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# House of Representatives

The House met at 10 a.m.

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

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

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

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

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

## THE JOURNAL

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

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

## PLEDGE OF ALLEGIANCE

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

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

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

## ANNOUNCEMENT BY THE SPEAKER

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

## BAILING OUT WALL STREET

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

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

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

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

## PREDICTABLE AND AVOIDABLE

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

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

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

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

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

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

## INDUSTRIAL CAPITALISM BEING DESTROYED

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

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



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

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

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

## MEDIA BIAS IS A GREAT THREAT

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

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

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

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

## SUPPORT THE NATIVE AMERICAN HERITAGE ACT OF 2008

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

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

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

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

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

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

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

I thank my colleagues for supporting this legislation.

## CONGRESS MUST KEEP TAXPAYER FIRST WHEN ASSISTING WALL STREET

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

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

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

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

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

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

## LETTING THE FOX GUARD THE HEN HOUSE

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

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

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

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

## MINORITIES NOT RESPONSIBLE FOR ECONOMIC WOES OF WALL STREET

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

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

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

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

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

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

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

## COMMENDING THE TENNESSEE VALLEY AUTHORITY ON ITS 75TH ANNIVERSARY

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

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1224

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

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

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

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

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

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

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

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

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

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

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

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

*Resolved*, That the House of Representatives—

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

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

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

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

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

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

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

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

There was no objection.

□ 1015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I urge my colleagues to support this resolution.

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1030

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

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

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

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

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

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

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

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

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

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

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

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

Mr. COHEN. No, sir.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The question was taken.

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

Mr. BOOZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## MESSAGE FROM THE SENATE

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

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

## FEDERAL PROTECTIVE SERVICE GUARD CONTRACTING REFORM ACT OF 2008

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

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

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

***SEC. 2. FEDERAL PROTECTIVE SERVICE CONTRACTS.***

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

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

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

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

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

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

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

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

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

***SEC. 3. REPORT ON GOVERNMENT-WIDE APPLICABILITY.***

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

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

The Chair recognizes the gentlewoman from the District of Columbia.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

I reserve the balance of my time.

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

We thank you for your hard work.

I yield back the balance of our time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

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

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

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

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

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

Sincerely,

HENRY A. WAXMAN,
*Chairman.*

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

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

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

A motion to reconsider was laid on the table.

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

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

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2482

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

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

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

(1) by striking section 80102; and

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

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

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

A motion to reconsider was laid on the table.

## JUANITA MILLENDER-McDONALD HIGHWAY

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4131

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

**SECTION 1. FINDINGS.**

The Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

**SEC. 2. DESIGNATION.**

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

**SEC. 3. REFERENCES.**

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

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There was no objection.

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

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

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

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

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

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

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

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

I thank you.

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

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

I yield back the balance of my time.

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

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

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

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

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

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

I yield back the balance of my time.

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

The question was taken.

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

Mr. DUNCAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## INTEGRATED DEEPWATER PROGRAM REFORM ACT OF 2008

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

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6999

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

### TITLE I—INTEGRATED DEEPWATER PROGRAM

**SEC. 101. SHORT TITLE.**

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

**SEC. 102. PROCUREMENT STRUCTURE.**

(a) IN GENERAL.—

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

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

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

(b) EXCEPTIONS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) September 30, 2011; or

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

**SEC. 103. REQUIRED CONTRACT TERMS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 104. TESTING AND CERTIFICATION.**

(a) EARLY OPERATIONAL ASSESSMENT.—

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

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

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

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

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

(b) ASSESSMENT OF OPERATIONAL CAPABILITY.—

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

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

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

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

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

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

(g) CERTIFICATIONS.—

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

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

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

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

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

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

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

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

**SEC. 105. NATIONAL SECURITY CUTTER.**

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

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

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

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

**SEC. 106. IMPROVEMENTS IN COAST GUARD MANAGEMENT.**

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

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

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

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

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

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

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

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

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

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

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

(2) STRATEGY.—

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

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

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

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

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

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

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

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

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

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

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

**SEC. 107. CHIEF ACQUISITION OFFICER.**

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

**"§ 55. Chief Acquisition Officer**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''55. Chief Acquisition Officer.''.

(d) SPECIAL RATE SUPPLEMENTS.—

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

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

**SEC. 108. INTEGRATED DEEPWATER PROGRAM PLANS.**

(a) IN GENERAL.—

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

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

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

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

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

(b) ALTERNATIVES ANALYSES.—

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

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

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

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

(D) an assessment of technology risk and maturity;

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

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

(G) a business case of viable alternatives;

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

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

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

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

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

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

(c) FUTURE REVISIONS.—The Secretary shall—

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

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

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

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

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

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

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

(4) Any other information the Secretary deems necessary.

(e) ACQUISITION PROGRAM BASELINE.—

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

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

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

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

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

**SEC. 109. REPORTS.**

(a) ANNUAL REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) COST OVERRUNS AND DELAYS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) REPORT ON INTEGRATED DEEPWATER PROGRAM C4ISR.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 110. DEPARTMENT OF DEFENSE CONSULTATION.**

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

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

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

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

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

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

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

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

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

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

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

**SEC. 111. DEFINITIONS.**

In this title, the following definitions apply:

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

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

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

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

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

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

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

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

## TITLE II—SUBMERSIBLE VESSELS AND SEMI-SUBMERSIBLE VESSELS

**SEC. 201. SHORT TITLE.**

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

### Subtitle A—Criminal Prohibition

**SEC. 211. FINDINGS AND DECLARATIONS.**

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

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

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

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

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

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

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

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

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

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

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

''(e) AFFIRMATIVE DEFENSES.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SEC. 213. SENTENCING GUIDELINES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Subtitle B—Civil Prohibition**

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

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

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

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

**SEC. 222. OPERATION PROHIBITED.**

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

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

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

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

''(c) DEFENSES.—

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

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

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

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

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

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

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

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

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

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

(b) CONFORMING AMENDMENTS.—

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

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

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

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

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

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

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

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

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

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

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

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

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

There was no objection.

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

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

□ 1115

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

BENNIE G. THOMPSON,
*Chairman.*

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

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

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

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

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

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

Sincerely,

JAMES L. OBERSTAR,
*Chairman.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1130

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I thank the gentleman for those very thoughtful comments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1145

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

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

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

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

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

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

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

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

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

I yield back the balance of my time.

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

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

A motion to reconsider was laid on the table.

## FURTHER MESSAGE FROM THE SENATE

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

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

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

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

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

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

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

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

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

S. 1492. An act to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation.

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

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

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

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

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

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

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

## GREAT LAKES LEGACY REAUTHORIZATION ACT OF 2008

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

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

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

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

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

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

*(2) by adding at the end the following:*

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

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

***SEC. 4. RESEARCH AND DEVELOPMENT PROGRAM.***

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

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

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

The Chair recognizes the gentleman from Minnesota.

### GENERAL LEAVE

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

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

There was no objection.

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1200

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

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

I reserve the balance of my time.

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

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

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

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

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

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

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

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

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

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

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

I reserve the balance of my time.

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

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

gentleman from Michigan (Mr. EHLERS).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

□ 1215

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Speaker, I yield back the balance of my time and ask for a unanimous vote in support of the Great Lakes Legacy Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6460.

The question was taken.

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

Mr. BOOZMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## TAKING RESPONSIBLE ACTION FOR COMMUNITY SAFETY ACT

Mr. OBERSTAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6707) to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6707

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Taking Responsible Action for Community Safety Act''.*

***SEC. 2. EFFECT OF MERGERS ON LOCAL COMMUNITIES AND RAIL PASSENGER TRANSPORTATION.***

*Section 11324 of title 49, United States Code, is amended—*

*(1) in subsection (a)—*

*(A) by striking the last sentence and inserting ''The Board shall hold public hearings on the proposed transaction, including public hearings in the affected communities, unless the Board determines that public hearings are not necessary in the public interest.'';*

*(2) in subsection (b)—*

*(A) by striking ''which involves the merger or control of at least two Class I railroads,'' and inserting ''with respect to a transaction that involves at least one Class I railroad,'';*

*(B) by inserting ''the effect on the public interest, including'' after ''the Board shall consider'';*

*(C) in paragraph (2), by striking ''on the public interest'';*

*(D) by striking ''and'' at the end of paragraph (4);*

*(E) by striking the period at the end of paragraph (5) and inserting a semicolon; and*

*(F) by adding at the end the following new paragraphs:*

*''(6) the safety and environmental effects of the proposed transaction, including the effects on local communities, such as public safety, grade crossing safety, hazardous materials transportation safety, emergency response time, noise, and socioeconomic impacts; and*

*''(7) the effect of the proposed transaction on intercity rail passenger transportation and commuter rail passenger transportation, as defined by section 24102 of this title.'';*

*(3) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g) and inserting a new subsection (c) as follows:*

*''(c) The Board shall approve and authorize a transaction under this section when it finds the transaction is consistent with the public interest. The Board shall not approve a transaction described in subsection (b) if it finds that the transaction's impacts on safety and on all affected communities, as defined under subsection (b), outweigh the transportation benefits of the transaction. The Board may impose conditions governing a transaction under this section, including conditions to mitigate the effects of the transaction on local communities.'';*

*(4) in subsection (d), as redesignated, by striking ''The Board shall approve'' and all that follows through ''the transaction, including'' and inserting ''The conditions the Board may impose under this section include''; and*

*(5) in subsection (e), as redesignated, by striking ''the merger or control of at least two Class I railroads, as defined by the Board'' and inserting ''a transaction described in subsection (b)''.*

***SEC. 3. EFFECTIVE DATE.***

*The amendments made in this Act shall be applied to all transactions that have not been approved by the Board as of August 1, 2008.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 20 minutes.

The Chair recognizes the gentleman from Minnesota.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 6707, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

This bill before us arises out of longstanding concerns of communities along the routes of the Nation's freight rail system, particularly in cases where there is dramatic change, where a merger has occurred or is about to occur, and the result of which will be to change their quality of life.

The period of the Interstate Commerce Commission, from the 1880s until the Staggers Act of 1980, was a period of regulation necessary in the public interest but of increasing burdensome regulation that inhibited the productivity of the Nation's railroads. Many would argue that the result of deregulation was too little representation of the public interest in our freight rail system.

There are so many instances where the freight railroads have dismissed or been dismissive of or not paid sufficient attention to the concerns of communities and people that live along the railroad, the tracks that go through their cities and by their homes. There are, of course, those cases where some railroads have been very attentive and very responsive.

But the core problem is that of the Surface Transportation Board. As we looked into the issues of concerns raised by many communities along class 2 or class 3 railroads, who are about to be absorbed into a larger class 1 railroad, I find questions of the actions of the Surface Transportation Board defending the public interest.

This bill will assure that the Surface Transportation Board will have the legal authority and policy direction it needs to deal with mergers, which have potential to cause serious safety, environmental and other quality-of-life problems for the people in the communities along the route of the proposed merger.

The bill does not require the STB, Surface Transportation Board, to approve or disapprove any particular merger. It is not merger specific. It seeks only to ensure that when the STB considers mergers, it will have the authority to disapprove any merger in which the benefits from the merger are outweighed by the adverse effects on communities or safety.

It will vest in the board authority and give the board direction to fully evaluate rate crossing safety, hazardous materials transportation safety, public safety, noise, job losses, adverse economic impact. It will also, and our anticipation is, that the board will fully evaluate the benefits of a merger. There are clearly, in most of these mergers, benefits for one community that unfortunately are accompanied by adverse effects on other communities, or at least perceived adverse effects.

Now, the problem that we found in the course of the hearing and in evaluating issues leading up to the hearing in the Committee on Transportation and Infrastructure is that the action of the board in dealing with mergers of two class 1 railroads are different authorities than are available to the board in evaluating the proposed merger of a class 1 and a class 2 or class 3 railroad.

This legislation will assure or make it clear that the board has the same authority to deal with mergers of class 1 with class 2 and class 3 railroads as it does in mergers of class 1 to other class 1 railroads.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. SHUSTER. Mr. Speaker, I rise in opposition to this bill, and I yield myself such time as I may consume.

I am very, very disappointed to be here today speaking on this bill. The TRACS Act is much too controversial to be considered under suspension. I wrongly believed that we had an understanding with the majority that we would continue to work in a bipartisan manner to improve this bill before we brought it to the floor. That is very unlike, very uncharacteristic of the T&I Committee. We did have one hearing. We had no subcommittee hearings. As I said, that is not characteristic of the Transportation Committee and how it works. So it is disappointing to me to bring this bill here under those circumstances.

I oppose H.R. 6707 because I am concerned that changing the Surface Transportation Board's merger and acquisition review process could have unintended consequences of hampering the growth of our Nation's railroad industry. I know that the folks who serve on the committee know how important it is that we expand the capacity of the railroad industry in this country.

One of the ways to do that is through mergers and acquisitions. It is an important part of how the industry has to grow and needs to grow because it allows railroads to invest in underutilized trackage around the country.

Some on the other side have complained that the class 1 railroads have given up track around the country. I believe they have, and they did it because they were not profitable. But here we have a situation where they are trying to use trackage that will be important to increasing capacity in this country.

This bill is likely to have a chilling effect on rail transactions. We are living in an increasingly difficult economic climate, and the last think that we want to do is discourage investment that will improve capacity, and especially in Chicago. Anybody that ships across this country knows that Chicago is the most congested area in the country. It is a bottleneck and it is not only a bottleneck in the upper Midwest, it is a bottleneck to the entire system because so much of our freight goes through Chicago.

The port of Seattle, 70 percent of what comes into the port of Seattle flows through to Chicago. So I think Americans need to realize how important Chicago is to the shipment of goods in this country.

In the next 20 to 25 years, we expect rail demand to increase 90 percent over today's level, and the industry will need to invest $135 billion in infrastructure just to keep pace with this unprecedented growth. We cannot afford to discourage this investment, and I believe the TRACS Act will do just that.

It is also very troubling that this legislation will be retroactive because we are creating a new standard of review for deals reached years ago. This type of retroactive congressional action can, and I believe will, undermine confidence in our regulatory system and deserves much more scrutiny than we have given it.

This bill was introduced to kill a single merger, and this has generated significant controversy in the Chicago area, which as I said, is one of the most congested areas in the country. But it will also affect, I believe, all future rail mergers in this country.

I am unconvinced that this bill will even accomplish the goals of the Chicago community, to stop CN purchasing the EJ&E line. I understand that CN will spend an astounding $25 million to review the environmental impacts of their acquisition of the EJ&E line. They are offering at least $40 million to offset negative impacts of an increase in train traffic in that area and on that line.

But there is nothing in the bill that would prevent the current owner, EJ&E, from running additional trains over those tracks. If the CN deal falls through, the increase in traffic may very well happen. And the $40 million that CN is offering to mitigate the effects, will be off the table. If that turns out, that the $45 million is off the table, that CN is not going to put that the money into the deal, it would be very troubling for those communities.

But the STB today has the authority to increase from $40 million to $45 million, to mitigate those problems that they believe will occur. But if it goes too high, it also likely will kill the deal.

I am sympathetic to the needs of the communities that are affected by the deal. There are two sides, and I am sorry that we haven't heard much more from the communities that will be affected in a positive way. We hear from the suburbs, the wealthy and upper middle-class suburbs of Chicago that are fighting this, but we haven't heard from the inner city of Chicago where low-income folks will see train traffic decrease so they won't have to deal with the freight trains as much as they do today.

I am not in a position to judge whether this transaction should go forward. That is not Congress's job. It is the STB's job. The STB was not brought into this process in drafting the bill. The chairman of the STB and his staff have warned of serious concerns about the affects of this. We need

more involvement and input from the STB before we change the rules of the game.

Again, I am very disappointed we are here today. I hope we can defeat this and go back to committee and produce a bill that has broad, bipartisan agreement.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself 1 minute.

I want to remind the gentleman that we incorporated all of the requests of the minority as we moved to create the manager's amendment to the bill, including spelling out what benefits should be considered, along with adverse impacts. We announced the hearing and invited all parties to the merger referenced by the gentleman, and welcomed all communities to participate in the hearing. Those who chose not to did so of their own accord. They were not excluded. We had a very extensive hearing in which all were welcome to participate in, and we explored fully all of the issues involved in this issue.

Now I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I thank the chairman for yielding and for his leadership on this important bill. I rise in strong support of H.R. 6707, the Taking Responsible Action for Community Safety Act.

I got involved in reviewing the STB's mission and decision-making process because of a proposed local transaction that would have negatively impacted communities in my district, across suburban Illinois, Indiana and other parts of the country. However, unless the STB review is clarified, communities and districts across the country could face similar challenges.

The current process has historically put the interests of industry over those of American families and taxpayers. This doesn't have to be the case. As noted by the board's most recent decision, the STB has the ability to deny an acquisition and/or mitigate on environmental grounds.

The TRACS Act clarifies their obligation as a Federal agency to protect the interests of those taxpayers who fund them. This bill will clearly require that public impact concerns are given equal consideration to those of commerce. And while the impacts on a local shipper may be important, they shouldn't outweigh the impact on communities and the citizens who live there.

The STB would be required to consider public impact on communities, including public safety, grade crossing safety, hazardous materials transportation, emergency response, noise pollution, socioeconomic impacts, and commuter rail. After review, if the adverse impacts on communities are significant or outweigh the potential benefits to commerce, then the STB would be required to disapprove or mitigate accordingly.

This is not about a particular transaction. And contrary to concerns expressed by some, it should not have a chilling effect on the ability to increase necessary rail capacity across this country. It also shouldn't adversely affect traditional rail mergers or acquisitions which don't significantly change traffic levels or community impact and are only changing a parent company.

But in those rare cases where there are drastic increases in freight traffic that can have negative impacts, the TRACS Act is a commonsense clarification to ensure the STB's balanced consideration of the railroad's commercial goals with the communities and American taxpayers whom we serve.

I urge my colleagues to support the bill.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from Kentucky (Mr. WHITFIELD).

Mr. WHITFIELD of Kentucky. Mr. Speaker, Chairman OBERSTAR has been a great leader in the transportation issues of our country, and certainly one of the leaders in rail transportation policy, but I would just like to say on this bill that one of the goals of the rail transportation policy of the United States is to ensure the development of a sound rail system to meet the needs of shippers and the consuming public.

I am genuinely concerned that H.R. 6707 may actually have an adverse impact on our rail system, particularly as it relates to rural communities. In rural areas of our country, at one time we had strong railroad service which contributed a great deal to the economic development in rural America. I am very much concerned that this legislation, while it has every good intention of protecting local communities, will actually be a chill to continued rail service in a lot of small communities.

The Rail Transportation Safety Board already is required to look, on rail mergers and acquisitions, to look at the public interest standard and must evaluate that. I am just concerned that this additional requirement will really be a chilling effect and will adversely impact rail service in rural America which will have an adverse impact on all of us, particularly at this time when energy prices, being as high as they are, we know that we can transport goods by rail cheaper which makes us more competitive in the global marketplace. For that reason, I would respectfully oppose this legislation.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. VISCLOSKY), the Chair of the water resources appropriations subcommittee.

Mr. VISCLOSKY. I thank the chairman for yielding, and I truly want to thank Mr. OBERSTAR for his leadership and for what he is trying to do today.

What I would like to do with my time is first of all to respond to a couple of the observations made by my good friend from Pennsylvania on this legislation.

I would agree, I believe the chairman would agree, that the industry has to continue to evolve. It has to continue to grow. But today, the industry is here and the people of the United States are here. What Mr. OBERSTAR, what the chairman is trying to do is to make sure as the industry evolves and becomes more efficient and more profitable, which we all want, that people are considered equally.

Secondly, he mentions that this is simply a fight about one transaction and one community, the City of Chicago. He is incorrect in his assertion. The fact is there is a transaction pending. It highlights the need for this legislation. While he suggests the congestion of Chicago, I would point out that every one of those trains in Chicago happens to go through Lake and Porter counties, Indiana, which I represent.

The gentleman also suggested that there might be some costs attached to the industry if this act passed, $25 million here, $40 million here. The fact is we voted in this Chamber to the auto industry $25 billion. We voted within the week to give the battery industry a couple of billion dollars. People are tripping over themselves in this place, tripping over themselves in this place, to give millions of brokers and bankers $700 billion. What about people? What about the people of this country? That's what Mr. OBERSTAR is trying to say, instead of the railroads and the people, let's have some equity as far as these future considerations.

I would simply point out this is somewhat personal to me. In 1977, my mother was hit by a train. She survived the experience. But more pertinent to this debate, the Surface Transportation Board indicated that railroads historically have not paid more than a small share for grade separation.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. OBERSTAR. I yield an additional minute.

Mr. VISCLOSKY. Five to 10 percent of grade separation because grade separations, and this is the STB, primarily benefit the community and not the railroad.

Well, in northwest Indiana on July 8, three people died in a crossing accident in Gary, Indiana. On July 25, in northwest Indiana in the community of Griffith, there was a rail accident where three additional people were injured. In Portage, Indiana, this month, on September 3, another woman was killed in Porter County. There is one person getting killed at a train accident in the 1st Congressional District every 21 days since July 8.

I support the chairman's legislation that says let's think about people for a change. Let's have some equity in this so that people and communities are protected, just like the railroads are.

[From the Northwest Indiana and Illinois Times, July 8, 2008]

THREE DEAD IN CAR-TRAIN CRASH

(By Dan Hinkel)

GARY.—Three people died when a freight train blasted through a car that drove around crossing gates Monday afternoon in Gary's Miller neighborhood, police said.

The victims were Marvin Alvarez, 20, of Gary, and Nicole Thomas, 21, and Rosie Godines, 18, both of Hobart, according to a spokeswoman from the Lake County coroner's office.

The busy scene at Miller Avenue and Lake Street devolved into turmoil in the hours following the 5 p.m. wreck. Irate mourners scuffled with police officers and attacked cameramen from television news crews. An officer appeared to fire a Taser on a sobbing, shrieking man who joined a group of people fighting with a man who appeared to be a police detective.

All three died at the scene after the southbound Ford Taurus pulled around the gates into an eastbound CSX train's path, police said. None of the victims wore seat belts, and two of them were thrown from the car, said Gary police Cpl. Agnes Roberts. The bodies were covered with sheets near the car as firefighters cut the third body from the vehicle's wreckage in front of witnesses and bystanders gathered along the commercial strip.

''I still can't believe it and I'm standing right here looking,'' said Sandra Mays, of Gary.

Mays drove the first northbound vehicle in line behind the gates before the wreck. She was prepared for a long wait before the Taurus came ''out of nowhere'' around the gates, Mays said. She called 911 after the train plowed into the car's passenger side and pushed it about 50 feet east down the tracks. Mays said she could see that all the victims were dead.

''It happened so fast, like something you see on TV,'' she said.

Shirley Taylor, of Merrillville, was in the nearby Chase bank when she heard the train's horns blowing and its brakes screeching, she said. The bank manager ran outside to help, but he returned with shock on his face, Taylor said.

''He came over and told everyone there was nothing he could do,'' Taylor said.

The victims' relatives descended on the scene about 6 p.m. A small group of furious men alternated between sobbing inconsolably and bellowing profane threats at police, firefighters, clergy, bystanders and news reporters. A man who identified himself as Alvarez's brother struggled with officers. A man threw a rock at a television cameraman. Another man was arrested after a fight in the Chase bank parking lot. He was handcuffed and apparently stunned with a Taser. Gary police were not available Monday night to comment on the fights after the crash.

The train's nine cars and two locomotives were headed from Chicago to Columbus, Ohio, said CSX spokesman Gary Sease. No one on the train was hurt, Sease said.

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[From the Northwest Indiana and Illinois Times, July 26, 2008]

TRAIN HITS TRUCK, INJURES THREE

(By Vanessa Renderman)

GRIFFITH.—Three people suffered minor injuries Friday when a train hit a tractor-trailer, knocking a 20-ton piece of construction equipment off the truck bed and forcing the truck into two occupied vehicles.

''I've never seen anything like this,'' Griffith Cpl. Ryan Bottiger said.

The accident occurred early in the afternoon at the intersection of Main Street and Wiggs Avenue.

The front of an eastbound Canadian National train struck the back end of a Grimmer Construction tractor-trailer that was crossing the tracks. The crossing has no gates, but the lights were working, Bottiger said.

A westbound train on parallel tracks had just gone through the crossing.

The driver of the tractor-trailer, who declined to give his name, said the car in front of him crossed the tracks, and he started to cross. Because of the angle, he didn't see the eastbound train coming. By the time he did, it was too late, and the back end of his truck got clipped, he said. The driver suffered an abrasion to his chin.

The force shook loose a 20-ton piece of construction equipment that was chained to the rear of the tractor-trailer. The equipment rolled, gouging chunks of asphalt from the street. It landed on a grassy residential corner and leaked diesel fuel and hydraulic fluid, which crews cleaned up, Bottiger said.

The tractor-trailer hit two vehicles that were in the oncoming lane, including the gray Mercury Montego that Merrillville resident John Holliday was driving.

Holliday said he was waiting for a westbound train to pass. When it did, a vehicle in the oncoming lane crossed the tracks. Holliday then heard a train whistle and saw the tractor-trailer cross the tracks and get hit, before barreling toward his car.

''At that point, all I could see was a truck coming head first, straight on,'' he said. ''It's kind of a bad feeling, seeing a truck coming right at you.''

Holliday's car was hit on the front passenger side. The airbag deployed, which burned his hand. He saw the 20-ton piece of construction equipment roll off the truck.

''It looked like out of a movie,'' he said.

Although Holliday was alone in his car, the other vehicle that was struck had four occupants, three of whom were children. The driver was transported to a hospital with nonlife-threatening injuries and a relative picked up the children, Bottiger said.

Bottiger said Friday afternoon he didn't know whether any citations would be issued.

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[From the Northwest Indiana Post-Tribune, Sept. 4, 2008]

PORTAGE WOMAN, 43, DIES WHEN HIT BY TRAIN

PORTAGE.—Police are continuing to investigate the death of a Portage woman who was killed Tuesday night when a train hit her.

Linda Evola, 43, of 5075 Lincoln St., was declared dead at 11:04 p.m. Tuesday from massive blunt force trauma, Porter County Coroner Victoria Deppe said.

Evola was hit by an eastbound CSX train near Don's Motel, 5500 U.S. 20, around 10 p.m. Tuesday, according to a Portage Police Department release.

Sgt. Keith Hughes said two engineers on the train saw Evola walking west on the tracks and sounded the train's horn. The engineers said Evola looked up, Hughes said, but she did not move off the tracks.

''At this time it's still unknown whether she intended to do it,'' Hughes said.

Deppe said that right now her office is ruling the death an accident.

''She did live near the train,'' Deppe said. ''That was a place people cut through.''

She also said that it does not appear drugs or alcohol played a part, although her office is running toxicology tests.

□ 1245

Mr. SHUSTER. May I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman has 13½ minutes remaining.

Mr. SHUSTER. I would like to yield myself 30 seconds just to respond to what the gentleman mentioned about the automotive industry and the $25 billion loan they want and about the $700 billion.

Well, the good news in this debate today about the railroad industry is that the railroad doesn't need it. The railroad industry is successful, and we need to make sure that they continue to be successful and that they don't require any kind of assistance from the Federal Government. They're the only freight rail system in the world that doesn't require the Federal Government's propping it up. So that's a good news story here today, and that's what we want to keep doing.

I would also like to submit for the RECORD a letter from the Association of American Railroads and the short lines in this country that are directly affected by this legislation, and they are opposed to it.

ASSOCIATION OF AMERICAN RAILROADS,
*Washington, DC, September 27, 2008.*

DEAR REPRESENTATIVE: The House may consider H.R. 6707 on the suspension calendar today. The Association of American Railroads (AAR) and the American Short Line and Regional Railroad Association (ASLRRA) strongly oppose H.R. 6707—Taking Responsible Action for Community Safety Act.

Under current law, the Surface Transportation Board (STB) must evaluate the merits of a railroad merger transaction under a ''public interest'' standard if it involves two Class I railroads. The STB's evaluation takes into account and weighs all issues relevant to the public interest including efficiencies, productivity gains, capacity improvements, and environmental benefits that the transaction will realize.

H.R. 6707 would distort that standard and STB evaluation process by requiring the STB to specifically weigh the adverse impacts on safety and local communities against the transportation benefits of a merger.

The bill's mandate for the STB's evaluation to specificallly focus on the impact on local communities as a counterweight to the overall transportation benefits that a merger would otherwise realize can result in the disapproval of mergers with significant benefits to the public and to the nation solely because of ''nimby''ism. This would clearly be at odds with rail transportation policy at 49 USC 10101 which has as a goal the development sound transportation system to meet the needs of the public.

The bill's requirement for a specific STB focus on local impacts creates an additional regulatory burden and imposes potentially conflicting regulatory requirements. The costs and uncertainties arising from the proposed regulatory process will further discourage parties from entering into transactions that could otherwise bring significant transportation and other public benefits,

For all of the above reasons we strongly urge a no vote on H.R. 8707.

EDWARD R. HAMBERGER,
*President & Chief Executive Officer, Association of American Railroads.*

RICHARD TIMMONS,
*President & Treasurer, American Short Line & Regional Railroad Association.*

Mr. SHUSTER. I would like to now yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise in strong support of the TRACS Act legislation being presented here.

I thank the chairman of the committee, Mr. OBERSTAR, for all of the work that he has done on this bill, and I'm really very proud to be an original cosponsor on it.

I really believe in the rail system. I believe in our transportation system, and I think that we have always put our railroads in a very high context as far as being able to move our goods across this country and being able to ship at a reasonable rate. A situation has come up, something that, I think, is very unfair, and I think it is what this legislation will address.

In considering a merger, the STB is required to look at how it affects Congress. If there is just one major rail, just one—a class A—then they don't have the same requirements that other mergers have. If it's a class 1 and more than a class 1, then the STB, the Surface Transportation Board, is required to consider the safety and environmental effect of the proposed transaction, including the effects on local communities: the traffic congestion, the grade crossing, the public safety, the socioeconomic impact, and the traffic congestion—commuter rail and Amtrak.

The clarification that we want to make is, if there is just one of the class 1 rails, then they need to take these same things into consideration.

Mr. WHITFIELD of Kentucky talked about the rural area. I think we're really looking at congested areas, when a merger is to take place that will affect an area of densely populated areas such as the suburbs of our great cities. It's not just one area that's going to be affected. Mark my words that these types of merger requirements will affect so many more than just the Chicago area, as was suggested by the chairman of the subcommittee.

I don't think that our purpose here today is to kill any merger. It is to clarify and to make sure that there is fairness in what the Surface Transportation Board will look at. Will they look at just the commerce and competitiveness of two rail lines and how it will affect all of the competition between all of the rails or will they also take into account the effect on the public interest and on the communities that are involved?

Now, in the area that we've been talking about in Chicago, I have to say that this is an area that has grown up around the railroads. It has increased to such a dense population that socioeconomic issues are affected, that public safety is affected and that traffic congestion is affected. All we want is to clarify that the Surface Transportation Board can take that into account.

I have just one other clarification about mitigation. I didn't want to get into specifics, but in this issue, the mitigation would be $30 million. Now, I have in my community a rail crossing that is being put underground, and it has nothing to do with this other line. The cost of that is $53 million to have a separate grade crossing. So, when we talk about $30 million that would affect at least 40 communities and at least 141 rail crossings, I think this is something to consider.

So it's just a clarification, and I would urge my colleagues to vote for it.

I thank the chairman so much for bringing this up and for having a hearing which, I think, was very open.

Mr. OBERSTAR. Mr. Speaker, how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from Minnesota has 9 minutes remaining. The gentleman from Pennsylvania has 10 minutes remaining.

Mr. OBERSTAR. I yield 3 minutes to the distinguished gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. Mr. Speaker, I rise in strong support of H.R. 6707, the Taking Responsible Action for Community Safety Act.

I would like to thank Chairman OBERSTAR, who has displayed exemplary leadership on an issue of great importance to so many American communities.

The need for this legislation came to my attention as a result of a specific situation spanning several districts in Illinois and in Indiana, but the issue it addresses is national. Let me explain.

For several months, families and businesses in my district and in nearby districts have overwhelmingly declared their opposition to Canadian National's potential acquisition of the Elgin, Joliet and Eastern Railway, which is currently pending before the Surface Transportation Board. I have heard from many of my constituents in public forums, on the phone and in private meetings. They've held rallies and have petitioned the STB in writing, but their voices have gone unheard. At this point, the only criterion the STB must consider in evaluating this deal is whether the proposed transaction would have an adverse effect on competition among the rail carriers in the affected region.

Sadly, the public interest has been largely left out of this process even though the public stands to lose the most in this transaction. There will be no improvement in the quality of life in the region and no economic upside. The recently released draft of the STB's environmental impact statement estimates the acquisition will lead to a loss of 300 jobs in the region. It will also unreasonably saddle local taxpayers with the cost of the mitigation of this project. The study provided, at best, a vague and incomplete study of the 133 grade crossings in the area and, from this, recommended that Canadian National pay only 5 to 10 percent of the mitigation cost. Grade separations cost approximately $50 million each, and the STB apparently expects local communities to shoulder most of this burden.

Let's see: Private profits, socialized bailout costs. Does that sound familiar to anyone around here?

The deal also raises serious public safety concerns, many of which are simply glossed over in the draft study. Increased traffic on the EJ&E will raise the probability of train accidents by 28 percent. Further, the ability of local police, fire and EMS services to respond to emergencies in the affected communities will be hampered by blocked intersections. Once again, Canadian National is not directed to help fund projects that will mitigate this potentially life-threatening problem.

Now, how does H.R. 6707 address this type of situation? Simply speaking, H.R. 6707 would compel the STB to consider the public interest as well as purely commercial considerations in its judgment of a proposed railway merger. The legislation would require the STB to determine a transaction's effect on public safety, on grade crossing safety, on hazardous materials transportation, and on emergency response time. Such a proposal would be approved when it is consistent with the overall public interest and rejected when it is not.

The SPEAKER pro tempore. The time of the gentleman from Illinois has expired.

Mr. OBERSTAR. I yield the gentleman 1 additional minute.

Mr. FOSTER. Mr. Speaker, H.R. 6707 is a much needed enhancement of current statute. While this legislation is an immediate response to one proposed acquisition, it will ultimately protect communities across the country.

To be clear, I do not mean to oppose all railway transactions. Railways are an extremely efficient means of transportation, and their use can and should increase in response to rising fuel prices. However, transactions like the EJ&E acquisition should only proceed when there is an overall commercial and economic benefit. This is not the case here. There is something seriously wrong with a process that leaves out the public and that deflects the cost of these acquisitions and traffic increases on to local communities. H.R. 6707 will help change this.

I urge my colleagues to support this important legislation.

Mr. SHUSTER. I yield 3 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. First of all, I want to thank Chairman OBERSTAR for his leadership and for his willingness to listen and for his thoughtful approach on this and for how he has brought, really, a bipartisan group together in trying to drive towards a solution.

Since coming to Congress, I've noticed that, many times, what we need to do is to spend time bringing statutes up to date, and this is just one of those examples. We've been struggling over these past several days with the financial markets and, in many cases, with a regulatory environment that isn't regulating properly. Well, here is an

opportunity for us to be proactive and to bring a regulation up to date to really deal with current needs. Giving the Surface Transportation Board the authority to consider a couple of things, I think, is very thoughtful and very wise and very measured. This is what this bill is about.

It says that the Surface Transportation Board in these transactions has to consider a couple of things. It has to consider the impact on safety and the environment. It has to consider the impact of grade crossings, of HAZMAT, of emergency response time, and of noise. In my view, those are not unreasonable requests. It doesn't predetermine an outcome. It doesn't say what they need to do with that information, but it says, as a matter of record, that they have to consider that.

Now a word about Canadian National: Whether or not Canadian National decided to show up at a hearing is really their prerogative. I just confirmed with the chairman that they were welcomed to show up. This is a pattern, frankly, that we've seen with Canadian National in our community where we were told they would show up at any time and at any place to talk to anyone, but when a forum was created, they waived off of that.

Now let's just set that aside. Here we have a chance to create a statute that says, if you're going to increase rail traffic through a community, you've got to consider the cost, and you've got to consider the cost on the community.

The gentlelady from Illinois (Mrs. BIGGERT) spoke a couple of minutes ago about the cost of one of these rail crossings and of the cost of a grade separation. They are a thing to behold, and they are incredibly expensive. The fact that Canadian National in this particular case has several tens of millions of dollars on the table doesn't anywhere near answer the cost to local taxpayers who would be asked to bear the burden with very little benefit.

So I think the chairman's approach on this—the way he has brought a bipartisan group together around it and the thoughtfulness of it and, really, the holistic way that this would be evaluated—is a very light touch, in fact, and he is not coming down with a heavy hand. I am strongly supportive of it.

Mr. OBERSTAR. Mr. Speaker, I have no further speakers at this time. I just want to reinforce what the gentleman said, however, and I yield myself 30 seconds.

The CEO of Canadian National Railway not only was invited to participate—and I, actually, reached out to the railroad—but Hunter Harrison, their CEO, testified in person.

I continue to reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Pennsylvania has 7½ minutes remaining.

Mr. SHUSTER. I now yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Speaker, this bill is quite interesting because, if you take a look at the Surface Transportation Board's weighing an application for a merger, one would think that items such as the safety of the people, the backup of traffic, incremental delays at crossings, and hundreds of school bus crossings per day on impacted tracks would have some type of a consideration.

□ 1300

The problem is that under the present law, in an oversight made in 1995, whenever the Surface Transportation Board tries to weigh the impacts on local communities, the only criteria that is used is whether or not it violates antitrust laws. And ironically, issues of safety are not taken into consideration. And that's shocking.

It's apparent that there is a big problem in this bill. The bill has application across the country. It has particular application to northern Illinois to tens of thousands of my constituents that have to travel through the town of Barrington, which is in Congresswoman BEAN's district. To these folks, the backup of traffic is significant. The inability to get to work on time; the fact that, from what we understand, Canadian National plans on putting in trains that are 2 miles long clogging all three intersections in the village of Barrington at the same time. And it's through that village that there are 800 school bus crossings each day.

And it's amazing that this bill tries to correct something so elementary as to say whenever there is a request to merge railroad companies, that safety should be a consideration.

I'm here today to offer my unqualified support for the Taking Responsible Action for Community Safety Act (H.R. 6707). This bill, which I'm proud to co-sponsor, will help solve a left-over problem from when Congress abolished the Interstate Commerce Commission in 1995. The Surface Transportation Board, STB, took over the functions of the ICC with the missions of resolving railroad rate and service disputes and reviewing proposed railroad mergers. Current law gives the STB considerable discretion to disapprove transactions involving at least two Class I rail carriers but allows much less flexibility to disapprove transactions like CN's proposed acquisition of the EJ&E. In fact, the law states that the STB "shall" approve the transaction "unless" the Board determines it will hurt competitiveness, restrain trade, or fail to meet significant transportation needs. In plain English, this means that the STB will not stop a transaction because of local community concerns unrelated to anti-trust issues. This may seem like semantics, but it's an important distinction that has long tipped the scale toward privately owned rail carriers and away from the communities who have to live with them.

In northern Illinois, the community of Barrington is unalterably opposed to the proposed sale of the EJ&E line to the Canadian National, CN, Railway, as evidenced by the thousands of people that showed up to the STB scoping session last January and their formal hearing last August. This is not because of a NIMBY syndrome—everyone understands the need to improve the national rail transportation network and would be willing to compromise. But having additional freight train traffic traverse on the existing aging EJ&E track will not be just a simple minor inconvenience—it will fundamentally alter the entire nature of this picturesque town.

While I do not directly represent Barrington, Illinois, I am honored to serve the thousands of commuters who live in southern McHenry County who must travel through Barrington, either by car or rail, to get to work or to perform daily errands. While I've been concerned about this deal since day one, a Draft Environmental Impact Statement recently relesed by the STB confirmed many of my worst fears about increased accident risks, increased air pollution, increased exposure to hazardous material, and increased traffic. The report also acknowledged that railroads traditionally only contribute 5 to 10 percent of the costs to mitigate these problems. That would leave taxpayers paying the tab for a transaction that solely benefits a private company's bottom line.

I say it's not about what's traditional. It's about what's fair. And the people from the 16th District of Illinois, who I've had a plenty of chances to talk with over the past few weeks, agree with me.

H.R. 6707 corrects an oversight made in 1995 and requires the STB to weigh impacts on local communities more heavily when considering any railroad transaction. In fact, the STB would have to reject a proposed acquisition if it finds that transaction's impacts on the affected communities outweigh the transportation benefits. Congress should learn from this experience with this particular transaction and make sure that no community in the Nation will ever have to go through what Barrington is experiencing now.

In this particular case, I understand that this transaction could have some macrobenefits, but CN accomplishes that goal primarily by exporting the train congestion problems in downtown Chicago to outlying suburban areas such as Barrington. Tens of thousands of motorists in northern Illinois—especially those in McHenry County—travel through Barrington on their way to work each day, crossing the EJ&E line at Route 14, Route 59, and Lake-Cook Road. Approximately another 4,000 commuters from McHenry County ride Metra rail to work in the Chicago-land area each day, crossing the EJ&E line in Barrington. All of these people will be affected by additional CN freight traffic.

At the very least, they are going to encounter inconvenient delays and increases in air pollution. At the worst, it could become a matter of life and death. Not only could emergency responder vehicles become trapped on all sides by a train, but school buses in the Barrington school district cross the EJ&E lines about 800 times a day. Additional freight trains could quadruple the safety risk of students who traverse the crossings each day.

In closing, I'd like to express my appreciation to my friend JIM OBERSTAR, the chairman of the Transportation Committee, for introducing this piece of legislation and for working with me and others in the suburban Chicago delegation in a bipartisan manner. I urge my colleagues to support H.R. 6707 today.

Mr. OBERSTAR. Mr. Speaker, may I inquire of the gentleman if he has any further speakers.

Mr. SHUSTER. We have none. I am prepared to close.

I have how much time left?

The SPEAKER pro tempore. The gentleman has 5½ minutes.

Mr. SHUSTER. Again, I just want to reiterate the reasons that I oppose this bill today. First and foremost, the Transportation and Infrastructure Committee is a committee that does its homework usually, that works hard to understand the issues and come forth with something that is good legislation, and it's also bipartisan. And I think that in this situation, we're not able to reach that standard that we typically do in the Transportation and Infrastructure Committee. Not bringing in the STB to have them at the table, the experts, to really understand how the nuts and bolts of this legislation going forward is going to have a chilling effect, I believe, on our rail industry.

We do have the most efficient, the safest railroad industry in the world. It's the gold standard. Countries around the world look at our rail industry and want to copy it, want to try to have that type of freight industry in their countries.

But we in Congress sometimes do our best to try to make it extremely difficult for them to operate, to cause them to put mandates on them that I don't believe serve the best interests of not only communities, but of the rail industry and of our economy.

As I said, we have the most efficient and safest rail industry of the world, and we should continue to want to see that so that we don't, down the road 10 years, 15 years, see the rail industry coming to Congress asking them to bail them out.

As I said, I believe there are going to be unintended consequences of this bill. There are going to be negative effects on the growth of the railroad industry which we desperately need to see going forward as I talked earlier about the increase and demand for rail. The retroactive provision is going to undermine the confidence in our regulatory system, and it's going to, as I said, have a chilling effect on investments when rail companies in the future want to merge.

The CN and EJ&E deal, if it's killed, the increase in traffic can still occur on those lines. The situation is going to be, though, that the EJ&E is not going to have to put $40 million of money into mitigating some of the problems and the increase in traffic. So I think that's going to be bad for those communities.

And we can't forget the benefits that decreased congestion in Chicago is going to have on America. And also, most importantly, as I said earlier, we're not hearing from those low-income communities in Chicago that have hundreds of trains going through their neighborhood every week. They are going to see a decrease. That voice of those low-income neighborhoods is not being heard, is not being addressed because that is what is going to happen here. Those neighborhoods will benefit also with a decrease in traffic if we are able to spread out trains to decrease that bottleneck that's occurring in Chicago.

So I urge my colleagues to vote ''no'' on this piece of legislation, and I urge other members of the committee, let's go back to the committee, let's work together and produce something that we can see improvements to the STB that will be a positive for the communities as well as the economy of this country.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Minnesota has 4½ minutes remaining.

Mr. OBERSTAR. Mr. Speaker, I yield myself the balance of our time.

This is not a retroactive measure. It does not undo any transaction in the works or already concluded. It sets standards for all railroads, for all considerations of acquisition by class 1 or class 2 or class 3 railroads, sets up standards, reinforces authority that the Surface Transportation Board chairman has said they thought they had authority over environmental review but they've never exercised it. They're concerned that if they did, they might have some legal difficulties. We're clarifying that the board has authority to act on environmental issues raised by communities.

We did hear from those inner city communities who testified in person at the hearing at the request of the gentleman from Illinois (Mr. LIPINSKI). I have heard railroads don't need help from the Federal Government. Well, they shouldn't. The Federal Government gave the railroads, between 1850 and 1871, 173 million acres of public land, 9 percent of the total surface area of the United States, for the public use, convenience, necessity, and benefit of the Nation to own and control the resources above and below ground: the timber resources as well as the coal and, in many cases, oil and gas, and other minerals; and the right to sell those properties. The railroads have sold billions of dollars' worth of public land that were given to them for the public trust. And they're not without their requests to the Congress. They've spent a considerable amount of time, the Association of American Railroads, lobbying the House and the Senate for a 25 percent investment tax credit to increase their capital investment. I'm for it. I think that's a reasonable investment to make. I think we ought to help railroads do that. I think we ought to ensure that they use that tax credit for those capital investments. It's a reasonable request, but they're not without their hand out to the Federal Government

Why should the railroads take the position that they are above review? When other forms of transportation are subject to public scrutiny by the communities affected by road construction, bridge construction, transit, light rail, commuter rail, all are subject to citizen review. Railroads cannot take the position that they're above review. They, too, take actions that affect the citizens and the communities that reside along their lines. And all we're providing in this legislation is a process within which those actions taken by railroads would be subject—class 1 to class 1, and class 1 to class 2 and class 3 should be considered in the same way.

That's all this legislation does.

I ask for a very resounding ''aye'' vote for this long overdue legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 6707, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## APPOINTMENT OF HON. STENY HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH REMAINDER OF SECOND SESSION OF 110TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*September 27, 2008.*

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Tenth Congress.

NANCY PELOSI,
*Speaker of the House of Representatives.*

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

## PROVIDING FOR THE PRINTING OF A REVISED EDITION OF THE RULES AND MANUAL OF THE HOUSE OF REPRESENTATIVES FOR THE 111TH CONGRESS

Mr. FOSTER. Mr. Speaker, I send to the desk a resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of the resolution is as follows:

H. RES. 1513

*Resolved*, That a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Eleventh Congress be printed as a House document, and that three thousand additional copies shall be printed and bound for the use of the House of Representatives, of which nine hundred copies shall be bound in leather with thumb index and delivered as may be directed by the Parliamentarian of the House.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## AUTHORIZING CHAIRMAN AND RANKING MINORITY MEMBER OF EACH STANDING COMMITTEE AND SUBCOMMITTEE TO EXTEND REMARKS IN RECORD

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the CONGRESSIONAL RECORD, up to and including the RECORD's last publication, and to include a summary of the work of that committee or subcommittee.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO REVISE AND EXTEND REMARKS IN CONGRESSIONAL RECORD UNTIL LAST EDITION IS PUBLISHED

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that Members may have until publication of the last edition of the CONGRESSIONAL RECORD authorized for the Second Session of the 110th Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the Second Session sine die.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## ARTHRITIS PREVENTION, CONTROL, AND CURE ACT OF 2008

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the bill (H.R. 1283) to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the bill is as follows:

H.R. 1283

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Arthritis Prevention, Control, and Cure Act of 2007''.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Arthritis and other rheumatic diseases are among the most common chronic conditions in the United States. There are more than 100 different forms of arthritis, which affect joints, the tissues which surround the joint, and other connective tissue. Two of the most common forms are osteoarthritis, which affects approximately 21,000,000 Americans, and rheumatoid arthritis.

(2) Arthritis and other rheumatic diseases cause severe and chronic pain, swollen tissue, ligament and joint destruction, deformities, permanent disability, and death. Arthritis and other rheumatic diseases erode patients' quality of life and can diminish their mental health, impose significant limitations on their daily activities, and disrupt the lives of their family members and caregivers.

(3) One out of every 5 or 46 million adults in the United States suffers from arthritis. The number of individuals in the United States with arthritis will grow as the number of older Americans continues to increase dramatically in the next few decades.

(4) By 2030, nearly 67,000,000 or 25 percent of the projected United States adult population will have arthritis, and arthritis will limit the daily activities of nearly 25,000,000 individuals. These estimates may be conservative as they do not account for the current trends in obesity, which may contribute to future cases of osteoarthritis.

(5) According to the Centers for Disease Control and Prevention, the total costs attributable to arthritis and other rheumatic conditions in the United States in 2003 was approximately $128,000,000,000. This equaled 1.2 percent of the 2003 United States gross domestic product. $80,800,000,000 of such costs consisted of direct costs for medical care, and $47,000,000,000 consisted of indirect costs for lost earnings. National medical costs attributable to arthritis grew by 24 percent between 1997 and 2003. This rise in medical costs resulted from an increase in the number of people with arthritis and other rheumatic conditions.

(6) Arthritis and other rheumatic diseases affect all types of people of the United States, not just older individuals. Arthritis and other rheumatic diseases disproportionately affect women in the United States. 8,700,000 young adults ages 18 through 44 have arthritis, and millions of others are at risk for developing the disease.

(7) Nearly 300,000 children in the United States, or 3 children out of every 1,000, have some form of arthritis or other rheumatic disease. It is the sense of the Congress that the substantial morbidity associated with pediatric arthritis warrants a greater Federal investment in research to identify new and more effective treatments for these diseases.

(8) Arthritis and other rheumatic diseases are the leading cause of disability among adults in the United States. Over 40 percent, or nearly 19,000,000, adults with arthritis are limited in their activities because of their arthritis. In addition to activity limitations, 31 percent or 8,200,000 of working age adults with arthritis report being limited in work activities due to arthritis.

(9) Obese adults are up to 4 times more likely to develop knee osteoarthritis than normal weight adults. Excess body weight is also associated with worse progression of arthritis, contributing to functional limitation, mobility problems, and disability. About 35 percent of adults with arthritis are obese compared to only 21 percent of those without arthritis.

(10) Arthritis results in 744,000 hospitalizations and 36,500,000 outpatient care visits every year.

(11) In 1975, the National Arthritis Act of 1974 (Public Law 93–640) was enacted to promote basic and clinical arthritis research, establish multipurpose arthritis centers, and expand clinical knowledge in the field of arthritis. The Act was successfully implemented, and continued funding of arthritis-related research has led to important advances in arthritis control, treatment, and prevention.

(12) Early diagnosis, treatment, and appropriate management of arthritis can control symptoms and improve quality of life. Weight control and exercise can demonstrably lower health risks from arthritis, as can other forms of patient education, training, and self-management. The genetics of arthritis are being actively investigated. New, innovative, and increasingly effective drug therapies, joint replacements, and other therapeutic options are being developed.

(13) While research has identified many effective interventions against arthritis, such interventions are broadly underutilized. That underutilization leads to unnecessary loss of life, health, and quality of life, as well as avoidable or unnecessarily high health care costs. Increasing physical activity, losing excess weight, and participating in self-management education classes have been shown to reduce pain, improve functional limitations and mental health, and reduce disability among persons with arthritis. Some self-management programs have been proven to reduce arthritis pain by 20 percent and physician visits by 40 percent. Despite this fact, less than 1 percent of the people in the United States with arthritis participate in such programs, and self-management courses are not offered in all areas of the United States.

(14) Rheumatologists are internists or pediatric sub-specialists who are uniquely qualified by an additional 2 to 4 years of training and experience in the diagnosis and treatment of rheumatic conditions. Typically, rheumatologists act as consultants, but also often act as managers, relying on the help of many skilled professionals, including nurses, physical and occupational therapists, psychologists, and social workers. Many rheumatologists conduct research to determine the cause and effective treatment of disabling and sometimes fatal rheumatic diseases.

(15) Recognizing that the Nation requires a public health approach to arthritis, the Department of Health and Human Services established important national goals related to arthritis in its Healthy People 2010 initiative. Moreover, various Federal and non-Federal stakeholders have worked cooperatively to develop a comprehensive National Arthritis Action Plan: A Public Health Strategy.

(16) Greater efforts and commitments are needed from Congress, the States, providers, and patients to achieve the goals of Healthy People 2010, implement a national public health strategy consistent with the National Arthritis Action Plan, and lessen the burden of arthritis on citizens of the United States.

**SEC. 3. ENHANCING THE PUBLIC HEALTH ACTIVITIES RELATED TO ARTHRITIS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION THROUGH THE NATIONAL ARTHRITIS ACTION PLAN.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

**"SEC. 315. IMPLEMENTATION OF THE NATIONAL ARTHRITIS ACTION PLAN.**

''The Secretary shall develop and implement a National Arthritis Action Plan that consists of—

''(1) the Federal arthritis prevention and control activities, as described in section 315A;

''(2) the State arthritis control and prevention programs, as described in section 315B;

''(3) the comprehensive arthritis action grant program, as described in section 315C; and

''(4) a national arthritis education and outreach program, as described in section 315D.

**"SEC. 315A. FEDERAL ARTHRITIS PREVENTION AND CONTROL ACTIVITIES.**

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall, directly, or through a grant to an eligible entity, conduct, support, and promote the coordination of research, investigations, demonstrations, training, and studies relating to the control, prevention, and surveillance of arthritis and other rheumatic diseases.

''(b) DUTIES OF SECRETARY.—The activities of the Secretary under subsection (a) shall include—

''(1) the collection, publication, and analysis of data on the prevalence and incidence of arthritis and other rheumatic diseases;

''(2) the development of uniform data sets for public health surveillance and clinical quality improvement activities;

''(3) the identification of evidence-based and cost-effective best practices for the prevention, diagnosis, management, and care of arthritis and other rheumatic diseases;

''(4) research, including research on behavioral interventions to prevent arthritis and on other evidence-based best practices relating to arthritis prevention, diagnosis, management, and care; and

''(5) demonstration projects, including community-based and patient self-management programs of arthritis control, prevention, and care, and similar collaborations with academic institutions, hospitals, health insurers, researchers, health professionals, and nonprofit organizations.

''(c) TRAINING AND TECHNICAL ASSISTANCE.—With respect to the planning, development, and operation of any activity carried out under subsection (a), the Secretary may provide training, technical assistance, supplies, equipment, or services, and may assign any officer or employee of the Department of Health and Human Services to a State or local health agency, or to any public or nonprofit entity designated by a State health agency, in lieu of providing grant funds under this section.

''(d) ARTHRITIS PREVENTION RESEARCH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION CENTERS.—The Secretary shall provide additional grant support for research projects at the Centers for Prevention Research by the Centers for Disease Control and Prevention to encourage the expansion of research portfolios at the Centers for Prevention Research to include arthritis-specific research activities related to the prevention and management of arthritis.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

**"SEC. 315B. STATE ARTHRITIS CONTROL AND PREVENTION PROGRAMS.**

''(a) IN GENERAL.—The Secretary shall award grants to eligible entities to provide support for comprehensive arthritis control and prevention programs and to enable such entities to provide public health surveillance, prevention, and control activities related to arthritis and other rheumatic diseases.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall be a State or Indian tribe.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a comprehensive arthritis control and prevention plan that—

''(1) is developed with the advice of stakeholders from the public, private, and nonprofit sectors that have expertise relating to arthritis control, prevention, and treatment that increase the quality of life and decrease the level of disability;

''(2) is intended to reduce the morbidity of arthritis, with priority on preventing and controlling arthritis in at-risk populations and reducing disparities in arthritis prevention, diagnosis, management, and quality of care in underserved populations;

''(3) describes the arthritis-related services and activities to be undertaken or supported by the entity; and

''(4) is developed in a manner that is consistent with the National Arthritis Action Plan or a subsequent strategic plan designated by the Secretary.

''(d) USE OF FUNDS.—An eligible entity shall use amounts received under a grant awarded under subsection (a) to conduct, in a manner consistent with the comprehensive arthritis control and prevention plan submitted by the entity in the application under subsection (c)—

''(1) public health surveillance and epidemiological activities relating to the prevalence of arthritis and assessment of disparities in arthritis prevention, diagnosis, management, and care;

''(2) public information and education programs; and

''(3) education, training, and clinical skills improvement activities for health professionals, including allied health personnel.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

**"SEC. 315C. COMPREHENSIVE ARTHRITIS ACTION GRANTS.**

''(a) IN GENERAL.—The Secretary shall award grants on a competitive basis to eligible entities to enable such eligible entities to assist in the implementation of a national strategy for arthritis control and prevention.

''(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall be a national public or private nonprofit entity.

''(c) APPLICATION.—To be eligible to receive a grant under this section, an entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a description of how funds received under a grant awarded under this section will—

''(1) supplement or fulfill unmet needs identified in the comprehensive arthritis control and prevention plan of a State or Indian tribe; and

''(2) otherwise help achieve the goals of the National Arthritis Action Plan or a subsequent strategic plan designated by the Secretary.

''(d) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to eligible entities submitting applications proposing to carry out programs for controlling and preventing arthritis in at-risk populations or reducing disparities in underserved populations.

''(e) USE OF FUNDS.—An eligible entity shall use amounts received under a grant awarded under subsection (a) for 1 or more of the following purposes:

''(1) To expand the availability of physical activity programs designed specifically for people with arthritis.

''(2) To provide awareness education to patients, family members, and health care providers, to help such individuals recognize the signs and symptoms of arthritis, and to address the control and prevention of arthritis.

''(3) To decrease long-term consequences of arthritis by making information available to individuals with regard to the self-management of arthritis.

''(4) To provide information on nutrition education programs with regard to preventing or mitigating the impact of arthritis.

''(f) EVALUATION.—An eligible entity that receives a grant under this section shall submit to the Secretary an evaluation of the operations and activities carried out under such grant that includes an analysis of increased utilization and benefit of public health programs relevant to the activities described in the appropriate provisions of subsection (e).

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

**"SEC. 315D. NATIONAL ARTHRITIS EDUCATION AND OUTREACH.**

''(a) IN GENERAL.—The Secretary shall coordinate a national education and outreach program to support, develop, and implement education initiatives and outreach strategies appropriate for arthritis and other rheumatic diseases.

''(b) INITIATIVES AND STRATEGIES.—Initiatives and strategies implemented under the program described in subsection (a) may include public awareness campaigns, public service announcements, and community partnership workshops, as well as programs targeted at businesses and employers, managed care organizations, and health care providers.

''(c) PRIORITY.—In carrying out subsection (a), the Secretary—

''(1) may emphasize prevention, early diagnosis, and appropriate management of arthritis, and opportunities for effective patient self-management; and

''(2) shall give priority to reaching high-risk or underserved populations.

''(d) COLLABORATION.—In carrying out this section, the Secretary shall consult and collaborate with stake-holders from the public, private, and nonprofit sectors with expertise relating to arthritis control, prevention, and treatment.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.''.

**SEC. 4. EXPANSION AND COORDINATION OF ACTIVITIES OF THE NATIONAL INSTITUTES OF HEALTH WITH RESPECT TO RESEARCH ON ARTHRITIS.**

Title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by inserting after section 439 the following:

**"SEC. 439A. ARTHRITIS AND RHEUMATIC DISEASES INTERAGENCY COORDINATING COMMITTEE.**

''(a) IN GENERAL.—

''(1) ESTABLISHMENT.—The Secretary shall establish an Arthritis and Rheumatic Diseases Interagency Coordinating Committee (referred to in this section as the 'Coordinating Committee').

''(2) DUTIES.—The coordinating committee established under paragraph (1) shall—

''(A) provide for the improved coordination of the research activities of all the national research institutes relating to arthritis and rheumatic diseases; and

''(B) provide for full and regular communication and exchange of information necessary to maintain adequate coordination across all Federal health programs and activities related to arthritis and rheumatic diseases.

''(b) ARTHRITIS AND RHEUMATIC DISEASES INTERAGENCY COORDINATING COMMITTEE.—

''(1) COMPOSITION.—The Coordinating Committee shall consist of members, appointed by the Secretary, of which—

''(A) ⅔ of such members shall represent governmental agencies, including—

''(i) the directors of each of the national research institutes and divisions involved in research regarding arthritis and rheumatic diseases (or the directors' respective designees); and

''(ii) representatives of other Federal departments and agencies (as determined appropriate by the Secretary) whose programs involve health functions or responsibilities relevant to arthritis and rheumatic diseases, including the Centers for Disease Control and Prevention, the Health Resources and Services Administration, and the Food and Drug Administration; and

''(B) ⅓ of such members shall be public members, including a broad cross section of persons affected by arthritis, researchers, clinicians, and representatives of voluntary health agencies, who—

''(i) shall serve for a term of 3 years; and

''(ii) may serve for an unlimited number of terms if reappointed.

''(2) CHAIRPERSON.—

''(A) APPOINTMENT.—The Chairperson of the Coordinating Committee (referred to in this subsection as the 'Chairperson') shall be appointed by and be directly responsible to the Secretary.

''(B) DUTIES.—The Chairperson shall—

''(i) serve as the principal advisor to the Secretary, the Assistant Secretary for Health, and the Director of NIH on matters relating to arthritis and rheumatic diseases; and

''(ii) provide advice to the Director of the Centers for Disease Control and Prevention, the Commissioner of Food and Drugs, and the heads of other relevant Federal agencies, on matters relating to arthritis and rheumatic diseases.

''(3) ADMINISTRATIVE SUPPORT; MEETINGS.—

''(A) ADMINISTRATIVE SUPPORT.—The Secretary shall provide necessary and appropriate administrative support to the Coordinating Committee.

''(B) MEETINGS.—The Coordinating Committee shall meet on a regular basis as determined by the Secretary, in consultation with the Chairperson.

''(c) ARTHRITIS AND RHEUMATIC DISEASES SUMMIT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Arthritis Prevention, Control, and Cure Act of 2007, the Coordinating Committee shall convene a summit of researchers, public health professionals, representatives of voluntary health agencies, representatives of academic institutions, and Federal and State policymakers, to provide a detailed overview of current research activities at the National Institutes of Health, as well as to discuss and solicit input related to potential areas of collaboration between the National Institutes of Health and other Federal health agencies, including the Centers for Disease Control and Prevention, the Agency for Healthcare Research and Quality, and the Health Resources and Services Administration, related to research, prevention, and treatment of arthritis and rheumatic diseases.

''(2) SUMMIT DETAILS.—The summit developed under paragraph (1) shall focus on—

''(A) a broad range of research activities relating to biomedical, epidemiological, psychosocial, and rehabilitative issues, including studies of the impact of the diseases described in paragraph (1) in rural and underserved communities;

''(B) clinical research for the development and evaluation of new treatments, including new biological agents;

''(C) translational research on evidence-based and cost-effective best practices in the treatment, prevention, and management of the disease;

''(D) information and education programs for health care professionals and the public;

''(E) priorities among the programs and activities of the various Federal agencies regarding such diseases; and

''(F) challenges and opportunities for scientists, clinicians, patients, and voluntary organizations.

''(d) REPORT TO CONGRESS.—Not later than 180 days after the convening of the Arthritis and Rheumatic Diseases Summit under subsection (c)(1), the Director of NIH shall prepare and submit a report to Congress that includes proceedings from the summit and a description of arthritis research, education, and other activities that are conducted or supported through the national research institutes.

''(e) PUBLIC INFORMATION.—The Coordinating Committee shall make readily available to the public information about the research, education, and other activities relating to arthritis and other rheumatic diseases, conducted or supported by the National Institutes of Health.

''(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.''.

**SEC. 5. EXPANSION, INTENSIFICATION, AND INNOVATION OF RESEARCH AND PUBLIC HEALTH ACTIVITIES RELATED TO JUVENILE ARTHRITIS.**

(a) JUVENILE ARTHRITIS INITIATIVE THROUGH THE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH.—Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

**''SEC. 404I. JUVENILE ARTHRITIS INITIATIVE THROUGH THE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH.**

''(a) EXPANSION AND INTENSIFICATION OF ACTIVITIES.—

''(1) IN GENERAL.—The Director of NIH, in coordination with the Director of the National Institute of Arthritis and Musculoskeletal and Skin Diseases, and the directors of the other national research institutes, as appropriate, shall expand and intensify programs of the National Institutes of Health with respect to research and related activities concerning various forms of juvenile arthritis.

''(2) COORDINATION.—The directors referred to in paragraph (1) shall jointly coordinate the programs referred to in such paragraph and consult with additional Federal officials, voluntary health associations, medical professional societies, and private entities as appropriate.

''(b) PLANNING GRANTS AND CONTRACTS FOR INNOVATIVE RESEARCH IN JUVENILE ARTHRITIS.—

''(1) IN GENERAL.—In carrying out subsection (a)(1) the Director of NIH shall award planning grants or contracts for the establishment of new research programs, or enhancement of existing research programs, that focus on juvenile arthritis.

''(2) RESEARCH.—

''(A) TYPES OF RESEARCH.—In carrying out this subsection, the Secretary shall encourage research that focuses on genetics, on the development of biomarkers, and on pharmacological and other therapies.

''(B) PRIORITY.—In awarding planning grants or contracts under paragraph (1), the Director of NIH may give priority to collaborative partnerships, which may include academic health centers, private sector entities, and nonprofit organizations.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section. Such authorization shall be in addition to any authorization of appropriations under any other provision of law to carry out juvenile arthritis activities or other arthritis-related research.''.

(b) PUBLIC HEALTH AND SURVEILLANCE ACTIVITIES RELATED TO JUVENILE ARTHRITIS AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.—Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 320A the following:

**''SEC. 320B. SURVEILLANCE AND RESEARCH REGARDING JUVENILE ARTHRITIS.**

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to and enter into cooperative agreements with public or nonprofit private entities for the collection, analysis, and reporting of data on juvenile arthritis.

''(b) TECHNICAL ASSISTANCE.—In awarding grants and entering into agreements under subsection (a), the Secretary may provide direct technical assistance in lieu of cash.

''(c) COORDINATION WITH NIH.—The Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health.

''(d) CREATION OF A NATIONAL JUVENILE ARTHRITIS PATIENT REGISTRY.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with a national voluntary health organization with experience serving the juvenile arthritis population as well as the full spectrum of arthritis-related conditions, shall support the development of a National Juvenile Arthritis Patient Registry to collect specific data for follow-up studies regarding the prevalence and incidence of juvenile arthritis, as well as capturing information on evidence-based health outcomes related to specific therapies and interventions.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

**SEC. 6. INVESTMENT IN TOMORROW'S PEDIATRIC RHEUMATOLOGISTS.**

(a) IN GENERAL.—Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

**''SEC. 399Z–1. INVESTMENT IN TOMORROW'S PEDIATRIC RHEUMATOLOGISTS.**

''(a) ENHANCED SUPPORT.—In order to ensure an adequate future supply of pediatric rheumatologists, the Secretary, in consultation with the Administrator of the Health Resources and Services Administration, shall support activities that provide for—

''(1) an increase in the number and size of institutional training grants awarded to institutions to support pediatric rheumatology training; and

''(2) an expansion of public-private partnerships to encourage academic institutions, private sector entities, and health agencies to promote educational training and fellowship opportunities for pediatric rheumatologists.

''(b) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012 to carry out this section.''.

(b) PEDIATRIC LOAN REPAYMENT PROGRAM.—Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.), as amended by subsection (a), is further amended by adding at the end the following:

**''SEC. 399Z–2. PEDIATRIC RHEUMATOLOGY LOAN REPAYMENT PROGRAM.**

''(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Health Resources and Services Administration, may establish a pediatric rheumatology loan repayment program.

''(b) PROGRAM ADMINISTRATION.—Through the program established under subsection (a), the Secretary shall—

''(1) enter into contracts with qualified health professionals who are pediatric rheumatologists under which—

''(A) such professionals agree to provide health care in an area with a shortage of pediatric rheumatologists; and

''(B) the Federal Government agrees to repay, for each year of such service, not more than $25,000 of the principal and interest of the educational loans of such professionals; and

''(2) in addition to making payments under paragraph (1) on behalf of an individual, make payments to the individual for the purpose of providing reimbursement for tax liability resulting from the payments made under paragraph (1), in an amount equal to 39 percent of the total amount of the payments made for the taxable year involved.

''(c) FUNDING.—

''(1) IN GENERAL.—For the purpose of carrying out this section, the Secretary may reserve, from amounts appropriated for the Health Resources and Services Administration for the fiscal year involved, such amounts as the Secretary determines to be appropriate.

''(2) AVAILABILITY OF FUNDS.—Amounts made available to carry out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts were made available.''.

**SEC. 7. CAREER DEVELOPMENT AWARDS IN PEDIATRIC RHEUMATOLOGY.**

Part G of title IV of the Public Health Service Act (42 U.S.C. 288 et seq.) is amended—

(1) by redesignating the second section 487F (relating to a pediatric research loan repayment program) as section 487G;

(2) by inserting after section 487G (as so redesignated) the following:

**''SEC. 487H. CAREER DEVELOPMENT AWARDS IN PEDIATRIC RHEUMATOLOGY.**

''(a) IN GENERAL.—The Secretary, in consultation with the Director of NIH, may establish a program to increase the number of career development awards for health professionals who intend to build careers in clinical and translational research relating to pediatric rheumatology.

''(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.''.

**SEC. 8. GENERAL ACCOUNTING OFFICE STUDY OF ARTHRITIS AND THE WORKPLACE.**

(a) STUDY AND REPORT.—Not later than 3 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study on the economic impact of arthritis in the workplace, and submit a report to the appropriate committees of Congress containing the results of the study.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Speaker, I have an amendment in the nature of a substitute at the desk.

The Clerk read as follows:

Amendment offered by Mr. PALLONE:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Arthritis Prevention, Control, and Cure Act of 2008''.

**SEC. 2. ENHANCING THE PUBLIC HEALTH ACTIVITIES RELATED TO ARTHRITIS OF THE CENTERS FOR DISEASE CONTROL AND PREVENTION THROUGH THE NATIONAL ARTHRITIS ACTION PLAN.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 314 the following:

**''SEC. 315. IMPLEMENTATION OF THE NATIONAL ARTHRITIS ACTION PROGRAM.**

''(a) ESTABLISHMENT OF PROGRAM.—The Secretary may develop and implement a National Arthritis Action Program (in this section referred to as the 'Program') consistent with this section.

''(b) CONTROL, PREVENTION, AND SURVEILLANCE.—

''(1) IN GENERAL.—Under the Program, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, may, directly or through competitive grants to eligible entities, conduct, support, and promote the coordination of research, investigations, demonstrations, training, and studies relating to the control, prevention, and surveillance of arthritis and other rheumatic diseases.

''(2) TRAINING AND TECHNICAL ASSISTANCE.—With respect to the planning, development, and operation of any activity carried out under paragraph (1), the Secretary may provide training, technical assistance, supplies, equipment, or services, and may assign any officer or employee of the Department of Health and Human Services to a State or local health agency, or to any public or nonprofit entity designated by a State health agency, in lieu of providing grant funds under this subsection.

''(3) ARTHRITIS PREVENTION RESEARCH AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION CENTERS.—The Secretary may provide additional grant support under this subsection to encourage the expansion of research related to the prevention and management of arthritis at the Centers for Disease Control and Prevention.

''(4) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means a national public or private nonprofit entity that demonstrates to the satisfaction of the Secretary, in the application described in subsection (e), the ability of the entity to carry out the activities described in paragraph (1).

''(c) EDUCATION AND OUTREACH.—

''(1) IN GENERAL.—Under the Program, the Secretary may coordinate and carry out national education and outreach activities, directly or through the provision of grants to eligible entities, to support, develop, and implement education initiatives and outreach strategies appropriate for arthritis and other rheumatic diseases.

''(2) INITIATIVES AND STRATEGIES.—Initiatives and strategies implemented under paragraph (1) may include public awareness campaigns, public service announcements, and community partnership workshops, as well as programs targeted at businesses and employers, managed care organizations, and health care providers.

''(3) PRIORITY.—In carrying out paragraph (1), the Secretary—

''(A) may emphasize prevention, early diagnosis, and appropriate management of arthritis, and opportunities for effective patient self-management; and

''(B) may give priority to reaching high-risk or underserved populations.

''(4) COLLABORATION.—In carrying out this subsection, the Secretary shall consult and collaborate with stake-holders from the public, private, and nonprofit sectors with expertise relating to arthritis control, prevention, and treatment.

''(5) ELIGIBLE ENTITY.—For purposes of this subsection, the term 'eligible entity' means a national public or private nonprofit entity that demonstrates to the satisfaction of the Secretary, in the application described in subsection (e), the ability of the entity to carry out the activities described in paragraph (1).

''(d) COMPREHENSIVE STATE GRANTS.—

''(1) IN GENERAL.—Under the Program, the Secretary may award grants to eligible entities to provide support for comprehensive arthritis control and prevention programs and to enable such entities to provide public health surveillance, prevention, and control activities related to arthritis and other rheumatic diseases.

''(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, an entity shall be a State or Indian tribe.

''(3) APPLICATION.—To be eligible to receive a grant under this subsection, an entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a comprehensive arthritis control and prevention plan that—

''(A) is developed with the advice of stakeholders from the public, private, and nonprofit sectors that have expertise relating to arthritis control, prevention, and treatment that increase the quality of life and decrease the level of disability;

''(B) is intended to reduce the morbidity of arthritis, with priority on preventing and controlling arthritis in at-risk populations and reducing disparities in arthritis prevention, diagnosis, management, and quality of care in underserved populations;

''(C) describes the arthritis-related services and activities to be undertaken or supported by the entity; and

''(D) demonstrates the relationship the entity has with the community and local entities and how the entity plans to involve such community and local entities in carrying out the activities described in paragraph (1).

''(4) USE OF FUNDS.—An eligible entity may use amounts received under a grant awarded under this subsection to conduct, in a manner consistent with the comprehensive arthritis control and prevention plan submitted by the entity in the application under paragraph (3)—

''(A) public health surveillance and epidemiological activities relating to the prevalence of arthritis and assessment of disparities in arthritis prevention, diagnosis, management, and care;

''(B) public information and education programs; and

''(C) education, training, and clinical skills improvement activities for health professionals, including allied health personnel.

''(e) GENERAL APPLICATION.—To be eligible to receive a grant under this section, except under subsection (d), an entity shall submit

to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary may require, including a description of how funds received under a grant awarded under this section will supplement or fulfill unmet needs identified in a comprehensive arthritis control and prevention plan of the entity.

''(f) DEFINITIONS.—For purposes of this section:

''(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given such term in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

''(2) STATE.—The term 'State' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

''(1) for fiscal year 2009, $32,000,000;

''(2) for fiscal year 2010, $34,000,000;

''(3) for fiscal year 2011, $36,000,000;

''(4) for fiscal year 2012, $38,000,000; and

''(5) for fiscal year 2013, $40,000,000.''.

**SEC. 3. ACTIVITIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES WITH RESPECT TO JUVENILE ARTHRITIS AND RELATED CONDITIONS.**

(a) IN GENERAL.—The Secretary of Health and Human Services, in coordination with the Director of the National Institutes of Health, may expand and intensify programs of the National Institutes of Health with respect to research and related activities concerning various forms of juvenile arthritis and related conditions.

(b) COORDINATION.—The Director of the National Institutes of Health may coordinate the programs referred to in subsection (a) and consult with additional Federal officials, voluntary health associations, medical professional societies, and private entities as appropriate.

**SEC. 4. PUBLIC HEALTH AND SURVEILLANCE ACTIVITIES RELATED TO JUVENILE ARTHRITIS AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.**

Part B of title III of the Public Health Service Act (42 U.S.C. 243 et seq.) is amended by inserting after section 320A the following:

**''SEC. 320B. SURVEILLANCE AND RESEARCH REGARDING JUVENILE ARTHRITIS.**

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may award grants to and enter into cooperative agreements with public or nonprofit private entities for the collection, analysis, and reporting of data on juvenile arthritis.

''(b) TECHNICAL ASSISTANCE.—In awarding grants and entering into agreements under subsection (a), the Secretary may provide direct technical assistance in lieu of cash.

''(c) COORDINATION WITH NIH.—The Secretary shall ensure that epidemiological and other types of information obtained under subsection (a) is made available to the National Institutes of Health.

''(d) CREATION OF A NATIONAL JUVENILE ARTHRITIS POPULATION-BASED DATABASE.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention and in collaboration with a national voluntary health organization with experience serving the juvenile arthritis population as well as the full spectrum of arthritis-related conditions, may support the development of a national juvenile arthritis population-based database to collect specific data for follow-up studies regarding the prevalence and incidence of juvenile arthritis, as well as capturing information on evidence-based health outcomes related to specific therapies and interventions.

''(e) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $25,000,000 for each of fiscal years 2009 through 2013.''

**SEC. 5. INVESTMENT IN TOMORROW'S PEDIATRIC RHEUMATOLOGISTS.**

(a) ENHANCED SUPPORT.—

(1) IN GENERAL.—In order to ensure an adequate future supply of pediatric rheumatologists, the Secretary of Health and Human Services, in consultation with the Administrator of the Health Resources and Services Administration, shall support activities that provide for—

(A) an increase in the number and size of institutional training grants awarded to institutions to support pediatric rheumatology training; and

(B) an expansion of public-private partnerships to encourage academic institutions, private sector entities, and health agencies to promote educational training and fellowship opportunities for pediatric rheumatologists.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $3,750,000 for each of the fiscal years 2009 through 2013.

(b) PEDIATRIC LOAN REPAYMENT PROGRAM.—

(1) IN GENERAL.—The Secretary of Health and Human Services, in consultation with the Administrator of the Health Resources and Services Administration, shall establish and, subject to the determination under paragraph (3), carry out a pediatric rheumatology loan repayment program.

(2) PROGRAM ADMINISTRATION.—Through the program established under this subsection, the Secretary shall—

(A) enter into contracts with qualified health professionals who are pediatric rheumatologists under which—

(i) such professionals agree to provide health care in an area with a shortage of pediatric rheumatologists and that has the capacity to support pediatric rheumatology, as determined by the Secretary of Health and Human Services; and

(ii) the Federal Government agrees to repay, for each year of such service, not more than $25,000 of the principal and interest of the educational loans of such professionals; and

(B) in addition to making payments under paragraph (1) on behalf of an individual, make payments to the individual for the purpose of providing reimbursement for tax liability resulting from the payments made under paragraph (1), in an amount equal to 39 percent of the total amount of the payments made for the taxable year involved.

(3) DETERMINATION OF SHORTAGE AREAS.—For purposes of this subsection, an area shall be determined to be an area with a shortage of pediatric rheumatologists based on the ratio of the number of children who reside in such area who are in need of services of a pediatric rheumatologist to the number of pediatric rheumatologists who furnish services within 100 miles of the area.

(4) PERIODIC ASSESSMENTS.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall periodically assess—

(i) the extent to which the loan repayment program under this section is needed; and

(ii) the extent to which the program is effective in increasing the number of pediatric rheumatologists nationally and the number of pediatric rheumatologists in areas with a shortage of pediatric rheumatologists.

In the case that the Secretary determines, pursuant to an assessment under this subparagraph, that there is no longer a need for the loan repayment program, such program shall be terminated as of a date specified by the Secretary.

(B) ANNUAL REPORTS.—The Secretary of Health and Human Services shall annually report to Congress on the periodic assessments conducted under subparagraph (A).

(5) FUNDING.—

(A) IN GENERAL.—For the purpose of carrying out this subsection, the Secretary of Health and Human Services may reserve, from amounts appropriated for the Health Resources and Services Administration for the fiscal year involved, such amounts as the Secretary determines to be appropriate.

(B) AVAILABILITY OF FUNDS.—Amounts made available to carry out this section shall remain available until the expiration of the second fiscal year beginning after the fiscal year for which such amounts were made available.

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The amendment was agreed to.

Ms. ESHOO. Mr. Speaker, I rise today in strong support of my legislation, H.R. 1283, the Arthritis Prevention, Control, and Cure Act. I have fought long and hard for this bill, along with the Arthritis Foundation, the American College of Rheumatology, and the thousands of advocates across the country that understand the need for this legislation.

