you found two Green Berets or Navy SEALs or Army Rangers, JIMMY SAXTON was there talking to them, learning what they needed, learning about operations, and then making a difference when we marked up the Defense bill.

And JIMMY SAXTON will be sorely missed. He's now the ranking member on the Air and Land Forces Subcommittee that makes important decisions. To Chairman ABERCROMBIE, he's the ranking member, and he of course is still the JIMMY SAXTON of great diligence who puts in lots of hours, working these important issues.

And I'm going to miss JIMMY SAXTON. He's one of those great public servants who gives so much more to this country than he gets, and he likes it that way.

And he's got a little bit of a back ailment right now. I think that's because he was probably the only guy in the history of New Jersey athletics who was about a 5-foot-9 shot-putter, held the State shot put record as a high schooler, weighing a whopping 160 pounds. And maybe JIMMY SAXTON started out at six two or six three, but right now he's got a little bit of an ailing back because of that great prowess that he had with the shot put.

JIMMY SAXTON is just a great, wonderful person, and he's helped to make the Special Operations that is now so important to war fighting and espe-

cially important to the war on terror, to make our Special Operations effective and to make it not only a leading command in many of the theaters, a command that is to be supported by the combatant commanders in those particular theaters, but also a supporting force when it's necessary.

And the way the Special Operations has laminated and integrated and worked with the line units in our war-fighting theaters has been a real part of the success of the American operations in Iraq and Afghanistan. A lot of that was due to JIMMY SAXTON. He is a guy who can look at an issue, without becoming parochial and without becoming polarized, get all the information and try to make a wise decision, using that great judgment.

And so I'm going to miss JIMMY SAXTON, and more than that, I think this is country going to miss him.

You know, the other guy I'd like to talk about just briefly is TERRY EVERETT. Here's a guy who came from a working background, went to work for a newspaper, was a writer and editor and, finally, a publisher and an owner of a little string of newspapers in Alabama and then ran for Congress and got elected. And TERRY EVERETT is another one of those guys who, like JIMMY SAXTON, has gone right to the heart of national security.

And as the chairman of the Strategic Subcommittee, and also a member of the Armed Services Committee who's on the Intelligence Committee, he has a unique understanding of the importance of space assets and what we have to do with space assets to maintain our economy and our security. And there's probably very few people, if anybody else, in the Congress who understands space as well as TERRY EVERETT.

TERRY EVERETT's not a guy you will find making speeches. He's always the guy with the shortest remarks at the press conference when he attends a press conference. But when you close the doors, when you're working on the Intel Committee or the Armed Services Committee, or a combination of issues that affect both those committees, he's one of the hardest working guys that you will ever see.

It's guys like TERRY EVERETT that make this country's security apparatus run so well. They don't put out a lot of press releases, but they put out a lot of hard work.

And also, TERRY's got that great sense of being able to work with people, gain their trust, find out what the issues are, and then work to resolve those issues. That's so important when you work with lots of intelligence officers, when you work with the Special Operations Command, when you work with the space command, and you have to not only do that but you've got to serve the people back home.

And TERRY also, incidentally, is a master woodworker. I remember I was in his little woodworking studio there at his house in Alabama, and I was going to ask TERRY if I could work on

some cabinets in his woodworking studio. And he said sure, and I looked down and there were some spots of blood on the floor. I said, "What's that?" He said, "Well, that's just where I cut my hand kind of badly with that machine over there." He said, "I leave that blood there just to remind me to be careful." I haven't completed my woodworking course with TERRY EVERETT, but I look forward to that.

So, Mr. Speaker, those are a couple of great individuals who have really made their mark in this House, and they're going to be leaving us. We're sorry to see them go.

And incidentally, another guy who's done a great job on this committee, ROB ANDREWS from New Jersey, also. Great, great, wonderful individual, often was really a center of bipartisan cooperation on important issues. And you know, we'd be sometimes polarizing on the Armed Services Committee, with a Democrat position and Republican position. Most of the time we're bipartisan, but then we'd start to polarize. We'd all kind of wait to listen to ROB ANDREWS because he would look at the issue on the merits. And sometimes he'd come down on one side and sometimes he'd come down on the other, but you knew that his position was always a result of reason and was not necessarily a result of looking over and kind of counting the votes and trying to figure out where his team was going or where the other team was going.

We need folks like that in these difficult, partisan times to bring us together, find that common ground and move the country forward. And I always thought ROB was the very representative of that style that is so important to the success of this House.

So, Mr. Speaker, thanks for letting me take this time. It's always fun to come down and take a big bite out of somebody else's time, and I want to thank the gentleman from Iowa for letting me take some of his minutes here. I really appreciate it.

And the gentleman from Iowa, incidentally, is a very wonderful friend and a great colleague and a guy who really has been working this energy issue with great energy and was a wonderful host to those of us who spent our time in Iowa in that Presidential race, including those of us like myself who had rather short-lived campaigns. The gentleman from Iowa was always there, always gracious, always willing to put a group together, and helped to create that great forum that is Iowa politics. I want to thank the gentleman.

And I want to thank him, also, for his great help on the border fence, a very important issue. And he helped to push this bill that we finally got passed in 2006. We got a mandate to build 854 miles of double-border fence, got watered down a little bit by the other body, but we're still constructing. And we've got projects now in Arizona, New Mexico, Texas, and California. And the gentleman did a lot of work to make sure that happens.

So I want to thank him.

Mr. KING of Iowa. Well, I really thank the gentleman from California as I reclaim my time, and I'd be glad to yield however much time might be needed to continue the compliments to myself. I'll be quite as generous with that particular time.

But I want to say, Mr. DUNCAN HUNTER from California is a brave and great patriot and has poured forth his appreciation for many of his colleagues, and I'm sure as the months unfold we'll hear this emerge in many accolades for the accomplishments of DUNCAN HUNTER.

And I want to say as you came to Iowa to campaign for the Presidency, and sometimes it was late nights, and it was often early mornings. And I remember this situation, the night of the straw poll, August 11, 2007, when it was the big test. And everybody had to count their straw polls and votes that came in, and however that shook out, that gave some people momentum, and other people lost momentum. And some people that had momentum had already left the State before the votes were counted.

But I had an early press call to be down to the State Fair on the east side of Des Moines fairly early the following morning. It was a Sunday morning. I arrived there, but I had to wait in line because DUNCAN HUNTER was there with his cowboy hat, and he was already working the State Fair. I don't know if it was before the sun came up, but it was right away in the morning. That's the kind of tenacity that we expect in your successor, and I yield back to you.

Mr. HUNTER. I thank you, and let me tell you, the State Fair in Iowa was wonderful. It was also wonderfully hot. That was a good little scorcher, the State Fair, but man, you had a tremendous State Fair. I've never seen one like it.

□ 2245

So I just want to thank you and all of the wonderful people of Iowa. The great thing about them, they'll always listen to you and they'll let you make your point. And they very much, I think, treasure the fact that they're one of the first primaries in the Nation. And where they point this thing has a lot to do with the final nominations for both parties.

It was a lot of fun. And let me tell you, campaigning in a State where you get to go to a lot of State fairs is not a bad deal. We had a great, great time in Iowa. And also going to the county fairs in the various counties. And I will say that in some counties there's a lot of road between fairs. But the gentleman takes that in stride.

Mr. KING of Iowa. There is that. And we have some county fairs that are larger than a lot of State fairs.

We live our fairs there in the State and we live our politics. And it's all politics all the time, 24/7. And that brings people to where they're paying

attention to the issues and they take it seriously. And we have a statewide conversation going on constantly—over the telephones, the e-mail, over the back yard, in the coffee shop, at the fairs, all the activities that are going on.

Mr. HUNTER. I thank the gentleman. Thanks a lot for letting me take that time to talk about Carole Starr and TERRY EVERETT and JIMMY SAXTON.

Mr. KING of Iowa. Thanks for your comments. I thank, again, the gentleman from California as I reclaim the balance of my time.

I think that my transition, as I watch the former chairman of the Armed Services Committee walk from the floor, I take this over to the subject matter of Iraq and Afghanistan, Mr. Speaker. It's been a little while since we've had intense discussions on that here on the floor.

I would point out, as a matter of refreshment to those who haven't been so focused on our situation, we are a country at war. And we were attacked on September 11, 2001 and we lost 3,000 Americans in those three locations where we were attacked.

The President then launched an offensive in Afghanistan, drove the Taliban out of Afghanistan, and people on that land voted for the first time in the history of man. Ever since Adam and Eve there hadn't been people go to the polls in Afghanistan. That happened fairly quickly; I believe it was about a little more than 1 year from the time that we went in.

And in Iraq, where Saddam Hussein was violating, let me say, the United Nations Resolution 1441—and many others—the decision was made, based upon global intelligence, to go in and remove that tyrant who was killing his own people on a regular basis. He had started a war against Iran, where there were more than 1 million killed. And he had used weapons of mass destruction to destroy thousands of his own country men, women and children.

I have made a number of trips into Iraq. I sat with the chief justice who was on the panel that was lined up to try Saddam. And I asked the chief justice and the other justices, what is the penalty that Saddam is looking at? Now, he was in jail, and no one knew whether he was going to face the death penalty. And one of the other junior judges tried to explain to me, and he said that the penalty that Saddam is facing, well, we have a series of penalties; we have prison terms, we have life without parole—well, actually, he said we have the death penalty, then we have life in prison, and then we have other shorter terms, and it goes on down just like it does in the United States.

And as I watched the chief justice listen to the more junior justice explain that to me—which didn't explain a lot, actually—the chief justice, sitting there with a big white mustache, was tapping his pencil on the table and he wanted to be recognized. And I turned

to him for clarification and he said, Saddam is charged with crimes against humanity. Under Iraqi law, there is only one penalty, and that's death. And that's, ladies and gentlemen, when the world found out that Saddam was actually facing a death penalty. And about a year later then he did meet the end of his rope.

And that was a dramatic time in the history of Iraq. It took the fear away from the Iraqis. They were never sure whether he was going to emerge, whether he would be found not guilty and released onto the streets. They were never sure if he would light up again or reconfigure his Baathist political machine, reestablish his force of tyranny across the country, take over the control of the people and terrorize the Shias, and control the oil again and use that country for his own evil purposes. They knew that Uday and Qusay were dead, but they didn't know that Saddam would not come back until they knew he was dead as well. That changed the dynamics in Iraq. And thousands, in fact, millions of Iraqis are grateful for the sacrifice that's been made by coalition troops, American troops and American taxpayers, who have given up a fair amount of treasure to match a significantly large loss of blood and humanity in that country.

But what do we have today and where are we today and how did we get here? Well, in this Congress, this 110th Congress, Mr. Speaker, when NANCY PELOSI took the gavel—I will not forget that moment in time—and they began, on that side of the aisle, to bring resolutions to the floor in an attempt to unfund the war in Iraq. A whole series of pieces of legislation came raining down in this 110th Congress, directed to the floor, approved to coming to the floor by Speaker PELOSI, forty resolutions to undermine our military effort in Iraq. Forty different resolutions on the floor of this Congress calling for votes, trying to divide us, trying to see where they could find a way where they could squeeze off the resources to our military and ensure defeat, which is what it surely would have done. But we stood up, and we put the pressure back on the other side. And enough Democrats voted with Republicans to save this agenda that so many have sacrificed their lives and their blood for.

When I talk to the soldiers that serve there, and the airmen and the Marines and the Navy personnel, and when I talk to the parents who have lost a son or a daughter, they say, You can't pull us out of this fight. Don't do this to us, please. We're all volunteers. We're all volunteers here to carry out this mission. We want to take this fight away from our children and our grandchildren. We want it done in our time.

They put their lives on the line and they set aside years of their lives, many of them multiple deployments to go over there, 100 percent of them volunteers. Not just for the military.

They didn't just sign up, they knew when they signed up or when they re-upped that the odds were good that they would be deployed into the theater of either Iraq or Afghanistan.

And so they're all volunteers, Mr. Speaker. And they volunteer because they love this country, they understand our history, and they understand that we need to direct its destiny, not people that live in foreign countries, not the people that hate America, but the people that love America are the ones that protect our destiny. They're in uniform, they're in places like Iraq and Afghanistan, they're standing up and defending our freedom, and we need to stand with them.

And so I'm troubled, Mr. Speaker, when I pick up an op-ed, and it was written by the junior Senator from Illinois, the junior Senator who served 147 days in the United States Senate, his only Federal office exposure, until he decided that he wanted to be the President of the United States. That junior Senator has been to Iraq one time, one time almost 900 days ago, but for more than 900 days he said, We've got to get out of Iraq, we've got to get out now, we've got to pull our troops immediately out of Iraq. And the only conditions are leave a rear guard there to guard their backs so they don't get shot in the back on their way out of Iraq. That's what I heard. I heard it not exactly in those words, but I heard that theme over and over again. And it was exactly the words "immediately pull our troops out of Iraq." That's what the junior Senator from Illinois said. That's the position he holds today.

He does understand that to pull 142,000 troops out of Iraq takes a little bit of time. He has said in his op-ed that's printed July 14 in the New York Times that he would consult with commanders on the ground and the Iraqi Government to ensure that our troops were redeployed safely and our interests protected. Well, that's the only consultation he's willing to accept is if somebody else will plan the logistics of the retreat.

And I would remind the body that victory in a war is defined by who's standing on the ground that was fought over when the war is over. It's like a street fight; whoever is standing there on the corner won the fight, and the one whose buddies drug him off or walked or ran away is the one that lost. We all know that. You can't run away from a fight and declare victory. It doesn't work in a street fight, it doesn't work in a battle, and it doesn't work in a war. And you can say what you want to about history, but they're going to write history according to the facts; and the facts will be who was standing in Iraq at the end of the war, not who declared defeat and pulled troops out.

But it is not just tantamount to a declaration of defeat to pull troops out and run away from an enemy, it is a declaration of defeat itself by any measure, by any judgment of history. I

would just remind, again, Mr. Speaker, that we pulled out of Vietnam, "peace with honor," I remember, "peace with honor." And I remember this Congress voting to shut off all dollars to go to the South Vietnamese where they were, by then, trained to defend themselves. And we had made a sacred oath to the South Vietnamese people that we would provide for them all of the military equipment, all the munitions, and all of the air cover that they would need and use to defend themselves. And they were trained and equipped and they had their military squared away to do that. And this Congress passed legislation on an appropriations bill that said, "These monies in this appropriations bill and any monies heretofore appropriated shall be prohibited from being spent to defend any military mission in Vietnam, on the ground of Vietnam, in the skies over Vietnam, in the seas around Vietnam"—North or South Vietnam it actually said—"or in the skies or land around Laos and Cambodia, neighboring counties." They covered it pretty good.

Any money that was in the pipeline was prohibited from being spent to allow the South Vietnamese people to defend themselves. And any money in the Department of Defense appropriations bill would be prohibited from being used to let the South Vietnamese people defend themselves with those resources.

We failed the South Vietnamese people. We gave them a solemn promise and a solemn oath, and we pulled out on them. And this country remembers people hanging on to the struts of helicopters as they lifted off of the U.S. Embassy in Saigon, a disgraceful image in the minds not just of patriotic Americans who saw that, sadly, but an image in the minds of people like al Qaeda who are inspired now because we didn't stick it out then.

And I read General Giap's book, the general who is credited with being the mastermind that set up the strategy that historians will describe as the defeat of the United States in South Vietnam. I would argue that we were not defeated there, but we were defeated here on the floor of this Congress. That's the fact of it, Mr. Speaker.

And on page eight of General Giap's book, he writes that he got his first inspiration that they could defeat the United States because we were willing to settle for a negotiated settlement in Korea. Because we didn't press forward for a complete 100 percent total victory over North Korea, he got the sense that we didn't have the stomach to finish a war that we were in. And so he set about with a strategy of the war of attrition, and they lost over 100,000 of their troops, killed in the Tet Offensive in 1968. And Walter Cronkite turned that into a defeat for the United States rather than a victory for our troops that so gloriously defended their positions and their compounds and the

South Vietnamese people. Over 100,000 North Vietnamese troops killed in the Tet Offensive, and Walter Cronkite interpreted that as a defeat for the United States because he didn't know why there were sappers inside the wall but not inside the U.S. Embassy in Saigon.

That's how history turned. History turned because it was redefined by liberal media people, and has since then been redefined by historians. And it's defined this way in the minds of Osama bin Ladin, General Giap, and also people like Muqtada al Sadr. And as I was actually in Kuwait, June 11, 2004, watching al Jazeera TV, Muqtada al Sadr came on and he said—and I was watching the closed caption going underneath the screen, he was speaking, I presume, in Arabic, the closed caption said—and I heard the voice of Muqtada al Sadr, he said, "If we keep attacking Americans, they will leave Iraq, the same way they left Vietnam, the same way they left Lebanon, the same way they left Mogadishu."

The inspiration for our enemies doesn't come from some ideology that causes them to rise up and move in a fashion that—they're not seeking a better world or a better life, it's hatred for us. And they think they can defeat us because they believe we're soft and we lack resolve. And they go back and keep score of our history and they say, well, they pulled out of Vietnam, they pulled out of Lebanon, they pulled out of Mogadishu, surely they'll pull out of Iraq. Well, they're dealing with a different Commander in Chief today than who was in charge in any of those circumstances. This time it's George W. Bush who is sticking this out. And I'm sticking it out with him, Mr. Speaker, because he's right. The central battle in this global war on terror is now and has been for a long time Iraq, Iraq, Iraq.

□ 2300

That's changing. It's transitioning over to Afghanistan, perhaps Pakistan, but today it's Iraq, Iraq, Iraq. And we have everything but a sewed-up victory there.

When I look at the statistics that come out of Iraq, it tells me this: that civilian violence is off. It's down by about 80 percent from its peaks. Our military casualties are down dramatically as well. There has been 1 week where the accidental deaths in Iraq, 1 by my record so far, where the accidental deaths in Iraq were greater than the combat deaths in Iraq. That means you're getting down to one or two or three for the week. The casualties in Afghanistan have been for the last 4 to 6 weeks roughly equal to or greater than they are in Iraq.

Now, I would ask, Mr. Speaker, that you consider this: that we have about 140,000 to 142,000 troops in Iraq; we have about 26,000 troops in Afghanistan. So the numbers work out to be that there are about 5.38 times more troops in Iraq than there are in Afghanistan.

And if the casualties are roughly equivalent in each of the two countries, the casualty rate in Afghanistan is 5.38 times greater than the casualty rate in Iraq. That is a dramatic sea change, Mr. Speaker, in the numbers of casualties within the two countries. And it isn't just because the casualties have gone up in Afghanistan, which they have, but it's because they have gone down dramatically in Iraq.

And the Department of Defense issued a couple of weeks ago sectarian attack statistics. Now, if you remember, we had people like the gentleman from Pennsylvania, who professes to be an expert on these issues, the one who said pull the troops out now, let's cut and run out of there and move them back to their horizon, who said that we had a civil war in Iraq and we had sectarian violence in Iraq and the place was melting down in shambles and chaos and the war could not be won. It was already lost. That from a retired Marine, that we already lost. Well, the sectarian violence, the violence that was described as uncontrollable, unmanageable, and going to get worse, the last report that came from the Department of Defense was sectarian violence, Shias killing Sunnis, Sunnis killing Shias for the sake that they are opposite sects, sectarian violence: zero. No recorded cases of attacks for sectarian reasons. Civilian violence off at least 80 percent, our casualties down to a level below where they are in Afghanistan for the last couple of weeks at least and spanning over the last 6 weeks equivalent roughly to Afghanistan. But the casualty rates in Afghanistan are 5.38 times higher than they are in Iraq.

Now, why is anybody unsatisfied with this? When I kept asking the question: Describe for me, define for me a victory in Iraq. How do you define that victory in Iraq? These folks over here are pretty cagy, Mr. Speaker, because they're not going to define a victory in Iraq. They know that we can achieve that. So they set up these benchmarks, 18 benchmarks for the Iraqis to reach, and if they didn't meet the benchmarks, then they were going to pull the plug on the funding and shut off the support for the troops and bring them all home. That was the strategy. And that was the strategy when General Petraeus came here to Congress—I think it was the 12th or 15th of September last year—and he gave a report on the situation in Iraq. And the junior Senator from New York said, "It would require the willful suspension of disbelief to believe you, General Petraeus." "The willful suspension of disbelief."

Well, look where we are today, Mr. Speaker? Who was telling the truth then? Was it the skeptic that came forward and denied the facts that were in front of her? Was it the general that laid out objectively the circumstances, with proper cautions, with proper caveats, but still with the proper strategy? And he sat down at Leavenworth and

spent months writing the manual, the counterinsurgency manual. And I have that manual, and I have pored through it. I haven't read every word of it, but I have read a lot of the pieces in it. And that strategy was put together, as I sense it, as I read it, from the experience that General Petraeus had in Iraq and other experiences around other locations where he had been deployed, plus a lot of reading, a lot of experience, a lot of activity with other officers.

I remember going to Iraq for the first time in 2003, and I talked to the officers. They didn't know very much about the culture in the Middle East, and they didn't have a lot of books that they'd read about it. And I came home and started to read. I went back to Iraq, and I saw the bookshelves in their offices in places like Baghdad and Fallujah with more books on the Arabic culture, on the Muslim religion, on ways to understand the culture and the religion and the military tactics. We saw our officers start to get up to speed and learn, and they got up to speed and learned. And no one has learned that I can tell any more or any faster than General Petraeus.

And when I read this op-ed in the New York Times, written by the junior Senator from Illinois, who spent 147 days in the Senate and decided he should be the leader of the free world, he writes a few things in here that are quite disturbing. I will just take this kind of from the top. This is his op-ed that says what he is going to learn when he goes to Iraq. Now, this is a classic case of really getting the sequence of things wrong.

Now, I'm a cynical person sometimes. That's what it takes to maintain sanity in this Congress, Mr. Speaker, and I would say that I could name more than one individual in this Congress that decided that they were getting enough pressure from their constituents that they wanted to flip and change their position on the war on terror and particularly the central battlefield of that, which is Iraq. And I can name more than one individual that I believe decided they wanted to change their position, turn against the war, and so they set up a trip to go to Iraq so that they could learn what was going on over there, having already made up their mind that they were going to flip and turn against it. I could name more than one person. I choose not to do that, but I can do that. And they aren't all Democrats either, Mr. Speaker. That is a cynical thing to do. It's a cynical thing to do to come to a conclusion without the facts and then set up a trip so that you can validate the conclusion that you've already come to and come back and say, "Well, here's what I've learned. I've learned that we've got to pull out and pull out now, and since I have been there, I really am convinced of that." That has happened in this Congress multiple times actually from both sides of the aisle.

Well, Senator OBAMA takes it way another level. He goes to way another level, and he decides, I'm going to go to Iraq for the first time in 900 days. For more than 900 days, he has said we're going to pull the troops immediately out of there. And he's already decided what he's going to find out when he gets there. That's not exclusive new. I said I can name some people who have done that, and I think it's cynical and it's wrong. And remember when he said "the audacity of hope"? Now, that's kind of an oxymoron. Hope is not in an active sense. Wishful thinking is what hope is. "The audacity of hope." Well, what about the audacity of declaring to the world what he's going to learn when he gets there in a couple of weeks and putting it in an op-ed in the New York Times and telling us, well, I will go there and I am going to learn what's there, and then here's what I am going to do when I come back after I learn what it is I don't know. He's going to pull the troops out immediately. And he writes in his op-ed, dated the 14th of July: "But the same factors that led me to oppose the surge still hold true."

How does he know that, Mr. Speaker? How can he know that the same factors that led him to oppose the surge, the same factors presumably that led him to oppose our operations in Iraq, still hold true? What factors? What factors has he verified today that he thinks are going to be confirmed when he gets there? And if he already has his mind made up, why waste the jet fuel? Why put those global warming greenhouse gasses up in the atmosphere and fly over to Iraq if you already know what you think? What is going to be validated by his presence there when he already invalidates his own objective judgment by writing the op-ed that tells the world what it is that he wants us to know that he has concluded after he actually goes there but tells us before?

And he says of the Iraqis that the "leaders have failed to invest tens of billions of dollars in oil revenues in rebuilding their own country."

Not so. They are investing now tens of billions of dollars. I know that they were in a situation where they had about \$60 billion in revenue and they were working furiously to get it so that they could get it down and out to the people. And we are getting that revenue out to the people. I met with the mayor of Ramadi some months ago. He sounded like, let's say, the mayor of Altoona: "I need more resources. I can't quite get the bureaucrats out of the way. I've got to build a sewer. We need a water plant. We have got to fix some streets." That's what it sounded like to me. And those are the streets that al Qaeda owned them less than a year before, and we went shopping in downtown Ramadi. It was the center of death for a long time there.

So the Iraqis are investing tens of billions of dollars. But if they weren't, is the punishment for not taking your

tens of billions of dollars and investing it, is the punishment turning your back over to al Qaeda? What kind of a foreign policy is that?

And then we go on and he says: "They have not reached the political accommodation that was the stated purpose of the surge." Well, what is that political accommodation? He does not say. And he doesn't say because he can move that ball of string in front of the kitten again. He can play Lucy with Charlie Brown and the football in the fall, set the ball, and when Charlie comes along, the Iraqis, to make their political accommodations and they get ready like Charlie Brown to kick the football, then Lucy, the junior Senator from Illinois, can say, "Whoops. Nope, that wasn't the target. That was a different political accommodation. I'll tell you what it is if you hit it." Well, you're not going to hit it with this man. He already has his mind made up. No amount of accomplishments, no amount of statistics, no amount of real data on the ground, no amount of sacrifice is going to change his mind because politically he has concluded that it strengthens his hand to, let me say, invalidate the sacrifice of thousands and thousands of Americans who have either given their lives; their limbs; parts of their bodies; their health, mental and physical; their treasure; and years out of their lives. To take that fight from us, to take that fight from our children and grandchildren would all be invalidated because it would strengthen his hand politically. That's the calculus.

So it says here, and again I am reading from this New York Times op-ed dated July 14 by the junior Senator from Illinois, 147 days in the Senate and decided he wanted to be President—it says here in his op-ed: "The good news is that Iraq's leaders want to take responsibility for their country by negotiating a timetable for the removal of American troops."

Well, that's an opinion on an opinion. And my opinion on that opinion is, Mr. Speaker, that the Iraqis are starting to feel their oats a little bit. Yes, we have made a lot of progress, and a very good sign of the progress is that at least politically Prime Minister Maliki needs to say, "I want to negotiate a timetable." That tells me that the Iraqis are building in their confidence, and that's good news.

Two other things that have happened in the last 1½ years that didn't exist before is the Iraqi people understand we are not there for their oil and they understand we are not there to occupy, and that has helped dramatically in helping the Iraqis to make progress moving forward. But "the good news is that Iraq's leaders want to take responsibility for their country by negotiating a timetable for the removal of American troops," he could have chosen his words a little better. That sets a little wrong with me, that word "removal." But what that says is we are succeeding in Iraq. And a year ago, 2

years ago, 3 years ago, 4 years ago, the answer was did all the Iraqis want us to leave? Yes. All of the Iraqis wanted us to leave, just not anytime soon. They wanted to make sure that their country was stable. We have been training troops there for a long time, Mr. Speaker, and I don't know that the junior Senator knows that.

But in any case, the timetable for American troops coming home needs to be set upon the security levels in Iraq, not some arbitrary date. But the dates that are being proposed by the Iraqi leadership are well beyond the date that is in this op-ed that's written by the junior Senator from Illinois. So they are not on the same page. Maybe he doesn't know that because he hasn't gone there for 900 days. And when he sits down and talks to them, and I hope he does, is he going to come back and correct this? I don't think so because he already has his mind up. He has given us a report from Iraq, sent to us a couple weeks before he goes to Iraq. That's kind of being a little bit trigger happy with your op-ed, I would say.

□ 2315

Now here is another piece that I underlined. Obama says, "Only by redeploying our troops can we press the Iraqis to reach comprehensive political accommodation and achieve a successful transition to Iraqis' taking responsibility for the security and stability of their country. Instead of seizing the moment and encouraging Iraqis to step up, the Bush administration and Senator MCCAIN are refusing to embrace this transition."

Really? If he had gone to Iraq like I have and dozens and dozens of Members of Congress have and thousands upon thousands of Americans in uniform have, he might have been exposed to some of the things I have seen. For example, October 2003, Mosul, Iraq, General Petraeus commanding the 101st Airborne showed us, and this would be about 11:30 at night, he brought Iraqi troops into formation that had been training. And those Iraqi troops stood at attention. And we reviewed the Iraqi trainee troops October 2003. May, 2003, they had elections in Mosul. Liberation took place about the 22nd and 23rd in that area of March 2003. Just a little over a month later, there were elections in Mosul, Iraq, where they elected a governor, a vice governor and other officers there. That was all under the direction of General Petraeus.

And so if you go there, Mr. Speaker, and you witness those things, you understand the reality on the ground is significantly different than the reality imagined by the gentleman who penned this op-ed. And I would continue, by the way, I repeat the statement where he says, the Bush administration and Senator MCCAIN are refusing to embrace this transition to Iraqi security forces providing the security in Iraq. They are the people that invented it, Mr. Speaker. It has been the President and his appointed officers who have

made sure that we had the resources to train Iraqi troops and to get Iraqi troops stood up so our troops could stand down. Do you remember that phrase? When the Iraqi troops stand up, we can stand down. That statement came out over and over again.

And I have met with Iraqi troops across that country over and over again. And sometimes they train pretty good. And sometimes they didn't perform so well. But today, we know they fight well for Prime Minister Maliki. And because of that, the day is coming where we can transition. And we've drawn the surge volume of the troops down now, and we're back to the more stable number of 100,000 to 142,000 troops. We think those numbers will be diminished some more throughout the summer.

But let it be a strategic decision, not a political decision. Politicians don't do a good job of fighting wars. I've described what we did on the floor of this Congress to pull the rug out from underneath the South Vietnamese. I just didn't tell you about the 2 or 3 million who died in the aftermath. That blood is on the hands of the people who didn't keep their promise to the South Vietnamese. And I don't want the blood on our hands for not following through on our mission that we committed ourselves to. Once you engage, you're with the troops 100 percent. You're with the mission 100 percent. You cannot separate the troops from their mission. And it doesn't work to say, I'm for the troops but I oppose their mission. It doesn't work to say, I celebrate our brave troops, but I brought a resolution to the floor, an amendment to try to cut the funding for them. I tried to cut their food, their fuel, their bulletproof vests, M-4s and their Humvees. That is not support. And they need moral support as well as financial support, Mr. Speaker.

And under the next paragraph in his op-ed in the New York Times it says, "It is a strategy for staying that runs contrary to the will of the Iraqi people." Really? How would he know what the will of the Iraqi people is? It helps to go there and find out. You can get somebody in this country to tell you anything you want to hear. And you can repeat it over and over again. When you go there and you see the faces of the Iraqi people and you move among their troops and among their civilians, you get an entirely different idea. You get an idea of gratitude. I have gotten written letters from them where they have profoundly thanked us for the sacrifice of our American soldiers, sailors, airmen and marines. We've given them a lot. We've given them our treasure. And we've given them our sons and daughters. And they're willing to step up to this freedom. We cannot squander it.

This is another comment made by OBAMA in this op-ed to the New York Times. It says, "It is a strategy for staying that runs contrary to the will of the Iraqi people." And moving for-

ward it says, "That is why, on my first day in office, on my first day in office, I would give the military a new mission: Ending this war." That is the definitive statement made by the junior Senator from Illinois: "On my first day in office, I would give the military a new mission: Ending this war."

Regardless of the circumstances on the ground, Mr. Speaker, regardless of how badly we might need to have troops there to stabilize the Iraqi defense forces, regardless of the threat, regardless of the threat across the Straits of Hormuz, Iran and their nuclear efforts and Ahmadinejad's lunatic approach to the world, denying the holocaust, declaring that he wants to annihilate Israel and annihilate the United States, and have him sitting there on one side of the Straits of Hormuz where 42.6 percent of the world's oil supply comes through and take our troops and skedaddle out of Iraq, and hand southern Iraq over to the influence of the Iranians perhaps? Where 70 to 80 percent of the Iraqi oil is? And again, right on the other side of the Straits of Hormuz, on both sides of the Straits is where most of the oil is in Iran, on the east side of the Straits of Hormuz and Iraq on the west side of the Straits of Hormuz, in there is a mother lode of oil. Those oil fields are developed, that oil is coming out of there, and it's coming down the Straits now. And if Iran follows through on their threat to close the Straits of Hormuz, they have a stranglehold on the oil supply for the world. Not only do they have that, but they have a stranglehold on the valve that turns the economy off or on if they choose to do so. And they have threatened to close the Straits. And we have in the past put our Navy in there to keep the Straits open.

That, Mr. Speaker, is the time for the Speaker, NANCY PELOSI from San Francisco, to declare that we should open up our Strategic Petroleum Reserves, dump that oil on the market where we have, I understand, about 2 months of supply in the Strategic Petroleum Reserve and use that to drive the price down? What do we do when those reserves are empty and the oil production in the world hasn't gone up, and we haven't developed our energy supplies in the United States? What do we do then? What do we do if Ahmadinejad then closes the Straits of Hormuz after our Strategic Petroleum Reserve is empty and we have taken a dime or so off the gas price in the United States, taken some pressure off the world demand for oil because we wouldn't be quite so much in the market which would give the Chinese a better deal on oil, that would be the strategy that we're working with?

Our national security is at risk. The destiny of this Nation is at risk. And if we pull out of Iraq, if we elect an OBAMA for President, and he follows through on this thing that he is about to learn in a couple of weeks when he goes to Iraq and he has already con-

cluded and he writes in the op-ed, I'm going to editorialize this part, and I will be straight about that, he writes in the op-ed, I'm going to Iraq, and I'm going to learn all this, and I'm going to come back, and these are the decisions I have already made, and I'm going to remake them when I come back. "That is why on my first day in office, I would give the military a new mission: Ending this war." That means get out of Iraq. Pull out immediately. He said it over and over again, leave that blood and treasure there and leave the disgrace of pulling out there, and let the world declare it to be a defeat for the United States. Let al Qaeda use it as a recruiting tool, a recruiting tool for them to pick up terrorists around the world. That is what would happen, Mr. Speaker, if we pull out.

And I do think we're close to where the Iraqis can stand on their own and it is far more stable. But to just simply betray the judgment of General Petraeus before setting foot on the ground that has been liberated by the surge and the people who have given their lives, their blood and their treasure is a disgrace to do. And so I urge this body to urge some of their Presidential candidate to shift his position.

In the meantime, I intend to stand with a man who is an authentic American hero, a man who has served America for every day of his adult life, a man who sat in the Hanoi Hilton for at least 5½ years, that served there with our own great SAM JOHNSON in this Congress, served with the most decorated living American hero who happens to be from Sioux City, Iowa, and a man whom I call a friend, Colonel Bud Day, a Medal of Honor and 69 other medals on down. Those men stand up with JOHN MCCAIN for his service. And they know that that he has character. It can't be challenged. The background of JOHN MCCAIN is a solid background all the way through. And the background that we have, that we follow for the junior Senator for Illinois, we're having trouble finding the place that would give us encouragement that he would have the tools necessary to lead the United States.

Mr. Speaker, I want somebody that stands up for our freedom. I want somebody who has got an attitude of an east Texan serving us in the United States, in the White House. I want somebody with an attitude like President Bush has. Sometimes you have to be a lit bit ornery, a little cussed, a little belligerent and a little bit of an enigma. And that will keep our enemies off of our back and keep them guessing a little bit. But they need to know. Our enemies need to know we're committed to victory. And we're going to stick with victory. And we're not going to let up, that Iraq cannot be our Alamo. And it will not if we send a Commander in Chief that will stand for victory. I would conclude, Mr. Speaker, that America has never elected a President who was for retreat at a time of war. We will not do it again in 2008.

I yield back the balance of my time.

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 5 p.m. and the balance of the week on account of personal reasons due to family matters.

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. SKELTON) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, July 23.

Mr. JONES of North Carolina, for 5 minutes, July 23.

Mr. ROHRBACHER, for 5 minutes, today.

Mr. STEARNS, for 5 minutes, today.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on July 9, 2008 she presented to the President of the United States, for his approval, the following bill.

H.R. 6304. To amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes.

Lorraine C. Miller, Clerk of the House reports that on July 10, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 802. To amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

H.R. 3721. 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. 3891. 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.

H.R. 4185. 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. 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. 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. 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. 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. 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. 6331. To amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access, and for other purposes.

ADJOURNMENT

Mr. KING of Iowa. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Thursday, July 17, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7580. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the eighteenth annual report on the Profitability of Credit Card Operations of Depository Institutions, pursuant to 15 U.S.C. 1637 note. Public Law 100-583, section 8 (102 Stat. 2969); to the Committee on Financial Services.

7581. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's Annual Report to Congress on the Presidential \$1 Coin Program, pursuant to 31 U.S.C. 5112 Public Law 109-145, section 104(3)(B); to the Committee on Financial Services.

7582. A letter from the Senior Vice President, Office of Congressional Affairs, Export-Import Bank, transmitting the Bank's report on export credit competition and the Export-Import Bank of the United States for the period January 1, 2007 through December 31, 2007; to the Committee on Financial Services.

7583. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7584. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Mexico pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7585. A letter from the Secretary, Department of Education, transmitting the Department's final rule — The Teacher Education Assistance for College and Higher Education (TEACH) Grant Program and Other Federal Student Aid Programs [Docket ID ED-2008-OPE-0001] (RIN: 1840-AC93) received July 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

7586. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the

Community Services Block Grant Statistical Report and Report on Performance Outcomes for Fiscal Year 2005; to the Committee on Education and Labor.

7587. A communication from the President of the United States, transmitting notification terminating the suspensions pertaining to the issuance of temporary munitions export licenses for exports to the People's Republic of China, pursuant to Public Law 101-246, section 902(b)(2) (104 Stat. 85); to the Committee on Foreign Affairs.

7588. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

7589. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting certification for FY 2008 that no United Nations organization or United Nations affiliated agency grants an official status, accreditation, or recognition to any organization which promotes, condones, or seeks the legalization of pedophilia, or which includes as a subsidiary or member any such organization, pursuant to Public Law 103-236, section 565(b) (108 Stat. 845); to the Committee on Foreign Affairs.

7590. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Texts of Conventions and Recommendations adopted by the International Labor Conference at Geneva, pursuant to Art. 19 of the Constitution of the International Labor Organization; to the Committee on Foreign Affairs.

7591. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed technical assistance agreement for technical data, defense services, and defense articles to the United Arab Emirates (Transmittal No. DDTC 003-08); to the Committee on Foreign Affairs.

7592. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles or defense services to the Government of Japan (Transmittal No. DDTC 012-08); to the Committee on Foreign Affairs.

7593. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of the United Kingdom (Transmittal No. DDTC 045-08); to the Committee on Foreign Affairs.

7594. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding an application for a license for the manufacture of military equipment abroad and the export of defense services, including technical data, and defense articles to the Government of Poland (Transmittal No. DDTC 071-08); to the Committee on Foreign Affairs.

7595. A letter from the Board of Directors, Tusiad, transmitting an analysis of the factual and legal deficiencies of H. Res. 106; to the Committee on Foreign Affairs.

7596. A letter from the Adjutant General, Veterans of Foreign Wars of the U.S., transmitting proceedings of the 108th National Convention of the Veterans of Foreign Wars of the United States, held in Kansas City, Missouri, August 18-23, 2007, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 110-

132); to the Committee on Veterans' Affairs and ordered to be printed.

7597. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting Notification of the intention to waive the prohibition on the use of FY 2007 Economic Support Funds provided with respect to Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, South Africa, and Tanzania, pursuant to Public Law 109-102, section 574; jointly to the Committees on Foreign Affairs and Appropriations.

7598. A letter from the Board Members, Railroad Retirement Board, transmitting the 2008 annual report on the financial status of the railroad unemployment insurance system, pursuant to Public Law 100-647, section 7105; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WELCH of Vermont: Committee on Rules. House Resolution 1350. Resolution providing for consideration of motions to suspend the rules (Rept. 110-761). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOUSTANY:

H.R. 6506. A bill to amend title XXI of the Social Security Act to require SCHIP annual reports to include information on the HEDIS measure relating to access to primary care practitioners by individuals eligible for child health assistance under such plans and on State efforts to avoid certain displacement of private health coverage, and to express the sense of Congress that such States should utilize Consumer Assessment of Healthcare Providers and Systems consumer satisfaction surveys to measure access by such individuals to physicians; to the Committee on Energy and Commerce.

By Mr. CHILDERS:

H.R. 6507. A bill to amend the Internal Revenue Code of 1986 to modify the partial exclusion for gain from certain small business stocks; to the Committee on Ways and Means.

By Mr. MILLER of North Carolina (for himself, Mr. CONYERS, Mr. NADLER, Ms. LINDA T. SÁNCHEZ of California, and Mr. PRICE of North Carolina):

H.R. 6508. A bill to provide an alternate procedure for the prosecution of certain criminal contempts referred for prosecution by the House of Representatives, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCOTT of Virginia, Mr. GOHMERT, and Ms. NOR-TON):

H.R. 6509. A bill to provide for the continued performance of the functions of the United States Parole Commission; to the Committee on the Judiciary.

By Mr. HOEKSTRA:

H.R. 6510. A bill to require the Director of National Intelligence to conduct a national intelligence assessment on national security and energy security issues relating to rapidly escalating energy costs; to the Committee on Intelligence (Permanent Select).

By Mr. TANCREDO:

H.R. 6511. A bill to designate the Department of Veterans Affairs hospital under construction in Aurora, Colorado, as the "Petty Officer 2nd Class Danny Dietz Department of Veterans Affairs Hospital"; to the Committee on Veterans' Affairs.

By Mr. BARRETT of South Carolina:

H.R. 6512. A bill to require agencies to review all major rules within 10 years after issuance, including a cost-benefit analysis using a standard government-wide methodology, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. KANJORSKI (for himself, Mr. BACHUS, Mr. FRANK of Massachusetts, Ms. PRYCE of Ohio, Mr. MEEKS of New York, Mr. CAMPBELL of California, Ms. BEAN, Mr. DAVIS of Kentucky, Mr. HINOJOSA, Mr. ROSKAM, Mr. MOORE of Kansas, Mr. CASTLE, Mr. SCOTT of Georgia, Mr. SHAYS, Mr. HODES, and Mrs. CAPITO):

H.R. 6513. A bill to amend the Federal securities laws to enhance the effectiveness of the Securities and Exchange Commission's enforcement, corporation finance, trading and markets, investment management, and examination programs, and for other purposes; to the Committee on Financial Services.

By Mr. JONES of North Carolina (for himself and Mr. PAUL):

H.R. 6514. A bill to amend title 10, United States Code, to ensure that every military chaplain has the prerogative to close a prayer outside of a religious service according to the dictates of the chaplain's own conscience; to the Committee on Armed Services.

By Mr. RAHALL (for himself, Mr. WELCH of Vermont, Ms. SUTTON, Ms. CASTOR, Mr. CARSON, Mrs. BOYDA of Kansas, Mr. WALZ of Minnesota, Ms. GIFFORDS, Mrs. GILLIBRAND, Mr. HODES, Mr. HALL of New York, Mr. SPACE, Mr. SIREN, Mr. WILSON of Ohio, Mr. YARMUTH, Mr. COURTNEY, Mr. MCNERNEY, Mr. FALEOMAVAEGA, and Mr. FOSTER):

H.R. 6515. A bill to amend the Naval Petroleum Reserves Production Act of 1976 to require the Secretary of the Interior to conduct an expeditious environmentally responsible program of competitive leasing of oil and gas in the National Petroleum Reserve in Alaska, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Foreign Affairs, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ABERCROMBIE (for himself, Mr. YOUNG of Alaska, and Ms. HIRONO):

H.R. 6516. A bill to provide for retirement equity for Federal employees in nonforeign areas outside the 48 contiguous States and the District of Columbia, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN (for himself, Mrs. MALONEY of New York, and Mr. CAPUANO):

H.R. 6517. A bill to require the Securities and Exchange Commission to reinstate the uptick rule on short sales of securities; to the Committee on Financial Services.

By Mr. COHEN:

H.R. 6518. A bill to increase public confidence in the justice system and address any

unwarranted racial and ethnic disparities in the criminal process; to the Committee on the Judiciary.

By Mr. COHEN (for himself and Mr. ISSA):

H.R. 6519. A bill to amend the Immigration and Nationality Act with respect to temporary admission of nonimmigrant aliens to the United States for the purpose of receiving medical treatment, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas (for herself, Ms. WATSON, Mr. DELAHUNT, Mr. PITTS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Mr. PAYNE, Ms. KILPATRICK, Mr. SMITH of New Jersey, Ms. SOLIS, and Mr. HASTINGS of Florida):

H.R. 6520. A bill to increase global stability and security for the United States and the international community by reducing the number of individuals who are de jure or de facto stateless and at risk of being trafficked; to the Committee on Foreign Affairs.

By Mr. GARRETT of New Jersey (for himself, Mr. MCHENRY, Mr. MCCOTTER, Mr. PRICE of Georgia, Mr. ROYCE, Mr. HENSARLING, Mr. BACHUS, Mr. FEENEY, Mr. BARRETT of South Carolina, Mrs. BACHMANN, Mr. LUCAS, and Mr. JONES of North Carolina):

H.R. 6521. A bill to reform the regulation of certain housing-related Government-sponsored enterprises; to the Committee on Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH SANDLIN (for herself, Mrs. CUBIN, Mr. POMEROY, Mrs. BOYDA of Kansas, Mr. KAGEN, and Mrs. McMORRIS RODGERS):

H.R. 6522. A bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination; to the Committee on Agriculture.

By Mr. KAGEN:

H.R. 6523. A bill to ban the export of Alaskan oil; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Mr. OBERSTAR):

H.R. 6524. A bill 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; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM of Minnesota (for herself and Mr. WALZ of Minnesota):

H.R. 6525. A bill to amend the National Assessment of Educational Progress Authorization Act to require State academic assessments of student achievement in United States history and civics, and for other purposes; to the Committee on Education and Labor.

By Mr. MELANCON:

H.R. 6526. A bill to establish the 8/29 Investigation Team to examine the events beginning on August 29, 2005, with respect to the

failure of the flood protection system in response to Hurricanes Katrina and Rita, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ROHRABACHER (for himself, Mr. ROYCE, Mr. AKIN, Mr. BROUN of Georgia, Mr. JONES of North Carolina, Mr. FRANKS of Arizona, Mr. YOUNG of Alaska, and Mr. GARY G. MILLER of California):

H.R. 6527. A bill to amend the National Environmental Policy Act of 1969 to exempt any solar energy project on lands managed by the Bureau of Land Management from an environmental impact statement requirement; to the Committee on Natural Resources.

By Mr. CHABOT:

H. Res. 1351. A resolution expressing support for the United Nations African Union Mission in Darfur (UNAMID) and calling upon United Nations Member States and the international community to contribute the resources necessary to ensure the success of UNAMID; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 303: Mr. MCHUGH.
 H.R. 690: Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. MATSUI, and Mr. ORTIZ.
 H.R. 821: Mr. BRADY of Pennsylvania.
 H.R. 996: Mr. PAYNE, Mr. TOWNS, and Mr. RANGEL.
 H.R. 1073: Mr. DOGGETT and Mr. GOODE.
 H.R. 1153: Mr. BISHOP of Utah, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. DOOLITTLE, Mr. FRANKS of Arizona, and Mr. KLINE of Minnesota.
 H.R. 1228: Mr. BRADY of Pennsylvania.
 H.R. 1385: Mr. ALTMIRE.
 H.R. 1428: Mr. GERLACH.
 H.R. 1436: Mr. GERLACH.
 H.R. 1524: Mr. SPACE.
 H.R. 1606: Mr. CUMMINGS.
 H.R. 1671: Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Ms. WOOLSEY, Mr. FORTUÑO, Mr. WEXLER, and Mrs. DAVIS of California.
 H.R. 1774: Mr. MILLER of North Carolina.
 H.R. 1927: Mr. GERLACH.
 H.R. 1942: Mr. DENT.
 H.R. 2020: Mr. SOUDER.
 H.R. 2045: Mrs. CAPITO.
 H.R. 2123: Mr. FATTAH and Mr. ELLISON.
 H.R. 2164: Mr. TIERNEY.
 H.R. 2169: Mr. MEEKS of New York.
 H.R. 2205: Ms. GIFFORDS.
 H.R. 2233: Ms. LINDA T. SÁNCHEZ of California.
 H.R. 2289: Mr. TIERNEY.
 H.R. 2343: Ms. MOORE of Wisconsin.
 H.R. 2493: Mr. TIM MURPHY of Pennsylvania.
 H.R. 2686: Mr. DOGGETT.
 H.R. 2923: Mr. STUPAK and Mr. CARNEY.
 H.R. 2981: Mrs. MYRICK.
 H.R. 3024: Mr. WATT.
 H.R. 3089: Mr. PORTER.
 H.R. 3098: Mrs. MUSGRAVE.
 H.R. 3132: Mr. WEINER.
 H.R. 3175: Mr. SESTAK.
 H.R. 3187: Mr. PETERSON of Minnesota and Mr. RYAN of Ohio.
 H.R. 3202: Mr. BOUSTANY.
 H.R. 3212: Ms. CASTOR.
 H.R. 3334: Mr. KILDEE and Mr. RYAN of Ohio.
 H.R. 3438: Mr. BRADY of Pennsylvania.
 H.R. 3439: Mr. CONYERS and Ms. HIRONO.
 H.R. 3622: Mr. HULSHOF and Mr. MARIO DIAZ-BALART of Florida.
 H.R. 3689: Mr. WITTMAN of Virginia.

H.R. 3737: Mr. MCCOTTER, Mr. MCDERMOTT, and Mr. FARR.
 H.R. 3753: Mr. COOPER, Mr. CARSON, and Mr. TERRY.
 H.R. 3829: Mr. HINCHEY.
 H.R. 3846: Mr. MCDERMOTT and Mr. FALEOMAVAEGA.
 H.R. 3874: Ms. PRYCE of Ohio.
 H.R. 4014: Mr. ALLEN.
 H.R. 4015: Mr. ALLEN.
 H.R. 4016: Mr. ALLEN.
 H.R. 4071: Mr. SMITH of New Jersey.
 H.R. 4093: Mr. SARBANES.
 H.R. 4109: Ms. SCHAKOWSKY.
 H.R. 4157: Mr. LUCAS, Mr. EHLERS, Mr. WILSON of South Carolina, Mr. SCALISE, and Mr. WITTMAN of Virginia.
 H.R. 4188: Mr. SESTAK.
 H.R. 4310: Mr. GRIJALVA.
 H.R. 4344: Mr. CALVERT.
 H.R. 4544: Ms. GINNY BROWN-WAITE of Florida, Mr. WILSON of Ohio, Mr. KAGEN, Mr. BROWN of South Carolina, Mr. BISHOP of New York, Mr. ADERHOLT, Mr. MARKEY, Mr. CARNEY, Mr. SERRANO, Mr. CONAWAY, and Mr. WITTMAN of Virginia.
 H.R. 4775: Mr. SMITH of Washington and Ms. MATSUI.
 H.R. 4854: Ms. LINDA T. SÁNCHEZ of California.
 H.R. 4987: Mr. WESTMORELAND, Mr. DUNCAN, and Mr. PORTER.
 H.R. 5110: Mr. SARBANES.
 H.R. 5161: Mr. SIRES.
 H.R. 5265: Ms. HOOLEY and Mrs. WILSON of New Mexico.
 H.R. 5268: Mr. LEWIS of Georgia, Mr. TIERNEY, Mr. LARSON of Connecticut, Mr. THOMPSON of Mississippi, Mr. STUPAK, and Mr. GUTIERREZ.
 H.R. 5404: Mr. BOYD of Florida.
 H.R. 5441: Mr. DAVID DAVIS of Tennessee.
 H.R. 5447: Mr. NADLER.
 H.R. 5466: Mr. JACKSON of Illinois.
 H.R. 5534: Ms. SOLIS.
 H.R. 5564: Mr. BRADY of Pennsylvania.
 H.R. 5573: Mr. SARBANES.
 H.R. 5632: Mr. CAZAYOUX and Mr. JEFFERSON.
 H.R. 5646: Mr. LAMBORN and Mr. KLINE of Minnesota.
 H.R. 5652: Mr. WALSH of New York.
 H.R. 5684: Mr. GERLACH.
 H.R. 5723: Mrs. EMERSON.
 H.R. 5756: Mr. TIERNEY, Mr. UDALL of Colorado, and Mr. CLAY.
 H.R. 5774: Mr. CONYERS, Mr. PALLONE, and Mr. BRADY of Pennsylvania.
 H.R. 5852: Mr. CAPUANO.
 H.R. 5882: Mr. SESSIONS and Mrs. MYRICK.
 H.R. 5914: Mrs. EMERSON.
 H.R. 5921: Mr. SESSIONS.
 H.R. 5936: Mr. TIERNEY.
 H.R. 5946: Mr. HONDA.
 H.R. 5951: Ms. JACKSON-LEE of Texas.
 H.R. 5954: Mr. ALLEN and Mr. FORTUÑO.
 H.R. 5971: Mr. SHADEGG.
 H.R. 5990: Ms. LINDA T. SÁNCHEZ of California.
 H.R. 6039: Mr. CAMPBELL of California and Mr. SESSIONS.
 H.R. 6076: Mr. FATTAH and Mr. CUMMINGS.
 H.R. 6113: Ms. FOXX, Ms. GIFFORDS, and Mr. JOHNSON of Georgia.
 H.R. 6120: Mr. BRADY of Pennsylvania.
 H.R. 6123: Mr. DAVIS of Illinois.
 H.R. 6140: Mr. SALLI.
 H.R. 6172: Ms. DEGETTE and Mr. TANCREDO.
 H.R. 6185: Mrs. DRAKE and Ms. GINNY BROWN-WAITE of Florida.
 H.R. 6199: Mr. KING of New York.
 H.R. 6203: Ms. KAPTUR.
 H.R. 6210: Mr. DONNELLY and Mr. CROWLEY.
 H.R. 6277: Mrs. EMERSON.
 H.R. 6282: Mr. PAYNE.
 H.R. 6283: Mr. FILNER.
 H.R. 6288: Mr. HERGER.
 H.R. 6328: Ms. ROS-LEHTINEN and Mr. SMITH of New Jersey.

H.R. 6368: Mrs. BLACKBURN.
 H.R. 6371: Mr. WELCH of Vermont.
 H.R. 6379: Mr. BISHOP of Utah, Mr. MCHENRY, and Mr. DOOLITTLE.
 H.R. 6404: Ms. BORDALLO, Ms. MCCOLLUM of Minnesota, and Mr. PAYNE.
 H.R. 6418: Mr. PITTS, Mr. AKIN, Mr. WESTMORELAND, Mr. FRANKS of Arizona, Mr. WALBERG, Mr. SAM JOHNSON of Texas, Mr. BONNER, Mr. WELDON of Florida, Mr. MCCOTTER, Mr. SALI, Mr. MCHENRY, Ms. FALLIN, Mr. BISHOP of Utah, Mr. BROWN of South Carolina, Mr. PRICE of Georgia, Mr. RYAN of Wisconsin, Mr. MARCHANT, Mrs. MYRICK, and Mr. MCCAUL of Texas.
 H.R. 6424: Mr. BUTTERFIELD.
 H.R. 6428: Mr. ALEXANDER, Mr. BISHOP of Utah, Ms. FALLIN, Mr. DOOLITTLE, Mr. SALI, Mr. MCCOTTER, Mr. WELDON of Florida, Mr. SAM JOHNSON of Texas, Mr. WALBERG, Mrs. SCHMIDT, Mr. PITTS, Mr. WILSON of South Carolina, Mr. GINGREY, Mr. WAMP, and Mr. BROWN of South Carolina.
 H.R. 6439: Mr. JOHNSON of Georgia and Mr. SPACE.
 H.R. 6453: Mr. SOUDER and Mr. SALI.
 H.R. 6458: Ms. ESHOO and Mr. STARK.
 H.R. 6460: Ms. SUTTON, Mrs. MILLER of Michigan, Ms. MOORE of Wisconsin, Mr. DINGELL, Mr. WALBERG, and Mr. SIRES.
 H. R. 6478: Ms. BERKLEY, Mr. BOREN, and Mr. ROSS.
 H.R. 6479: Ms. LEE, Ms. PELOSI, Ms. WOOLSEY, and Mr. HONDA.
 H.R. 6486: Mr. McNULTY.
 H.J. Res. 79: Ms. MCCOLLUM of Minnesota and Ms. SUTTON.
 H.J. Res. 89: Mr. GOODLATTE, Mr. HERGER, and Mr. HULSHOF.
 H.J. Res. 94: Mr. SALLI.
 H. Con. Res. 24: Mr. RUSH.
 H. Con. Res. 73: Mr. BUTTERFIELD.
 H. Con. Res. 214: Mr. COSTA.
 H. Con. Res. 356: Mr. COHEN and Mr. BERRY.
 H. Con. Res. 357: Mr. HULSHOF and Mr. ROGERS of Kentucky.
 H. Con. Res. 361: Mr. SHERMAN.
 H. Con. Res. 386: Mr. GOODE.
 H. Res. 645: Mr. BRADY of Pennsylvania, Mr. BLUNT, Mrs. MYRICK, Mr. WALDEN of Oregon, and Mr. BISHOP of Georgia.
 H. Res. 655: Mr. COHEN.
 H. Res. 672: Mr. TOWNS, Mr. REYES, and Mr. LEWIS of Georgia.
 H. Res. 937: Mr. SHERMAN.
 H. Res. 1052: Mr. COHEN.
 H. Res. 1069: Mr. SHERMAN.
 H. Res. 1078: Ms. WOOLSEY and Mr. MCDERMOTT.
 H. Res. 1161: Mr. TIERNEY.
 H. Res. 1179: Mr. EVERETT, Mr. PORTER, Mr. RUPPERSBERGER, and Mr. CALVERT.
 H. Res. 1202: Mr. MCHENRY and Mr. KNOLLENBERG.
 H. Res. 1254: Mr. SHERMAN and Ms. ROS-LEHTINEN.
 H. Res. 1279: Mr. HOLDEN, Ms. SUTTON, and Mr. GRIJALVA.
 H. Res. 1290: Ms. SLAUGHTER, Ms. ROYBAL-ALLARD, Mr. SHERMAN, Mr. BACA, Mr. FATTAH, Mr. ENGLISH of Pennsylvania, and Mr. BISHOP of Georgia.
 H. Res. 1296: Ms. MOORE of Wisconsin, Ms. WATSON, Mr. ELLISON, Mr. HASTINGS of Florida, Mr. KLEIN of Florida, Mr. HAYES, Mr. CAPUANO, Mr. HARE, Mr. COURTNEY, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. SCOTT of Virginia, Ms. EDWARDS of Maryland, Ms. SHEA-PORTER, Ms. CLARKE, Ms. FOXX, Mr. KAGEN, Mr. DONNELLY, Mrs. DAVIS of California, and Mr. HODES.
 H. Res. 1306: Mr. ROGERS of Kentucky and Mr. MICHAUD.
 H. Res. 1319: Mr. BISHOP of New York.
 H. Res. 1324: Ms. MCCOLLUM of Minnesota and Mr. GENE GREEN of Texas.
 H. Res. 1328: Mr. SHAYS, Mr. WILSON of South Carolina, Mr. WOLF, Mr. GERLACH, Mr. KENNEDY, Ms. GINNY BROWN-WAITE of Florida, and Mr. CARNEY.

H. Res. 1329: Ms. SOLIS.
 H. Res. 1330: Mr. WITTMAN of Virginia.
 H. Res. 1336: Mrs. BLACKBURN, Mr. GINGREY,
 Mr. DAVIS of Kentucky, Mrs. MYRICK, Mr.
 CUELLAR, and Mr. SULLIVAN.
 H. Res. 1345: Mr. WEXLER and Ms. LEE.

H.R. 415, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

aging Member States to include parliamentarians in their national delegation to the high-level review meeting; to the Committee on Foreign Affairs.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative ROB BISHOP, or a designee, to

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

290. The SPEAKER presented a petition of the General Assembly of the United Nations, relative to Resolution A/RES/62/178 encour-

291. Also, a petition of the Parliament of Georgia, relative to a resolution requesting support and clear position to condemn Russia's infringement of Georgia's national integrity; to the Committee on Foreign Affairs.

292. Also, a petition of the California Federation of Teachers, relative to a Resolution supporting H.R. 1008, condemning the persecution of Baha'is in Iran; to the Committee on Foreign Affairs.



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No. 117

Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father in heaven, who amidst the traffic of our busy ways sustains us, continue to order the steps of our Senators. Lift their gaze to the beckoning hills of Your help, leading them on paths that bring them to hope and away from despair. Lord, as they journey toward justice and peace, make them satisfied to follow Your plans and fulfill Your purposes. Give them a positive attitude as they face today's challenges as You direct them to discern what is Your best for our Nation and to courageously vote their convictions.

Lead, Kindly Light, amid the encircling gloom. Guide us through the darkness of our own devices to the sure and certain destination of faith and trust in You. We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 16, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following leader remarks, there will be a period of morning business for up to 1 hour, with Senators permitted to speak for up to 10 minutes each. The majority will control the first 30 minutes, Republicans will control the second 30 minutes. Following morning business, the Senate will resume consideration of S. 2731, the Global AIDS bill.

There should be rollcall votes during the day. Senator BIDEN told me last night they expect to finish the bill today. So I hope that, in fact, is the case.

MEASURE PLACED ON THE CALENDAR—S. 3268

Mr. REID. Mr. President, I understand that S. 3268 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will read the title of the bill for the second time.

The legislative clerk read as follows:

A bill (S. 3268) to amend the Commodity Exchange Act to prevent excessive price speculation with respect to energy commodities, and for other purposes.

Mr. REID. I object to any further proceedings with respect to the bill.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

ENERGY SPECULATION

Mr. REID. Mr. President, the bill that was read for the second time is a bill I introduced last night and put on the calendar. I attended a chairmen's meeting 2 weeks ago today. Much of the discussion at that meeting was on gas prices. Much of the discussion on gas prices dealt with speculation. The chairs of that meeting asked if I would prepare a piece of legislation dealing with speculation.

That is what this is all about. There are four or five Democratic proposals, there are some bipartisan proposals dealing with speculation. That is what the bill that I have introduced does. It takes some from all of those, what we believe is a good part of these bills and brings it to the floor.

There might be perfection in some things, but legislation is not one of them. It is very difficult to get something that is absolutely perfect. So this bill is not perfect.

Is speculation a problem? Of course, it is a problem. Is it the problem? No. But it is an issue we must deal with. So I would hope in the near future to bring this bill to the floor as a starting point for us to have some discussion as it relates to energy.

In arriving at the point where we introduced this bill, I had a meeting last Thursday, where we had people from the financial management world, banks, academics. We had, for example, one person who is the chief executive officer of United Airlines, who previously was chairman of Texaco and vice chairman of Chevron, who has a unique view as to what is going on.

His airline, all airlines in the country, are in deep trouble. He sees it from the perspective of someone running a major airline, United Airlines, and also having run major oil companies.

These academics, and you will see the writers, believe that probably speculation amounts to about 30 percent of the cost of a gallon of gasoline. Now, the bill that has been introduced does a

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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number of things. It closes the London loophole, which prevents traders in the U.S. oil energy commodities from going overseas to evade regulatory requirements in the U.S. exchanges.

It directs the Commission to work with international regulators to develop uniform international reporting standards. It eliminates excessive speculation. It requires the Commission to set position limits on traders who are not involved in legitimate hedge trading of energy commodities, requires large trader reporting, requires large traders of energy commodities in over-the-counter markets to file reports of their activity with the Commission and directs the Commission to step in whenever a major market disruption occurs.

It makes index traders and swap dealers report. These market participants must routinely provide detailed reporting to the Commission to ensure that their activity is not adversely impacting price in any negative fashion.

It increases the CFTC enforcement resources. It directs the Commission to hire an additional 100 employees to improve enforcement transparency. It makes energy markets more transparent by directing the Department of Energy to collect information, analyze market data, and investigate financial institution investments in natural gas markets.

I have had a number of informal discussions with the Republican leader. I hope this piece of legislation dealing with speculation, which we hope will be bipartisan in nature, will be the beginning of our having a good discussion on energy prices, before we leave for the August recess.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

A NEW SLOGAN

Mr. MCCONNELL. Mr. President, our Democratic friends yesterday came up with a new slogan for gas prices. It was: "Act more, talk less." They talked about it in the press, they talked about it in the Chamber, they even used a colorful floor chart to make a point.

Frankly, I could not agree more with their new slogan. I hope they take it seriously too. It is time to get about passing serious, balanced legislation that will actually make a difference.

Americans are hurting as a result of high gas prices, and they are looking to us for action. This is an issue that affects every single American. So it is of great importance to every Member of this body.

The vast majority of Americans are asking us to get at the root of the problem, instead of timidly dancing around the edges as some have tried to do. It is clear that the American people

strongly support increased responsible domestic production. It is also clear, at this point, that a solid bipartisan majority in the Senate is ready and willing to move forward on limited environmentally sensitive exploration here at home, so we can reduce our dependence on Middle East imports.

Republicans welcome the new-found slogan from our friends on the other side of the aisle, but we hope it is more than a slogan. We should act more and talk less. In the days ahead, the American people will be able to judge who wants to boldly act and who wants to just talk. So it is important for us not to fail the American people at this critical point. I wish to congratulate the majority leader for turning to this subject. I think it is clearly and unambiguously the most important issue in the country. We look forward to having a real Senate-style debate over different approaches to this matter and, hopefully, coming together at the end of the time with a proposal that both sides can feel proud of, that the markets will respond favorably to, and that people will generally feel made a difference on the No. 1 issue confronting the American people.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, with Senators permitted to speak therein for up to 10 minutes each, and the time equally divided between the two leaders or their designees, with the majority controlling the first half of the time.

ENERGY

Mr. BINGAMAN. Mr. President, I wished to address this issue which both the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL, have talked about; that is, high gas prices.

This is a very real problem for Americans throughout the country. High gas prices today, the high price of home heating fuels as we approach the fall and winter, particularly natural gas prices which are expected to be much higher this winter; propane prices; and home heating oil prices.

Unfortunately, as I am sure we are all aware, there has been a lot of politics mixed in with the debate about what we ought to be doing to try to deal with and help solve this problem. I hope we can put that behind us and get onto a substantive discussion of the concrete steps that would make sense.

Most agree there are three areas we might constructively address in the

very near term in the Congress. I hope we are able to address all three. The first is the one Senator REID was talking about earlier, and that is, the proper functioning of energy markets or the so-called problem of speculation in our markets.

The second, of course, is how do we reduce our demand for oil. Everyone recognizes that part of the high price of gas is the increasing demand for oil, and the United States is a significant participant in increasing demand.

The third item is the increasing of supply which needs to be part of the solution as well, in my view.

On the issue of proper functioning of the markets, Senator REID pointed out that as majority leader he has now put forward a piece of legislation which we hope can gain bipartisan support and we hope can be addressed in the Senate in the very near future. It takes some of the ideas that have come from the Republican side of the aisle, and some of the ideas that have come from the Democratic side of the aisle, and tries to meld these two into a piece of legislation that will do some real good in taking speculation out of the market.

Now, there is a lot of dispute as to what extent there is speculation affecting the price of oil. But most experts say the increased speculation in commodity markets is one factor.

On the issue of demand reduction, there are a lot of ideas also around the Congress as to things we might do. The President has not spoken about demand reduction, at least I have not heard him say anything about that. He has not spoken about the issue of speculation in the markets either or urged action there.

But I think the Congress ought to try to address both to speculation issue and demand reduction. Third, we ought to try to do something on the issue of increasing supply. Now, the President has made this his sole issue that requires attention, as I understand his recent statements.

He specifically has said the current ban on drilling in the Outer Continental Shelf is what needs to be changed, that is the one thing standing between the American people and a lower price for gas at the pump. Now, 2 days ago, he took action to revoke the Presidential withdrawal of this Outer Continental Shelf land and challenged Congress to act similarly in the immediate future before the August recess.

Let me try to put some facts out for people to understand on this general issue. Before doing so, I ask unanimous consent that my total time allowed be 20 minutes as part of morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. This first map tries to make the point as to what we are talking about. We are all talking about the OCS, the Outer Continental Shelf. There are four areas that constitute the OCS. It is an area 200 miles going out from the U.S. coast all around the

country, on the east coast, the west coast, the Gulf of Mexico, and all around Alaska. Those are the four areas that contain Outer Continental Shelf lands. These are submerged lands owned by the Federal Government. They have always been owned by the Federal Government. There is no dispute about that. States have rights going 3 miles out into the Outer Continental Shelf but after that, the Federal Government controls those lands. That is the OCS.

So if we should be drilling more in the Outer Continental Shelf, where does that resource lie? The Minerals Management Service, which is part of our Department of the Interior in this administration, says their best calculation at this point is that 44.9 billion barrels of oil are in the Gulf of Mexico; that is 52 percent. Another 31 percent is not in the Gulf of Mexico, it is around the area of Alaska. On the east coast, there is 4 percent of what we believe exists in the way of oil in the OCS; and on the west coast, 12 percent. That is their best estimate at the current time. On natural gas, it is even a larger amount in the Gulf; there is about the same amount in Alaska as there is oil percentage-wise, 31 percent; and you can see natural gas is 4 percent on the Pacific coast and 9 percent off the Atlantic coast. That is where the resource is. To put it simply, according to this MMS 2006 survey, 83 percent of the oil and 86 percent of the natural gas on the Outer Continental Shelf is located in one of two places, either the Gulf of Mexico or the area around Alaska.

The Atlantic coast is estimated to contain only 4 percent of the oil and 9 percent of the natural gas, and the Pacific coast is estimated to contain 12 percent of the oil and 4 percent of the natural gas. That is the basic information.

What is the proposal that Senator MCCONNELL and President Bush have put forward to try to deal with this problem? First, let's talk about what they have not proposed. They have not proposed any change in the Gulf of Mexico. They have said, leave the law as it is in the Gulf of Mexico. There is no proposed lifting of any ban there. Second, they have not proposed anything with regard to the area of second most promise, and that is around Alaska, because there is no moratorium to be lifted up there. Third, they have said as to the two areas that have the least resource as far as we know, the east and west coasts, that we should give the Governors and the State legislatures of the coastal States the authority to decide whether there is to be any drilling off their individual coasts. Not only should we give them that authority, we should bribe them, in a sense, to make the right decision by promising to give them a chunk of the revenue, if, in fact, there is development permitted off their coast and if, in fact, they allow it.

This has been characterized, both by the President and the media, as giving

the States a say. That is not what the legislation calls for. This legislation calls for giving the legislatures and the Governors a veto over development off their coasts. That is an unprecedented action by this Congress to say, OK, this is Federal land. This is a Federal resource. We are trying to craft a national energy policy. The way we want to go about it is to give each State legislature and each Governor the ability to veto development off their particular coast. I think that is a terrible idea. I have spoken many times about this. I hope the Congress will not agree to go along with the idea that we shift this responsibility and authority to the State level. That is a point people need to keep clearly in mind.

I believe strongly that there are several categories of land that are not subject to the drilling ban, not subject to any moratoria, where we could be producing more oil and gas. I wish to go through that list and explain it a little bit. The first area is drilling leases that are not producing oil. We know for a fact that most of the area that has been leased is not producing oil. Here is a chart that says 83 percent of the leased area in the OCS is not producing energy. There may be good and sufficient reasons why the companies that lease that land are not producing oil from it, but I believe we need to ensure that there is diligent development of existing leases. I don't know that that is the case. We wrote a letter to Secretary Kempthorne—30 Senators signed the letter—urging him to look into this and see if more can be done. I hope we can do more, and I am persuaded that we can. There are 2,200 producing leases on the Outer Continental Shelf. There are 6,300 nonproducing leases. There are many reasons for this, but clearly this is something we should look into, and I believe we can do better to produce oil from areas that have already been leased.

The second area on this chart is leases offered but not taken by oil companies. Here again, the current 5-year plan includes a sale every year in the central and western Gulf of Mexico. We had a recent sale in this lease sale 181 area that Congress legislated on in 2006, near the eastern Gulf of Mexico. The fact is, for much of the land offered for leasing—two companies at the time—MMS received no bids. We need to get to the bottom of that and figure out why, when we offer this land for lease, companies are not coming forward and actually bidding.

Let me also talk about this third area which is areas scheduled to be leased but not yet leased. The administration has done what previous administrations have done, and that is to have a 5-year schedule of leases. We have a 5-year schedule in place now. The lease sale I referred to in March was part of that 5-year schedule. I believe there are 16 additional lease sales scheduled in 2008, 2009, 2010, 2011, and 2012. All of those are on this chart on the right, scheduled lease sales. We

need to look at that and ask: Is this an ambitious enough schedule of lease sales? Do we believe there is a greater appetite by the oil industry than this reflects? Do we believe that if we put up more land for leasing, we would get more production more quickly? If so, we should consider doing this. I don't see any reason why the Bush administration couldn't offer a more ambitious plan in this regard.

The final category is areas that are not in the moratorium. They are subject to no moratorium for drilling, and also they are not in the 5-year plan. So they are not scheduled to be leased in the future either. We have a chart here on Alaska. Most of the area I am talking about is the Outer Continental Shelf that surrounds Alaska. You can see it is a very large area. Of course, we claim our right to drill and to ownership of the submerged lands way out around the Aleutian Islands. All of this is part of the Outer Continental Shelf. What this chart shows is that there are 918 million acres in the Outer Continental Shelf around Alaska that are open for drilling but have not been included in the administration's 5-year plan. So of the area in the Outer Continental Shelf in Alaska that is not covered by moratoria, about 15 percent is included in the administration's 5-year plan. The other 85 percent is areas not covered. I would think the first thing to do, if you want to get more production in the OCS in the near term, is to ask: How do we get more of that 85 percent leased? If there is a demand for that, if the oil companies wish to develop that, how do we get that leased or how do we take the schedule of lease sales that take us through 2012 and accelerate some of that? I haven't seen anything from the administration indicating a desire to do that. We need to look at that as well.

All of these things I have on this list are ways to increase oil production that do not require any change with regard to who is going to control access to the Outer Continental Shelf. As I indicated, that would be a big mistake to grant that authority to State legislatures and Governors.

Let me summarize by going back and asking, what should we do, what should we as the Congress do in the coming weeks? And I hope what we are able to do. First, we should deal with speculation. Senator REID has a proposal in that regard. I hope it can get bipartisan support, and we can move ahead.

Second, we should do all we can to encourage more reduction in demand. There are a lot of good ideas around, from Republicans, from Democrats, from experts on all sides on that subject. We are having a workshop tomorrow in our Energy and Natural Resources Committee where some of these ideas will undoubtedly be discussed, as well as ideas related to supply. We are also going to have a hearing next week on the subject of demand reduction and possible changes in policy that could help. Then we should

also look at supply. That is what the President is focused on. We should develop the leases we have already let that are currently in existence. We should be sure they are being diligently developed and take every step possible to ensure that.

Third, if companies have the ability and the desire to develop more leases on the Outer Continental Shelf, we should accelerate leasing in areas that are not covered by the moratoria, and there are a lot of them, as I think these charts have made clear. There are a lot of areas outside the moratoria that could be leased under current law.

Finally, if the administration knows of particular areas they believe have great promise and would like us to go ahead and open to leasing and that currently are not covered, I would be anxious to have them present the evidence and tell us what those are. We put a provision in the 2005 Energy bill, which many of us worked on, calling for a comprehensive inventory of OCS oil and natural gas resources. It called on the Secretary to do that. The Secretary did do a report, an inventory. He gave it to us in 2006. Unfortunately, what we said in the legislation was that the Secretary should use all available technology, any technology except drilling, including 3-D seismic technology, to obtain accurate resource estimates. The administration chose not to do that. They did not ask us for the funds to do that. So the report they gave us in 2006 does not have the benefit of any 3-D seismic survey. I think if the President believes, and if the Minerals Management Service within the Department of the Interior believes, there are areas that are currently covered by a drilling ban that have great promise, then they should come forward and at least ask for the resources to go ahead and complete the survey they were directed to do in section 357 of the 2005 Energy bill.

There is a lot of progress we can make on a bipartisan basis. We need to quit suggesting that the solution to high gas prices is taking what has always been a Federal decision—that is, who is going to have access to the Outer Continental Shelf and under what circumstances—and give it to the State legislatures and Governors. That would be a major mistake. I hope we do not go that route. There are things we can do on speculation. There are things we can do on demand reduction. There are things we can do on increased supply which I hope will help alleviate this very real problem Americans are faced with.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Ten minutes.

Mr. DORGAN. Mr. President, I ask unanimous consent to add 5 minutes to

our side and 5 minutes to the Republican side.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. No objection.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ENERGY SPECULATION

Mr. DORGAN. Mr. President, my colleague, Senator BINGAMAN, the chairman of the Energy Committee, was talking about a very important subject. Almost no American at this point can escape the consequences of what is happening with respect to our energy markets: the cost of gasoline, the cost of oil, its impact on drivers, its impact on truckers, airlines, and farmers. It is pretty unbelievable.

I have come to the floor today to talk about a bill that was introduced last evening, S. 3268, by the majority leader, Senator REID. I have been working with Senator REID—and many others have worked with him as well—to construct a piece of legislation dealing with excess energy speculation. I am convinced that dealing with excess speculation will put downward pressure on oil and gas prices.

Now, I introduced a piece of legislation in June called the End Oil Speculation Act of 2008. I have also been speaking on the issue of excess speculation in the energy markets for several months on the floor of the Senate. I have been very pleased to work with Senator REID and others, and I am pleased with the result of the piece of legislation Senator REID has introduced with my cosponsorship and others. It embodies most of that which was included in the legislation I had previously introduced in the Senate.

I wish to talk about why this is important. Now, I understand there are some people who scoff at this saying: Well, do you know what, there is no excess speculation. If we are going to deal with the energy issue, we have to drill, drill, drill.

We can drill. I support drilling. But the fact is, you can put a drill bit in the ground today, and you are not going to do one thing with respect to gas and oil prices. That is 2 years, 5 years, 10 years off. The question is, What do you do about what is happening today with excess speculation in these markets?

Now, excess speculation is not new. It has happened in other markets, and it sometimes breaks the market. When the market is broken, there is a responsibility, in my judgment, to take action.

So let me describe what I think we face. I also want to talk for a moment about this new piece of legislation we introduced last evening, which I fully support. I am sure waves of opponents will come to the floor and certainly come to offices around this Capitol Building and try to defeat it.

First of all, I have shown this many times: Fadel Gheit has testified before

our Energy Committee. For 30 years, Mr. Gheit has been a top energy analyst with Oppenheimer & Co. Here is what he says:

There is absolutely no shortage of oil. I'm absolutely convinced that oil prices shouldn't be a dime above \$55 a barrel.

What he means is there is unbelievable excess speculation in the oil futures market. He says:

I call it the world's largest gambling hall . . . It's open 24/7 . . . Unfortunately it's totally unregulated . . . This is like a highway with no cops and no speed limit, and everybody's going 120 miles per hour.

So you wonder, is there excess speculation going on that has driven the price of oil and gas up like a Roman candle? Well, according to a study that was done by the House Subcommittee on Oversight, in the year 2000, 37 percent of the people in this market were speculators. Now it is 71 percent of the people in these energy markets who are speculators.

Well, how does that happen? We have a regulator: the Commodity Futures Trading Commission. They are supposed to wear the striped shirts like referees at a basketball or football game. They wear the striped shirts and have a whistle, except these folks forgot to put on their shirt and don't know how to blow a whistle. They are not interested in being a referee. They say: Whatever happens, happens.

Mr. Lukken, the Acting Chairman of the CFTC, says: Everything is fine: "Based on our surveillance efforts to date, we believe that energy futures markets have been largely reflecting the underlying fundamentals of these markets," which means there is no excess speculation here. That is from the top regulator.

From the Secretary of Energy, Sam Bodman, last month: There's no evidence we can find that speculators are driving futures prices [for oil].

Oh, really? Let me show you this chart. This is a chart by the Energy Information Administration. We fund that agency with \$100 million a year. These are the folks who make projections. Take a look at every one of these projections for the last year, as shown on this chart: In May of 2007, here is what they said the price of oil would be. In July of 2007, here is what they said the price of oil would be. In November of 2007, here is where the price of oil would go. Yet here is where the price actually went: straight up.

Why were they so wrong? Because this is not about supply and demand. It is about an orgy of speculation—unbelievable excess speculation—that has driven this market like this.

Now, we can ignore all this. You can pretend it does not exist. But every bubble bursts. We know that. The question is, when? In the meantime, how much damage will be done to this country's economy? How much damage to the airline industry, the trucking industry, to farmers, to families trying to figure out: How do I borrow enough money to fill the gas tank in order to drive to work?

So here is what the legislation will do that we have introduced. As I describe this, let me say this: There are a lot of press conferences around here talking about what we have to do. I support all of it. In fact, Senator BINGAMAN, myself, Senator DOMENICI, and Senator Talent were the four original cosponsors of legislation of opening lease 181 in the Gulf of Mexico. That is now done. That is law. I support drilling offshore. I demonstrated that by the lease 181 position.

I do not support drilling everywhere. And if drilling is our answer every 20 years, that is called yesterday forever. I am much more interested in doing a lot of everything: conservation, efficiency, drilling, especially renewables, and I am especially interested in something that is game changing. What I would like to do, on an emergency basis, is put in place something that 10 years from now will allow us to understand we are using energy in a very different way, and we do not need so much oil from Saudi Arabia, Kuwait, Iraq, and Venezuela.

But that is not what some would have us do. The whole issue—the master narrative—for them is: You have to drill, you have to drill, you have to drill right now. Some of the same people who talk about that ignore the growing bubble in the oil futures market that has driven up the price of oil double in 1 year.

Now, I ask anybody in this Chamber to provide me and the American people with anything that has changed with supply and demand that justifies the doubling of price in 1 year. They will not do it because you cannot do it. I had one of the top people on Wall Street, from one of the biggest firms on Wall Street, come to see me. He is one of these guys that talked so fast, when he was finished talking, I was out of breath. He could not answer the question when he came to my office, and he could not answer the question when he left my office.

What has happened with respect to supply and demand that justifies the doubling of the price of oil in 1 year? The answer is: Nothing has happened in supply and demand in the last year. What has happened is this unbelievable rush of new money into these futures markets through speculators. Now, what is a speculator? First of all, these markets are very important. We had a futures market established in 1936 for a very important reason. Those who are trading—that is producers and consumers—a physical product need to be able to hedge their risks. But a substantial portion of that which is now in those futures markets is not about hedging risk by producers and consumers of a physical product. It is about people who have no interest in the product. They have interests in exchanging contracts for the purpose of making money, and they have driven up these prices in a very dramatic way.

So let me describe what we propose to do. We propose to have a regulatory

agency—one that so far has been dead from the neck up—do the following things: No. 1, distinguish between legitimate hedging—that is, hedging between producers and consumers of a physical product in order to hedge risk—distinguish between that and all other trades which are purely speculative trades having nothing to do with what the product is. They are just interested in making money with respect to their own speculation.

I have said many times that Will Rogers described this in the 1930s. He talked about people who buy things they will never get from people who never had it—and in these days with money they don't possess. But it is causing dramatic damage to this country's economy when you have a bubble of speculation occur in this commodities market.

To those who say it is not happening, I would ask them to bring this chart to the floor from the Energy Information Administration and take a look at the last eight estimates of prices for energy based on supply and demand by the best people they have to evaluate supply and demand. They should take a look at what has happened to the price of oil relative to what EIA officials expected to have happen, evaluating supply and demand. If you don't get excess, unbelievable, relentless speculation out of this chart, then you don't get it at all.

Now, the proposal that has been offered is S. 3268. I indicated it requires the delineation between normal hedging of a physical product by producers and consumers as opposed to those who are engaged in pure speculation.

Then, it requires position limits that are significant against those who are pure speculators. Those position limits are very important because that is what helps wring the speculators out of this marketplace.

The proposal also increases regulation of Foreign Boards of Trade, index traders, swap dealers, and over-the-counter transactions, among other things.

It requires the Commodity Futures Trading Commission to convene an international working group to work to find ways to standardize regulation and protect the futures markets from non-legitimate hedge trading.

The proposal would also require the CFTC to use its existing authority to revoke or modify all prior actions or decisions that prevent the CFTC from protecting legitimate hedge trades and to discourage speculative trades. Inexcusably, the Commodity Futures Trading Commission itself has taken the position: Do what you want to do. We will not look. Don't worry. In fact, the evidence of that is all in what are called "no action" letters. Boy, what a description for a regulatory agency: no action letters. They put them out again and again and again and again, which says: Do you know what, let's blindfold ourselves. We propose we blindfold ourselves. It is unbelievable, in my judgment.

We provide that 60 days after passage of this bill, a report to Congress must be offered by the regulatory agency with respect to any additional authority they need. But we take the position the CFTC has ample authority to do all the things we have described but does not use the authority because it is not interested in regulating.

So there are a number of things we believe are important. Protecting legitimate hedge trading, that is a very important part of this market. This market is an important market. But when a market is broken or perverted or a market is a place of excess or relentless speculation that damages this country's economy, then I think we have a responsibility to take action.

Now, some will say: Well, you have to do these six things. We would not accept a bill or we would not even consider a bill that deals with speculation unless you do the other five or six things. It is akin to somebody who has a heart attack who is grossly obese, dramatically overweight. He has a heart attack and somebody says: Well, instead of working on the heart, let's work on this overweight issue. Let's try to deal with this obesity. Well, what about dealing with the heart attack first? How about dealing with the things you can deal with first that puts some downward pressure on prices?

So I expect this town now, from having filed S. 3268, will be full of people who will say: There is no speculation. Or if there is speculation, it is a minor amount. Or if there is speculation, this is the wrong remedy. Or if you take this remedy, you drive all trading overseas, which is absurd, by the way. Or if you do this, you ruin the markets. I expect we will see all those excuses.

To all those who come to the floor to say: I support conservation, I support efficiency, I support renewable energy, I support additional drilling, I say: Do you know what, I agree with all that. I agree with all that, though I do not support indiscriminate drilling everywhere. That does not make any sense to me. But I agree with a remedy that says: We should do a lot of things and a lot of things well. But I also think if all we do every 20 years is talk about more drilling, you are not talking about anything that is game changing for this country. That is called yesterday forever. Congratulations on the policy, but it is a policy that hardly begins to free this country from the shackles that bind it with respect to the current energy policy. Even as we consider all of those other issues—and we must on an emergency basis—I think we ought to take the first big step and deal with this issue of excess speculation in the market.

Again, I come back to this chart. If you don't believe excess speculation exists, then answer this question: What has happened in the last 12 to 14 months that justifies the doubling of the price of oil? Demand up, you say. No, I am sorry, that is not the case. Demand is slightly less than was expected

in every one of these circumstances. So if demand isn't up, you may say: Well, but China and India, Senator DORGAN. Don't you understand that? Yes; 12, 14 months ago we understood what China and India were expected to demand at that point.

My point is aggregate demand in the United States is down slightly. China and India are up. It was expected that our demand would increase for the first 5 months of this year. In fact, we experienced increases in inventory and stocks of the supply for the first 5 months. So you cannot point—and I have never found an expert who can point—in the last 12 to 14 months, to something that has changed in any significant way in supply and demand that justifies the doubling of oil prices.

So my proposition is this: Let's deal with what most people understand to be a problem. Excess speculation is rampant and the marketplace is broken. Let's demand the regulators begin to earn their salary by thoughtful regulation with that which is prescribed in the legislation that I have introduced. Then, at the same time, we should move on to other issues for the coming decade when we ought to dramatically change the way we use and produce energy in this country—renewables, conservation, efficiency and so much more.

I see I have exceeded my time.

I yield the floor.

Mr. NELSON of Florida. Mr. President, would the Senator yield for a quick question?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. NELSON of Florida. May I ask unanimous consent for 30 seconds to ask the Senator one question?

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. ALEXANDER. Mr. President, reserving the right to object, there will be no objection if an equal amount of time that is used by the Democratic side will be added to the Republican side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I thank the Senator for yielding. Would the Senator address the question of—in his very excellent and very compelling argument he has just made about speculation, it has been determined that speculation may be as much as one-third the cost of gasoline, even up to one-half the cost of gasoline that is as a result of speculation?

Mr. DORGAN. Mr. President, I ask unanimous consent for 30 seconds to respond, and that the Senator from Tennessee then be given an additional 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we have had testimony from experts who have said that this excess speculation has driven up the price of oil and gasoline,

in some cases they estimate by 20 percent; in other cases they estimate as much as 40 percent. I don't think there is any question that if you look at this line—this is the line where prices have gone—that you have to conclude this has had a dramatic impact on the price. You can't see these things swing back and forth \$4 and \$7 and run up to \$145 a barrel like some sort of wild curve, behind which there are no set of facts that would justify it. That is why it is important, I believe, for this Congress to tackle this issue.

I yield back the remaining time.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, how much time do we now have?

The ACTING PRESIDENT pro tempore. There is 36½ minutes remaining.

Mr. ALEXANDER. I intend to consume about 12. Would the chair please let me know when 10 have expired?

The ACTING PRESIDENT pro tempore. The Chair will so advise.

ENERGY

Mr. ALEXANDER. Mr. President, I wish to say first that I had the chance to hear not only the Senator from North Dakota but the Senator from New Mexico, Mr. BINGAMAN, and what was going through my mind is that this is exactly what the Senate ought to be doing every day—every day—until we have a full and complete debate about all of the causes of the current high gasoline prices, all of the solutions that we can put in place today, until we consider all of the amendments that we need to bring up, and that we come to as a result. That is what the Senate is supposed to do. It is wonderful that we have 36 minutes to get up and present our sides, but our mode of business for the most difficult problem facing our country ought not to be back-and-forth arguments, or it ought not to be just to consider one bill brought up by the Democratic leader just because he is the majority leader and can do that and not consider all of the other ideas.

I would like to hear all that Senator BINGAMAN has to say, for example, about why he doesn't like the idea of State options for offshore exploration. He is a thoughtful Senator and chairman of the energy committee. I would like to hear all that Senator DORGAN has to say about speculation. He is a thoughtful Senator and, as he said, has been willing to support more offshore exploration in some cases, and might do more.

We need to have a full debate about the extent to which speculation is a problem. For example, Senator DORGAN cited speculation as one reason we have gas prices above \$4 a gallon. Republicans believe speculation is part of the problem as well. The Gas Price Reduction Act we introduced, with 44 Republican Senators supporting it—and we hope it earns significant support on the

other side—has as one of its four parts speculation and putting 100 more cops on the beat to deal with it.

But we are also aware that Warren Buffett, who is invited to lunches on the other side of the aisle because he is a well-admired person who understands the market well enough to make a lot of money on it, Warren Buffett said in June: "It is not speculation; it is supply and demand."

The International Energy Agency, an energy policy organization with 27 member nations, says:

Blaming speculation is an easy solution which avoids taking the necessary steps to improve supply side access and investment, or to implement measures to improve energy efficiency.

So we need to consider a full debate on the extent to which speculation makes a difference.

We believe—and we are not the first to have this idea—that the solution to \$4 gasoline prices is to find more oil and to use less oil. I wasn't the best student in economics at Vanderbilt University years ago, but that is what I was taught in economics 101, that the reason gas prices are high is because we have had growing demand and diminishing supplies. Also—I will get back to this more—what we do today about future prices can make all the difference in today's prices. I am not the only one who believes that.

Martin Feldstein, chairman of the Council of Economic Advisers under President Reagan, a Harvard professor and member of the Wall Street Journal's board of contributors said in an article a few days ago: Any steps that can be taken now to increase the future supply of oil—that is finding more—or reduce the future demand for oil in the United States or elsewhere—that is using less—can, therefore, lead to lower prices and increased consumption today.

Not 10 years from now, not 5 years from now; what we plan for the future can make a difference in the prices today, and we need to be doing that.

April is a single mother of two in Sevier County, TN, who took a job 40 miles away 2 years ago so she wouldn't have to live off welfare. With gas prices rising, she is spending about \$160 a week on gas and can't afford to pay all the bills. She sent me that letter in the past couple of weeks.

Dave from Murfreesboro was laid off from his job at a trucking company in Jackson because they had to declare bankruptcy. They couldn't afford the gas. The company just expanded the dispatch office and they bought new trucks when they ran out of money from rising fuel prices. He is now worried our middle class is disappearing.

Robert in Elizabethton, TN, a retired police officer, worked his whole life so he could retire. But now with gas prices so high, he says he has to cut back on his trips to the doctor and the grocery store because it has gotten so expensive.

Glenna from Lafayette is on social security and lives on a very fixed income. She can barely afford to leave

home. Even the food at her local grocery store has gotten more expensive because they have to pay a gas fee for deliveries.

David from Knoxville has had to cancel his family's vacation this year. He will be having a "STAYcation," as he says. He just got a promotion and raise at work, but the increase in living costs with food and gas has left him with no net gain. Instead, he is struggling to pay his bills.

Mr. President, I ask unanimous consent to have printed in the RECORD these five letters and e-mails from Tennesseans who are Americans hurt by high gas prices.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Senator Alexander, yes, I would like to share my gas price story.

I live in Sevier County where majority of the jobs pay well below \$10 an hour. In my hopes of no longer being dependent on any form of welfare, I needed not only a well paying job but one with really good benefits. I took that job (a federal government position) back in April 2006 and it is 40 miles away from where I live or can afford to live. I am a single mother of two. When I took this job, I didn't realize I would a year later be spending \$100-\$160 dollars a week in gas just to get to work, get my kids to school and get to stores for necessities. We are surviving only because I do not pay all my bills and the ones that I do pay are usually not on time. It saddens me that I am again in a position of choosing between bills, food or gasoline and that there are others like me going through the same. We have enough issues in this country to deal with that we are unable to help, like the floods in Iowa wiping out farms which I do expect to increase food prices. We can help what we do with the gas prices. Thanks for reading my story. I would say more but it just plain makes me angry.

APRIL, Sevier County.

Dear Senator Alexander, I very much appreciate your fight to prevent a 53-cent gas tax hike that had been included in climate change legislation currently being debated in the U.S. Senate.

I also welcome your support of legislation to explore now for more American oil and natural gas in a way that preserves the environment for future generations. We MUST have energy independence from the middle east if America is to survive as an independent, sovereign nation.

Your proposal for a new Manhattan Project may be just what we need for that survival. As a former US Navy Submariner, and Plankowner on the USS Tennessee (SSBN 734) I am keenly aware of the narrow lead we had during WWII, and how (with God's help) the Manhattan Project barely gave us enough of an edge to win WWII. Today the balance may be even more delicate and narrow than many realize.

I was laid off from a trucking company (St. Michael Motor Freight) in Jackson TN, when they ran out of money to buy fuel.

I had previously applied for a job with American Freight in Christiana TN, around the time I went to work for St Michael's in Jackson. They had ordered about 60 new International 9400i class 8 road tractors, at a cost of around 110 to 120K each.

So when the Jackson company ran out of money, I went down to American Freight between Murfreesboro and Christiana, on US 231. When I got there, American Freight had been forced out of business, due to the high

fuel prices. There sat 60 brand new trucks on the fence, with the whole place padlocked. They had just expanded the dispatch office, not to mention many other improvements; all wasted as the place sat closed up in bankruptcy.

Many Americans in general, and Tennesseans in particular are becoming more than frustrated by the systematic degradation and destruction of America's middle class in general.

It is basically the disappearing middle class in America that is the last group that still believes in American sovereignty. Many of the super rich would like to see this country forced under the subjection of the United Nations. I think we are seeing that happen each day as more companies close doors here & ship jobs over seas.

Let me encourage you to keep up the good fight and not back down from big business as you continue the fight to keep Tennessee's working middle class from disappearing.

Thank you for your time and interest in your fellow Tennesseans.

Sincerely,

DAVE.

Senator Alexander, I am a retired police officer. I worked my whole life just to get to the point where I could retire and travel. I have had to cut back on trips to the doctor, medicines and groceries. I hope that you can help the American people, we deserve better. Good luck in trying to do something about this problem.

ROBERT, Elizabethton, TN.

Mr. Alexander, regards to you and your family. I commend you on your outstanding job and your very informative email updates on our economy.

Gas prices have really affected me as an individual. I am on Social Security and my income doesn't increase with the rise in gas prices. I rarely leave the house anymore due to the expense of buying gas to get around with. I haven't bought gas in over a month now, luckily I still have about a quarter tank. Others around me have felt the sting as much; some have gas stolen right out of their cars. Since gas has risen so rapidly, the groceries and utilities have also risen. I even heard the local grocer state that the reason he had to raise prices on the shelf goods was because the delivery trucks now charge him a gas fee for delivering the goods. He tried to apologize and I could see the pain in his eyes because he had no choice but to go up on the prices. Not only has the prices risen, the size of most goods are smaller. That causes us to have to go back to the grocery store more often and with a fixed income, that really hurts! I have considered selling my 2005 Ford Escape (was a used automobile when I bought it) and buying a pedal car or a bicycle of some sort or even start using the lawn mower to go out in town. I shudder to think that in Jan. the little raise we get on Social Security will only be an insult compared to the extent of the expense of surviving. It wouldn't surprise me if our landlord decided to go up on the rent and if he does, which would be to cover his deepening expenses, that we would have to move and sell all our belongings that we need to sustain this home. Can the government find us a place to live? The tornado that ransacked Macon Co. has made it almost impossible to find rent houses here. Yes, it has affected us drastically and will continue to suck the life out of us making it impossible to have any luxuries like cable tv, which isn't a choice anymore to get a picture and groceries; already we have had to cut out fresh vegetables and fruits.

I pray there will be a solution soon.

GLENN, Lafayette, TN.

Senator Alexander, I recently received a promotion and raise that resulted in a 20% increase in my salary. Prior to this year, my family and I were always able to afford to vacation for a week in Florida every summer. After the raise, the price of gas has gone through the roof. We have seen our "windfall" become a non-factor in our budget. On average, we are spending \$50 more per week resulting in \$100 more per pay period on gas alone. In addition, our grocery bills have gone up 20% due to increased prices from higher fuel costs of delivery and the price of materials in packaging. All of this has resulted in creating a ZERO net gain for our family out of a promotion and raise that I have worked on for over 2 years!!!

To add insult to injury we are having to do what a lot of other Americans are doing this summer, a STAYCATION. In case you don't know what that is, it is a vacation that you take at your home. You don't go anywhere, you stay put. I don't know about you but I would think that this development in itself will have a detrimental effect on the entire country given that money from leisure activities will be way down.

How did 30 years go by and we are no further along with solar and wind energy conversion? How is it that we allowed our pursuit of nuclear energy to be stalled? When are we going to open up the pipeline in Alaska to prove to the rest of the world that we have adequate supply so demand pricing goes down? What is the plan???? We need one right now or my children and your grandchildren are going to inherit something that none of us envisioned and the Democrats are going to tax all of us as a way to cure a problem that they don't have an answer for. Please provide your excellent leadership to our Congress so that we can save this country!

DAVE, Knoxville, TN.

Mr. ALEXANDER. The writers of these letters may say: All right, you are United States Senators. You are in charge of the Congress. Do something.

Well, we say find more, use less. We have a bill, 44 Senators cosponsored the bill, and we asked to bring it up. Senator VITTER of Louisiana brought it up the other day, and on behalf of the Democratic side, it was objected to. Now, I can understand that. Maybe it wasn't convenient to bring it up that day, but it is not convenient for the letter writers who wrote to me to wait another 2 days for us to seriously deal with the issue of gasoline prices either.

So my suggestion is that the Democratic leader—and the whole Nation should understand this. The Democratic leader may not have much of a majority, but he has control of the agenda. If he wants to put gasoline legislation on the floor of the Senate, he can do it the next hour. He can do it before noon.

When he does it, I would respectfully ask that the American people expect us to have a full discussion and full debate about how we can fix this problem, and that means what can we do about finding more, what can we do about using less.

We just heard two of the most prominent Democratic Senators who understand energy and who say we do need to do a variety of things. They say that. We had a second bipartisan breakfast yesterday morning on gas prices. Fifteen Senators attended—

eight Democrats, seven Republicans—or maybe it was the reverse. I wasn't there because I was in Chattanooga for Volkswagen's announcement of a new plant in Chattanooga, for which we are grateful. But we had a good discussion the week before, and we had a good one yesterday. We should be having that discussion on the Senate floor.

Our plan, the Republican plan, which we hope earns Democratic support, is very simple. It would increase American production by one-third over time—by one-third, one, by giving States the option to explore offshore for oil and gas and keep 37½ percent of the revenues. If I were the Governor, as I once was—we don't have a coast in Tennessee, but I would have been delighted to have that money. I would have put it in the bank and built the best higher education system in America, kept taxes down, and done some other things. That is what the four States in the South do. Virginia might decide to do it, North Carolina, Florida might. The oil market would get the oil and our prices would begin to stabilize. That would be 1 million barrels a day the Department of Interior estimates. Remember, 85 percent of the area on the Outer Continental Shelf in which we could drill is now off limits. We are going to have to deal with that issue. We should be dealing with it on the Senate floor.

Two, we could go to three Western States and lift the moratorium on oil shale development. We should proceed with that in environmentally sound ways. That should produce, according to the Department of the Interior, 2 million barrels a day. What do those numbers mean? It means we could increase our production by one-third—increase American energy by one-third.

Now, we only produce maybe 10 percent of the world's oil, but we are the third largest producer. Many on the other side have said: Well, let's sue OPEC, the Middle Eastern countries, and make them produce more oil. By analogy, we should be suing ourselves for not allowing the U.S. to produce more oil. We produce about as much oil as Saudi Arabia. We are the third largest producer. We should make our contribution to finding more American energy by producing more oil, and there are many Republicans and some Democrats who are ready to do that. So why are we not debating that and acting on that and voting on that on the Senate floor? That is what the Senate is expected to do.

Then, use less. We are willing to do both. We understand both parts of the equation of supply and demand. Our suggestion and our legislation—and I believe, personally, the most promising way for our country to rapidly reduce our reliance on foreign oil—is to use plug-in electric cars and trucks.

Now, when I first began talking about this, some people thought I had been out in the sun too long. But Nissan, Toyota, Ford, General Motors, are all going to be making and selling to us

within a year or two or three electric hybrid cars, or in Nissan's case an electric car that you simply plug in at night. Where do we get the electricity to do that? We have plenty of electricity at night when we are asleep. In the TVA region, for example, where I am from, the Tennessee Valley Authority, we produce about 3 percent of all of the electricity in America. We have the equivalent of 6 or 7 nuclear powerplants worth of electricity available at night which is unused. So TVA can bring me a smart meter and say: Mr. ALEXANDER, you can fill up with electricity at night and drive your car 30 miles a day without using any gas. When I am here in the Senate, that is about all I drive. Three-quarters of Americans drive less than 40 miles a day. Over time, the Brookings experts believe we could electrify half our cars and trucks, and do it without building any more new powerplants because we already have unused electricity at night. So we are willing to do more and use less.

We hear too much coming from the other side of the aisle to avoid the finding more part. They are dancing around the issue. We say: More offshore exploration with some exceptions. We hear: No, we can't.

We say lift the moratorium on oil shale, with some exceptions. They say, no, we can't. We say more nuclear power, which is clean and we can use it for electricity and to plug in our cars and trucks. They say, no, we can't. We need to be finding ways that we can say, yes, we can, to finding more and using less.

My last comment is this: I hope not to hear anybody else ever say on the floor of the Senate that we cannot do something because it will take 10 years. Did President Kennedy say we could not go to the Moon because it would take 10 years? Did President Roosevelt say we could not build a bomb to win World War II because it might take 3 years? Did our Founding Fathers say we cannot have a Republic or a democracy because it might take 20, 30, or 40 years? Our greatest leaders have said this is the way we go in America. This is what we should be like in 5 or 10 years. We should have a new "Manhattan Project" for clean energy independence, to put us on a path toward that independence with 5 or 10 years.

From the day we take those actions, the price of oil and gasoline stabilizes and begins to go down. That is what was so eloquently said in the Wall Street Journal article by Mr. Feinstein. Let me conclude with the very words he said 2 days ago:

Now here is the good news. Any policy that causes the expected future oil price to fall can cause the current price to fall, or to rise less than it would otherwise do. In other words, it is possible to bring down today's price of oil with policies that will have their physical impact on oil demand or supply only in the future.

The United States and this world are waiting for us to enact a plan that will

find more American energy and use less oil, so it can see that in the future we are on a path to energy independence and, as a result, the prices of oil today will stabilize and begin to go down.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, how much time remains in morning business?

The PRESIDING OFFICER. There is 22 minutes 25 seconds.

Mr. CORNYN. I will take the first 10 minutes and ask unanimous consent that the Senator from New Mexico be accorded the final 12 minutes of our morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGH GASOLINE PRICES

Mr. CORNYN. Mr. President, I want to talk as well about high gasoline prices. I agree with my colleagues that this is the No. 1 issue of the day when it comes to domestic policy.

Frankly, as we talk about the housing crisis, the subprime mortgage crisis, hopefully, our economy will work through this difficulty with the collective efforts of the White House and Congress. But, frankly, I am worried the most that unless Congress acts to lift the moratorium on the Outer Continental Shelf, the oil shale, and other sources of oil here at home, then it will be high gasoline and high energy prices that will plunge our Nation into a recession.

As bad as people feel the economy is going right now, I believe it can only get worse, unless Congress acts responsibly to deal with the causes of high gas prices. It is within our grasp to have a positive impact and bring down the price of gasoline at the pump.

I think it is important for the American people to understand that the consequences of the last election in 2006 meant that the Democrats—our friends on the other side of the aisle—are in charge. As the Senator from Tennessee mentioned, it is Senator REID, the Senator from Nevada, the majority leader, who controls floor time. We cannot bring things up on the floor of the Senate unless he says it is OK. What we are doing here today is imploring him to get to work—to allow us to get to work on the Nation's business when it comes to bringing down the price of gas at the pump.

There is some good news: After 145 days of delay and going dark listening to foreign terrorists, because we hadn't reauthorized the Foreign Intelligence Surveillance Act, we were able to get a bipartisan compromise and pass that legislation.

Here, again, this is where the majority party, the Democrats, control the agenda and, frankly, we are seeing unnecessary delays that were causing harm not only to our intelligence gathering, but also it has been 603 days

since the Colombia Free Trade Agreement has been stalled. This is an example where my State sells \$2.3 billion of produce from our farmers and manufactured goods to Colombia. They bear a tariff that would be removed if that trade agreement were to go through, which would create additional markets and help create jobs and improve the economy not only in Texas but across the country. If we can persuade Speaker PELOSI and Majority Leader REID to allow this thing to go through, we can see a boost in our economy as a result of that free trade agreement.

Then, of course, there is the matter of judicial nominees who have been blocked because of the unwillingness of the majority leader to allow them to have a vote on the Senate floor. It has been 748 days.

I am here to talk about this last figure, and that is the 814 days since Speaker PELOSI said, in anticipation of the 2006 election:

If Democrats get elected and if I become speaker, we are going to have a common-sense plan to bring down the price of gasoline at the pump.

That was when gasoline prices were \$2.33 a gallon. We thought gas prices were high then. What are they today? They are an average of \$4.11 a gallon. We are still waiting for that plan.

So we are here to ask, in the most respectful way we know how, for the Democratic majority leader in the Senate, who controls the floor of the Senate, to bring a bill to the floor that will allow us to deal with this national economic crisis and provide some relief to the hard-working families in Texas and across the Nation who need some help. We know that high energy prices not only impact the quality of life and the economic welfare of hard-working people in my State and across the country, it has a ripple effect on the price of food and other commodities, which is driving up inflation and threatening our economy. So we need some action.

I was somewhat amused to hear the distinguished Senator from New Jersey, Mr. MENENDEZ, come to the floor yesterday and talk about the need to “act more and talk less.” Act more and talk less. I agree with the slogan, but I wish the majority leader and our friends on the other side of the aisle, who are in control of the agenda of the Senate, would take their own advice: Act more, talk less.

We know what is necessary in order to deal with the energy crisis in this country. Here is what we have encountered: Nothing but obstruction. The Senator from New Mexico, Mr. DOMENICI, is our leader on energy issues. He is the ranking member, and former chairman, of the Senate Committee on Energy. He has been an unparalleled advocate of the expansion of nuclear power to generate electricity in this country.

What happens when we ask our friends on the other side of the aisle to work with us to try to expand the availability of cheap electricity through nuclear power in a safe way? It

is blocked. What are we told, regarding our 300-year supply of coal in this country, that we want to invest money in clean coal technology and to use that energy in a way that protects the environment but generates electricity to be used by the American people? We are told, “no, you cannot do that either” by the majority party. When it comes to offshore exploration, taking advantage of the God-given natural resources America has been blessed with, we are told, “no, you cannot do that either,” even though it is within the power of the Congress to lift the ban that was imposed by the Congress, which would allow us to explore and produce oil from the submerged lands around our shoreline.

The President lifted the executive ban a couple of days ago. So the only barrier to the production of more of America’s natural resources here at home in the submerged lands off our coastline is the Congress. Our friends on the other side of the aisle are in charge, and we are imploring them to work with us to produce more American energy. We have heard a lot about the oil shale out in Colorado, Utah, and Wyoming. About 2 million additional barrels of oil a day, we are told, could be produced from that oil shale. But we are told, “no, you cannot do that.” That was Congress that imposed that ban last year on developing the oil shale, which could relieve some of that pain at the pump.

Then, of course, we know about ANWR, the Arctic National Wildlife Refuge. When Congress actually passed legislation that would allow exploration and production of oil in ANWR, President Clinton vetoed it about 10 years ago. If he hadn’t vetoed that legislation, we would have about a million barrels a day on line that would help with supply and would bring down the price.

So the new energy policy of our friends on the other side of the aisle seems to be a “no energy” policy. It is not “let’s do this instead of that”; it is just “no new energy.” Now we are told that the majority leader wants to bring a bill to the floor to focus on speculation in the commodities market. We favor an examination of the commodities futures market, more transparency, and more cops on the beat in order to make sure the American people are being well served by the commodities futures market. But it is not the only problem we need to deal with. We need to deal with the law of supply and demand, which, amazingly, Congress is under the misimpression that it can suspend the law of supply and demand.

We know, because we have been told by the world’s experts, that we are in competition with growing economies, such as China and India, with more than a billion people each, who are buying cars and using more energy because they want the prosperity that comes along with more energy use. China’s GDP is growing at 10 percent a

year. It is building about two new coal-powered plants a week in that country. So we know we are in a global competition.

You would think that common sense would tell us, from a national security standpoint and from the standpoint of bolstering our economy here at home and producing additional supply, which will give us temporary relief as we transit that bridge Senator DOMENICI talks about to a clean energy future—we know in the long run we are going to have to get off of an oil-based energy dependency. Frankly, there is not enough of it for us to permanently continue where we are now. That is why alternative sources of energy are important and why it is important that we conserve and, as Senator ALEXANDER said, “find more, use less.”

I was in Tyler, TX, last week, at Brookshire Groceries, which is a chain there. They were talking about how they had retrofitted their tractor-trailer rigs and tried to find ways to conserve and use less diesel. They told me how they had retrofitted their tractor-trailer rigs to try to conserve and use less diesel. They found, also, that if they drove their trucks at about 62 miles an hour, they could maximize the range that they could travel—the distance—and minimize the consumption of diesel. If I am not mistaken, I think they told me they were able to save roughly 20 percent of their diesel consumption by finding ways to conserve. So we support the concept of using less, but we need to find more at the same time.

It makes sense that we produce more here in America. It will create jobs at a time when our economy is flying into a headwind right here in America, all across the country. It will bring some relief to consumers at the pump. We know that 70 percent of the price of gasoline is directly tied to the price of oil.

We need to “act more and talk less,” I agree. But it is up to the majority leader to allow us to act by bringing an energy bill to the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, how much time does the Senator from New Mexico have?

The PRESIDING OFFICER. The Senator has 10 minutes 13 seconds.

Mr. DOMENICI. Mr. President, it is a privilege this morning to follow after two Republicans who have eloquently expressed their views on this subject. I compliment our conference chairman from Tennessee, Senator LAMAR ALEXANDER. He has quickly taken the lead in this area as conference chairman and is doing an excellent job of putting us in a position where we can explain to the American people what this issue really is.

Mr. President, 2½ months ago, I introduced a bill. The bill was intended to call to the Senate’s attention that we ought to be producing oil and gas

from U.S. assets, this oil and gas to be used by the American people to lessen our demand on foreign oil so that as we move across the bridge to the next fuel the world uses, we use less crude oil from foreign sources by using our own. That was the gist of the bill. It had conservation in it. It had production in it. It had addressed the continental offshore exploration.

Indeed, after 2½ months, nothing has been done except that the President of the United States intervened and said to the American people: Let's just put the blame right where it belongs. I am lifting the Executive moratorium on all of the coastline of America in the Atlantic and Pacific Oceans that abuts our country. I am lifting the ones I have control over. And, Congress, you do what is next; you lift yours so we can begin the orderly process of having leases and producing oil and gas from our property for our people.

I cannot tell you how thrilled this Senator was with the President's action because it said: What is next? I can almost envision the minds of those who are in the business of holding us hostage to natural gas and crude oil we have to purchase from overseas, in particular crude oil. I can almost envision them peeking over and peeking down into the Congress of the United States, saying: Now it is your turn; we are wondering what you are going to do. Those who are holding us hostage are wondering: Is the United States going into another deep sleep?

There has been a 27-year deep sleep by America on these very valuable resources that should be explored on our coastlines which we own—we, the people, own—and we should get to work on a program to see how much of that we can use and where is it and how many billions of barrels there are. Make no bones about it, it should have been inventoried in depth, but it has not been. For a long time, people were scared to do that because they did not want to hear the results. Lately, the administration did not want to do it because they didn't know if Congress would ever let us use it. So we have just cursory inventories, but they indicate that 20 billion barrels is a pretty good number to consider as the barrels we will probably get from offshore America. I am somewhat informed, and I say that is a lowest possible number. I would think, if these offshore oil lands should really be opened for exploration, we are talking about anywhere from 20 billion to 100 billion barrels of oil that belong to Americans that ought to be produced.

As those foreign countries peek over, they are doing two things: they are peeking at us to see what we will do, and they are also peeking at us to see whether we are going to let this asset go dormant or are we going to put it into the pool so that the psychology of what is available to the world will work its will and bring the price of oil down.

I rise again today to speak on the most important economic and energy

issue of our time. America faces a grave and growing threat from our massive dependence on foreign oil. We are told by lead economists for the International Energy Agency that we face a "dangerous situation" and that at today's pace, our global suppliers of oil will fail to meet demand over the next 25 years. We hear our businesses deeply concerned about fuel costs, and we hear the American people clamoring for new energy supplies in the wake of \$4-plus gasoline.

Amidst all of this noise, from the majority in Congress we get a deafening silence. In fact, I think some on the other side of the aisle were hoping that this whole thing could disappear until after the election, that they wouldn't have to vote on what they want to do with the American people's assets—to wit, the offshore oil and gas reserves that are theirs, that have been locked up, as I said, for 27 years. I think sometimes the other side of the aisle—at least some of them—and the leadership would think: Let's just wait until after the election, and then we will solve the problem and we won't have the Republicans in the way here. They can't do that because this is the Senate. An energy bill has to come up. We have to have amendments to it, and we have to vote. We will be looking anxiously and waiting anxiously for that to happen.

I have spoken recently about the need to build a bridge to a clean energy future of affordable, reliable alternative energy fuel. The foundations of that bridge for the next three or four decades will be built on our Nation's use of crude oil. I hate to say that, but I have thought it through, and no matter what we do, no matter how successful we are, we are going to have to use crude oil until we find a total substitute for the automobiles and the trucks of today. They are the big users. We cannot just pile them up and throw them away. They are going to be used. As they are used, we must have crude oil. So we are going to be dependent, and we have to find our way to bridge that with as much of it as we can produce at home. I have spoken about this and the fact that may be three or four decades. It is very important that everybody understand that.

A growing majority of the American people are clamoring for us to explore for more homegrown energy. When you consider that an increasing number of Americans across all political ideological spectrum support more oil production at home, the Senate's silence on this issue is rather shocking. It is past time that the majority in the Senate respond to the clarion call of the overwhelming majority of Americans. It is time for leadership. The American people are calling for solutions, and they are getting excuses. They are growing disillusioned by the inactions of Congress.

I have spoken at great length on this Senate floor about the fallacy of the so-called "use it or lose it" argument. I want to do that one more time.

I hear many Members of this body accusing others of sitting on leases. But perhaps we should point this bright perspective light back on ourselves. With the Executive moratorium now lifted, Congress is solely responsible for locking up billions of barrels of oil and trillions of cubic feet of natural gas. Perhaps it is the American people who will tell us: Use it or lose it.

According to a comprehensive report by the National Petroleum Council called "Facing the Hard Truth About Energy," in the United States an estimated 40 billion barrels of technically recoverable oil resources are completely off limits or are subject to significant lease restrictions. That is more than the equivalent of 8 years of total U.S. imports at current rates. On the Atlantic and Pacific OCS alone, there is estimated to be 15 billion barrels of oil. That is more than the total Persian Gulf imports over the past 15 years and approximately the same amount of the total oil produced in the Gulf of Mexico in the past half century. There are abundant oil reserves there waiting to be drilled, waiting to be explored, waiting for American ingenuity and talent which is now in abundance, and it is best to act on it because it is ours.

These figures are staggering, and in light of the fact that our estimates have historically been very low when we get to actual exploration and production, perhaps we should take the time and resources to pay for a very comprehensive inventory. Then we would know how much there is out there. The American people would be even more excited about the prospects of that vast resource which is theirs.

Staggering as the numbers are, they do not include the 800 billion barrels of oil-equivalent oil shale located in Colorado, Utah, and Wyoming. By the conservative estimates of the RAND Corporation, our oil shale resources at the base is three times greater than the oil reserves in Saudi Arabia.

The facts are clear: We are spending hundreds of billions of American dollars to purchase something from around the world that we have sitting under our feet. As gasoline exceeds \$4 a gallon and oil hovers around \$140 per barrel, the American people should be tired of excuses. I believe they are.

Amidst this backdrop, it is stunning that the majority offers a simple speculation bill. Every serious expert—from Daniel Yergin, to Guy Caruso, to Ben Bernanke, and Warren Buffett—recognizes it is a supply-demand problem and not a speculation problem. We are glad to debate the issue, but we better put some other things before the Senate, not just that, if we intend for the American people to believe we care about their plight and the plight of the American economy today.

With all that is going on that is scaring the American people, I personally believe the biggest culprit in the crowd is the growing dependence on crude oil, the amount of money we send overseas

every hour, every day, every week, every month to countries, many of which are our enemies and could care less about us, that we must pay that to get crude oil to be refined so that we can move our automobiles and our trucks and do our work and our business every day.

It sounds incredible that we would not join together, Democrats and Republicans, on this exciting day and say we finally have pulled back the curtain that has had a blackout imposed on offshore drilling in America and join hands and say: What do we do to begin to develop it as quickly as we can? I don't see why we ought to be arguing. We ought to do it together and quickly. That is what the American people would like. I don't think that is what we are going to get. I hope some Democrats will be listening. That is what this Senator would like to do.

We have a bill. We have a proposal. It would probably be better if Democrats and Republicans had one together that both produced and conserved, that produced more oil and conserved more in terms of our automobiles by producing more electric cars. Just combine those—this one, and match it off against another one—and we will be moving in the right direction.

I close by saying I hope that day comes. I hope the other side is not waiting, doing nothing until the election is over, using any excuse they would like. There is no excuse. We can do it, and we ought to do it now. The curtain has now rolled back. The offshore is there to look at, to see, and it contains billions of barrels of oil that are ours. We ought to get it in an orderly way, and we ought to pass laws in a bipartisan way that permit us to do it. But if not, we ought to put forth ours and have some serious votes in front of the American people to decide our future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. CASEY). Morning business is closed.

TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA RE-AUTHORIZATION ACT OF 2008

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 2731, which the clerk will report.

The bill clerk read as follows:

A bill (S. 2731) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, malaria, and for other purposes.

Pending:

DeMint amendment No. 5077, to reduce to \$35,000,000,000 the amount authorized to be appropriated to combat HIV/AIDS, tuberculosis, and malaria in developing countries during the next 5 years.

Kyl amendment No. 5082, to limit the period during which appropriations may be made to carry out this act and to create a point of order in the Senate against appropriations to carry out this act that exceed the amount authorized for fiscal year 2013.

Gregg amendment No. 5081, to strike the provision requiring the development of coordinated oversight plans and to establish an independent inspector general at the Office of the Global AIDS Coordinator.

The PRESIDING OFFICER. The Senator from South Dakota.

AMENDMENT NO. 5076

Mr. THUNE. Mr. President, I call up amendment No. 5076, and I ask unanimous consent that Senators CLINTON, DORGAN, and MURKOWSKI be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending amendment is set aside. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Dakota [Mr. THUNE], for himself Mr. KYL, Mr. JOHNSON, Mr. TESTER, Mr. DOMENICI, Mrs. CLINTON, Mr. DORGAN, and Ms. MURKOWSKI, proposes an amendment numbered 5076.

The amendment is as follows:

(Purpose: To provide for an emergency plan for Indian safety and health)

In section 401(a), strike “\$50,000,000,000” and insert “\$48,000,000,000”.

At the end, add the following:

TITLE VI—EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH

SEC. 601. EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the “Emergency Fund for Indian Safety and Health” (referred to in this section as the “Fund”), consisting of such amounts as are appropriated to the Fund under subsection (b).

(b) TRANSFERS TO FUND.—

(1) IN GENERAL.—There is authorized to be appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, \$2,000,000,000 for the 5-year period beginning on October 1, 2008.

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under this section shall—

(A) be made available without further appropriation;

(B) be in addition to amounts made available under any other provision of law; and

(C) remain available until expended.

(c) EXPENDITURES FROM FUND.—On request by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services, the Secretary of the Treasury shall transfer from the Fund to the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services, as appropriate, such amounts as the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services determines to be necessary to carry out the emergency plan under subsection (f).

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) REMAINING AMOUNTS.—Any amounts remaining in the Fund on September 30 of an applicable fiscal year may be used by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services to carry out the emergency plan under subsection (f) for any subsequent fiscal year.

(f) EMERGENCY PLAN.—Not later than 1 year after the date of enactment of this Act, the Attorney General, the Secretary of the Interior, and the Secretary of Health and Human Services, in consultation with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), shall jointly establish an emergency plan that addresses law enforcement and water needs of Indian tribes under which, for each of fiscal years 2010 through 2019, of amounts in the Fund—

(1) the Attorney General shall use—

(A) 25 percent for the construction, rehabilitation, and replacement of Federal Indian detention facilities;

(B) 2.5 percent to investigate and prosecute crimes in Indian country (as defined in section 1151 of title 18, United States Code);

(C) 1.5 percent for use by the Office of Justice Programs for Indian and Alaska Native programs; and

(D) 1 percent to provide assistance to—

(i) parties to cross-deputization or other cooperative agreements between State or local governments and Indian tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)) carrying out law enforcement activities in Indian country; and

(ii) the State of Alaska (including political subdivisions of that State) for carrying out the Village Public Safety Officer Program and law enforcement activities on Alaska Native land (as defined in section 3 of Public Law 103-399 (25 U.S.C. 3902));

(2) the Secretary of the Interior shall—

(A) deposit 20 percent in the public safety and justice account of the Bureau of Indian Affairs for use by the Office of Justice Services of the Bureau in providing law enforcement or detention services, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

(B) use 45 percent to implement requirements of Indian water settlement agreements that are approved by Congress (or the legislation to implement such an agreement) under which the United States shall plan, design, rehabilitate, or construct, or provide financial assistance for the planning, design, rehabilitation, or construction of, water supply or delivery infrastructure that will serve an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); and

(3) the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, shall use 5 percent to provide domestic and community sanitation facilities serving members of Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) pursuant to section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), directly or through contracts or compacts

with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

Mr. THUNE. Mr. President, the amendment I called up and made pending, 5076, is an amendment we have been working on for some time. The Senator from North Dakota, Senator DORGAN, is going to offer a second-degree amendment to this, but what I wish to simply say, by way of speaking to the amendment, is this is an important piece of legislation. No one can deny that since its enactment in 2003, PEPFAR has helped provide basic medical care and other services to those in need throughout Africa and around the world. There is clearly still a need for many of these services worldwide, and I applaud the United States for the leadership it has taken in combating HIV/AIDS overseas. Unfortunately, there are also many individuals in America who are struggling to meet many of the basic standards of living, including many Native Americans, with whom the United States has a trust responsibility.

My bipartisan amendment, which has six cosponsors, seeks to ensure we do not turn our backs on these critical domestic needs by redirecting \$2 billion in authorization, or 4 percent of the overall cost of the bill, over the next 5 years to tribal public safety, health, and water projects. This modest redirection will still allow for PEPFAR authorization levels over three times their current amount, or \$18 billion over the President's request, while at the same time starting to address some very critical needs here at home. Unfortunately, many of these needs are great. Nationwide, 1 percent of the U.S. population does not have safe and adequate water for drinking and sanitation. On our Nation's Indian reservations this number climbs to an average of 11 percent, and in the worst part of Indian country that number is 35 percent. This lack of reliable, safe water leads to high incidence of disease and infection. The Indian Health Service has estimated that for each \$1 it spends on safe drinking water and sewage systems, it gets a twentyfold return in health benefits. The IHS estimates that in order to provide all Native Americans with safe drinking water and sewage systems in their home, they would need over \$2.3 billion. What this amendment does is it starts to address that need by authorizing \$1 billion for that important critical infrastructure need.

When it comes to the issue of health care—and that is where the second-degree amendment of the Senator from North Dakota will add to what my amendment does—we have Native Americans who are three times as likely to die from diabetes as compared to the rest of the population. In fact, an individual who is served by the IHS is 6½ times more likely to suffer an alcohol-related death than the general population. An individual served by IHS is 50 percent more likely to commit suicide than the general population.

In terms of my State of South Dakota, on the Oglala Sioux Reservation, the average life expectancy for males is 56 years. In Iraq it is 58, in Haiti it is 59, and in Ghana it is 60—all higher than right here in America on our Indian reservations.

In South Dakota, between 2000 and 2005, Native American infants were more than twice as likely to die as non-Native infants. In South Dakota, a recent survey found that 13 percent of Native Americans suffered from diabetes. That is twice the rate of the general population, where only 6 percent suffer from that disease.

With respect to public safety, which is essential, because without safety children cannot learn and economic development cannot occur, one out of every three Native American women, according to the national statistics, will be raped in their lifetime.

According to a recent Department of Interior report, tribal jails are so grossly insufficient when it comes to jail space that only half of the offenders who should be incarcerated are being put in jail. That same report found that constructing and rehabilitating only those detention centers that are most in need will cost \$8.4 billion.

Again, when you drill down to my State of South Dakota, the South Dakota Attorney General just released a new study on tribal criminal justice statistics this week, and according to that study homicide rates on South Dakota reservations are almost 10 times higher than those found in the rest of South Dakota. Forcible rapes on South Dakota reservations are seven times higher than those found in the rest of South Dakota.

The Standing Rock Sioux Tribe has a crime rate six times higher than the rest of the country. This crime rate places them in the top 15 for reservations nationwide, which is a drop from last year's rating, which had them in the top 10. Unfortunately, this drop has nothing to do with improving public safety on Standing Rock but instead is because of worsening crime rates and conditions on other reservations.

By way of example, some of these critical unmet needs have actual consequences in the day-to-day operations of tribal courts and law enforcement, and I want to point out one example from the Standing Rock Sioux Reservation, which borders South Dakota and North Dakota.

Earlier this year, the Standing Rock Sioux Reservation had six police officers to patrol a reservation the size of Connecticut. Now that means that during any given shift, there was only one officer on duty. One day in particular, the only dispatcher on the reservation was out. That left one police officer to act both as a first responder and also as the dispatcher. Not only did this directly impact the officer's ability to patrol and respond to emergencies, it also prevented him from appearing in tribal court to testify at a criminal trial.

In the Rosebud Sioux Tribal Court there was another example of a tribal prosecutor who was scheduled to attend court proceedings that day but who didn't appear in court that morning. Being somewhat alarmed by this, the tribal judge sent a court employee to the police department to ensure that the prosecutor was not hurt or in an accident. Once it was clear that the prosecutor had not been injured, but instead just did not make it to court that day, all cases scheduled had to be dismissed because no replacement prosecutor was available. Cases that were dismissed included sexual assault, domestic violence, child abuse, and DUIs.

Again, what this amendment does, very simply, is it redirects \$2 billion of the \$50 billion that would be authorized under this bill for PEPFAR—\$1 billion to an emergency plan for Indian public safety, and \$1 billion to clean water programs—and then, as I said earlier, by way of a second-degree amendment that will be offered by the Senator from North Dakota, \$250 million to health care. Within 1 year, the Attorney General, the Secretary of Interior, and the Secretary of Health and Human Services shall establish an emergency plan to address law enforcement and drinking water needs of Indian tribes.

Specifically, the amendment requires the authorization to be spread equally between public safety and water projects as follows: \$750 million for public safety, of which \$370 million would be used for detention facility construction, rehabilitation, and replacement. That is through the Department of Justice; \$310 million for the BIA's Public Safety and Justice Account, which funds tribal police and courts; \$30 million for investigations and prosecutions of crimes in Indian Country, which includes the U.S. attorneys and FBI; and \$30 million would be used by the DOJ's Office of Justice Programs for Indian and Alaska Native programs. Finally, \$10 million for cross-deputization or other cooperative agreements between State or local governments and Indian tribes and \$250 million for health care, which will be split, as the Director of Indian Health Services determines, between contract health services, construction and rehabilitation of Indian health facilities and domestic and community sanitation facilities serving Indian tribes, and, as I said, \$1 billion for water projects which will be used to implement Indian water supply projects approved by the Congress.

We have been working now the last several days on this amendment. I thank my colleagues who have been involved with that. Senator KYL is a cosponsor of this amendment. Last week he and I worked to put this amendment together, to file it. Subsequent to that, I began to work with Senator DORGAN, who chairs the Indian Affairs Committee in the Senate, trying to get sort of a bipartisan agreement we could proceed on that included not only water

development and law enforcement but also Indian health services.

I also thank Senator BIDEN and Senator LUGAR, the managers of the bill, for their cooperation on this, in making it possible for us to proceed to a vote and actually to do something meaningful to address the very desperate and acute needs that exist across this country on America's Indian reservations.

Some of the statistics I have quoted show the needs are very real. In the area of law enforcement and public safety, we have a crisis across this country when it comes to making sure we meet the needs of Native Americans living on our reservations—that they can live with basic public safety and security, that they have access to basic infrastructure such as water and health care.

Those are all things this amendment is designed to address, and it does it in a way that is consistent, I believe, with the purpose and intention of the underlying bill, which is to provide many of these same services to those in Africa. As I said earlier, I believe it is critically important that in the context of addressing those needs, we address the very important needs at home, in our own backyard. In South Dakota, we have nine tribes. In many of our reservations, the poverty rates and the degree of hopelessness and despair that exists on the reservations comes back to these very issues. It comes back to a lack of infrastructure, it comes back to the need for basic public safety and security, and it comes back to the need for critical health care services that are often unmet on America's Indian reservations.

I thank my colleagues for working with me. I thank those who have cosponsored the amendment and the managers of the bill for working with us to put it in a form that could be accepted. I hope as it proceeds to the House—as indicated in conversations and discussions with the chairman of the committee last night—that we will be able to retain the amendment when it gets to that point in the process.

Again, I offered the amendment, got it pending, and I know the Senator from North Dakota, my colleague, has some remarks he wants to make with regard to his amendment and his second degree. At this point, I yield the floor to allow him to make those observations.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I thank the Senator from South Dakota. Senator THUNE and Senator KYL have worked on a piece of legislation that I believe is very important. We have worked together on a wide range of these issues.

I held a hearing in Arizona with Senator KYL on Indian law enforcement issues. I worked with Senator THUNE on the issue he described with respect to the Standing Rock Sioux Indian Reservation and the very serious law

enforcement problems and challenges they face there.

AMENDMENT NO. 5084 TO AMENDMENT NO. 5076

I wish to offer a second-degree amendment. I offer it on behalf of myself, Senator THUNE, Senator JOHNSON, Senator KYL, and Senator BINGAMAN. I ask the second-degree amendment be considered. I send it to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself, and Mr. THUNE, Mr. JOHNSON, Mr. KYL and Mr. BINGAMAN, proposes an amendment numbered 5084 to amendment No. 5076.

Mr. DORGAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reallocate the distribution of funds from the Emergency Fund for Indian Safety and Health)

On page 4, line 8, strike “and water” and insert “, water, and health care”.

On page 4, line 12, strike “25 percent” and insert “18.5 percent”.

On page 4, line 15, strike “2.5 percent” and insert “1.5 percent”.

On page 4, line 21, strike “1 percent” and insert “0.5 percent”.

On page 5, line 12, strike “20 percent” and insert “15.5 percent”.

On page 5, line 20, strike “45 percent” and insert “50 percent”.

On page 6, strike lines 7 through 17 and insert the following:

(3) The Secretary of Health and Human Services, acting through the Director of the Indian Health Service, shall use 12.5 percent to provide, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)—

(A) contract health services;

(B) construction, rehabilitation, and replacement of Indian health facilities; and

(C) domestic and community sanitation facilities serving members of Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) pursuant to section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

Mr. DORGAN. Mr. President, the underlying legislation that is offered by Senator BIDEN and Senator LUGAR is a very important piece of legislation. We have moral responsibility to address global AIDS, so I support what we are doing. I believe it is very important. We have worked with Senator BIDEN and Senator LUGAR with respect to the first-degree amendment offered by my colleagues and the second-degree amendment I have offered.

While I believe we have a significant moral responsibility to address global AIDS and will do so in the underlying bill, it is also the case that we do not have to go off our shore to find Third World conditions. You can go to some Indian reservations in this country and find Third World conditions in this country, dealing with health care, with crime, with education, and a whole range of issues.

Take a look at some of the Indian reservations and you will find people

have water in their house because they hauled water. They haul water every day, or sometimes two or three times a week, in order to have water in their home. You will find there are places that do not have indoor plumbing; they have outdoor toilets. We have had testimony before my committee of people living in used trailer homes with wood-burning stoves, vented out of a pipe through a window in the living room. Third World conditions exist in this country.

The amendment offered by my colleagues, and my second-degree amendment, begin to address these issues in the area of law enforcement, health care, and water policies. It is very important.

I wish to describe the second-degree amendment. I fully support the underlying bill and am proud to be a cosponsor of it.

In regards to the law enforcement issues, you don't feel safe, you are afraid of the violence on the Indian reservations, as stated by my colleague who described the Standing Rock Reservation that straddles North and South Dakota and its substantial runup in violence. In response to this, we now have additional resources, additional law enforcement people, but they will only be there for 90 days. We need to address these issues. One in three Native American Indian women will be raped or sexually assaulted during their lifetime. My colleague described that. We had a hearing about that subject. We need to address the violence that exists and therefore address the law enforcement issues. That is what the underlying amendment does. My colleagues, Senator THUNE and Senator KYL, have done a great job working on this.

We have also worked together on other legislation we are introducing that is bipartisan, that is a broad legislation dealing with law enforcement. I appreciate the work of all my colleagues on the Indian Affairs Committee to address those issues.

But I wish to talk about this second-degree amendment. The underlying amendment is a \$2 billion issue. A portion of that, \$250 million, will be dealing with the issue of Indian health. As we described before, the amendment deals with water and law enforcement. This second-degree talks about \$250 million dealing with Indian health, half of which will be addressing facilities and the needs of facilities and the other half addressing contract health funding shortages that are in desperate need.

We had a hearing about 2 weeks ago. A young woman named Tracie Revis came to the hearing. She was a member of the Muscogee Creek Nation, a student at the University of Kansas Law School, a Native American. She shared her story with my committee, and here is the story.

She began law school in August 2005. After she had been sick for a year and a half, she finally withdrew from law

school in order to try to get some medical treatment. Her doctors discovered a large mass in her chest and she was subsequently diagnosed with Hodgkin's Lymphoma. She went through several cycles of chemotherapy, stem cell transplant, radiation in order to try to be cancer free. She is cancer free today.

Throughout her diagnosis and treatments, she struggled to try to get approval for coverage from the Indian Health Service. Due to the lack of access—there was very little access where she was—and the urgency of treatment, she was forced to pay for most of her own treatment. She was left with over \$200,000 of personal debt. That included the cost of a surgical procedure where a doctor was conducting a biopsy on this young woman, and, during the conduct of this biopsy, they discovered a cancerous tumor that was much larger than they expected. They decided to surgically remove 75 percent of that tumor during the biopsy. The problem was the doctor doing the surgery, while in the operating room, made this decision but didn't get approval from the Indian Health Service for the surgical procedure so that now the young woman personally owes the funding for that surgery.

That is what is happening in the Indian Health Service, and it has to end. When we dealt with an Indian health bill a while ago, I showed a photograph of this young woman, 5 years old; her name is Ta'shon Rain Littlelight. I will tell you about her, briefly, to tell you why I am so passionate about trying to provide some funding for Indian health. I was, at the time, at the Crow Nation in Montana with Senator TESTER, holding a hearing, and her grandmother showed up. Her grandmother held this photograph above her head and she said Ta'shon was 5 years old. She loved to dance. You could see the sparkle in her eyes. Ta'shon became very ill. They took her again and again and again to the Indian health clinic and they diagnosed this 5-year-old girl with depression—depression, they said.

Then one day she became violently ill. They took her to Billings, MT. From there, she was put on an airplane, taken to the cancer center in Denver, CO, and she was judged to have had terminal cancer.

Ta'shon Rain Littlelight lost her life. Her grandmother and then her mother told me of 3 months of unmedicated pain for this little 5-year-old girl because she didn't get the health care treatment most of us would expect for all our families. In fact, when they diagnosed this young girl with terminal cancer, one of the things Ta'shon Rain Littlelight told her mother she wanted was to go see Cinderella's Castle, and Make-A-Wish Foundation—what a wonderful organization—provided the opportunity for her to go to Orlando, FL, to see Cinderella's Castle at Disney World. The night before she was to visit the castle, in the motel room, Ta'shon snuggled up to her mother and

said: I am so sorry I am sick. I am going to try to get better, Mommy.

She died that night in her mother's arms. She never saw Cinderella's Castle. Now, a 5-year-old is dead because she didn't get the kind of health care most of us would routinely expect. She was sick so they said she was depressed. No, she wasn't depressed. She had terminal cancer and wasn't treated and she lived the last 3 months of her life at that age in unmedicated pain.

This country can do better than that and has a moral responsibility to do better than that.

I can stand here and tell stories for hours—Ardel Hale Baker, who was having a heart attack and was sent to a hospital and pulled on a gurney into the hospital with an 8-by-10 piece of paper Scotch-taped to her leg that said: If you admit this patient, understand we are out of contract health care funding so you, hospital, may be on your own; you may not get paid. This is a woman having a heart attack, wheeled into an emergency room with a piece of paper tacked to her leg saying: By the way, you might not want to admit this patient because Indian Contract Health is out of money.

If I am upset about these things it is because I have seen and heard so much that makes me sick about the way this health care system works for some and not for others. We can do much better.

My second-degree amendment is supported by a good number of my colleagues—Senator JOHNSON, Senator THUNE, Senator KYL, Senator BINGAMAN, and Senator MURKOWSKI. My amendment takes a portion of this \$250 million authorization out of the \$2 billion, that is the subject of the underlying amendment and says: Let's do this. Let's deal with the water issues—which are very important. I commend my colleague. Let's deal with the law enforcement issues. They are urgent. I commend my colleagues for that. Then let's also carve a piece out with respect to Indian health, half of which will deal with facilities that are desperately needed and half of which will deal with contract health care funding. This funding is so desperately short that in many parts of Indian Country the refrain is: Don't get sick after June because there is no money.

We have a trust responsibility. And that trust responsibility is a promise this country made long ago and a promise this country ought to start keeping. So I am proud to offer the second-degree amendment. This is a bipartisan effort to deal with water, law enforcement, and health care.

I am pleased to be here with my colleague, Senator KYL, who will be here shortly. But as I indicated, he and I have conducted a hearing on a reservation just outside of Phoenix, AZ, on the law enforcement issues. He has worked very hard on those issues, and so, too, has Senator THUNE. I appreciate the cooperation and the work we have done together.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, let me say to both Senator THUNE and to my colleague from North Dakota that I think the work they are doing here is first rate.

As a matter of fact, Senator KYL, who is coming to speak on this amendment as well, and I have agreed to, through the Judiciary Committee and through the regular order of business, work on one aspect of the three pieces of this amendment: water, health, and law enforcement.

I think we are going to be joined by our colleague as well on further increasing the assistance to the Indian nation. It is not an exaggeration to say that it is fairly astounding how poorly, over the 35 years I have been here, we have treated the Indian nations.

An awful lot of people, at least in my neck of the woods, think because they read about some of these Indian nations that have gambling on their reservations and are making tens of millions of dollars that somehow all is well, that we do not have to pay much attention to the moral obligation we have and the treaty obligations—I will not get into all of that but the treaty obligations we have been making and breaking since the 1800s.

So I am reluctant—I was reluctant—to talk about beginning to chip away at this bill which Senator LUGAR and I and many others have worked so hard on. But I conferred with my Democratic colleagues on the House side who have jurisdiction over this matter. And I wanted to make it clear to Senator THUNE, because I do not want to make a commitment I cannot keep, that if and when we get to the point where—I do not speak for Senator LUGAR, but I am prepared, on the Democratic side, to accept the amendment at the appropriate time. And I wanted to make it clear that I was kidding yesterday, and I will say in the RECORD, I want it noted that I am joking, but this is not a Russell Long "acceptance of a voice vote."

It used to be, in the old days when I got here, Russell Long would accept anything on a voice vote on a finance bill. And the joke was, before he got to the other side of the House, they were dropped. That is why most people asked for rollcall votes, to make it harder for the conference to drop amendments.

It is my commitment to my colleague that I have been told by the House that although they prefer nothing change in the bill, they are prepared to accept this amendment and that there is no intention of dropping this amendment.

Mr. DORGAN. Would the Senator yield for a unanimous consent request?

I ask unanimous consent that Senator MURKOWSKI be added as a cosponsor on my second-degree amendment. She is a cosponsor of the underlying amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I wanted to make sure we are playing on a level playing field because I want to say publicly what I was privately asked. So I hope when Senator KYL in his leadership capacity I do not think he is able to be here for another few minutes, but when he does come and speak, that we may be able to proceed.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Before we leave the discussion, I want to thank the chairman of the committee, the Senator from Delaware, for his willingness to work with us. And we did have some discussions last night privately about what happens as this proceeds to the House.

I appreciate his comments for the RECORD today and his commitment to work with us to see that it is retained when the bill moves forward to the House.

I want to thank the Senator from Indiana as well, Mr. LUGAR, for his willingness to work with us to accept this amendment. I do not disagree for a minute about the importance of the underlying bill. I do believe, as I stated earlier, however, that there are some incredibly critical needs in this country. And, of course, the amendment addresses law enforcement, infrastructure needs with respect to water development, and also health care.

But the law enforcement component is something on which I have been very active for some time. As I mentioned, we have some tremendous needs. If you go back to 1870, there are photos of that time, there is a photo at the tribal headquarters at Standing Rock Sioux Reservation in the 1870s, a vintage photo of a number of cops on the reservation. There were 28 of them. We are down now to eight or nine cops, and we have a responsibility, I believe, for public safety and security when it comes to our reservations and our tribal leaders who work with us. They have advocated coming and requesting additional assistance in funding to address law enforcement needs on the reservations.

The Senator from Delaware had indicated last night, as well, a willingness to work with us not only on this piece of legislation but additional efforts to solidify and reinforce the commitment that we made to the people who live on reservations that we are indeed serious about law enforcement, about providing basic levels of public safety and security.

So I thank him for his commitments and look forward to working with him and with the Senator from Indiana as this process moves forward.

The PRESIDING OFFICER. The Senator from Texas is recognized.

AMENDMENT NO. 5083

(Purpose: To establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending under the President's Emergency Plan for AIDS Relief)

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the

pending amendment and call up my amendment No. 5083 and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 5083.

Mr. CORNYN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. BIDEN. Mr. President, would the Senator yield for a unanimous-consent request?

Mr. CORNYN. I will.

Mr. BIDEN. Mr. President, I ask unanimous consent that there be no second-degree amendments in order to the Cornyn amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, as I was saying, I think we can all agree that providing relief for those afflicted with the AIDS virus is a worthy and noble goal. I appreciate the efforts of the Senator from Indiana, Mr. LUGAR, and the Senator from Delaware, the chairman of the Foreign Relations Committee, for their work.

I think we all would recognize, though, that it is important not only that Congress provide appropriate oversight for the various programs that we create and the spending that we authorize but that we actually do everything we can to make sure any waste associated with a Government program, particularly one as big as this one, with a \$50 billion authorization, that we establish mechanisms that will allow us to review and provide the appropriate oversight, and, if necessary, eliminate inefficient and wasteful programs.

My amendment establishes the bipartisan U.S. Authorization and Sunset Commission, which will help improve oversight and eliminate wasteful Government spending in programs reauthorized or established by S. 2731, the PEPFAR bill.

Just to be clear, in negotiations with the majority leader, I actually had a sunset commission bill modeled after the sunset commission in my State and a variety of States that has been enormously effective in looking across the Government to reduce waste and inefficient programs. But in our negotiations we agreed this would be narrowly addressed in the PEPFAR Program, which I think is appropriate. But I want to say that I intend to be here at every opportunity pressing this issue because of its importance across the Federal Government in reducing waste and inefficiency.

As I said, the sunset commission idea was modeled after the process in my State, which—and I know many other States, but in Texas it was instituted in 1977 and has eliminated, over time,

more than 50 State agencies that were no longer serving their stated purpose and saved State taxpayers more than \$700 million.

The commission consists of four Senators and four Members of the House of Representatives. The CBO and GAO will serve as nonvoting ex officio members. My original intent, as I said, was to make this more broad than just the PEPFAR Program, but perhaps this would be a great sort of pilot program, if you will, to see how it works, as we consider programs and expand it more broadly.

The commission will recommend ways to improve the effectiveness and efficiency of the PEPFAR Program according to a timeline. While certainly this \$50 billion is an awful lot of money, and certainly it is \$20 billion over and above what the President actually originally asked for, and as the CBO, the Congressional Budget Office has said, it is probably going to be impossible for the program to spend more than \$35 billion within the 5-year budget window, it makes it even more important—the matter of making sure that the money is spent for intended purposes—that it is actually used to treat AIDS and HIV and actually help people get better and not waste it on extraneous matters. Under this amendment, Congress cannot simply ignore the commission's report. The amendment provides expedited procedures that will force Congress to consider and debate the commission's work, similar to the BRAC procedures.

This commission will help Congress do the necessary oversight to make sure every taxpayer dollar under PEPFAR is being spent wisely. The commission will focus on unauthorized and ineffective programs, as I said. The simple fact is, within the myriad of programs, funds, and organizations funded by Congress each year, the Office of Management and Budget has done a review of about 1,000 Government programs and concluded that about 25 percent of them were either ineffective or that the OMB, the Office of Management and Budget, said there was not sufficient information to make a conclusion one way or another.

That is 25 percent of about 1,000 Government programs. So we know there is waste and ineffectiveness of Government programs, and the need for more oversight is there. I think this would basically provide Congress two bites at the apple when it comes to evaluating Federal spending: when it authorizes a program, and, secondly, when it appropriates money for it.

Year after year the Congressional Budget Office has found that Congress appropriates billions and billions of dollars of taxpayers' money on programs, despite the fact that their authorization has expired. This means Congress has dropped the ball when it comes to doing the hard work of figuring out whether these programs are working and whether taxpayers' money is being spent efficiently or wastefully.

While we all do our best to ensure that proper oversight is given to every program, we simply do not have the tools or the time necessary to monitor and review every program. That is why this sunset commission review is important. It would give these tools, specifically because of the narrowed-down nature of the amendment, to the PEPFAR Program. But I think it is particularly applicable, given the fact that this bill would more than triple the amount of Government spending for this particular program.

The commission will be of assistance to the Senate Foreign Relations Committee and the House Foreign Affairs Committee. It will not replace their work; instead, it will supplement their work. It will serve as another set of eyeballs, keeping a close eye on the wallets of the taxpayer.

Let me be clear, though, in conclusion. This is not a problem only for PEPFAR and this program, it is a problem in every part of our Government. I continue to support the creation of a sunset commission that would review all Government operations—from transportation to scientific research to foreign aid. And my hope is at a later point we will be able to urge its adoption more broadly.

Simply put, the purpose of the commission is to ask: Is this program still needed? Is it still serving the intended purpose? Is the money that Congress has appropriated, is it accomplishing the goal that Congress intends?

I think, and my hope is, that my colleagues would support this amendment and provide this needed additional oversight that would assist the Congress in making sure that taxpayers' money is being spent as intended to help the worthy humanitarian purposes for which this particular program is intended.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise to oppose the Cornyn amendment creating a sunset commission related to this bill. This amendment would require that PEPFAR programs be abolished within 2 years after the new commission reviews them, regardless of whether the review recommends abolition, unless Congress takes steps to reauthorize the programs.

The Senate Foreign Relations Committee and other committees in the House, the Senate, and Congress as a whole have spent the last year reviewing U.S. HIV/AIDS, tuberculosis, and malaria programs in preparation for the debate on this bill. During this process, numerous changes have been made to achieve greater transparency and oversight, along with programmatic changes to ensure that PEPFAR is moving in the right direction. The bill before us today has benefited from extensive field examinations of the program, GAO review, and a study by the Institute of Medicine of the National Academies. Moreover, the underlying bill mandates regular scrutiny

by the inspectors general, the GAO, and the IOM.

This reauthorization is based on the widespread view in Congress and in the executive branch that these programs are working and that they have humanitarian and foreign policy values. I do not believe we should be turning over responsibility for part of the legislative process to an unelected commission. Constitutionally, this is a job for Congress, working in association with the executive branch of Government. Congress does not lack the power to end or to change programs. Indeed, the Appropriations Committee must review the program every year during the annual budget process. If some aspect of this program is not meeting expectations, Congress has the ability to withhold funds at that point.

I understand that sunset laws in some cases can have value, and the distinguished Senator from Texas has pointed that out from experience in the State of Texas. For example, they have been used to eliminate unnecessary reports or other provisions of law that have been forgotten or fallen into disuse. But this does not apply to this bill which is continuing a core foreign policy program. There is no lack of scrutiny toward PEPFAR. It is an extremely high-profile endeavor the President has asked us to reauthorize for 5 years. I would, therefore, ask Members to oppose the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I will speak briefly, and then we are ready to vote on this amendment.

I would like to associate myself with the remarks of the Senator from Indiana, and I would add two points.

I am a fan of sunset legislation. There used to be a fellow who worked here with us named Lawton Chiles. He got here in 1970 and started sunset ideas, and I am a supporter. But here is the deal, what makes this different.

One of the problems in getting many of these African governments in particular to sign on to being recipients and participants in the PEPFAR legislation to save the lives of their own constituents has been the uncertainty of whether, if they start the program, it will, in fact, last. What they don't want to do, since they know they can't carry it themselves, they don't want to find themselves out there where they have made a promise, and it turns out that we decide, at some near-term date, to say no, we are out. That is not what the Senator is saying. He is not saying we are going to get out. He is saying we are going to review. I argue that, as the Senator from Indiana has, we are reviewing. There is built-in review here.

Let me mention one point. The Ministers of Health from 12 African countries wrote the Congress to express their concern, not about this amendment per se but about the impact of uncertainty around the reauthoriza-

tion of PEPFAR and what impact it would have on their programs in their countries. They said this uncertainty will cost lives because providing these antiviral treatments for people living with HIV/AIDS or caring for orphans and vulnerable children is a long-term commitment, and if the partners can't be confident we are going to continue the program, they are going to be much less willing to enroll new patients and take on a financial responsibility they can't bear. I understand the intent. But it is particularly dangerous to apply it here.

By the way, we don't know whether it applies to PEPFAR specifically, to the tuberculosis program, to the HIV program. Does it apply to all the myriad pieces of this legislation that are holistically designed to prevent and treat the spread of these diseases and the prolonging of life?

The last point, we essentially have a sunset provision. It is only authorized for 5 years. At the end of 5 years, it is over. We have hortatory language saying it is our hope and expectation, if it works as well as we anticipate and works as well as it has in the past, it will be continued for another 5 years. But we can only authorize it for that 5 years.

For those reasons and others which I will not bore my colleagues with now, some of which, if not all of which, my friend from Indiana has already mentioned, I will at the appropriate time ask for the yeas and nays and suggest to our colleagues that we defeat the amendment.

Mr. President, we all want to see effective oversight of taxpayer dollars, but this amendment would exacerbate the very problems it is attempting to solve.

It would create an expensive new bureaucracy that would duplicate functions already being performed by numerous inspectors general, the Government Accountability Office, the Office of Management and Budget, and other outside organizations commissioned by Congress to carry out reviews of this program.

The Congress just spent the last year reviewing the HIV/AIDS, TB, and malaria programs.

The bill before the Senate is based on extensive field examination of the programs, on a GAO review and on an Institute of Medicine study.

We are considering a reauthorization based on the widespread view in Congress that these programs are working. We have a near consensus that they are some of the best foreign policy programs that we have. Why do we need another review at this stage to repeat what has just been done?

Furthermore, the Senate bill already mandates regular scrutiny by the inspectors general, by GAO, and the IOM.

Not only would this Sunset Commission be redundant, it could be harmful. Under this amendment, AIDS, TB, and malaria programs would be abolished within 2 years after the commission's review—even if that review is

positive—unless Congress acts to reauthorize them.

Aside from the fact that we don't want to be fighting to get these programs to the floor every 2 years, think about what message this would send to the world.

As I have said, last year, the ministers of health from 12 African countries wrote to the Congress to express their concern about the impact uncertainty around reauthorization of PEPFAR would have on HIV/AIDS programs in their countries.

They said that uncertainty could cost lives because providing anti-retroviral treatment for people living with HIV/AIDS or caring for orphans and vulnerable children are long-term commitments, and if partners cannot be confident that the program is going to continue, they are going to be much less willing to enroll new patients for treatment.

This provision would only magnify that problem, calling into question the U.S. commitment to this program.

Finally, the amendment does not define what a program is. Is it PEPFAR itself? Is it our treatment programs? Is it a single grant to a faith-based organization working in Kenya?

PEPFAR is widely respected as a high-performing program that embraces what works and discards what doesn't.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I think everyone admires the humanitarian intent of this legislation. But the American people have a right to know that their money is going to be spent for the intended purpose—to treat AIDS and HIV in the countries covered—and that it is not wasted. One of the reasons foreign aid gets a bad rap is because people wonder whether it is going to be squandered or used appropriately.

The only thing this amendment does is provide an extra set of eyes to make sure every dollar is spent, as Congress intended, on a humanitarian purpose. This is especially important under this particular program because the Congressional Budget Office says that even though this bill authorizes \$50 billion for this purpose, only about \$35 billion could actually be spent during the 5-year period covered by this bill. What is going to happen to the additional \$15 billion? One might ask, are we going to try to jam \$15 billion more into the program than can actually be spent effectively and efficiently to accomplish congressional purpose?

The extra set of eyes would be welcome. It doesn't substitute for the important oversight work the committee is performing, but when the Office of Management and Budget surveys 1,000 Government programs and finds that almost a quarter of them are not operating the way Congress intended or there is not enough evidence to tell, which I am not sure which is worse, we have to be more diligent than we have been about spending money effectively.

As regards the uncertainty of future Congresses and how they might act, that is inherent in the fact that Congress can pass laws, can repeal laws. That is part of what we do, the reason why we have an open process and full and fair debate on issues. No one is suggesting that is going to happen here. I am saying, let's make sure this money is spent for the intended purpose.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have been instructed by the floor staff that they are running traps to make sure people are prepared for a vote. I hope we can do that because if we don't vote by 12:15, we probably will not get back on voting until after 4 because of some luncheons; that is, the caucus lunch, the leadership lunch. There is a Republican meeting as well.

In the meantime, if I could take a moment while that is being checked to suggest how maybe we will proceed, if we can, between now and 12:15, hopefully we will be able to get this vote in. Also, I spoke with Senator KYL on the Dorgan-Thune, et al., amendment, which we are prepared to accept. He says he only needs to speak for a minute or two. My hope was that we could wrap up both those things. Maybe Senator KYL is available, and we could move to the voice vote on that. In the meantime, if we don't vote by 12:15, there will be no votes until around 4 p.m.

One of the things I have learned, in a major bill such as this, if you lose momentum, it just takes longer. I would like to keep some momentum going.

I would like to suggest the absence of a quorum. Let's hang here for a few minutes to see if we can clear a vote on the amendment of the Senator from Texas.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5076

Mr. KYL. Mr. President, Senator BIDEN has indicated that one of the pieces of business on this legislation we can take care of right now relates to an amendment Senator THUNE and I offered to the bill, and then if Senator DORGAN and others have reached an agreement with us about a way to modify that amendment so that it is acceptable to all, both the second-degree and then the underlying amendment can be adopted without the necessity of a rollcall vote.

Let me describe what it is. Some of us had felt that the total price tag at \$50 billion, while too high for this particular program, at least was an acknowledgment that we were willing to spend that amount of money on mat-

ters that related to needs both here in the United States as well as abroad.

Among those needs, as a result of hearings Senator DORGAN has had and Senator THUNE and I have identified, as well as others, are needs dealing with Native Americans in the United States, some of which are the same in terms of water projects that we would be dealing with in this underlying PEPFAR bill, but rather than doing that all in countries of a continent such as Africa, for example, some of that would be done for U.S. citizens because of reports that have demonstrated the dire conditions that exist on some of our Indian reservations.

So the amendment Senator THUNE and I proposed was to take \$2 billion of the total \$50 billion authorization from PEPFAR and devote it to a combination of law enforcement on Indian reservations and for Native Americans and water-related needs of our Native Americans.

Senator DORGAN wanted to further amend that by providing for some Indian health activities that could be funded by part of the amendment as well. So the second-degree amendment provides for funding of \$750 million for law enforcement and \$250 million for Indian health-related activities. In addition, the underlying Thune-Kyl amendment provides for an additional \$1 billion authorization for water development and projects on the Indian reservations.

So the bottom line is, the \$50 billion for the PEPFAR authorization would be reduced to \$48 billion. Two billion dollars in authorization would go to the Indian reservations and Native American needs, and Alaska Natives as well, that I indicated. That is an agreement that has been reached as a result of Senator THUNE, myself on the Republican side, Senator DORGAN, and Senator BIDEN on the Democratic side, but also several other Members—both Democrat and Republican—with whom we have spoken who have asked to be listed as cosponsors on the amendment or second-degree amendment before we pass it.

AMENDMENT NO. 5084

There is no indication, Mr. President, there is a need for a rollcall vote on this amendment since it has been agreed to by all. Therefore, unless there is anyone else who would wish to speak to this amendment, I ask unanimous consent that the second-degree amendment be called up for a vote.

Mr. BIDEN. A voice vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Is there further debate on amendment No. 5084? If not, the question is on agreeing to the amendment.

The amendment (No. 5084) was agreed to.

AMENDMENT NO. 5076, AS AMENDED

Mr. KYL. So, Mr. President, if I could, before I thank everyone involved here, by unanimous consent, the second-degree amendment was adopted,

and we voice-voted the underlying amendment; is that correct?

The PRESIDING OFFICER. That was a voice vote on the second degree.

Mr. KYL. OK. So, then, we need to have a voice vote on the underlying amendment as well?

The PRESIDING OFFICER. That is correct.

Mr. KYL. Mr. President, I ask for that at this time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 5076, as amended.

The amendment (No. 5076), as amended, was agreed to.

Mr. KYL. Mr. President, might I just use this opportunity to also thank Senator LUGAR, whom I did not mention but who was also helpful, and his staff, as well as Senator BIDEN and his staff, and Senator THUNE, for all of his work in bringing this issue to the attention of the body, and acknowledge the groundwork that Senator DORGAN and his committee laid in order to make this possible for us to achieve.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I now, after discussions with my colleague, ask unanimous consent that at 12:15 p.m. the Senate vote in relation to Cornyn amendment No. 5083 and that the time until that vote be equally divided in the usual form.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Mr. President, Senator VITTER has been kind enough to come to the floor. He is trying to help move this process. He has an amendment relating to an inspector general. We have not had a chance to talk to him, but Senator LUGAR and I have a second-degree amendment to that amendment that I think it may be worthwhile for the three of us to talk about.

Senator VITTER has indicated he would like—and I have no objection, assuming the second degree is in order—that the pending business, when we return, when the leadership meetings are over, be the Vitter amendment. I forget the number, quite frankly, but the Vitter amendment relating to inspectors general.

Am I correct, I ask the Senator?

Mr. VITTER. Correct.

Mr. BIDEN. I have no objection to that, as long as there is a second-degree amendment in order to the Vitter amendment when that occurs.

But I yield to my colleague, Senator LUGAR.

Mr. LUGAR. Mr. President, I would like to ask a question of the chairman. It is my understanding we could continue on after the vote with Senator VITTER presenting his amendment.

Mr. BIDEN. Yes.

Mr. LUGAR. In other words, there will not be a recess in which everyone leaves the floor?

Mr. BIDEN. There is not a recess, correct.

Mr. LUGAR. I just wanted to establish that point. The continuity of the debate will continue.

Mr. BIDEN. So maybe rather than asking unanimous consent, it might be worthwhile to state the intention of the managers that after the vote on the Cornyn amendment, what we will do is move to the Vitter amendment; that he is here on the floor and will seek recognition to move his amendment. In the meantime, we will let him know what the second-degree amendment we are going to be offering to his amendment will be. As a practical matter, it will be the order of business at the time because he will have been recognized to move to his amendment.

In the meantime, unless my friend from Texas would like to speak further on his amendment, I would suggest the absence of a quorum.

Mr. President, the vote is now set for 12:15 on the Cornyn amendment; am I correct?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I ask for the yeas and nays on the Cornyn amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second. There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. MENENDEZ). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 63, as follows:

[Rollcall Vote No. 178 Leg.]

YEAS—32

| | | |
|-----------|-----------|-----------|
| Alexander | Craig | Isakson |
| Allard | Crapo | Kyl |
| Barrasso | DeMint | McConnell |
| Bond | Ensign | Roberts |
| Bunning | Enzi | Sessions |
| Burr | Graham | Shelby |
| Chambliss | Grassley | Thune |
| Coburn | Gregg | Vitter |
| Cochran | Hatch | Voinovich |
| Corker | Hutchison | Wicker |
| Cornyn | Inhofe | |

NAYS—63

| | | |
|---------|-----------|----------|
| Akaka | Bingaman | Byrd |
| Baucus | Boxer | Cantwell |
| Bennett | Brown | Cardin |
| Biden | Brownback | Carper |

| | | |
|-----------|-------------|-------------|
| Casey | Klobuchar | Pryor |
| Clinton | Kohl | Reed |
| Coleman | Landrieu | Reid |
| Collins | Lautenberg | Rockefeller |
| Conrad | Leahy | Salazar |
| Dodd | Levin | Sanders |
| Dole | Lieberman | Schumer |
| Domenici | Lincoln | Smith |
| Dorgan | Lugar | Snowe |
| Durbin | Martinez | Specter |
| Feingold | McCaskill | Stabenow |
| Feinstein | Menendez | Stevens |
| Hagel | Mikulski | Sununu |
| Harkin | Murkowski | Tester |
| Inouye | Murray | Webb |
| Johnson | Nelson (FL) | Whitehouse |
| Kerry | Nelson (NE) | Wyden |

NOT VOTING—5

| | | |
|---------|--------|--------|
| Bayh | McCain | Warner |
| Kennedy | Obama | |

The amendment (No. 5083) was rejected.

Mr. SCHUMER. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. Mr. President, for the benefit of our colleagues, we are making pretty good progress here. We only have a few amendments to go. To try to get a sense for our schedules and time, I will start by saying I don't see any reason why we will not finish this bill early tonight, No. 1. No. 2, I am told by the leaders that there will be no votes between now and 4.

We are prepared to take up, debate, discuss, and accept some amendments. I wish to ask my colleagues who have amendments—Senator VITTER is working with us right now. We may be able to work something out on his amendment. Senator DEMINT has an amendment that we have debated. We are ready to vote on it, but he indicated he may have other people wishing to speak to it. We are ready to vote, after 4 o'clock, on that. I wish to set a time for that. Senator CRAIG has two amendments. One we are prepared to accept, and the other we are prepared to vote on. I believe he is ready to vote when we can set the time. Senator KYL has an amendment that I believe we are ready to vote on. The only question is whether there will be a point of order on that amendment because it relates to the budget. That is being discussed now. Senator SESSIONS has an amendment which we are desperately trying to figure out how to proceed on and work out. We may be able to accommodate that and end up with a voice vote on that amendment.

I want my colleagues to know that in the next ensuing minutes and hours we are going to try to work out specific times. As my grandfather used to say, "With the grace of God and the good will of the neighbors," by 4 o'clock, we will be able to set a series of votes. I don't see why we cannot finish this by 5 o'clock. That is the intention, but intentions here are not always met with reality. That is the intention.

I see my colleague, the ranking member of the committee, standing up. I don't know if he wants to make any comment.

Mr. LUGAR. No.

AMENDMENT NO. 5085

Mr. BIDEN. While we are working on the Vitter amendment—we made an offer and there has been a counteroffer—I ask unanimous consent that the pending amendment be set aside and I send to the desk an amendment by Senator GREGG and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. GREGG, proposes an amendment numbered 5085.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To encourage the inclusion of cost sharing assurances and transition strategies among compacts and frameworks agreements, the activities authorized under section 104A of the Foreign Assistance Act of 1961, and the highest priorities of the Federal Government)

On page 77, line 2, strike “and”

On page 77, line 5, strike “.” and insert a semicolon.

On page 77, between lines 5 and 6, insert the following:

“(C) the inclusion of cost sharing assurances that meet the requirements under section 110; and

“(D) the inclusion of transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”

On page 88, line 22, strike “.” and insert the following: “, including—

“(A) cost sharing assurances that meet the requirements under section 110; and

“(B) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”

On page 94, after line 25, add the following: “(G) Amounts made available for compacts described in subparagraphs (A) and (B) shall be subject to the inclusion of—

“(i) cost sharing assurances that meet the requirements under section 110; and

“(ii) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, and budget support by respective foreign governments.”

Mr. BIDEN. Very briefly, this amendment relates to cost sharing and transition strategies. It has been cleared on both sides. I suggest we move by voice vote. I ask unanimous consent we proceed to a vote.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 5085) was agreed to.

Mr. BIDEN. Mr. President, unless my friend from Indiana thinks we should proceed, I think we should spend the next few minutes in a quorum call while we try to work out, if we can, the

Vitter amendment. So I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business for 1 hour, with Senators allowed to speak for up to 10 minutes each, and the time be equally divided between the two sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROTECTING THE PUBLIC'S HEALTH

Mr. BROWN. Mr. President, on June 9, just a month ago, Nebraska Beef, an Omaha slaughterhouse, received a notice from the U.S. Department of Agriculture that two beef samples had tested positive for E. coli. By the second week in June, it had also been confirmed that numerous people from my State, Ohioans, had been infected with E. coli O157:H7, a sometimes deadly strain of bacteria. It was not until July 3—June 9 was the original notification—that Nebraska Beef finally acquiesced and issued a recall of 5.3 million pounds of its meat.

Federal officials at the USDA have criticized Nebraska Beef for being slow to respond. Unfortunately for consumers in my State and other places, USDA's authority—beyond issuing public admonishments—to protect the public is limited. In other words, USDA under the law cannot order a recall. They can be critical of Nebraska Beef. They can notify others about what Nebraska Beef is doing. But they cannot order a recall. For instance, most Americans would be alarmed to learn that the Federal Government does not have the power to issue a mandatory recall of contaminated food. Had the USDA been able to issue a mandatory recall of Nebraska Beef once it became clear that consumer safety was at risk due to unsanitary production conditions, unsafe food would have been taken off of the shelves more quickly and fewer people would have purchased it and consumed contaminated meat.

Again, June 9 is when the USDA first found out, but it was not until July 3—almost 4 weeks—until Nebraska Beef did what it should have done right away, something USDA had no authority under law to do. Lives continue to be put at risk because of delay since many consumers may be unknowingly storing infected meat in their kitchens for future use.

I have been on this floor lots of times in the 18 months I have been in the

Senate, especially the last 8 or 9 months, talking about food banks and food pantries. I know the Presiding Officer from New Jersey has had particular concerns of constituents of his in places such as Essex County and urban poor areas but also rural, low-income areas or even moderate-income areas where people with jobs, people employed but not making much money have to go to food banks and food pantries to supplement their food budgets because of the cost. We have enough concerns of people getting food. We should not have to have concerns in New Jersey or Ohio about buying food and being uncertain of its safety.

In my State, health officials have confirmed that 21 Ohioans, plus another 20 in other States, have been made ill by this outbreak. Yesterday, reports were released that indicated the outbreak has spread from Ohio and Michigan, where it was initially reported and perhaps confined to, to now New York, Kentucky, Indiana, and possibly Georgia. The 21 ill Ohioans hail from Franklin County, Columbus, Fairfield, which is where Lancaster is the county seat, Lucas, which is where Toledo is located, Delaware, Seneca and Union Counties. Eleven people have required hospitalization.

This recent example is, unfortunately, not an isolated case. An analysis of a selected sample of outbreaks affecting Ohio over the last 5 years has shown a widespread problem. It is not the first time, and it probably will not be the last time. It means it is a real public health issue. Ten outbreaks dating back to 2003 have led to 217 illnesses, 66 hospitalizations, and 1 death.

Of the people exposed to food safety problems, to toxins, to bacteria in our food supply, those who are harmed the most are the very young and very old, people whose immune systems are weaker, who are sick anyway and are most likely to be hospitalized or even die from these kinds of outbreaks. But it affects all of us. Some of these outbreaks, such as those involving hepatitis A and botulinum, cause serious lifelong health problems. It is not a question of your digestive tract clearing it out and surviving these bacteria; sometimes they actually cause long-term health problems.

The top priority for both USDA and the Food and Drug Administration, the two chief food safety oversight agencies, should be to protect the public's health—a mission that will sometimes require swift and decisive action that sometimes the industry simply will not like. It is all about public health.

That is why yesterday I introduced legislation to provide mandatory food recall authority for both the USDA, which is responsible for poultry and beef, and the FDA, which is responsible for most processed foods, fruits and vegetables—everything the USDA doesn't do. Mandatory recall authority will ensure that these agencies have the necessary leverage to demand that those private companies, such as Nebraska Beef, that have sometimes been

resistant—many companies have. Many companies that hear it want to deal with it immediately, but some do not. Under our legislation, these agencies will have the necessary leverage to demand that those private companies responsible for feeding our Nation follow strict safety standards, and it means that when mistakes are made, public safety is not compromised.

I have partnered in this initiative with Representative DIANA DEGETTE, a Democrat from Colorado. She and I sat together on the Health Subcommittee of the Energy and Commerce Committee. She still sits there and has been a long-time advocate of making a generally good food-safety regimen in this country even better. This is one major step in doing that.

In 2004, the GAO concluded that the current recall system, which relies on voluntary action by industry, is flawed and that the USDA and FDA must do better to ensure recalls are prompt and complete. The administration seems to have reached a similar conclusion, asking Congress late last year to provide FDA with mandatory recall authority.

So consumer groups want it, the FDA wants it, the President wants it, and an awful lot of us in this Chamber think the FDA and USDA should have authority to do mandatory recalls. I hope the FDA food safety legislation currently being drafted in both Chambers ultimately includes mandatory recall provisions and that we get a chance to vote on such a proposal this year.