With 1 out of 5 adults suffering from arthritis, this debilitating condition is the most common cause of disability in the United States. More than 300,000 children suffer from juvenile arthritis—more than the number of children with juvenile diabetes yet we have a severe shortage of pediatric rheumatologists in our country with only 239 nationwide and 11 states without even one. Early diagnosis for this disease is crucial and without it, thousands of children go undiagnosed because they don't have access to the right doctor.

This bill addresses the shortage through loan reimbursements for doctors who go into pediatric rheumatology, an increase in research of juvenile arthritis, and State grants for comprehensive arthritis programs and public health outreach.

I'm very proud to see the Arthritis Prevention, Control, and Cure Act on the floor today and I look forward to seeing the Senate companion, sponsored by my dear friend Senator KENNEDY, pass the other body as well.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

□ 1315

## GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

RE-REFERRAL OF S. 3560 TO COMMITTEE ON ENERGY AND COMMERCE AND COMMITTEE ON WAYS AND MEANS

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the bill, S. 3560, be re-referred to the Committee on Energy and Commerce and, in addition, to the Committee on Ways and Means.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## QI PROGRAM SUPPLEMENTAL FUNDING ACT OF 2008

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3560) to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3560

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''QI Program Supplemental Funding Act of 2008''.

**SEC. 2. FUNDING FOR THE QUALIFYING INDIVIDUAL (QI) PROGRAM.**

Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)), as amended by section 111(b) of the Medicare Improvements for Patients and Providers Act of 2008 (Public Law 110–275), is amended—

(1) in subparagraph (I), by striking ''$300,000,000'' and inserting ''$315,000,000''; and

(2) in subparagraph (J), by striking ''$100,000,000'' and inserting ''$130,000,000''.

**SEC. 3. MANDATORY USE OF STATE PUBLIC ASSISTANCE REPORTING INFORMATION SYSTEM (PARIS) PROJECT.**

(a) IN GENERAL.—Section 1903(r) of the Social Security Act (42 U.S.C. 1396b(r)) is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by inserting '', in addition to meeting the requirements of paragraph (3),'' after ''a State must''; and

(2) by adding at the end the following new paragraph:

''(3) In order to meet the requirements of this paragraph, a State must have in operation an eligibility determination system which provides for data matching through the Public Assistance Reporting Information System (PARIS) facilitated by the Secretary (or any successor system), including matching with medical assistance programs operated by other States.''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) take effect on October 1, 2009.

(2) EXTENSION OF EFFECTIVE DATE FOR STATE LAW AMENDMENT.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) which the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by subsection (a), the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session is considered to be a separate regular session of the State legislature.

**SEC. 4. INCENTIVES FOR THE DEVELOPMENT OF, AND ACCESS TO, CERTAIN ANTIBIOTICS.**

(a) IN GENERAL.—Section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) is amended by adding at the end the following:

''(v) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997.—

''(1) ANTIBIOTIC DRUGS APPROVED BEFORE NOVEMBER 21, 1997.—

''(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) shall be eligible for, with respect to the drug, the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable.

''(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

''(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of the enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

''(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of an application approved by the Secretary under section 507 of this Act (as in effect before November 21, 1997).

''(2) ANTIBIOTIC DRUGS SUBMITTED BEFORE NOVEMBER 21, 1997, BUT NOT APPROVED.—

''(A) IN GENERAL.—Notwithstanding any provision of the Food and Drug Administration Modernization Act of 1997 or any other provision of law, a sponsor of a drug that is the subject of an application described in subparagraph (B)(i) may elect to be eligible for, with respect to the drug—

''(i)(I) the 3-year exclusivity period referred to under clauses (iii) and (iv) of subsection (c)(3)(E) and under clauses (iii) and (iv) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; and

''(II) the 5-year exclusivity period referred to under clause (ii) of subsection (c)(3)(E) and under clause (ii) of subsection (j)(5)(F), subject to the requirements of such clauses, as applicable; or

''(ii) a patent term extension under section 156 of title 35, United States Code, subject to the requirements of such section.

''(B) APPLICATION; ANTIBIOTIC DRUG DESCRIBED.—

''(i) APPLICATION.—An application described in this clause is an application for marketing submitted under this section after the date of the enactment of this subsection in which the drug that is the subject of the application contains an antibiotic drug described in clause (ii).

''(ii) ANTIBIOTIC DRUG.—An antibiotic drug described in this clause is an antibiotic drug that was the subject of 1 or more applications received by the Secretary under section 507 of this Act (as in effect before November 21, 1997), none of which was approved by the Secretary under such section.

''(3) LIMITATIONS.—

''(A) EXCLUSIVITIES AND EXTENSIONS.—Paragraphs (1)(A) and (2)(A) shall not be construed to entitle a drug that is the subject of an approved application described in subparagraphs (1)(B)(i) or (2)(B)(i), as applicable, to any market exclusivities or patent extensions other than those exclusivities or extensions described in paragraph (1)(A) or (2)(A).

''(B) CONDITIONS OF USE.—Paragraphs (1)(A) and (2)(A)(i) shall not apply to any condition of use for which the drug referred to in subparagraph (1)(B)(i) or (2)(B)(i), as applicable, was approved before the date of the enactment of this subsection.

''(4) APPLICATION OF CERTAIN PROVISIONS.—Notwithstanding section 125, or any other provision, of the Food and Drug Administration Modernization Act of 1997, or any other provision of law, and subject to the limitations in paragraphs (1), (2), and (3), the provisions of the Drug Price Competition and Patent Term Restoration Act of 1984 shall apply to any drug subject to paragraph (1) or any drug with respect to which an election is made under paragraph (2)(A).''.

(b) TRANSITIONAL RULES.—

(1) With respect to a patent issued on or before the date of the enactment of this Act, any patent information required to be filed with the Secretary of Health and Human Services under subsection (b)(1) or (c)(2) of section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) to be listed on a drug to which subsection (v)(1) of such section 505 (as added by this section) applies shall be filed with the Secretary not later than 60 days after the date of the enactment of this Act.

(2) With respect to any patent information referred to in paragraph (1) of this subsection that is filed with the Secretary within the 60-day period after the date of the enactment of this Act, the Secretary shall publish such information in the electronic version of the list referred to at section 505(j)(7) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j)(7)) as soon as it is received, but in no event later than the date that is 90 days after the enactment of this Act.

(3) With respect to any patent information referred to in paragraph (1) that is filed with the Secretary within the 60-day period after the date of enactment of this Act, each applicant that, not later than 120 days after the date of the enactment of this Act, amends an application that is, on or before the date of the enactment of this Act, a substantially complete application (as defined in paragraph (5)(B)(iv) of section 505(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(j))) to contain a certification described in paragraph (2)(A)(vii)(IV) of such section 505(j) with respect to that patent shall be deemed to be a first applicant (as defined in paragraph (5)(B)(iv) of such section 505(j)).

**SEC. 5. CLARIFICATION OF AUTHORITY FOR USE OF MEDICAID INTEGRITY PROGRAM FUNDS.**

(a) CLARIFICATION OF AUTHORITY FOR USE OF FUNDS.—

(1) IN GENERAL.—Section 1936 of the Social Security Act (42 U.S.C. 1396u–6) is amended—

(A) in subsection (b)(4), by striking ''Education of'' and inserting ''Education or training, including at such national, State, or regional conferences as the Secretary may establish, of State or local officers, employees, or independent contractors responsible for the administration or the supervision of the administration of the State plan under this title,''; and

(B) in subsection (e), by striking paragraph (2) and inserting the following:

''(2) AVAILABILITY; AUTHORITY FOR USE OF FUNDS.—

''(A) AVAILABILITY.—Amounts appropriated pursuant to paragraph (1) shall remain available until expended.

''(B) AUTHORITY FOR USE OF FUNDS FOR TRANSPORTATION AND TRAVEL EXPENSES FOR ATTENDEES AT EDUCATION, TRAINING, OR CONSULTATIVE ACTIVITIES.—

''(i) IN GENERAL.—The Secretary may use amounts appropriated pursuant to paragraph (1) to pay for transportation and the travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business, of individuals described in subsection (b)(4) who attend education, training, or consultative activities conducted under the authority of that subsection.''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in the enactment of section 1936 of the Social Security Act, as added by section 6034(a) of the Deficit Reduction Act of 2005 (Public Law 109–171).

(b) PUBLIC DISCLOSURE.—

(1) IN GENERAL.—Section 1936(e)(2)(B) of such Act (42 U.S.C. 1396u–6(e)(2)(B)), as added by subsection (a) of this section, is amended by adding at the end the following:

''(ii) PUBLIC DISCLOSURE.—The Secretary shall make available on a website of the Centers for Medicare & Medicaid Services that is accessible to the public—

''(I) the total amount of funds expended for each conference conducted under the authority of subsection (b)(4); and

''(II) the amount of funds expended for each such conference that were for transportation and for travel expenses.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to conferences conducted under the authority of section 1936(b)(4) of the Social Security Act (42 U.S.C. 1396u–6(b)(4)) after the date of enactment of this Act.

**SEC. 6. FUNDING FOR THE MEDICARE IMPROVEMENT FUND.**

Section 1898(b)(1) of the Social Security Act (42 U.S.C. 1395iii(b)(1)) is amended by striking ''$2,220,000,000'' and inserting ''$2,290,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Oklahoma (Mr. SULLIVAN) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of S. 3560, the QI Program Supplemental Funding Act of 2008, introduced by my Senate colleague, Senator MAX BAUCUS.

Mr. Speaker, this bill makes a number of technical, but important, changes that will improve the Medicare and Medicaid programs. This legislation also contains an important provision that will help incentivize the development of new antibiotics.

Earlier this summer, Congress passed H.R. 6331, the Medicare Improvements for Patients and Providers Act of 2008, which extended the Qualifying Individual, or QI, program to December of 2009. The QI program provides important financial assistance to low-income Medicare beneficiaries.

Unfortunately, when we passed H.R. 6331, we did not include enough money in the QI program to fully cover the level of need. We need an additional $45 million in order to fully cover the cost of the program through the end of next year. Otherwise, vulnerable Medicare beneficiaries may be disenrolled and lose access to important health services, and we certainly can't allow this to happen.

Mr. Speaker, this legislation also contains a provision that would encourage and incentivize drug manufacturers to research and develop antibiotics. Presently, there's too little research being done to develop new and innovative antibiotics therapies. That is particularly troubling at a time when antibiotic resistance is a growing problem.

According to the Infectious Disease Society of America, about 2 million people acquire bacterial infections in U.S. hospitals each year, and 90,000 die as a result. Approximately 70 percent of these infections are resistant to at least one drug.

Mr. Speaker, the R&D pipeline for antibiotics is drying up. Major pharmaceutical companies simply are not investing in the development of new antibiotics because it's not as profitable as drugs that treat chronic conditions. This is an important provision that I believe will help reverse that trend and lead to new breakthroughs and help protect the public health.

Mr. Speaker, in addition to these two provisions, the bill before us contains several other technical changes that would improve the Medicare and Medicaid programs and generate savings.

I urge my colleagues on both sides of the aisle to support this legislation.

I reserve the balance of my time.

Mr. SULLIVAN. Mr. Speaker, I rise in support of S. 3560. The bill is designed to make technical corrections to policies we enacted in this and previous Congresses.

Specifically, this bill, at its core, corrects a technical error in the funding level for the extension of the QI–1 program that was passed earlier this year as part of the Medicare Improvements for Patients and Providers Act of 2008. The QI–1 program provides for the government's payment of Medicare part B premiums for certain low-income beneficiaries through the State Medicaid program.

In addition, this bill provides an important correction in FDA policy regarding the development of antibiotics. This provision would have been in the Food and Drug Administration Amendments Act that we passed last year; however, it was dropped at the last minute because of PAYGO reasons.

Finally, this bill provides the Secretary with additional authority to perform education and outreach activities as part of the Medicaid Integrity Program established by the Deficit Reduction Act of 2005.

This bill is fully paid for, with some money left over to spare. The offset for this bill is the use of the State Public Assistance Reporting Information System. This system provides States with a tool to improve program integrity and go after fraud and abuse in the administration of public and medical assistance programs. This system does this by matching program enrollment data, such as Medicaid enrollment data, with data from other States which determine possible duplicate payments.

Mr. Speaker, I urge Members to support this legislation. However, I do want to remind Members that the need for a technical bill might not have arisen if the majority would have involved the minority in the crafting of the Medicare bill passed in July. The majority should have provided the minority time to review the legislation and offer a motion to recommit.

I support this legislation, but I hope moving forward the majority will include the minority when writing major legislation.

I yield as much time as the gentleman may consume to my friend from Michigan, DAVE CAMP.

Mr. CAMP of Michigan. Mr. Speaker, I thank the gentleman for yielding, and I'm also pleased to rise in support of this legislation, which will make important changes to the Qualified Individual program.

This program helps low-income Medicare beneficiaries pay for their Medicare premiums. While the QI program was extended under the Medicare Improvement for Patients and Providers Act enacted in July, some States were still facing shortfalls.

The bill we are debating today provides $45 million to ensure States like Alabama and South Carolina have sufficient funds to maintain Medicare enrollment for their low-income seniors. Importantly, this bill is fully paid for by requiring State Medicaid programs to electronically submit eligibility determinations to the Public Assistance Reporting Information System.

Mr. Speaker, it is critical to the health of low-income seniors that we enact this legislation promptly, and I urge the House to support this bill.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentleman from California, the chairman of the Ways and Means Health Subcommittee, Mr. STARK.

(Mr. STARK asked and was given permission to revise and extend his remarks.)

Mr. STARK. Mr. Speaker, my remarks shall be brief, because the distinguished ranking member of the Subcommittee on Health on the Committee on Ways and Means was participating and is so adequately up on this bill that he just said it all. I would associate myself with the remarks of the

distinguished gentleman from Michigan.

I rise in support of the QI Program Supplemental Funding Act, S. 3560.

At nearly $100 a month, the Part B premium can be a real hardship for seniors living on low incomes.

This bill is necessary to ensure that low-income Medicare beneficiaries with annual incomes between $12,000–$14,000 are able to continue receiving financial assistance for the cost of their Medicare premiums.

I support extending this vital program. If this bill doesn't pass, States will drop poor seniors from the program.

My only complaint is that we should be doing more than this today. We have technical corrections from the Medicare legislation we passed earlier this year which should be before us as part of this legislation. Unfortunately, the Senate failed to reach agreement to incorporate those needed provisions in this bill.

There is much we need to do to maintain our commitment to Medicare and Medicaid. This bill is a tiny part of that work. I look forward to continuing to work with my colleagues on both sides of the aisle—and on both sides of the Capitol—to do much more.

Mr. SULLIVAN. Mr. Speaker, I yield to the gentleman from Virginia, Congressman WOLF, as much time as he may consume.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. I was watching this meeting and resolution in my office today, and I support it. I think it's a good issue, but I want to say to the gentleman from New Jersey, I don't understand why you've boxed up for months and years the bill that Congressman CHRIS SMITH has that deals with Lyme disease.

I was at a national Lyme disease conference this week. Lyme disease is spreading through our Nation. Lyme disease is spreading through my congressional district. Lyme disease is spreading through New Jersey, spreading through the gentleman's district, spreading through Mr. SMITH's district, and if I could get the gentleman's attention, rather than whispering back and forth, I would like to know, if we are going to do resolutions like this and take them out of the committee, why Mr. SMITH's bill, which has been pending in your committee for a long time, cannot be considered?

If you watched the movie the other day, the number of people that have been impacted by Lyme disease is very serious. This is spreading. It's in Pennsylvania, I would tell the person who's chairing the House. It is spreading throughout the United States, and yet the bill is boxed up, locked up in your committee, and I want to know, because I've had enough of seeing this thing and seeing it go time after time after time, and you're keeping the bill from coming out.

So if I could yield to the gentleman to tell me, what do you plan on doing about Lyme disease? Why won't you get that bill out? What is the status of it? And what would we tell somebody who happens to have Lyme disease today to know that the bill is pending in the committee?

I yield to the gentleman.

Mr. PALLONE. Well, as I've discussed with the gentleman, because we have actually talked about this on several occasions, I believe we are now doing what we call consent bills, in other words, bills that have the consent, meaning are basically agreed to not only by the Democrats and Republicans, but also by the members of the subcommittee and the Members of the House in general, because as you know, you have to have a two-thirds vote to pass these bills or do them by unanimous consent.

We do not have anything near consensus on that legislation. It would have to go through regular order, have a hearing, go through subcommittee. The problem is that many, probably the majority, but I won't venture to say whether it's majority or minority, but many people do not agree with the protocol, if you will, that is suggested, if not mandated, by that legislation.

In other words, right now, the majority of the doctors treat Lyme disease, you know, in a certain fashion. Those who advocate for that legislation suggest a different protocol, and frankly, I have tried very hard as chairman of the Health Subcommittee not to mandate or make decisions for physicians as to what kind of protocols they use. In this case, the protocol is very different from the overwhelming majority of the doctors, and so it's a very controversial issue that needs to have a lot of debate.

So there's absolutely no way that we could do something like that on a consent calendar because many of the Members simply don't support it.

Mr. WOLF. Reclaiming my time, why hasn't the gentleman had hearings on it?

Mr. PALLONE. Well, we could certainly have hearings on it, and as I discussed with the gentleman, I would like to have hearings not only on that bill but on the issue of Lyme disease, research and treatment, and we will certainly do that in the next session. But we're obviously not doing this today in the context of a consent calendar.

Mr. WOLF. Reclaiming my time, I will take you at your word that you're going to have hearings, is that accurate, early in the year?

Mr. PALLONE. What I said is I would like to have hearings on the issue related to Lyme. We can certainly take up the issues that are raised in that legislation in the context of that, but as I would say to the gentleman again, the protocol in that legislation is very controversial. It's certainly one of the many things that we would have to consider in the context of research and treatment of Lyme disease.

Mr. WOLF. Reclaiming my time, we're not going to let this issue go away, I want to tell the gentleman from New Jersey, even if I have to come up into New Jersey and go throughout to say that this bill is being boxed up.

Just so Members know, instances of Lyme disease are rapidly rising in Virginia, not only in my congressional district but across the country. According to the Centers for Disease Control and Prevention, from 1993 to 2007, reported cases of Lyme in Virginia have risen 990 percent, and this committee has done nothing. In the same time frame, reported cases are up 235 percent nationwide.

Lyme disease is frightening, keeps the Boy Scouts and Girl Scouts from camping during summer months or children playing in the backyard or joggers on bike paths through tree-lined neighborhoods, sharing the outdoors with a minute insect that can bring monumental health problems.

Congress needs to get serious. I was watching this and I think you have boxed it up. You know, when the gentleman was speaking—if you could look at me, I would just appreciate it. I want to tell the gentleman that we're going to hold you to this with regard to hearings. I will come and testify, but if this issue is boxed up next year, we're going to deal with it in many ways.

□ 1330

I would ask unanimous consent—if you want to say something, I'll wait.

Mr. PALLONE. Well, I would just say this: You know, it does bother me because the gentleman is sort of suggesting that you and I haven't had conversations about this. We've actually had many conversations about this. I've told you the same thing I've just said here on the floor. And I really don't understand why the gentleman is giving the impression that somehow we haven't discussed this because we have.

Mr. WOLF. Reclaiming my time, I never said—we've discussed it twice. What I'm saying is that you've boxed the bill up, you've boxed CHRIS SMITH's bill up. You've held no hearings. And there are a lot of people around the country that are suffering with Lyme disease. And you appear to be the rail block. And so what we're asking for is hearings, and give us an opportunity for all people of all sides to be heard.

Mr. PALLONE. Would the gentleman yield?

Mr. WOLF. I would yield.

Mr. PALLONE. First of all, I resent the fact that the gentleman is suggesting that we ''boxed this up.'' I would point out to the gentleman that the problem of Lyme disease has been around for many years. And the gentleman and his committee, Appropriations Committee, were in the majority for, what, at least 12 years before the last 2 years that the Democrats have been in the majority? Certainly, the gentleman had plenty of opportunity, and still does, to do something about this himself.

Mr. WOLF. Reclaiming my time, I was going to offer the Chris Smith amendment to the appropriations bill.

The Appropriations Committee hasn't met and had any hearings for months. Your side has prohibited any amendments from being offered. But I will tell the gentleman, next year, if you don't move this bill, I am going to offer it to the Labor-H bill next year and we will have to deal with it on the floor.

I believe we have a responsibility to address an issue that is wreaking havoc in my district and across the country. That's the rapid rise in Lyme disease and there is a bill pending in the Energy and Commerce Health Subcommittee that could go a long way towards helping raise awareness about the threat of Lyme.

Just this week I went to a briefing sponsored by the National Capital Lyme and Tick-Borne Disease Association. People are suffering from Bell's palsy, meningitis and other manifestations from Lyme disease.

There are people in my district whose entire nuclear family suffers from chronic Lyme: Young men and women who have had to take medical leave from their college studies to battle severe joint pain and bleeding ulcers, once healthy people unable to dress themselves or tie their shoes; and folks hundreds of thousands of dollars in debt just trying to get some quality of life back for their loved ones.

Americans need to learn about Lyme and press their Federal legislator to act. It is unacceptable—an outrage—for Congress to ignore this issue.

This past August I held a Lyme disease awareness forum in my district in Loudoun County, Virginia, to help my constituents learn how to prevent Lyme disease from touching their families. Three medical doctors, including two county health departments, volunteered their time to share their expertise in Lyme-related issues.

Lyme disease is an illness caused by bacteria that are transmitted to people by the bite of an infected black-legged tick, also known as the deer tick, which is comparable in size to the tip of a ball point pen. With all of the natural beauty and outdoor activities in many of the congressional districts we represent, it's important we work to educate our constituents about this debilitating disease.

Speaking as a father of five and grandfather of 13, I worry about deer, mice, and even family pets transporting ticks and transmitting Lyme.

Incidents of Lyme disease are rising rapidly in Virginia and across the country. According to the Centers for disease Control and Prevention, from 1993 to 2007 reported cases of Lyme in Virginia have risen 909 percent. In that same time frame, reported cases are up 235 percent nationwide.

Lyme disease is frightening. Picture Boy Scouts and Girl Scouts camping during the summer months or children playing in the backyard, or joggers on bike paths through tree-lined neighborhoods—sharing the outdoors with a minute insect that can bring monumental health problems.

This Congress needs to get serious about stepping up to the plate, and making sure people in high risk areas are aware of this threat. H.R. 741—The Lyme and Tick-Borne disease Prevention, Education, and Research Act—legislation introduced by CHRIS SMITH with a host of original cosponsors from New York, Connecticut, Arizona, Illinois, Rhode Island, Washington, among others, now has collected well over 100 bipartisan cosponsors.

The bill, which would expand Federal efforts with respect to prevention, education, and research activities, will go a long way toward getting the word out about Lyme disease and the precautions people can take to ensure that they never have to suffer the consequences of chronic Lyme.

''An ounce of prevention is worth a pound of cure'' could not be a more appropriate adage for Lyme disease. Failure to recognize Lyme disease early in its course can result in the development of difficult to treat infections in the brain, eyes, joints, heart, and elsewhere in the body.

As public servants, we have given our word to do everything we can to protect the public interest. We are sorely lacking in Federal efforts to increase awareness and education about Lyme disease. Every year since 1998, legislation similar to H.R. 741 has been introduced in the House, and we have failed to act.

I urge every member to educate themselves on the Lyme statistics in their home state and take a close look at H.R. 741.

For those Members who sit on the Energy and Commerce Subcommittee on Health, I urge you to step forward and act to see that this bill is reported out of committee before the House completes its legislative business for the 110th Congress.

For the House leadership, I urge that this bill be placed on the calendar now for action. If we can spend time loading up the suspension calendar and voting on commemorative anniversaries and naming post offices, we surely can find time to address legislation that can make a difference in the lives of Americans.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I would just point out that on this and so many other issues it is amazing to me that the gentleman, who was in the majority for so many years and had so many opportunities to raise this and other issues, is somehow now suggesting that the Democrats are boxing it up. You know, Lyme has been around for a long time. The people concerned about this issue have been trying to address it for a long time. The bottom line, as the gentleman knows, it's a very controversial issue. We will certainly raise it, but he had ample opportunity, the many years that he was in the majority, to raise it and it just didn't happen.

Mr. Speaker, I reserve the balance of my time.

Mr. SULLIVAN. Mr. Speaker, may I inquire as to how much time is remaining?

The SPEAKER pro tempore. The gentleman from Oklahoma has 8½ minutes remaining.

Mr. SULLIVAN. Mr. Speaker, I yield as much time as he might consume to Mr. WOLF.

Mr. WOLF. This is a growing issue. It is becoming a more important issue and a new issue. If you look at the statistics, it is growing around the Nation, it is now becoming an epidemic. And so, when I now see an epidemic taking place in my congressional district, in your congressional district, through New Jersey, through Connecticut—if you talk to Senator DODD, he will tell you—through Massachusetts, all up and down the east coast, it is time to do something. And so I think it is time to deal with it.

And I see the gentleman from New Jersey here. You have blocked this bill for a long period of time. And I will tell you, I will not permit you to block it. And next year, I will offer amendment after amendment after amendment and do whatever I can to make sure that people who are impacted by this, to make sure that people who do not even know what may very well be threatening them will not be threatened.

I yield to the gentleman from New Jersey to also make some comments about this.

Mr. SMITH of New Jersey. I thank my friend for yielding.

Mr. Speaker, first of all, I want to thank Mr. WOLF for raising this. I didn't know he was going to be doing it; I just saw him on the television.

Mr. WOLF. I didn't know I was going to be doing it until I saw the gentleman, Mr. PALLONE, standing up and taking this up on suspension.

Mr. SMITH of New Jersey. So I appreciate the gentleman yielding.

Let me just say, to clarify the record, this legislation, which would seek to lay bare the science about Lyme disease, the fact that I believe we do have an epidemic, the fact that Lyme often go misdiagnosed, underdiagnosed. It is called ''the great pretender'' because so many people have it and don't know it. It often masquerades as other kinds of anomalies manifesting in a person's body. And it is not until it gets to a chronic state—very often causing severe disability, including neurological damage—that people finally realize that they have Lyme disease.

There has been, unfortunately, a significant, I believe, cover up of the fact that chronic Lyme exists. The gentleman knows, we have asked him repeatedly, the gentleman from New Jersey, my good friend, Mr. PALLONE, this legislation has been pending in his subcommittee. He told Pat Smith—no relation to me—who runs a Lyme disease association, that this would get a hearing and would be marked up. It has not been marked up. And meanwhile, this epidemic is growing—it is exploding.

Now, let me just say for the enlightenment of my colleagues; the Infectious Disease Society of America,

which creates—and often does a very laudable job—the definitions, the parameters of what constitutes a certain disease, has looked at Lyme and said that chronic Lyme does not exist. Many of us have raised serious concerns about that because of what we believe to be conflicts of interest on the part of the panel members that made up the Lyme panel.

I would note parenthetically that CHRIS DODD is the prime sponsor of the comparison legislation that I've introduced on the House side. We have worked cooperatively on the legislation, so we have a companion bill on the Senate side. The legislation has over 110—I think it's 112—cosponsors, totally bipartisan, Democrats and Republicans alike rallying around this legislation.

The problem with the Infectious Disease Society of America is that these conflicts of interest, we believe, resulted in the conclusion that chronic Lyme doesn't exist. We don't know absolutely if that's the truth, but Attorney General Richard Blumenthal from Connecticut finally took a look at this and came back with a scathing insightful report that there were conflicts of interest. The red flag should go up everywhere.

What does my legislation do? As Mr. PALLONE knows, the legislation does not prescribe a protocol, as he has suggested. It simply calls for an advisory committee that would take a good, long look at Lyme disease and determine what is fact and fiction, and finally, for the sake of all of those who are suffering immensely from this disease and their families, say what we need to be doing to mitigate and hopefully stop the spread of Lyme, whether it be long-term and very heavy antibiotic treatment—which I believe probably is the case based on clinical practitioners who have suggested that to be the case—but we want an honest look.

As Mr. PALLONE knows, we did not get an honest look from the Infectious Disease Society of America. And I find that appalling. Conflict of interest with insurance companies has no place in modern medicine. And regrettably, and it has been—again, the full weight of the Attorney General's report clearly suggests, Richard Blumenthal of Connecticut, that there were significant conflicts of interest on the part of the panel members.

Our legislation says let's go where the science takes us. If the science says chronic Lyme exists, then all those patients and the insurance companies which need to be providing the coverage, to get the medicines and the like, like antibiotics—because what has happened, as my friend knows, because of this exclusion of chronic Lyme due to a problem in definition, the insurance companies say we don't have to pay. So when a patient presents with a bill of $100,000 or some excessive amount of money, the insurance companies say, not us, tough luck, we're not going to pay for it. And they go right back to what I believe to be a false definition that precludes chronic Lyme as a condition.

Now, you might think that chronic Lyme doesn't exist, I say to my friend, the chairman, but let's go where the science takes us. We need this advisory committee and we need it now. All points of view, as our legislation clearly suggests, has to be a part of this group. We want a robust debate, not something that is engineered by insurance companies.

Finally, the legislation would authorize $100 million over 5 years, $20 million each year. Frankly, if that drops off due to opposition to new authorization, and is only an authorization, I would like to see it go forward nevertheless, know this however, we're not spending enough on Lyme.

And Lyme is, as Mr. WOLF said so aptly, growing exponentially. CDC admits we are missing most of the cases. As many as 90 percent of the cases go unreported. Our state, Mr. PALLONE, as you know, is number three in prevalence according to CDC numbers, and even that is probably very much understated in terms of the actual prevalence of Lyme disease.

So I would make the appeal again, as I have made to my friend from New Jersey, as I have made to Mr. DINGELL, as I have made to Mr. BARTON and everyone else, this legislation ought to be on this floor and it ought to be on the floor today. It is truly bipartisan. There ought to be a consensus to go where the science takes us. And again, an advisory committee, a Blue Ribbon panel that would be configured under this legislation would finally end, hopefully, this contentious debate and tell us what it is and what it is not.

I have known dozens of people who have had chronic Lyme. Now, you might say it doesn't exist, the Infectious Disease Society says it doesn't exist. These victims suffer from the spirochete, and have suffered neurological damage, severe joint damage, and many, many other problems.

There is a new book called ''Cure Unknown'' that I would recommend to the House. I read it in one sitting because it is so incisive in finally breaking through the fog on this disease. People are walking around with Lyme and they don't even know it.

We need to bring the forces to bear of the U.S. Government that an advisory committee of this kind would do a Blue Ribbon panel, a 9/11-type panel of scientists, of the best people we can put together to say, put aside the egregiously flawed Infectious Diseases Society of America's finding, which Blumenthal said was riddled with conflict of interest—and I urge Members to read Blumenthal's opinion, I will put it in the RECORD so Members can read it—his findings were, ''atrocious, conflict of interest everywhere.''

This legislation ought to be on the floor and it ought to be on the floor today.

OFFICE OF THE ATTORNEY GENERAL,
*Hartford, Connecticut, May 1, 2008.*

ATTORNEY GENERAL'S INVESTIGATION REVEALS FLAWED LYME DISEASE GUIDELINE PROCESS, IDSA AGREES TO REASSESS GUIDELINES, INSTALL INDEPENDENT ARBITER

Attorney General Richard Blumenthal today announced that his antitrust investigation has uncovered serious flaws in the Infectious Diseases Society of America's (IDSA) process for writing its 2006 Lyme disease guidelines and the IDSA has agreed to reassess them with the assistance of an outside arbiter.

The IDSA guidelines have sweeping and significant impacts on Lyme disease medical care. They are commonly applied by nsurance companies in restricting coverage for long-term antibiotic treatment or other medical care and also strongly influence physician treatment decisions.

Insurance companies have denied coverage for long-term antibiotic treatment relying on these guidelines as justification. The guidelines are also widely cited for conclusions that chronic Lyme disease is nonexistent.

''This agreement vindicates my investigation—finding undisclosed financial interests and forcing a reassessment of IDSA guidelines,'' Blumenthal said. ''My office uncovered undisclosed financial interests held by several of the most powerful IDSA panelists. The IDSA's guideline panel improperly ignored or minimized consideration of alternative medical opinion and evidence regarding chronic Lyme disease, potentially raising serious questions about whether the recommendations reflected all relevant science.

''The IDSA's Lyme guideline process lacked important procedural safeguards requiring complete reevaluation of the 2006 Lyme disease guidelines—in effect a comprehensive reassessment through a new panel. The new panel will accept and analyze all evidence, including divergent opinion. An independent neutral ombudsman—expert in medical ethics and conflicts of interest, selected by both the IDSA and my office—will assess the new panel for conflicts of interests and ensure its integrity.''

Blumenthal's findings include the following: The IDSA failed to conduct a conflicts of interest review for any of the panelists prior to their appointment to the 2006 Lyme disease guideline panel;

Subsequent disclosures demonstrate that several of the 2006 Lyme disease panelists had conflicts of interest;

The IDSA failed to follow its own procedures for appointing the 2006 panel chairman and members, enabling the chairman, who held a bias regarding the existence of chronic Lyme, to handpick a likeminded panel without scrutiny by or formal approval of the IDSA's oversight committee;

The IDSA's 2000 and 2006 Lyme disease panels refused to accept or meaningfully consider information regarding the existence of chronic Lyme disease, once removing a panelist from the 2000 panel who dissented from the group's position on chronic Lyme disease to achieve ''consensus'';

The IDSA blocked appointment of scientists and physicians with divergent views on chronic Lyme who sought to serve on the 2006 guidelines panel by informing them that the panel was fully staffed, even though it was later expanded;

The IDSA portrayed another medical association's Lyme disease guidelines as corroborating its own when it knew that the two panels shared several authors, including the chairmen of both groups, and were working on guidelines at the same time. In allowing its panelists to serve on both groups at the same time, IDSA violated its own conflicts of interest policy.

IDSA has reached an agreement with Blumenthal's office calling for creation of a review panel to thoroughly scrutinize the 2006 Lyme disease guidelines and update or revise them if necessary. The panel—comprised of individuals without conflicts of interest—will comprehensively review medical and scientific evidence and hold a scientific hearing to provide a forum for additional evidence. It will then determine whether each recommendation in 2006 Lyme disease guidelines is justified by the evidence or needs revision or updating.

Blumenthal added, ''The IDSA's 2006 Lyme disease guideline panel undercut its credibility by allowing individuals with financial interests—in drug companies, Lyme disease diagnostic tests, patents and consulting arrangements with insurance companies—to exclude divergent medical evidence and opinion. In today's healthcare system, clinical practice guidelines have tremendous influence on the marketing of medical services and products, insurance reimbursements and treatment decisions. As a result, medical societies that publish such guidelines have a legal and moral duty to use exacting safeguards and scientific standards.

''Our investigation was always about the IDSA's guidelines process—not the science. IDSA should be recognized for its cooperation and agreement to address the serious concerns raised by my office. Our agreement with IDSA ensures that a new, conflicts-free panel will collect and review all pertinent information, reassess each recommendation and make necessary changes.

''This Action Plan—incorporating a conflicts screen by an independent neutral expert and a public hearing to receive additional evidence—can serve as a model for all medical organizations and societies that publish medical guidelines. This review should strengthen the public's confidence in such critical standards.''

THE GUIDELINE REVIEW PROCESS

Under its agreement with the Attorney General's Office, the IDSA will create a review panel of eight to 12 members, none of who served on the 2006 IDSA guideline panel. The IDSA must conduct an open application process and consider all applicants.

The agreement calls for the ombudsman selected by Blumenthal's office and the IDSA to ensure that the review panel and its chairperson are free of conflicts of interest.

Blumenthal and IDSA agreed to appoint Dr. Howard A. Brody as the ombudsman. Dr. Brody is a recognized expert and author on medical ethics and conflicts of interest and the director of the Institute for Medical Humanities at the University of Texas Medical Branch. Brody authored the book, ''Hooked: Ethics, the Medical Profession and the Pharmaceutical Industry.''

To assure that the review panel obtains divergent information, the panel will conduct an open scientific hearing at which it will hear scientific and medical presentations from interested parties. The agreement requires the hearing to be broadcast live to the public on the Internet via the IDSA's website. The Attorney General's Office, Dr. Brody and the review panel will together finalize the list of presenters at the hearing.

Once it has collected information from its review and open hearing, the panel will assess the information and determine whether the data and evidence supports each of the recommendations in the 2006 Lyme disease guidelines.

The panel will then vote on each recommendation in the IDSA's 2006 Lyme disease guidelines on whether it is supported by the scientific evidence. At least 75 percent of panel members must vote to sustain each recommendation or it will be revised.

Once the panel has acted on each recommendation, it will have three options: make no changes, modify the guidelines in part or replace them entirely.

The panel's final report will be published on the IDSA's website.

ADDITIONAL FINDINGS OF BLUMENTHAL'S INVESTIGATION

IDSA convened panels in 2000 and 2006 to research and publish guidelines for the diagnosis and treatment of Lyme disease. Blumenthal's office found that the IDSA disregarded a 2000 panel member who argued that chronic and persistent Lyme disease exists. The 2000 panel pressured the panelist to conform to the group consensus and removed him as an author when he refused.

IDSA sought to portray a second set of Lyme disease guidelines issued by the American Academy of Neurology (AAN) as independently corroborating its findings. In fact, IDSA knew that the two panels shared key members, including the respective panel chairmen and were working on both sets of guidelines at the same time—a violation of IDSA's conflicts of interest policy.

The resulting IDSA and AAN guidelines not only reached the same conclusions regarding the non-existence of chronic Lyme disease, their reasoning at times used strikingly similar language. Both entities, for example, dubbed symptoms persisting after treatment ''Post-Lyme Syndrome'' and defined it the same way.

When IDSA learned of the improper links between its panel and the AAN's panel, instead of enforcing its conflict of interest policy, it aggressively sought the AAN's endorsement to ''strengthen'' its guidelines' impact. The AAN panel—particularly members who also served on the IDSA panel—worked equally hard to win AAN's backing of IDSA's conclusions.

The two entities sought to portray each other's guidelines as separate and independent when the facts call into question that contention.

The IDSA subsequently cited AAN's supposed independent corroboration of its findings as part of its attempts to defeat federal legislation to create a Lyme disease advisory committee and state legislation supporting antibiotic therapy for chronic Lyme disease.

In a step that the British Medical Journal deemed ''unusual,'' the IDSA included in its Lyme guidelines a statement calling them ''voluntary'' with ''the ultimate determination of their application to be made by the physician in light of each patient's individual circumstances.'' In fact, United Healthcare, Health Net, Blue Cross of California, Kaiser Foundation Health Plan and other insurers have used the guidelines as justification to deny reimbursement for long-term antibiotic treatment.

Blumenthal thanked members of his office who worked on the investigation—Assistant Attorney General Thomas Ryan, former Assistant Attorney General Steven Rutstein and Paralegal Lorraine Measer under the direction of Assistant Attorney General Michael Cole, Chief of the Attorney General's Antitrust Department.

CONGRESS OF THE UNITED STATES,
*Washington, DC, May 18, 2007.*

Hon. FRANK PALLONE, Jr.,
*Chairman, Subcommittee on Health, House Committee on Energy and Commerce, Washington, DC.*

DEAR CHAIRMAN PALLONE: As co-chairs of the congressional L.yme Disease Caucus, we are writing to respectfully request that you mark-up and report H.R. 741 or find a suitable legislative vehicle to attach significant provisions of this desperately needed legislation.

H.R. 741, the ''Lyme and Tick-borne Disease Prevention, Education, and Research Act of 2007,'' would work toward goals for the prevention, accurate diagnosis, and effective treatment of Lyme disease and would authorize an increase in total research and education funding of $20 million per year over 5 years. The bill contains numerous measures to help ensure that resources are expended effectively to provide the most benefit to people with Lyme and other tick-borne diseases.

Introduced in January, this legislation currently has 77 bipartisan co-sponsors. It is supported by more than 60 Lyme disease organizations across the country. This legislation holds the promise to significantly improve the lives of the large numbers of Americans living with Lyme, as well as other tick-borne diseases, and their families and friends.

Lyme is the most prevalent vector-borne disease in the United States today. More than 220,000 Americans develop Lyme each year. According to the Centers for Disease Control & Prevention (CDC), only 10 percent of cases that meet its surveillance criteria are reported. Cases that fall outside the surveillance criteria are not even considered anywhere statistically.

If not diagnosed and treated early, Lyme disease can lead to chronic illness and can affect every system in the body, including the central nervous system and cardiac systems. Later symptoms of Lyme disease include arthritis, neurological problems, such as facial paralysis, encephalopathy, memory problems, weakness of the extremities, seizures, heart block and inflammation of the heart muscle, and even blindness.

In recent years, Lyme disease has continued an upward trend in endemic areas and also has expanded into more areas. Reported Lyme cases increase, by 100 percent from 1992 to 2004 according to CDC. Currently, all states except Montana have reported cases of Lyme disease. It even has been reported that Montana residents have gone outside of the State and tested positive for Lyme). It is far more common than all other insect-borne diseases. Now other diseases are being carried by the same ticks: babesiosis, naplasmosis, encephalitis, perhaps bartonelliosis.

While the emergence of Lyme disease in the Northeastern and mid-Atlantic states has been linked to reforestation, climate change also is an infuencing factor. According to a November 2005 report by the Center for Health and the Global Environment at the Harvard Medical School, ''Climate Change Futures: Health Ecological and Economic Dimensions,'' Lyme disease is spreading in North America and Europe as winters warm, . . ..'' In areas where Lyme disease is already present, warming temperatures may increase the density of ticks by increasing off-host survival.

Over the past decade and with the increase in Lyme cases, problems with diagnosis and treatment of Lyme disease have become much more visible—affecting larger numbers of people over longer periods of time. We have become increasing concerned with reports of patients who go long periods of time before getting a definitive diagnosis due to the lack of a gold standard diagnostic test and who received delayed or inappropriate treatment because of the lack of treating physicians nationwide and lack of physician education. Many patients lose their jobs and must apply for disability.

In consideration of these conditions the Federal investment in Lyme is surprisingly small—$5.4 million at CDC and $24 million at NIH in FY 2006, actual reductions at both agencies since 2004. While funding levels are a means to an end, the ultimate goal is to put an end to patients having their illnesses and disabilities greatly exacerbated by the lack of accurate diagnostics and effective

treatments. HR 741 addresses this goal by directing HHS to work toward development of a sensitive and accurate diagnostic test: improved surveillance and prevention, and clinical outcomes research to determine the long-term course of illness and the effectiveness of treatments. In addition, the bill would establish a Tick-Borne Disease Advisory Committee to ensure communication and coordination among federal agencies, medical professionals, and patients/patient advocates. The Lyme conmunity has been seeking this voice for a decade.

As Chairman of the Energy and Commerce Committee, we know that you share our commitment to significantly improve the health outlook for all citizens of this country, including the hundreds of thousands of Americans ho have experienced or will expenence the too common occurrence of being bitten by Ivodes srapularis, the deer tick or black legged tick, and contracting Lyme disease. Amblvomma americanum, the lone star tick, is rapidly spreading throughout the eountry from its former more southern habitat, and states in the northeast are beginning to feel its impact as it spreads STARI, a Lyme like illness with the same symptoms as Lyme disease. It also carries Ehrliehiosis or tularemia. Scientists are saying that this lone star is agessive and will pursue people from 30 feet away, not like the deer tick which wants for its prey sitting on vegetation.

To enure that these necessary goats are not lost, we respectfully request that you shcedule for a mark-up the Lyme and tick-home Disease Prevention, Education, and Research Act of 2007. If you have any questions on this matter, please do not hesitate to contact us.

Sincerely,

CHRISTOPHER H. SMITH,
*Member of Congress.*
TIM HOLDEN,
*Member of Congress.*

The SPEAKER pro tempore. All time from the gentleman from Oklahoma has expired.

The gentleman from New Jersey has 16 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I might consume.

First of all, I want to say to the gentleman from New Jersey, he has made a lot of statements about my views on this subject which are simply not true, and I do not appreciate them.

Mr. SMITH of New Jersey. Will the gentleman yield?

Mr. PALLONE. Mr. Speaker, I have no intention of yielding to the gentleman because of the disrespect that he has shown.

Now, secondly, let me also say this: I do appreciate the fact that the gentleman from Virginia (Mr. WOLF) has, on several occasions, come up to me in the last few months and talked to me about this legislation. And we've had very reasoned conversations about the legislation. But I will also point out that the gentleman from New Jersey has not. The gentleman from New Jersey has not spoken to me at all about this legislation, and certainly not, in my recollection, in the last year. So if he felt it was so important, the way the gentleman from Virginia did, and has, he certainly had many opportunities to come up to me and talk to me about it. He has not. And I see the gentleman from New Jersey all the time—on the floor, at home, on various occasions. He has not spoken to me.

So I want to thank the gentleman from Virginia for at least saying that he has taken the time, had some reasoned discussions about it. That is not true of my colleague from New Jersey, which is why I deeply resent the fact that he's on the floor here today talking about it because it is the first time I recollect him ever talking to me about it.

Now, let me say a few other things. First of all, as far as the science is concerned, the science is in the Infectious Diseases Society and the CDC, not with the Attorney General and some political grandstanding that he's doing in Connecticut, nor with my colleague from New Jersey who is grandstanding here today.

I am very concerned about Lyme disease. I have been working with the CDC to address the issue. We are awaiting answers from the agency on how best to address this. I have, in fact, talked to many of my constituents about this, even though my own colleague hasn't talked to me about it from New Jersey.

And I also would like to say this: As far as the Infectious Diseases Association, they basically are the majority opinion. Many doctors, including my neighbors who are physicians in my hometown, very much agree with the Infectious Diseases Society and don't think that this should be treated with these antibiotics for a long period of time because they're concerned about the impact on people and whether they would be seriously injured or even die from the antibiotics.

There is a lot of controversy that involves this issue. It is very involved and it is very controversial. It shouldn't be considered today on a consent calendar. And that was the only point I was trying to make for my colleague from Virginia, that we need to have hearings. And we will have hearings on the issue in general, and we can include this bill as part of that in the next session. But to bring this up today on the consent calendar when they know very well that there is not agreement on this and we couldn't possibly get a UC or have this on the suspension calendar, it's really very upsetting, and particularly coming from my colleague from New Jersey, who has never talked to me about this at all.

Mr. DINGELL. Mr. Speaker, I support S. 3560, the "QI Supplemental Funding Act of 2008". The Qualified Individuals Program (QI) is a program within Medicaid that helps low-income seniors and individuals with disabilities pay their Medicare Part B premium. The Medicare Improvements for Patients and Providers Act of 2008 extended the funding for the QI program through December 2009.

Projections, however, regarding the amount of funding necessary to ensure continuation of this program through next year were incorrect. Without Congressional action to add an additional $45 million to the QI program, seniors and individuals with disabilities who have an income as low as $12,500 will be in jeopardy of losing this needed assistance.

The cost of this provision is fully offset with a provision that requires States to improve their Medicaid eligibility determinations by using the Public Assistance Reporting Information System (PARIS) interstate match. PARIS helps States share information regarding public assistance programs, such as Temporary Assistance for Needy Families (TANF), Food Stamps, and Medicaid, to identify individuals or families who may be receiving benefit payments in more than one State.

Similarly, S. 3560 includes a clarification to ensure that the Medicaid Integrity Program created in the Deficit Reduction Act of 2005, to operate as intended. The Medicaid Integrity Program performs audits and educates providers, Federal and State employees, and others on payment integrity and quality of care initiatives. The provision would allow for Federal reimbursement of state employees for these program integrity initiatives.

Finally, this package includes a provision which states that any antibiotic that was the subject of an application submitted to the Food and Drug Administration, but was not approved, can get the three-year and/or five-year "Hatch/Waxman exclusivity" or a patent term extension.

I urge all my colleagues in the House to vote in favor of S. 3560.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 3560.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1345

## PAUL D. WELLSTONE MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH, AND EDUCATION AMENDMENTS OF 2008

Mr. PALLONE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 5265) to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Speaker, I have a motion at the desk.

The Clerk read as follows:

Mr. PALLONE of New Jersey moves that the House concur in the Senate amendment to H.R. 5265.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008''.*

***SEC. 2. EXPANSION, INTENSIFICATION, AND COORDINATION OF ACTIVITIES OF NIH WITH RESPECT TO RESEARCH ON MUSCULAR DYSTROPHY.***

*(a) TECHNICAL CORRECTION.—Section 404E of the Public Health Service Act (42 U.S.C. 283g) is amended by striking subsection (f) (relating to reports to Congress) and redesignating subsection (g) as subsection (f).*

*(b) AMENDMENTS.—Section 404E of the Public Health Service Act (42 U.S.C. 283g) is amended—*

*(1) in subsection (a)(1), by inserting ''the National Heart, Lung, and Blood Institute,'' after ''the Eunice Kennedy Shriver National Institute of Child Health and Human Development,'';*

*(2) in subsection (b)(1), by adding at the end of the following: ''Such centers of excellence shall be known as the 'Paul D. Wellstone Muscular Dystrophy Cooperative Research Centers'.''; and*

*(3) by adding at the end the following:*

*''(g) CLINICAL RESEARCH.—The Coordinating Committee may evaluate the potential need to enhance the clinical research infrastructure required to test emerging therapies for the various forms of muscular dystrophy by prioritizing the achievement of the goals related to this topic in the plan under subsection (e)(1).''.*

***SEC. 3. DEVELOPMENT AND EXPANSION OF ACTIVITIES OF CDC WITH RESPECT TO EPIDEMIOLOGICAL RESEARCH ON MUSCULAR DYSTROPHY.***

*Section 317Q of the Public Health Service Act (42 U.S.C. 247b–18) is amended—*

*(1) by redesignating subsection (d) as subsection (f); and*

*(2) by inserting after subsection (c) the following:*

*''(d) DATA.—In carrying out this section, the Secretary may ensure that any data on patients that is collected as part of the Muscular Dystrophy STARnet (under a grant under this section) is regularly updated to reflect changes in patient condition over time.*

*''(e) REPORTS AND STUDY.—*

*''(1) ANNUAL REPORT.—Not later than 18 months after the date of the enactment of the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008, and annually thereafter, the Director of the Centers for Disease Control and Prevention shall submit to the appropriate committees of the Congress a report—*

*''(A) concerning the activities carried out by MD STARnet site funded under this section during the year for which the report is prepared;*

*''(B) containing the data collected and findings derived from the MD STARnet sites each fiscal year (as funded under a grant under this section during fiscal years 2008 through 2012); and*

*''(C) that every 2 years outlines prospective data collection objectives and strategies.*

*''(2) TRACKING HEALTH OUTCOMES.—The Secretary may provide health outcome data on the health and survival of people with muscular dystrophy.''.*

***SEC. 4. INFORMATION AND EDUCATION.***

*Section 5 of the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001 (42 U.S.C. 247b–19) is amended—*

*(1) by redesignating subsection (c) as subsection (d); and*

*(2) by inserting after subsection (b) the following:*

*''(c) REQUIREMENTS.—In carrying out this section, the Secretary may—*

*''(1) partner with leaders in the muscular dystrophy patient community;*

*''(2) cooperate with professional organizations and the patient community in the development and issuance of care considerations for Duchenne-Becker muscular dystrophy, and other forms of muscular dystrophy, and in periodic review and updates, as appropriate; and*

*''(3) widely disseminate the Duchenne-Becker muscular dystrophy and other forms of muscular dystrophy care considerations as broadly as possible, including through partnership opportunities with the muscular dystrophy patient community.''.*

The motion was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## AMERICAN PHARMACISTS MONTH

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the resolution (H. Res. 1437) expressing support for designation of the month of October as ''American Pharmacists Month'' and expressing the sense of the House of Representatives that all people in the United States should join in celebrating our Nation's pharmacists for their contributions to the health and well-being of our citizens, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1437

Whereas the United States is recognized globally as a hub of medical research and advances, where many diseases once correctly considered fatal now can be treated through sophisticated medical interventions including powerful medications;

Whereas we are at an unprecedented period in our history, a period when medication therapy is the treatment of choice for an ever-growing range of medical conditions, and the use of medication as a cost-effective alternative to more expensive medical procedures is becoming a major force in moderating overall health care costs;

Whereas many chronic health conditions can be managed so that individuals are able to lead more vital, productive, and satisfying lives;

Whereas with the complexity of medication therapy, it is critically important that all users of prescription and nonprescription medications, or their caregivers, be knowledgeable about and share responsibility for their own medication therapy;

Whereas more individuals are using powerful prescription medications and over-the-counter (OTC) products along with dietary supplements, herbals, and other products requiring patients to have a partner on their health care team to help navigate the complexities of using medications safely and effectively;

Whereas pharmacists, the medication experts on the health care team, are working collaboratively with patients, caregivers, and other health professionals to improve medication use and advance patient care in a myriad of settings;

Whereas pharmacists are improving health care in community pharmacies, hospitals and health systems, nursing homes and hospice centers, health plans, and in patient's own homes, as well as in the uniformed services, the government, and in research and academic settings;

Whereas while many people in the United States are concerned about the costs of their medications, the most expensive medication is the one that does not work as intended or is taken incorrectly, and billions of health care dollars are lost each year due to ineffective use of medications;

Whereas pharmacy is one of the oldest of the health professions concerned with the health and well-being of all people, and today, there are more than 254,000 licensed pharmacists in the United States providing services to assure the rational and safe use of all medications; and

Whereas as medication therapy management improves the health outcomes of millions of people in the United States each year, the role of the pharmacist only strengthens in importance, and by consulting with physicians and other prescribers, providing proper medications, and helping patients understand their medications, pharmacists improve our health care system and save lives: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) supports the designation of ''American Pharmacists Month'' with the theme ''Know Your Medicine/Know Your Pharmacist'', encouraging people in the United States to identify a pharmacist as their own, to introduce themselves to that pharmacist, and to open a dialogue by asking questions;

(2) urges all citizens to celebrate America's pharmacists for their contributions to the health and well-being of our citizens and hereby support the designation of ''American Pharmacists Month''; and

(3) urges all citizens to acknowledge the valuable contributions made by pharmacists in providing safe, affordable, and beneficial medication therapy management services and products to the people of this Nation.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## MERCURY EXPORT BAN ACT OF 2008

Mr. ALLEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 906) to prohibit the sale, distribution, transfer, and export of elemental mercury, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 906

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Mercury Export Ban Act of 2008''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) mercury is highly toxic to humans, ecosystems, and wildlife;

(2) as many as 10 percent of women in the United States of childbearing age have mercury in the blood at a level that could put a baby at risk;

(3) as many as 630,000 children born annually in the United States are at risk of neurological problems related to mercury;

(4) the most significant source of mercury exposure to people in the United States is ingestion of mercury-contaminated fish;

(5) the Environmental Protection Agency reports that, as of 2004—

(A) 44 States have fish advisories covering over 13,000,000 lake acres and over 750,000 river miles;

(B) in 21 States the freshwater advisories are statewide; and

(C) in 12 States the coastal advisories are statewide;

(6) the long-term solution to mercury pollution is to minimize global mercury use and releases to eventually achieve reduced contamination levels in the environment, rather than reducing fish consumption since uncontaminated fish represents a critical and healthy source of nutrition worldwide;

(7) mercury pollution is a transboundary pollutant, depositing locally, regionally, and globally, and affecting water bodies near industrial sources (including the Great Lakes) and remote areas (including the Arctic Circle);

(8) the free trade of elemental mercury on the world market, at relatively low prices and in ready supply, encourages the continued use of elemental mercury outside of the United States, often involving highly dispersive activities such as artisinal gold mining;

(9) the intentional use of mercury is declining in the United States as a consequence of process changes to manufactured products (including batteries, paints, switches, and measuring devices), but those uses remain substantial in the developing world where releases from the products are extremely likely due to the limited pollution control and waste management infrastructures in those countries;

(10) the member countries of the European Union collectively are the largest source of elemental mercury exports globally;

(11) the European Commission has proposed to the European Parliament and to the Council of the European Union a regulation to ban exports of elemental mercury from the European Union by 2011;

(12) the United States is a net exporter of elemental mercury and, according to the United States Geological Survey, exported 506 metric tons of elemental mercury more than the United States imported during the period of 2000 through 2004; and

(13) banning exports of elemental mercury from the United States will have a notable effect on the market availability of elemental mercury and switching to affordable mercury alternatives in the developing world.

**SEC. 3. PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY.**

Section 6 of the Toxic Substances Control Act (15 U.S.C. 2605) is amended by adding at the end the following:

''(f) MERCURY.—

''(1) PROHIBITION ON SALE, DISTRIBUTION, OR TRANSFER OF ELEMENTAL MERCURY BY FEDERAL AGENCIES.—Except as provided in paragraph (2), effective beginning on the date of enactment of this subsection, no Federal agency shall convey, sell, or distribute to any other Federal agency, any State or local government agency, or any private individual or entity any elemental mercury under the control or jurisdiction of the Federal agency.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

''(A) a transfer between Federal agencies of elemental mercury for the sole purpose of facilitating storage of mercury to carry out this Act; or

''(B) a conveyance, sale, distribution, or transfer of coal.

''(3) LEASES OF FEDERAL COAL.—Nothing in this subsection prohibits the leasing of coal.''.

**SEC. 4. PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.**

Section 12 of the Toxic Substances Control Act (15 U.S.C. 2611) is amended—

(1) in subsection (a) by striking ''subsection (b)'' and inserting ''subsections (b) and (c)''; and

(2) by adding at the end the following:

''(c) PROHIBITION ON EXPORT OF ELEMENTAL MERCURY.—

''(1) PROHIBITION.—Effective January 1, 2013, the export of elemental mercury from the United States is prohibited.

''(2) INAPPLICABILITY OF SUBSECTION (a).—Subsection (a) shall not apply to this subsection.

''(3) REPORT TO CONGRESS ON MERCURY COMPOUNDS.—

''(A) REPORT.—Not later than one year after the date of enactment of the Mercury Export Ban Act of 2008, the Administrator shall publish and submit to Congress a report on mercuric chloride, mercurous chloride or calomel, mercuric oxide, and other mercury compounds, if any, that may currently be used in significant quantities in products or processes. Such report shall include an analysis of—

''(i) the sources and amounts of each of the mercury compounds imported into the United States or manufactured in the United States annually;

''(ii) the purposes for which each of these compounds are used domestically, the amount of these compounds currently consumed annually for each purpose, and the estimated amounts to be consumed for each purpose in 2010 and beyond;

''(iii) the sources and amounts of each mercury compound exported from the United States annually in each of the last three years;

''(iv) the potential for these compounds to be processed into elemental mercury after export from the United States; and

''(v) other relevant information that Congress should consider in determining whether to extend the export prohibition to include one or more of these mercury compounds.

''(B) PROCEDURE.—For the purpose of preparing the report under this paragraph, the Administrator may utilize the information gathering authorities of this title, including sections 10 and 11.

''(4) ESSENTIAL USE EXEMPTION.—(A) Any person residing in the United States may petition the Administrator for an exemption from the prohibition in paragraph (1), and the Administrator may grant by rule, after notice and opportunity for comment, an exemption for a specified use at an identified foreign facility if the Administrator finds that—

''(i) nonmercury alternatives for the specified use are not available in the country where the facility is located;

''(ii) there is no other source of elemental mercury available from domestic supplies (not including new mercury mines) in the country where the elemental mercury will be used;

''(iii) the country where the elemental mercury will be used certifies its support for the exemption;

''(iv) the export will be conducted in such a manner as to ensure the elemental mercury will be used at the identified facility as described in the petition, and not otherwise diverted for other uses for any reason;

''(v) the elemental mercury will be used in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts;

''(vi) the elemental mercury will be handled and managed in a manner that will protect human health and the environment, taking into account local, regional, and global human health and environmental impacts; and

''(vii) the export of elemental mercury for the specified use is consistent with international obligations of the United States intended to reduce global mercury supply, use, and pollution.

''(B) Each exemption issued by the Administrator pursuant to this paragraph shall contain such terms and conditions as are necessary to minimize the export of elemental mercury and ensure that the conditions for granting the exemption will be fully met, and shall contain such other terms and conditions as the Administrator may prescribe. No exemption granted pursuant to this paragraph shall exceed three years in duration and no such exemption shall exceed 10 metric tons of elemental mercury.

''(C) The Administrator may by order suspend or cancel an exemption under this paragraph in the case of a violation described in subparagraph (D).

''(D) A violation of this subsection or the terms and conditions of an exemption, or the submission of false information in connection therewith, shall be considered a prohibited act under section 15, and shall be subject to penalties under section 16, injunctive relief under section 17, and citizen suits under section 20.

''(5) CONSISTENCY WITH TRADE OBLIGATIONS.—Nothing in this subsection affects, replaces, or amends prior law relating to the need for consistency with international trade obligations.

''(6) EXPORT OF COAL.—Nothing in this subsection shall be construed to prohibit the export of coal.''.

**SEC. 5. LONG-TERM STORAGE.**

(a) DESIGNATION OF FACILITY.—

(1) IN GENERAL.—Not later than January 1, 2010, the Secretary of Energy (referred to in this section as the ''Secretary'') shall designate a facility or facilities of the Department of Energy, which shall not include the Y–12 National Security Complex or any other portion or facility of the Oak Ridge Reservation of the Department of Energy, for the purpose of long-term management and storage of elemental mercury generated within the United States.

(2) OPERATION OF FACILITY.—Not later than January 1, 2013, the facility designated in paragraph (1) shall be operational and shall accept custody, for the purpose of long-term management and storage, of elemental mercury generated within the United States and delivered to such facility.

(b) FEES.—

(1) IN GENERAL.—After consultation with persons who are likely to deliver elemental mercury to a designated facility for long-term management and storage under the

program prescribed in subsection (a), and with other interested persons, the Secretary shall assess and collect a fee at the time of delivery for providing such management and storage, based on the pro rata cost of long-term management and storage of elemental mercury delivered to the facility. The amount of such fees—

(A) shall be made publically available not later than October 1, 2012;

(B) may be adjusted annually; and

(C) shall be set in an amount sufficient to cover the costs described in paragraph (2).

(2) COSTS.—The costs referred to in paragraph (1)(C) are the costs to the Department of Energy of providing such management and storage, including facility operation and maintenance, security, monitoring, reporting, personnel, administration, inspections, training, fire suppression, closure, and other costs required for compliance with applicable law. Such costs shall not include costs associated with land acquisition or permitting of a designated facility under the Solid Waste Disposal Act or other applicable law. Building design and building construction costs shall only be included to the extent that the Secretary finds that the management and storage of elemental mercury accepted under the program under this section cannot be accomplished without construction of a new building or buildings.

(c) REPORT.—Not later than 60 days after the end of each Federal fiscal year, the Secretary shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on all of the costs incurred in the previous fiscal year associated with the long-term management and storage of elemental mercury. Such report shall set forth separately the costs associated with activities taken under this section.

(d) MANAGEMENT STANDARDS FOR A FACILITY.—

(1) GUIDANCE.—Not later than October 1, 2009, the Secretary, after consultation with the Administrator of the Environmental Protection Agency and all appropriate State agencies in affected States, shall make available, including to potential users of the long-term management and storage program established under subsection (a), guidance that establishes procedures and standards for the receipt, management, and long-term storage of elemental mercury at a designated facility or facilities, including requirements to ensure appropriate use of flasks or other suitable shipping containers. Such procedures and standards shall be protective of human health and the environment and shall ensure that the elemental mercury is stored in a safe, secure, and effective manner. In addition to such procedures and standards, elemental mercury managed and stored under this section at a designated facility shall be subject to the requirements of the Solid Waste Disposal Act, including the requirements of subtitle C of that Act, except as provided in subsection (g)(2) of this section. A designated facility in existence on or before January 1, 2013, is authorized to operate under interim status pursuant to section 3005(e) of the Solid Waste Disposal Act until a final decision on a permit application is made pursuant to section 3005(c) of the Solid Waste Disposal Act. Not later than January 1, 2015, the Administrator of the Environmental Protection Agency (or an authorized State) shall issue a final decision on the permit application.

(2) TRAINING.—The Secretary shall conduct operational training and emergency training for all staff that have responsibilities related to elemental mercury management, transfer, storage, monitoring, or response.

(3) EQUIPMENT.—The Secretary shall ensure that each designated facility has all equipment necessary for routine operations, emergencies, monitoring, checking inventory, loading, and storing elemental mercury at the facility.

(4) FIRE DETECTION AND SUPPRESSION SYSTEMS.—The Secretary shall—

(A) ensure the installation of fire detection systems at each designated facility, including smoke detectors and heat detectors; and

(B) ensure the installation of a permanent fire suppression system, unless the Secretary determines that a permanent fire suppression system is not necessary to protect human health and the environment.

(e) INDEMNIFICATION OF PERSONS DELIVERING ELEMENTAL MERCURY.—

(1) IN GENERAL.—(A) Except as provided in subparagraph (B) and subject to paragraph (2), the Secretary shall hold harmless, defend, and indemnify in full any person who delivers elemental mercury to a designated facility under the program established under subsection (a) from and against any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of elemental mercury as a result of acts or omissions occurring after such mercury is delivered to a designated facility described in subsection (a).

(B) To the extent that a person described in subparagraph (A) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS.—No indemnification may be afforded under this subsection unless the person seeking indemnification—

(A) notifies the Secretary in writing within 30 days after receiving written notice of the claim for which indemnification is sought;

(B) furnishes to the Secretary copies of pertinent papers the person receives;

(C) furnishes evidence or proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary, access to the records and personnel of the person for purposes of defending or settling the claim or action.

(3) AUTHORITY OF SECRETARY.—(A) In any case in which the Secretary determines that the Department of Energy may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost, or other fee arising out of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Energy may be required to make indemnification payments does not allow the Secretary to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(f) TERMS, CONDITIONS, AND PROCEDURES.—The Secretary is authorized to establish such terms, conditions, and procedures as are necessary to carry out this section.

(g) EFFECT ON OTHER LAW.—

(1) IN GENERAL.—Except as provided in paragraph (2), nothing in this section changes or affects any Federal, State, or local law or the obligation of any person to comply with such law.

(2) EXCEPTION.—(A) Elemental mercury that the Secretary is storing on a long-term basis shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)). For the purposes of section 3004(j) of the Solid Waste Disposal Act, a generator accumulating elemental mercury destined for a facility designated by the Secretary under subsection (a) for 90 days or less shall be deemed to be accumulating the mercury to facilitate proper treatment, recovery, or disposal.

(B) Elemental mercury may be stored at a facility with respect to which any permit has been issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)), and shall not be subject to the storage prohibition of section 3004(j) of the Solid Waste Disposal Act (42 U.S.C. 6924(j)) if—

(i) the Secretary is unable to accept the mercury at a facility designated by the Secretary under subsection (a) for reasons beyond the control of the owner or operator of the permitted facility;

(ii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will ship the mercury to the designated facility when the Secretary is able to accept the mercury; and

(iii) the owner or operator of the permitted facility certifies in writing to the Secretary that it will not sell, or otherwise place into commerce, the mercury.

This subparagraph shall not apply to mercury with respect to which the owner or operator of the permitted facility fails to comply with a certification provided under clause (ii) or (iii).

(h) STUDY.—Not later than July 1, 2014, the Secretary shall transmit to the Congress the results of a study, conducted in consultation with the Administrator of the Environmental Protection Agency, that—

(1) determines the impact of the long-term storage program under this section on mercury recycling; and

(2) includes proposals, if necessary, to mitigate any negative impact identified under paragraph (1).

**SEC. 6. REPORT TO CONGRESS.**

At least 3 years after the effective date of the prohibition on export of elemental mercury under section 12(c) of the Toxic Substances Control Act (15 U.S.C. 2611(c)), as added by section 4 of this Act, but not later than January 1, 2017, the Administrator of the Environmental Protection Agency shall transmit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the global supply and trade of elemental mercury, including but not limited to the amount of elemental mercury traded globally that originates from primary mining, where such primary mining is conducted, and whether additional primary mining has occurred as a consequence of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maine (Mr. ALLEN) and the gentleman from Oklahoma (Mr. SULLIVAN) will each control 20 minutes.

The Chair recognizes the gentleman from Maine.

GENERAL LEAVE

Mr. ALLEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maine?

There was no objection.

Mr. ALLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of S. 906, the Senate companion to my legislation, the Mercury Export Ban of 2008.

This bill includes several changes that represent a compromise with the Senate, but at its heart is my legislation that passed with strong bipartisan support in the Energy and Commerce Committee and by voice vote on the floor of the House last November.

I want to thank Chairman DINGELL, former Chairman Wynn, Ranking Member BARTON and Mr. SHIMKUS for the work they have done on this legislation. I also want to express my gratitude to Senators OBAMA and MURKOWSKI for introducing this legislation on the Senate side and to Senator BOXER for her efforts. I would also like to thank Jim Bradley of my staff for all his hard work on this bill. Upon its passage today, this bill will be sent to the President to be signed into law.

It is a well-established fact that mercury is a powerful neurotoxin, harmful at even low levels of exposure. Mercury is harmful whether it is inhaled, ingested or absorbed through the skin. Once exposed to water, elemental mercury is transformed to methylmercury, which is highly toxic and which has a tendency to bio-accumulate in both fish and humans who eat the fish.

Very young children with developing nervous systems are particularly at risk. In addition, pregnant mothers who are exposed to mercury pollution can transmit mercury to their unborn children, increasing the chances of miscarriage and birth defects. Mercury can also be found in high concentrations in women's breast milk.

My bill seeks to combat a large source of mercury pollution worldwide, namely, the export of elemental mercury from the United States to developing countries. This mercury is used largely for our artisanal mining. Exposure occurs when miners handle the mercury. It enters the water when miners pan for gold and gets into the air through the smelting process which emits mercury vapor.

According to the United Nations Environmental Programme, approximately 15 million people worldwide, including 4.5 million women and 1 million children, engage in artisanal mining with mercury, exposing them to the poisons that mercury produces. Some of this mercury is exported from the United States. That should be unacceptable to us.

The export of mercury for artisanal mining harms Americans who are exposed through the global air transport of mercury pollution or through the consumption of mercury-contaminated fish.

The Environmental Protection Agency reports that as of 2004, 44 States, including my State of Maine, have fish advisories that cover 13 million acres of water and over 75,000 miles of rivers and streams.

Scientists have estimated that up to one-third of U.S. mercury air pollution has traveled to the U.S. from Asia where mercury pollution is extensive, including pollution from mercury exported for artisanal mining.

Much of the fish we eat, including tuna, is imported from off the coasts of Asian and South American countries where the use of mercury in artisanal mining is widespread.

The Departments of Defense and Energy are the two largest holders of mercury in the United States. The Environmental Protection Agency has urged DOE and DOD not to sell its mercury stockpiles due to the serious human health and environmental risks associated with mercury. DOD and DOE have agreed. However, that ban is not in law, which is why my bill prohibits the Federal Government from exporting mercury. In addition, private companies may still export this poisonous and hazardous material, which is why this legislation is vital.

The Mercury Export Ban Act before us today is the result of a months-long stakeholder process on House side that worked to develop a consensus product. Stakeholders included the Natural Resources Defense Council, the Environmental Council of the States, the American Chemistry Council, the Chlorine Institute and the National Mining Association. There are not many pieces of legislation that move through this Congress supported by such a diverse group.

The bill prohibits the export of elemental mercury from the United States and requires DOE to designate a long-term storage facility to accept mercury from private sector sources, particularly the chlor-alkali industry and the mining industry, when the export ban in the bill takes effect on January 1, 2013. The bill does not require that all excess mercury be transferred to DOE, rather it gives the private sector the option of placing mercury into storage at DOE. If there is a more practical or more cost-effective private sector solution, the affected industries are more than welcome to pursue that option.

DOE will be allowed to charge a fee to recoup the government's cost of storing this waste. In addition, all applicable and appropriate environmental laws apply with respect to this facility.

The legislation will allow the chlor-alkali industry to place into safe storage the roughly 1,500 tons of mercury stockpiled at aging plants. It will also allow the mining industry to store the approximately 50 to 100 tons of mercury it generates annually as a byproduct of our air filtration systems.

The process used to develop this legislation can be a modeled. On a bipartisan basis, we sat down together. We worked out our differences and brought interested and affected parties to the table to hammer out a compromise.

I also want to thank a number of staff on the Energy and Commerce Committee, including Dick Frandsen, Caroline Ahearn from the majority staff, along with Ann Strickland, who has now left, as well as Dave McCarthy and Jerry Couri from the minority staff and Mo Zilly, formerly of Mr. SHIMKUS' staff, for their hard work as well.

Mr. Speaker, this is good legislation, and I urge all Members to support its passage.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SULLIVAN. Mr. Speaker, thank you for yielding me the time in supporting this legislation to reduce mercury exports from the United States.

I am pleased that this bill has come back to us from the Senate and want to congratulate all the people who have worked so hard to make this legislation a reality. This bill is proof that people of all political stripes can come together for the common good. It is a shining example of how our process in Congress can work and work well if given the chance.

Elemental mercury presents a serious American health concern even when it is mishandled in distant countries. Specifically, this form of mercury converts into neurotoxic methylmercury that comes back to the United States in the form of tainted fish and polluted air.

This legislation attempts to break the global transport cycle of mercury by banning the export of elemental mercury in 2010. It does not cover coal exports and is not intended to cover fly ash exports from coal combustion or elemental mercury in manufactured consumer products.

This bill also assures that domestic stocks of elemental mercury, which are a valuable commodity, have someplace to go. Under the consensus language we are considering, a safe domestic storage option will open when the ban commences. Further, the legislation does not preclude private storage solutions. I am glad that this bill allows enterprising folks to facilitate good environmental policy.

In addition, I am pleased this bill recognizes that we should not punish people who do the right thing. Private entities who want to take advantage of the government-sponsored storage option must pay their fair share, but they will be indemnified against any environmental damage after the government takes possession of their mercury. This is commonsense policy and a key feature of ensuring that the proper handling and the safe, long-term storage of elemental mercury occurs.

Mr. Speaker, I am pleased with the compromise, bipartisan legislation. It represents the serious give and take by both parties. I hope that efforts like this will continue to be more the norm than the exception throughout this Congress and future ones as well.

I urge my colleagues to support S. 906.

And I would like to yield such time as he may consume to the gentleman from New Jersey to address another concern.

Mr. SMITH of New Jersey. I rise in strong support of S. 906, the Mercury Market Minimization Act of 2007.

Mr. Speaker, again, I didn't get a chance when Mr. PALLONE was here to correct the Record. I—we—did contact

Congressman FRANK PALLONE and NATHAN DEAL by way of letter on May 18, 2007, and wrote at the time as cochairs of the Congressional Lyme and Disease Caucus, ''we are writing to respectfully request that you mark up and report H.R. 741.

''H.R. 741, the 'Lyme and Tick-borne Disease Prevention, Education and Research Act of 2007' would work toward goals for the prevention, accurate diagnosis, and effective treatment of Lyme disease.''

Then we went on to explain the bill. We pointed out that at the time we had 77 cosponsors. That is now 112 and it is totally bipartisan and includes majority leader STENY HOYER. We also pointed out that Lyme is the most prevalent vector-borne disease in the United States today. More than 220,000 Americans develop Lyme each year. According to the CDC, only 10 percent of the cases that meet its surveillance criteria are reported. Cases that fall outside of the surveillance criteria are not even considered anywhere statistically.

If not diagnosed and treated early, Lyme disease can lead to chronic illness and can affect every system in the body, including the central nervous system and cardiac system. Later symptoms of Lyme disease include arthritis, neurological problems such as facial paralysis, memory problems, extreme weaknesses of the extremities, seizures, heart block and inflammation and even blindness.

So we sent that back in May 18, 2007. And I say that with respect to my colleague.

Let me also point out, and I just will read a very small portion of the statement of Attorney General Richard Blumenthal, the attorney general of Connecticut. And this is his statement.

''Attorney General Richard Blumenthal today announced,'' and this is May 1, 2008, ''that his antitrust investigation has uncovered serious flaws in the Infectious Disease Society of America's process for writing its 2006 Lyme disease guidelines and the IDSA has agreed to reassess them with the assistance of an outside arbiter.''

''The IDSA guidelines have sweeping,'' this is Blumenthal speaking, ''have sweeping and significant impacts on Lyme disease medical care. They are commonly applied by insurance companies in restricting coverage for long-term antibiotic treatment or other medical care and also strongly influence treatment decisions by physicians.

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''Insurance companies have denied coverage for long-term antibiotic treatment, relying on those guidelines as justification. The guidelines are also widely cited for conclusions that chronic Lyme disease is nonexistent.''

Blumenthal goes on to say: ''This agreement vindicates my investigation finding undisclosed financial interests and forcing a reassessment of IDSA's guidelines.''

Blumenthal said: ''My office uncovered undisclosed financial interests held by several,'' several, ''of the most powerful IDSA panelists. The IDSA's guideline panel improperly ignored or minimized consideration of alternative medical opinion and evidence regarding chronic Lyme disease, potentially raising serious questions about whether the recommendations reflected all relevant science. The IDSA's Lyme disease guideline process lacked important procedural safeguards requiring complete reevaluation of its 06 Lyme disease guideline, in effect a comprehensive reassessment through a new panel.''

Blumenthal, and I will put this in the RECORD, talks about the conflicts of interest with the insurance companies. Again, I would think this Congress would want to get to the science, find out does chronic Lyme exists, and whether or not this is indeed a coverup.

The SPEAKER pro tempore. Without objection, the gentleman from Texas (Mr. HALL) will now control the remainder of the time for the gentleman from Oklahoma.

There was no objection.