It is imperative both USDA and FDA be given this authority. We can't afford to continue to put the public's health at risk by waiting for some kind of comprehensive legislative package. A simple fix such as the one in my and Representative DEGETTE's SAFER Meat, Poultry, and Food Act, could solve this glaring deficiency in our food safety system. I implore my colleagues to support our legislation.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANDERS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

LIHEAP

Mr. SANDERS. Mr. President, in response to the outrageously high cost of fuel all across this country, and the fact that people both in the southern part of America and the northern part of America are very worried about how they are going to stay warm next winter and stay cool this summer, I introduced S. 3186, the Warm In Winter And Cool In Summer Act, which will pro-

vide immediate relief to millions of senior citizens, families with children, and the disabled who are struggling to pay their home energy bills. Specifically, this bill would nearly double the funding for the highly successful Low Income Home Energy Assistance Program, that is the LIHEAP program, in fiscal year 2008, taking LIHEAP from \$2.57 billion to \$5.1 billion, a total increase of \$2.53 billion. I mention that is, in fact, what this program is authorized for.

I thank Majority Leader REID for completing the rule XIV process. My hope is that this legislation, this bill, will be on the Senate floor either this week or next week because it is imperative that we move it as quickly as possible.

There are many Members of the Senate, Democrats, Republicans, Independents, who have been active on the LIHEAP issue for a number of years. I want, at this time, to announce that we have now 40 Senators who are cosponsors of this tripartisan legislation. That includes 10 Republicans. It includes 30 Democrats and 1 Independent in addition to myself, making 2 Independents.

The cosponsors of this legislation are Senators OBAMA, SNOWE, Majority Leader REID, SMITH, DURBIN, COLEMAN, MURRAY, SUNUNU, LANDRIEU, COLLINS, LEAHY, MURKOWSKI, CLINTON, GREGG, CANTWELL, LUGAR, KERRY, DOLE, KENNEDY, BOND, SCHUMER, LEVIN, CARDIN, BROWN, KLOBUCHAR, MENENDEZ, CASEY, BINGAMAN, LAUTENBERG, STABENOW, BILL NELSON, BAUCUS, LIEBERMAN, SALAZAR, ROCKEFELLER, WYDEN, JACK REED, DODD, WHITEHOUSE, and TESTER.

In other words, we have very strong tripartisan support, from the northern part of our country, from the southern part of our country—all over. People look at the degree of partisanship that takes place in Congress. I am happy to say this bill is bringing all kinds of people from all kinds of ideologies together to say we have a crisis now; that in the United States of America people should not freeze to death in the winter; in the United States of America people should not be dying of heat exhaustion in the summer.

In addition to engendering widespread tripartisan support in the Senate, another bill, exactly the same, is being circulated in the House with very good cosponsorship. Furthermore, I am happy to say we have over 200 groups, national and local groups from all over the country, that are supporting this legislation. They include, among many others: AARP, the city of Phoenix, AZ, Catholic Charities, Salvation Army, the American Red Cross, the American Association of People with Disabilities, et cetera, et cetera—tremendous grassroots support from all over the country.

Let me quote from the AARP which, as you know, is the largest senior group in this country. This is what they say:

AARP fully supports the Warm in Winter and Cool in Summer Act. This legislation

will provide needed relief for many older persons who may not receive assistance—despite their eligibility—due to a lack of funding. Older Americans who are more susceptible to hypothermia and heat stroke know the importance of heating and cooling their homes. They often skimp on other necessities to pay their utility bills. However, today's escalating energy prices and the Nation's unpredictable and extreme temperatures are adding to the growing economic hardships faced by seniors. LIHEAP is underfunded and unable to meet the energy assistance needs of the program's eligible households.

That is from the AARP. I reiterate, Mr. President—what I know you know—there are some Americans and maybe even Members of Congress who do not know that when we talk about LIHEAP, we are not just talking about the problems that occur in my State where the weather gets 20 below zero or in your State. We are talking about problems that take place in Arizona and Texas, where temperatures get to be 110, 115 degrees. With a declining economy and escalating utility bills, many people—seniors, disabled, lower income people—cannot afford their electric bill. Their electricity is being disconnected. You are finding elderly people, people with illnesses, in a very horrendous position.

This is not just a northern State issue. It is not a New England issue. This is, in fact, a national issue and that is why we have cosponsorship for this bill from all over the country.

I have talked in the past and will talk again, obviously, about what LIHEAP means for northern States such as my own, but let me say a few words about what it means for southern States. Let me quote from the city of Phoenix, AZ.

This is from Phoenix, and the person there is saying:

I am writing to express my support for the Warm in Winter and Cool in Summer Act. Currently Arizona can only provide assistance to 6 percent of eligible LIHEAP households. To make matters worse, Phoenix continues to experience extreme heat. In the past month alone we have had 15 days with temperatures at or above 110 degrees. This extreme heat is especially hard on the very young, the elderly and disabled who are on fixed incomes and can no longer afford to cool their homes.

Arizona Public Service reported that there was a 36 percent increase in the number of households having difficulty in paying utility bills and an increase of 11,000 families being disconnected compared to a year ago. Rising energy and housing costs are placing enormous strains on households across Arizona.

Now, imagine being ill or elderly, having your electricity disconnected with temperatures day after day after day being 110 degrees. That is a serious health problem. But the issue obviously is not only in the South.

In my State there is a newspaper called the Stowe Reporter. This is what they say, very briefly, in an editorial:

It could be New England's own Katrina disaster. Hundreds of homes rendered uninhabitable, families' finances stretched to the limit, some driven away altogether to take

shelter with friends or family. But unlike Katrina, this calamity is clearly visible on the horizon and we have months to prepare.

With home heating oil prices nearly twice what they were one year ago, and no price relief in sight, thousands of Vermonters will be struggling this winter to keep their homes warm. The financial effect of an additional \$500 to more than \$1,000 on the winter's oil bill will force many to choose between heat and other necessities, such as food.

So what we are looking at in the northern tier of this country is our own Katrina, if you like: people being forced out of their homes, people becoming ill, people leaving the northern part of this country because they cannot pay these outrageously high energy costs. This is, in fact, a life-and-death issue. Unlike hurricanes or tornadoes, you are not going to see CNN there. But as my friend from Maine, who is just walking in, understands, in her State and in my State, we are seeing people struggle in a life-and-death fashion. This is very important for people to know, because it does not get a lot of publicity, but according to the Centers for Disease Control, over 1,000 Americans from across the country died from hypothermia in their own homes from 1999 to 2002, and those are the latest figures we have available.

In other words, they froze to death because they could not afford to heat their homes. How many of these deaths were preventable? Well, according to the CDC, all of them were preventable. If people were living in homes that were adequately heated, those folks would not have died. It is important to understand that it is not only heating oil prices that are skyrocketing but electricity prices are also soaring.

Recently, USA Today ran a headline on its front page that said: "Price Jolt: Electricity Bills Going Up." According to this article, utilities across the United States are raising power prices up to 29 percent, mostly to pay for soaring fuel costs. In other words, the situation that exists in the southern part of the country is that the electricity is disconnected because you cannot afford the huge increases in your electric bill, and if the temperatures are 110 degrees in Arizona, Texas, New Mexico, you are in serious trouble.

Before I yield to my friend from Maine, I did want to mention some information in our southern and southwestern States. Due to a lack of LIHEAP funding, the State of Texas only provides air conditioning assistance to about 4 percent of those who qualify. Recently I received a letter from Shawnee Bayer, from the Community Action Committee in Victoria, TX. In her letter, Shawnee Bayer told me that LIHEAP funding for their elderly and disabled clients ran out on May 1 of this year. As a result, they have had to turn away over 500 elderly and disabled families seeking assistance with their air conditioning bills.

According to Ms. Bayer:

The temperatures in our area have been 100 to 110 degrees for 16 consecutive days. I fear

it is going to be very tragic at the current pace we are going with so little funding available. There are so many who need our assistance, like the elderly lady in her 80s who recently almost died due to kidney failure; now she doesn't want to use her air conditioner because she is afraid she won't be able to pay the bill and that we won't have funding to assist her when she needs us.

She just called me last Thursday and has pneumonia; she could hardly talk. Last year she was placed in the hospital in ICU due to a heat stroke as a result of using only a fan, not the air conditioner. I see children every day who have not eaten because the parents, grandparents and in some cases great grandparents are just trying to keep the electricity on. The electric bills in our area have tripled.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I am very pleased to join the Senator from Vermont, my friend and colleague, in discussing the need for legislation which we have introduced to increase funding for the low income heating assistance program.

As my colleague from Vermont has described, our citizens in the Northeast are facing a crisis this winter. In the State of Maine, 80 percent of homes rely on home heating oil. The average home in Maine uses between 800 and 1,000 gallons of heating oil to get through the winter season. My constituents are looking at paying as much as \$5,000 this winter to keep warm. And this is in a State that ranks 37th in per capita income. This is a true crisis. It is clear that we need to do a great deal to solve the overall energy crisis facing this country.

We need to produce more, use less, and pursue alternatives. But we also need to look for short-term help for our citizens. The legislation we have co-sponsored, S. 3186, would provide an additional \$2.5 billion for the low income heating assistance program, known as the LIHEAP program.

Most of our colleagues are pretty familiar with this program. But let me remind them that it is a Federal grant program that provides vital funding to help very low-income citizens meet their home energy needs. The level of funding our legislation would provide would bring the program up to the fully authorized amount of \$5.1 billion. That is the least we can do. Due to record high oil costs, the situation for our most vulnerable citizens, particularly the low income and elderly, is especially dire.

In my State of Maine, people face a crisis as they look ahead and try to figure out how they are going to stay warm this winter.

Nationwide, over the last few years, the numbers of households receiving assistance under the LIHEAP program increased by 26 percent, from 4.6 million to 5.8 million. But during that same period, Federal funding increased by only 10 percent. The result is that the average grant declined from \$349 to \$305 at a time of record high prices.

The large rapid increase in energy prices, combined with lower levels of funding available per family, has imposed a tremendous hardship on those who can afford it least. Our bill would provide an additional \$2.5 billion as emergency funding, and the term "emergency" could not be more accurate, because that is exactly what we face.

Our Nation is in an energy emergency. Families are already being forced to choose between paying for food and paying for heat for this coming winter. One woman in Maine told me she has to turn over half of her Social Security check to meet the budget plan she is on for meeting her obligations to the oil dealer to stay warm—half of her Social Security check.

She literally is deciding if she can afford to fill the prescription she needs, can she buy the healthy food she needs. I am worried that we are going to see seniors this winter suffering from hypothermia. I am worried we are going to see deaths from carbon monoxide from bringing in unsafe grills trying to stay warm. I am worried we are going to see household fires as people try to stay warm.

I tell my colleagues, we must act and we must act now. If we can increase the funding and help people purchase the fuel they need now, it will make a real difference. As the Senator from Vermont has said, and he is not exaggerating, this is a matter of life and death. That is not an exaggeration. We must act.

I also want to mention another program that cries out for more funding, and that is the Weatherization Program. We are going to proceed separately on the weatherization front, but we must not forget that if we can help people weatherize their homes, we can help them, on average, reduce their fuel consumption by 31 percent. It is one of the few things we can do right now that would make a difference this winter. I wish to see us double funding for weatherization. The payback is enormous. It would make a real difference. Before the current price spike, the Department of Energy estimated that weatherization saved the average household \$358 per year.

This winter, with the cost of fuel doubled what it was last winter, the savings will be that much higher as well. So let's do both. Let's give speedy approval to the legislation we have introduced to increase the funding for the LIHEAP program so it reaches \$5.1 billion. And then let us, through the emergency supplemental bill that I hope will be coming to the floor, do a substantial increase in the Weatherization Program as well. It was so shortsighted of President Bush to propose the termination of the Weatherization Program. That makes no sense whatsoever.

The Energy Department's spending bill before the Appropriations Committee restores some of the money, but it is still below the level that was spent

on weatherization last winter. We should be greatly increasing funding for weatherization as well. I have been working with the Senators from Minnesota, both Senator KLOBUCHAR and Senator COLEMAN, to lead a bipartisan effort. My friend from Vermont and the Presiding Officer have also signed onto that, calling upon the appropriators to increase weatherization funding as well.

If we could provide an additional \$40 million to the Weatherization Program, it would help another 15,000 households who are in need of weatherization.

Let me end my comments by saying it is imperative we act both on the legislation to increase funding for the LIHEAP program and then proceed to also increase funding for weatherization as well. It is the least we can do to help some of the most vulnerable citizens avoid a true crisis this winter.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. The time for morning business has expired.

TOM LANTOS AND HENRY J. HYDE
UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA RE-AUTHORIZATION ACT OF 2008—Continued

The ACTING PRESIDENT pro tempore. The Senate will now continue consideration of S. 2731, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2731) to authorize appropriation for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

The Senator from New Hampshire is recognized.

Mr. SUNUNU. Mr. President, I rise to speak in support of the legislation before the Senate today. This legislation is really of historic scope and importance, dealing with the global crisis of HIV/AIDS, tuberculosis, and malaria.

There has been a lot said about this legislation. It is certainly not a perfect piece of legislation, and rarely do we see something that fits that description, but when we talk about infections and the impact of HIV/AIDS, tuberculosis, and malaria around the world, it is hard to exaggerate the devastating

impact these diseases have had. It is also hard to fully appreciate the positive impact the U.S. leadership in this area has had as well.

Around the world, there are over 30 million people infected with HIV/AIDS. I think perhaps even more striking is that you have 2.6 million deaths attributed to tuberculosis and malaria a year. These are deaths that are preventable. That is why the funding in this legislation is so important, because we know it will not just deal with the spread of HIV/AIDS and new infections around the world, but will also help prevent deaths today, tomorrow, the year after, and the year after.

We have the ability to prevent these illnesses, to treat them as never before, and to save lives. That is why this funding is so badly needed and will be so beneficial. I think this is the greatest humanitarian crisis I have seen, certainly in my lifetime, the spread of these diseases around the world and in particular in Sub-Saharan Africa.

Many people have observed that this legislation includes a dramatic increase in funding, and it certainly does include a significant increase in funding, but it is essential that we allocate these funds to PEPFAR, the President's initiative, and to the global fight because we have seen the dramatic impact and success of the funds we have already allocated and appropriated.

Today, we can look back over the last 5 years and appreciate that 1.7 million people around the world now have the ARVs to treat HIV/AIDS that didn't have them before. 55 million people around the world have been reached with prevention efforts dealing with HIV/AIDS, and 25 million malaria deaths have been prevented. That is a dramatic success, and that is something all of those countries that have participated in this fight should be very proud of.

Under this legislation, the funding and initiative and the effort will continue, with \$4 billion to deal with tuberculosis, \$5 billion to deal with malaria, and \$2 billion in funding for the Global Fund. These are significant sums of money. Many of my colleagues have observed that with such a significant allocation, oversight and accountability are essential. I could not agree more.

We need to ensure, through every avenue possible within the U.S. Government, the Global Fund, and within other relief organizations, that every effort is made to ensure appropriate use of the funds, to ensure the use of efficient allocation, and, of course, to ensure accountability.

We are measuring success, measuring performance better today than we have ever done before. We need to continue to improve that effort. We need to make sure we understand how much it costs to reach an individual or a family with ARVs, how much it costs to get treatment for malaria into the hands of those who can most benefit, how we can reduce those costs, and so on.

The fact that we have not always been able to account for these funds as effectively as we would like is not a reason not to pursue such an important initiative. We have better benchmarks than ever before in this legislation, better standards for accountability and oversight than ever before. The cost of delay isn't measured in days or weeks; the cost of a delay of this legislation is measured in lives. That is why it is so important that we act on the legislation this week, before we break for August, and that we have it signed into law this year.

Only the United States can provide this kind of leadership in terms of public awareness and in financing. It is the U.S. leadership that has been the driving force behind the successes I mentioned earlier—the numbers reached with ARVs, the numbers reached with prevention efforts, the number of lives saved, and the number of malaria deaths prevented.

There are many reasons to undertake a piece of legislation of this scope and importance. We can begin with the humanitarian aspect. There is no greater crisis anywhere in the world than the humanitarian crisis created by the spread of HIV/AIDS and the millions who die every year from malaria, tuberculosis, and the millions of deaths that are preventable. There are the public health aspects that, in the long run, benefit not just those countries that benefit from PEPFAR, but in countries around the world, in the United States and our allies, where improvements in public health, reductions in the number of infections and, in the end, programs lead to healthier and longer lives and a better quality of life.

There are the economic impacts and benefits. It is hard to imagine a disease that has had a greater economic impact in the last 20 or 30 years than HIV/AIDS on the continent of Africa. The economic costs are borne not just by the individuals in those countries where the infection rates are high, but, again, they are borne by neighboring countries, by their trading partners, and they are borne by the economies of the Western World that are called on to provide the humanitarian relief, which could be avoided if we do a better job with prevention and treatment. So there is a humanitarian cost, a public health cost, and there is an economic cost.

Finally, there is also a national security benefit to dealing more effectively with infections of HIV/AIDS and the cost of these diseases. If a public health crisis such as this is allowed to go unchecked and the economic effects are devastating, and we see weakness and collapsing economies around the world, in particular in Sub-Saharan Africa, and the subsequent collapse of civil society brings important government institutions to a halt or renders those institutions dysfunctional, then the United States and our allies will have to deal with the crisis of a failed state.

We have seen the way in which public health crises around the world have contributed to chaos and failure of government institutions and, ultimately, to the potential to lead to a more fertile ground for oppression, terrorism, and a collapse in the rule of law. All of those failures have national security implications not just for the United States, but for our allies around the world.

This is an important piece of legislation for what it does, for those around the world who are affected by HIV/AIDS, but also for what it does in setting us and our allies on the right path to deal with a humanitarian and public health crisis around the world.

I encourage my colleagues to support the legislation, even though in the eyes of some it may not be perfect, because it is certainly something that is necessary, needed, valued, and it is an area of investment that has already had a dramatic and positive impact in the lives of millions around the world.

I yield the floor.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SUNUNU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LOW-INCOME HEATING ASSISTANCE

Mr. SUNUNU. Mr. President, I wish to take this opportunity to speak for a few minutes on a piece of legislation which is not pending but which I know is scheduled to be debated in the coming days in the Senate, and that measure deals with the Low-Income Home Energy Assistance Program or LIHEAP.

Senator SANDERS of Vermont has introduced the Warm in Winter and Cool in Summer Act to address a potential crisis as we enter the fall and winter heating months. Heating assistance for those in economic need—not just in New England but across the country—will become a pressing issue.

I think this is important legislation, and I am pleased to be a cosponsor of Senator SANDERS' initiative to provide emergency funding now so that Congress does not have to deal with it in a crisis mode as the winter months approach.

With heating oil over \$4 a gallon, this is an issue that Congress needs to address early and aggressively. It is imperative that those seniors and families who depend on low-income heating assistance in New Hampshire and across the country feel confident that the resources will be there when they need them.

It is also important that Congress address this issue early so States can work with those agencies that administer the heating assistance program. In New Hampshire, the community ac-

tion programs have done an outstanding job ensuring that appropriate funding is available at different eligibility levels and that this assistance gets to where it is needed as efficiently and effectively as is possible. As we approach this debate, I encourage my colleagues, to give this legislation careful consideration and support because it will make a difference in the lives of millions of people across the country. This bipartisan legislation is also something that we have the ability to pass right now.

In addition, the Senate needs to take up legislation that deals with our nation's energy situation, and I firmly believe that means being proactive on conservation, alternative and renewable clean energy development, and new energy exploration here at home. Congress must stop ruling things out. We have to stop saying: We can't do this, we can't do that. Both sides of the aisle must find ways to work together or we will never reduce our dependence on foreign oil.

As we debate additional low-income heating assistance funding, we need to look at conservation, alternative and renewable energy, and more energy production at home—there is no magic bullet; all of these avenues must be pursued to address the issue in the medium and long term. But for many families, whether heating oil is at \$4 a gallon or \$3 a gallon, the impact of the cost is dramatic. That is why we also need to have in place a strong Low-Income Home Energy Assistance Program that will make a difference to those families in need.

I look forward to supporting the legislation of my colleague from Vermont and, again, encourage all my colleagues to support the bill.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The majority leader is recognized.

OIL CRISIS

Mr. REID. Mr. President, the Republicans have been talking now for several weeks about needing to do something about oil. But you see, we on this side of the aisle have been talking about doing something about it for a long time—a long time. That is why we brought the global warming bill to the floor. That is why we pushed very hard to have the renewable energy tax credits put in place so the American entrepreneur can invest in solar, wind, and geothermal, creating hundreds of thousands of jobs. We have been stopped doing anything about global warming, we have been stopped doing anything, of course, about renewable energy, which would take tremendous pressure off the oil markets.

We have worked on doing other things. We introduced legislation dealing specifically with gas prices, and we were turned back from doing that. We could not get 60 votes.

The causes of high gas prices we all know are complicated: We have stability problems in Iraq and in Iran, the Middle East; we have problems in Nigeria now, which is the fifth largest producer of oil in the world; the weak dollar is creating more problems; some say the global demand is outpacing supply with India and China coming online to buy a lot of this oil; and the failure of the oil companies to use their record profits to invest in new refining capacity and research alternatives.

Speculation in oil, is that the problem? Of course not. But it is a problem. It is a big problem, and I think there is a lot of agreement to that effect. Economists agree that probably up to 30 percent or more of the price we pay at the pump is due to speculation.

I had a conversation this morning with the head of United Airlines. This man comes with a pretty good resume. I did not meet him until a few months ago when he and a number of people from the airline industry—all the bosses—came to see me lamenting the fact that these companies were in desperate need of help. They explained to me there were airplanes that were filled to capacity every trip they took in America, but they were going to cancel those flights. Why? Because the airplanes they are using use a lot of gas. The flights they took used a lot of kerosene, is basically what they burn. Therefore, they were going to terminate the flights and use airplanes that did not use as much gas because they lose less money. They lose basically money on every flight they take and that we take as consumers.

I met him then the first time. I have had other conversations with him. He is one of the experts we had in a meeting last Thursday to talk about speculation. Today I talked with him because we introduced legislation to deal with speculation to get the energy debate started.

The Republicans, in the bill they have introduced, have a provision about speculation. So they should join with us in allowing us to get this bill to the floor.

Mr. Tilton said to me today he appreciated our working to get this bill done. We have taken parts from Democratic bills and Republican bills to be at a place where we are now. Mr. Tilton said this is extremely important for the industry, to recognize that we in Congress are trying to do something to tamp down speculation.

President Bush said yesterday there is no immediate fix, that it took a while to get to this problem; there is no short-term solution. That is true. When President Bush took office, a gallon of gasoline cost \$1.46. Today the average price is \$4.11 or \$4.12 a gallon. When President Bush took office, a barrel of oil cost \$32. Today, with the

volatility involved, it has been up near \$150 and has dropped down to \$140, but it is very high, certainly more than \$32 a barrel.

The President is correct that his administration's energy policy has created a crisis that the American people will suffer long past his Presidency. It is true we need long-term solutions, including a serious commitment to providing tax cuts, as I already talked about, to companies and innovators who are investing in clean alternative fuels that could take us off our addiction to oil—and that is what it is. President Bush identified that in one of his first State of the Union Messages, but he has not done anything about that.

The American people deserve solutions that will ease the pain at the pump and also make the future look better for them. One of those solutions is this bill that has been introduced, the Energy Speculation Act of 2008. We have done that together. We reach out and ask the Republicans to join with us in a bipartisan effort to tamp down speculation. Right now Wall Street traders are raising gas prices with nothing more than a click of a mouse.

In the nearly 8 years of this Bush-Cheney administration, the most oil-friendly administration in the history of the country—both made their fortunes in oil—they have turned a blind eye to this excessive speculation. Our legislation will finally hold the energy futures market to the same standards of accountability that other futures markets are held.

Sadly, for American consumers, the Federal watchdog that is working to do this has been understaffed over the last many years. Part of our legislation gives them more staff, to give them more power to do things. They were tremendously underfunded as a result of the work of Phil Gramm, one of JOHN MCCAIN's chief economic advisers. The 2000 Commodities Futures Modernization Act, which, in effect, allowed traders to buy and sell oil without actually taking physical delivery of it.

We are not saying in our legislation they have to take physical delivery of it. But we know where the problem started. The so-called mouse-click energy market was born as a result of JOHN MCCAIN's chief economic adviser, who, by the way, thinks people who are complaining about high gas prices and the housing crisis are a bunch of whiners. Those are his words.

We talked with one of the most fair, seasoned legislators in Congress, CARL LEVIN, a Senator from Michigan, to get more information on large traders of energy quantities in over-the-counter markets. That is in our legislation—something he came up with.

So we feel we are headed in the right direction. We have gotten help from the CFTC, the man who runs that, we have gotten help from the chairman of the Energy Committee, Senator BINGAMAN, and we are doing our best to ad-

dress an issue we feel is very important to the American people.

Mr. DURBIN. Will the Senator yield for a question?

Mr. REID. I would be glad to yield to my colleague from Illinois.

Mr. DURBIN. I say, through the Chair, that in a recent hearing of my Appropriations subcommittee, I asked the Acting Chairman of the Commodity Futures Trading Commission, responsible for regulating these energy futures markets: What is the size of the market? There is one exchange known as NYMEX, which is regulated by his commission, there is another known as ISE, based in London, which is coming under regulation, but there is a whole world of trading out there involving futures trading with swaps, over the counter and the like, and he said—this Acting Chairman said—I don't know. I don't know the size of the market.

So when Americans express their concerns about speculation and its impact on oil and ask whether our Government is doing its job to make sure there is no manipulation of the future price of oil, that there is not excessive speculation, the honest answer from Mr. Lukkin and I believe it was honest—is he doesn't know.

This legislation which we are presenting is going to call for more disclosure and more oversight and more reporting of these markets so we will have information and be able to look closely at these trades. I ask the Senator from Nevada, as part of this legislation, is it not a fact that we are going to dramatically increase the number of people working at this commission—100 new full-time employees—and new computer capabilities so they can keep up with the dramatic increase in trading which is taking place, and will have people to deal with the new information that is collected?

Mr. REID. I say to my friend, if you had to put a mark on this legislation—what does it do more than anything else—I would say transparency. It will allow the entity we depend on to allow us to know what is going on with trading of futures, to have more manpower in order to get more information for the American people.

I say to my friend from Illinois it is important that we have transparency. That is what we are talking about. That is why I mentioned Senator Gramm and what he did. He took away transparency so that the American people will have some idea of what is going on.

Mr. DURBIN. If the Senator will yield for one more question—because I see some of my other colleagues on the floor, including Senator DORGAN, who has done some extraordinarily good work on this issue—I ask the Senator from Nevada: A month ago, when I visited the Air Transport Association here in Washington and met with the CEOs of all the major airlines in America—I say half jokingly that it is a good thing you couldn't open the windows on that high floor of that building because

some might have been tempted to jump out, they were so despondent about what is happening to their businesses as airlines—and I know the Senator from Nevada has seen flights canceled to his home State, I have seen flights canceled in and out of Chicago, American today announced the layoff of 200 more pilots, more planes being grounded—when this bill has a limitation on the positions, which is the amount that can be traded, does this bill not also protect the right of companies, such as airlines, that want to legitimately hedge so they can be protected from future oil increases, so those legitimate commercial interests can trade on the markets and use this speculation in a positive way to protect them from the uncertainty of oil prices in the future?

Mr. REID. I say to my friend that the direct answer to the point is yes. But talking about 200 pilot layoffs, the last time I flew to Las Vegas was right before the July 4 break. I got on the plane and the pilot said to me, the captain: Senator, good to have you on our plane. He said: You know, there are 950 of us going to be laid off—950 pilots were given notice less than a month ago. Now we have 200 more.

The Senator said in a side remark that these people likely felt like jumping out of that window of that high-rise. My comment to that is, that is fairly valid. They are desperate. These are companies which are the largest companies in America—United Airlines, Delta, Northwest. These companies have been around for a long time and have employed hundreds of thousands of people.

The State of Nevada has two population centers. It is a huge State areawise, some 700 miles tall and some 400 miles wide at its widest part. But the population, 90 percent of the people, live in Reno and Las Vegas. If you want to go to Elko or Ely, you have to drive. It used to be that from Salt Lake to Elko you had a flight every hour. Now there is one a day. There used to be a number of flights from Reno to Elko. None.

Rural America is going to be in deep trouble. We have become an airplane society. We go places in airplanes. That is going to come to a screeching halt unless something is done quickly, because these airlines are cutting the flights as we speak. I repeat, every hour there was a flight from Salt Lake to Elko. Now there is one a day.

Mr. DORGAN. Mr. President, would the Senator from Nevada yield for a question?

Mr. REID. Be happy to.

Mr. DORGAN. I was noticing a story that just moved on the wire, and it says:

In a big win for the U.S. futures industry, new Senate legislation unveiled on Wednesday would not impose higher margins on oil traders but would still aim to rein in excessive speculation in energy markets.

I want to make a comment about that, because it goes on to say:

Futures markets participants had feared that earlier legislation introduced by Senator Byron Dorgan to boost significantly the

amount of money, or margin, that speculators would have to put up to trade oil futures would make it into the final anti-speculation bill.

So they paint this as some sort of victory, but let me point out what they missed. Yes, I am the one who authored a bill that said: Let's put in 25 percent margin requirements in order to wring out the speculation in this market. What they missed, however, is that last week we met in a room over here for 3 hours into the evening, and I indicated then that I don't need to have a 25-percent margin requirement if you have position limits that are effective. The bill the majority leader has introduced, which I am cosponsor of, and pleased to be a part of it, does the following: It distinguishes between legitimate hedge trading by commercial producers and purchasers of physical energy commodities for future delivery and their direct counterparties, and all other speculators. Then it establishes real position limits. That is what wrings the speculators out of the system.

Now, there are some who say: Well, speculation is not going on here. There is no issue with speculation. A study done by the House Subcommittee on Oversight and Investigations found that in the year 2000 about 37 percent of those who were in the oil futures market were speculators. Today, it is 71 percent. This market is broken. It has been taken over by speculators. Will Rogers described them as people who are buying things they will never get from people who never had it, making money on both sides of the trade, and grinning all the way to the bank. The problem is they are damaging this economy, hurting American families and destroying this country's airlines and farmers and truckers.

I wanted to make the point to the Senator from Nevada that when someone writes a story and says this is a big victory for the futures market because it doesn't have the 25-percent margin requirement, I was fine with dropping that piece if we had strong position limits that apply against those who aren't engaged in legitimate hedging but, instead, are engaged in pure, raw, unadulterated speculation.

If I might make one other point. This market was set up in 1936 by President Franklin Delano Roosevelt. When he signed the bill, he warned about speculation. He warned about speculators taking over a market. The fact is, the bill that created this market has a provision that deals with excess speculation. Our problem is that under this administration, there is no such thing as regulation. So the regulators, who are supposed to be wearing the striped shirts and blowing the whistles and calling the fouls in these markets, have decided they don't want to regulate. These folks have gone hog wild and destroyed the market for oil futures and driven these prices up to \$130, \$140 a barrel, far beyond where supply and demand would justify it being.

That is why I wanted to make the point that the bill we introduced last

night—and I applaud the majority leader—is a bill that does exactly what we had intended it to do following our meeting last week. Yes, we dropped the new margin requirement, but that is not a failure. We dropped that because we put in very strong position limits to wring the speculation out of these markets. Isn't that the case, I ask the Senator?

Mr. REID. Yes. And let me say to my friend, going back to the President of the United Airlines today—and again let me remind everyone of his background: president of Texaco, vice chairman of Chevron, and now the chief executive officer of United Airlines. He said not only are businesses, including the airline industry—using his words—“patting us on the back,” but in addition to that, all the banks that have loaned money to these airline companies, all the other entities around our country that are looking at these businesses, such as the airline industry, to succeed, this has a wide-ranging impact on our success as a country. We have to do something about this.

Now, people can criticize this legislation all they want. It is not perfect legislation, but it is very good legislation.

Mr. DORGAN. If I might make an additional point, Mr. President, by asking the Senator from Nevada a question. The issue of position limits is critical. That is why this bill has teeth and bite and could actually accomplish something. We will have some other people here in this Chamber who will come to the floor believing in their policy, which is yesterday forever—drill, drill, drill. Every 20 years, we have another debate about who wants to drill where. But the fact is, that is not a game-changing approach to address energy in a significant way.

We want to do this in 2 steps: No. 1, wring the speculation out of this market and bring down prices, and some say by as much as 40 percent; and No. 2, we see a very different kind of energy future. Yes, we increase production, but we must have conservation, efficiency, renewables, and other things.

So for those who come to the floor and say, well, taking on speculation is too easy, well, it is easy when it is right in front of you. There are some people refusing to recognize it when it is right in front of them.

I want to show this chart to my colleague from Nevada. This chart shows what has happened to the price of oil, and every driver in this country knows that is what has happened to the price of gasoline as well. This red line is the price, and it goes up like a Roman candle: up, up, up, up.

Here is what our Energy Information Administration said. We spend \$100 million a year on this agency down at the Department of Energy that has all the people who estimate what is going to happen to the price of oil. Let me show you their estimates. Back in May of last year, here is what the price of oil is going to be—straight across. Kind

of a bump here and there. In July, here is the price. January of this year, here is where we think the price of oil will be.

So how is it they could miss it by so far? Because at each of these junctures they took a look at supply and demand and estimated what the price would be. They missed it by a country mile. You would have to be blind to miss it by this far, right?

Why did they miss it? Because this is all about speculation. It has nothing to do with supply and demand—not a thing. And if we say speculation is fine, let's let it damage our country, let's do nothing about it, I think we would be fools. The American people understand you have to take these two steps: No. 1, wring the speculation out of this system and put downward pressure on prices; and then, No. 2, do a new construct with a game-changing plan on energy for the future.

But I ask the Senator from Nevada: Is it not the case that the agency we rely on for estimates has not just been wrong by a foot but wrong by a mile in every case because they could not measure what this excess speculation was going to do to this country?

Mr. REID. Would my friend be good enough to put up the previous chart that is under that one?

Common sense enters into Government as it does in everything. Common sense dictates, when looking at this information we have before us, that we should do something about speculation. Now, this is not information that was dreamed up by some high school student. These were hearings that brought this out, congressional hearings that looked at what took place in 2000 and what took place in 2008. Look at this difference. Look at the difference—a more than 100-percent increase or close to a 100-percent increase as to what has taken place.

If somebody could sue us because we didn't do anything, they should sue us for negligence that we, looking at this chart, would do nothing as it relates to speculation.

Now, I say to my friend, is speculation the only thing we need to do? Of course not. There is a lot more we can do. Do we believe in increasing domestic production? Of course we do. We want to work and increase domestic production, and there are lots of ways we can do that. But it speaks volumes. My friends on the other side of the aisle keep talking about: let's go drill someplace else. The 68 million acres? We will just hang on to that, and that will be part of our balance sheet. We have 68 million acres, and we want other places to go.

I say to my friend, and everyone within the sound of my voice: We listened to the oil companies less than 2 years ago. They said they wanted to drill in the best place they could find in America, in the Gulf of Mexico, the Outer Continental Shelf in the Gulf of Mexico. We agreed with them. We said: OK, 8.3 million acres—because this is what they wanted. We gave it to them.

Everyone should know what they have done in 2 years: Nothing. Nothing. In the area they said was the most ripe for discovering new oil, they have not driven a boat to fish off the side of there. They have done nothing.

Now they are coming to us, these oil companies that have during the past year made \$250 billion. Have they built new refineries as we gave them tax incentives to do? Of course not. It appears, some say, they don't want the quantity to go up any more so they keep these prices high.

But separate and apart from that, we know the last 8.3 million acres we gave them they have not so much as gone swimming there, as far as we know.

Mr. DORGAN. If the Senator will yield for one additional question, I would make the observation that we come to the floor of the Senate wanting to do something. I understand there are 100 ideas, some of them long term, some would have an impact in 10 years, some in the sweet by-and-by. But this proposition is about the here and now. What do we do about the here and now with respect to speculation?

There is a radio announcer who was talking once about interviewing an old man—age 85 years old. The radio announcer said: I bet you have seen a lot of changes in your life.

And the old guy said: Yes, and I have been against every one them.

We know some people like that, and they serve in this Chamber. They are against anything.

My question is, wouldn't it make sense for us at least to put this in the bank of progress; that is, to shut down the speculation, put downward pressure on oil and gas prices? If some experts are right—Mr. Gates, for example, a top energy analyst for Oppenheimer & Co. for 30 years, says as much as 40 percent or more of the increase in the price of oil and gas is because of excess speculation. He said to us it is like a casino open 24/7 today, like a highway with no speed limit and no cops.

Let's assume he is right. Other experts have said the same thing. Wouldn't it make sense for all of us at least to agree to take this step and then take the other steps? Let's try to find a way to come together rather than to have all the folks who come to this Chamber say: No, not now, not this. Every single day we hear that.

My hope will be that we will get bipartisan support because it is the right thing to do and it is the right time to do it.

Mr. REID. I say to my friend, the business community is crying for help. They believe this is a big step in the right direction. Our offices are now receiving e-mails and phone calls from all the airline companies, banks that are concerned about them, and hundreds of other business entities that believe this is the right thing to do.

Are these organizations usually those that support Democrats? I am somewhat constrained to say no. They usually are all Republican-oriented busi-

nesses. But they know we are doing the right thing. I plead that my Republican friends will join us in helping the American business community. If there are other things that need to be done at a subsequent time, we will try to work with our colleagues on the other side of the aisle. But this is part of their legislation.

Mr. DORGAN. That is right.

Mr. REID. When they introduced their bill, they said speculation was important, so let's focus on speculation.

I want to say one other thing, Mr. President. My friend from North Dakota has been a real activist on this issue and trade issues and others that are important to the American economy. I appreciate his willingness to compromise. This legislation is not everything he wants. If he were King Dorgan, he would have written something else. But we are now in the legislative process, and the Senator from North Dakota and I have been in it for a long time. Legislation is the art of compromise, and that is what we have.

I hope my friends will realize our good faith. I am trying to do something we believe will have tremendous impact on stabilizing oil prices in our country.

Mr. DORGAN. If I might make just one final very brief comment. There are people in this Chamber, in the Republican caucus and the Democratic caucus, who have all spoken of speculation. My hope is that we can come together, work together, and do something in the next week or two, Republicans and Democrats, on this issue. I think we have put together a good bill.

I would say to the Senator from Nevada, one of the things he talked about in the middle of last week was making this a bipartisan initiative in the Chamber of the Senate. I very much hope that can be the case in the coming days.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Will the majority leader yield?

Mr. REID. I will be happy to.

Mrs. MURRAY. As the majority leader knows, I travel home a long distance every week to Washington State and get in my car and drive for several hours to get to my home. I have been paying these increased gas prices like my constituents. It is shocking. Last weekend I paid \$4.45 a gallon to fill up my tank in my car. This is impacting absolutely everybody in my State, my region, just as it is the rest of the Nation.

My constituents say to me: I have been hearing all this talk about drilling. Please tell me that will bring my gas prices down.

I have told my constituents, as we all know—in fact, not just me but the Bush administration's Energy Information Office, this is the Bush administration: The impact on wellhead prices from opening the Pacific, the Atlantic, and the gulf waters to drilling "is ex-

pected to be insignificant." I have not said that. This administration, the Bush administration's Energy Information Administration Office, has said that.

I say to my constituents, the drill, drill, drill or, as the Senator from North Dakota called it, "the forever yesterday policy of drill, drill, drill," is not going to have a significant impact at all on their gas prices.

I thank the majority leader for coming forward with a package that we do believe will have an impact on gas prices and deal with the excessive speculation that is in the market today.

We met last week with a number of experts in this field. We have listened to our Republican counterparts as well who agree that speculation is an issue that we can all come together on and on which we can have an immediate impact in passing a bill.

I come to the Senate floor today to thank the majority leader and to ask him, as he puts this bill together, to deal with excessive speculation with the hope that it will, as the experts have told us, begin to reduce gas prices, that we as a caucus, and I hope as a Senate, will begin to look also at the longer term issues affecting energy and investing in alternative energy so we do not continue to be so dependent on oil.

I ask the majority leader his comments on that.

Mr. REID. I say through the Chair to my friend from Washington, I have been to Washington. I have driven a lot of the State of Washington. It is absolutely a beautiful State. Part of it reminds me of Nevada. People think that Washington is a State where the ocean is everywhere, and it is not. Washington is a State where there is desert. So I love the State of Washington.

But the Senator from Washington is in a very good position to understand how I am sure her constituents feel about what we are trying to do; that is, do something to affect this increase in price, to try to tamp down speculation. To have the people of Washington be told this doesn't matter, speculation doesn't matter, let's drill some more off the coast of Washington and not only drill some more, in effect—no one questions the Federal Government owns 200 miles off our coast. That is the Outer Continental Shelf, and that is recognized by international law.

To think that the Federal Government would just give up on that and say: OK, States, do whatever you want—how do the people of Washington feel about that?

Mrs. MURRAY. I say to the majority leader that the people of my State are a very generous people. If there were a real national crisis that we could solve from my home State by drilling off our coast, my constituents would be willing to sacrifice that. But we know that drilling off the Outer Continental Shelf will have a huge economic impact in my State with no result of reducing gas prices. So that is a sacrifice they

should not be asked to give at this time.

As a matter of fact, what I see happening is that the oil companies in this country that hold 68 million acres of land they can drill today, that they are not drilling, are just looking at this crisis we have today as a land grab, that they can reach out, scare all of us, and have this Congress give them more land, including the pristine shores off my State of Washington, never intending to use them.

I was on the Senate floor with Senator BIDEN yesterday as we discussed this issue. He made a very cogent argument. The fact that if we all decided this was it, this was it and we absolutely had to drill everything, and we gave the oil companies the Outer Continental Shelf off the coast of Washington and Oregon and California and his State of Delaware, that a minimal amount of oil in 20 or 30 years may be drilled, but who among us thinks that OPEC—which actually controls the price of gas—if a 3-percent increase in oil came about as an effect of that drilling, wouldn't reduce their capacity by 3 percent in order to keep their prices high and their profits at maximum level?

Let's not sell the American people a bill of goods. Let's not promise them something that cannot be delivered. No one wants to hear empty rhetoric or to give up something that is extremely important to them if the facts are not there to back it and only, by the way, to give oil companies more excessive profits.

Let's do something that is real—and that is what the bill the majority leader and others have introduced does—to deal with the issue of excessive speculation; to do what many experts have told us to bring the price of gas down. Then, for the long term, we, as a body, have to say: What are we going to invest in in this country for the long-term future so we are not so dependent on oil, so that the next generation behind us doesn't come back and hear yesterday forever, drill, drill, drill, as Senator DORGAN has said time and time again is the solution that doesn't work.

We need to get off our dependence on oil. We need to do that in the long run. But in the short term let's deal with the speculation issue and let's pass responsible legislation in a bipartisan way, not as a silver bullet. No one thinks that is the ultimate answer to bring gas prices to what they were a year ago, but it is a step in the right direction. It is a responsible step to meet the important crisis that we face today, coupled with looking at what we will do long term.

The Senator from North Dakota has been a leader on this issue. I know he is the chair on the Energy appropriations bill, where he is looking at the investments we can make in alternative energy so we can get off of the same argument of yesterday forever and really begin to be responsible lead-

ers at a critical time in our Nation's history.

It is so easy to come out here and say drill on the Outer Continental Shelf. But I will tell you, in a State such as mine, Washington State, that has an economy that is dependent upon our waters, whether it is our fisheries or our environment or tourism but a place that our Nation should say is absolutely one of critical importance—not just my coast but the rest of the coastal States—we should not jeopardize it to get nothing—to get nothing because, as the Bush administration itself said: The impact on wellhead prices from opening the Pacific, the Atlantic, and the gulf waters to drilling “is expected to be insignificant.”

Let's focus on doing something that is responsible, that is not just empty rhetoric, that obviously is not a silver bullet to the energy crisis in total but is sincerely a step in the right direction.

I am proud to join my colleague as we move this legislation forward. I look forward to working, I hope, with Members on both sides of the aisle to move forward on this critical piece of legislation.

I yield the floor.

The PRESIDING OFFICER (Mrs. McCASKILL). The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, let me make a couple of points. No. 1, this legislation is real. I know people who look at the Congress and look at Washington, DC, and its Government and say, they have not done one thing to address this issue or that issue. This is one thing, and I think a significant thing, that could address the issue of the prices of oil and gas that have doubled in a year, with no justification for that doubling relating to supply and demand. This is one thing.

My hope is, in a Chamber that disagrees so often—my hope is that on this issue of national importance we could agree on this one thing.

I was sitting here thinking about when I was growing up. We raised some livestock and lived in a very small town. My father also had a gas station that he managed. So as a young man, I worked at that gas station. I pumped a lot of gas. People have told me my occupation may not have changed very much.

But the fact is, back in those days when gasoline was priced at a very low price and plentiful, the supplies of energy were plentiful, people did not think much about where is the energy going to come from.

Near my little hometown, they decided to drill an oil well. I had never seen an oil well. I remember as a little boy going out about 1 mile from town, looking at the oil well. There was not much to do in that small town. So you drive out and look at the lights on that drilling rig and stare. How exciting it was. And then it turned out to be a dry hole.

Well, 2 weeks ago, I was in western North Dakota where they are drilling

in what is called the Bakken shale. When my colleagues talk about drilling, let me remind them that I asked for an assessment of what is called the Bakken shale formation. The U.S. Geological Survey completed it 2 months ago. It turns out they estimate there is 3.6 to 4.3 billion barrels of oil recoverable in the Bakken shale formation in eastern Montana and western North Dakota. The 3.6 to 4.3 billion is just in the North Dakota portion. The fact is, we have nearly 80 drill rigs right now drilling in that area, producing a great amount of additional oil. So I support that, my colleagues support that. We do support additional production. That additional production is ongoing and happening right now. It will be good for this country.

But the fact is, we are in a situation where we have an urgent need to deal with something that is happening in this country that is damaging our economy. The price of oil has doubled in the past year, and there is no justification in the marketplace for it related to the supply or demand—in fact, demand is going down in this country. We drove 5 or 6 billion fewer miles in the 6-month period than a comparable period before.

Today, we saw another monthly description of inventory going up. So the fact is, there is no justification for prices to have doubled. Now, to do nothing about this issue of speculation, which has run up the price double in a year, is to ignore the obvious. I mean, some might be content to ignore the obvious, not me.

Let's say someone who is grossly obese is brought to the hospital on a stretcher having a heart attack, and a doctor takes a look at this grossly obese patient having a heart attack and says: Well, what we need to do, we need to work first on the weight problem. Let's prescribe a diet.

No, that is not what they would do. They would deal with the heart attack first. That is what we need to do with respect to energy. We need do a lot of things, but first and foremost, we have to find a way to make this futures market work and wring the speculation out of that market and bring down prices.

Now, we have people who talk about the “free market.” Well, I am a big fan of markets. I do not know of a better allocator of goods and services than the marketplace. I am a big fan. I used to teach economics in college ever so briefly. The marketplace is something I admire. I want the free market to work. But sometimes the market is broken. Sometimes the arteries to the market are clogged and do not work. That is certainly the case with oil.

How do you make the market in oil? Well, you have the OPEC countries. They formed a cartel. It would be illegal and prosecutable in this country. OPEC forms a cartel. They all close and lock a door and have a suggestion about how much they want to produce and what price they are going to extract for it. That is the front end.

Second, you have oil companies, bigger and stronger through mergers. All of them now have two names: ExxonMobil, ConocoPhillips, they all have two names because they decided to get together and get hitched. So they did mergers. They are all more powerful and have more muscle in the marketplace.

You have OPEC, bigger oil companies with more muscle in the marketplace, and at the other end you have this futures market that has become an orgy of speculation, unbridled speculation. I showed a chart a bit ago that showed over 70 percent of the trades in the oil futures market are not by people who ever want to see a can of oil or carry a 5-gallon can of oil or see a 30-gallon drum of oil.

They are people who want to trade contracts and make money. That might be fun for them. They might be the most satisfied people in the world traipsing back and forth to put our money in their bank accounts in the last year. God bless them.

But if we have our way on the floor of the Senate, that is going to end. Because what is happening when you run up the price of oil—and gasoline doubled—and do the kind of damage that exists in this country today, airlines declaring bankruptcy, cities losing their airlines, family truckers who have been working for 30 years saying they cannot go on because they cannot afford to fill their tanks with diesel fuel, farmers and families trying to figure out: How do I scrape up enough money to fill my tank to be able to drive to work?

The fact is, it does not work for us to allow this to continue. This market is broken. We have a right, it seems to me, to restore the market to its original purpose. Go back and look at the legislation that created the oil futures market. The purpose was to have normal hedging to hedge risk between producers and consumers of a physical product, a perfectly reasonable and necessary thing to do. But what has happened is the market is taken over now by other interests. Those interests are described by a Wall Street Journal article many months ago that piqued my interest in what was going on: investment banks, hedge funds, pension funds, running deep into these futures markets driving up prices. Investment banks buying oil storage capability to buy oil and take it off the market.

That is not the way a market should work or should be expected to work. When a broken market damages this country's economy, we have a right and, in fact, we have a responsibility, in my judgment, to address it. There will be those who disagree very strongly with that which I say. They will be surrounding Capitol Hill with substantial effort to say: This legislation that we introduced last evening will be destructive and damaging.

I say to them: I know what is destructive and damaging, it is doubling the price of oil and gasoline in the last

year. That is destructive and damaging to this country, to the families in this country, and to a good many businesses in this country that cannot fly through that storm.

So my hope is we will be able to get some bipartisan support for a piece of legislation that begins to shut down the excess speculation in the market that is damaging this country's economy.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEMINT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEMINT. Madam President, I rise to speak on the bill being considered at this time, the foreign aid bill we call PEPFAR. I would like to speak about it in relation to the overall condition of America, America's economy, so that we can put it in context.

These are very difficult times for our country, we all know. It seems the news keeps getting worse. Obviously, we are at war. As the situation improves in Iraq, Afghanistan seems to be deteriorating. We have to keep our focus on the terrorist problem around the world.

Our economy also seems to be failing or at least slowing at this time. The energy situation is crushing Americans. Just filling up their cars and trucks with gasoline every day becomes more burdensome. People are really hurting. It is very difficult to make ends meet paycheck to paycheck. The mortgage companies and banks are experiencing extreme difficulty, making it harder for people to buy homes and to stay in their homes. Now we hear that the government-sponsored enterprises we call Fannie Mae and Freddie Mac, which are the largest credit organizations in the world, are experiencing difficulty and that we may need to step in this year and bail them out to the tune of \$40, \$50 billion this year. Families are struggling. Any family that has debt and can't make ends meet, can't meet their expenses, would not consider going out and buying a new gas-guzzling SUV. We wouldn't do it.

Why, at a time when our country is in debt and, as far as we can see, expenses will be more than revenues, would we create the biggest foreign aid bill in history and borrow more money, \$50 billion, and send it all around the world to some countries that are much better off than we are? We are doing this in the name of generosity and compassion, helping countries in Africa with the epidemic of AIDS. I supported the program in 2003, and it was a huge, expensive program at the time of \$15 billion. Because it has been focused and somewhat accountable, it has been somewhat effective. But now we come

back and increase that budget over 300 percent, expand it from countries it was originally designated for to the point where now money is going to the United Nations, to China, India, other countries. Some of these countries are much better off than we are as a nation.

This chart will help my colleagues focus on what we are dealing with and what we should consider as we talk about spending more money at a time when we are at war and our economy is in difficulty and the credit industry is in trouble.

Historically, we have been at about 20 percent of spending as the Federal Government in relation to our total economy, what we call GDP, or gross domestic product. Beginning now, projected spending is increasing dramatically because of retirees and those going on Social Security and Medicare and the fact that younger workers are not coming in at nearly the rate people are retiring. Our expenses as a country are increasing dramatically and will for the foreseeable future. We have no plans to meet this type of spending increase and no place to get the revenue. We are already in so much debt that some of the countries holding our debt are trying to get rid of it. Yet we continue to spend money. This doesn't even reflect all of the expenses we are going to have to continue the war on terror and supplemental emergency spending, such as floods. None of that is in here. So spending is going to increase dramatically. By 2050, which seems a long way off, it is going to go from around 20 to over 40. During that period, we continue to see astronomical increases in spending, with no plans to curtail it.

Perhaps even worse, we need to address our debt. That affects the value of our dollar, interest rates, and the money we have to spend on other priorities. We have never seen anything like this. This is not made up. This comes from the Committee on the Budget, as well as the Congressional Budget Office and the Office of Management and Budget from the administration. This is real.

In 2007, Government debt was 37 percent of our total economy. If we continue spending at the current rate, the U.S. Government's debt will be at 109 percent—larger than our total economy—in a little over 20 years. There is no way we can maintain a successful economy and be the leader of the world with this scenario.

Some of our colleagues have rightly said in private that this is a crisis; we could be close to a meltdown as a nation. Yet what we are doing here this week I consider obscene and completely unacceptable. It is almost unthinkable that we would come in here, at a time when we need to be addressing an energy problem or looking at how we are going to deal with Social Security and Medicare and stay more competitive as a nation and keep jobs here, and talk about expanding the

largest foreign aid program in history, with no thought of where we are.

The world has to look on us and wonder: What are they thinking? They are running out of energy. Yet their laws keep them from developing their own energy supplies. They are in huge debt. Yet they keep giving money away to other countries that are eating our lunch economically, such as China. What are we thinking?

The fact is, we are thinking about the next election instead of the next generation. We have heard comments such as: There is no need to go after any energy in America; it will take 5 or 10 years. That is what President Clinton said when he vetoed a bill that would have given us oil supplies from Alaska 10 years ago. We would today be getting as much oil from Alaska as we are having to buy from Venezuela if we didn't have a President who said we didn't need to be thinking 10 years in the future. I say we need to be thinking 50 years in the future. We don't need to be borrowing more and more money and charging it to our children and grandchildren.

This bill we are talking about this week is all with borrowed money. It is not our generosity. None of us are going to give a penny to help Africa or other nations.

We are going to charge it to our children and grandchildren and walk out of here and feel good about ourselves. And we should be ashamed of ourselves. We should be more accountable to the American people.

This is a devastating chart to look at, yet we ignore it every day. Every spending bill that is put on this floor passes with flying colors, and it seems to be an insult to this body to even suggest we might cut the budget to some realistic level.

I have an amendment we will vote on in a few minutes that takes the level of spending from \$50 billion to \$35 billion over 5 years. That is still way too much, and we should not be doing it. It is still more than the President asked for. He asked for \$30 billion. What it is, is the amount of money that the Congressional Budget Office said that no matter how hard you tried with this PEPFAR Program, you can't spend more than \$35 billion effectively in 5 years; without wasting money, you can't spend more than \$35 billion.

There is no reason this Senate can't say: Wait a minute. We are in financial trouble as a country. We still want to help people around the world. Let's bring it back to a level that at least is reasonable in the sense that it is all we can spend without wasting it.

My amendment does not change anything about the bill except moves the level from \$50 billion to \$35 billion. This will not take one dime away from AIDS treatment in Africa because if we keep it at \$50 billion or \$60 billion or \$100 billion, we cannot get any more money to the people we are trying to help. So if we are at \$35 billion, we are at the level that is going to help the

people we are intending. In fact, it is still more than twice what we started this program with only a few years ago.

I encourage my colleagues to take a moment to think about America and where we are. It is wonderful to be compassionate and generous. But this bill is not about compassion and generosity because none of this money is coming from us or our salaries, and we are not paying for one penny of it by cutting another program or making a sacrifice somewhere else.

We are not being honest about where the money is going because it is no longer an AIDS to Africa program, it is an "anything anywhere in the world" program. We at least need to say we have the discipline to bring it back to the level that is the maximum amount our own services tell us we can spend. If we cannot do this, if Members of this Senate cannot take that one, small step of responsibility, we should not be in this body. We certainly should not go out to the American people and pretend we have done something good for them around the world because we have not. We are doing business as usual here, spending like there is no tomorrow, and there might not be if these same folks stay in the Senate and the Congress and continue to spend our money here.

I plead with my colleagues to look at reality, to look at where we are as a country, in debt and spending. Please, let's demonstrate to the American people that we can trim in one place—this massive foreign aid bill, giving money, which we are borrowing, all over the world—that we can, we have the self-discipline. We can walk out of here and say: We at least trimmed it back to the maximum amount they said we could spend.

I hope some of my colleagues are listening. I appeal to them to show one grain, one little bit of sanity here as we approach the future, to take this bill back down to a level that is at least vaguely responsible.

With that, Madam President, I yield back.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, I thank Senator DEMINT for causing us to confront a very difficult truth; and that is, that we do not have unlimited money. We do have to manage it well.

I, frankly, have been uneasy as to the way this process developed. I supported the previous \$15 billion AIDS bill for Africa that was the largest expenditure to fight a disease in the history of the world. I remember thinking the President's plan to double it was a bold, big step, and I hoped to be able to support that. I certainly favored an increase in what we were spending on this program because I think it has made some positive difference. Then I was shocked that out of the blue they added another \$20 billion to it. So a 5-year program spending \$15 billion on this disease has all of a sudden been converted into a 5-

year program that will spend \$50 billion.

It is very difficult to spend that kind of money wisely in undeveloped countries. In fact, as the Senator noted, the Congressional Budget Office—our independent analysis branch of the Congress—has concluded we cannot spend that much. They say all we can spend is \$35 billion. He has an amendment to bring this bill down to that amount, and I intend to support it. I think that is a very generous increase.

I will note that the G8 nations that are supposed to be participating with us in this—the nations we are supposed to be leading and, in fact, are dramatically leading in this effort worldwide based on the amount of money we have put forth, and with the leadership President Bush has given—those G8 nations recently met and committed to spending \$60 billion in the next five years on this project. Obviously, most of it is, of course, the money we are spending. So I do not know that we have the kind of followers that leaders ought to have. We need to stay on those other nations around the world and insist they participate in a generous way.

But I have to tell you, it is not easy to spend this money wisely. Five years ago, when we were talking about this bill, Sir Elton John testified before our committee. He has an AIDS program in Africa, and he works hard at it. They raised a few million dollars. They spend a few million dollars a year. I cannot remember the number. I asked him about that at the committee hearing. I said: Sir, we are talking about \$15 billion. What do you think about that? Is that something we can spend wisely? I am sure you try to use your money wisely. What advice do you have?

This is what this man, who has committed much of his life and effort fighting AIDS in Africa, responded:

I concur with you totally. . . . This is just something that the politicians have to make sure that when the [AIDS] money goes to governments—

That is governments throughout Africa primarily—

the money is spent in the right way. . . . We are a very small AIDS organization; we can control where everything goes, and we do. We know where every penny goes. But when you get to these vast sums of money that we are talking about here today—

He was talking about \$15 billion, not \$50 billion—

you are going to run into those kinds of problems, and I do not personally know myself how you solve them, but I do concur with you that that is a major problem.

Well, that is obvious to us. So we have not had any kind of intensive effort to ensure this money will be spent wisely. It went to the Foreign Relations Committee, and they popped it out with the full funding—\$20 billion more than the President originally asked for, and he is the world leader on this, and the money is just passed along. I say to my colleagues, we ought to be more responsible.

I shared with a group of Senators the other day—yesterday, in fact—these figures, following up on Senator DEBINT's comments. In this year, this is what this Congress has done:

We have voted for a \$150 billion stimulus package—every penny of that in emergency appropriations, going straight to the debt.

We expanded the GI bill by \$60 billion. Everybody wanted to help the soldiers have more education. How could we say no to that? Senator MCCAIN raised a concern that was very legitimate. They attacked him as not caring about veterans. Basically, thank goodness, most of what he asked for got fixed in that bill because it was contrary to what the Defense Department believed was good, and Senator MCCAIN helped us improve that bill.

We passed a \$180 billion war supplemental. We spent about \$18 billion on a Medicare fix. We now are doing a \$50 billion AIDS bill. We are going to have a \$15 billion to \$18 billion housing bill.

Revenue to the U.S. Treasury, because of the economic slowdown, is going down. So that is a difficulty we face. Last year, after 3 consecutive years of reducing the \$400 billion deficit—it fell to \$177 billion, and we were feeling pretty good. But now our expenditures are surging, and our revenue is going to be down as a result of the declining taxes because people are not making as much money, they are not making as much overtime, they are not going to get the bonuses they got in the past, which they may well have paid 35 percent on to the U.S. Treasury.

The Wall Street Journal said the deficit this year, instead of \$177 billion, would be \$500 billion. So I am telling you, we have to be responsible here. Every single billion has to be watched with care, and I wanted to mention it.

I thank Senator BIDEN and Senator LUGAR for their support on an amendment I have offered on this bill. It follows up on an amendment I offered 5 years ago to deal with the concern of how many people are being infected with AIDS as a result of medical treatment—either through blood transfusions or reusing needles in medical settings. We had an estimate 5 years ago that 300,000 people a year were being infected as a result of medical transmissions. It is hard to believe the testimony to that effect. So we came up with a program that required needles that could not be reused, and checking the blood supply before transfusions. I was pleased to see that in the USAID's report on their Web site a few days ago, they have calculated that the efforts to improve the safety of immunizations, made possible through the legislation Senator MCCONNELL and others accepted which I proposed—and it went in that bill—have saved as many as 300,000 lives.

But Dr. Gisselquist, a researcher from Pennsylvania, who raised that issue originally, and some others who supported this concern, believe there are other things that need to be done,

and I have offered some additional legislation this time.

I thank Senator BIDEN—I know he cares about it—for accepting this legislation.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I do support the initiative of the Senator from Alabama. I think what he has said about the consequences and effects of what he is doing are absolutely correct. At the appropriate time, with the permission of the Senator from Indiana, and in the context of a unanimous consent agreement here, we would be prepared to accept the amendment. But we are not quite there yet.

While I have the floor, if I could say for the benefit of my colleagues and their staffs who are listening as to the status of where we are, the Senator from Indiana and I think we are very close to the wrapping up of an entire unanimous consent agreement which would allow us to have no more than four votes, including final passage—at least that is the expectation—and that we would be able to do that sometime within the next 2 hours, and we would be out of here relatively early.

On that point, I thank all the Senators who have had amendments for their cooperation in moving this along, I think a great deal more rapidly than anybody anticipated, at least more rapidly than I anticipated we would be able to do.

To conclude where I began, I say to the Senator from Alabama, I think his initiative is first rate. Everything he says about the consequences of what he is talking about is absolutely accurate, as best I know the situation.

In the context of a wrap-up unanimous consent agreement, we will be able to handle all of this. So that is the intention, I say to the Senator.

I am told in the meantime if and when the Senator from Alabama yields the floor, the Senator from Florida is looking to proceed as in morning business for some relatively short period of time.

AMENDMENT NO. 5086

Madam President, I ask unanimous consent that the pending amendments be set aside, and on behalf of Senator VITTER, I send to the desk an amendment to the Vitter amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:
The Senator from Delaware [Mr. BIDEN], for Mr. VITTER, proposes an amendment numbered 5086.

Mr. BIDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To withhold 20 percent of the Federal funding appropriated for the Global Fund until the Secretary certifies that the Global Fund has provided the State Department with access to financial and other data)

On page 60, strike line 2.

On page 60, line 12, strike the period at the end and insert the following: “; and

“(K) has established procedures providing access by the Office of Inspector General of the Department of State and Broadcasting Board of Governors, as cognizant Inspector General, and the Inspector General of the Health and Human Services and the Inspector General of the United States Agency for International Development, to Global Fund financial data, and other information relevant to United States contributions (as determined by the Inspector General in consultation with the Global AIDS Coordinator).

Mr. BIDEN. Madam President, I wish to correct what I said. I said I send to the desk an amendment to the Vitter amendment. I send the Vitter amendment to the desk, and I ask unanimous consent that we move to its immediate consideration.

The PRESIDING OFFICER. The amendment is now pending.

If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 5086) was agreed to.

Mr. BIDEN. Madam President, for the benefit of my colleagues, I believe we are down to three amendments. As my grandfather would say, God willing and the creek not rising, we will get a UC that can wrap this up pretty quickly.

I yield the floor.

Mr. SESSIONS. Madam President, I thank Senator BIDEN for his commitment and Senator LUGAR's commitment to this. I know it is quite sincere, and I know this reauthorization will, indeed, save lives. I will note I have a New York Times article from 2004 about 428 Libyan children who were infected with HIV by Bulgarian nurses who were reusing needles. So during our discussion before, we learned there were quite a number of children infected with HIV whose mothers were not infected with HIV, and it indicated they got it from some other source. It was believed that medical transmissions were a part of that. So I believe we can make a difference.

One of the things this legislation calls for is that whenever a circumstance such as this is discovered, that an investigation be undertaken to find out how it occurred so a stop can be put to the tragedy of someone going to a physician—a doctor—or a clinic to get a shot for an infection or a virus or an antibiotic and they come home with a deadly disease. We can do better with that, and I hope we will.

I will note also how proud I have been of Dr. Michael Saag at the Center for AIDS Research at the University of Alabama at Birmingham, a part of the infectious disease program. They have operated programs throughout the world, including Zambia, under a program headed by Dr. Jeff Stringer.

I also wish to thank Senator TOM COBURN. Sometimes people complain that Dr. TOM COBURN holds up bills and doesn't always let them pass by unanimous consent—with no debate, no ability to offer amendments. He felt this

bill needed to be improved. I met with a group from Africa who urged us to oppose the legislation as originally written for a few reasons, primarily because it removed the requirement that a significant percentage of the money from the bill be spent on medical treatment. They said, in fact, we should oppose the bill, even though they would, in many ways, benefit. We had a grandmother come whose daughter died from AIDS and she had her granddaughter with her and the granddaughter was infected with HIV. So it was an emotional moment.

I wish to say that as a result of Senator COBURN's objections to the bill and the willingness of the sponsors and leaders of the bill to listen to Dr. COBURN's complaints and concerns, considerable changes were made that I think made this bill better. I do feel better about that. I wish to say I am pleased that occurred.

So, again, I am going to support the amendment of Senator DEMINT which would reduce the funding to a level above that which President Bush originally asked for, to the level the Congressional Budget Office has said is all we can spend.

I am going to remember—I will not forget—what Sir Elton John said: That it is a responsibility that he felt to everybody who contributed to his program to see that every penny is spent wisely. There is no way this huge increase in spending can effectively occur with this legislation. There is no way it can be passed down through governmental agencies and bureaucracies and be wisely spent. I hope some of the amendments and ideas to ensure integrity in the process will become part of the law.

So I thank the Chair for the opportunity to speak on this. I do believe it will have a positive impact in the world. I do believe the United States should lead, and we are able to lead, but I have to tell my colleagues that we are in a position financially where we can't do everything we would like. We wanted to help the veterans. We wanted to stimulate the economy. We wanted to support housing. We wanted to support a worldwide program to fight disease, as this bill does, but there comes a point in time when we have to ask ourselves: Where are we going to get the money?

I am telling my colleagues, the deficit this year will be more than twice what it was last year. A lot of this spending we approved this year is not going to come out of the budget until next year. Unless the economy dramatically improves, we will probably see less tax revenue next year than this year. Much of this AIDS money would not come out until next year to be spent. So I am worried about that. I think we ought to be responsible. I don't think we have been sufficiently frugal in managing this program and in ensuring that every single penny does what we want it to do and that we are building up the funding at a rate we

are sure can be done safely and effectively and protect the taxpayers' money.

So for that reason, I intend to support the amendment of Senator DEMINT and some of the other amendments that call for rigorous monitoring to ensure that the money is spent wisely.

I thank the Chair and yield the floor. The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Madam President, I understand that when we finish the work on this Global AIDS relief bill, we are going to take up the urgent matter of speculation in the commodities trading markets specifically with regard to energy and specifically with regard to oil. I wish to speak on that critical subject. Is it my understanding that I should speak as in morning business?

The PRESIDING OFFICER. That is up to the Senator to make that determination.

Mr. NELSON of Florida. Well, I will speak with the existing floor legislation then.

ENERGY CONCERNS

Madam President, it is time for us to address this matter of speculation. We have heard testimony on Capitol Hill from numerous experts in the Agriculture Committee, the Commerce Committee, the Homeland Security Committee, and many others over the course of the last several weeks. All signs are indicating there is something terribly wrong with the markets—the energy markets, the financial markets—and they are having an effect upon each other. Something is clearly causing high gas prices and our people are hurting and we have to get to the bottom of it.

When somebody comes up with a solution, those who are on the other side of that say: No, that is not true. Well, we are going to have to force the issue and get to the bottom of it because now the President has lifted the moratorium on offshore drilling in the areas that have been under a moratorium for decades.

The President is offering that as if that were the solution, instead of taking on the oil speculators. The President implies that by lifting the moratorium, if you drill off the coast in the areas that heretofore had been off limits to drilling, it is going to affect the price of gas but, in fact, the President's own Energy Information Agency has stated in a report they published last year that if you drilled all over the entire offshore, it would not affect the price of gasoline until the year 2030. So the President's own administration is undercutting the very argument the President is saying. So if they know it would not affect gas prices, why are they saying it? They are saying it because they know it is a seductive argument at a time when people are hurting under the strain of paying for \$4 gas. It sounds simple: Well, let's go drill. However, the fact is, if we want to drill, why don't we drill?

There are 68 million acres under lease by the oil companies. Let me repeat that figure: 68 million acres under lease by the oil companies that have not been drilled. It is seductive to say: Well, let's drill. Well, then, if we are going to drill, let's drill. Let's drill in what is available with thousands of permits that have already been issued to drill. Why aren't we drilling? If we look at the argument, we will find that to lower gas prices by as much as half, you have to go after the unregulated speculation that keeps driving up the price of crude oil, and up to unrealistic and shockingly high prices, largely because of a legal loophole called the Enron loophole that was enacted in December of 2000.

Oil is hovering now at about \$138 a barrel, but recent congressional testimony has told us from a leading industry executive—I am talking about an oil industry executive—that under normal supply and demand, the crude oil price ought to be about \$55 a barrel, not \$138 a barrel. If you brought that price back down to what normal supply and demand would require, then instead of gas being \$4 a gallon, you are talking about gas being around \$2.28 a gallon. So that is why a number of us have gotten into this act and offered various bills on speculation.

My legislation, S. 3134, would take us back to the status quo before the Enron loophole was enacted, and it would say you would have to regulate the energy commodity trading markets. That way, I think we could bring gas prices back down to a more realistic level.

So what Senator REID has done is, he has reached out to all these different speculation bills, and he has tried to put them together into a leadership bill that reins in the speculation by imposing position limits so one particular speculator couldn't absorb most of the oil contracts in a particular market, so it would ensure legitimate speculation doesn't get out of hand. Senator REID's approach is a more complicated approach that leaves the door open for unregulated trading, but if it is done right, the approach that the majority leader has taken can get us where we need to be. So I am going to be trying to assist our leader as we try to get this kind of legislation passed.

Now, it is interesting what we have heard coming from the Wall Street investment banks that have a lot of involvement in this speculative bidding up of the price, and what we have heard from the editorial page of the Wall Street Journal, which says that if you attack speculation it is misguided, and they say that the spiking price of a barrel of oil is just the supply and demand question; that the demand exceeds supply.

Just ask yourself if that makes sense. When the Saudis agreed to increase production, there was no drop in the price of oil. They increased the supply, but there was no drop in the price, and the price of oil keeps spiraling on. And one day it jumped up \$11 a barrel.

When there is no evidence of any dramatically increased demand, there is plenty of evidence that speculative money is pouring into the energy futures market. If you were making that much money, putting it into that marketplace, why wouldn't you pour your money in there?

Madam President, our airlines are just about to go out of business. The day that oil jumped \$11 a barrel, just that \$11 a barrel jump cost the airline industry \$4 billion extra. The airlines go out and they bid in the speculative market to hedge against increases in the price of jet fuel. But they are hurting so bad because of this marketplace going haywire. There are legitimate hedgers who try to use the futures market. Every CEO of every major airline has written us, all asking us to take action against excessive speculation. In the meantime, you know the drill—the oil companies keep asking loudly, along with the President—they claim they need to drill in new areas off of Florida and off of California. They will argue that this is going to increase the supply of oil.

But what they don't tell us is that in the Gulf of Mexico, there is already 39 million acres under lease, and 32 million acres of that 39 has not been drilled. So why wouldn't they drill?

Well, there is a fact of a balance sheet and assets. The more areas of land and offshore land they can have under lease, the more reserves the oil company accumulates, and the more that is a valuable asset that is added to their books.

This Senator was involved in crafting a compromise 2 years ago on drilling in the Gulf of Mexico. Initially, the proposal was to drill in 2.5 million acres. That was going to go on a beeline straight toward Tampa, FL. This Senator, and others, crafted a compromise of 8.3 million new acres for lease, keeping it away from the coast of Florida and away from the military testing and training area. We have the largest testing and training area for the U.S. military in the world, which is basically the Gulf of Mexico off of Florida. So we worked out that compromise.

But in this argument to lift the moratorium, their side is not telling you that in the 8.3 million new acres they got in the gulf 2 years ago—that did nothing to bring down the price of gasoline and oil. They don't tell you they have not drilled in any of that new 8.3 million acres. It is available, and it is there.

So the fact is, they ought to be sinking wells in the areas they have under lease—68 million acres—before demanding the control of millions of new acres with all the resulting tradeoffs that may occur. What do I mean? For example, States such as my State of Florida or California have an enormous part of their economy depending on pristine beaches. In our State alone, we have a \$60 billion-a-year tourism industry. Do we want that threatened? Do we want our economy threatened?

In States such as mine, the State of California, and many other States, there are these delicate bays and estuaries where so much marine life is spawned. Do we want that threat? No. I admit everything is a tradeoff. So why can't we balance the interests here by protecting the economic interests, the environmental interests, and the military interests against the interests to have additional oil drilling by utilizing the 68 million acres to drill on, already leased, including the 32 million acres available in the Gulf of Mexico that is under lease but hasn't been drilled? It is too much of a commonsense question that people like to ignore. This Senator is going to continue to demand that we answer that in a commonsense way.

Let me point out something else. By the lifting of the moratorium, which the President has just done on Monday, it would lift the moratorium all up and down the eastern seaboard, from Maine all the way down to the Keys in the State of Florida. That would open in the Atlantic the area off of the Cape Canaveral Air Force Station and the Kennedy Space Center. Do you think we ought to be having oil rigs out there where we are dropping the solid rocket boosters of every space shuttle flight, and where the defense satellites that are being launched out of the Cape Canaveral Air Force Station, on whose ride to space are expendable booster rockets, with the first stages dropping off into the Atlantic—should we threaten that capability of our national security? Yet what Senator MCCONNELL is going to offer as a Republican alternative is to allow this drilling in all of the areas offshore of the United States, with the exception that the Governor of an individual State could veto drilling off that State.

Do we, the United States, whose main function as a government is to provide for the national security, want a Governor of an individual State to have veto power over whether the military interests of the Nation are going to be able to be conducted off the shore of that particular State? I think the answer is clearly no. You can't let a single individual, with their point of view of a State, say we are going to drill out there and kill that military testing and training area or in the case of Cape Canaveral, the area where we have to launch our rockets into space. Yet this is what we have come to.

So why do we want, in this system of tradeoffs, a tradeoff against the interests of our national security, our environment, and our individual State economies? It is simply not worth it if you have an alternative. The alternative is to go ahead and drill in the 68 million acres you already have under lease. We are not opposed to drilling. We want to make sure we approach this, as you make the decisions of tradeoff, in a commonsense way. That is what a lot of people do not understand. We simply cannot allow the administration to take advantage of the

situation, to give away the store, before this President leaves office in about 5 months.

Instead, we need to do something that is going to reduce gas prices by curbing the profiteering and the excessive speculation on the unregulated markets. That is the real solution for the short term. Then, for the long term, we must rapidly develop alternative fuels and vehicles and have a legitimate alternative to petroleum as a means of the source of energy as we propel ourselves forward in this country in this century.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, for the benefit of my colleagues, I am going to propound, very shortly, two unanimous consent requests relative to the legislation. I wanted to make sure Senator LUGAR has copies of them.

The first one relates to the Sessions amendment. Then the second relates to wrapping up the entirety of the bill, all remaining amendments. With the Senator's permission, I will proceed.

Madam President, I ask unanimous consent that it be in order for Senator SESSIONS to substitute an amendment on promoting blood safety for the amendment he currently has listed under the agreement with respect to S. 2731, with no second-degree amendments in order to the amendment; that the Sessions amendment be agreed to and the motion to reconsider be laid upon the table; that the Sessions amendment on the list be deleted, and that no point of order be in order to the bill based on section 305.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BIDEN. Madam President, that means the Sessions amendment is now agreed to; is that correct?

The PRESIDING OFFICER. We do not have the amendment.

AMENDMENT NO. 5087

Mr. BIDEN. Madam President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for Mr. SESSIONS, proposes an amendment numbered 5087.

Mr. BIDEN. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5087) is as follows:

(Purpose: To advise the public about the risks of contracting HIV from blood exposures, to investigate unexplained infections, and to promote universal precautions in health care settings)

On page 20, line 13, strike "and" and all that follows through "(C)" on line 14, and insert the following:

"(C) promoting universal precautions in formal and informal health care settings;

“(D) educating the public to recognize and to avoid risks to contract HIV through blood exposures during formal and informal health care and cosmetic services;

“(E) investigating suspected nosocomial infections to identify and stop further nosocomial transmission; and

“(F) On page 28, line 13, insert “public education about risks to acquire HIV infection from blood exposures, promotion of universal precautions, investigation of suspected nosocomial infections” after “safe blood supply.”

On page 102, line 21, strike “and” and all that follows through “(xii)” on line 22, and insert the following:

“(xii) building capacity to identify, investigate, and stop nosocomial transmission of infectious diseases, including HIV and tuberculosis; and

“(xiii)” On page 132, between lines 12 and 13, insert “public education about risks to acquire HIV infection from blood exposures, promoting universal precautions, investigating suspected nosocomial infections.”

Mr. BIDEN. Madam President, I urge passage of the amendment by voice vote.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 5087) was agreed to.

Mr. BIDEN. Madam President, I ask unanimous consent that no further amendments be in order to S. 2731; that the Senate then proceed to vote in relation to the pending amendments in the order listed below; that prior to each vote there be 4 minutes equally divided and controlled in the usual form; that after the first vote in the sequence, each succeeding vote be limited to 10 minutes each; that upon disposition of all of the amendments, and prior to voting on final passage of H.R. 5501, the House companion, there be 40 minutes of debate, with the time equally divided and controlled between the chair and ranking member; that upon the use or yielding back of that time, the Senate proceed to vote on passage of H.R. 5501, as amended, with any other provisions of the previous order remaining in effect.

The amendments in question are the Gregg amendment, No. 5081; the Kyl amendment, No. 5082; and the DeMint amendment, No. 5077.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. Mr. BIDEN. Madam President, I believe we are looking for a unanimous consent to begin the first amendment in the series of votes at 5 o'clock.

I suggest the absence of a quorum. The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I ask unanimous consent that the order of the votes that was set out in the unani-

mous consent agreement begin at 5 o'clock, the first vote beginning at 5 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 5081

Mr. GREGG. Madam President, is the regular order now that we are to proceed to a vote on a series of amendments?

The PRESIDING OFFICER. A series of amendments with 2 minutes of debate on each side preceding each amendment vote.

Mr. GREGG. Is the first amendment my amendment relating to the inspector general?

The PRESIDING OFFICER. The first amendment is the amendment, of the Senator from New Hampshire, Mr. GREGG.

Mr. GREGG. Madam President, I will go forward, and I guess the Senator from Indiana will close.

This amendment seems to me to be eminently reasonable in the sense that all it does—it is certainly not partisan in any way—is set up an independent inspector general for this specific program. Why does this program need an independent, specific inspector general? It is because under the present law, where we have over \$15 billion being spent over 5 years, we have five different inspectors general looking at these programs, and it has been pretty clear that they haven't had time to do it very effectively. Only one inspector general has spent any time, in fact, and that has been the USAID inspector general. By requiring the program to increase threefold, we are dramatically increasing the responsibility relative to spending money, but the USAID inspector general isn't going to have time to increase their efforts significantly in this account. So it is very important that we have an independent inspector general.

This is especially true because almost every country that these dollars are going to go into is a country which rates very low on the international evaluation of transparency, integrity, and functioning of the government in a way that we would deem to be efficient and effective. We cannot afford to have U.S. tax dollars wasted, and we certainly don't want to have them going to processes which are corrupt. The way to avoid that is to set up a specific inspector general for this account.

I wouldn't ask for it if we weren't expanding it so dramatically. But when you take a program and triple its size, you better have someone looking over the shoulders of the folks spending

that money. That is why we need an independent inspector general relative to this account.

I yield the remainder of my time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The yeas and nays are ordered.

The Senator from Indiana is recognized for 2 minutes.

Mr. LUGAR. Madam President, while I agree with the oversight goals the Senator has suggested, the underlying bill we are debating has a very strong inspector general infrastructure, and it operates at much less cost than the cost that would be assumed by the Senator's amendment.

PEPFAR has set a high standard for results-based, accountable development programs both within our own Government and in the international community. PEPFAR has been among the most evaluated of new programs in the U.S. Government, with five GAO reports already completed and a sixth on the way.

I believe we now have a strong system of oversight already in the bill that recognizes the participation of many agencies in our antidisease programs, and this system has extensive experience and continuity of oversight over these programs. I believe we should retain this system. Therefore, I hope Members will oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts in (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Mr. SCHUMER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 51, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—44

| | | |
|-----------|-----------|-----------|
| Alexander | Crapo | McCaskill |
| Allard | DeMint | McConnell |
| Barrasso | Dole | Roberts |
| Bond | Ensign | Sessions |
| Brownback | Enzi | Shelby |
| Bunning | Feingold | Smith |
| Burr | Graham | Snowe |
| Chambliss | Grassley | Specter |
| Coburn | Gregg | Sununu |
| Cochran | Hatch | Tester |
| Coleman | Hutchison | Thune |
| Collins | Inhofe | Vitter |
| Corker | Isakson | Voinovich |
| Cornyn | Klobuchar | Wicker |
| Craig | Kyl | |

NAYS—51

| | | |
|---------|----------|----------|
| Akaka | Biden | Brown |
| Baucus | Bingaman | Byrd |
| Bennett | Boxer | Cantwell |

| | | |
|-----------|------------|-------------|
| Cardin | Kerry | Nelson (FL) |
| Carper | Kohl | Nelson (NE) |
| Casey | Landrieu | Pryor |
| Clinton | Lautenberg | Reed |
| Conrad | Leahy | Reid |
| Dodd | Levin | Rockefeller |
| Domenici | Lieberman | Salazar |
| Dorgan | Lincoln | Sanders |
| Durbin | Lugar | Schumer |
| Feinstein | Martinez | Stabenow |
| Hagel | Menendez | Stevens |
| Harkin | Mikulski | Webb |
| Inouye | Murkowski | Whitehouse |
| Johnson | Murray | Wyden |

NOT VOTING—5

| | | |
|---------|--------|--------|
| Bayh | McCain | Warner |
| Kennedy | Obama | |

The amendment (No. 5081) was rejected.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5082

The PRESIDING OFFICER. There is now 4 minutes of debate equally divided in relation to the vote on the Kyl amendment, No. 5082. Who yields time?

The Senator from Arizona is recognized.

Mr. KYL. I would like my colleagues' attention so I can briefly explain the amendment.

Mr. President, this will take a moment. This is a very simple amendment. We have tried to authorize \$50 billion over 5 years. All my amendment says is that in those 5 years, the last year will have \$10 billion authorized—in other words, one-fifth of the total. And that if there is an appropriation exceeding that amount, that there would be a point of order against it.

The reason for it is very simple. Under the current law, we have exceeded the authorization by about \$4 billion, actually close to \$5 billion. What that does is to affect the baseline for the following reauthorization.

All we are trying to do is to say if this is \$50 billion—that is \$10 billion a year. The House actually has it designated as such, the Senate does not. All I am saying is, is not even designate each year as 10, just make sure the last year is 10.

One reason for doing that is to make sure that is the baseline for the subsequent reauthorization. That is all we are trying to do. This is a very simple, very easy amendment to support. I would think those who are strongly in support of PEPFAR would agree to this amendment because it would grant further assurances about the program not having mission creep and expanding more than it should in future years, that would make some folks feel better about it.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask Senators to oppose this amendment. Because of the anticipated funding curve over the next 5 years, this amendment likely would have the ef-

fect of cutting funds available in the final year by several billion dollars.

We should retain the flexibility to spend less than \$10 billion now, while spending more than \$10 billion in future years, if needed, when our programs are reaching more individuals with treatment and prevention services.

We want the program to expand at a rational pace based on thoughtful goals and on the developing capacity to absorb investments. Our agencies have demonstrated they know how to achieve this. We should retain the flexibility that will give them the best opportunity to succeed.

I ask Senators to oppose the amendment.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, that is a reasonable argument. My amendment does not preclude the reasonable ramping up of the money. But what we are hoping to do is to keep the appropriation to \$50 billion—actually it is now \$48 billion. Under current law, at \$15 billion authorized, we are spending just under \$20.

In other words, the appropriations have exceeded the authorization. All I am trying to do is not prevent the internal adjustment to allow the full expenditure of the amount authorized but to prevent an appropriation above that. That is why the point of order would only apply to appropriations that exceed the authorized amount in the final year.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I want the Senator to have the last word, so I would ask that he have another 15 seconds to respond to what I am going to say.

Let's get this straight. This is an authorization. This is not an appropriation. I understand the Senator's concern. But we may need to, in terms of rationally ramping up the expenditures of this money without wasting the \$48 billion, be spending \$11 or \$12 billion in the fifth year.

His concern is that becomes the baseline for the next 5 years. We are not authorizing for the next 5 years. We are authorizing for this 5 years. All we are doing is authorizing.

So I would strongly urge us to vote against this amendment.

The PRESIDING OFFICER. The Senator from Arizona has 15 seconds to sum up.

Mr. KYL. Mr. President, I appreciate the hard work both the chairman and the ranking member have put in. Their arguments have been made. I ask my colleagues to improve the bill a little bit by adopting our amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 28, nays 67, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—28

| | | |
|-----------|-----------|-----------|
| Alexander | Craig | Inhofe |
| Allard | Crapo | Isakson |
| Barrasso | DeMint | Kyl |
| Bond | Ensign | McConnell |
| Bunning | Enzi | Sessions |
| Burr | Graham | Thune |
| Chambliss | Grassley | Vitter |
| Coburn | Gregg | Wicker |
| Corker | Hatch | |
| Cornyn | Hutchison | |

NAYS—67

| | | |
|-----------|-------------|-------------|
| Akaka | Feingold | Nelson (NE) |
| Baucus | Feinstein | Pryor |
| Bennett | Hagel | Reed |
| Biden | Harkin | Reid |
| Bingaman | Inouye | Roberts |
| Boxer | Johnson | Rockefeller |
| Brown | Kerry | Salazar |
| Brownback | Klobuchar | Sanders |
| Byrd | Kohl | Schumer |
| Cantwell | Landrieu | Shelby |
| Cardin | Lautenberg | Smith |
| Carper | Leahy | Snowe |
| Casey | Levin | Specter |
| Clinton | Lieberman | Stabenow |
| Cochran | Lincoln | Stevens |
| Coleman | Lugar | Sununu |
| Collins | Martinez | Tester |
| Conrad | McCaskill | Voinovich |
| Dodd | Menendez | Webb |
| Dole | Mikulski | Whitehouse |
| Domenici | Murkowski | Wyden |
| Dorgan | Murray | |
| Durbin | Nelson (FL) | |

NOT VOTING—5

| | | |
|---------|--------|--------|
| Bayh | McCain | Warner |
| Kennedy | Obama | |

The amendment (No. 5082) was rejected.

Mr. BIDEN. Mr. President, I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 5077

The PRESIDING OFFICER. There are now 4 minutes of debate equally divided prior to a vote in relation to the DeMint amendment No. 5077. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, since the President introduced his bill to reauthorize the PEPFAR program several months ago, a lot has changed. Our economy has continued to slow. We have passed a housing bill that allows up to \$300 billion of risky loans to be added to the Federal debt. We have now been told by Secretary Paulson that it is likely we will have to come up with \$40 to \$50 billion in the next year to prop up the Government-sponsored enterprises of Fannie Mae and Freddie Mac. I appeal to my colleagues to consider reducing the amount of authorization for this PEPFAR bill to \$35

billion. The Congressional Budget Office tells us we cannot spend more than \$35 billion over a 5-year period without wasting, that the mechanisms are not there. For us, in the face of what we are dealing with, to go beyond what the Congressional Budget Office tells us we can spend and authorize \$50 billion at this time is irresponsible. I encourage my colleagues to vote for this amendment to reduce the authorization amount to \$35 billion.

I retain the remainder of my time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the President and Members of the House of Representatives have carefully examined the PEPFAR situation and strongly recommended the \$50 billion authorization. In the event we were to pass this amendment, it would be a severe blow to United States leadership and prestige on this issue, because it would profoundly affect the calculations of individuals, groups, and governments that we are trying to engage in this fight against HIV/AIDS. These commitments, many of them, are contingent upon our action today. I believe the \$50 billion figure will maximize the humanitarian and foreign policy benefits of the PEPFAR program. We have an opportunity to save lives on a massive scale and preserve the fabric of numerous fragile societies. I ask my colleagues to continue to work together for this result. I oppose the amendment.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. How much time do I have remaining?

The PRESIDING OFFICER. There is 32 seconds.

Mr. DEMINT. Mr. President, with due respect to my colleague, apparently there is nothing magic about \$50 billion, because today we arbitrarily cut \$2 billion and sent it somewhere else. Again, the Congressional Budget Office says that nothing will be sacrificed. No aid will be taken away from Africans with AIDS and others we are trying to help, because within the 5-year period we cannot spend \$50 billion effectively and efficiently. Let's show some restraint in this body and at least move it to the maximum figure we can do effectively.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, currently we are spending \$6.3 billion a year. This amendment is based in part on the Congressional Budget Office report that assumes PEPFAR, tuberculosis, and malaria spending for fiscal 2009 will only be \$1.5 billion. That false assumption stems from the fact that the Congressional Budget Office is evaluating this authorization act as if it were starting from zero. That is how they get the \$35 billion. It is not starting from zero. It is starting from \$6.3 billion. Slashing funding will require slashing targets set in this bill, including prevention of 12 million HIV infec-

tions; care for 12 million people, including 5 million orphans and vulnerable children; treatment of millions of people with AIDS, according to a formula that climbs as appropriations rise over time; and a major expansion of efforts to combat tuberculosis and malaria together which claim 6.3 million lives a year.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 5077.

Mr. BIDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 64, as follows:

[Rollcall Vote No. 181 Leg.]

YEAS—31

| | | |
|-----------|-----------|-------------|
| Alexander | Craig | Kyl |
| Allard | Crapo | McCaskill |
| Barrasso | DeMint | McConnell |
| Bond | Ensign | Nelson (NE) |
| Brownback | Enzi | Roberts |
| Bunning | Graham | Sessions |
| Burr | Grassley | Thune |
| Chambliss | Gregg | Vitter |
| Coburn | Hutchison | Wicker |
| Corker | Inhofe | |
| Cornyn | Isakson | |

NAYS—64

| | | |
|----------|------------|-------------|
| Akaka | Feingold | Nelson (FL) |
| Baucus | Feinstein | Pryor |
| Bennett | Hagel | Reed |
| Biden | Harkin | Reid |
| Bingaman | Hatch | Rockefeller |
| Boxer | Inouye | Salazar |
| Brown | Johnson | Sanders |
| Byrd | Kerry | Schumer |
| Cantwell | Klobuchar | Shelby |
| Cardin | Kohl | Smith |
| Carper | Landrieu | Snowe |
| Casey | Lautenberg | Specter |
| Clinton | Leahy | Stabenow |
| Cochran | Levin | Stevens |
| Coleman | Lieberman | Sununu |
| Collins | Lincoln | Tester |
| Conrad | Lugar | Voinovich |
| Dodd | Martinez | Webb |
| Dole | Menendez | Whitehouse |
| Domenici | Mikulski | Wyden |
| Dorgan | Murkowski | |
| Durbin | Murray | |

NOT VOTING—5

| | | |
|---------|--------|--------|
| Bayh | McCain | Warner |
| Kennedy | Obama | |

The amendment (No. 5077) was rejected.

Mr. BIDEN. I move to reconsider the vote.

Mr. LUGAR. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. DOMENICI. Madam President, on rollcall vote 181, I voted "yea." It was

my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

Mrs. CLINTON. Madam President, I rise today in strong support of S. 2731, the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008. This legislation would provide a substantial increase in our resources to address these devastating diseases on a global scale. It will enable us to increase the number of health professionals, expand treatment, and prevent new infections, thus improving the lives and futures of millions in countries around the world.

I am particularly pleased to see the advances that this bill makes in providing information about effective interventions, such as those that can prevent the perinatal transmission of HIV and save the lives of newborns. It also will allow us to implement new strategies to protect women and girls from HIV infection. This bill is an important step in our fight against global AIDS, and I would urge all of my colleagues in the Senate to vote for it.

I would like to draw attention to several provisions in this legislation which I believe will help to improve our efforts to combat AIDS around the world. One of these is an increased emphasis on identifying and replicating best practices in service delivery, a science known as operations research.

Let me give you an example of how operations research can help to improve our response to global AIDS. In the developing world, about 1 out of every 3 children born to mothers with HIV end up with the virus—a tragic statistic and one we know how to prevent. We have learned from our experience in the United States, where less than 100 cases of perinatal transmission were recorded in 2005, that providing access to critically needed, life-extending drugs can significantly reduce cases of mother-to-child transmission of HIV. With data from operations research, we will be able to understand how we can, in low resource settings, improve testing, education, and treatment options in order to reduce mother-to-child transmission to levels that are comparable to those we see in the United States. And prevention of mother-to-child transmission of HIV is just one of the areas where the data from operations research can transform our ability to maximize the U.S. investment in global AIDS funding.

Earlier this year, I introduced the PEPFAR Accountability and Transparency Act to expand our investment in operations research. I am pleased to note that several of the provisions from that legislation have been incorporated into this bill, which will require the government to incorporate

plans to improve program monitoring, evaluation and operations research into its overall strategic plan for AIDS. Doing so will allow us to determine the effectiveness of the interventions we are funding, so that we can replicate those that are working well, and examine ways to improve those that could be better. The bill would also increase the dissemination of research findings, so that information about cost-effective interventions will be available with people working to combat diseases in their own communities, shared through a "best practices" report compiled and published annually by our government.

I am also pleased to see that this legislation increases our efforts to address the vulnerability of women and girls to HIV infection. According to the United Nations, more than 15 million women were living with HIV at the end of 2007, accounting for slightly less than half of all those living with HIV. But in the places that are hardest hit by epidemic, AIDS has a disproportionate impact upon women. In sub-Saharan Africa, for example, 61 percent of those living with HIV are women. And we are not doing enough to help women protect themselves against infection, particularly young women. Studies completed in 17 countries in 2003 show that more than 75 percent of the young women surveyed could not identify ways to protect themselves against HIV infection.

Last year, I joined Representative BARBARA LEE in introducing the Protection Against Transmission of HIV for Women and Youth (PATHWAY) Act, which would require the President to develop and implement an HIV prevention strategy that addresses the particular vulnerabilities of women and girls—the links between gender-based violence, lack of educational and economic opportunity, human trafficking and sexual exploitation, and increased risk for HIV infection. I am pleased to see that this legislation contains a strong emphasis on addressing the needs of women and girls. It will require the inclusion of programs to address the needs of women and girls, in the President's 5-year strategy to combat global AIDS, and will provide clear guidance to help integrate gender across prevention, care and treatment programs. With this increased commitment, we will be able to help prevent additional HIV infections among women, and increase access to care and treatment. Doing so will help not only women living with HIV, but the families for whom so many of these women are the primary caregivers.

In addition to requiring a strategy to address the needs of women and girls, the PATHWAY Act also repealed requirements that one-third of prevention funding under PEPFAR be spent on abstinence until marriage programs. I believe that we need to repeal this hard spending requirement in order to give countries the flexibility to tailor prevention programs to their local

needs. Both the Government Accountability Office and the Institute of Medicine have produced reports demonstrating that such spending requirements impact the ability of in-country programs to carry out effective interventions. The bill we are voting on today removes the abstinence earmark and replaces it with a requirement to submit reports on spending if in-country funding for abstinence and monogamy promotion drop below certain levels. I am hopeful that this compromise will allow countries to tailor their prevention messages to the epidemic that exists, and improve the efficacy of our efforts to halt the spread of HIV, and I will monitor implementation of this provision to ensure that it does not also constrain the ability of grantees to help prevent as many new infections as possible.

This bipartisan legislation is an opportunity for us to renew our commitment as a nation to fighting the global scourges of AIDS, tuberculosis, and malaria. It improves our ability to care for those in need, to help countries torn apart by these epidemics, to combat the dangerous stigma that often still exists around these diseases, and to prevent new infections. Today's vote represents a critical step in our efforts to halt and reverse the burden of these diseases, and I am proud to join my colleagues in supporting this bill.

Mr. DODD. Madam President, I rise in strong support of the Global HIV/AIDS, tuberculosis, and malaria reauthorization bill and urge its immediate passage. As a member of the Senate Foreign Relations Committee and chairman of its Subcommittee on Western Hemisphere, Peace Corps, and Narcotics Affairs, I can say that of all the global challenges we face, few are more daunting in scope or immediate in need than the scourge of HIV/AIDS. In so many parts of the world, the global HIV/AIDS pandemic threatens to undermine all of our other efforts to bring stability and prosperity to the world.

As a result of the original law Congress passed in 2003, the United States has provided lifesaving drugs to nearly 1.5 million men, women and children; supported care for nearly 7 million people, including 2.7 million orphans and vulnerable children; and prevented an estimated 150,000 infant infections around the world. Through this law alone, we as a nation have shown the world that Americans are a compassionate, caring and generous people. It is a spirit I know to be true throughout our remarkable country. Our sustained commitment to the treatment, prevention, and care of HIV/AIDS globally through this law has helped us make great strides toward helping repair our Nation's image overseas so badly damaged by the war in Iraq. So, I tell my colleagues, the eyes of the world are upon us. We must reauthorize this program and we cannot wait another day to do it.

I want to thank and commend the chairman and ranking member of the

Senate Foreign Relations Committee, Senator BIDEN and Senator LUGAR, for crafting this bipartisan legislation that will continue the success of the 2003 law and make many important improvements to the program. I would like to take a minute to highlight a few of what I believe are the most critical improvements. Following that, I want to go into a bit more detail about provisions in this bill that I am proud to have authored, along with my colleague Senator GORDON SMITH, relating to the prevention of mother-to-child transmission of HIV and the treatment of children living with this disease.

To begin with, the bill increases the authorization of appropriations to \$50 billion, allowing for incremental increases in funding over the course of the next 5 years. HIV/AIDS killed more than 2 million people last year, including 330,000 children under the age of 15, and an estimated 2.5 million people including 420,000 children were newly infected. These numbers are staggering. Absent an increase in our funding commitment, we may well lose all the hard-fought gains we've made against this disease.

The bill also eliminates the restrictive "one-third earmark" limiting prevention funding to abstinence-until-marriage programs. The Institute of Medicine and the Government Accountability Office, GAO, both concluded that the one-third abstinence earmark unduly limited flexibility for the people implementing HIV/AIDS programs on the ground. In fact, the GAO found that in order to meet the one-third spending requirement, country teams reported having to divert funds from prevention of mother-to-child transmission services.

The bill sets several key targets for HIV/AIDS prevention, treatment and care as well as targets to expand the healthcare workforce in order to help achieve staffing levels recommended by the World Health Organization. The bill moves from a reliance on a healthcare workforce that was already in place in the developing world under the original law to investing new funds to train new healthcare workers and paraprofessionals, especially nurses and doctors, under the reauthorization bill. The various targets in the bill will help move the program toward sustainability over the long term. That can only be achieved by a bold, sustained effort to train and retain new healthcare workers, including adding new workers to the most rural of areas.

The legislation repeals the provision in current law barring the admission into the U.S. of individuals who are HIV positive or have AIDS. This policy is an international embarrassment and its repeal should be maintained in the final bill. Because of this law, the President has to seek a waiver from his own State Department to invite guests to White House events related to this program. The U.S. cannot even host an international conference on HIV/AIDS. The time to repeal this statutory ban

that discriminates solely on the basis of an HIV/AIDS diagnosis is long past due.

I would like to take a moment now to highlight a couple of key provisions included in this bill that were drawn from legislation I introduced earlier this year with my colleague, Senator GORDON SMITH. Our bill, the Global Pediatric HIV/AIDS Prevention and Treatment Act, and the bill before us today set a target for the prevention and treatment of mother-to-child transmission of HIV that, within 5 years, will reach 80 percent of pregnant women in those countries most affected by HIV/AIDS in which the U.S. has such programs.

The bill also calls for integrating care and treatment with prevention of mother-to-child transmission programs, increasing access of women in these programs to maternal and child health services, and a timeline for expanding access to prevention of mother-to-child regimes. The ultimate goal of these policy improvements is to improve the health outcomes of HIV-affected women and their families and to improve followup and continuity of care.

I also want to thank the chairman and ranking member of the Foreign Relations Committee for including an amendment I offered in committee that will convene a prevention of mother-to-child expert panel which will report to the Office of the Global AIDS Coordinator and the public within a year on a plan for the scale-up of mother-to-child transmission prevention services. This provision was not included in the House-passed bill but I urge my colleagues to maintain it in the bill that is sent to the President.

We can prevent the transmission of HIV mother-to-child. We know how to do it. In the industrialized world, the standard of care involving a complex drug regimen has reduced mother-to-child transmission rates to as low as 2 percent. By the end of 2007, 34 percent of HIV-infected pregnant women around the world received the medicines they need to prevent transmission of HIV to their babies, a substantial increase from 14 percent in 2005. While this is considerable progress, still almost two-thirds of HIV-positive pregnant women did not receive the medicines necessary to prevent the transmission of HIV to their baby. That is why the target in the bill is so crucial.

I am in the unique position of serving on both the Foreign Relations Committee and the Health, Education, Labor and Pensions Committee where I have spent many years working to improve the health and welfare of children and families. We have made great strides through the Ryan White CARE Act program in this country toward ensuring that children and their families receive adequate, family-centered care and treatment for HIV/AIDS. In the United States, we have reached a point where a child living with HIV/AIDS no

longer faces certain death. Thanks to antiretroviral, ARV, therapy, many children born infected with HIV/AIDS now have the opportunity to grow up healthy. However, long-term survival remains a dream that eludes most of the 2.5 million HIV-infected children around the world.

Globally, HIV/AIDS infection rates in children continue to outpace the rate at which they are treated. Every day approximately 1,100 children across the globe are infected with HIV, the vast majority through mother-to-child transmission during pregnancy, labor or delivery or soon after through breastfeeding. Approximately 90 percent of these infections occur in Africa.

With no medical intervention, HIV-positive mothers have a 25 to 30 percent chance of passing the virus to their babies during pregnancy and childbirth. Without proper care and treatment, half of these newly-infected children will die before their second birthday and 75 percent will die before their fifth. Sadly, although children represent close to 16 percent of HIV infections, they are only 10 percent of those receiving treatment.

That is why the bill before us today also includes a 5-year target that the number of children receiving care and treatment for HIV/AIDS is proportionate to their infection rate in each country funded under this program. One cannot lag behind the other and, with passage of this bill, they won't.

I thank the chairman and ranking member again for working with me to include these vital provisions for children and families. I believe they will have an enormous impact on the long-term health and survival of the millions of men, women and children affected by HIV/AIDS.

I would be remiss if I did not take a moment to highlight an area where I believe the bill regrettably does not incorporate the lessons learned over the past 5 years about addressing HIV/AIDS, and that is the lack of language in the bill facilitating linkages between HIV/AIDS activities and family planning activities.

I recognize that Members have strong feelings on this issue. But family planning providers serve millions of women in developing countries that are now at the center of the global HIV/AIDS pandemic. Moreover, it is critical that this program continue to support voluntary family planning counseling and referral as a core component of prevention of mother-to-child transmission and other HIV-service programs. I look forward to working to ensure that this program links HIV/AIDS activities and family planning activities.

With that, I urge my colleagues to act quickly to pass this bill to reauthorize a program that has helped save the lives of millions of men, women and children. The President has asked Congress to pass the bill. The leading organizations advocating for reauthorization of this program have called on Congress to pass the bill. The House

has already passed the bill. It is time for the Senate to do the same. I implore my colleagues to put aside their differences and support passage of this bill.

Mr. COLEMAN. Madam President, I strongly support the reauthorization of the President's emergency plan for AIDS relief. The fight against pandemic AIDS is an important international priority, and I am very pleased that we can work toward a bipartisan consensus on this legislation. We have the benefit of 5 years of lessons learned to integrate into this bill, and the resources that we are putting into action through this measure will deliver lifesaving medicines, basic health care infrastructure and hope to millions of people around the globe who face the threat of HIV/AIDS, malaria and tuberculosis.

I have had a particular interest in the area of health care infrastructure in Africa, and have worked closely with my colleagues Senators DURBIN and FEINGOLD on legislation relating to this. I am very pleased that some of our language and ideas have been integrated into the current PEPFAR bill. The fact of the matter is that we face great challenges in the area of health infrastructure in Africa, including serious shortages of health care workers, clinics, and hospitals in many areas of the host countries that limit our ability to reach the millions of people who need care and treatment. It is my view that at least some of the answers may be found in the private sector, and it is my hope that U.S. agencies will reach out to the private sector to help us meet the overwhelming needs of the affected countries.

I would like to share with my colleagues the success of one unique non-profit from my home State that has harnessed the powerful force of franchising to establish a sustainable network of health clinics and pharmacies in two PEPFAR countries. This program, run by the HealthStore Foundation, was established more than a decade ago to "prevent needless death and illness by sustainably improving access to essential medicines." Since that time, the HealthStore Foundation has established a network of more than 65 franchises in Kenya, serving roughly 525,000 patients and customers in 2007. Currently, the program is expanding to Rwanda, and the first franchise should be open within a few weeks. By 2012, the HealthStore Foundation plans to expand its network to over 14 countries serving millions of patients per year.

Each HealthStore franchise is locally owned and operated by a licensed nurse or by a community health worker. Some hire employees, creating still more jobs, mostly for women. HealthStore operates as a typical franchisor, and franchises are licensed under the Child and Family Wellness Shops, CFW shops, brand name. The model incorporates key elements of any successful franchise network:

strong branding, proven operating systems and training; strict quality controls enforced through regular inspections; and well-chosen locations. It is worth noting that franchising the distribution of health care and pharmaceuticals has also helped to curtail incentives for corruption, as franchisees risk losing their business if they fail to comply with franchise system standards.

I describe the HealthStore Foundation program as a “microfranchise” model, because this model shares many of the unique characteristics of the microlending efforts led by the Grameen Bank. In Kenya, clinics are easily accessible, located within an hour’s walk of the communities they serve. Each clinic offers a range of government-approved, tested medicines and products along with basic health care services from licensed nurses. Up front costs for each franchise unit are modest, and the stores generate a steady income for their owners. To ensure that capital is available, the HealthStore Foundation provides financing for up to 88 percent of the required initial capital, although many owners raise funds through family and friends. Most importantly, these clinics operate to turn a profit, and it is the long-term maintenance of this profit that sustains the system.

Franchising delivers certain competitive advantages, including economies of scale, centralized distribution of high-quality drugs, central management of regulatory and legal issues, and a critical mass of locations that can share best practices and leverage resources. Apart from the benefits accrued through these competitive advantages, franchise owners also receive extensive training, marketing and promotions support, technical advice, and an established, trusted brand name.

The genius of the HealthStore Foundation’s strategy for building a sustainable infrastructure of health care delivery in Kenya and Rwanda is the adoption of the franchise business model. Franchising is such a tried and true business strategy in this country that most Americans take it for granted, but franchising is taking place all around us. In fact, a recent report by the International Franchise Association Educational Foundation shows that roughly 909,000 franchise businesses in the United States account for 21 million jobs and more \$2.3 trillion in annual economic activity, and franchising has been growing at a faster pace than the overall economy. In the United States, franchising is a business strategy that works because an entrepreneur with a great idea or great product can quickly and efficiently develop a network of businesses to deliver a consistent, high quality product in every State, city and town across the Nation.

The goal of this legislation is to halt the spread of pandemic diseases in a large part of the world. Certainly, the HealthStore Foundation has proven

that microfranchise businesses can be capable partners in this effort, but the ownership opportunities provided by franchising also offer us other benefits. We know that ownership is a powerful incentive. Ownership gives people a stake in the future. In Kenya, owning a HealthStore clinic has become an attractive career choice for health care workers, helping to slow the pace of emigration of these trained professionals. The microfranchise model also supports the development of a strong small business infrastructure in villages and towns throughout the PEPFAR regions, and the lessons learned through franchised health care clinics can be repeated in other kinds of businesses.

For these reasons, the Senate should work with U.S. agencies to consider microfranchise business creation among the strategies for putting these resources to work in the PEPFAR region. In order to continue to raise awareness around this important approach that has been tried by the HealthStore Foundation, I plan to follow up this statement with a colloquy with one of my Senate colleagues.

Mr. ENZI. Madam President, I rise today to reiterate my continued support for the passage of the Tom Lantos and Henry J. Hyde U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008. The compromise that many of my colleagues were able to support is what I call the third way. Many on both sides of the aisle would prefer to have it changed one way or another to assuage some of their concerns with the policies set out in the bill, and I can understand those concerns. However, now is the time to put away our partisan politics and pass a bill that will reach to save over 3 million more lives, care for more than 12 million more people affected by HIV/AIDS and continue to stop the spread of the disease by spreading the messages about prevention. That is the bottom line—it saves lives and it really is a shining example of the generosity and goodness of America and her people. Senators COBURN, BURR and I worked with Senators BIDEN and LUGAR and many other members of the Senate to reach an agreement that we all think is fair, just and conscientious.

As I mentioned the other day, I have been to Africa more than once, so I have seen first hand the tremendous benefit that this program has achieved and I am confident that this bill will allow it to achieve even more. Now I know that some of us are concerned about, and have legitimate disagreements, over the high authorization level attached to this bill. I have always supported having a fair debate on this issue on the Senate floor and I hope to find a fiscally responsible way to address this crisis by having every member vote on a number that is reasonable and get the job done. There is an urgent need to meet this world health crisis, and America has never

turned her back when there is such a profound and pressing crisis affecting those who are far less fortunate. I again want to reiterate my support for this discussion and for the continuation of the floor process to have this bill passed as quickly as possible.

I believe that the American people support these humanitarian efforts, and as their elected Representatives, we have the solemn responsibility to see to it that their hard-earned dollars are being spent wisely and effectively. I happen to believe that it is critical that the bulk of these funds are spent for the specific benefit of people who are infected—for their direct medical care and treatment. I personally am satisfied that we have secured a bill that will do just that. In fact, in order to assure that this does happen, we have built in safeguards to ensure transparency and accountability throughout this bill so that we may better monitor the outcomes of this program and easily find the areas that are in need of improvement.

We have come a long way in assuring that over half of these funds will be focused on treating people directly, so that the funds will follow the individuals affected by HIV/AIDS. The more we are focusing our efforts on treatment, the less likely these funds will be spent on so called extraneous provisions that so many of my colleagues are concerned about.

I hope that we can all agree to act on this bill in a timely manner without partisan politics. This is a good bill; it will save lives. As I said the other day, I urge all my colleagues to vote for passage and send a message to the world’s nations that America will always be there for those who cannot help themselves—our commitment is to ridding the world of these dread diseases, and we are resolute in our determination to reach that goal.

Ms. MIKULSKI. Madam President, I rise today to applaud the passage of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act. I am proud to have voted in support of this legislation that reauthorizes the President’s Emergency Plan for AIDS Relief, PEPFAR, and provides much-needed foreign aid to countries to combat these devastating diseases.

Currently, more than 33 million people worldwide live with HIV/AIDS. My own dear State of Maryland is one of the hardest hit States in the U.S. Maryland has the ninth highest AIDS rate in the Nation and the Baltimore metropolitan area has the second highest rate of AIDS cases compared to other cities in the country. Today, by providing \$50 billion over the next 5 years to 120 countries we are recommitting ourselves to fighting the deadly diseases of HIV/AIDS, tuberculosis, and malaria. These global health problems affect not just patients, but their families and communities.

This act provides funding for education, prevention, research, care, and

treatment for HIV/AIDS, tuberculosis, and malaria. It expands programs to increase access to care for children and expands the international health workforce to train and retain health care workers who can provide much-needed care. As the champion of the Nurse Reinvestment Act, I understand how critical it is for any country to have a large enough health care workforce available to treat such destructive diseases.

I would like to honor and thank the men and women who work hard daily to make a difference in the fight against these deadly diseases. There are many great organizations throughout the state of Maryland that have been on the front lines for decades fighting HIV/AIDS, tuberculosis and malaria in the U.S. and worldwide. The National Institutes of Health is home to some of the most significant advances made to treat HIV/AIDS and the Johns Hopkins Bloomberg School of Public Health has been an international leader in creating innovative programs to fight disease epidemics. The University of Maryland is home to the Institute of Human Virology, where some of the world's most renowned scientists are undertaking groundbreaking research, such as developing an AIDS vaccine. I am also proud of organizations like Catholic Relief Services, which is headquartered in Baltimore, that work tirelessly all over the world to provide assistance and compassion to those who suffer the physical, economic, social and emotional toll of these diseases. We have made giant leaps forward because of their efforts.

I have always fought in the Senate to fund important programs that assist individuals living with HIV/AIDS, as well as fund the research that will one day lead to a cure. I will continue the battle and stand sentry to fight and prevent HIV/AIDS, tuberculosis, and malaria in Maryland and around the world.

Mr. LEAHY. Madam President, I support this bill, which extends the authorization of United States HIV/AIDS programs administered by the Office of the Global AIDS Coordinator, and includes several important changes to the former authorization act. I commend Senators BIDEN and LUGAR, and their capable staff, for the outstanding work they have done, over many months, to get this bill through committee and to the Senate floor.

This administration will not be remembered for its foreign policy achievements. In fact our country's reputation and leadership have been badly damaged in the past 7 years, due to colossal blunders by this White House that will take years to overcome. But I do credit President Bush for his consistent support for significant increases in funding to combat HIV/AIDS around the world.

The Congress, of course, has surpassed the President's requests by increasing funding for the PEPFAR pro-

gram by \$2 billion over the past 5 years. We will continue to support this program whoever is the next President.

In addition to authorizing \$50 billion over 5 years for HIV/AIDS programs, the bill would call for increased U.S. contributions to the global fund to fight AIDS, TB and malaria. The global fund is a mechanism for multilateral cooperation which has strong support in Congress, although the President has consistently cut funding for it. Like PEPFAR, the global fund is providing antiretroviral drugs to increasing numbers of people infected with HIV, and it is expanding its prevention programs in many countries that are not PEPFAR focus countries.

This bill does authorize considerably more—\$20 billion more—than what the President initially proposed. Some Senators in the other party have objected to that increase. Madam President, \$50 billion is a lot of money. But those same Senators have never uttered a word of objection to spending hundreds of billions of dollars in emergency, off budget funding for a war that could have been avoided, has cost thousands of lives, that has made us less secure.

There is little doubt these additional funds will be needed, although the capacity to use such large increases will take time to build. Ultimately, it will be a matter for the Appropriations Committee. At this point we are a long way from having the budget allocation to fund these amounts, so we should not be under any illusions. It is one thing to authorize funding, but quite another to appropriate the money. Were we to try to meet this level today, we would have nothing left to meet other pressing demands and threats around the world. We cannot put all our eggs in one basket without causing serious damage to other critical foreign policy programs.

There is also the question of how much we can do bilaterally and how much should be done through the global fund. We need to know what the right balance is—something the President has repeatedly ignored in his budget requests.

This bill tackles many other issues, including how best to allocate HIV/AIDS funds. When the Republicans were in the majority at the time of the first PEPFAR authorization, the Congress took a prescriptive approach, even legislating percentages of the funds that must be used for treatment or prevention, or which types of organizations could receive funding. We are still struggling with that misguided legacy.

My own view is that the less Congress injects itself into matters of global health the better, because the result is too often that politics and ideology take precedence over what is in the best interest of public health in a particular country. Every country has different conditions, different capacity, and different social traditions, and trying to legislate in Washington the ap-

proach that should be used in Mali or Bangladesh or Brazil is fraught with problems.

To me, the bottom line is simple. We are a country whose economy dwarfs all others. AIDS is a global pandemic—that knows no geographical boundaries. It threatens us all, but in some countries the needs are far greater. In Africa, people suffering from AIDS succumb from malnutrition and water borne illnesses. Others, in Haiti or Asia, suffer in pitiful conditions with no one to care for them. From Cambodia to Cameroon, grandmothers are caring for five, six, seven children on an income of a dollar or two a day.

The PEPFAR program represents the best face of America. It is one way for the United States to mitigate some of the damage to our image, by saving lives in countries where AIDS no longer has to mean a death sentence.

We need to do a better job of making sure that our PEPFAR and global fund dollars are used as effectively as possible, which has not always been the case. The oil producing countries, which are making huge profits and yet contribute little to the global fund, need to do a lot more. And the Congress needs to give the public health professionals at PEPFAR, the U.S. Agency for International Development, and the Global Fund the flexibility to make decisions based on the health needs of each country.

Again, I commend Senators BIDEN and LUGAR, and their staffs, for completing this bill.

Mr. DURBIN. Madam President, I rise to speak in support of section 305 of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act. Section 305 would make an important change in our laws that is long overdue.

Under current law, foreign students, tourists, refugees and immigrants with HIV are prohibited from entering the United States. Section 305 would eliminate this HIV travel ban. I was pleased to join Senator KERRY and Senator SMITH as an original cosponsor of the HIV Nondiscrimination in Travel and Immigration Act, the original version of this provision.

Our immigration laws treat people with HIV differently than people with any other medical condition. HIV is the only disease specifically listed in U.S. law as a bar to entering the United States. For all other medical conditions, the Secretary of Health and Human Services determines whether the public health risk justifies a bar to admission.

Only 11 other countries have such harsh travel restrictions for people with HIV. Listen to the other countries with HIV travel bans: Armenia, Colombia, Iraq, Oman, Qatar, Russia, Saudi Arabia, Solomon Islands, South Korea, Sudan, and Yemen. Even China recently took steps to overturn its HIV travel ban. Does the United States

really want to be in the company of Sudan when it comes to the treatment of people with HIV?

This HIV travel ban undermines our global leadership in the fight against AIDS and is incompatible with the goals of PEPFAR.

How can we tell other countries to end discrimination against people with HIV when we ourselves treat people with HIV who want to travel to our country differently than those with any other medical condition?

The travel ban for persons with HIV was enacted in 1993, at a time when there was fear and misunderstanding about this disease. The travel ban is a relic of an earlier time. Hasn't our knowledge about HIV and tolerance for people with HIV expanded enough in the 15 years to eliminate the travel ban?

The travel ban does not further any public health goals. Eliminating the ban will simply return the authority to the Secretary of Health and Human Services to decide whether or not persons with HIV should be admitted into our country, as they do for all other diseases.

Our laws already require that anyone who wants to immigrate here demonstrate that they are unlikely to become an economic burden to the U.S. Government, which ensures that lifting the HIV travel ban would not have a significant financial cost.

Over 200 organizations, including the American Medical Association, the American Public Health Association and the World Health Organization, oppose the HIV travel ban. A broad range of faith-based groups, including the U.S. Conference of Catholic Bishops, support lifting the HIV travel ban.

The HIV travel ban allows for a discretionary, case-by-case waiver process, but it is available only to a restricted group of visa applicants, and it is cumbersome and time-consuming. Let's take just one example: when Chicago hosted the Gay Games in 2006, the organizers had to work with various government agencies for several months before securing a waiver for persons with HIV to attend the event.

We will take an important step towards ending discrimination against people with HIV by lifting this travel ban and treating persons with HIV the same way we treat those with other medical conditions. That is consistent with the goals of PEPFAR and the U.S. leadership role in fighting discrimination against people with HIV around the world.

I urge my colleagues to support this legislation.

Mr. SMITH. Madam President, let me first commend the work of Senators LUGAR and BIDEN for their leadership in chaperoning this bill through the committee and on to the Senate floor. And, I am a proud cosponsor of this legislation. I also want to thank them for including the Kerry/Smith language on lifting the HIV/AIDS travel ban. This legislation is an important com-

mitment to meeting the global challenges of this epidemic.

Right now, PEPFAR is on schedule to achieve its goals of supporting treatment for 2 million AIDS patients with life-saving antiretroviral therapies; preventing the transmission of 7 million new cases of the disease; and supporting care for 10 million people infected and affected with HIV/AIDS, including orphans and most vulnerable the world's children.

Despite what we have witnessed on the Senate floor over the past few weeks, PEPFAR, since its inception, has enjoyed wide bipartisan support. More importantly, it has served as a powerful demonstration of our Nation's leadership on global health issues and our Nation's collective compassion to the most vulnerable throughout the world.

In the past, I have had the fortune of working with Senator BOXER on The Stop Tuberculosis (TB) Act Now Act. Based on the recommendations of the World Health Organization and the Stop TB Partnership, this legislation would increase the resources available to combat TB in countries with high drug resistant TB infection rates. For people infected with AIDS, TB is often deadly. We have worked to have key provisions of this legislation included in the bill.

Senator DODD and I have worked closely with the Senate Foreign Relations Committee chair and ranking member to include provisions from our pediatric HIV/AIDS bill. This legislation, the Global Pediatric HIV/AIDS Prevention and Treatment Act, would increase the number of children receiving treatment under PEPFAR. Specifically, it would expand services to prevent thousands of new mother-to-child transmission cases.

Lastly, this legislation should serve as a mirror of reflection on our own Nation's policies related to individuals living with HIV/AIDS. I have sought in my years in the Senate to help in this fight, pushing for more funding, authoring the Early Treatment for HIV Act and helping Oregon's largest HIV/AIDS service provider, Cascade AIDS, where I am able. I honor the good work that Cascade AIDS has done in Oregon from education and testing to hospice care at Our House and food services through Esther's Pantry. Cascade AIDS truly proves the good in Oregonians in answering the many needs of those living with HIV/AIDS.

Yet while we have come a long way from the stigma, fear-mongering, and rampant discrimination of the 1980s against those living with HIV/AIDS, our Nation continues to discriminate. As many of you may not know, the United States is 1 of only 12 Nations with an HIV immigration and visitor travel ban. Although we are the leader in public and private HIV research, we also legally ban people from entering the country who are HIV positive. It does not matter whether the individual seeks to enter the U.S. to attend a

global health conference, conduct business, vacation, or visit family or friends—they are all categorically banned from entering the U.S. because they are HIV-positive. HIV/AIDS is the only medical condition that serves as permanent grounds for inadmissibility to the U.S. Even TB and leprosy are left to the discretion of the Health and Human Services Secretary in determining admissibility. While individuals with HIV can seek a waiver from inadmissibility, it is cumbersome, restrictive, and ineffective.

As a result, the U.S. has made it clear to individuals with HIV/AIDS worldwide that they are unwelcome in our country—period. The other Nations that have put the “unwelcome mat” out to individuals with HIV/AIDS include Russia, Saudi Arabia, South Korea, and Sudan. Aside from the U.S., only 11 other Nations have a ban. Even China, fearing embarrassment with hosting the upcoming Olympics, recently acted to remove its ban on HIV-positive visitors. It is time we join China and most of the rest of the world.

Senator KERRY and I have introduced legislation, which was been included in this bill, to simply return the authority to the Department of Health and Human Services—as with other diseases—to decide whether or not HIV should be grounds for inadmissibility to the U.S. This ban is a byproduct of the ignorance surrounding HIV in the 1980s and 1990s. By lifting this ban, we can finally set free the specters of phobia from our past and fully embrace our global leadership on HIV/AIDS. I urge my colleagues to join with me and Senator KERRY in removing this stigma from our immigration policy.

The PRESIDING OFFICER. Under the previous order, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Under the previous order, the Committee on Foreign Relations is discharged from further consideration of H.R. 5501, and the Senate will proceed to its consideration, which the clerk will report by title.

The legislative clerk read as follows:

A bill (H.R. 5501) to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes.

The PRESIDING OFFICER. All after the enacting clause is stricken and the text of S. 2731, as amended, is inserted in lieu thereof.

The question is on the third reading of the bill.

The bill, as amended, was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. There is now 40 minutes equally divided for debate.

Who yields time?

The Senator from Delaware.

Mr. BIDEN. Madam President, I yield myself 1 minute.

For the benefit of our colleagues, there is 40 minutes of debate equally divided, but it is not the intention of the majority to use that 40 minutes. For planning purposes, I do not think we will use more than 8 minutes.

I yield 5 minutes to my friend from Ohio, Senator BROWN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Madam President, I thank the senior Senator from Delaware.

I rise in support of this very important legislation that the Senate, I hope, passes this evening. HIV, as we know, debilitates and kills. It orphans children. It fractures communities. It drains resources from fragile economies. In addition to what it does to human beings, it destabilizes fragile governments in the poorest countries in the world.

It is a human tragedy, the dimensions of which have humbled the world community.

I thank the Senator from Delaware for his terrific work and leadership on this legislation, and the senior Senator from Indiana, Mr. LUGAR, who has been a leader in combating global poverty, and especially fighting for public health, combating malaria, AIDS, and tuberculosis.

I met a young man recently who now lives in my hometown of Mansfield, OH. He grew up in the Lake Victoria region of Kenya. He is now married to a Mansfielder, after he came to this country. He himself had malaria, which caused his weight to drop to 110 pounds at one point.

Now that he is healthy again, he is finishing his degree at Oberlin College, not far from where I live. His life's goal is to train more health workers to work in Africa to combat TB, HIV, and malaria.

I was, earlier this evening, talking with Senator McCASKILL about how we can, with relatively small amounts of money, cure tuberculosis. With literally \$20, \$30, \$40 a patient, over a period of 6 months we can give them medicine so they, in fact, can be made whole. It is the combination of TB and HIV together—people get TB, their resistance goes down, and that is what kills the most people with HIV in Africa and increasingly in India and other places around the world. The combination of TB and HIV is ravaging Africa.

In 2006, 65 percent of new HIV cases and 72 percent of all HIV-related deaths occurred in Africa. TB killed half a million Africans last year.

As important, what happens with TB does not stay necessarily in Africa. We saw what happened just a year or so ago when a young man from Atlanta, a professional, who had TB—he was not probably sure he had TB—flew around the world and could have very likely infected people in an airplane with TB. People who are immigrants who come

here, people who are traveling abroad and come here from other countries, and Americans traveling around the world, all can be infected with TB.

With PEPFAR, we are making a huge investment in services, in prevention of these diseases. Now our investment will grow. We obviously need to do more. What we are doing with PEPFAR with a scaled-up investment will mean significant numbers of children won't be dying from HIV and won't be dying from TB.

Investing more in family planning is one of the best ways of preventing mother-to-child transmission of HIV. To address this issue, this week I am introducing the Senate companion to Representative McCOLLUM's bill, a Congressman from St. Paul, MN, legislation entitled "Focus on Healthy Families Worldwide Act," a bill which will significantly scale up U.S. involvement in global family planning.

When I think of PEPFAR, I am reminded that we constantly need to think about how our actions affect people directly in ways we don't fully understand, and in terms of our lives of plenty, we need to be committed to help. This is major landmark legislation. What Senator BIDEN and Senator LUGAR are doing is so very important to our place in the world, to a more peaceful world, to a more healthy, developing world, but also to a more healthy United States because it really will matter in this country. It will help to preserve our public health infrastructure, and it deeply matters to people all over the world, especially in our country.

I yield back the remainder of my time.

Mr. LUGAR. Madam President, on the minority side, I wish to recognize the Senator from Oklahoma, Mr. COBURN. I thank the distinguished Senator from Ohio for his very generous comments.

I yield 10 minutes to the distinguished Senator from Oklahoma.

Mr. COBURN. First of all, let me thank Senator BIDEN and Senator LUGAR for their hard work, and the staffs especially, as well as the White House, in working with us to accomplish what I think—and I believe others think—were significant policy changes that will make a real difference for people in other countries. There is no question about it.

I never approached, in any of my negotiations with the White House or either of the staffs, the cost of this bill, and I am concerned about that. We all should be concerned. The \$50 billion, we are going to authorize it, and this is one that is going to get spent. This money is going to be appropriated. Everybody knows that. The question, then, becomes, where is it going to come from?

Although I think this is our most successful foreign policy initiative in my lifetime—I was born after the Marshall Plan started or thereabouts—I think this is the most effective thing

we have done to build American prestige, esteem, and respect and thankfulness that we have done in my lifetime. When we look at the 2 million people who are now vibrant and vigorous and not wasting, who don't have a secondary disease such as Senator BROWN talked about, what it does is it gives them hope, but it ought to give us hope. So I am extremely appreciative of the very cooperative attitude.

It has been said in recent days that you can't work with me. You can't negotiate with TOM COBURN. Well, I will tell my colleagues we negotiated a pretty good fix to a pretty good bill that is going to make a lot of difference in a lot of people's lives. Talking about the Genetic Nondiscrimination Act, people said it couldn't work, but we passed that bill, didn't we? We fixed it. We made it to where it met all sides and all comers, and we did something great.

I wish to spend a very short amount of time talking about priorities. I think this bill is a priority for our country—making a real difference.

How are we going to afford to appropriate this \$50 billion? The only way we are going to afford to really do it and do it effectively and not charge the \$50 billion to JOE BIDEN's grandchildren or TOM COBURN's grandchildren or DICK LUGAR's grandchildren is if we go about making harder choices about the waste, fraud, and abuse that is in our present system. If you add up what the IGs say, what the GAO says, what the CBO says, and what the CRS says, we have \$300 billion every year that is wasted. It is either wasted or defrauded.

So my challenge as we finish this bill, which is going to pass—and it is the right thing to do; you heard me say it; it is the right thing to do—is we only have half our work done, because if we walk away after the commitment of saying we are going to make a difference in Africans' lives and we don't make a difference in our grandchildren's lives by getting rid of the waste that can pay for this so that there is no additional debt, we will have failed. So that is my plea to the Members of this body.

JIM DEMINT made a good plea. He showed you what is getting ready to happen to us. He is right. We have precarious financial markets today. We have a credit crisis. We have a housing crisis. We have a debt crisis. We have a trade deficit crisis. Those things are fixable, but we have to fix them with the same kind of zeal, the same kind of community that we did on this bill.

So my challenge to the chairman and the ranking member is, as we appropriate this money—and we know it is going to happen—let's start making the same hard choices we made as we negotiated this bill about the waste and abuse and fraud—\$80 billion worth of waste and fraud in Medicare alone. Let's do it. Let's don't just give it lip service; let's leave a legacy for the next generation so they can not only be

proud about what we have done as great humanitarians by helping people with a deadly infectious disease, but let's leave the same legacy to our grandchildren by being responsible. That means we are going to have to take some heat because anything we get rid of that is not efficient and not effective, somebody likes, somebody benefits from.

So my plea to the Members of this body as we pass this is let's do the second half of the job. Let's get rid of the waste, fraud, and abuse. There is \$70 billion worth of waste and fraud in the Pentagon. There is \$30 billion worth of contracting fraud. There is \$24 billion worth of IT waste every year out of \$64 billion we spend on IT. So we can do it. My challenge to us—and my thanks to the chairman and the ranking member—is let's finish the job when we get down to appropriating. Let's really do our homework. Let's give America not only lower gas prices, let's give them lower costs for their kids and grandkids in the future.

With that, I yield back the remainder of my time.

Mr. BIDEN. Madam President, I yield myself 30 seconds.

I wish to make clear in the RECORD that I have never had any trouble working with TOM COBURN. He is correct. We did work on this. He is one smart fellow. He knew a great deal about the substance of this legislation but also the financing of it. I wish to thank him and his staff for his cooperation and thank him for his compliment to our staffs on the committee. I share his view about them, but also it has always been a pleasure to work with him.

I yield 5 minutes of our time to the Senator from Massachusetts, Mr. KERRY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I thank you very much, Madam President.

Let me begin by thanking the chairman of our Foreign Relations Committee, Senator BIDEN, and the ranking member, Senator LUGAR, for their leadership and their efforts to help bring the Senate to where it is today. I appreciate what they have done to help elevate this program and bring it down to a new stage.

The truth is that for two shamefully sluggish decades, the Senate and the Congress and the country really ignored this issue and were somewhat timid, even scared of it for a lot of different reasons. We lost a lot of time in leading the fight against HIV/AIDS on a global basis.

In 1999, I guess it was, Senator Frist and I were privileged to work together and bring an effort to the floor of the Senate, working as cochairs, ultimately, of CSIS's task force that was put together. We wrote a piece of legislation that ultimately drew broad support from the Foreign Relations Committee. I am pleased to say that one of the important points people began to understand about this issue—not par-

tisan and not ideological—was when the then-chair, I think, Senator Jesse Helms, came onboard and became a co-sponsor of our effort. That effort ultimately transformed itself, with President Bush's support, into PEPFAR, when he picked up the cry for some \$15 billion.

I will tell everybody that initially many of us had suspicions that it was going to be a public relations effort, not a real one. In fact, I think President Bush has probably transformed this effort into the single most important piece of his legacy. As Senator COBURN just said, this is perhaps now one of the most important programs the United States is doing on a global basis, and it has made a profound difference.

My wife and I had the privilege of being in South Africa and Botswana last November. I will never forget visiting the Umgeni School in KwaNgcolosi near Durban, where there was an incredible display of community effort that had been brought together because the United States was putting this money into the organizational effort of community caretaking. I saw children, orphaned children who, long before the years that they should have been, had become the caretakers for a whole family of brothers and sisters. I saw what they refer to as AIDS grannies who assumed responsibilities because of the deaths within the family for the caretaking of people who were HIV positive. It was impressive, and the gratitude of people toward the United States, the connection they had with us as a result of this, is one of the most significant foreign policy initiatives in which we have engaged.

So I am very grateful to Senator BIDEN and Senator LUGAR and the committee itself for its work and to the Senate now for embracing this measure which will take us to the next tier.

Two and a half million people will be infected in this next year; 2.1 million people are going to die of AIDS. The challenge of human infrastructure to be able to deliver the antiretroviral drugs, to be able to reach people, to even begin to tackle some of the infrastructure issues and deal with the mythology that works against us, to deal with denial in governments such as South Africa itself. Some of the AIDS workers I met with—we had to kick out the press and kick out public people in order to get them to talk openly and honestly about the difficulties they were having because the Government itself was engaged in some denial, and they feared retribution. It is our effort, our taxpayer money, our initiative, our caring that is making a difference in those lives and breaking down those barriers of denial. I think all of us in the Senate ought to be profoundly proud of this initiative and this effort.

I am also pleased that in this legislation there are two items that I thought were important. One is creating advanced market mechanisms where we

can say to people where there is no market for the creation of a vaccine that that market will be there. Norway, Canada, the Gates Foundation, and others are involved—Germany and others are involved now in providing that kind of market assurance. In that legislation, there is an additional effort to engage us similarly in helping to provide those market assurances so that drug manufacturers will invest in the creation of vaccines, knowing that indeed there will be a market down the road.

Finally, we are going to allow people who are HIV positive to be able, on a case-by-case basis appropriately approved, to come to the United States as experts or otherwise on a humane basis to be able to travel to the country. We are one of only 12 nations that don't allow it. President George Herbert Walker Bush thought we should do this, President Clinton thought we should do this, President Bush thinks we should do this, and obviously a majority of the Senate thinks we should do this. I think that is adopting a humane and sensible policy. The International AIDS Committee has held two conferences, one in Canada and one in Mexico, simply because they wanted Americans to take part, but nobody could travel into this country, so the conference couldn't be held here. I think it is a wise policy, and I appreciate the fact that the leadership of Senator BIDEN and Senator LUGAR on this legislation was able to fight to hold on to that.

This is a good bipartisan moment for the Senate. Most importantly, it is a good moment for the American people because it reflects our values and I think will help us to be better understood and better appreciated in many parts of the world where today we have to climb back from our former reputation.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, the distinguished Senator from Arizona has sought time, and I wish to give him that time, but I simply wish to thank Senator KERRY for his leadership throughout the past decade, starting with the task force which he mentioned and his work all the time and his work all the time with Senator BIDEN, with me on the Foreign Relations Committee. Likewise, I thank Senator COBURN for his gracious remarks and his leadership and his ability to work with all of us in a bipartisan way to fashion this bill. I believe that is the spirit that has characterized success in this endeavor. I am grateful for that.

I wish to express a special appreciation to Shellie Bressler, Paul Foldi, Dan Diller, and Ken Myers of the Senate Foreign Relations Staff on the Republican side, who have been so instrumental in working on this bill. Of course, I thank profoundly my colleague, Senator JOE BIDEN, our chairman, and his remarkable staff. It has

been a joy, once again, to work with them on something that is so important.

I recognize the presence of the Senator from Arizona. I believe we still have 5 minutes on this side; is that right?

The PRESIDING OFFICER. The Senator has 12½ minutes remaining.

Mr. LUGAR. I yield that to Senator KYL.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Madam President, I thank both Senator LUGAR for his courtesies, as well as Senator BIDEN. I appreciate the fact that we have had an opportunity to make some changes in this bill which, while modest, do improve it. Senator COBURN talked about some of the more important ones. I supported PEPFAR. When the President announced in his State of the Union speech that he would request Congress to double the authorization for PEPFAR, I swallowed kind of hard but said, if it has done a good job, which we will find out, maybe that is all right.

What we have found is that at the present level of authorization—\$15 billion—it has been a successful program. That is the good news. Unfortunately, when the bill was written, many of the policy provisions that made it a success were changed. That has required some amendments to be adopted to get closer to the original purpose.

Unfortunately, some policy issues remain. I wish to note that my objections to the bill relate to two primary points. First is a couple of policy issues, and second is the amount of money being authorized. I will just mention three issues. Notwithstanding the positive changes of which Senator COBURN spoke, we still have a significant mission creep. You cannot go from \$15 billion—the amount authorized today—to \$50 billion without having substantial mission creep. You cannot spend it all on the original purpose of the program. Indeed, we add things such as nutrition, legal aid, and others that are quite far afield from the original mission, which was primarily the treatment of AIDS patients.

Secondly, we still have the problem that it deals with far more countries, including wealthy ones, than the poor countries we should be focusing on here. Unfortunately, we were not able to constrain it to a list of more needy countries that would receive this aid.

The third policy problem, spoken about before, is the doubling of funding for the U.N. Global AIDS Fund, which has had significant problems. I think they have been well identified. It disregards U.S. policy on matters such as abortion, needle exchange, and others. While many of the policy problems have been resolved, there are still policy problems with this legislation. If the amount of money was much less than it is, this would be less significant. At \$50 billion, these policy changes can be magnified. Due to the cooperation of the colleagues I have al-

ready mentioned, \$2 billion of the authorization has been diverted to some needs in the United States. I am grateful for my colleagues' cooperation on that.

There is a lot we could do with money—\$10 billion, \$15 billion—in the United States that we have not been able to do because of a lack of funding. If we are going to commit to authorize \$50 billion to deal with some difficult issues, it seems to me we could have diverted more than \$2 billion of that to deal with some of our needs in the United States.

But that brings me to the second points of my concern with the bill and that is the pure sticker shock of \$50 billion. We are more than tripling the current authorization of \$15 billion. As we heard earlier this afternoon, I don't think there is any intention of appropriating less than that amount of money. If anything, we should be appropriating more than that. Because one of my amendments was not adopted, there is no limitation on how much money could be appropriated. So we have gone from \$15 billion to \$50 billion. That is a lot of money in anybody's budget—especially at a time in the United States when we are facing several crises.

I was down at the White House this afternoon with the Secretary of the Treasury. We have a crisis dealing with a couple of the mortgage holders, we have a Fannie and Freddie problem, as well as other potential liabilities that will fall on the shoulders of American taxpayers. We need to take these issues on because they are critical to our economy and indeed have ramifications throughout the world. But they all involve the U.S. taxpayers potentially picking up the tab. We don't have any choice. We need to do it. Gas prices are high.

We are going to take up energy on the floor next, I hope. That is a huge problem. People are hurting because they are paying high gas prices and high food prices also. This is not the time for us to be tripling a worthy program to \$50 billion when we are facing some huge crises here at home. It seems to me we need to make sure we are in better financial condition to face those crises rather than authorizing another \$50 billion in foreign aid.

Now, we will hear the argument that this is to do. Nobody denies that. The argument is not is this a good thing. Of course, it is. There is an argument about whether moving from \$15 billion to \$50 billion more than triples the good that is done. I have heard nobody make that argument. In fact, the only way you can spend that much money is to increase the mission beyond what it is today. The CBO—a nonpartisan office—makes the point that at a \$50 billion authorization, no more than \$34 billion could be effectively spent.

The point is there is only so much you can do on these programs—especially without good policy to ensure that the money is spent wisely. There

could be, and I submit will be, a tremendous amount of waste if we authorize this program at \$50 billion.

So for all these reasons, but primarily and, frankly, because of the huge unmet needs we have at home and the uncertain future we have here and the things that we are going to have to do to shore up our financial system and make sure our economy can continue to operate strongly, I cannot support a bill that authorizes \$50 billion in this foreign aid. Our country needs to be strong, and we need to deal with the crises here at home. We are a wealthy nation; we can afford to be a generous nation. We all want to be generous. We have supported the program in its current form.

The only question here is whether we can efficaciously go from \$15 billion to \$50 billion. I find the answer to that question, at this point, to be no. To be strong, we have to be strong here at home, and then we can help people abroad. Reluctantly—because I realize the President supports this program strongly—I must oppose the program. I express the appreciation of those who helped adopt one of the amendments I proposed. I think it will make a modest difference.

On behalf of taxpayers, we should not be committing to spend \$50 billion at this time.

Mr. LUGAR. Madam President, we are prepared to yield back the remainder of the time on our side.

Mr. BIDEN. Madam President, I yield myself a couple of minutes. After final passage, I will go through the thanks that are robustly warranted to the staff and individuals and Senators who are still here serving, and some who are not serving here, who have laid the groundwork for us to get to this point.

In a small village in Otse, Botswana, there is a rural health clinic run by a retired nurse in her seventies. Their patient log is a simple, handwritten ledger. It lists in chronological order the patients who have come in to her for treatment. The ledger has several columns, including one where, if the patient died, there is a mark made in red ink.

On a visit to this clinic last summer by minority and majority staff, this nurse, I am told by our staff, held up this ledger that showed an array of red marks in the early part of this decade. Then, a few years ago, something drastic happened. The nurse explained, with great excitement, to our staffs:

Look, no red marks. The red marks have stopped.

There is one reason for that dramatic turn of events in this small village in Africa, and that is PEPFAR, which I think would more appropriately be named the "President of the United States fund." But it is nonetheless called PEPFAR, which is confusing to people.

The bottom line is what the President of the United States of America, all the Senators, and others who have

not been mentioned today are about to do, began to change the life of that village.

In 2003, President Bush and this Congress launched the largest public health program in the history of the world. It is saving lives—millions of them. The funerals that were a daily occurrence have been reduced in number, and millions of people around the world have been given hope.

We have to sustain and build on this progress, and that is what we are doing today. That is what we are about to vote on. This bill we are about to vote on will set the course for the next 5 years and, hopefully, beyond. I am confident that, with the hard work of our House counterparts, this bill we are going to pass today will, in fact, be moved very quickly and be sent to the President's desk for signature.

We set forth very ambitious targets for care, treatment, and prevention. We must do all three. We cannot treat our way out of this disease, but we have succeeded at treatment in a way that nobody ever envisaged when JOHN KERRY, RUSS FEINGOLD, and others started talking about this a long time ago. Five years ago, when we stood on the floor, I don't think anybody thought that the treatment side of this ledger would be as successful as it has been. I expect and hope that we are going to continue to see this kind of progress.

There are a lot of people to thank. I will do that after we pass the bill. For the moment, I wish to thank the President of the United States, President George Bush. His decision to launch this initiative was bold, and it was unexpected. I believe historians will regard it as his single finest hour. That is not a backhanded compliment. It would be a fine hour under the tenure of any President of the United States of America.

I wish to thank—quite frankly, I don't do it often enough around here—the American people for their generosity. Let me say it again—the generosity of the American people. Senator KYL makes the point that we have serious needs here at home. Yes, the American people are overwhelmingly supporting what we are doing today, knowing the cost and knowing there will be tradeoffs. I also appreciate the hard work of thousands of men and women in our Government and of the governments of our foreign partners, and their partners in the private sector, who are working on the ground around the world and have made this possible.

I yield back the remainder of the time and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Massachusetts (Mr. KEN-

NEDY) and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arizona (Mr. MCCAIN) and the Senator from Virginia (Mr. WARNER).

Further, if present and voting, the Senator from Virginia (Mr. WARNER) would have voted "yea."

The PRESIDING OFFICER (Mr. CASEY). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 80, nays 16, as follows:

[Rollcall Vote No. 182 Leg.]

YEAS—80

| | | |
|-----------|------------|-------------|
| Akaka | Domenici | Mikulski |
| Alexander | Dorgan | Murkowski |
| Baucus | Durbin | Murray |
| Bayh | Enzi | Nelson (FL) |
| Bennett | Feingold | Nelson (NE) |
| Biden | Feinstein | Pryor |
| Bingaman | Grassley | Reed |
| Bond | Hagel | Reid |
| Boxer | Harkin | Roberts |
| Brown | Hatch | Rockefeller |
| Brownback | Inouye | Salazar |
| Burr | Isakson | Sanders |
| Byrd | Johnson | Schumer |
| Cantwell | Kerry | Shelby |
| Cardin | Klobuchar | Smith |
| Carper | Kohl | Snowe |
| Casey | Landrieu | Specter |
| Chambliss | Lautenberg | Stabenow |
| Clinton | Leahy | Stevens |
| Coburn | Levin | Sununu |
| Cochran | Lieberman | Tester |
| Coleman | Lincoln | Thune |
| Collins | Lugar | Voinovich |
| Conrad | Martinez | Webb |
| Corker | McCaskill | Whitehouse |
| Dodd | McConnell | Wyden |
| Dole | Menendez | |

NAYS—16

| | | |
|----------|-----------|----------|
| Allard | DeMint | Kyl |
| Barrasso | Ensign | Sessions |
| Bunning | Graham | Vitter |
| Cornyn | Gregg | Wicker |
| Craig | Hutchison | |
| Crapo | Inhofe | |

NOT VOTING—4

| | |
|---------|--------|
| Kennedy | Obama |
| McCain | Warner |

The bill (H.R. 5501), as amended was passed, as follows:

H.R. 5501

Resolved, That the bill from the House of Representatives (H.R. 5501) entitled "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," do pass with the following amendment:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008".

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. Purpose.
- Sec. 5. Authority to consolidate and combine reports.

TITLE I—POLICY PLANNING AND COORDINATION

- Sec. 101. Development of an updated, comprehensive, 5-year, global strategy.
- Sec. 102. Interagency working group.
- Sec. 103. Sense of Congress.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS

- Sec. 201. Voluntary contributions to international vaccine funds.
- Sec. 202. Participation in the Global Fund to Fight AIDS, Tuberculosis and Malaria.
- Sec. 203. Research on methods for women to prevent transmission of HIV and other diseases.
- Sec. 204. Combating HIV/AIDS, tuberculosis, and malaria by strengthening health policies and health systems of partner countries.
- Sec. 205. Facilitating effective operations of the Centers for Disease Control.
- Sec. 206. Facilitating vaccine development.

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

- Sec. 301. Assistance to combat HIV/AIDS.
- Sec. 302. Assistance to combat tuberculosis.
- Sec. 303. Assistance to combat malaria.
- Sec. 304. Malaria Response Coordinator.
- Sec. 305. Amendment to Immigration and Nationality Act.
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- Sec. 307. Requirements.
- Sec. 308. Annual report on prevention of mother-to-child transmission of HIV.
- Sec. 309. Prevention of mother-to-child transmission expert panel.

TITLE IV—FUNDING ALLOCATIONS

- Sec. 401. Authorization of appropriations.
- Sec. 402. Sense of Congress.
- Sec. 403. Allocation of funds.

TITLE V—MISCELLANEOUS

- Sec. 501. Machine readable visa fees.

TITLE VI—EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH

- Sec. 601. Emergency plan for Indian safety and health.

SEC. 2. FINDINGS.

Section 2 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601) is amended by adding at the end the following:

"(29) On May 27, 2003, the President signed this Act into law, launching the largest international public health program of its kind ever created.

"(30) Between 2003 and 2008, the United States, through the President's Emergency Plan for AIDS Relief (PEPFAR) and in conjunction with other bilateral programs and the multilateral Global Fund has helped to—

"(A) provide antiretroviral therapy for over 1,900,000 people;

"(B) ensure that over 150,000 infants, most of whom would have likely been infected with HIV during pregnancy or childbirth, were not infected; and

"(C) provide palliative care and HIV prevention assistance to millions of other people.

"(31) While United States leadership in the battles against HIV/AIDS, tuberculosis, and malaria has had an enormous impact, these diseases continue to take a terrible toll on the human race.

"(32) According to the 2007 AIDS Epidemic Update of the Joint United Nations Programme on HIV/AIDS (UNAIDS)—

"(A) an estimated 2,100,000 people died of AIDS-related causes in 2007; and

"(B) an estimated 2,500,000 people were newly infected with HIV during that year.

"(33) According to the World Health Organization, malaria kills more than 1,000,000 people per year, 70 percent of whom are children under 5 years of age.

"(34) According to the World Health Organization, 1/3 of the world's population is infected with the tuberculosis bacterium, and tuberculosis is 1 of the greatest infectious causes of death of adults worldwide, killing 1,600,000 people per year.

“(35) Efforts to promote abstinence, fidelity, the correct and consistent use of condoms, the delay of sexual debut, and the reduction of concurrent sexual partners represent important elements of strategies to prevent the transmission of HIV/AIDS.

“(36) According to UNAIDS—

“(A) women and girls make up nearly 60 percent of persons in sub-Saharan Africa who are HIV positive;

“(B) women and girls are more biologically, economically, and socially vulnerable to HIV infection; and

“(C) gender issues are critical components in the effort to prevent HIV/AIDS and to care for those affected by the disease.

“(37) Children who have lost a parent to HIV/AIDS, who are otherwise directly affected by the disease, or who live in areas of high HIV prevalence may be vulnerable to the disease or its socioeconomic effects.

“(38) Lack of health capacity, including insufficient personnel and inadequate infrastructure, in sub-Saharan Africa and other regions of the world is a critical barrier that limits the effectiveness of efforts to combat HIV/AIDS, tuberculosis, and malaria, and to achieve other global health goals.

“(39) On March 30, 2007, the Institute of Medicine of the National Academies released a report entitled ‘PEPFAR Implementation: Progress and Promise’, which found that budget allocations setting percentage levels for spending on prevention, care, and treatment and for certain subsets of activities within the prevention category—

“(A) have ‘adversely affected implementation of the U.S. Global AIDS Initiative’;

“(B) have inhibited comprehensive, integrated, evidence based approaches;

“(C) ‘have been counterproductive’;

“(D) ‘may have been helpful initially in ensuring a balance of attention to activities within the 4 categories of prevention, treatment, care, and orphans and vulnerable children’;

“(E) ‘have also limited PEPFAR’s ability to tailor its activities in each country to the local epidemic and to coordinate with the level of activities in the countries’ national plans’; and

“(F) should be removed by Congress and replaced with more appropriate mechanisms that—

“(i) ‘ensure accountability for results from Country Teams to the U.S. Global AIDS Coordinator and to Congress’; and

“(ii) ‘ensure that spending is directly linked to and commensurate with necessary efforts to achieve both country and overall performance targets for prevention, treatment, care, and orphans and vulnerable children’.

“(40) The United States Government has endorsed the principles of harmonization in coordinating efforts to combat HIV/AIDS commonly referred to as the ‘Three Ones’, which includes—

“(A) 1 agreed HIV/AIDS action framework that provides the basis for coordination of the work of all partners;

“(B) 1 national HIV/AIDS coordinating authority, with a broadbased multisectoral mandate; and

“(C) 1 agreed HIV/AIDS country-level monitoring and evaluating system.

“(41) In the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases, of April 26–27, 2001 (referred to in this Act as the ‘Abuja Declaration’), the Heads of State and Government of the Organization of African Unity (OAU)—

“(A) declared that they would ‘place the fight against HIV/AIDS at the forefront and as the highest priority issue in our respective national development plans’;

“(B) committed ‘TO TAKE PERSONAL RESPONSIBILITY AND PROVIDE LEADERSHIP for the activities of the National AIDS Commissions/Councils’;

“(C) resolved ‘to lead from the front the battle against HIV/AIDS, Tuberculosis and Other Re-

lated Infectious Diseases by personally ensuring that such bodies were properly convened in mobilizing our societies as a whole and providing focus for unified national policymaking and programme implementation, ensuring coordination of all sectors at all levels with a gender perspective and respect for human rights, particularly to ensure equal rights for people living with HIV/AIDS’; and

“(D) pledged ‘to set a target of allocating at least 15% of our annual budget to the improvement of the health sector’.”

SEC. 3. DEFINITIONS.

Section 3 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7602) is amended—

(1) in paragraph (2), by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs of the House of Representatives, the Committee on Appropriations of the Senate, and the Committee on Appropriations”;

(2) by redesignating paragraph (6) as paragraph (12);

(3) by redesignating paragraphs (3) through (5), as paragraphs (4) through (6), respectively;

(4) by inserting after paragraph (2) the following:

“(3) GLOBAL AIDS COORDINATOR.—The term ‘Global AIDS Coordinator’ means the Coordinator of United States Government Activities to Combat HIV/AIDS Globally.”; and

(5) by inserting after paragraph (6), as redesignated, the following:

“(7) IMPACT EVALUATION RESEARCH.—The term ‘impact evaluation research’ means the application of research methods and statistical analysis to measure the extent to which change in a population-based outcome can be attributed to program intervention instead of other environmental factors.

“(8) OPERATIONS RESEARCH.—The term ‘operations research’ means the application of social science research methods, statistical analysis, and other appropriate scientific methods to judge, compare, and improve policies and program outcomes, from the earliest stages of defining and designing programs through their development and implementation, with the objective of the rapid dissemination of conclusions and concrete impact on programming.

“(9) PARAPROFESSIONAL.—The term ‘paraprofessional’ means an individual who is trained and employed as a health agent for the provision of basic assistance in the identification, prevention, or treatment of illness or disability.

“(10) PARTNER GOVERNMENT.—The term ‘partner government’ means a government with which the United States is working to provide assistance to combat HIV/AIDS, tuberculosis, or malaria on behalf of people living within the jurisdiction of such government.

“(11) PROGRAM MONITORING.—The term ‘program monitoring’ means the collection, analysis, and use of routine program data to determine—

“(A) how well a program is carried out; and

“(B) how much the program costs.”.

SEC. 4. PURPOSE.

Section 4 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7603) is amended to read as follows:

“SEC. 4. PURPOSE.

“The purpose of this Act is to strengthen and enhance United States leadership and the effectiveness of the United States response to the HIV/AIDS, tuberculosis, and malaria pandemics and other related and preventable infectious diseases as part of the overall United States health and development agenda by—

“(1) establishing comprehensive, coordinated, and integrated 5-year, global strategies to combat HIV/AIDS, tuberculosis, and malaria by—

“(A) building on progress and successes to date;

“(B) improving harmonization of United States efforts with national strategies of partner

governments and other public and private entities; and

“(C) emphasizing capacity building initiatives in order to promote a transition toward greater sustainability through the support of country-driven efforts;

“(2) providing increased resources for bilateral and multilateral efforts to fight HIV/AIDS, tuberculosis, and malaria as integrated components of United States development assistance;

“(3) intensifying efforts to—

“(A) prevent HIV infection;

“(B) ensure the continued support for, and expanded access to, treatment and care programs;

“(C) enhance the effectiveness of prevention, treatment, and care programs; and

“(D) address the particular vulnerabilities of girls and women;

“(4) encouraging the expansion of private sector efforts and expanding public-private sector partnerships to combat HIV/AIDS, tuberculosis, and malaria;

“(5) reinforcing efforts to—

“(A) develop safe and effective vaccines, microbicides, and other prevention and treatment technologies; and

“(B) improve diagnostics capabilities for HIV/AIDS, tuberculosis, and malaria; and

“(6) helping partner countries to—

“(A) strengthen health systems;

“(B) expand health workforce; and

“(C) address infrastructural weaknesses.”.

SEC. 5. AUTHORITY TO CONSOLIDATE AND COMBINE REPORTS.

Section 5 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7604) is amended by inserting “, with the exception of the 5-year strategy” before the period at the end.

TITLE I—POLICY PLANNING AND COORDINATION

SEC. 101. DEVELOPMENT OF AN UPDATED, COMPREHENSIVE, 5-YEAR, GLOBAL STRATEGY.

(a) STRATEGY.—Section 101(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7611(a)) is amended to read as follows:

“(a) STRATEGY.—The President shall establish a comprehensive, integrated, 5-year strategy to expand and improve efforts to combat global HIV/AIDS. This strategy shall—

“(1) further strengthen the capability of the United States to be an effective leader of the international campaign against this disease and strengthen the capacities of nations experiencing HIV/AIDS epidemics to combat this disease;

“(2) maintain sufficient flexibility and remain responsive to—

“(A) changes in the epidemic;

“(B) challenges facing partner countries in developing and implementing an effective national response; and

“(C) evidence-based improvements and innovations in the prevention, care, and treatment of HIV/AIDS;

“(3) situate United States efforts to combat HIV/AIDS, tuberculosis, and malaria within the broader United States global health and development agenda, establishing a roadmap to link investments in specific disease programs to the broader goals of strengthening health systems and infrastructure and to integrate and coordinate HIV/AIDS, tuberculosis, or malaria programs with other health or development programs, as appropriate;

“(4) provide a plan to—

“(A) prevent 12,000,000 new HIV infections worldwide;

“(B) support—

“(i) the increase in the number of individuals with HIV/AIDS receiving antiretroviral treatment above the goal established under section 402(a)(3) and increased pursuant to paragraphs (1) through (3) of section 403(d); and

“(ii) additional treatment through coordinated multilateral efforts;

“(C) support care for 12,000,000 individuals infected with or affected by HIV/AIDS, including 5,000,000 orphans and vulnerable children affected by HIV/AIDS, with an emphasis on promoting a comprehensive, coordinated system of services to be integrated throughout the continuum of care;

“(D) help partner countries in the effort to achieve goals of 80 percent access to counseling, testing, and treatment to prevent the transmission of HIV from mother to child, emphasizing a continuum of care model;

“(E) help partner countries to provide care and treatment services to children with HIV in proportion to their percentage within the HIV-infected population in each country;

“(F) promote preservice training for health professionals designed to strengthen the capacity of institutions to develop and implement policies for training health workers to combat HIV/AIDS, tuberculosis, and malaria;

“(G) equip teachers with skills needed for HIV/AIDS prevention and support for persons with, or affected by, HIV/AIDS;

“(H) provide and share best practices for combating HIV/AIDS with health professionals;

“(I) promote pediatric HIV/AIDS training for physicians, nurses, and other health care workers, through public-private partnerships if possible, including through the designation, if appropriate, of centers of excellence for training in pediatric HIV/AIDS prevention, care, and treatment in partner countries; and

“(J) help partner countries to train and support retention of health care professionals and paraprofessionals, with the target of training and retaining at least 140,000 new health care professionals and paraprofessionals with an emphasis on training and in country deployment of critically needed doctors and nurses and to strengthen capacities in developing countries, especially in sub-Saharan Africa, to deliver primary health care with the objective of helping countries achieve staffing levels of at least 2.3 doctors, nurses, and midwives per 1,000 population, as called for by the World Health Organization;

“(5) include multisectoral approaches and specific strategies to treat individuals infected with HIV/AIDS and to prevent the further transmission of HIV infections, with a particular focus on the needs of families with children (including the prevention of mother-to-child transmission), women, young people, orphans, and vulnerable children;

“(6) establish a timetable with annual global treatment targets with country-level benchmarks for antiretroviral treatment;

“(7) expand the integration of timely and relevant research within the prevention, care, and treatment of HIV/AIDS;

“(8) include a plan for program monitoring, operations research, and impact evaluation and for the dissemination of a best practices report to highlight findings;

“(9) support the in-country or intra-regional training, preferably through public-private partnerships, of scientific investigators, managers, and other staff who are capable of promoting the systematic uptake of clinical research findings and other evidence-based interventions into routine practice, with the goal of improving the quality, effectiveness, and local leadership of HIV/AIDS health care;

“(10) expand and accelerate research on and development of HIV/AIDS prevention methods for women, including enhancing inter-agency collaboration, staffing, and organizational infrastructure dedicated to microbicide research;

“(11) provide for consultation with local leaders and officials to develop prevention strategies and programs that are tailored to the unique needs of each country and community and targeted particularly toward those most at risk of acquiring HIV infection;

“(12) make the reduction of HIV/AIDS behavioral risks a priority of all prevention efforts by—

“(A) promoting abstinence from sexual activity and encouraging monogamy and faithfulness;

“(B) encouraging the correct and consistent use of male and female condoms and increasing the availability of, and access to, these commodities;

“(C) promoting the delay of sexual debut and the reduction of multiple concurrent sexual partners;

“(D) promoting education for discordant couples (where an individual is infected with HIV and the other individual is uninfected or whose status is unknown) about safer sex practices;

“(E) promoting voluntary counseling and testing, addiction therapy, and other prevention and treatment tools for illicit injection drug users and other substance abusers;

“(F) educating men and boys about the risks of procuring sex commercially and about the need to end violent behavior toward women and girls;

“(G) supporting partner country and community efforts to identify and address social, economic, or cultural factors, such as migration, urbanization, conflict, gender-based violence, lack of empowerment for women, and transportation patterns, which directly contribute to the transmission of HIV;

“(H) supporting comprehensive programs to promote alternative livelihoods, safety, and social reintegration strategies for commercial sex workers and their families;

“(I) promoting cooperation with law enforcement to prosecute offenders of trafficking, rape, and sexual assault crimes with the goal of eliminating such crimes; and

“(J) working to eliminate rape, gender-based violence, sexual assault, and the sexual exploitation of women and children;

“(13) include programs to reduce the transmission of HIV, particularly addressing the heightened vulnerabilities of women and girls to HIV in many countries; and

“(14) support other important means of preventing or reducing the transmission of HIV, including—

“(A) medical male circumcision;

“(B) the maintenance of a safe blood supply;

“(C) promoting universal precautions in formal and informal health care settings;

“(D) educating the public to recognize and to avoid risks to contract HIV through blood exposures during formal and informal health care and cosmetic services;

“(E) investigating suspected nosocomial infections to identify and stop further nosocomial transmission; and

“(F) other mechanisms to reduce the transmission of HIV;

“(15) increase support for prevention of mother-to-child transmission;

“(16) build capacity within the public health sector of developing countries by improving health systems and public health infrastructure and developing indicators to measure changes in broader public health sector capabilities;

“(17) increase the coordination of HIV/AIDS programs with development programs;

“(18) provide a framework for expanding or developing existing or new country or regional programs, including—

“(A) drafting compacts or other agreements, as appropriate;

“(B) establishing criteria and objectives for such compacts and agreements; and

“(C) promoting sustainability;

“(19) provide a plan for national and regional priorities for resource distribution and a global investment plan by region;

“(20) provide a plan to address the immediate and ongoing needs of women and girls, which—

“(A) addresses the vulnerabilities that contribute to their elevated risk of infection;

“(B) includes specific goals and targets to address these factors;

“(C) provides clear guidance to field missions to integrate gender across prevention, care, and treatment programs;

“(D) sets forth gender-specific indicators to monitor progress on outcomes and impacts of gender programs;

“(E) supports efforts in countries in which women or orphans lack inheritance rights and other fundamental protections to promote the passage, implementation, and enforcement of such laws;

“(F) supports life skills training, especially among women and girls, with the goal of reducing vulnerabilities to HIV/AIDS;

“(G) addresses and prevents gender-based violence; and

“(H) addresses the posttraumatic and psychosocial consequences and provides postexposure prophylaxis protecting against HIV infection to victims of gender-based violence and rape;

“(21) provide a plan to—

“(A) determine the local factors that may put men and boys at elevated risk of contracting or transmitting HIV;

“(B) address male norms and behaviors to reduce these risks, including by reducing alcohol abuse;

“(C) promote responsible male behavior; and

“(D) promote male participation and leadership at the community level in efforts to promote HIV prevention, reduce stigma, promote participation in voluntary counseling and testing, and provide care, treatment, and support for persons with HIV/AIDS;

“(22) provide a plan to address the vulnerabilities and needs of orphans and children who are vulnerable to, or affected by, HIV/AIDS;

“(23) encourage partner countries to develop health care curricula and promote access to training tailored to individuals receiving services through, or exiting from, existing programs geared to orphans and vulnerable children;

“(24) provide a framework to work with international actors and partner countries toward universal access to HIV/AIDS prevention, treatment, and care programs, recognizing that prevention is of particular importance;

“(25) enhance the coordination of United States bilateral efforts to combat global HIV/AIDS with other major public and private entities;

“(26) enhance the attention given to the national strategic HIV/AIDS plans of countries receiving United States assistance by—

“(A) reviewing the planning and programmatic decisions associated with that assistance; and

“(B) helping to strengthen such national strategies, if necessary;

“(27) support activities described in the Global Plan to Stop TB, including—

“(A) expanding and enhancing the coverage of the Directly Observed Treatment Short-course (DOTS) in order to treat individuals infected with tuberculosis and HIV, including multi-drug resistant or extensively drug resistant tuberculosis; and

“(B) improving coordination and integration of HIV/AIDS and tuberculosis programming;

“(28) ensure coordination between the Global AIDS Coordinator and the Malaria Coordinator and address issues of comorbidity between HIV/AIDS and malaria; and

“(29) include a longer term estimate of the projected resource needs, progress toward greater sustainability and country ownership of HIV/AIDS programs, and the anticipated role of the United States in the global effort to combat HIV/AIDS during the 10-year period beginning on October 1, 2013.”.

(b) REPORT.—Section 101(b) of such Act (22 U.S.C. 7611(b)) is amended to read as follows:

“(b) REPORT.—

“(1) IN GENERAL.—Not later than October 1, 2009, the President shall submit a report to the appropriate congressional committees that sets forth the strategy described in subsection (a).

“(2) CONTENTS.—The report required under paragraph (1) shall include a discussion of the following elements:

“(A) The purpose, scope, methodology, and general and specific objectives of the strategy.

“(B) The problems, risks, and threats to the successful pursuit of the strategy.

“(C) The desired goals, objectives, activities, and outcome-related performance measures of the strategy.

“(D) A description of future costs and resources needed to carry out the strategy.

“(E) A delineation of United States Government roles, responsibility, and coordination mechanisms of the strategy.

“(F) A description of the strategy—

“(i) to promote harmonization of United States assistance with that of other international, national, and private actors as elucidated in the ‘Three Ones’; and

“(ii) to address existing challenges in harmonization and alignment.

“(G) A description of the manner in which the strategy will—

“(i) further the development and implementation of the national multisectoral strategic HIV/AIDS frameworks of partner governments; and

“(ii) enhance the centrality, effectiveness, and sustainability of those national plans.

“(H) A description of how the strategy will seek to achieve the specific targets described in subsection (a) and other targets, as appropriate.

“(I) A description of, and rationale for, the timetable for annual global treatment targets with country-level estimates of numbers of persons in need of antiretroviral treatment, country-level benchmarks for United States support for assistance for antiretroviral treatment, and numbers of persons enrolled in antiretroviral treatment programs receiving United States support. If global benchmarks are not achieved within the reporting period, the report shall include a description of steps being taken to ensure that global benchmarks will be achieved and a detailed breakdown and justification of spending priorities in countries in which benchmarks are not being met, including a description of other donor or national support for antiretroviral treatment in the country, if appropriate.

“(J) A description of how operations research is addressed in the strategy and how such research can most effectively be integrated into care, treatment, and prevention activities in order to—

“(i) improve program quality and efficiency;

“(ii) ascertain cost effectiveness;

“(iii) ensure transparency and accountability;

“(iv) assess population-based impact;

“(v) disseminate findings and best practices; and

“(vi) optimize delivery of services.

“(K) An analysis of United States-assisted strategies to prevent the transmission of HIV/AIDS, including methodologies to promote abstinence, monogamy, faithfulness, the correct and consistent use of male and female condoms, reductions in concurrent sexual partners, and delay of sexual debut, and of intended monitoring and evaluation approaches to measure the effectiveness of prevention programs and ensure that they are targeted to appropriate audiences.

“(L) Within the analysis required under subparagraph (K), an examination of additional planned means of preventing the transmission of HIV including medical male circumcision, maintenance of a safe blood supply, public education about risks to acquire HIV infection from blood exposures, promotion of universal precautions, investigation of suspected nosocomial infections and other tools.

“(M) A description of efforts to assist partner country and community to identify and address social, economic, or cultural factors, such as migration, urbanization, conflict, gender-based violence, lack of empowerment for women, and transportation patterns, which directly contribute to the transmission of HIV.

“(N) A description of the specific targets, goals, and strategies developed to address the needs and vulnerabilities of women and girls to HIV/AIDS, including—

“(i) activities directed toward men and boys;

“(ii) activities to enhance educational, micro-finance, and livelihood opportunities for women and girls;

“(iii) activities to promote and protect the legal empowerment of women, girls, and orphans and vulnerable children;

“(iv) programs targeted toward gender-based violence and sexual coercion;

“(v) strategies to meet the particular needs of adolescents;

“(vi) assistance for victims of rape, sexual abuse, assault, exploitation, and trafficking; and

“(vii) programs to prevent alcohol abuse.

“(O) A description of strategies to address male norms and behaviors that contribute to the transmission of HIV, to promote responsible male behavior, and to promote male participation and leadership in HIV/AIDS prevention, care, treatment, and voluntary counseling and testing.

“(P) A description of strategies—

“(i) to address the needs of orphans and vulnerable children, including an analysis of—

“(I) factors contributing to children’s vulnerability to HIV/AIDS; and

“(II) vulnerabilities caused by the impact of HIV/AIDS on children and their families; and

“(ii) in areas of higher HIV/AIDS prevalence, to promote a community-based approach to vulnerability, maximizing community input into determining which children participate.

“(Q) A description of capacity-building efforts undertaken by countries themselves, including adherents of the Abuja Declaration and an assessment of the impact of International Monetary Fund macroeconomic and fiscal policies on national and donor investments in health.

“(R) A description of the strategy to—

“(i) strengthen capacity building within the public health sector;

“(ii) improve health care in those countries;

“(iii) help countries to develop and implement national health workforce strategies;

“(iv) strive to achieve goals in training, retaining, and effectively deploying health staff;

“(v) promote the use of codes of conduct for ethical recruiting practices for health care workers; and

“(vi) increase the sustainability of health programs.

“(S) A description of the criteria for selection, objectives, methodology, and structure of compacts or other framework agreements with countries or regional organizations, including—

“(i) the role of civil society;

“(ii) the degree of transparency;

“(iii) benchmarks for success of such compacts or agreements; and

“(iv) the relationship between such compacts or agreements and the national HIV/AIDS and public health strategies and commitments of partner countries.

“(T) A strategy to better coordinate HIV/AIDS assistance with nutrition and food assistance programs.

“(U) A description of transnational or regional initiatives to combat regionalized epidemics in highly affected areas such as the Caribbean.

“(V) A description of planned resource distribution and global investment by region.

“(W) A description of coordination efforts in order to better implement the Stop TB Strategy and to address the problem of coinfection of HIV/AIDS and tuberculosis and of projected challenges or barriers to successful implementation.

“(X) A description of coordination efforts to address malaria and comorbidity with malaria and HIV/AIDS.”

(c) STUDY.—Section 101(c) of such Act (22 U.S.C. 7611(c)) is amended to read as follows:

“(c) STUDY OF PROGRESS TOWARD ACHIEVEMENT OF POLICY OBJECTIVES.—

“(1) DESIGN AND BUDGET PLAN FOR DATA EVALUATION.—The Global AIDS Coordinator shall enter into a contract with the Institute of Medicine of the National Academies that provides that not later than 18 months after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, the Institute, in consultation with the Global AIDS Coordinator and other relevant parties representing the public and private sector, shall provide the Global AIDS Coordinator with a design plan and budget for the evaluation and collection of baseline and subsequent data to address the elements set forth in paragraph (2)(B). The Global AIDS Coordinator shall submit the budget and design plan to the appropriate congressional committees.