Mr. HALL of Texas. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ALLEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maine (Mr. ALLEN) that the House suspend the rules and pass the Senate bill, S. 906.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HALL of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2008

Mr. GORDON of Tennessee. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 6063) to authorize the programs of the National Aeronautics and Space Administration, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''National Aeronautics and Space Administration Authorization Act of 2008''.*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*


*Sec. 1. Short title; table of contents.*
*Sec. 2. Findings.*
*Sec. 3. Definitions.*

*TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009*

*Sec. 101. Fiscal year 2009.*

*TITLE II—EARTH SCIENCE*

*Sec. 201. Goal.*
*Sec. 202. Governance of United States Earth Observations activities.*
*Sec. 203. Decadal survey missions.*
*Sec. 204. Transitioning experimental research into operational services.*
*Sec. 205. Landsat thermal infrared data continuity.*
*Sec. 206. Reauthorization of Glory Mission.*
*Sec. 207. Plan for disposition of Deep Space Climate Observatory.*
*Sec. 208. Tornadoes and other severe storms.*

*TITLE III—AERONAUTICS*

*Sec. 301. Sense of Congress.*
*Sec. 302. Environmentally friendly aircraft research and development initiative.*
*Sec. 303. Research alignment.*
*Sec. 304. Research program to determine perceived impact of sonic booms.*
*Sec. 305. External review of NASA's aviation safety-related research programs.*
*Sec. 306. Aviation weather research plan.*
*Sec. 307. Funding for research and development activities in support of other mission directorates.*
*Sec. 308. Enhancement of grant program on establishment of university-based centers for research on aviation training.*

*TITLE IV—EXPLORATION INITIATIVE*

*Sec. 401. Sense of Congress.*
*Sec. 402. Reaffirmation of exploration policy.*
*Sec. 403. Stepping stone approach to exploration.*
*Sec. 404. Lunar outpost.*
*Sec. 405. Exploration technology development.*
*Sec. 406. Exploration risk mitigation plan.*
*Sec. 407. Exploration crew rescue.*
*Sec. 408. Participatory exploration.*
*Sec. 409. Science and exploration.*
*Sec. 410. Congressional Budget Office report update.*

*TITLE V—SPACE SCIENCE*

*Sec. 501. Technology development.*
*Sec. 502. Provision for future servicing of observatory-class scientific spacecraft.*
*Sec. 503. Mars exploration.*
*Sec. 504. Importance of a balanced science program.*
*Sec. 505. Suborbital research activities.*
*Sec. 506. Restoration of radioisotope thermoelectric generator material production.*
*Sec. 507. Assessment of impediments to interagency cooperation on space and Earth science missions.*
*Sec. 508. Assessment of cost growth.*
*Sec. 509. Outer planets exploration.*

*TITLE VI—SPACE OPERATIONS*

*Subtitle A—International Space Station*

*Sec. 601. Plan to support operation and utilization of the ISS beyond fiscal year 2015.*
*Sec. 602. International Space Station National Laboratory Advisory Committee.*
*Sec. 603. Contingency plan for cargo resupply.*
*Sec. 604. Sense of Congress on use of Space Life Sciences Laboratory at Kennedy Space Center.*

*Subtitle B—Space Shuttle*

*Sec. 611. Space Shuttle flight requirements.*
*Sec. 612. United States commercial cargo capability status.*
*Sec. 613. Space Shuttle transition.*

*Sec. 614. Aerospace skills retention and investment reutilization report.*
*Sec. 615. Temporary continuation of coverage of health benefits.*
*Sec. 616. Accounting report.*
*Subtitle C—Launch Services*
*Sec. 621. Launch services strategy.*
*TITLE VII—EDUCATION*
*Sec. 701. Response to review.*
*Sec. 702. External review of explorer schools program.*
*Sec. 703. Sense of Congress on EarthKAM and robotics competitions.*
*Sec. 704. Enhancement of educational role of NASA.*
*TITLE VIII—NEAR-EARTH OBJECTS*
*Sec. 801. Reaffirmation of policy.*
*Sec. 802. Findings.*
*Sec. 803. Requests for information.*
*Sec. 804. Establishment of policy with respect to threats posed by near-earth objects.*
*Sec. 805. Planetary radar capability.*
*Sec. 806. Arecibo observatory.*
*Sec. 807. International resources.*
*TITLE IX—COMMERCIAL INITIATIVES*
*Sec. 901. Sense of Congress.*
*Sec. 902. Commercial crew initiative.*
*TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES*
*Sec. 1001. Review of information security controls.*
*Sec. 1002. Maintenance and upgrade of Center facilities.*
*Sec. 1003. Assessment of NASA laboratory capabilities.*
*Sec. 1004. Study and report on project assignment and work allocation of field centers.*
*TITLE XI—OTHER PROVISIONS*
*Sec. 1101. Space weather.*
*Sec. 1102. Initiation of discussions on development of framework for space traffic management.*
*Sec. 1103. Astronaut health care.*
*Sec. 1104. National Academies decadal surveys.*
*Sec. 1105. Innovation prizes.*
*Sec. 1106. Commercial space launch range study.*
*Sec. 1107. NASA outreach program.*
*Sec. 1108. Reduction-in-force moratorium.*
*Sec. 1109. Protection of scientific credibility, integrity, and communication within NASA.*
*Sec. 1110. Sense of Congress regarding the need for a robust workforce.*
*Sec. 1111. Methane inventory.*
*Sec. 1112. Exception to alternative fuel procurement requirement.*
*Sec. 1113. Sense of Congress on the importance of the NASA Office of Program Analysis and Evaluation.*
*Sec. 1114. Sense of Congress on elevating the importance of space and aeronautics within the Executive Office of the President.*
*Sec. 1115. Study on leasing practices of field centers.*
*Sec. 1116. Cooperative unmanned aerial vehicle activities.*
*Sec. 1117. Development of enhanced-use lease policy.*
*Sec. 1118. Sense of Congress with respect to the Michoud Assembly Facility and NASA's other centers and facilities.*
*Sec. 1119. Report on U.S. industrial base for launch vehicle engines.*
*Sec. 1120. Sense of Congress on precursor International Space Station research.*
*Sec. 1121. Limitation on funding for conferences.*
*Sec. 1122. Report on NASA efficiency and performance.*

***SEC. 2. FINDINGS.***

*The Congress finds, on this, the 50th anniversary of the establishment of the National Aeronautics and Space Administration, the following:*

*(1) NASA is and should remain a multimission agency with a balanced and robust set of core missions in science, aeronautics, and human space flight and exploration.*

*(2) Investment in NASA's programs will promote innovation through research and development, and will improve the competitiveness of the United States.*

*(3) Investment in NASA's programs, like investments in other Federal science and technology activities, is an investment in our future.*

*(4) Properly structured, NASA's activities can contribute to an improved quality of life, economic vitality, United States leadership in peaceful cooperation with other nations on challenging undertakings in science and technology, national security, and the advancement of knowledge.*

*(5) NASA should assume a leadership role in a cooperative international Earth observations and research effort to address key research issues associated with climate change and its impacts on the Earth system.*

*(6) NASA should undertake a program of aeronautical research, development, and where appropriate demonstration activities with the overarching goals of—*

*(A) ensuring that the Nation's future air transportation system can handle up to 3 times the current travel demand and incorporate new vehicle types with no degradation in safety or adverse environmental impact on local communities;*

*(B) protecting the environment;*

*(C) promoting the security of the Nation; and*

*(D) retaining the leadership of the United States in global aviation.*

*(7) Human and robotic exploration of the solar system will be a significant long-term undertaking of humanity in the 21st century and beyond, and it is in the national interest that the United States should assume a leadership role in a cooperative international exploration initiative.*

*(8) Developing United States human space flight capabilities to allow independent American access to the International Space Station, and to explore beyond low Earth orbit, is a strategically important national imperative, and all prudent steps should thus be taken to bring the Orion Crew Exploration Vehicle and Ares I Crew Launch Vehicle to full operational capability as soon as possible and to ensure the effective development of a United States heavy lift launch capability for missions beyond low Earth orbit.*

*(9) NASA's scientific research activities have contributed much to the advancement of knowledge, provided societal benefits, and helped train the next generation of scientists and engineers, and those activities should continue to be an important priority.*

*(10) NASA should make a sustained commitment to a robust long-term technology development activity. Such investments represent the critically important ''seed corn'' on which NASA's ability to carry out challenging and productive missions in the future will depend.*

*(11) NASA, through its pursuit of challenging and relevant activities, can provide an important stimulus to the next generation to pursue careers in science, technology, engineering, and mathematics.*

*(12) Commercial activities have substantially contributed to the strength of both the United States space program and the national economy, and the development of a healthy and robust United States commercial space sector should continue to be encouraged.*

*(13) It is in the national interest for the United States to have an export control policy that protects the national security while also enabling the United States aerospace industry to compete effectively in the global market place and the United States to undertake cooperative programs in science and human space flight in an effective and efficient manner.*

***SEC. 3. DEFINITIONS.***

*In this Act:*

*(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of NASA.*

*(2) NASA.—The term ''NASA'' means the National Aeronautics and Space Administration.*

*(3) NOAA.—The term ''NOAA'' means the National Oceanic and Atmospheric Administration.*

*(4) OSTP.—The term ''OSTP'' means the Office of Science and Technology Policy.*

## *TITLE I—AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2009*

***SEC. 101. FISCAL YEAR 2009.***

*There are authorized to be appropriated to NASA for fiscal year 2009 $20,210,000,000, as follows:*

*(1) For Science, $4,932,200,000, of which—*

*(A) $1,518,000,000 shall be for Earth Science, including $29,200,000 for suborbital activities and $2,500,000 for carrying out section 313 of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155);*

*(B) $1,483,000,000 shall be for Planetary Science, including $486,500,000 for the Mars Exploration program, $2,000,000 to continue planetary radar operations at the Arecibo Observatory in support of the Near-Earth Object program, and $5,000,000 for radioisotope material production, to remain available until expended;*

*(C) $1,290,400,000 shall be for Astrophysics, including $27,300,000 for suborbital activities;*

*(D) $640,800,000 shall be for Heliophysics, including $50,000,000 for suborbital activities; and*

*(E) $75,000,000 shall be for Intra-Science Mission Directorate Technology Development, to be taken on a proportional basis from the funding subtotals under subparagraphs (A), (B), (C), and (D).*

*(2) For Aeronautics, $853,400,000, of which $406,900,000 shall be for system-level research, development, and demonstration activities related to—*

*(A) aviation safety;*

*(B) environmental impact mitigation, including noise, energy efficiency, and emissions;*

*(C) support of the Next Generation Air Transportation System initiative; and*

*(D) investigation of new vehicle concepts and flight regimes.*

*(3) For Exploration, $4,886,000,000, of which—*

*(A) $3,886,000,000 shall be for baseline exploration activities, of which $100,000,000 shall be for the activities under sections 902(a)(4) and 902(d), such funds to remain available until expended; no less than $1,101,400,000 shall be for the Orion Crew Exploration Vehicle; no less than $1,018,500,000 shall be for Ares I Crew Launch Vehicle; and $737,800,000 shall be for Advanced Capabilities, including $106,300,000 for the Lunar Precursor Robotic Program (of which $30,000,000 shall be for the lunar lander mission), $276,500,000 shall be for International Space Station-related research and development activities, and $355,000,000 shall be for research and development activities not related to the International Space Station; and*

*(B) $1,000,000,000 shall be available to be used to accelerate the initial operating capability of the Orion Crew Exploration Vehicle and the Ares I Crew Launch Vehicle, to remain available until expended.*

*(4) For Education, $128,300,000, of which $14,200,000 shall be for the Experimental Program to Stimulate Competitive Research and $32,000,000 shall be for the Space Grant program.*

*(5) For Space Operations, $6,074,700,000, of which—*

*(A) $150,000,000 shall be for an additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer to the International Space Station;*

*(B) $100,000,000 shall be to augment funding for research utilization of the International Space Station National Laboratory, to remain available until expended; and*

*(C) $50,000,000 shall be to augment funding for Space Operations Mission Directorate reserves*

*and Shuttle Transition and Retirement activities.*

*(6) For Cross-Agency Support Programs, $3,299,900,000, of which $4,000,000 shall be for the program established under section 1107(a), to remain available until expended.*

*(7) For Inspector General, $35,500,000.*

## TITLE II—EARTH SCIENCE

**SEC. 201. GOAL.**

*The goal for NASA's Earth Science program shall be to pursue a program of Earth observations, research, and applications activities to better understand the Earth, how it supports life, and how human activities affect its ability to do so in the future. In pursuit of this goal, NASA's Earth Science program shall ensure that securing practical benefits for society will be an important measure of its success in addition to securing new knowledge about the Earth system and climate change. In further pursuit of this goal, NASA shall, together with NOAA and other relevant agencies, provide United States leadership in developing and carrying out a cooperative international Earth observations-based research program.*

**SEC. 202. GOVERNANCE OF UNITED STATES EARTH OBSERVATIONS ACTIVITIES.**

*(a) STUDY.—The Director of OSTP shall consult with NASA, NOAA, and other relevant agencies with an interest in Earth observations and enter into an arrangement with the National Academies for a study to determine the most appropriate governance structure for United States Earth Observations programs in order to meet evolving United States Earth information needs and facilitate United States participation in global Earth Observations initiatives.*

*(b) REPORT.—The Director shall transmit the study to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act, and shall provide OSTP's plan for implementing the study's recommendations not later than 24 months after the date of enactment of this Act.*

**SEC. 203. DECADAL SURVEY MISSIONS.**

*(a) IN GENERAL.—The missions recommended in the National Academies' decadal survey ''Earth Science and Applications from Space'' provide the basis for a compelling and relevant program of research and applications, and the Administrator should work to establish an international cooperative effort to pursue those missions.*

*(b) PLAN.—The Administrator shall consult with all agencies referenced in the survey as responsible for spacecraft missions and prepare a plan for submission to Congress not later than 270 days after the date of enactment of this Act that shall describe how NASA intends to implement the missions recommended for NASA to conduct as described in subsection (a), whether by means of dedicated NASA missions, multi-agency missions, international cooperative missions, data sharing, or commercial data buys, or by means of long-term technology development to determine whether specific missions would be executable at a reasonable cost and within a reasonable schedule.*

**SEC. 204. TRANSITIONING EXPERIMENTAL RESEARCH INTO OPERATIONAL SERVICES.**

*(a) SENSE OF CONGRESS.—It is the sense of the Congress that experimental NASA sensors and missions that have the potential to benefit society if transitioned into operational monitoring systems be transitioned into operational status whenever possible.*

*(b) INTERAGENCY PROCESS.—The Director of OSTP, in consultation with the Administrator, the Administrator of NOAA, and other relevant stakeholders, shall develop a process to transition, when appropriate, NASA Earth science and space weather missions or sensors into operational status. The process shall include coordination of annual agency budget requests as required to execute the transitions.*

*(c) RESPONSIBLE AGENCY OFFICIAL.—The Administrator and the Administrator of NOAA shall each designate an agency official who shall have the responsibility for and authority to lead NASA's and NOAA's transition activities and interagency coordination.*

*(d) PLAN.—For each mission or sensor that is determined to be appropriate for transition under subsection (b), NASA and NOAA shall transmit to Congress a joint plan for conducting the transition. The plan shall include the strategy, milestones, and budget required to execute the transition. The transition plan shall be transmitted to Congress not later than 60 days after the successful completion of the mission or sensor critical design review.*

**SEC. 205. LANDSAT THERMAL INFRARED DATA CONTINUITY.**

*(a) PLAN.—In view of the importance of Landsat thermal infrared data for both scientific research and water management applications, the Administrator shall prepare a plan for ensuring the continuity of Landsat thermal infrared data or its equivalent, including allocation of costs and responsibility for the collection and distribution of the data, and a budget plan. As part of the plan, the Administrator shall provide an option for developing a thermal infrared sensor at minimum cost to be flown on the Landsat Data Continuity Mission with minimum delay to the schedule of the Landsat Data Continuity Mission.*

*(b) DEADLINE.—The plan shall be provided to Congress not later than 60 days after the date of enactment of this Act.*

**SEC. 206. REAUTHORIZATION OF GLORY MISSION.**

*(a) REAUTHORIZATION.—Congress reauthorizes NASA to continue with development of the Glory Mission, which will examine how aerosols and solar energy affect the Earth's climate.*

*(b) BASELINE REPORT.—Pursuant to the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155), not later than 90 days after the date of enactment of this Act, the Administrator shall transmit a new baseline report consistent with section 103(b)(2) of such Act. The report shall include an analysis of the factors contributing to cost growth and the steps taken to address them.*

**SEC. 207. PLAN FOR DISPOSITION OF DEEP SPACE CLIMATE OBSERVATORY.**

*(a) PLAN.—NASA shall develop a plan for the Deep Space Climate Observatory (DSCOVR), including such options as using the parts of the spacecraft in the development and assembly of other science missions, transferring the spacecraft to another agency, reconfiguring the spacecraft for another Earth science mission, establishing a public-private partnership for the mission, and entering into an international cooperative partnership to use the spacecraft for its primary or other purposes. The plan shall include an estimate of budgetary resources and schedules required to implement each of the options.*

*(b) CONSULTATION.—NASA shall consult, as necessary, with NOAA and other Federal agencies, industry, academic institutions, and international space agencies in developing the plan.*

*(c) REPORT.—The Administrator shall transmit the plan required under subsection (a) to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 180 days after the date of enactment of this Act.*

**SEC. 208. TORNADOES AND OTHER SEVERE STORMS.**

*The Administrator shall ensure that NASA gives high priority to those parts of its existing cooperative activities with NOAA that are related to the study of tornadoes and other severe storms, tornado-force winds, and other factors determined to influence the development of tornadoes and other severe storms, with the goal of improving the Nation's ability to predict tornados and other severe storms. Further, the Administrator shall examine whether there are additional cooperative activities with NOAA that should be undertaken in the area of tornado and severe storm research.*

## TITLE III—AERONAUTICS

**SEC. 301. SENSE OF CONGRESS.**

*It is the sense of Congress that—*

*(1) aeronautics research continues to be an important core element of NASA's mission and should be supported;*

*(2) NASA aeronautics research should be guided by and consistent with the national policy to guide aeronautics research and development programs of the United States developed in accordance with section 101(c) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16611); and*

*(3) technologies developed by NASA as described in paragraph (2) would help to secure the leadership role of the United States in global aviation and greatly enhance competitiveness of the United States in aeronautics in the future.*

**SEC. 302. ENVIRONMENTALLY FRIENDLY AIRCRAFT RESEARCH AND DEVELOPMENT INITIATIVE.**

*The Administrator shall establish an initiative involving NASA, universities, industry, and other research organizations as appropriate, of research, development, and demonstration, in a relevant environment, of technologies to enable the following commercial aircraft performance characteristics:*

*(1) Noise levels on takeoff and on airport approach and landing that do not exceed ambient noise levels in the absence of flight operations in the vicinity of airports from which such commercial aircraft would normally operate, without increasing energy consumption or nitrogen oxide emissions compared to aircraft in commercial service as of the date of enactment of this Act.*

*(2) Significant reductions in greenhouse gas emissions compared to aircraft in commercial services as of the date of enactment of this Act.*

**SEC. 303. RESEARCH ALIGNMENT.**

*In addition to pursuing the research and development initiative described in section 302, the Administrator shall, to the maximum extent practicable within available funding, align the fundamental aeronautics research program to address high priority technology challenges of the National Academies' Decadal Survey of Civil Aeronautics, and shall work to increase the degree of involvement of external organizations, and especially of universities, in the fundamental aeronautics research program.*

**SEC. 304. RESEARCH PROGRAM TO DETERMINE PERCEIVED IMPACT OF SONIC BOOMS.**

*(a) IN GENERAL.—The ability to fly commercial aircraft over land at supersonic speeds without adverse impacts on the environment or on local communities would open new markets and enable new transportation capabilities. In order to have the basis for establishing appropriate sonic boom standards for such flight operations, a research program is needed to assess the impact in a relevant environment of commercial supersonic flight operations.*

*(b) ESTABLISHMENT.—The Administrator shall establish a cooperative research program with industry, including the conduct of flight demonstrations in a relevant environment, to collect data on the perceived impact of sonic booms. The data could enable the promulgation of appropriate standards for overland commercial supersonic flight operations.*

*(c) COORDINATION.—The Administrator shall ensure that sonic boom research is coordinated as appropriate with the Administrator of the Federal Aviation Administration, and as appropriate make use of the expertise of the Partnership for Air Transportation Noise and Emissions Reduction Center of Excellence sponsored by NASA and the Federal Aviation Administration.*

**SEC. 305. EXTERNAL REVIEW OF NASA'S AVIATION SAFETY-RELATED RESEARCH PROGRAMS.**

*(a) REVIEW.—The Administrator shall enter into an arrangement with the National Research Council for an independent review of NASA's aviation safety-related research programs. The review shall assess whether—*

*(1) the programs have well-defined, prioritized, and appropriate research objectives;*

*(2) the programs are properly coordinated with the safety research programs of the Federal Aviation Administration and other relevant Federal agencies;*

*(3) the programs have allocated appropriate resources to each of the research objectives; and*

*(4) suitable mechanisms exist for transitioning the research results from the programs into operational technologies and procedures and certification activities in a timely manner.*

*(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the review required in subsection (a).*

**SEC. 306. AVIATION WEATHER RESEARCH PLAN.**

*The Administrator and the Administrator of NOAA shall develop a collaborative research plan on convective weather events. The goal of the research is to significantly improve the reliability of 2-hour to 6-hour aviation weather forecasts. Within 270 days after the date of enactment of this Act, the Administrator and the Administrator of NOAA shall submit this plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives.*

**SEC. 307. FUNDING FOR RESEARCH AND DEVELOPMENT ACTIVITIES IN SUPPORT OF OTHER MISSION DIRECTORATES.**

*Research and development activities performed by the Aeronautics Research Mission Directorate with the primary objective of assisting in the development of a flight project in another Mission Directorate shall be funded by the Mission Directorate seeking assistance.*

**SEC. 308. ENHANCEMENT OF GRANT PROGRAM ON ESTABLISHMENT OF UNIVERSITY-BASED CENTERS FOR RESEARCH ON AVIATION TRAINING.**

*Section 427(a) of the National Aeronautics and Space Administration Authorization Act of 2005 (Public Law 109–155) is amended by striking ''may'' and inserting ''shall''.*

## TITLE IV—EXPLORATION INITIATIVE

**SEC. 401. SENSE OF CONGRESS.**

*It is the sense of Congress that the President of the United States should invite America's friends and allies to participate in a long-term international initiative under the leadership of the United States to expand human and robotic presence into the solar system, including the exploration and utilization of the Moon, near Earth asteroids, Lagrangian points, and eventually Mars and its moons, among other exploration and utilization goals. When appropriate, the United States should lead confidence building measures that advance the long-term initiative for international cooperation.*

**SEC. 402. REAFFIRMATION OF EXPLORATION POLICY.**

*Congress hereby affirms its support for—*

*(1) the broad goals of the space exploration policy of the United States, including the eventual return to and exploration of the Moon and other destinations in the solar system and the important national imperative of independent access to space;*

*(2) the development of technologies and operational approaches that will enable a sustainable long-term program of human and robotic exploration of the solar system;*

*(3) activity related to Mars exploration, particularly for the development and testing of technologies and mission concepts needed for eventual consideration of optional mission architectures, pursuant to future authority to proceed with the consideration and implementation of such architectures; and*

*(4) international participation and cooperation, as well as commercial involvement in space exploration activities.*

**SEC. 403. STEPPING STONE APPROACH TO EXPLORATION.**

*In order to maximize the cost-effectiveness of the long-term exploration and utilization activities of the United States, the Administrator shall take all necessary steps, including engaging international partners, to ensure that activities in its lunar exploration program shall be designed and implemented in a manner that gives strong consideration to how those activities might also help meet the requirements of future exploration and utilization activities beyond the Moon. The timetable of the lunar phase of the long-term international exploration initiative shall be determined by the availability of funding. However, once an exploration-related project enters its development phase, the Administrator shall seek, to the maximum extent practicable, to complete that project without undue delays.*

**SEC. 404. LUNAR OUTPOST.**

*(a) ESTABLISHMENT.—As NASA works toward the establishment of a lunar outpost, NASA shall make no plans that would require a lunar outpost to be occupied to maintain its viability. Any such outpost shall be operable as a human-tended facility capable of remote or autonomous operation for extended periods.*

*(b) DESIGNATION.—The United States portion of the first human-tended outpost established on the surface of the Moon shall be designated the ''Neil A. Armstrong Lunar Outpost''.*

*(c) SENSE OF CONGRESS.—It is the sense of Congress that NASA should make use of commercial services to the maximum extent practicable in support of its lunar outpost activities.*

**SEC. 405. EXPLORATION TECHNOLOGY DEVELOPMENT.**

*(a) IN GENERAL.—A robust program of long-term exploration-related technology research and development will be essential for the success and sustainability of any enduring initiative of human and robotic exploration of the solar system.*

*(b) ESTABLISHMENT.—The Administrator shall carry out a program of long-term exploration-related technology research and development, including such things as in-space propulsion, power systems, life support, and advanced avionics, that is not tied to specific flight projects. The program shall have the funding goal of ensuring that the technology research and development can be completed in a timely manner in order to support the safe, successful, and sustainable exploration of the solar system. In addition, in order to ensure that the broadest range of innovative concepts and technologies are captured, the long-term technology program shall have the goal of having a significant portion of its funding available for external grants and contracts with universities, research institutions, and industry.*

**SEC. 406. EXPLORATION RISK MITIGATION PLAN.**

*(a) PLAN.—The Administrator shall prepare a plan that identifies and prioritizes the human and technical risks that will need to be addressed in carrying out human exploration beyond low Earth orbit and the research and development activities required to address those risks. The plan shall address the role of the International Space Station in exploration risk mitigation and include a detailed description of the specific steps being taken to utilize the International Space Station for that purpose.*

*(b) REPORT.—The Administrator shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the plan described in subsection (a) not later than one year after the date of enactment of this Act.*

**SEC. 407. EXPLORATION CREW RESCUE.**

*In order to maximize the ability to rescue astronauts whose space vehicles have become disabled, the Administrator shall enter into discussions with the appropriate representatives of spacefaring nations who have or plan to have crew transportation systems capable of orbital flight or flight beyond low Earth orbit for the purpose of agreeing on a common docking system standard.*

**SEC. 408. PARTICIPATORY EXPLORATION.**

*(a) IN GENERAL.—The Administrator shall develop a technology plan to enable dissemination of information to the public to allow the public to experience missions to the Moon, Mars, or other bodies within our solar system by leveraging advanced exploration technologies. The plan shall identify opportunities to leverage technologies in NASA's Constellation systems that deliver a rich, multi-media experience to the public, and that facilitate participation by the public, the private sector, nongovernmental organizations, and international partners. Technologies for collecting high-definition video, 3-dimensional images, and scientific data, along with the means to rapidly deliver this content through extended high bandwidth communications networks, shall be considered as part of this plan. It shall include a review of high bandwidth radio and laser communications, high-definition video, stereo imagery, 3-dimensional scene cameras, and Internet routers in space, from orbit, and on the lunar surface. The plan shall also consider secondary cargo capability for technology validation and science mission opportunities. In addition, the plan shall identify opportunities to develop and demonstrate these technologies on the International Space Station and robotic missions to the Moon, Mars, and other solar system bodies. As part of the technology plan, the Administrator shall examine the feasibility of having NASA enter into contracts and other agreements with appropriate public, private sector, and international partners to broadcast electronically, including via the Internet, images and multimedia records delivered from its missions in space to the public, and shall identify issues associated with such contracts and other agreements. In any such contracts and other agreements, NASA shall adhere to a transparent bidding process to award such contracts and other agreements, pursuant to United States law. As part of this plan, the Administrator shall include estimates of associated costs.*

*(b) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit the plan to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.*

**SEC. 409. SCIENCE AND EXPLORATION.**

*It is the sense of Congress that NASA's scientific and human exploration activities are synergistic; science enables exploration and human exploration enables science. The Congress encourages the Administrator to coordinate, where practical, NASA's science and exploration activities with the goal of maximizing the success of human exploration initiatives and furthering our understanding of the Universe that we explore.*

**SEC. 410. CONGRESSIONAL BUDGET OFFICE REPORT UPDATE.**

*Not later than 6 months after the date of enactment of this Act, the Congressional Budget Office shall update its report from 2004 on the budgetary analysis of NASA's Vision for the Nation's Space Exploration Program, including new estimates for Project Constellation, NASA's new generation of spacecraft designed for human space flight that will replace the Space Shuttle program.*

## TITLE V—SPACE SCIENCE

**SEC. 501. TECHNOLOGY DEVELOPMENT.**

*The Administrator shall establish an intra-Directorate long-term technology development program for space and Earth science within the Science Mission Directorate for the development of new technology. The program shall be independent of the flight projects under development. NASA shall have a goal of funding the intra-Directorate technology development program at a level of 5 percent of the total Science Mission Directorate annual budget. The program shall be structured to include competitively awarded grants and contracts.*

**SEC. 502. PROVISION FOR FUTURE SERVICING OF OBSERVATORY-CLASS SCIENTIFIC SPACECRAFT.**

*The Administrator shall take all necessary steps to ensure that provision is made in the design and construction of all future observatory-class scientific spacecraft intended to be deployed in Earth orbit or at a Lagrangian point in space for robotic or human servicing and repair to the extent practicable and appropriate.*

**SEC. 503. MARS EXPLORATION.**

*Congress reaffirms its support for a systematic, integrated program of exploration of the Martian surface to examine the planet whose surface is most like Earth's, to search for evidence of past or present life, and to examine Mars for future habitability and as a long-term goal for future human exploration. To the extent affordable and practical, the program should pursue the goal of launches at every Mars launch opportunity, leading to an eventual robotic sample return.*

**SEC. 504. IMPORTANCE OF A BALANCED SCIENCE PROGRAM.**

*It is the sense of Congress that a balanced and adequately funded set of activities, consisting of NASA's research and analysis grants programs, technology development, small-, medium-, and large-sized space science missions, and suborbital research activities, contributes to a robust and productive science program and serves as a catalyst for innovation.*

**SEC. 505. SUBORBITAL RESEARCH ACTIVITIES.**

*(a) SENSE OF CONGRESS.—It is the sense of Congress that suborbital flight activities, including the use of sounding rockets, aircraft, and high-altitude balloons, and suborbital reusable launch vehicles, offer valuable opportunities to advance science, train the next generation of scientists and engineers, and provide opportunities for participants in the programs to acquire skills in systems engineering and systems integration that are critical to maintaining the Nation's leadership in space programs. The Congress believes that it is in the national interest to expand the size of NASA's suborbital research program. It is further the sense of Congress that funding for suborbital research activities should be considered part of the contribution of NASA to United States competitive and educational enhancement and should represent increased funding as contemplated in section 2001 of the America COMPETES Act (42 U.S.C. 16611(a)).*

*(b) REVIEW OF SUBORBITAL MISSION CAPABILITIES.—*

*(1) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Administrator shall enter into an arrangement with the National Academies to conduct a review of the suborbital mission capabilities of NASA.*

*(2) MATTERS REVIEWED.—The review required by paragraph (1) shall include a review of the following:*

*(A) Existing programs that make use of suborbital flights.*

*(B) The status, capability, and availability of suborbital platforms, and the infrastructure and workforce necessary to support them.*

*(C) Existing or planned launch facilities for suborbital missions.*

*(D) Opportunities for scientific research, training, and educational collaboration in the conduct of suborbital missions by NASA, especially as they relate to the findings and recommendations of the National Academies decadal surveys and report on ''Building a Better NASA Workforce: Meeting the Workforce Needs for the National Vision for Space Exploration''.*

*(3) REPORT.—*

*(A) IN GENERAL.—Not later than 15 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the review required by this subsection.*

*(B) CONTENTS.—The report required by this paragraph shall include a summary of the review; the findings of the Administrator with respect to such review; recommendations regarding the growth of suborbital launch programs conducted by NASA; and the steps necessary to ensure such programs are conducted using domestic launch facilities to the maximum extent practicable, including any rationale and justification for using non-domestic facilities for such missions.*

**SEC. 506. RESTORATION OF RADIOISOTOPE THERMOELECTRIC GENERATOR MATERIAL PRODUCTION.**

*(a) PLAN.—The Director of OSTP shall develop a plan for restarting and sustaining the domestic production of radioisotope thermoelectric generator material for deep space and other space science missions.*

*(b) REPORT.—The plan developed under subsection (a) shall be transmitted to Congress not later than 270 days after the date of enactment of this Act.*

**SEC. 507. ASSESSMENT OF IMPEDIMENTS TO INTERAGENCY COOPERATION ON SPACE AND EARTH SCIENCE MISSIONS.**

*(a) ASSESSMENTS.—The Administrator, in consultation with other agencies with space science programs, shall enter into an arrangement with the National Academies to assess impediments, including cost growth, to the successful conduct of interagency cooperation on space science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on space science missions. As part of the same arrangement with the National Academies, the Administrator, in consultation with NOAA and other agencies with civil Earth observation systems, shall have the National Academies assess impediments, including cost growth, to the successful conduct of interagency cooperation on Earth science missions, to provide lessons learned and best practices, and to recommend steps to help facilitate successful interagency collaborations on Earth science missions.*

*(b) REPORT.—The report of the assessments carried out under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 15 months after the date of enactment of this Act.*

**SEC. 508. ASSESSMENT OF COST GROWTH.**

*(a) STUDY.—The Administrator shall enter into an arrangement for an independent external assessment to identify the primary causes of cost growth in the large-, medium-, and small-sized space and Earth science spacecraft mission classes, and make recommendations as to what changes, if any, should be made to contain costs and ensure frequent mission opportunities in NASA's science spacecraft mission programs.*

*(b) REPORT.—The report of the assessment conducted under subsection (a) shall be submitted to Congress not later than 15 months after the date of enactment of this Act.*

**SEC. 509. OUTER PLANETS EXPLORATION.**

*It is the sense of Congress that the outer solar system planets and their satellites can offer important knowledge about the formation and evolution of the solar system, the nature and diversity of these solar system bodies, and the potential for conditions conducive to life beyond Earth. NASA should move forward with plans for an Outer Planets flagship mission to the Europa-Jupiter system or the Titan-Saturn system as soon as practicable within a balanced Planetary Science program.*

## TITLE VI—SPACE OPERATIONS

### Subtitle A—International Space Station

**SEC. 601. PLAN TO SUPPORT OPERATION AND UTILIZATION OF THE ISS BEYOND FISCAL YEAR 2015.**

*(a) IN GENERAL.—The Administrator shall take all necessary steps to ensure that the International Space Station remains a viable and productive facility capable of potential United States utilization through at least 2020 and shall take no steps that would preclude its continued operation and utilization by the United States after 2015.*

*(b) PLAN TO SUPPORT OPERATIONS AND UTILIZATION OF THE INTERNATIONAL SPACE STATION BEYOND FISCAL YEAR 2015.—*

*(1) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a plan to support the operations and utilization of the International Space Station beyond fiscal year 2015 for a period of not less than 5 years. The plan shall be an update and expansion of the operation plan of the International Space Station National Laboratory submitted to Congress in May 2007 under section 507 of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16767).*

*(2) CONTENT.—*

*(A) REQUIREMENTS TO SUPPORT OPERATION AND UTILIZATION OF THE ISS BEYOND FISCAL YEAR 2015.—As part of the plan required in paragraph (1), the Administrator shall provide each of the following:*

*(i) A list of critical hardware necessary to support International Space Station operations through the year 2020.*

*(ii) Specific known or anticipated maintenance actions that would need to be performed to support International Space Station operations and research through the year 2020.*

*(iii) Annual upmass and downmass requirements, including potential vehicles that will deliver such upmass and downmass, to support the International Space Station after the retirement of the Space Shuttle Orbiter and through the year 2020.*

*(B) ISS NATIONAL LABORATORY RESEARCH MANAGEMENT PLAN.—As part of the plan required in paragraph (1), the Administrator shall develop a Research Management Plan for the International Space Station. Such Plan shall include a process for selecting and prioritizing research activities (including fundamental, applied, commercial, and other research) for flight on the International Space Station. Such Plan shall be used to prioritize resources such as crew time, racks and equipment, and United States access to international research facilities and equipment. Such Plan shall also identify the organization to be responsible for managing United States research on the International Space Station, including a description of the relationship of the management institution with NASA (e.g., internal NASA office, contract, cooperative agreement, or grant), the estimated length of time for the arrangement, and the budget required to support the management institution. Such Plan shall be developed in consultation with other Federal agencies, academia, industry, and other relevant stakeholders. The Administrator may request the support of the National Academy of Sciences or other appropriate independent entity, including an external consultant, in developing the Plan.*

*(C) ESTABLISHMENT OF PROCESS FOR ACCESS TO NATIONAL LABORATORY.—As part of the plan required in paragraph (1), the Administrator shall—*

*(i) establish a process by which to support International Space Station National Laboratory users in identifying their requirements for transportation of research supplies to and from the International Space Station, and for communicating those requirements to NASA and International Space Station transportation services providers; and*

*(ii) develop an estimate of the transportation requirements needed to support users of the International Space Station National Laboratory and develop a plan for satisfying those requirements by dedicating a portion of volume on NASA supply missions to the International Space Station.*

*(D) ASSESSMENT OF EQUIPMENT TO SUPPORT RESEARCH.—As part of the plan required in paragraph (1), the Administrator shall—*

*(i) provide a list of critical hardware that is anticipated to be necessary to support nonexploration-related and exploration-related research through the year 2020;*

*(ii) identify existing research equipment and racks and support equipment that are manifested for flight; and*

*(iii) provide a detailed description of the status of research equipment and facilities that were completed or in development prior to being cancelled, and provide the budget and milestones for completing and preparing the equipment for flight on the International Space Station.*

*(E) BUDGET PLAN.—As part of the plan required in paragraph (1), the Administrator shall provide a budget plan that reflects the anticipated use of such activities and the projected amounts to be required for fiscal years 2010 through 2020 to accomplish the objectives of the activities described in subparagraphs (A) through (D).*

***SEC. 602. INTERNATIONAL SPACE STATION NATIONAL LABORATORY ADVISORY COMMITTEE.***

*(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish under the Federal Advisory Committee Act a committee to be known as the ''International Space Station National Laboratory Advisory Committee'' (hereafter in this section referred to as the ''Committee'').*

*(b) MEMBERSHIP.—*

*(1) COMPOSITION.—The Committee shall be composed of individuals representing organizations who have formal agreements with NASA to utilize the United States portion of the International Space Station, including allocations within partner elements.*

*(2) CHAIR.—The Administrator shall appoint a chair from among the members of the Committee, who shall serve for a 2-year term.*

*(c) DUTIES OF THE COMMITTEE.—*

*(1) IN GENERAL.—The Committee shall monitor, assess, and make recommendations regarding effective utilization of the International Space Station as a national laboratory and platform for research.*

*(2) ANNUAL REPORT.—The Committee shall submit to the Administrator, on an annual basis or more frequently as considered necessary by a majority of the members of the Committee, a report containing the assessments and recommendations required by paragraph (1).*

*(d) DURATION.—The Committee shall exist for the life of the International Space Station.*

***SEC. 603. CONTINGENCY PLAN FOR CARGO RESUPPLY.***

*(a) IN GENERAL.—The International Space Station represents a significant investment of national resources, and it is a facility that embodies a cooperative international approach to the exploration and utilization of space. As such, it is important that its continued viability and productivity be ensured, to the maximum extent possible, after the Space Shuttle is retired.*

*(b) CONTINGENCY PLAN.—The Administrator shall develop a contingency plan and arrangements, including use of International Space Station international partner cargo resupply capabilities, to ensure the continued viability and productivity of the International Space Station in the event that United States commercial cargo resupply services are not available during any extended period after the date that the Space Shuttle is retired. The plan shall be delivered to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than one year after the date of enactment of this Act.*

***SEC. 604. SENSE OF CONGRESS ON USE OF SPACE LIFE SCIENCES LABORATORY AT KENNEDY SPACE CENTER.***

*It is the sense of Congress that the Space Life Sciences Laboratory at Kennedy Space Center represents a key investment and asset in the International Space Station National Laboratory capability. The laboratory is specifically designed to provide pre-flight, in-flight, and post-flight support services for International Space Station end-users, and should be utilized in this manner when appropriate.*

***Subtitle B—Space Shuttle***

***SEC. 611. SPACE SHUTTLE FLIGHT REQUIREMENTS.***

*(a) REPORT ON U.S. HUMAN SPACEFLIGHT CAPABILITIES.—Section 501(c) of the National Aeronautics and Space Administration Authorization Act of 2005 (42 U.S.C. 16761(c)) is amended by striking the matter before paragraph (1) and inserting the following: ''Not later than 90 days after the date of enactment of the National Aeronautics and Space Administration Authorization Act of 2008, the Administrator shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science and Technology of the House of Representatives a report on the lack of a United States human space flight system to replace the Space Shuttle upon its planned retirement, currently scheduled for 2010, and the ability of the United States to uphold the policy described in subsection (a), including a description of—''.*

*(b) BASELINE MANIFEST.—In addition to the Space Shuttle flights listed as part of the baseline flight manifest as of January 1, 2008, the Utilization flights ULF–4 and ULF–5 shall be considered part of the Space Shuttle baseline flight manifest and shall be flown prior to the retirement of the Space Shuttle, currently scheduled for 2010.*

*(c) ADDITIONAL FLIGHT TO DELIVER THE ALPHA MAGNETIC SPECTROMETER AND OTHER SCIENTIFIC EQUIPMENT AND PAYLOADS TO THE INTERNATIONAL SPACE STATION.—*

*(1) IN GENERAL.—In addition to the flying of the baseline manifest as described in subsection (b), the Administrator shall take all necessary steps to fly one additional Space Shuttle flight to deliver the Alpha Magnetic Spectrometer and other scientific equipment and payloads to the International Space Station prior to the retirement of the Space Shuttle. The purpose of the mission required to be planned under this subsection shall be to ensure the active use of the United States portion of the International Space Station as a National Laboratory by the delivery of the Alpha Magnetic Spectrometer, and to the extent practicable, the delivery of flight-ready research experiments prepared under the Memoranda of Understanding between NASA and other entities to facilitate the utilization of the International Space Station National Laboratory, as well as other fundamental and applied life sciences and other microgravity research experiments to the International Space Station as soon as the assembly of the International Space Station is completed.*

*(2) FLIGHT SCHEDULE.—If the Administrator, within 12 months before the scheduled date of the additional Space Shuttle flight authorized by paragraph (1), determines that—*

*(A) NASA will be unable to meet that launch date before the end of calendar year 2010, unless the President decides to extend Shuttle operations beyond 2010, or*

*(B) implementation of the additional flight requirement would, in and of itself, result in—*

*(i) significant increased costs to NASA over the cost estimate of the additional flight as determined by the Independent Program Assessment Office, or*

*(ii) unacceptable safety risks associated with making the flight before termination of the Space Shuttle program,*

*the Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science and Technology of the determination, and provide a detailed explanation of the basis for that determination. After the notification is provided to the Committees, the Administrator shall remove the flight from the Space Shuttle schedule unless the Congress by law reauthorizes the flight or the President certifies that it is in the national interest to fly the mission.*

*(d) TERMINATION OR SUSPENSION OF ACTIVITIES THAT WOULD PRECLUDE CONTINUED FLIGHT OF SPACE SHUTTLE PRIOR TO REVIEW BY THE INCOMING 2009 PRESIDENTIAL ADMINISTRATION.—*

*(1) IN GENERAL.—The Administrator shall terminate or suspend any activity of the Agency that, if continued between the date of enactment of this Act and April 30, 2009, would preclude the continued safe and effective flight of the Space Shuttle after fiscal year 2010 if the first President inaugurated on January 20, 2009, were to make a determination to delay the Space Shuttle's scheduled retirement.*

*(2) REPORT ON IMPACT OF COMPLIANCE.—Within 90 days after the date of enactment of this Act, the Administrator shall provide a report to the Congress describing the expected budgetary and programmatic impacts from compliance with paragraph (1). The report shall include—*

*(A) a summary of the actions taken to ensure the option to continue space shuttle flights beyond the end of fiscal year 2010 is not precluded before April 30, 2009;*

*(B) an estimate of additional costs incurred by each specific action identified in the summary provided under subparagraph (A);*

*(C) a description of the proposed plan for allocating those costs among anticipated fiscal year 2009 appropriations or existing budget authority;*

*(D) a description of any programmatic impacts within the Space Operations Mission Directorate that would result from reallocations of funds to meet the requirements of paragraph (1);*

*(E) a description of any additional authority needed to enable compliance with the requirements of paragraph (1); and*

*(F) a description of any potential disruption to the timely progress of development milestones in the preparation of infrastructure or workforce requirements for shuttle follow-on launch systems.*

*(e) REPORT ON IMPACTS OF SPACE SHUTTLE EXTENSION.—Within 120 days after the date of enactment of this Act, the Administrator shall provide a report to the Congress outlining options, impacts, and associated costs of ensuring the safe and effective operation of the Space Shuttle at the minimum rate necessary to support International Space Station operations and resupply, including for both a near-term, 1-to-2 year extension of Space Shuttle operations and for a longer term, 3-to-6 year extension. The report shall include an assessment of—*

*(1) annual fixed and marginal costs, including identification and cost impacts of options for cost-sharing with the Constellation program and including the impact of those cost-sharing options on the Constellation program;*

*(2) the safety of continuing the use of the Space Shuttle beyond 2010, including a probability risk assessment of a catastrophic accident before completion of the extended Space Shuttle flight program, the underlying assumptions used in calculating that probability, and comparing the associated safety risks with those of other existing and planned human-rated launch systems, including the Soyuz and Constellation vehicles;*

*(3) a description of the activities and an estimate of the associated costs that would be needed to maintain or improve Space Shuttle safety throughout the periods described in the first sentence of this subsection were the President inaugurated on January 20, 2009, to extend Space Shuttle operations beyond 2010, the correctly anticipated date of Space Shuttle retirement;*

*(4) the impacts on facilities, workforce, and resources for the Constellation program and on the cost and schedule of that program;*

*(5) assumptions regarding workforce, skill mix, launch and processing infrastructure, training, ground support, orbiter maintenance and vehicle utilization, and other relevant factors, as appropriate, used in deriving the cost and schedule estimates for the options studied;*

*(6) the extent to which program management, processes, and workforce and contractor assignments can be integrated and streamlined for maximum efficiency to support continued shuttle flights while transitioning to the Constellation program, including identification of associated cost impacts on both the Space Shuttle and the Constellation program;*

*(7) the impact of a Space Shuttle flight program extention on the United States' dependence on Russia for International Space Station crew rescue services; and*

*(8) the potential for enhancements of International Space Station research, logistics, and maintenance capabilities resulting from extended Shuttle flight operations and the costs associated with implementing any such enhancements.*

***SEC. 612. UNITED STATES COMMERCIAL CARGO CAPABILITY STATUS.***

*The Administrator shall determine the degree to which an increase in the amounts authorized to be appropriated under section 101(3) for the Commercial Orbital Transportation Services project to be used by Phase One team members of such project in fiscal year 2009 would reasonably be expected to accelerate development of Capabilities A, B, and C of such project to an effective operations capability as close to 2010 as possible.*

***SEC. 613. SPACE SHUTTLE TRANSITION.***

*(a) DISPOSITION OF SHUTTLE-RELATED ASSETS.—*

*(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall submit to Congress a plan describing the process for the disposition of the remaining Space Shuttle Orbiters and other Space Shuttle program-related hardware after the retirement of the Space Shuttle fleet.*

*(2) PLAN REQUIREMENTS.—The plan submitted under paragraph (1) shall include a description of a process by which educational institutions, science museums, and other appropriate organizations may acquire, through loan or disposal by the Federal Government, Space Shuttle program hardware.*

*(3) PROHIBITION ON DISPOSITION BEFORE COMPLETION OF PLAN.—The Administrator shall not dispose of any Space Shuttle program hardware before the plan required by paragraph (1) is submitted to Congress.*

*(b) SPACE SHUTTLE TRANSITION LIAISON OFFICE.—*

*(1) ESTABLISHMENT.—The Administrator shall develop a plan and establish a Space Shuttle Transition Liaison Office within the Office of Human Capital Management of NASA to assist local communities affected by the termination of the Space Shuttle program in mitigating the negative impacts on such communities caused by such termination. The plan shall define the size of the affected local community that would receive assistance described in paragraph (2).*

*(2) MANNER OF ASSISTANCE.—In providing assistance under paragraph (1), the office established under such paragraph shall—*

*(A) offer nonfinancial, technical assistance to communities described in such paragraph to assist in the mitigation described in such paragraph; and*

*(B) serve as a clearinghouse to assist such communities in identifying services available from other Federal, State, and local agencies to assist in such mitigation.*

*(3) TERMINATION OF OFFICE.—The office established under paragraph (1) shall terminate 2 years after the completion of the last Space Shuttle flight.*

*(4) SUBMISSION.—Not later than 180 days after the date of enactment of this Act, NASA shall provide a copy of the plan required by paragraph (1) to the Congress.*

***SEC. 614. AEROSPACE SKILLS RETENTION AND INVESTMENT REUTILIZATION REPORT.***

*(a) IN GENERAL.—The Administrator shall, in consultation with other Federal agencies, as appropriate—*

*(1) carry out an analysis of the facilities and human capital resources that will become available as a result of the retirement of the Space Shuttle program; and*

*(2) identify on-going or future Federal programs and projects that could use such facilities and resources.*

*(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report—*

*(1) on the analysis required by paragraph (1) of subsection (a), including the findings of the Administrator with respect to such analysis; and*

*(2) describing the programs and projects identified under paragraph (2) of such subsection.*

***SEC. 615. TEMPORARY CONTINUATION OF COVERAGE OF HEALTH BENEFITS.***

*(a) IN GENERAL.—Section 8905a(d) of title 5, United States Code, is amended by adding at the end the following new paragraph:*

*''(6)(A) If the basis for continued coverage under this section is, as a result of the termination of the Space Shuttle Program, an involuntary separation from a position due to a reduction-in-force or declination of a directed reassignment or transfer of function, or a voluntary separation from a surplus position in the National Aeronautics and Space Administration—*

*''(i) the individual shall be liable for not more than the employee contributions referred to in paragraph (1)(A)(i); and*

*''(ii) the National Aeronautics and Space Administration shall pay the remaining portion of the amount required under paragraph (1)(A).*

*''(B) This paragraph shall only apply with respect to individuals whose continued coverage is based on a separation occurring on or after the date of enactment of this paragraph and before December 31, 2010.*

*''(C) For purposes of this paragraph, 'surplus position' means a position which is—*

*''(i) identified in pre-reduction-in-force planning as no longer required, and which is expected to be eliminated under formal reduction-in-force procedures as a result of the termination of the Space Shuttle Program; or*

*''(ii) encumbered by an employee who has received official certification from the National Aeronautics and Space Administration consistent with the Administration's career transition assistance program regulations that the position is being abolished as a result of the termination of the Space Shuttle Program.''.*

*(b) CONFORMING AMENDMENT.—Paragraph (1)(A) of such subsection (d) is amended by striking ''(4) and (5)'' and inserting ''(4), (5), and (6)''.*

***SEC. 616. ACCOUNTING REPORT.***

*Within 180 days after the date of enactment of this Act, the Administrator shall provide to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report that will summarize any actions taken or planned to be taken during fiscal years 2008 and 2009 to begin reductions in expenditures and activities related to the Space Shuttle program. The report shall include a summary of any actual or anticipated cost savings to the Space Shuttle program relative to the FY 2008 and FY 2009 Space Shuttle program budgets and runout projections as a result of such actions, as well as a summary of any actual or anticipated liens or budgetary challenges to the Space Shuttle program during fiscal years 2008 and 2009.*

***Subtitle C—Launch Services***

***SEC. 621. LAUNCH SERVICES STRATEGY.***

*(a) IN GENERAL.—In preparation for the award of contracts to follow up on the current NASA Launch Services (NLS) contracts, the Administrator shall develop a strategy for providing domestic commercial launch services in support of NASA's small and medium-sized Science, Space Operations, and Exploration missions, consistent with current law and policy.*

*(b) REPORT.—The Administrator shall transmit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the strategy developed under subsection (a) not later than 90 days after the date of enactment of this Act. The report shall provide, at a minimum—*

*(1) the results of the Request for Information on small to medium-sized launch services released on April 22, 2008;*

*(2) an analysis of possible alternatives to maintain small and medium-sized lift capabilities after June 30, 2010, including the use of the Department of Defense's Evolved Expendable Launch Vehicle (EELV);*

*(3) the recommended alternatives, and associated 5-year budget plans starting in October 2010 that would enable their implementation; and*

*(4) a contingency plan in the event the recommended alternatives described in paragraph (3) are not available when needed.*

***TITLE VII—EDUCATION***

***SEC. 701. RESPONSE TO REVIEW.***

*(a) PLAN.—The Administrator shall prepare a plan identifying actions taken or planned in response to the recommendations of the National Academies report, ''NASA's Elementary and Secondary Education Program: Review and Critique''. For those actions that have not been implemented, the plan shall include a schedule and budget required to support the actions.*

*(b) REPORT.—The plan prepared under subsection (a) shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.*

***SEC. 702. EXTERNAL REVIEW OF EXPLORER SCHOOLS PROGRAM.***

*(a) REVIEW.—The Administrator shall make arrangements for an independent external review of the Explorer Schools program to evaluate its goals, status, plans, and accomplishments.*

*(b) REPORT.—The report of the independent external review shall be transmitted to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.*

**SEC. 703. SENSE OF CONGRESS ON EARTHKAM AND ROBOTICS COMPETITIONS.**

*It is the sense of Congress that NASA's educational programs are important sources of inspiration and hands-on learning for the next generation of engineers and scientists and should be supported. In that regard, programs such as EarthKAM, which brings NASA directly into American classrooms by enabling students to talk directly with astronauts aboard the International Space Station and to take photographs of Earth from space, and NASA involvement in robotics competitions for students of all levels, are particularly worthy undertakings and NASA should support them and look for additional opportunities to engage students through NASA's space and aeronautics activities.*

**SEC. 704. ENHANCEMENT OF EDUCATIONAL ROLE OF NASA.**

*(a) SENSE OF CONGRESS.—It is the sense of Congress that the International Space Station offers a unique opportunity for Federal agencies to engage students in science, technology, engineering, and mathematics education. Congress encourages NASA to include other Federal agencies in its planning efforts to use the International Space Station National Laboratory for science, technology, engineering, and mathematics educational activities.*

*(b) EXPERIMENTAL PROGRAM TO STIMULATE COMPETITIVE RESEARCH.—In order to ensure that research expertise and talent throughout the Nation is developed and engaged in NASA research and education activities, NASA shall, as part of its annual budget submission, detail additional steps that can be taken to further integrate the participating EPSCoR States in both existing and new or emerging NASA research programs and center activities.*

*(c) NATIONAL SPACE GRANT COLLEGE AND FELLOWSHIP PROGRAM.—NASA shall continue its emphasis on the importance of education to expand opportunities for Americans to understand and participate in NASA's aeronautics and space projects by supporting and enhancing science and engineering education, research, and public outreach efforts.*

## TITLE VIII—NEAR-EARTH OBJECTS

**SEC. 801. REAFFIRMATION OF POLICY.**

*(a) REAFFIRMATION OF POLICY ON SURVEYING NEAR-EARTH ASTEROIDS AND COMETS.—Congress reaffirms the policy set forth in section 102(g) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451(g)) (relating to surveying near-Earth asteroids and comets).*

*(b) SENSE OF CONGRESS ON BENEFITS OF NEAR-EARTH OBJECT PROGRAM ACTIVITIES.—It is the sense of Congress that the near-Earth object program activities of NASA will provide benefits to the scientific and exploration activities of NASA.*

**SEC. 802. FINDINGS.**

*Congress makes the following findings:*

*(1) Near-Earth objects pose a serious and credible threat to humankind, as many scientists believe that a major asteroid or comet was responsible for the mass extinction of the majority of the Earth's species, including the dinosaurs, nearly 65,000,000 years ago.*

*(2) Several such near-Earth objects have only been discovered within days of the objects' closest approach to Earth and recent discoveries of such large objects indicate that many large near-Earth objects remain undiscovered.*

*(3) Asteroid and comet collisions rank as one of the most costly natural disasters that can occur.*

*(4) The time needed to eliminate or mitigate the threat of a collision of a potentially hazardous near-Earth object with Earth is measured in decades.*

*(5) Unlike earthquakes and hurricanes, asteroids and comets can provide adequate collision information, enabling the United States to include both asteroid-collision and comet-collision disaster recovery and disaster avoidance in its public-safety structure.*

*(6) Basic information is needed for technical and policy decisionmaking for the United States to create a comprehensive program in order to be ready to eliminate and mitigate the serious and credible threats to humankind posed by potentially hazardous near-Earth asteroids and comets.*

*(7) As a first step to eliminate and to mitigate the risk of such collisions, situation and decision analysis processes, as well as procedures and system resources, must be in place well before a collision threat becomes known.*

**SEC. 803. REQUESTS FOR INFORMATION.**

*The Administrator shall issue requests for information on—*

*(1) a low-cost space mission with the purpose of rendezvousing with, attaching a tracking device, and characterizing the Apophis asteroid; and*

*(2) a medium-sized space mission with the purpose of detecting near-Earth objects equal to or greater than 140 meters in diameter.*

**SEC. 804. ESTABLISHMENT OF POLICY WITH RESPECT TO THREATS POSED BY NEAR-EARTH OBJECTS.**

*Within 2 years after the date of enactment of this Act, the Director of the OSTP shall—*

*(1) develop a policy for notifying Federal agencies and relevant emergency response institutions of an impending near-Earth object threat, if near-term public safety is at risk; and*

*(2) recommend a Federal agency or agencies to be responsible for—*

*(A) protecting the United States from a near-Earth object that is expected to collide with Earth; and*

*(B) implementing a deflection campaign, in consultation with international bodies, should one be necessary.*

**SEC. 805. PLANETARY RADAR CAPABILITY.**

*The Administrator shall maintain a planetary radar that is comparable to the capability provided through the Deep Space Network Goldstone facility of NASA.*

**SEC. 806. ARECIBO OBSERVATORY.**

*Congress reiterates its support for the use of the Arecibo Observatory for NASA-funded near-Earth object-related activities. The Administrator, using funds authorized in section 101(a)(1)(B), shall ensure the availability of the Arecibo Observatory's planetary radar to support these activities until the National Academies' review of NASA's approach for the survey and deflection of near-Earth objects, including a determination of the role of Arecibo, that was directed to be undertaken by the Fiscal Year 2008 Omnibus Appropriations Act, is completed.*

**SEC. 807. INTERNATIONAL RESOURCES.**

*It is the sense of Congress that, since an estimated 25,000 asteroids of concern have yet to be discovered and monitored, the United States should seek to obtain commitments for cooperation from other nations with significant resources for contributing to a thorough and timely search for such objects and an identification of their characteristics.*

## TITLE IX—COMMERCIAL INITIATIVES

**SEC. 901. SENSE OF CONGRESS.**

*It is the sense of Congress that a healthy and robust commercial sector can make significant contributions to the successful conduct of NASA's space exploration program. While some activities are inherently governmental in nature, there are many other activities, such as routine supply of water, fuel, and other consumables to low Earth orbit or to destinations beyond low Earth orbit, and provision of power or communications services to lunar outposts, that potentially could be carried out effectively and efficiently by the commercial sector at some point in the future. Congress encourages NASA to look for such service opportunities and, to the maximum extent practicable, make use of the commercial sector to provide those services. It is further the sense of Congress that United States entrepreneurial space companies have the potential to develop and deliver innovative technology solutions at affordable costs. NASA is encouraged to use United States entrepreneurial space companies to conduct appropriate research and development activities. NASA is further encouraged to seek ways to ensure that firms that rely on fixed-price proposals are not disadvantaged when NASA seeks to procure technology development.*

**SEC. 902. COMMERCIAL CREW INITIATIVE.**

*(a) IN GENERAL.—In order to stimulate commercial use of space, help maximize the utility and productivity of the International Space Station, and enable a commercial means of providing crew transfer and crew rescue services for the International Space Station, NASA shall—*

*(1) make use of United States commercially provided International Space Station crew transfer and crew rescue services to the maximum extent practicable, if those commercial services have demonstrated the capability to meet NASA-specified ascent, entry, and International Space Station proximity operations safety requirements;*

*(2) limit, to the maximum extent practicable, the use of the Crew Exploration Vehicle to missions carrying astronauts beyond low Earth orbit once commercial crew transfer and crew rescue services that meet safety requirements become operational;*

*(3) facilitate, to the maximum extent practicable, the transfer of NASA-developed technologies to potential United States commercial crew transfer and rescue service providers, consistent with United States law; and*

*(4) issue a notice of intent, not later than 180 days after the date of enactment of this Act, to enter into a funded, competitively awarded Space Act Agreement with 2 or more commercial entities for a Phase 1 Commercial Orbital Transportation Services crewed vehicle demonstration program.*

*(b) CONGRESSIONAL INTENT.—It is the intent of Congress that funding for the program described in subsection (a)(4) shall not come at the expense of full funding of the amounts authorized under section 101(3)(A), and for future fiscal years, for Orion Crew Exploration Vehicle development, Ares I Crew Launch Vehicle development, or International Space Station cargo delivery.*

*(c) ADDITIONAL TECHNOLOGIES.—NASA shall make International Space Station-compatible docking adaptors and other relevant technologies available to the commercial crew providers selected to service the International Space Station.*

*(d) CREW TRANSFER AND CREW RESCUE SERVICES CONTRACT.—If a commercial provider demonstrates the capability to provide International Space Station crew transfer and crew rescue services and to satisfy NASA ascent, entry, and International Space Station proximity operations safety requirements, NASA shall enter into an International Space Station crew transfer and crew rescue services contract with that commercial provider for a portion of NASA's anticipated International Space Station crew transfer and crew rescue requirements from the time the commercial provider commences operations under contract with NASA through calendar year 2016, with an option to extend the period of performance through calendar year 2020.*

## TITLE X—REVITALIZATION OF NASA INSTITUTIONAL CAPABILITIES

**SEC. 1001. REVIEW OF INFORMATION SECURITY CONTROLS.**

*(a) REPORT ON CONTROLS.—Not later than one year after the date of enactment of this Act, the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a review of information security controls that protect NASA's information technology resources and information from inadvertent or deliberate misuse, fraudulent use, disclosure,*

*modification, or destruction. The review shall focus on networks servicing NASA's mission directorates. In assessing these controls, the review shall evaluate—*

*(1) the network's ability to limit, detect, and monitor access to resources and information, thereby safeguarding and protecting them from unauthorized access;*

*(2) the physical access to network resources; and*

*(3) the extent to which sensitive research and mission data is encrypted.*

*(b) RESTRICTED REPORT ON INTRUSIONS.—Not later than one year after the date of enactment of this Act, and in conjunction with the report described in subsection (a), the Comptroller General shall transmit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a restricted report detailing results of vulnerability assessments conducted by the Government Accountability Office on NASA's network resources. Intrusion attempts during such vulnerability assessments shall be divulged to NASA senior management prior to their application. The report shall put vulnerability assessment results in the context of unauthorized accesses or attempts during the prior two years and the corrective actions, recent or ongoing, that NASA has implemented in conjunction with other Federal authorities to prevent such intrusions.*

***SEC. 1002. MAINTENANCE AND UPGRADE OF CENTER FACILITIES.***

*(a) IN GENERAL.—In order to sustain healthy Centers that are capable of carrying out NASA's missions, the Administrator shall ensure that adequate maintenance and upgrading of those Center facilities is performed on a regular basis.*

*(b) REVIEW.—The Administrator shall determine and prioritize the maintenance and upgrade backlog at each of NASA's Centers and associated facilities, and shall develop a strategy and budget plan to reduce that maintenance and upgrade backlog by 50 percent over the next five years.*

*(c) REPORT.—The Administrator shall deliver a report to Congress on the results of the activities undertaken in subsection (b) concurrently with the delivery of the fiscal year 2011 budget request.*

***SEC. 1003. ASSESSMENT OF NASA LABORATORY CAPABILITIES.***

*(a) IN GENERAL.—NASA's laboratories are a critical component of NASA's research capabilities, and the Administrator shall ensure that those laboratories remain productive.*

*(b) REVIEW.—The Administrator shall enter into an arrangement for an independent external review of NASA's laboratories, including laboratory equipment, facilities, and support services, to determine whether they are equipped and maintained at a level adequate to support NASA's research activities. The assessment shall also include an assessment of the relative quality of NASA's in-house laboratory equipment and facilities compared to comparable laboratories elsewhere. The results of the review shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 18 months after the date of enactment of this Act.*

***SEC. 1004. STUDY AND REPORT ON PROJECT ASSIGNMENT AND WORK ALLOCATION OF FIELD CENTERS.***

*(a) STUDY.—*

*(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall complete a study of all field centers of NASA, including the Michoud Assembly Facility.*

*(2) MATTERS STUDIED.—The study required by paragraph (1) shall include the mission and future roles and responsibilities of the field centers, including the Michoud Assembly Facility, described in paragraph (1).*

*(b) REPORT.—*

*(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report on the study required by subsection (a)(1).*

*(2) CONTENT.—The report required by paragraph (1) shall include the following:*

*(A) A comprehensive analysis of the work allocation of all field centers of NASA, including the Michoud Assembly Facility.*

*(B) A description of the program and project roles, functions, and activities assigned to each field center, including the Michoud Assembly Facility.*

*(C) Details on how field centers, including the Michoud Assembly Facility, are selected and designated for lead and support role work assignments (including program and contract management assignments).*

## *TITLE XI—OTHER PROVISIONS*

***SEC. 1101. SPACE WEATHER.***

*(a) PLAN FOR REPLACEMENT OF ADVANCED COMPOSITION EXPLORER AT L–1 LAGRANGIAN POINT.—*

*(1) PLAN.—The Director of OSTP shall develop a plan for sustaining space-based measurements of solar wind from the L–1 Lagrangian point in space and for the dissemination of the data for operational purposes. OSTP shall consult with NASA, NOAA, and other Federal agencies, and with industry, in developing the plan.*

*(2) REPORT.—The Director shall transmit the plan to Congress not later than 1 year after the date of enactment of this Act.*

*(b) ASSESSMENT OF THE IMPACT OF SPACE WEATHER ON AVIATION.—*

*(1) STUDY.—The Director of OSTP shall enter into an arrangement with the National Research Council for a study of the impacts of space weather on the current and future United States aviation industry, and in particular to examine the risks for Over-The-Pole (OTP) and Ultra-Long-Range (ULR) operations. The study shall—*

*(A) examine space weather impacts on, at a minimum, communications, navigation, avionics, and human health in flight;*

*(B) assess the benefits of space weather information and services to reduce aviation costs and maintain safety; and*

*(C) provide recommendations on how NOAA, the National Science Foundation, and other relevant agencies, can most effectively carry out research and monitoring activities related to space weather and aviation.*

*(2) REPORT.—A report containing the results of the study shall be provided to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate not later than 1 year after the date of enactment of this Act.*

***SEC. 1102. INITIATION OF DISCUSSIONS ON DEVELOPMENT OF FRAMEWORK FOR SPACE TRAFFIC MANAGEMENT.***

*(a) FINDING.—Congress finds that as more countries acquire the capability for launching payloads into outer space, there is an increasing need for a framework under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those countries.*

*(b) DISCUSSIONS.—The Administrator shall, in consultation with such other agencies of the Federal Government as the Administrator considers appropriate, initiate discussions with the appropriate representatives of other space-faring countries to determine an appropriate frame-work under which information intended to promote safe access into outer space, operations in outer space, and return from outer space to Earth free from physical or radio-frequency interference can be shared among those nations.*

***SEC. 1103. ASTRONAUT HEALTH CARE.***

*(a) SURVEY.—The Administrator shall administer an anonymous survey of astronauts and flight surgeons to evaluate communication, relationships, and the effectiveness of policies. The survey questions and the analysis of results shall be evaluated by experts independent of NASA. The survey shall be administered on at least a biennial basis.*

*(b) REPORT.—The Administrator shall transmit a report of the results of the survey to Congress not later than 90 days following completion of the survey.*

***SEC. 1104. NATIONAL ACADEMIES DECADAL SURVEYS.***

*(a) IN GENERAL.—The Administrator shall enter into agreements on a periodic basis with the National Academies for independent assessments, also known as decadal surveys, to take stock of the status and opportunities for Earth and space science discipline fields and Aeronautics research and to recommend priorities for research and programmatic areas over the next decade.*

*(b) INDEPENDENT COST ESTIMATES.—The agreements described in subsection(a) shall include independent estimates of the life cycle costs and technical readiness of missions assessed in the decadal surveys whenever possible.*

*(c) REEXAMINATION.—The Administrator shall request that each National Academies decadal survey committee identify any conditions or events, such as significant cost growth or scientific or technological advances, that would warrant NASA asking the National Academies to reexamine the priorities that the decadal survey had established.*

***SEC. 1105. INNOVATION PRIZES.***

*(a) IN GENERAL.—Prizes can play a useful role in encouraging innovation in the development of technologies and products that can assist NASA in its aeronautics and space activities, and the use of such prizes by NASA should be encouraged.*

*(b) AMENDMENTS.—Section 314 of the National Aeronautics and Space Act of 1958 is amended—*

*(1) by amending subsection (b) to read as follows:*

*''(b) TOPICS.—In selecting topics for prize competitions, the Administrator shall consult widely both within and outside the Federal Government, and may empanel advisory committees. The Administrator shall give consideration to prize goals such as the demonstration of the ability to provide energy to the lunar surface from space-based solar power systems, demonstration of innovative near-Earth object survey and deflection strategies, and innovative approaches to improving the safety and efficiency of aviation systems.''; and*

*(2) in subsection (i)(4) by striking ''$10,000,000'' and inserting ''$50,000,000''.*

***SEC. 1106. COMMERCIAL SPACE LAUNCH RANGE STUDY.***

*(a) STUDY BY INTERAGENCY COMMITTEE.—The Director of OSTP shall work with other appropriate Federal agencies to establish an interagency committee to conduct a study to—*

*(1) identify the issues and challenges associated with establishing space launch ranges and facilities that are fully dedicated to commercial space missions in close proximity to Federal launch ranges or other Federal facilities; and*

*(2) develop a coordinating mechanism such that States seeking to establish such commercial space launch ranges will be able to effectively and efficiently interface with the Federal Government concerning issues related to the establishment of such commercial launch ranges in close proximity to Federal launch ranges or other Federal facilities.*

*(b) REPORT.—The Director shall, not later than May 31, 2010, submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study conducted under subsection (a).*

**SEC. 1107. NASA OUTREACH PROGRAM.**

(a) ESTABLISHMENT.—NASA shall competitively select an organization to partner with NASA centers, aerospace contractors, and academic institutions to carry out a program to help promote the competitiveness of small, minority-owned, and women-owned businesses in communities across the United States through enhanced insight into the technologies of NASA's space and aeronautics programs. The program shall support the mission of NASA's Innovative Partnerships Program with its emphasis on joint partnerships with industry, academia, government agencies, and national laboratories.

(b) PROGRAM STRUCTURE.—In carrying out the program described in subsection (a), the organization shall support the mission of NASA's Innovative Partnerships Program by undertaking the following activities:

(1) Facilitating the enhanced insight of the private sector into NASA's technologies in order to increase the competitiveness of the private sector in producing viable commercial products.

(2) Creating a network of academic institutions, aerospace contractors, and NASA centers that will commit to donating appropriate technical assistance to small businesses, giving preference to socially and economically disadvantaged small business concerns, small business concerns owned and controlled by service-disabled veterans, and HUBZone small business concerns. This paragraph shall not apply to any contracting actions entered into or taken by NASA.

(3) Creating a network of economic development organizations to increase the awareness and enhance the effectiveness of the program nationwide.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Administrator shall submit a report to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the efforts and accomplishments of the program established under subsection (a) in support of NASA's Innovative Partnerships Program. As part of the report, the Administrator shall provide—

(1) data on the number of small businesses receiving assistance, jobs created and retained, and volunteer hours donated by NASA, contractors, and academic institutions nationwide;

(2) an estimate of the total dollar value of the economic impact made by small businesses that received technical assistance through the program; and

(3) an accounting of the use of funds appropriated for the program.

**SEC. 1108. REDUCTION-IN-FORCE MORATORIUM.**

NASA shall not initiate or implement a reduction-in-force, or conduct any other involuntary separations of permanent, non-Senior Executive Service, civil servant employees before December 31, 2010, except for cause on charges of misconduct, delinquency, or inefficiency.

**SEC. 1109. PROTECTION OF SCIENTIFIC CREDIBILITY, INTEGRITY, AND COMMUNICATION WITHIN NASA.**

(a) SENSE OF THE CONGRESS.—It is the sense of Congress that NASA should not dilute, distort, suppress, or impede scientific research or the dissemination thereof.

(b) STUDY.—Within 60 days after the date of enactment of this Act, the Comptroller General shall—

(1) initiate a study to be completed within 270 days to determine whether the regulations set forth in part 1213 of title 14, Code of Federal Regulations, are being implemented in a clear and consistent manner by NASA to ensure the dissemination of research; and

(2) transmit a report to the Congress setting forth the Comptroller General's findings, conclusions, and recommendations.

(c) RESEARCH.—The Administrator shall work to ensure that NASA's policies on the sharing of climate related data respond to the recommendations of the Government Accountability Office's report on climate change research and data-sharing policies and to the recommendations on the processing, distribution, and archiving of data by the National Academies Earth Science Decadal Survey, ''Earth Science and Applications from Space'', and other relevant National Academies reports, to enhance and facilitate their availability and widest possible use to ensure public access to accurate and current data on global warming.

**SEC. 1110. SENSE OF CONGRESS REGARDING THE NEED FOR A ROBUST WORKFORCE.**

It is the sense of Congress that—

(1) a robust and highly skilled workforce is critical to the success of NASA's programs;

(2) voluntary attrition, the retirement of many senior workers, and difficulties in recruiting could leave NASA without access to the intellectual capital necessary to compete with its global competitors; and

(3) NASA should work cooperatively with other agencies of the United States Government responsible for programs related to space and the aerospace industry to develop and implement policies, including those with an emphasis on improving science, technology, engineering, and mathematics education at all levels, to sustain and expand the diverse workforce available to NASA.

**SEC. 1111. METHANE INVENTORY.**

Within 12 months after the date of enactment of this Act, the Director of OSTP, in conjunction with the Administrator, the Administrator of NOAA, and other appropriate Federal agencies and academic institutions, shall develop a plan, including a cost estimate and timetable, and initiate an inventory of natural methane stocks and fluxes in the polar region of the United States.

**SEC. 1112. EXCEPTION TO ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.**

Section 526(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17142(a)) does not prohibit NASA from entering into a contract to purchase a generally available fuel that is not an alternative or synthetic fuel or predominantly produced from a nonconventional petroleum source, if—

(1) the contract does not specifically require the contractor to provide an alternative or synthetic fuel or fuel from a nonconventional petroleum source;

(2) the purpose of the contract is not to obtain an alternative or synthetic fuel or fuel from a nonconventional petroleum source; and

(3) the contract does not provide incentives for a refinery upgrade or expansion to allow a refinery to use or increase its use of fuel from a nonconventional petroleum source.

**SEC. 1113. SENSE OF CONGRESS ON THE IMPORTANCE OF THE NASA OFFICE OF PROGRAM ANALYSIS AND EVALUATION.**

(a) OFFICE OF PROGRAM ANALYSIS AND EVALUATION.—It is the sense of Congress that it is important for NASA to maintain an Office of Program Analysis and Evaluation that has as its mission:

(1) To develop strategic plans for NASA in accordance with section 306 of title 5, United States Code.

(2) To develop annual performance plans for NASA in accordance with section 1115 of title 31, United States Code.

(3) To provide analysis and recommendations to the Administrator on matters relating to the planning and programming phases of the Planning, Programming, Budgeting, and Execution system of NASA.

(4) To provide analysis and recommendations to the Administrator on matters relating to acquisition management and program oversight, including cost-estimating processes, contractor cost reporting processes, and contract performance assessments.

(b) OBJECTIVES.—It is further the sense of Congress that in performing those functions, the objectives of the Office should be the following:

(1) To align NASA's mission, strategic plan, budget, and performance plan with strategic goals and institutional requirements of NASA.

(2) To provide objective analysis of programs and institutions of NASA—

(A) to generate investment options for NASA; and

(B) to inform strategic decision making in NASA.

(3) To enable cost-effective, strategically aligned execution of programs and projects by NASA.

(4) To perform independent cost estimation in support of NASA decision making and establishment of standards for agency cost analysis.

(5) To ensure that budget formulation and execution are consistent with strategic investment decisions of NASA.

(6) To provide independent program and project reviews that address the credibility of technical, cost, schedule, risk, and management approaches with respect to available resources.

(7) To facilitate progress by NASA toward meeting the commitments of NASA.

**SEC. 1114. SENSE OF CONGRESS ON ELEVATING THE IMPORTANCE OF SPACE AND AERONAUTICS WITHIN THE EXECUTIVE OFFICE OF THE PRESIDENT.**

It is the sense of Congress that the President should elevate the importance of space and aeronautics within the Executive Office of the President by organizing the interagency focus on space and aeronautics matters in as effective a manner as possible, such as by means of the National Space Council authorized by section 501 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1989 (42 U.S.C. 2471) or other appropriate mechanisms.

**SEC. 1115. STUDY ON LEASING PRACTICES OF FIELD CENTERS.**

(a) STUDY.—Not later than 180 days after the date of enactment of this Act, the Administrator shall complete a study on the leasing practices of all field centers of NASA, including the Michoud Assembly Facility. Such study shall include the following:

(1) The method by which overhead maintenance expenses are distributed among tenants of such field centers.

(2) Identification of the impacts of such method on attracting businesses and partnerships to such field centers.

(3) Identification of the steps that can be taken to mitigate any adverse impacts identified under paragraph (2).

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the study required by subsection (a), including the following:

(1) The findings of the Administrator with respect to such study.

(2) A description of the impacts identified under subsection (a)(2).

(3) The steps identified under subsection (a)(3).

**SEC. 1116. COOPERATIVE UNMANNED AERIAL VEHICLE ACTIVITIES.**

The Administrator, in cooperation with the Administrator of NOAA and in coordination with other agencies that have existing civil capabilities, shall continue to utilize the capabilities of unmanned aerial vehicles as appropriate in support of NASA and interagency cooperative missions. The Administrator may enter into cooperative agreements with universities with unmanned aerial vehicle programs and related assets to conduct collaborative research and development activities, including development of appropriate applications of small unmanned aerial vehicle technologies and systems in remote areas.

**SEC. 1117. DEVELOPMENT OF ENHANCED-USE LEASE POLICY.**

*(a) IN GENERAL.—The Administrator shall develop an agency-wide enhanced-use lease policy that—*

*(1) is based upon sound business practices and lessons learned from the demonstration centers; and*

*(2) establishes controls and procedures to ensure accountability and protect the interests of the Government.*

*(b) CONTENTS.—The policy required by subsection (a) shall include the following:*

*(1) Criteria for determining whether enhanced-use lease provides better economic value to the Government than other options, such as—*

*(A) Federal financing through appropriations; or*

*(B) sale of the property.*

*(2) Requirement for the identification of proposed physical and procedural changes needed to ensure security and restrict access to specified areas, coordination of proposed changes with existing site tenants, and development of estimated costs of such changes.*

*(3) Measures of effectiveness for the enhanced-use lease program.*

*(4) Accounting controls and procedures to ensure accountability, such as an audit trail and documentation to readily support financial transactions.*

*(c) ANNUAL REPORT.—Section 315(f) of the National Aeronautics and Space Administration Act of 1958 (42 U.S.C. 2459j(f)) is amended to read as follows:*

*''(f) REPORTING REQUIREMENTS.—The Administrator shall submit an annual report by January 31st of each year. Such report shall include the following:*

*''(1) Information that identifies and quantifies the value of the arrangements and expenditures of revenues received under this section.*

*''(2) The availability and use of funds received under this section for the Agency's operating plan.''.*

*(d) DISTRIBUTION OF CASH CONSIDERATION RECEIVED.—*

*(1) IN GENERAL.—Section 315(b)(3)(B) of such Act (42 U.S.C. 2459j(b)(3)(B)) is amended to read as follows:*

*''(B) Of any amounts of cash consideration received under this subsection that are not utilized in accordance with subparagraph (A)—*

*''(i) 35 percent shall be deposited in a capital asset account to be established by the Administrator, shall be available for maintenance, capital revitalization, and improvements of the real property assets and related personal property under the jurisdiction of the Administrator, and shall remain available until expended; and*

*''(ii) the remaining 65 percent shall be available to the respective center or facility of the Administration engaged in the lease of nonexcess real property, and shall remain available until expended for maintenance, capital revitalization, and improvements of the real property assets and related personal property at the respective center or facility subject to the concurrence of the Administrator.''.*

*(2) CONFORMING AMENDMENTS.—Section 533 of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1931) is amended—*

*(A) by amending subsection (b)(4) to read as follows:*

*''(4) in paragraph (2), as redesignated by paragraph (3) of this subsection, by adding at the end the following new subparagraph:*

*'''(C) Amounts utilized under subparagraph (B) may not be utilized for daily operating costs.'.''; and*

*(B) in subsection (d)—*

*(i) by striking ''the following new subsection (f)'' and inserting ''the following new subsection''; and*

*(ii) in the quoted matter, by redesignating subsection (f) as subsection (g).*

**SEC. 1118. SENSE OF CONGRESS WITH RESPECT TO THE MICHOUD ASSEMBLY FACILITY AND NASA'S OTHER CENTERS AND FACILITIES.**

*It is the sense of Congress that the Michoud Assembly Facility represents a unique resource in the facilitation of the Nation's exploration programs and that every effort should be made to ensure the effective utilization of that resource, as well as NASA's other centers and facilities.*

**SEC. 1119. REPORT ON U.S. INDUSTRIAL BASE FOR LAUNCH VEHICLE ENGINES.**

*Not later than 180 days after the date of Enactment of this Act, the Director of the Office of Science and Technology Policy shall submit to Congress a report setting forth the assessment of the Director as to the capacity of the United States industrial base for development and production of engines to meet United States Government and commercial requirements for space launch vehicles. The Report required by this section shall include information regarding existing, pending, and planned engine developments across a broad spectrum of thrust capabilities, including propulsion for sub-orbital, small, medium, and heavy-lift space launch vehicles.*

**SEC. 1120. SENSE OF CONGRESS ON PRECURSOR INTERNATIONAL SPACE STATION RESEARCH.**

*It is the Sense of Congress that NASA is taking positive steps to utilize the Space Shuttle as a platform for precursor International Space Station research by maximizing to the extent practicable the use of middeck accommodations, including soft stowage, for near-term scientific and commercial applications on remaining Space Shuttle flights, and the Administrator is strongly encouraged to continue to promote the effective utilization of the Space Shuttle for precursor research within the constraints of the International Space Station assembly requirements.*

**SEC. 1121. LIMITATION ON FUNDING FOR CONFERENCES.**

*(a) IN GENERAL.—There are authorized to be appropriated not more than $5,000,000 for any expenses related to conferences, including conference programs, travel costs, and related expenses. No funds authorized under this Act may be used to support a Space Flight Awareness Launch Honoree Event conference. The total amount of the funds available under this Act for other Space Flight Awareness Honoree-related activities in fiscal year 2009 may not exceed ½ of the total amount of funds from all sources obligated or expended on such activities in fiscal year 2008.*

*(b) QUARTERLY REPORTS.—The Administrator shall submit quarterly reports to the Inspector General of NASA regarding the costs and contracting procedures relating to each conference held by NASA during fiscal year 2009 for which the cost to the Government is more than $20,000. Each report shall include, for each conference described in that subsection held during the applicable quarter—*

*(1) a description of the subject of and number of participants attending, the conference, including the number of NASA employees attending and the number of contractors attending at agency expense;*

*(2) a detailed statement of the costs to the Government relating to the conference, including—*

*(A) the cost of any food or beverages;*

*(B) the cost of any audio-visual services; and*

*(C) a discussion of the methodology used to determine which costs relate to the conference; and*

*D) cost of any room, board, travel, and per diem expenses; and*

*(3) a description of the contracting procedures relating to the conference, including—*

*(A) whether contracts were awarded on a competitive basis for that conference; and*

*(B) a discussion of any cost comparison conducted by NASA in evaluating potential contractors for that conference.*

**SEC. 1122. REPORT ON NASA EFFICIENCY AND PERFORMANCE.**

*(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report that contains a review of NASA programs and associated activities with an annual funding level of more than $50,000,000 that appear to be similar in scope and purpose to other activities within the Federal government, that includes—*

*(1) a brief description of each NASA program reviewed and its subordinate activities;*

*(2) the annual and cumulative appropriation amounts expended for each program reviewed and its subordinate activities since fiscal year 2005;*

*(3) a brief description of each Federal program and its subordinate activities that appears to have a similar scope and purpose to a NASA program; and*

*(4) a review of the formal and informal processes by which NASA coordinates with other Federal agencies to ensure that its programs and activities are not duplicative of similar efforts within the Federal government and that the programs and activities meet the core mission of NASA, and the degree of transparency and accountability afforded by those processes.*

*(b) DUPLICATIVE PROGRAMS.—If the Comptroller General determines, under subsection (a)(4), that any deficiency exists in the NASA procedures intended to avoid or eliminate conflict or duplication with other Federal agency activities, the Comptroller General shall include a recommendation as to how such procedures should be modified to ensure similar programs and associated activities can be consolidated, eliminated, or streamlined within NASA or within other Federal agencies to improve efficiency.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. GORDON) and the gentleman from Texas (Mr. HALL) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. GORDON of Tennessee. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6063, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. GORDON of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to speak in strong support of H.R. 6063, the NASA Authorization Act of 2008, as amended by the Senate. As you know, the House first passed H.R. 6063 on June 18 by an overwhelming vote of 409–15. After receiving this strong bipartisan mandate, we worked with our counterparts in the Senate over the summer to ensure that the legislation before us today would continue to reflect the priorities and policies endorsed by this body.