“(2) STUDY.—

“(A) IN GENERAL.—Not later than 4 years after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, the Institute of Medicine of the National Academies shall publish a study that includes—

“(i) an assessment of the performance of United States-assisted global HIV/AIDS programs; and

“(ii) an evaluation of the impact on health of prevention, treatment, and care efforts that are supported by United States funding, including multilateral and bilateral programs involving joint operations.

“(B) CONTENT.—The study conducted under this paragraph shall include—

“(i) an assessment of progress toward prevention, treatment, and care targets;

“(ii) an assessment of the effects on health systems, including on the financing and management of health systems and the quality of service delivery and staffing;

“(iii) an assessment of efforts to address gender-specific aspects of HIV/AIDS, including gender related constraints to accessing services and addressing underlying social and economic vulnerabilities of women and men;

“(iv) an evaluation of the impact of treatment and care programs on 5-year survival rates, drug adherence, and the emergence of drug resistance;

“(v) an evaluation of the impact of prevention programs on HIV incidence in relevant population groups;

“(vi) an evaluation of the impact on child health and welfare of interventions authorized under this Act on behalf of orphans and vulnerable children;

“(vii) an evaluation of the impact of programs and activities authorized in this Act on child mortality; and

“(viii) recommendations for improving the programs referred to in subparagraph (A)(i).

“(C) METHODOLOGIES.—Assessments and impact evaluations conducted under the study shall utilize sound statistical methods and techniques for the behavioral sciences, including random assignment methodologies as feasible. Qualitative data on process variables should be used for assessments and impact evaluations, wherever possible.

“(3) CONTRACT AUTHORITY.—The Institute of Medicine may enter into contracts or cooperative agreements or award grants to conduct the study under paragraph (2).

“(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the study under this subsection.”

(d) REPORT.—Section 101 of such Act, as amended by this section, is further amended by adding at the end the following:

“(d) COMPTROLLER GENERAL REPORT.—

“(1) REPORT REQUIRED.—Not later than 3 years after the date of the enactment of the Tom

Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, the Comptroller General of the United States shall submit a report on the global HIV/AIDS programs of the United States to the appropriate congressional committees.

“(2) CONTENTS.—The report required under paragraph (1) shall include—

“(A) a description and assessment of the monitoring and evaluation practices and policies in place for these programs;

“(B) an assessment of coordination within Federal agencies involved in these programs, examining both internal coordination within these programs and integration with the larger global health and development agenda of the United States;

“(C) an assessment of procurement policies and practices within these programs;

“(D) an assessment of harmonization with national government HIV/AIDS and public health strategies as well as other international efforts;

“(E) an assessment of the impact of global HIV/AIDS funding and programs on other United States global health programming; and

“(F) recommendations for improving the global HIV/AIDS programs of the United States.

“(e) BEST PRACTICES REPORT.—

“(1) IN GENERAL.—Not later than 1 year after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, and annually thereafter, the Global AIDS Coordinator shall publish a best practices report that highlights the programs receiving financial assistance from the United States that have the potential for replication or adaption, particularly at a low cost, across global AIDS programs, including those that focus on both generalized and localized epidemics.

“(2) DISSEMINATION OF FINDINGS.—

“(A) PUBLICATION ON INTERNET WEBSITE.—The Global AIDS Coordinator shall disseminate the full findings of the annual best practices report on the Internet website of the Office of the Global AIDS Coordinator.

“(B) DISSEMINATION GUIDANCE.—The Global AIDS Coordinator shall develop guidance to ensure timely submission and dissemination of significant information regarding best practices with respect to global AIDS programs.

“(f) INSPECTORS GENERAL.—

“(1) OVERSIGHT PLAN.—

“(A) DEVELOPMENT.—The Inspectors General of the Department of State and Broadcasting Board of Governors, the Department of Health and Human Services, and the United States Agency for International Development shall jointly develop 5 coordinated annual plans for oversight activity in each of the fiscal years 2009 through 2013, with regard to the programs authorized under this Act and sections 104A, 104B, and 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2, 2151b-3, and 2151b-4).

“(B) CONTENTS.—The plans developed under subparagraph (A) shall include a schedule for financial audits, inspections, and performance reviews, as appropriate.

“(C) DEADLINE.—

“(i) INITIAL PLAN.—The first plan developed under subparagraph (A) shall be completed not later than the later of—

“(I) September 1, 2008; or

“(II) 60 days after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

“(ii) SUBSEQUENT PLANS.—Each of the last four plans developed under subparagraph (A) shall be completed not later than 30 days before each of the fiscal years 2010 through 2013, respectively.

“(2) COORDINATION.—In order to avoid duplication and maximize efficiency, the Inspectors General described in paragraph (1) shall coordinate their activities with—

“(A) the Government Accountability Office; and

“(B) the Inspectors General of the Department of Commerce, the Department of Defense, the Department of Labor, and the Peace Corps, as appropriate, pursuant to the 2004 Memorandum of Agreement Coordinating Audit Coverage of Programs and Activities Implementing the President's Emergency Plan for AIDS Relief, or any successor agreement.

“(3) FUNDING.—The Global AIDS Coordinator and the Coordinator of the United States Government Activities to Combat Malaria Globally shall make available necessary funds not exceeding \$15,000,000 during the 5-year period beginning on October 1, 2008 to the Inspectors General described in paragraph (1) for the audits, inspections, and reviews described in that paragraph.”

(e) ANNUAL STUDY; MESSAGE.—Section 101 of such Act, as amended by this section, is further amended by adding at the end the following:

“(g) ANNUAL STUDY.—

“(1) IN GENERAL.—Not later than September 30, 2009, and annually thereafter through September 30, 2013, the Global AIDS Coordinator shall complete a study of treatment providers that—

“(A) represents a range of countries and service environments;

“(B) estimates the per-patient cost of antiretroviral HIV/AIDS treatment and the care of people with HIV/AIDS not receiving antiretroviral treatment, including a comparison of the costs for equivalent services provided by programs not receiving assistance under this Act;

“(C) estimates per-patient costs across the program and in specific categories of service providers, including—

“(i) urban and rural providers;

“(ii) country-specific providers; and

“(iii) other subcategories, as appropriate.

“(2) PUBLICATION.—Not later than 90 days after the completion of each study under paragraph (1), the Global AIDS Coordinator shall make the results of such study available on a publicly accessible Web site.

“(h) MESSAGE.—The Global AIDS Coordinator shall develop a message, to be prominently displayed by each program receiving funds under this Act, that—

“(1) demonstrates that the program is a commitment by citizens of the United States to the global fight against HIV/AIDS, tuberculosis, and malaria; and

“(2) enhances awareness by program recipients that the program is an effort on behalf of the citizens of the United States.”

SEC. 102. INTERAGENCY WORKING GROUP.

Section 1(f)(2) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(f)(2)) is amended—

(1) in subparagraph (A), by inserting “, partner country finance, health, and other relevant ministries,” after “community based organizations” each place it appears;

(2) in subparagraph (B)(ii)—

(A) by striking subclauses (IV) and (V);

(B) by inserting after subclause (III) the following:

“(IV) Establishing an interagency working group on HIV/AIDS headed by the Global AIDS Coordinator and comprised of representatives from the United States Agency for International Development and the Department of Health and Human Services, for the purposes of coordination of activities relating to HIV/AIDS, including—

“(aa) meeting regularly to review progress in partner countries toward HIV/AIDS prevention, treatment, and care objectives;

“(bb) participating in the process of identifying countries to consider for increased assistance based on the epidemiology of HIV/AIDS in those countries, including clear evidence of a public health threat, as well as government com-

mitment to address the HIV/AIDS problem, relative need, and coordination and joint planning with other significant actors;

“(cc) assisting the Coordinator in the evaluation, execution, and oversight of country operational plans;

“(dd) reviewing policies that may be obstacles to reaching targets set forth for HIV/AIDS prevention, treatment, and care; and

“(ee) consulting with representatives from additional relevant agencies, including the National Institutes of Health, the Health Resources and Services Administration, the Department of Labor, the Department of Agriculture, the Millennium Challenge Corporation, the Peace Corps, and the Department of Defense.

“(V) Coordinating overall United States HIV/AIDS policy and programs, including ensuring the coordination of relevant executive branch agency activities in the field, with efforts led by partner countries, and with the assistance provided by other relevant bilateral and multilateral aid agencies and other donor institutions to promote harmonization with other programs aimed at preventing and treating HIV/AIDS and other health challenges, improving primary health, addressing food security, promoting education and development, and strengthening health care systems.”;

(C) by redesignating subclauses (VII) and (VIII) as subclauses (IX) and (XII), respectively;

(D) by inserting after subclause (VI) the following:

“(VII) Holding annual consultations with nongovernmental organizations in partner countries that provide services to improve health, and advocating on behalf of the individuals with HIV/AIDS and those at particular risk of contracting HIV/AIDS, including organizations with members who are living with HIV/AIDS.

“(VIII) Ensuring, through interagency and international coordination, that HIV/AIDS programs of the United States are coordinated with, and complementary to, the delivery of related global health, food security, development, and education.”;

(E) in subclause (IX), as redesignated by subparagraph (C)—

(i) by inserting “Vietnam,” after “Uganda,”;

(ii) by inserting after “of 2003” the following: “and other countries in which the United States is implementing HIV/AIDS programs as part of its foreign assistance program”; and

(iii) by adding at the end the following: “In designating additional countries under this subparagraph, the President shall give priority to those countries in which there is a high prevalence of HIV or risk of significantly increasing incidence of HIV within the general population and inadequate financial means within the country.”;

(F) by inserting after subclause (IX), as redesignated by subparagraph (C), the following:

“(X) Working with partner countries in which the HIV/AIDS epidemic is prevalent among injection drug users to establish, as a national priority, national HIV/AIDS prevention programs.

“(XI) Working with partner countries in which the HIV/AIDS epidemic is prevalent among individuals involved in commercial sex acts to establish, as a national priority, national prevention programs, including education, voluntary testing, and counseling, and referral systems that link HIV/AIDS programs with programs to eradicate trafficking in persons and support alternatives to prostitution.”;

(G) in subclause (XII), as redesignated by subparagraph (C), by striking “funds section” and inserting “funds appropriated for HIV/AIDS assistance pursuant to the authorization of appropriations under section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671)”;

(H) by adding at the end the following:

“(XIII) Publicizing updated drug pricing data to inform the purchasing decisions of pharmaceutical procurement partners.”

SEC. 103. SENSE OF CONGRESS.

Section 102 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7612) is amended by adding at the end the following:

“(d) SENSE OF CONGRESS.—It is the sense of Congress that—

“(1) full-time country level coordinators, preferably with management experience, should head each HIV/AIDS country team for United States missions overseeing significant HIV/AIDS programs;

“(2) foreign service nationals provide critically important services in the design and implementation of United States country-level HIV/AIDS programs and their skills and experience as public health professionals should be recognized within hiring and compensation practices; and

“(3) staffing levels for United States country-level HIV/AIDS teams should be adequately maintained to fulfill oversight and other obligations of the positions.”.

TITLE II—SUPPORT FOR MULTILATERAL FUNDS, PROGRAMS, AND PUBLIC-PRIVATE PARTNERSHIPS**SEC. 201. VOLUNTARY CONTRIBUTIONS TO INTERNATIONAL VACCINE FUNDS.**

Section 302 of the Foreign Assistance Act of 1961 (22 U.S.C. 2222) is amended—

(1) by inserting after subsection (c) the following:

“(d) TUBERCULOSIS VACCINE DEVELOPMENT PROGRAMS.—In addition to amounts otherwise available under this section, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013, which shall be used for United States contributions to tuberculosis vaccine development programs, which may include the Aeras Global TB Vaccine Foundation.”;

(2) in subsection (k)—

(A) by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”;

(B) by striking “Vaccine Fund” and inserting “GAVI Fund”.

(3) in subsection (l), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”;

(4) in subsection (m), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”.

SEC. 202. PARTICIPATION IN THE GLOBAL FUND TO FIGHT AIDS, TUBERCULOSIS AND MALARIA.

(a) FINDINGS; SENSE OF CONGRESS.—Section 202(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7622(a)) is amended to read as follows:

“(a) FINDINGS; SENSE OF CONGRESS.—

“(1) FINDINGS.—Congress makes the following findings:

“(A) The establishment of the Global Fund in January 2002 is consistent with the general principles for an international AIDS trust fund first outlined by Congress in the Global AIDS and Tuberculosis Relief Act of 2000 (Public Law 106-264).

“(B) The Global Fund is an innovative financing mechanism which—

“(i) has made progress in many areas in combating HIV/AIDS, tuberculosis, and malaria; and

“(ii) represents the multilateral component of this Act, extending United States efforts to more than 130 countries around the world.

“(C) The Global Fund and United States bilateral assistance programs—

“(i) are demonstrating increasingly effective coordination, with each possessing certain comparative advantages in the fight against HIV/AIDS, tuberculosis, and malaria; and

“(ii) often work most effectively in concert with each other.

“(D) The United States Government—

“(i) is the largest supporter of the Global Fund in terms of resources and technical support;

“(ii) made the founding contribution to the Global Fund; and

“(iii) is fully committed to the success of the Global Fund as a multilateral public-private partnership.

“(2) SENSE OF CONGRESS.—It is the sense of Congress that—

“(A) transparency and accountability are crucial to the long-term success and viability of the Global Fund;

“(B) the Global Fund has made significant progress toward addressing concerns raised by the Government Accountability Office by—

“(i) improving risk assessment and risk management capabilities;

“(ii) providing clearer guidance for and oversight of Local Fund Agents; and

“(iii) strengthening the Office of the Inspector General for the Global Fund;

“(C) the provision of sufficient resources and authority to the Office of the Inspector General for the Global Fund to ensure that office has the staff and independence necessary to carry out its mandate will be a measure of the commitment of the Global Fund to transparency and accountability;

“(D) regular, publicly published financial, programmatic, and reporting audits of the Fund, its grantees, and Local Fund Agents are also important benchmarks of transparency;

“(E) the Global Fund should establish and maintain a system to track—

“(i) the amount of funds disbursed to each subrecipient on the grant’s fiscal cycle; and

“(ii) the distribution of resources, by grant and principal recipient, for prevention, care, treatment, drug and commodity purchases, and other purposes;

“(F) relevant national authorities in recipient countries should exempt from duties and taxes all products financed by Global Fund grants and procured by any principal recipient or subrecipient for the purpose of carrying out such grants;

“(G) the Global Fund, UNAIDS, and the Global AIDS Coordinator should work together to standardize program indicators wherever possible;

“(H) for purposes of evaluating total amounts of funds contributed to the Global Fund under subsection (d)(4)(A)(i), the timetable for evaluations of contributions from sources other than the United States should take into account the fiscal calendars of other major contributors; and

“(I) the Global Fund should not support activities involving the ‘Affordable Medicines Facility–Malaria’ or similar entities pending compelling evidence of success from pilot programs as evaluated by the Coordinator of United States Government Activities to Combat Malaria Globally.”.

(b) STATEMENT OF POLICY.—Section 202(b) of such Act is amended by adding at the end the following:

“(3) STATEMENT OF POLICY.—The United States Government regards the imposition by recipient countries of taxes or tariffs on goods or services provided by the Global Fund, which are supported through public and private donations, including the substantial contribution of the American people, as inappropriate and inconsistent with standards of good governance. The Global AIDS Coordinator or other representatives of the United States Government shall work with the Global Fund to dissuade governments from imposing such duties, tariffs, or taxes.”.

(c) UNITED STATES FINANCIAL PARTICIPATION.—Section 202(d) of such Act (22 U.S.C. 7622(d)) is amended—

(1) in paragraph (1)—

(A) by striking “\$1,000,000,000 for the period of fiscal year 2004 beginning on January 1, 2004” and inserting “\$2,000,000,000 for fiscal year 2009,”; and

(B) by striking “the fiscal years 2005–2008” and inserting “each of the fiscal years 2010 through 2013”;

(2) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”;

(ii) in clause (ii)—

(I) by striking “during any of the fiscal years 2004 through 2008” and inserting “during any of the fiscal years 2009 through 2013”; and

(II) by adding at the end the following: “The President may waive the application of this clause with respect to assistance for Sudan that is overseen by the Southern Country Coordinating Mechanism, including Southern Sudan, Southern Kordofan, Blue Nile State, and Abyei, if the President determines that the national interest or humanitarian reasons justify such a waiver. The President shall publish each waiver of this clause in the Federal Register and, not later than 15 days before the waiver takes effect, shall consult with the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives regarding the proposed waiver.”; and

(iii) in clause (vi)—

(I) by striking “for the purposes” and inserting “For the purposes”;

(II) by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(III) by striking “prior to fiscal year 2004” and inserting “before fiscal year 2009”;

(B) in subparagraph (B)(iv), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(C) in subparagraph (C)(ii), by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”; and

(3) by adding at the end the following:

“(5) WITHHOLDING FUNDS.—Notwithstanding any other provision of this Act, 20 percent of the amounts appropriated pursuant to this Act for a contribution to support the Global Fund for each of the fiscal years 2010 through 2013 shall be withheld from obligation to the Global Fund until the Secretary of State certifies to the appropriate congressional committees that the Global Fund—

“(A) has established an evaluation framework for the performance of Local Fund Agents (referred to in this paragraph as ‘LFAs’);

“(B) is undertaking a systematic assessment of the performance of LFAs;

“(C) has adopted, and is implementing, a policy to publish on a publicly available Web site—

“(i) grant performance reviews;

“(ii) all reports of the Inspector General of the Global Fund, in a manner that is consistent with the Policy for Disclosure of Reports of the Inspector General, approved at the 16th Meeting of the Board of the Global Fund;

“(iii) decision points of the Board of the Global Fund;

“(iv) reports from Board committees to the Board; and

“(v) a regular collection and analysis of performance data and funding of grants of the Global Fund, which shall cover all principal recipients and all subrecipients;

“(D) is maintaining an independent, well-staffed Office of the Inspector General that—

“(i) reports directly to the Board of the Global Fund; and

“(ii) compiles regular, publicly published audits of financial, programmatic, and reporting aspects of the Global Fund, its grantees, and LFAs;

“(E) has established, and is reporting publicly on, standard indicators for all program areas;

“(F) has established a methodology to track and is publicly reporting on—

“(i) all subrecipients and the amount of funds disbursed to each subrecipient on the grant’s fiscal cycle; and

“(ii) the distribution of resources, by grant and principal recipient, for prevention, care,

treatment, drugs and commodities purchase, and other purposes;

“(G) has established a policy on tariffs imposed by national governments on all goods and services financed by the Global Fund;

“(H) through its Secretariat, has taken meaningful steps to prevent national authorities in recipient countries from imposing taxes or tariffs on goods or services provided by the Fund;

“(I) is maintaining its status as a financing institution focused on programs directly related to HIV/AIDS, malaria, and tuberculosis;

“(J) is maintaining and making progress on—
“(i) sustaining its multisectoral approach, through country coordinating mechanisms; and

“(ii) the implementation of grants, as reflected in the proportion of resources allocated to different sectors, including governments, civil society, and faith- and community-based organizations; and

“(K) has established procedures providing access by the Office of Inspector General of the Department of State and Broadcasting Board of Governors, as cognizant Inspector General, and the Inspector General of the Health and Human Services and the Inspector General of the United States Agency for International Development, to Global Fund financial data, and other information relevant to United States contributions (as determined by the Inspector General in consultation with the Global AIDS Coordinator).

“(6) SUMMARIES OF BOARD DECISIONS AND UNITED STATES POSITIONS.—Following each meeting of the Board of the Global Fund, the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall report on the public website of the Coordinator a summary of Board decisions and how the United States Government voted and its positions on such decisions.”

SEC. 203. RESEARCH ON METHODS FOR WOMEN TO PREVENT TRANSMISSION OF HIV AND OTHER DISEASES.

(a) SENSE OF CONGRESS.—Congress recognizes the need and urgency to expand the range of interventions for preventing the transmission of human immunodeficiency virus (HIV), including nonvaccine prevention methods that can be controlled by women.

(b) NIH OFFICE OF AIDS RESEARCH.—Subpart 1 of part D of title XXIII of the Public Health Service Act (42 U.S.C. 300cc–40 et seq.) is amended by inserting after section 2351 the following:

“SEC. 2351A. MICROBICIDE RESEARCH.

“(a) FEDERAL STRATEGIC PLAN.—The Director of the Office shall—

“(1) expedite the implementation of the Federal strategic plans required by section 403(a) of the Public Health Service Act (42 U.S.C. 283(a)(5)) regarding the conduct and support of research on, and development of, a microbicide to prevent the transmission of the human immunodeficiency virus; and

“(2) review and, as appropriate, revise such plan to prioritize funding and activities relative to their scientific urgency and potential market readiness.

“(b) COORDINATION.—In implementing, reviewing, and prioritizing elements of the plan described in subsection (a), the Director of the Office shall consult, as appropriate, with—

“(1) representatives of other Federal agencies involved in microbicide research, including the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, the Director of the Centers for Disease Control and Prevention, and the Administrator of the United States Agency for International Development;

“(2) the microbicide research and development community; and

“(3) health advocates.”

(c) NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES.—Subpart 6 of part C of title IV of the Public Health Service Act (42 U.S.C. 285f et seq.) is amended by adding at the end the following:

“SEC. 447C. MICROBICIDE RESEARCH AND DEVELOPMENT.

“The Director of the Institute, acting through the head of the Division of AIDS, shall, consistent with the peer-review process of the National Institutes of Health, carry out research on, and development of, safe and effective methods for use by women to prevent the transmission of the human immunodeficiency virus, which may include microbicides.”

(d) CDC.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 317S the following:

“SEC. 317T. MICROBICIDE RESEARCH.

“(a) IN GENERAL.—The Director of the Centers for Disease Control and Prevention is strongly encouraged to fully implement the Centers’ microbicide agenda to support research and development of microbicides for use to prevent the transmission of the human immunodeficiency virus.

“(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2009 through 2013 to carry out this section.”

(e) UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.—

(1) IN GENERAL.—The Administrator of the United States Agency for International Development, in coordination with the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, may facilitate availability and accessibility of microbicides, provided that such pharmaceuticals are approved, tentatively approved, or otherwise authorized for use by—

(A) the Food and Drug Administration;

(B) a stringent regulatory agency acceptable to the Secretary of Health and Human Services; or

(C) a quality assurance mechanism acceptable to the Secretary of Health and Human Services.

(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 401 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671) for HIV/AIDS assistance, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this subsection.

SEC. 204. COMBATING HIV/AIDS, TUBERCULOSIS, AND MALARIA BY STRENGTHENING HEALTH POLICIES AND HEALTH SYSTEMS OF PARTNER COUNTRIES.

(a) IN GENERAL.—Title II of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7621) is amended by adding at the end the following:

“SEC. 204. COMBATING HIV/AIDS, TUBERCULOSIS, AND MALARIA BY STRENGTHENING HEALTH POLICIES AND HEALTH SYSTEMS OF PARTNER COUNTRIES.

“(a) STATEMENT OF POLICY.—It shall be the policy of the United States Government—

“(1) to invest appropriate resources authorized under this Act—

“(A) to carry out activities to strengthen HIV/AIDS, tuberculosis, and malaria health policies and health systems; and

“(B) to provide workforce training and capacity-building consistent with the goals and objectives of this Act; and

“(2) to support the development of a sound policy environment in partner countries to increase the ability of such countries—

“(A) to maximize utilization of health care resources from donor countries;

“(B) to increase national investments in health and education and maximize the effectiveness of such investments;

“(C) to improve national HIV/AIDS, tuberculosis, and malaria strategies;

“(D) to deliver evidence-based services in an effective and efficient manner; and

“(E) to reduce barriers that prevent recipients of services from achieving maximum benefit from such services.

“(b) ASSISTANCE TO IMPROVE PUBLIC FINANCE MANAGEMENT SYSTEMS.—

“(1) IN GENERAL.—Consistent with the authority under section 129 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152), the Secretary of the Treasury, acting through the head of the Office of Technical Assistance, is authorized to provide assistance for advisors and partner country finance, health, and other relevant ministries to improve the effectiveness of public finance management systems in partner countries to enable such countries to receive funding to carry out programs to combat HIV/AIDS, tuberculosis, and malaria and to manage such programs.

“(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amounts authorized to be appropriated under section 401 for HIV/AIDS assistance, there are authorized to be appropriated to the Secretary of the Treasury such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this subsection.

“(c) PLAN REQUIRED.—The Global AIDS Coordinator, in collaboration with the Administrator of the United States Agency for International Development (USAID), shall develop and implement a plan to combat HIV/AIDS by strengthening health policies and health systems of partner countries as part of USAID’s ‘Health Systems 2020’ project. Recognizing that human and institutional capacity form the core of any health care system that can sustain the fight against HIV/AIDS, tuberculosis, and malaria, the plan shall include a strategy to encourage postsecondary educational institutions in partner countries, particularly in Africa, in collaboration with United States postsecondary educational institutions, including historically black colleges and universities, to develop such human and institutional capacity and in the process further build their capacity to sustain the fight against these diseases.”

(b) CLERICAL AMENDMENT.—The table of contents for the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7601 note) is amended by inserting after the item relating to section 203, as added by section 203 of this Act, the following:

“Sec. 204. Combating HIV/AIDS, tuberculosis, and malaria by strengthening health policies and health systems of partner countries.”

SEC. 205. FACILITATING EFFECTIVE OPERATIONS OF THE CENTERS FOR DISEASE CONTROL.

Section 307 of the Public Health Service Act (42 U.S.C. 242i) is amended—

(1) by amending subsection (a) to read as follows:

“(a) The Secretary may participate with other countries in cooperative endeavors in—

“(1) biomedical research, health care technology, and the health services research and statistical analysis authorized under section 306 and title IX; and

“(2) biomedical research, health care services, health care research, or other related activities in furtherance of the activities, objectives or goals authorized under the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.”; and

(2) in subsection (b)—

(A) in paragraph (7), by striking “and” after the semicolon at the end;

(B) by striking “The Secretary may not, in the exercise of his authority under this section, provide financial assistance for the construction of any facility in any foreign country.”

(C) in paragraph (8), by striking “for any purpose.” and inserting “for the purpose of any law administered by the Office of Personnel Management.”; and

(D) by adding at the end the following:

“(9) provide such funds by advance or reimbursement to the Secretary of State, as may be necessary, to pay the costs of acquisition, lease, construction, alteration, equipping, furnishing

or management of facilities outside of the United States; and

“(10) in consultation with the Secretary of State, through grant or cooperative agreement, make funds available to public or nonprofit private institutions or agencies in foreign countries in which the Secretary is participating in activities described under subsection (a) to acquire, lease, construct, alter, or renovate facilities in those countries.”.

(3) in subsection (c)—

(A) by striking “1990” and inserting “1980”; and

(B) by inserting or “or section 903 of the Foreign Service Act of 1980 (22 U.S.C. 4083)” after “Code”.

SEC. 206. FACILITATING VACCINE DEVELOPMENT.

(a) TECHNICAL ASSISTANCE FOR DEVELOPING COUNTRIES.—The Administrator of the United States Agency for International Development, utilizing public-private partners, as appropriate, and working in coordination with other international development agencies, is authorized to strengthen the capacity of developing countries' governmental institutions to—

(1) collect evidence for informed decision-making and introduction of new vaccines, including potential HIV/AIDS, tuberculosis, and malaria vaccines, if such vaccines are determined to be safe and effective;

(2) review protocols for clinical trials and impact studies and improve the implementation of clinical trials; and

(3) ensure adequate supply chain and delivery systems.

(b) ADVANCED MARKET COMMITMENTS.—

(1) PURPOSE.—The purpose of this subsection is to improve global health by requiring the United States to participate in negotiations for advance market commitments for the development of future vaccines, including potential vaccines for HIV/AIDS, tuberculosis, and malaria.

(2) NEGOTIATION REQUIREMENT.—The Secretary of the Treasury shall enter into negotiations with the appropriate officials of the International Bank of Reconstruction and Development (World Bank) and the GAVI Alliance, the member nations of such entities, and other interested parties to establish advanced market commitments to purchase vaccines to combat HIV/AIDS, tuberculosis, malaria, and other related infectious diseases.

(3) REQUIREMENTS.—In negotiating the United States participation in programs for advanced market commitments, the Secretary of the Treasury shall take into account whether programs for advance market commitments include—

(A) legally binding contracts for product purchase that include a fair market price for up to a maximum number of treatments, creating a strong market incentive;

(B) clearly defined and transparent rules of program participation for qualified developers and suppliers of the product;

(C) clearly defined requirements for eligible vaccines to ensure that they are safe and effective and can be delivered in developing country contexts;

(D) dispute settlement mechanisms; and

(E) sufficient flexibility to enable the contracts to be adjusted in accord with new information related to projected market size and other factors while still maintaining the purchase commitment at a fair price.

(4) REPORT.—Not later than 1 year after the date of the enactment of this Act—

(A) the Secretary of the Treasury shall submit a report to the appropriate congressional committees on the status of the United States negotiations to participate in programs for the advanced market commitments under this subsection; and

(B) the President shall produce a comprehensive report, written by a study group of qualified professionals from relevant Federal agencies and initiatives, nongovernmental organizations,

and industry representatives, that sets forth a coordinated strategy to accelerate development of vaccines for infectious diseases, such as HIV/AIDS, malaria, and tuberculosis, which includes—

(i) initiatives to create economic incentives for the research, development, and manufacturing of vaccines for HIV/AIDS, tuberculosis, malaria, and other infectious diseases;

(ii) an expansion of public-private partnerships and the leveraging of resources from other countries and the private sector; and

(iii) efforts to maximize United States capabilities to support clinical trials of vaccines in developing countries and to address the challenges of delivering vaccines in developing countries to minimize delays in access once vaccines are available.

TITLE III—BILATERAL EFFORTS

Subtitle A—General Assistance and Programs

SEC. 301. ASSISTANCE TO COMBAT HIV/AIDS.

(a) AMENDMENTS TO THE FOREIGN ASSISTANCE ACT OF 1961.—

(1) FINDING.—Section 104A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2(a)) is amended by inserting “Central Asia, Eastern Europe, Latin America” after “Caribbean.”.

(2) POLICY.—Section 104A(b) of such Act is amended to read as follows:

“(b) POLICY.—

“(1) OBJECTIVES.—It is a major objective of the foreign assistance program of the United States to provide assistance for the prevention and treatment of HIV/AIDS and the care of those affected by the disease. It is the policy objective of the United States, by 2013, to—

“(A) assist partner countries to—

“(i) prevent 12,000,000 new HIV infections worldwide;

“(ii) support—

“(I) the increase in the number of individuals with HIV/AIDS receiving antiretroviral treatment above the goal established under section 402(a)(3) and increased pursuant to paragraphs (1) through (3) of section 403(d); and

“(II) additional treatment through coordinated multilateral efforts;

“(iii) support care for 12,000,000 individuals infected with or affected by HIV/AIDS, including 5,000,000 orphans and vulnerable children affected by HIV/AIDS, with an emphasis on promoting a comprehensive, coordinated system of services to be integrated throughout the continuum of care;

“(iv) provide at least 80 percent of the target population with access to counseling, testing, and treatment to prevent the transmission of HIV from mother-to-child;

“(v) provide care and treatment services to children with HIV in proportion to their percentage within the HIV-infected population of a given partner country; and

“(vi) train and support retention of health care professionals, paraprofessionals, and community health workers in HIV/AIDS prevention, treatment, and care, with the target of providing such training to at least 140,000 new health care professionals and paraprofessionals with an emphasis on training and in country deployment of critically needed doctors and nurses;

“(B) strengthen the capacity to deliver primary health care in developing countries, especially in sub-Saharan Africa;

“(C) support and help countries in their efforts to achieve staffing levels of at least 2.3 doctors, nurses, and midwives per 1,000 population, as called for by the World Health Organization; and

“(D) help partner countries to develop independent, sustainable HIV/AIDS programs.

“(2) COORDINATED GLOBAL STRATEGY.—The United States and other countries with the sufficient capacity should provide assistance to countries in sub-Saharan Africa, the Caribbean, Central Asia, Eastern Europe, and Latin America, and other countries and regions confronting

HIV/AIDS epidemics in a coordinated global strategy to help address generalized and concentrated epidemics through HIV/AIDS prevention, treatment, care, monitoring and evaluation, and related activities.

“(3) PRIORITIES.—The United States Government's response to the global HIV/AIDS pandemic and the Government's efforts to help countries assume leadership of sustainable campaigns to combat their local epidemics should place high priority on—

“(A) the prevention of the transmission of HIV;

“(B) moving toward universal access to HIV/AIDS prevention counseling and services;

“(C) the inclusion of cost sharing assurances that meet the requirements under section 110; and

“(D) the inclusion of transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”.

(b) AUTHORIZATION.—Section 104A(c) of such Act is amended—

(1) in paragraph (1), by striking “and other countries and areas.” and inserting “Central Asia, Eastern Europe, Latin America, and other countries and areas, particularly with respect to refugee populations or those in postconflict settings in such countries and areas with significant or increasing HIV incidence rates.”;

(2) in paragraph (2), by striking “and other countries and areas affected by the HIV/AIDS pandemic” and inserting “Central Asia, Eastern Europe, Latin America, and other countries and areas affected by the HIV/AIDS pandemic, particularly with respect to refugee populations or those in post-conflict settings in such countries and areas with significant or increasing HIV incidence rates.”; and

(3) in paragraph (3)—

(A) by striking “foreign countries” and inserting “partner countries, other international actors,”; and

(B) by inserting “within the framework of the principles of the Three Ones” before the period at the end.

(c) ACTIVITIES SUPPORTED.—Section 104A(d) of such Act is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting “and multiple concurrent sexual partnering,” after “casual sexual partnering”; and

(ii) by striking “condoms” and inserting “male and female condoms”;

(B) in subparagraph (B)—

(i) by striking “programs that” and inserting “programs that are designed with local input and”; and

(ii) by striking “those organizations” and inserting “those locally based organizations”;

(C) in subparagraph (D), by inserting “and promoting the use of provider-initiated or ‘opt-out’ voluntary testing in accordance with World Health Organization guidelines” before the semicolon at the end;

(D) by redesignating subparagraphs (F), (G), and (H) as subparagraphs (H), (I), and (J), respectively;

(E) by inserting after subparagraph (E) the following:

“(F) assistance to—

“(i) achieve the goal of reaching 80 percent of pregnant women for prevention and treatment of mother-to-child transmission of HIV in countries in which the United States is implementing HIV/AIDS programs by 2013; and

“(ii) promote infant feeding options and treatment protocols that meet the most recent criteria established by the World Health Organization;

“(G) medical male circumcision programs as part of national strategies to combat the transmission of HIV/AIDS;”;

(F) in subparagraph (I), as redesignated, by striking “and” at the end; and

(G) by adding at the end the following:

“(K) assistance for counseling, testing, treatment, care, and support programs, including—

“(i) counseling and other services for the prevention of reinfection of individuals with HIV/AIDS;

“(ii) counseling to prevent sexual transmission of HIV, including—

“(I) life skills development for practicing abstinence and faithfulness;

“(II) reducing the number of sexual partners;

“(III) delaying sexual debut; and

“(IV) ensuring correct and consistent use of condoms;

“(iii) assistance to engage underlying vulnerabilities to HIV/AIDS, especially those of women and girls;

“(iv) assistance for appropriate HIV/AIDS education programs and training targeted to prevent the transmission of HIV among men who have sex with men;

“(v) assistance to provide male and female condoms;

“(vi) diagnosis and treatment of other sexually transmitted infections;

“(vii) strategies to address the stigma and discrimination that impede HIV/AIDS prevention efforts; and

“(viii) assistance to facilitate widespread access to microbicides for HIV prevention, if safe and effective products become available, including financial and technical support for culturally appropriate introductory programs, procurement, distribution, logistics management, program delivery, acceptability studies, provider training, demand generation, and postintroduction monitoring.”; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) in subparagraph (C)—

(i) by inserting “pain management,” after “opportunistic infections.”; and

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

(C) by adding at the end the following:

“(D) as part of care and treatment of HIV/AIDS, assistance (including prophylaxis and treatment) for common HIV/AIDS-related opportunistic infections for free or at a rate at which it is easily affordable to the individuals and populations being served;

“(E) as part of care and treatment of HIV/AIDS, assistance or referral to available and adequately resourced service providers for nutritional support, including counseling and where necessary the provision of commodities, for persons meeting malnourishment criteria and their families.”; and

(3) in paragraph (4)—

(A) in subparagraph (C), by striking “and” at the end;

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(E) carrying out and expanding program monitoring, impact evaluation research and analysis, and operations research and disseminating data and findings through mechanisms to be developed by the Coordinator of United States Government Activities to Combat HIV/AIDS Globally, in coordination with the Director of the Centers for Disease Control, in order to—

“(i) improve accountability, increase transparency, and ensure the delivery of evidence-based services through the collection, evaluation, and analysis of data regarding gender-responsive interventions, disaggregated by age and sex;

“(ii) identify and replicate effective models; and

“(iii) develop gender indicators to measure outcomes and the impacts of interventions; and

“(F) establishing appropriate systems to—

“(i) gather epidemiological and social science data on HIV; and

“(ii) evaluate the effectiveness of prevention efforts among men who have sex with men, with

due consideration to stigma and risks associated with disclosure.”;

(4) in paragraph (5)—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following:

“(C) MECHANISM TO ENSURE COST-EFFECTIVE DRUG PURCHASING.—Subject to subparagraph (B), mechanisms to ensure that safe and effective pharmaceuticals, including antiretrovirals and medicines to treat opportunistic infections, are purchased at the lowest possible price at which such pharmaceuticals may be obtained in sufficient quantity on the world market, provided that such pharmaceuticals are approved, tentatively approved, or otherwise authorized for use by—

“(i) the Food and Drug Administration;

“(ii) a stringent regulatory agency acceptable to the Secretary of Health and Human Services; or

“(iii) a quality assurance mechanism acceptable to the Secretary of Health and Human Services.”;

(5) in paragraph (6)—

(A) by amending the paragraph heading to read as follows:

“(6) RELATED AND COORDINATED ACTIVITIES.—”;

(B) in subparagraph (B), by striking “and” at the end;

(C) in subparagraph (C), by striking the period at the end and inserting “; and”;

(D) by adding at the end the following:

“(D) coordinated or referred activities to—

“(i) enhance the clinical impact of HIV/AIDS care and treatment; and

“(ii) ameliorate the adverse social and economic costs often affecting AIDS-impacted families and communities through the direct provision, as necessary, or through the referral, if possible, of support services, including—

“(I) nutritional and food support;

“(II) safe drinking water and adequate sanitation;

“(III) nutritional counseling;

“(IV) income-generating activities and livelihood initiatives;

“(V) maternal and child health care;

“(VI) primary health care;

“(VII) the diagnosis and treatment of other infectious or sexually transmitted diseases;

“(VIII) substance abuse and treatment services; and

“(IX) legal services;

“(E) coordinated or referred activities to link programs addressing HIV/AIDS with programs addressing gender-based violence in areas of significant HIV prevalence to assist countries in the development and enforcement of women’s health, children’s health, and HIV/AIDS laws and policies that—

“(i) prevent and respond to violence against women and girls;

“(ii) promote the integration of screening and assessment for gender-based violence into HIV/AIDS programming;

“(iii) promote appropriate HIV/AIDS counseling, testing, and treatment into gender-based violence programs; and

“(iv) assist governments to develop partnerships with civil society organizations to create networks for psychosocial, legal, economic, or other support services;

“(F) coordinated or referred activities to—

“(i) address the frequent coinfection of HIV and tuberculosis, in accordance with World Health Organization guidelines;

“(ii) promote provider-initiated or ‘opt-out’ HIV/AIDS counseling and testing and appropriate referral for treatment and care to individuals with tuberculosis or its symptoms, particularly in areas with significant HIV prevalence; and

“(iii) strengthen programs to ensure that individuals testing positive for HIV receive tuberculosis screening and to improve laboratory capacities, infection control, and adherence; and

“(G) activities to—

“(i) improve the effectiveness of national responses to HIV/AIDS;

“(ii) strengthen overall health systems in high-prevalence countries, including support for workforce training, retention, and effective deployment, capacity building, laboratory development, equipment maintenance and repair, and public health and related public financial management systems and operations; and

“(iii) encourage fair and transparent procurement practices among partner countries; and

“(iv) promote in-country or intra-regional pediatric training for physicians and other health professionals, preferably through public-private partnerships involving colleges and universities, with the goal of increasing pediatric HIV workforce capacity.”; and

(6) by adding at the end the following:

“(8) COMPACTS AND FRAMEWORK AGREEMENTS.—The development of compacts or framework agreements, tailored to local circumstances, with national governments or regional partnerships in countries with significant HIV/AIDS burdens to promote host government commitment to deeper integration of HIV/AIDS services into health systems, contribute to health systems overall, and enhance sustainability, including—

“(A) cost sharing assurances that meet the requirements under section 110; and

“(B) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”.

(d) COMPACTS AND FRAMEWORK AGREEMENTS.—Section 104A of such Act is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h); and

(2) by inserting after subsection (d) the following:

“(e) COMPACTS AND FRAMEWORK AGREEMENTS.—

“(1) FINDINGS.—Congress makes the following findings:

“(A) The congressionally mandated Institute of Medicine report entitled ‘PEPFAR Implementation: Progress and Promise’ states: ‘The next strategy [of the U.S. Global AIDS Initiative] should squarely address the needs and challenges involved in supporting sustainable country HIV/AIDS programs, thereby transitioning from a focus on emergency relief.’.

“(B) One mechanism to promote the transition from an emergency to a public health and development approach to HIV/AIDS is through compacts or framework agreements between the United States Government and each participating nation.

“(2) ELEMENTS.—Compacts on HIV/AIDS authorized under subsection (d)(8) shall include the following elements:

“(A) Compacts whose primary purpose is to provide direct services to combat HIV/AIDS are to be made between—

“(i) the United States Government; and

“(ii) (I) national or regional entities representing low-income countries served by an existing United States Agency for International Development or Department of Health and Human Services presence or regional platform; or

“(II) countries or regions—

“(aa) experiencing significantly high HIV prevalence or risk of significantly increasing incidence within the general population;

“(bb) served by an existing United States Agency for International Development or Department of Health and Human Services presence or regional platform; and

“(cc) that have inadequate financial means within such country or region.

“(B) Compacts whose primary purpose is to provide limited technical assistance to a country or region connected to services provided within the country or region—

“(i) may be made with other countries or regional entities served by an existing United

States Agency for International Development or Department of Health and Human Services presence or regional platform;

“(ii) shall require significant investments in HIV prevention, care, and treatment services by the host country;

“(iii) shall be time-limited in terms of United States contributions; and

“(iv) shall be made only upon prior notification to Congress—

“(I) justifying the need for such compacts;

“(II) describing the expected investment by the country or regional entity; and

“(III) describing the scope, nature, expected total United States investment, and time frame of the limited technical assistance under the compact and its intended impact.

“(C) Compacts shall include provisions to—

“(i) promote local and national efforts to reduce stigma associated with HIV/AIDS; and

“(ii) work with and promote the role of civil society in combating HIV/AIDS.

“(D) Compacts shall take into account the overall national health and development and national HIV/AIDS and public health strategies of each country.

“(E) Compacts shall contain—

“(i) consideration of the specific objectives that the country and the United States expect to achieve during the term of a compact;

“(ii) consideration of the respective responsibilities of the country and the United States in the achievement of such objectives;

“(iii) consideration of regular benchmarks to measure progress toward achieving such objectives;

“(iv) an identification of the intended beneficiaries, disaggregated by gender and age, and including information on orphans and vulnerable children, to the maximum extent practicable;

“(v) consideration of the methods by which the compact is intended to—

“(I) address the factors that put women and girls at greater risk of HIV/AIDS; and

“(II) strengthen elements such as the economic, educational, and social status of women, girls, orphans, and vulnerable children and the inheritance rights and safety of such individuals;

“(vi) consideration of the methods by which the compact will—

“(I) strengthen the health care capacity, including factors such as the training, retention, deployment, recruitment, and utilization of health care workers;

“(II) improve supply chain management; and

“(III) improve the health systems and infrastructure of the partner country, including the ability of compact participants to maintain and operate equipment transferred or purchased as part of the compact;

“(vii) consideration of proposed mechanisms to provide oversight;

“(viii) consideration of the role of civil society in the development of a compact and the achievement of its objectives;

“(ix) a description of the current and potential participation of other donors in the achievement of such objectives, as appropriate; and

“(x) consideration of a plan to ensure appropriate fiscal accountability for the use of assistance.

“(F) For regional compacts, priority shall be given to countries that are included in regional funds and programs in existence as of the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008.

“(G) Amounts made available for compacts described in subparagraphs (A) and (B) shall be subject to the inclusion of—

“(i) cost sharing assurances that meet the requirements under section 110; and

“(ii) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other inter-

national donor support, and budget support by respective foreign governments.

“(3) LOCAL INPUT.—In entering into a compact on HIV/AIDS authorized under subsection (d)(8), the Coordinator of United States Government Activities to Combat HIV/AIDS Globally shall seek to ensure that the government of a country—

“(A) takes into account the local perspectives of the rural and urban poor, including women, in each country; and

“(B) consults with private and voluntary organizations, including faith-based organizations, the business community, and other donors in the country.

“(4) CONGRESSIONAL AND PUBLIC NOTIFICATION AFTER ENTERING INTO A COMPACT.—Not later than 10 days after entering into a compact authorized under subsection (d)(8), the Global AIDS Coordinator shall—

“(A) submit a report containing a detailed summary of the compact and a copy of the text of the compact to—

“(i) the Committee on Foreign Relations of the Senate;

“(ii) the Committee on Appropriations of the Senate;

“(iii) the Committee on Foreign Affairs of the House of Representatives; and

“(iv) the Committee on Appropriations of the House of Representatives; and

“(B) publish such information in the Federal Register and on the Internet website of the Office of the Global AIDS Coordinator.”

(e) ANNUAL REPORT.—Section 104A(f) of such Act, as redesignated, is amended—

(1) in paragraph (1), by striking “Committee on International Relations” and inserting “Committee on Foreign Affairs”; and

(2) in paragraph (2)—

(A) in subparagraph (B), by striking “and” at the end;

(B) by striking subparagraph (C) and inserting the following:

“(C) a detailed breakdown of funding allocations, by program and by country, for prevention activities; and

“(D) a detailed assessment of the impact of programs established pursuant to such sections, including—

“(i)(I) the effectiveness of such programs in reducing—

“(aa) the transmission of HIV, particularly in women and girls;

“(bb) mother-to-child transmission of HIV, including through drug treatment and therapies, either directly or by referral; and

“(cc) mortality rates from HIV/AIDS;

“(II) the number of patients receiving treatment for AIDS in each country that receives assistance under this Act;

“(III) an assessment of progress towards the achievement of annual goals set forth in the timetable required under the 5-year strategy established under section 101 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 and, if annual goals are not being met, the reasons for such failure; and

“(IV) retention and attrition data for programs receiving United States assistance, including mortality and loss to follow-up rates, or ganized overall and by country;

“(ii) the progress made toward—

“(I) improving health care delivery systems (including the training of health care workers, including doctors, nurses, midwives, pharmacists, laboratory technicians, and compensated community health workers, and the use of codes of conduct for ethical recruiting practices for health care workers);

“(II) advancing safe working conditions for health care workers; and

“(III) improving infrastructure to promote progress toward universal access to HIV/AIDS prevention, treatment, and care by 2013;

“(iii) a description of coordination efforts with relevant executive branch agencies to link

HIV/AIDS clinical and social services with non-HIV/AIDS services as part of the United States health and development agenda;

“(iv) a detailed description of integrated HIV/AIDS and food and nutrition programs and services, including—

“(I) the amount spent on food and nutrition support;

“(II) the types of activities supported; and

“(III) an assessment of the effectiveness of interventions carried out to improve the health status of persons with HIV/AIDS receiving food or nutritional support;

“(v) a description of efforts to improve harmonization, in terms of relevant executive branch agencies, coordination with other public and private entities, and coordination with partner countries’ national strategic plans as called for in the ‘Three Ones’;

“(vi) a description of—

“(I) the efforts of partner countries that were signatories to the Abuja Declaration on HIV/AIDS, Tuberculosis and Other Related Infectious Diseases to adhere to the goals of such Declaration in terms of investments in public health, including HIV/AIDS; and

“(II) a description of the HIV/AIDS investments of partner countries that were not signatories to such Declaration;

“(vii) a detailed description of any compacts or framework agreements reached or negotiated between the United States and any partner countries, including a description of the elements of compacts described in subsection (e);

“(viii) a description of programs serving women and girls, including—

“(I) HIV/AIDS prevention programs that address the vulnerabilities of girls and women to HIV/AIDS;

“(II) information on the number of individuals served by programs aimed at reducing the vulnerabilities of women and girls to HIV/AIDS and data on the types, objectives, and duration of programs to address these issues;

“(III) information on programs to address the particular needs of adolescent girls and young women; and

“(IV) programs to prevent gender-based violence or to assist victims of gender based violence as part of, or in coordination with, HIV/AIDS programs;

“(ix) a description of strategies, goals, programs, and interventions to—

“(I) address the needs and vulnerabilities of youth populations;

“(II) expand access among young men and women to evidence-based HIV/AIDS health care services and HIV prevention programs, including abstinence education programs; and

“(III) expand community-based services to meet the needs of orphans and of children and adolescents affected by or vulnerable to HIV/AIDS without increasing stigmatization;

“(x) a description of—

“(I) the specific strategies funded to ensure the reduction of HIV infection among injection drug users;

“(II) the number of injection drug users, by country, reached by such strategies; and

“(III) medication-assisted drug treatment for individuals with HIV or at risk of HIV;

“(xi) a detailed description of program monitoring, operations research, and impact evaluation research, including—

“(I) the amount of funding provided for each research type;

“(II) an analysis of cost-effectiveness models; and

“(III) conclusions regarding the efficiency, effectiveness, and quality of services as derived from previous or ongoing research and monitoring efforts;

“(xii) building capacity to identify, investigate, and stop nosocomial transmission of infectious diseases, including HIV and tuberculosis; and

“(xiii) a description of staffing levels of United States government HIV/AIDS teams in

countries with significant HIV/AIDS programs, including whether or not a full-time coordinator was on staff for the year.”

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Section 301(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7631(b)) is amended—

(1) in paragraph (1), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(2) in paragraph (3), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”.

(g) **RELATIONSHIP TO ASSISTANCE PROGRAMS TO ENHANCE NUTRITION.**—Section 301(c) of such Act is amended to read as follows:

“(c) **FOOD AND NUTRITIONAL SUPPORT.**—

“(1) **IN GENERAL.**—As indicated in the report produced by the Institute of Medicine, entitled ‘PEPFAR Implementation: Progress and Promise’, inadequate caloric intake has been clearly identified as a principal reason for failure of clinical response to antiretroviral therapy. In recognition of the impact of malnutrition as a clinical health issue for many persons living with HIV/AIDS that is often associated with health and economic impacts on these individuals and their families, the Global AIDS Coordinator and the Administrator of the United States Agency for International Development shall—

“(A) follow World Health Organization guidelines for HIV/AIDS food and nutrition services;

“(B) integrate nutrition programs with HIV/AIDS activities through effective linkages among the health, agricultural, and livelihood sectors and establish additional services in circumstances in which referrals are inadequate or impossible;

“(C) provide, as a component of care and treatment programs for persons with HIV/AIDS, food and nutritional support to individuals infected with, and affected by, HIV/AIDS who meet established criteria for nutritional support (including clinically malnourished children and adults, and pregnant and lactating women in programs in need of supplemental support), including—

“(i) anthropometric and dietary assessment;

“(ii) counseling; and

“(iii) therapeutic and supplementary feeding;

“(D) provide food and nutritional support for children affected by HIV/AIDS and to communities and households caring for children affected by HIV/AIDS; and

“(E) in communities where HIV/AIDS and food insecurity are highly prevalent, support programs to address these often intersecting health problems through community-based assistance programs, with an emphasis on sustainable approaches.

“(2) **AUTHORIZATION OF APPROPRIATIONS.**—Of the amounts authorized to be appropriated under section 401, there are authorized to be appropriated to the President such sums as may be necessary for each of the fiscal years 2009 through 2013 to carry out this subsection.”

(h) **ELIGIBILITY FOR ASSISTANCE.**—Section 301(d) of such Act is amended to read as follows:

“(d) **ELIGIBILITY FOR ASSISTANCE.**—An organization, including a faith-based organization, that is otherwise eligible to receive assistance under section 104A of the Foreign Assistance Act of 1961, under this Act, or under any amendment made by this Act or by the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, for HIV/AIDS prevention, treatment, or care—

“(1) shall not be required, as a condition of receiving such assistance—

“(A) to endorse or utilize a multisectoral or comprehensive approach to combating HIV/AIDS; or

“(B) to endorse, utilize, make a referral to, become integrated with, or otherwise participate in any program or activity to which the organization has a religious or moral objection; and

“(2) shall not be discriminated against in the solicitation or issuance of grants, contracts, or cooperative agreements under such provisions of law for refusing to meet any requirement described in paragraph (1).”

SEC. 302. ASSISTANCE TO COMBAT TUBERCULOSIS.

(a) **POLICY.**—Section 104B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-3(b)) is amended to read as follows:

“(b) **POLICY.**—It is a major objective of the foreign assistance program of the United States to control tuberculosis. In all countries in which the Government of the United States has established development programs, particularly in countries with the highest burden of tuberculosis and other countries with high rates of tuberculosis, the United States should support the objectives of the Global Plan to Stop TB, including through achievement of the following goals:

“(1) Reduce by half the tuberculosis death and disease burden from the 1990 baseline.

“(2) Sustain or exceed the detection of at least 70 percent of sputum smear-positive cases of tuberculosis and the successful treatment of at least 85 percent of the cases detected in countries with established United States Agency for International Development tuberculosis programs.

“(3) In support of the Global Plan to Stop TB, the President shall establish a comprehensive, 5-year United States strategy to expand and improve United States efforts to combat tuberculosis globally, including a plan to support—

“(A) the successful treatment of 4,500,000 new sputum smear tuberculosis patients under DOTS programs by 2013, primarily through direct support for needed services, commodities, health workers, and training, and additional treatment through coordinated multilateral efforts; and

“(B) the diagnosis and treatment of 90,000 new multiple drug resistant tuberculosis cases by 2013, and additional treatment through coordinated multilateral efforts.”

(b) **PRIORITY TO STOP TB STRATEGY.**—Section 104B(e) of such Act is amended to read as follows:

“(e) **PRIORITY TO STOP TB STRATEGY.**—In furnishing assistance under subsection (c), the President shall give priority to—

“(1) direct services described in the Stop TB Strategy, including expansion and enhancement of Directly Observed Treatment Short-course (DOTS) coverage, rapid testing, treatment for individuals infected with both tuberculosis and HIV, and treatment for individuals with multidrug resistant tuberculosis (MDR-TB), strengthening of health systems, use of the International Standards for Tuberculosis Care by all providers, empowering individuals with tuberculosis, and enabling and promoting research to develop new diagnostics, drugs, and vaccines, and program-based operational research relating to tuberculosis; and

“(2) funding for the Global Tuberculosis Drug Facility, the Stop Tuberculosis Partnership, and the Global Alliance for TB Drug Development.”

(c) **ASSISTANCE FOR THE WORLD HEALTH ORGANIZATION AND THE STOP TUBERCULOSIS PARTNERSHIP.**—Section 104B of such Act is amended—

(1) by redesignating subsection (f) as subsection (h); and

(2) by inserting after subsection (e) the following:

“(f) **ASSISTANCE FOR THE WORLD HEALTH ORGANIZATION AND THE STOP TUBERCULOSIS PARTNERSHIP.**—In carrying out this section, the President, acting through the Administrator of the United States Agency for International Development, is authorized to provide increased resources to the World Health Organization and the Stop Tuberculosis Partnership to improve the capacity of countries with high rates of tuberculosis and other affected countries to implement the Stop TB Strategy and specific strategies related to addressing multiple drug resistant

tuberculosis (MDR-TB) and extensively drug resistant tuberculosis (XDR-TB).”

(d) **ANNUAL REPORT.**—Section 104B of such Act is amended by inserting after subsection (f), as added by subsection (c) of this section, the following:

“(g) **ANNUAL REPORT.**—The President shall submit an annual report to Congress that describes the impact of United States foreign assistance on efforts to control tuberculosis, including—

“(1) the number of tuberculosis cases diagnosed and the number of cases cured in countries receiving United States bilateral foreign assistance for tuberculosis control purposes;

“(2) a description of activities supported with United States tuberculosis resources in each country, including a description of how those activities specifically contribute to increasing the number of people diagnosed and treated for tuberculosis;

“(3) in each country receiving bilateral United States foreign assistance for tuberculosis control purposes, the percentage provided for direct tuberculosis services in countries receiving United States bilateral foreign assistance for tuberculosis control purposes;

“(4) a description of research efforts and clinical trials to develop new tools to combat tuberculosis, including diagnostics, drugs, and vaccines supported by United States bilateral assistance;

“(5) the number of persons who have been diagnosed and started treatment for multidrug-resistant tuberculosis in countries receiving United States bilateral foreign assistance for tuberculosis control programs;

“(6) a description of the collaboration and coordination of United States anti-tuberculosis efforts with the World Health Organization, the Global Fund, and other major public and private entities within the Stop TB Strategy;

“(7) the constraints on implementation of programs posed by health workforce shortages and capacities;

“(8) the number of people trained in tuberculosis control; and

“(9) a breakdown of expenditures for direct patient tuberculosis services, drugs and other commodities, drug management, training in diagnosis and treatment, health systems strengthening, research, and support costs.”

(e) **DEFINITIONS.**—Section 104B(h) of such Act, as redesignated by subsection (c), is amended—

(1) in paragraph (1), by striking the period at the end and inserting the following: “including—

“(A) low-cost and effective diagnosis, treatment, and monitoring of tuberculosis;

“(B) a reliable drug supply;

“(C) a management strategy for public health systems;

“(D) health system strengthening;

“(E) promotion of the use of the International Standards for Tuberculosis Care by all care providers;

“(F) bacteriology under an external quality assessment framework;

“(G) short-course chemotherapy; and

“(H) sound reporting and recording systems.”; and

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

“(5) **STOP TB STRATEGY.**—The term ‘Stop TB Strategy’ means the 6-point strategy to reduce tuberculosis developed by the World Health Organization, which is described in the Global Plan to Stop TB 2006–2015: Actions for Life, a comprehensive plan developed by the Stop TB Partnership that sets out the actions necessary to achieve the millennium development goal of cutting tuberculosis deaths and disease burden in half by 2015.”

(f) **AUTHORIZATION OF APPROPRIATIONS.**—Section 302 (b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7632(b)) is amended—

(1) in paragraph (1), by striking “such sums as may be necessary for each of the fiscal years 2004 through 2008” and inserting “a total of \$4,000,000,000 for the 5-year period beginning on October 1, 2008.”; and

(2) in paragraph (3), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013.”.

SEC. 303. ASSISTANCE TO COMBAT MALARIA.

(a) AMENDMENT TO THE FOREIGN ASSISTANCE ACT OF 1961.—Section 104C(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151-4(b)) is amended by inserting “treatment,” after “control.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 303 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, and Malaria Act of 2003 (22 U.S.C. 7633) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking “such sums as may be necessary for fiscal years 2004 through 2008” and inserting “\$5,000,000,000 during the 5-year period beginning on October 1, 2008”; and

(B) in paragraph (3), by striking “fiscal years 2004 through 2008” and inserting “fiscal years 2009 through 2013”; and

(2) by adding at the end the following:

“(c) STATEMENT OF POLICY.—Providing assistance for the prevention, control, treatment, and the ultimate eradication of malaria is—

“(1) a major objective of the foreign assistance program of the United States; and

“(2) 1 component of a comprehensive United States global health strategy to reduce disease burdens and strengthen communities around the world.

“(d) DEVELOPMENT OF A COMPREHENSIVE 5-YEAR STRATEGY.—The President shall establish a comprehensive, 5-year strategy to combat global malaria that—

“(1) strengthens the capacity of the United States to be an effective leader of international efforts to reduce malaria burden;

“(2) maintains sufficient flexibility and remains responsive to the ever-changing nature of the global malaria challenge;

“(3) includes specific objectives and multisectoral approaches and strategies to reduce the prevalence, mortality, incidence, and spread of malaria;

“(4) describes how this strategy would contribute to the United States’ overall global health and development goals;

“(5) clearly explains how outlined activities will interact with other United States Government global health activities, including the 5-year global AIDS strategy required under this Act;

“(6) expands public-private partnerships and leverage of resources;

“(7) coordinates among relevant Federal agencies to maximize human and financial resources and to reduce duplication among these agencies, foreign governments, and international organizations;

“(8) coordinates with other international entities, including the Global Fund;

“(9) maximizes United States capabilities in the areas of technical assistance and training and research, including vaccine research; and

“(10) establishes priorities and selection criteria for the distribution of resources based on factors such as—

“(A) the size and demographics of the population with malaria;

“(B) the needs of that population;

“(C) the country’s existing infrastructure; and

“(D) the ability to closely coordinate United States Government efforts with national malaria control plans of partner countries.”.

SEC. 304. MALARIA RESPONSE COORDINATOR.

Section 304 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7634) is amended to read as follows:

“SEC. 304. MALARIA RESPONSE COORDINATOR.

“(a) IN GENERAL.—There is established within the United States Agency for International Development a Coordinator of United States Government Activities to Combat Malaria Globally (referred to in this section as the ‘Malaria Coordinator’), who shall be appointed by the President.

“(b) AUTHORITIES.—The Malaria Coordinator, acting through nongovernmental organizations (including faith-based and community-based organizations), partner country finance, health, and other relevant ministries, and relevant executive branch agencies as may be necessary and appropriate to carry out this section, is authorized to—

“(1) operate internationally to carry out prevention, care, treatment, support, capacity development, and other activities to reduce the prevalence, mortality, and incidence of malaria;

“(2) provide grants to, and enter into contracts and cooperative agreements with, nongovernmental organizations (including faith-based organizations) to carry out this section; and

“(3) transfer and allocate executive branch agency funds that have been appropriated for the purposes described in paragraphs (1) and (2).

“(c) DUTIES.—

“(1) IN GENERAL.—The Malaria Coordinator has primary responsibility for the oversight and coordination of all resources and international activities of the United States Government relating to efforts to combat malaria.

“(2) SPECIFIC DUTIES.—The Malaria Coordinator shall—

“(A) facilitate program and policy coordination of antimalarial efforts among relevant executive branch agencies and nongovernmental organizations by auditing, monitoring, and evaluating such programs;

“(B) ensure that each relevant executive branch agency undertakes antimalarial programs primarily in those areas in which the agency has the greatest expertise, technical capability, and potential for success;

“(C) coordinate relevant executive branch agency activities in the field of malaria prevention and treatment;

“(D) coordinate planning, implementation, and evaluation with the Global AIDS Coordinator in countries in which both programs have a significant presence;

“(E) coordinate with national governments, international agencies, civil society, and the private sector; and

“(F) establish due diligence criteria for all recipients of funds appropriated by the Federal Government for malaria assistance.

“(d) ASSISTANCE FOR THE WORLD HEALTH ORGANIZATION.—In carrying out this section, the President may provide financial assistance to the Roll Back Malaria Partnership of the World Health Organization to improve the capacity of countries with high rates of malaria and other affected countries to implement comprehensive malaria control programs.

“(e) COORDINATION OF ASSISTANCE EFFORTS.—In carrying out this section and in accordance with section 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-4), the Malaria Coordinator shall coordinate the provision of assistance by working with—

“(1) relevant executive branch agencies, including—

“(A) the Department of State (including the Office of the Global AIDS Coordinator);

“(B) the Department of Health and Human Services;

“(C) the Department of Defense; and

“(D) the Office of the United States Trade Representative;

“(2) relevant multilateral institutions, including—

“(A) the World Health Organization;

“(B) the United Nations Children’s Fund;

“(C) the United Nations Development Programme;

“(D) the Global Fund;

“(E) the World Bank; and

“(F) the Roll Back Malaria Partnership;

“(3) program delivery and efforts to lift barriers that would impede effective and comprehensive malaria control programs; and

“(4) partner or recipient country governments and national entities including universities and civil society organizations (including faith- and community-based organizations).

“(f) RESEARCH.—To carry out this section, the Malaria Coordinator, in accordance with section 104C of the Foreign Assistance Act of 1961 (22 U.S.C. 1151d-4), shall ensure that operations and implementation research conducted under this Act will closely complement the clinical and program research being undertaken by the National Institutes of Health. The Centers for Disease Control and Prevention should advise the Malaria Coordinator on priorities for operations and implementation research and should be a key implementer of this research.

“(g) MONITORING.—To ensure that adequate malaria controls are established and implemented, the Centers for Disease Control and Prevention should advise the Malaria Coordinator on monitoring, surveillance, and evaluation activities and be a key implementer of such activities under this Act. Such activities shall complement, rather than duplicate, the work of the World Health Organization.

“(h) ANNUAL REPORT.—

“(1) SUBMISSION.—Not later than 1 year after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2003, and annually thereafter, the President shall submit a report to the appropriate congressional committees that describes United States assistance for the prevention, treatment, control, and elimination of malaria.

“(2) CONTENTS.—The report required under paragraph (1) shall describe—

“(A) the countries and activities to which malaria resources have been allocated;

“(B) the number of people reached through malaria assistance programs, including data on children and pregnant women;

“(C) research efforts to develop new tools to combat malaria, including drugs and vaccines;

“(D) the collaboration and coordination of United States antimalarial efforts with the World Health Organization, the Global Fund, the World Bank, other donor governments, major private efforts, and relevant executive agencies;

“(E) the coordination of United States antimalarial efforts with the national malarial strategies of other donor or partner governments and major private initiatives;

“(F) the estimated impact of United States assistance on childhood mortality and morbidity from malaria;

“(G) the coordination of antimalarial efforts with broader health and development programs; and

“(H) the constraints on implementation of programs posed by health workforce shortages or capacities; and

“(I) the number of personnel trained as health workers and the training levels achieved.”.

SEC. 305. AMENDMENT TO IMMIGRATION AND NATIONALITY ACT.

Section 212(a)(1)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(1)(A)(i)) is amended by striking “, which shall include infection with the etiologic agent for acquired immune deficiency syndrome,” and inserting a semicolon.

SEC. 306. CLERICAL AMENDMENT.

Title III of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7631 et seq.) is amended by striking the heading for subtitle B and inserting the following:

“Subtitle B—Assistance for Women, Children, and Families”.

SEC. 307. REQUIREMENTS.

Section 312(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7652(b)) is amended by striking paragraphs (1), (2), and (3) and inserting the following:

“(1) establish a target for the prevention and treatment of mother-to-child transmission of HIV that, by 2013, will reach at least 80 percent of pregnant women in those countries most affected by HIV/AIDS in which the United States has HIV/AIDS programs;

“(2) establish a target that, by 2013, the proportion of children receiving care and treatment under this Act is proportionate to their numbers within the population of HIV infected individuals in each country;

“(3) integrate care and treatment with prevention of mother-to-child transmission of HIV programs to improve outcomes for HIV-affected women and families as soon as is feasible and support strategies that promote successful follow-up and continuity of care of mother and child;

“(4) expand programs designed to care for children orphaned by, affected by, or vulnerable to HIV/AIDS;

“(5) ensure that women in prevention of mother-to-child transmission of HIV programs are provided with, or referred to, appropriate maternal and child services; and

“(6) develop a timeline for expanding access to more effective regimes to prevent mother-to-child transmission of HIV, consistent with the national policies of countries in which programs are administered under this Act and the goal of achieving universal use of such regimes as soon as possible.”.

SEC. 308. ANNUAL REPORT ON PREVENTION OF MOTHER-TO-CHILD TRANSMISSION OF HIV.

Section 313(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7653(a)) is amended by striking “5 years” and inserting “10 years”.

SEC. 309. PREVENTION OF MOTHER-TO-CHILD TRANSMISSION EXPERT PANEL.

Section 312 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7652) is amended by adding at the end the following:

“(c) PREVENTION OF MOTHER-TO-CHILD TRANSMISSION EXPERT PANEL.—

“(1) ESTABLISHMENT.—The Global AIDS Coordinator shall establish a panel of experts to be known as the Prevention of Mother-to-Child Transmission Panel (referred to in this subsection as the ‘Panel’) to—

“(A) provide an objective review of activities to prevent mother-to-child transmission of HIV; and

“(B) provide recommendations to the Global AIDS Coordinator and to the appropriate congressional committees for scale-up of mother-to-child transmission prevention services under this Act in order to achieve the target established in subsection (b)(1).

“(2) MEMBERSHIP.—The Panel shall be convened and chaired by the Global AIDS Coordinator, who shall serve as a nonvoting member. The Panel shall consist of not more than 15 members (excluding the Global AIDS Coordinator), to be appointed by the Global AIDS Coordinator not later than 1 year after the date of the enactment of this Act, including—

“(A) 2 members from the Department of Health and Human Services with expertise relating to the prevention of mother-to-child transmission activities;

“(B) 2 members from the United States Agency for International Development with expertise relating to the prevention of mother-to-child transmission activities;

“(C) 2 representatives from among health ministers of national governments of foreign coun-

tries in which programs under this Act are administered;

“(D) 3 members representing organizations implementing prevention of mother-to-child transmission activities under this Act;

“(E) 2 health care researchers with expertise relating to global HIV/AIDS activities; and

“(F) representatives from among patient advocate groups, health care professionals, persons living with HIV/AIDS, and non-governmental organizations with expertise relating to the prevention of mother-to-child transmission activities, giving priority to individuals in foreign countries in which programs under this Act are administered.

“(3) DUTIES OF PANEL.—The Panel shall—

“(A) assess the effectiveness of current activities in reaching the target described in subsection (b)(1);

“(B) review scientific evidence related to the provision of mother-to-child transmission prevention services, including programmatic data and data from clinical trials;

“(C) review and assess ways in which the Office of the United States Global AIDS Coordinator collaborates with international and multi-lateral entities on efforts to prevent mother-to-child transmission of HIV in affected countries;

“(D) identify barriers and challenges to increasing access to mother-to-child transmission prevention services and evaluate potential mechanisms to alleviate those barriers and challenges;

“(E) identify the extent to which stigma has hindered pregnant women from obtaining HIV counseling and testing or returning for results, and provide recommendations to address such stigma and its effects;

“(F) identify opportunities to improve linkages between mother-to-child transmission prevention services and care and treatment programs; and

“(G) recommend specific activities to facilitate reaching the target described in subsection (b)(1).

“(4) REPORT.—

“(A) IN GENERAL.—Not later than 1 year after the date on which the Panel is first convened, the Panel shall submit a report containing a detailed statement of the recommendations, findings, and conclusions of the Panel to the appropriate congressional committees.

“(B) AVAILABILITY.—The report submitted under subparagraph (A) shall be made available to the public.

“(C) CONSIDERATION BY COORDINATOR.—The Coordinator shall—

“(i) consider any recommendations contained in the report submitted under subparagraph (A); and

“(ii) include in the annual report required under section 104A(f) of the Foreign Assistance Act of 1961 a description of the activities conducted in response to the recommendations made by the Panel and an explanation of any recommendations not implemented at the time of the report.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Panel such sums as may be necessary for each of the fiscal years 2009 through 2011 to carry out this section.

“(6) TERMINATION.—The Panel shall terminate on the date that is 60 days after the date on which the Panel submits the report to the appropriate congressional committees under paragraph (4).”.

TITLE IV—FUNDING ALLOCATIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7671(a)) is amended by striking “\$3,000,000,000 for each of the fiscal years 2004 through 2008” and inserting “\$48,000,000,000 for the 5-year period beginning on October 1, 2008”.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the appropriations authorized

under section 401(a) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, as amended by subsection (a), should be allocated among fiscal years 2009 through 2013 in a manner that allows for the appropriations to be gradually increased in a manner that is consistent with program requirements, absorptive capacity, and priorities set forth in such Act, as amended by this Act.

SEC. 402. SENSE OF CONGRESS.

Section 402(b) of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7672(b)) is amended by striking “an effective distribution of such amounts would be” and all that follows through “10 percent of such amounts” and inserting “10 percent should be used”.

SEC. 403. ALLOCATION OF FUNDS.

Section 403 of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (22 U.S.C. 7673) is amended—

(1) by amending subsection (a) to read as follows:

“(a) BALANCED FUNDING REQUIREMENT.—

“(1) IN GENERAL.—The Global AIDS Coordinator shall—

“(A) provide balanced funding for prevention activities for sexual transmission of HIV/AIDS; and

“(B) ensure that activities promoting abstinence, delay of sexual debut, monogamy, fidelity, and partner reduction are implemented and funded in a meaningful and equitable way in the strategy for each host country based on objective epidemiological evidence as to the source of infections and in consultation with the government of each host country involved in HIV/AIDS prevention activities.

“(2) PREVENTION STRATEGY.—

“(A) ESTABLISHMENT.—In carrying out paragraph (1), the Global AIDS Coordinator shall establish an HIV sexual transmission prevention strategy governing the expenditure of funds authorized under this Act to prevent the sexual transmission of HIV in any host country with a generalized epidemic.

“(B) REPORT.—In each host country described in subparagraph (A), if the strategy established under subparagraph (A) provides less than 50 percent of the funds described in subparagraph (A) for activities promoting abstinence, delay of sexual debut, monogamy, fidelity, and partner reduction, the Global AIDS Coordinator shall, not later than 30 days after the issuance of this strategy, report to the appropriate congressional committees on the justification for this decision.

“(3) EXCLUSION.—Programs and activities that implement or purchase new prevention technologies or modalities, such as medical male circumcision, public education about risks to acquire HIV infection from blood exposures, promoting universal precautions, investigating suspected nosocomial infections, pre-exposure pharmaceutical prophylaxis to prevent transmission of HIV, or microbicides and programs and activities that provide counseling and testing for HIV or prevent mother-to-child prevention of HIV, shall not be included in determining compliance with paragraph (2).

“(4) REPORT.—Not later than 1 year after the date of the enactment of the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008, and annually thereafter as part of the annual report required under section 104A(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2(e)), the President shall—

“(A) submit a report on the implementation of paragraph (2) for the most recently concluded fiscal year to the appropriate congressional committees; and

“(B) make the report described in subparagraph (A) available to the public.”;

(2) in subsection (b)—

(A) by striking “fiscal years 2006 through 2008” and inserting “fiscal years 2009 through 2013”; and

(B) by striking “vulnerable children affected by” and inserting “other children affected by, or vulnerable to,”; and

(3) by adding at the end the following:

“(c) FUNDING ALLOCATION.—For each of the fiscal years 2009 through 2013, more than half of the amounts appropriated for bilateral global HIV/AIDS assistance pursuant to section 401 shall be expended for—

“(1) antiretroviral treatment for HIV/AIDS;

“(2) clinical monitoring of HIV-seropositive people not in need of antiretroviral treatment;

“(3) care for associated opportunistic infections;

“(4) nutrition and food support for people living with HIV/AIDS; and

“(5) other essential HIV/AIDS-related medical care for people living with HIV/AIDS.

“(d) TREATMENT, PREVENTION, AND CARE GOALS.—For each of the fiscal years 2009 through 2013—

“(1) the treatment goal under section 402(a)(3) shall be increased above 2,000,000 by at least the percentage increase in the amount appropriated for bilateral global HIV/AIDS assistance for such fiscal year compared with fiscal year 2008;

“(2) any increase in the treatment goal under section 402(a)(3) above the percentage increase in the amount appropriated for bilateral global HIV/AIDS assistance for such fiscal year compared with fiscal year 2008 shall be based on long-term requirements, epidemiological evidence, the share of treatment needs being met by partner governments and other sources of treatment funding, and other appropriate factors;

“(3) the treatment goal under section 402(a)(3) shall be increased above the number calculated under paragraph (1) by the same percentage that the average United States Government cost per patient of providing treatment in countries receiving bilateral HIV/AIDS assistance has decreased compared with fiscal year 2008; and

“(4) the prevention and care goals established in clauses (i) and (iv) of section 104A(b)(1)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b-2(b)(1)(A)) shall be increased consistent with epidemiological evidence and available resources.”.

TITLE V—MISCELLANEOUS

SEC. 501. MACHINE READABLE VISA FEES.

(a) FEE INCREASE.—Notwithstanding any other provision of law—

(1) not later than October 1, 2010, the Secretary of State shall increase by \$1 the fee or surcharge authorized under section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note) for processing machine readable nonimmigrant visas and machine readable combined border crossing identification cards and nonimmigrant visas; and

(2) not later than October 1, 2013, the Secretary shall increase the fee or surcharge described in paragraph (1) by an additional \$1.

(b) DEPOSIT OF AMOUNTS.—Notwithstanding section 140(a)(2) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236; 8 U.S.C. 1351 note), fees collected under the authority of subsection (a) shall be deposited in the Treasury.

TITLE VI—EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH

SEC. 601. EMERGENCY PLAN FOR INDIAN SAFETY AND HEALTH.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund, to be known as the “Emergency Fund for Indian Safety and Health” (referred to in this section as the “Fund”), consisting of such amounts as are appropriated to the Fund under subsection (b).

(b) TRANSFERS TO FUND.—

(1) IN GENERAL.—There is authorized to be appropriated to the Fund, out of funds of the Treasury not otherwise appropriated, \$2,000,000,000 for the 5-year period beginning on October 1, 2008.

(2) AVAILABILITY OF AMOUNTS.—Amounts deposited in the Fund under this section shall—

(A) be made available without further appropriation;

(B) be in addition to amounts made available under any other provision of law; and

(C) remain available until expended.

(c) EXPENDITURES FROM FUND.—On request by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services, the Secretary of the Treasury shall transfer from the Fund to the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services, as appropriate, such amounts as the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services determines to be necessary to carry out the emergency plan under subsection (f).

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) REMAINING AMOUNTS.—Any amounts remaining in the Fund on September 30 of an applicable fiscal year may be used by the Attorney General, the Secretary of the Interior, or the Secretary of Health and Human Services to carry out the emergency plan under subsection (f) for any subsequent fiscal year.

(f) EMERGENCY PLAN.—Not later than 1 year after the date of enactment of this Act, the Attorney General, the Secretary of the Interior, and the Secretary of Health and Human Services, in consultation with Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), shall jointly establish an emergency plan that addresses law enforcement, water, and health care needs of Indian tribes under which, for each of fiscal years 2010 through 2019, of amounts in the Fund—

(1) the Attorney General shall use—

(A) 18.5 percent for the construction, rehabilitation, and replacement of Federal Indian detention facilities;

(B) 1.5 percent to investigate and prosecute crimes in Indian country (as defined in section 1151 of title 18, United States Code);

(C) 1.5 percent for use by the Office of Justice Programs for Indian and Alaska Native programs; and

(D) 0.5 percent to provide assistance to—

(i) parties to cross-deputization or other cooperative agreements between State or local governments and Indian tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a)) carrying out law enforcement activities in Indian country; and

(ii) the State of Alaska (including political subdivisions of that State) for carrying out the Village Public Safety Officer Program and law enforcement activities on Alaska Native land (as defined in section 3 of Public Law 103-399 (25 U.S.C. 3902));

(2) the Secretary of the Interior shall—

(A) deposit 15.5 percent in the public safety and justice account of the Bureau of Indian Affairs for use by the Office of Justice Services of the Bureau in providing law enforcement or detention services, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.); and

(B) use 50 percent to implement requirements of Indian water settlement agreements that are approved by Congress (or the legislation to implement such an agreement) under which the United States shall plan, design, rehabilitate, or

construct, or provide financial assistance for the planning, design, rehabilitation, or construction of, water supply or delivery infrastructure that will serve an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)); and

(3) the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, shall use 12.5 percent to provide, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)—

(A) contract health services;

(B) construction, rehabilitation, and replacement of Indian health facilities; and

(C) domestic and community sanitation facilities serving members of Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) pursuant to section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

Mr. BIDEN. Mr. President, I move to reconsider the vote by which the bill was passed and to lay that motion on the table.

The motion to lay on the table was agreed to.

THE PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I have refrained from thanking the people who need to be thanked on the incredible work that was done to get us to the point of such overwhelming passage on this legislation. I tell my colleagues that there are no more votes, so I want to make clear we are not holding anybody up here, but I want to take about 5 minutes to talk about the work done by our staffs and some of our predecessors in this body to produce the result we have today.

And I might add, way ahead of time Senator LUGAR's staff and my staff have been coordinating this every step of the way with the House. So hopefully—God willing and the creek not rising—we are going to be able to produce something for the President's desk within a matter of days so that we are not going to have to go to conference.

There are a lot of people to thank, but let me start saying that this was a long time in coming.

The first bit of thanks, and I want to reiterate it again, goes to President Bush. I have been extremely critical of President Bush's foreign policy. I have been extremely critical of what I believe the damage his foreign policy has done to our image and/or standing in the world. But I must say the President of the United States has led us to this incredible moment, where this is the single largest effort on the part of any country in the history of the world to go out and literally save and extend the lives of tens of millions of people. This is a gigantic accomplishment. So first the credit should go to President Bush. Because, in fact, without his making it clear and at the very end of this process, making it clear—I am told to some of his Republican colleagues—how important this was, not merely to him but to the United States, this would have never happened. That is an unusual position for me to be in, but

credit should go where it is due, and credit is due to President Bush and his administration and the many people who have worked both in the White House and in the various Departments in order to get to this moment.

I also want to thank an extraordinary combination of people. It is presumptuous of me to say this, but the chemistry between the minority and majority staffs on the Foreign Relations Committee is extraordinary. I have had the great privilege of working with my colleague Senator LUGAR for a long time. We have been working together for over 30 years. To the best of my knowledge, there has never been a harsh word, a raised voice, a single solitary slight that ever has gone across the aisle between the Senator and me. There is no one in this body whose judgment on foreign policy I respect as much as this Senator. There is no one in the Congress, and quite frankly there is no one else in the country, whose judgment on matters relating to our national security and foreign policy I respect more, and I thank him. I thank him for his friendship and I also thank him in this specific case for his leadership and that of his staff.

I wish to express my personal appreciation to Shannon Smith. Shannon Smith was new to my staff. She came up on the Hill at a time where she was able to be the catalyst, along with a few other people I will name, to produce the result we have today. I can say to Shannon I am absolutely confident—absolutely confident—that if you do nothing else in your professional life than what you put together with Senator LUGAR's staff today, you will have had a significant life, because very few people ever get put in a position where they arrive at a moment in history where they literally can change the path of people's lives in other parts of the world.

I know that sounds like hyperbole, but it is literally true. Few people get that opportunity. So you should relish it. You deserve it.

I also thank Brian McKeon of my staff, who has been with me since he was a kid out of Notre Dame. I guess it is now 20-some years, with a brief interlude where he went off to law school and clerked for the Federal Court and then came back as our legal counsel. I don't know anybody who knows his way around this body better than Brian does, and I don't know anybody who doesn't respect him. He is an incredible asset to have on this committee. And I should also credit Sherman Patrick, Steve Feldstein and Julie Baker on the staff of the Committee.

I would be remiss if I didn't say that it is hard on the Foreign Relations Committee—it is kind of like when Senator LUGAR and I first got here. There was a unified staff. I mean literally when I came here, Senator Fulbright was the chairman and there was a unified staff. The chairman hired everybody, but he didn't hire anybody without the consultation and agree-

ment of the minority. We have essentially arrived at the same place without having to go through that process.

There is Shellie Bressler, who has traveled the world with Shannon, went to those places. I am not being solicitous, Shellie, when I say you should understand that you made history. You helped make history.

People wonder whether we underpay the staff here. I say to the American people all the time, and the people of Delaware, and I mean it sincerely, the single best buy they get in everything they purchase is the incredible talent of the staff who work in this Congress and in the Federal Government. These people could go out and be making three and four times what they are now, but they are incredibly bright and dedicated, and Shellie, I am telling you, you will be able to tell your children and grandchildren and your great-grandchildren that you made something consequential happen.

I can say the same about Paul Foldi, who works for Senator LUGAR. But I want to remind Senator LUGAR, he used to work for me. He is a Delaware guy. Paul was actually foolish enough to help me when I tried the folly of attempting to get the nomination for President. I don't want to ruin his reputation. He has gone right since then. He is now working for a solid Republican. But Paul has been incredible. And Dan Diller has been as well.

I have managed many bills in my career, and have had some few successes, so I apologize, because I usually don't take this much time to talk about the staff, but this has been a staff-driven success and they deserve the attention and the recognition.

I also thank, in the Office of Legislative Counsel, Matt McGhie and Kevin Davis, whom I have not spoken to, but the staff has spoken to constantly and who worked tirelessly to prepare many drafts of this bill and numerous amendments that have been developed over the past several months.

In the other body, I also thank Peter Yeo and David Abramowitz and Pearl Alice-Marsh on the staff of Chairman BERMAN, as well as Chairman BERMAN. We are indebted to the House committee for striking the initial compromise that got us to this point, and we built on the House bill. We have consulted them regularly—I would guess many times a day, when I say regularly, in the last few weeks—in the hope that they will be able to approve the Senate-passed bill, which is my expectation.

Finally, in the administration, several people have devoted many hours, and maybe a lot more than that, moving this bill forward. In the Office of the Global AIDS Coordinator, great credit goes to Ambassador Mark Dybul, a very talented public servant, who testified before our committee, and who has spent a lot of time with our staffs and helped design and implement the PEPFAR program and made several contributions to the compromises de-

veloped over the past few months to get us to the 80-plus vote. I am embarrassed to say I don't remember the actual count, but I think it was over 80 people who voted for this.

I thank, and his staff particularly, Myron Meche, and Tom Walsh, who contributed a great deal to this moment. Also, at the White House, Deb Fiddelke and David Boyer of the Office of Legislative Affairs have been critical in this process.

Most of all, I want to thank in absentia the two people after whom this bill is named. Tom Lantos was a friend of all of us, but he was a particular friend of mine. Tom Lantos was a very successful businessman, an economics professor teaching at San Francisco State University, advising a number of banks, as well as two major unions on their financial investments. I met him when I was a young Senator, and I asked him on a lark whether he would come and be my foreign policy and economic adviser, and he came and worked for me. He came and worked for me—although, knowing Tom, he never worked for anybody.

But Tom Lantos, with his great Hungarian charm—everyone says Ireland has a Blarney Stone. I am absolutely confident the Blarney Stone is only a chip of the stone that is somewhere buried in Lake Balaton, in Hungary.

Tom became a close friend. Annette and his entire family are close personal friends still. Tom's daughter came to work with me as well, an 18-year-old graduate of Yale Law School, who graduated from Yale with honors at age 18.

He was an incredible man who, after a terrible tragedy in Guyana, where the San Francisco Congressman was shot dead, went home, ran for that seat with my encouragement, and ultimately became the chairman of the House Foreign Affairs Committee.

And Henry Hyde, with whom I had many disagreements philosophically but was always a gentleman, became a great friend of both Senator LUGAR and myself. This is the Lantos-Hyde legislation. It is named after them.

I know some of my colleagues will sort of wonder whether I am going overboard, but I also want to thank, in absentia—and I will thank him through Dot Helms—Jesse Helms. Jesse Helms had a conversion on the way to Damascus on AIDS. Jesse Helms started as a very hard edged guy, mirroring the attitudes of some of the most fundamentalist folks out there talking about AIDS, that it was a scourge because of a lot of things that I will not go into. This is a man who not only became convinced of the necessity of this legislation, he became a disciple of pushing this legislation.

Here in the Senate, and I will end with this, I don't know how we can talk about the success here without recognizing on the Republican side Senator BROWNBACK, a very conservative Member of the Senate who worked very hard.

I do not think this would have happened without DICK DURBIN being on the floor of the Senate almost every day for the past 5 or 6 years, pounding away, talking—I do not mean literally, but it seemed like almost every day for the last 5 years—about the moral responsibility we had as a nation to deal with this problem because we could—because we could—because we had the capacity.

Senator LUGAR has already mentioned—again, I apologize going on for so long, but these people deserve credit—JOHN KERRY. This has been a passion of JOHN KERRY's for the last 10 years. JOHN KERRY, when this was not at all popular, was not at all sort of the flavor of the day, JOHN KERRY was banging away at the need for us to attend to this problem. I think he is owed a debt of gratitude for his persistence and consistency.

Also, the former majority leader, Dr. Frist, a doctor who came from Tennessee, and he got deeply involved in this process and his credibility as a great transplant surgeon sort of transcended the politics of this issue. He deserves great credit.

One of the guys who maybe was—every once in a while there is sort of a spark that ignites the kindling and gets it all going. I always kid him, but Richard Holbrooke—and I say affectionately, who drives me crazy sometimes—but Richard Holbrooke and Senator FEINGOLD were on a trip to Africa. Senator FEINGOLD, who has been passionate about this issue, was chairman of the African Affairs Subcommittee—or he may have been ranking member at that time. In fairness, I cannot remember which it was. Senator Holbrooke going through a torturous confirmation process with the help of Senator LUGAR and myself—was finally confirmed and did a great job there.

He picked up the phone in classic Holbrooke fashion and called Senator FEINGOLD and said: We are going to Africa. They went to, I think—I would stand corrected by Senator FEINGOLD, but I believe it was 12 countries in 14 days. They didn't go for this purpose, but in the process they visited clinics and the rest and they saw the depth, breadth, and consequence of this problem. Richard Holbrooke, according to RUSS FEINGOLD, called Kofi Annan on the plane and said: Kofi, we need a Security Council meeting on AIDS.

And Kofi Annan said: I am told we don't have health care Security Council meetings.

They had it, and that was also a major moment. So I thank Senator FEINGOLD as well.

I could go on. There are others I am sure I left out, but in my years in the Senate, they were some of the people who delivered us this moment.

Last, and I will not say any more because I am going to yield to Senator WYDEN to ask a unanimous consent—but, again, nothing works in this place unless it is bipartisan. No one has the credibility that is more recognized to

produce those kinds of bipartisan results than my colleague, Senator LUGAR, who deserves incredible credit for this bill.

I am told by staff Senator WYDEN wishes to ask unanimous consent about an issue.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. If the Senator will yield, I just thank the Senator for his wonderful comments about so many very dear friends, both of ours and of the Senate.

I thanked a few people earlier on, but I really thank the Senator for his comprehensive views. I think it was well worth both the time, as well as the thoughtfulness of his remarks. They will be remembered by our staffs and by our friends.

I will not make further comments because I know other Senators are wanting to transact business, and we appreciate their patience.

Mr. BIDEN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

CAROLINE PRYCE WALKER CONQUER CHILDHOOD CANCER ACT OF 2007

Mr. WYDEN. Mr. President, on behalf of Senator JACK REED and myself, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1553, the Caroline Pryce Walker Conquered Childhood Cancer Act, which was received from the House, the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Reserving the right to object, and I ask the indulgence of the Senator from Oregon for just a moment?

Caroline Pryce Walker was known to me. I attended her funeral. Her mother is a dear friend of mine in the House. So there are personal connections with my position on this bill.

This body, as well as the House, less than a year ago, reformed NIH. We did some very important things. One of the things we did was take out of the hands of politicians the direction that gives us the best opportunity to cure cancer. We put it back in the hands of peer-reviewed scientific study, which we know will accomplish much more than when we put our hands on it.

There are problems with this bill. One is that it has a registry at the CDC. There are already two registries now at NEH. There is no way to fix that, so the American taxpayer is going to get to pay for two.

The second thing is, as we direct \$30 million to this outside of what they are already doing, that means \$30 million isn't going to be available for childhood or juvenile rheumatoid arthritis, isn't going to be available for juvenile

diabetes—where there might be greater hopes of saving more children and making greater impact.

I have great reservations when we start making the decisions on where the scientific inquiry ought to go and it is not connected at all with real science or peer-reviewed science. However, there are changes in this bill and DEBORAH PRYCE has been a great contributor to the body in the House. I have held her in my arms as she has cried over this lost young child and, with reservation, I will not object to this bill. But I must say we are going down the wrong path. We are penny-wise and pound-foolish because we want to do what is emotionally pleasing but scientifically stupid. We are going in this direction.

I am going to allow this. I will not object. I will not object on this bill so this bill will be a great last accomplishment for DEBORAH PRYCE. It will be a fitting tribute to her daughter and all the other children. But I will tell you, we will get less, not more, by doing this in terms of the research and the benefit for the children who have childhood cancer in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, before he leaves the floor—and I know we have colleagues who are waiting. I will not speak long—I want to express my appreciation to the Senator from Oklahoma for the judgment he has made in letting Senator REED's bill pass tonight. I know the Senator from Oklahoma cares very deeply about the health care of our young people. He and I served on the health subcommittee in the other body. We can have debates about the merits of specific ways to address health issues. I share the view of the Senator from Oklahoma with respect to making sure there is not a meddling by politicians in scientific matters. But tonight, on this legislation, legislation that has passed the other body 416 to 0, the judgment that has been made by the Senator from Oklahoma is in the interests of all of the youngsters of our country who are suffering so greatly, and their families.

Like the Senator from Oklahoma, I have sat with them as well, with constituents. I just want to express my appreciation that the Conquer Childhood Cancer Act introduced by my colleague, Senator REED, is going to pass tonight. This legislation would provide critical resources for the treatment, prevention, and cure of childhood cancer.

We had a victim of childhood cancer in my home State, Jenessa Boey Byers. She passed away from cancer last December, and she was only 8. She battled cancer, not once but twice. She beat her cancer back into remission. She lost that second battle with cancer, but it never really beat her.

I will remember always, going to see her in the hospital. What she said to me is that she was a warrior in the

fight against cancer and that she was going to stand up for all of the other youngsters. She was a well-known advocate. She asked me to support Senator REED's legislation, and I am very proud to do it. In fact, she said to me at one point:

If you sponsor my legislation, you will be my hero.

The fact is, the real heroes of this legislation are these youngsters who have suffered, and suffered so greatly. So the decision made by the Senator from Oklahoma tonight is one that is going to benefit so many families in our country.

I want to pay particular tribute to Senator REED. He could not be here for the unanimous consent, but Senator REED has prosecuted this cause for months and months, working with the other body, working here with colleagues. So full credit for this cause goes to Senator JACK REED who is helping so many of our youngsters afflicted by cancer.

The PRESIDING OFFICER. Without objection, it is so ordered. The request is agreed to.

The bill (H.R. 1553) was ordered to be read a third time, was read the third time, and passed.

Mr. WYDEN. I wish to make one other quick comment. I know colleagues are waiting. I wanted to make this comment with respect to health care, because two of my allies in this health care cause, Senators LANDRIEU and CRAPO, are on the floor. There is special significance about the two of them being here tonight for these additional comments on health. What we have seen again in the last few days is one of the worst positions in our country to be in, to be in your late 50s and laid off from work without health care. If you are laid off in your late 50s, let's say you are laid off at 56, 57, like a lot of these workers we have been reading about in the Midwest who had big layoffs in GM, for example, you go out into a broken individual insurance market. What the distinguished Senator from Louisiana, Ms. LANDRIEU, and the distinguished Senator from Idaho, Mr. CRAPO, and I are trying to do—we are part of a group of 16 in the Senate, 8 on the Democratic side, 8 on the Republican side—is to help all those people in their late 50s who are being laid off.

In fact, under our legislation, the Healthy Americans Act, those people would not go out into a broken individual insurance market. If you are 57, 58, for example, and you are laid off in Louisiana or Idaho, under our legislation today, you can get discriminated against if you have a preexisting condition. What our group has been trying to do, with the leadership of Senators LANDRIEU and CRAPO, is say that is not part of the individual market of the future. You can't be discriminated against under our legislation. So right away we are giving some hope to those older workers who are laid off.

The second thing we do in our group is, we give that laid-off worker who is

56, 57 years old some real tax relief, like she would have gotten through her employer if she still had her job. The irony is, if you are laid off, for example, and you are 57, 58 in the State of Louisiana, if you have some high flying CEO, they have an employer health package, and they get a write-off. But you don't get a write-off if you are a laid-off worker in your late 50s. What we do in our legislation is help those people as well.

I will be talking more about what it is like in this country to be in your late 50s, years away from being able to get Medicare, and going out into the broken individual insurance market. I would have talked a bit longer, but colleagues have been waiting. I thought it was particularly appropriate to bring this up tonight because Senators LANDRIEU and CRAPO have joined Senator BENNETT and me in this group of 16 whom I believe tonight, when Americans have read those articles about the GM retirees getting clobbered and losing their coverage, they ought to know there is a bipartisan group of us here in the Senate that is committed to giving those people a fair shake and committed to giving them new hope. They would have, under our legislation, under what Senators LANDRIEU and CRAPO and I are working on, a legal guarantee to high quality, affordable coverage, unlike some of those retirees from GM. They would have a safety net.

This has been an important night in health care. First because Senator REED's legislation to help youngsters afflicted with cancer has passed, and it honors the memory of one of my constituents from Oregon and, second, I thought it was particularly appropriate with Senators LANDRIEU and CRAPO here tonight, with millions of Americans who are in their late 50s worried that they are going to lose their health coverage, to know a group of us on a bipartisan basis have legislation that would provide real relief, a legal guarantee to high quality, affordable coverage when they lose their job through no fault of their own.

I thank my colleagues, Senators LANDRIEU and CRAPO, with particular thanks to Senator REED, for passage of his legislation to help youngsters afflicted with cancer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I ask unanimous consent that following my remarks, Senator LANDRIEU be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAPO. Mr. President, before he leaves the floor, I thank the Senator from Oregon for his kind remarks. More than that, I thank him for his leadership. Health care, as all Americans know, is one of the most significant issues we face today. Senator WYDEN has been outstanding and relentless in his efforts to build bipar-

tisan support for comprehensive reform of our health care system. We have a lot of different ideas in the Senate about how to reform health care. Frankly, one of the reasons we have such a sort of a patchwork system of health care is because each side in this debate wins a battle here and there and gets a piece of their idea into the solution. When we are done, the patchwork system we have probably is not as good as any one of the pure systems that many people advocate for. But we have to work together in a collaborative fashion and build consensus for true health care reform. I thank the Senator for his leadership in that regard.

ENERGY CRISIS

Mr. CRAPO. Mr. President, I want to speak on an issue which is as important to Americans as health care. In fact, it may be, today, more on their minds and may be a more critical issue. That is our national energy policy, particularly the increasingly high price of gasoline and petroleum.

About 2 weeks ago I asked my constituents in Idaho to contact me by e-mail and to tell me what the high price of gas meant in their lives. What was it doing? Was it another inconvenience or what was happening in their individual lives because of these high prices; secondly, to tell me what they thought Congress ought to do about it, what the solutions should be. Overnight I had almost 600 responses. The total now has risen to over 1,200 responses. The people in Idaho tell a story I am sure could be told by millions of people across this country about what the high price of gas means. It is not just an inconvenience; it is not just fewer trips to the restaurant or to the movies; it is impacting people's lives across the board in monumental ways that could, if we don't fix it, change the quality of life and the American dream. I am reading every one of these e-mails. I read stories from my constituents about those who end up at the end of the week with just about \$40 or \$50 left in their budget, and they haven't yet bought their food. They need to buy another tankful of gas so they can get to work and keep their job. That is the decision they have to make. They buy the gas because they have to keep their job. They try to figure out how to do with less food.

I have stories coming in from individuals who cannot any longer purchase their medicine. Their choice is food, medicine, or fuel. Now they are going without the medicines they need.

I read one this morning from a lady who needs to travel to a certain medical facility for medical treatment. She no longer has the ability to make these trips because she does not have enough money to pay for the gas. So she has had to try to make arrangements with her doctor to make some educated guesses about her health care, because she cannot get to the medical facility for the treatments she needs and the

analysis she needs to receive clear answers for her health care.

I get information from those who run businesses who talk about the fact that they are going to have to lay off employees. The list goes on and on and on. As they talk to me about what they think we should do, they have all the same commonsense ideas people across America are also coming forth with. We here in the Senate, I hope, are going to be debating a robust, full agenda of ideas about how to deal with this crisis. We will have a tremendous amount of ideas coming forward from Idaho. I told my constituents that I would get their ideas and their positions put into this debate. I am putting every one of those e-mails into the CONGRESSIONAL RECORD. I am going to talk about those e-mails and the responses and the ideas of my Idaho constituents in the debate as we move forward.

Another thing that is coming through loudly and clearly in the messages from my constituency is, they believe that the problem we face is largely a result of Congress's failure to enact a rational, meaningful energy policy for this country. Our failure to act is recognized. I believe they are right. I jokingly said in an interview today, when someone said, Congress is responsible for this, I said: It is kind of a national pastime to blame Congress for just about everything. But this time they have it right. This time Congress could have acted years ago, and we would be in a better position.

There is much we can do and need to do. We have an opportunity to do it. The American people, I hope, are watching. I hope they are weighing in heavily with their Senators and Congressmen to make sure that we act and that we don't sidestep the issue.

I think we will have an opportunity to act in the near future. The majority leader has put a bill on the floor that we hope will be coming forward soon that I believe should be a vehicle for a robust debate on energy policy. Unfortunately, this bill deals with only one issue, that of speculation in the futures markets. I want to talk about that for a minute. But my hope is we will have an open amendment process and that ideas about other pieces of the solution can be dealt with. Frankly, there is much more than simply the futures market to look at, as we seek to resolve our problems with the rising price of oil. In fact, it may be that futures market issues are in the lower category of potential results.

Our Federal Reserve Board chairman talked to us yesterday at the Banking Committee about this and said:

Another concern that has been raised is that financial speculation has added markedly to upward pressures on oil prices. Certainly, investor interest in oil and other commodities has increased substantially of late. However, if financial speculation were pushing oil prices above the levels consistent with the fundamentals of supply and demand, we would expect inventories of crude and petroleum products to increase as supply

rose and demand fell. But in fact, available data on oil inventories show notable declines over the past year.

He continues:

This is not to say that useful steps could not have been taken to improve the transparency and functioning of our futures markets, only that such steps are unlikely to substantially affect the prices of oil or other commodities in the longer term.

One of the concerns I have is that if Congress, once again, looks for a quick fix, says, hey, there is one problem here, there is too much speculation, we will stop that speculation in the futures market, and then we will have solved the oil crisis, then Congress will have once again failed to act in a responsible fashion. We need a rational energy policy.

I like to analogize that to how we would deal with our own investment portfolio. When they invest their own resources, Americans are constantly advised not to invest everything in one asset. Yet the United States has done that in our energy policy. We are far too dependent on petroleum as our source of energy, and we are far too dependent on foreign sources of that petroleum, as we have refused to develop and produce our own resources. We need to have a much more diverse energy policy and a more diverse energy portfolio, where we look at renewable fuels and alternative fuels, nuclear power. Yes, we will have to have a significant amount of petroleum for the future. We will still have a great need for petroleum, even as we seek to diversify. But there are a lot we can do. Add to that what often is called the fifth source of energy, which is conservation, where we can be more efficient and much more effective in reducing our utilization of energy. Every barrel of oil not used, every kilowatt of electricity not used, is equivalent to one that is produced. We have to become aggressive in looking at these kinds of solutions.

Now, I understand the public is frustrated with the \$4-plus price of gas. I understand how appealing and seductive it is to say we can solve this problem if we just address those energy speculators. I actually wish that were possible. But so far, most of the experts are saying that is not the source of the real problem. The underlying problem is one of supply and demand.

Now, there are things, as I said, we can do on the issue of the speculation in the futures markets. There are proposals to work on that, not the least of which is that we need to give the CFTC the authority to conduct the oversight of our futures markets to know what is happening and make recommendations to Congress about what changes, if any, should be made.

One of the first things we can do is to move through this Senate the confirmations of three members of the CFTC who still languish on our docket: Walt Lukken, Bart Chilton, and Scott O'Malia. They need to be moved promptly. If we are going to address

the oversight of our futures markets, we need to put the cops on the beat and we need to not only put the members of the CFTC in place, confirm them, but we need to give them the resources for 100 new staff members that we have identified we need so they can aggressively and effectively look at and oversee the futures markets. That type of activity is appropriate.

But there are those who are proposing we do things to our futures markets that can cause great damage, and I am concerned the bill before us will do just that. The bill will not lower energy prices as it now sits because it attempts to address high oil prices but does so in a way that could actually increase volatility and make it harder for American companies to manage higher costs, and those costs will then have to be passed on to consumers.

It also will make it more difficult for companies, such as commercial producers, to hedge against higher prices. It imposes severe restrictions on investors and professional market participants. This means they would not be able to purchase the risk of higher prices from commercial producers who want to pass that risk on through derivative products.

Let me give an example. Let's say there is an oil producer who wants to build a new drilling rig and needs to finance that construction with a bank loan. Let's say this producer needs a \$5 billion loan to engage in this new production that could help us. Any lender will insist that this producer lock in the price of its oil for at least 3, probably 5, years to make sure the producer has the cash flow to repay the loan. The oil producer goes to swaps dealers to look for the price of its oil and to hedge its loan for the next 3 years.

If we do not have an effective and smoothly running futures market, then that producer will not be able to effectively hedge the loan and will not be able to essentially obtain the contracts necessary to assure the bank that the producer can deliver on the loan. If the loan is not made, the investment is not made, and the production does not occur.

Those are the kinds of things that could happen if we improperly undo the smooth functioning of an effective futures market in this country.

The bill will also substantially limit the ability of pensions and other investors to protect themselves from higher prices and declining stock prices. It will allow the CFTC to break private contracts, something that I believe is going to be very detrimental in the marketplace.

But the bottom line, as I see it—and I will probably come back to the floor tomorrow to speak in more detail, as we have evaluated this bill more carefully—the bottom line is, even if the futures markets are the reason the price of oil is going up, the United States, simply by banning or regulating futures contracts in the United States, cannot change the conduct of investment in futures globally.

Petroleum is a global product. Petroleum futures are marketed globally. If we tell individuals or companies or entities they cannot invest in futures or their investment in futures will be subject to extremely high regulatory restrictions in the United States, they can simply go to Dubai, they can go to London, they can go elsewhere and invest in futures where there are exchanges that are willing and able and anxious for their business to come. These requirements in the current bill do not exist in these other markets, such as in the United Kingdom, which is actively seeking the jobs and tax revenue that come from the financial services companies that work with these industries. The bill will help accelerate the relocation of the derivatives business from the United States to London.

There are many other things we need to talk about. Yes, there are things related to the speculation in the futures markets that we can and need to do, but we have to be very careful.

As I said at the outset, I hope the debate we have in the Senate is not just about the futures markets. It has to be about the oil prices and what needs to be done in this country to deal with them. For example, the vast amount of the U.S. oil reserves, which are huge, are locked away from production. There will be proposals that need to get a vote on this Senate floor that we open that production. The first example I will give is the Outer Continental Shelf.

It seems to me we need to be as aggressive as possible in opening our production in the Outer Continental Shelf. The information I have is that 14 billion barrels on the Atlantic and Pacific shelves are available. If we were able to access that, that would be more than all of the U.S. imports from the Persian Gulf countries over the last 15 years.

There will be proposals to go into the oil shale areas in Colorado, Utah, and Wyoming. I understand more are being identified in North Dakota and Montana. The oil shale areas have more than three times the oil reserves of Saudi Arabia. Yet the United States will not allow us to access them. And we pay Saudi Arabia to bring us its oil and increase our balance of payment problems.

We need to look at conservation, where we work on plug-in electric cars and trucks, and move to a situation in which we get much more efficient in our country with regard to our energy. If we could increase the efficiency of our buildings and our transportation system, I understand, globally, we could probably reduce by one-third the energy consumption.

There are ideas that abound like these that we must debate on the floor of the Senate. As we get this opportunity, I am confident the American people, with the common sense my Idaho constituents are showing, can weigh in and help Congress understand,

help this Senate understand the kinds of moves we must take. We must be bold. We must be comprehensive. We must look at the supply issues. We must look at the demand issues. And we must look at the market issues. But we must act.

I will conclude, Mr. President, with just that reminder from my constituents because, as I said before, as I read these e-mails, one thing that comes through unbelievably clearly to me is that the American people get it. My Idaho constituents get it. They know we can have a better energy policy, and they know that energy policy is achievable. They want Congress not to just take a baby step, not to duck the issue, or not to just take one little piece of the solution that might work a little bit; they want us to move forward with legislation that will address production of our own supplies and resources, expansion into new R&D technology, conservation, efficiency, renewable and alternative fuels, nuclear power, and many other areas. We have to do it fast. We have to do it now.

So my call tonight is an urgent plea to my colleagues, first and foremost, to get the issue of energy on the floor of this Senate, and then secondly to have a full and open and robust debate over all the ideas our colleagues can bring forward and to craft a bill that can then become a gem but more importantly can become a very rational, effective national energy policy for our country. If we do that, we will do one of the most important things we could possibly do with our time in the Senate in the next few weeks.

With that, Mr. President, I thank you and yield back any time I may have remaining.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Thank you, Mr. President.

I am so happy to be able to speak for the next 10 or 15 minutes. It is important for me to do that. I said I would come to the floor every day we are in session until we leave—whether it is in the morning that I get that opportunity or in the afternoon or before going home at night—every day until we leave in August to speak about this issue, because I agree 100 percent with my colleague from Idaho and I want to associate myself with all of his remarks, from the first paragraph, through the middle, until the end, because he is absolutely correct in his assessment of a couple issues: one, the anger, frustration, and pain our constituents are feeling at this moment; the truth he spoke about the fact that this is Congress's fault; the fact that he said the American people get it and understand it. They don't just get it in Idaho, I say to the Senator, they get it in Louisiana. What a shame it will be for us to leave in August or September or October or ever until we get this done.

There is a moment of opportunity. There is a window. That window has

been created, unfortunately, by extraordinarily high and historic prices that are forcing the attention on this issue. When we force attention, the pressure comes to bear to really make some headway. When prices are too low, there will occasionally be—or when they are low; they can never, maybe, be too low. But when they are lower, there is interest. But it is fleeting. Or maybe the prices are low, and we have a little bit of a rush for some environmental legislation. We deal with it, and we move on to other things.

But there is no moving on to anything else right now in America because this energy price—this energy price—is unsettling to this economy in ways that I don't have to explain tonight, and my time is limited. I will leave that up to others. But I agree with my colleague from Idaho and associate myself with his remarks.

HEALTH CARE

Mr. President, also, briefly, before I get back to energy, I wish to thank my colleague from Oregon who spoke so kindly about the two of us and our efforts on health care because it is another issue that has to be addressed but without the urgency, in my view, that the energy issue has to be addressed.

I am very proud to be working with him and 15 other of our colleagues in a bipartisan effort to bring down the cost of health care in a new and innovative approach. I am looking forward to working on that once we solve the energy dilemma here.

COSPONSORSHIP OF S. 911

Mr. President, I ask unanimous consent to be added as a cosponsor of the Caroline Pryce Walker Conquer Childhood Cancer Act, S. 911, sponsored by my good friend, the Senator from Rhode Island, Mr. REED. I would like to be added as a cosponsor and want to thank Senator COBURN for lifting the hold on that bill so we can actually get it passed.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered. The Senator will be added as a cosponsor.

Ms. LANDRIEU. Thank you, Mr. President.

ENERGY

Ms. LANDRIEU. Mr. President, let me add a few thoughts in the next 10 or so minutes tonight about this energy debate.

The Senator from Idaho just said we must increase production domestically, and he is absolutely right. It is so hard for me to understand how this Congress can continue to ask OPEC to increase production, ask our enemies to increase production, and we continue to refuse to increase production in our own country year after year, time after time, whether onshore or offshore.

Now, I would know a little bit about this issue because I helped to lead, with the actual Presiding Officer tonight,

and many colleagues, one of the most successful efforts to open at least a portion of our area that was under moratoria. We opened, just 2 years ago, 8.3 million acres, which was a tremendous victory. I am very proud of the Senators for doing that, and the House Members. It was a 10-year effort. We passed that bill here by a substantial margin, but it passed by one—one—vote in the House of Representatives. It took 10 years, and we just barely won. All we opened in that bill was a sliver—if you all can see this map of North America—was literally a sliver of land. I am going to have this map blown up so we can see it better. I hope the camera can see this right here.

I wish to repeat this, because I know it is hard for people looking to believe it, but for 10 years, by 1 vote in the House of Representatives, we opened 8.3 million acres right out underneath Alabama and Mississippi, about 70 miles southeast of Venice, LA. That 8.3 million acres is being prepared now to drill. It literally took an act of Congress that took us 10 years. At that rate, the price of oil could go up, perhaps double or triple or quadruple. I don't know. This is a big country. We can see how big it is here. There is oil in many different places in this country, and it is time that we strategically open some other places to drill.

We should be careful. We should be deliberate. We do not have to open everything. So let me say to my Republican colleagues—not the Senator from Idaho, my friend, who did a beautiful job just now—but others on the Republican side who want to open everything right now: That is a foolish and unnecessary step, and it will do nothing but confuse the situation. It is like saying we are going to launch a space program right now. We have not created the rocket, and we don't have all the details, and we are going to go to every planet right now. It is that foolish. I wish to say directly to the President of the United States if that is your starting point, it is not a starting place for me, and I am as pro-drilling as you can get on the floor of the Senate, because it confuses the issue and it throws up red herrings and it leads the country into a false frenzy.

We don't have to lift the moratoria everywhere, and I am not going to vote for lifting the moratoria everywhere, but we can strategically lift congressional moratoria, or provide some kind of local option for States. I am kind of open on this. I have come at it many different ways, including considering some local options for some limited numbers of States where we actually think there might be oil and gas to drill.

Now, we do know there is a lot of oil and gas, because this purple spot right here represents the drilling that the States of Texas and Louisiana and parts of Mississippi and Alabama have been doing for generations, billions and billions of barrels of oil and gas that we were able to get out safely, se-

curely, having less spills. And this is something that I want too, less spills than what is in the natural seepage of oil.

I know this is going to be impossible for some people listening to this to actually believe it is true, so I am going to give the reference. It is the National Academy of Sciences. This is not MARY LANDRIEU's propaganda poster or Republican propaganda poster or Democrat. This is from the National Academy of Sciences. Now, they have National Academies of Science in England. I think they have them in Germany. Maybe you could go ask them, but you can also ask our American National Academy of Sciences. This is what they say: Natural seeps of oil—just natural, coming out of the formations—represent 63 percent. Cars and boats and other sources—which we are trying to clean up, but we are not doing a real great job of it but we have made some progress—are 32 percent of all the spills in the oceans. Petroleum transportation, which means the big tankers, the *Exxon Valdez*, the tankers that sometimes run into the bridges in San Francisco Bay because they won't put in a pipeline, so they have tankers that come in. I keep explaining it would be better not to have the tankers, but they want the tankers there in that San Francisco Bay. They keep running into bridges. They keep spilling. So we have 4 percent of the spillage from the tankers.

Now, look here: drilling and extraction. Drilling and extraction, this little green sliver, is 1 percent. Why is this? This is because we have gotten so good and clean and strong, the technology has improved so substantially since the 1940s and 1950s, that it is not true that this jeopardizes the oceans or the beaches. I will say to be completely honest that when there is a spill, it can look pretty bad and it does and it happens, but this is life, and there are risks associated with everything we do, but the risk is so minimal to the benefit of this Nation.

I will tell you what the great benefit for me is: that we can stop funding both sides of the war on terror against ourselves, because that is what we are doing right now today. We are taking the people's hard-earned money and supporting a war at the tune of \$348 million a day, and then we are paying our enemies to buy missiles and weapons to kill our own soldiers that we are sending over there. That is actually happening today because we are afraid. We are afraid that 1 little percent might seep into some water that we couldn't quickly go gather up and push to the side.

This is why America is angry, because America does not like to be wimpy. That is one thing about our country. We don't like it, because we are not a wimpy country. We are a smart country. We are a strong country. We are a bold country. This Congress has the American people feeling as if we are wimps.

We don't again have to lift the moratoria everywhere. I am going to tell the Republican leadership they are barking up the wrong tree here, because you don't have to go to every planet, but we have to pick one or two. We just have to pick one or two planets we are going to go to. We should let our scientists pick them. We should figure out what is the fastest, best way to get some additional oil.

China has already figured this out, because they are going to be drilling closer to our coast than we are. Let me repeat. There are leases right here off the coast of Cuba and they are leasing this land to China as I speak. So China will be drilling closer to the coast than we allow our own companies to drill, and that is why the American people are angry.

How we open a little bit more of Florida to protect what we need, I am going to leave that to my colleagues. I have some ideas, but there are others who probably have better ideas, but there is a possibility here. I think there is a lot of possibility in Alaska, and thank goodness that both TED STEVENS, the senior Senator from Alaska, and the junior Senator from Alaska, LISA MURKOWSKI, understand this and they know it. If we listen to them, they can help lead us to a way where we can get a great deal more oil out of Alaska. Now, it is going to take, because it is far away—Alaska is not part of the 48, as you can see here. There are distances that have to be crossed, pipelines that have to be laid, transportation infrastructure that can get this oil to where we need it.

Let me tell you where we need the oil. We need the oil in the Northeast. If we don't get them some before this winter, there are going to be people in the Northeast who cannot afford to heat their homes this winter. These prices have never been this high. It is a long way from here to here. The industry can do that, but it takes them a while. It would be a lot easier to get the oil right here, but politically, that seems to be a problem. So we could move it from the gulf to there; we could move it from Alaska to there, but it is going to take some time. We can also get more oil here.

The other part I should not forget to mention is you have different kinds of oil. There is sweet and it is light, and then there is heavy oil and harder to refine, and the refineries are having a hard time because Congress gives them no direction virtually whatsoever. They don't sometimes know what refineries to build, and I don't blame them, because we are so schizophrenic about it. So we now have refineries that only can refine a certain type of oil, and they take these big gambles, because Congress any day could wake up and say: Oh, we just decided we don't want that kind of oil. I have to learn a little bit more to talk more about it, but the general gist of it is that not only do you have to go get more oil from some places, we have to

make sure the refineries are there to be able to produce, but we can.

Now, that is enough on oil and gas, because for the next 5 minutes I wish to talk about not just producing more oil, which we obviously can, but we also have to conserve. I have to say that I have not been the best person on this issue, so I am going to apologize now, and then we are going to move—I am going to move on to say I will be happy to vote for even things that I wouldn't have considered in the past because I feel as though it is very important. We have to move our automobiles off of gasoline. We have to move them to fuels that we can produce, we can grow such as sugarcane, such as biofuels, cellulosic ethanol, and it can't just come from corn. We know we can do this because there are automobiles on the street today, there are just not enough of them because the mandate is not strong enough, and when you talk about demand, that is where the demand is. It is in fuels for our automobiles. There are electricity problems. There are power generation problems. However, the real stranglehold that our enemies have over us now, and OPEC has over us, is in the fuel sector.

So we have to do two things: We have to produce more fuel and we have to consume less. I hope our bipartisan energy bill will include some stronger mandates for our automobiles in some way that allows people to drive a big automobile if they want, but it can't consume a lot of gasoline. It can consume a lot of sugarcane, fuel made from sugarcane, or a lot of fuel made from something other than the corn itself, because that will drive up the price, but the technology is here and we can do it.

The bottom line is we don't have to be wimps anymore. We can be what America always has been in every generation: bold, strong, decisive. We can protect our people from losing their homes, their jobs, and their businesses, and their ranches, which the Presiding Officer would know something about since he comes from a family of ranchers, because that is what is happening right now. People are losing the American dream while we sit and twiddle our thumbs talking about everything else that doesn't have anything to do with the price of gasoline. Let me back up. That is an overstatement. Speculation does have something to do with it, but not the fundamentals. So let's get on with speculation; try to get speculation out of the market and then talk about some other things.

I am not going to put up any more posters tonight. I think that is enough for the night, but again, this is going to be a combination of expanding production, perhaps—I know there is an issue in the Presiding Officer's home State of oil shale. I am looking at him smiling because we will have this debate. I am learning a lot about that. There is a lot I don't know about the oil shale, which he does know about. I

think there is some potential there. How we go about it, we will have to see. But I do know that there is a lot of oil and a lot of gas from traditional sources, but we have to let them find it, expedite the leases we already have, and make sure the infrastructure is there in this country to produce, and then move as rapidly as we can to new freedom fuels of the future, particularly in the areas of our automobiles.

I know the people of Louisiana are anxious for this debate. We are proud of the production we do. We are very happy that Congress gave us now a percentage of the oil and gas off of our shore, 37.5 percent that we are going to use wisely to secure our coasts and to build some additional infrastructure in our State. I know not every State has the same attitude that Texas and Louisiana and Mississippi have, and I don't expect that.

I don't expect that. That is too much to expect. We just have a tradition of it. We are happy to do it. But on the other hand, it is not fair for some States and some places to say they don't want to produce anything, and then expect the States of Wyoming and New Mexico on shore, and Louisiana and Texas to do all the production in this country. There are other places that can produce, and we most certainly need to do it. We owe it not just to our constituents today, but we owe it to future generations of this country to break the back of OPEC, put us on a path of independence, get these prices lower, and clean up our environment at the same time.

You can get to the place sometimes—well, the Presiding Officer has played baseball—when the bases are lined up and the lights in the stadium are on, it is a perfect time to hit it out of the ballpark. If we can get the right batter up, with the right pitch, we can hit this out of the ballpark.

We can do for the American people what they expect, which is to move beyond our comfort zone, from what we are used to, and do something that may actually make a difference in their lives.

Thank you so much.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. LANDRIEU). Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I ask unanimous consent that I be allowed to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Madam President, I think it is very appropriate for the Members of this Chamber today to be talking to an issue which is near and

dear and extremely important to the people of America, and that is how much we are paying for gas and the importance of energy independence for our Nation. It is an issue I know the Presiding Officer has worked on very long and hard, including her efforts in writing the 2005 Energy Policy Act, as well as her efforts in opening lease sale 181 on the gulf coast.

I know how heartfelt the Presiding Officer also feels, as a Senator from Louisiana, in terms of having the domestic production that comes out of the gulf coast being a significant part of the portfolio that fills the supply lines for the United States of America. So I am hopeful that as we turn the page from the legislation we were on today to move forward and try to address the high price of gas in America, we look at the issue before us with open eyes and try to figure out ways of getting to the real answers and solutions to the problem of the energy crisis we face in America today.

I think it is important as we do so to constantly remind ourselves of what is at stake today and what makes 2008 different, perhaps, from where we were in the 1970s. We all know then it was President Richard Nixon who came before the Nation and said: OPEC has been formed and, therefore, we as a nation need to move forward to energy independence.

Then, not too many years later, we had President Jimmy Carter saying we needed to embrace energy independence, with the moral imperative of war.

In those days, in the 1970s, we were importing about 30 percent of our oil from foreign countries. What happened through the 1980s and what happened through the 1990s and the beginning of the 2000s? America slept. America slept. The result was, in March of last year we were importing 67 percent of our oil from foreign countries.

As the Presiding Officer, in her role as a Senator from Louisiana, so eloquently stated, we have become hostage to those interests of the globe that have the world's oil reserves, and we in the United States end up funding both sides of the war on terror. It is important that we break our addiction to foreign oil and that we take on the national security issues of the United States in a bold and aggressive way and that we do that immediately.

I believe what changed from the 1970s to today is the issues that drive us, and first and foremost is national security. We need to make sure we are not held at the end of a noose by the OPEC countries and held by those countries that hold most of the global reserves of oil.

Secondly, we need to be cognizant of the fact that global warming is a reality. The days of the debate are over. Science tells us that we have to do something about global warming to make sure we protect our planet.

Third, if we do this right and embrace a new energy future for America, we can create a host of economic opportunities for the United States. In

my State of Colorado, I have seen what has happened since 2004 when we passed a renewable portfolio standard, and we have gone from a point where we had almost no alternative energy, where we were not harnessing the power of the wind—we had almost zero energy being produced from the wind—to the point today where we are producing over 1,000 megawatts of power from wind. That is about the equivalent of the power generated from three coal-fired powerplants.

We were nowhere in terms of biofuels and ethanol. Yet because of policies we have passed in this Congress, today we have ethanol plants that have sprouted up across the eastern plains, giving a new potential and meaning for that part of rural America which has been so forgotten. So there are economic opportunities that also drive this agenda that we are on.

I hope as we enter into this debate tomorrow, and perhaps in the week ahead, we join together to try to set America free. When I look at how we are going to do that, in terms of our overdependence on foreign oil, it seems to me there are a number of things that we can do to get rid of that overdependence on foreign oil and, at the same time, make sure we are trying to do everything we can within our power to provide some relief to the consumers of America, to the American citizens who are suffering every day when they fill up their cars at the pump. The farmers, who are filling up their John Deere tractors, are having to pay \$1,000 every time they fill up the tractor or the combine; or the trucker, who is having to spend over \$1,000—in fact, \$5,000 for the big semitrucks—every time they have to fill their truck with diesel.

I hope we embrace this and that we can be smart about it. I would offer four concepts, in general. First, I think there is a way in which we can produce more oil. We can do it in many areas, including from the Alaska petroleum reserve. There are a number of other places where we can embrace the production of more oil for America.

Secondly, we need to stay the course in terms of pushing forward an aggressive agenda on alternative fuels. More can be done, including how we incentivize the production of biofuels.

Third is that we continue to look forward to ways of using what we have more efficiently through conservation measures that we know can stretch out our supplies in a much more significant way, where we have not done what we should have been doing in the last 30 years.

Fourth is research and the development of new technology. We now know the hybrid plug-ins and the new batteries that are being developed can help us create a national fleet that can be much more productive in terms of how we ultimately use this very scarce resource that we call petroleum and gasoline.

So I hope we can, in fact, come together in a bipartisan fashion to put

together a package that will make sense. I will make a quick comment about oil shale.

Oil shale is a very important resource for our Nation. It is a resource that we understand in Colorado has been there for a long time, since the 1920s when it was predicted that oil shale essentially was going to be the panacea to all of the oil needs of the entire world. I recognize that most of the trillion or so barrels of oil that have been calculated to exist in the reserves of oil shale are actually beneath the lands of my State, beneath the lands of the western slope, one of the most beautiful places and congressional districts in the entire United States of America.

So I believe we are already on a pathway to try to develop the technology to make sure that oil shale provides an opportunity for America in the future. That is why the research and development leases, which the Department of Interior issued under the authority we have provided to them, have been issued. That is why companies have invested to figure out whether the technology is there to be able to develop oil from the shale in place. That is why they are looking at what the requirements are going to be in terms of electricity that will be required in order to be able to heat the oil shale in place. That is why they are trying to figure out if this technology works, how much water it will take to develop this oil from the shale.

So I think we have developed a thoughtful way forward, and I am hopeful we can support the thoughtful way forward that we have already developed. A few months ago, in the Energy Committee, the Assistant Secretary testified before the committee. I had questions that I directed to him about oil shale, where he thinks it might be going. He said to me in the line of questioning that, at the end of the day, there is no way we will be producing oil from shale until, the earliest, 2015. That was his testimony, 2015.

I have a letter I have talked about before on the floor of the Senate from Chevron that also said the same thing—that it is a long way off. So I hope as we move forward on the debate about our energy future, we can be bold and aggressive and that we can provide relief as soon as we can to the citizens of America who are hurting so much, and that we can also take the long-term view in terms of what we need to do to set America free.

As we look at the potential solutions, we need to look at them in a realistic way in terms of the technology we have available to us and the limitations that we also face as Americans.

I thank the Chair for serving as the Presiding Officer and allowing me to make these comments.

I yield the floor.

EXTENSION OF MORNING BUSINESS

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate extend morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. WARNER. Madam President, I have advised the Senate leadership that I will be necessarily absent from the Senate for the balance of this week. Today, were I able to be present for the vote on final passage of S. 2731, the President's Emergency Plan for AIDS Relief, PEPFAR, I would have voted in favor of the bill.

GERALDINE TABOR HALL

Mr. BYRD. Mr. President, I was saddened to learn that Mrs. Geraldine Tabor Hall has passed away.

Gerry, as her friends called her, was the wife of Judge K.K. Hall, or K.K. as his friends called him. She was a retired registered nurse, a great West Virginian, and a very dear friend. My beloved wife Erma and I spent many an evening with the Halls. We would often stay with Gerry and Judge Hall when we were in Charleston, and always found her to be a most gracious and generous hostess.

Over the years, Gerry and Erma became particularly close. They enjoyed each other's company immensely. Maybe it was because they had so much in common.

Both Gerry and Erma were as elegant as they were "down home," and both were perfect partners to their husbands.

Both had a lot to put up with in their husbands, busy public servants whose careers required a great deal from their wives. They were both patient, deeply kind, and tremendously devoted to the State of West Virginia. Neither ever sought the limelight, but each accepted a certain amount of standing in it.

Both Gerry and Erma were supremely good listeners. Judge K.K. Hall could be quite a character. He had a grand sense of humor, and Gerry was always sure to laugh at his stories. And when I delivered a speech or performed with a good string band back home, Erma listened attentively and nodded along. Both women had heard it all time and again, but there they were, always with their warm smiles, hearty laughs, and steady applause, as if it were the first time.

Like Erma, Mrs. Hall was a most gracious host. During my long and bitter 1982 Senate election, I recall how often she would answer the door late at night to find myself and my able assistant during that campaign, Jim Huggins, standing on her porch, expecting to spend the night in the comfort and shelter of the Hall home. This often occurred without warning, and, not infrequently, very late at night. But Gerry

never complained, never portrayed the slightest annoyance. She not only provided us with a place to stay for the night, she cooked a solid breakfast for us in the morning, and then would send us on our way to our next campaign stop.

I will miss this lovely and gracious person. But I am sure that she and her devoted husband, K.K., are together now. And Erma is there. And K.K. is practicing a tale to tell when we are all reunited again. And Erma and Gerry will laugh and applaud as if they had never heard it before.

THE SCENT OF THE ROSES
(Thomas Moore)

Let fate do her worst,
There are relics of joy,
Bright dreams of the past
That she cannot destroy.
That come in the nighttime
Of sorrow and care,
And bring back the features
That joy used to wear.
Long, long be my heart
With such memories filled,
Like the vase in which roses
Have once been distilled;
You may break, you may shatter
The vase, if you will,
But the scent of the roses
Will hang 'round it still.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009—S. CON. RES. 70; REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 312(c) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 312(b) SENATE DISCRETIONARY SPENDING LIMITS

| | In millions of dollars | Initial allocation/ limit | Adjustment | Revised allocation/ limit |
|--|------------------------|------------------------------|------------|------------------------------|
| FY 2009 Discretionary Budget Authority | | 1,011,718 | 968 | 1,012,686 |
| FY 2009 Outlays | | 1,106,112 | 892 | 1,107,004 |

REMEMBERING SENATOR JESSE
HELMS

Mr. INOUE. Madam President, I was saddened by the news of the death of our former colleague, Jesse Helms of North Carolina.

He was a man of strong convictions, even if it meant being in opposition of his own party. He fought for what he believed, and he stood by his word. It was a privilege to work with Senator Helms, even though we disagreed on policy matters, we were able to do what we could for the love of our country.

Madam President, I ask my colleagues to join me in paying tribute to this magnificent Senator and a great American, and a true patriot. He will be missed.

Mr. SHELBY. Madam President, I rise today to pay tribute to my honorable colleague, Senator Jesse Helms. North Carolina's longest serving popularly elected Senator, Jesse was a good friend and a true conservative. I join the entire Nation in mourning his passing.

Jesse was born in Monroe, NC on October 18, 1921. He attended Wingate University and Wake Forest University and had a successful career in newspapers, first as a sports reporter for The Raleigh Times and later as the paper's city news editor. He also served as a recruiter for the U.S. Navy during World War II and worked in radio and television.

CHANGES TO S. CON. RES. 70

Mr. CONRAD. Madam President, section 312(c) of S. Con. Res. 70, the 2009 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 312(b) discretionary spending limits and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 for legislation reported by the Senate Appropriations Committee that provides a certain level of funding for fiscal year 2009 for four program integrity initiatives. The initiatives are: continuing disability reviews and supplemental security income redeterminations, Internal Revenue Service tax enforcement, health care fraud and abuse control, and unemployment insurance improper payment reviews.

The Senate Appropriations Committee reported S. 3230, the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2009, on July 8, 2008. That bill contains provisions that fulfill the conditions of section 312(c) for adjustments related to continuing disability reviews and supplemental security income redeterminations, health care fraud and abuse

control, and unemployment insurance improper payment reviews.

In addition, the Senate Appropriations Committee reported S. 3260, the Financial Services and General Government Appropriations Act, 2009, on July 14, 2008. That bill contains provisions that fulfill the conditions of section 312(c) for Internal Revenue Service tax enforcement.

As a result, for fiscal year 2009, I am revising both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays. The amount of the adjustment is \$968 million in budget authority and \$892 million in outlays. The revised discretionary limits and allocations for discretionary budget authority and outlays are the appropriate levels to be used for enforcement during consideration of the fiscal year 2009 appropriations bills.

I ask unanimous consent that the following revisions to S. Con. Res. 70 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

In the 1950s, Helms began to pursue his interest in politics, working on Willis Smith's U.S. Senate campaign and later in his Senate office. Helms also worked on Senator Richard Russell's Presidential campaign and I. Beverly Lake, Sr.'s gubernatorial campaign. After these efforts, Jesse went back to journalism serving as the Capitol Broadcasting Company's executive vice president, vice chairman of the board and assistant chief executive officer. From these positions, Jesse gained local celebrity as a conservative commentator on the Raleigh-based television station.

His notoriety in the area led to a 4-year position on the Raleigh City Council. Jesse remained at the Capitol Broadcasting Company until 1972, when he became the first Republican elected to the Senate from North Carolina in the 20th century. Jesse served North Carolina well as a chairman of both the Agriculture and Foreign Relations Committees. While in the Senate, Jesse was a conservative leader who worked tirelessly for small government, sound foreign policy and strong communities.

After serving five terms in the U.S. Senate, Jesse retired and returned to North Carolina, where he wrote and published his memoir, *Here's Where I Stand*. He also continued his work with the Jesse Helms Center, a nonprofit organization started in 1987 to promote the principles Jesse felt so strongly

about—democracy, free enterprise and strong values.

In my time with Jesse in the Senate, I knew him to be honest, hardworking and committed to the people of North Carolina and this Nation. It is fitting that he passed away on Independence Day, as Jesse was certainly an independent man who loved this country and the values for which it stands.

Jesse is loved and will be missed by his wife of 66 years, Dorothy; his son Charles; his two daughters, Jane and Nancy; and seven grandchildren. He was an inspiration to many and will be remembered for his dedication and many contributions to North Carolina and this Nation. I ask the entire Senate to join me in recognizing and honoring the life of Jesse Helms.

IDAHOANS SPEAK OUT ON HIGH
ENERGY PRICES

Mr. CRAPO. Madam President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through energy_prices@crapo.senate.gov to the CONGRESSIONAL RECORD. This is not an issue that

will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today.

I ask unanimous consent to have the following letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Thanks for this opportunity. In short:

(1) Increase domestic oil production
 (2) Expand nuclear energy
 (3) Reduce the speed limit to 65 mi./hr. This alone saves me 15% on my car fuel consumption and is an immediate reduction in oil usage.

(4) Do not use our food supply to produce alcohol for additive to the gasoline. It reduces the gas mileage, is harmful to some of the engine parts and has a large effect on the supply and cost of our food. The site did research on this about 20 years ago, and built a plant around Aberdeen, which to my understanding, was not successful. At least it did not stay in operation very long.

I have other ideas on energy policies and savings if you would like to discuss them.

FERROL, *Idaho Falls.*

Senator Crapo, Thank you for the opportunity to share our concerns over the dependence of foreign oil issues that we currently face.

My business partner and I own a small construction company in Meridian. We do new residential construction as well as re-modeling in Meridian, Boise, Nampa, Mountain Home, Horseshoe Bend, Star and other Ada, Canyon, Boise and Elmore county towns. As you mentioned in your letter there is great distance between towns here in the great state of Idaho. Our traveling cost, as well as incurring the fee increases by our sub-contractors and suppliers is moving so high—so fast that a bid to perform work which is normally good for 30 days actually is out of date the next week!

We are normally not very political guys, but we have actually been affected to the point that we have started a website along with a petition to Congress to authorize drilling here in America www.DrillforAmericanoil.com went online officially last week (June 13, 2008).

We truly appreciate your efforts on our behalf regarding this matter and hope that we can work together as a community and nation to resolve this crisis.

Respectfully,

ED and ED, *Meridian.*

We, our families, have been unable to get together to enjoy ourselves because of the high prices of fuel. I do not understand why we have to pay the same price for fuel as all other countries when we have all of the necessary reserves and fuel available here in this country. Everyone keeps telling us that we have save for future generations, I say baloney to that as let us take care of ourselves first and then if anything is left over, give to the future.

Nuclear energy is safe now that we better understand how to use it. Wind power is fine except when the wind is not blowing or solar power when the sun shines. With solar, it won't produce much on a sunny day and nothing for wind power, so we have to buy a lot of very expensive batteries and some means to keep them charged when we do not have the wind or sun. What then?

VERN.

To Whom It May Concern: The cost of fuel today is really beginning to hurt the Idaho consumer. On the national level, most of us here in Idaho are on the poverty level or at least very close to it, and those of us who are retired it is just double hurt.

Most of the people who live in my small community are retired and/or very elderly, and this fuel rip-off is very damaging to us. The elderly are forced to keep their temperatures so low in the winter, and still cannot afford \$4+ for our heating oil, so we sit around with blankets in winter.

The fuel costs are very hard to handle up here in Nezperce, primarily because we are forced to drive long distances to do our shopping. Another problem is fuel costs are even higher in these small communities than it is in larger towns, so we get a double hit with the cost of fuel.

For eight years, conservatives had control of Congress and Senate and they did nothing for the conservative voters. There are many voters that tell me they think they will stay home this November because, quite frankly, they feel it does no good to vote for people who will not help us. We have let a few loud far-left people control the future for all of us, not letting us do in new exploration, or any new fuel ideas etc. The effect of fuel prices is passing off to everything we buy, and everything we do.

I could go on forever but to no gain; so, to whom it may concern, if we do not do something soon, all we will do is make all our enemies rich, and bring this nation to its knees.

JOHN, *Nezperce.*

Like everyone else in Idaho and around the country, our family is feeling the pinch of higher gas prices, but unlike with price hikes of the past, we, along with our neighbors, are making changes in our driving habits that we hope will, over time, drive down those prices. And that is a good thing. Conservation will do more to make us energy independent than drilling in the last pristine places like ANWR ever will. And, of course, the less fossil fuel we burn, the more we help stave off the effects of climate change.

Of course, our family does not like having to dig so deeply into our monthly budget to pay for gas at the pump, but it is our hope that the pinch at the pump will be the motivator that catapults our country to the forefront of alternative energy production. If we can put a man on the moon, we can be the innovators who lead the world toward a clean fuel future. Let us pledge our country's attention, innovation and resources to fund research and development in wind, solar, wave and biomass energy. Nuclear energy, though enticing in some ways, is just a different type of "dirty fuel" and creates national security concerns as well. It is like settling for a single when we know we can hit a home run.

Thank you,

SARA and DAN, *Ketchum.*

We live in a large, rural state where things are not close together and there is limited public transportation. My husband works for the Idaho National Laboratory contractor, Battelle, Inc., in Idaho Falls, which is about 50 miles away. The INL does not provide transportation for workers that do not travel to the "site" out in the desert. So he drives 100 miles a day to work. He does carpool with three others, but the increase in gas prices has really cut into our budget. We spend approximately \$60/week between the two of us. I also work full-time, and we have two children who attend daycare so we need two vehicles.

Our car is 14 years old, and our family is rapidly outgrowing it. We would love to buy

a new car, but cannot afford to at this time. We are extremely frustrated with the terrible fuel efficiency that larger "family" cars get. Our little Toyota Corolla gets 30+ mpg, and we cannot find anything close to that in larger sedans. Why would we want to buy a new car that only gets 17-20 mpg? We are extremely frustrated that we see news reports about hybrids, hydrogen cars, ethanol cars, etc., but no real push to mass produce any of them. Why is not Congress mandating this move? If we can mandate digital TV, why cannot we mandate non-gasoline vehicles and/or ways to improve the efficiency of existing vehicles? Gas prices have affected every aspect of our lives, every bill we get has a notice that it is going up due to increased fuel costs, every grocery item costs more, when does it end? Let us end our dependence on foreign oil and help our environment while we are at it!

HEATHER, *Pocatello.*

Senator Crapo: Rising fuel costs (gasoline) have caused us to cancel driving trips to Seattle from Coeur d'Alene (\$150 fuel cost for one round trip) and a trip to Redding, California, (fuel cost estimate for 750-mile round trip = \$150-\$160). That is over \$300 for fuel to take our usual trips to see our relatives and take a vacation. I cannot imagine the total effect on the economy of driving trips not taken, airline tickets not purchased and hotel bills not incurred multiplied by millions of Americans in just 2008 alone.

Hey, Legislators: Let's get going on taking some ACTION to develop our own petroleum resources and escape our dependence on foreign sources!

WILLIAM, *Dalton Gardens.*

Because I am a single woman of 58 and live on a fixed income of about \$1,000, I have had to cut back on a lot of things. I live in Franklin County, and I see a liver specialist in Salt Lake City, Utah. Since the gas prices have gotten so outrageous, I have had to cancel my last appointment with my doctor. I have since called him and told him since the gas prices are outrageous; I cannot afford the expense to drive down there for my follow-ups. We have agreed that I will continue taking my tests at Logan Regional and, if my tests show a drastic change, then we will make an appointment, which I hope I can afford the cost. I am on strong doses of steroids and other medications that my specialist has to monitor me as well.

I do not go anywhere except to the grocery store, pharmacy, and church and collect my mail. When I have to drive to Logan to take my medical tests, I accumulate what errands I have for that day. I cannot afford to visit my children where one lives in Syracuse, Utah, and the other in Smithfield, Utah. I cannot afford cable, a newspaper, a cell phone or anything.

I hope this helps.

JOYCE, *Franklin.*

I own a staffing service and many of our employees can no longer afford the cost of gas to drive to work. Most of these workers drive older, less efficient gas mileage cars. These workers just squeaked by when gas was at \$2.00 per gallon. Now with gas at \$4.00, they cannot afford the extra cost. To make ends meet many are forced to borrow money, if they can, from the "stop and rob payday loan" outfits; or quit their jobs entirely.

Many American Families are being forced to go into debt just to put gas into their cars. These high gas prices cannot be sustained and cannot be tolerated, as they are

forcing extreme hardships on American families, especially on low wage earners. These high gas prices are single handedly impoverishing many, many Americans and many in congress have vowed to do nothing about it.

If you agree with me and you are tired of congress acting totally inept in this matter, and in letting us down "big-time" by not taking the bold decisive steps needed to get us out of this "out of control" gas crisis—please sign this petition "Drill Here, Drill Now, Pay Less."

Our message to Congress—Its time to stop talking and start acting.

TONY.

Two years ago, my family and I moved from Sugar City where I grew up, four miles north to a home site where my wife was raised. It is a wonderful location, and we love living there. However, the cost of energy has dramatically affected our lifestyle. Our vehicle fuel consumption has tripled, and our propane expense has more than doubled. Some of the price fluctuation used to be seasonal, but I do not believe the seasonal supplies and demands have much to do with it anymore. As a 43-year-old American living in rural Idaho, I have come to realize how dependent we have become on foreign energy sources, and on personal vehicles for transportation. We can plan better and drive less. We can resolve to drive more fuel-efficient vehicles. We can determine to reduce our food consumption and live more frugally. All of these things we have done, but when it comes right down to it, these changes have not made a drop in the bucket difference. There is no way the average middle-class American can keep up with this over the long run. Rising energy prices will prove to be the single most troublesome factor in our economy. New energy technologies are so bogged down and tied up in committees and environmental quagmires that no action seems to ever take place. In the meantime, the Chinese and other foreign countries are teaching us how to drill for oil right off our own shores in the Gulf of Mexico. Alaska seems to be off limits, which is a joke. Coal-to-oil technologies have not been taken seriously. We have made some progress with wind turbine development, but again, wind energy can help certain regions of our country, but is still a drop in the bucket in relation to our energy consumption. I am disgusted that we did not seriously pursue nuclear energy as a legitimate alternative to fossil fuel 40 years ago. Technology is not the problem; we have that. The problem is it takes so long to tool up for nuclear energy that we will be lucky if our grandchildren can benefit from this tremendously efficient and clean alternative, even if it gains traction over the next couple of years. That is one thing the French have definitely showed us up on. To me, nuclear power is the long term answer to our energy problem—please support it any way you can.

One last comment on nuclear power—I was talking to a friend just the other day whose father worked for many years at the INEL. His father told him that we really blew it when we started developing nuclear power by keeping the process such a secret. Start with secrecy, add a few mishaps like Three Mile Island, stir it all together and you have a recipe for paranoia and public distrust. What a shame! We have to get over our fear of nuclear power.

I love this country. I have increased my earning potential tremendously and have so many freedoms that I am truly grateful for. But I am very concerned that if we do get very serious about this energy problem right now, my real standard of living, even in the greatest county in the world, will decline. I am not anti-environment; I believe that we

can protect the environment in a reasonable manner without shutting off access to our God-given natural resources. We are the stewards of our planet, but I believe it was made for our use, not for us to be subject to it. I have a real problem with the extremely radical vocal minority shutting down all of our options. We have got to get smart and inject a large dose of common sense into this energy equation.

Thank You

TIM, *St. Anthony.*

Hi, I agree with some of what you are proposing but let us stop making futile arguments here! The only way that I will support more domestic production is if you come up with a plan for more efficiency and conservation along with higher building standards. Our state is hooked on cheap fuels, and it only leads to waste, so I am fine with high energy costs because it will lessen our carbon impact on the earth and we will get more creative. Cheap fuel is a thing of the past, and if we do not use the energy that we do have to prepare for the future, I will never support you and will resent your ignorance. Let us see a solid plan backed up with solid implementation!

JIM, *McCall.*

Dear Senator Crapo, [I would like to know if the] question of oil speculators [is being addressed]. Speculators are the ones primarily driving up the prices and not so much the oil companies or the oil producing nations. We did address refineries, and exploration and drilling. Clearly the American people and, indeed, citizens of other nations are suffering because of these speculators. It is rather like my grandparents told me about the stock market crash of 1929 when margin buying endangered the entire financial structure of the world. Can Congress force the commodities speculators to put down more than the 5% they now use for their speculations? It would seem that if they had to put up 50% or better, they would be a little more cautious in their "gambling".

Thank you for your time.

Sincerely,

ROCHELLE.

Both my wife and I are retired government employees on fixed incomes so we watch our P's and Q's very closely. In spite of our cautious spending practices we have found ourselves unwilling victims of the gas crunch.

Here is how we got caught. Our son graduated from college, owing substantially for money loaned to get through four years of very expensive educational expenses. He has sought out and found employment but not enough to pay back his accumulated debt. His monthly income is not at all what he had expected he might be able to get as a college graduate. Currently my son continues to work and at the same time looks for a better paying position . . . Here is where the gas prices come into play: He is living/working in Eugene, Oregon, and attempting to move into a higher-paying position in Portland, Oregon. He has been traveling back and forth to interview for jobs. One trip up and back in his older model vehicle costs him about \$60 in gas. On his salary, he cannot afford to make the trip in search of better employment. He is in fact a prisoner of the gas prices unable to travel to further himself financially.

As a consequence, he has had to get extensions on his federal educational loan (not a good thing for the government), which continues to charge him interest for the unpaid balance. He is really stuck.

We are also stuck because there was an additional \$8,000 loan obtained that was not through the federal government, which can-

not be put on hold and must be paid now. So, here we are putting out about \$200 per month to cover his debt, money we could really use as retired persons.

The short of it is he is in a bind and we are in a bind. Gas prices have handicapped him and imposed unnecessary expenses on us. I think everybody is coming up short here including the federal government.

JIM and LOLA.

Dear Sen. Crapo, From \$20 to \$48 to fill up my car tank. I think that says it all.

Polling data indicates that the majority of people want us to drill for our own oil. I want us to drill for our own oil.

I believe that the only reason the Arabs said they would increase the amount of oil that they produce is because they became concerned that we might actually begin drilling our own, and they wouldn't want that.

Please, Senator Crapo, we are so tired of living under the EPA's thumb. I urge you and Senator Craig to do whatever it takes so that our oil companies can start producing again.

Sincerely,

JUDY, *Burley.*

ADDITIONAL STATEMENTS

HONORING R.C. NORTH PLUMBING & HEATING INC.

● Ms. SNOWE. Madam President, at a time when people from my home State of Maine and throughout the Nation are struggling to cope with an unrelenting climb in energy prices, I rise today to recognize a small business that sells innovative, technological solutions to families and enterprises in Southern and Central Maine. R.C. North Plumbing & Heating Inc. of Naples provides energy-efficient heating and cooling equipment and expertise, which, in turn, enables Mainers to save money and decrease their energy consumption.

R.C. North Plumbing & Heating Inc., though less than 5 years old, offers years of technical experience in residential heating, cooling, and plumbing, which helps its customers remain confident that their heating and cooling systems are operating at maximum efficiency, thereby saving water, energy, and ultimately money. Furthermore, many of the products that R.C. North sells and installs are designated ENERGY STAR products by the U.S. Environmental Protection Agency and the U.S. Department of Energy because of their energy efficiency.

In addition to providing traditional heating and plumbing services, R.C. North has a burgeoning solar division that offers customers technologies to convert the Sun's power into a safe and reliable energy source for heating water. Additionally, R.C. North participates in the Maine Solar Energy Rebate Program, founded in 2005, to encourage the growth of solar energy in Maine by providing rebates to individuals who purchase solar energy systems. The firm is also certified by the Maine Public Utilities Commission as an installer of solar thermal heating systems.

Featured on OurMaine Homes, a local television program highlighting local businesses in the construction and home maintenance industry, R.C. North has received praise from fellow contractors and customers alike. The business is also an active member of the State of Maine Plumbing Heating Cooling Contractors Association and is engaged in the community as a member of the Sebago Lakes Region Chamber of Commerce.

Last month, Senator KERRY and I held a hearing in the Senate Committee on Small Business and Entrepreneurship that focused on the devastating impacts that the rising price of home heating oil is having on homes and small businesses. During that hearing, what has long been apparent was reiterated for all to hear—namely, that without a proactive approach to stem this crisis and achieve real results, the unmistakable tsunami that is heading for Maine as winter approaches will be far worse than we have seen. The American people have come to recognize this fact, and companies such as R.C. North Plumbing & Heating have filled the demand that Americans have for energy-efficient heating and cooling systems. The company's foresight and persistence in leading Maine's development of solar heating is commendable. I thank everyone at R.C. North for their dedication, and wish them success in continuing to broaden Maine's exposure to energy efficiency as well as alternative forms of energy.●

RECOGNIZING JON GARREY

● Mr. THUNE. Madam President, today I recognize Jon Garrey, an intern in my Sioux Falls, SD office, for all of the hard work he has done for me, my staff, and the State of South Dakota over the past several weeks.

Jon is a graduate of West Central High School in Hartford, SD. Currently he is attending Grinnell College, where he plans to major in political science. He is a hard worker who has been dedicated to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Jon for all of the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING HEATH-HEADLEY AMERICAN LEGION AUXILIARY POST NO. 0199

● Mr. THUNE. Madam President, today I recognize the Heath-Headley American Legion Auxiliary Post No. 0199 for their Veteran's Day program entitled "Honoring Those Who Served". This event took place on November 9, 2007, at the Henry School Gymnasium with the help of the school's students and staff.

The day's events were held to honor all veterans who have served their country. Local veterans were invited by the auxiliary which publicized the

event, registered guests, decorated the school, helped serve lunch, and organized the event with school personnel.

The Kampeska Marine Corps League presented and retired the colors. The Henry School Band, directed by Mrs. Deanna Martens, played patriotic music. Students sang "Proud of Our Veterans" and gave a "Living Flag" presentation. Superintendent Brian Sieh welcomed all and presented the guest speaker, Army National Guard Chaplain Joseph Holzhauser, who addressed the crowd on the topic, "Why All The Fighting?"

Voice of Democracy winner, student Shantel Gassman, presented her winning essay and was awarded a plaque and a scholarship from Watertown Veterans of Foreign Wars Commander Duwayne Mack. Students Matthew Harms and Owen Redinger gave a proper flag folding demonstration and presented the flag to the guest speaker.

The Henry High School choir sang "God Bless America" and students Randy Owen and Sarah Montgomery played echo taps. A flag retirement ceremony followed the program under the direction of Marine veteran Joel Montgomery.

The school technology committee took pictures of all veterans and gave prints to each as a thank you. The pictures were taken in front of a mural that senior students and auxiliary member Jane Green created. It depicts the American eagle with wings made of over 200 stars, each naming a local veteran.

Auxiliary members who helped with the activities include Donna Clyde, unit president; Veta Aker, unit treasurer; Jean Lian, unit chaplain; Wanda Clyde, membership chairman; Christy Clyde, junior auxiliary member; Jane Green, unit member and school coordinator for the program. Violet Wicks, district III president, was the auxiliary's guest for the day.

It gives me great pleasure to rise with the Heath-Headley American Legion Auxiliary Post No. 0199 and Henry School to thank our veterans for their dedication and service to our country.●

125TH ANNIVERSARY OF SULLY COUNTY AND ONIDA, SOUTH DAKOTA

● Mr. THUNE. Madam President, today I rise to recognize Sully County and the town of Onida, SD. They will commemorate the 125th anniversary of their founding with celebrations August 7–10, 2008.

Sully County and Onida were founded in 1883. Onida was named after Oneida, NY, with the intentional misspelling. Sully County was named after the builder of Fort Sully, General Alfred Sully. Since their beginning 125 years ago, the communities of Onida and Agar have continued to serve as strong examples of South Dakota values and traditions.

I would like to offer my congratulations to the citizens of Sully County on

this milestone anniversary and wish them continued prosperity in the years to come.●

REPORT ON THE CONTINUATION OF THE NATIONAL EMERGENCY AND RELATED MEASURES DEALING WITH THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2008.

Today, Liberia continues its peaceful transition to a democratic order under the administration of President Ellen Johnson-Sirleaf. The Government of Liberia has implemented reforms that have allowed for the removal of international sanctions on Liberian timber and diamonds, and Liberia is participating in the Kimberley Process Certification Scheme and the Extractive Industries Transparency Initiative to ensure that its natural resources are used to benefit the people and country of Liberia, rather than to fuel conflict. Charles Taylor is standing trial in The Hague by the Special Court for Sierra Leone. However, stability in Liberia is still fragile.

The regulations implementing Executive Order 13348 clarify that the subject of this national emergency has been and remains limited to the former Liberian regime of Charles Taylor and specified other persons and not the country, citizens, Government, or Central Bank of Liberia.

The actions and policies of former Liberian President Charles Taylor and other persons—in particular their unlawful depletion of Liberian resources, their trafficking in illegal arms, and their formation of irregular militia—continue to undermine Liberia's transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies pose an unusual and extraordinary threat to the foreign policy of the United States, and for these reasons, I have determined that it is necessary to

continue the national emergency with respect to the former Liberian regime of Charles Taylor.

GEORGE W. BUSH.
THE WHITE HOUSE, July 16, 2008.

TRANSMITTING THE AGREEMENT BETWEEN THE UNITED STATES AND POLAND ON SOCIAL SECURITY, CONSISTING OF A PRINCIPAL AGREEMENT AND AN ADMINISTRATIVE AGREEMENT—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

Pursuant to section as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1), I transmit herewith the Social Security Act, Agreement Between the United States of America and Poland on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The agreement was signed in Warsaw on April 2, 2008.

The United States-Poland Agreement is similar in objective to the social security agreements already in force with Australia, Austria, Belgium, Canada, Chile, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Poland Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Attached to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend to the Congress the United States-Poland Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, July 16, 2008.

MESSAGE FROM THE HOUSE

At 5:33 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill with an amendment, in which it requests the concurrence of the Senate:

S. 496. An act to reauthorize and improve the program authorized by the Appalachian Regional Development Act of 1965.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 3032. An act to amend the Federal Election Campaign Act of 1971 to permit candidates for election for Federal office to designate an individual who will be authorized to disburse funds of the authorized campaign committees of the candidate in the event of the death of the candidate.

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. 6455. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 299. Concurrent resolution supporting the goals and ideals of National Cystic Fibrosis Awareness Month.

H. Con. Res. 385. Concurrent resolution condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3268. A bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6455. An act to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 3270. An original bill to reauthorize the National Aeronautics and Space Administration, and for other purposes (Rept. No. 110-422).

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2009" (Rept. No. 110-423).

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

H.R. 3248. A bill to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3269. A bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUE:

S. 3270. An original bill to reauthorize the National Aeronautics and Space Administration, and for other purposes; from the Committee on Commerce, Science, and Transportation; placed on the calendar.

By Mr. INHOFE:

S. 3271. A bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 3272. A bill to make emergency supplemental appropriations for the National Institutes of Health for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, and Mr. HAGEL):

S. 3273. A bill to promote the international deployment of clean technology, and for other purposes; to the Committee on Foreign Relations.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. INOUE, Mr. STEVENS, Mr. PRYOR, Mr. SMITH, and Mr. WYDEN):

S. 3274. A bill to reauthorize the 21st Century Nanotechnology Research and Development Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 3275. A bill to establish a pilot program to preserve affordable housing options for low-income individuals; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 3276. A bill to provide for the application of sections 552, 552a, and 552b of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act) and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. SANDERS, Mr. LAUTENBERG, Mr. JOHNSON, Mr. BINGAMAN, and Mr. CASEY):

S. 3277. A bill to amend title 31 of the United States Code to require that Federal children's programs be separately displayed and analyzed in the President's budget; to the Committee on the Budget.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BIDEN (for himself and Mr. GRASSLEY):

S. Res. 614. A resolution designating the month of August 2008 as "National Medicine Abuse Awareness Month"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 686

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 686, a bill to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historical Trail.

S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S. 1232

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1232, a bill to direct the Secretary of Health and Human Services, in consultation with the Secretary of Education, to develop a voluntary policy for managing the risk of food allergy and anaphylaxis in schools, to establish school-based food allergy management grants, and for other purposes.

S. 1246

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1246, a bill to establish and maintain a wildlife global animal information network for surveillance internationally to combat the growing threat of emerging diseases that involve wild animals, such as bird flu, and for other purposes.

S. 1437

At the request of Ms. STABENOW, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 1437, a bill to require the Secretary of the Treasury to mint coins in commemoration of the semicentennial of the enactment of the Civil Rights Act of 1964.

S. 1603

At the request of Mr. MENENDEZ, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. DORGAN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1603, a bill to authorize Congress to award a gold medal to Jerry Lewis, in recognition of his outstanding service to the Nation.

S. 1638

At the request of Mr. LEAHY, the name of the Senator from Indiana (Mr.

LUGAR) was added as a cosponsor of S. 1638, a bill to adjust the salaries of Federal justices and judges, and for other purposes.

S. 1846

At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1846, a bill to improve defense cooperation between the Republic of Korea and the United States.

S. 2433

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 2433, a bill to require the President to develop and implement a comprehensive strategy to further the United States foreign policy objective of promoting the reduction of global poverty, the elimination of extreme global poverty, and the achievement of the Millennium Development Goal of reducing by one-half the proportion of people worldwide, between 1990 and 2015, who live on less than \$1 per day.

S. 2504

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 2504, a bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes.

S. 2505

At the request of Ms. CANTWELL, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2505, a bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes.

S. 2507

At the request of Mrs. HUTCHISON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2507, a bill to address the digital television transition in border states.

S. 2579

At the request of Mr. INOUE, the names of the Senator from Texas (Mrs. HUTCHISON) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2579, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the establishment of the United States Army in 1775, to honor the American soldier of both today and yesterday, in wartime and in peace, and to commemorate the traditions, history, and heritage of the United States Army and its role in American society, from the colonial period to today.

S. 2667

At the request of Mr. MENENDEZ, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 2667, a bill to direct the Attorney General to make an annual grant to the A Child Is Missing Alert and Recovery Center to assist law enforcement agencies in the rapid recovery of missing children, and for other purposes.

S. 2668

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2668, a bill to amend the Internal Revenue Code of 1986 to remove cell phones from listed property under section 280F.

S. 3038

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 3038, a bill to amend part E of title IV of the Social Security Act to extend the adoption incentives program, to authorize States to establish a relative guardianship program, to promote the adoption of children with special needs, and for other purposes.

S. 3069

At the request of Mrs. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 3069, a bill to designate certain land as wilderness in the State of California, and for other purposes.

S. 3083

At the request of Mr. BROWN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3083, a bill to require a review of existing trade agreements and renegotiation of existing trade agreements based on the review, to set terms for future trade agreements, to express the sense of the Senate that the role of Congress in trade policy-making should be strengthened, and for other purposes.

S. 3155

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3155, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 3156

At the request of Mr. WICKER, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 3156, a bill to require the Federal Communications Commission to prescribe a standard to preclude commercials from being broadcast at louder volumes than the program material they accompany.

S. 3186

At the request of Mr. SANDERS, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 3186, a bill to provide funding for the Low-Income Home Energy Assistance Program.

S. 3238

At the request of Mr. JOHNSON, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 3238, a bill to prohibit the importation of ruminants and swine, and fresh and frozen meat and

products of ruminants and swine, from Argentina until the Secretary of Agriculture certifies to Congress that every region of Argentina is free of foot and mouth disease without vaccination.

S. 3239

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3239, a bill to prohibit the Secretary of the Interior from issuing new Federal oil and gas leases to holders of existing leases who do not diligently develop the land subject to the existing leases or relinquish the leases, and for other purposes.

S. 3266

At the request of Mr. WARNER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3266, a bill to require Congress and Federal departments and agencies to reduce the annual consumption of gasoline of the Federal Government.

S. 3268

At the request of Mr. REID, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3268, a bill to amend the Commodity Exchange Act, to prevent excessive price speculation with respect to energy commodities, and for other purposes.

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 3268, *supra*.

S. RES. 580

At the request of Mr. BAYH, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Res. 580, a resolution expressing the sense of the Senate on preventing Iran from acquiring a nuclear weapons capability.

AMENDMENT NO. 4979

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of amendment No. 4979 intended to be proposed to S. 3001, an original bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 5076

At the request of Mr. THUNE, the names of the Senator from New York (Mrs. CLINTON), the Senator from North Dakota (Mr. DORGAN), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of amendment No. 5076 proposed to S. 2731, a bill 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.

AMENDMENT NO. 5081

At the request of Mr. GREGG, the name of the Senator from Tennessee

(Mr. CORKER) was added as a cosponsor of amendment No. 5081 proposed to S. 2731, a bill 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.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN (for himself and Ms. SNOWE):

S. 3269. A bill to require the Secretary of Commerce to establish an award program to honor achievements in nanotechnology, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, I am pleased to join today with my colleague from Maine, Senator SNOWE, to introduce the Nanotechnology Innovation and Prize Competition Act.

As Co-Chair of the Congressional Nanotechnology Caucus, and former Chair of the Subcommittee on Science, Technology, and Innovation, I have worked long and hard to advance U.S. competitiveness in nanotechnology. Nanotech is a rapidly developing field that offers a wide range of benefits to the country. It can create jobs, expand the economy, and strengthen America's position as a global leader in technological innovation.

Nanotechnology will redefine the global economy and revolutionize it with an amazing array of technological innovation. There is virtually no industry that will not be impacted by the advances we know are possible with nanotechnology. But to unlock the full benefits of nanotechnology's capabilities, the Federal Government must do more to partner with our Nation's innovative entrepreneurs, engineers, and scientists. To that end, I am proposing, along with Senator SNOWE, legislation that will create an X-Prize competition in nanotechnology.

Many people have heard of the X-Prize, a recent and high-profile example of a prize competition like the one Senator SNOWE and I are proposing today. The X-Prize was established in 1996 and set up a \$10 million prize fund for the first team who could make civilian space flight a reality. The award was successfully claimed just 8 years later. But that wasn't the only achievement the X-Prize accomplished. During that span of time, the \$10 million prize stimulated over \$100 million in research and development by the competitors.

Successful prize competitions are not limited to the X-Prize. We have seen the value of these kinds of competitions before. One of the most famous was the Orteig prize, which was to be awarded to the first person to fly non-stop across the Atlantic Ocean. Claimed, of course, by Charles Lindberg in 1927, the Orteig prize stimulated private investment 16 times greater than the amount of the prize. Imagine what kind of explosion in in-

vestment and innovation we could achieve in nanotechnology with the competition we're proposing today.

By establishing this nanotechnology prize competition, the Federal Government will promote public-private cooperation to accelerate investment in key areas and help solve critical problems. The very first prize competition was, in fact, a Government-sponsored competition that produced a revolutionary technological breakthrough. In 1714, the British Parliament established a prize for determining a ship's longitude at sea. At the time, the inability to accurately determine longitude was causing many ships to become lost. Solving this critical problem by creating a competition to find the answer paved the way to British naval superiority.

Today, other Government-sponsored prize competitions are driving technological breakthroughs and successes. For example, the DARPA Grand Challenge and Urban Challenge have stimulated tremendous advances in remotely-controlled vehicle technology.

The Nanotechnology Innovation and Prize Competition Act is a vital tool to help ensure that public and private resources will be utilized in a coordinated way and will be devoted to solving the complex and pressing problems that America faces today. This bill will also spur technological investment and create jobs here at home. Through this prize competition, the Government will be able to leverage its resources and focus the intellectual and economic capacity of our Nation's best and brightest entrepreneurs on finding the big answers we need in the smallest of technologies—nanotechnology.

The Nanotechnology Innovation and Prize Competition Act creates four priority areas for the establishment of prize competitions: green nanotechnology, alternative energy applications, improvements in human health, and the commercialization of consumer products. In each of these areas, nanotechnology holds the promise of tremendous breakthroughs if the necessary resources are devoted. This competition will make sure we get started as soon as possible on finding those breakthroughs. We all know that the competitive spirit is one of the strengths of our country. This bill will ignite that spirit in nanotech.

Again, I thank my colleague from Maine for her help and cooperation in introducing this bill. I also want to thank the Woodrow Wilson Center and the X-Prize Foundation for their work in helping to develop this bill. I look forward to working with the Commerce Committee, other members of the Congressional Nanotechnology Caucus, the administration and the entire nanotech community to pass the nanotechnology reauthorization bill.

I urge all my colleagues to support innovation and promote entrepreneurial competition by cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3269

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 "Nanotechnology Innovation and Prize Competition Act of 2008".

SEC. 2. NANOTECHNOLOGY AWARD PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary of Commerce shall establish a program to award prizes to eligible persons described in subsection (b) for achievement in 1 or more of the following applications of nanotechnology:

(1) Improvement of the environment, consistent with the Twelve Principles of Green Chemistry of the Environmental Protection Agency.

(2) Development of alternative energy that has the potential to lessen the dependence of the United States on fossil fuels.

(3) Improvement of human health, consistent with regulations promulgated by the Food and Drug Administration of the Department of Health and Human Services.

(4) Development of consumer products.

(b) ELIGIBLE PERSON.—An eligible person described in this subsection is—

(1) an individual who is—

(A) a citizen or legal resident of the United States; or

(B) a member of a group that includes citizens or legal residents of the United States; or

(2) an entity that is incorporated and maintains its primary place of business in the United States.

(c) ESTABLISHMENT OF BOARD.—

(1) IN GENERAL.—The Secretary of Commerce shall establish a board to administer the program established under subsection (a).

(2) MEMBERSHIP.—The board shall be composed of not less than 15 and not more than 21 members appointed by the President, of whom—

(A) not less than 1 shall—

(i) be a representative of the interests of academic, business, and nonprofit organizations; and

(ii) have expertise in—

(I) the field of nanotechnology; or

(II) administering award competitions; and

(B) not less than 1 shall be from each of—

(i) the Department of Energy;

(ii) the Environmental Protection Agency;

(iii) the Food and Drug Administration of the Department of Health and Human Services;

(iv) the National Institutes of Health of the Department of Health and Human Services;

(v) the National Institute for Occupational Safety and Health of the Department of Health and Human Services;

(vi) the National Institute of Standards and Technology of the Department of Commerce; and

(vii) the National Science Foundation.

(d) AWARDS.—The board established under subsection (c) shall make awards under the program established under subsection (a) as follows:

(1) FINANCIAL PRIZE.—The board may hold a financial award competition and award a financial award in an amount determined before the commencement of the competition to the first competitor to meet such criteria as the board shall establish.

(2) RECOGNITION PRIZE.—The board may recognize an eligible person for superlative achievement in 1 or more nanotechnology applications described in subsection (a). The award shall not include any financial remuneration.

(e) ADMINISTRATION.—

(1) CONTRACTING.—The board established under subsection (c) may contract with a private organization to administer a financial award competition described in subsection (d)(1).

(2) SOLICITATION OF FUNDS.—A member of the board or any administering organization with which the board has a contract under paragraph (1) may solicit funds from a private person to be used for a financial award under subsection (d)(1).

(3) LIMITATION ON PARTICIPATION OF DONORS.—The board may allow a donor who is a private person described in paragraph (2) to participate in the determination of criteria for an award under subsection (d), but such donor may not solely determine the criteria for such award.

(4) NO ADVANTAGE FOR DONATION.—A donor who is a private person described in paragraph (2) shall not be entitled to any special consideration or advantage with respect to participation in a financial award competition under subsection (d)(1).

(f) INTELLECTUAL PROPERTY.—The Federal Government may not acquire an intellectual property right in any product or idea by virtue of the submission of such product or idea in any competition under subsection (d)(1).

(g) LIABILITY.—The board established under subsection (c) may require a competitor in a financial award competition under subsection (d)(1) to waive liability against the Federal Government for injuries and damages that result from participation in such competition.

(h) ANNUAL REPORT.—Each year, the board established under subsection (c) shall submit to Congress a report on the program established under subsection (a).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated sums for the program established under subsection (a) as follows:

(1) For administration of prize competitions under subsection (d), \$750,000 for each fiscal year.

(2) For the awarding of a financial prize award under subsection (d)(1), in addition to any amounts received under subsection (e)(2), \$2,000,000 for each fiscal year.

By Mr. INHOFE:

S. 3271. A bill to amend the definition of commercial motor vehicle in section 31101 of title 49, United States Code, to exclude certain farm vehicles, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, today I introduce a bill that addresses a problem faced by a number of farmers in my State of Oklahoma and around the country when they drive their goods across State lines. Even though these farmers' trucks are within the weight limits set by their home States and the States to which they are traveling, they are triggering an arbitrary Federal weight regulation when they cross State lines in their farm vehicles. As a result, they are being ticketed and generally inconvenienced.

This issue has caused quite a stir in Oklahoma, and many are proposing solutions to address the problem. For example, two of my Oklahoma colleagues

in the House of Representatives introduced a bill last year that proposes one solution. The president of the Oklahoma Farm Bureau, Mike Spradling, discussed a number of options when he testified last week on this issue in front of the House Committee on Transportation and Infrastructure. I met today with Ray Wulf, president of the American Farmers and Ranchers Association, and his colleagues who also expressed ideas on how best to resolve this problem.

Today, I am furthering the debate with a solution that is both commonsense and achievable.

The Federal Motor Carrier Safety Administration defines a commercial motor vehicle, CMV, as a vehicle which has a gross vehicle weight rating or a gross combination weight rating of at least 10,001 pounds. However, States are allowed to exempt vehicles up to 26,001 pounds from the CMV determination if they are engaged solely in intrastate commerce. Farmers can cross State lines within 150 miles of their farms if the States have a reciprocity agreement. However, not all States have these agreements.

Once a farmer drives his truck into a State with which his home State does not have a reciprocity agreement, the 10,001 pound definition for a commercial motor vehicle kicks in and the farmer is then responsible for all of requirements of an operator of a commercial motor carrier. This is the case even if the States from which and to which the farmer is traveling each have weight exemptions for farm vehicles.

To illustrate this situation, consider the following example. An Oklahoma farmer lives ten miles from the Kansas border. He loads up his trailer with grain in order to transport his crop to the nearest grain elevator, which is across the State border in Kansas. Both Oklahoma and Kansas allow trucks to weigh up to 26,001 pounds for intrastate commerce. However, the States do not have a reciprocity agreement.

This farmer's truck weighs 24,000 pounds. Therefore, as long as he complies with the laws concerning farm vehicles in the State of Oklahoma, he is able to drive within the State without meeting all of the requirements of a commercial motor carrier. Likewise, if he lived in Kansas, he would be able to drive within the State without meeting CMV requirements.