I believe that we succeeded in that effort, and I want to express my appreciation to the Space and Aeronautics Subcommittee Chair, Mr. MARK UDALL, for his leadership in introducing this

bill and successfully shepherding it through the legislative process.

I also want to thank my friends on the minority, Ranking Member RALPH HALL and subcommittee Ranking Member TOM FEENEY for their constructive participation in the development of this legislation. Of course, I want to express my appreciation to Senators BILL NELSON and DAVID VITTER for their efforts in helping to forge the bipartisan compromise that we will be voting on today.

Finally, I want to thank the House and Senate staff on both sides of the aisle who tirelessly supported our efforts to get this legislation developed and enacted. In that regard I want to specifically recognize Dick Obermann, the staff director of the Space and Aeronautics Subcommittee; Pam Whitney, Allen Li, Devin Bryant, John Piazza and Wendy Adams of the committee's majority staff; as well as Ed Feddeman, Ken Monroe, Lee Arnold and Katy Crooks of the committee's minority staff.

Mr. Speaker, I believe that the characterization of H.R. 6063 that I gave back in June is still very valid. The legislation before us today retains the key provisions and principles of that earlier version of the bill. As a result, I will not spend our limited time today describing the provisions of H.R. 6063 in detail. Instead, I would simply like to make the following points.

H.R. 6063 is a fiscally responsible measure that sends a strong message to the next administration that Congress believes that investing in a balanced NASA program of science, aeronautics and human space flight and exploration is important and worthy of our Nation's support. I think that it is a valuable message for this Congress to send, especially as we witness the emergence of other spacefaring nations in the world who clearly recognize the value of such investments.

This bill contains a number of provisions to ensure that NASA has properly structured human space flight, science and exploration programs that can deliver significant technological, scientific and geopolitical benefits to this Nation.

H.R. 6063 also demonstrates that NASA's capabilities and programs are relevant to meeting our needs back here on Earth and that properly utilized, those capabilities and programs can deliver a significant societal economic return to our investment in NASA.

This legislation includes provisions to ensure the future health of the Nation's aviation system and to develop the tools needed to better understand and respond to the challenges of climate change and the contribution to achievement of our Nation's innovative agenda

The bill before us today is not identical to the one we passed in June, although it certainly retains the key provisions of the earlier version of this legislation. For example, it did not prove possible to retain the OSTP study of the impact of current export policies on commercial and civil space activities. I think it is very important that such a review occur, and I am disappointed that the provisions had to be dropped. But I am encouraged that there is likely to be movement on this issue once the next administration takes office.

In terms of additions to the earlier versions of H.R. 6063, this bill contains a prohibition against NASA taking any steps prior to April 30th of next year that would preclude the President from being able to continue to fly the Space Shuttle past 2010. That provision should not be construed as a congressional endorsement of extending the life of the shuttle program beyond the additional flight added by this bill to deliver the AMS to the International Space Station. Rather, it reflects our common belief that the decision of whether or not to extend the shuttle past its planned 2010 retirement date should be left to the next President and Congress, especially since both of the Presidential candidates have asked for that flexibility to make that decision.

In addition, NASA has indicated that delaying the shuttle shutdown activities until at least April 30 of next year will not impose additional costs on the agency. So, on balance, I believe this is a reasonable provision to include in this amended version of H.R. 6063.

Mr. Speaker, the House-passed version of H.R. 6063 was endorsed by a host of organizations, ranging from the Association of American Universities to the National Association of Manufacturers. I believe that they would agree that H.R. 6063, as amended by the Senate, is equally worthy of that support.

As I mentioned earlier, we have worked hard to retain the key features of the House-passed bill, and I believe we are were successful in that effort.

Mr. Speaker, next Wednesday marks the 50th anniversary of the day that the National Aeronautics and Space Administration officially opened for business. I can think of no more fitting birthday present that Congress could bestow than this legislation, the NASA Authorization Act of 2008, because it provides direction and support for the agency that will enable NASA during the next 50 years to be as productive and exciting as it was in the last 50 years.

With that, I urge my colleagues to vote to suspend the rules and pass H.R. 6063 by an overwhelming margin so that we can send it on to the President for his signature.

I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

I honor Chairman GORDON for pointing out that this year marks the 50th anniversary of the National Aeronautics and Space Administration. We refer to it as NASA. It is a good time to reflect on really how far our Nation has come in a half century, but it is also an opportunity to reaffirm our commitment to space flight and innovation.

H.R. 6063 authorizes NASA for fiscal year 2009. It is the product of close bipartisan and bicameral consultation and cooperation, and I urge its support.

H.R. 6063 is a 1-year authorization. The intent of the bill is to keep NASA on its current path towards completing the International Space Station, transitioning between the Space Shuttle and the next crew vehicle, and maintaining a balanced set of science and aeronautics research programs. It also reaffirms Congress' long-standing commitment to NASA and to its programs.

But by being a 1-year bill, H.R. 6063 is designed to give the next President an opportunity to work with the next Congress in order to fashion a long-term strategy that is consistent with the administration's desires, as well as Congress.

H.R. 6063 contains a number of important provisions. It authorizes $20.2 billion for NASA for FY 2009, including $1 billion to accelerate development of the new *Constellation* crew vehicle launch system as a replacement for the space shuttle. This new launch system will provide our country with a modern, more robust and safer manned space flight capability that will enable our astronauts to fly out of low Earth orbit, an ability we haven't had since the retirements of *Apollo* over 30 years ago.

As we are debating the bill today, China has three men in orbit and the scheduled space walk took place earlier today. They are fast accelerating their space capabilities, and if we are to remain the leader in space exploration, we must continue to innovate and accelerate our programs.

As most of you are aware, there is currently a substantial gap, as much as 5 years, between retiring the shuttle and bringing the next crew launch system online. During this gap, our Nation will be in the untenable position of relying on Russia to assure a U.S. presence on the international space station. I find this unacceptable. Therefore, I am pleased that this bill authorizes extra funding for the new launch system, thereby taking a step toward closing the gap and reducing our dependence on foreign partners.

As this is only a 1-year bill, I look forward to working with the next administration to find further solutions to close the gap and preserve our own human space flight capabilities.

The bill also includes a number of provisions to encourage NASA, working with the private sector, to foster development of domestic commercial cargo launch capability primarily designed to take supplies to the Space Station. In addition, H.R. 6063 includes language directing NASA to solicit for commercial crew launch capability. Both of these provisions confirm our commitment to advancing American

space capabilities rather than relying on foreign nations.

In addition to human space flight, the bill also advances a balanced and robust space science, Earth science and aeronautics program. It embraces a number of recommendations that were put forth by witnesses from government, from industry, and I could name them, who testified at hearings before our committee over the previous 18 months.

These are sensible provisions designed to strengthen aeronautics, space science and Earth science research programs, encourage technology risk reduction policies and activities, foster efficient technology transfer from NASA to other Federal agencies and to the private sector, detect and mitigate the threat of near-Earth objects and research and monitor the effect of space weather on satellites.

The list is not exhaustive, but I want to mention these few examples to emphasize to all Members the breadth of this bill and how it improves upon many of NASA's activities and programs. Suffice it to say that NASA is one of the most exciting and innovative Federal agencies, and it serves as a huge inspiration to our young people to take a serious interest in math and science education.

□ 1415

It also continues to inspire Americans, and it draws the admiration of nations worldwide.

On the fiftieth anniversary of NASA, we should all be proud of what our Nation has accomplished in the last half century. We should boldly push forward with the excitement, support and anticipation for what the next 50 years hold. I am convinced that our greatest accomplishment lies in the frontiers ahead.

I want to thank Chairman GORDON and his staff. I want to thank my staff, Ed Feddeman and Ken Monroe. They worked closely with Dick Obermann.

I also want to acknowledge the work of Senator KAY BAILEY HUTCHISON and her capable staff. It's a good organization, and I appreciate all of them.

Mr. Speaker, I reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 5 minutes to my friend from Colorado (Mr. UDALL) the chairman of the subcommittee and thank him for his good work on this legislation.

(Mr. UDALL of Colorado asked and was given permission to revise and extend his remarks.)

Mr. UDALL of Colorado. Mr. Speaker, I support the passage of H.R. 6063, the NASA Reauthorization Act of 2008, as amended by the Senate. H.R. 6063 provides important direction and ensures the leadership of the United States civil space programs and provides the next president with congressional priorities for America's future in aeronautics and civil space activities.

I am very proud that this legislation has been a bipartisan effort every step of the way. Our bill passed quickly through the committee process, and on June 18 of this year, H.R. 6063 passed the House by the overwhelming margin of 409–15.

Since that House passage, we have worked with our colleagues in the Senate to craft a final version that reflects the concerns and interests of Members in both Chambers of Congress. I am pleased that the Senate yesterday passed H.R. 6063, as amended, by unanimous consent.

I would like to thank Chairman GORDON, Ranking Member HALL and subcommittee Ranking Member FEENEY for their support and hard work on this bill.

I think a special acknowledgment is due Congressman LAMPSON, who represents the great City of Houston, and who has been tireless in his support of NASA.

I also wanted to point out, I think, the great model that Congressman HALL and Congressman GORDON present us here in our House, where they work together in a bipartisan fashion to make sure that NASA thrives, and is nurtured, and is in a position to excel in the years in front of us.

I also want to also take a minute and thank the excellent staff on both the majority and minority side for their outstanding work. On the Democratic side of the aisle, Dick Obermann, Pam Whitney, Allen Li, and Devin Bryant have all been instrumental in moving this bill forward, as has Wendy Adams on my personal staff.

I want to make special mention of Wendy. I know she is here on a Saturday, giving the extra effort that always characterizes her work on behalf of the committee and, in particular, the subcommittee.

I also wanted to take another bit of time and mention Dick Obermann and tell him how much I respect him and how much I have enjoyed working with him on all my years on the committee. He is, as everybody knows in this House, the epitome of professionalism. The House, the aerospace community, and I would say our country is fortunate to have his talents and intelligence and work ethic deployed on behalf of all of us. Dick, I will miss you and look forward to working with you wherever I am next year.

On the minority side, I want to thank Ed Feddeman, Kim Monroe and Lee Arnold for their efforts as well. We have truly worked together in a bipartisan fashion.

Now while the amended bill leaves out a set of House-passed provisions, I am confident that H.R. 6063, as amended, remains a good bill and puts NASA in the civil space program on a path that will help ensure our leadership in aerospace and aeronautics.

This year, as has been mentioned, we celebrate the 50th anniversary of the U.S. space program and the creation of the National Aeronautics and Space Administration. NASA has achieved remarkable accomplishments over the past decades in science and aeronautics and human space flight. All of us here want to ensure that the next 50 years of our space program are equally bright.

This is a very good bill. I urge my colleagues to pass it, as amended, to ensure continued United States leadership in NASA's science, aeronautics and human space flight and exploration programs.

Mr. HALL of Texas. Mr. Speaker, I might add on to the gentleman's statement about Mr. Obermann. I think I am the one that employed him. When I switched to be a Republican, I was going to try to make a Republican out of him, but I don't think I would have been able to do that.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong support of the NASA Authorization Act, H.R. 6063. I would like to salute Chairman BART GORDON and Ranking Member RALPH HALL and Subcommittee Chairman UDALL and Ranking Member FEENEY.

They have done a terrific job this year. There has been no better example of bipartisan cooperation and a spirit of goodwill that I have ever found in this Congress than what I have found in these last 2 years on this committee. I salute all those who are involved, and I am very proud to be part of this team.

Space-based assets have become such a part of our way of life that quite often they are taken for granted. Just recently, when we experienced hurricanes and noted the damage that was done by these great natural catastrophes, sometimes people forget how much worse it would have been had we not been tracking these hurricanes as they headed towards populated areas.

We were able to save many thousands of lives and save many billions of dollars in damage because we have had space-based assets that permitted us to be able to make that contribution to our fellow human beings, saving their lives and property in the face of an oncoming storm by giving them adequate warning.

We also know that today our telephone calls are cheap, and they are clear. But this is dramatically different than what it was before we had space-based assets up there taking care of our communications.

The fact is that space-based assets have permitted people to take time and to communicate with their loved ones. We talk about our country when we talk about life, liberty, and the pursuit of happiness, talking to your grandfather, or letting your children talk to their grandparents on the phone.

When I was a kid, it cost maybe $5 or $6, and you could barely hear on the phone. You could barely hear. It was so expensive, you called once a month at the most. Now people can talk to their loved ones. Space-based assets have

done this, have increased our happiness, our level of happiness in this world.

Again, those communications satellites also have brought down the cost of entertainment, as we know. The fact is, the competition the space-based assets have given to the cable industry have brought down that cost.

GPS guides us to our locations, whether we are talking about jets or talking about automobiles, or even where farmers will plant their crops. Space-based assets are making such a difference in our lives.

Of course, space-based assets are making America much safer. When we meet adversaries overseas, our people have that advantage. It's keeping us free, it's keeping us safe.

Of course, when you talk about safety, I have been particularly interested in ensuring that we pay attention to the potential threat posed by near-Earth objects. NASA, of course, has tracked and catalogued over 90 percent of those objects in space that could destroy the human race, and we are very grateful for that job. But that leaves, of course, thousands of space objects that could cause horrendous damage and loss of life that still need to be tracked.

This bill authorizes $2 million to keep the Arecibo telescope functioning. That Arecibo telescope in Puerto Rico is essential to this element of safety that we are providing by tracking near-Earth objects.

As I say, without the telescope, there may be, perhaps, something, if we learned early enough that we could deflect that might come here and kill millions of people. We are paying attention to this. This NASA authorization takes a step in the right direction there in keeping the Arecibo telescope alive.

We should be cooperating in space. All of these things cost money, and other countries have benefited by our research. We need to cooperate with Europe, Japan, Russia, and other countries to make sure that we can accomplish what we can do more by joining them than if we were alone in this.

However, that cooperation does not mean that we should not continue to be the leaders in space activity. We will no longer be the leading power on the Earth unless we are the leading power in space.

This is the 50th anniversary of NASA, and it is fitting that we set our sights on continuing to be the world's leading power in space. We can lead humankind into a better era. We have done that in the cause of human freedom. We will do that in the cause of technology and human development.

I stand here with pride and join my colleagues. I salute them for all the hard work they have done and in asking my colleagues to join me in authorizing NASA in this legislation.

Mr. GORDON of Tennessee. Let me first thank my friend from California for his great contribution to our committee. As a former chairman of this subcommittee, he is both knowledgeable and always very helpful.

I would like to now yield 3 minutes to a very enthusiastic supporter of NASA from Houston, Texas, the chairman of the Energy subcommittee, Mr. LAMPSON.

Mr. LAMPSON. Thank you, Chairman GORDON, for giving me the time and also for the good work that you have done, not just in this bill, but in guiding this committee, this Science Committee, for a long period of time and the great successes, also, to Chairman UDALL in working with you on this committee; Ranking Members HALL and FEENEY for the work that you all have done and staff, obviously, in putting together, not just a good bill here, but making it a pleasure to work on the Science Committee for the last 2 years.

Mr. Speaker, I rise in very strong support of this NASA Authorization Act. The $20 billion authorization demonstrates Congress' real commitment to a NASA that can fully address exploration and scientific discovery.

I just read an article about the Chinese cheering as astronauts made their first space walk last night. It reminded me of what we have done over the last many decades, five decades, to be fairly precise, and how we seem to have lost some of the commitment, because we have seen the budget of NASA decline in the last many years from about 6 percent of our Nation's budget to about six-tenths of a percent of our Nation's budget.

When you recognize that NASA inspires children to study math, science, and engineering and see that we have slipped in relation to other places in the world, some say because of that, maybe we really need another crisis. We need another Sputnik to inspire us to recommit ourselves to what we can learn in space and what we can do in exploration and science in space.

Well, I maintain that we have those beeps that some of us heard from Sputnik in 1957, that every time something occurs like China's having its own space walker now, or another nation launching some special craft or accomplishing some other task, each one of those events is, indeed, a beep of that Sputnik that we heard in 1957. We need to make NASA a priority again in this country, because it has such an impact on our standing in the world, our knowledge and inspiration for children and certainly our own standard of living.

I would mention two other programs that are included in this bill. One is called the Space Technical Alliance Outreach Program authorized in this bill. It helps small businesses grow, it creates jobs, contributes to our economy, as do many other things in the bill; as well as a little bitty program like allowing children in their own schools here on Earth to be able to take pictures from space that ultimately inspire them to want to study, and do study, more on those areas of math and science and engineering.

I encourage each of my colleagues to vote positively on this bill and send a strong signal that we are committed to space and exploration.

Mr. HALL of Texas. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I yield 2 minutes to my friend from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman.

Mr. Speaker, I rise in strong support of H.R. 6063, the NASA Authorization Act of 2008.

I want to thank the committee chairman, BART GORDON, and the subcommittee chairman, MARK UDALL, for putting together this effective package and my friends on the other side of the aisle for their support of it as well.

□ 1430

This bill authorizes funds and specifies policy guidance that will keep NASA's centers, which are the heart of the agency, healthy and financially strong.

H.R. 6063 provides $1 billion to accelerate the completion of the next generation of manned vehicles that will replace the Space Shuttle. I am proud to say the world class facility at the NASA Glenn Research Center in my district will play a lead role in maintaining key aspects of tomorrow's space program.

NASA Glenn also specializes in aeronautics basic research. This bill continues the record of excellence by providing $853 million for aeronautics, a 35 percent increase over fiscal year 2008.

But the reason for NASA's historical and continued successes are its workers. They have brought NASA unparalleled repute around the world, turning it into an icon of intelligence and innovation. That is why this bill's most important provisions are those that protect workers.

I want to thank the chairman of the Federal Workforce Subcommittee, DANNY DAVIS, for working with me on two critical workforce provisions that are included in this bill. The most important provision is an extension of a ban on layoffs until at least 2011. Since announcing the ambitious vision for space exploration, the administration has, unfortunately, underfunded NASA. But with equal consistency in a bipartisan way, Congress has rejected these cuts and layoffs.

Layoffs undermine not only workers' lives and mission of the agency, but also the regional economy. According to researchers at Cleveland State University, NASA Glenn in Brook Park generated a demand for products and services of $955 million and was responsible for over 6,000 jobs in northeast Ohio in 2006.

This bill will also temporarily extend health care benefits for employees in transition. The sudden loss of health care coverage is a major factor currently discouraging employees from

taking a buyout. The provision would be helpful in fostering a respectful workforce transition plan during this time at NASA.

Again, this is a bipartisan bill. I want to thank the Ohio delegation for supporting our establishment as well as this Congress for the work that they have done on this.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. GORDON of Tennessee. Mr. Speaker, I will quickly conclude by saying that just because we have all talked nice here today and been civil and we have a bipartisan bill, doesn't mean that this was not a difficult bill to put together. A lot of work went into this, a lot of respectful collaboration on a bipartisan way. We have a good bill. I thank my friends for helping.

Mr. GORDON of Tennessee. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. GORDON) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 6063.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## HONORING AND SUPPORTING THE HADLEY SCHOOL FOR THE BLIND

Mr. ALTMIRE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of H. Res. 875 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. LAMPSON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the resolution is as follows:

H. RES. 875

Whereas Mr. William A. Hadley, a high school teacher who lost his vision at the age of 55, and ophthalmologist Dr. E.V.L. Brown first welcomed students to the Hadley School for the Blind in 1920;

Whereas the Hadley School for the Blind's mission is to promote independent living through lifelong, distance education programs for blind people, their families and blindness service providers;

Whereas over the past 87 years, the Hadley School has grown to have an annual enrollment of more than 10,000 students from all 50 states and 100 countries;

Whereas the Hadley School for the Blind has a high school degree program, an adult continuing study program, and in 2008 will be launching the Hadley School for Professional Studies;

Whereas the Hadley School for the Blind offers a wide range of distance education courses for blind or visually impaired individuals who are at least 14 years of age, relatives of blind or visually impaired children, family members of blind or visually impaired adults, and professionals in the blindness field;

Whereas there are more than 90 courses offered in Braille, large print, audiocassette, and online and students study in their own homes, at their own pace, completely free of charge; and

Whereas student Christine Gilson is bridging cultural boundaries by teaching visually impaired Chinese students English online: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) honors the important and positive impact the Hadley School for the Blind has had on the lives of thousands of visually impaired people across the globe; and

(2) supports their mission to promote independent living through lifelong, distance education programs for blind people, their families and blindness service providers.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. ALTMIRE

Mr. ALTMIRE. I have an amendment to the preamble at the desk.

The Clerk read as follows:

Amendment to the preamble offered by Mr. ALTMIRE:

Strike the preamble and insert the following:

Whereas Mr. William A. Hadley, a high school teacher who lost his vision at the age of 55, and ophthalmologist Dr. E.V.L. Brown first welcomed students to the Hadley School for the Blind in 1920;

Whereas the Hadley School for the Blind's mission is to promote independent living through lifelong, distance education programs for blind people, their families and blindness service providers;

Whereas over the past 87 years, the Hadley School has grown to have an annual enrollment of more than 10,000 students from all 50 states and 100 countries;

Whereas the Hadley School for the Blind has a high school degree program, an adult continuing study program, and in 2008 will be launching the Hadley School for Professional Studies;

Whereas the Hadley School for the Blind offers a wide range of distance education courses for blind or visually impaired individuals who are at least 14 years of age, relatives of blind or visually impaired children, family members of blind or visually impaired adults, and professionals in the blindness field;

Whereas there are more than 90 courses offered in Braille, large print, audiocassette, and online and students study in their own homes, at their own pace, completely free of charge; and

Whereas student Christie Gilson is bridging cultural boundaries by teaching visually impaired Chinese students English online: Now, therefore, be it

Mr. ALTMIRE (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the amendment be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

## NATIONAL WORK AND FAMILY MONTH

Mr. ALTMIRE. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor be discharged from further consideration of the resolution (H. Res. 1440) expressing support for designation of the month of October as ''National Work and Family Month,'' and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the resolution is as follows:

H. RES. 1440

Whereas according to the report by WorldatWork titled ''Attraction and Retention'', the quality of workers' jobs and the supportiveness of their workplaces are key predictors of job productivity, job satisfaction, commitment to employers, and retention;

Whereas employees who have more access to flexible work arrangements enabling employees to balance family and work are significantly more satisfied with their jobs, are more satisfied with their lives, and experience less interference between their jobs and family lives than those employees who have less access to flexible work arrangements, according to the Families and Work Institute 2002 National Study of the Changing Workforce;

Whereas according to the 2004 report ''Overwork in America'', employees who are able to effectively balance family and work responsibilities are less likely to report making mistakes, or feel resentment toward employers and coworkers;

Whereas employees who are able to effectively balance family and work responsibilities tend to feel more successful in their relationships with their spouses, children, and friends, and tend to feel healthier;

Whereas 85 percent of United States wage and salaried workers have immediate, day-to-day family responsibilities outside of their jobs;

Whereas research by the Radcliffe Public Policy Center in 2000 revealed that men in their 20s and 30s, and women in their 20s, 30s, and 40s, identified the most important job characteristic as being a work schedule that allows them to spend time with their families;

Whereas according to the 2006 American Community Survey, 47 percent of wage and salaried workers are parents with children under the age of 18 who live with them at least half-time;

Whereas job flexibility often allows parents to be more involved in their children's lives, and research reveals that parental involvement is associated with children's higher achievement in language and mathematics, improved behavior, greater academic persistence, and lower dropout rates;

Whereas the 2000 Urban Working Families study revealed that a lack of job flexibility for working parents negatively affects children's health in ways that range from children being unable to make needed doctors' appointments, to children receiving inadequate early care, leading to more severe and prolonged illness;

Whereas according to a Centers for Disease Control and Prevention (CDC) report, breastfeeding is the most beneficial form of

infant nutrition, and the greater the duration of breastfeeding, the lower the odds of pediatric overweight and obesity;

Whereas according to the CDC less than half of mothers who work full time exclusively breastfeed their newborns;

Whereas according to the CDC, support for lactation at work benefits individual families as well as employers via improved productivity and staff loyalty, enhanced public image of the employer, and decreased absenteeism, health care costs, and employee turnover;

Whereas studies show that one-third of children and adolescents in the United States are obese or overweight and healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Whereas studies report that family rituals, such as sitting down to dinner together and sharing activities on weekends and holidays, positively influence children's health and development, and that children who ate dinner with their family every day consumed nearly a full serving more of fruits and vegetables per day than those who never ate family dinners or only did so occasionally;

Whereas furthermore, unpaid family caregivers will likely continue to be the largest source of long-term care services in the United States for elderly United States citizens and are estimated by the Department of Health and Human Service to reach 37,000,000 caregivers by 2050, an increase of 85 percent from 2000, as an increasing number of baby boomers reach retirement age in record numbers; and

Whereas the month of October would be an appropriate month to designate as ''National Work and Family Month'': Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the designation of ''National Work and Family Month'';

(2) recognizes the importance of balancing work and family to job productivity and healthy families;

(3) recognizes that an important job characteristic is a work schedule that allows employees to spend time with families;

(4) supports the goals and ideas of ''National Family and Work Month'', and urges public officials, employers, employees, and the general public to work together to achieve more balance between work and family; and

(5) requests that the President issue a proclamation calling upon the people of the United States to observe ''National Work and Family Month'' with appropriate ceremonies and activities.

The resolution was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. ALTMIRE

Mr. ALTMIRE. I have an amendment to the preamble at the desk.

The Clerk read as follows:

Amendment to the preamble offered by Mr. ALTMIRE:

In the preamble, strike the tenth through fourteenth Whereas clauses, and insert the following:

Whereas according to a Centers for Disease Control and Prevention (CDC) report, less than half of mothers who work full time exclusively breastfeed their newborns, although support for lactation at work benefits individual families as well as employers via improved productivity and staff loyalty, and decreased absenteeism and employee turnover;

Whereas according to the CDC, breastfeeding is the most beneficial form of infant nutrition, and the greater the duration of breastfeeding, the lower the odds of pediatric obesity;

Whereas studies report that family rituals, such as sitting down to dinner together, positively influence children's health and development, and that healthy lifestyle habits, including healthy eating and physical activity, can lower the risk of becoming obese and developing related diseases;

Mr. ALTMIRE (during the reading). Mr. Speaker, I ask unanimous consent that the reading of the amendment be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. ALTMIRE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material into the RECORD on the matters that were just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## CHARITY ENHANCEMENT ACT OF 2008

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7083) to amend the Internal Revenue Code of 1986 to enhance charitable giving and improve disclosure and tax administration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7083

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE, ETC.**

(a) SHORT TITLE.—This Act may be cited as the ''Charity Enhancement Act of 2008''.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.
Sec. 2. Funds advised by certain public charities and governmental entities not treated as donor advised funds.
Sec. 3. Certain scholarship distributions from donor advised funds not treated as taxable distributions.
Sec. 4. Repeal of special written acknowledgment requirement for charitable contributions to donor advised funds.
Sec. 5. Reasonable compensation paid by supporting organizations to substantial contributors not treated as an excess benefit.
Sec. 6. Exception from holdings and payout requirements for longstanding, fully funded type III supporting organizations.
Sec. 7. Contributions by Indian tribal governments treated same as contributions by States.
Sec. 8. Electronic filing of exempt organization annual returns.
Sec. 9. Expansion of bad check penalty to electronic payments, etc.

**SEC. 2. FUNDS ADVISED BY CERTAIN PUBLIC CHARITIES AND GOVERNMENTAL ENTITIES NOT TREATED AS DONOR ADVISED FUNDS.**

(a) IN GENERAL.—Subparagraph (B) of section 4966(d)(2) is amended by striking ''or'' at the end of clause (i), by striking the period at the end of clause (ii) and inserting '', or'', and by adding at the end the following new clause:

''(iii) if all contributions to such fund or account have been made, and all advisory privileges referred to in subparagraph (A)(iii) with respect to such fund or account have been exercised, by either—

''(I) one or more organizations described in clause (i), (ii), (iii), (iv), or (vi) of section 170(b)(1)(A) or section 509(a)(2), or

''(II) one or more entities described in section 170(c)(1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. 3. CERTAIN SCHOLARSHIP DISTRIBUTIONS FROM DONOR ADVISED FUNDS NOT TREATED AS TAXABLE DISTRIBUTIONS.**

(a) IN GENERAL.—Subsection (c) of section 4966 is amended by adding at the end the following new paragraph:

''(3) EXCEPTION FOR CERTAIN SCHOLARSHIP DISTRIBUTIONS.—

''(A) IN GENERAL.—The term 'taxable distribution' shall not include any qualified scholarship distribution from a qualified scholarship fund.

''(B) QUALIFIED SCHOLARSHIP DISTRIBUTION.—The term 'qualified scholarship distribution' means any grant to a natural person for travel, study, or other similar purposes made from a donor advised fund if all such grants meet the requirements of subsection (d)(2)(B)(ii)(III).

''(C) QUALIFIED SCHOLARSHIP FUND.—The term 'qualified scholarship fund' means any donor advised fund if—

''(i) the advisory privileges referred to in subsection (d)(2)(A)(iii) with respect to such fund are exercised solely by an organization described in paragraph (4) of section 501(c) and exempt from tax under section 501(a), and

''(ii) substantially all of the distributions from such fund are qualified scholarship distributions.''.

(b) APPLICATION OF TAX ON PROHIBITED BENEFITS TO QUALIFIED SCHOLARSHIP DISTRIBUTIONS.—Subsection (c) of section 4967 is amended by adding at the end the following new paragraph:

''(3) QUALIFIED SCHOLARSHIP FUNDS.—Each substantial contributor (as defined in section 4958(c)(3)(C)) to a qualified scholarship fund and each family member (within the meaning of section 4958(f)(4)) of such person shall be treated as a person described in subsection (d) with respect to such fund.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made after the date of the enactment of this Act.

**SEC. 4. REPEAL OF SPECIAL WRITTEN ACKNOWLEDGMENT REQUIREMENT FOR CHARITABLE CONTRIBUTIONS TO DONOR ADVISED FUNDS.**

(a) IN GENERAL.—Paragraph (18) of section 170(f) is amended—

(1) by striking subparagraph (B),

(2) by striking ''if—'' and all that follows through ''the sponsoring organization (as defined in section 4966(d)(1))'' and inserting ''if the sponsoring organization (as defined in section 4966(d)(1)))'', and

(3) by redesignating clauses (i) and (ii) of subparagraph (A) (as in effect before amendment by paragraph (2)) as subparagraphs (A) and (B) and by moving such subparagraphs 2 ems to the left.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. 5. REASONABLE COMPENSATION PAID BY SUPPORTING ORGANIZATIONS TO SUBSTANTIAL CONTRIBUTORS NOT TREATED AS AN EXCESS BENEFIT.**

(a) IN GENERAL.—Clause (ii) of section 4958(c)(3)(A) is amended to read as follows:

''(ii) the term 'excess benefit' includes, with respect to any transaction described in clause (i)—

''(I) in the case of any grant, loan, or similar payment, the amount of such grant, loan, or similar payment, and

''(II) in the case of any compensation or similar payment, the amount by which the value of the economic benefit provided exceeds the value of the consideration (including the performance of services) received for providing such benefit.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid pursuant to transactions entered into after the date of the enactment of this Act.

**SEC. 6. EXCEPTION FROM HOLDINGS AND PAYOUT REQUIREMENTS FOR LONGSTANDING, FULLY FUNDED TYPE III SUPPORTING ORGANIZATIONS.**

(a) HOLDINGS REQUIREMENTS.—Subsection (f) of section 4943 is amended by adding at the end the following new paragraph:

''(8) EXCEPTION FOR CERTAIN LONGSTANDING FULLY FUNDED TYPE III SUPPORTING ORGANIZATIONS.—Paragraph (1) shall not apply to any organization if—

''(A) the organization was established before January 1, 1970,

''(B) the organization has not accepted any substantial contributions after December 31, 1970,

''(C) no donor to the organization was alive on August 17, 2006, and

''(D) no family member (within the meaning of section 4958(f)(4)) of any donor is an organization manager (as defined in section 4958(f)(2)).''.

(b) PAYOUT REQUIREMENTS.—Section 1241(d)(1) of the Pension Protection Act of 2006 shall not apply to any organization described in section 4943(f)(8) of the Internal Revenue Code of 1986, as added by this section.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

**SEC. 7. CONTRIBUTIONS BY INDIAN TRIBAL GOVERNMENTS TREATED SAME AS CONTRIBUTIONS BY STATES.**

(a) IN GENERAL.—Section 7871(a) (relating to Indian tribal governments treated as States for certain purposes) is amended by striking ''and'' at the end of paragraph (6), by striking the period at the end of paragraph (7) and inserting ''; and'', and by adding at the end the following new paragraph:

''(8) for purposes of—

''(A) determining support of an organization described in section 170(b)(1)(A)(vi), and

''(B) determining whether an organization is described in paragraph (1) or (2) of section 509(a) for purposes of section 509(a)(3).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to—

(1) support received on or after the date of the enactment of this Act, and

(2) the determination of the status of any organization with respect to any taxable year beginning after such date of enactment.

**SEC. 8. ELECTRONIC FILING OF EXEMPT ORGANIZATION ANNUAL RETURNS.**

(a) IN GENERAL.—Subsection (d) of section 6104 (relating to public inspection of certain annual returns, reports, applications for exemption, and notices of status) is amended—

(1) by redesignating the paragraph relating to disclosure of reports by Internal Revenue Service as paragraph (7),

(2) by redesignating the paragraph relating to application to nonexempt charitable trusts and nonexempt private foundations as paragraph (8), and

(3) by adding at the end the following new paragraph:

''(9) RETURNS REQUIRED ON MAGNETIC MEDIA, ETC.—Any organization (other than an organization exempt from tax under section 527(a)) which—

''(A) is required to make available information for inspection under paragraph (1)(A), and

''(B) would be required to file returns on magnetic media or in other machine-readable form under subsection (e) of section 6011 if such subsection were applied by substituting 'at least 5 returns' for 'at least 250 returns' in paragraph (2)(A) thereof,

shall file the information referred to in clauses (i) and (ii) of paragraph (1)(A) on such magnetic media or in other machine-readable form.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to returns required to be filed for taxable years beginning after the date of the enactment of this Act.

**SEC. 9. EXPANSION OF BAD CHECK PENALTY TO ELECTRONIC PAYMENTS, ETC.**

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended by adding at the end the following: ''Except as otherwise provided by the Secretary, any authorization of a payment by commercially acceptable means (within the meaning of section 6311) shall be treated for purposes of this section in the same manner as a check.''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to authorizations of payments made after December 31, 2005.

The SPEAKER pro tempore (Mr. ALTMIRE). Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Minnesota (Mr. RAMSTAD) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks on the bill, H.R. 7083.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 7083, the Charity Enhancement Act of 2008.

This bill responds to hundreds of pages of written comments that were submitted by charities to the Ways and Means Subcommittee on Oversight. This bill contains a number of important provisions to help charities continue their good work.

Charities play such an important role in our country. Charities and foundations make up the very fabric of our communities. They know the deepest human needs of our friends and neighbors, and they know the solutions that work. Often, at critical times, charities and foundations are the leaders that show government the way to care for our citizens. Their services touch every corner of life in our communities—education, the arts, and medical research.

They also serve those who need our help the most by feeding the hungry, caring for the sick and lifting up those who live in poverty. This bill fixes some of the unintended effects of new charitable laws that keep them from doing their good and necessary work.

First, the bill will promote scholarships by relaxing the rules imposed on certain scholarship funds.

Second, the bill would improve disclosure to the public by increasing the electronic filing of tax returns filed by charities and foundations.

Third, the bill will provide relief to certain longstanding supporting organizations created before 1970. Notably, these are charities where the donors are deceased, so there is no concern about misusing the charity for personal gain.

Historically, these charities have distributed significant amounts to their communities over the past 38 years. Their contributions have been used to fund scholarship and support charitable, scientific, and educational activities.

Finally, this bill will allow charities to reimburse reasonable and necessary expenses of volunteer board members.

I urge my colleagues on both sides of the aisle to support our charities and foundations and vote ''yes'' for H.R. 7083.

I reserve the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, tough economic times are especially tough for America's charitable community. They face increasing demands for services from people in need, and the investments that foundations make in order to grow their endowments have eroded significantly due to market turmoil.

Last year on behalf of the Ways and Means Oversight Subcommittee, Chairman LEWIS requested comments on the implementation of charitable reforms contained in the 2006 Pension Protection Act.

The bill before us responds to many of the concerns that were raised by the charitable community. Specifically, the bill has seven provisions aimed at relieving burdens on charities and on foundations:

Funds advised by certain public charities and government entities would not be treated as donor advised funds.

Certain scholarships given from donor advised funds would not be considered a taxable distribution.

Thirdly, a special written acknowledgment requirement for charitable contributions to donor advised funds would be repealed.

Fourth, supporting organizations would be allowed to pay reasonable compensation to substantial contributors for the services that they perform without the payment being considered an excess benefit.

Also, certain long-standing Type III organizations with no recent major or living donors would be exempt from payout and excess business holding requirements.

In addition, Mr. Speaker, contributions from Indian tribal governments would be treated the same as contributions from States for purposes of determining whether an organization is a public charity or a private foundation.

Finally, the IRS would be allowed to institute electronic filing for charities that file at least five information returns each year.

Mr. Speaker, I am proud to cosponsor Chairman LEWIS' legislation, grateful for his leadership of the Oversight Subcommittee and his friendship over the years. His leadership as chairman of our subcommittee has been thoughtful and bipartisan inclusive. For that I am very grateful. I urge my colleagues to support H.R. 7083, the Charity Enhancement Act to provide relief to America's charitable community.

I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. THOMPSON), a member of the Ways and Means Committee.

Mr. THOMPSON of California. Mr. Speaker, I would like to thank Mr. LEWIS and Mr. RAMSTAD for their work on this very important bill, a bill that I am proud to be the coauthor of, and I rise today in strong support of this bill.

The provisions of this bill will play a vital role in allowing charitable organizations to better serve our communities. In fact, the two largest organizations representing charities, Independent Sector and the Council on Foundations, have both endorsed this critical legislation because it allows charities to better fulfill their valuable mission.

To help explain the practical impact of this bill, I would like to share the story of the Doyle Trust which benefits thousands of hardworking families.

Doyle Trust was founded 59 years ago to serve the students of Santa Rosa Junior College in Sonoma County, California. On Frank Doyle's death, he established the Doyle Trust which he funded with his 51 percent share in the Exchange Bank. Doyle created his trust so that dividends for his bank stock would go to a scholarship fund to help students attending this junior college.

Last year alone, more than $5 million in scholarships for 5,500 Santa Rosa Junior College students was donated by the Doyle Trust. It is not unusual to find three generations of the same family who have benefited from the Doyle Trust scholarships. The Doyle Trust is an institution in Sonoma County, and its contribution to the community makes a real difference in the lives of working families.

Without this legislation, the mission of the Doyle Trust may be undermined because provisions of the Pension Protection Act could force the trust to sell its assets.

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The unintended consequence of the Pension Protection Act would be to end Doyle Trust's ability to continue providing scholarships to thousands of students at Santa Rosa Junior College.

I urge my colleagues on both sides of the aisle to help us pass this bill to ensure that future generations of Sonoma County families can benefit from the generosity of the Doyle Trust.

Mr. RAMSTAD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the chairman, Mr. LEWIS, and the ranking member, Mr. RAMSTAD, for this work that is now embodied in H.R. 7083. I support the legislation, and thank them for their efforts to move forward on what is a very important subject, and that is encouraging Americans to participate in charitable giving.

The government has a partnership with the charitable sector. The government relies on charities to reach out to populations in need, and that is why the charitable sector receives tax-preferred treatment. We want to incent charitable activity as much as we can because government, by itself, cannot serve the needs of all of those Americans who work very hard but who sometimes fall upon bad times.

At the same time, we find that there are some charitable organizations that are doing tremendous work while others are not, and I believe this is the beginning of a major effort on the part of Congress to try to really focus our attention on the charitable sector to make sure that we are receiving everything Americans expect through that tax-deferred treatment that these charities and nonprofit organizations receive.

One example in this bill of how we are doing good is through the tribal charities provision in this legislation. Tribal charities, charities that are within the jurisdiction of the tribal governments of this country, are a good example of nonprofits that recognize the overwhelming need of a people, in this case, people in Indian country. Tribal charities play a crucial role in serving the needs of members of these many tribes throughout America.

We know that close to 25 percent of Native Americans today live in poverty. It's even higher for Native American children. Some 31 percent live in households that live in poverty. That compares to 11 percent of American children who are non-Native American. We also know that close to 20 percent of Native American seniors today still live in poverty, far greater than we see outside of Indian country. Fewer than 15 percent of Native Americans today go on to receive a bachelor's degree or higher. We need to change that.

So these tribal charities that we find are making every effort to try to reach out to communities throughout Indian country to make it possible for young kids, for adults who work and for seniors to have a chance to benefit from all we can.

Tribal charities under this legislation will be treated the way any other State government or local government is treated when it comes to dealing with charities, the same type of tax treatment. That will give tribes an opportunity to really enhance the ability of tribal charities to do the most good for a larger population. This legislation will go a long way in correcting some of the mistakes that we've made and in correcting some of the omissions that have been there in the past.

Once again, I believe, as I said before, that under the leadership of Chairman LEWIS and with the good help of Mr. RAMSTAD that we're moving forward to make sure that we have a charitable tax deduction that works for everyone and that is optimal in its efforts to try to do public good.

Mr. RAMSTAD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, may I inquire of Mr. RAMSTAD whether he has any additional speakers?

Mr. RAMSTAD. Mr. Speaker, I have no further speakers. I yield back the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, this is an important bill, and I want to thank my good friend Mr. RAMSTAD for all of his hard work and for his great work in helping to bring this needed bill before us today.

Given the terrible state of the economy, we need to do all we can to support our charities. We need to promote scholarships, to promote charitable giving and to enhance public disclosure.

I fully support H.R. 7083. I urge all of my colleagues on both sides of the aisle to support our charities and to vote ''yes'' for the bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 7083.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## INMATE TAX FRAUD PREVENTION ACT OF 2008

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7082) to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain prisoner return information to the Federal Bureau of Prisons, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7082

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Inmate Tax Fraud Prevention Act of 2008''.

**SEC. 2. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.**

(a) IN GENERAL.—Subsection (k) of section 6103 of the Internal Revenue Code of 1986 (relating to disclosure of certain return and return information for tax administration purposes) is amended by adding at the end the following new paragraph:

''(10) DISCLOSURE OF CERTAIN RETURN INFORMATION OF PRISONERS TO FEDERAL BUREAU OF PRISONS.—

''(A) IN GENERAL.—Under such procedures as the Secretary may prescribe, the Secretary may disclose to the head of the Federal Bureau of Prisons any return information with respect to individuals incarcerated in Federal prison whom the Secretary has determined may have filed or facilitated the filing of a false return to the extent that the Secretary determines that such disclosure is necessary to permit effective Federal tax administration.

''(B) RESTRICTION ON REDISCLOSURE.—Notwithstanding subsection (n), the head of the Federal Bureau of Prisons may not disclose any information obtained under subparagraph (A) to any person other than an officer or employee of such Bureau.

''(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information received under this paragraph shall be used only for purposes of and to the extent necessary in taking administrative action to prevent the filing of false and fraudulent returns, including administrative actions to address possible violations of administrative rules and regulations of the prison facility.

''(D) TERMINATION.—No disclosure may be made under this paragraph after December 31, 2011.''.

(b) RECORDKEEPING.—Paragraph (4) of section 6103(p) of such Code is amended by striking ''(k)(8)'' both places it appears and inserting ''(k)(8) or (10)''.

(c) EVALUATION BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Paragraph (3) of section 7803(d) of such Code is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ''; and'', and by adding at the end the following new subparagraph:

''(C) not later than December 31, 2010, submit a written report to Congress on the implementation of section 6103(k)(10).''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures made after December 31, 2008.

(e) ANNUAL REPORTS.—The Secretary of the Treasury shall annually submit to Congress and make publicly available a report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons. Such report shall include statistics on the number of false and fraudulent returns associated with each Federal and State prison.

**SEC. 3. RESTORATION OF CERTAIN JUDICIAL SURVIVORS' ANNUITIES.**

(a) IN GENERAL.—Section 376 of title 28, United States Code, is amended by adding at the end the following:

''(x) In the case of a widow or widower whose annuity under clause (i) or (ii) of subsection (h)(1) is terminated because of remarriage before attaining 55 years of age, the annuity shall be restored at the same rate commencing on the day the remarriage is dissolved by death, divorce, or annulment, if—

''(1) the widow or widower elects to receive this annuity instead of any other survivor annuity to which such widow or widower may be entitled, under this chapter or under another retirement system for Government employees, by reason of the remarriage; and

''(2) any payment made to such widow or widower under subsection (o) or (p) on termination of the annuity is returned to the Judicial Survivors' Annuities Fund.''.

(b) CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking the period at the end and inserting '', subject to subsection (x).''.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the first day of the first month beginning at least 30 days after the date of the enactment of this Act and shall apply in the case of a remarriage which is dissolved by death, divorce, or annulment on or after such first day.

(2) LIMITED RETROACTIVE EFFECT.—

(A) IN GENERAL.—In the case of a remarriage which is dissolved by death, divorce, or annulment within the 4-year period ending on the day before the effective date of this section, the amendments made by this section shall apply only if the widow or widower satisfies the requirements of paragraphs (1) and (2) of section 376(x) of title 28, United States Code (as amended by this section) before—

(i) the end of the 1-year period beginning on the effective date of this section; or

(ii) such later date as Director of the Administrative Office of the United States Courts may by regulation prescribe.

(B) RESTORATION.—If the requirements of paragraph (1) are satisfied, the survivor annuity shall be restored, commencing on the date the remarriage was dissolved by death, annulment, or divorce, at the rate which was in effect when the annuity was terminated.

(C) LUMP-SUM PAYMENT.—Any amounts becoming payable to the widow or widower under this subsection for the period beginning on the date on which the annuity was terminated and ending on the date on which periodic annuity payments resume shall be payable in a lump-sum payment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LEWIS) and the gentleman from Minnesota (Mr. RAMSTAD) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to give all Members 5 legislative days to revise and extend their remarks on House bill 7082, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Minnesota for bringing House bill 7082, the Inmate Tax Fraud Prevention Act of 2008, to the House.

Mr. RAMSTAD has served at my side on the Oversight Subcommittee for years. He has been a wonderful friend, a good friend. We call ourselves brothers. He will be missed when he retires this year. He has worked to make our taxes fair and to protect taxpayers. This bill is a great and shining example of his good effort.

Jim, I want to thank you again for all of your great work, for working so hard, for hanging in there, for never giving up, and for never giving in. Thank you so much.

The Oversight Subcommittee found that thousands of false returns were being filed by prisoners. However, the Internal Revenue Service could not disclose the information to the Federal Bureau of Prisons. This bill was developed to correct this problem. This bill will stop the abuse of our tax system.

I urge all of my colleagues on both sides of the aisle to vote in favor of House bill 7082.

I reserve the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

I first want to thank my friend, my brother and my chairman—Mr. LEWIS—who represents the absolute best in public service and who is truly the conscience of the Congress. I'm just grateful for his friendship and for the privilege of working with him for the past 18 years.

Mr. Speaker, the legislation before us addresses a very serious situation in America's prisons—rampant tax fraud. I'm deeply grateful to Chairman LEWIS for being an original cosponsor of this legislation and for helping me get this crucial legislation on the suspension calendar and here to the floor today.

When I chaired the Ways and Means Oversight Subcommittee in the last Congress, Mr. Speaker, we held a hearing that featured an inmate from our Federal prison system. He was known as inmate Dole, a prisoner from South Carolina who single-handedly swindled taxpayers out of $3.5 million by filing fraudulent tax returns. That's right, Mr. Speaker, $3.5 million of outrageous tax fraud committed by a prisoner while he was behind bars, while incarcerated in a Federal prison.

The hearing revealed that this was no isolated incident. There is massive tax fraud going on within the walls of our Nation's prisons. In fact, the IRS reports that 15 percent of all tax fraud committed in America is committed by prison inmates, 15 percent.

As we all agree here, tax fraud in any form is unacceptable and illegal, obviously, but it's particularly outrageous when it's committed by prison inmates who are supposed to be paying their debt to society and not bilking taxpayers. While the IRS is able to catch some of it, far too much inmate tax fraud falls through the cracks. Unfortunately, the IRS is prohibited by law

from sharing information with prison officials, information that would allow them to take action to punish and to stop this fraud from going on in their prison facilities right under their noses. So, in other words, Mr. Speaker, Federal law enforcement is effectively blocked from pursuing these cases because of the ban on information sharing.

Well, this legislation that I have introduced and have brought here today, the Inmate Tax Fraud Prevention Act, would allow the IRS to reveal information on tax fraud to the Federal Bureau of Prisons and to compile statistics on tax fraud in each and every Federal and State prison. The authority for the IRS to disclose tax fraud information sunsets in 3 years, and the Treasury Inspector General for Tax Administration will issue a report, so in 3 years, Congress can determine whether the program should be renewed and whether other changes should be implemented.

Mr. Speaker, in conclusion, let me just say that it's obviously time to protect honest taxpayers from this blatant, outrageous fraud that's being committed by prison inmates. I urge my colleagues to protect this commonsense, bipartisan legislation that will protect the taxpayers. Support the Inmate Tax Fraud Prevention Act because the taxpayers of America deserve nothing less.

I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I would like to inquire as to whether Mr. RAMSTAD has any additional speakers.

Mr. RAMSTAD. Mr. Speaker, I have no further speakers.

Mr. LEWIS of Georgia. I am prepared to close, Mr. Speaker.

Mr. RAMSTAD. Mr. Speaker, having no further speakers, I would be happy to yield back my time, and I look forward to Mr. LEWIS' closing.

Mr. LEWIS of Georgia. Mr. Speaker, again, I want to thank my friend from Minnesota (Mr. RAMSTAD) for his good and great work for bringing this bill before us today. The Inmate Tax Fraud Prevention Act is an important bill, and I urge its passage. I fully support House bill 7082, and I urge all of my colleagues on both sides of the aisle to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 7082, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain prisoner return information to the Federal Bureau of Prisons, and for other purposes.''.

A motion to reconsider was laid on the table.

## MEDICARE IDENTITY THEFT PREVENTION ACT OF 2008

Mr. DOGGETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6600) to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6600

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Medicare Identity Theft Prevention Act of 2008''.

**SEC. 2. PROHIBITION OF INCLUSION OF SOCIAL SECURITY ACCOUNT NUMBERS ON MEDICARE CARDS.**

(a) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following new clause:

''(x) The Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall establish cost-effective procedures to ensure that a social security account number (or any derivative thereof) is not displayed, coded, or embedded on the Medicare card issued to an individual who is entitled to benefits under part A of title XVIII or enrolled under part B of title XVIII and that any other identifier displayed on such card is easily identifiable as not being the social security account number (or a derivative thereof).''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply with respect to Medicare cards issued on and after an effective date specified by the Secretary of Health and Human Services, but in no case shall such effective date be later than the date that is 24 months after the date adequate funding is provided pursuant to subsection (d)(2).

(2) REISSUANCE.—Subject to subsection (d)(2), in the case of individuals who have been issued such cards before such date, the Secretary of Health and Human Services—

(A) shall provide for the reissuance for such individuals of such a card that complies with such amendment not later than 3 years after the effective date specified under paragraph (1); and

(B) may permit such individuals to apply for the reissuance of such a card that complies with such amendment before the date of reissuance otherwise provided under subparagraph (A) in such exceptional circumstances as the Secretary may specify.

(c) OUTREACH PROGRAM.—Subject to subsection (d)(2), the Secretary of Health and Human Services, in consultation with the Commissioner of Social Security, shall conduct an outreach program to Medicare beneficiaries and providers about the new Medicare card provided under this section.

(d) REPORT TO CONGRESS AND LIMITATIONS ON EFFECTIVE DATE.—

(1) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services and in consultation with the Commissioner of Social Security, shall submit to Congress a report that includes detailed options regarding the implementation of this section, including line-item estimates of and justifications for the costs associated with such options and estimates of timeframes for each stage of implementation. In recommending such options, the Secretary shall take into consideration, among other factors, cost-effectiveness and beneficiary outreach and education.

(2) LIMITATION; MODIFICATION OF DEADLINES.—With respect to the amendment made by subsection (a), and the requirements of subsections (b) and (c)—

(A) such amendment and requirements shall not apply until adequate funding is appropriated pursuant to paragraph (3) to implement the provisions of this section, as determined by Congress; and

(B) any deadlines otherwise established under this section for such amendment and requirements are contingent upon the receipt of adequate funding (as determined in subparagraph (A)) for such implementation.

(3) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—In addition to any amounts made available to the Secretary of Health and Human Services for the Program Management Account of the Centers for Medicare & Medicaid Services for administrative expenses and to the Commissioner of Social Security for administrative expenses, and subject to subparagraph (B), taking into consideration the report submitted under paragraph (1), there is authorized to be appropriated such sums as are necessary to carry out the provisions of this section, including section 205(c)(2)(C) of the Social Security Act, as added by subsection (a), for each of the five fiscal years beginning after the date of submittal of the report under paragraph (1).

(B) LIMITATION.—Such funds are not authorized to be appropriated until after receipt of the report provided under paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. DOGGETT) and the gentleman from Texas (Mr. SAM JOHNSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Thank you, Mr. Speaker. It is an all-Texas act this afternoon, but it's about a measure that affects seniors and individuals with disabilities all over this country.

GENERAL LEAVE

Mr. DOGGETT. Let me first ask unanimous consent that Members have 5 legislative days in which to revise and extend their remarks and to add any extraneous material in the RECORD concerning H.R. 6600, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DOGGETT. Mr. Speaker, I yield myself such time as I may consume.

There are 44 million seniors and individuals with disabilities who carry in their wallets or in their purses something that makes them unnecessarily more vulnerable to identity theft, and that is their Medicare cards. Apart from the Social Security card, itself, the Medicare card is the most frequently issued government document displaying a Social Security number. This practice invites foul play.

To protect both the savings and the peace of mind of Medicare beneficiaries, I've introduced with the assistance and the encouragement of my

colleague from Texas, the ranking member on the Social Security Subcommittee, Mr. JOHNSON, the Medicare Identity Theft Prevention Act. This bipartisan legislation would require Medicare to take the steps that private companies and that other government agencies have already taken to protect the identities of our seniors.

Every time a senior or an individual with a disability hands over a Medicare card, that person is handing over the keys of financial security. With increasingly sophisticated thefts by identity thieves, inaction is unacceptable. Seniors have saved and have built over their lifetimes their financial security and their reputations.

□ 1500

Their savings and their credit should not be put needlessly at risk if someone steals their Medicare card. Just as a doctor swears an oath to do no harm in practicing medicine, Medicare should make sure that it does no harm to the financial security and credit rating of its beneficiaries. The Medicare Identity Theft Prevention Act will help to ensure that the government better protects seniors from identity theft, denying thieves access to this critical data.

The private sector and government agencies, including the Veterans Administration and the Department of Defense, have begun to protect Social Security numbers from identity thieves. But Medicare has not yet taken appropriate steps to do this, hence this legislation.

Inaction jeopardizes the safety of millions of our seniors and individuals with disabilities. This legislation has the support of the Consumers Union, the National Committee to Preserve Social Security and Medicare, the National Silver-Haired Congress, and the Texas Silver-Haired Legislature, as well as the Elder Justice Coalition.

Seniors confront many threats to their retirement security these days. This bill is one way to prevent their falling victim to swindlers. I urge the adoption of the bill.

I reserve the balance of my time.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in support of the bill H.R. 6600, the Medicare Identity Prevention Act. I thank Mr. DOGGETT for bringing it up. Apparently we can't get any resolution on Social Security so we need to do it one baby step at a time.

Americans are rightly worried about the security of their personal information, including their Social Security number. Practically every day we hear about another data breach in the private or public sector where identity information of hundreds, if not thousands, of people is stolen.

According to the Privacy Rights Clearinghouse, the total number of known records that have been compromised since January 2005 is over 158 million. Even though Social Security numbers were created to track earnings for determining benefit amounts under Social Security, these numbers are now unfortunately widely used as personal identifiers.

According to the Government Accountability Office, Social Security numbers have become the ''identifier of choice'' and are used for all sorts of business transactions. In an April 2007 report, the President's Identity Theft Task Force identified the Social Security number as the most valuable commodity for an identity thief.

These thieves are hard at work. The Federal Trade Commission estimates that about 5 percent of all of the adult population has been victim of identity theft. Even worse, the true number of victims of that crime is unknown since most victims don't report it.

We also know that this is a serious problem for illegal immigration. During a recent hearing at the Social Security Subcommittee, we learned that a credible set of fake identity documents costs about $350. With those fake documents, illegal immigrants can get a job and even sneak through the government's E-Verify system which is meant to verify whether an employee is eligible to work in this country.

Congress must get to work on identity theft, and removing the Social Security number from widespread circulation is an excellent place to start. For years, the Ways and Means Subcommittee on Social Security has been working on this problem in a bipartisan way. We have approved bills to protect the privacy of Social Security numbers and prevent identity theft since the 106th Congress when it first approved the Social Security Number Privacy and Identity Theft Prevention Act. That legislation was introduced on a bipartisan basis by then-Subcommittee Chairman Clay Shaw and then-ranking member, the late Bob Matsui.

The Ways and Means Committee has begun working on this and so has the Energy and Commerce Committee. Our two comprehensive bills are really not that far apart, yet we are repeatedly met with opposition from those groups which prefer to splash Social Security numbers on every personal document they want. The comprehensive efforts of our two committees are being met with the same resistance they met in previous years until now.

I commend my colleague from Texas (Mr. DOGGETT) for working in a bipartisan way and not giving up on the issue. Sometimes you just have to take an issue one bite at a time.

The bill H.R. 6600, Medicare Identity Theft Prevention Act, will take the Social Security number off the Medicare card. It is completely ridiculous that people are told not to carry their Social Security card in order to protect their identity, but then every senior citizen is told they must carry their Medicare card, which has their Social Security number on it.

When the wallet of a senior citizen has been stolen, even a low-tech crook can get the identity theft. It's not the card itself; it's a fact that then every medical record at nursing homes, hospitals, and doctor offices has a Social Security number written on it.

The wholesale amount of Social Security numbers that are available to identity thieves is staggering and completely unnecessary. The Centers for Medicare and Medicaid Services must change their tracking number for Medicare purposes.

In just a few years, the first baby boomers are going to be turning 65 and become eligible for Medicare. Rather than a huge wave of retirees being issued an ''identity theft kit'' when they receive a Medicare card, that card should have a unique identifier. Private insurance moved away from Social Security cards years ago. Medicare needs to do that, too.

The problem of identity theft is not going to be addressed with one single piece of legislation, but we must start somewhere, and starting with Medicare cards before Boomers become eligible is a great place to start.

Thank you, Mr. DOGGETT, for your support. I urge my colleagues to support this bill as well.

I yield back the balance of my time.

Mr. DOGGETT. Mr. Speaker, I would yield myself such time as I might consume in closing.

Mr. Speaker, I think our colleague from Texas. Mr. JOHNSON has done an excellent job of outlining the scope of identity theft. It's something we hear about every day and sometimes think it's about someone else in some other place until it strikes a friend or loved one.

We need to do a great deal to address identity theft. This is one small measure to encourage the folks at Medicare to begin to phase in a new type of identity marker for Medicare beneficiaries so that we will eliminate this particular source of the problem of identity theft.

I want to acknowledge Kathleen Black on Mr. JOHNSON's staff, Jackie Binder on mine, as well as our colleague, the chairman of the Social Security Subcommittee, who will be completing his last term here, Mike McNulty of New York, and also to acknowledge the great interest and help from our colleague Representative PAUL HODES of New Hampshire who filed similar legislation and then worked with us to get this legislation approved. He's unable to be here today, but he's been very concerned about the identity theft issue and has offered great help in fashioning this legislation.

And with that, Mr. Speaker, I believe the problem is clear. The small step we're taking through this legislation is clear, and I would move adoption of the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker. I rise today in strong support of H.R. 6600, the ''Medicare Identity Theft Prevention Act of 2008'' I would like to thank my colleague Congressman DOGGETT and the Ways and Means Committee.

This legislation today to require the federal government to remove Social Security numbers from Medicare identification cards and communications to Medicare beneficiaries.

The Centers for Medicare and Medicaid Services (CMS), which administers the Medicare program, has fallen behind most other public and private organizations in recognizing the danger of displaying Social Security numbers. The Social Security Number Protection Act ensures that the Social Security numbers of Medicare beneficiaries are properly protected.

Every year, millions of Americans are victims of identity theft—many after their Social Security numbers are stolen. Instead of leading by example, the federal government is lagging behind private health insurers and other public agencies in protecting Medicare recipients from identity theft. CMS's continued use of Social Security numbers on Medicare cards needlessly places people at risk.

This bill ensures that a premium is placed on security and that personal information is protected. It makes no sense for a CMS to continue exposing Medicare beneficiaries to the risk of identity theft. We should pass this bill quickly and fix this problem once and for all.

I believe that this is one of those clear-cut problems that is easy to fix. With identity theft on the rise, removing social security numbers from Medicare beneficiary cards is the smart thing to do. Identity theft is one of the fastest-growing crimes in the nation. Nearly 8.4 million people were victims of identity theft last year alone, and these crimes accounted for more than $49.3 billion in fraudulent charges.

Nearly three years ago, Senator DURBIN raised concerns about the use of Social Security numbers on Medicare cards. Because of his efforts, CMS issued a report to Congress hat outlined the steps that would be required to remove Social Security numbers from Medicare cards, but has failed to implement those changes.

In May 2008, the Inspector General of the Social Security Administration issued a report which concluded that: "Given the millions of individuals at risk for identity the and OMB's directive to eliminate unnecessary uses of Social Security numbers, we believe immediate action is needed to address this significant vulnerability.

Today's legislation sets a timeframe for CMS to remove Social Security numbers from Medicare cards and communications to beneficiaries. The bill will:

Require the Health and Human Services Secretary to implement procedures to eliminate the unnecessary collection, use, and display of Social Security numbers of Medicare beneficiaries within three years;

Prohibit the display or the unencrypted electronic storage of Social Security numbers on newly issued Medicare cards;

Prohibit the display or the unencrypted electronic storage of Social Security numbers on all Medicare cards with five years of enactment; and

Prohibit the display of Social Security numbers on written and electronic communications to Medicare beneficiaries, unless essential for the operation of the Medicare program.

I am proud to cosponsor legislation that will protect our elderly. I urge my colleagues to join me in supporting this legislation.

Mr. DOGGETT. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. DOGGETT) that the House suspend the rules and pass the bill, H.R. 6600, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3229. An act to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

H.R. 5872. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes:

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 6098. An act to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.

The message also announced that the Senate agreed to the amendment of the House to the amendment of the Senate to the bill (H.R. 2638) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.".

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 3569. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 3641. An act to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984.

## PRESIDENTIAL HISTORICAL RECORDS PRESERVATION ACT OF 2008

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3477) to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3477

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Presidential Historical Records Preservation Act of 2008".

**SEC. 2. GRANT PROGRAM.**

Section 2504 of title 44, United States Code, is amended by—

(1) redesignating subsection (f) as subsection (g); and

(2) inserting after subsection (e) the following:

"(f) GRANTS FOR PRESIDENTIAL CENTERS OF HISTORICAL EXCELLENCE.—

"(1) IN GENERAL.—The Archivist, with the recommendation of the Commission, may make grants, on a competitive basis and in accordance with this subsection, to eligible entities to promote the historical preservation of, and public access to, historical records and documents relating to any former President who does not have a Presidential archival depository currently managed and maintained by the Federal Government pursuant to section 2112 (commonly known as the 'Presidential Libraries Act of 1955').

"(2) ELIGIBLE ENTITY.—For purposes of this subsection, an eligible entity is—

"(A) an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; or

"(B) a State or local government of the United States.

"(3) USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) shall be used to promote the historical preservation of, and public access to, historical records or historical documents relating to any former President covered under paragraph (1).

"(4) PROHIBITION ON USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) may not be used for the maintenance, operating costs, or construction of any facility to house the historical records or historical documents relating to any former President covered under paragraph (1).

"(5) APPLICATION.—

"(A) IN GENERAL.—An eligible entity seeking a grant under this subsection shall submit to the Commission an application at such time, in such manner, and containing or accompanied by such information as the Commission may require, including a description of the activities for which a grant under this subsection is sought.

"(B) APPROVAL OF APPLICATION.—The Commission shall not consider or recommend a grant application submitted under subparagraph (A) unless an eligible entity establishes that such entity—

"(i) possesses, with respect to any former President covered under paragraph (1), historical works and collections of historical sources that the Commission considers appropriate for preserving, publishing, or otherwise recording at the public expense;

"(ii) has appropriate facilities and space for preservation of, and public access to, the historical works and collections of historical sources;

"(iii) shall ensure preservation of, and public access to, such historical works and collections of historical sources at no charge to the public;

''(iv) has educational programs that make the use of such documents part of the mission of such entity;

''(v) has raised funds from non-Federal sources in support of the efforts of the entity to promote the historical preservation of, and public access to, such historical works and collections of historical sources in an amount equal to the amount of the grant the entity seeks under this subsection;

''(vi) shall coordinate with any relevant Federal program or activity, including programs and activities relating to Presidential archival depositories;

''(vii) shall coordinate with any relevant non-Federal program or activity, including programs and activities conducted by State and local governments and private educational historical entities; and

''(viii) has a workable plan for preserving and providing public access to such historical works and collections of historical sources.''.

**SEC. 3. TERM LIMITS FOR COMMISSION MEMBERS; RECUSAL.**

(a) TERM LIMITS.—

(1) IN GENERAL.—Section 2501(b)(1) of title 44, United States Code, is amended—

(A) by inserting ''not more than 2'' after ''subsection (a) shall be appointed for''; and

(B) in subparagraph (A), by striking ''a term'' and inserting ''not more than 4 terms''.

(2) EFFECTIVE DATE.—The restrictions on the terms of members of the National Historical Publications and Records Commission provided in the amendments made by paragraph (1) shall apply to members serving on or after the date of enactment of this Act.

(b) RECUSAL.—

(1) IN GENERAL.—Section 2501 of title 44, United States Code, is amended by adding at the end the following:

''(d) RECUSAL.—Members of the Commission shall recuse themselves from voting on any matter that poses, or could potentially pose, a conflict of interest, including a matter that could benefit them or an entity they represent.''.

(2) EFFECTIVE DATE.—The requirement of recusal provided in the amendment made by paragraph (1) shall apply to members of the National Historical Publications and Records Commission serving on or after the date of enactment of this Act.

**SEC. 4. ONLINE ACCESS OF FOUNDING FATHERS DOCUMENTS; TRANSFER OF FUNDS.**

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after section 2119 the following:

**''§ 2120. Online access of founding fathers documents**

''The Archivist may enter into a cooperative agreement to provide online access to the published volumes of the papers of—

''(1) George Washington;

''(2) Alexander Hamilton;

''(3) Thomas Jefferson;

''(4) Benjamin Franklin;

''(5) John Adams;

''(6) James Madison; and

''(7) other prominent historical figures, as determined appropriate by the Archivist of the United States.''.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—The Archivist of the United States, in the role as chairman of the National Historical Publications and Records Commission may enter into cooperative agreements pursuant to section 6305 of title 31, United States Code, that involve the transfer of funds from the National Historical Publications and Records Commission to State and local governments, tribal governments, other public entities, educational institutions, or private nonprofit organizations for the public purpose of carrying out section 2120 of title 44, United States Codes.

(2) REPORT.—Not later than December 31st of each year, the Archivist of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the provisions, amount, and duration of each cooperative agreement entered into as authorized by paragraph (1) during the preceding fiscal year.

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 21 of title 44, United States Code, is amended by adding after the item relating to section 2119 the following:

''2120. Online access of founding fathers documents.''.

**SEC. 5. ADVISORY COMMITTEE.**

(a) ESTABLISHMENT.—The Archivist of the United States may establish an advisory committee to—

(1) review the progress of the Founding Fathers editorial projects funded by the National Historical Publications and Records Commission;

(2) develop, in consultation with the various Founding Fathers editorial projects, appropriate completion goals for the projects described in paragraph (1);

(3) annually review such goals and report to the Archivist on the progress of the various projects in meeting the goals; and

(4) recommend to the Archivist measures that would aid or encourage the projects in meeting such goals.

(b) REPORTS TO THE ADVISORY COMMITTEE.—Each of the projects described in subsection (a)(1) shall provide annually to the advisory committee established under subsection (a) a report on the progress of the project toward accomplishing the completion goals and any assistance needed to achieve such goals, including the following:

(1) The proportion of total project funding for the funding year in which the report is submitted from—

(A) Federal, State, and local government sources;

(B) the host institution for the project;

(C) private or public foundations; and

(D) individuals.

(2) Information on all activities carried out using nongovernmental funding.

(3) Any and all information related to performance goals for the funding year in which the report is submitted.

(c) COMPOSITION; MEETINGS; REPORT; SUNSET; ACTION.—The advisory committee established under subsection (a) shall—

(1) be comprised of 3 nationally recognized historians appointed for not more than 2 consecutive 4-year terms;

(2) meet not less frequently than once a year;

(3) provide a report on the information obtained under subsection (b) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives not later than 1 year after the date of enactment of this Act and annually thereafter;

(4) terminate on the date that is 8 years after the date of enactment of this Act; and

(5) recommend legislative or executive action that would facilitate completion of the performance goals for the Founding Fathers editorial projects.

**SEC. 6. CAPITAL IMPROVEMENT PLAN FOR PRESIDENTIAL ARCHIVAL DEPOSITORIES; REPORT.**

(a) IN GENERAL.—

(1) PROVISION OF PLAN.—The Archivist of the United States shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a 10-year capital improvement plan, in accordance with paragraph (2), for all Presidential archival depositories (as defined in section 2101 of title 44, United States Code), which shall include—

(A) a prioritization of all capital projects at Presidential archival depositories that cost more than $1,000,000;

(B) the current estimate of the cost of each capital project; and

(C) the basis upon which each cost estimate was developed.

(2) PROVIDED TO CONGRESS.—The capital improvement plan shall be provided to the committees, as described in paragraph (1), at the same time as the first Budget of the United States Government after the date of enactment of this Act is submitted to Congress.

(3) ANNUAL UPDATES AND EXPLANATION OF CHANGES IN COST ESTIMATES.—The Archivist of the United States shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives—

(A) annual updates to the capital improvement plan described in paragraph (1) at the same time as each subsequent Budget of the United States Government is submitted to Congress; and

(B) an explanation for any changes in cost estimates.

(b) AMENDMENT TO MINIMUM AMOUNT OF ENDOWMENT.—Section 2112(g)(5)(B) of title 44, United States Code, is amended by striking ''40'' and inserting ''60''.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Archivist of the United States shall provide a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, that provides 1 or more alternative models for presidential archival depositories that—

(1) reduce the financial burden on the Federal Government;

(2) improve the preservation of presidential records; and

(3) reduce the delay in public access to all presidential records.

**SEC. 7. ESTABLISHMENT OF NATIONAL DATABASE FOR RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION.**

(a) IN GENERAL.—The Archivist of the United States may preserve relevant records and establish, as part of the National Archives and Records Administration, an electronically searchable national database consisting of historic records of servitude, emancipation, and post-Civil War reconstruction, including the Refugees, Freedman, and Abandoned Land Records, Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Impressments Records, Slave Payroll Records, Slave Manifest, and others, contained within the agencies and departments of the Federal Government to assist African Americans and others in conducting genealogical and historical research.

(b) MAINTENANCE.—Any database established under this section shall be maintained by the National Archives and Records Administration or an entity within the National Archives and Records Administration designated by the Archivist of the United States.

**SEC. 8. GRANTS FOR ESTABLISHMENT OF STATE AND LOCAL DATABASES FOR RECORDS OF SERVITUDE, EMANCIPATION, AND POST-CIVIL WAR RECONSTRUCTION.**

(a) IN GENERAL.—The Executive Director of the National Historical Publications and

Records Commission of the National Archives and Records Administration may make grants to States, colleges and universities, museums, libraries, and genealogical associations to preserve records and establish electronically searchable databases consisting of local records of servitude, emancipation, and post-Civil War reconstruction.

(b) MAINTENANCE.—Any database established using a grant under this section shall be maintained by appropriate agencies or institutions designated by the Executive Director of the National Historical Publications and Records Commission.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I stand to urge the passage of S. 3477. The National Historical Publications and Records Commission is the grant-making arm of the National Archives and Records Administration. The NHPRC makes grants to help identify, preserve, and provide public access to records, photographs, and other materials that document American history. The grants go to State and local archives, colleges and universities, libraries, historical societies, and other nonprofit organizations throughout the country.

This legislation provides that the Archivist, with the recommendations of the NHPRC, may grant money to eligible entities to promote the historical preservation of, and public access to, historical records and documents relating to any former President who does not have a Presidential archival depository currently managed and maintained under the Presidential Libraries Act of 1955.

This bill also includes provisions that limit the tenure of members of the NHPRC and provides for their recusal from matters that pose, or potentially pose, a conflict of interest.

The bill provides for online access to the Founding Fathers documents, establishes an advisory committee for the NHPRC, and requires that the Archivist develop a 10-year capital improvement plan with annual updates to Congress.

Additionally, this legislation authorizes the Archivist to establish an electronically searchable national database consisting of historic records of servitude, emancipation, and post-Civil War reconstruction, including the Refugees, Freedman, and Abandoned Land Records, Southern Claims Commission Records, Records of the Freedmen's Bank, Slave Impressments Records, Slave Payroll Records, Slave Manifest, and others contained within the agencies and departments of the Federal Government to assist African Americans and others in conducting genealogical and historical research.

None of the programs authorized in this act shall take precedent over existing programs funded by the Commission unless there is an increase in authorization of appropriations and an increase in appropriated funds to fund these programs.

I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Like many of our Nation's Presidents, this bill has its roots in Virginia. The important mission of the Woodrow Wilson Presidential Library in Staunton, Virginia, and the determination of the individuals there combined to move this legislation forward.

I want to thank Mr. GOODLATTE for his hard work on this legislation. He's really worked many years on this. I also want to recognize the valuable contribution of its sponsor in the other body, Senator WARNER, and also recognize and acknowledge the important provisions added by Senators CARPER and LIEBERMAN.

This bill modifies an existing program within the National Historical Publications and Records Commission to ensure that grant funding is available to preserve, and provide public access to, historical documents of Presidents not currently covered under the Presidential Libraries Act of 1955.

□ 1515

The bill makes structural changes to the commission by placing 8-year term limits on members and requires members to recuse themselves from votes that would lead to a conflict of interest.

In addition, it allows the Archivist to publish online the various public cases funded by the commission of the Founding Fathers and any other prominent historical figures.

Finally, the bill grants the Archivist the ability to establish a database for Federal records of servitude, emancipation and post-Civil War reconstruction and provides that the National Historic Publication and Records Commission may make grants to preserve local records of servitude, emancipation and post-Civil War reconstruction.

This bill has solid bipartisan support. I want to thank Chairman WAXMAN for his support and also Mr. CLAY for being here to usher this through today. It has taken a lot of hard work behind the scenes on the part of our staffs in order to increase the awareness and the understanding of the life and principles and accomplishments of our past Presidents. I just want to ask my colleagues to join me in supporting this legislation.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I continue to reserve. I don't have any other speakers.

Mr. DAVIS of Virginia. If I could yield to the bill's sponsor who has really worked on this through the years and has really helped to shepherd this through both bodies, the gentleman from Roanoke, Mr. GOODLATTE. I yield to him such time as he may consume.

Mr. GOODLATTE. I want to thank Ranking Member DAVIS, my colleague from Virginia, for not only yielding me time but also for his leadership in working so hard with Chairman WAXMAN, with Members of the Senate and others who have been involved in pushing this legislation forward, for helping to finally reach this day in which we have legislation that concurs with legislation in the Senate.

I urge my colleagues to support the Presidential Historic Records Preservation Act of 2008. I introduced similar legislation a few weeks ago in the House, along with my colleagues in the Senate, Senators JOHN WARNER and JIM WEBB.

Mr. Speaker, the National Historical Publications and Records Commission is a statutory body affiliated with the National Archives and Records Administration. The NHPRC was established by Congress in 1934 to promote the preservation and use of America's documentary heritage essential to understanding our democracy, history, and culture.

Currently, the NHPRC is authorized to administer grants to promote preservation and use of America's documentary heritage. The NHPRC supports projects that preserve and make accessible records and archives, and research and develop means to preserve authentic electronic records. Unfortunately, the NHPRC does not preserve the documents of all Presidents.

The Presidential Historical Records Preservation Act of 2008 would allow NHPRC to make grants on a competitive basis to eligible entities to promote the historic preservation of, and public access to, historical records and documents relating to any President who does not have a Presidential archival depository currently managed and maintained by the Federal Government pursuant to the Presidential Libraries Act of 1955.

Mr. Speaker, this legislation, in order to be eligible to receive these grants, an entity must qualify as a 501(c)(3) of the Internal Revenue Code or be a State or local government. In order to maintain the integrity of the grant program, the NHPRC may only approve grants to those entities that possess historical works and collections of historical sources that the commission considers appropriate for preserving, publishing, or otherwise recording at the public expense. The entity must also have appropriate facilities

and space for preservation of such historical works and ensure public access to these collections.