Unfortunately, as soon as this farmer drives across the border from Oklahoma into Kansas—and becomes subject to the Federal laws for interstate commerce—his truck is considered a commercial motor vehicle because it weighs more than 10,001 pounds.

When a truck is considered a commercial motor vehicle, the driver must comply with the Federal requirements of a professional truck driver. These requirements include possessing a commercial driver's license and medical examination certificate, having Department of Transportation markings on

the vehicle, documenting hours of service, and becoming subject to controlled substance and alcohol testing. While these requirements serve important purposes for long-haul truck drivers, they are unnecessary for farmers who carry these loads only a few times a year.

After hearing from many farmers in Oklahoma who are frustrated by this seemingly illogical Federal regulation, today I am proposing legislation to make it so the Federal commercial motor vehicle definition of 10,001 pounds does not automatically apply when a farm vehicle crosses State lines. Instead, my bill states that the weight definition for a commercial motor vehicle for agricultural purposes is the weight as defined by the State in which the vehicle is being operated.

Currently, 32 States define a commercial motor vehicle as weighing 26,001 pounds or more. Under my bill, farmers will be able to drive between those States, like Oklahoma and Kansas, without triggering the Federal CMV definition of 10,001 pounds for interstate commerce and getting ticketed for a weight violation.

The second section of my bill states that the Department of Transportation cannot withhold grant money from States that choose to raise their weight limits above 10,001 pounds up to 26,001 pounds. If my bill passes, States with lower weight definitions may desire to increase them. This section will erase the concern that they may lose grant funding from DOT.

This bill is an effort to relieve American farmers from undue burdens and regulations when they transport their crops or livestock from one place to another. I look forward to working with my colleagues in the Senate and House to provide relief to farmers on this issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3271

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

SECTION 1. DEFINITION OF COMMERCIAL MOTOR VEHICLE.

Section 31101(1)(A) of title 49, United States Code, is amended to read as follows:

“(A)(i) except for vehicles described in clause (ii), has a gross vehicle weight rating or gross vehicle weight of at least 10,001 pounds; or

“(ii) is primarily engaged in the transportation of agricultural commodities or farm supplies and has a gross vehicle weight rating or gross vehicle weight of at least the minimum weight of a commercial motor vehicle (as defined by the State in which it is being operated);”.

SEC. 2. PRESERVATION OF GRANTS FOR STATES THAT INCREASE THE MINIMUM WEIGHT FOR COMMERCIAL MOTOR VEHICLES.

Section 31102 of title 49, United States Code, is amended by adding at the end the following:

“(f) PRESERVATION OF GRANTS FOR STATES THAT INCREASE THE MINIMUM WEIGHT FOR COMMERCIAL MOTOR VEHICLES.—The Secretary may not withhold grant funding from a State under this section solely because the State authorizes drivers of vehicles engaged in the transportation of agricultural commodities or farm supplies that have a gross vehicle weight of more than 10,000 pounds and less than 26,001 pounds, to operate without complying with Federal regulations relating to commercial motor vehicles.”.

By Mr. SPECTER (for himself and Mr. HARKIN):

S. 3272. A bill to make emergency supplemental appropriations for the National Institutes of Health for the fiscal year ending September 30, 2008, and for other purposes; to the Committee on Appropriations.

Mr. SPECTER. Mr. President, the bill that Senator HARKIN and I are introducing today would provide an additional \$5.2 billion in fiscal year 2008 for the National Institutes of Health—\$1.2 billion for the National Cancer Institute and \$4 billion for other NIH institutes.

The increases that the Labor, Health and Human Services and Education Subcommittee has provided over the past 20–30 years have dramatically improved the survival rates for many diseases—deaths from coronary artery disease declined by 18 percent between 1994 and 2004, stroke deaths also fell by 24.2 percent during that same time period. The 5-year survival rates for Hodgkin's lymphoma have increased from 40 percent in the 1960s to more than 86 percent today. Survival rates for localized breast cancer have increased from 80 percent in the 1950s to 98 percent today. Over the past 25 years, survival rates for prostate cancer have increased from 69 percent to nearly 99 percent. So we are seeing real progress. But for many other maladies, the statistics are not so good.

The remarkable medical advances we have seen thus far did not happen overnight. It takes a sustained commitment of time, effort and money for research institutions to train and recruit scientists skilled in the latest research techniques, and to develop the costly infrastructure where research takes place. Over the past several years Senator HARKIN and I have worked hard to find ways to increase NIH funding. We have offered amendments to budget resolutions, encouraged our colleagues on the Appropriations Committee to increase the subcommittee's allocation, and undertook what some would call creative budgeting to make more resources available for NIH. As scientists, doctors, and patients can attest, these efforts have paid off; these funding increases have been instrumental in realizing the medical breakthroughs we are experiencing today.

The \$875,000,000 increase for NIH approved recently by the Appropriations Committee is a step in the right direction, but it falls far short of the billions needed to make up lost ground and revitalize medical research in this country. Regrettably, Federal funding

for NIH has steadily declined from the \$3.8 billion increase provided in 2003—when the 5-year doubling of NIH was completed—to only \$328 million in fiscal year 2008. Beginning in 2004—if we would have sustained increases of \$3.5 billion per year, plus inflation—we would have \$23 billion more in funding for today. The shortfall in the President's fiscal year 2009 budget due to inflationary costs alone is \$5.2 billion. This funding decline has disrupted the flow of research progress, not just for today, but for years to come. The problem is that an entire generation of research scientists is being discouraged from going into the field of medical research, due to a lack of NIH research grants. This breach in Federal support, if it continues, will further slow ongoing research and hamper the ability to fund new research opportunities for the future.

The legislation that Senator HARKIN and I are introducing today would provide an immediate infusion of new research dollars, and while it will only make up the \$5.2 billion inflationary costs—it is a good starting point. The \$1.2 billion contained in this bill for the National Cancer Institute is consistent with the Institute's professional judgment budget and the recent recommendations of the cancer research community.

On June 6, 2008, I wrote to Ms. Nancy Brinker, Founder of the Susan G. Komen Breast Cancer Foundation; Dr. Richard Schilsky, American Society of Clinical Oncology; Ms. Ellen Stovall, President and CEO, National Coalition for Cancer Survivorship; Dr. Raymond Dubois, President, American Association for Cancer Research; Mr. Lance Armstrong, Lance Armstrong Foundation; and Dr. Ellen Sigal, Chairperson, Friends of Cancer Research and asked for their estimate and timeline on conquering cancer. Their reply was \$335 billion or approximately \$22 billion a year over the next 15 years.

While that may seem like a staggering amount of money, it pales in comparison to the savings research breakthroughs would produce in terms of lower health care costs and caregiver expenses, savings to business and the nation's overall economy.

Senator HARKIN and I, along with Senator KENNEDY and HUTCHISON are looking for ways to provide not just the \$5.2 billion contained in the legislation that we are introducing today, but to provide the billions of dollars needed for treatment and cures.

The partnership that TOM HARKIN and I have had since 1989 is solid and together we will find a way to increase this nation's investment in biomedical research.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be placed in the RECORD, as follows:

S. 3272

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 “NIH Emergency Supplemental Appropriations Act of 2008”.

SEC. 2. SUPPLEMENTAL APPROPRIATIONS.

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2008, and for other purposes, namely:

(1) For an additional amount for the “Office of the Director, National Institutes of Health”, \$4,000,000,000 which shall be transferred to the Institutes and Centers of the National Institutes of Health to be used to support additional scientific research.

(2) For an additional amount for the National Cancer Institute, \$1,200,000,000 to be used to support additional scientific research.

SEC. 3. GENERAL PROVISIONS.

(a) AVAILABILITY OF FUNDS.—No part of the appropriation contained in this Act shall remain available for obligation beyond the current fiscal year.

(b) EMERGENCY DESIGNATION.—Amounts in this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), and pursuant to section 501 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress).

By Mr. BIDEN (for himself, Mr. LUGAR, Mr. MENENDEZ, and Mr. HAGEL):

S. 3273. A bill to promote the international deployment of clean technology, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, with every new scientific report, the threat of global climate change becomes clearer. With every new economic report, the energy needs of developing countries continue to grow as millions of their citizens move out of poverty.

From the beginning of the Industrial Revolution, we here in the United States, along with the other industrial nations, grew our economies using cheap energy, building up the stock of greenhouse gases now in our atmosphere. But, today, even as we try to maintain economic growth with lower emissions, developing nations threaten to overwhelm any gains we can make in the fight against climate change.

No matter what we in the U.S. do about our own energy use, the developing world’s demand for energy—in its cheapest form, from fossil fuels—will continue to rise. That would be a disaster. According to the International Energy Agency, by 2030 energy demand worldwide will increase by 55 percent, and nearly 80 percent of this rise will be in developing countries.

To address the threat of climate change, we must steer those countries onto a path of cleaner energy and cleaner development. It is in our national interest to reduce the environmental, economic, and national security threat of a changed global climate. But this is not just about avoiding

threats. This can be an opportunity for the U.S. to capture the markets of the future, the next generation of clean power technologies.

That is why I am joining today with Senators LUGAR, MENENDEZ, and HAGEL to introduce legislation to create an International Clean Technology Deployment Fund. This fund will be available to promote the international deployment of U.S. technology as a new component to our overall international economic development assistance. By supporting the market for that technology, it can help to stimulate research, investment, and job creation in industries with the potential for long-term growth. This can be a win for the planet and a win for our economy.

From its beginning in 1992, the United Nations Framework Convention on Climate Change has called for mechanisms whereby the developed, industrialized nations can provide the means for developing nations to reduce their greenhouse gas emissions. As recently as the last major meeting of the parties to that convention at Bali last December, that principle was reiterated as part of the Bali Action Plan.

In a similar vein, when President Bush submitted his budget earlier this year, he called for funding to support U.S. participation in a Clean Technology Fund, to be housed at the World Bank. That is one approach for which the resources our legislation authorizes could be used. Our allies, including Great Britain, and Japan, are among other donors interested in the establishment of that fund, whose goals are similar to those of the legislation we are introducing today.

The purpose of our legislation is, and I quote, “to promote and leverage private financing for the development and international deployment of technologies that will contribute to sustainable economic growth and the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.”

An important goal of our legislation is to add the consideration of climate change more consistently and systematically to our foreign assistance strategy. The majority of greenhouse gas emissions in the future will be coming from the developing countries of the world. The choice is simple—we can ignore the climate impact of our assistance programs, or we can move those programs into a comprehensive strategy of clean economic development.

In this legislation, we establish an International Clean Technology Deployment Fund, to support the export of U.S. clean energy technology and expertise to developing nations. The Fund will be administered by a Board composed of relevant executive branch officials. They are authorized to distribute money in a number of ways, provided certain triggers are met. These ways include through multilateral trust funds, bilateral initiatives,

existing U.S. programs such as USAID and technical assistance programs.

Funds can only go to eligible countries. A country, to be eligible, first must be a developing country. More importantly, it must take on its own climate change commitments, either through an international agreement to which the U.S. is a party, or by taking on what the Board certifies are sufficient binding national commitments. Additionally, every distribution of funding will require prior congressional notification.

Our bipartisan coalition, in consultation with many interested groups, worked to achieve a structure that will ensure that we have a range of options to help developing countries grow on a cleaner path, but still achieve real reductions in global greenhouse gas emissions.

The Bali Action Plan, which the U.S. agreed to last December, sets the goal of reaching a new global agreement by December 2009, when parties will meet in Copenhagen. This is an ambitious schedule, made more complicated by our election schedule here at home.

With the time so short, it is our hope that this bill will begin to address some part of the Bali Action Plan, which includes support for developing countries in addressing technology deployment, adaptation, and deforestation. Our legislation addresses just one part of that framework, but it is an important one.

It can put the developing countries on a path of clean, sustainable economic growth, protect us and our children from the economic and security threats of global climate change, and help us create the industries and jobs of the future.

By Mr. GRASSLEY (for himself and Mr. SPECTER):

S. 3276. A bill to provide for the application of sections 552, 552a, and 552b of title 5, United States Code, (commonly referred to as the Freedom of Information Act and the Privacy Act) and the Federal Advisory Committee Act (5 U.S.C. App.) to the Smithsonian Institution, and for other purposes; to the Committee on Rules and Administration.

Mr. GRASSLEY. Mr. President, the Smithsonian Institution is an important icon to many Americans. It houses treasures of our national history in its museums across the country. The Smithsonian Institution is not just a museum but also an educational institution and a research complex. It consists of 19 museums and galleries, 9 research facilities, and has 144 affiliated museums around the world. The Smithsonian manages this vast array of facilities and receives 70 percent of its funding directly from the federal government through congressional appropriations. There is no debate that the Smithsonian is an important part of our country.

However, over the last few years I have been critical of the management

of the Smithsonian Institution, beginning with story after story detailing the “Champagne lifestyle” the former Secretary of the Smithsonian enjoyed at institution expense. Through my oversight of the Smithsonian as a tax-exempt entity, and investigative reporting by the Washington Post, other egregious examples have emerged. These revelations have detailed the Smithsonian’s management failures and lax accountability over the spending of millions of institution dollars.

The former secretary spent millions of institution dollars on the redecoration of his office, housing allowances, and household expenses including chandelier cleaning and a new heater pump for his lap pool. He and his wife enjoyed first-class plane travel and top hotels.

Ultimately, Secretary Small resigned on March 26, 2007.

The deputy secretary and chief operating officer of the Smithsonian Institution, announced her resignation on June 18, 2007, after earning more than \$1.2 million in 6 years for outside duties, including highly compensated seats on corporate boards, and that she and other top executives were frequently absent from their Smithsonian duties.

An independent management report released in June 2007 concluded that Smithsonian leaders took extraordinary measures to keep secret top executives’ compensation, expense-account spending, ethical missteps, and management failures.

In August 2007, the Smithsonian replaced Gary M. Beer as chief executive of Smithsonian Business Ventures after an inspector general’s report found he had abused his institution-issued credit card and billed thousands of dollars in expenditures that were unauthorized or lacked evidence of a business purpose.

In December 2007, W. Richard West, Jr., who was the founding director of the National Museum of the American Indian, retired after disclosures that he spent extensive time away from the museum and spent more than \$250,000 in 4 years on trips to places including Paris, Venice, Singapore, and Indonesia.

In February 2008, Pilar O’Leary, the head of the Smithsonian Latino Center, resigned after an internal investigation found that she violated a variety of rules and ethics policies by abusing her expense account, trying to steer a contract to a friend and soliciting free tickets for fashion shows, concerts, and music award ceremonies. Ultimately, the Smithsonian Inspector General concluded that there were 14 violations of ethical and conflict of interest policies. The public did not learn of the reason for her resignation until April 15, 2008, when the Washington Post published a story after requesting under the Freedom of Information Act and ultimately receiving a heavily redacted copy of the Smithsonian Inspector General’s report on Ms. O’Leary.

When Ms. O’Leary’s resignation was announced to Smithsonian staff, the Smithsonian’s official e-mail did not mention ethical lapses and in fact praised her work.

Only upon the specter of public disclosure did the Smithsonian’s acting secretary say in a second e-mail to staff that O’Leary had “engaged in behavior that violated our Standards of Conduct and other Smithsonian policies between August 2005 and September 2007.”

The acting secretary at the time said such reports from the Inspector General were not always public, but Smithsonian officials determined O’Leary “held a position of such significant responsibility and public visibility that disclosure . . . was warranted.”

This raises a series of disturbing questions. What if a Post reporter had not somehow learned of the O’Leary report and formally asked the Smithsonian for a copy? Would the circumstances of Ms. O’Leary’s resignation ever have seen the light of day? Once the report was released in a redacted form, was it appropriately redacted or was it redacted beyond what is reasonable to protect the privacy of third parties? Does the Smithsonian withhold other potentially embarrassing reports? If the individual had not been the head of a Smithsonian agency, and had a lower stature, would the report ever have been disclosed in any form?

If the past is prologue, probably not. The Smithsonian points out that it is not subject to the Freedom of Information Act, FOIA.

Many people would naturally think that the Smithsonian is subject to FOIA and must comply with requests. I know that I believed it was, especially given that taxpayer funds make up 70 percent of its budget. However, because the creation of the Smithsonian was different than the creation of other Federal Government agencies, there is an open question as to what open government and good governance statutes apply to the Smithsonian. For example, the Smithsonian’s own website states, “The Smithsonian Institution is not an executive branch agency and is not required by statute to provide documents to the public.” However, the Smithsonian does state that it is guided by “internal policy, and by FOIA and other relevant law” when providing documents to the public. What this highly technical answer means is that the Smithsonian doesn’t believe it is required to respond under FOIA but it will as long as its interests are in line with the release.

The legal status of the Smithsonian is also an open question with the prevailing law finding that for purposes of the Privacy Act and FOIA, the Smithsonian is not a government “agency” subject to the requirements. Instead, the Smithsonian calls itself a “trust instrumentality of the United States.” However, the Smithsonian takes a different position when it is faced with a

lawsuit filed under the Federal Tort Claims Act and considers itself a “federal agency.” Taken together, these decisions have given the Smithsonian the best of both worlds—they are a government entity when information is sought that could embarrass them, but when they are sued, they get all the defenses of a government entity.

In light of the oversight findings and the many scandals that have raised questions about accountability and mismanagement at the Smithsonian, I’m introducing the Open and Transparent Smithsonian Act of 2008. This bill simply states that for the purposes of FOIA, the Privacy Act, and the Federal Advisory Committee Act, the Smithsonian shall be considered a Federal Government agency. This is a simple, straightforward way to bring transparency and accountability to the Smithsonian without expending additional Federal resources. This is especially important given that the Smithsonian received continual increases in congressional appropriations from fiscal years 1999–2008, now totaling \$682 million in taxpayer dollars for fiscal year 2008.

On July 1, Wayne Clough took over as only the 12th secretary in Smithsonian history. He comes at a critical juncture. Will the Smithsonian recover from a series of scandals and regain its sterling reputation? Or will it backslide into bad old habits that could lead to more scandals?

The new secretary deserves the best possible chance to succeed. One of the best tools Congress can give him is a clear, definitive statement through legislative action that the Freedom of Information Act does indeed apply to the Institution, and that the Smithsonian’s business is the people’s business.

In addition to adding the Smithsonian to FOIA and Privacy Act, section 3 of this bill includes another important transparency fix to the Privacy Act. Currently, the Privacy Act provides that disclosure of information by a government agency is limited unless an enumerated exception applies. One of the most widely used exceptions allows for the disclosure of information to “either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof.” However, the Department of Justice has interpreted this to only allow for disclosures to chairmen of committees, excluding information from ranking minority members.

In a December 2001 letter opinion, the Department of Justice concluded, “the Privacy Act prohibits the disclosure of Privacy Act-protected information to the ranking minority member.” The rationale for this decision was that longstanding executive branch practice on this question shows that “ranking minority members are not authorized to make committee requests.” This opinion clearly looks past the plain language of the statute that says that the exception applies to “either House

of Congress or to the extent of matter within its jurisdiction, any committee or subcommittee thereof." This interpretation clearly bypasses the inclusion of the word "or" and instead reads that Congress only intended it to apply to committee chairman. Conveniently, this opinion has been repeatedly used to block information requested from ranking members.

Section 3 of the bill corrects this erroneous interpretation by clearly adding in that chairman and ranking members may qualify for the exception under the Privacy Act. This provision is consistent with the intent of the Privacy Act exception and the goals of making the government more transparent and accountable under good governance statutes.

This bill is a simple, straightforward effort to make our Federal Government more accountable to the American taxpayers. Further, it will help ensure that Congress has the necessary access to documents from the executive branch so it can conduct its constitutionally required duty of oversight. I am pleased that Senator SPECTER has joined as an original cosponsor and urge my colleagues to support swift passage of this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 614—DESIGNATING THE MONTH OF AUGUST 2008 AS "NATIONAL MEDICINE ABUSE AWARENESS MONTH"

Mr. BIDEN (for himself and Mr. GRASSLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 614

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly;

Whereas the abuse and recreational use of over-the-counter and prescription medicines can be extremely dangerous and produce serious side effects;

Whereas in a recently sampled month, 7,000,000 individuals aged 12 or older reported using prescription psychotherapeutic medicines for nonmedical purposes;

Whereas abuse of prescription medicines, including pain relievers, tranquilizers, stimulants, and sedatives is second only to marijuana, the number 1 illegal drug of abuse in the United States;

Whereas recent studies indicate that 2,400,000 children, or 1 in 10 children aged 12 through 17, have intentionally abused cough medicine to get high from the ingredient dextromethorphan;

Whereas 4,500,000, or 1 in 5, young adults have used prescription medicines for nonmedical purposes;

Whereas according to research from the Partnership for a Drug-Free America, more than 1/3 of teens mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using more traditional street drugs;

Whereas the lack of understanding by teens and parents of the potential harms of these powerful prescription drugs makes raising public awareness about the dangers of the misuse of such drugs more critical than ever;

Whereas misused prescription drugs are most often obtained through friends and relatives;

Whereas misused prescription drugs are also obtained through rogue Internet pharmacies;

Whereas parents should be aware that the Internet gives teens access to websites that promote medicine abuse;

Whereas National Medicine Abuse Awareness Month promotes the messages that over-the-counter and prescription medicines should be taken only as labeled or prescribed, and that taking over-the-counter and prescription medicines for recreational uses or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to become educated about prescription drug abuse and talk to teens about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the misuse of medicines;

Whereas some groups, including the Consumer Healthcare Products Association and the Community Anti-Drug Coalition of America, have taken important steps by creating educational toolkits, including "A Dose of Prevention: Stopping Cough Medicine Abuse Before it Starts", which provides guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential dangers of abusing over-the-counter cough and cold medicines;

Whereas the Partnership for a Drug-Free America and community alliance and affiliate partners have undertaken a nationwide prevention campaign utilizing research-based educational advertisements, public relations and news media, and the Internet to inform parents about the negative teen behavior of intentional abuse of medicines so that parents are empowered to effectively communicate the facts about this dangerous trend with teens and to take necessary steps to safeguard prescription and over-the-counter medicines at home; and

Whereas educating the public about the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb the disturbing rise in medicine misuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the month of August 2008 as "National Medicine Abuse Awareness Month"; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth about the potential dangers associated with medicine abuse.

Mr. BIDEN. Mr. President, I rise today to introduce a resolution marking August 2008 as National Medicine Abuse Awareness Month. The intentional misuse of prescription and over-the-counter drugs remains a serious problem in this country. This resolution builds on the progress we have made in raising teens' and parents' awareness of the issue, and it seeks to expand our educational efforts even further.

While recent studies indicate that overall use of illegal drugs has remained relatively stable and use among teens has declined since 2002, the misuse of so-called "legal" medications is a serious and growing problem. The figures speak for themselves: 1 in 5

teens has misused a prescription drug, and more people age 12 or older have recently started abusing prescription pain relievers than started smoking marijuana.

Abuse of over-the-counter cough and cold medicines is also alarming. While over-the-counter and prescription medicines are extremely safe and effective when used properly, the abuse and recreational use of these medicines can be lethal. A study by the Partnership for a Drug-Free America indicates that 1 in 10 young people aged 12 through 17, or 2.4 million kids, have intentionally abused cough medicine to get high off its active ingredient, Dextromethorphan, or DXM. In March, I chaired a hearing in the Judiciary Crime and Drugs Subcommittee where-at Misty Fetko told the tragic story of her son Carl's overdose death from a combination of painkillers and over-the-counter cough and cold medicine. These tragedies continue and we have got to work to stop this abuse.

Educating teens and parents about the dangers of medicine abuse is an important component of solving this multifaceted problem. Too many teens think that prescription and over-the-counter medicines are safe anytime, in any dose, and even without a prescription or doctor supervision. They are gravely mistaken. Prescription drug abuse, without a valid prescription and close monitoring by a physician, can lead to dependency, overdose, and even death. Misuse of over-the-counter medicines can similarly cause harmful results.

Another reason driving this abuse is the fact that these drugs are cheap and easy to obtain. A bottle of cough syrup costs a few dollars at the local drug store and prescription drugs can often be found in unguarded medicine cabinets at home. A February 2007 report released by the office of National Drug Control Policy revealed that a shocking 47 percent of youth got their prescription drugs for free from a relative or friend. Parents are becoming their kids' drug dealers and don't even know it.

But we can turn these numbers around through robust education, awareness, and enforcement efforts—and that's just what National Medicine Abuse Awareness Month tries to accomplish by promoting the message that over-the-counter and prescription medicines must be taken only as labeled or prescribed, and that when used recreationally or in large doses they can have serious and life-threatening consequences. The resolution will help remind parents that access to drugs that are abused doesn't just happen in alleys and on the streets, but can often occur right in their medicine cabinets at home.

A number of groups have proactively worked to curb this abuse and I hope this resolution pushes their efforts even further. For example, the Consumer Health Care Products Association and the Community Anti-Drug Coalition of America have teamed up to

create educational toolkits, such as “A Dose of Prevention: Stopping Cough Medicine Abuse Before It Starts,” which include guides to educate parents, teachers, law enforcement officials, doctors and healthcare professionals, and retailers about the potential harms of over-the-counter drug abuse. In addition, the Partnership for Drug-Free America and its community alliance and affiliate partners are undertaking a nationwide prevention campaign that uses research-based educational advertisements, public relations, news media and the Internet to inform parents about the prevalence of intentional abuse of medicines among teens. These campaigns empower parents to effectively communicate the facts of this dangerous trend to their children and to take necessary steps to safely store prescription and over-the-counter medicines in their homes.

I have long advocated robust prevention efforts as a key component to getting a handle on any substance abuse problem. As is the case with other substance abuse issues, prevention is just as important here and educating parents and teens about the realities of medicine abuse is critical. I hope this resolution encourages communities, companies, prevention organizations, parents and others to raise awareness about these dangers, talk to our kids, and keep advancing our efforts to prevent all types of substance abuse in this country.

AMENDMENTS SUBMITTED AND PROPOSED

SA 5084. Mr. DORGAN (for himself, Mr. THUNE, Mr. JOHNSON, Mr. KYL, Mr. BINGAMAN, Ms. MURKOWSKI, and Mrs. CLINTON) proposed an amendment to amendment SA 5076 proposed by Mr. THUNE (for himself, Mr. KYL, Mr. JOHNSON, Mr. TESTER, and Mr. DOMENICI) to the bill S. 2731, 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.

SA 5085. Mr. BIDEN (for Mr. GREGG) proposed an amendment to the bill S. 2731, supra.

SA 5086. Mr. BIDEN (for Mr. VITTER) proposed an amendment to the bill S. 2731, supra.

SA 5087. Mr. BIDEN (for Mr. SESSIONS) proposed an amendment to the bill S. 2731, supra.

TEXT OF AMENDMENTS

SA 5084. Mr. DORGAN (for himself, Mr. THUNE, Mr. JOHNSON, Mr. KYL, Mr. BINGAMAN, Ms. MURKOWSKI, and Mrs. CLINTON) proposed an amendment to amendment SA 5076 proposed by Mr. THUNE (for himself, Mr. KYL, Mr. JOHNSON, Mr. TESTER, and Mr. DOMENICI) to the bill S. 2731, 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; as follows:

On page 4, line 8, strike “and water” and insert “, water, and health care”.

On page 4, line 12, strike “25 percent” and insert “18.5 percent”.

On page 4, line 15, strike “2.5 percent” and insert “1.5 percent”.

On page 4, line 21, strike “1 percent” and insert “0.5 percent”.

On page 5, line 12, strike “20 percent” and insert “15.5 percent”.

On page 5, line 20, strike “45 percent” and insert “50 percent”.

On page 6, strike lines 7 through 17 and insert the following:

(3) the Secretary of Health and Human Services, acting through the Director of the Indian Health Service, shall use 12.5 percent to provide, directly or through contracts or compacts with Indian tribes under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)—

(A) contract health services;

(B) construction, rehabilitation, and replacement of Indian health facilities; and

(C) domestic and community sanitation facilities serving members of Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) pursuant to section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a).

SA 5085. Mr. BIDEN (for Mr. GREGG) proposed an amendment to the bill S. 2731, 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; as follows:

On page 77, line 2, strike “and”

On page 77, line 5, strike “.” and insert a semicolon.

On page 77, between lines 5 and 6, insert the following:

“(C) the inclusion of cost sharing assurances that meet the requirements under section 110; and

“(D) the inclusion of transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”

On page 88, line 22, strike “.” and insert the following: “, including—

“(A) cost sharing assurances that meet the requirements under section 110; and

“(B) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, or budget support by respective foreign governments.”

On page 94, after line 25, add the following:

“(G) Amounts made available for compacts described in subparagraphs (A) and (B) shall be subject to the inclusion of—

“(i) cost sharing assurances that meet the requirements under section 110; and

“(ii) transition strategies to ensure sustainability of such programs and activities, including health care systems, under other international donor support, and budget support by respective foreign governments.

SA 5086. Mr. BIDEN (for Mr. VITTER) proposed an amendment to the bill S. 2731, 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; as follows:

On page 60, strike line 2.

On page 60, line 12, strike the period at the end and insert the following: “; and

(K) has established procedures providing access by the Office of Inspector General of

the Department of State and Broadcasting Board of Governors, as cognizant Inspector General, and the Inspector General of the Health and Human Services and the Inspector General of the United States Agency for International Development, to Global Fund financial data, and other information relevant to United States contributions (as determined by the Inspector General in consultation with the Global AIDS Coordinator).

SA 5087. Mr. BIDEN (for Mr. SESSIONS) proposed an amendment to the bill S. 2731, to authorize appropriations for fiscal year’s 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes; as follows:

On page 20, line 13, strike “and” and all that follows through “(C)” on line 14, and insert the following:

“(C) promoting universal precautions in formal and informal health care settings;

“(D) educating the public to recognize and to avoid risks to contract HIV through blood exposures during formal and informal health care and cosmetic services;

“(E) investigating suspected nosocomial infections to identify and stop further nosocomial transmission; and

“(F)

On page 28, line 13, insert “public education about risks to acquire HIV infection from blood exposures, promotion of universal precautions, investigation of suspected nosocomial infections” after “safe blood supply.”

On page 102, line 21, strike “and” and all that follows through “(xii)” on line 22, and insert the following:

“(xii) building capacity to identify, investigate, and stop nosocomial transmission of infectious diseases, including HIV and tuberculosis; and

“(xiii)”

On page 132, between lines 12 and 13, insert “public education about risks to acquire HIV infection from blood exposures, promoting universal precautions, investigating suspected nosocomial infections.”

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, July 23, 2008, at 9:45 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the status of existing Federal programs targeted at reducing gasoline demand in the near term and to discuss additional proposals for near term gasoline demand reductions.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to RosemarieCalabro@energy.senate.gov.

For further information, please contact Deborah Estes at (202) 224-5360 or Rosemarie Calabro at (202) 224-5039.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, July 16, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Childhood Obesity: The Declining Health of America's Next Generation—Part I" on Wednesday, July 16, 2008. The hearing will commence at 2:30 p.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Wednesday, July 16, 2008, at 10 a.m. to conduct a hearing entitled "The Global Nuclear Detection Architecture: Are We Building Domestic Defenses That Will Make the Nation Safer From Nuclear Terrorism?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 16, 2008, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BIDEN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled "How the Administration's Failed Detainee Policies Have Hurt the Fight Against Terrorism: Putting the Fight Against Terrorism on Sound Legal Foundations" on Wednesday, July 16, 2008, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, July 16, 2008, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BIDEN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on Wednesday, July 16, 2008 from 10:30 am-12:30 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR AND NUCLEAR SAFETY

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, July 16, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to hold a hearing entitled, "Nuclear Regulatory Commission's Licensing and Relicensing Processes for Nuclear Plants."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. BIDEN. Mr. President, I ask unanimous consent that the Subcommittee on Public Lands and Forests be authorized to meet during the session of the Senate to conduct a hearing on Wednesday, July 16, 2008, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. BIDEN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Wednesday, July 16, 2008, at 2 p.m. to conduct a hearing entitled, "A Domestic Crisis with Global Implications: Reviewing the Human Capital Crisis at the State Department."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Jeffrey Phan, a fellow in my office, be permitted floor privileges today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that two law clerks from my staff—Rob Abraham and Ysmael Fonseca—and Jordan LaClair, an intern in my office, be granted floor privileges for the remainder of this work period.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THURGOOD MARSHALL

Mr. SALAZAR. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 381, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 381) honoring and recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. LEAHY. Madam President, this month marks the 100th anniversary of the birth of Justice Thurgood Marshall, a legal giant who left an enduring imprint on the Nation. As an advocate, he challenged his country to live up to its promises of equal justice for all citizens. As a jurist, he served as our collective conscience and articulated our deepest convictions. Today we pay tribute to this American hero, and we recognize that our democracy is stronger because he lived.

Justice Marshall was the great grandson of a slave. He attended segregated schools in Baltimore. From these humble origins, he rose to become the first African American to be Solicitor General of the United States, to sit on the Second Circuit Court of Appeals, and to serve on the highest court in the land.

Justice Marshall, however, was more than a legal pioneer. He worked tirelessly to realize his vision of civil rights lawyers acting as social engineers who would change America for the better. He endured countless hardships and risked his life traveling through the South seeking to secure civil rights. Justice Marshall did so because of his abiding faith that racial injustice was incompatible with our highest ideals. He believed America could be more inclusive and our democracy more expansive than the Founders ever imagined.

Because of his audacious work and his indomitable spirit, our children and grandchildren are able to learn and live together. Minority candidates can—and have—run for public office, and we are part of living history as Senator BARACK OBAMA continues his campaign to become this country's first African-American President. The poor and the powerless cannot be compelled to confess to a crime while under duress. And all Americans enjoy strengthened privacy and first amendment protections. These are some of the many achievements of Justice Marshall.

Despite his enormous contributions, Justice Marshall's work to secure basic rights for all remains unfulfilled. Today, racial bias persists and human rights violations continue to challenge our commitment to equal justice. Equally disturbing, the current Supreme Court has begun closing the courthouse doors to those Americans

most in need of the Court's protection and rolling back decades of progress on civil rights.

I recall a 1992 Independence Day speech by Justice Marshall where he eloquently reminded us that guarding our precious rights requires constant vigilance. He said: "Democracy just cannot flourish amid fear. Liberty cannot bloom amid hate."

As we honor this great man today, let our tribute be a renewed commitment to ensuring that our Federal courts are comprised of men and women who share Justice Marshall's commitment to protecting our fundamental freedoms and securing equal justice for all.

Mr. SALAZAR. Madam President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the concurrent resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 381) was agreed to.

The preamble was agreed to.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Section 154 of Public Law 108-199, as amended, appoints the following Senator as Vice Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 110th Congress: The Honorable JUDD GREGG of New Hampshire.

Mr. SALAZAR. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR THURSDAY, JULY 17, 2008

Mr. SALAZAR. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow, Thursday, July 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the

time for the two leaders be reserved for their use later in the day, and the majority leader be recognized for a motion to proceed; following the majority leader's motion, the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each, with the Republicans controlling the first 30 minutes and the majority controlling the next 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SALAZAR. Madam President, following the prayer and the pledge, it is the majority leader's intention to move to proceed to the consideration of S. 3268, the speculation bill.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SALAZAR. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:30 p.m., adjourned until Thursday, July 17, 2008, at 10 a.m.

EXTENSIONS OF REMARKS

A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF BAKERS- FIELD PRESBYTERIAN CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Bakersfield Presbyterian Church is celebrating its 175th anniversary; and

Whereas, the congregation of Bakersfield Presbyterian continue to be active, enthusiastic members of our community; and

Whereas, Bakersfield Presbyterian received a congratulatory plaque from the Presbyterian Church General Assembly for their 175 years; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend Bakersfield Presbyterian Church and its congregation for their unwavering commitment, dedication and contributions to their community and country in recognition of their 175 years.

RECOGNIZING SERGEANTS STE- PHEN AND JEFFERY BROWN, SCOTSDALE HEALTHCARE'S "SALUTE TO MILITARY" HON- OREE

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. MITCHELL. Madam Speaker, I rise today in recognition of Sergeants Stephen and Jeffery Brown, Scottsdale Healthcare's "Salute to Military" Honorees for July 2008. Scottsdale Healthcare has recognized Sergeants Stephen and Jeffery Brown and other physicians with a connection to the Armed Services for their diligent service to this country.

I commend Scottsdale Healthcare for paying tribute to such deserving servicemembers. Sergeants Stephen and Jeffery Brown are brothers and the third generation of men in their family to proudly serve in the military.

Sergeant Stephen Brown is currently on active duty and assigned to the 3rd Infantry Division from Fort Steward, Georgia. He returned home in mid-July from a second tour of duty in Iraq, to which he deployed in April 2007. Sergeant Stephen Brown is a Satellite Communications Technician and Computer Network Operator. Some of his awards include two Army Commendation Medals.

Sergeant Jeffery Brown is also currently on active duty. He supports the 82nd Airborne Division from Fort Bragg, North Carolina. Sergeant Jeffery Brown is currently deployed to Iraq on his first tour of duty. He is expected to return in January 2009. He is a Licensed Practical Nurse and Medic now serving in a Combat Support Hospital in Iraq. Some of his awards include the Army Achievement and Army Service medals.

The brothers' continued sacrifice extended well into their personal lives—despite working in the same Area of Operations, they saw each other only sporadically. One reunion took place over Thanksgiving, when the men were able to enjoy dinner together until their base fell under a rocket and mortar attack. Thankfully, no one was injured.

Madam Speaker, please join me in recognizing Sergeants Stephen and Jeffery Brown's tireless dedication to serving our country and protecting the lives of other servicemen facing combat.

MEDICARE IMPROVEMENT FOR PA- TIENTS AND PROVIDERS ACT OF 2008

SPEECH OF

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mrs. BACHMANN. Madam Speaker, today, the House voted to override the President's veto of H.R. 6331, the Medicare Improvements for Patients and Providers Act. Although I had previously opposed this legislation, I reluctantly cast my vote in favor of overriding the veto. While I maintain my concerns over the funding cuts to Medicare Advantage plans contained in the bill, H.R. 6331 corrects the scheduled physician payment cuts and we have simply run out of time to negotiate further on this matter.

Ensuring access to health care is critical for all Americans. It is especially important that senior citizens, who are at a particularly vulnerable time, receive high quality, affordable care. Consequently, in 2003, Congress created Medicare Advantage plans which combine the reliable nature of Medicare with the quality and value of a competitively driven market. With nearly 10 million Medicare beneficiaries currently enrolled in Medicare Advantage plans, up nearly 60 percent since 2004, America's seniors are seeing the benefits of these plans, offering greater choice, lower out-of-pocket costs, and expanded service.

Unfortunately, the bill placed before us today actually falls short of a compromise that would have staved off the devastating reimbursement cuts and preserved valuable access to Medicare Advantage plans. Seeing how near Senate Finance Committee leaders were to reaching an optimal compromise, I originally opposed H.R. 6331. However, it is clear now that this bill represents the only vehicle to combat the painful cuts to physician payments and to maintain seniors' access to Medicare providers, and therefore it must be supported.

Madam Speaker, America's physicians have called on Congress to prevent a devastating cut to their Medicare reimbursement payments. This cut could have dangerous implications for America's seniors, risking access to the health coverage on which they rely. While

H.R. 6331 does not represent the full extent of what I feel could have been done to address the health care needs for our senior citizens, it does defeat the most imminent threat. I remain hopeful that Congress will revisit this matter and restore Medicare Advantage to its true potential

COLLABORATION BETWEEN CARIBBEAN AND NEW YORK

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize the efforts made by the Caribbean Community and Common Market, CARICOM, nations and New York City, to stimulate and promote new economic partnerships.

The new relationships that were formed during this year's CARICOM conference have already begun to show prosperous results. Most notable is an agreement made between the University of the West Indies and Medgar Evers College in New York. The agreement was signed by the Honorable Prime Minister of St. Kitts and Nevis, Dr. Denzil L. Douglas and Dr. Edison Jackson, President of Medgar Evers College.

Dr. Douglas has introduced the possibility of an exchange program between the two regions that would include educational programs in the areas of tourism, transportation, climate change, research and outreach.

This newly formed agreement will not only boost economic development in the Caribbean, but it will bridge the gap between the region and the New York based diaspora. I would like to commend the work of all parties that played a part in the creation of this agreement.

COLLABORATION BETWEEN CARIBBEAN AND NEW YORK

BASSETTERRE, ST. KITTS.—St. Kitts and Nevis Prime Minister Hon. Dr. Denzil L. Douglas said a Memorandum of Understanding signed between the University of the West Indies (UWI) and the Medgar Evers College in New York would form the basis for moving forward after the Caribbean-New York Conference last week.

Speaking at the signing, Prime Minister Douglas, the Lead Head of Government for Education and Health matters in the CARICOM Quasi Cabinet, said the engagement needed to arrive at some concrete elements of a plan for collaboration.

Among the priorities Dr. Douglas suggested that should arise from the Conference were greater collaboration in research and training through the establishment of CARICOM New York Fellowships and a special Fund dedicated for exchange at the staff and student levels; a concerted effort to push the frontiers of knowledge by placing emphasis on areas of Research and Development,

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

especially in areas such as tourism, transportation and climate change and establishing common areas of research and outreach that are particularly aimed at improving the quality of life of citizens in the Caribbean and New York in such areas that connect education to health, trade, culture and promote greater public awareness especially to reduce the spread of HIV/AIDS, prevention of NCDs advancing cultural industries and thereby capitalizing on some of the assets of the Caribbean Diaspora.

Prime Minister also suggested the involvement of the private sector both in the CARICOM Community and New York to sponsor goodwill tours to enhance the understanding of groups and stakeholders that share common cultural and educational objectives; placing greater emphasis on promoting courses on Caribbean Studies and the American connections in the region's Tertiary Learning Institutions (TLIs) and establishing a Charles Rangel Professorship to commemorate this momentous occasion in the annals of Caribbean-USA relations.

The Memorandum of Understanding (MOU) will foster greater ties between the two tertiary institutions in specific areas of importance to the Caribbean and the Diaspora in New York.

Professor Nigel Harris, UWI Vice Chancellor and Dr. Edison Jackson, President of the Medgar Evers College signed the MOU at the Education Symposium at the New York Marriott at the Brooklyn Bridge. The signing came at the end of the Opening Ceremony of the Symposium which was staged as part of the two-day New York Conference on the Caribbean which began 19 June. The Symposium was held under the theme "Strengthening Collaborative Ties between New York and CARICOM Higher Education Institutions."

The Conference is geared at boosting existing ties with the United States in general and New York in particular, in the areas of education, trade and investment.

High level meetings were held between Heads of Government and key officials included Congressman Hon. Charles Rangel, Chairman of the Ways and Means Committee of the House of Representatives, the Hon. David Paterson, New York Governor; Mr. Michael Bloomberg, Mayor of New York; Mr. Marty Markowitz, Brooklyn Borough President, and top executives of Wall Street. In a brief statement Professor Harris extended gratitude to Dr. Jackson for making the symposium possible and indicated that though UWI and Medgar Evers had signed other similar documents, this one was special since it was aimed at building a relationship in areas of relevance to the Caribbean and to the Caribbean Diaspora in New York such as youth development and immigration. He expressed the hope that the MOU would usher in a partnership that would serve as a model for other relationships. The panelists at the two-hour long Symposium were Professor Nigel Harris, Professor Frances Negron Muntaner of Columbia University, Dr. Garrie Moore, Vice Chancellor for Student Affairs, CUNY, Ms. Myrna Bernard, Director, Human Development, Caribbean Community (CARICOM) Secretariat, and Dr. David Jones, President, Community Service Society.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. JOHNSON of Illinois. Madam Speaker, unfortunately Monday night, July 14, 2008, I

was unable to cast my votes on H. Res. 1067, H. Res. 1080, and H. Con. Res. 297, and wish the record to reflect my intentions had I been able to vote.

Had I been present for rollcall No. 486 on suspending the rules and passing H. Res. 1067, Recognizing the 50th anniversary of the crossing of the North Pole by the USS *Nautilus*, I would have voted "aye."

Had I been present for Roll Call No. 487 on suspending the rules and passing H. Res. 1080, Honoring the extraordinary service and exceptional sacrifice of the 101st Airborne Division (Air Assault), known as the Screaming Eagles, I would have voted "aye."

Had I been present for Roll Call No. No. 488 on suspending the rules and passing H. Con. Res. 297, Recognizing the 60th anniversary of the integration of the United States Armed Forces, I would have voted "aye."

OHIO HOUSING CRISIS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today to urge my colleagues to support the inclusion of neighborhood stabilization funds as part of the comprehensive housing package currently pending in Congress.

Last month, Chairwoman WATERS convened a field hearing in my congressional district on the housing foreclosure crisis in Ohio. During this hearing, we heard testimony from State and local government officials and housing advocates about the devastation that has been caused by subprime mortgage lending practices.

The hearing panelists shared information on their aggressive foreclosure prevention efforts which include: Governor Strickland's establishment of a Compact with major servicers to help Ohioans stay in their homes; State laws and city resolutions to address issues surrounding vacant and foreclosed properties; litigation initiated by the City of Cleveland against lenders for their violations of Ohio's public nuisance statute; and housing counseling services provided by full-service public interest organizations.

Despite all of these efforts within the State of Ohio, a common theme we heard throughout the field hearing was the dire need for an aggressive Federal response to the housing crisis. Specifically, panelists repeatedly emphasized the need for community stabilization funding.

Neighborhood stabilization funds will allow States and local governments to facilitate the purchase, rehabilitation, or demolition of vacant and foreclosed properties. During last month's field hearing, State and local government officials noted their severe lack of resources as well as the need for Federal funds to halt the cycle of disinvestment. Housing stakeholders in Ohio and across the country stand ready to utilize these emergency stabilization funds to reverse the continued downward cycle of property abandonment and declining property values.

As negotiations continue this week on this important housing legislation, I strongly urge my colleagues to support the inclusion of neighborhood stabilization funds in the final legislative package.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mrs. MALONEY of New York. Madam Speaker, on July 14, 2008, I missed rollcall votes numbered 486, a resolution recognizing the 50th anniversary of the crossing of the North Pole by the USS *Nautilus* (SSN 571); 487, a resolution honoring the extraordinary service and exceptional sacrifice of the 101st Airborne Division (Air Assault), known as the Screaming Eagles; and 488, a resolution recognizing the 60th anniversary of the integration of the United States Armed Forces.

Had I been present, I would have voted "yea" on rollcall votes numbered 486, 487, and 488.

A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF CLARK TOWNSHIP BAPTIST CHURCH

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. SPACE. Madam Speaker: Whereas, Clark Township Baptist Church was founded in June 1833 and is celebrating its 175th anniversary in Warsaw, Ohio; and

Whereas, the congregation of Clark Township Baptist Church continue to be active, enthusiastic members of our community; and

Whereas, the 175th anniversary of Clark Township Baptist Church has drawn new and old congregation members to Warsaw, Ohio to celebrate the life of their church; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend Clark Township Baptist Church and its congregation for their unwavering commitment, dedication and contributions to their community and country in recognition of their 175 years.

HONORING THE MARYLAND STATE MATHCOUNTS TEAM

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize the achievement of the Maryland Mathcounts team at the National Mathcounts Competition held in Denver on May 9, 2008. Represented by Jason Hyun, Ben Lowenstein, and Sam Zbarsky of Takoma Park Middle School, and Linus Hamilton of Hyattsville Middle School, the participants performed exceptionally well in the country's largest middle school math competition, earning a third place overall group finish. Two members of this young team also performed well individually, finishing in the top of the quarterfinal round.

Sarah Manchester, who teaches math at Takoma Park Middle School and coached the Maryland team in this impressive performance,

deserves special recognition. Maryland was the only state to be represented by more than one finalist in the individual playoff round, and Sarah's efforts to ensure that the students were prepared for this competition are reflected in the team's success. Sarah has taught Mathcounts students for a decade and continues to donate her time and energy to help her students excel.

More than 6,000 schools participate annually in the Mathcounts competition. Since it began in 1983, Mathcounts has had over seven million gifted young math students study in the program and participate in its competitions. Funded by the donations of generous individuals and corporations, the scholarships awarded to the participants provide a strong incentive for young people to commit themselves to an extracurricular program that builds math skills, improves critical thinking, and fosters teamwork. The 17,000 volunteers, like Sarah Manchester, who coach the 500,000 middle school students who participate each year pass on an enthusiasm for mathematics that is rewarding for all those involved.

Madam Speaker, I am honored to commend the students and educators who make Mathcounts such a remarkable and successful program. I ask my colleagues to join me in applauding the efforts of all the Mathcounts participants, and I look forward to watching the program continue to showcase the extraordinary talents of our students and their dedicated teachers in the years to come.

TRIP TO BEIJING, CHINA

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. WOLF. Madam Speaker, over the Fourth of July recess, Representative CHRIS SMITH and I traveled to Beijing, China.

We had become increasingly disturbed by reports of harsh crackdowns by Chinese security forces on the dissident community in the run up to the 2008 Olympic Games in Beijing.

Although both Representative SMITH and I have been outspoken critics of the Chinese government over the years, we embarked on this trip with open minds ready to be convinced that the Chinese government had taken steps to improve its abysmal human rights record.

Unfortunately, what we saw while we were on the ground cannot be considered by any stretch of the imagination to be progress.

Upon our arrival, we were informed that the three people that we had invited to have dinner with us that evening were threatened by Chinese security forces not to attend and placed under house arrest. One of these individuals, a prominent human rights lawyer to whom I had presented the National Endowment for Democracy Award just weeks earlier on Capitol Hill, was taken several hours outside of Beijing and detained for the duration of our trip.

I insert two articles for the record from The New York Times and The Washington Post, which further detail the detention of these individuals.

We also visited a "house church," an underground Protestant church which is forced to

operate illegally out of private homes because the Chinese government refuses to recognize these churches as legitimate places of worship.

It was clear that we were being followed to the house church by Chinese security forces so we were only able to stay a short time because we did not want to endanger members of the congregation.

House church members and leaders are often targeted for harassment and detention by the Chinese security forces because they are viewed by the government as a threat to the stability and control of the communist regime.

One example of this repressive policy is Pastor Zhang Rongliang, also known as Uncle Liang. Pastor Zhang is the leader of the China for Christ Church, a network of house churches that is estimated to have over 10 million members throughout China.

Chinese authorities raided Pastor Zhang's home on New Year's Eve 2005 and formally arrested him. He was detained for 6 months without being charged. On June 29, 2006, Pastor Zhang was charged and convicted of fraudulently obtaining border exit documents and sentenced to 7½ years in prison. Pastor Zhang is currently being held at Henan Prison Number One and has reportedly been subjected to electric shock while imprisoned. He suffers from diabetes and hypertension. He is only allowed one 30-minute visit a month from members of his family and prison guards surround him during these visits.

During a two-hour meeting with Ambassador Li Zhaoxing, the former Chinese foreign minister who now chairs the Foreign Affairs Committee of the National People's Congress, Congressman SMITH and I both pressed for the release of detained individuals, such as Pastor Zhang. We presented Ambassador Li with a partial list of political prisoners compiled by the Congressional-Executive Commission on China and asked for the immediate release of all 734 individuals on the list. A copy of this list is available online at www.cecc.gov.

I have met with many former political and religious prisoners and dissidents like Pastor Zhang. These are peaceful people. They are not violent rogues seeking to overthrow the Chinese government. All they ask for is freedom; they yearn for freedom—the freedom to gather together and worship and celebrate and share their religious beliefs.

But the Chinese government will not allow this. They throw their own people in jail and subject them to the most base and violent forms of torture. And despite all this, the government of China was awarded the honor of hosting the 2008 Olympic Games.

In 1988, in the midst of the cold war, President Ronald Reagan publicly addressed religious leaders at the Danilov Monastery in Moscow and called on the Soviet Union to promote religious tolerance.

I call on President Bush to follow the example of Ronald Reagan. While he is in Beijing for the opening ceremonies of the Olympics, he should make a public speech calling on the Chinese government to release all the political and religious dissidents who languish in labor camps and prisons across China.

The people of China, and the dissidents who sit in their jail cells day after day, week after week, year after year, should know that the President of the United States of America and leader of the free world stands with them

in their quest for freedom, and not with the repressive communist regime of China.

[From the Washington Post, July 1, 2008]

U.S. LAWMAKERS DECRY OLYMPICS AFTER
DISSIDENTS BLOCKED

(By Chris Buckley)

BEIJING.—Two U.S. Congressmen on Tuesday urged President George W. Bush to rethink attending the Beijing Olympic Games after they were prevented from meeting Chinese human rights activists.

Republican Congressmen Frank Wolf from Virginia and Chris Smith from New Jersey said they had come to Beijing to meet Chinese citizens pressing for greater political and religious freedoms, including two who recently met the U.S. president.

But Chinese authorities pressured or forced nine activists from meeting them at a dinner on Sunday or subsequently, according to a document handed out by the lawmakers.

They said such actions, and other repressive steps taken by the Chinese Communist Party, have cast a shadow over the Games and over Bush's vow to attend them.

"Tragically, the Olympics has triggered a massive crackdown designed to silence and put beyond reach all those whose views differ from the official 'harmonious' government line," Smith told a news conference held in the U.S. embassy in Beijing.

The friction between the visitors and wary Chinese authorities has underscored the political tensions of the Games, with Beijing under criticism from Western politicians and international rights groups over Tibet, censorship and restrictions on religion and political dissent.

Wolf, who with Smith presented Chinese officials with a list of 734 Chinese prisoners they said were jailed for dissent, said Bush should not attend the Games unless there were big changes.

"I personally believe that unless there's tremendous progress over the next few weeks whereby they release some of these prisoners, I personally do not believe the president should attend. Nor do I think the Secretary of State should attend," said Wolf.

"SIMPLY RIDICULOUS"

China later hit back, saying the politicians' attempted meetings violated the claimed purpose of their visit.

"The two U.S. Congressmen came to China as guests of the United States Embassy to engage in internal communications and consultations," Chinese Foreign Ministry spokesman Liu Jianchao told a news conference.

"They should not engage in activities incompatible with the objective of their visit and with their status."

Speaking by telephone before leaving Beijing, Wolf called China's explanation "simply ridiculous" and said he expected the U.S. ambassador to Beijing to take up the issue.

Two of the Chinese citizens who could not meet the lawmakers, Beijing-based lawyers Li Baiguang and Li Heping, met Bush at the White House on June 23 after receiving awards from the U.S. National Endowment for Democracy.

Li Heping said security officers had ostentatiously tailed him and told him not to meet the U.S. politicians. He said by telephone that he was surprised the audience with Bush had not given him and Li Baiguang some immunity.

"He said he was very concerned about human rights and the rule of law in China, especially religious freedom and the freedom of the press," Li Heping said of the meeting.

"He also said that when he comes to Beijing for the Olympics he will raise these issues with President Hu."

Li Baiguang, an evangelical Christian who has now met Bush twice, could not be contacted. His mobile telephone was cut off and

other activists said he has been held by state security police on the outskirts of Beijing.

Wolf said the U.S. government should apply more public pressure to seek the release of jailed Chinese dissidents.

"I think you need to do it publicly," he said. "Frankly, they have to be done the way we used to do it with regard to the Soviet Union."

[From the New York Times, July 2, 2008]

CHINA BLOCKS U.S. LEGISLATORS' MEETING

(By Jim Yardley)

BEIJING.—Two United States congressmen who were in Beijing to lobby for the release of more than 700 political prisoners had hoped to have dinner on Sunday with a group of Chinese human rights lawyers. But security agents had a different idea: they detained some of the lawyers and warned the others to stay away.

The incident is the latest example of how Chinese security agents are increasing pressure on dissidents in advance of the Beijing Olympics in August. The ruling Communist Party has issued broader orders for local governments to defuse public protests, as a violent demonstration involving an estimated 30,000 people erupted last weekend in southwestern China.

In Beijing, a spokesman for the Foreign Ministry said the congressmen, Republicans Frank R. Wolf of Virginia and Christopher H. Smith of New Jersey, had overstepped their visas in arranging to meet the lawyers. The legislators, both sharp critics of China, expressed outrage over the interference by security agents.

"The people we were supposed to have dinner with all got stopped," said Mr. Smith in a telephone interview on Tuesday afternoon. "All of the world is watching, and this kind of behavior doesn't bring anything but more scrutiny to their human rights abuses."

Mr. Wolf called on President Bush to boycott the Olympic opening ceremonies if the detained lawyers were not released and if there was "no progress" on releasing 734 political prisoners on a list the two congressmen presented to the Chinese.

President Bush has been invited to the opening ceremony by Chinese president Hu Jintao and has rejected calls that he not attend.

On Tuesday afternoon, Liu Jianchao, the Foreign Ministry spokesman, said the two legislators, who had travel visas, should not have tried to meet with the lawyers. "They should not intervene in China's internal affairs or conduct something that is harmful to China-U.S. relations," he said during a regular news briefing.

Asked if visiting congressmen must get approval from the Chinese government to meet with private citizens, Mr. Liu added: "The two congressmen applied to come to China to get in touch with the United States consulate. We hope the two U.S. congressmen can respect the country they visit and obey Chinese laws. Regarding the issues on religion and human rights, the exchange between the two countries is more meaningful than meeting private citizens."

The congressmen said they came to Beijing to discuss human rights, religious freedom, the Olympics and Darfur. Mr. Smith said they met Monday with the country's former foreign minister, Li Zhaoxing, and gave him their list of political prisoners. "He took it and said they would look at it," Mr. Smith said. "Our argument is that these people have done nothing wrong."

The guest list at the Sunday night dinner was supposed to include three activist lawyers, Li Baiguang, Teng Biao and Li Heping. They were among this year's winners of the "Democracy Award" by the National Endowment of Democracy in Washington. Li

Baiguang and Li Heping have met with President Bush.

On Sunday afternoon, authorities took Li Baiguang to a Beijing suburb, where he was placed under house arrest, according to Chinese Human Rights Defenders, an advocacy group. Mr. Teng, who was also detained earlier this year, was taken to the same Beijing suburb but later returned to his apartment under house arrest. Another well-known lawyer, Jiang Tianyong, was blocked from leaving his apartment by two Beijing police officers, the advocacy group said. Still another lawyer, Li Fangping, said three police officers were stationed outside his apartment and threatened to follow him wherever he went.

The two representatives did manage to meet with a Chinese pastor, Zhang Mingxuan, but Mr. Smith said security agents placed the pastor under house arrest afterward.

The tightened scrutiny of dissidents comes as China is making broader efforts to increase security and curb public protests as the Olympics draw near. On June 8, the central government held a video conference to launch a national campaign to prevent petition campaigns by disgruntled citizens and to stop demonstrations and other "mass incidents" in the name of preserving harmony for the Olympics.

Localized demonstrations have become common in China, especially in rural areas where peasants protest against illegal land seizures and corruption. Often, peasants organize petition campaigns and travel to Beijing to present their grievances. But authorities, concerned about a potentially embarrassing spectacle during the Games, are calling on local officials to solve problems and prevent petitioners from coming to the capital.

The potential for unexpected protests was illustrated over the weekend when thousands of people burned government buildings in the county of Weng'an in Guizhou Province. China Daily, the official English-language newspaper, reported that 30,000 people participated in a "mass action" after a smaller group protested against possible police malfeasance in handling a case that involved the death of a local teenage girl.

Family members of the girl believe she was killed by relatives of local officials. The riot erupted after the police ruled her death a drowning and cleared the officials' relatives. Rioters burned government buildings and smashed police cars. Paramilitary police have since been dispatched to the county to restore order.

A PROCLAMATION HONORING THE 175TH ANNIVERSARY OF MINERVA, OHIO

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, the village of Minerva, Ohio is celebrating their 175 years of history this July; and

Whereas, the members of the community of Minerva, Ohio are active, enthusiastic members of their area; and

Whereas, Minerva is holding an exciting weekend of tours, garden shows, and historical scenes to commemorate this anniversary; and

Whereas, Minerva continues to be an important and vibrant asset of Southeastern Ohio

and offers an outstanding quality of life to its residents; now, therefore, be it

Resolved that along with the residents of the 18th Congressional District, I commend Minerva, Ohio and its citizens for their unwavering commitment, dedication and contributions to their community and country in recognition of their 175 years.

IN RECOGNITION OF THE
HONORABLE J. BENJAMIN EWING

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize the Honorable J. Benjamin Ewing, State Representative for the 35th Representative district for the great State of Delaware. Representative Ewing has represented his district honorably and with great distinction since 1987. However, his public service did not begin then but rather as a young man when he served our country in Korea in the United States Marine Corps and then for 20 years with the Delaware State Police where he rose to the rank of Lieutenant Colonel. His work in community service, government and politics has provided Delawareans and the constituents of his district with tremendous peace of mind knowing that an individual of Representative Ewing's stature was always willing to look after the best interest of his constituents while giving them the best possible service.

During my years as Governor and in the U.S. House of Representatives, I have always enjoyed working with Representative Ewing to assist him and the constituents of his district on issues relating to social security, highways, postal service, development, health care, and the many other issues his constituents face on a daily basis. During his career in government, Ben has always put the people of his district first and worked diligently on their behalf. While the people of the 35th Representative District will elect a new Representative this fall, they will have a difficult time finding a Representative as qualified, humble, or one who works as patiently on a daily basis to assist their each and every need.

Ben was instrumental in identifying the need to renovate and develop the new visitors center in Bridgeville, Delaware as a combined State Police barracks, paramedic unit and service center, and as a result it now bears his name. His commitment to the Veterans of Foreign Wars, NRA, American Legion and his Scottish heritage is without question.

I want to publicly thank, recognize and acknowledge Ben Ewing for his many decades of service and numerous contributions to the State of Delaware. He is an excellent role model for those who aspire to serve their community through public service and he has raised the bar for all who follow in his footsteps. While I will miss working with Ben on a regular basis to solve issues facing our constituents, I hope to continue to seek his counsel and advice on issues of importance to all Delawareans. He has been a good friend to me and all Delawareans.

HONORING KALAMAZOO GOSPEL
MISSION OF KALAMAZOO

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. UPTON. Madam Speaker, it is with great pleasure that I rise today in honor of the Kalamazoo Gospel Mission of Kalamazoo, Michigan, to commemorate its 75th anniversary.

What began in 1933 with Jacob and Anna Hildebrand serving soup and sandwiches at tent meetings has evolved into the largest mission for the homeless in southwest Michigan. In 2007, the mission served over 180,000 meals to those who were hungry, and provided a warm bed to over 90,000 more in need of shelter, all while imparting that true healing comes through the power of Christ.

I stand here today honored that such a caring and compassionate organization serves the needs of the less fortunate in southwest Michigan, and continues to selflessly struggle to make a difference in the lives of “the least, the last, and the lost.” Believing all people to be brothers and sisters in Christ, the love and respect that the mission provides both to the homeless and to the community is truly remarkable.

I would like to sincerely thank the staff and volunteers whose spiritual strength, commitment, and dedication have made the work of the Kalamazoo Gospel Mission possible for the past 75 years.

IN RECOGNITION OF THE CENTENNIAL
CELEBRATION OF ALPHA
KAPPA ALPHA SORORITY, INC.

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mrs. JONES of Ohio. Madam Speaker, I rise today, in recognition of the centennial celebration of Alpha Kappa Alpha Sorority Incorporated (AKA), founded on January 15, 1908 at Howard University by nine visionary young African American women. In an era when the African American voice was stifled by prejudice, these collegiate women formed an alliance that has transcended generations. Their mission of “service to all mankind” still resounds world-wide through a coalition of over 900 undergraduate and graduate chapters comprised of 225,000 college-trained women. This week, I am pleased to join my colleagues in welcoming them to the city of their founding, Washington, DC and commend them for their hard work and commitment to the community.

For the past 100 years, Alpha Kappa Alpha Sorority, Inc. has and continues to demonstrate their dedication to service through a variety of programs including Economics, Sisterhood and Partnerships program in which members provide community awareness about economic issues and the importance of mental and physical health. Other programs include the Educational Advancement Foundation (EAF), which strives to make a difference in the lives of young women and men. EAF awards scholarships, fellowships, grants and mini-grants to young people across America.

I would like to recognize all of the chapters in my great State of Ohio including: Alpha Lambda, Alpha Omega, Alpha Sigma Omega, Beta Eta Omega, Beta Theta Omega, Beta Xi, Delta Delta, Delta Phi, Delta Pi, Epsilon Chi, Epsilon Mu Omega, Iota Iota, Iota Phi Omega, Lambda Mu, Lambda Phi Omega, Omega, Omicron, Phi Psi Omega, Pi Gamma, Pi Omicron, Psi Eta Omega, Rho Omega, Sigma Mu Omega, Sigma Omega, Tau Lambda Omega, Theta, Zeta Alpha Omega, Zeta Theta Omega Chapters. Your service to our great State is immeasurable.

Additionally, I am privileged to have had the opportunity to call so many of the members of AKA my colleagues and friends. I would especially like to recognize my colleagues here in Congress who are members of AKA; Representatives SHEILA JACKSON-LEE, EDDIE BERNICE JOHNSON, DIANE WATSON and the late Juanita Millender-McDonald who have and continue to serve their constituents and this country with distinction.

Therefore, on behalf of the Congress of the United States and the people of the 11th Congressional district of Ohio, I wish to extend congratulations and best wishes to the women of Alpha Kappa Alpha Sorority, Inc. on this monumental occasion. I look forward to continuing to work with you towards the betterment of our communities and this country.

MEDICARE IMPROVEMENT FOR PATIENTS
AND PROVIDERS ACT OF
2008

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mrs. MALONEY of New York. Madam Speaker, I rise in strong opposition to the President’s shortsighted veto of H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, and urge my colleagues to vote to override this veto.

Medicare has been a true success story for seniors—but Medicare will continue to succeed only as long as doctors continue to participate. And no doctor can afford to take a 10 percent cut in payments.

Last week, H.R. 6331 passed by overwhelming bipartisan majorities in both the House and Senate because our Nation’s health depends on it. The bill eliminates the Medicare-killing payment cut and provides a 1.1 percent increase for physicians for 2009. It provides mental health parity in the Medicare program—something I’ve been fighting for, because people suffering from mental illness are just as in need of treatment as people suffering physical illness. The bill also allows poor people to keep more of their assets and still qualify for help with Medicare costs.

My district includes more hospitals than probably any other district in the country—and all the doctors affiliated with those hospitals have offices in my district. They have been clear—unless they receive fair payment for their work, they cannot afford to continue to treat Medicare patients. Without good doctors, seniors’ health will suffer. Congress was right to pass this bill the first time, and I hope we stand strong to pass it again today. I urge my colleagues to join me in voting to override the President’s veto.

DISCUSSION OF THE CARIBBEAN
DIASPORA AT THE 2008 CARICOM
CONFERENCE IN NEW YORK CITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. RANGEL. Madam Speaker, I rise today to introduce an article that recapitulates the successful discussions that took place during the 2008 Caribbean Community and Common Market (CARICOM) conference on the Caribbean Diaspora in the United States. The article was written by Tony Best and was published in the July 8, 2008 edition of CaribNews. This New York based publication serves as the voice of the Caribbean community in the New York metropolitan area.

The article entitled: “Work Together” summarizes the forum held at York College in Queens, New York. Several Caribbean Heads of State were in attendance along with fellow members of Congress, Ms. YVETTE CLARKE and Mr. GREGORY MEEKS.

Discussions about the Caribbean Diaspora took place as many members of the panel recognized the great importance of the Caribbean community living and working abroad. Prime Minister of Barbados, David Thompson was quoted as saying, “We Caribbean leaders have recognized that the time has come for us to tap the resources available to us from the Diaspora”.

I am both proud and honored to have been able to help facilitate dialogue between CARICOM Head of State and the New York based Diaspora. Conferences such as this open up lines of communication which contribute greatly to economic growth and development in the Caribbean.

[From the CaribNews, July 8, 2008]

WORK TOGETHER

(By Tony Best)

The picture at York College of the City University of New York was essentially Caribbean.

And for good reason.

An audience of about 300 people, truly representative of the West Indian Diaspora, gathered in the large Performing Arts Center of the school in Queens to be addressed by a number of Caribbean Heads of Government or their representatives on issues chosen by the people themselves.

Billed as a conversation with the Diaspora, a “Dialogue,” if you will, the function was the penultimate item on the program for a much anticipated two-day Caribbean Community Conference attended at different times by nine of the region’s Prime Ministers and a President, Dr. Bharrat Jagdeo of Guyana.

On stage were Prime Ministers David Thompson, Barbados, Dean Barrow, Belize, Baldwin Spencer, Antigua and Barbuda, Stephenson King, St. Lucia, Dr. Bharrat Jagdeo, President of Guyana, senior cabinet ministers from Jamaica and Suriname who headed their countries’ delegations, and diplomatic officials from Trinidad and Tobago, St. Kitts-Nevis, the Bahamas, and Dominica.

It stands to reason, then, why the reality of the occasion didn’t escape PM Thompson. “As I was sitting here I was reflecting on when last I, as a political leader in the Caribbean, had the opportunity to address what one might call a truly Caribbean audience like this,” meaning people from throughout the region assembled under one roof,” said Thompson.

Thompson, one of the three heads of Government invited to make an opening statement before the function got down to "brass tacks", an exchange of views between the leaders and the West Indians who now call New York home-away-home, seemingly felt compelled to remark on the essential qualities that separate Jamaicans, Guyanese, Trinidadians, Antiguans, Vincentians, Grenadians and the rest of the Diaspora from other immigrants in North America, Europe and elsewhere. The dividing line is the desire to return to the land of their birth and live in comfort.

Admittedly, only a fraction of the millions of West Indians now living and working abroad ever return home and those who do usually keep one foot firmly planted in the U.S. be it New York, Boston, Miami, Hartford or Los Angeles and the other in their country of birth.

"If you are living in Ireland and meet somebody from Australia or the Ukraine, very seldom do they tell you that they are returning to those places. But most of the people you meet from the Caribbean they want to return home, said the Barbados leader.

That was why, he, added, West Indians living abroad should continue to find ways to be involved in what their countries are doing.

As Thompson saw it, the immigrants should have another item on their list of priorities: using their presence abroad to help the Caribbean region achieve its social and economic development goals.

"I don't think in your daily rounds and wherever you hold positions of influence, authority or where you can use your diplomacy and other skills you should forget to put the Caribbean's case forward and advance the interest of the Caribbean region," he said.

President Jagdeo added another dimension to the task: the election of officials to federal, state and local legislative bodies.

"While Barbados is important and Guyana and Jamaica are important we are Caribbean people," he told the gathering. "We have to work together as Caribbean people and (when we do) it significantly magnifies the power that people have within this society."

One way of flexing that muscle while at the same time pushing their own and the Caribbean's agenda was to help get people "who look like us and who share our views elected to offices at the local level, the state level and hopefully at the national level so that they can be sympathetic to the cause of the Caribbean and to make a better life and space for the Caribbean people who live here in the United States of America," Jagdeo argued.

But he didn't stop there.

"We hope that in November you all turn out and elect the person who we feel would be sensitive to our interest," he said. "This is a person I have seen in an image squatting outside of a small hut in Kenya".

"This of a person who although he is a Christian, he is very proud of that, grew up with an understanding of the Muslim faith," the president added. "Anyone who shares these experiences will understand us better, and will understand our challenges. We need that kind of person to lead the United States."

Although President Jagdeo was careful not to call a name and didn't pinpoint the elected position he had in mind, few persons, if any at all, had failed to identify U.S. Senator Barack whose quest for the White House in Washington has captivated Americans and has warmed the hearts of people around the world.

In his statement, PM King, who narrowly survived a recent political attempt and power struggle by leading members of his own ruling United Workers Party in St. Lucia to remove him from office, said that "it was important, vital was a better way of putting it, for Caribbean nations to dip into the vast human reservoir of talented human resources from the Caribbean that can be found in the United States". "We Caribbean leaders have recognized that the time has come for us to tap the resources available to us from the Diaspora," he said.

What a pity then that such an atmosphere of cordiality and interest wasn't reciprocated by a handful of immigrants, no more than five or six, mainly Guyanese, who turned up at the function to harass and condemn Dr. Jagdeo, and to do it in a disrespectful and shameless manner by shouting at him from their seats and before the microphones in an attempt to disrupt his presentation. Fortunately, the President was able to give even better than he got, responding to them in a clear and unemotional tone. But perhaps the most rousing welcome was reserved for the Belizean Prime Minister, the first person of truly African-heritage to lead CARICOM's lone country in Central America. Some of his enthusiastic political supporters who were seeing him for the first time since his election victory jumped for joy and waved their arms in delight and in turn were warmly acknowledged by a Prime Minister who seemingly enjoyed every second of the acclaim. PM Spencer, the Antiguan head of government, was upbeat as he soaked in the cheerful response from Antiguans in the audience and regularly took the opportunity to explain his government's and CARICOM's stance on domestic and regional issues.

The opportunity for an exchange of ideas wasn't lost on two members of Congress, Yvette Clarke of Brooklyn and Gregory Meeks of Queens, two lawmakers with large Caribbean constituents. When the time came for them to speak, they grasped the chance with both hands and used it to pledge continuing support for the region.

Interestingly, a public figure who wasn't there but was on most people's minds was U.S. Congressman Charles Rangel, Chairman of the powerful Ways and Means Committee of the U.S. House of Representatives.

It was Rangel who engineered the conference and opened the doors of Wall Street to the Prime Ministers and President Jagdeo. It was people's way of saying thanks to him. Of the leaders who came to New York, Jagdeo was the only one who had to face a few placard carrying hostile demonstrators. From all indications, he handled himself with aplomb, even breaking away from the protective shield of the Secret Service to have an exchange with some of his critics. "I was not afraid to talk to them," he said afterwards. In the event though, as William Shakespeare's immortal line reminds us "All's well that Ends Well."

And the conference certainly ended on a high note when some of the leaders joined U.S. Congressman Charles Rangel, Chairman of the influential Ways and Means Committee of the House of Representatives, for breakfast at Sylvia's, a New York City landmark in Harlem.

The event at York College was chaired by Dr. Ivelaw Griffith, Provost and Senior Vice President for Academic Affairs. He's an expert on Caribbean security and has written several books and scholarly papers on the subject. The College's President Dr. Marcia Keizs, a Jamaican, set the tone with a welcome that reminded many in the theater-

style auditorium of their own experiences as immigrants: leaving home to go to better education abroad but with plans to return to the birthplace. Instead, they decide to stay on and in the process rise to the pinnacle of academic or professional success, or both.

Helen Marshall, the first Black person elected to serve as Borough President of Queens, also spoke and emphasized the value of maintaining links between the U.S. and the Caribbean. In her own Guyana, the homeland of her parents, it is a good example of bridging the geographic divide.

PERSONAL EXPLANATION

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. MOORE of Kansas. Madam Speaker, on July 14, 2008, due to a delayed flight, I was unable to cast one recorded vote on Roll-call vote 486, concerning H. Res. 1067, recognizing the 50th anniversary of the crossing of the North Pole by the U.S.S. *Nautilus*. Had I cast my vote, I would have voted "aye". I was present and able to vote on the next two measures.

ON THE INTRODUCTION OF THE
"UNITED STATES PAROLE COMMISSION EXTENSION ACT OF 2008"

HON. JOHN CONYERS JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. CONYERS. Madam Speaker, I am pleased to introduce the "United States Parole Commission Extension Act of 2008" with Ranking Member LAMAR SMITH and Representatives BOBBY SCOTT, LOUIE GOHMERT and ELEANOR HOLMES NORTON. This legislation will extend the Parole Commission's authority for another three years. This will be the fifth time since the elimination of Federal parole in 1987 that the Parole Commission has been reauthorized.

In the more than 20 years since the elimination of Federal parole, Congress has debated whether or not to phase-out the Parole Commission. Currently, the Commission has jurisdiction over all decisions regarding parole release for D.C. prisoners and decisions on mandatory release supervision and revocation for all persons serving D.C. felony sentences. The Commission also has jurisdiction over Federal and foreign transfer treaty offenders convicted before November 1987, some military code offenders and state defendants in the U.S. Marshals Service Witness Protection Program. According to the Parole Commission, at least 7500 people will fall into one of these categories by 2010. This is why in the 1996 extension of the Parole Commission, Congress finally recognized that there would be a need for the Commission through 2002 and beyond.

It is for these reasons that I am introducing this important legislation with my fellow Judiciary Committee Members and Representative HOLMES NORTON.

IN MEMORY OF TONY SNOW

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. WILSON of South Carolina. Madam Speaker, on July 12th, former White House Press Secretary, writer, commentator, patriot and a true gentleman, Tony Snow, passed away from colon cancer. Throughout his life and his career, Mr. Snow earned a reputation for wit, thoughtfulness, and intellectual prowess that brought him admiration and acclaim from his political allies and opponents.

A graduate of Davidson College in North Carolina, Tony Snow had a diverse career beginning as an editorial writer for a local North Carolina paper. He grew in the field of journalism to become a syndicated columnist and commentator for several well respected news programs. He was a speechwriter for President George H.W. Bush. After leaving the White House for the first time, Mr. Snow took a post at the Fox News Channel—helping to build that network's news programming—before returning to the White House as press secretary for President George W. Bush.

I am personally grateful that a former member of the staff of South Carolina's Second District, Emily Lawrimore, had the distinct honor to work with Tony Snow in her post as assistant press secretary for President Bush. I know from her experience and the stories of generosity and decency from Mr. Snow's friends and colleagues that we have truly lost an honorable individual who believed in rising above the political rhetoric in this Nation. With his college background at Davidson, the people of the Carolinas especially appreciated his success. At this time of loss, our thoughts and prayers are with his wife, Jill, and their three children.

CONGRATULATING CHARLIE DANIEL

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. DUNCAN. Madam Speaker, one of the finest men I know, Charlie Daniel, has now completed 5 years as a newspaper editorial cartoonist in my hometown of Knoxville, Tennessee.

Charlie is one of Knoxville's most popular and respected citizens. Almost every morning for all these years, people in East Tennessee have been inspired or made angry by, or perhaps simply have laughed at one of his cartoons.

He has certainly helped bring about better government through his work, but the laughter is all right, too. There is not enough good humor in the political process today.

I have one of his cartoons hanging in my Knoxville office and two are on the wall of my home. I have many favorites among his work, but I will give just two examples.

The first showed a father reading a newspaper with the headline "Americans Hire Illegals to Do Work They Don't Want to Do." Then it showed a little boy with his arm around an obviously Hispanic little boy, with

the first boy saying, "I hired Juan to do my homework."

The second showed a man with a clipboard standing at the front door of the home of a very angry man who said, "Well it's about time someone came to ask my opinion," and the man with the clipboard said, "Sir, I'm just here to read your meter."

Charlie worked from 1958 until the early 1990s at the Knoxville Journal, which for most of its history was our morning daily newspaper. When the Journal closed, he began to work for the Knoxville News Sentinel where he remains today.

I worked at the Journal in 1968 and 1969, hired by the longtime editor, Guy Smith, who also was the man who hired Charlie.

The Journal in those days gave titles easier than they gave money, and I was the Assistant State Editor, working under a woman named Juanita Glenn.

Last year I was interviewed in my Washington office by a reporter for the Wall Street Journal. As we walked out, I told her I had once been Assistant State Editor for the Knoxville Journal. I didn't tell her that among my duties were the TV logs and the obituaries.

The Journal newsroom in those days had the most colorful cast of characters I have ever been around.

The corner of my desk touched the desk of Dick Evans, the morning editor and a great journalist. I will never forget how he slammed down his phone after every phone call, no matter whether it was a good call or bad.

Others who I remember so well who worked at the Journal besides Charlie, were Steve Humphrey, Tom Sweeten, Byron Drinnon, Bill Vaughan, Sam Venable, Dudley Brewer, Pat Fields, Bob Adams, Bill Bolus, Jim Skelton, Ben Byrd, Russ Bebb, Ted Griffith, Al Roberts, Hugh Lunsford, Tom Greene, Doug Price, Raymond Flowers, and Margie Trent.

Ron McMahan, Ralph Griffith, and Margaret Underwood, all of whom I knew very well, had left before I worked at the Journal to work in Washington for Senator Howard Baker. One of my longtime best friends, Bill Vaughan, later left to work for Congressman Jimmy Quillen, and even Dick Evans left to work for the Department of Commerce.

A few days ago, Sam Venable, now a longtime columnist for the Knoxville News Sentinel and also a former Journal employee, wrote a wonderful column in tribute to Charlie.

I would like to congratulate Charlie on 50 great years in the news business and also thank him for his service to our community in many ways.

Madam Speaker, in closing, I would request that the Sam Venable column about Charlie Daniel be reprinted in the RECORD at this point, and I would like to call it to the attention of my colleagues and other readers of the RECORD.

50 YEARS AND STILL ON THE JOB

(By Sam Venable)

One of the most poignant cartoons Charlie Daniel ever produced wasn't a drawing at all. It ran on the editorial page of the old Knoxville Journal on Saturday, Nov. 23, 1968, two days after the death of the newspaper's legendary editor.

"Today I find my limited talents fall far too short of paying proper tribute to Guy L. Smith—a great man," Daniel wrote in his signature block letters. "I shall miss his insight, his leadership and his humor—but most of all I shall miss the man who gave me the opportunity to fill this space each day."

That was the first and only time Charlie found himself at a loss for an image. Pretty decent statement about a 50-year career that has produced an estimated 15,000 cartoons and four books.

"I really was stymied," Charlie recalled of that moment four decades ago. "It was very personal for me. Here was the guy who gave me my shot at a time when newspaper editorial cartooning was at a low point."

Alas, the cycle has come around to an even lower ebb. Charlie, who joined the News Sentinel staff after the Journal's closure in 1992, is one of only 80 newspaper editorial cartoonists working in America today. Theirs never was a populous force, but at the craft's peak in the 1960s and '70s, nearly 300 were using their skills to poke, prod, tweak and guide the nation's conscience. Usually with a laugh.

Fortunately for readers of the News Sentinel, this 78-year-old treasure has no intention of setting his pens aside.

"I'll stay as long as the light bulb comes on," Charlie laughed. "I have no hobbies. I don't fish or paint or play golf. If I retired, I'd just go home and bug Patsy (his wife of 54 years). We have trouble making it through a weekend."

You'll soon be reading, seeing and hearing a lot about Charlie Daniel. The News Sentinel is celebrating his golden anniversary this month in a variety of ways.

In next Sunday's Life and Arts section, staff writer Amy McRary will profile the life of her fellow Tar Heel. On the same day, our Perspective pages will showcase some of his classics.

Readers are invited to join the festivities as well. A display of Daniel drawings through the years graces our lobby at 2332 News Sentinel Drive, just off Western Avenue. It'll be open to the public 8:30 a.m.–5 p.m. Monday–Friday through September.

As one of the few journalists who served with Charlie at both the Journal and News Sentinel, I'm qualified to propose Daniel trivia. Such as:

—Why is the plaque he won for highway safety awareness inscribed to "I. Daniel"?

(Because he used to put a double descender on the "D" on his tag line, and it looked like an "I.") To keep from embarrassing the highway officials, he really should have changed his name to Ignatius.)

—What was the ghastly mixture of pipe tobacco he used to fog the Journal newsroom with before kicking his smoking habit?

(Half-and-half and some fancy-smancy aromatic blend neither of us could immediately recall after all these years; fittingly, Charlie termed it "Half-and-Half-and-the-Other-Half.")

Obviously, it has been a joy to work alongside Charlie at both newspapers. And I mean "alongside" literally.

As a college student in the late 1960s, my Journal police reporter desk sat an arm's length away from his drawing room. Here in the News Sentinel's new building, Chas and I reside in neighboring cubicles. I call it the Geezer Quad.

That's going to change in a few weeks when our newsroom undergoes a fruit basket turnover desk rearrangement—one of those New Age efficiency initiatives the suits dream up over noon martinis.

Charlie will be moving into the old business news department, which is shuffling to heaven-knows-where, while I'll be going over to his old cubicle. This is called progress.

But I maintain nothing will change, because Charlie, dangnabbit, will still be closer to the window and thus will have greater access to the muse who delivers inspiration on a daily basis.

Hey, I need the muse! Not Charlie! This guy swims in creative juices!

Charlie shows up around 7:30 a.m. and spends several hours scanning newspapers, journals and magazines. Then he doodles with the vast array of ideas the %\$#@! muse has dumped into his lap, cranks out three or four potential cartoons for the next day, decides on one, colors it and saunters out the front door, carefree as a hoppy toad.

I, on the other hand, am lucky to wake up in time to grab lunch, pour a cup of coffee, exchange office gossip with colleagues, compare fishing stories over the phone with friends, e-mail the latest bawdy jokes I've heard to everyone in my address book, drink more coffee, loudly curse the moron who didn't rebrew coffee, check my parlay sheets, drink even more coffee—and then type myself into a furious, sweaty, nail-biting panic till deadline, milking the lone thread of creativity I stole from someone else until it is toast-dry. Is this fair?

OK, so here's the serious truth: Charlie Daniel is blessed with the quickest wit this side of Hollywood. Plus the ability to take that humor, reduce it to a drawing and zing his point home in a panel the size of a Kleenex.

Try it sometime. After you've spent a week in frustration, you might understand how difficult the task is day after day, year after year.

Yet he dismisses the silly notion that he's ever had a real job.

"I'm doing what I did in the second grade," he says. "I've never gone high-tech. I still draw with a pen and paper, not on a computer screen."

Perhaps. But you don't stay on top of this game without a keen eye for news and a comedian's sense of timing.

"Some of my earlier work was overdone," he said. "I've learned to know when to quit a drawing. Just make your point and stop."

"Also, editorial cartoons have a short life span. Next week, somebody might look at it and say, 'What the heck was that all about?' At the same time, you can't be too quick with an idea or else you'll be ahead of the public."

An excellent example occurred recently when NASA announced it was sending plumbing materials to the International Space Station to fix a broken toilet. The next morning, Charlie's cartoon showed a giant plunger blasting off. When confused readers began calling, he realized he'd struck too soon.

"I probably should have given that one a day or two more," he said. "But you're always juggling with the fact that bloggers and late-night TV folks are already using the same material."

Let me tell you a few things I've learned about "Cholly" after working with him over most of 40 years:

The same fellow who has rubbed shoulders with presidents and barons of commerce is one of the most laid-back, down-to-earth, genuine nice guys you'll ever meet.

He can, and often does, make a serious point without having to dip his pen into poison ink.