Finally, to maintain the fiscal integrity of this act, the receiving entity must have raised funds from non-Federal sources in support of the grant efforts. In addition, grants may not be used for the maintenance, operating costs, or construction of any facility to house the historical records of any President who does not have a Presidential archival depository currently managed by the Federal Government. Mr. Speaker, as you can see, the focus of the bill is preservation and access to documents, not constructing new buildings or monuments.

I also commend my colleagues in the Senate for their improvements to this bill by allowing the Archivist to provide greater online access to historical documents of our Nation's Founding Fathers. With this provision, future generations will have greater access to the stories and journeys on the creation of our great country.

I want to thank my colleagues, Ranking Member DAVIS and Chairman WAXMAN, for their help with this legislation. I would also like to thank the staff at the Archives and Senators WARNER and WEBB for their assistance, as well as the Senate Committee on Government Affairs and Homeland Security in crafting this important bill.

Finally, I especially want to thank my constituents at the Woodrow Wilson Presidential Library in Staunton, Virginia, for their assistance and guidance as this bill has taken on many forms over the past few years. The Woodrow Wilson Presidential Library has preserved several thousand documents, and it is my hope that these NHPRC grants will help organizations like this serve the American public.

Mr. DAVIS of Virginia. I yield back the balance of my time and urge my colleagues to support the bill.

Mr. CLAY. Mr. Speaker, first before I close, I would like to commend my two colleagues from Virginia, Mr. GOODLATTE and Mr. DAVIS, as well as their two U.S. Senators for introducing this important piece of legislation and shepherding it through, and I urge my colleagues to support this measure.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the Senate bill, S. 3477.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## WAIVING CLAIMS TO CERTAIN DOCUMENTS RELATING TO FRANKLIN DELANO ROOSEVELT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6669) to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6669

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TREATMENT OF OWNERSHIP OF CERTAIN DOCUMENTS RELATING TO FRANKLIN DELANO ROOSEVELT.**

(a) IN GENERAL.—If any person makes a gift of any property described in subsection (b) to the National Archives and Records Administration, then any claim of the United States to such property shall be treated as having been waived and relinquished on the day before the date of such gift.

(b) PROPERTY DESCRIBED.—Property is described in this subsection if such property is a part of the collection of documents, papers, and memorabilia relating to Franklin Delano Roosevelt, or any member of his family or staff, which was originally in the possession of Grace Tully and retained by her at the time of her death, and included in her estate.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

As a member of the House Committee on Oversight and Government Reform, I rise today in support of H.R. 6669, which was introduced by Congresswoman Kirsten Gillibrand on July 30, 2008.

This bill waives a government interest in certain records in order to allow private owners of some personal papers of President Franklin Delano Roosevelt to deliver these valuable papers, called the Tully Collection, to the FDR Presidential Library in Hyde Park, New York.

The owners of the collection currently want to donate the papers to the FDR Library, but because the National Archives asserted a claim to a portion of the collection, the owners would be ineligible for a common tax deduction for the fair market value of the donation.

I urge my colleagues to support this measure.

I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume. I will try to be brief.

Mr. Speaker, this is a simple bill with the limited purpose of waiving certain claims of the United States to specific documents relating to President Franklin Delano Roosevelt.

The papers in question, known as the Tully Collection, are a very important and valuable collection of materials relating to Roosevelt's Presidency.

Grace Tully served on President Roosevelt's secretarial staff for several decades and in 1941 became his personal secretary. After her death, her collection of personal papers passed on through her niece into the hands of private collectors, and finally, to the current owner, Sun Times Media, which bought the collection for $8 million in 2001.

In 2004, the National Archives asserted a claim to a portion of the documents. Sun Times Media would now like to donate the entire collection to the FDR Presidential Library, but due to the Archives' formal claim, Sun Times Media is prevented from receiving any type of tax deduction for this, the donation.

This bill will address the legal barriers preventing the transfer of this very important collection to President Roosevelt's library.

I understand this bill has the strong support of members of the New York delegation. I would urge Members to support this legislation to help complete this historical collection.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I have no additional speakers. I will continue to reserve.

Mr. DAVIS of Virginia. I yield back the balance of my time and urge its adoption.

Ms. SLAUGHTER. Mr. Speaker, today I am proud to support HR 6669, a bill that will waive and relinquish claims by the United States to certain documents relating to Franklin Delano Roosevelt. This legislation would allow the transfer of the Tully/Suckley papers from the Sun Times Media to the Franklin Delano Roosevelt Library. These papers shed a great deal of light on the FDR era and are the largest collection of FDR documents and memorabilia in private hands.

Franklin Delano Roosevelt started his political career in New York State by working vigorously for reform movements that would redefine the role of government, and he never stopped. The programs that epitomized the New Deal had their genesis in Albany. As governor, Roosevelt implemented many of the innovative, progressive policies he would later introduce to the Nation as President. He expanded state assistance to social services and state agencies and eased the hardships on New York's agricultural industry by encouraging tax cuts for small farmers. Upon the onset of the Great Depression, he authorized the New York State Unemployment Relief Act and the Temporary Emergency Relief Administration.

In 1928, Roosevelt won the Democratic nomination for Governor at the Naval Armory in my home city of Rochester, New York. While serving as Governor, his successes elevated him to national prominence, and in 1932, he was elected President of the United States for the first of an unprecedented—and never to be repeated—four terms in office.

Franklin Roosevelt embraced the unique capabilities of every individual and worked tirelessly to ensure that all Americans would be able to earn a living and build this great Nation. As a result of initiatives like the PWA, the

WPA, and the CCC, the unemployed got jobs, people were able to support their families, and this Nation was able to grow and prosper. I hope that, as public servants, my colleagues will join me in following in his example by supporting honest policies that work to better the lives of American people.

Franklin Roosevelt had great regard for public service, and served with a sense of responsibility and honor. His respect for the American people and the value he placed on their well-being and security drove everything he did. President Roosevelt came to embody strength, hope and resolve during some of the most difficult days in our Nation's history. From the economic distress of the Great Depression to the horrifying attack on Pearl Harbor that caused the Nation to enter World War II, Roosevelt's steadfast leadership ignited an economic engine and calmed a frightened nation.

The legacy of his policies will certainly outlast my lifetime and will continue to benefit my children and grandchildren for years to come. We owe him an unpayable debt of gratitude. And while only those closest to him realized that he couldn't walk unaided, as former Governor of New York, Mario Cuomo said, "Franklin Roosevelt lifted himself from his wheelchair to lift this nation from its knees."

Today more than ever, we can learn from Franklin Roosevelt's leadership. There is no better way to do this than to study his past. By allowing the transfer of these documents, it will open up the life of Franklin Roosevelt for everyone to enjoy. With the economic distress that our nation is facing today, we would do well to follow President Roosevelt's example. There is little doubt this nation could use some lifting up right about now.

This bill makes sense, is non-controversial, and is for the good of the United States. Please support this legislation that would allow this transfer to the FDR Library. It would shed light on one of the most important Presidents of the 20th Century and greatly consolidate the legacy of the Roosevelt era. I am honored to rise today and support this legislation and encourage my colleagues to do the same.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time and urge my colleagues to support the legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the bill, H.R. 6669.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## AIR CARRIAGE OF INTERNATIONAL MAIL ACT

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3536) to amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3536

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Air Carriage of International Mail Act".

**SEC. 2. AIR CARRIAGE OF INTERNATIONAL MAIL.**

(a) CONTRACTING AUTHORITY.—Section 5402 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

"(b) INTERNATIONAL MAIL.—

"(1) IN GENERAL.—

"(A) Except as otherwise provided in this subsection, the Postal Service may contract for the transportation of mail by aircraft between any of the points in foreign air transportation only with certificated air carriers. A contract may be awarded to a certificated air carrier to transport mail by air between any of the points in foreign air transportation that the Secretary of Transportation has authorized the carrier to serve either directly or through a code-share relationship with one or more foreign air carriers.

"(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal Service requirements at a fair and reasonable price from at least 2 such carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service's requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service sought if, when the Postal Service seeks offers or proposals from foreign air carriers, it also seeks an offer or proposal to provide that service from any certificated air carrier providing service between those points, or pairs of points within a geographic region or regions, on the same terms and conditions that are being sought from foreign air carriers.

"(C) For purposes of this subsection, the Postal Service shall use a methodology for determining fair and reasonable prices for the Postal Service designated region or regions developed in consultation with, and with the concurrence of, certificated air carriers representing at least 51 percent of available ton miles in the markets of interest.

"(D) For purposes of this subsection, ceiling prices determined pursuant to the methodology used under subparagraph (C) shall be presumed to be fair and reasonable if they do not exceed the ceiling prices derived from—

"(i) a weighted average based on market rate data furnished by the International Air Transport Association or a subsidiary unit thereof; or

"(ii) if such data are not available from those sources, such other neutral, regularly updated set of weighted average market rates as the Postal Service, with the concurrence of certificated air carriers representing at least 51 percent of available ton miles in the markets of interest, may designate.

"(E) If, for purposes of subparagraph (D)(ii), concurrence cannot be attained, then the most recently available market rate data described in this subparagraph shall continue to apply for the relevant market or markets.

"(2) CONTRACT PROCESS.—The Postal Service shall contract for foreign air transportation as set forth in paragraph (1) through an open procurement process that will provide—

"(A) potential offerors with timely notice of business opportunities in sufficient detail to allow them to make a proposal;

"(B) requirements, proposed terms and conditions, and evaluation criteria to potential offerors; and

"(C) an opportunity for unsuccessful offerors to receive prompt feedback upon request.

"(3) EMERGENCY OR UNANTICIPATED CONDITIONS; INADEQUATE LIFT SPACE.—The Postal Service may enter into contracts to transport mail by air in foreign air transportation with a certificated air carrier or a foreign air carrier without complying with the requirements of paragraphs (b)(1) and (2) if—

"(A) emergency or unanticipated conditions exist that make it impractical for the Postal Service to comply with such requirements; or

"(B) its demand for lift exceeds the space available to it under existing contracts and—

"(i) there is insufficient time available to seek additional lift using procedures that comply with those requirements without compromising the Postal Service's service commitments to its own customers; and

"(ii) the Postal Service first offers any certificated air carrier holding a contract to carry mail between the relevant points the opportunity to carry such excess volumes under the terms of its existing contract.

"(c) GOOD FAITH EFFORT REQUIRED.—The Postal Service and potential offerors shall put a good-faith effort into resolving disputes concerning the award of contracts made under subsection (b).".

(b) CONFORMING AMENDMENTS TO TITLE 49.—

(1) Section 41901(a) is amended by striking "39." and inserting "39, and in foreign air transportation under section 5402(b) and (c) of title 39.".

(2) Section 41901(b)(1) is amended by striking "in foreign air transportation or".

(3) Section 41902 is amended—

(A) by striking "in foreign air transportation or" in subsection (a);

(B) by striking subsection (b) and inserting the following:

"(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the United States Postal Service a statement showing—

"(1) the places between which the carrier is authorized to transport mail in Alaska;

"(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

"(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each such place.";

(C) by striking "subsection (b)(3)" each place it appears in subsections (c)(1) and (d) and inserting "subsection (b)(2)"; and

(D) by striking subsections (e) and (f).

(4) Section 41903 is amended by striking "in foreign air transportation or" each place it appears.

(5) Section 41904 is amended—

(A) by striking "**to or in foreign countries**" in the section heading;

(B) by striking "to or in a foreign country" and inserting "between two points outside the United States"; and

(C) by inserting after "transportation." the following: "Nothing in this section shall

affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.''.

(6) Section 41910 is amended by striking the first sentence and inserting ''The United States Postal Service may weigh mail transported by aircraft between places in Alaska and make statistical and –administrative computations necessary in the interest of mail service.''.

(7) Chapter 419 is amended—

(A) by striking sections 41905, 41907, 41908, and 41911; and

(B) redesignating sections 41906, 41909, 41910, and 49112 as sections 41905, 41906, 41907, and 41908, respectively.

(8) The chapter analysis for chapter 419 is amended by redesignating the items relating to sections 41906, 41909, 41910, and 49112 as relating to sections 41905, 41906, 41907, and 41908, respectively.

(9) Section 101(f) of title 39, United States Code, is amended by striking ''mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service.'' and inserting ''mail.''.

(10) Subsections (b) and (c) of section 3401 of title 39, United States Code, are amended—

(A) by striking ''at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49'' and inserting ''or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title'';

(B) by striking ''at rates not to exceed those so fixed and determined for scheduled United States air carriers'';

(C) by striking ''scheduled'' each place it appears and inserting ''certificated''; and

(D) by striking the last sentence in each such subsection.

(11) Section 5402(a) of title 39, United States Code, is amended—

(A) by inserting ''foreign air carrier','' after ''interstate air transportation','' in paragraph (2);

(B) by redesignating paragraphs (7) through (23) as paragraphs (8) through (24) and inserting after paragraph (6) the following:

''(7) the term 'certificated air carrier' means an air carrier that holds a certificate of public convenience and necessity issued under section 41102(a) of title 49;'';

(C) by redesignating paragraphs (9) through (24), as redesignated, as paragraphs (10) through (25), respectively, and inserting after paragraph (8) the following:

''(9) the term 'code-share relationship' means a relationship pursuant to which any certificated air carrier or foreign air carrier's designation code is used to identify a flight operated by another air carrier or foreign air carrier;''; and

(D) by inserting ''foreign air carrier,'' after ''terms'' in paragraph (2).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. CLAY) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

S. 3536 would eliminate the Department of Transportation's international rate-setting authority and allow the Postal Service to contract with U.S. air carriers for international mail transportation rates and services.

The Postal Service currently spends well over $200 million annually to transport international mail, at rates set by regulation, not the marketplace. The current system for setting international mail air transportation rates is almost 30 years old and does not accurately reflect the cost of international mail carriage in today's highly competitive markets.

Both the GAO and the Postal Service Office of Inspector General support the end of DOT's role in setting international mail rates. Indeed, the bill has the support of the United States air carriers and the Postal Service and reflects the collaborative efforts of both groups to develop legislation they could embrace.

Allowing the Postal Service to negotiate and contract for the international air transportation of mail at fair and reasonable prices means approximately $50 million a year in savings. According to the Postal Service, ''roughly half of that savings would be passed through to the Department of Defense, which reimburses the Postal Service for the transportation of international military mail.'' As such, S. 3536 also enjoys the support of the Department of Defense Military Postal Service Agency and DOT.

I commend my colleague, Senator CARPER, for his leadership on this important legislation. I also commend Chairman WAXMAN and Ranking Member Tom Davis for their strong support over the years to allow the Postal Service to obtain savings for postal customers and secure much more competitive mail rates.

□ 1530

In closing, I support the passage of S. 3536.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the many things we tried to accomplish during our long effort to update the Postal Reorganization Act was to find a way to save the U.S. Postal Service money by allowing it to competitively award contracts to transport international mail between any of the points in foreign air transportation.

Despite Chairman WAXMAN's and my best efforts, we failed to come to an agreement on this issue before the Postal Reform bill passed in 2006. Over the past year, the Postal Service and the American airline industry have worked on an agreement that I think both parties can support, and that agreement is the legislation before us today.

This bill will allow the Postal Service to competitively award contracts to U.S. airlines for the transportation of international mail overseas. The legislation also would save money for the U.S. Department of Defense, which reimburses the Postal Service for the transportation of mail overseas. This bill enables the Postal Service to participate in today's highly competitive market and secure much more competitive mail rates, maximizing efficiency and providing better service for postal customers.

It is well known that the Postal Service is under serious financial strain and that this agreement will help, in part, to eliminate some of that burden. It is estimated the Postal Service could save up to $50 million as a result of the enactment of this legislation.

It's disappointing to see that there is a thread of protectionism running through this legislation in that non-American airlines are not free to compete on an even footing with American-owned airlines. This means the taxpayer won't always be getting the very best deal possible.

But Postal Service needs relief and postal customers deserve better and more cost-effective service, and this bill advances that. This bill seeks to accomplish this, and for this reason I support the bill and ask my colleagues to do the same.

I want to thank, again, Mr. WAXMAN, Mr. CLAY, Senator CARPER on the Senate side, along with Mrs. COLLINS of Maine for their support in bringing this together.

Mr. Speaker, I yield back the balance of my time.

Mr. CLAY. Mr. Speaker, before I close, I would like to publicly say what a pleasure it has been to serve with my friend from Virginia (Mr. DAVIS). He was the former chairman of the Oversight and Government Reform Committee and now the ranking member. But since I got here in 2000, he has been nothing but a friend to me, and I appreciate his service. I know we're getting close to adjournment, but I'm sure this won't be the last time we hear from TOM DAVIS.

Mr. DAVIS of Virginia. Thank you very much.

Mr. WAXMAN. Madam Speaker, enclosed is an exchange of letters between the Chairmen of the House Committee on Oversight and Government Reform and the House Committee on Transportation and Infrastructure regarding S. 3536 the "Air Carriage of International Mail Act."

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
*Washington, DC, September 27, 2008.*

Hon. HENRY A. WAXMAN,
*Chairman, Committee on Oversight and Government Reform, Washington, DC.*

DEAR CHAIRMAN WAXMAN: I write to you regarding S. 3536, the ''Air Carriage of International Mail Act''.

S. 3536 contains provisions that fall within the jurisdiction of the Committee on Transportation and Infrastructure. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner and, accordingly, I will not seek a sequential referral of the bill. However, I agree to waive consideration of this bill with the mutual understanding that my decision to forego a sequential referral of the bill does not waive, reduce, or otherwise affect the jurisdiction of the Committee on Transportation and Infrastructure over S. 3536.

Please place a copy of this letter and your response acknowledging the Committee on Transportation and Infrastructure's jurisdictional interest in the Congressional Record during consideration of the measure on the House Floor.

I look forward to working with you as we prepare to pass this important legislation.

Sincerely,

JAMES L. OBERSTAR, M.C.,
*Chairman.*

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CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, September 27, 2008.*

Hon. JAMES OBERSTAR,
*Chairman, Committee on Transportation and Infrastructure, Washington, DC.*

DEAR CHAIRMAN OBERSTAR: I write to you regarding S. 3536, the ''Air Carriage International Mail Act.''

I agree that provisions in S. 3536 are of jurisdictional interest to the Committee on Transportation and Infrastructure. I appreciate your willingness to waive rights to further consideration of S. 3536, and I acknowledge that through this waiver, your Committee is not relinquishing its jurisdiction over the relevant provisions of S. 3536.

This exchange of letters will be placed in the Congressional Record as part of the consideration of S. 3536 in the House.

I thank you for working with me to pass this important legislation.

Sincerely,

HENRY A. WAXMAN,
*Chairman.*

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the Senate bill, S. 3536.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## LEO J. RYAN POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6982) to designate the facility of the United States Postal Service located at 210 South Ellsworth Avenue in San Mateo, California, as the ''Leo J. Ryan Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 6982

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. LEO J. RYAN POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 210 South Ellsworth Avenue in San Mateo, California, shall be known and designated as the ''Leo J. Ryan Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Leo J. Ryan Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CONGRATULATING THE WAIPIO LITTLE LEAGUE BASEBALL TEAM FOR WINNING THE 2008 LITTLE LEAGUE WORLD CHAMPIONSHIP

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 1436 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the resolution is as follows:

H. RES. 1436

Whereas, on August 24, 2008, the Waipio Little League baseball team from Waipio, Hawaii, defeated the Matamoros Little League team of Tamaulipas, Mexico, by a score of 12 to 3, to become the 2008 Little League Champions in the 2008 Little League World Series at Williamsport, Pennsylvania;

Whereas the Waipio Little League team went undefeated through the 2008 Little League World Series defeating—

(1) Shelton National Little League team of Shelton, Connecticut, by 3 to 1;

(2) Citrus Park Little League team of Tampa, Florida, 10 to 2;

(3) Canyon Lake Little League team of Rapid City, South Dakota, 6 to 4;

(4) Mill Creek Little League team of Mill Creek, Washington, 9 to 4;

(5) South Lake Charles Little League team of Lake Charles, Louisiana, 7 to 5; and

(6) Matamoros Little League team of Tamaulipas, Mexico, 12 to 3;

Whereas the first 12 runs scored by the Waipio Little League team were the most by one team in a World Series title game since 1998;

Whereas the winning margin by the Waipio Little League team was the largest ever by a United States team over an international opponent in the title game;

Whereas the 2008 Championship is the fourth World Championship title in a row for the United States;

Whereas, on August 23, 2008, the Waipio Little League team won the United States Championship in a come-from-behind victory, scoring six runs in the sixth and final inning to win by 7 to 5;

Whereas they displayed the perseverance, persistence, determination, and never-give-up attitude of true champions and set an example for men, women, and children all across the United States;

Whereas the 2008 Waipio Little League World Champions are Iolana Akau, Jedd Andrade, Christian Donahue, Caleb Duhay, Ulumano Farm, Kainoa Fong, Trevor Ling, Keelen Obedoza, Khade Paris, Tanner Tokunaga, Jordan Ulep, Pikai Winchester, Matthew Yap, manager Timo Donahue, and coaches Kiha Akau and Gregg Tsukawa;

Whereas the Waipio Little League team was successful because of solid coaching and execution of fundamentals and discipline;

Whereas the World Series victories of the Waipio Little League baseball team exemplifies the sportsmanship, hard work, and dedication of its players, coaches, and families; and

Whereas the achievement of the Waipio Little League team is the cause of enormous pride for the Nation, the State of Hawaii, and the community of Waipio: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) congratulates the Waipio Little League baseball team on being 2008 Little League World Champions;

(2) commends the team's families, coaches, and community for their support and dedication to enabling the success of the team on and off the field; and

(3) respectfully requests that the Clerk of the House transmit an enrolled copy of this resolution to the City and County of Honolulu and to each player, manager, and coach of the Waipio Little League baseball team for appropriate display.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support H. Res. 1436, a resolution to congratulate the Waipio Little League Team from the State of Hawaii for winning the 2008 Little League World Series.

On August 24, 2008, the Waipio Little League baseball team won the Little League World Championship. Waipio defeated the Matamoros Little League team of Tamaulipas, Mexico, 12–3. This is the most runs scored by one team in a World Series title game since 1998. Waipio's victory by nine runs is also the largest winning margin by a US team over an international opponent in the title game,

To get to the Little League World Series, Wapio went undefeated through the season. They went 3–0 in pool play, defeating teams from Connecticut, Florida and South Dakota. On August 20, 2008, Waipio won the United States Semifinal by defeating Mill Creek Little League, from Mill Creek, Washington. Then on August 23, 2008, they won the United States Championship by defeating South Lake Charles Little League, of Lake Charles, Louisiana. During this game, the team was down 5–1, but persevered and came back in the sixth and final inning by scoring six runs, to win the game 7–5.

I would like to congratulate each member of the team and recognize their spirit and determination that got them so far: Iolana Akau, Jedd Andrade, Christian Donahue, Caleb

Duhay, Ulumano Farm, Kainoa Fong, Trevor Ling, Keelen Obedoza, Khade Paris, Tanner Tokunaga, Jordan Ulep, Pikai Winchester, Matthew Yap, Manager Timo Donahue, Coach Kiha Akau, and Coach Gregg Tsukawa.

Just as important, this resolution commends the team's families, coaches, and community for their support and dedication to enabling the success of the team on and off the field. Without this support, the team could not have traveled such a tremendously triumphant road.

I would like to thank Chairman HENRY WAXMAN and Ranking Member TOM DAVIS for the Committee on Oversight and Government Reform's support in advancing this resolution. I would also like to thank Representative MAZIE HIRONO, Representative ENI FALEOMAVAEGA and Representative MADELEINE BORDALLO for their unflagging support and also that of Representative JOHN PETERSON, whose district hosts the Little League World Series.

I ask my colleagues to join me in honoring the Waipio Little League Baseball team and their accomplishments and ask for your support of H. Res. 1436.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GORDON N. CHAN POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6558) to designate the facility of the United States Postal Service located at 1750 Lundy Avenue in San Jose, California, as the ''Gordon N. Chan Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 6558

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. GORDON N. CHAN POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1750 Lundy Avenue in San Jose, California, shall be known and designated as the ''Gordon N. Chan Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Gordon N. Chan Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CWO RICHARD R. LEE POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6834) to designate the facility of the United States Postal Service located at 4 South Main Street in Wallingford, Connecticut, as the ''CWO Richard R. Lee Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 6834

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CWO RICHARD R. LEE POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 4 South Main Street in Wallingford, Connecticut, shall be known and designated as the ''CWO Richard R. Lee Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''CWO Richard R. Lee Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DR. WALTER CARL GORDON, JR. POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6859) to designate the facility of the United States Postal Service located at 1501 South Slappey Boulevard in Albany, Georgia, as the ''Dr. Walter Carl Gordon, Jr. Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 6859

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DR. WALTER CARL GORDON, JR. POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1501 South Slappey Boulevard in Albany, Georgia, shall be known and designated as the ''Dr. Walter Carl Gordon, Jr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dr. Walter Carl Gordon, Jr. Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## NATIONAL LIFE INSURANCE AWARENESS MONTH

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1392) supporting the goals and ideals of ''National Life Insurance Awareness Month,'' and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the resolution is as follows:

H. RES. 1392

Whereas life insurance is an essential part of a sound financial plan;

Whereas life insurance provides financial security for families by helping surviving members meet immediate and long-term financial obligations and objectives in the event of a premature death in their family;

Whereas approximately 68,000,000 United States citizens lack the adequate level of life insurance coverage needed to ensure a secure financial future for their loved ones;

Whereas life insurance products protect against the uncertainties of life by enabling individuals and families to manage the financial risks of premature death, disability, and long-term care;

Whereas individuals, families, and businesses can benefit from professional insurance and financial planning advice, including an assessment of their life insurance needs; and

Whereas numerous groups supporting life insurance have designated September 2008 as ''National Life Insurance Awareness Month'' as a means to encourage consumers to—

(1) become more aware of their life insurance needs;

(2) seek professional advice regarding life insurance; and

(3) take the actions necessary to achieve financial security for their loved ones: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) supports the goals and ideals of ''National Life Insurance Awareness Month''; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to observe the month with appropriate programs and activities.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## REVEREND EARL ABEL POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the Senate bill (S. 3082) to designate the facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the ''Reverend Earl Abel Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the Senate bill is as follows:

S. 3082

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REVEREND EARL ABEL POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, shall be known and designated as the ''Reverend Earl Abel Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Reverend Earl Abel Post Office Building''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## HONORING THE MEMORY OF ROBERT MONDAVI

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of Senate Concurrent Resolution 84 and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 84

Whereas Robert Mondavi, a much-loved and admired man of many talents, passed away on May 16, 2008, at the age of 94;

Whereas Robert Mondavi will be fondly and most famously remembered for his work in producing and promoting California wines on an international scale;

Whereas Robert Gerald Mondavi was born to Italian immigrant parents, Cesare and Rosa, on June 18, 1913, in Virginia, Minnesota, and his family later moved to Lodi, California, where he attended Lodi High School;

Whereas after graduating from Stanford University in 1937 with a degree in economics and business administration, Robert Mondavi joined his father and younger brother Peter in running the Charles Krug Winery in the Napa Valley of California;

Whereas Robert Mondavi left Krug Winery in 1965 to establish his own winery in the Napa Valley, and, in 1966, motivated by his vision that California could produce world-class wines, he founded the first major winery built in Napa Valley since Prohibition: the Robert Mondavi Winery;

Whereas in the late 1960s, the release of the Robert Mondavi Winery's Cabernet Sauvignon opened the eyes of the world to the potential of the Napa Valley region;

Whereas Robert Mondavi introduced new and innovative techniques of wine production, such as the use of stainless steel tanks to produce wines like his now-legendary Fumé Blanc;

Whereas as a tireless advocate for California wine and food, and the Napa Valley, Robert Mondavi was convinced that California wines could compete with established European brands, and his confidence in the potential of Napa Valley wines was confirmed in 1976 when California wines defeated some well-known French vintages at the historic Paris Wine Tasting, or ''Judgment of Paris'', wine competition;

Whereas in the late 1970s, Robert Mondavi created the first French-American wine venture when he joined with Baron Philippe de Rothschild in creating the Opus One Winery in Oakville, which produced its first vintage in 1979;

Whereas the success of the Robert Mondavi Winery, and the many international ventures Robert Mondavi pursued, allowed him to donate generously to various charitable causes, including the Robert Mondavi Institute for Wine and Food Science and Robert and Margrit Mondavi Center for the Performing Arts, both affiliated with the University of California, Davis, and the establishment of the American Center for Wine, Food and the Arts;

Whereas those who knew Robert Mondavi recognized him as a uniquely passionate and brilliant man who took pride in promoting causes that he held close to his heart;

Whereas Robert Mondavi's work as an ambassador for wine will be remembered fondly by all those whose lives he touched; and

Whereas Robert Mondavi will be deeply missed in the Napa Valley, in California, and throughout the world: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress honors the life of Robert Mondavi, a true pioneer and a patriarch of the California wine industry.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

## CONGRATULATING NBA CHAMPION BOSTON CELTICS

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 376) congratulating the 2007–2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 376

Whereas the Boston Celtics are one of the most successful and respected franchises in the history of professional sports;

Whereas prior to the 2007–2008 season, the Celtics had won 16 National Basketball Association (NBA) championships, more than any other team in NBA history, with a cast of players that, over the years, has included Hall of Famers such as Bill Russell, Bob Cousy, Tommy Heinsohn, John Havlicek, Dave Cowens, JoJo White, and other Celtic stars, whose accomplishments were captured from ''high above courtside'' by legendary Celtics sportscaster Johnny Most;

Whereas the Celtics' unmatched record of achievement on the basketball court has been further enhanced by the team's creation of an organizational culture, known as ''Celtic Pride'', based on the values of teamwork, tenacity, and loyalty, which was developed and encouraged by the legendary, late Celtics' head coach and team executive, Arnold ''Red'' Auerbach;

Whereas the Celtics' performance last season, in which the team finished with a record of 24–58, losing 18 games in a row at one point during the season, was a stark departure from the team's historically high caliber of play;

Whereas in the off-season, the Celtics' Executive Director of Basketball Operations Danny Ainge, with the support of the team's owners, responded quickly and aggressively to the disappointing season and acquired 2 NBA all-stars, power forward Kevin Garnett and guard Ray Allen;

Whereas Garnett and Allen joined Celtics' all-star forward Paul Pierce and formed a ''Big Three'' of outstanding players reminiscent of the ''Big Three'' of past Celtic greats Larry Bird, Kevin McHale, and Robert Parish, who led the Celtics to NBA championships in the 1980s;

Whereas the combination of Garnett, Allen, and Pierce immediately sparked the most dramatic turnaround in NBA history, as the Celtics started the 2007–2008 season with an 8–0 record and kept the momentum throughout the season, achieving records of 20–2 and 40–9;

Whereas the Celtics finished the regular season with a league-best record of 66–16;

Whereas the Celtics entered the NBA playoffs with home court advantage as a result of the team's regular season performance and defeated the Atlanta Hawks in the Eastern Conference quarterfinals in 7 games;

Whereas the Celtics then faced the Cleveland Cavaliers in the Eastern Conference semifinals, winning in 7 games, with team captain Paul Pierce scoring 41 points in a 97–92 victory in the deciding game;

Whereas the Celtics squared off against the Detroit Pistons in the Eastern Conference finals, clinching the series in 6 games, thanks to the outstanding plays of Paul Pierce, James Posey, Ray Allen, and Rajon Rondo;

Whereas the Celtics matchup with the Los Angeles Lakers in the NBA finals represented a battle of league titans, as the Celtics–Lakers rivalry spans decades, and either the Celtics or the Lakers have won half of the NBA's 62 championships;

Whereas the Celtics won the first 2 games of the finals in Boston, including a hard-fought Game 2 during which Leon Powe, the Celtics' second-year power forward, scored 21 points in 15 minutes off the bench, propelling the Celtics to a 108–102 victory;

Whereas although the Celtics lost Game 3 in Los Angeles by a score of 87–81, the team overcame a 20-point deficit in the third quarter of Game 4 to record one of the greatest comebacks in NBA finals history, powered by active team defense and a tremendous performance by Celtics' guard Ray Allen, who played all 48 minutes of the game on the way to a 97–91 Celtics victory;

Whereas although the Celtics were unable to defeat the Lakers in Game 5 despite a rally that fell just short, the Celtics responded by clinching a record 17th NBA championship in Game 6 on June 17, 2008, winning on the team's home court in Boston on the storied parquet floor now graced with Red Auerbach's signature by a score of 131–92, a 39-point margin that is the largest gap ever for an NBA finals closeout game;

Whereas the Celtics' revival from a last place finish in the Eastern Conference's Atlantic Division last season to a record 17th NBA Championship this season is the greatest single-season turnaround in NBA history;

Whereas in addition to the contributions of superstars Garnett, Allen, and Pierce, the

strong, sustained efforts of the entire Celtics team, including Kendrick Perkins and a bench of tenacious and talented players such as Eddie House, James Posey, P.J. Brown, Sam Cassell, Tony Allen, Glen Davis, and Brian Scalabrine enabled the Celtics to return to the glory that has marked much of the franchise's history;

Whereas Celtics owners Wyc Grousbeck, Steve Pagliuca, H. Irving Grousbeck, and Bob Epstein, along with Executive Director of Basketball Operations Danny Ainge, Head Coach Doc Rivers, and the entire Celtics roster and coaching staff have earned a special place in Boston sports history; and

Whereas the Celtics have joined with the Boston Red Sox and New England Patriots to transform Boston from ''Beantown'' to ''Titletown'', as the 3 teams have won a combined 6 championships in 6 years: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That it is the sense of Congress that—

(1) the 2007–2008 National Basketball Association (NBA) World Champions, the Boston Celtics, are to be congratulated for an outstanding and historic season;

(2) the Celtics, in winning a record 17th NBA World Championship, capped a remarkable, unprecedented single-season turnaround that captivated basketball fans across America and around the world; and

(3) the hustle, team defense, and overall unselfish play of the 2007–2008 Celtics are emblematic of the ''Celtic Pride'' tradition that has been a hallmark of the franchise for more than half a century, and serves as a model for coaches and players everywhere.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## NATIONAL ESTATE PLANNING AWARENESS WEEK

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1499) designating the third week of October as ''National Estate Planning Awareness Week,'' and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the resolution is as follows:

H. RES. 1499

Whereas it is estimated that over 120,000,000 Americans do not have up-to-date estate plans to protect themselves or their families in the event of sickness, accidents, or untimely death;

Whereas a 2004 Roper poll commissioned by the American Institute for Certified Public Accountants found that two-thirds of Americans over age 65 believe they lack the knowledge necessary to adequately plan for retirement, and nearly one half of all Americans are unfamiliar with basic retirement tools, such as a 401(k) plan;

Whereas careful estate planning can greatly assist Americans in preserving assets built over a lifetime for the benefit of family, heirs, or charities;

Whereas estate planning involves many considerations, including safekeeping of important documents, documentation of assets, operation of law in the various States, preparation of legal instruments, insurance, availability of trust arrangements, charitable giving, inter vivos care of the benefactor, and other important factors;

Whereas estate planning encourages timely decisions about the method of holding title to certain assets, the designation of beneficiaries, and the possible transfer of assets during the life of the benefactor;

Whereas many Americans are unaware that lack of estate planning and ''financial illiteracy'' may cause their assets to be disposed of to unintended parties by default through the complex process of probate;

Whereas alternatives to disposition of assets after death, such as planned gift-giving, may accomplish a benefactor's goal of providing for his or her family and favorite charities;

Whereas careful planning can prevent family members or other beneficiaries from being subjected to complex legal and administrative processes requiring significant expenditure of time, and greatly reduce confusion or even animosity among family members or other heirs upon the death of a loved one;

Whereas important considerations as to donation of organs and use of life support functions may be made through the estate planning process;

Whereas the implementation of an estate plan starts with sound education and planning, and then may require the proper drafting and execution of appropriate legal documents, including wills, trusts, and durable powers of attorney for health care;

Whereas the third week of October should be designated as ''National Estate Planning Awareness Week''; and

Whereas the National Association of Estate Planners and Councils, representing over 28,000 estate planning professionals, together with the Universal Press Syndicate, the largest independent newspaper syndicate in the world, are prepared to provide such educational information to the public in a focused manner during National Estate Planning Awareness Week: Now, therefore be it

*Resolved,* That the House of Representatives—

(1) encourages the distribution of estate planning information by professionals to all Americans; and

(2) supports the designation of a ''National Estate Planning Awareness Week''.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## HARRY LEE POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 5932) to designate the facility of the United States Postal Service located at 2801 Manhattan Boulevard in Harvey, Louisiana, as the ''Harry Lee Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 5932

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. HARRY LEE POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 2801 Manhattan Boulevard in Harvey, Louisiana, shall be known and designated as the ''Harry Lee Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Harry Lee Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## 75TH ANNIVERSARY OF THE NEW DEAL

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 360) recognizing the important social and economic contributions and accomplishments of the New Deal to our Nation on the 75th anniversary of legislation establishing the initial New Deal social and public works programs, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 360

Whereas this year marks the 75th anniversary of the ''First Hundred Days'', from March 4, 1933, to June 16, 1933, which was an unprecedented period of legislative action that engendered the programs that constituted the New Deal;

Whereas the New Deal was a set of programs and policies with the purpose of promoting economic recovery, as well as social and financial reform, during a time of severe economic and social distress due to conditions created by the Great Depression;

Whereas the New Deal established Federal programs to address these issues, including the Civilian Conservation Corps, Works Progress Administration, Public Works Administration, Farm Securities Administration, National Youth Administration, Home Owners Loan Corporation, Tennessee Valley Authority, and the Rural Electric Administration;

Whereas these programs left behind a massive public works and architectural legacy;

Whereas the United States continues to benefit from infrastructure projects built as a result of the New Deal, including numerous schools, hospitals, courthouses, libraries, city halls, fire houses, housing, public health facilities, roads, bridges, airports, sewer and water systems, flood control projects, dams, trails, parks, playgrounds, and zoos;

Whereas these infrastructure projects employed millions of individuals who planted more than 3,000,000,000 trees and constructed or repaired 650,000 miles of public roads, 125,000 public buildings, 75,000 bridges, 8,000 parks, 800 airports, and a number of sewage disposal plants;

Whereas the income from the millions of jobs created by the New Deal lifted many people out of poverty and provided stability to every sector of the American economy;

Whereas these programs built renowned structures and facilities, including the Rincon Annex Post Office and Alameda County Courthouse in California; the Timberline Lodge in Mt. Hood, Oregon; the Grand Coulee Dam in Washington; the Fort Peck Dam in Montana; the Norris Dam in Tennessee; Greenbelt towns in Maryland, Ohio, and Wisconsin; Red Rocks Ampitheatre in Colorado; Skyline Drive in the Blue Ridge Mountains of Virginia; and airports in New York City, Chicago, and the District of Columbia;

Whereas the Federal programs of the New Deal included projects for art, forest and soil conservation, distribution of food and clothing, education, historical surveys, library and book repair, music, recreation, writing, theater, disaster assistance, and medical, dental, and nursing programs;

Whereas the many cultural programs of the New Deal catalogued and supported the development of distinctive American art and oral histories, and further established the arts as a central and beneficial element of American society;

Whereas the New Deal created important institutions, including Social Security, the Federal Deposit Insurance Corporation, the Securities Exchange Commission, and the National Labor Relations Board;

Whereas the New Deal illustrates the ability of the Federal Government to act as a positive and instrumental force for change in addressing social and economic crises for the benefit of all people in the United States;

Whereas the current economic crisis, growing income inequality, and the degradation of infrastructure and the environment elicit the need for programs similar to the New Deal, both in spirit and substance; and

Whereas June 15, 2008, through June 21, 2008, would be an appropriate week for the observance of National New Deal Week to promote recognition and appreciation for the New Deal and its legacy: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress—

(1) recognizes the important social and economic contributions and accomplishments of the New Deal to our Nation on the 75th anniversary of legislation establishing the initial New Deal social and public works programs;

(2) acknowledges the inventiveness, resourcefulness, and creativity of the administrators and workers of the many New Deal programs; and

(3) encourages the people of the United States to observe National New Deal week.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## MALARIA AWARENESS DAY

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 389) supporting the goals and ideals of Malaria Awareness Day, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the resolution is as follows:

H. RES. 389

Whereas, despite malaria being completely preventable and treatable and the fact that malaria was eradicated from the United States over 50 years ago, more than 40 percent of the world's population is still at risk of contracting malaria;

Whereas more than one million people die from malaria each year, the vast majority of whom are children under the age of five in Africa;

Whereas 350 million to 500 million cases of malaria occur annually;

Whereas every 30 seconds a child dies from malaria, and more than 3,000 children die from malaria every day;

Whereas 90 percent of deaths from malaria occur in Africa;

Whereas pregnant women living with malaria and their children are particularly vulnerable: malaria is a major cause of complications during delivery, anemia, and low birth weights;

Whereas malaria costs African countries an estimated $12 billion in lost economic productivity each year;

Whereas heightened efforts to prevent and treat malaria are currently saving lives;

Whereas funding for the control of malaria has increased tenfold since 2000 in large part due to funding under the President's Malaria Initiative (a United States Government initiative designed to cut malaria deaths in half in target countries in sub-Saharan Africa), the Global Fund to Fight AIDS, Tuberculosis and Malaria, the World Bank, and new financing by other donors;

Whereas in just 18 months, the President's Malaria Initiative has purchased over one million artemisinin-based combination therapies (ACT), protected over three million people through spraying campaigns, and distributed over one million insecticide-treated bed nets; the Global Fund to Fight AIDS, Tuberculosis and Malaria has distributed 18 million bed nets to protect families from malaria and provided 5.3 million malaria patients with ACTs; and the World Bank's Booster Program is scheduled to commit approximately $500 million in International Development Association funds for malaria control in Africa;

Whereas public and private partners are developing effective and affordable drugs to treat malaria, with more than 23 types of malaria vaccines in development;

Whereas, according to the Centers for Disease Control and Prevention, vector control, or the prevention of malaria transmission via anopheles mosquitoes, which includes a combination of methods such as insecticide-treated bed nets, indoor residual spraying, and source reduction (larval control), has been shown to reduce severe morbidity and mortality due to malaria in endemic regions;

Whereas insecticide-treated bed nets have been shown to reduce all-cause mortality by about 20 percent in community-wide trials in several African settings;

Whereas in Africa, where 90 percent of malaria deaths occur, many of those suffering most from malaria—the rural poor—cannot afford even the modest cost ($5) of an insecticide-treated bed net;

Whereas a malaria-free future will rely on a comprehensive approach addressing the range of health, development, and economic challenges facing developing countries; and

Whereas April 25 of each year is recognized internationally as Africa Malaria Day and in the United States as Malaria Awareness Day: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) supports the goals and ideals of Malaria Awareness Day; and

(2) calls upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities to raise awareness and support to save the lives of those affected by malaria.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## JUDIE HAMMERSTAD POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6489) to designate the facility of the United States Postal Service located at 501 4th Street in Lake Oswego, Oregon, as the ''Judie Hammerstad Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 6489

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*,

**SECTION 1. JUDIE HAMMERSTAD POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 501 4th Street in Lake Oswego, Oregon, shall be known and designated as the ''Judie Hammerstad Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Judie Hammerstad Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## HELEN BERG POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6585) to designate the facility of the United States Postal Service located at 311 Southwest 2nd Street in Corvallis, Oregon, as the ''Helen Berg Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 6585

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*,

**SECTION 1. HELEN BERG POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 311

Southwest 2nd Street in Corvallis, Oregon, shall be known and designated as the ''Helen Berg Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Helen Berg Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## 100TH ANNIVERSARY OF THE CHRISTIAN SCIENCE MONITOR

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1494) recognizing the 100th anniversary of The Christian Science Monitor newspaper, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the resolution is as follows:

H. RES. 1494

Whereas on November 25, 1908, the 1st edition of The Christian Science Monitor was printed in Boston's Back Bay;

Whereas just over 100 days before The Monitor's 1st edition, its founder, Mary Baker Eddy, then 87 years old, told officers of her church to ''start a daily newspaper at once'';

Whereas Mrs. Eddy wanted The Monitor to blaze a path of unselfish service through journalism;

Whereas Mrs. Eddy, who had been the subject of inaccurate stories in the press, set as The Monitor's mission ''to injure no man, but to bless all mankind'';

Whereas The Monitor followed the first editor's request that the paper ''cover the daily activities of the entire world'' and ''appeal to good men and women everywhere who are interested in the betterment of all human conditions'';

Whereas The Monitor's focus was never local or denominational;

Whereas The Monitor is distributed to readers in all 50 States in print and online and has received worldwide respect for its international news coverage;

Whereas Mrs. Eddy became the first American woman to launch a lasting, general interest newspaper;

Whereas The Monitor has been honored with numerous major awards including seven Pulitzer Prizes for excellence in journalism; and

Whereas since 1966 The Monitor has sponsored 3,600 Washington newsmaker breakfasts, whose guests have included countless cabinet officers and congressional leaders, four presidents, and five vice presidents: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes the 100th anniversary of The Christian Science Monitor.

Mr. SMITH of Texas. Mr. Speaker, this resolution recognizes the 100th anniversary of The Christian Science Monitor newspaper on November 25, 2008.

Thanks go to Congressman MIKE CAPUANO (MA), who agreed to be an original cosponsor of this bipartisan resolution and whose district includes the Boston headquarters of The Christian Science Monitor. Rep. Capuano's public service is appreciated by all those who know him.

I also want to thank Ranking Member TOM DAVIS (VA) of the Government Reform Committee, who was an active supporter of this resolution. His energy and knowledge will be missed, since he is retiring at the end of this session.

Congressman HENRY WAXMAN (CA), Chairman of the Oversight and Government Reform Committee, offered his essential endorsement of this resolution. Without his assistance, this resolution wouldn't be on the floor today.

I happen to have a personal interest in commemorating the 100th anniversary of The Christian Science Monitor because I worked at the paper in Boston for two years shortly after graduating from college.

Starting out as a copyboy, I then became a clerk and eventually a staff writer for the Business and Financial page.

So I was able to witness the high standards of journalistic integrity maintained at The Christian Science Monitor, which has rightfully gained a reputation for fair and objective news reporting. The Monitor has earned that reputation because of its dedicated and committed editors, reporters and staff.

This resolution highlights some of the ways in which The Monitor serves as an exceptional newspaper.

Established by Mary Baker Eddy 100 years ago, The Monitor remains the oldest surviving paper in the U.S. founded by a woman.

Its mission was and continues to be ''to injure no man, but to bless all mankind.''

And the Monitor has won worldwide respect for its international news coverage and been awarded seven Pulitzer Prizes for excellence in journalism.

I hope my colleagues will join me in recognizing the 100th anniversary of The Christian Science Monitor.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of this resolution recognizing the 100th anniversary of the Christian Science Monitor.

One of the great American contributions to culture has been the creation and growth of an independent and professional journalistic tradition.

And within that tradition the Christian Science Monitor has stood as a distinctive marker for excellence and service for one hundred years.

In 1908 Mary Baker Eddy, who herself had been subjected to inaccurate press stories, instructed the officers of the Church of Christ, Scientist to start a newspaper.

She could have made it clear that the paper was to provide the church's perspective on the news of the day, but instead she directed that the Monitor's mission would be ''to injure no man, but to bless mankind.''

This one instruction to serve the entire nation by unselfishly delivering the news, without vitriol or agenda, was a stroke of genius. Within a few years the Christian Science Monitor became a trusted arbiter of facts and events around the country.

Not being content with merely publishing a newspaper, the Christian Science Monitor has sponsored 3,600 Washington newsmaker breakfasts—becoming an institution in this city—where countless leaders have made their cases and faced honest questions. In sponsoring these breakfasts the Monitor has provided the government and this city an invaluable service.

Throughout its history the Christian Science Monitor has worked hard to make sure that it appeals ''to good men and women everywhere who are interested in the betterment of all human conditions.''

For 100 years the Monitor has achieved this goal and there is little doubt that we need an institution like the Christian Science Monitor in this modern time more than ever before.

I urge my colleagues to join me in support of this resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## STAFF SERGEANT NICHOLAS RAY CARNES POST OFFICE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6902) to designate the facility of the United States Postal Service located at 513 6th Avenue in Dayton, Kentucky, as the ''Staff Sergeant Nicholas Ray Carnes Post Office,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 6902

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. STAFF SERGEANT NICHOLAS RAY CARNES POST OFFICE.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 513 6th Avenue in Dayton, Kentucky, shall be known and designated as the ''Staff Sergeant Nicholas Ray Carnes Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Staff Sergeant Nicholas Ray Carnes Post Office''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## DR. BERNARD DALY POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the Senate bill (S. 3015) to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the Senate bill is as follows:

S. 3015

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DR. BERNARD DALY POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 18 S. G Street in Lakeview, Oregon, as the ''Dr. Bernard Daly Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Dr. Bernard Daly Post Office Building''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## NATIONAL RUNAWAY PREVENTION MONTH

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the resolution (H. Res. 1375) recognizing and supporting the goals and ideals of National Runaway Prevention Month, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the resolution is as follows:

H. RES. 1375

Whereas the prevalence of runaway and homelessness among youth is staggering, with studies suggesting that every year, between 1,600,000 and 2,800,000 youth live on the streets of the United States;

Whereas running away from home is widespread, and youth aged 12 to 17 are at a higher risk of homelessness than adults;

Whereas runaway youth most often are youth who have been expelled from their homes by their families; physically, sexually, and emotionally abused at home; discharged by State custodial systems without adequate transition plans; separated from their parents by death and divorce; too poor to secure their own basic needs; and ineligible or unable to access adequate medical or mental health resources;

Whereas effective programs supporting runaway youth and assisting youth and their families in remaining at home succeed because of partnerships created among families, community-based human service agencies, law enforcement agencies, schools, faith-based organizations, and businesses;

Whereas preventing youth from running away from home and supporting youth in high-risk situations is a family, community, and national priority;

Whereas the future well-being of the Nation is dependent on the opportunities provided for youth and families to acquire the knowledge, skills, and abilities necessary for youth to develop into safe, healthy, and productive adults;

Whereas the National Network for Youth and its members advocate on behalf of runaway and homeless youth, and provide an array of community-based support to address their critical needs;

Whereas the National Runaway Switchboard provides crisis intervention and referrals to reconnect runaway youth to their families and link youth to local resources that provide positive alternatives to running away from home; and

Whereas the National Network for Youth and National Runaway Switchboard are cosponsoring National Runaway Prevention Month in November to increase public awareness of the life circumstances of youth in high-risk situations, and the need for safe, healthy, and productive alternatives, resources, and support for youth, families, and communities: Now, therefore, be it

*Resolved,* That the House of Representatives recognizes and supports the goals and ideals of National Runaway Prevention Month.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1545

## PICKWICK POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6197) to designate the facility of the United States Postal Service located at 7095 Highway 57 in Counce, Tennessee, as the ''Pickwick Post Office Building'', and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 6197

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PICKWICK POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 7095 Highway 57 in Counce, Tennessee, shall be known and designated as the ''Pickwick Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Pickwick Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RECOGNIZING THE IMPORTANCE OF THE UNITED STATES WINE INDUSTRY TO THE AMERICAN ECONOMY

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Concurrent Resolution 429 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 429

Whereas the United States is one of the largest wine producing countries in the world, with the United States wine, grape, and grape products industry representing more than 1 percent of the $13,800,000,000 American economy in 2007;

Whereas the wine and winegrape industry of Texas has an economic impact of $1,000,000,000 on the economy of Texas;

Whereas since 2000, the wine and winegrape industry of Texas has experienced tremendous growth, with nearly 90 percent of that growth resulting from an increase in the number and revenue of small wineries producing less than 5,000 gallons of wine each year; and

Whereas in 2005, the wine and winegrape industry of Texas—

(1) included 113 wineries and 220 commercial growers of winegrapes on 2,900 acres;

(2) produced over 626,000 cases of wine;

(3) provided the equivalent of 8,000 full-time jobs and paid over $234,000,000 in wages to workers;

(4) generated revenue from wineries that produced an economic impact of $91,500,000 on the economy of Texas;

(5) generated over $10,000,000 in revenue from vineyards in Texas;

(6) attracted over 868,000 tourists to Texas, who spent over $220,000,000; and

(7) generated over $69,000,000 in Federal, State, and local taxes: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That Congress—

(1) recognizes the importance of the United States wine, winegrape, and grape products industry to the American economy; and

(2) directs the Secretary of the Senate to transmit a copy of this resolution to the Commissioner of the Texas Department of Agriculture and the Texas Wine and Grape Growers Association in Grapevine, Texas.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## EXPRESSING SUPPORT FOR DESIGNATION OF SEPTEMBER 6, 2008, AS LOUISA SWAIN DAY

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Concurrent Resolution 378 and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 378

Whereas the Wyoming Territorial Legislature passed, and Governor John A. Campbell signed into law on December 10, 1869, a measure stating, ''That every woman of the age of twenty-one years, residing in this territory, may, at every election, to be holden under the law thereof, cast her vote.'';

Whereas this Suffrage Act granted women in the Wyoming Territory the right to vote with full civil and judicial equality to men;

Whereas Louisa Swain, on September 6, 1870, became the Nation's first woman voter

under laws guaranteeing absolute political equality to women;

Whereas she cast that vote as a 70 year-old woman in the town of Laramie's municipal election;

Whereas, the Laramie Daily Sentinel wrote, ''It is comforting to note that our first woman voter was really a lady . . . of the highest social standing in the community, universally beloved and respected. The scene was in the highest degree interesting and impressive. There was too much good sense in our community for any jeers or sneers to be seen on such an occasion'';

Whereas this vote was inspirational to the women's suffrage movement and to the cause of civil rights;

Whereas, Wyoming's statehood, in 1890, brought the codification of this suffrage right through the ratification of the new Wyoming State constitution under Article 6, section 1;

Whereas, when the Congress threatened to withhold statehood from Wyoming, territory legislators replied with a telegram stating that Wyoming would remain out of the Union 100 years rather than join without women's suffrage;

Whereas President Benjamin Harrison, on July 10, 1890, signed into law a bill admitting Wyoming into the Union, and recognizing it as the Nation's ''Equality State'';

Whereas these actions instigated a path to the passage of the 19th Amendment to the United States Constitution 50 years after Louisa Swain's historical first vote; and

Whereas September 6, 2008, would be an appropriate date to designate as Louisa Swain Day: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That Congress supports the designation of a Louisa Swain Day.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

## PRIVATE FIRST CLASS IRVING JOSEPH SCHWARTZ POST OFFICE BUILDING

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of the bill (H.R. 6837) to designate the facility of the United States Postal Service located at 7925 West Russell Road in Las Vegas, Nevada, as the ''Private First Class Irving Joseph Schwartz Post Office Building,'' and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

The text of the bill is as follows:

H.R. 6837

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PRIVATE FIRST CLASS IRVING JOSEPH SCHWARTZ POST OFFICE BUILDING.**

(a) DESIGNATION.—The facility of the United States Postal Service located at 7925 West Russell Road in Las Vegas, Nevada, shall be known and designated as the ''Private First Class Irving Joseph Schwartz Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Private First Class Irving Joseph Schwartz Post Office Building''.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 245 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the resolution is as follows:

H. RES. 245

Whereas Diwali, a festival of great significance to Indian Americans and South Asian Americans, is celebrated annually by Hindus, Sikhs, and Jains throughout the United States;

Whereas there are nearly 2,000,000 Hindus in the United States, of which approximately 1,250,000 are of Indian and South Asian origin;

Whereas the word ''Diwali'' is a shortened version of the Sanskrit term ''Deepavali'', which means ''a row of lamps'';

Whereas Diwali is a festival of lights, during which celebrants light small oil lamps, place them around the home, and pray for health, knowledge, and peace;

Whereas celebrants of Diwali believe that the rows of lamps symbolize the light within the individual that rids the soul of the darkness of ignorance;

Whereas Diwali, falling on the last day of the last month in the lunar calendar, is celebrated as a day of thanksgiving and the beginning of the new year for many Hindus;

Whereas for Hindus, Diwali is a celebration of the victory of good over evil;

Whereas for Sikhs, Diwali is feted as the day that the sixth founding Sikh Guru, or revered teacher, Guru Hargobind, was released from captivity by the Mughal Emperor Jehangir; and

Whereas for Jains, Diwali marks the anniversary of the attainment of moksha or liberation by Mahavira, the last of the Tirthankaras, who were the great teachers of Jain dharma, at the end of his life in 527 B.C.: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) recognizes the religious and historical significance of the festival of Diwali; and

(2) requests the President to issue a proclamation recognizing Diwali.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT THE SECRETARY OF COMMERCE SHOULD USE ALL REASONABLE MEASURES TO ENSURE THAT EVERY PERSON IS COUNTED IN THE 2010 DECENNIAL CENSUS

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 1262 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the resolution is as follows:

H. RES. 1262

Whereas the decennial census is described in article I, section 2 of the Constitution, which calls for an actual enumeration of the people every 10 years;

Whereas the decennial census is used to apportion seats in the House of Representatives among the States;

Whereas the decennial census is crucial to Federal policymakers who distribute billions of taxpayer dollars among many Federal programs based on the results of those enumerations;

Whereas the first official census was conducted in 1790 under the leadership of Thomas Jefferson, who was then the Secretary of State;

Whereas the 2010 decennial census will be the 23rd decennial census;

Whereas an accurate census is one that counts, as of the decennial census date, all persons living in the United States, any territory or possession of the United States, or the Commonwealth of Puerto Rico, and all Federal civilian and military personnel serving abroad; and

Whereas an accurate 2010 decennial census is crucial for our democracy and the equitable distribution of Federal funds: Now, therefore, be it

*Resolved,* That—

(1) the House of Representatives demands that the 2010 decennial census count every person living in the United States, any territory or possession of the United States, or the Commonwealth of Puerto Rico, and all Federal civilian and military personnel serving abroad; and

(2) it is the sense of the House of Representatives that, in conducting the 2010 decennial census, the Secretary of Commerce should use all reasonable means to count every person living in the United States, any territory or possession of the United States, or the Commonwealth of Puerto Rico, and all Federal civilian and military personnel serving abroad.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## RECOGNIZING ARMED FORCES DAY

Mr. CLAY. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform be discharged from further consideration of House Resolution 1122 and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The text of the resolution is as follows:

H. RES. 1122

Whereas Armed Forces Day was created in 1949 as a result of the consolidation of the military services in the Department of Defense;

Whereas the purpose of Armed Forces Day is to honor those serving in the Army, Navy, Marine Corps, Air Force, and Coast Guard;

Whereas Armed Forces Day is celebrated on the third Saturday in May, which this year is May 17, 2008;

Whereas United States soldiers, sailors, airmen, and Marines have given tremendous service to the Nation;

Whereas the House of Representatives is committed to supporting all members of the Armed Forces and their families; and

Whereas all Americans express recognition and gratitude for members of the Armed Forces at home and abroad: Now, therefore, be it

*Resolved*, That the House of Representatives recognizes Armed Forces Day in appreciation of the members of the Army, Navy, Marine Corps, Air Force, and Coast Guard.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the measures just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

## NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION REAUTHORIZATION ACT OF 2008

Mrs. MCCARTHY of New York. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2786) to reauthorize the programs for housing assistance for Native Americans.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the ''Native American Housing Assistance and Self-Determination Reauthorization Act of 2008''.*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

*Sec. 1. Short title; table of contents.*
*Sec. 2. Congressional findings.*
*Sec. 3. Definitions.*

*TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS*

*Sec. 101. Block grants.*
*Sec. 102. Indian housing plans.*
*Sec. 103. Review of plans.*
*Sec. 104. Treatment of program income and labor standards.*
*Sec. 105. Regulations.*

*TITLE II—AFFORDABLE HOUSING ACTIVITIES*

*Sec. 201. National objectives and eligible families.*
*Sec. 202. Eligible affordable housing activities.*
*Sec. 203. Program requirements.*
*Sec. 204. Low-income requirement and income targeting.*
*Sec. 205. Availability of records.*
*Sec. 206. Self-determined housing activities for tribal communities program.*

*TITLE III—ALLOCATION OF GRANT AMOUNTS*

*Sec. 301. Allocation formula.*

*TITLE IV—COMPLIANCE, AUDITS, AND REPORTS*

*Sec. 401. Remedies for noncompliance.*
*Sec. 402. Monitoring of compliance.*
*Sec. 403. Performance reports.*

*TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS*

*Sec. 501. Effect on Home Investment Partnerships Act.*

*TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES*

*Sec. 601. Demonstration program for guaranteed loans to finance tribal community and economic development activities.*

*TITLE VII—FUNDING*

*Sec. 701. Authorization of appropriations.*

*TITLE VIII—MISCELLANEOUS*

*Sec. 801. Limitation on use for Cherokee Nation.*
*Sec. 802. Limitation on use of funds.*
*Sec. 803. GAO study of effectiveness of NAHASDA for tribes of different sizes.*

***SEC. 2. CONGRESSIONAL FINDINGS.***

*Section 2 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101) is amended in paragraphs (6) and (7) by striking ''should'' each place it appears and inserting ''shall''.*

***SEC. 3. DEFINITIONS.***

*Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103) is amended—*

*(1) by striking paragraph (22);*

*(2) by redesignating paragraphs (8) through (21) as paragraphs (9) through (22), respectively; and*

*(3) by inserting after paragraph (7) the following:*

*''(8) HOUSING RELATED COMMUNITY DEVELOPMENT.—*

*''(A) IN GENERAL.—The term 'housing related community development' means any facility, community building, business, activity, or infrastructure that—*

*''(i) is owned by an Indian tribe or a tribally designated housing entity;*

*''(ii) is necessary to the provision of housing in an Indian area; and*

*''(iii)(I) would help an Indian tribe or tribally designated housing entity to reduce the cost of construction of Indian housing;*

*''(II) would make housing more affordable, accessible, or practicable in an Indian area; or*

*''(III) would otherwise advance the purposes of this Act.*

*''(B) EXCLUSION.—The term 'housing and community development' does not include any activity conducted by any Indian tribe under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).''.*

***TITLE I—BLOCK GRANTS AND GRANT REQUIREMENTS***

***SEC. 101. BLOCK GRANTS.***

*Section 101 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111) is amended—*

*(1) in subsection (a)—*

*(A) in the first sentence—*

*(i) by striking ''For each'' and inserting the following:*

*''(1) IN GENERAL.—For each'';*

*(ii) by striking ''tribes to carry out affordable housing activities.'' and inserting the following: ''tribes—*

*''(A) to carry out affordable housing activities under subtitle A of title II; and''; and*

*(iii) by adding at the end the following:*

*''(B) to carry out self-determined housing activities for tribal communities programs under subtitle B of that title.''; and*

*(C) in the second sentence, by striking ''Under'' and inserting the following:*

*''(2) PROVISION OF AMOUNTS.—Under'';*

*(2) in subsection (g), by inserting ''of this section and subtitle B of title II'' after ''subsection (h)''; and*

*(3) by adding at the end the following:*

*''(j) FEDERAL SUPPLY SOURCES.—For purposes of section 501 of title 40, United States Code, on election by the applicable Indian tribe—*

*''(1) each Indian tribe or tribally designated housing entity shall be considered to be an Executive agency in carrying out any program, service, or other activity under this Act; and*

*''(2) each Indian tribe or tribally designated housing entity and each employee of the Indian tribe or tribally designated housing entity shall have access to sources of supply on the same basis as employees of an Executive agency.*

*''(k) TRIBAL PREFERENCE IN EMPLOYMENT AND CONTRACTING.—Notwithstanding any other provision of law, with respect to any grant (or portion of a grant) made on behalf of an Indian tribe under this Act that is intended to benefit 1 Indian tribe, the tribal employment and contract preference laws (including regulations and tribal ordinances ) adopted by the Indian tribe that receives the benefit shall apply with respect to the administration of the grant (or portion of a grant).''.*

***SEC. 102. INDIAN HOUSING PLANS.***

*Section 102 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4112) is amended—*

*(1) in subsection (a)(1)—*

*(A) by striking ''(1)(A) for'' and all that follows through the end of subparagraph (A) and inserting the following:*

*''(1)(A) for an Indian tribe to submit to the Secretary, by not later than 75 days before the beginning of each tribal program year, a 1-year housing plan for the Indian tribe; or''; and*

*(B) in subparagraph (B), by striking ''subsection (d)'' and inserting ''subsection (c)'';*

*(2) by striking subsections (b) and (c) and inserting the following:*

*''(b) 1-YEAR PLAN REQUIREMENT.—*

*''(1) IN GENERAL.—A housing plan of an Indian tribe under this section shall—*

*''(A) be in such form as the Secretary may prescribe; and*

*''(B) contain the information described in paragraph (2).*

*''(2) REQUIRED INFORMATION.—A housing plan shall include the following information with respect to the tribal program year for which assistance under this Act is made available:*

*''(A) DESCRIPTION OF PLANNED ACTIVITIES.—A statement of planned activities, including—*

*''(i) the types of household to receive assistance;*

*''(ii) the types and levels of assistance to be provided;*

*''(iii) the number of units planned to be produced;*

*''(iv)(I) a description of any housing to be demolished or disposed of;*

*''(II) a timetable for the demolition or disposition; and*

*''(III) any other information required by the Secretary with respect to the demolition or disposition;*

*''(v) a description of the manner in which the recipient will protect and maintain the viability*

*of housing owned and operated by the recipient that was developed under a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.); and*

*''(vi) outcomes anticipated to be achieved by the recipient.*

*''(B) STATEMENT OF NEEDS.—A statement of the housing needs of the low-income Indian families residing in the jurisdiction of the Indian tribe, and the means by which those needs will be addressed during the applicable period, including—*

*''(i) a description of the estimated housing needs and the need for assistance for the low-income Indian families in the jurisdiction, including a description of the manner in which the geographical distribution of assistance is consistent with the geographical needs and needs for various categories of housing assistance; and*

*''(ii) a description of the estimated housing needs for all Indian families in the jurisdiction.*

*''(C) FINANCIAL RESOURCES.—An operating budget for the recipient, in such form as the Secretary may prescribe, that includes—*

*''(i) an identification and description of the financial resources reasonably available to the recipient to carry out the purposes of this Act, including an explanation of the manner in which amounts made available will leverage additional resources; and*

*''(ii) the uses to which those resources will be committed, including eligible and required affordable housing activities under title II and administrative expenses.*

*''(D) CERTIFICATION OF COMPLIANCE.—Evidence of compliance with the requirements of this Act, including, as appropriate—*

*''(i) a certification that, in carrying out this Act, the recipient will comply with the applicable provisions of title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 et seq.) and other applicable Federal laws and regulations;*

*''(ii) a certification that the recipient will maintain adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under this Act, in compliance with such requirements as the Secretary may establish;*

*''(iii) a certification that policies are in effect and are available for review by the Secretary and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under this Act;*

*''(iv) a certification that policies are in effect and are available for review by the Secretary and the public governing rents and homebuyer payments charged, including the methods by which the rents or homebuyer payments are determined, for housing assisted with grant amounts provided under this Act;*

*''(v) a certification that policies are in effect and are available for review by the Secretary and the public governing the management and maintenance of housing assisted with grant amounts provided under this Act; and*

*''(vi) a certification that the recipient will comply with section 104(b).'';*

*(3) by redesignating subsections (d) through (f) as subsections (c) through (e), respectively; and*

*(4) in subsection (d) (as redesignated by paragraph (3)), by striking ''subsection (d)'' and inserting ''subsection (c)''.*

***SEC. 103. REVIEW OF PLANS.***

*Section 103 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4113) is amended—*

*(1) in subsection (d)—*

*(A) in the first sentence—*

*(i) by striking ''fiscal'' each place it appears and inserting ''tribal program''; and*

*(ii) by striking ''(with respect to'' and all that follows through ''section 102(c))''; and*

*(B) by striking the second sentence; and*

*(2) by striking subsection (e) and inserting the following:*

*''(e) SELF-DETERMINED ACTIVITIES PROGRAM.—Notwithstanding any other provision of this section, the Secretary—*

*''(1) shall review the information included in an Indian housing plan pursuant to subsections (b)(4) and (c)(7) only to determine whether the information is included for purposes of compliance with the requirement under section 232(b)(2); and*

*''(2) may not approve or disapprove an Indian housing plan based on the content of the particular benefits, activities, or results included pursuant to subsections (b)(4) and (c)(7).''.*

***SEC. 104. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.***

*Section 104(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4114(a)) is amended by adding at the end the following:*

*''(4) EXCLUSION FROM PROGRAM INCOME OF REGULAR DEVELOPER'S FEES FOR LOW-INCOME HOUSING TAX CREDIT PROJECTS.—Notwithstanding any other provision of this Act, any income derived from a regular and customary developer's fee for any project that receives a low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, and that is initially funded using a grant provided under this Act, shall not be considered to be program income if the developer's fee is approved by the State housing credit agency.''.*

***SEC. 105. REGULATIONS.***

*Section 106(b)(2) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4116(b)(2)) is amended—*

*(1) in subparagraph (B)(i), by striking ''The Secretary'' and inserting ''Not later than 180 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act, the Secretary''; and*

*(2) by adding at the end the following:*

*''(C) SUBSEQUENT NEGOTIATED RULEMAKING.—The Secretary shall—*

*''(i) initiate a negotiated rulemaking in accordance with this section by not later than 90 days after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act; and*

*''(ii) promulgate regulations pursuant to this section by not later than 2 years after the date of enactment of the Native American Housing Assistance and Self-Determination Reauthorization Act of 2008 and any other Act to reauthorize this Act.*

*''(D) REVIEW.—Not less frequently than once every 7 years, the Secretary, in consultation with Indian tribes, shall review the regulations promulgated pursuant to this section in effect on the date on which the review is conducted.''.*

## *TITLE II—AFFORDABLE HOUSING ACTIVITIES*

***SEC. 201. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.***

*Section 201(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131(b)) is amended—*

*(1) in paragraph (1), by inserting ''and except with respect to loan guarantees under the demonstration program under title VI,'' after ''paragraphs (2) and (4),'';*

*(2) in paragraph (2)—*

*(A) by striking the first sentence and inserting the following:*

*''(A) EXCEPTION TO REQUIREMENT.—Notwithstanding paragraph (1), a recipient may provide housing or housing assistance through affordable housing activities for which a grant is provided under this Act to any family that is not a low-income family, to the extent that the Secretary approves the activities due to a need for housing for those families that cannot reasonably be met without that assistance.''; and*

*(B) in the second sentence, by striking ''The Secretary'' and inserting the following:*

*''(B) LIMITS.—The Secretary'';*

*(3) in paragraph (3)—*

*(A) in the paragraph heading, by striking ''NON-INDIAN'' and inserting ''ESSENTIAL''; and*

*(B) by striking ''non-Indian family'' and inserting ''family''; and*

*(4) in paragraph (4)(A)(i), by inserting ''or other unit of local government,'' after ''county,''.*

***SEC. 202. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.***

*Section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4132) is amended—*

*(1) in the matter preceding paragraph (1), by striking ''to develop or to support'' and inserting ''to develop, operate, maintain, or support'';*

*(2) in paragraph (2)—*

*(A) by striking ''development of utilities'' and inserting ''development and rehabilitation of utilities, necessary infrastructure,''; and*

*(B) by inserting ''mold remediation,'' after ''energy efficiency,'';*

*(3) in paragraph (4), by inserting ''the costs of operation and maintenance of units developed with funds provided under this Act,'' after ''rental assistance,''; and*

*(4) by adding at the end the following:*

*''(9) RESERVE ACCOUNTS.—*

*''(A) IN GENERAL.—Subject to subparagraph (B), the deposit of amounts, including grant amounts under section 101, in a reserve account established for an Indian tribe only for the purpose of accumulating amounts for administration and planning relating to affordable housing activities under this section, in accordance with the Indian housing plan of the Indian tribe.*

*''(B) MAXIMUM AMOUNT.—A reserve account established under subparagraph (A) shall consist of not more than an amount equal to ¼ of the 5-year average of the annual amount used by a recipient for administration and planning under paragraph (2).''.*

***SEC. 203. PROGRAM REQUIREMENTS.***

*Section 203 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4133) is amended by adding at the end the following:*

*''(f) USE OF GRANT AMOUNTS OVER EXTENDED PERIODS.—*

*''(1) IN GENERAL.—To the extent that the Indian housing plan for an Indian tribe provides for the use of amounts of a grant under section 101 for a period of more than 1 fiscal year, or for affordable housing activities for which the amounts will be committed for use or expended during a subsequent fiscal year, the Secretary shall not require those amounts to be used or committed for use at any time earlier than otherwise provided for in the Indian housing plan.*

*''(2) CARRYOVER.—Any amount of a grant provided to an Indian tribe under section 101 for a fiscal year that is not used by the Indian tribe during that fiscal year may be used by the Indian tribe during any subsequent fiscal year.*

*''(g) DE MINIMIS EXEMPTION FOR PROCUREMENT OF GOODS AND SERVICES.—Notwithstanding any other provision of law, a recipient shall not be required to act in accordance with any otherwise applicable competitive procurement rule or procedure with respect to the procurement, using a grant provided under this Act, of goods and services the value of which is less than $5,000.''.*

***SEC. 204. LOW-INCOME REQUIREMENT AND INCOME TARGETING.***

*Section 205 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4135) is amended by adding at the end the following:*

*''(c) APPLICABILITY.—The provisions of paragraph (2) of subsection (a) regarding binding commitments for the remaining useful life of property shall not apply to a family or household member who subsequently takes ownership of a homeownership unit.''.*

**SEC. 205. AVAILABILITY OF RECORDS.**

*Section 208(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4138(a)) is amended by inserting ''applicants for employment, and of'' after ''records of''.*

**SEC. 206. SELF-DETERMINED HOUSING ACTIVITIES FOR TRIBAL COMMUNITIES PROGRAM.**

*(a) ESTABLISHMENT OF PROGRAM.—Title II of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4131 et seq.) is amended—*

*(1) by inserting after the title designation and heading the following:*

***''Subtitle A—General Block Grant Program'';***

*and*

*(2) by adding at the end the following:*

***''Subtitle B—Self-Determined Housing Activities for Tribal Communities***

**''SEC. 231. PURPOSE.**

*''The purpose of this subtitle is to establish a program for self-determined housing activities for the tribal communities to provide Indian tribes with the flexibility to use a portion of the grant amounts under section 101 for the Indian tribe in manners that are wholly self-determined by the Indian tribe for housing activities involving construction, acquisition, rehabilitation, or infrastructure relating to housing activities or housing that will benefit the community served by the Indian tribe.*

**''SEC. 232. PROGRAM AUTHORITY.**

*''(a) DEFINITION OF QUALIFYING INDIAN TRIBE.—In this section, the term 'qualifying Indian tribe' means, with respect to a fiscal year, an Indian tribe or tribally designated housing entity—*

*''(1) to or on behalf of which a grant is made under section 101;*

*''(2) that has complied with the requirements of section 102(b)(6); and*

*''(3) that, during the preceding 3-fiscal-year period, has no unresolved significant and material audit findings or exceptions, as demonstrated in—*

*''(A) the annual audits of that period completed under chapter 75 of title 31, United States Code (commonly known as the 'Single Audit Act'); or*

*''(B) an independent financial audit prepared in accordance with generally accepted auditing principles.*

*''(b) AUTHORITY.—Under the program under this subtitle, for each of fiscal years 2009 through 2013, the recipient for each qualifying Indian tribe may use the amounts specified in subsection (c) in accordance with this subtitle.*

*''(c) AMOUNTS.—With respect to a fiscal year and a recipient, the amounts referred to in subsection (b) are amounts from any grant provided under section 101 to the recipient for the fiscal year, as determined by the recipient, but in no case exceeding the lesser of—*

*''(1) an amount equal to 20 percent of the total grant amount for the recipient for that fiscal year; and*

*''(2) $2,000,000.*

**''SEC. 233. USE OF AMOUNTS FOR HOUSING ACTIVITIES.**

*''(a) ELIGIBLE HOUSING ACTIVITIES.—Any amounts made available for use under this subtitle by a recipient for an Indian tribe shall be used only for housing activities, as selected at the discretion of the recipient and described in the Indian housing plan for the Indian tribe pursuant to section 102(b)(6), for the construction, acquisition, or rehabilitation of housing or infrastructure in accordance with section 202 to provide a benefit to families described in section 201(b)(1).*

*''(b) PROHIBITION ON CERTAIN ACTIVITIES.—Amounts made available for use under this subtitle may not be used for commercial or economic development.*

**''SEC. 234. INAPPLICABILITY OF OTHER PROVISIONS.**

*''(a) IN GENERAL.—Except as otherwise specifically provided in this Act, title I, subtitle A of title II, and titles III through VIII shall not apply to—*

*''(1) the program under this subtitle; or*

*''(2) amounts made available in accordance with this subtitle.*

*''(b) APPLICABLE PROVISIONS.—The following provisions of titles I through VIII shall apply to the program under this subtitle and amounts made available in accordance with this subtitle:*

*''(1) Section 101(c) (relating to local cooperation agreements).*

*''(2) Subsections (d) and (e) of section 101 (relating to tax exemption).*

*''(3) Section 101(j) (relating to Federal supply sources).*

*''(4) Section 101(k) (relating to tribal preference in employment and contracting).*

*''(5) Section 102(b)(4) (relating to certification of compliance).*

*''(6) Section 104 (relating to treatment of program income and labor standards).*

*''(7) Section 105 (relating to environmental review).*

*''(8) Section 201(b) (relating to eligible families).*

*''(9) Section 203(c) (relating to insurance coverage).*

*''(10) Section 203(g) (relating to a de minimis exemption for procurement of goods and services).*

*''(11) Section 206 (relating to treatment of funds).*

*''(12) Section 209 (relating to noncompliance with affordable housing requirement).*

*''(13) Section 401 (relating to remedies for noncompliance).*

*''(14) Section 408 (relating to public availability of information).*

*''(15) Section 702 (relating to 50-year leasehold interests in trust or restricted lands for housing purposes).*

**''SEC. 235. REVIEW AND REPORT.**

*''(a) REVIEW.—During calendar year 2011, the Secretary shall conduct a review of the results achieved by the program under this subtitle to determine—*

*''(1) the housing constructed, acquired, or rehabilitated under the program;*

*''(2) the effects of the housing described in paragraph (1) on costs to low-income families of affordable housing;*

*''(3) the effectiveness of each recipient in achieving the results intended to be achieved, as described in the Indian housing plan for the Indian tribe; and*

*''(4) the need for, and effectiveness of, extending the duration of the program and increasing the amount of grants under section 101 that may be used under the program.*

*''(b) REPORT.—Not later than December 31, 2011, the Secretary shall submit to Congress a report describing the information obtained pursuant to the review under subsection (a) (including any conclusions and recommendations of the Secretary with respect to the program under this subtitle), including—*

*''(1) recommendations regarding extension of the program for subsequent fiscal years and increasing the amounts under section 232(c) that may be used under the program; and*

*''(2) recommendations for—*

*''(A)(i) specific Indian tribes or recipients that should be prohibited from participating in the program for failure to achieve results; and*

*''(ii) the period for which such a prohibition should remain in effect; or*

*''(B) standards and procedures by which Indian tribes or recipients may be prohibited from participating in the program for failure to achieve results.*

*''(c) PROVISION OF INFORMATION TO SECRETARY.—Notwithstanding any other provision of this Act, recipients participating in the program under this subtitle shall provide such information to the Secretary as the Secretary may request, in sufficient detail and in a timely manner sufficient to ensure that the review and report required by this section is accomplished in a timely manner.''.*

*(b) TECHNICAL AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended—*

*(1) by inserting after the item for title II the following:*

*''Subtitle A—General Block Grant Program'';*

*(2) by inserting after the item for section 205 the following:*

*''Sec. 206. Treatment of funds.'';*

*and*

*(3) by inserting before the item for title III the following:*

*''Subtitle B—Self-Determined Housing Activities for Tribal Communities*

*''Sec. 231. Purposes.*
*''Sec. 232. Program authority.*
*''Sec. 233. Use of amounts for housing activities.*
*''Sec. 234. Inapplicability of other provisions.*
*''Sec. 235. Review and report.''.*

***TITLE III—ALLOCATION OF GRANT AMOUNTS***

**SEC. 301. ALLOCATION FORMULA.**

*Section 302 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4152) is amended—*

*(1) in subsection (a)—*

*(A) by striking ''The Secretary'' and inserting the following:*

*''(1) IN GENERAL.—The Secretary''; and*

*(B) by adding at the end the following:*

*''(2) STUDY OF NEED DATA.—*

*''(A) IN GENERAL.—The Secretary shall enter into a contract with an organization with expertise in housing and other demographic data collection methodologies under which the organization, in consultation with Indian tribes and Indian organizations, shall—*

*''(i) assess existing data sources, including alternatives to the decennial census, for use in evaluating the factors for determination of need described in subsection (b); and*

*''(ii) develop and recommend methodologies for collecting data on any of those factors, including formula area, in any case in which existing data is determined to be insufficient or inadequate, or fails to satisfy the requirements of this Act.*

*''(B) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.''; and*

*(2) in subsection (b), by striking paragraph (1) and inserting the following:*

*''(1)(A) The number of low-income housing dwelling units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), pursuant to a contract between an Indian housing authority for the tribe and the Secretary, that are owned or operated by a recipient on the October 1 of the calendar year immediately preceding the year for which funds are provided, subject to the condition that such a unit shall not be considered to be a low-income housing dwelling unit for purposes of this section if—*

*''(i) the recipient ceases to possess the legal right to own, operate, or maintain the unit; or*

*''(ii) the unit is lost to the recipient by conveyance, demolition, or other means.*

*''(B) If the unit is a homeownership unit not conveyed within 25 years from the date of full availability, the recipient shall not be considered to have lost the legal right to own, operate, or maintain the unit if the unit has not been conveyed to the homebuyer for reasons beyond the control of the recipient.*

*''(C) If the unit is demolished and the recipient rebuilds the unit within 1 year of demolition of the unit, the unit may continue to be considered a low-income housing dwelling unit for the purpose of this paragraph.*

*''(D) In this paragraph, the term 'reasons beyond the control of the recipient' means, after making reasonable efforts, there remain—*

''(i) delays in obtaining or the absence of title status reports;

''(ii) incorrect or inadequate legal descriptions or other legal documentation necessary for conveyance;

''(iii) clouds on title due to probate or intestacy or other court proceedings; or

''(iv) any other legal impediment.

''(E) Subparagraphs (A) through (D) shall not apply to any claim arising from a formula current assisted stock calculation or count involving an Indian housing block grant allocation for any fiscal year through fiscal year 2008, if a civil action relating to the claim is filed by not later than 45 days after the date of enactment of this subparagraph.''.

## TITLE IV—COMPLIANCE, AUDITS, AND REPORTS

**SEC. 401. REMEDIES FOR NONCOMPLIANCE.**

Section 401(a) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4161(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

''(2) SUBSTANTIAL NONCOMPLIANCE.—The failure of a recipient to comply with the requirements of section 302(b)(1) regarding the reporting of low-income dwelling units shall not, in itself, be considered to be substantial noncompliance for purposes of this title.''.

**SEC. 402. MONITORING OF COMPLIANCE.**

Section 403(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4163(b)) is amended in the second sentence by inserting ''an appropriate level of'' after ''shall include''.

**SEC. 403. PERFORMANCE REPORTS.**

Section 404(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4164(b)) is amended—

(1) in paragraph (2)—

(A) by striking ''goals'' and inserting ''planned activities''; and

(B) by adding ''and'' after the semicolon at the end;

(2) in paragraph (3), by striking ''; and'' at the end and inserting a period; and

(3) by striking paragraph (4).

## TITLE V—TERMINATION OF ASSISTANCE FOR INDIAN TRIBES UNDER INCORPORATED PROGRAMS

**SEC. 501. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.**

(a) IN GENERAL.—Title V of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4181 et seq.) is amended by adding at the end the following:

**''SEC. 509. EFFECT ON HOME INVESTMENT PARTNERSHIPS ACT.**

''Nothing in this Act or an amendment made by this Act prohibits or prevents any participating jurisdiction (within the meaning of the HOME Investment Partnerships Act (42 U.S.C. 12721 et seq.)) from providing any amounts made available to the participating jurisdiction under that Act (42 U.S.C. 12721 et seq.) to an Indian tribe or a tribally designated housing entity for use in accordance with that Act (42 U.S.C. 12721 et seq.).''.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 508 the following:

''Sec. 509. Effect on HOME Investment Partnerships Act.''.

## TITLE VI—GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES

**SEC. 601. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.**

(a) IN GENERAL.—Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended by adding at the end the following:

**''SEC. 606. DEMONSTRATION PROGRAM FOR GUARANTEED LOANS TO FINANCE TRIBAL COMMUNITY AND ECONOMIC DEVELOPMENT ACTIVITIES.**

''(a) AUTHORITY.—

''(1) IN GENERAL.—Subject to paragraph (2), to the extent and in such amounts as are provided in appropriation Acts, subject to the requirements of this section, and in accordance with such terms and conditions as the Secretary may prescribe, the Secretary may guarantee and make commitments to guarantee the notes and obligations issued by Indian tribes or tribally designated housing entities with tribal approval, for the purposes of financing activities carried out on Indian reservations and in other Indian areas that, under the first sentence of section 108(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), are eligible for financing with notes and other obligations guaranteed pursuant to that section.

''(2) LIMITATION.—The Secretary may guarantee, or make commitments to guarantee, under paragraph (1) the notes or obligations of not more than 4 Indian tribes or tribally designated housing entities located in each Department of Housing and Urban Development Office of Native American Programs region.

''(b) LOW-INCOME BENEFIT REQUIREMENT.—Not less than 70 percent of the aggregate amount received by an Indian tribe or tribally designated housing entity as a result of a guarantee under this section shall be used for the support of activities that benefit low-income families on Indian reservations and other Indian areas.

''(c) FINANCIAL SOUNDNESS.—

''(1) IN GENERAL.—The Secretary shall establish underwriting criteria for guarantees under this section, including fees for the guarantees, as the Secretary determines to be necessary to ensure that the program under this section is financially sound.

''(2) AMOUNTS OF FEES.—Fees for guarantees established under paragraph (1) shall be established in amounts that are sufficient, but do not exceed the minimum amounts necessary, to maintain a negative credit subsidy for the program under this section, as determined based on the risk to the Federal Government under the underwriting requirements established under paragraph (1).

''(d) TERMS OF OBLIGATIONS.—

''(1) IN GENERAL.—Each note or other obligation guaranteed pursuant to this section shall be in such form and denomination, have such maturity, and be subject to such conditions as the Secretary may prescribe, by regulation.

''(2) LIMITATION.—The Secretary may not deny a guarantee under this section on the basis of the proposed repayment period for the note or other obligation, unless—

''(A) the period is more than 20 years; or

''(B) the Secretary determines that the period would cause the guarantee to constitute an unacceptable financial risk.

''(e) LIMITATION ON PERCENTAGE.—A guarantee made under this section shall guarantee repayment of 95 percent of the unpaid principal and interest due on the note or other obligation guaranteed.

''(f) SECURITY AND REPAYMENT.—

''(1) REQUIREMENTS ON ISSUER.—To ensure the repayment of notes and other obligations and charges incurred under this section and as a condition for receiving the guarantees, the Secretary shall require the Indian tribe or housing entity issuing the notes or obligations—

''(A) to enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this section;

''(B) to demonstrate that the extent of each issuance and guarantee under this section is within the financial capacity of the Indian tribe; and

''(C) to furnish, at the discretion of the Secretary, such security as the Secretary determines to be appropriate in making the guarantees, including increments in local tax receipts generated by the activities assisted by a guarantee under this section or disposition proceeds from the sale of land or rehabilitated property, except that the security may not include any grant amounts received or for which the issuer may be eligible under title I.

''(2) FULL FAITH AND CREDIT.—

''(A) IN GENERAL.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section.

''(B) TREATMENT OF GUARANTEES.—

''(i) IN GENERAL.—Any guarantee made by the Secretary under this section shall be conclusive evidence of the eligibility of the obligations for the guarantee with respect to principal and interest.

''(ii) INCONTESTABLE NATURE.—The validity of any such a guarantee shall be incontestable in the hands of a holder of the guaranteed obligations.

''(g) TRAINING AND INFORMATION.—The Secretary, in cooperation with Indian tribes and tribally designated housing entities, may carry out training and information activities with respect to the guarantee program under this section.

''(h) LIMITATIONS ON AMOUNT OF GUARANTEES.—

''(1) AGGREGATE FISCAL YEAR LIMITATION.—Notwithstanding any other provision of law, subject only to the absence of qualified applicants or proposed activities and to the authority provided in this section, and to the extent approved or provided for in appropriations Acts, the Secretary may enter into commitments to guarantee notes and obligations under this section with an aggregate principal amount not to exceed $200,000,000 for each of fiscal years 2009 through 2013.

''(2) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—There are authorized to be appropriated to cover the costs (as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a)) of guarantees under this section $1,000,000 for each of fiscal years 2009 through 2013.

''(3) AGGREGATE OUTSTANDING LIMITATION.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this section shall not at any time exceed $1,000,000,000 or such higher amount as may be authorized to be appropriated for this section for any fiscal year.

''(4) FISCAL YEAR LIMITATIONS ON INDIAN TRIBES.—

''(A) IN GENERAL.—The Secretary shall monitor the use of guarantees under this section by Indian tribes.

''(B) MODIFICATIONS.—If the Secretary determines that 50 percent of the aggregate guarantee authority under paragraph (3) has been committed, the Secretary may—

''(i) impose limitations on the amount of guarantees pursuant to this section that any single Indian tribe may receive in any fiscal year of $25,000,000; or

''(ii) request the enactment of legislation increasing the aggregate outstanding limitation on guarantees under this section.

''(i) REPORT.—Not later than 4 years after the date of enactment of this section, the Secretary shall submit to Congress a report describing the use of the authority under this section by Indian tribes and tribally designated housing entities, including—

''(1) an identification of the extent of the use and the types of projects and activities financed using that authority; and

''(2) an analysis of the effectiveness of the use in carrying out the purposes of this section.

''(j) TERMINATION.—The authority of the Secretary under this section to make new guarantees for notes and obligations shall terminate on October 1, 2013.''.

*(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 note) is amended by inserting after the item relating to section 605 the following:*

*''Sec. 606. Demonstration program for guaranteed loans to finance tribal community and economic development activities.''.*

***TITLE VII—FUNDING***

***SEC. 701. AUTHORIZATION OF APPROPRIATIONS.***

*(a) BLOCK GRANTS AND GRANT REQUIREMENTS.—Section 108 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4117) is amended in the first sentence by striking ''1998 through 2007'' and inserting ''2009 through 2013''.*

*(b) FEDERAL GUARANTEES FOR FINANCING FOR TRIBAL HOUSING ACTIVITIES.—Section 605 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4195) is amended in subsections (a) and (b) by striking ''1997 through 2007'' each place it appears and inserting ''2009 through 2013''.*

*(c) TRAINING AND TECHNICAL ASSISTANCE.—Section 703 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4212) is amended by striking ''1997 through 2007'' and inserting ''2009 through 2013''.*

***TITLE VIII—MISCELLANEOUS***

***SEC. 801. LIMITATION ON USE FOR CHEROKEE NATION.***

*No funds authorized under this Act, or the amendments made by this Act, or appropriated pursuant to an authorization under this Act or such amendments, shall be expended for the benefit of the Cherokee Nation; provided, that this limitation shall not be effective if the Temporary Order and Temporary Injunction issued on May 14, 2007, by the District Court of the Cherokee Nation remains in effect during the pendency of litigation or there is a settlement agreement which effects the end of litigation among the adverse parties.*

***SEC. 802. LIMITATION ON USE OF FUNDS.***

*No amounts made available pursuant to any authorization of appropriations under this Act, or under the amendments made by this Act, may be used to employ workers described in section 274A(h)(3)) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3)).*

***SEC. 803. GAO STUDY OF EFFECTIVENESS OF NAHASDA FOR TRIBES OF DIFFERENT SIZES.***

*(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness of the Native American Housing Assistance and Self-Determination Act of 1996 in achieving its purposes of meeting the needs for affordable housing for low-income Indian families, as compared to the programs for housing and community development assistance for Indian tribes and families and Indian housing authorities that were terminated under title V of such Act and the amendments made by such title. The study shall compare such effectiveness with respect to Indian tribes of various sizes and types, and specifically with respect to smaller tribes for which grants of lesser or minimum amounts have been made under title I of such Act.*

*(b) REPORT.—Not later than the expiration of the 12-month period beginning on the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate regarding the results and conclusions of the study conducted pursuant to subsection (a). Such report shall include recommendations regarding any changes appropriate to the Native American Housing Assistance and Self-Determination Act of 1996 to help ensure that the purposes of such Act are achieved by all Indian tribes, regardless of size or type.*

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MCCARTHY) and the gentlewoman from West Virginia (Mrs. CAPITO) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MCCARTHY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield myself as much time as I may consume.

This legislation creates a new housing program that will allow tribes to use funding in innovative ways. It directs the Secretary of HUD to seek out an organization with expertise in collection of housing data in identifying the housing needs in tribal areas. This bill gives more freedom to tribes to determine how housing moneys may be used while maintaining appropriate levels of oversight from HUD.

I want to thank Mr. KILDEE, Mr. WATT and their staffs in their efforts for crafting this legislation.

Mr. Speaker, I would like to yield to the gentleman from Michigan (Mr. KILDEE) as much time as he may consume.

Mr. KILDEE. I thank the gentlelady for yielding.

Mr. Speaker, I rise in strong support of H.R. 2786 as amended by the Senate, a bill to reauthorize the Native American Housing Assistance and Self-Determination Act called ''NAHASDA.'' I'm happy to be the chief sponsor of this very important legislation.

NAHASDA, enacted in 1996, was the first piece of comprehensive housing legislation directed solely to Native American and Alaska Native people. It has become the basic program aiding Native Americans in tribal areas with affordable housing development including home ownership, rehabilitation, infrastructure development and other affordable housing assistance. The success of NAHASDA is clear.

Since its enactment, thousands of housing units have been constructed or are in development. Despite this record, however, there is still a substantial unmet need for housing units, a need that continues to grow for one of the fastest growing population groups in the country.

More than 90,000 Indian families are homeless. Nearly 12 percent of families living on Indian reservations lack plumbing, and 14 percent lack electricity. Twelve percent of these families live without safe and reliable water supply.

This bill, which is based largely upon the recommendations made by the Native American Indian Housing Council, has bipartisan support. I want to thank my colleagues, Chairman BARNEY FRANK, Congresswoman MAXINE WATERS and Congressman MEL WATT, as well as my Republican colleagues for their support on this legislation. I also want to thank Senator DORGAN, Senator MURKOWSKI, Senator DODD, and Senator SHELBY for all their hard work on this legislation.

Its primary objective is to improve housing conditions in Indian country. Building upon the basic framework of NAHASDA, the bill will give tribes greater flexibility in meeting the housing needs of their tribal citizens. To that end, the bill creates a self-determination program which authorizes tribes to set aside a portion of their annual NAHASDA grant funding to better address their construction, acquisition, rehabilitation and infrastructure needs.

A year before the next NAHASDA authorization, in 2013, HUD would report to Congress the result of this new program. Among other revisions, this bill will make certain that tribes can compete for HOME Investment Partnerships Act funds, removes competitive procurement rules and procedures for purchases and goods under $5,000, makes Federal supply sources through the GSA more accessible to tribes, recognizes tribal preference laws in hiring and contracting, allows tribes to carry over NAHASDA funds to a subsequent grant year, and permits tribes to establish a reserve account of the tribe's annual NAHASDA grant.

Mr. Speaker, this reauthorization bill will build upon the success of NAHASDA by providing more housing development on our Nation's Indian reservations.

I would like to thank the staff, the Republican and Democratic staff members who have worked so hard on this; in the House, Kimberly Teehee, Dom McCoy, Cassandra Duhaney, Hilary West, Jeff Riley, Cindy Chetti, Tallman Johnson, Aaron Sporck and Jonathan Harwitz; over in the Senate, Allison Binney, Heidi Frechette, Jenn Fogel-Bublick, Mark Calabria, David Mullon and Jim Hall.

I urge my colleagues to support this bill.

Mrs. CAPITO. Mr. Speaker, I rise in support of H.R. 2786 which would reauthorize the Native American Housing Assistance and Self-Determination Act, NAHASDA.

This bill reflects a bipartisan effort led by Chairman FRANK and Representative WATERS. I would also like to thank Representative KILDEE and Representative STEVE PEARCE in their efforts to reauthorize NAHASDA which is administered by the Department of Housing and Urban Development. I'm confident that the legislation being considered today will go a long way to address the housing needs in Indian country.

This legislation being considered under suspension today is similar to H.R. 2786 which passed the House on

September 6 by a vote of 333 to 75. The major differences from the House bill passed include new compromise language on the Cherokee Freedman issue, removal of the reauthorization of the Native Hawaiian Housing program, and inclusion of the House-passed immigration language and House-passed GAO study.

Native Americans in this country are facing serious housing problems. Last year the Financial Services Committee held several hearings to investigate these problems, which are the result of widespread poverty, high unemployment, homelessness and lack of affordable housing on Native American land. The reauthorization of NAHASDA is an important step in addressing many of these issues.

Currently there are 562 federally recognized tribes in the United States representing approximately 2.5 million Native Americans. Of that 2.5 million, about 750,000 Native Americans live on reservations or in other tribal areas. According to Census data, the poverty rate for Native Americans is approximately 26 percent. Twenty-six percent is more than twice the average for all Americans. While 5.8 percent of the general population of the United States is unemployed, the current unemployment rate of the reservation workforce is 13.6 percent. In tribal areas, 14.7 percent of homes are overcrowded, compared to just 5.7 percent of homes in the general U.S. population. On Native American lands, 11.7 percent of residents lack complete plumbing facilities, and 6.9 percent lack, get this, telephone service. This, coupled with the price of a new home and the lack of existing housing, has created a dire situation on reservations in terms of availability and quality of housing units.

The legislation before us today would provide greater autonomy to Native Americans in using NAHASDA grant funds and would provide tribes more resources and flexibility to meet their affordable housing needs. This is good legislation that would help improve living conditions for Native Americans in this country.

I urge its passage.

I reserve the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I yield 3 minutes to my colleague from Oklahoma (Mr. BOREN).

Mr. BOREN. Mr. Speaker, I rise today in support of the Native American Housing and Self-Determination Act.

I would like to thank the gentlelady for yielding time to me on this important issue and give special thanks to Chairman FRANK, Representative KILDEE and Representative WATT in the Financial Services Committee for their hard work and dedication on this legislation.

Native American housing is an issue that is very important to me. It's very important to the State of Oklahoma. My congressional district is home to 17 of the 39 federally recognized tribes in Oklahoma and over 200,000 Native Americans.

In many places across Oklahoma, as well as the United States, the lack of quality affordable housing has reached crisis proportions in Native American communities.

Mr. Speaker, poor housing conditions are clear signs of poverty and economic distress. In fact, the poverty rate for Native Americans is nearly three times that of other Americans, which contributes to Native people living in some of the worst housing conditions in our Nation. These substandard housing conditions are worsened by overcrowding that is three times more prevalent throughout tribal areas.

The legislation currently before the House has significant provisions to assist in the restoration of older developments and the construction of new housing for the benefit of low-income Native Americans. It's my hope with these Federal dollars that we can begin to lift up and improve the housing problems on our tribal lands. I am also pleased that this legislation will give tribes the sovereign authority to make many of their own business decisions with this funding.

In closing, Mr. Speaker, I would also like to thank, again, my good friends, Congressmen MEL WATT, KILDEE and FRANK and all other parties who have worked closely with the issue regarding Freedmen membership and the Cherokee Nation. We can all agree that this has been a very contentious issue at times. However it has always been my belief that we in Congress should let the courts finish their work on this matter before interfering.

□ 1600

I am pleased that all involved could come together in this effort and move this important legislation forward in a bipartisan manner.

Mrs. CAPITO. Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. PEARCE).

(Mr. PEARCE asked and was given permission to revise and extend his remarks.)

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman for yielding.

After a year of negotiations with the Senate, I am pleased to rise in support of H.R. 2786, the Native American Housing Assistance and Self-Determination Reauthorization Act. I am pleased to be an original cosponsor of this bill, and appreciate the hard work of Representative KILDEE, Chairman FRANK, Chairwoman WATERS, our colleague on the Financial Services Committee, Mr. WATT, and Senators SHELBY, MURKOWSKI and DORGAN for their diligence and efforts in the other Chamber.

Over the last year, we have worked hard to come together and maintain Native American self-determination. I am pleased to have before us a piece of legislation that provides immediate solutions to Native American housing needs and includes important reforms to improve the authorization under NAHASDA.

I firmly believe the tribes are best equipped to understand the needs of their communities. They know where the worst housing and infrastructure and economic disparities lie. Over the past 12 years, NAHASDA has made tribal housing programs more flexible and given tribes the ability to rely far less on the Federal Government. My constituents who live on reservations and in pueblos tell me that this flexibility is working. H.R. 2786 will give tribes even more flexibility and autonomy to carry on their housing programs.

The legislation before us improves NAHASDA by streamlining oversight and allowing tribes to exercise greater discretion over a portion of their grant moneys for affordable housing activities.

Additionally, while this bill contains the practice of giving tribes more flexibility to develop housing and manage their housing programs, we need to continue to look ahead to address critical infrastructure and economic development needs.

I am pleased that this bill preserves my demonstration program which was included in the House-passed version last September. My program will make NAHASDA dollars go even farther. The demonstration program gives the tribes the same opportunities for economic development that States, cities and other units of local government across the United States already enjoy.

Currently, communities that receive direct funding from the Community Development Block Grant Program, the CDBG program, may borrow or issue bonded debt for up to five times their annual CDBG allocations. This is the section 108 loan guarantee program, and it encourages economic development, housing rehabilitation, public facilities and large-scale physical development projects.

Title VI of NAHASDA is similar to the section 108 statute and allows tribes to borrow or issue bonded debt up to five times their annual NAHASDA allocation for housing purposes. Unfortunately, the title VI program has been underutilized in part because the eligible projects are limited to low-income activities that do not generate sufficient income to pay back these loans. The demonstration program in H.R. 2786 fixes this by simply mirroring title VI activities to those activities allowed under the section 108 statute.

My economic and infrastructure development program also ensures that those who truly need economic support will get it first. I have done this by requiring applicants to show that 70 percent of the benefit of the proposed project will go to low income Indian families on Indian reservations and other tribal areas.

Our rural and severely impoverished areas greatly benefit from the loan guarantee program. These rural areas often lack basic infrastructure, and many times the only catalyst to encourage private companies to invest in

poorer communities comes only after a poor rural area has received one of these CDBG loans.

Harmonizing CDBG activities with title VI under NAHASDA will have a lasting impression on tribal economic development. Better yet, it will help employ and educate the lowest income individuals in the Indian community.

NAHASDA isn't about big government offering handouts to Indian Country. It is about handing up in order to maintain that special relationship the Federal Government shares with the tribes. It is about making sure Indian Country has the tools they need for a brighter future. It is about creating jobs and opportunities for Indian Country, and it is about ensuring and preserving the Native American way of life.

The NAHASDA reauthorization is critical to addressing Native American housing needs. Tribes need additional flexibility and autonomy to use Indian Housing Block Grant dollars efficiently and in a manner that makes the most sense for tribal members' specific housing projects.

Mr. Speaker, as you can see, the reauthorization of this program is critical to addressing Native American housing needs in New Mexico and across the United States. I would urge all of my colleagues to adopt and support this bill.

Mrs. CAPITO. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mrs. MCCARTHY of New York. Mr. Speaker, I want to say to Mr. KILDEE a great thank you. He has been certainly a fighter for our American Indians on the Education Committee, and I thank him for bringing forth this legislation.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNYDER). The question is on the motion offered by the gentlewoman from New York (Mrs. MCCARTHY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2786.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 928, de novo;

H.R. 7081, by the yeas and nays;

H.R. 6707, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

## INSPECTOR GENERAL REFORM ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and concurring in the Senate amendment to the bill, H.R. 928.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 928.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. BOREN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 0, not voting 19, as follows:

[Roll No. 661]

AYES—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (MD)
Edwards (TX)
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Blunt
Cubin
Doolittle
Emanuel
Frank (MA)
Hastings (WA)
Jefferson
Kaptur
Lynch
Murphy, Tim
Peterson (PA)
Pickering
Pryce (OH)
Rangel
Tierney
Walsh (NY)
Weiner
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in the vote.

□ 1637

Ms. FALLIN changed her vote from ''no'' to ''aye.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## UNITED STATES-INDIA NUCLEAR COOPERATION APPROVAL AND NONPROLIFERATION ENHANCEMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 7081, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 7081.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 298, nays 117, answered ''present'' 1, not voting 17, as follows:

[Roll No. 662]

YEAS—298

Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Cazayoux
Chabot
Chandler
Childers
Clay
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Delahunt
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards (TX)
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (TX)
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hobson
Hodes
Hoekstra
Holden
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Kanjorski
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Meek (FL)
Meeks (NY)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Musgrave
Myrick
Neal (MA)
Neugebauer
Nunes
Ortiz
Pallone
Pearce
Pence
Peterson (MN)
Petri
Platts
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sarbanes
Saxton
Scalise
Schakowsky
Schmidt
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shays
Sherman
Shimkus
Shuster
Simpson
Sires
Smith (NE)
Smith (TX)
Smith (WA)
Snyder
Souder
Stearns
Sullivan
Sutton
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Towns
Turner
Udall (CO)
Upton
Van Hollen
Walberg
Walden (OR)
Wamp
Wasserman Schultz
Waters
Watt
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—117

Abercrombie
Baird
Baldwin
Becerra
Berry
Blumenauer
Boswell
Boyda (KS)
Brady (PA)
Braley (IA)
Burgess
Butterfield
Capps
Carson
Clarke
Cleaver
Clyburn
Conyers
Costello
Courtney
Cummings
Davis (CA)
DeFazio
DeGette
DeLauro
Dingell
Doggett
Edwards (MD)
Ellison
Everett
Farr
Fattah
Filner
Fortenberry
Grijalva
Hall (NY)
Hare
Harman
Hayes
Hinchey
Hinojosa
Hirono
Holt
Hooley
Hunter
Johnson (GA)
Jones (NC)
Kagen
Kennedy
Kildee
Kilpatrick
Kucinich
Langevin
Larsen (WA)
Lee
Lewis (GA)
Loebsack
Markey
Marshall
Matsui
McCollum (MN)
McDermott
McGovern
McNerney
McNulty
Michaud
Miller, George
Mitchell
Moore (WI)
Nadler
Napolitano
Oberstar
Obey
Olver
Pascrell
Pastor
Paul
Payne
Perlmutter
Pitts
Poe
Pomeroy
Richardson
Rothman
Roybal-Allard
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Schwartz
Serrano
Sestak
Shea-Porter
Shuler
Skelton
Slaughter
Smith (NJ)
Solis
Space
Speier
Spratt
Stark
Stupak
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tsongas
Udall (NM)
Velázquez
Visclosky
Walz (MN)
Watson
Waxman
Welch (VT)
Woolsey
Wu
Yarmuth

ANSWERED ''PRESENT''—1

Foster

NOT VOTING—17

Aderholt
Buyer
Cubin
Doolittle
Franks (AZ)
Jefferson
Kaptur
Lynch
Murphy, Tim
Peterson (PA)
Pickering
Pryce (OH)
Tierney
Walsh (NY)
Weiner
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain on the vote.

□ 1644

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## TAKING RESPONSIBLE ACTION FOR COMMUNITY SAFETY ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 6707, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and pass the bill, H.R. 6707, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 175, not voting 15, as follows:

[Roll No. 663]

YEAS—243

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Bachmann
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Butterfield
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Cazayoux
Childers
Clarke
Clay
Cleaver
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards (MD)
Edwards (TX)
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (NC)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, George

Mitchell
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Regula
Reyes
Richardson
Rodriguez
Rogers (AL)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Scalise
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Sires
Skelton
Slaughter
Smith (NJ)
Snyder
Solis
Space
Speier
Spratt
Stark
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch (VT)
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Yarmuth

NAYS—175

Aderholt
Akin
Alexander
Altmire
Bachus
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Boren
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Carter
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Drake
Dreier
Duncan
Ehlers
Emanuel
English (PA)
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Goode
Goodlatte
Granger
Graves
Gutierrez
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Mack
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McHenry
McKeon
McMorris Rodgers
Meek (FL)
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (MN)
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Rahall
Rehberg
Reichert
Renzi
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Sali
Schakowsky
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Smith (WA)
Souder
Stearns
Stupak
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Watson
Weldon (FL)
Westmoreland
Whitfield (KY)
Wilson (SC)
Wittman (VA)
Young (AK)
Young (FL)

NOT VOTING—15

Blunt
Cubin
Doolittle
Jefferson
Kaptur
Lynch
Murphy, Tim
Peterson (PA)
Pickering
Pryce (OH)
Tierney
Walsh (NY)
Weiner
Weller
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining on the vote.

□ 1655

Messrs. KIRK, COSTELLO, and CHANDLER changed their vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

## SMALL BUSINESS FINANCING IMPROVEMENTS ACT OF 2008

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7175) to amend the Small Business Act to improve the section 7(a) lending program, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7175

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Small Business Financing Improvements Act of 2008''.

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

TITLE I—7(A) LOAN PROGRAM

Sec. 101. Loan pooling.
Sec. 102. Alternative size standard.

TITLE II—504 CDC PROGRAM

Sec. 201. Definitions.
Sec. 202. Eligibility of development companies to be designated as certified development companies.
Sec. 203. Definition of rural areas.
Sec. 204. Businesses in low-income areas.
Sec. 205. Combinations of certain goals.
Sec. 206. Refinancing.
Sec. 207. Additional equity injections.
Sec. 208. Loan liquidations.
Sec. 209. Closing costs.
Sec. 210. Uniform leasing policy.

TITLE III—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

Sec. 301. Simplified maximum leverage limits.
Sec. 302. Simplified aggregate investment limitations.

### TITLE I—7(A) LOAN PROGRAM

**SEC. 101. LOAN POOLING.**

Section 5(g)(1) of the Small Business Act (15 U.S.C. 634(g)(1)) is amended—

(1) by inserting ''(A)'' before ''The Administration'';

(2) by striking the colon and all that follows and inserting a period; and

(3) by adding at the end the following:

''(B) A trust certificate issued under subparagraph (A) shall be based on, and backed by, a trust or pool approved by the Administrator and composed solely of the guaranteed portion of such loans.

''(C) The interest rate on a trust certificate issued under subparagraph (A) shall be either—

''(i) the lowest interest rate on any individual loan in the pool; or

''(ii) the weighted average interest rate of all loans in the pool, subject to such limited variations in loan characteristics as the Administrator determines appropriate to enhance marketability of the pool certificates.''.

**SEC. 102. ALTERNATIVE SIZE STANDARD.**

Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following:

''(5) OPTIONAL SIZE STANDARD.—

''(A) IN GENERAL.—The Administrator shall establish an optional size standard for business loan applicants under section 7(a) and development company loan applicants under title V of the Small Business Investment Act of 1958, which uses maximum tangible net worth and average net income as an alternative to the use of industry standards.

''(B) INTERIM RULE.—Until the date on which the optional size standards established under subparagraph (A) are in effect, the alternative size standard in section 121.301(b) of title 13, Code of Federal Regulations, or any successor thereto, may be used by business loan applicants under section 7(a) and development company loan applicants under title V of the Small Business Investment Act of 1958.''.

### TITLE II—504 CDC PROGRAM

**SEC. 201. DEFINITIONS.**

Section 103(6) of the Small Business Investment Act of 1958 (15 U.S.C. 662(6)) is amended to read as follows:

''(6) the term 'development company' means an entity incorporated under State law with the authority to promote and assist the growth and development of small-business concerns in the areas in which it is authorized to operate by the Administration, and the term 'certified development company' means a development company which the Administration has determined meets the criteria of section 506;''.

**SEC. 202. ELIGIBILITY OF DEVELOPMENT COMPANIES TO BE DESIGNATED AS CERTIFIED DEVELOPMENT COMPANIES.**

Section 506 of the Small Business Investment Act of 1958 (15 U.S.C. 697c) is amended to read as follows:

**''SEC. 506. CERTIFIED DEVELOPMENT COMPANIES.**

''(a) AUTHORITY TO ISSUE DEBENTURES.—A development company may issue debentures pursuant to this Act if the Administration certifies that the company meets the following criteria:

''(1) SIZE.—The development company is required to be a small concern with fewer than 500 employees and not under the control of any entity which does not meet the Administration's size standards as a small business, except that any development company which was certified by the Administration prior to December 31, 2005 may continue to issue debentures.

''(2) PURPOSE.—The primary purpose of the development company is to benefit the community by fostering economic development to create and preserve jobs and stimulate private investment.

''(3) PRIMARY FUNCTION.—The primary function of the development company is to accomplish its purpose by providing long term financing to small businesses by the utilization of the Certified Development

Company Economic Development Loan Program. It may also provide or support such other local economic development activities to assist the community.

''(4) NON-PROFIT STATUS.—The development company is a non-profit corporation, except that a development company certified by the Administration prior to January 1, 1987, may retain its status as a for-profit corporation.

''(5) GOOD STANDING.—The development company is in good standing in its State of incorporation and in any other State in which it conducts business, and is in compliance with all laws, including taxation requirements, in its State of incorporation and in any other State in which it conducts business.

''(6) MEMBERSHIP.—The development company should have at least 25 members (or stockholders if the corporation is a for-profit entity), none of whom may own or control more than 20 percent of the company's voting membership, consisting of representation from each of the following groups (none of which are in a position to control the development company): —

''(A) Government organizations that are responsible for economic development.

''(B) Financial institutions that provide commercial long term fixed asset financing.

''(C) Community organizations that are dedicated to economic development.

''(D) Businesses.

''(7) BOARD OF DIRECTORS.—The development company has a board of directors that—

''(A) is elected from the membership by the members;

''(B) should represent at least 3 of the 4 groups enumerated in subsection (a)(6) with no group is in a position to control the company; and

''(C) meets on a regular basis to make policy decisions for such company.

''(8) PROFESSIONAL MANAGEMENT AND STAFF.—The development company has full-time professional management, including a chief executive officer to manage daily operations, and a full-time professional staff qualified to market the Certified Development Company Economic Development Loan Program and handle all aspects of loan approval and servicing, including liquidation, if appropriate. The development company is required to be independently managed and operated to pursue its economic development mission and to employ its chief executive officer directly, with the following exceptions:

''(A) A development company may be an affiliate of another local non-profit service corporation (specifically excluding another development company) whose mission is to support economic development in the area in which the development company operates. In such a case:

''(i) The development company may satisfy the requirement for full-time professional staff by contracting with a local non-profit service corporation (or one of its non-profit affiliates), or a governmental or quasi-governmental agency, to provide the required staffing.

''(ii) The development company and the local non-profit service corporation may have partially common boards of directors.

''(B) A development company in a rural area (as defined in section 501(f)) shall be deemed to have satisfied the requirements of a full-time professional staff and professional management ability if it contracts with another certified development company which has such staff and management ability and which is located in the same general area to provide such services.

''(C) A development company that has been certified by the Administration as of December 31, 2005, and that has contracted with a for-profit company to provide services as of such date may continue to do so.

''(b) AREA OF OPERATIONS.—The Administration shall specify the area in which an applicant is certified to provide assistance to small businesses under this title, which may not initially exceed its State of incorporation unless it proposes to operate in a local economic area which is required to include part of its State of incorporation and may include adjacent areas within several States. After a development company has demonstrated its ability to provide assistance in its area of operations, it may request the Administration to be allowed to operate in one or more additional States as a multi-state certified development company if it satisfies the following criteria:

''(1) Each additional State is contiguous to the State of incorporation, except the States of Alaska and Hawaii shall be deemed to be contiguous to any State abutting the Pacific ocean.

''(2) It demonstrates its proficiency in making and servicing loans under the Certified Development Company Economic Development Loan Program by—

''(A) requesting and receiving designation as an accredited lender under section 507 or a premier certified lender under section 508; and

''(B) meeting or exceeding performance standards established by the Administration.

''(3) The development company adds to the membership of its State of incorporation additional membership from each additional State and the added membership meets the requirements of subsection (a)(6).

''(4) The development company adds at least one member to its board of directors in the State of incorporation, providing that added member was selected by the membership of the development company.

''(5) The company meets such other criteria or complies with such conditions as the Administration deems appropriate.

''(c) PROCESSING OF EXPANSION APPLICATIONS.—The Administration shall respond to the request of a certified development company for certification as a multi-state company on an expedited basis within 30 days of receipt of a completed application if the application demonstrates that the development company meets the requirements of subsection (b)(1) through (b)(4).

''(d) USE OF FUNDS LIMITED TO STATE WHERE GENERATED.—Any funds generated by a not-for-profit development company from making loans under the Certified Development Company Economic Development Loan Program which remain after payment of staff, operating and overhead expenses shall be retained by the development company as a reserve for future operations, for expanding its area of operations in a local economic area as authorized by the Administration, or for investment in other local economic development activity in the State from which the funds were generated.

''(e) ETHICAL REQUIREMENTS.—

''(1) IN GENERAL.—Certified development companies, their officers, employees and other staff, shall at all times act ethically and avoid activities which constitute a conflict of interest or appear to constitute a conflict of interest. No one may serve as an officer, director or chief executive officer of more than one certified development company.

''(2) PROHIBITED CONFLICT IN PROJECT LOANS.—As part of a project under the Certified Development Company Economic Development Loan Program, no certified development company may recommend or approve a guarantee of a debenture by the Administration that is collateralized by a subordinated lien position on the property being constructed or acquired and also provide, or be affiliated with a corporation or other entity, for-profit or non-profit, which provides, financing collateralized by a prior lien on the same property. Upon approval by the Administrator, abusiness development company that was participating as a first mortgage lender, either directly or through an affiliate, for the Certified Development Company Economic Development Loan Program in either fiscal years 2004 or 2005 may continue to do so.

''(3) OTHER ECONOMIC DEVELOPMENT ACTIVITIES.—Operation of multiple programs to assist small business concerns in order for a certified development company to carry out its economic development mission shall not be deemed a conflict of interest, but notwithstanding any other provision of law, no development company may accept funding from any source, including but not limited to any department or agency of the United States Government—

''(A) if such funding includes any conditions, priorities or restrictions upon the types of small businesses to which they may provide financial assistance under this title; or

''(B) if it includes any conditions or imposes any requirements, directly or indirectly, upon any recipient of assistance under this title unless the department or agency also provides all of the financial assistance to be delivered by the development company to the small business and such conditions, priorities or restrictions are limited solely to the financial assistance so provided.''.

**SEC. 203. DEFINITION OF RURAL AREAS.**

Section 501 of the Small Business Investment Act of 1958 (15 U.S.C. 695) is amended by adding at the end the following new subsection:

''(f) As used in subsection (d)(3)(D), the term 'rural' shall include any area other than—

''(1) a city or town that has a population greater than 50,000 inhabitants; and

''(2) the urbanized area contiguous and adjacent to such a city or town.''.

**SEC. 204. BUSINESSES IN LOW-INCOME AREAS.**

Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended by inserting after ''business district revitalization'' the following: ''or expansion of businesses in low-income communities that would be eligible for new market tax credit investments under section 45D of the Internal Revenue Code of 1986 (26 U.S.C. 45D)''.

**SEC. 205. COMBINATIONS OF CERTAIN GOALS.**

Section 501(e) of the Small Business Investment Act of 1958 (15 U.S.C. 695(e)) is amended by adding at the end the following:

''(7) A small business concern that is unconditionally owned by more than one individual, or a corporation whose stock is owned by more than one individual, is deemed to achieve a public policy goal under subsection (d)(3) if a combined ownership share of at least 51 percent is held by individuals who are in one of the groups listed as public policy goals specified in subsection (d)(3)(C) or (d)(3)(E).''.

**SEC. 206. REFINANCING.**

Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended by adding at the end the following:

''(7) PERMISSIBLE DEBT REFINANCING.—Any financing approved under this title may also include a limited amount of debt refinancing for debt that was not previously guaranteed by the Administration. If the project involves expansion of a small business which has existing indebtedness collateralized by fixed assets, a limited amount may be refinanced and added to the expansion cost, providing—

''(A) the proceeds of the indebtedness were used to acquire land, including a building situated thereon, to construct a building thereon or to purchase equipment;

''(B) the borrower has been current on all payments due on the existing debt for at least the past year; and

''(C) the financing under the Certified Development Company Economic Development Loan Program will provide better terms or rate of interest than now exists on the debt.''.

**SEC. 207. ADDITIONAL EQUITY INJECTIONS.**

Clause (ii) of section 502(3)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 696(3)(B)) is amended to read as follows:

''(ii) FUNDING FROM INSTITUTIONS.—

''(I) If a small business concern provides the minimum contribution required under paragraph (C), not less than 50 percent of the total cost of any project financed pursuant to clauses (i), (ii), or (iii) of subparagraph (C) shall come from the institutions described in subclauses (I), (II), and (III) of clause (i).

''(II) If a small business concern provides more than the minimum contribution required under paragraph (C), any excess contribution may be used to reduce the amount required from the institutions described in subclauses (I), (II), and (III) of clause (i) except that the amount from such institutions may not be reduced to an amount less than the amount of the loan made by the Administration.''.

**SEC. 208. LOAN LIQUIDATIONS.**

Section 510 of the Small Business Investment Act of 1958 (15 U.S.C. 697g) is amended—

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting after subsection (d) the following:

''(e) PARTICIPATION.—

''(1) MANDATORY.—Any certified development company which elects not to apply for authority to foreclose and liquidate defaulted loans under this section or which the Administration determines to be ineligible for such authority shall contract with a qualified third-party to perform foreclosure and liquidation of defaulted loans in its portfolio. The contract shall be contingent upon approval by the Administration with respect to the qualifications of the contractor, the terms and conditions of liquidation activities, and the ability to reimburse such contractor.

''(2) COMMENCEMENT.—The provisions of this subsection shall not require any development company to liquidate defaulted loans until the Administration has adopted and implemented a program to compensate and reimburse development companies as provided under subsection (f).

''(f) COMPENSATION AND REIMBURSEMENT.—

''(1) REIMBURSEMENT OF EXPENSES.—The Administration shall reimburse each certified development company for all expenses paid by such company as part of the foreclosure and liquidation activities if the expenses—

''(A) were approved in advance by the Administration either specifically or generally; or

''(B) were incurred by the company on an emergency basis without Administration prior approval but which were reasonable and appropriate.

''(2) COMPENSATION FOR RESULTS.—The Administration shall develop a schedule to compensate and provide an incentive to qualified State or local development companies which foreclose and liquidate defaulted loans. The schedule shall be based on a percentage of the net amount recovered but shall not exceed a maximum amount. The schedule shall not apply to any foreclosure which is conducted pursuant to a contract between a development company and a qualified third-party to perform the foreclosure and liquidation.''.

**SEC. 209. CLOSING COSTS.**

Paragraph (4) of section 503(b) of the Small Business Investment Act of 1958 (15 U.S.C. 697(b)) is amended to read as follows:

''(4) the aggregate amount of such debenture does not exceed the amount of loans to be made from the proceeds of such debenture plus, at the election of the borrower under the Certified Development Company Economic Development Loan Program, other amounts attributable to the administrative and closing costs of such loans, except for the borrower's attorney fees;''.

**SEC. 210. UNIFORM LEASING POLICY.**

(a) IN GENERAL.—Section 502 of the Small Business Investment Act of 1958 (15 U.S.C. 696) is amended

(1) by striking paragraphs (4) and (5) and inserting the following:

''(4) LIMITATION ON LEASING.—If the use of a loan under this section includes the acquisition of a facility or the construction of a new facility, the small business concern assisted

''(A) shall permanently occupy and use not less than a total of 50 percent of the space in the facility; and

''(B) may, on a temporary or permanent basis, lease to others not more than 50 percent of the space in the facility.''; and

(2) by redesignating paragraph (6) as paragraph (5).

(b) POLICY FOR 7(A) LOANS.—Section 7(a)(28) of the Small Business Act (15 U.S.C. 636(a)(28)) is amended to read as follows:

''(28) LIMITATION ON LEASING.—If the use of a loan under this subsection includes the acquisition of a facility or the construction of a new facility, the small business concern assisted

''(A) shall permanently occupy and use not less than a total of 50 percent of the space in the facility; and

''(B) may, on a temporary or permanent basis, lease to others not more than 50 percent of the space in the facility.''.

## TITLE III—SMALL BUSINESS INVESTMENT COMPANY PROGRAM

**SEC. 301. SIMPLIFIED MAXIMUM LEVERAGE LIMITS.**

Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended—

(1) by striking paragraph (2) and inserting the following:

''(2) MAXIMUM LEVERAGE.—

''(A) IN GENERAL.—The maximum amount of outstanding leverage made available to any one company licensed under section 301(c) of this Act may not exceed the lesser of—

''(i) 300 percent of such company's private capital; or

''(ii) $150,000,000.

''(B) MULTIPLE LICENSES UNDER COMMON CONTROL.—The maximum amount of outstanding leverage made available to two or more companies licensed under section 301(c) of this Act that are commonly controlled (as determined by the Administrator) and not under capital impairment may not exceed $225,000,000.''; and

(2) by striking paragraph (4).

**SEC. 302. SIMPLIFIED AGGREGATE INVESTMENT LIMITATIONS.**

Section 306(a) of the Small Business Investment Act of 1958 (15 U.S.C. 686(a)) is amended to read as follows:

''(a) PERCENTAGE LIMITATION ON PRIVATE CAPITAL.—If any small business investment company has obtained financing from the Administration and such financing remains outstanding, the aggregate amount of securities acquired and for which commitments may be issued by such company under the provisions of this title for any single enterprise shall not, without the approval of the Administration, exceed 10 percent of the sum of—

''(1) the private capital of such company; and

''(2) the total amount of leverage projected by the company in the company's business plan that was approved by the Administration at the time of the grant of the company's license.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

□ 1700

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself as much time as I consume.

Mr. Speaker, I rise in support of this bill which would help entrepreneurs gain access to vital capital. Even before the recent troubles on Wall Street began, securing funding was an uphill battle for small businesses. Today, it is even more challenging than ever.

The effects of the current lending slump have been taxing. Liquidity challenges have caused lenders to cut lines of credit and recall loans to small firms. As these crucial sources of investment dry up, entrepreneurs have few places left to turn.

Venture capital investors, who have historically fueled the startup community, are becoming more and more cautious in doing so. At the same time, commercial banks have raised the bar for lending criteria on interest rates.

While the Small Business Administration has historically helped entrepreneurs during economic downturns, it is also failing to meet funding needs. In fact, the Small Business Administration lending is down 25 percent this year. Most small businesses rely on some form of loans or credit in order to meet their daily needs. Not surprisingly, the consequences of today's downturn in funding have had a crippling effect on their community.

The Small Business Financing Improvement Act of 2008 will help in small but important ways in part by enhancing the Small Business Administration lending programs. For example, it will improve the administration's 7(a) initiative, which is its most frequently used line of small business credit. It would also ease the flow of investments from venture capitalists. This will be particularly helpful as venture capital funding has a history of sparking innovation.

Furthermore, the bill I am proposing today will encourage lending from commercial banks. It will also do this by reducing the regulatory burden for financiers looking to fund small firms. In light of their current reluctance to make small business loans, this will be a tremendous incentive for banks to assist entrepreneurs.

This act will help thousands of small firms maintain and grow their companies. It will do this by allowing them to access the funds they need to go about their daily business and do everything from meet payroll to stock their shelves. Capital is the most basic and essential building block for small business ownership. After all, it is what allows entrepreneurs to start companies in the first place. For this reason, the bill has won full approval from the Small Business Administration.

I should also add that this provision has at one point or another been passed in the House.

Small businesses employ half of this Nation's workforce, and entire local economies depend on their success. The bill we're considering here today will be an important first step in ensuring that America's entrepreneurs can achieve their success. With this in mind, I urge my colleagues to support its passage.

I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in support of H.R. 7175, the Small Business Lending Improvements Act of 2008. I especially would like to thank Chairwoman VELÁZQUEZ for working in a cooperative and bipartisan manner to bring this important bill to the House floor. Once again, she has done so. She has been working in such a manner for the last 2 years. I commend her for that.

All of us are aware of the recent turmoil in the financial markets. These problems also directly impact America's small businesses. Availability of credit is reduced thereby dampening the capacity of small businesses to create much-needed jobs. Yet it's not just the availability of credit that adversely impacts America's small business owners. These people are also ordinary men and women with the same concerns about the value of their homes, the safety of their investments, the spiking interest rates, and the outlook for the future of their children that every American has to be concerned about in these uncertain times.

The bill before us today will not remedy all of these problems, but it will make important improvements in the capacity of small businesses to obtain needed capital without further adding to the potential problems facing our financial sector.

Although the changes in the bill are modest, they include key components of H.R. 1336 that the House overwhelmingly passed back in 2007. These modifications will increase the availability of credit for small businesses and reduce unnecessary paperwork on lenders without undermining the scrutiny provided by the Small Business Administration of the lenders or borrowers.

Title I makes very modest changes to the operation of the SBA's core 7(a) lending program. Nevertheless, these changes will improve the liquidity in the small business lending market while making the loans available to more small businesses. It's important to note that nothing in title I changes the standards under which the SBA guarantees the issuance of loans or alters the fact that the program operates without any taxpayer subsidy. I want to reiterate that: Operates without any taxpayer subsidy.

I'm most proud of title II of H.R. 7175. It modifies and strengthens the loan program operated pursuant to title V of the Small Business Investment Act of 1958. Certified development companies, or CDCs, are vital to long-term economic and community development in my district and throughout the country. CDCs operate to provide long-term fixed-rate financing for small business concerns who find their financing needs cannot be met due to the loan limits of the 7-day loan program. And unlike many 7-day lenders, CDCs must be locally based so they have a key understanding of the needs of the communities they serve.

The first thing that title II does is change the name of the program. While this may sound minor, it will provide greater recognition to CDCs and enable them to better promote their important mission of local economic development.

Section 202 makes important technical changes to the definitions in the CDC program, including, most importantly, defining the term ''certified development company.'' As a corollary, title II eliminates the outdated term ''qualified state and local development company'' from the Small Business Investment Act of 1958.

In my estimation, section 203 is the most important provision in the bill. It statutorily establishes the procedures by which the SBA designates entities as CDCs. The most important requirements of the statutory procedures is the mandate that the CDC have local board members familiar with the economic development needs of the community. Even though the bill authorizes expansion only into neighboring states, the CDC must have representatives that understand the local economic development needs of the new state of operation.

Another very important aspect of the bill authorizes the CDCs to perform their own liquidations. Under the current process, the SBA performs liquidations and only receives about 20 cents on the dollar, a wholly inadequate return on guarantees issued by the Federal Government.

By having CDCs with their local expertise performing liquidations, the taxpayers will receive a better return on their guarantee, something essential given current conditions in the financial markets.

Title II also makes other changes providing greater financial opportunities for small businesses under the CDC program and enhance local economic development without placing any undue risk on the taxpayer.

Finally, title III of H.R. 7175 makes some technical changes to the operation of the small business investment company program. By making it easier to calculate investment limits, SBICs will be better able to manage their portfolios thereby increasing the overall value of their portfolios without placing the Federal taxpayer at any increased risk.

Together, all of these changes made will spur economic development, which is really one of the key things we need to do at this time.

For these reasons, I ask my colleagues to support passage of this.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I have no further speakers.

I reserve my time.

Mr. CHABOT. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. I thank the gentleman for yielding.

This appears to be a pretty good bill, but we're not going to help small business until we get an energy package that's going to lower the price of energy, gasoline, and other forms of energy in this country. We're sending $700 billion a year overseas that could be kept here in America by drilling here in America and getting energy out of the ground here in America creating hundreds of thousands of jobs. That's not going to happen. That's not going to happen until we get a good energy bill.

We're asked today to deal with a $700 billion piece of legislation that will help keep this country's economy afloat. And I submit to my colleagues tonight or today that even if we passed that and we solved this problem temporarily, we're going to be right back here if we don't deal with the energy crisis.

This energy crisis is taking money out of everybody's pockets: small business, big business, homeowners. If a person has to pay exorbitant prices to fill their gas tank to get their kids to and from school and to and from work, it's going to hurt them. It's going to hurt them when they have to buy groceries that are transported across this country by diesel fuel and trucks. And because of that, people's cost of living is going up and up and up. And if you don't think that's going to have an impact on their ability to pay their home mortgages, you're just not thinking straight.

We have to deal with the energy crisis so people can spend less on energy, can have that money for food for their kids, and to get to and from school and to and from work and to pay for their home mortgages.

I think we have to deal with the crisis that faces us right now. But I think all of us ought to be aware that until we solve the energy crisis, until we become energy independent or move rapidly in that direction, we're going to continue to have problems in the future with this economy. This economy cannot stand $4 a gallon gasoline. We just can't. And it is going to impact every area of this economy now and in the future.

Even if we pass this so-called bailout bill today or next week or tomorrow, whenever we pass it, it's not going to solve the problem until we deal with the energy crisis which is an integral part of the problems facing America.

Ms. VELÁZQUEZ. Mr. Speaker, I have no further speakers on this side, and I'm prepared to close.

Mr. CHABOT. Mr. Speaker, I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, let me just say that small businesses are the innovators in this country and that for the last 7 years, this administration's failed policies have not provided the tools and resources for small businesses to be part of the energy solution and make this country energy independent.

We passed H.R. 6 last year. Let's get the White House and the administration to implement those provisions that will allow for small businesses to be part of innovation in relation to energy independence in this country.

I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CAZAYOUX). The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 7175.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHABOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 3001) ''An Act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.''.

□ 1715

## RECOGNIZING THE 10TH ANNIVERSARY OF THE ESTABLISHMENT OF THE MINORITY AIDS INITIATIVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the concurrent resolution, H. Con. Res. 426, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The text of the concurrent resolution is as follows:

H. CON. RES. 426

Whereas the Minority AIDS Initiative was established on October 28, 1998, under the leadership of the Congressional Black Caucus, during the Chairmanship of Congresswoman Maxine Waters, to target funds for the awareness, prevention, testing, and treatment of HIV/AIDS toward racial and ethnic minority communities and toward community-based organizations and health care providers serving these communities;

Whereas HIV/AIDS is a devastating epidemic that continues to spread in communities throughout the United States;

Whereas there are more than 1,000,000 people living with HIV/AIDS in the United States today;

Whereas there are more than 14,000 AIDS-related deaths every year in the United States;

Whereas approximately 1 in 4 of the people living with HIV/AIDS in the United States do not know they are infected;

Whereas all racial and ethnic minorities are disproportionately impacted by HIV/AIDS;

Whereas African-Americans account for about half of new AIDS cases, although approximately 13 percent of the population as a whole is Black, and the Centers for Disease Control and Prevention (CDC) estimates that African-Americans accounted for 45 percent of new HIV infections in 2006;

Whereas Hispanic-Americans account for 19 percent of new AIDS cases, although only 15 percent of the population as a whole is Hispanic, and the CDC estimates that Hispanic-Americans accounted for 17 percent of new HIV infections in 2006;

Whereas Asian-Americans and Pacific Islanders account for 1 percent of new AIDS cases, and Native Americans and Alaskan Natives account for up to 1 percent of new AIDS cases;

Whereas approximately 70 percent of new AIDS cases are racial and ethnic minorities;

Whereas the CDC recently released new estimates of HIV infection, which indicate that approximately 56,300 new HIV infections occurred in the United States in 2006;

Whereas these new estimates are approximately 40 percent higher than the CDC's previous estimates of 40,000 new infections per year;

Whereas the CDC's data confirms that the most severe impact continues to be among gay and bisexual men of all races, and Black men and women;

Whereas the purpose of the Minority AIDS Initiative is to enable community based organizations and health care providers in minority communities to improve their capacity to deliver culturally and linguistically appropriate HIV/AIDS care and services;

Whereas the establishment of the Minority AIDS Initiative was announced on October 28, 1998, during a ''roll-out'' event sponsored by the Congressional Black Caucus, which featured the participation of President Bill Clinton, Secretary of Health and Human Services Donna Shalala, Congresswoman Maxine Waters, members of the Congressional Black Caucus, and representatives of HIV/AIDS service and advocacy organizations;

Whereas it was announced at this ''roll-out'' that the Minority AIDS Initiative would receive an initial appropriation of $156,000,000 in fiscal year 1999;

Whereas concerned Members of Congress, including members of the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Asian Pacific American Caucus, and the Congressional Hispanic Conference, continue to support the Minority AIDS Initiative;

Whereas the Minority AIDS Initiative continues to provide funding to community-based organizations, research institutions, minority-serving colleges and universities, health care organizations, State and local health departments, correctional institutions, and other providers of health information and services to help such entities address the HIV/AIDS epidemic within the minority populations they serve;

Whereas Congress codified the Minority AIDS Initiative within the most recent reauthorization of the Ryan White CARE Act;

Whereas the Minority AIDS Initiative fills gaps in HIV/AIDS outreach, awareness, prevention, treatment, surveillance, and infrastructure across communities of color; and

Whereas, October 28, 2008, is the 10th anniversary of the establishment of the Minority AIDS Initiative: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring),* That the Congress—

(1) recognizes and commemorates the 10th anniversary of the establishment of the Minority AIDS Initiative;

(2) commends the efforts of community-based organizations and health care providers in minority communities to deliver culturally and linguistically appropriate HIV/AIDS care and services within the minority populations they serve;

(3) encourages racial and ethnic minorities to educate themselves about the prevention and treatment of HIV/AIDS and reduce HIV related stigma; and

(4) supports the continued funding of the Minority AIDS Initiative and other Federal programs to stop the spread of HIV/AIDS and provide effective, compassionate treatment and care to individuals affected by HIV/AIDS.

AMENDMENT OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. PALLONE:

Amend page 4, line 3, through page 5, line 9, to read as follows:

(1) recognizes and commemorates the 10th anniversary of the establishment of the Minority AIDS Initiative;

(2) commends the efforts of community-based organizations and health care providers in minority communities to deliver culturally and linguistically appropriate HIV/AIDS care and services within the minority populations they serve;

(3) encourages racial and ethnic minorities and all Americans to educate themselves about the prevention and treatment of HIV/AIDS and reduce HIV related stigma;

(4) encourages the Centers for Disease Control and Prevention to appropriately address populations significantly impacted by HIV/

AIDS not only through the Minority AIDS Initiative, but through all available programs; and

(5) supports the continuing efforts of the Minority AIDS Initiative to stop the spread of HIV/AIDS and urges effective, compassionate treatment and care to individuals affected by HIV/AIDS.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

AMENDMENT TO THE PREAMBLE OFFERED BY MR. PALLONE

Mr. PALLONE. Mr. Speaker, I have an amendment to the preamble at the desk.

The Clerk read as follows:

Amendment to the preamble offered by Mr. PALLONE:

Amend the preamble to read as follows:

Whereas the Minority AIDS Initiative was established on October 28, 1998, under the leadership of the Congressional Black Caucus, to target funds for the awareness, prevention, testing, and treatment of HIV/AIDS toward racial and ethnic minority communities and toward community-based organizations and health care providers serving these communities;

Whereas HIV/AIDS is a devastating epidemic that continues to spread in communities throughout the United States;

Whereas there are more than 1,000,000 people living with HIV/AIDS in the United States today;

Whereas there are more than 14,000 AIDS-related deaths every year in the United States;

Whereas approximately 1 in 4 of the people living with HIV/AIDS in the United States do not know they are infected;

Whereas racial and ethnic minorities are disproportionately impacted by HIV/AIDS;

Whereas African-Americans account for about half of new AIDS cases, although approximately 13 percent of the population as a whole is Black, and the Centers for Disease Control and Prevention (CDC) estimates that African-Americans accounted for 45 percent of new HIV infections in 2006;

Whereas Hispanic-Americans account for 19 percent of new AIDS cases, although only 15 percent of the population as a whole is Hispanic, and the CDC estimates that Hispanic-Americans accounted for 17 percent of new HIV infections in 2006;

Whereas Asian-Americans and Pacific Islanders account for 1 percent of new AIDS cases, and Native Americans and Alaskan Natives account for up to 1 percent of new AIDS cases;

Whereas approximately 70 percent of new AIDS cases are racial and ethnic minorities;

Whereas the CDC recently released new estimates of HIV infection, which indicate that approximately 56,300 new HIV infections occurred in the United States in 2006;

Whereas these new estimates are approximately 40 percent higher than the CDC's previous estimates of 40,000 new infections per year;

Whereas the CDC's data confirms that the most severe impact continues to be among gay and bisexual men of all races, and Black men and women;

Whereas the purpose of the Minority AIDS Initiative is to enable community based organizations and health care providers in minority communities to improve their capacity to deliver culturally and linguistically appropriate HIV/AIDS care and services;

Whereas concerned Members of Congress, including members of the Congressional Black Caucus, the Congressional Hispanic Caucus, the Congressional Asian Pacific American Caucus, and the Congressional Hispanic Conference, continue to support the Minority AIDS Initiative;

Whereas the Minority AIDS Initiative continues to provide funding to community-based organizations, research institutions, minority-serving colleges and universities, health care organizations, State and local health departments, correctional institutions, and other providers of health information and services to help such entities address the HIV/AIDS epidemic within the minority populations they serve;

Whereas Congress codified the Minority AIDS Initiative within the most recent reauthorization of the Ryan White CARE Act;

Whereas the Minority AIDS Initiative fills gaps in HIV/AIDS outreach, awareness, prevention, treatment, surveillance, and infrastructure across communities of color; and

Whereas, October 28, 2008, is the 10th anniversary of the establishment of the Minority AIDS Initiative: Now, therefore, be it

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## PRIORITIZING RESOURCES AND ORGANIZATION FOR INTELLECTUAL PROPERTY ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3325) to enhance remedies for violations of intellectual property laws, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3325

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Prioritizing Resources and Organization for Intellectual Property Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Reference.
Sec. 3. Definition.

TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

Sec. 101. Registration of claim.
Sec. 102. Civil remedies for infringement.
Sec. 103. Treble damages in counterfeiting cases.
Sec. 104. Statutory damages in counterfeiting cases.
Sec. 105. Importation and exportation.

TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

Sec. 201. Criminal copyright infringement.
Sec. 202. Trafficking in counterfeit labels, illicit labels, or counterfeit documentation or packaging for works that can be copyrighted.
Sec. 203. Unauthorized fixation.
Sec. 204. Unauthorized recording of motion pictures.
Sec. 205. Trafficking in counterfeit goods or services.
Sec. 206. Forfeiture, destruction, and restitution.
Sec. 207. Forfeiture under Economic Espionage Act.
Sec. 208. Criminal infringement of a copyright.
Sec. 209. Technical and conforming amendments.

TITLE III—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND INFRINGEMENT

Sec. 301. Intellectual Property Enforcement Coordinator.
Sec. 302. Definition.
Sec. 303. Joint strategic plan.
Sec. 304. Reporting.
Sec. 305. Savings and repeals.
Sec. 306. Authorization of appropriations.

TITLE IV—DEPARTMENT OF JUSTICE PROGRAMS

Sec. 401. Local law enforcement grants.
Sec. 402. Improved investigative and forensic resources for enforcement of laws related to intellectual property crimes.
Sec. 403. Additional funding for resources to investigate and prosecute intellectual property crimes and other criminal activity involving computers.
Sec. 404. Annual reports.

TITLE V—MISCELLANEOUS

Sec. 501. GAO study on protection of intellectual property of manufacturers.
Sec. 502. GAO audit and report on nonduplication and efficiency.
Sec. 503. Sense of Congress.

**SEC. 2. REFERENCE.**

Any reference in this Act to the ''Trademark Act of 1946'' refers to the Act entitled ''An Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes'', approved July 5, 1946 (15 U.S.C. 1051 et seq.).

**SEC. 3. DEFINITION.**

In this Act, the term ''United States person'' means—

(1) any United States resident or national,

(2) any domestic concern (including any permanent domestic establishment of any foreign concern), and

(3) any foreign subsidiary or affiliate (including any permanent foreign establishment) of any domestic concern that is controlled in fact by such domestic concern,

except that such term does not include an individual who resides outside the United States and is employed by an individual or entity other than an individual or entity described in paragraph (1), (2), or (3).

## TITLE I—ENHANCEMENTS TO CIVIL INTELLECTUAL PROPERTY LAWS

**SEC. 101. REGISTRATION OF CLAIM.**

(a) LIMITATION TO CIVIL ACTIONS; HARMLESS ERROR.—Section 411 of title 17, United States Code, is amended—

(1) in the section heading, by inserting ''**CIVIL**'' before ''**INFRINGEMENT**'';

(2) in subsection (a)—

(A) in the first sentence, by striking ''no action'' and inserting ''no civil action''; and

(B) in the second sentence, by striking ''an action'' and inserting ''a civil action'';

(3) by redesignating subsection (b) as subsection (c);

(4) in subsection (c), as so redesignated by paragraph (3), by striking ''506 and sections 509 and'' and inserting ''505 and section''; and

(5) by inserting after subsection (a) the following:

''(b)(1) A certificate of registration satisfies the requirements of this section and section 412, regardless of whether the certificate contains any inaccurate information, unless—

''(A) the inaccurate information was included on the application for copyright registration with knowledge that it was inaccurate; and

''(B) the inaccuracy of the information, if known, would have caused the Register of Copyrights to refuse registration.

''(2) In any case in which inaccurate information described under paragraph (1) is alleged, the court shall request the Register of Copyrights to advise the court whether the inaccurate information, if known, would have caused the Register of Copyrights to refuse registration.

''(3) Nothing in this subsection shall affect any rights, obligations, or requirements of a person related to information contained in a registration certificate, except for the institution of and remedies in infringement actions under this section and section 412.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 412 of title 17, United States Code, is amended by striking ''411(b)'' and inserting ''411(c)''.

(2) The item relating to section 411 in the table of sections for chapter 4 of title 17, United States Code, is amended to read as follows:

''Sec. 411. Registration and civil infringement actions.''.

**SEC. 102. CIVIL REMEDIES FOR INFRINGEMENT.**

(a) IN GENERAL.—Section 503(a) of title 17, United States Code, is amended to read as follows:

''(a)(1) At any time while an action under this title is pending, the court may order the impounding, on such terms as it may deem reasonable—

''(A) of all copies or phonorecords claimed to have been made or used in violation of the exclusive right of the copyright owner;

''(B) of all plates, molds, matrices, masters, tapes, film negatives, or other articles by means of which such copies of phonorecords may be reproduced; and

''(C) of records documenting the manufacture, sale, or receipt of things involved in any such violation, provided that any records seized under this subparagraph shall be taken into the custody of the court.

''(2) For impoundments of records ordered under paragraph (1)(C), the court shall enter an appropriate protective order with respect to discovery and use of any records or information that has been impounded. The protective order shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in such records is not improperly disclosed or used.

''(3) The relevant provisions of paragraphs (2) through (11) of section 34(d) of the Trademark Act (15 U.S.C. 1116(d)(2) through (11)) shall extend to any impoundment of records ordered under paragraph (1)(C) that is based upon an ex parte application, notwithstanding the provisions of rule 65 of the Federal Rules of Civil Procedure. Any references in paragraphs (2) through (11) of section 34(d) of the Trademark Act to section 32 of such Act shall be read as references to section 501 of this title, and references to use of a counterfeit mark in connection with the sale, offering for sale, or distribution of goods or services shall be read as references to infringement of a copyright.''.

(b) PROTECTIVE ORDER FOR SEIZED RECORDS.—Section 34(d)(7) of the Trademark Act (15 U.S.C. 1116(d)(7)) is amended to read as follows:

''(7) Any materials seized under this subsection shall be taken into the custody of the court. For seizures made under this section, the court shall enter an appropriate protective order with respect to discovery and use of any records or information that has been seized. The protective order shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in such records is not improperly disclosed or used.''.

**SEC. 103. TREBLE DAMAGES IN COUNTERFEITING CASES.**

Section 35(b) of the Trademark Act of 1946 (15 U.S.C. 1117(b)) is amended to read as follows:

''(b) In assessing damages under subsection (a) for any violation of section 32(1)(a) of this Act or section 220506 of title 36, United States Code, in a case involving use of a counterfeit mark or designation (as defined in section 34(d) of this Act), the court shall, unless the court finds extenuating circumstances, enter judgment for three times such profits or damages, whichever amount is greater, together with a reasonable attorney's fee, if the violation consists of—

''(1) intentionally using a mark or designation, knowing such mark or designation is a counterfeit mark (as defined in section 34(d) of this Act), in connection with the sale, offering for sale, or distribution of goods or services; or

''(2) providing goods or services necessary to the commission of a violation specified in paragraph (1), with the intent that the recipient of the goods or services would put the goods or services to use in committing the violation.

In such a case, the court may award prejudgment interest on such amount at an annual interest rate established under section 6621(a)(2) of the Internal Revenue Code of 1986, beginning on the date of the service of the claimant's pleadings setting forth the claim for such entry of judgment and ending on the date such entry is made, or for such shorter time as the court considers appropriate.''.

**SEC. 104. STATUTORY DAMAGES IN COUNTERFEITING CASES.**

Section 35(c) of the Trademark Act of 1946 (15 U.S.C. 1117) is amended—

(1) in paragraph (1)—

(A) by striking ''$500'' and inserting ''$1,000''; and

(B) by striking ''$100,000'' and inserting ''$200,000''; and

(2) in paragraph (2), by striking ''$1,000,000'' and inserting ''$2,000,000''.

**SEC. 105. IMPORTATION AND EXPORTATION.**

(a) IN GENERAL.—The heading for chapter 6 of title 17, United States Code, is amended to read as follows:

**''CHAPTER 6—MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION''.**

(b) AMENDMENT ON EXPORTATION.—Section 602(a) of title 17, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and moving such subparagraphs 2 ems to the right;

(2) by striking ''(a)'' and inserting ''(a) INFRINGING IMPORTATION OR EXPORTATION.—

''(1) IMPORTATION.—'';

(3) by striking ''This subsection does not apply to—'' and inserting the following:

''(2) IMPORTATION OR EXPORTATION OF INFRINGING ITEMS.—Importation into the United States or exportation from the United States, without the authority of the owner of copyright under this title, of copies or phonorecords, the making of which either constituted an infringement of copyright, or which would have constituted an infringement of copyright if this title had been applicable, is an infringement of the exclusive right to distribute copies or phonorecords under section 106, actionable under sections 501 and 506.

''(3) EXCEPTIONS.—This subsection does not apply to—'';

(4) in paragraph (3)(A) (as redesignated by this subsection) by inserting ''or exportation'' after ''importation''; and

(5) in paragraph (3)(B) (as redesignated by this subsection)—

(A) by striking ''importation, for the private use of the importer'' and inserting ''importation or exportation, for the private use of the importer or exporter''; and

(B) by inserting ''or departing from the United States'' after ''United States''.

(c) CONFORMING AMENDMENTS.—(1) Section 602 of title 17, United States Code, is further amended—

(A) in the section heading, by inserting ''**or exportation**'' after ''**importation**''; and

(B) in subsection (b)—

(i) by striking ''(b) In a case'' and inserting ''(b) IMPORT PROHIBITION.—In a case'';

(ii) by striking ''the United States Customs Service'' and inserting ''United States Customs and Border Protection''; and

(iii) by striking ''the Customs Service'' and inserting ''United States Customs and Border Protection''.

(2) Section 601(b)(2) of title 17, United States Code, is amended by striking ''the United States Customs Service'' and inserting ''United States Customs and Border Protection''.

(3) The item relating to chapter 6 in the table of chapters for title 17, United States Code, is amended to read as follows:

''6. MANUFACTURING REQUIREMENTS, IMPORTATION, AND EXPORTATION ..... 601''.

## TITLE II—ENHANCEMENTS TO CRIMINAL INTELLECTUAL PROPERTY LAWS

**SEC. 201. CRIMINAL COPYRIGHT INFRINGEMENT.**

(a) FORFEITURE AND DESTRUCTION; RESTITUTION.—Section 506(b) of title 17, United States Code, is amended to read as follows:

''(b) FORFEITURE, DESTRUCTION, AND RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323 of title 18, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

(b) SEIZURES AND FORFEITURES.—

(1) REPEAL.—Section 509 of title 17, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 17, United States Code, is amended by striking the item relating to section 509.

**SEC. 202. TRAFFICKING IN COUNTERFEIT LABELS, ILLICIT LABELS, OR COUNTERFEIT DOCUMENTATION OR PACKAGING FOR WORKS THAT CAN BE COPYRIGHTED.**

Section 2318 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by redesignating subparagraphs (A) through (G) as clauses (i) through (vii), respectively;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(C) by striking ''Whoever'' and inserting ''(1) Whoever'';

(2) by amending subsection (d) to read as follows:

''(d) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''; and

(3) by striking subsection (e) and redesignating subsection (f) as subsection (e).

**SEC. 203. UNAUTHORIZED FIXATION.**

(a) Section 2319A(b) of title 18, United States Code, is amended to read as follows:

''(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

(b) Section 2319A(c) of title 18, United States Code, is amended by striking the second sentence and inserting: ''The Secretary of Homeland Security shall issue regulations by which any performer may, upon payment of a specified fee, be entitled to notification by United States Customs and Border Protection of the importation of copies or phonorecords that appear to consist of unauthorized fixations of the sounds or sounds and images of a live musical performance.''.

**SEC. 204. UNAUTHORIZED RECORDING OF MOTION PICTURES.**

Section 2319B(b) of title 18, United States Code, is amended to read as follows:

''(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

**SEC. 205. TRAFFICKING IN COUNTERFEIT GOODS OR SERVICES.**

(a) IN GENERAL.—Section 2320 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking ''WHOEVER'' and inserting ''OFFENSE.—''

''(1) IN GENERAL.—Whoever;'';

(B) by moving the remaining text 2 ems to the right; and

(C) by adding at the end the following:

''(2) SERIOUS BODILY HARM OR DEATH.—

''(A) SERIOUS BODILY HARM.—If the offender knowingly or recklessly causes or attempts to cause serious bodily injury from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for not more than 20 years, or both.

''(B) DEATH.—If the offender knowingly or recklessly causes or attempts to cause death from conduct in violation of paragraph (1), the penalty shall be a fine under this title or imprisonment for any term of years or for life, or both.''; and

(2) by adding at the end the following:

''(h) TRANSSHIPMENT AND EXPORTATION.—No goods or services, the trafficking in of which is prohibited by this section, shall be transshipped through or exported from the United States. Any such transshipment or exportation shall be deemed a violation of section 42 of an Act to provide for the registration of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes, approved July 5, 1946 (commonly referred to as the 'Trademark Act of 1946' or the 'Lanham Act').''.

(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Section 2320(b) of title 18, United States Code, is amended to read as follows:

''(b) FORFEITURE AND DESTRUCTION OF PROPERTY; RESTITUTION.—Forfeiture, destruction, and restitution relating to this section shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

**SEC. 206. FORFEITURE, DESTRUCTION, AND RESTITUTION.**

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding at the end the following:

**''SEC. 2323. FORFEITURE, DESTRUCTION, AND RESTITUTION.**

''(a) CIVIL FORFEITURE.—

''(1) PROPERTY SUBJECT TO FORFEITURE.—The following property is subject to forfeiture to the United States Government:

''(A) Any article, the making or trafficking of which is, prohibited under section 506 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title.

''(B) Any property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense referred to in subparagraph (A).

''(C) Any property constituting or derived from any proceeds obtained directly or indirectly as a result of the commission of an offense referred to in subparagraph (A).

''(2) PROCEDURES.—The provisions of chapter 46 relating to civil forfeitures shall extend to any seizure or civil forfeiture under this section. For seizures made under this section, the court shall enter an appropriate protective order with respect to discovery and use of any records or information that has been seized. The protective order shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in such records is not improperly disclosed or used. At the conclusion of the forfeiture proceedings, unless otherwise requested by an agency of the United States, the court shall order that any property forfeited under paragraph (1) be destroyed, or otherwise disposed of according to law.

''(b) CRIMINAL FORFEITURE.—

''(1) PROPERTY SUBJECT TO FORFEITURE.—The court, in imposing sentence on a person convicted of an offense under section 506 of title 17, or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, shall order, in addition to any other sentence imposed, that the person forfeit to the United States Government any property subject to forfeiture under subsection (a) for that offense.

''(2) PROCEDURES.—

''(A) IN GENERAL.—The forfeiture of property under paragraph (1), including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be governed by the procedures set forth in section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsection (d) of that section.

''(B) DESTRUCTION.—At the conclusion of the forfeiture proceedings, the court, unless otherwise requested by an agency of the United States shall order that any—

''(i) forfeited article or component of an article bearing or consisting of a counterfeit mark be destroyed or otherwise disposed of according to law; and

''(ii) infringing items or other property described in subsection (a)(1)(A) and forfeited under paragraph (1) of this subsection be destroyed or otherwise disposed of according to law.

''(c) RESTITUTION.—When a person is convicted of an offense under section 506 of title 17 or section 2318, 2319, 2319A, 2319B, or 2320, or chapter 90, of this title, the court, pursuant to sections 3556, 3663A, and 3664 of this title, shall order the person to pay restitution to any victim of the offense as an offense against property referred to in section 3663A(c)(1)(A)(ii) of this title.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 113 of title 18, United States Code, is amended by adding at the end the following:

''Sec. 2323. Forfeiture, destruction, and restitution.''.

**SEC. 207. FORFEITURE UNDER ECONOMIC ESPIONAGE ACT.**

Section 1834 of title 18, United States Code, is amended to read as follows:

**''SEC. 1834. CRIMINAL FORFEITURE.**

''Forfeiture, destruction, and restitution relating to this chapter shall be subject to section 2323, to the extent provided in that section, in addition to any other similar remedies provided by law.''.

**SEC. 208. CRIMINAL INFRINGEMENT OF A COPYRIGHT.**

Section 2319 of title 18, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by inserting ''is a felony and'' after ''offense'' the first place such term appears; and

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(2) in subsection (c)(2)—

(A) by inserting ''is a felony and'' after ''offense'' the first place such term appears; and

(B) by striking ''paragraph (1)'' and inserting ''subsection (a)'';

(3) in subsection (d)(3)—

(A) by inserting ''is a felony and'' after ''offense'' the first place such term appears; and

(B) by inserting ''under subsection (a)'' before the semicolon; and

(4) in subsection (d)(4), by inserting ''is a felony and'' after ''offense'' the first place such term appears.

**SEC. 209. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) AMENDMENTS TO TITLE 17, UNITED STATES CODE.—

(1) Section 109 (b)(4) of title 17, United States Code, is amended by striking ''505, and 509'' and inserting ''and 505''.

(2) Section 111 of title 17, United States Code, is amended—

(A) in subsection (b), by striking ''and 509'';

(B) in subsection (c)—

(i) in paragraph (2), by striking ''and 509'';

(ii) in paragraph (3), by striking ''sections 509 and 510'' and inserting ''section 510''; and

(iii) in paragraph (4), by striking ''and section 509''; and

(C) in subsection (e)—

(i) in paragraph (1), by striking ''sections 509 and 510'' and inserting ''section 510''; and

(ii) in paragraph (2), by striking ''and 509''.

(3) Section 115(c) of title 17, United States Code, is amended—

(A) in paragraph (3)(G)(i), by striking ''and 509''; and

(B) in paragraph (6), by striking ''and 509''.

(4) Section 119(a) of title 17, United States Code, is amended—

(A) in paragraph (6), by striking ''sections 509 and 510'' and inserting ''section 510'';

(B) in paragraph (7)(A), by striking ''and 509'';

(C) in paragraph (8), by striking ''and 509''; and

(D) in paragraph (13), by striking ''and 509''.

(5) Section 122 of title 17, United States Code, is amended—

(A) in subsection (d), by striking ''and 509'';

(B) in subsection (e), by striking ''sections 509 and 510'' and inserting ''section 510''; and

(C) in subsection (f)(1), by striking ''and 509''.

(6) Section 411(b) of title 17, United States Code, is amended by striking ''sections 509 and 510'' and inserting ''section 510''.

(b) OTHER AMENDMENTS.—Section 596(c)(2)(c) of the Tariff Act of 1950 (19 U.S.C. 1595a(c)(2)(c)) is amended by striking ''or 509''.

## TITLE III—COORDINATION AND STRATEGIC PLANNING OF FEDERAL EFFORT AGAINST COUNTERFEITING AND INFRINGEMENT

### SEC. 301. INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR.

(a) INTELLECTUAL PROPERTY ENFORCEMENT COORDINATOR.—The President shall appoint, by and with the advice and consent of the Senate, an Intellectual Property Enforcement Coordinator (in this title referred to as the ''IPEC'') to serve within the Executive Office of the President. As an exercise of the rulemaking power of the Senate, any nomination of the IPEC submitted to the Senate for confirmation, and referred to a committee, shall be referred to the Committee on the Judiciary.