He is a five-time nominee for journalism's highest award, the Pulitzer Prize.

He is soft-spoken, leads a quiet life of humble service to society's lost and downtrodden, and is quick to laugh at himself.

He takes immense delight in sharing with me visceral hate mail from the occasional reader who either misunderstood a cartoon or was its most-deserved target. Or, as one nutty reviewer ranted in misplaced criticism of country music legend Charlie Daniels (with an "s"), "I hate your music, too!"

I was sitting in the audience in 2005 for a humor-in-politics seminar hosted by the Howard Baker Center at the University of Tennessee. The panel featured some of the

nation's most noted political wits, including the late syndicated columnist Art Buchwald.

Ask anyone who saw this performance: The others were funny, but Charlie brought the house down with self-deprecating lines, one after another.

That same shy attitude is reflected when he talks about the impact of his editorial cartoons:

"I'd be happy hitting .350."

Trust me, his batting average is exceedingly higher. Ol' Ignatius Daniel has made journalism's All-Star roster 50 years straight—and counting.

MEDICARE IMPROVEMENTS FOR PATIENTS AND PROVIDERS ACT OF 2008

SPEECH OF

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. REYES. Madam Speaker, I rise in strong support of overriding the President's veto of H.R. 6331, the Medicare Improvements for Patients and Providers Act.

For the past several weeks, Congress has debated an issue that should not be considered controversial—health care for our Nation's seniors. This important piece of legislation addresses impeding cuts to physicians' Medicare payment rates. The issue not only affects seniors in my district of El Paso, Texas, but also hurts access to health care for all El Pasoans.

The most important issue to consider when discussing this bill is that the provisions not only stop the impending 10.6 percent cut, but it ensures that seniors and people with disabilities can continue to see the doctors of their choice.

It is also critical to understand that a cut to Medicare will have a significant impact on similar programs. For instance, these cuts would not only affect those covered by Medicare, but it would also threaten access to health care for military members and their families under the military health program, TRICARE. Physicians serving our troops also face the 10.6 percent cut due because TRICARE payments are directly tied to Medicare.

Also, private insurance companies look to Medicare to base their physician reimbursement rates. Physicians in El Paso and across the Nation rely on reimbursement by Medicare and other health care insurance groups to cover health care services rendered when a patient does not pay the full cost of care. In a recent survey of Texas physicians, more than 60 percent stated they would be forced to stop seeing Medicare patients should their reimbursement rates be cut.

H.R. 6331 is significant legislation that eliminates the cuts to Medicare payments for the remainder of 2008 and provides a 1.1 percent increase for 2009. The bill also extends and improves low-income assistance programs for Medicare beneficiaries. Finally, the bill protects seniors' access to therapy services.

I am extremely disappointed at President Bush's obvious disregard for Congress and the people they represent by vetoing this critical legislative proposal. By doing so, the President has sent a clear message to seniors

that he does not believe providing them with access to quality health care is a priority of his administration.

Madam Speaker, I urge my colleagues to vote in favor of overriding the veto and by doing so, support Medicare beneficiaries' ability to choose their physicians.

RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 15, 2008

Mr. POMEROY. Madam Speaker, today I will vote to refer House Resolution 1345 to the Judiciary Committee. My vote does not reflect a belief that this Resolution deserves continued consideration in the House of Representatives, instead it was a vote cast to preclude consideration of the Resolution on the floor of the House.

As you know, the Constitution provides for "impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors." Whether we agree or disagree with this President, most Americans—including myself—do not feel this high threshold has been met. Furthermore, as the lone representative for North Dakota in the United States House of Representatives, I take the responsibility of representing the beliefs and values of my State seriously, and I believe I am reflecting prevailing view among the majority of North Dakotans on this issue.

Again, I do not believe that the House of Representatives should be considering the highly partisan issue of impeachment at this time. Bringing up this Resolution on the floor of the House would not only waste valuable floor time, but would also distract from far more pressing national issues and undermine the bipartisan cooperation that is necessary to pass effective and timely legislation.

CARIB NEWS EDITORIALS SPEAK OF PROGRESS IN THE CARIBBEAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. RANGEL. Madam Speaker, I rise today to enter into the RECORD two editorials from the June 24, 2008, publication of *CaribNews*.

The first editorial is entitled "Caribbean Heritage: Building on Its Foundations In a Foreign Land." The piece reminds us of the distance that those of Caribbean heritage have traveled both physically and figuratively. "Confidence in their inner strength has helped people from the Caribbean to win their independence from an imperialistic stranglehold, fight alongside their long-standing African-American allies, in the battle for respect for people's human rights, and succeed in opening up new vistas for the generations that come after them." Caribbean Americans have come a long way from being strangers in a foreign land to gaining recognition for their contributions to American culture.

The second editorial is entitled "Wanted: A Productive Caribbean Community Conference." This piece speaks of the importance of the CARICOM Conference but also how important it is that the leaders of CARICOM take the lead on the next steps necessary for the Conference to have tangible results. To make sure that follow-up is taken care of, it has been suggested that CARICOM "consider establishing a permanent diplomatic outpost whose responsibility would be to ensure that regional initiatives . . . are not simply talked about but are launched." The editorial echoes the voice of many in the opinion that the CARICOM leaders have done badly in the past with follow-up. It is now up to them to make sure that the benefits of the conference are realized.

[From the CaribNews, June 24, 2008]

WANTED: A PRODUCTIVE CARIBBEAN
COMMUNITY CONFERENCE

"The Diaspora is essential to our success." Dr. Denzil Douglas was referring to the hundreds of thousands, some say million-plus immigrants from the English, French, Dutch and Spanish-speaking countries that comprise the Caribbean archipelago.

Actually, he was zeroing in on a major reason why most of Caricom's Prime Ministers and Presidents are heading to New York City this week for a dialogue with nationals of their countries who have made the north-eastern region of the United States their home.

For in organizing the first-ever summit of Caribbean leaders in New York City, the planners put meetings with the Diaspora high on the agenda. That made a lot of sense. Caribbean-New Yorkers, indeed West Indian-Americans, as they sometimes refer to themselves, are part of the vertebral column, a segment of the region's economic and social backbone.

It would be outside the realm of common sense for a two day conference of the kind being arranged to occur without a meaningful dialogue between the leaders and the Antiguans, Belizeans, Bahamians, Barbados, Grenadians, Dominicans, Guyanese, Haitians, Jamaicans, Vincentians, Kittians, St. Lucians, Trinidadians, you name them.

U.S. Congressman Charles Rangel, Chairman of the powerful Ways and Means Committee of the House of Representatives and easily one of the most influential members on Capitol Hill summed up the situation well when he told this newspaper "we see this as an opportunity for the leaders of these sovereign nations of the Caribbean to meet with their nationals and have an important dialogue."

But exchanging views is one thing, acting on the ideas is another. Far too often Caribbean leaders come to the City, visit Miami, Toronto, Boston, Hartford and other places with large Caribbean immigrant populations, have meetings, promise a lot but deliver on precious little.

The real problem is a lack of an effective follow up and that's a commitment which the heads of government can make and solve. Caricom itself should consider establishing, a permanent diplomatic outpost whose responsibility would be to ensure that regional initiatives designed to forge stronger links with the Diaspora are not simply talked about but are launched.

Granted, Caribbean countries have their own missions and Consulates-General in Washington and New York to get things done but that's at the individual nation level.

Yes, we know that the money supply is tight and that at a time of escalating energy and food prices the countries have other priorities. But for a region which receives bil-

lions annually from its overseas nationals, a slender operation with well defined set of goals can't break the bank.

But the Diaspora isn't the only major objective of the summit that begins on Thursday and ends the following day. Investment and trade are crucial to Caricom's future prosperity and any concerted effort to help open the doors to such investment would be useful. The leaders are going to Wall Street. Goldman Sachs, one of the world's leading investment banks and the New York Stock Exchange, another financial services industry leader, are to host the heads of state or government at closed door meetings. In addition, Ambassador Susan Schwab, U.S. Special Trade Representative is coming to New York to sit down to talk trade and explore opportunities to increase the flow of goods from the region to the United States and the other way around.

Now that the legislation which extends the life of the Caribbean Basin Initiative has survived the threat of a veto by President George Bush, Ambassador Schwab should be in a position to tell the leaders how they can link arms so their countries can export more to the U.S.

Congressman Rangel, who brokered both the Wall Street sessions and the talks with Schwab, was careful to limit his expectations to the goals of the Caribbean. That's wise.

"I would hope that the Caricom leaders get what they wish out of the meeting with Ambassador Schwab," was the way he articulated it.

It wasn't simply a matter of being diplomatic but his approach was essentially correct because in the end it's up to the executive branch of the U.S. government and to the Caribbean states to agree on the architecture of trade.

Education and the relationship between tertiary level institutions in the Caribbean and the United States are another vital item on the agenda. The universities and colleges in the Caribbean and the U.S. can benefit from closer collaboration. The City University of New York, the University of the West Indies, the University of Guyana and the University of Suriname come quickly to mind as example of schools that can and must fashion stronger ties.

York College in Queens and Medgar Evers College in Brooklyn are making a substantial contribution to the educational development of the Caribbean immigrant community. Their leadership, Dr. Marcia Keiz at York and Dr. Edison Jackson at Medgar Evers, are well attuned to the needs of the communities they serve, including Caribbean students. It would be wise to open up new lines of cooperation and communication with the universities in the Caribbean so that there would be an exchange of faculty and students and the launching of innovative programs that can help all partners, not just the Caribbean.

[From the CaribNews, June 24, 2008]

CARIBBEAN HERITAGE: BUILDING ON ITS
FOUNDATIONS IN A FOREIGN LAND

As one of the Caribbean's literary giants, George Lamming is well-placed to articulate his awareness of the role of the artist and the creative imagination of people from the West Indies.

"The central and seminal value of the creative imagination is that it functions as a civilizing and a humanizing force in a process of struggle," was the way he put it quite eloquently and succinctly.

As he explained it, artistic expression, whether a work of art, a play in the theater, a piece of pulsating music, a poem or a novel, not to mention dance "offers an expe-

rience through which feeling is educated. Through which feeling is deepened. Through which feeling can increase capacity to accommodate a great variety of knowledge."

Many of these manifestations of "feeling" are being thrust onto center-stage in New York City and indeed across the United States in June as the celebrations marking Caribbean Heritage Month allow immigrants from the English, French, Spanish and Dutch-speaking nations, coastal states and territories that comprise the archipelago to present their cultural background and its underpinnings in a fashion that warms the cockles of one's heart, especially those of the anthropologists and the sociologists in our midst.

An area of conquest, colonial domination, imperialism and in the past 40-plus years, a region which manifestly asserts self-determination, independence and nationalism, the Caribbean has come to be recognized as an important sub-region of the world's developing countries that belong to a host of international institutions, ranging from the United Nations, UNESCO, and Organization of American States to UNICEF, the Group of 77 developing countries, now led by Antigua & Barbuda to the International Cricket Council, and the global Olympic movement, to name a few.

Its heritage provides a set of building blocks that aided the transformation of a collection of colonial possessions into a vibrant civilization with an interesting past and a bright future. It's a heritage whose components are not only cultural expressions, in the sense of the artistic but are firmly grounded in religion, governance, respect for law and order and a firm belief that the governed must select its governors and governments. Just as important, the society must extend a helping hand to the less fortunate by creating opportunities for those at the bottom of the economic and social ladder.

This rich heritage as reflected in literature, music, dance, diverse languages and a range of religious experience, not to mention traditions that have given birth to vital regional state and local institutions that help to fashion our behavior and the orderly way of everyday life, can't be ignored or downplayed.

Wherever Caribbean immigrants go, whether in Britain, North America, Europe, Africa, Latin America, Asia or the Middle East, their music, literature, indeed, their entire way of life is transplanted into the soil they describe as home-away-from home.

It was that pride and belief in themselves and what Norman Manley, a builder of modern day Jamaica whose influence extended up-and-down-and-around the Caribbean, called "their own destiny."

That confidence in their inner strength has helped people from the Caribbean to win their independence from an imperialistic stranglehold, fight alongside their long-standing African-American allies in the battle for respect for people's human rights; and succeed in opening up new vistas for the generations that come after them.

Such qualities plus the friendship, support and respect of members of the U.S. House of Representatives and the Senate led the recent decision of the Congress to designate June as Caribbean Heritage Month. And when at first President George Bush hesitated to sign the legislation into law, the machinery of persuasion switched into high gear and he eventually felt it necessary to affix his signature to it and declare it an important step forward for the United States and the peoples of the Caribbean.

As West Indians think of their heritage, inevitably their thoughts go back to those early trail blazers who fought alongside the

revolutionaries to throw off the colonial chains in the 18th century. Crispus Attucks, the first to die in the American war of independence against England was said to be from the Caribbean. Their thoughts also dart to Prince Hall, the Caribbean immigrant who devised a plan for the education of Blacks in Massachusetts and who fought to end slavery in the United States, the Caribbean and indeed the rest of the world.

Frederick Douglass, the 19th century golden trombone of the abolition movement that helped to erase the bloody stain of immorality spawned by slavery in the Americas in general and the United States in particular, once paid tribute to the role of West Indians in that epic struggle.

Zeroing in on Emancipation Day in the West Indies in the first half of the 19th century, he described it as "the first bright star in a stormy sky—the first smile after a long providential frown—the first ray of hope—the first tangible fact demonstrating the possibility of a peaceful transition from slavery to freedom, of the Negro race."

Few, if any one, could say it better.

Whoever else, he went on, may either seek to forget or slight the claim of that historic day, "it can never be said of us other than memorable and glorious."

Almost a 100 years later Marcus Garvey and others took up the torch to illuminate the path to political and economic self-determination and much later still, Malcolm X, Shirley Chisholm and a host of others served as standard bearers for those principles of equality for Blacks with the rest of humanity.

The vibrant Caribbean communities across the land have every reason to be proud of their heritage and shouldn't forget those who helped them along the way to turn the dream of a Caribbean Heritage Month into reality.

Their Black brothers and sisters on Capitol Hill and their supporters of every color and ethnic background in and out of the House of Representatives and the Senate must be hailed and recognized for what they have done in bringing about the official recognition and the celebrations that showcase that heritage.

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. BARROW. Madam Speaker, due to Georgia's primary elections, I was absent from the House of Monday, July 14, and Tuesday, July 15, and missed several rollcall votes. Had I been present I would have voted in the following manner: H. Res. 1067—"Yes"; H. Res. 1080—"Yes"; H. Con. Res. 297—"Yes"; H. Res. 1259—"Yes"; H. Res. 1323—"Yes"; Passage, Objections of the President Notwithstanding, of H.R. 6331—"Yes"; Motion To Refer Kucinich Privileged Resolution—Yes; H.R. 5803—"Yes"; and H. Res. 1090—"Yes."

THE CARIBBEAN SOLUTION FOR AIRLINE CHALLENGES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. RANGEL. Madam Speaker, I rise today to recognize the efforts being made by the

Caribbean Tourism Organization, CTO, and the Caribbean Hotel Association, CHA, to increase Caribbean revenue through the tourism sector.

Increasing airline cutbacks have posed a great challenge to many nations; however the Caribbean has seen an opportunity through this challenge. Through the CTO and CHA, Caribbean nations have decided to pool their resources. Many Caribbean destinations are reached with a connection in Puerto Rico, hence an increase in flights to Puerto Rico would mean increased access to the Caribbean.

I would like to recognize all who are involved in this transition for heightened cooperation and coordination within the Caribbean community. These efforts not only contribute to the unification of the Caribbean, but will build up the economies of the region as a whole.

[From the CaribNews, July 8, 2008]

AIRLINE CHALLENGES LEAD TO WHAT COULD BECOME UNPRECEDENTED COOPERATION AMONG CARIBBEAN GOVERNMENTS

The current economic difficulties facing the airline industry worldwide have provided numerous challenges to the destinations they serve, but have led to at least one positive in the Caribbean region: what could become an unprecedented level of cooperation and coordination among Caribbean governments. The airline challenges have caused many to recognize that they can deliver far more benefits to their citizens by cooperating with other governments than by acting alone.

This coordination level accelerated recently when the Chairman of the Caribbean Tourism Organization (CTO) and the President of the Caribbean Hotel Association (CHA) had the foresight to call an emergency meeting in Antigua for Ministers and Commissioners responsible for Tourism, Ministers and Commissioners responsible for Aviation, and members of the tourism private sector to find ways to minimize the impact on their economies brought on by rapid increases in airline fuel prices. It soon became clear to every participant at that meeting that by cooperating on the establishment of hubs, on the promotion of the region, on providing revenue guarantees to airlines and on coordinating the establishment of more efficient intra-regional carriers, all Caribbean countries would suffer less than if each country attempted to address the crisis on its own.

The case of Caribbean hubs, and in particular the case of the Puerto Rico hub, was most instructive. The Government of Puerto Rico has come to recognize that by increasing the number of flights and seats connecting through Puerto Rico, they increase the number of flights, seats and flexibility of passengers traveling to Puerto Rico. This point was made most forcefully in a recent meeting in San Juan and many of the governments to the south of San Juan are relying heavily on decisions being made in Puerto Rico for their continued survival.

All governments also understand that with the current structure of the airline industry, it is indispensably necessary to ensure that the flights coming into Puerto Rico can connect easily to the onward carriers such that travelers traveling beyond the hub can connect online or through their travel agent seamlessly. Without those connections many of the southern destinations are invisible in electronic booking systems. It is this interdependence that is forcing discussions between governments at an unprecedented level and at an unprecedented rate.

The same level of cooperation is beginning in the areas of marketing and in providing airline guarantees. In the past few years, an increasing proportion of the funds voted to departments of tourism across the world are being forced into escrow to cover airline guarantees. That leaves far less available for the promotion. This situation has compelled Caribbean governments to aggregate their promotional budgets for greater promotional efficiency and to devise financial arrangements that reduce the cost of these arrangements which also serve to minimize the risk.

"There is a silver lining on every cloud," according to Allen Chastanet, Chairman of the Caribbean Tourism Organization (CTO). "We believe that this high level of cooperation is being driven by the Governments, the private sector and the people of each territory recognizing that we in the Caribbean are more interdependent than independent," he emphasized. "Governments now realize that if they do not cooperate to maximize benefits or minimize risk to their countries, they will be called to account by their people asking why they refused to cooperate."

Peter Odle, the President of the Caribbean Hotel Association (CHA) also commented on this suddenly elevated level of cooperation. Odle noted that, "Even though the cooperation between CTO and CHA has grown over the past several years, I see increased cooperation on this issue even at the destination level where members of the private sector are ensuring that their governments are engaged in these cooperative ventures. I promise you, the private sector gets it. We will achieve much more in addressing this crisis through intra-regional cooperation than we can ever achieve by going alone. I will tell you that those governments that do not cooperate will be seen as pariahs by both their own people as well as by other governments in the region."

At the meeting in Antigua, four task forces were established, headed by Ministers to examine the four critical issues. These committees will report to the CTO and CHA Board meetings which will be held prior to the inaugural Annual Caribbean Tourism Summit (ACTS) in Washington, D.C. The results of these committees will also be presented to the Caricom Heads at their meeting in Antigua on July 2nd.

Governments have also come to recognize that they need to cooperate in speaking together with one voice to the government of the United States on a number of critical issues and they propose to take advantage of their presence in Washington to begin those discussions. Thus it appears that this unprecedented spirit of cooperation will continue even beyond the current situation.

A PROCLAMATION HONORING TIMOTHY L. MOORE FOR HIS 24 YEARS OF SERVICE IN THE UNITED STATES AIR FORCE SECURITY FORCES

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. SPACE. Madam Speaker:

Whereas, Timothy L. Moore spent 24 years in dedicated service to the United States Air Force Security Forces; and

Whereas, Mr. Moore has received high honors such as the Air Force Security Forces Outstanding Senior Noncommissioned Officer of the Year in 2005 and the Inspector General Outstanding Performer Award in 2003; and

Whereas, Timothy L. Moore is the recipient of the Meritorious Service award; and

Whereas, Timothy L. Moore is the recipient of the NATO Medal; now, therefore, be it

Resolved that along with his friends, family, and the residents of the 18th Congressional District, I commend and thank Timothy L. Moore for his contributions to his community and country.

RECOGNIZING THE 60TH ANNIVERSARY OF THE INTEGRATION OF THE ARMED SERVICES

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2008

Mr. RANGEL. Mr. Speaker, I rise today in support of H. Con. Res. 297 Recognizing the 60th Anniversary of the integration of the Armed Services. The bill recognizes the anniversary of President Truman's executive order declaring a policy of equality of treatment and opportunity for all persons in the armed services without regard to race, color, religion, or national origin.

The legacy of racism in America is one that runs so deep that even those that were willing to die for this country did not have basic rights while living in it. The process of getting army integration to be reflected in the law took over 15 years, but just like racial inequality throughout the U.S., it took much longer de facto.

I served in the all-black 503rd Field Artillery Battalion in the 2nd Infantry Division during the Korean War from 1948 until 1952. Today I am proud to see that it is a much different reality for our servicemen of color. Today we fight side by side with all races with one mission and respect for the value of each individual life. But we take this time to honor the 60th anniversary because we must continue to honor those that fought for this country while suffering under the extra burden of inequality, as well as those that fought for justice in the army and outside of it.

THE DAILY 45: FROM COAST TO COAST

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. RUSH. Madam Speaker, the Department of Justice tells us that every day, 45 people, on average, are fatally shot in the United States. Forty-five violent stories of tragedy every day are 45 too many.

From coast to coast, the stories affect us all. On Saturday night, in Seattle, Washington, a 17-year-old boy was fatally shot during an argument involving more than 20 young men at a fast-food restaurant.

On Sunday night, in Washington, DC, Frank L. Parker, a 47-year-old man, was found fatally shot in the 300 block of Parkland Place, SE.

On Monday afternoon, in Chicago, Mario Lopez, a 19-year-old man, was fatally shot in a West Side park. These are only three stories of 135 stories that could be told just between Saturday, July 12 and Monday, July 14.

Americans of conscience must come together to stop the senseless death of "The Daily 45." When will we say "enough is enough, stop the killing!"

TRIBUTE TO MARJORIE MATTHEWS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. TOWNS. Madam Speaker, I rise today to honor the life and work of Marjorie Matthews.

Marjorie Matthews prodigiously served the Kings County Hospital Center Community Advisory Board for twenty years, as vice chair from 1990 to 1994 and as chair from 1994 until 2001, where she championed the cause of better service to the Brooklyn community.

Marjorie Matthews labored as a committed and strong advocate for the redevelopment of the Kings County Hospital Center and worked diligently to rebuild the facilities for the benefit of all. Throughout her remarkable career in the healthcare field, she became a formidable leader whose work spanned the length and breadth of Brooklyn, as demonstrated through her devotion to the children of Brooklyn, herculean service on the Community School Board District 16 and pioneering work with the Head Start Program at P.S. 262.

The model of citizenship set forth by Marjorie Matthews is a guide to all wishing to make their communities better, the lives of our children brighter and our city stronger, which she established through inspiration and a lasting legacy for future generations.

Madam Speaker, I cannot in this short time do justice to the life and achievements of Marjorie Matthews. As a lifelong change agent, her dedication was boundless and her courage unparalleled.

On behalf of New York's Tenth Congressional District, I salute and commend Marjorie Matthews for her distinguished record of service to the residents of New York's Tenth Congressional District and beseech all those she left behind to continue her outstanding work. Sadly, she has left us but not before she bestowed her indelible mark on our community, on our lives, and in our hearts.

Madam Speaker, I urge my colleagues to join me in paying tribute to Marjorie Matthews and the wonderful example that she represented.

THE DEBBIE SMITH REAUTHORIZATION ACT OF 2008

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 14, 2008

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of H.R. 5057, "The Debbie Smith Reauthorization Act," legislation that I introduced to ensure that the nationwide backlog of DNA evidence is processed. I was pleased to have been joined in introducing the legislation by the Chairman and Ranking Member of the Judiciary Committee, Chairman

CONYERS and Ranking Member SMITH, and I want to thank them for their support and commitment to this issue. I also want to commend Chairman SCOTT and Ranking Member GOHMERT for their leadership in getting H.R. 5057 to the Floor today.

I have been working on this issue since 2001 when I, along with former Representative Steve Horn, held a hearing in the Government Reform Committee where we heard from the courageous rape survivor, Debbie Smith. Debbie recounted her horrifying story . . . how an intruder broke into her home and raped her in the nearby woods. Six years later her assailant was charged with her rape because DNA processing techniques had produced a "cold hit."

Inspired by Debbie's story, I resolved to do something to combat the epidemic of violence against women in the United States, where a sexual assault occurs every two minutes.

I knew that DNA processing techniques could serve as conclusive proof in countless other rape cases. But I was outraged that a backlog of hundreds of thousands of rape kits, with DNA evidence already collected, were gathering dust in police stations and crime labs all over the country . . . all because of inadequate government funding.

It was for Debbie, and the thousands of rape survivors like her, that I authored "The Debbie Smith Act" to provide federal funding to process the unconscionable backlog of DNA evidence.

I first introduced this legislation in 2001. In 2004, it was signed into law as part of the "Justice For All Act," comprehensive DNA legislation that has helped bring justice to rape survivors and their families across the country.

The "Justice For All Act" accomplished several critical objectives including authorizing the necessary funding, \$151,000,000 in each fiscal year from FY2005 through FY2009, to start processing the backlog of DNA evidence through the creation of the Debbie Smith DNA Backlog Grant Program. Since 2004, millions of dollars in funding have been appropriated under the Debbie Smith DNA Backlog Grant Program.

Because this groundbreaking program's authorization expires at the end of FY2009, H.R. 5057 extends the program through FY2014. Estimates place the number of unprocessed rape kits nationwide in the tens and possibly hundreds of thousands. Each kit represents an innocent life and a rapist who may commit multiple rapes before he is caught.

DNA is remarkable evidence. It doesn't forget, it can't be confused, it can't be intimidated and it doesn't lie. While an eyewitness can easily get mixed up about height, weight, hair color—DNA never changes its story.

Debbie's bravery and dedication to working with me to pass "The Debbie Smith Act," which was no small feat, has already made a tremendous impact on our justice system. I also want to acknowledge RAINN for its steadfast support of "The Debbie Smith Reauthorization Act" and for its efforts on behalf of sexual assault victims and survivors.

Tragically, only six percent of rapists will spend any time in jail. Congress must continue to support programs, like the Debbie Smith DNA Backlog Grant Program, that help to put rapists in prison and reduce violence against women.

I urge my colleagues to support this important legislation.

HONORING THE 100TH ANNIVERSARY OF ALPHA KAPPA ALPHA

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Ms. SOLIS. Madam Speaker, I rise today to honor the 100th anniversary of the founding of the Alpha Kappa Alpha Sorority. Throughout the years Alpha Kappa Alpha has instilled in its members the qualities of sisterhood and service to the community. It should be commended on reaching this tremendous milestone.

Alpha Kappa Alpha is the oldest Greek-letter organization established by African American college-trained women in 1908. Since its inception, Alpha Kappa Alpha has always been an advocate for the less fortunate and an agent for change in the community. One of the top priorities of Alpha Kappa Alpha has been to remain true to its core mission of sisterhood and service to the community. Alpha Kappa Alpha's Extraordinary Service Program has worked to improve the living standards within the black community through economic education, creating exposure and opportunities for the women entrepreneur, assisting black families, and improving the mental and physical health of local communities.

This week over 25,000 members of Alpha Kappa Alpha, including Patricia Jones, a constituent from the 32nd Congressional District of California, came to Washington, DC to attend the Centennial Convention. They are joined in their work and the legacy of their work by Honorary Members of the Sorority including Maya Angelou, former astronaut Mae Jemison and the late Rosa Parks, Coretta Scott King, Marian Anderson and Eleanor Roosevelt.

Madam Speaker, I hope that my colleagues will join me in congratulating Alpha Kappa Alpha for 100 years of service to the community. As a Latina Member of Congress, I look forward to working to promote economic and educational advancement in all communities of color.

A TRIBUTE TO AMERICA'S RAILROADS

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. BRADY of Pennsylvania. Madam Speaker, we all know that the U.S. needs a long term strategic energy policy if we are ever to break our addiction to foreign oil and become energy independent. Part of that long term solution is to focus on a policy that allows us to begin using less oil today.

The United States transportation system is the largest in the world and is almost entirely responsible for our Nation's dependence on using oil as the major source of energy. For instance, while the United States has only 4.5 percent of the world's population, it uses 25 percent of the world's oil. About 60 percent of this oil is imported. The transportation sector consumes seven of every ten barrels of oil consumed in the United States.

In addition, about 28 percent of greenhouse gas emissions, GHGs, in the U.S. are attrib-

uted to the transportation sector, making it the second largest contributor to GHG emissions, trailing only electricity generation. According to the U.S. Environmental Protection Agency, this figure is expected to rise to 36 percent by 2020.

In a carbon-constrained world, it makes sense for government to invest in transportation infrastructure that will promote the use of technologies that improve fuel efficiency, while also reducing carbon emissions and traffic congestion. Railroads are the most fuel efficient mode of surface transportation. In 2007, freight railroads moved one ton of freight an average of 436 miles per gallon of fuel—roughly the distance between Boston and Baltimore.

In its January 2008 final report to Congress, the National Surface Transportation Policy and Revenue Study Commission stated that "intercity passenger rail is . . . more energy efficient than many other modes of passenger transportation." The report notes that the average intercity passenger rail train produces 60 percent lower carbon dioxide emissions per passenger-mile than the average automobile, and half the carbon dioxide emissions per passenger-mile of an airplane.

Using railroads more means consuming less fuel, and that's more important today more than ever. However, the railroads may not currently have the capacity to handle socially optimal amounts of freight and passenger traffic. Freight railroads are reinvesting record amounts of their own funds into their systems, but that will not be enough to take full advantage of railroads' potential to meet our transportation needs.

One step we must take is to provide relief to states, local communities, and captive rail customers who continue to suffer from unreasonably high railroad rates and poor service. This relief cannot be accomplished through capital improvements alone. Reforms to reduce impediments to competition must also be enacted.

Further, railroads have traditionally invested in their own networks and there is increased interest in public-private relationships to help address the projected underinvestment in our Nation's rail network. However, the government as a public partner has a duty to ensure that the public interest is best served under any agreements it enters into. We need to be careful when creating these partnerships as private businesses' objectives and motivations may not necessarily be aligned with the public interest. When public-private partnerships are used to finance, design and build roads, bridges, rail projects, and transit facilities, we must safeguard the public interests.

H.R. 2116, an excellent piece of legislation introduced by my friend from Florida, KENDRICK MEEK, will provide a 25 percent tax credit for railroads to invest in capital expansion. This will help augment their financial capacity for transportation investments. As we review this legislation, we should also consider including a provision that ensures prevailing wages for the workers responsible for the construction of this expansion. Amtrak ridership may reach 28 million this year—the highest it has ever been and up from 25.8 million passengers last year. In fact, Amtrak ridership and revenues are up and experiencing significant growth in all categories: short distance, long distance, and Northeast Corridor services. Last month, Amtrak had the highest rev-

enue and ridership of any month in its history. Fiscal year 2008 year-to-date ridership is up 11 percent and revenues are up 14 percent over the previous year.

We also need to consider extending the "Section 45G" tax credit for investments in short line track rehabilitation that expired in 2007. The Section 45G tax credit has helped hundreds of short line railroads increase the volume and rate of track rehabilitation and improvement programs. This allows them to offer more efficient, cost-effective, and environmentally friendly rail service to communities throughout the country.

The key to reducing fuel consumption in transportation and our addiction to oil and dependence on foreign oil is by encouraging the use of the most fuel efficient modes of transportation—railroads. America's freight and passenger railroads offer a simple, cost effective and meaningful way to do this, thereby helping to ensure a sustainable future for our planet.

RETIREMENT OF CHIEF LANSON W. RUSSELL

HON. BILL FOSTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. FOSTER. Madam Speaker, I rise today to congratulate Chief Lanson W. Russell on the occasion of his retirement from the DeKalb Fire Department. I join with the city of DeKalb in thanking him for 44 years of dedicated community service.

Chief Russell began his distinguished career in 1964 as a volunteer with the Peotone Fire Protection District. In 1975, he established Will County's first paramedic unit, and was promoted to chief in 1984.

From 1988 to 1992, he served as fire chief in Villa Park, Illinois, then moved on to Downers Grove for the next 9 years. During his tenure there, Chief Russell worked with neighboring communities to develop joint hazardous materials, technical rescue, and cause and origin teams. Under his guidance, the Downers Grove Fire Department was among the first 44 agencies in the country to receive Accredited Agency Status from the Commission on Fire Accreditation International.

Chief Russell arrived in DeKalb in 2002, and immediately set out to strengthen the department's relationships with Northern Illinois University and neighboring departments. He led the negotiations that resulted in a 4-year collective bargaining agreement, and worked to foster an effective labor-management relationship.

Chief Russell received an associate's degree in Applied Science from Joliet Junior College, and a bachelor of science in Fire Service Management from Southern Illinois University. He continued his education at the National Fire Academy's Executive Fire Officer Program and the University of Virginia's Senior Executive Institute.

Chief Russell's tireless service to his community over 44 years has been exemplary. I wish him a happy retirement, and extend my deepest gratitude.

THE IRAQI REFUGEE AND INTERNALLY DISPLACED PERSONS HUMANITARIAN ASSISTANCE, RESETTLEMENT, AND SECURITY ACT OF 2008

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe and Special Representative on Mediterranean Affairs of the Organization for Security and Cooperation in Europe Parliamentary Assembly, I rise today in strong support of The Iraqi Refugee and Internally Displaced Persons Humanitarian Assistance, Resettlement, and Security Act of 2008 (H.R. 6496), a bill which I reintroduced yesterday with a group of 11 bipartisan original sponsors.

The bill I am introducing today addresses the impending humanitarian crisis and potential security break-down as a result of the mass influx of Iraqi refugees into neighboring countries, and the growing internally displaced population in Iraq. The bill increases accountable assistance to these populations and their host countries, as well as seeking to facilitate the resettlement of Iraqis at risk.

The plight of Iraqi refugees and Internally Displaced Persons (IDPs) is worsening by the day. It is heartbreaking to hear the stories of families who fled for their safety, are now unable to work and have subsequently depleted their savings in order to survive.

Madam Speaker, I would like to announce the support that I have received for this very important legislation from prominent non-governmental organizations (NGOs) and religious groups. To date, the following organizations have endorsed this legislation: The Campaign for Innocent Victims of Conflict (CIVIC), Church World Service, Congregation of Divine Providence of San Antonio, Education for Peace in Iraq (EPIC), International Rescue Committee, the Leadership Conference on Women Religious, the Maryknoll Office for Global Concerns, Mercy Center, Mercy Corps, NETWORK, Open Society Policy Center, Pax Christi USA: National Catholic Peace Movement, the Presbyterian Church (USA), Refugees International, Sisters of Charity of New York, Sisters of Mercy of the Americas, Sisters of St. Joseph NW PA, and Save the Children.

I thank all of these organizations who have endorsed my legislation and who every single day work tirelessly to make this world a better place. Without their commitment to helping the people devastated by this crisis, the situation in the region would be even worse.

Finally, I would like to thank Congressman DINGELL for his continued leadership in the House of Representatives on this issue and for his help in drafting this legislation as well as the other original co-sponsors supporting this bill. As I have said on many occasions, this must not be a partisan issue, but rather Congress and the Administration have an obligation to work together before the Iraqi refugee crisis further destabilizes the region.

I urge my colleagues to support this important legislation, which will provide much needed relief for Iraqi refugees and IDPs. I urge the leadership of the House to support this bill and bring it to the floor for its expeditious consideration.

HONORING THE 150TH ANNIVERSARY OF UPPER UWCHLAN TOWNSHIP

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. GERLACH. Madam Speaker, I rise today to honor a wonderful southeastern Pennsylvania municipality celebrating its 150th anniversary.

Upper Uwchlan Township, Chester County, was created in 1858 on a plain between the North Valley Hills and the Nantmeal Hills. Welsh Quakers first settled the rural area in the late 17th century and dubbed the region Uwchlan, which means "upland" or "land above the valley."

The Township is blessed with natural beauty, including the scenic waterways of Pickering Creek, Black Horse Run and Marsh Creek Lake. The Little Conestoga Road running through the Township is believed to be the oldest road in Pennsylvania between the Delaware and Susquehanna Rivers. Pioneers in America's westward expansion traveled through Upper Uwchlan on the Conestoga Turnpike, which also served as a major business route for getting goods into Philadelphia. The Township is also home to the Eagle Tavern, which has been serving patrons since approximately 1727.

Residents, businesses and local officials will mark the Township's 150th anniversary on Saturday, July 19, 2008 with a daylong celebration in the village of Eagle. In doing so, they will celebrate the Township's rich history and outstanding quality of life for residents and businesses.

Madam Speaker, I ask that my colleagues join me today in congratulating the Township on its historic anniversary.

SPECIAL OLYMPICS 40TH ANNIVERSARY

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. MORAN of Kansas. Madam Speaker, I rise today to recognize and congratulate Special Olympics for 40 years of extraordinary service to individuals with intellectual disabilities.

Beyond giving 2.5 million athletes a chance to compete, it gives their families a way to involve their sons, daughters, brothers and sisters. A chance for them to cheer. A chance to coach. A chance to connect in a special way. A chance to see their family member be accepted and respected in their communities.

Originally an initiative of Eunice Kennedy Shriver, the first Special Olympic Games were held on July 20, 1968 at Soldier Field in Chicago, Illinois. Participation in Special Olympics develops improved physical fitness and motor skills, greater self confidence and a more positive self image. Through competitions like power lifting, cycling, track and field, aquatics, tennis and gymnastics, athletes exhibit endless courage and enthusiasm and enjoy the rewards of friendship.

Last month I had the great privilege of addressing the athletes, fans, and families during

the opening ceremony of the Special Olympics Kansas 2008 Summer Games in Wichita. This year's Summer Games theme was "Be a Fan of Courage." This theme reflects the sentiments of the athlete oath, "Let me win. But if I cannot win, let me be brave in the attempt." These words were uttered by gladiators in ancient Rome, and are equally appropriate for modern-day gladiators overcoming their own adversities.

After 40 years, there are now millions of stories of courage in the Special Olympics, but one athlete who has taken the oath and that embodies this year's theme is LP Esquibel from Dodge City, Kansas. He is more than a fan of courage. He is courageous and because of his courage he was awarded the Most Inspirational Athlete award at the Summer Games this year. Cerebral palsy kept him from walking until he was 5 years old, but it has not kept him from becoming a 13-year veteran of the Special Olympics. It also has not kept a smile from his face. From all accounts, LP is more than a great athlete in his events of basketball, shot put, and the 100-yard walk, he is an encouragement to his fellow teammates and helps them on the court.

It is stories like LP's that has sold me on the power and benefits of the Special Olympics. Since 2007, I have served as the Honorary Chairman for the Kansas Law Enforcement Torch Run. The Torch Run covers hundreds of miles throughout the State and raises thousands of dollars in support of Special Olympics Kansas programs. This year-round fundraiser and awareness initiative was implemented by Wichita Police Chief Richard LaMunyon in 1981. It became an international event three years later in 1984 when Chief LaMunyon presented it to the International Association of Chiefs of Police. The Law Enforcement Torch Run is now the largest grassroots fundraiser and public awareness vehicle for Special Olympics around the world.

It was an honor to help raise money this past summer to help send Kansas athletes to compete in China at the World Olympics. I enjoyed meeting them and hearing of their success.

Special Olympics does remarkable work, both in the State of Kansas and across the globe. I would like to commend the leaders and volunteers of Special Olympics for 40 years of outstanding service and wish them continued success in the future.

RECOGNIZING THE 50TH ANNIVERSARY OF THE COUNCIL-MANAGER FORM OF GOVERNMENT IN FOND DU LAC, WISCONSIN

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Mr. PETRI. Madam Speaker, I have always agreed with that famous quotation from former House Speaker Tip O'Neill, who noted "all politics is local." I also subscribe to the adage that "all government is local."

Wisconsin is particularly proud of its strong tradition of local government, formally dating back to the ratification of the Wisconsin State Constitution in 1848. The Wisconsin State Constitution contains at least four references to local government and clearly grants the

Wisconsin State Legislature the authority to enact legislation to create local government and establish the framework within which local governments operate.

Ten Wisconsin cities currently have the council-manager form of government which was first authorized in 1919.

This year, the city of Fond du Lac, Wisconsin, celebrates the 50th anniversary of its adoption of the council-manager form of government. The council-manager system has served the city well, and I am pleased to congratulate Fond du Lac on this significant milestone.

Interestingly enough, Fond du Lac was the last city in Wisconsin to have the commissioner form of government, which featured three commissioners and a mayor, all elected, with the commission directly supervising city departments. Fifty years ago there were increasing questions about the effectiveness of this form of government. While local political issues made some sort of change appealing, there was growing popularity across the country at that time for the council-manager form of government, which the city of Fond du Lac ultimately adopted.

Often cited as an advantage of the council-manager model is the balance achieved between professional management of daily operations and policy decisions made by elected officials. While ultimate control of the government lies with elected officials, functional experts provide professional management of daily operations.

Robert McManus was the first city manager appointed by the city council in 1958. Mr. McManus was followed by Henry Buslee, Myron Medin, Daniel R. Thompson, Jack Howley, Stephen T. Nenonen, and Tom Ahrens. Thomas Herre, who was most recently appointed in 2005, currently serves in this key leadership role. Of this group, Myron Medin was Fond du Lac's longest serving city manager, serving from November of 1967 through August of 1983.

On the occasion of this noteworthy anniversary, it is important to commend the members of the Fond du Lac city council over the last

50 years for the care they have taken in appointing those who have served as city manager and in efficiently and effectively supervising the city's affairs. Of historical interest, it is fitting to note that James Megellas, a highly decorated World War II hero and native son of Fond du Lac, was the first city council president to preside under this new form of government.

I hope you will join me in congratulating the City of Fond du Lac and its citizens on the 50th anniversary of their adoption of the council-manager form of government.

IN SOLIDARITY WITH THE WRITERS GUILD OF AMERICA, WEST IN ACTION AGAINST FREMANTLEMEDIA NORTH AMERICA

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 16, 2008

Ms. SPEIER. Madam Speaker, the most successful and profitable television show in this country is "American Idol", produced by FremantleMedia North America. "American Idol" and other FremantleMedia productions entertain many millions worldwide with the promise of providing an opportunity for young talented people to display their abilities and be rewarded for their hard work.

That is why it is such a shame that FremantleMedia refuses to offer the same basic opportunity to its writers and other employees. The California Labor Commissioner has recorded claims from "American Idol" and other FremantleMedia employees totaling more than \$300,000 in unpaid wages and unsafe working conditions. The State Labor Commissioner has conducted serious investigations into FremantleMedia productions and has even been forced to cite the company for failure to pay overtime to their employees.

Madam Speaker, I have watched "American Idol" with my teenage daughter on many oc-

casions. I am well aware of its impact on society and the enormous profits it generates for Fox Television and its producers and advertisers. In 2007, the show allegedly generated over \$200 million in profits for the Fox network, while FremantleMedia's worldwide profits exceeded \$1.8 billion.

Why then, are they unable to pay a fair and equitable wage to its employees who provide the written content or other services that make these shows so successful? In an April 2008 filing with the California Department of Labor Standards, "American Idol" employees reported working 15–20 hour days, 7 days a week and FremantleMedia avoided paying any overtime by declaring that a substantial majority of their employees are "exempt." In addition to failing to abide by California's wage and hour statutes, FremantleMedia refuses to offer most of their employees access to health coverage. For such a popular and profitable show, I find this behavior reprehensible.

American reality show fans should not be confused. The reality is, "reality" shows are written. The plot lines, the banter between personalities, the contests that are at the heart of the shows; all are created by talented members of the creative community. These individuals should be paid fairly and like other American workers, allowed to join a guild to collectively bargain on their behalf.

Madam Speaker, no one wants to shut "American Idol" down. All I am asking, all the American people are demanding, is that those talented Americans who create content for these vastly profitable enterprises be paid fairly with industry-standard benefits and in accordance with federal and state laws. We are asking that one of the country's most popular and profitable shows treats its employees with the respect and dignity they deserve. You can bet that the on-air personalities who read the words are paid dearly. It's time that Fremantle allow those who put the words in their mouths simply be allowed to be represented at the bargaining table.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 17, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 22

- 9:30 a.m.
Armed Services
To hold hearings to examine the nominations of Michael Bruce Donley, of Virginia, to be Secretary, General Norton A. Schwartz, for reappointment to the grade of general and to be Chief of Staff, and General Duncan J. McNabb, for reappointment to the grade of general and to be Commander, United States Transportation Command, all of the United States Air Force.
SR-325
- Homeland Security and Governmental Affairs
To hold hearings to examine ways for America to gain energy security.
SD-106
- 10 a.m.
Environment and Public Works
To hold hearings to examine global warming, focusing on an update on the science and its implications.
SD-406
- Finance
To hold hearings to examine Indian governments and the tax code, focusing on maximizing tax incentives for economic development.
SD-215

- 2 p.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine improving performance relating to a review of pay-for-performance systems in the Federal Government.
SD-342
- 2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219

JULY 23

- 9:30 a.m.
Environment and Public Works
To hold hearings to examine the midwest floods, focusing on ways to determine what happened and how to improve managing risk and responses in the future.
SD-406
- Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on responding to the needs of returning United States Guard and Reserve members.
SR-418
- 9:45 a.m.
Energy and Natural Resources
To hold hearings to examine the status of existing federal programs targeted at reducing gasoline demand, focusing on additional proposals for near-term gasoline demand reductions.
SD-366

- 10 a.m.
Foreign Relations
To hold hearings to examine the nominations of James Christopher Swan, of California, to be Ambassador to the Republic of Djibouti, Alan W. Eastham, Jr., of Arkansas, to be Ambassador to the Republic of the Congo, and W. Stuart Symington, of Missouri, to be Ambassador to the Republic of Rwanda, all of the Department of State.
SD-419
- Homeland Security and Governmental Affairs
To hold hearings to examine information sharing, focusing on connecting the dots at the Federal, State, and Local levels.
SD-342

- Judiciary
To hold hearings to examine courting big business, focusing on the Supreme Court's recent decisions on corporate misconduct and laws regulating corporations.
SD-226

- 10:30 a.m.
Aging
To hold hearings to examine person-centered care, focusing on reforming services and bringing elderly citizens back to the heart of society.
SD-562

- 2 p.m.
Judiciary
To hold hearings to examine the nominations of J. Patrick Rowan, of Maryland, and Jeffrey Leigh Sedgwick, of Massachusetts, both to be an Assistant Attorney General, Department of Justice, and William B. Carr, Jr., of Pennsylvania, to be a Member of the United States Sentencing Commission.
SD-226

- 2:30 p.m.
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To continue hearings to examine childhood obesity, focusing on declining health of America's next generation (Part II).
SD-430
- Homeland Security and Governmental Affairs
To hold hearings to examine the nominations of Carol A. Dalton, Anthony C. Epstein, and Heidi M. Pasichow, all of the District of Columbia, all to be an Associate Judge of the Superior Court of the District of Columbia.
SD-342

JULY 24

- 10 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of James A. Williams, of Virginia, to be Administrator of General Services Administration.
SD-342
- Judiciary
To hold hearings to examine crimes associated with polygamy, focusing on the need for a coordinated state and federal response.
SD-226
- 2:30 p.m.
Intelligence
To hold closed hearings to examine certain intelligence matters.
SH-219

JULY 30

- 10 a.m.
Judiciary
To hold hearings to examine the White House and the Environmental protection Agency (EPA), focusing on impeding congressional oversight.
SD-226

Daily Digest

HIGHLIGHTS

Senate passed H.R. 5501, Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act.

Senate

Chamber Action

Routine Proceedings, pages S6799–S6878

Measures Introduced: Nine bills and one resolution were introduced, as follows: S. 3269–3277, and S. Res. 614. **Pages S6868–69**

Measures Reported:

Special Report entitled “Further Revised Allocation to Subcommittees of Budget Totals from the Concurrent Resolution, Fiscal Year 2009”. (S. Rept. No. 110–423)

S. 3270, to reauthorize the National Aeronautics and Space Administration. (S. Rept. No. 110–422)

H.R. 3248, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, with an amendment in the nature of a substitute. **Page S6868**

Measures Passed:

Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act: Committee on Foreign Relations was discharged from further consideration and by 80 yeas to 16 nays (Vote No. 182), Senate passed H.R. 5501, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, after striking all after the enacting clause and inserting in lieu thereof, S. 2731, Senate companion measure, as amended. **Pages S6809–17, S6820–57**

Subsequently, S. 2731 was returned to the Senate calendar.

Conquer Childhood Cancer Act: Senate passed H.R. 1553, 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 na-

tional childhood cancer registry, and promote public awareness of pediatric cancer, clearing the measure for the President. **Pages S6857–58**

Honoring Thurgood Marshall: Senate agreed to H. Con. Res. 381, honoring and recognizing the dedication and achievements of Thurgood Marshall on the 100th anniversary of his birth. **Pages S6877–78**

Measures Considered:

Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act: Senate continued consideration of S. 2731, to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, after taking action on the following amendments proposed thereto: **Pages S6809–17, S6820–57**

Adopted:

Dorgan Amendment No. 5084 (to Amendment No. 5076), to reallocate the distribution of funds from the Emergency Fund for Indian Safety and Health. **Pages S6811–13, S6815**

Thune Amendment No. 5076, to provide for an emergency plan for Indian safety and health. **Pages S6809–11, S15**

Biden (for Gregg) Amendment No. 5085, to encourage the inclusion of cost sharing assurances and transition strategies among compacts and frameworks agreements, the activities authorized under section 104A of the Foreign Assistance Act of 1961, and the highest priorities of the Federal Government. **Page S6817**

Biden (for Vitter) Amendment No. 5086, to withhold 20 percent of the Federal funding appropriated for the Global Fund until the Secretary certifies that the Global Fund has provided the State Department with access to financial and other data. **Pages S6828–30**

Biden (for Sessions) Amendment No. 5087, to advise the public about the risks of contracting HIV from blood exposures, to investigate unexplained infections, and to promote universal precautions in health care settings. **Pages S6830–31**

Rejected:

By 32 yeas to 63 nays (Vote No. 178), Cornyn Amendment No. 5083, to establish a bipartisan commission for the purpose of improving oversight and eliminating wasteful government spending under the President's Emergency Plan for AIDS Relief. **Pages S6813–16**

By 44 yeas to 51 nays (Vote No. 179), Gregg Amendment No. 5081, to strike the provision requiring the development of coordinated oversight plans and to establish an independent Inspector General at the Office of the Global AIDS Coordinator. **Pages S6831–32**

By 28 yeas to 67 nays (Vote No. 180), Kyl Amendment No. 5082, to limit the period during which appropriations may be made to carry out this Act and to create a point of order in the Senate against appropriation to carry out this Act that exceeds the amount authorized for fiscal year 2013. **Page S6832**

By 31 yeas to 64 nays (Vote No. 181), DeMint Amendment No. 5077, to reduce to \$35,000,000,000 the amount authorized to be appropriated to combat HIV/AIDS, tuberculosis, and malaria in developing countries during the next 5 years. **Page S6832**

Appointments:

U.S.-Russia Interparliamentary Group: The Chair, on behalf of the Majority Leader, pursuant to Section 154 of Public Law 108–199, as amended, appointed the following Senator as Vice Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 110 Congress: Senator Gregg. **Page S6878**

Majority Leader—Agreement: A unanimous-consent agreement was reached providing that at approximately 10 a.m. on Thursday, July 17, 2008, the Majority Leader be recognized to make a motion to proceed. **Page S6878**

Messages from the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report on the continuation of the national emergency and related measures dealing with the former Liberian regime of Charles Taylor; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–56) **Pages S6867–68**

Transmitting, pursuant to law, the Agreement Between the United States and Poland on Social Secu-

urity, consisting of a principal agreement and an administrative agreement; which was referred to the Committee on Finance. (PM–57) **Page S6868**

Measures Placed on the Calendar:

Pages S6799, S6868

Additional Cosponsors:

Pages S6869–70

Statements on Introduced Bills/Resolutions:

Pages S6870–76

Additional Statements:

Pages S6866–67

Amendments Submitted:

Page S6876

Notices of Hearings/Meetings:

Pages S6876–77

Authorities for Committees to Meet:

Page S6877

Privileges of the Floor:

Page S6877

Record Votes: Five record votes were taken today. (Total—182) **Pages S6816, S6831–32, S6832, S6833, S6842**

Adjournment: Senate convened at 9:30 a.m. and adjourned at 8:30 p.m., until 10 a.m. on Thursday, July 17, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6878.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: NIH

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, and Related Agencies concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the National Institutes of Health, after receiving testimony from Elias A. Zerhouni, Director, National Institutes of Health, Department of Health and Human Services.

IRAQ NEGOTIATIONS

Committee on Armed Services: Committee met in closed session to receive a briefing on the status of negotiations with Iraq on a strategic framework agreement and a status of forces agreement from Lieutenant General Douglas E. Lute, USA, Assistant to the President and Deputy National Security Advisor for Iraq and Afghanistan, and Christopher C. Straub, Deputy Assistant Secretary for Middle Eastern Affairs, both of the Department of Defense; and Richard J. Schmierer, Deputy Assistant Secretary and Coordinator for Iraq, Bureau of Near Eastern Affairs, Department of State.

LAND BILLS

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests concluded a hearing to examine S. 2354, to direct the Secretary

of the Interior to convey 4 parcels of land from the Bureau of Land Management to the city of Twin Falls, Idaho, S. 3065, to establish the Dominguez-Escalante National Conservation Area and the Dominguez Canyon Wilderness Area, S. 3069, to designate certain land as wilderness in the State of California, S. 3085, to require the Secretary of the Interior to establish a cooperative watershed management program, H.R. 3473, to provide for a land exchange with the City of Bountiful, Utah, involving National Forest System land in the Wasatch-Cache National Forest and to further land ownership consolidation in that national forest, H.R. 3490, to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, H.R. 3651, to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard, H.R. 2632, to establish the Sabinoso Wilderness Area in San Miguel County, New Mexico, and S. 2448, to amend the Surface Mining Control and Reclamation Act of 1977 to make certain technical corrections, after receiving testimony from Senator Boxer; Brent Wahlquist, Director, Office of Surface Mining Reclamation and Enforcement, and Henri Bisson, Deputy Director, and Avra Morgan, Reclamation Drought Coordinator, Office of Program and Policy Services, both of the Bureau of Reclamation, all of the Department of the Interior; Joel Holtrop, Deputy Chief, National Forest System, United States Forest Service, Department of Agriculture; Jan McCracken, Delta County, Delta, Colorado; and Tom Hinz, Greater Gallatin Watershed Council, Bozeman, Montana.

NUCLEAR PLANTS LICENSING AND RELICENSING

Committee on Environment and Public Works: Subcommittee on Clean Air and Nuclear Safety concluded a hearing to examine the Nuclear Regulatory Commission's licensing and relicensing processes for nuclear power plants, after receiving testimony from Dale E. Klein, Chairman, Gregory B. Jaczko, Peter B. Lyons, and Kristine L. Svinicki, each a Commissioner, and Hubert T. Bell, Inspector General, all of the U.S. Nuclear Regulatory Commission; David A. Christian, Dominion Nuclear, Glenn Allen, Virginia; Anthony R. Pietrangelo, Nuclear Energy Institute, and Joseph Romm, Center for American Progress Action Fund, both of Washington, D.C.; Richard Webster, Eastern Environmental Law Center, Newark, New Jersey; and H. John Gilbertson, Jr., Goldman, Sachs and Company, Chicago, Illinois.

SIX-PARTY TALKS

Committee on Foreign Relations: Committee concluded a closed hearing to examine North Korea's declaration and the Six-Party Talks on North Korea's nuclear weapons program, after receiving testimony from Christopher R. Hill, Assistant Secretary of State for the Bureau of East Asian and Pacific Affairs.

GLOBAL NUCLEAR DETECTION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine global nuclear detection architecture—an integrated system of radiation detection equipment and interdiction activities, focusing on ways to build domestic defenses to combat a possible future attack, after receiving testimony from Chuck Gallaway, Deputy Director, and Mark Mullen, Assistant Director, Architecture Directorate, both of the Domestic Nuclear Detection Office, Department of Homeland Security; David C. Maurer, Acting Director, Natural Resources and Environment, Government Accountability Office; Dana A. Shea, Specialist in Science and Technology Policy, Resources, Science, and Industry Division, Congressional Research Service, Library of Congress; and Robert F. Nesbit, MITRE Corporation, Bedford, Massachusetts.

HUMAN CAPITAL CRISIS AT THE DEPARTMENT OF STATE

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine the human capital crisis at the Department of State, focusing on the Department's efforts to hire, develop, position, and support a dedicated corps of Foreign Service, Civil Service, and locally employed staff to effectively meet the global implications, challenges, standards of operational readiness, and the worldwide mission of the Department, after receiving testimony from Harry K. Thomas, Director General of the Foreign Service and Director of Human Resources, Department of State; and John K. Naland, American Foreign Service Association (AFSA), and Ronald E. Neumann, American Academy of Diplomacy, both of Washington, D.C.

CHILDHOOD OBESITY (PART I)

Committee on Health, Education, Labor, and Pensions: Subcommittee on Children and Families held a hearing to examine childhood obesity, focusing on the declining health of America's next generation (Part I), receiving testimony from Jeffrey Levi, Trust for America's Health (TFAH), and Bruce Lesley, First

Focus, both of Washington, D.C.; Francine Kaufman, University of Southern California, Los Angeles; and Margaret Grey, Yale University School of Nursing, New Haven, Connecticut.

Hearing recessed subject to the call.

U.S. DETAINEE/TERRORISM POLICIES

Committee on the Judiciary: Committee concluded a hearing to examine the Administration's detainee policies and the global fight against terrorism, focusing on legal foundations and the military justice and federal court systems, after receiving testimony from Kate Martin, Center for National Security Studies, and David B. Rivkin, Jr., Baker Hostetler, LLP, both of Washington, D.C.; and Colonel Will A. Gunn, USAF (Ret.), Fort Belvoir, Virginia.

U.S. CAPITOL POLICE

Committee on Rules and Administration: Committee concluded a hearing to examine administrative and management operations of the United States Capitol

Police, after receiving testimony from Phillip D. Morse, Sr., Chief of Police, United States Capitol Police; Richard A. Stana, Director, Homeland Security and Justice, Government Accountability Office; and Matthew A. Tighe, Fraternal Order of Police U.S. Capitol Police Labor Committee, Washington, D.C.

RETIREMENT SAVINGS

Special Committee on Aging: Committee concluded a hearing to examine smart ways Americans can save for their retirement, after receiving testimony from Gregory T. Long, Executive Director, Federal Retirement Thrift Investment Board; Christian E. Weller, University of Massachusetts Boston Department of Public Policy and Public Affairs; J. Mark Iwry, Brookings Institution, and David C. John, Heritage Foundation, both on behalf of the Retirement Security Project, and John Gannon, Financial Industry Regulatory Authority, all of Washington, D.C.; and Bruce R. Bent, The Reserve, New York, New York.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 22 public bills, H.R. 6506–6527; and 1 resolution H. Res. 1351 were introduced. **Pages H6673–74**

Additional Cosponsors: **Pages H6674–75**

Report Filed: A report was filed today as follows:

H. Res. 1350, providing for consideration of motions to suspend the rules (H. Rept. 110–761).

Page H6673

Chaplain: The prayer was offered by the guest Chaplain, Rev. John C. Garrett, Parish of Our Lady of Sorrows-St. Anthony, Hamilton, New Jersey.

Page H6579

Burma Democracy Promotion Act: The House agreed by unanimous consent that the Clerk be authorized to make the changes placed at the desk in the engrossment of the House amendment to the Senate amendment to the text of H.R. 3890, 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 prohibit the importation of gemstones and hardwoods from Burma, and to promote a coordinated international effort to restore civilian democratic rule to Burma.

Page H6599

Intelligence Authorization Act for Fiscal Year 2009: The House passed H.R. 5959, to authorize appropriations for fiscal year 2009 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, by voice vote.

Pages H6582–87, H6596–97, H6599–H6648

Rejected the Hoekstra motion to recommit the bill to the Permanent Select Committee on Intelligence with instructions to report the same back to the House promptly with an amendment, by a recorded vote of 200 ayes to 225 noes, Roll No. 502.

Pages H6626–29

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule.

Page H6607

Accepted:

Reyes amendment (No. 1 printed in H. Rept. 110–759) that adds an exception to the alternative fuel procurement requirement, clarifying that the bill does not prohibit an element of the intelligence community from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a

nonconventional petroleum source when certain requirements are met. It also adds an assessment of the feasibility of employing foreign nationals lawfully present in the U.S. who have previously worked as translators for the Armed Forces or another department or agency of the Federal Government in Iraq or Afghanistan to meet the critical language needs of such element. Finally, it requires that the report required in section 412 on intelligence resources dedicated to Iraq and Afghanistan include resources dedicated to intelligence analysis; **Pages H6617–18**

Holt amendment (No. 3 printed in H. Rept. 110–759) that requires the Director of National Intelligence to inform all holders of the October 2007 National Intelligence Estimate on Iran's nuclear program of any new intelligence on Iran's nuclear program that has emerged since the publication of the NIE; **Pages H6619–20**

Harman amendment (No. 5 printed in H. Rept. 110–759) that expresses the sense of Congress that the Director of National Intelligence should work with other government agencies and the aerospace industry to develop and implement policies to sustain and expand the aerospace industry workforce; **Pages H6621–22**

Hinchey amendment (No. 7 printed in H. Rept. 110–759) that instructs the Director of the Central Intelligence Agency to submit a report on the activities of the intelligence community with regard to human rights violations of the Argentine military government from the mid-1970's until the mid-1980's. The amendment also instructs the inclusion of a compilation of declassified documents and consents to the inclusion of a classified annex in the report; **Pages H6623–24**

Hoekstra amendment (No. 2 printed in H. Rept. 110–759) that expresses the sense of Congress that (1) the defeat of Colombian paramilitary organizations is in the national interest of the United States; (2) the recent rescue of hostages held by the FARC demonstrates the professionalism of Colombian forces; (3) U.S. intelligence and other assistance played a key role in developing and reinforcing Colombian capabilities; and (4) it is critical that U.S. assistance to the Government of Colombia continue (by a recorded vote of 414 ayes to 10 noes with 7 voting "present", Roll No. 499); **Pages H6618–19, H6624–25**

Hoekstra amendment (No. 4 printed in H. Rept. 110–759) that bars the use of funds to prohibit or discourage the use of the phrases "jihadist," "jihad," "Islamofascism," "caliphate," "Islamist," or "Islamic terrorist" within the Intelligence Community or the Federal Government (by a recorded vote of 249 ayes to 180 noes, Roll No. 500); and **Pages H6620–21, H6625**

Kirk amendment (No. 6 printed in H. Rept. 110–759) that requires the Director of National Intelligence to submit to Congress a National Intelligence Estimate on the production and sale of narcotics in support of international terrorism, including the support the Taliban and al Qaeda receive from the sale of narcotics and the shift in production from opium to hashish in Afghanistan (by a recorded vote of 426 ayes to 2 noes, Roll No. 501). **Pages H6622–23, H6626**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H6629**

H. Res. 1343, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 226 yeas to 193 nays, Roll No. 496, after agreeing to order the previous question by a yea-and-nay vote of 226 yeas to 192 nays, Roll No. 495. **Pages H6596–97**

Amending the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System: The House passed H.R. 415, to amend the Wild and Scenic Rivers Act to designate segments of the Taunton River in the Commonwealth of Massachusetts as a component of the National Wild and Scenic Rivers System, by a yea-and-nay vote of 242 yeas to 175 nays, Roll No. 507.

Pages H6587–96, H6629–48

Rejected the Wittman (VA) motion to recommit the bill to the Committee on Natural Resources with instructions to report the same back to the House promptly with an amendment, by a yea-and-nay vote of 188 yeas to 227 nays, Roll No. 506. **Pages H6645–47**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H6639**

Accepted:

Bishop (UT) amendment (No. 3 printed in H. Rept. 110–758) that requires the Secretary of the Interior to report to Congress on the energy resources available on the lands and waters included in the segments of the Taunton River designated by the bill; **Page H6642**

Shuler amendment (No. 2 printed in H. Rept. 110–758) that amends the bill to state that nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the Commonwealth of Massachusetts to manage, control, or regulate fish and resident wildlife under State law or regulations, including the regulation of hunting, fishing, trapping, and recreational shooting, and that

nothing in the Act shall be construed as limiting access for hunting, fishing, trapping, or recreational shooting (by a recorded vote of 425 ayes with none voting “no”, Roll No. 504); and

Pages H6641–42, H6644–45

Boyda amendment (No. 4 printed in H. Rept. 110–758) that requires that nothing in the bill impact the supply of domestically-produced energy resources (by a recorded vote of 421 ayes with none voting “no”, Roll No. 505). **Pages H6642–43, H6645**

Rejected:

Bishop (UT) amendment (No. 1 printed in H. Rept. 110–758) that would have removed from the bill the designation as a recreational river of a 9-mile segment of the Taunton River from Muddy Cove to the confluence with the Quequechan River at the Route 195 Bridge in Fall River (by a recorded vote of 189 ayes to 235 noes, Roll No. 503).

Pages H6640–41, H6643–44

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H6649**

H. Res. 1339, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 224 yeas to 195 nays, Roll No. 498, after agreeing to order the previous questions by a yea-and-nay vote of 223 yeas to 198 nays, Roll No. 497.

Pages H6598–99

Pursuant to the provisions of H. Res. 1339, S. 2062, as amended, is considered as passed and the House is considered to have insisted on its amendment and requested a conference with the Senate thereon. **Page H6587**

Suspension—Proceedings Resumed: The House agreed to suspend the rules and agree to the following measure which was debated on Monday, July 14th:

Expressing the deepest appreciation of Congress to the families of members of the United States Armed Forces: H. Con. Res. 295, to express the deepest appreciation of Congress to the families of members of the United States Armed Forces, by a $\frac{2}{3}$ yea-and-nay vote of 415 yeas with none voting “nay”, Roll No. 508. **Pages H6648–49**

Presidential Messages: Read a message from the President wherein he transmitted the Agreement Between the United States of America and Poland on Social Security—referred to the Committee on Ways and Means and ordered printed (H. Doc. 110–133).

Page H6649

Read a message from the President wherein he notified Congress that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2008—referred to the Committee on

Foreign Affairs and ordered printed (H. Doc. 110–134). **Pages H6649–50**

Quorum Calls—Votes: Seven yea-and-nay votes and seven recorded votes developed during the proceedings of today and appear on pages H6596, H6597, H6598, H6598–99, H6624–25, H6625, H6626, H6628–29, H6643–44, H6644–45, H6645, H6647, H6647–48, H6648–49. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:25 p.m.

Committee Meetings

INTERNATIONAL FOOD/AGRICULTURAL ASSISTANCE

Committee on Agriculture: Subcommittee on Speciality Crops, Rural Development, and Foreign Agriculture held a hearing to review efforts to deliver international food aid and provide foreign agricultural development assistance. Testimony was heard from Michael W. Yost, Administrator, Foreign Agricultural Service, USDA; James Kunder, Acting Deputy Administrator, U.S. Agency for International Development, Department of State; and public witnesses.

STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS

Committee on Appropriations: Subcommittee on State, Foreign Operations, and Related Programs approved for full Committee action the State, Foreign Operations, and Related Programs Appropriations for Fiscal Year 2009.

INCREASING HEALTHCARE VALUE

Committee on the Budget: Held a hearing on Getting Better Value in Health Care. Testimony was heard from Peter Orszag, Director, CBO; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Energy and Commerce: Ordered reported, as amended, the following bills: H.R. 2851, Mitchell’s Law; H.R. 6432, Animal Drug User Fee Amendments of 2008; and H.R. 6433, Animal Generic Drug User Fee Act of 2008.

MONETARY POLICY AND STATE OF THE ECONOMY

Committee on Financial Services: Held a hearing on Monetary Policy and the State of the Economy. Testimony was heard from Ben S. Bernanke, Chairman, Board of Governors, Federal Reserve System.

MISCELLANEOUS MEASURES

Committee on Foreign Affairs: Ordered reported as amended, the following bills: H.R. 3202, Foreign

Service Overseas Pay Equity Act of 2007; and H.R. 6328, To develop a policy to address the critical needs of Iraqi refugees.

The Committee favorably considered the following measures and, by unanimous consent, approved a request of the Chairman that they be placed on the Suspension Calendar: H.R. 6456, amended, To provide for extensions of certain authorities of the Department of State and for other purposes; H. Res. 937, amended, Expressing the sense of the House of Representatives that the emergency communications services provided by the American Red Cross are vital resources for military service members and their families; H. Res. 1008, amended, Condemning the persecution of Baha'is in Iran; H. Res. 1069, amended, Condemning the use of television programming by Hamas to indoctrinate hatred, violence, and anti-Semitism toward Israel in young Palestinian children; H. Res. 1159, Recognizing the historical significance of the United States sloop-of-war Constellation as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America's effort to end the practice; H. Res. 1254, amended, Supporting the values and goals of the "Joint Action Plan Between the Government of the Federative Republic of Brazil and the Government of the United States of America to Eliminate Racial and Ethnic Discrimination and Promote Equality," signed by Secretary of State Condoleezza Rice and the Brazilian Minister of Racial Integration Edson Santos on March 13, 2008; H.R. 1266, amended, Congratulating Albania and Croatia on being invited to begin accession talks with the North Atlantic Treaty Organization and expressing support for continuing to enlarge the alliance; H. Res. 1279, Recognizing the Special Olympics' 40th anniversary; H. Res. 1290, amended, Joining the Office of the United Nations High Commissioner for Refugees in observance of World Refugee Day and calling on the United States Government, international organizations, and aid groups to take immediate steps to secure urgently needed humanitarian relief for the more than 2,000,000 people displaced by genocide in the Darfur region of Sudan; H.R. 1307, Commemorating the Kingdom of Bhutan's participation in the 2008 Smithsonian Folklife Festival and commending the people and the Government of the Kingdom of Bhutan for their commitment to holding elections and broadening political participation; H. Con. Res. 344, amended, Recognizing that we are facing a global food crisis; H. Con. Res. 361, Commemorating Irena Sendler, a woman whose bravery saved the lives of thousands during the Holocaust and remembering her legacy of courage, selflessness, and hope; and H. Con. Res. 371, amended, Strongly supporting an immediate

and just restitution of, or compensation for, property illegally confiscated during the last century by Nazi and Communist regimes.

VISA WAIVER PROGRAM ENHANCEMENT

Committee on Homeland Security: Subcommittee on Border, Maritime, and Global Counterterrorism held a hearing entitled "Implementing the 9/11 Act Mandates for Enhancing the Visa Waiver Program." Testimony was heard from the following officials of the Department of Homeland Security: Richard C. Barth, Assistant Secretary, Office of Policy Development; and Robert Mocny, Director, US-VISIT Program; Stephen A. Edson, Deputy Assistant Secretary, Visa Services, Bureau of Consular Affairs, Department of State; and public witnesses.

BIOSURVEILLANCE IMPLANTION

Committee on Homeland Security: Subcommittee on Emerging Threats, Cybersecurity, and Science and Technology held a hearing entitled "One Year Later—Implementing the Biosurveillance Requirements of the '9/11 Act.'" Testimony was heard from the following officials of the Department of Homeland Security: Robert Hooks, Deputy Assistant Secretary for WMD and BioDefense, Office of Health Affairs; Eric Myers, Director, National Biosurveillance Integration Center, Office of Health Affairs; William Jenkins, Jr., Director, Homeland Security and Justice Issues; and Jeffrey Stieffel, Director, BioWatch, Office of Health Affairs; William Jenkins, Jr., Director, Homeland Security and Justice Issues, GAO; and Frances Downes, Director, State Public Health Laboratory, Department of Community Health, State of Michigan; and a public witness.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended, the following bills: H.R. 5546, Credit Card Fair Fee Act of 2008; H.R. 4854, False Claims Act Correction Act of 2007; H.R. 4081, PACT Act; H.R. 6083, To authorize funding for the National Advocacy Center; and H.R. 6034, To amend the Immigration and Nationality Act to provide for relief to surviving spouses and children.

U.S. PAROLE COMMISSION REAUTHORIZATION

Committee on the Judiciary: Subcommittee on Crime, Terrorism and Homeland Security held a hearing on the Reauthorization of the U.S. Parole Commission. Testimony was heard from Eleanor Holmes Norton, Delegate, District of Columbia; Edward F. Reilly, Jr., Chairman, United States Parole Commission, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Ordered reported the following bills: H.R. 160, amended, Revolutionary War and War of 1812 Battlefield Protection Act; H.R. 4828, amended, Palo Alto Battlefield National Historic Site Boundary Expansion Act of 2007; H.R. 5751, Walnut Canyon Study Act of 2008; H.R. 6176, To authorize the expansion of the Fort Davis National Historic Site in Fort Davis, Texas, and for other purposes; H.R. 2933, amended, Civil War Battlefield Preservation Act of 2007; H.R. 3299, amended, To provide for a boundary adjustment and land conveyances involving Roosevelt National Forest, Colorado, to correct the effects of an erroneous land survey that resulted in approximately 7 acres of the Crystal Lakes Subdivision, Ninth Filing, encroaching on National Forest System land; H.R. 3336, amended, Camp Hale Historic District Study Act; H.R. 3849, amended, Box Elder Utah Land Conveyance Act; H.R. 3437, amended, Jackson Gulch Rehabilitation Act of 2007; H.R. 2535, Tule River Tribe Water Development Act; H.R. 5293, amended, Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act; and H.R. 5350, amended, To authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes.

MISCELLANEOUS MEASURES

Committee on Oversight and Government Reform: Ordered reported the following measures: H.R. 1865, amended, To amend title 31, United States Code, to allow certain local tax debt to be collected through the reduction of Federal tax refunds; H.R. 5235, amended, Ronald Reagan Centennial Commission Act; H.R. 6073, To provide that Federal employees their pay by electronic funds transfer shall be given the option of receiving their pay stubs electronically; H.R. 6113, amended, To amend title 44, United States Code, to require each agency to include a contact telephone number in its collection of information; H.R. 6322, Public Charters School Home Rule Act of 2008; H.R. 6388, amended, Government Accountability Improvement Act of 2008; H.R. 6500, amended, Thrift Savings Enhancement Act; H. Res. 732, amended, To support the designation of National Estate Planning Awareness Week; H. Con. Res. 364, Recognizing the Significance of National Caribbean-American Heritage Month; H. Res. 1128, To express support for the goals and ideals of National Carriage Driving Month; H. Res. 1143, Supporting the goals and ideals of the Apple Crunch and the Nations's domestic apple industry; H. Res. 1202, Supporting the goals and ideals of a National Guard Youth Challenge Day; H. Res. 1262, Express-

ing the sense of the House of Representatives that the Secretary of Commerce should use all reasonable measures to ensure that every person is counted in the 2010 decennial census; H. Res. 1311, Expressing support for the designation of National GEAR UP Day on July 22, 2008; H.R. 5932, To designate the facility of the United States Postal Service located at 2801 Manhattan Boulevard in Harvey, Louisiana, as the "Harry Lee Post Office Building;" H.R. 6168, To designate the facility of the United States Postal Service located at 112 South 5th Street in Saint Charles, Missouri, as the "Lance Corporal Drew W. Weaver Post Office Building;" H.R. 6169, To designate the facility of the United States Postal Service located at 15455 Manchester Road in Ballwin, Missouri, as the "Specialist Peter J. Navarro Post Office Building;" H.R. 6198, To designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, as the "Reverend Earl Abel Post Officer Building;" H.R. 6208, To designate the facility of the United States Postal Service located at 1100 Town and Country Commons in Chesterfield, Missouri, as the "Lance Corporal Matthew P. Pathenos Post Office Building;" H.R. 6226, To designate the facility of the United States Postal Service located at 300 East 3rd Street, Jamestown, New York, as the "Stan Lundine Post Office Building;" H.R. 6229, 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. 6338, 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;" and H.R. 6437, To designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas as the "Corporal Alfred Mac Wilson Post Office."

RETIRED-DISABLED VETS RETROACTIVE PAY

Committee on Oversight and Government Reform: Subcommittee on Domestic Policy held a hearing on Examining Contractor Performance and Government Management of Retroactive Pay for Retired Veterans with Disabilities. Testimony was heard from the following officials of the Department of Defense: Zack E. Gaddy, Director, Finance and Accounting Service; and Gordon Heddell, Acting Inspector General; and public witnesses.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND RULES—MEASURE CONCERNING DOMESTIC PRODUCTION OF OIL AND NATURAL GAS

Committee on Rules: Granted, by record vote of 9–3, a rule providing that it shall be in order at any time on the legislative day of Thursday, July 17, 2008, for the Speaker to entertain motions that the House suspend the rules relating to a measure concerning the domestic production of oil and natural gas.

MISCELLANEOUS MEASURES

Committee on Science and Technology: Ordered reported the following bills: H.R. 3957, amended, Water Use Efficiency and Conservation Research Act; H.R. 2339, Produced Water Utilization Act of 2007; and H.R. 6323, amended, To establish a research, development, demonstration, and commercial application program to promote research of appropriate technologies for heavy duty plug-in hybrid vehicles, and for other purposes.

VETERANS AMPUTEES SMALL PROSTHETIC PRACTICES

Committee on Small Business: Subcommittee on Contracting and Technology held a hearing on Ensuring Continuity of Care for Veteran Amputees: The Role of Small Prosthetic Practices. Testimony was heard from Frederick Downs, Jr., Chief Prosthetics and Clinical Logistics Officer, Office of Prosthetics and Clinical Logistics, Department of Veterans Affairs; and public witnesses

COAST GUARD ICEBREAKING

Committee on Transportation and Infrastructure: Subcommittee on Coast Guard and Maritime Transportation held a hearing on Coast Guard Icebreaking. Testimony was heard from Representative Stupak; ADM Thad Allen, USCG, Commandant, U.S. Coast Guard, Department of Homeland Security; Arden L. Bement, Director, NSF; and public witnesses.

FEDERAL HIGHWAY TRAFFIC SAFETY PROGRAMS

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on Improving Roadway Safety: Assessing the Effectiveness of the NHTSA's Highway Traffic Safety Programs. Testimony was heard from Jim Ports, Deputy Administrator, National Highway Traffic Safety Administration, Department of Transportation; Katherine A. Siggerud, Director, Physical Infrastructure Issues, GAO; Christopher J. Murphy, Director, Office of Traffic Safety, State of California; and public witnesses.

VETERANS' MEASURES

Committee on Veterans' Affairs: Ordered reported the following bills: H.R. 4255, amended, United States Olympic Committee Paralympic Program Act of 2007; H.R. 6225, Injunctive Relief for Veterans Act of 2008; H.R. 6221, amended, Veteran-Owned Small Business Protection and Clarification Act of 2008; H.R. 6445, amended, To amend title 38, United States Code, to prohibit the Secretary of Veterans Affairs from collecting certain copayments from veterans who are catastrophically disabled; H.R. 1527, amended, Rural Veterans Access to Care Act; H.R. 2192, amended, To amend title 38, United States Code, to establish an Ombudsman within the Department of Veterans Affairs; and H.R. 674, To amend title 38, United States Code, to repeal the provision of law requiring termination of the Advisory Committee on Minority Veterans as of December 31, 2009.

Joint Meetings

RACISM IN OSCE

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine racism in the 21st century, focusing on understanding global challenges and implementing solutions, addressing non-violent and violent forms of racial and ethnic discrimination in the 56 North American and European countries that make up the Organization for Security and Co-operation in Europe (OSCE) region, including racist and xenophobic political platforms, worrying increases in hate crimes, and inequalities in housing, education, employment, and the justice system, after receiving testimony from Anastasia Crickley, OSCE Chair-in-Office Personal Representative on Combating Racism, Xenophobia, and Discrimination Against Christians and Members of Other Religions, Maynooth, Ireland; Gay McDougall, United Nations, Washington, D.C.; and John Payton, National Association for the Advancement of Colored People (NAACP) Legal Defense and Educational Fund, New York, New York.

NEW PUBLIC LAWS

For last listing of Public Laws, see DAILY DIGEST, p. D895)

H.R. 6331, to amend titles XVIII and XIX of the Social Security Act to extend expiring provisions under the Medicare Program, to improve beneficiary access to preventive and mental health services, to enhance low-income benefit programs, and to maintain access to care in rural areas, including pharmacy access. Signed on July 15, 2008. (Public Law 110–275)

H.R. 1019, 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”. Signed on July 15, 2008. (Public Law 110–276)

COMMITTEE MEETINGS FOR THURSDAY, JULY 17, 2008

Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: business meeting to markup proposed legislation making appropriations for the Departments of State, Foreign Operations and Related Programs, Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, and Military Construction and Veterans Affairs, and Related Agencies for the fiscal year ending September 30, 2009, 2 p.m., SR–325.

Committee on Banking, Housing, and Urban Affairs: business meeting to markup an original bill entitled, “The Comprehensive Iran Sanctions, Accountability and Divestment Act of 2008.”, 10 a.m., SD–538.

Committee on Environment and Public Works: to hold hearings to examine ways to make the nation’s highways safe for travelers, 10:30 a.m., SD–408.

Committee on Finance: To hold hearings to examine leveraging innovation to improve health care quality for all Americans, SD–215.

Committee on Foreign Relations: To hold hearings to examine the nominations of Mimi Alemayehou, of the District of Columbia, to be United States Director of the African Development Bank, Kenneth L. Peel, of Maryland, to be United States Director of the European Bank for Reconstruction and Development, Miguel R. San Juan, of Texas, to be United States Executive Director of the Inter-American Development Bank, and Patrick J. Durkin, of Connecticut, to be a Member of the Board of Directors of the Overseas Private Investment Corporation, 2:30 p.m., SD–419.

Committee on Homeland Security and Governmental Affairs: Permanent Subcommittee on Investigations, to hold hearings to examine financial institutions located in offshore tax havens, focusing on ways to strengthen United States domestic and international tax enforcement efforts, 9:30 a.m., SD–106.

Ad Hoc Subcommittee on Disaster Recovery, to hold hearings to examine major disaster recovery assessing the performance of the Federal Emergency Management Agency (FEMA) since October 7, 2:30 p.m., SD–342.

Committee on Indian Affairs: to hold an oversight hearing to examine tracking sex offenders in Indian country, focusing on tribal implementation of the Adam Walsh Act (Public Law 109–248), 10 a.m. SD–562.

Committee on the Judiciary: business meeting to consider S. 3155, to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, S. 2746, to amend section 552(b)(3) of title 5, United States Code

(commonly referred to as the Freedom of Information Act) to provide that statutory exemptions to the disclosure requirements of that Act shall specifically cite to the provision of that Act authorizing such exemptions, to ensure an open and deliberative process in Congress by providing for related legislative proposals to explicitly state such required citations, S. 3061, to authorize appropriations for fiscal years 2008 through 2011 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, S. 2838, to amend chapter 1 of title 9 of United States Code with respect to arbitration, S. 3136, to encourage the entry of felony warrants into the NCIC database by States and provide additional resources for extradition, S. 1276, to establish a grant program to facilitate the creation of methamphetamine precursor electronic logbook systems, and 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, 11:30 a.m., SD–226.

House

Committee on Armed Services, Subcommittee on Strategic Forces, hearing on nuclear weapons complex modernization, 10 a.m., 2212 Rayburn.

Committee on Education and Labor, hearing on Mayor and Superintendent Partnerships in Education: Closing the Achievement Gap, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Energy and Air Quality, hearing entitled “Climate Benefits of Improved Building Energy Efficiency,” 10 a.m., 2322 Rayburn.

Subcommittee on Telecommunications and the Internet, hearing entitled “What Your Broadband Provider Knows About Your Web Use: Deep Packet Inspection and Communications Laws and Policies,” 9:30 a.m., 2123 Rayburn.

Committee on Financial Services, Subcommittee on Oversight and Investigations, hearing entitled “GAO Report on Regulation B: Should Lenders Be Required to Collect Race and Gender Data of Borrowers for All Loans,” 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on Terrorism, Nonproliferation and Trade, hearing on Aiding American Businesses Abroad: Government Action to Help Beleaguered American Firms and Investors, 10 a.m., 2200 Rayburn.

Subcommittee on the Western Hemisphere, hearing on Venezuela: Looking Ahead, 10:30 a.m., 2172 Rayburn.

Committee on Homeland Security, hearing entitled “The Challenge of Aligning Programs, Personnel, and Resources to Achieve Border Security,” 10 a.m., 311 Cannon.

Committee on the Judiciary, to continue hearings on From the Department of Justice to Guantanamo Bay: Administration Lawyers and Administration Interrogation Rule, Part V, 10 a.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Insular Affairs, oversight hearing on Successes and Challenges of the Interagency Group on Insular Affairs, 2 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, hearing on Business Practices in the Individual Health Insurance Market: Terminations of Coverage, 10 a.m., and to mark up a report on the Committee's investigation of the information given to the Tillman family and the public following the death of CPL Patrick Tillman on April 22, 2004, and the information released about the capture and rescue of PVT Jessica Lynch in Iraq in March and April 2003, 3 p.m., 2154 Rayburn.

Committee on Small Business, hearing on Small Business Administration's Contracting Programs and Recent GAO Examination of Programs, 10 a.m., 1539 Rayburn.

Committee on Ways and Means, Subcommittee on Income Security and Family Support, hearing on Establishing a Modern Poverty Measure, 10 a.m., B-318 Rayburn.

Permanent Select Committee on Intelligence, Subcommittee on Terrorism, Human Intelligence, Analysis and Counterterrorism, executive, briefing on Hot Spots, 8:45 a.m., H-405 Capitol.

Joint Meetings

Conference meeting of conferees on H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, 10:30 a.m., SR-325.

Next Meeting of the SENATE

10 a.m., Thursday, July 17

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Thursday, July 17

Senate Chamber

Program for Thursday: The Majority Leader will be recognized to make a motion to proceed, following which, Senate will be in a period of morning business.

House Chamber

Program for Thursday: Consideration of H.R. 3999—National Highway Bridge Reconstruction and Inspection Act (Subject to a Rule).

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