(b) DUTIES OF IPEC.—

(1) IN GENERAL.—The IPEC shall—

(A) chair the interagency intellectual property enforcement advisory committee established under subsection (b)(3)(A);

(B) coordinate the development of the Joint Strategic Plan against counterfeiting and infringement by the advisory committee under section 303;

(C) assist, at the request of the departments and agencies listed in subsection (b)(3)(A), in the implementation of the Joint Strategic Plan;

(D) facilitate the issuance of policy guidance to departments and agencies on basic issues of policy and interpretation, to the extent necessary to assure the coordination of intellectual property enforcement policy and consistency with other law;

(E) report to the President and report to Congress, to the extent consistent with law, regarding domestic and international intellectual property enforcement programs;

(F) report to Congress, as provided in section 304, on the implementation of the Joint Strategic Plan, and make recommendations, if any and as appropriate, to Congress for improvements in Federal intellectual property laws and enforcement efforts; and

(G) carry out such other functions as the President may direct.

(2) LIMITATION ON AUTHORITY.—The IPEC may not control or direct any law enforcement agency, including the Department of Justice, in the exercise of its investigative or prosecutorial authority.

(3) ADVISORY COMMITTEE.—

(A) ESTABLISHMENT.—There is established an interagency intellectual property enforcement advisory committee composed of the IPEC, who shall chair the committee, and the following members:

(i) Senate-confirmed representatives of the following departments and agencies who are involved in intellectual property enforcement, and who are, or are appointed by, the respective heads of those departments and agencies:

(I) The Office of Management and Budget.

(II) Relevant units within the Department of Justice, including the Federal Bureau of Investigation and the Criminal Division.

(III) The United States Patent and Trademark Office and other relevant units of the Department of Commerce.

(IV) The Office of the United States Trade Representative.

(V) The Department of State, the United States Agency for International Development, and the Bureau of International Narcotics Law Enforcement.

(VI) The Department of Homeland Security, United States Customs and Border Protection, and United States Immigration and Customs Enforcement.

(VII) The Food and Drug Administration of the Department of Health and Human Services.

(VIII) The Department of Agriculture.

(IX) Any such other agencies as the President determines to be substantially involved in the efforts of the Federal Government to combat counterfeiting and infringement.

(ii) The Register of Copyrights, or a senior representative of the United States Copyright Office appointed by the Register of Copyrights.

(B) FUNCTIONS.—The advisory committee established under subparagraph (A) shall develop the Joint Strategic Plan against counterfeiting and infringement under section 303.

### SEC. 302. DEFINITION.

For purposes of this title, the term ''intellectual property enforcement'' means matters relating to the enforcement of laws protecting copyrights, patents, trademarks, other forms of intellectual property, and trade secrets, both in the United States and abroad, including in particular matters relating to combating counterfeit and infringing goods.

### SEC. 303. JOINT STRATEGIC PLAN.

(a) PURPOSE.—The objectives of the Joint Strategic Plan against counterfeiting and infringement that is referred to in section 301(b)(1)(B) (in this section referred to as the ''joint strategic plan'') are the following:

(1) Reducing counterfeit and infringing goods in the domestic and international supply chain.

(2) Identifying and addressing structural weaknesses, systemic flaws, or other unjustified impediments to effective enforcement action against the financing, production, trafficking, or sale of counterfeit or infringing goods, including identifying duplicative efforts to enforce, investigate, and prosecute intellectual property crimes across the Federal agencies and Departments that comprise the Advisory Committee and recommending how such duplicative efforts may be minimized. Such recommendations may include recommendations on how to reduce duplication in personnel, materials, technologies, and facilities utilized by the agencies and Departments responsible for the enforcement, investigation, or prosecution of intellectual property crimes.

(3) Ensuring that information is identified and shared among the relevant departments and agencies, to the extent permitted by law, including requirements relating to confidentiality and privacy, and to the extent that such sharing of information is consistent with Department of Justice and other law enforcement protocols for handling such information, to aid in the objective of arresting and prosecuting individuals and entities that are knowingly involved in the financing, production, trafficking, or sale of counterfeit or infringing goods.

(4) Disrupting and eliminating domestic and international counterfeiting and infringement networks.

(5) Strengthening the capacity of other countries to protect and enforce intellectual property rights, and reducing the number of countries that fail to enforce laws preventing the financing, production, trafficking, and sale of counterfeit and infringing goods.

(6) Working with other countries to establish international standards and policies for the effective protection and enforcement of intellectual property rights.

(7) Protecting intellectual property rights overseas by—

(A) working with other countries and exchanging information with appropriate law enforcement agencies in other countries relating to individuals and entities involved in the financing, production, trafficking, or sale of counterfeit and infringing goods;

(B) ensuring that the information referred to in subparagraph (A) is provided to appropriate United States law enforcement agencies in order to assist, as warranted, enforcement activities in cooperation with appropriate law enforcement agencies in other countries; and

(C) building a formal process for consulting with companies, industry associations, labor unions, and other interested groups in other countries with respect to intellectual property enforcement.

(b) TIMING.—Not later than 12 months after the date of the enactment of this Act, and not later than December 31 of every third year thereafter, the IPEC shall submit the joint strategic plan to the Committee on the Judiciary and the Committee on Appropriations of the Senate, and to the Committee on the Judiciary and the Committee on Appropriations of the House of Representatives.

(c) RESPONSIBILITY OF THE IPEC.—During the development of the joint strategic plan, the IPEC—

(1) shall provide assistance to, and coordinate the meetings and efforts of, the appropriate officers and employees of departments and agencies represented on the advisory committee appointed under section 301(b)(3) who are involved in intellectual property enforcement; and

(2) may consult with private sector experts in intellectual property enforcement in furtherance of providing assistance to the members of the advisory committee appointed under section 301(b)(3).

(d) RESPONSIBILITIES OF OTHER DEPARTMENTS AND AGENCIES.—In the development and implementation of the joint strategic plan, the heads of the departments and agencies identified under section 301(b)(3) shall—

(1) designate personnel with expertise and experience in intellectual property enforcement matters to work with the IPEC and other members of the advisory committee; and

(2) share relevant department or agency information with the IPEC and other members of the advisory committee, including statistical information on the enforcement activities of the department or agency against counterfeiting or infringement, and plans for addressing the joint strategic plan, to the extent permitted by law, including requirements relating to confidentiality and privacy, and to the extent that such sharing of information is consistent with Department of Justice and other law enforcement protocols for handling such information.

(e) CONTENTS OF THE JOINT STRATEGIC PLAN.—Each joint strategic plan shall include the following:

(1) A description of the priorities identified for carrying out the objectives in the joint strategic plan, including activities of the Federal Government relating to intellectual property enforcement.

(2) A description of the means to be employed to achieve the priorities, including the means for improving the efficiency and effectiveness of the Federal Government's enforcement efforts against counterfeiting and infringement.

(3) Estimates of the resources necessary to fulfill the priorities identified under paragraph (1).

(4) The performance measures to be used to monitor results under the joint strategic plan during the following year.

(5) An analysis of the threat posed by violations of intellectual property rights, including the costs to the economy of the United States resulting from violations of intellectual property laws, and the threats to public health and safety created by counterfeiting and infringement.

(6) An identification of the departments and agencies that will be involved in implementing each priority under paragraph (1).

(7) A strategy for ensuring coordination among the departments and agencies identified under paragraph (6), which will facilitate oversight by the executive branch of, and accountability among, the departments and agencies responsible for carrying out the strategy.

(8) Such other information as is necessary to convey the costs imposed on the United States economy by, and the threats to public health and safety created by, counterfeiting and infringement, and those steps that the Federal Government intends to take over the period covered by the succeeding joint strategic plan to reduce those costs and counter those threats.

(f) ENHANCING ENFORCEMENT EFFORTS OF FOREIGN GOVERNMENTS.—The joint strategic plan shall include programs to provide training and technical assistance to foreign governments for the purpose of enhancing the efforts of such governments to enforce laws against counterfeiting and infringement. With respect to such programs, the joint strategic plan shall—

(1) seek to enhance the efficiency and consistency with which Federal resources are expended, and seek to minimize duplication, overlap, or inconsistency of efforts;

(2) identify and give priority to those countries where programs of training and technical assistance can be carried out most effectively and with the greatest benefit to reducing counterfeit and infringing products in the United States market, to protecting the intellectual property rights of United States persons and their licensees, and to protecting the interests of United States persons otherwise harmed by violations of intellectual property rights in those countries;

(3) in identifying the priorities under paragraph (2), be guided by the list of countries identified by the United States Trade Representative under section 182(a) of the Trade Act of 1974 (19 U.S.C. 2242(a)); and

(4) develop metrics to measure the effectiveness of the Federal Government's efforts to improve the laws and enforcement practices of foreign governments against counterfeiting and infringement.

(g) DISSEMINATION OF THE JOINT STRATEGIC PLAN.—The joint strategic plan shall be posted for public access on the website of the White House, and shall be disseminated to the public through such other means as the IPEC may identify.

**SEC. 304. REPORTING.**

(a) ANNUAL REPORT.—Not later than December 31 of each calendar year beginning in 2009, the IPEC shall submit a report on the activities of the advisory committee during the preceding fiscal year. The annual report shall be submitted to Congress, and disseminated to the people of the United States, in the manner specified in subsections (b) and (g) of section 303.

(b) CONTENTS.—The report required by this section shall include the following:

(1) The progress made on implementing the strategic plan and on the progress toward fulfillment of the priorities identified under section 303(e)(1).

(2) The progress made in efforts to encourage Federal, State, and local government departments and agencies to accord higher priority to intellectual property enforcement.

(3) The progress made in working with foreign countries to investigate, arrest, and prosecute entities and individuals involved in the financing, production, trafficking, and sale of counterfeit and infringing goods.

(4) The manner in which the relevant departments and agencies are working together and sharing information to strengthen intellectual property enforcement.

(5) An assessment of the successes and shortcomings of the efforts of the Federal Government, including departments and agencies represented on the committee established under section 301(b)(3).

(6) Recommendations, if any and as appropriate, for any changes in enforcement statutes, regulations, or funding levels that the advisory committee considers would significantly improve the effectiveness or efficiency of the effort of the Federal Government to combat counterfeiting and infringement and otherwise strengthen intellectual property enforcement, including through the elimination or consolidation of duplicative programs or initiatives.

(7) The progress made in strengthening the capacity of countries to protect and enforce intellectual property rights.

(8) The successes and challenges in sharing with other countries information relating to intellectual property enforcement.

(9) The progress made under trade agreements and treaties to protect intellectual property rights of United States persons and their licensees.

(10) The progress made in minimizing duplicative efforts, materials, facilities, and procedures of the Federal agencies and Departments responsible for the enforcement, investigation, or prosecution of intellectual property crimes.

(11) Recommendations, if any and as appropriate, on how to enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes, including the extent to which the agencies and Departments responsible for the enforcement, investigation, or prosecution of intellectual property crimes have utilized existing personnel, materials, technologies, and facilities.

**SEC. 305. SAVINGS AND REPEALS.**

(a) TRANSITION FROM NIPLECC TO IPEC.—

(1) REPEAL OF NIPLECC.—Section 653 of the Treasury and General Government Appropriations Act, 2000 (15 U.S.C. 1128) is repealed effective upon confirmation of the IPEC by the Senate and publication of such appointment in the Congressional Record.

(2) CONTINUITY OF PERFORMANCE OF DUTIES.—Upon confirmation by the Senate, and notwithstanding paragraph (1), the IPEC may use the services and personnel of the National Intellectual Property Law Enforcement Coordination Council, for such time as is reasonable, to perform any functions or duties which in the discretion of the IPEC are necessary to facilitate the orderly transition of any functions or duties transferred from the Council to the IPEC pursuant to any provision of this Act or any amendment made by this Act.

(b) CURRENT AUTHORITIES NOT AFFECTED.—Except as provided in subsection (a), nothing in this title shall alter the authority of any department or agency of the United States (including any independent agency) that relates to—

(1) the investigation and prosecution of violations of laws that protect intellectual property rights;

(2) the administrative enforcement, at the borders of the United States, of laws that protect intellectual property rights; or

(3) the United States trade agreements program or international trade.

(c) RULES OF CONSTRUCTION.—Nothing in this title—

(1) shall derogate from the powers, duties, and functions of any of the agencies, departments, or other entities listed or included under section 301(b)(3)(A); and

(2) shall be construed to transfer authority regarding the control, use, or allocation of law enforcement resources, or the initiation or prosecution of individual cases or types of cases, from the responsible law enforcement department or agency.

**SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated for each fiscal year such sums as may be necessary to carry out this title.

## TITLE IV—DEPARTMENT OF JUSTICE PROGRAMS

**SEC. 401. LOCAL LAW ENFORCEMENT GRANTS.**

(a) AUTHORIZATION.—Section 2 of the Computer Crime Enforcement Act (42 U.S.C. 3713) is amended—

(1) in subsection (b), by inserting after ''computer crime'' each place it appears the following: '', including infringement of copyrighted works over the Internet''; and

(2) in subsection (e)(1), relating to authorization of appropriations, by striking ''fiscal years 2001 through 2004'' and inserting ''fiscal years 2009 through 2013''.

(b) GRANTS.—The Office of Justice Programs of the Department of Justice may make grants to eligible State or local law enforcement entities, including law enforcement agencies of municipal governments and public educational institutions, for training, prevention, enforcement, and prosecution of intellectual property theft and infringement crimes (in this subsection referred to as ''IP–TIC grants''), in accordance with the following:

(1) USE OF IP–TIC GRANT AMOUNTS.—IP–TIC grants may be used to establish and develop programs to do the following with respect to the enforcement of State and local true name and address laws and State and local criminal laws on anti-infringement, anti-counterfeiting, and unlawful acts with respect to goods by reason of their protection by a patent, trademark, service mark, trade secret, or other intellectual property right under State or Federal law:

(A) Assist State and local law enforcement agencies in enforcing those laws, including by reimbursing State and local entities for expenses incurred in performing enforcement operations, such as overtime payments and storage fees for seized evidence.

(B) Assist State and local law enforcement agencies in educating the public to prevent, deter, and identify violations of those laws.

(C) Educate and train State and local law enforcement officers and prosecutors to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(D) Establish task forces that include personnel from State or local law enforcement entities, or both, exclusively to conduct investigations and forensic analyses of evidence and prosecutions in matters involving those laws.

(E) Assist State and local law enforcement officers and prosecutors in acquiring computer and other equipment to conduct investigations and forensic analyses of evidence in matters involving those laws.

(F) Facilitate and promote the sharing, with State and local law enforcement officers and prosecutors, of the expertise and information of Federal law enforcement agencies about the investigation, analysis, and prosecution of matters involving those laws and criminal infringement of copyrighted works, including the use of multijurisdictional task forces.

(2) ELIGIBILITY.—To be eligible to receive an IP–TIC grant, a State or local government entity shall provide to the Attorney General, in addition to the information regularly required to be provided under the Financial Guide issued by the Office of Justice Programs and any other information required of Department of Justice's grantees—

(A) assurances that the State in which the government entity is located has in effect laws described in paragraph (1);

(B) an assessment of the resource needs of the State or local government entity applying for the grant, including information on the need for reimbursements of base salaries and overtime costs, storage fees, and other expenditures to improve the investigation, prevention, or enforcement of laws described in paragraph (1); and

(C) a plan for coordinating the programs funded under this section with other federally funded technical assistance and training programs, including directly funded local programs such as the Edward Byrne Memorial Justice Assistance Grant Program authorized by subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.).

(3) MATCHING FUNDS.—The Federal share of an IP–TIC grant may not exceed 50 percent of the costs of the program or proposal funded by the IP–TIC grant.

(4) AUTHORIZATION OF APPROPRIATIONS.—

(A) AUTHORIZATION.—There is authorized to be appropriated to carry out this subsection the sum of $25,000,000 for each of fiscal years 2009 through 2013.

(B) LIMITATION.—Of the amount made available to carry out this subsection in any fiscal year, not more than 3 percent may be used by the Attorney General for salaries and administrative expenses.

**SEC. 402. IMPROVED INVESTIGATIVE AND FORENSIC RESOURCES FOR ENFORCEMENT OF LAWS RELATED TO INTELLECTUAL PROPERTY CRIMES.**

(a) IN GENERAL.—Subject to the availability of appropriations to carry out this subsection, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall, with respect to crimes related to the theft of intellectual property—

(1) ensure that there are at least 10 additional operational agents of the Federal Bureau of Investigation designated to support the Computer Crime and Intellectual Property Section of the Criminal Division of the Department of Justice in the investigation and coordination of intellectual property crimes;

(2) ensure that any Computer Hacking and Intellectual Property Crime Unit in the Department of Justice is supported by at least 1 agent of the Federal Bureau of Investigation (in addition to any agent supporting such unit as of the date of the enactment of this Act) to support such unit for the purpose of investigating or prosecuting intellectual property crimes;

(3) ensure that all Computer Hacking and Intellectual Property Crime Units located at an office of a United States Attorney are assigned at least 2 Assistant United States Attorneys responsible for investigating and prosecuting computer hacking or intellectual property crimes; and

(4) ensure the implementation of a regular and comprehensive training program—

(A) the purpose of which is to train agents of the Federal Bureau of Investigation in the investigation and prosecution of such crimes and the enforcement of laws related to intellectual property crimes; and

(B) that includes relevant forensic training related to investigating and prosecuting intellectual property crimes.

(b) ORGANIZED CRIME PLAN.—Subject to the availability of appropriations to carry out this subsection, and not later than 180 days after the date of the enactment of this Act, the Attorney General, through the United States Attorneys' Offices, the Computer Crime and Intellectual Property section, and the Organized Crime and Racketeering section of the Department of Justice, and in consultation with the Federal Bureau of Investigation and other Federal law enforcement agencies, such as the Department of Homeland Security, shall create and implement a comprehensive, long-range plan to investigate and prosecute international organized crime syndicates engaging in or supporting crimes relating to the theft of intellectual property.

(c) AUTHORIZATION.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2009 through 2013.

**SEC. 403. ADDITIONAL FUNDING FOR RESOURCES TO INVESTIGATE AND PROSECUTE INTELLECTUAL PROPERTY CRIMES AND OTHER CRIMINAL ACTIVITY INVOLVING COMPUTERS.**

(a) ADDITIONAL FUNDING FOR RESOURCES.—

(1) AUTHORIZATION.—In addition to amounts otherwise authorized for resources to investigate and prosecute intellectual property crimes and other criminal activity involving computers, there are authorized to be appropriated for each of the fiscal years 2009 through 2013—

(A) $10,000,000 to the Director of the Federal Bureau of Investigation; and

(B) $10,000,000 to the Attorney General for the Criminal Division of the Department of Justice.

(2) AVAILABILITY.—Any amounts appropriated under paragraph (1) shall remain available until expended.

(b) USE OF ADDITIONAL FUNDING.—Funds made available under subsection (a) shall be used by the Director of the Federal Bureau of Investigation and the Attorney General, for the Federal Bureau of Investigation and the Criminal Division of the Department of Justice, respectively, to—

(1) hire and train law enforcement officers to—

(A) investigate intellectual property crimes and other crimes committed through the use of computers and other information technology, including through the use of the Internet; and

(B) assist in the prosecution of such crimes; and

(2) enable relevant units of the Department of Justice, including units responsible for investigating computer hacking or intellectual property crimes, to procure advanced tools of forensic science and expert computer forensic assistance, including from non-governmental entities, to investigate, prosecute, and study such crimes.

**SEC. 404. ANNUAL REPORTS.**

(a) REPORT OF THE ATTORNEY GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to Congress on actions taken to carry out this title. The initial report required under this subsection shall be submitted by May 1, 2009. All subsequent annual reports shall be submitted by May 1st of each fiscal year thereafter. The report required under this subsection may be submitted as part of the annual performance report of the Department of Justice, and shall include the following:

(1) With respect to grants issued under section 401, the number and identity of State and local law enforcement grant applicants, the number of grants issued, the dollar value of each grant, including a break down of such value showing how the recipient used the funds, the specific purpose of each grant, and the reports from recipients of the grants on the efficacy of the program supported by the grant. The Department of Justice shall use the information provided by the grant recipients to produce a statement for each individual grant. Such statement shall state whether each grantee has accomplished the purposes of the grant as established in section 401(b). Those grantees not in compliance with the requirements of this title shall be subject, but not limited to, sanctions as described in the Financial Guide issued by the Office of Justice Programs at the Department of Justice.

(2) With respect to the additional agents of the Federal Bureau of Investigation authorized under paragraphs (1) and (2) of section 402(a), the number of investigations and actions in which such agents were engaged, the type of each action, the resolution of each action, and any penalties imposed in each action.

(3) With respect to the training program authorized under section 402(a)(4), the number of agents of the Federal Bureau of Investigation participating in such program, the elements of the training program, and the subject matters covered by the program.

(4) With respect to the organized crime plan authorized under section 402(b), the number of organized crime investigations and prosecutions resulting from such plan.

(5) With respect to the authorizations under section 403—

(A) the number of law enforcement officers hired and the number trained;

(B) the number and type of investigations and prosecutions resulting from the hiring and training of such law enforcement officers;

(C) the defendants involved in any such prosecutions;

(D) any penalties imposed in each such successful prosecution;

(E) the advanced tools of forensic science procured to investigate, prosecute, and study computer hacking or intellectual property crimes; and

(F) the number and type of investigations and prosecutions in such tools were used.

(6) Any other information that the Attorney General may consider relevant to inform Congress on the effective use of the resources authorized under sections 401, 402, and 403.

(7) A summary of the efforts, activities, and resources the Department of Justice has allocated to the enforcement, investigation, and prosecution of intellectual property crimes, including—

(A) a review of the policies and efforts of the Department of Justice related to the prevention and investigation of intellectual property crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to intellectual property;

(B) a summary of the overall successes and failures of such policies and efforts;

(C) a review of the investigative and prosecution activity of the Department of Justice with respect to intellectual property crimes, including—

(i) the number of investigations initiated related to such crimes;

(ii) the number of arrests related to such crimes; and

(iii) the number of prosecutions for such crimes, including—

(I) the number of defendants involved in such prosecutions;

(II) whether the prosecution resulted in a conviction; and

(III) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(D) a Department-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

(8) A summary of the efforts, activities, and resources that the Department of Justice has taken to—

(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of intellectual property crimes; and

(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes, including the extent to which the Department has utilized existing personnel, materials, technologies, and facilities.

(b) INITIAL REPORT OF THE ATTORNEY GENERAL.—The first report required to be submitted by the Attorney General under subsection (a) shall include a summary of the efforts, activities, and resources the Department of Justice has allocated in the 5 years prior to the date of enactment of this Act, as well as the 1-year period following such date of enactment, to the enforcement, investigation, and prosecution of intellectual property crimes, including—

(1) a review of the policies and efforts of the Department of Justice related to the prevention and investigation of intellectual property crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to intellectual property;

(2) a summary of the overall successes and failures of such policies and efforts;

(3) a review of the investigative and prosecution activity of the Department of Justice with respect to intellectual property crimes, including—

(A) the number of investigations initiated related to such crimes;

(B) the number of arrests related to such crimes; and

(C) the number of prosecutions for such crimes, including—

(i) the number of defendants involved in such prosecutions;

(ii) whether the prosecution resulted in a conviction; and

(iii) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(4) a Department-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

(c) REPORT OF THE FBI.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director of the Federal Bureau of Investigation shall submit a report to Congress on actions taken to carry out this title. The initial report required under this subsection shall be submitted by May 1, 2009. All subsequent annual reports shall be submitted by May 1st of each fiscal year thereafter. The report required under this subsection may be submitted as part of the annual performance report of the Department of Justice, and shall include—

(1) a review of the policies and efforts of the Bureau related to the prevention and investigation of intellectual property crimes;

(2) a summary of the overall successes and failures of such policies and efforts;

(3) a review of the investigative and prosecution activity of the Bureau with respect to intellectual property crimes, including—

(A) the number of investigations initiated related to such crimes;

(B) the number of arrests related to such crimes; and

(C) the number of prosecutions for such crimes, including—

(i) the number of defendants involved in such prosecutions;

(ii) whether the prosecution resulted in a conviction; and

(iii) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(4) a Bureau-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

(d) INITIAL REPORT OF THE FBI.—The first report required to be submitted by the Director of the Federal Bureau of Investigation under subsection (c) shall include a summary of the efforts, activities, and resources the Federal Bureau of Investigation has allocated in the 5 years prior to the date of enactment of this Act, as well as the 1-year period following such date of enactment to the enforcement, investigation, and prosecution of intellectual property crimes, including—

(1) a review of the policies and efforts of the Bureau related to the prevention and investigation of intellectual property crimes;

(2) a summary of the overall successes and failures of such policies and efforts;

(3) a review of the investigative and prosecution activity of the Bureau with respect to intellectual property crimes, including—

(A) the number of investigations initiated related to such crimes;

(B) the number of arrests related to such crimes; and

(C) the number of prosecutions for such crimes, including—

(i) the number of defendants involved in such prosecutions;

(ii) whether the prosecution resulted in a conviction; and

(iii) the sentence and the statutory maximum for such crime, as well as the average sentence imposed for such crime; and

(4) a Bureau-wide assessment of the staff, financial resources, and other resources (such as time, technology, and training) devoted to the enforcement, investigation, and prosecution of intellectual property crimes, including the number of investigators, prosecutors, and forensic specialists dedicated to investigating and prosecuting intellectual property crimes.

## TITLE V—MISCELLANEOUS

### SEC. 501. GAO STUDY ON PROTECTION OF INTELLECTUAL PROPERTY OF MANUFACTURERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study to help determine how the Federal Government could better protect the intellectual property of manufacturers by quantification of the impacts of imported and domestic counterfeit goods on—

(1) the manufacturing industry in the United States; and

(2) the overall economy of the United States.

(b) CONTENTS.—In conducting the study required under subsection (a), the Comptroller General shall examine—

(1) the extent that counterfeit manufactured goods are actively being trafficked in and imported into the United States;

(2) the impacts on domestic manufacturers in the United States of current law regarding defending intellectual property, including patent, trademark, and copyright protections;

(3) the nature and scope of current statutory law and case law regarding protecting trade dress from being illegally copied;

(4) the extent which such laws are being used to investigate and prosecute acts of trafficking in counterfeit manufactured goods;

(5) any effective practices or procedures that are protecting all types of intellectual property; and

(6) any changes to current statutes or rules that would need to be implemented to more effectively protect the intellectual property rights of manufacturers.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study required under subsection (a).

### SEC. 502. GAO AUDIT AND REPORT ON NON-DUPLICATION AND EFFICIENCY.

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct an audit and submit a report to the Committee on the Judiciary of the Senate and to the Committee on the Judiciary of the House of Representatives on—

(1) the efforts, activities, and actions of the Intellectual Property Enforcement Coordinator and the Attorney General in achieving the goals and purposes of this Act, as well as in carrying out any responsibilities or duties assigned to each such individual or agency under this Act;

(2) any possible legislative, administrative, or regulatory changes that Comptroller General recommends be taken by or on behalf of the Intellectual Property Enforcement Coordinator or the Attorney General to better achieve such goals and purposes, and to more effectively carry out such responsibilities and duties;

(3) the effectiveness of any actions taken and efforts made by the Intellectual Property Enforcement Coordinator and the Attorney General to—

(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of intellectual property crimes; and

(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes, including whether the IPEC has utilized existing personnel, materials, technologies, and facilities, such as the National Intellectual Property Rights Coordination Center established at the Department of Homeland Security; and

(4) any actions or efforts that the Comptroller General recommends be taken by or on behalf of the Intellectual Property Enforcement Coordinator and the Attorney General to reduce duplication of efforts and increase the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute intellectual property crimes.

### SEC. 503. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States intellectual property industries have created millions of high-skill, high-paying United States jobs and pay billions of dollars in annual United States tax revenues;

(2) the United States intellectual property industries continue to represent a major source of creativity and innovation, business start-ups, skilled job creation, exports, economic growth, and competitiveness;

(3) counterfeiting and infringement results in billions of dollars in lost revenue for United States companies each year and even

greater losses to the United States economy in terms of reduced job growth, exports, and competitiveness;

(4) the growing number of willful violations of existing Federal criminal laws involving counterfeiting and infringement by actors in the United States and, increasingly, by foreign-based individuals and entities is a serious threat to the long-term vitality of the United States economy and the future competitiveness of United States industry;

(5) terrorists and organized crime utilize piracy, counterfeiting, and infringement to fund some of their activities;

(6) effective criminal enforcement of the intellectual property laws against violations in all categories of works should be among the highest priorities of the Attorney General;

(7) with respect to all crimes related to the theft of intellectual property, the Attorney General shall give priority to cases with a nexus to terrorism and organized crime; and

(8) with respect to criminal counterfeiting and infringement of computer software, including those by foreign-owned or foreign-controlled entities, the Attorney General should give priority to cases—

(A) involving the willful theft of intellectual property for purposes of commercial advantage or private financial gain;

(B) where the theft of intellectual property is central to the sustainability and viability of the commercial activity of the enterprise (or subsidiary) involved in the violation;

(C) where the counterfeited or infringing goods or services enables the enterprise to unfairly compete against the legitimate rights holder; or

(D) where there is actual knowledge of the theft of intellectual property by the directors or officers of the enterprise.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume

S. 3325 is an important bill that provides resources and enhanced enforcement to combat intellectual property crimes.

On May 8 of this year, the House passed H.R. 4279, the PRO-IP Act, by a vote of 410–11. The Senate has returned the bill and made modifications.

I think this bill retains most of the most basic and fundamental reforms that we accomplished, including changes to civil and criminal IP laws that will afford rights holders more protection and the enhancements in penalties for IP violators who endanger public health and safety.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to my friend and colleague from North Carolina (Mr. COBLE), a former chairman of the Intellectual Property Subcommittee of the Judiciary Committee and now the ranking member of that subcommittee.

Mr. COBLE. Mr. Speaker, I thank the distinguished gentleman from Texas, and I doubt that I will use 5 minutes but I thank Mr. SMITH.

I rise, Mr. Speaker, in support of S. 3325.

Every year our economy loses an excess of $200 billion to counterfeiting. This has directly impacted many American businesses and also cost our country countless jobs. Today, counterfeiting has grown into a global and illicit black market trade.

S. 3325 will help our government address counterfeiting from two perspectives. First, from an organizational perspective, it creates an Intellectual Property Enforcement Coordinator in the Executive Office of the President to oversee interagency anticounterfeiting efforts. This person will be responsible for making intellectual property rights a priority for every arm of our government and ensuring that government works efficiently to unearth counterfeit goods and apprehend distributors.

Second, from an enforcement perspective, it authorizes funding for State and local anticounterfeiting efforts and for the Justice Department to create and implement a long range anticounterfeiting enforcement plan and provides new resources for IP and computer-related criminal prosecutions and investigations by the Department of Justice and the FBI.

The version of the PRO-IP bill that was written by the House Judiciary Committee and passed this body by an overwhelming bipartisan vote of 410–11 in May contained a number of new initiatives and authorities that I would have preferred to see included in this bill. That said, the glass is by no means half empty. Its enactment will help our law enforcement agencies better detect, prosecute, and deter counterfeiters.

I cannot convey the full implications that counterfeit goods have had on my congressional district, which is home to the furniture capital of the world. We pride ourselves on workmanship and quality, but even the furniture market is vulnerable to knockoffs and counterfeits.

The enactment of S. 3325 is an important step in our government improving our response to this illicit trade. I thank the distinguished gentleman from Texas, the ranking member; the distinguished gentleman from California (Mr. BERMAN), who chairs the subcommittee; and our chairman, the distinguished gentleman from Michigan, for all the work that they have devoted to this matter and for their tireless leadership in leading the fight against counterfeiting in the Congress for many years.

I urge all Members to support S. 3325, and I thank the Speaker and I thank the gentleman from Texas.

Mr. CONYERS. I yield Chairman HOWARD BERMAN from California as much time as he may consume.

Mr. BERMAN. Mr. Speaker, I very much thank the chairman for yielding and for all the work that he has done to bring this bill to this point.

I rise in support of S. 3325, which is the Senate's companion bill to the chairman's and a number of us, our bill, H.R. 4279, which passed the House overwhelmingly by a 410–11 vote on May 6, 2008. S. 3325, like H.R. 4279, makes necessary changes to our intellectual property laws, improves coordination of our intellectual property enforcement efforts, and devotes more resources to tackling the scourge of intellectual property crime.

The proliferation of intellectual property crime has had a disastrous impact on our economy and on public health and safety. Counterfeit and pirated products may account for up to 10 percent of the world's trade, and a significant portion of these are American products. Conservative estimates indicate that U.S. business loses up to $250 billion a year—I know these days $250 billion isn't that much, but it's a serious amount—due to intellectual property theft.

This level of counterfeiting and piracy translates to job losses, lower tax receipts, and greater trade deficits. Public health and safety is threatened by inferior and dangerous knockoffs, such as exploding batteries, toxic pharmaceuticals, and sawdust brake pads.

In response to the grave threat of intellectual property theft and the threat that poses to the U.S. economy and the health and safety of our citizens, the House passed the PRO-IP bill.

The bill strengthened our civil and criminal laws in ways that attack the organizational structures intellectual property thieves use and that reduce the economic incentives thieves have to engage in commercial-scale counterfeiting and piracy. It devoted more resources to investigating and prosecuting intellectual property crimes and to working with other governments to improve intellectual property enforcement aboard.

Following our lead, the Senate passed S. 3325, which provides many of the same reforms called for in H.R. 4279.

I just want to close by thanking very much Chairman CONYERS, his staff, the subcommittee staff for all the work they put into it, the minority staff, Mr. COBLE, Mr. SMITH, who is a great partnership, and for working to develop and pass this bill, and to thank Senator LEAHY and his staff for their efforts and urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON), a former chairman of the Commercial and Administrative Law Subcommittee and now the ranking member of that subcommittee.

Mr. CANNON. Mr. Speaker, I thank the ranking member.

I rise in opposition to this bill. A similar bill passed under suspension by about a vote of 410–11, and I was one of the people that voted for the bill at that time. The bill went over to the Senate. The Senate has amended the bill.

The underlying bill I think is actually a very good bill. It's a very important bill. We need to do something with it. But the bill that has come back is dramatically different from the bill that went over to the Senate.

My understanding is that the Senate has included in this bill the power for Federal law enforcement agencies to seize equipment that may be used in violation of the act. And what that means is, if you have got a kid who downloads music improperly, your computer may be seized. I'm not exactly sure what the scope of that seizure is, but that's in part because this is a gerrymandered piece of this bill that was added to an underlying bill that was coherent and integrated and would have worked very, very well.

As it is, I have to rise in opposition to this, what I think of as an extraordinary assertion of Federal authority over what we do with our personal lives and our computers and our equipment.

That is not to condone, by any stretch of the imagination, the improper use of copyrighting material, but to say, rather, that this bill, in its current form, has gone too far in that regard.

And so I oppose the bill, and I ask that my colleagues take a look at it and consider it and consider opposing this bill, along with me, because of the overreach that has happened here.

I might note this seems like this happened about 8 years ago where the Senate added a provision to one of the appropriations bills that would have allowed the recording industry to spike, that is, to put a virus on the computer of the user on which downloaded music resided.

□ 1730

That was inappropriate. We worked on this side to stop that, and I think we should stop that here with this bill now.

Mr. CONYERS. Mr. Speaker, I yield as much time as she may consume to the chairwoman of the California delegation, ZOE LOFGREN.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in opposition to this bill.

While we do need to focus our efforts to combat criminal activity related to intellectual property, the unbounded forfeiture provision in this bill isn't about going after criminals, it's about going after the Internet.

The language in the House bill, the bill that we sent over, although problematic in some ways, at least had some measures to ensure that there was a meaningful connection between the property subject to seizure and the underlying offense. This bill, back from the Senate, strips away those assurances. It subjects to seizure ''any property used, or intended to be used, in any manner or part to commit or facilitate the commission of an offense.'' That unqualified language means that virtually anything through which Internet traffic passes is subject to seizure, no matter how incidental the connection to the offense or how innocent the owner.

This provision shifts the liability for infringement—and thus responsibility from enforcement—onto innocent intermediaries, whether they are ISPs, businesses, schools, libraries, or consumers. We have seen this before this year and will likely see it again as time goes on. We saw the same type of provisions—although not as wildly extravagant—in the Higher Education Act, even after colleges told us it would divert resources from their primary mission of education. We're seeing it in the secret negotiations on the Anti-Counterfeiting Trade Agreement that apparently is going to, in some manner, require ISPs to police the conduct of their users, potentially in violation of their privacy rights.

I understand why the content industry pushes for these measures. They're trying to protect an analog business model in the digital environment, and that's difficult and expensive; and treating one's customers like criminals is bad for PR. Accordingly, the content industry has every incentive to make others do the work for it.

What I don't understand is why Congress goes along with these proposals. With each successive Congress, copyright law and policy becomes less of a balanced system of rights to promote creativity and innovation and more of a set of tools by which certain corporate interests protect themselves.

In our unbridled zeal for IP enforcement and utter indifference to the rights of users and consumers, we are losing sight of the underlying principles of our copyright system. This bill takes us further away from those principles. And I would add that I can't think of a single other circumstance where civil libertarians would even consider the concept of seizing the property of innocent bystanders in any other legal scheme, whether it was fraud or any other matter. We wouldn't permit that, and we should not permit it in this case.

I urge that we defeat this bill. And although there are some provisions in it that are meritorious, there is consensus for those, we can certainly adopt them next year. I urge defeat and yield back to the chairman with thanks.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the principal purpose of S. 3325, the Prioritizing Resources and Organization for Intellectual Property Act of 2008, or PRO-IP Act, is to improve the government's response to the threats posed by counterfeiting and piracy.

At the outset, I want to recognize Chairman CONYERS, IP Subcommittee Chairman BERMAN, and IP Subcommittee Ranking Member COBLE, each of whom helped to advance the House version of this legislation, H.R. 4279, which passed the House in May by an overwhelming vote of 410–11.

I also want to say at this point that I happen to agree with the concerns expressed by the gentleman from North Carolina (Mr. COBLE) and the gentlewoman from California (Ms. ZOE LOFGREN). And while I agree with their concerns, particularly their objection to the provision that was changed by the other body, I am still going to support this legislation as it stands and hope to make a change in the future that will address their concerns.

Over the past 25 years, perhaps no group of industries has been more responsible for the sustained growth in our economy than those who rely on strong patent, trademark and copyright protections. Today, our technology, entertainment, and productivity-based enterprises stand as pillars of our economic and export strength. They employ 18 million Americans and account for 40 percent of our economic growth.

The successes of our IP rights-holders—family-owned small businesses and Fortune 500 companies alike—make them prime targets for international pirates and counterfeiters. According to the U.S. Department of Justice, this criminal activity costs U.S. citizens up to $250 billion every year, and has contributed to the loss of up to 750,000 jobs.

The PRO-IP Act is a measure that is designed to respond to these challenges. The bill contains provisions that; one, strengthen our laws against counterfeiting and piracy; two, provide new resources to key agencies involved in the enforcement of IP rights; and three, require a new and unprecedented level of coordination and leadership on IP enforcement issues from the White House.

Mr. Speaker, while our government agencies are doing more today to protect IP than ever before, the reality is that we must do even more if we are to increase the cost of doing business for counterfeiters and traffickers, some of whom are connected to organized crime.

With competing priorities and limited resources, our government agencies must work in a cooperative and coordinated fashion to leverage our IP enforcement efforts. By statutorily elevating these issues to the White House level and requiring the continuous and systematic development of an unprecedented national strategy to target IP theft, the PRO-IP Act represents an important first step towards ensuring our government agencies work efficiently and in concert to develop a joint response to this pervasive threat.

Congress has a duty to ensure that IP enforcement is made a permanent priority of every administration. This

measure, while not containing all of the provisions that were in the House measure, is a first step towards achieving our goals.

By supporting S. 3325, the House will send a clear message to the White House and future administrations that there is a bipartisan and bicameral commitment to the protection of our vital national and economic interests. So I urge my colleagues to support S. 3325.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support S. 3325, the "Prioritizing Resources and Organization for Intellectual Property (PRO–IP) Act of 2007." I was a co-sponsor of this legislation when it was introduced before the House as H.R. 4789, and I urge my colleagues to join me in voting in support of this legislation. I am confident that this bill can address and strengthen criminal and civil enforcement of United States intellectual property law.

The purpose of the Senate bill is to strengthen criminal and civil enforcement of United States intellectual property law focusing, in particular, on copyright violations (piracy) and trademark violations (counterfeiting). In addition, the PRO–IP Act seeks to modernize and improve U.S. government efforts for coordination and enforcement of our nation's IP laws.

The knowledge and innovation of American citizens contributes significantly to the economic strength of our nation. Intellectual property law provides the principle incentives that are calculated to lead to the creation and production of new works. This bill is needed because the effect of piracy and counterfeiting on the economy is devastating. Total global losses to United States companies from counterfeiting and copyright piracy amount to $250 billion per year. Every company in every industry is vulnerable.

Because these illegal activities represent a growing public health, safety and law enforcement problem, S. 3325 provides additional targeted resources for investigation, enforcement and prosecution; requires the development and promulgation of a national Joint Strategic Plan to combat counterfeiting and piracy; and provides for enhanced Presidential level leadership and coordination among federal agencies involved with preserving and protecting intellectual property rights.

Title I of S. 3325 provides enhancements to civil intellectual property laws. Specifically, Title I makes it clear that a certificate of registration will satisfy registration requirements regardless of whether there is any inaccurate information on the registration application, unless the inaccurate information was included with knowledge that it was inaccurate.

Title I also broadens the civil remedies for infringement by broadening the scope of articles that may be ordered impounded by the court upon a finding that the article was made or used in violation of a copyright. This Title also directs the court to enter a protective order to ensure that confidential information is not improperly disclosed.

Title II provides enhancements to criminal intellectual property laws by addressing repeat offender penalties for criminal acts contained within the criminal copyright statute. Title II clarifies that a repeat offender is a person that commits the same criminal act twice. The bill clarifies that any property subject to forfeiture must be owned or predominantly controlled by the violator in order to be seized and directs the United States Sentencing Commission to consider whether the sentencing guidelines should be expanded to include the export of infringing items. There are enhanced maximum statutory penalties for counterfeit offenses that endanger public health and safety.

Title III of S. 3325 provides greater coordination and strategic planning of federal efforts against counterfeiting and piracy. Specifically, this Title establishes within the Executive Office of the President, the Office of the United States Intellectual Property Enforcement Representative and, within that Office, the United States Intellectual Property Enforcement Representative, appointed by the President of the United States. Lastly, Titles IV and V provide international enforcement, national, and local enforcement.

While I supported the House version of the bill and I support this Senate version, I would like to consider ways to ensure diversity in the Computer Hacking and Intellectual Property (CHIPs) units that are established by this bill. I would like to work to ensure that minorities be represented in the hiring and that special recruitment initiatives be launched at historically black colleges and universities and other minority serving institutions. We should do all within our efforts to guarantee that minorities receive the necessary training and be recruited to help in the IP enforcement at the Executive, State, and local levels.

Simply, Mr. Speaker, S. 3325 is a first step toward the promotion of the American economy. It ensures that American innovation will remain crucial to the United States economy and that American innovation will allow the United States to remain a global economic power. Indeed, this bill ensures that the United States IP laws are enforced and that the American intellectual property system remains one of the best in the world.

I urge all members to support this much needed and thoughtful legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 3325.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## KEEPING THE INTERNET DEVOID OF SEXUAL PREDATORS ACT OF 2008

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 431) to require convicted sex offenders to register online identifiers, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the Senate bill is as follows:

S. 431

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Keeping the Internet Devoid of Sexual Predators Act of 2008" or the "KIDS Act of 2008".

**SEC. 2. REGISTRATION OF ONLINE IDENTIFIERS OF SEX OFFENDERS.**

(a) IN GENERAL.—Section 114(a) of the Sex Offender Registration and Notification Act (42 U.S.C. 16914(a)) is amended—

(1) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8); and

(2) by inserting after paragraph (3) the following:

"(4) Any electronic mail address or other designation the sex offender uses or will use for self-identification or routing in Internet communication or posting.".

(b) UPDATING OF INFORMATION.—Section 113(c) of the Sex Offender Registration and Notification Act (42 U.S.C. 16913(c)) is amended by adding at the end the following: "The Attorney General shall have the authority to specify the time and manner for reporting of other changes in registration information, including any addition or change of an electronic mail address or other designation used for self-identification or routing in Internet communication or posting.".

(c) FAILURE TO REGISTER ONLINE IDENTIFIERS.—Section 2250 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting "or (d)" after "subsection (a)"; and

(2) by adding at the end the following:

"(d) KNOWING FAILURE TO REGISTER ONLINE IDENTIFIERS.—Whoever—

"(1) is required to register under the Sex Offender Registration and Notification Act (42 U.S.C. 16901 et seq.); and

"(2) uses an email address or any other designation used for self-identification or routing in Internet communication or posting which the individual knowingly failed to provide for inclusion in a sex offender registry as required under that Act;

shall be fined under this title or imprisoned not more than 10 years, or both.".

(d) CONFORMING AMENDMENT; DIRECTIVE TO UNITED STATES SENTENCING COMMISSION.—Section 141(b) of the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109–248; 120 Stat. 602) is amended by striking "offense specified in subsection (a)" and inserting "offenses specified in subsections (a) and (d) of section 2250 of title 18, United States Code".

**SEC. 3. CHECKING OF ONLINE IDENTIFIERS AGAINST SEX OFFENDER REGISTRATION INFORMATION.**

(a) PUBLIC ACCESS.—Section 118(b) of the Sex Offender Registration and Notification Act (42 U.S.C. 16918(b)) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following:

''(4) any electronic mail address or designation used for self-identification or routing in Internet communication or posting; and''.

(b) ONLINE IDENTIFIER CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—Section 121 of the Sex Offender Registration and Notification Act (42 U.S.C. 16921) is amended by adding at the end the following:

''(d) CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.—

''(1) IN GENERAL.—The Attorney General shall maintain a system available to social networking websites that permits the automated comparison of lists or databases of the electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting of the registered users of such websites, to the corresponding information contained in or derived from sex offender registries.

''(2) QUALIFICATION FOR USE OF SYSTEM.—A social networking website seeking to use the system established under paragraph (1) shall submit an application to the Attorney General which provides—

''(A) the name and legal status of the website;

''(B) the contact information for the website;

''(C) a description of the nature and operations of the website;

''(D) a statement explaining why the website seeks to use the system; and

''(E) such other information or attestations as the Attorney General may require to ensure that the website will use the system—

''(i) to protect the safety of the users of such website; and

''(ii) not for any unlawful or improper purpose.

''(3) SEARCHES AGAINST THE SYSTEM.—

''(A) IN GENERAL.—A social networking website approved to use the system established under paragraph (1) shall—

''(i) submit the information to be compared in a form satisfying the technical requirements for searches against the system; and

''(ii) pay any fee established by the Attorney General for use of the system.

''(B) FREQUENCY OF USE OF THE SYSTEM.—A social networking website approved by the Attorney General to use the system established under paragraph (1) may conduct searches under the system as frequently as the Attorney General may allow.

''(C) AUTHORITY OF AG TO SUSPEND USE.—The Attorney General may deny, suspend, or terminate use of the system by a social networking website that—

''(i) provides false information in its application for use of the system; or

''(ii) may be using or seeks to use the system for any unlawful or improper purpose.

''(4) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—

''(A) NO PUBLIC RELEASE.—Neither the Attorney General nor a social networking website approved to use the system established under paragraph (1) may release to the public any list of the e-mail addresses or other designations used for self-identification or routing in Internet communication or posting of sex offenders contained in the system.

''(B) ADDITIONAL LIMITATIONS.—The Attorney General shall limit the release of information obtained through the use of the system established under paragraph (1) by social networking websites approved to use such system.

''(C) STRICT ADHERENCE TO LIMITATION.—The use of the system established under paragraph (1) by a social networking website shall be conditioned on the website's agreement to observe the limitations required under this paragraph.

''(D) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the authority of the Attorney General under any other provision of law to conduct or to allow searches or checks against sex offender registration information.

''(5) LIMITATION ON LIABILITY.—

''(A) IN GENERAL.—A civil claim against a social networking website, including any director, officer, employee, parent, or agent of that social networking website, arising from the use by such website of the National Sex Offender Registry, may not be brought in any Federal or State court.

''(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the social networking website, or a director, officer, employee, or agent of that social networking website—

''(i) engaged in intentional misconduct; or

''(ii) acted, or failed to act—

''(I) with actual malice;

''(II) with reckless disregard to a substantial risk of causing injury without legal justification; or

''(III) for a purpose unrelated to the performance of any responsibility or function described in paragraph (3).

''(C) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission to act relating to an ordinary business activity of any social networking website, including to any acts related to the general administration or operations of such website, the use of motor vehicles by employees or agents of such website, or any personnel management decisions of such websites.

''(D) MINIMIZING ACCESS.—A social networking website shall minimize the number of employees that are provided access to the list of electronic mail addresses, and other designations used for self-identification or routing in Internet communication or posting by persons in the National Sex Offender Registry.

''(6) RULE OF CONSTRUCTION.—Nothing is this section shall be construed to require any Internet website, including a social networking website, to compare its database of registered users with the list of electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting by persons in the National Sex Offender Registry, and no Federal or State liability, or any other actionable adverse consequence, shall be imposed on such website based on its decision not to compare its database with such list.''.

**SEC. 4. DEFINITIONS.**

Section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. 16911) is amended by adding at the end the following:

''(15) The term 'social networking website' means an Internet website that—

''(A) allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available publicly or to other users; and

''(B) offers a mechanism for communication with other users.

''(16) The term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note).

''(17) The term 'electronic mail address' has the meaning given that term in section 3 of the Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003 (15 U.S.C. 7702).''.

**SEC. 5. CRIMINALIZATION OF AGE MISREPRESENTATION IN CONNECTION WITH ONLINE SOLICITATION OF A MINOR.**

Section 2422 of title 18, United States Code, is amended by adding at the end the following:

''(c) MISREPRESENTATION OF AGE.—Whoever knowingly misrepresents his or her age using the Internet or any other facility or means of interstate or foreign commerce or the mail, with the intent to further or facilitate a violation of this section, shall be fined under this title and imprisoned not more than 20 years. A sentence imposed under this subsection shall be in addition and consecutive to any sentence imposed for the offense the age misrepresentation was intended to further or facilitate.''.

**SEC. 6. KNOWINGLY ACCESSING CHILD PORNOGRAPHY WITH THE INTENT TO VIEW CHILD PORNOGRAPHY.**

(a) MATERIALS INVOLVING SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(4) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

(b) MATERIALS CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(5) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''; and

(2) in subparagraph (B), by inserting '', or knowingly accesses with intent to view,'' after ''possesses''.

**SEC. 7. CLARIFYING BAN OF CHILD PORNOGRAPHY.**

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended—

(1) in section 2251—

(A) in each of subsections (a), (b), and (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''be transported'';

(B) in each of subsections (a) and (b), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''been transported'';

(C) in subsection (c), by striking ''computer'' each place that term appears and inserting ''using any means or facility of interstate or foreign commerce''; and

(D) in subsection (d), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''is transported'';

(2) in section 2251A(c), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''or transported'';

(3) in section 2252(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2)—

(i) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''distributes, any visual depiction''; and

(ii) by inserting ''using any means or facility of interstate or foreign commerce or'' after ''depiction for distribution'';

(C) in paragraph (3)—

(i) by inserting ''using any means or facility of interstate or foreign commerce'' after ''so shipped or transported''; and

(ii) by striking ''by any means,''; and

(D) in paragraph (4), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been shipped or transported''; and

(4) in section 2252A(a)—

(A) in paragraph (1), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''ships'';

(B) in paragraph (2), by inserting ''using any means or facility of interstate or foreign commerce'' after ''mailed, or'' each place it appears;

(C) in paragraph (3), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''mails, or'' each place it appears;

(D) in each of paragraphs (4) and (5), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, or shipped or transported''; and

(E) in paragraph (6), by inserting ''using any means or facility of interstate or foreign commerce or'' after ''has been mailed, shipped, or transported''.

(b) AFFECTING INTERSTATE COMMERCE.—Chapter 110 of title 18, United States Code, is amended in each of sections 2251, 2251A, 2252, and 2252A, by striking ''in interstate'' each place it appears and inserting ''in or affecting interstate''.

(c) CERTAIN ACTIVITIES RELATING TO MATERIAL INVOLVING THE SEXUAL EXPLOITATION OF MINORS.—Section 2252(a)(3)(B) of title 18, United States Code, is amended by inserting '', shipped, or transported using any means or facility of interstate or foreign commerce'' after ''that has been mailed''.

(d) CERTAIN ACTIVITIES RELATING TO MATERIAL CONSTITUTING OR CONTAINING CHILD PORNOGRAPHY.—Section 2252A(a)(6)(C) of title 18, United States Code, is amended by striking ''or by transmitting'' and all that follows through ''by computer,'' and inserting ''or any means or facility of interstate or foreign commerce,''.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I have an amendment at the desk.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Keeping the Internet Devoid of Sexual Predators Act of 2008'' or the ''KIDS Act of 2008''.

**SEC. 2. DIRECTION TO THE ATTORNEY GENERAL.**

(a) REQUIREMENT THAT SEX OFFENDERS PROVIDE CERTAIN INTERNET RELATED INFORMATION TO SEX OFFENDER REGISTRIES.—The Attorney General, using the authority provided in section 114(a)(7) of the Sex Offender Registration and Notification Act, shall require that each sex offender provide to the sex offender registry those Internet identifiers the sex offender uses or will use of any type that the Attorney General determines to be appropriate under that Act. These records of Internet identifiers shall be subject to the Privacy Act (5 U.S.C. 552a) to the same extent as the other records in the National Sex Offender Registry.

(b) TIMELINESS OF REPORTING OF INFORMATION.—The Attorney General, using the authority provided in section 112(b) of the Sex Offender Registration and Notification Act, shall specify the time and manner for keeping current information required to be provided under this section.

(c) NONDISCLOSURE TO GENERAL PUBLIC.—The Attorney General, using the authority provided in section 118(b)(4) of the Sex Offender Registration and Notification Act, shall exempt from disclosure all information provided by a sex offender under subsection (a).

(d) NOTICE TO SEX OFFENDERS OF NEW REQUIREMENTS.—The Attorney General shall ensure that procedures are in place to notify each sex offender of changes in requirements that apply to that sex offender as a result of the implementation of this section.

(e) DEFINITIONS.—

(1) OF ''SOCIAL NETWORKING WEBSITE''.—As used in this Act, the term ''social networking website''—

(A) means an Internet website—

(i) that allows users, through the creation of web pages or profiles or by other means, to provide information about themselves that is available to the public or to other users; and

(ii) that offers a mechanism for communication with other users where such users are likely to include a substantial number of minors; and

(iii) whose primary purpose is to facilitate online social interactions; and

(B) includes any contractors or agents used by the website to act on behalf of the website in carrying out the purposes of this Act.

(2) OF ''INTERNET IDENTIFIERS''.—As used in this Act, the term ''Internet identifiers'' means electronic mail addresses and other designations used for self-identification or routing in Internet communication or posting.

(3) OTHER TERMS.—A term defined for the purposes of the Sex Offender Registration and Notification Act has the same meaning in this Act.

**SEC. 3. CHECKING SYSTEM FOR SOCIAL NETWORKING WEBSITES.**

(a) IN GENERAL.—

(1) SECURE SYSTEM FOR COMPARISONS.—The Attorney General shall establish and maintain a secure system that permits social networking websites to compare the information contained in the National Sex Offender Registry with the Internet identifiers of users of the social networking websites, and view only those Internet identifiers that match. The system—

(A) shall not require or permit any social networking website to transmit Internet identifiers of its users to the operator of the system, and

(B) shall use secure procedures that preserve the secrecy of the information made available by the Attorney General, including protection measures that render the Internet identifiers and other data elements indecipherable.

(2) PROVISION OF INFORMATION RELATING TO IDENTITY.—Upon receiving a matched Internet identifier, the social networking website may make a request of the Attorney General for, and the Attorney General shall provide promptly, information related to the identity of the individual that has registered the matched Internet identifier. This information is limited to the name, sex, resident address, photograph, and physical description.

(b) QUALIFICATION FOR USE OF SYSTEM.—A social networking website seeking to use the system shall submit an application to the Attorney General which provides—

(1) the name and legal status of the website;

(2) the contact information for the website;

(3) a description of the nature and operations of the website;

(4) a statement explaining why the website seeks to use the system;

(5) a description of policies and procedures to ensure that—

(A) any individual who is denied access to that website on the basis of information obtained through the system is promptly notified of the basis for the denial and has the ability to challenge the denial of access; and

(B) if the social networking website finds that information is inaccurate, incomplete, or cannot be verified, the site immediately notifies the appropriate State registry and the Department of Justice, so that they may delete or correct that information in the respective State and national databases;

(6) the identity and address of, and contact information for, any contractor that will be used by the social networking website to use the system; and

(7) such other information or attestations as the Attorney General may require to ensure that the website will use the system—

(A) to protect the safety of the users of such website; and

(B) for the limited purpose of making the automated comparison described in subsection (a).

(c) SEARCHES AGAINST THE SYSTEM.—

(1) FREQUENCY OF USE OF THE SYSTEM.—A social networking website approved by the Attorney General to use the system may conduct searches under the system as frequently as the Attorney General may allow.

(2) AUTHORITY OF ATTORNEY GENERAL TO SUSPEND USE.—The Attorney General may deny, suspend, or terminate use of the system by a social networking website that—

(A) provides false information in its application for use of the system;

(B) may be using or seeks to use the system for any unlawful or improper purpose;

(C) fails to comply with the procedures required under subsection (b)(5); or

(D) uses information obtained from the system in any way that is inconsistent with the purposes of this Act.

(3) LIMITATION ON RELEASE OF INTERNET IDENTIFIERS.—

(A) NO PUBLIC RELEASE.—Neither the Attorney General nor a social networking website approved to use the system may release to the public any list of the Internet identifiers of sex offenders contained in the system.

(B) ADDITIONAL LIMITATIONS.—The Attorney General shall limit the release of information obtained through the use of the system established under subsection (a) by social networking websites approved to use such system.

(C) STRICT ADHERENCE TO LIMITATION.—The use of the system established under subsection (a) by a social networking website shall be conditioned on the website's agreement to observe the limitations required under this paragraph.

(D) RULE OF CONSTRUCTION.—This subsection shall not be construed to limit the authority of the Attorney General under any other provision of law to conduct or to allow searches or checks against sex offender registration information.

(4) PAYMENT OF FEE.—A social networking website approved to use the system shall pay any fee established by the Attorney General for use of the system.

(5) LIMITATION ON LIABILITY.—

(A) IN GENERAL.—A civil claim against a social networking website, including any director, officer, employee, parent, contractor, or agent of that social networking website, arising from the use by such website of the National Sex Offender Registry, may not be brought in any Federal or State court.

(B) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subparagraph (A) does not apply to a claim if the social networking website, or a director, officer, employee, parent, contractor, or agent of that social networking website—

(i) engaged in intentional misconduct; or

(ii) acted, or failed to act—

(I) with actual malice;

(II) with reckless disregard to a substantial risk of causing injury without legal justification; or

(III) for a purpose unrelated to the performance of any responsibility or function described in paragraph (3).

(C) MINIMIZING ACCESS.—A social networking website shall minimize the number of employees that are provided access to the Internet identifiers for which a match has been found through the system.

(6) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require any Internet website, including a social networking website, to use the system, and no Federal or State liability, or any other actionable adverse consequence, shall be imposed on such website based on its decision not to do so.

**SEC. 4. MODIFICATION OF MINIMUM STANDARDS REQUIRED FOR ELECTRONIC MONITORING UNITS USED IN SEXUAL OFFENDER MONITORING PILOT PROGRAM.**

(a) IN GENERAL.—Subparagraph (C) of section 621(a)(1) of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16981(a)(1)) is amended to read as follows:

''(C) MINIMUM STANDARDS.—The electronic monitoring units used in the pilot program shall at a minimum—

''(i) provide a tracking device for each offender that contains a central processing unit with global positioning system; and

''(ii) permit continuous monitoring of offenders 24 hours a day.''.

(b) EFFECTIVE DATE.— The amendment made by subsection (a) shall apply to grants provided on or after the date of the enactment of this Act.

Mr. CONYERS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The amendment was agreed to.

Mr. CHABOT. Mr. Speaker, I'd like to thank my House and Senate colleagues today for their ongoing leadership on this critical issue. Today is another significant step in our effort to protect our Nation's most precious asset—our children. Together with the PROTECT Act, which the House considered earlier, we are sending a message to predators that we will not let you get our children.

The Adam Walsh Child Protection and Safety Act, that we passed two years ago and which increased national registration requirements and penalties on sex offenders, was a much needed response to the growing threats our Nation's children face each and every day.

However, the threat still exists and, in fact, continues to grow, particularly as technology advances. Social Web sites such as MySpace and Facebook give our kids new ways to interact. Yet, they also open doors for sexual predators to target them—making it essential that our laws keep up with technology.

The bills that we are considering today send the message that we will not tolerate this disturbing trend. The Keeping the Internet Devoid of Sexual Predators Act, or KIDS Act, of 2007, ensures that our laws and the resources needed to catch and keep these criminals off the street are as up-to-date as the technology that our kids are using.

I urge my colleagues to support this important legislation.

Mr. POMEROY. Mr. Speaker, I rise today in support of S. 431, the "Keeping the Internet Devoid of Sexual Predators Act of 2007" also known as the KIDS Act. This important legislation takes a historic step forward in updating and strengthening our laws to protect our kids from sexual predators online.

At the beginning of this Congress, I introduced the House companion to the KIDS Act with our dear departed friend, Rep. Paul Gillmor, a true champion of protecting children from dangerous sexual predators both online and offline. He spent much of his time in Congress fighting to keep our kids safe, and I know that he would be very proud of the passage of today's legislation.

When my own kids are online, I want to do everything possible to keep them safe from online predators. Sex offenders have no business being on social networking sites like MySpace and Facebook and the hundreds of other social networking sites that kids are on today. This bipartisan compromise will make it easier for social networking sites to find these offenders and kick these individuals off of their sites so that they are not able to prey on our Nation's children.

Under current law, convicted sex offenders have to register where they work, live, go to school, and provide any other information that is required by the Attorney General, This act mandates that the Attorney General use his authority to require convicted sex offenders to register their Internet identifiers such as their email and instant messaging addresses. Failure to register internet identifiers as required will be treated as any other registration violation punishable under 18 U.S.C. §2250. The Department of Justice will then create a system to share this information with social networking sites so that these companies can keep registered sex offenders from using their services.

According to a University of New Hampshire study, 1 in 7 children receive unwanted sexual solicitations online. With nearly 90 percent of our Nation's teenagers using the Internet everyday, it is now more important than ever to pass legislation like this that updates our laws to protect our kids from those who would exploit them online.

I would like to thank MySpace for their leadership in advancing this legislation and for the proactive steps that they have already taken to delete convicted registered sex offenders from their site. We hope this legislation will encourage others to follow their lead.

I would also like to thank Chairman SCOTT, Chairman CONYERS, Senator SCHUMER and Representative RAHM EMANUEL for their work on this issue. I would specifically like to thank House Judiciary staff—Mark Dubester, Ted Kalo, Bobby Vassar, Ameer Gopalani and Karen Wilkinson—for their hard work in reaching a compromise on this issue. I look forward to continuing to work with all of you to protect our children from the threat of sex offenders on the Internet.

Mr. SMITH of Texas. Mr. Speaker, child predators will stop at nothing to prey on innocent children. The Internet affords them not only a virtual world within which to lure children into meeting them but also significantly hampers the ability of law enforcement to identify and apprehend them.

The Internet is constantly evolving. A decade ago, email was the revolution that connected people in the workplace, on college campuses, and across the country. Today, chat rooms and social networking sites boast users in the millions from around the world and attract young children who may not be aware of the risks involved with sharing personal information online.

We were all shocked to learn last year that over 20,000 registered sex offenders were on commercial social networking sites. In response to media attention, these sites removed the sex offenders and continue to actively monitor their sites.

S. 431, the Keeping the Internet Devoid of Sexual Predators Act or KIDS Act of 2007, will help these sites and other Internet providers, as well as law enforcement officials, to identify sex offenders lurking on the Internet. The bill contains an important provision requiring sex offenders to update their registration information to include their electronic mail addresses, instant messaging addresses and other similar Internet identifiers.

The KIDS Act also provides a mechanism to allow social networking sites to check sex offender registries to prevent sex offenders from accessing the site.

The House passed similar legislation, H.R. 719, last year. However, many of these important provisions had been stripped from the bill before it was brought to the floor. I am pleased that S. 431 reinstates many of these provisions, most importantly, the requirement that sex offenders report their email addresses and other Internet identifiers.

S. 431 also incorporates a provision originally introduced by my colleague from Virginia, Congressman RANDY FORBES, in H.R. 4094. This provision amends the Adam Walsh Act to revise the minimum standards for electronic monitoring of sex offenders. This important correction will improve the use of these monitoring devices under the Adam Walsh Act pilot program.

I urge my colleagues to support this bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CRIMINAL HISTORY BACKGROUND CHECKS PILOT EXTENSION ACT OF 2008

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 3605) to extend the pilot program for volunteer groups to obtain criminal history background checks, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the Senate bill is as follows:

S. 3605

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Criminal History Background Checks Pilot Extension Act of 2008''.

**SEC. 2. EXTENSION OF PILOT PROGRAM.**

Section 108(a)(3)(A) of the PROTECT Act (42 U.S.C. 5119a note) is amended by striking ''a 66-month'' and inserting ''a 78-month''.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PROTECT OUR CHILDREN ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1738) to establish a Special Counsel for Child Exploitation Prevention and Interdiction within the Office of the Deputy Attorney General, to improve the Internet Crimes Against

Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute predators.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1738

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Providing Resources, Officers, and Technology To Eradicate Cyber Threats to Our Children Act of 2008'' or the ''PROTECT Our Children Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION
Sec. 101. Establishment of National Strategy for Child Exploitation Prevention and Interdiction.
Sec. 102. Establishment of National ICAC Task Force Program.
Sec. 103. Purpose of ICAC task forces.
Sec. 104. Duties and functions of task forces.
Sec. 105. National Internet Crimes Against Children Data System.
Sec. 106. ICAC grant program.
Sec. 107. Authorization of appropriations.
TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION
Sec. 201. Additional regional computer forensic labs.
TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION
Sec. 301. Prohibit the broadcast of live images of child abuse.
Sec. 302. Amendment to section 2256 of title 18, United States Code.
Sec. 303. Amendment to section 2260 of title 18, United States Code.
Sec. 304. Prohibiting the adaptation or modification of an image of an identifiable minor to produce child pornography.
TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS
Sec. 401. NIJ study of risk factors for assessing dangerousness.
TITLE V—SECURING ADOLESCENTS FROM ONLINE EXPLOITATION
Sec. 501. Reporting requirements of electronic communication service providers and remote computing service providers.
Sec. 502. Reports.
Sec. 503. Severability.

**SEC. 2. DEFINITIONS.**

In this Act, the following definitions shall apply:

(1) CHILD EXPLOITATION.—The term ''child exploitation'' means any conduct, attempted conduct, or conspiracy to engage in conduct involving a minor that violates section 1591, chapter 109A, chapter 110, and chapter 117 of title 18, United States Code, or any sexual activity involving a minor for which any person can be charged with a criminal offense.

(2) CHILD OBSCENITY.—The term ''child obscenity'' means any visual depiction proscribed by section 1466A of title 18, United States Code.

(3) MINOR.—The term ''minor'' means any person under the age of 18 years.

(4) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given such term in section 2256 of title 18, United States Code.

**TITLE I—NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION**

**SEC. 101. ESTABLISHMENT OF NATIONAL STRATEGY FOR CHILD EXPLOITATION PREVENTION AND INTERDICTION.**

(a) IN GENERAL.—The Attorney General of the United States shall create and implement a National Strategy for Child Exploitation Prevention and Interdiction.

(b) TIMING.—Not later than 1 year after the date of enactment of this Act and on February 1 of every second year thereafter, the Attorney General shall submit to Congress the National Strategy established under subsection (a).

(c) REQUIRED CONTENTS OF NATIONAL STRATEGY.—The National Strategy established under subsection (a) shall include the following:

(1) Comprehensive long-range, goals for reducing child exploitation.

(2) Annual measurable objectives and specific targets to accomplish long-term, quantifiable goals that the Attorney General determines may be achieved during each year beginning on the date when the National Strategy is submitted.

(3) Annual budget priorities and Federal efforts dedicated to combating child exploitation, including resources dedicated to Internet Crimes Against Children task forces, Project Safe Childhood, FBI Innocent Images Initiative, the National Center for Missing and Exploited Children, regional forensic computer labs, Internet Safety programs, and all other entities whose goal or mission is to combat the exploitation of children that receive Federal support.

(4) A 5-year projection for program and budget goals and priorities.

(5) A review of the policies and work of the Department of Justice related to the prevention and investigation of child exploitation crimes, including efforts at the Office of Justice Programs, the Criminal Division of the Department of Justice, the Executive Office of United States Attorneys, the Federal Bureau of Investigation, the Office of the Attorney General, the Office of the Deputy Attorney General, the Office of Legal Policy, and any other agency or bureau of the Department of Justice whose activities relate to child exploitation.

(6) A description of the Department's efforts to coordinate with international, State, local, tribal law enforcement, and private sector entities on child exploitation prevention and interdiction efforts.

(7) Plans for interagency coordination regarding the prevention, investigation, and apprehension of individuals exploiting children, including cooperation and collaboration with—

(A) Immigration and Customs Enforcement;

(B) the United States Postal Inspection Service;

(C) the Department of State;

(D) the Department of Commerce;

(E) the Department of Education;

(F) the Department of Health and Human Services; and

(G) other appropriate Federal agencies.

(8) A review of the Internet Crimes Against Children Task Force Program, including—

(A) the number of ICAC task forces and location of each ICAC task force;

(B) the number of trained personnel at each ICAC task force;

(C) the amount of Federal grants awarded to each ICAC task force;

(D) an assessment of the Federal, State, and local cooperation in each task force, including—

(i) the number of arrests made by each task force;

(ii) the number of criminal referrals to United States attorneys for prosecution;

(iii) the number of prosecutions and convictions from the referrals made under clause (ii);

(iv) the number, if available, of local prosecutions and convictions based on ICAC task force investigations; and

(v) any other information demonstrating the level of Federal, State, and local coordination and cooperation, as such information is to be determined by the Attorney General;

(E) an assessment of the training opportunities and technical assistance available to support ICAC task force grantees; and

(F) an assessment of the success of the Internet Crimes Against Children Task Force Program at leveraging State and local resources and matching funds.

(9) An assessment of the technical assistance and support available for Federal, State, local, and tribal law enforcement agencies, in the prevention, investigation, and prosecution of child exploitation crimes.

(10) A review of the backlog of forensic analysis for child exploitation cases at each FBI Regional Forensic lab and an estimate of the backlog at State and local labs.

(11) Plans for reducing the forensic backlog described in paragraph (10), if any, at Federal, State and local forensic labs.

(12) A review of the Federal programs related to child exploitation prevention and education, including those related to Internet safety, including efforts by the private sector and nonprofit entities, or any other initiatives, that have proven successful in promoting child safety and Internet safety.

(13) An assessment of the future trends, challenges, and opportunities, including new technologies, that will impact Federal, State, local, and tribal efforts to combat child exploitation.

(14) Plans for liaisons with the judicial branches of the Federal and State governments on matters relating to child exploitation.

(15) An assessment of Federal investigative and prosecution activity relating to reported incidents of child exploitation crimes, which shall include a number of factors, including—

(A) the number of high-priority suspects (identified because of the volume of suspected criminal activity or because of the danger to the community or a potential victim) who were investigated and prosecuted;

(B) the number of investigations, arrests, prosecutions and convictions for a crime of child exploitation; and

(C) the average sentence imposed and statutory maximum for each crime of child exploitation.

(16) A review of all available statistical data indicating the overall magnitude of child pornography trafficking in the United States and internationally, including—

(A) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other sources of engaging in, peer-to-peer file sharing of child pornography;

(B) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement agencies and other reporting sources of engaging in, buying and selling, or other commercial activity related to child pornography;

(C) the number of computers or computer users, foreign and domestic, observed engaging in, or suspected by law enforcement

agencies and other sources of engaging in, all other forms of activity related to child pornography;

(D) the number of tips or other statistical data from the National Center for Missing and Exploited Children's CyberTipline and other data indicating the magnitude of child pornography trafficking; and

(E) any other statistical data indicating the type, nature, and extent of child exploitation crime in the United States and abroad.

(17) Copies of recent relevant research and studies related to child exploitation, including—

(A) studies related to the link between possession or trafficking of child pornography and actual abuse of a child;

(B) studies related to establishing a link between the types of files being viewed or shared and the type of illegal activity; and

(C) any other research, studies, and available information related to child exploitation.

(18) A review of the extent of cooperation, coordination, and mutual support between private sector and other entities and organizations and Federal agencies, including the involvement of States, local and tribal government agencies to the extent Federal programs are involved.

(19) The results of the Project Safe Childhood Conference or other conferences or meetings convened by the Department of Justice related to combating child exploitation

(d) APPOINTMENT OF HIGH-LEVEL OFFICIAL.—

(1) IN GENERAL.—The Attorney General shall designate a senior official at the Department of Justice to be responsible for coordinating the development of the National Strategy established under subsection (a).

(2) DUTIES.—The duties of the official designated under paragraph (1) shall include—

(A) acting as a liaison with all Federal agencies regarding the development of the National Strategy;

(B) working to ensure that there is proper coordination among agencies in developing the National Strategy;

(C) being knowledgeable about budget priorities and familiar with all efforts within the Department of Justice and the FBI related to child exploitation prevention and interdiction; and

(D) communicating the National Strategy to Congress and being available to answer questions related to the strategy at congressional hearings, if requested by committees of appropriate jurisdictions, on the contents of the National Strategy and progress of the Department of Justice in implementing the National Strategy.

**SEC. 102. ESTABLISHMENT OF NATIONAL ICAC TASK FORCE PROGRAM.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the Department of Justice, under the general authority of the Attorney General, a National Internet Crimes Against Children Task Force Program (hereinafter in this title referred to as the ''ICAC Task Force Program''), which shall consist of a national program of State and local law enforcement task forces dedicated to developing effective responses to online enticement of children by sexual predators, child exploitation, and child obscenity and pornography cases.

(2) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the ICAC Task Force Program established under paragraph (1) is intended to continue the ICAC Task Force Program authorized under title I of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, and funded under title IV of the Juvenile Justice and Delinquency Prevention Act of 1974.

(b) NATIONAL PROGRAM.—

(1) STATE REPRESENTATION.—The ICAC Task Force Program established under subsection (a) shall include at least 1 ICAC task force in each State.

(2) CAPACITY AND CONTINUITY OF INVESTIGATIONS.—In order to maintain established capacity and continuity of investigations and prosecutions of child exploitation cases, the Attorney General, shall, in establishing the ICAC Task Force Program under subsection (a) consult with and consider all 59 task forces in existence on the date of enactment of this Act. The Attorney General shall include all existing ICAC task forces in the ICAC Task Force Program, unless the Attorney General makes a determination that an existing ICAC does not have a proven track record of success.

(3) ONGOING REVIEW.—The Attorney General shall—

(A) conduct periodic reviews of the effectiveness of each ICAC task force established under this section; and

(B) have the discretion to establish a new task force if the Attorney General determines that such decision will enhance the effectiveness of combating child exploitation provided that the Attorney General notifies Congress in advance of any such decision and that each state maintains at least 1 ICAC task force at all times.

(4) TRAINING.—

(A) IN GENERAL.—The Attorney General may establish national training programs to support the mission of the ICAC task forces, including the effective use of the National Internet Crimes Against Children Data System.

(B) LIMITATION.—In establishing training courses under this paragraph, the Attorney General may not award any one entity other than a law enforcement agency more than $2,000,000 annually to establish and conduct training courses for ICAC task force members and other law enforcement officials.

(C) REVIEW.—The Attorney General shall—

(i) conduct periodic reviews of the effectiveness of each training session authorized by this paragraph; and

(ii) consider outside reports related to the effective use of Federal funding in making future grant awards for training.

**SEC. 103. PURPOSE OF ICAC TASK FORCES.**

The ICAC Task Force Program, and each State or local ICAC task force that is part of the national program of task forces, shall be dedicated toward—

(1) increasing the investigative capabilities of State and local law enforcement officers in the detection, investigation, and apprehension of Internet crimes against children offenses or offenders, including technology-facilitated child exploitation offenses;

(2) conducting proactive and reactive Internet crimes against children investigations;

(3) providing training and technical assistance to ICAC task forces and other Federal, State, and local law enforcement agencies in the areas of investigations, forensics, prosecution, community outreach, and capacity-building, using recognized experts to assist in the development and delivery of training programs;

(4) increasing the number of Internet crimes against children offenses being investigated and prosecuted in both Federal and State courts;

(5) creating a multiagency task force response to Internet crimes against children offenses within each State;

(6) participating in the Department of Justice's Project Safe Childhood initiative, the purpose of which is to combat technology-facilitated sexual exploitation crimes against children;

(7) enhancing nationwide responses to Internet crimes against children offenses, including assisting other ICAC task forces, as well as other Federal, State, and local agencies with Internet crimes against children investigations and prosecutions;

(8) developing and delivering Internet crimes against children public awareness and prevention programs; and

(9) participating in such other activities, both proactive and reactive, that will enhance investigations and prosecutions of Internet crimes against children.

**SEC. 104. DUTIES AND FUNCTIONS OF TASK FORCES.**

Each State or local ICAC task force that is part of the national program of task forces shall—

(1) consist of State and local investigators, prosecutors, forensic specialists, and education specialists who are dedicated to addressing the goals of such task force;

(2) work consistently toward achieving the purposes described in section 103;

(3) engage in proactive investigations, forensic examinations, and effective prosecutions of Internet crimes against children;

(4) provide forensic, preventive, and investigative assistance to parents, educators, prosecutors, law enforcement, and others concerned with Internet crimes against children;

(5) develop multijurisdictional, multiagency responses and partnerships to Internet crimes against children offenses through ongoing informational, administrative, and technological support to other State and local law enforcement agencies, as a means for such agencies to acquire the necessary knowledge, personnel, and specialized equipment to investigate and prosecute such offenses;

(6) participate in nationally coordinated investigations in any case in which the Attorney General determines such participation to be necessary, as permitted by the available resources of such task force;

(7) establish or adopt investigative and prosecution standards, consistent with established norms, to which such task force shall comply;

(8) investigate, and seek prosecution on, tips related to Internet crimes against children, including tips from Operation Fairplay, the National Internet Crimes Against Children Data System established in section 105, the National Center for Missing and Exploited Children's CyberTipline, ICAC task forces, and other Federal, State, and local agencies, with priority being given to investigative leads that indicate the possibility of identifying or rescuing child victims, including investigative leads that indicate a likelihood of seriousness of offense or dangerousness to the community;

(9) develop procedures for handling seized evidence;

(10) maintain—

(A) such reports and records as are required under this title; and

(B) such other reports and records as determined by the Attorney General; and

(11) seek to comply with national standards regarding the investigation and prosecution of Internet crimes against children, as set forth by the Attorney General, to the extent such standards are consistent with the law of the State where the task force is located.

**SEC. 105. NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM.**

(a) IN GENERAL.—The Attorney General shall establish, consistent with all existing Federal laws relating to the protection of privacy, a National Internet Crimes Against

Children Data System. The system shall not be used to search for or obtain any information that does not involve the use of the Internet to facilitate child exploitation.

(b) INTENT OF CONGRESS.—It is the purpose and intent of Congress that the National Internet Crimes Against Children Data System established in subsection (a) is intended to continue and build upon Operation Fairplay developed by the Wyoming Attorney General's office, which has established a secure, dynamic undercover infrastructure that has facilitated online law enforcement investigations of child exploitation, information sharing, and the capacity to collect and aggregate data on the extent of the problems of child exploitation.

(c) PURPOSE OF SYSTEM.—The National Internet Crimes Against Children Data System established under subsection (a) shall be dedicated to assisting and supporting credentialed law enforcement agencies authorized to investigate child exploitation in accordance with Federal, State, local, and tribal laws, including by providing assistance and support to—

(1) Federal agencies investigating and prosecuting child exploitation;

(2) the ICAC Task Force Program established under section 102;

(3) State, local, and tribal agencies investigating and prosecuting child exploitation; and

(4) foreign or international law enforcement agencies, subject to approval by the Attorney General.

(d) CYBER SAFE DECONFLICTION AND INFORMATION SHARING.—The National Internet Crimes Against Children Data System established under subsection (a)—

(1) shall be housed and maintained within the Department of Justice or a credentialed law enforcement agency;

(2) shall be made available for a nominal charge to support credentialed law enforcement agencies in accordance with subsection (c); and

(3) shall—

(A) allow Federal, State, local, and tribal agencies and ICAC task forces investigating and prosecuting child exploitation to contribute and access data for use in resolving case conflicts;

(B) provide, directly or in partnership with a credentialed law enforcement agency, a dynamic undercover infrastructure to facilitate online law enforcement investigations of child exploitation;

(C) facilitate the development of essential software and network capability for law enforcement participants; and

(D) provide software or direct hosting and support for online investigations of child exploitation activities, or, in the alternative, provide users with a secure connection to an alternative system that provides such capabilities, provided that the system is hosted within a governmental agency or a credentialed law enforcement agency.

(e) COLLECTION AND REPORTING OF DATA.—

(1) IN GENERAL.—The National Internet Crimes Against Children Data System established under subsection (a) shall ensure the following:

(A) REAL-TIME REPORTING.—All child exploitation cases involving local child victims that are reasonably detectable using available software and data are, immediately upon their detection, made available to participating law enforcement agencies.

(B) HIGH-PRIORITY SUSPECTS.—Every 30 days, at minimum, the National Internet Crimes Against Children Data System shall—

(i) identify high-priority suspects, as such suspects are determined by the volume of suspected criminal activity or other indicators of seriousness of offense or dangerousness to the community or a potential local victim; and

(ii) report all such identified high-priority suspects to participating law enforcement agencies.

(C) ANNUAL REPORTS.—Any statistical data indicating the overall magnitude of child pornography trafficking and child exploitation in the United States and internationally is made available and included in the National Strategy, as is required under section 101(c)(16).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of participating law enforcement agencies to disseminate investigative leads or statistical information in accordance with State and local laws.

(f) MANDATORY REQUIREMENTS OF NETWORK.—The National Internet Crimes Against Children Data System established under subsection (a) shall develop, deploy, and maintain an integrated technology and training program that provides—

(1) a secure, online system for Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies for use in resolving case conflicts, as provided in subsection (d);

(2) a secure system enabling online communication and collaboration by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies regarding ongoing investigations, investigatory techniques, best practices, and any other relevant news and professional information;

(3) a secure online data storage and analysis system for use by Federal law enforcement agencies, ICAC task forces, and other State, local, and tribal law enforcement agencies;

(4) secure connections or interaction with State and local law enforcement computer networks, consistent with reasonable and established security protocols and guidelines;

(5) guidelines for use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces; and

(6) training and technical assistance on the use of the National Internet Crimes Against Children Data System by Federal, State, local, and tribal law enforcement agencies and ICAC task forces.

(g) NATIONAL INTERNET CRIMES AGAINST CHILDREN DATA SYSTEM STEERING COMMITTEE.—The Attorney General shall establish a National Internet Crimes Against Children Data System Steering Committee to provide guidance to the Network relating to the program under subsection (f), and to assist in the development of strategic plans for the System. The Steering Committee shall consist of 10 members with expertise in child exploitation prevention and interdiction prosecution, investigation, or prevention, including—

(1) 3 representatives elected by the local directors of the ICAC task forces, such representatives shall represent different geographic regions of the country;

(2) 1 representative of the Department of Justice Office of Information Services;

(3) 1 representative from Operation Fairplay, currently hosted at the Wyoming Office of the Attorney General;

(4) 1 representative from the law enforcement agency having primary responsibility for hosting and maintaining the National Internet Crimes Against Children Data System;

(5) 1 representative of the Federal Bureau of Investigation's Innocent Images National Initiative or Regional Computer Forensic Lab program;

(6) 1 representative of the Immigration and Customs Enforcement's Cyber Crimes Center;

(7) 1 representative of the United States Postal Inspection Service; and

(8) 1 representative of the Department of Justice.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of the fiscal years 2009 through 2016, $2,000,000 to carry out the provisions of this section.

**SEC. 106. ICAC GRANT PROGRAM.**

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Attorney General is authorized to award grants to State and local ICAC task forces to assist in carrying out the duties and functions described under section 104.

(2) FORMULA GRANTS.—

(A) DEVELOPMENT OF FORMULA.—At least 75 percent of the total funds appropriated to carry out this section shall be available to award or otherwise distribute grants pursuant to a funding formula established by the Attorney General in accordance with the requirements in subparagraph (B).

(B) FORMULA REQUIREMENTS.—Any formula established by the Attorney General under subparagraph (A) shall—

(i) ensure that each State or local ICAC task force shall, at a minimum, receive an amount equal to 0.5 percent of the funds available to award or otherwise distribute grants under subparagraph (A); and

(ii) take into consideration the following factors:

(I) The population of each State, as determined by the most recent decennial census performed by the Bureau of the Census.

(II) The number of investigative leads within the applicant's jurisdiction generated by Operation Fairplay, the ICAC Data Network, the CyberTipline, and other sources.

(III) The number of criminal cases related to Internet crimes against children referred to a task force for Federal, State, or local prosecution.

(IV) The number of successful prosecutions of child exploitation cases by a task force.

(V) The amount of training, technical assistance, and public education or outreach by a task force related to the prevention, investigation, or prosecution of child exploitation offenses.

(VI) Such other criteria as the Attorney General determines demonstrate the level of need for additional resources by a task force.

(3) DISTRIBUTION OF REMAINING FUNDS BASED ON NEED.—

(A) IN GENERAL.—Any funds remaining from the total funds appropriated to carry out this section after funds have been made available to award or otherwise distribute formula grants under paragraph (2)(A) shall be distributed to State and local ICAC task forces based upon need, as set forth by criteria established by the Attorney General. Such criteria shall include the factors under paragraph (2)(B)(ii).

(B) MATCHING REQUIREMENT.—A State or local ICAC task force shall contribute matching non-Federal funds in an amount equal to not less than 25 percent of the amount of funds received by the State or local ICAC task force under subparagraph (A). A State or local ICAC task force that is not able or willing to contribute matching funds in accordance with this subparagraph shall not be eligible for funds under subparagraph (A).

(C) WAIVER.—The Attorney General may waive, in whole or in part, the matching requirement under subparagraph (B) if the State or local ICAC task force demonstrates good cause or financial hardship.

(b) APPLICATION.—

(1) IN GENERAL.—Each State or local ICAC task force seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought; and

(B) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this title.

(c) ALLOWABLE USES.—Grants awarded under this section may be used to—

(1) hire personnel, investigators, prosecutors, education specialists, and forensic specialists;

(2) establish and support forensic laboratories utilized in Internet crimes against children investigations;

(3) support investigations and prosecutions of Internet crimes against children;

(4) conduct and assist with education programs to help children and parents protect themselves from Internet predators;

(5) conduct and attend training sessions related to successful investigations and prosecutions of Internet crimes against children; and

(6) fund any other activities directly related to preventing, investigating, or prosecuting Internet crimes against children.

(d) REPORTING REQUIREMENTS.—

(1) ICAC REPORTS.—To measure the results of the activities funded by grants under this section, and to assist the Attorney General in complying with the Government Performance and Results Act (Public Law 103–62; 107 Stat. 285), each State or local ICAC task force receiving a grant under this section shall, on an annual basis, submit a report to the Attorney General that sets forth the following:

(A) Staffing levels of the task force, including the number of investigators, prosecutors, education specialists, and forensic specialists dedicated to investigating and prosecuting Internet crimes against children.

(B) Investigation and prosecution performance measures of the task force, including—

(i) the number of investigations initiated related to Internet crimes against children;

(ii) the number of arrests related to Internet crimes against children; and

(iii) the number of prosecutions for Internet crimes against children, including—

(I) whether the prosecution resulted in a conviction for such crime; and

(II) the sentence and the statutory maximum for such crime under State law.

(C) The number of referrals made by the task force to the United States Attorneys office, including whether the referral was accepted by the United States Attorney.

(D) Statistics that account for the disposition of investigations that do not result in arrests or prosecutions, such as referrals to other law enforcement.

(E) The number of investigative technical assistance sessions that the task force provided to nonmember law enforcement agencies.

(F) The number of computer forensic examinations that the task force completed.

(G) The number of law enforcement agencies participating in Internet crimes against children program standards established by the task force.

(2) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit a report to Congress on—

(A) the progress of the development of the ICAC Task Force Program established under section 102; and

(B) the number of Federal and State investigations, prosecutions, and convictions in the prior 12-month period related to child exploitation.

**SEC. 107. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There are authorized to be appropriated to carry out this title—

(1) $60,000,000 for fiscal year 2009;

(2) $60,000,000 for fiscal year 2010;

(3) $60,000,000 for fiscal year 2011;

(4) $60,000,000 for fiscal year 2012; and

(5) $60,000,000 for fiscal year 2013.

(b) AVAILABILITY.—Funds appropriated under subsection (a) shall remain available until expended.

## TITLE II—ADDITIONAL MEASURES TO COMBAT CHILD EXPLOITATION

**SEC. 201. ADDITIONAL REGIONAL COMPUTER FORENSIC LABS.**

(a) ADDITIONAL RESOURCES.—The Attorney General shall establish additional computer forensic capacity to address the current backlog for computer forensics, including for child exploitation investigations. The Attorney General may utilize funds under this title to increase capacity at existing regional forensic laboratories or to add laboratories under the Regional Computer Forensic Laboratories Program operated by the Federal Bureau of Investigation.

(b) PURPOSE OF NEW RESOURCES.—The additional forensic capacity established by resources provided under this section shall be dedicated to assist Federal agencies, State and local Internet Crimes Against Children task forces, and other Federal, State, and local law enforcement agencies in preventing, investigating, and prosecuting Internet crimes against children.

(c) NEW COMPUTER FORENSIC LABS.—If the Attorney General determines that new regional computer forensic laboratories are required under subsection (a) to best address existing backlogs, such new laboratories shall be established pursuant to subsection (d).

(d) LOCATION OF NEW LABS.—The location of any new regional computer forensic laboratories under this section shall be determined by the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, the Regional Computer Forensic Laboratory National Steering Committee, and other relevant stakeholders.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Attorney General shall submit a report to the Congress on how the funds appropriated under this section were utilized.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2009 through 2013, $2,000,000 to carry out the provisions of this section.

## TITLE III—EFFECTIVE CHILD PORNOGRAPHY PROSECUTION

**SEC. 301. PROHIBIT THE BROADCAST OF LIVE IMAGES OF CHILD ABUSE.**

Section 2251 of title 18, United States Code is amended—

(1) in subsection (a), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''if such person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''; and

(2) in subsection (b), by—

(A) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct'';

(B) inserting ''or transmitted'' after ''person knows or has reason to know that such visual depiction will be transported'';

(C) inserting ''or transmitted'' after ''if that visual depiction was produced''; and

(D) inserting ''or transmitted'' after ''has actually been transported''.

**SEC. 302. AMENDMENT TO SECTION 2256 OF TITLE 18, UNITED STATES CODE.**

Section 2256(5) of title 18, United States Code is amended by—

(1) striking ''and'' before ''data'';

(2) after ''visual image'' by inserting '', and data which is capable of conversion into a visual image that has been transmitted by any means, whether or not stored in a permanent format''.

**SEC. 303. AMENDMENT TO SECTION 2260 OF TITLE 18, UNITED STATES CODE.**

Section 2260(a) of title 18, United States Code, is amended by—

(1) inserting ''or for the purpose of transmitting a live visual depiction of such conduct'' after ''for the purpose of producing any visual depiction of such conduct''; and

(2) inserting ''or transmitted'' after ''imported''.

**SEC. 304. PROHIBITING THE ADAPTATION OR MODIFICATION OF AN IMAGE OF AN IDENTIFIABLE MINOR TO PRODUCE CHILD PORNOGRAPHY.**

(a) OFFENSE.—Subsection (a) of section 2252A of title 18, United States Code, is amended—

(1) in paragraph (5), by striking ''; or'' at the end and inserting a semicolon;

(2) in paragraph (6), by striking the period at the end and inserting ''; or''; and

(3) by inserting after paragraph (6) the following:

''(7) knowingly produces with intent to distribute, or distributes, by any means, including a computer, in or affecting interstate or foreign commerce, child pornography that is an adapted or modified depiction of an identifiable minor.''.

(b) PUNISHMENT.—Subsection (b) of section 2252A of title 18, United States Code, is amended by adding at the end the following:

''(3) Whoever violates, or attempts or conspires to violate, subsection (a)(7) shall be fined under this title or imprisoned not more than 15 years, or both.''.

## TITLE IV—NATIONAL INSTITUTE OF JUSTICE STUDY OF RISK FACTORS

**SEC. 401. NIJ STUDY OF RISK FACTORS FOR ASSESSING DANGEROUSNESS.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall prepare a report to identify investigative factors that reliably indicate whether a subject of an on-line child exploitation investigation poses a high risk of harm to children. Such a report shall be prepared in consultation and coordination with Federal law enforcement agencies, the National Center for Missing and Exploited Children, Operation Fairplay at the Wyoming Attorney General's Office, the Internet Crimes Against Children Task Force, and other State and local law enforcement.

(b) CONTENTS OF ANALYSIS.—The report required by subsection (a) shall include a thorough analysis of potential investigative factors in on-line child exploitation cases and an appropriate examination of investigative data from prior prosecutions and case files of identified child victims.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the National Institute of Justice shall submit a report to the House and Senate Judiciary Committees that includes the findings of the study required by this section and makes

recommendations on technological tools and law enforcement procedures to help investigators prioritize scarce resources to those cases where there is actual hands-on abuse by the suspect.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to the National Institute of Justice to conduct the study required under this section.

## TITLE V—SECURING ADOLESCENTS FROM ONLINE EXPLOITATION

### SEC. 501. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

(a) IN GENERAL.—Chapter 110 of title 18, United States Code, is amended by inserting after section 2258 the following:

### "SEC. 2258A. REPORTING REQUIREMENTS OF ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.

''(a) DUTY TO REPORT.—

''(1) IN GENERAL.—Whoever, while engaged in providing an electronic communication service or a remote computing service to the public through a facility or means of interstate or foreign commerce, obtains actual knowledge of any facts or circumstances described in paragraph (2) shall, as soon as reasonably possible—

''(A) provide to the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline operated by such center, the mailing address, telephone number, facsimile number, electronic mail address of, and individual point of contact for, such electronic communication service provider or remote computing service provider; and

''(B) make a report of such facts or circumstances to the CyberTipline, or any successor to the CyberTipline operated by such center.

''(2) FACTS OR CIRCUMSTANCES.—The facts or circumstances described in this paragraph are any facts or circumstances from which there is an apparent violation of—

''(A) section 2251, 2251A, 2252, 2252A, 2252B, or 2260 that involves child pornography; or

''(B) section 1466A.

''(b) CONTENTS OF REPORT.—To the extent the information is within the custody or control of an electronic communication service provider or a remote computing service provider, the facts and circumstances included in each report under subsection (a)(1) may include the following information:

''(1) INFORMATION ABOUT THE INVOLVED INDIVIDUAL.—Information relating to the identity of any individual who appears to have violated a Federal law described in subsection (a)(2), which may, to the extent reasonably practicable, include the electronic mail address, Internet Protocol address, uniform resource locator, or any other identifying information, including self-reported identifying information.

''(2) HISTORICAL REFERENCE.—Information relating to when and how a customer or subscriber of an electronic communication service or a remote computing service uploaded, transmitted, or received apparent child pornography or when and how apparent child pornography was reported to, or discovered by the electronic communication service provider or remote computing service provider, including a date and time stamp and time zone.

''(3) GEOGRAPHIC LOCATION INFORMATION.—

''(A) IN GENERAL.—Information relating to the geographic location of the involved individual or website, which may include the Internet Protocol address or verified billing address, or, if not reasonably available, at least 1 form of geographic identifying information, including area code or zip code.

''(B) INCLUSION.—The information described in subparagraph (A) may also include any geographic information provided to the electronic communication service or remote computing service by the customer or subscriber.

''(4) IMAGES OF APPARENT CHILD PORNOGRAPHY.—Any image of apparent child pornography relating to the incident such report is regarding.

''(5) COMPLETE COMMUNICATION.—The complete communication containing any image of apparent child pornography, including—

''(A) any data or information regarding the transmission of the communication; and

''(B) any images, data, or other digital files contained in, or attached to, the communication.

''(c) FORWARDING OF REPORT TO LAW ENFORCEMENT.—

''(1) IN GENERAL.—The National Center for Missing and Exploited Children shall forward each report made under subsection (a)(1) to any appropriate law enforcement agency designated by the Attorney General under subsection (d)(2).

''(2) STATE AND LOCAL LAW ENFORCEMENT.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to an appropriate law enforcement official of a State or political subdivision of a State for the purpose of enforcing State criminal law.

''(3) FOREIGN LAW ENFORCEMENT.—

''(A) IN GENERAL.—The National Center for Missing and Exploited Children may forward any report made under subsection (a)(1) to any appropriate foreign law enforcement agency designated by the Attorney General under subsection (d)(3), subject to the conditions established by the Attorney General under subsection (d)(3).

''(B) TRANSMITTAL TO DESIGNATED FEDERAL AGENCIES.—If the National Center for Missing and Exploited Children forwards a report to a foreign law enforcement agency under subparagraph (A), the National Center for Missing and Exploited Children shall concurrently provide a copy of the report and the identity of the foreign law enforcement agency to—

''(i) the Attorney General; or

''(ii) the Federal law enforcement agency or agencies designated by the Attorney General under subsection (d)(2).

''(d) ATTORNEY GENERAL RESPONSIBILITIES.—

''(1) IN GENERAL.—The Attorney General shall enforce this section.

''(2) DESIGNATION OF FEDERAL AGENCIES.—The Attorney General shall designate promptly the Federal law enforcement agency or agencies to which a report shall be forwarded under subsection (c)(1).

''(3) DESIGNATION OF FOREIGN AGENCIES.—The Attorney General shall promptly—

''(A) in consultation with the Secretary of State, designate the foreign law enforcement agencies to which a report may be forwarded under subsection (c)(3);

''(B) establish the conditions under which such a report may be forwarded to such agencies; and

''(C) develop a process for foreign law enforcement agencies to request assistance from Federal law enforcement agencies in obtaining evidence related to a report referred under subsection (c)(3).

''(4) REPORTING DESIGNATED FOREIGN AGENCIES.—The Attorney General shall maintain and make available to the Department of State, the National Center for Missing and Exploited Children, electronic communication service providers, remote computing service providers, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a list of the foreign law enforcement agencies designated under paragraph (3).

''(5) SENSE OF CONGRESS REGARDING DESIGNATION OF FOREIGN AGENCIES.—It is the sense of Congress that—

''(A) combating the international manufacturing, possession, and trade in online child pornography requires cooperation with competent, qualified, and appropriately trained foreign law enforcement agencies; and

''(B) the Attorney General, in cooperation with the Secretary of State, should make a substantial effort to expand the list of foreign agencies designated under paragraph (3).

''(6) NOTIFICATION TO PROVIDERS.—If an electronic communication service provider or remote computing service provider notifies the National Center for Missing and Exploited Children that the electronic communication service provider or remote computing service provider is making a report under this section as the result of a request by a foreign law enforcement agency, the National Center for Missing and Exploited Children shall—

''(A) if the Center forwards the report to the requesting foreign law enforcement agency or another agency in the same country designated by the Attorney General under paragraph (3), notify the electronic communication service provider or remote computing service provider of—

''(i) the identity of the foreign law enforcement agency to which the report was forwarded; and

''(ii) the date on which the report was forwarded; or

''(B) notify the electronic communication service provider or remote computing service provider if the Center declines to forward the report because the Center, in consultation with the Attorney General, determines that no law enforcement agency in the foreign country has been designated by the Attorney General under paragraph (3).

''(e) FAILURE TO REPORT.—An electronic communication service provider or remote computing service provider that knowingly and willfully fails to make a report required under subsection (a)(1) shall be fined—

''(1) in the case of an initial knowing and willful failure to make a report, not more than $150,000; and

''(2) in the case of any second or subsequent knowing and willful failure to make a report, not more than $300,000.

''(f) PROTECTION OF PRIVACY.—Nothing in this section shall be construed to require an electronic communication service provider or a remote computing service provider to—

''(1) monitor any user, subscriber, or customer of that provider;

''(2) monitor the content of any communication of any person described in paragraph (1); or

''(3) affirmatively seek facts or circumstances described in sections (a) and (b).

''(g) CONDITIONS OF DISCLOSURE INFORMATION CONTAINED WITHIN REPORT.—

''(1) IN GENERAL.—Except as provided in paragraph (2), a law enforcement agency that receives a report under subsection (c) shall not disclose any information contained in that report.

''(2) PERMITTED DISCLOSURES BY LAW ENFORCEMENT.—

''(A) IN GENERAL.—A law enforcement agency may disclose information in a report received under subsection (c)—

''(i) to an attorney for the government for use in the performance of the official duties of that attorney;

''(ii) to such officers and employees of that law enforcement agency, as may be necessary in the performance of their investigative and recordkeeping functions;

''(iii) to such other government personnel (including personnel of a State or subdivision of a State) as are determined to be necessary by an attorney for the government to assist the attorney in the performance of the official duties of the attorney in enforcing Federal criminal law;

''(iv) if the report discloses a violation of State criminal law, to an appropriate official of a State or subdivision of a State for the purpose of enforcing such State law;

''(v) to a defendant in a criminal case or the attorney for that defendant, subject to the terms and limitations under section 3509(m) or a similar State law, to the extent the information relates to a criminal charge pending against that defendant;

''(vi) subject to subparagraph (B), to an electronic communication service provider or remote computing provider if necessary to facilitate response to legal process issued in connection to a criminal investigation, prosecution, or post-conviction remedy relating to that report; and

''(vii) as ordered by a court upon a showing of good cause and pursuant to any protective orders or other conditions that the court may impose.

''(B) LIMITATIONS.—

''(i) LIMITATIONS ON FURTHER DISCLOSURE.—The electronic communication service provider or remote computing service provider shall be prohibited from disclosing the contents of a report provided under subparagraph (A)(vi) to any person, except as necessary to respond to the legal process.

''(ii) EFFECT.—Nothing in subparagraph (A)(vi) authorizes a law enforcement agency to provide child pornography images to an electronic communications service provider or a remote computing service.

''(3) PERMITTED DISCLOSURES BY THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.—The National Center for Missing and Exploited Children may disclose information received in a report under subsection (a) only—

''(A) to any Federal law enforcement agency designated by the Attorney General under subsection (d)(2);

''(B) to any State, local, or tribal law enforcement agency involved in the investigation of child pornography, child exploitation, kidnapping, or enticement crimes;

''(C) to any foreign law enforcement agency designated by the Attorney General under subsection (d)(3); and

''(D) to an electronic communication service provider or remote computing service provider as described in section 2258C.

''(h) PRESERVATION.—

''(1) IN GENERAL.—For the purposes of this section, the notification to an electronic communication service provider or a remote computing service provider by the CyberTipline of receipt of a report under subsection (a)(1) shall be treated as a request to preserve, as if such request was made pursuant to section 2703(f).

''(2) PRESERVATION OF REPORT.—Pursuant to paragraph (1), an electronic communication service provider or a remote computing service shall preserve the contents of the report provided pursuant to subsection (b) for 90 days after such notification by the CyberTipline.

''(3) PRESERVATION OF COMMINGLED IMAGES.—Pursuant to paragraph (1), an electronic communication service provider or a remote computing service shall preserve any images, data, or other digital files that are commingled or interspersed among the images of apparent child pornography within a particular communication or user-created folder or directory.

''(4) PROTECTION OF PRESERVED MATERIALS.—An electronic communications service or remote computing service preserving materials under this section shall maintain the materials in a secure location and take appropriate steps to limit access by agents or employees of the service to the materials to that access necessary to comply with the requirements of this subsection.

''(5) AUTHORITIES AND DUTIES NOT AFFECTED.—Nothing in this section shall be construed as replacing, amending, or otherwise interfering with the authorities and duties under section 2703.

**''SEC. 2258B. LIMITED LIABILITY FOR ELECTRONIC COMMUNICATION SERVICE PROVIDERS, REMOTE COMPUTING SERVICE PROVIDERS, OR DOMAIN NAME REGISTRAR.**

''(a) IN GENERAL.—Except as provided in subsection (b), a civil claim or criminal charge against an electronic communication service provider, a remote computing service provider, or domain name registrar, including any director, officer, employee, or agent of such electronic communication service provider, remote computing service provider, or domain name registrar arising from the performance of the reporting or preservation responsibilities of such electronic communication service provider, remote computing service provider, or domain name registrar under this section, section 2258A, or section 2258C may not be brought in any Federal or State court.

''(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim if the electronic communication service provider, remote computing service provider, or domain name registrar, or a director, officer, employee, or agent of that electronic communication service provider, remote computing service provider, or domain name registrar—

''(1) engaged in intentional misconduct; or

''(2) acted, or failed to act—

''(A) with actual malice;

''(B) with reckless disregard to a substantial risk of causing physical injury without legal justification; or

''(C) for a purpose unrelated to the performance of any responsibility or function under this section, sections 2258A, 2258C, 2702, or 2703.

''(c) MINIMIZING ACCESS.—An electronic communication service provider, a remote computing service provider, and domain name registrar shall—

''(1) minimize the number of employees that are provided access to any image provided under section 2258A or 2258C; and

''(2) ensure that any such image is permanently destroyed, upon a request from a law enforcement agency to destroy the image.

**''SEC. 2258C. USE TO COMBAT CHILD PORNOGRAPHY OF TECHNICAL ELEMENTS RELATING TO IMAGES REPORTED TO THE CYBERTIPLINE.**

''(a) ELEMENTS.—

''(1) IN GENERAL.—The National Center for Missing and Exploited Children may provide elements relating to any apparent child pornography image of an identified child to an electronic communication service provider or a remote computing service provider for the sole and exclusive purpose of permitting that electronic communication service provider or remote computing service provider to stop the further transmission of images.

''(2) INCLUSIONS.—The elements authorized under paragraph (1) may include hash values or other unique identifiers associated with a specific image, Internet location of images, and other technological elements that can be used to identify and stop the transmission of child pornography.

''(3) EXCLUSION.—The elements authorized under paragraph (1) may not include the actual images.

''(b) USE BY ELECTRONIC COMMUNICATION SERVICE PROVIDERS AND REMOTE COMPUTING SERVICE PROVIDERS.—Any electronic communication service provider or remote computing service provider that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under this section may use such information only for the purposes described in this section, provided that such use shall not relieve that electronic communication service provider or remote computing service provider from its reporting obligations under section 2258A.

''(c) LIMITATIONS.—Nothing in subsections (a) or (b) requires electronic communication service providers or remote computing service providers receiving elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children to use the elements to stop the further transmission of the images.

''(d) PROVISION OF ELEMENTS TO LAW ENFORCEMENT.—The National Center for Missing and Exploited Children shall make available to Federal, State, and local law enforcement involved in the investigation of child pornography crimes elements, including hash values, relating to any apparent child pornography image of an identified child reported to the National Center for Missing and Exploited Children.

''(e) USE BY LAW ENFORCEMENT.—Any Federal, State, or local law enforcement agency that receives elements relating to any apparent child pornography image of an identified child from the National Center for Missing and Exploited Children under section (d) may use such elements only in the performance of the official duties of that agency to investigate child pornography crimes.

**''SEC. 2258D. LIMITED LIABILITY FOR THE NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN.**

''(a) IN GENERAL.—Except as provided in subsections (b) and (c), a civil claim or criminal charge against the National Center for Missing and Exploited Children, including any director, officer, employee, or agent of such center, arising from the performance of the CyberTipline responsibilities or functions of such center, as described in this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773), or from the effort of such center to identify child victims may not be brought in any Federal or State court.

''(b) INTENTIONAL, RECKLESS, OR OTHER MISCONDUCT.—Subsection (a) shall not apply to a claim or charge if the National Center for Missing and Exploited Children, or a director, officer, employee, or agent of such center—

''(1) engaged in intentional misconduct; or

''(2) acted, or failed to act—

''(A) with actual malice;

''(B) with reckless disregard to a substantial risk of causing injury without legal justification; or

''(C) for a purpose unrelated to the performance of any responsibility or function under this section, section 2258A or 2258C of this title, or section 404 of the Missing Children's Assistance Act (42 U.S.C. 5773).

''(c) ORDINARY BUSINESS ACTIVITIES.—Subsection (a) shall not apply to an act or omission relating to an ordinary business activity, including general administration or operations, the use of motor vehicles, or personnel management.

''(d) MINIMIZING ACCESS.—The National Center for Missing and Exploited Children shall—

''(1) minimize the number of employees that are provided access to any image provided under section 2258A; and

''(2) ensure that any such image is permanently destroyed upon notification from a law enforcement agency.

**''SEC. 2258E. DEFINITIONS.**

''In sections 2258A through 2258D—

''(1) the terms 'attorney for the government' and 'State' have the meanings given those terms in rule 1 of the Federal Rules of Criminal Procedure;

''(2) the term 'electronic communication service' has the meaning given that term in section 2510;

''(3) the term 'electronic mail address' has the meaning given that term in section 3 of the CAN–SPAM Act of 2003 (15 U.S.C. 7702);

''(4) the term 'Internet' has the meaning given that term in section 1101 of the Internet Tax Freedom Act (47 U.S.C. 151 note);

''(5) the term 'remote computing service' has the meaning given that term in section 2711; and

''(6) the term 'website' means any collection of material placed in a computer server-based file archive so that it is publicly accessible, over the Internet, using hypertext transfer protocol or any successor protocol.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERCEDED PROVISION.—Section 227 of the Crime Control Act of 1990 (42 U.S.C. 13032) is repealed.

(2) TECHNICAL CORRECTIONS.—Section 2702 of title 18, United States Code, is amended—

(A) in subsection (b)(6), by striking ''section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032)'' and inserting ''section 2258A''; and

(B) in subsection (c)(5), by striking ''section 227 of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13032)'' and inserting ''section 2258A''.

(3) TABLE OF SECTIONS.—The table of sections for chapter 110 of title 18, United States Code, is amended by inserting after the item relating to section 2258 the following:

''2258A. Reporting requirements of electronic communication service providers and remote computing service providers.

''2258B. Limited liability for electronic communication service providers and remote computing service providers.

''2258C. Use to combat child pornography of technical elements relating to images reported to the CyberTipline.

''2258D. Limited liability for the National Center for Missing and Exploited Children.

''2258E. Definitions.''.

**SEC. 502. REPORTS.**

(a) ATTORNEY GENERAL REPORT ON IMPLEMENTATION, INVESTIGATIVE METHODS AND INFORMATION SHARING.—Not later than 12 months after the date of enactment of this Act, the Attorney General shall submit a report to the Committee on the Judiciary of Senate and the Committee on the Judiciary of the House of Representatives on—

(1) the structure established in this Act, including the respective functions of the National Center for Missing and Exploited Children, Department of Justice, and other entities that participate in information sharing under this Act;

(2) an assessment of the legal and constitutional implications of such structure;

(3) the privacy safeguards contained in the reporting requirements, including the training, qualifications, recruitment and screening of all Federal and non-Federal personnel implementing this Act; and

(4) information relating to the aggregate number of incidents reported under section 2258A(b) of title 18, United States Code, to Federal and State law enforcement agencies based on the reporting requirements under this Act and the aggregate number of times that elements are provided to communication service providers under section 2258C of such title.

(b) GAO AUDIT AND REPORT ON EFFICIENCY AND EFFECTIVENESS.—Not later than 2 years after the date of enactment of this Act, the Comptroller General shall conduct an audit and submit a report to the Committee on the Judiciary of the Senate and to the Committee on the Judiciary of the House of Representatives on—

(1) the efforts, activities, and actions of the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline, and the Attorney General in achieving the goals and purposes of this Act, as well as in carrying out any responsibilities or duties assigned to each such individual or agency under this Act;

(2) any legislative, administrative, or regulatory changes that the Comptroller General recommends be taken by or on behalf of the Attorney General to better achieve such goals and purposes, and to more effectively carry out such responsibilities and duties;

(3) the effectiveness of any actions taken and efforts made by the CyberTipline of the National Center for Missing and Exploited Children, or any successor to the CyberTipline and the Attorney General to—

(A) minimize duplicating the efforts, materials, facilities, and procedures of any other Federal agency responsible for the enforcement, investigation, or prosecution of child pornography crimes; and

(B) enhance the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute child pornography crimes, including the use of existing personnel, materials, technologies, and facilities; and

(4) any actions or efforts that the Comptroller General recommends be taken by the Attorney General to reduce duplication of efforts and increase the efficiency and consistency with which Federal funds and resources are expended to enforce, investigate, or prosecute child pornography crimes.

**SEC. 503. SEVERABILITY.**

If any provision of this title or amendment made by this title is held to be unconstitutional, the remainder of the provisions of this title or amendments made by this title—

(1) shall remain in full force and effect; and

(2) shall not be affected by the holding.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members, the PROTECT Our Children Act enhances the ability of Federal and State law enforcement officials to investigate and prosecute crimes involving the use of the Internet to further the sexual exploitation of children.

Our colleague, DEBBIE WASSERMAN SCHULTZ of Florida, is the author of this amendment. It passed overwhelmingly last year. And I would yield her as much time as she may consume.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to urge my colleagues to support Senate bill 1738, the PROTECT Our Children Act of 2008.

Mr. Speaker, I don't have to tell you that children today are growing up in a completely different world than we did. Our children have wonderful opportunities to learn in ways that we never had, but there are also dangers our generation never had to consider.

The Internet has facilitated an exploding multibillion dollar market for child pornography. Tragically, the demand for this criminal market can only be supplied by graphic new images, and these images can only be supplied through the sexual assault of more children.

This bill, like its House companion, H.R. 3845, that passed the House overwhelmingly last November, addresses an issue that is central to the goals and vision of Speaker NANCY PELOSI and the New Direction Congress, protecting our children.

The Internet is a truly wonderful tool. It has opened up the world for our children, but it has also opened up our children to the world.

A year ago, in June, I visited with a very special group of parents called the Surviving Parents Coalition, and I was not prepared for what they had to tell me. They shared with me their own horrific stories of how their children were abducted by sexual predators. As we all know, some of these children will never come home.

As the mother of three young children myself, their stories broke my heart. And as a Member of Congress, I felt compelled to act. What surprised me most about these brave parents was their message; they told me that if we wanted to prevent predators from hurting other children like theirs, that the way to do it is to go back through the Internet and get them.

A 2005 Justice Department study found that 80 percent of child pornography possessors have images and videos of children being sexually penetrated, another 21 percent possess images of bondage, sadistic abuse, and torture.

The children depicted in these photos are very young. There are even Web sites that provide live pay-per-view rates of very young children. These images are crime scene photos created by a thriving industry that uses children as sexual commodities.

Special Agent Flint Waters of the Wyoming State Police, a highly respected child exploitation investigator, testified at a Judiciary Committee hearing last year that there are nearly 500,000 identified individuals in the United States trafficking child pornography on the Internet. That's half a

million people right here in the United States. And law enforcement knows who they are and they know where they are. But what shocked me the most and what compelled me to get involved in this issue is that, due to a lack of resources, law enforcement is investigating less than 2 percent of these known 500,000 individuals. And make no mistake, law enforcement knows where they are, they just don't have the resources to go get them.

Even more shocking is that it is estimated that if we were to investigate these cases, we could actually rescue a child victim nearly 30 percent of the time.

□ 1745

Think about that. That means there are thousands of children out there in America just waiting to be rescued.

Alicia Kozakiewicz, whose testimony at last October's judiciary hearing moved all of us, is a living, breathing reminder of the lives that we can save. Alicia told us how over a period of months she was groomed by a 40-year-old predator pretending to be a teenage girl. When Alicia, who was 13 years old at the time, agreed to meet her cyber-friend in real life, he kidnapped her from her suburban Pittsburgh driveway and held her captive in his Virginia dungeon where he performed unspeakable sexual acts upon her day after day and broadcast it over the Internet. Just when Alicia told us that she had given up all hope, she was rescued by FBI agents.

The FBI found her because the Virginia Internet Crimes Against Children Task Force, or ICAC, had the technology to lift the digital fingerprints of this perpetrator's crimes and to discover the location where he had held her captive chained to the floor.

The PROTECT Our Children Act will help provide the safety net that we so desperately need by giving us the resources and the coordination we need to bring these predators to justice. It will create statutory authority for these highly successful ICAC Task Forces, which support State and local law enforcement agencies. It will supplement this new local effort with hundreds of new Federal agents who will be solely dedicated to crimes against children. It will also provide desperately needed forensic crime and computer labs so agents can uncover troves of electronic evidence, locate these perpetrators and bring them to justice.

At the October Judiciary Committee hearing, a representative from the FBI told us two things that boggled my mind: First, that the number of agents being exclusively assigned to these cases was actually shrinking, and second, that they are giving millions of dollars that Congress had appropriated to combat child pornography to programs that have nothing to do with child protection.

This bill will set us on a new course by creating a National Strategy for Child Exploitation Prevention. And although I preferred the special counsel provision in the House bill, I am proud to support this measure because this national strategy will ensure that the Federal Government's efforts in this era are no longer disjointed or haphazard. Instead, there will finally be a person in charge at the Department of Justice who will report to Congress and be responsible for real results.

I want to thank my House cosponsor, Ranking Member JOE BARTON, for his leadership, his concern, and his compassion for our children and their safety. And thank you, Senator BIDEN, for your capable staff and for your tireless work in the Senate. Your skilled negotiations helped us arrive at this moment. Thank you to NCMEC President Ernie Allen and my good friend and colleague from Houston, Congressman Nick Lampson, for your improvements to the bill with the SAFE Act. And honestly, thank you, Oprah Winfrey and all of your viewers for every letter, every telephone call, every fax and every e-mail. You helped break the Senate logjam and proved that Congress is responsive to the people.

Thank you, Erin Runnion, Ed Smart, Mary Kozakiewicz, names that are far too familiar to Americans because of the travesty that happened to their children, and to all the founding members of the Surviving Parents Coalition. When this bill got mired in petty partisan politics, they helped us remember what our effort was really about. It is about Samantha, it is about Elizabeth, and it is about Alicia. It is making sure we rescue every child we can and that we leave none behind. And thank you to Flint Waters for developing the software to locate predators and rescue children. Your work and the work of the ICAC Task Force agents across this country from Broward County, Florida to Wyoming, who wake up every morning, work long hours each day, only to go home at night knowing they don't have the resources or staffing power to rescue every child. The angst that must cause is unimaginable.

Last and certainly not least, I want to commend the inexhaustible determination of Grier Weeks, Camille Cooper, David Keith and all our friends with the National Association to PROTECT Children. They kept our noses to the grindstone and our eyes on the prize. And we would never be here without their effort. They have shown us what we can do when Congress comes together and puts partisan differences aside.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, credit goes to the gentlewoman from Florida, Congresswoman WASSERMAN SCHULTZ, for introducing this bill in the House and for advancing this piece of legislation to the point where we are considering it today.

Child pornography is a reprehensible, yet profitable, global criminal enterprise. And it is growing rapidly in technical sophistication in response to efforts to detect and disrupt these criminal operations. It is a despicable and vicious victimization of children.

The Internet is a virtual playground for sexual predators who satiate their desire for child pornography with relative anonymity. Law enforcement officials have identified nearly 500,000 individuals trafficking in child pornography over the Internet. However, due to the lack of resources at the Federal, State and local levels, law enforcement officials are able to investigate only about 2 percent of these child pornographers.

S. 1738, the Combating Child Exploitation Act of 2008, will assist law enforcement officials with apprehending these dangerous predators. This legislation combines two House bills, H.R. 3845, the PROTECT Our Children Act and H.R. 3791, the SAFE Act, both of which passed the House last year with overwhelming support.

This legislation establishes a national strategy for child exploitation prevention and interdiction and provides additional funding for the Internet Crimes Against Children Task Forces. These multi-jurisdictional task forces are on the front-lines of combating Internet child pornography. State and local agencies will now be given much-needed resources to combat this growing problem.

S. 1738 also provides critical funding to expand computer forensic capabilities for child exploitation cases at the Regional Computer Forensic Labs across the country.

Finally, title V of S. 1738, which incorporates the provisions of the SAFE Act, will strengthen the requirements on Internet service providers to report violations of child pornography laws. It also enhances the ability of the National Center for Missing and Exploited Children to collect and report suspected instances of child pornography to law enforcement agencies across America and around the world.

The Internet has become a magnet for child exploitation and child pornography. This legislation will help deter it.

I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I'm pleased now to yield to our friend, Nick Lampson, the gentleman from Texas, who has worked on this subject for many years. And I am happy to yield him as much time as he may consume.

Mr. LAMPSON. Thank you, Mr. Chairman, for allowing me to speak and also for the good work that has been done on this bill and everything that you and your committee has done.

Mr. Speaker, I do rise today to ask my colleagues to join me in voting for S. 1738. This bill would authorize funds for Federal grants and additional FBI agents to address the problem of online exploitation of children as well as to establish a new anti-child-exploitation

office at the Department of Justice as well. And this has been combined with the Securing Adolescents From Online-Exploitation Act of 2007.

The Lampson-Chabot bill, which passed this body last December, modernizes and expands the reporting requirements relating to child pornography and expands cooperation in combating child pornography. Last year I joined one of my cochairs on the Congressional Caucus on Missing and Exploited Children, Congressman Steve Chabot, in introducing the Securing Adolescents From Exploitation-Online, the SAFE Act of 2007.

The SAFE Act provides increased resources for law enforcement to capture, prosecute and incarcerate these criminals. By expanding the system to service providers to report child pornography found on their systems, we improve child safety and prevent future atrocities.

Currently Internet service providers are mandated to report child pornography to the National Center for Missing and Exploited Children. Under the SAFE Act, all electronic service communications providers and remote computing service providers will have to report child pornography. For knowingly and willingly not filing a report after being made aware of a child pornography image, these providers will be subject to increased fines of $150,000 per image per day for the first offense and up to $300,000 per day for any image found thereafter.

This bill will also increase the efficiency of the CyberTipline, making it a better investigative tool for law enforcement by mandating that all information submitted by providers is consistent. The process outlined in this bill keeps law enforcement officials in the loop by making information more readily accessible and requires providers to retain key data that law enforcement agencies can use to investigate and prosecute child predators.

Many of us have watched Dateline's popular series ''To Catch a Predator'' and know of organizations that actively look for Internet child predators. We need to become partners in this fight by talking to our kids about the dangers of strangers online and making Internet use a family activity. While parents should teach their children that the Internet offers many different types of resources, from entertainment to educational, it also poses many risks. Parents are the first line of defense against online predators, and the SAFE Act will reinforce their efforts.

Internet companies will need to do their part too. When we begin to hold Web sites accountable for the images that they host, we've taken the first step towards supporting parents in their efforts to protect children. Our combined efforts will help make the Internet a safer place.

I would like to extend a ''thank you'' to my colleague, Deborah Wasserman Schultz, for introducing the House-passed version of Senate bill 1738. I would also like to wish her a happy birthday. She has been a tireless advocate for additional funding for Internet Crimes Against Children Task Forces. I would also like to recognize my fellow caucus cochair, Steve Chabot, for championing this legislation on his side of the aisle and for helping to ensure that not only are Ohio's children protected, but all of America's children are. It is because of their persistent dedication to this cause that so many children and their parents will sleep more safely at night.

Again I call on my colleagues to support Senate bill 1738.

Mr. BARTON of Texas. Mr. Speaker, I stand today in support of the ''Protect our Children Act,'' a bill that will authorize funding for law enforcement and the Department of Justice to fight the sexual exploitation of children over the Internet.

This bill is the result of over two years of work in the House and the Senate on the issues relating to child sexual exploitation. When I was Chairman of the Energy and Commerce Committee, the Committee conducted a wide-ranging, comprehensive investigation of Internet child pornography. We had nine hearings and interviewed numerous witnesses involved in the fight against child sexual exploitation: Federal and local law enforcement, Federal and local prosecutors, victims, educators, Internet Service Providers, and financial institutions.

What we learned during that investigation was shocking. At that time, three million images of child pornography were on the Internet. Even more disturbing was that law enforcement officers told the Committee that the images were becoming increasingly violent in nature, and that the victims in the photos were getting younger, some as young as two years old.

The children shown in those images suffer unspeakable pain and suffering. While law enforcement is working to tackle the epidemic of abuse that existed on the Internet, it was clear to us on the Committee that they did not have the resources to win that fight because child predators were working just as diligently to continue flooding the Internet with images of child sexual abuse.

I am proud to be the lead cosponsor of the House version of this bill, H.R. 3845, with Congresswoman WASSERMAN-SCHULTZ. I would like to thank her for her leadership on this issue and her work to get this bill before us today before we adjourn. The Senate did make some changes to the bill we passed last November. While I wish this bill had increased the funding for the law enforcement agencies that work child pornography cases—as our House bill did—this bill provides law enforcement with tools it did not have before to fight those predators who seek to exploit and abuse children, often for their own financial gain.

The bill requires that the Department of Justice develop a national strategy for investigating and prosecuting child exploitation cases. A number of law enforcement agencies are involved in investigating these cases: the FBI, Immigration and Customs Enforcement, the Postal Service, and state law enforcement. With a national strategy, the Justice Department must make sure that this fight is a priority, and that everyone is on the same page so that valuable law enforcement resources are not wasted when pursuing these criminals.

A national strategy doesn't work, though, if you don't give law enforcement agents the resources they need. The Energy and Commerce Committee investigation found that just as important as the Federal law enforcement effort against child pornography is the effort of State and local law enforcement Internet Crimes Against Children, or ''ICAC'' task forces. The vast majority of child sexual exploitation cases are prosecuted at the state level, but the funding nowhere near matched the needs of these state task forces. By authorizing $60 million per year over the next five years, the Protect Our Children Act ensures that state ICAC agents will finally receive the support they need.

Another key problem identified in our investigation was that law enforcement's ability to find and prosecute those predators who create and distribute child pornography was held up by a backlog at forensic computer labs. This is unacceptable, when the price of that backlog is continued child abuse. We address that problem in this bill by authorizing $2 million per year over the next five years to increase the capacity of these labs.

The Protect Our Children Act also includes a few provisions that weren't part of our House bill, but I think they strengthen the bill and the ability of law enforcement to prosecute these cases. The bill makes it a crime to change a photo of a child to produce child pornography. In addition, the bill makes clear that it is a crime to transmit live, or streaming, images of child abuse over the Internet. I think these provisions are just common sense, and I am glad they are included in this bill.

The bill also clarifies the responsibilities of Internet Service Providers when it comes to reporting child abuse images to the National Center for Missing and Exploited Children. Current law requires that Internet Service Providers report to the National Center, but it wasn't clear what information should be reported. This bill sets out what must be included in the reports and what the providers are required to do. This will ensure that law enforcement will have all the evidence the providers have when they pursue child predators. I think this is important, because our investigation showed that Internet child pornography is not just a law enforcement problem. If we are to win the war against child sexual exploitation, everyone must do his part, and this includes the Internet Service Providers.

We are long overdue in authorizing the resources law enforcement needs to fight the battle against the sexual exploitation of children over the Internet. The children who have been abused by predators, and who have seen images of that abuse spread over the Internet, cannot wait one more day. We must ensure that the efforts of child predators are more than matched by an aggressive law enforcement strategy to bring these criminals to justice. Our children deserve nothing less. I urge my colleagues to support the Protect Our Children Act.

Mr. CHABOT. Mr. Speaker, I rise in strong support of 1738, the PROTECT Act, and in particular those provisions taken from the Securing Adolescents From Exploitation-Online Act of 2107, which passed the House last December. I would like to acknowledge the efforts of the author of the SAFE Act, the distinguished gentleman from Texas, Mr. LAMPSON.

He and I have worked closely on several bills to strengthen our child protection laws.

We don't have to look any farther than our homes and communities to see that predators are threatening and victimizing our children with one simple click. The Internet, while providing a world of opportunity to our children, has also contributed to a worldwide expansion of child pornography—enabling online predators to more easily abuse, exploit, and prey on our children.

S. 1738 recognizes that a comprehensive strategy, one that mobilizes the resources of the community as well as local, state, and federal law enforcement, is necessary to crack down on these criminals. Moreover, S. 1738 recognizes that by building on the investigative tools already in place under the leadership of the National Center for Missing and Exploited Children, law enforcement officials and the public can provide and receive valuable information needed for ongoing investigations.

I would like to thank my colleagues in both the House and Senate for recognizing that our laws and resources need to stay current with the advances made in technology. Predators know no boundaries and have used technology to their advantage. The PROTECT Act recognizes that a more comprehensive approach is needed to ensure that investigators and prosecutors have the tools to stay one click ahead of these criminals.

I urge my colleagues to support passage of S. 1738.

Mr. SMITH of Texas. Mr. Speaker, I have no other speakers on this bill, and I will yield back the balance of my time.

Mr. CONYERS. I yield back the remaining time on this side.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 1738.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## DRUG TRAFFICKING VESSEL INTERDICTION ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3598) to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3598

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Drug Trafficking Vessel Interdiction Act of 2008''.

TITLE I—CRIMINAL PROHIBITION

**SEC. 101. FINDINGS AND DECLARATIONS.**

Congress finds and declares that operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates trans-national crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.

**SEC. 102. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.**

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding at the end the following new section:

**''§ 2285. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.**

''(a) OFFENSE.—Whoever knowingly operates, or attempts or conspires to operate, by any means, or embarks in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection, shall be fined under this title, imprisoned not more than 15 years, or both.

''(b) EVIDENCE OF INTENT TO EVADE DETECTION.—For purposes of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) of title 46 may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

''(c) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section, including an attempt or conspiracy to commit such an offense.

''(d) CLAIM OF NATIONALITY OR REGISTRY.—A claim of nationality or registry under this section includes only—

''(1) possession on board the vessel and production of documents evidencing the vessel's nationality as provided in article 5 of the 1958 Convention on the High Seas;

''(2) flying its nation's ensign or flag; or

''(3) a verbal claim of nationality or registry by the master or individual in charge of the vessel.

''(e) AFFIRMATIVE DEFENSES.—

''(1) IN GENERAL.—It is an affirmative defense to a prosecution for a violation of subsection (a), which the defendant has the burden to prove by a preponderance of the evidence, that the submersible vessel or semi-submersible vessel involved was, at the time of the offense—

''(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

''(B) classed by and designed in accordance with the rules of a classification society;

''(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

''(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

''(2) PRODUCTION OF DOCUMENTS.—The affirmative defenses provided by this subsection are proved conclusively by the production of—

''(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

''(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

''(C) government documents evidencing licensure, regulation, or registration for commerce, research, or exploration.

''(f) FEDERAL ACTIVITIES EXCEPTED.—Nothing in this section applies to lawfully authorized activities carried out by or at the direction of the United States Government.

''(g) APPLICABILITY OF OTHER PROVISIONS.—Sections 70504 and 70505 of title 46 apply to offenses under this section in the same manner as they apply to offenses under section 70503 of such title.

''(h) DEFINITIONS.—In this section, the terms 'submersible vessel', 'semi-submersible vessel', 'vessel of the United States', and 'vessel without nationality' have the meaning given those terms in section 70502 of title 46.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 111 of title 18, United States Code, is amended by inserting after the item relating to section 2284 the following:

''2285. Operation of submersible vessel or semi-submersible vessel without nationality''.

**SEC. 103. SENTENCING GUIDELINES.**

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall promulgate sentencing guidelines (including policy statements) or amend existing sentencing guidelines (including policy statements) to provide adequate penalties for persons convicted of knowingly operating by any means or embarking in any submersible vessel or semi-submersible vessel in violation of section 2285 of title 18, United States Code.

(b) REQUIREMENTS.—In carrying out this section, the United States Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offense described in section 2285 of title 18, United States Code, and the need for deterrence to prevent such offenses;

(2) account for any aggravating or mitigating circumstances that might justify exceptions, including—

(A) the use of a submersible vessel or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies;

(B) the repeated use of a submersible vessel or semi-submersible vessel described in section 2285 of title 18, United States Code, to facilitate other felonies, including whether such use is part of an ongoing criminal organization or enterprise;

(C) whether the use of such a vessel involves a pattern of continued and flagrant violations of section 2285 of title 18, United States Code;

(D) whether the persons operating or embarking in a submersible vessel or semi-submersible vessel willfully caused, attempted to cause, or permitted the destruction or damage of such vessel or failed to heave to when directed by law enforcement officers; and

(E) circumstances for which the sentencing guidelines (and policy statements) provide sentencing enhancements;

(3) ensure reasonable consistency with other relevant directives, other sentencing guidelines and policy statements, and statutory provisions;

(4) make any necessary and conforming changes to the sentencing guidelines and policy statements; and

(5) ensure that the sentencing guidelines and policy statements adequately meet the purposes of sentencing set forth in section 3553(a)(2) of title 18, United States Code.

TITLE II—CIVIL PROHIBITION

**SEC. 201. OPERATION OF SUBMERSIBLE VESSEL OR SEMI-SUBMERSIBLE VESSEL WITHOUT NATIONALITY.**

(a) FINDING AND DECLARATION.—Section 70501 of title 46, United States Code, is amended—

(1) by inserting ''(1)'' after ''that''; and

(2) by striking ''States.'' and inserting ''States and (2) operating or embarking in a submersible vessel or semi-submersible vessel without nationality and on an international voyage is a serious international problem, facilitates transnational crime, including drug trafficking, and terrorism, and presents a specific threat to the safety of maritime navigation and the security of the United States.''.

**SEC. 202. OPERATION PROHIBITED.**

(a) IN GENERAL.—Chapter 705 of title 46, United States Code, is amended by adding at the end thereof the following:

**''§ 70508. Operation of submersible vessel or semi-submersible vessel without nationality**

''(a) IN GENERAL.—An individual may not operate by any means or embark in any submersible vessel or semi-submersible vessel that is without nationality and that is navigating or has navigated into, through, or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country's territorial sea with an adjacent country, with the intent to evade detection.

''(b) EVIDENCE OF INTENT TO EVADE DETECTION.—In any civil enforcement proceeding for a violation of subsection (a), the presence of any of the indicia described in paragraph (1)(A), (E), (F), or (G), or in paragraph (4), (5), or (6), of section 70507(b) may be considered, in the totality of the circumstances, to be prima facie evidence of intent to evade detection.

''(c) DEFENSES.—

''(1) IN GENERAL.—It is a defense in any civil enforcement proceeding for a violation of subsection (a) that the submersible vessel or semi-submersible vessel involved was, at the time of the violation—

''(A) a vessel of the United States or lawfully registered in a foreign nation as claimed by the master or individual in charge of the vessel when requested to make a claim by an officer of the United States authorized to enforce applicable provisions of United States law;

''(B) classed by and designed in accordance with the rules of a classification society;

''(C) lawfully operated in government-regulated or licensed activity, including commerce, research, or exploration; or

''(D) equipped with and using an operable automatic identification system, vessel monitoring system, or long range identification and tracking system.

''(2) PRODUCTION OF DOCUMENTS.—The defenses provided by this subsection are proved conclusively by the production of—

''(A) government documents evidencing the vessel's nationality at the time of the offense, as provided in article 5 of the 1958 Convention on the High Seas;

''(B) a certificate of classification issued by the vessel's classification society upon completion of relevant classification surveys and valid at the time of the offense; or

''(C) government documents evidencing licensure, regulation, or registration for research or exploration.

''(d) CIVIL PENALTY.—A person violating this section shall be liable to the United States for a civil penalty of not more than $1,000,000.''

(b) CONFORMING AMENDMENTS.—

(1) The chapter analysis for chapter 705 of title 46, United States Code, is amended by inserting after the item relating to section 70507 the following:

''70508. Operation of submersible vessel or semi-submersible vessel without nationality''.

(2) Section 70504(b) of title 46, United States Code, is amended by inserting ''or 70508'' after ''70503''.

(3) Section 70505 of title 46, United States Code, is amended by striking ''this title'' and inserting ''this title, or against whom a civil enforcement proceeding is brought under section 70508,''.

**SEC. 203. SUBMERSIBLE VESSEL AND SEMI-SUBMERSIBLE VESSEL DEFINED.**

Section 70502 of title 46, United States Code, is amended by adding at the end thereof the following:

''(f) SEMI-SUBMERSIBLE VESSEL; SUBMERSIBLE VESSEL.—In this chapter:

''(1) SEMI-SUBMERSIBLE VESSEL.—The term 'semi-submersible vessel' means any watercraft constructed or adapted to be capable of operating with most of its hull and bulk under the surface of the water, including both manned and unmanned watercraft.

''(2) SUBMERSIBLE VESSEL.—The term 'submersible vessel' means a vessel that is capable of operating completely below the surface of the water, including both manned and unmanned watercraft.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, the House has passed previously virtually identical legislation, and accordingly I will place my statement in the RECORD at this time.

Mr. Speaker, this bill addresses the growing national security threat of illicit self-propelled submersible vessels. It makes operation of one of these vessels with intent to avoid detection a felony, as well as subject to civil fines.

In July, the House passed the part of this bill creating the felony. This Senate version adds the civil penalty, to provide even greater deterrence.

Smugglers are operating these vessels with increasing frequency, knowing that there is no effective deterrent. They are designed so that the crew members can readily sink them within scant minutes of being spotted, thereby making efforts by authorities to intercept them exceedingly difficult and highly risky.

And smugglers using these vessels are becoming increasingly violent. Two weeks ago, a cocaine smuggler attempted to kill Coast Guard officers who had boarded his vessel in the dark in the Pacific ocean.

This extreme risk to our brave Coast Guard officers would not have been necessary if operating that vessel in this evasive manner were itself a crime.

I commend the sponsor of the House bill, DAN LUNGREN of California, for his leadership on this initiative.

I urge my colleagues to support it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 5 minutes to my colleague on the Judiciary Committee, a senior member of the Judiciary Committee, a senior member of the Homeland Security Committee as well, the gentleman from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, this is a bill which Congressman POE and I have worked on to address a serious problem relating to the use of submersible and semi-submersible vessels to transport drugs, people and potentially weapons of mass destruction which pose a threat to our communities and our cities. The drug dealers are always ingenious in their activities to try and inject into the veins of our children the terrible illicit drugs that are there. With respect to those who are in Central and South America, because of the various efforts made by good men and women working in law enforcement in this country, as well as those in our military organizations, they have been forced, that is, the drug dealers, have been forced to find new ways to try and bring this poison to our shores.

That is what we're dealing with here today. The language in the bill before us reflects the hard work of Senator LAUTENBERG, and it is also similar to legislation which was introduced by Senator BIDEN. I would like to take this opportunity to commend Chairman CONYERS who has played a critical role in the development of this legislation. And I add that without the hard work of his counsel and the hours put into this important bill by Carolyn Lynch on our staff, we would not be here today.

Let me point out that it is probably not an exaggeration to suggest that this is noncontroversial legislation. I don't know why anybody, a single vote, would be against it. It has, in slightly different iterations, already passed this body on two prior occasions. It passed this body by a vote of 408–1 as an amendment to the Coast Guard authorization, and it passed on suspension this past July 29 by a voice vote.

What are these things? Well you're going to hear it, and you're going to see some pictures presented to you by Congressman TED POE from Texas. Let me just try to describe what it is that we are talking about.

Semi-submersibles add a new dimension to the notion of ''submarine warfare.''

□ 1800

These vessels are watercraft of unorthodox construction capable of putting much of their bulk under the surface of the water. Therefore, they are extremely difficult to spot when they are out there in the vastness of the ocean. They are built for stealth, designed to be rapidly scuttled, typically less than 100 feet in length, and usually carrying

5 to 6 tons of illicit cargo. They are stateless, that is, they carry the flag of no country, and they have no legitimate use.

Although semi-submersibles are being used to evade detection and prosecution for drug traffic, my own interest in this issue is a much broader one. The potential that someone might seek to import a weapon of mass destruction into the United States is perhaps of the greatest concern for us and why we need an aggressive response to alter the calculus of deterrence with respect to the use of these vehicles.

It is absolutely critical that our prosecutors be equipped with the tools necessary to adapt to this new challenge facing law enforcement authorities. As was the case in previous House versions of the bill approved by this body, the proposal before us provides for criminal fines and up to 15 years imprisonment. Furthermore, a new title of the bill added in the Senate provides prosecutors with the additional option of seeking civil penalties of up to $1 million for violations of the new law.

Since we last visited this legislation on July 29, we have further evidence of why it is so necessary. In the last 2 weeks alone, the Coast Guard has seized two semi-submersible vehicles containing a total of 14 tons of cocaine. Ominously, they found the vessels seized on September 13th to be the most sophisticated of their type ever detected, with electronic propulsion and steering, and exhaust systems more advanced than earlier models. In terms of the larger picture, we have witnessed 62 such seizures this year.

Why do we need this legislation? Why did the Coast Guard ask us for it? Simply put, it is this: These are made to be scuttled easily. In other words, when they are detected by the Coast Guard and the United States Navy, sometimes hundreds of miles offshore, when they are identified, when they are seen, they are scuttled, meaning that they intentionally attempt to sink their own vehicles. Why? Because then we can't have the evidence of the illicit cargo that they hold. And as they do that, the two, three, four or five people aboard, the personnel aboard these crafts jump into the water, and then we have to rescue them. So our law enforcement and our Navy then is in the position of rescuing the very people who are attempting to bring this poison into our country, and we obviously do that, but then we can't prosecute them.

The SPEAKER pro tempore (Mr. CHILDERS). The gentleman's time has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield the gentleman from California 1 additional minute.

Mr. DANIEL E. LUNGREN of California. This law would simply make it illegal to operate one of these vessels if it is unflagged, because there is no other purpose for it than to try and put a dagger to the hearts of our young people in this country by bringing this illicit drug trade here.

Additionally, those concerned about illegal aliens entering this country, this is also a means of doing that. But, most importantly and most directly, I would say, think of the consequences of someone introducing a weapon of mass destruction into this country. This is a readily available vehicle to do that.

We need this legislation. I would hope that we would have a unanimous vote for it.

I thank the gentleman from Texas for allowing me this time, and I hope everybody understands how important and how timely this is.

Mr. SMITH of Texas. Mr. Speaker, I want to thank again the gentleman from California (Mr. LUNGREN), as well as my colleague from Texas (Mr. POE), for championing this issue.

I now yield 4 minutes to the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I want to thank the gentleman from Texas for yielding, the ranking member, and I also want to thank the chairman of this committee for bringing this legislation before the House, and, of course, my friend from California, the former Attorney General, Mr. LUNGREN, for his passion about this issue.

As a former judge and prosecutor down in Texas, I don't like drug dealers, and we see the effect of them throughout the United States.

This submersible vessel, this submarine we are talking about, Mr. Speaker, here is a photograph of it right here. It is 100 feet long. It is made out of fiberglass. It has stealth technology, so it is hard to be detected. It is built so it goes barely below the surface. It travels at a very low rate of speed so it cannot be detected by its wake. And they are made in the jungles of Colombia.

What they do, they float these down the rivers in flood season to the Pacific Ocean, and then this vessel is on its way. Mr. Speaker, it can go all the way to the United States without refueling. It takes several tons of cocaine with it, coming to the United States, bringing that cancer for the profit of the Colombian drug dealers.

What happens is our Navy and other navies, even the Mexican Navy, the Colombian Navy, they have seen these things on the high seas. They carry no flag. They claim no nation. What happens when they are encountered by the Navy or the Coast Guard, the five or six crew members, they jump out the hatch over here and scuttle the submarine so all the dope goes to the bottom of the ocean.

There have been two circumstances when the drug dealers that were on these submarines weren't quick enough. The Navy, the Coast Guard, got there quick enough to take some of the cocaine off, and they are being prosecuted in Florida as we speak. But most of the time they scuttle it, we capture, but really end up rescuing the crew, and then rather than put them in jail, we have got to take them home where they came from and let them go, because it is no crime to possess one of these subs on the high seas.

This legislation makes it a Federal offense to have one of these subs with no flag and sailing on the high seas. When the crew is captured, they could be prosecuted in our Federal courts and go to the penitentiary where they belong.

The U.S. Coast Guard tells us that at any given time, there are 100 of these things on the high seas, all coming to the United States bringing drugs.

As my good friend Mr. LUNGREN from California has pointed out, that is not just the problem, because they are so shallow, because they are hard to detect, these things can bring in weapons of mass destruction, explosives, and work their way up the riverways of our Nation, going to our ports, like the Port of Houston and some of these other ports, and cause tremendous damage. We want to capture these people on the high seas before they get that opportunity.

Some have said, why don't we just shoot them out of the water as soon as we see them? I guess we are too civilized for that. We want to prosecute them instead.

This is important legislation. It will help our law enforcement guys, the Navy and U.S. Coast Guard, who are doing a tremendous job already in tracking these people, with cooperation from other navies throughout the world. It is time that we make this legislation law.

Mr. SMITH of Texas. Mr. Speaker, I want to thank the gentleman from Texas again for his efforts on this legislation.

Mr. Speaker, as we stand here today, dangerous drug traffickers are surreptitiously moving tons of cocaine across our oceans and into America. Cocaine traffickers operate with stealth and are virtually undetectable thanks to their use of self-propelled submersible and semi- submersible vessels or SPSS.

These submarine-like vessels have unusual construction. They are typically less than 100 feet long with most of their bulk under water. They can carry up to five crew and as much as 12 metric tons of cocaine from the north coast of South America to the southeastern United States without refueling.

The U.S. Coast Guard has successfully apprehended two SPSS vessels in just the last few weeks. One carried seven tons of cocaine with a street value of $187 million. The second vessel seized was carrying 295 bales of cocaine.

However, under current law, it is not illegal to operate one of these vessels. Therefore, in order to successfully prosecute these criminals, the Coast Guard must obtain evidence of drug trafficking or other illicit conduct—a dangerous proposition on the high seas.

Coast Guard teams must physically board the SPSS, often in the dead of night, while it is travelling at up to ten knots. The teams must then risk their lives to apprehend the traffickers and seize the drugs aboard the SPSS.

And the drug traffickers know the law. They know that the Coast Guard must obtain evidence of drugs so they will often scuttle the

vessel and jump overboard—turning a criminal apprehension into a rescue mission.

This legislation removes this dangerous hurdle. By prohibiting the possession of SPSS vessels without nationality, we protect the safety of these Coast Guard teams while ensuring swift prosecution of the cocaine traffickers.

I wish to commend my colleagues, Mr. LUNGREN and Mr. POE, for championing this important issue.

I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 3598.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## PROTECTING COURT OFFICIALS OFF SUPREME COURT GROUNDS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3296) to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3296

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. UNITED STATES SUPREME COURT POLICE AND COUNSELOR TO THE CHIEF JUSTICE.**

(a) EXTENSION OF AUTHORITY OF THE UNITED STATES SUPREME COURT POLICE TO PROTECT COURT OFFICIALS OFF THE SUPREME COURT GROUNDS.—Section 6121(b)(2) of title 40, United States Code, is amended by striking ''2008'' and inserting ''2013''.

(b) COUNSELOR TO THE CHIEF JUSTICE.—

(1) OFFICE OF FEDERAL JUDICIAL ADMINISTRATION.—Section 133(b)(2) of title 28, United States Code, is amended by striking ''administrative assistant'' and inserting ''Counselor''.

(2) JUDICIAL OFFICIAL.—Section 376(a) of title 28, United States Code, is amended—

(A) in paragraph (1)(E), by striking ''an administrative assistant'' and inserting ''a Counselor''; and

(B) in paragraph (2)(E), by striking ''an administrative assistant'' and inserting ''a Counselor''.

(3) ADMINISTRATIVE ASSISTANT TO THE CHIEF JUSTICE.—

(A) IN GENERAL.—Section 677 of title 28, United States Code, is amended—

(i) in the section heading, by striking ''**Administrative Assistant**'' and inserting ''**Counselor**'';

(ii) in subsection (a)—

(I) in the first sentence, by striking ''an Administrative Assistant'' and inserting ''a Counselor''; and

(II) in the second and third sentences, by striking ''Administrative Assistant'' each place that term appears and inserting ''Counselor''; and

(iii) in subsections (b) and (c), by striking ''Administrative Assistant'' each place that term appears and inserting ''Counselor''.

(B) TABLE OF SECTIONS.—The table of sections for chapter 45 of title 28, United States Code, is amended by striking the item relating to section 677 and inserting the following:

''677. Counselor to the Chief Justice.''.

**SEC. 2. LIMITATION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.**

(a) DEFINITIONS.—In this section:

(1) GIFT.—The term ''gift'' has the meaning given under section 109(5) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(2) JUDICIAL OFFICER.—The term ''judicial officer'' has the meaning given under section 109(10) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(b) PROHIBITION ON ACCEPTANCE OF HONORARY CLUB MEMBERSHIPS.—A judicial officer may not accept a gift of an honorary club membership with a value of more than $50 in any calendar year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker, in this case, the title accurately describes the contents of the bill. It attempts and proposes to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court grounds and changes the title of the Administrative Assistant to the Chief Justice.

Congress has given the Supreme Court Police statutory recognition since 1982, with authority to patrol the Supreme Court buildings and grounds, make arrests, carry firearms, and protect the Chief Justice, any Associate Justice, official guests, and employees of the Court while performing official duties.

The Supreme Court Police are also authorized to protect the Justices and employees of the Court while they are away from the Court building, anywhere in the United States. We have extended this authority on several occasions, and this bill does so again, so that it will not expire at the end of this year.

I urge my colleagues to support this legislation, so that the Supreme Court Police can continue to perform their critical mission effectively.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is very similar to the legislation we passed in the House a week ago, H.R. 6855.

The bill addresses an issue affecting the safety of the Justices and other officials who work at the United States Supreme Court.

First, the legislation extends the authority of the U.S. Supreme Court Police to protect Court officials off the Supreme Court grounds through 2013. The current authorization expires on December 29, 2008.

This provision is necessary and noncontroversial. Congress created the original authority in 1982 and has renewed it regularly. The last authorization was 4 years ago.

Failure to extend the authority places the Justices and other Supreme Court employees and officers at risk. In light of heightened security threats, it is vital that the Supreme Court Police be empowered to carry out this service without interruption. In fact, Justice Souter was attacked off grounds while jogging in May 2004, the same year we last extended the authority.

As with previous authorizations, it is contemplated that the authority extends to the immediate area in the District and surrounding environs. The Marshall Service would provide protection to the Justices when they speak or travel out of the D.C.-Virginia-Maryland metropolitan region.

Finally, the legislation prohibits Federal judges from accepting honorary memberships to clubs that are valued in excess of $50. The last item is the only distinction between S. 3296 and the House bill.

Mr. Speaker, S. 3296 acknowledges an unfortunate but realistic problem: sometimes the Justices must be protected off Supreme Court grounds. This is a legislative exercise that the Congress has regularly undertaken on behalf of the Court since 1982.

I urge the Members to support the bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 3296, a bill to extend the authority of the United States Supreme Court Police to protect court officials of the Supreme Court grounds and change the title of the Administrative Assistant to the Chief Justice. This bill makes sense and it should be supported. I urge my colleagues to support this very important bill.

Four years ago, Supreme Court Justice David Souter was assaulted by two men while jogging near his home. While this attack was deemed only a random assault, this should serve as a wake-up call for us all. The Supreme Court, like the Office of the President, is more important than the person serving in the position. Protecting them, isn't just about protecting the person, it's about protecting the sanctity of the court.

Edmund Burke said that "Good order is the foundation of all things." To keep this order, we much protect those who provide that order. As this country becomes more and more partisan, we risk that the more extreme factors in our society will lash out and circumvent the system by focusing their anger at the officers of the court. Already the court is coming under increased attack from both sides of the aisle as being "activist."

This bill does something fundamental for the American way of life, it protects it. The legacy

of all those who came before us depends on making sure that those who come after can do the job duty requires. Nothing is more fundamentally American than protecting those who protect our rights.

Mr. Speaker, I ask that we pass this bill.

Mr. CONYERS. Mr. Speaker, I have no further requests for time, and I yield back balance of my time.

Mr. SMITH of Texas. I yield back the balance of my time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 3296.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## DEBBIE SMITH REAUTHORIZATION ACT OF 2008

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5057) to reauthorize the Debbie Smith DNA Backlog Grant Program.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Debbie Smith Reauthorization Act of 2008''.*

***SEC. 2. GENERAL REAUTHORIZATION.***

*Section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) is amended—*

*(1) in subsection (c)(3), by—*

*(A) striking subparagraphs (A) through (D);*

*(B) redesignating subparagraph (E) and subparagraph (A); and*

*(C) inserting at the end the following:*

*''(B) For each of the fiscal years 2010 through 2014, not less than 40 percent of the grant amounts shall be awarded for purposes under subsection (a)(2).''; and*

*(2) by amending subsection (j) to read as follows:*

*''(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General for grants under subsection (a) $151,000,000 for each of fiscal years 2009 through 2014.''.*

***SEC. 3. TRAINING AND EDUCATION.***

*Section 303(b) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136(b)) is amended by striking ''2005 through 2009'' and inserting ''2009 through 2014''.*

***SEC. 4. SEXUAL ASSAULT FORENSIC EXAM GRANTS.***

*Section 304(c) of the DNA Sexual Assault Justice Act of 2004 (42 U.S.C. 14136a(c)) is amended by striking ''2005 through 2009'' and inserting ''2009 through 2014''.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding and for his extraordinary leadership on so many important issues before this body, including the Debbie Smith Act, which I rise today in strong support of, H.R. 5057, the Debbie Smith Reauthorization Act that I introduced to ensure that the nationwide backlog of DNA evidence is processed.

I want to thank the bill's supporters in the Senate, especially Senators BIDEN, LEAHY, KYL and SPECTER, for their assistance in getting this legislation through the Senate and back to the House before we adjourn.

I also want to commend Chairman CONYERS for his leadership, Ranking Member SMITH, Chairman SCOTT and Ranking Member GOHMERT, along with ANTHONY WEINER and so many of my colleagues for their support and commitment to this issue.

Advocates have called the Debbie Smith Act one of the most important anti-crime bills that has ever passed Congress and one of the most important anti-violence against women and anti-rape pieces of legislation ever.

I first introduced the grant program in 2001 after a rape victim whose attacker was later identified through DNA analysis testified before a hearing in Congress. The long, bipartisan effort to pass the original legislation was made into a Lifetime movie entitled ''A Life Interrupted: The Debbie Smith Story.'' I thank Lifetime and Oprah for having championed the passage of this important legislation.

I have been working on this issue since 2001, when I organized a hearing in the Government Reform and Oversight Committee to examine the use of DNA to both convict and to exonerate. We reached out to many victims to testify. Only one would come before Congress, Debbie Smith.

□ 1815

She told her horrifying story, how an intruder broke into her suburban home in Williamsburg, Virginia, in 1989 and raped her repeatedly in nearby woods while her police officer husband slept upstairs. He rushed her to the police station. DNA was taken, but in many ways her life was destroyed, as she believed he would come back as he said he would and kill her if she had told anybody what happened.

Six years later, after an assailant was charged with her rape, because DNA processing techniques had produced a cold hit with a State prisoner's DNA sample, that match gave Debbie her first moment of closure and security. Since then, Debbie and her husband, Robert, have lobbied Congress, traveled the country and started a not-for-profit to help victims of rape.

It was unconscionable that hundreds of thousands of rape kits with DNA evidence already collected were gathering dust in police stations and crime labs all over this country, and it is still unconscionable that according to the U.S. Department of Justice, there are over 221,000 untested rape kits on shelves and evidence cabinets in States across our country.

It was for Debbie and rape survivors like her that in 2001 I authored the Debbie Smith Act to provide Federal funding to process the backlog of DNA evidence. The bill helped standardize the evidence collection of kits for sexual assaults, making it easier to enter the information into State and national databases.

It also helped forensic labs process the data evidence and compare the DNA samples with those taken from criminals. It funded the SANE nurse program that taught them how to process and maintain the information and to go into court to help the police with convictions. The law also allows law enforcement greater leeway to indict John Doe or an unnamed individual using their DNA profile.

The Justice for All Act accomplished several critical objectives, including authorizing the necessary funding, $151 million in each fiscal year from 2005 through 2009, to process the backlog of DNA evidence through the creation of the State grant program.

Since 2004, millions of dollars in funding have been appropriated to States across our country to attack this backlog grant program. Each unprocessed kit represents an innocent life like Debbie Smith, and a rapist who may commit multiple rapes before he is caught.

The FBI has characterized rape as the worst crime, preceded only by murder in terms of the destruction to one's life. They have said that a rapist, a sick person, will attack seven times. So at least, if you process these kits, you can put people in jail and prevent innocent victims from having the horror in their lives that Debbie experienced.

The Debbie Smith Reauthorization Act extends the program through 2014 and also reauthorizes programs for training, education and sexual assault forensic exam grants.

DNA is remarkable evidence. It doesn't forget, it can't be confused, it is not intimidated, and it does not lie.

While an eyewitness can easily get mixed up about height, weight, hair color, DNA never changes its story.

Debbie's bravery and dedication and working with me and others to pass the Debbie Smith Act, which was a very difficult thing to accomplish, has already made a tremendous impact on our justice system.

I also want to acknowledge the RAINN program for its steadfast support of the Debbie Smith Reauthorization Act and for its efforts on behalf of sexual assault victims and survivors. Tragically, only 6 percent of rapists will ever spend any time in jail. Congress must continue to support programs like the Debbie Smith DNA Backlog Grant Program and help to put to rapists in prison, reduce the violence against women and solve other violent crimes.

I urge my colleagues to join me in important bipartisan, hopefully unanimous support for this reauthorization.

Mr. SMITH of Texas. Mr. Speaker, I strongly support this legislation, and I want to give credit to the gentlewoman from New York, Congresswoman MALONEY, for taking the initiative for introducing this legislation and for advancing it to the point where we are considering it here tonight.

Mr. Speaker, this is the second time that the House has considered this bill. The House passed an earlier version last July. The Senate recently passed this more streamlined version of H.R. 5057, which I hope our colleagues will support once again.

As Ranking Member of the Judiciary Committee, I joined Chairman CONYERS as an original co-sponsor of this legislation, which was introduced by Congresswoman CAROLYN MALONEY.

This bill reauthorizes a tremendously important program: the Debbie Smith DNA Backlog Elimination Grant Program. H.R. 5057 reauthorizes the grant program through fiscal year 2014 at $151 million per year.

The Debbie Smith Program provides grants to state and local governments to reduce the DNA backlog of samples collected and entered into the national DNA database. The program, originally authorized in 2000, expires at the end of fiscal year 2009.

DNA has become an invaluable tool in identifying and convicting criminal suspects. At the same time, the increased use of DNA evidence in criminal prosecutions has also increased DNA collection and processing requests. The result is a substantial backlog in processing DNA evidence across the country.

Since 2000, DNA backlog grants live assisted state and local governments with the collection Of 2.5 million DNA samples from convicted offenders and arrestees for inclusion in the national DNA database. The backlog grants have also funded the testing of approximately 104,000 DNA cases between 2004 and 2007.

While the Debbie Smith program has been successful in reducing the backlog, there is still work to do. A 2003 Department of Justice report indicated that a backlog existed of 48,000 DNA samples. The current backlog is expected to be just as high.

Congress has a responsibility to assist states with investigating, prosecuting and punishing criminals and to provide justice for victims. The Debbie Smith Reauthorization Act protects victims by providing Federal funding to process the DNA evidence needed to take violent criminals off the streets.

I urge my colleagues to join me in supporting this important legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 5057, the ''Debbie Smith Reauthorization Act of 2008'' (reauthorizing Title II of P.L. 108–405). This Act authorizes funding to eliminate the large backlogs of DNA crime scene samples awaiting testing in State forensic labs. I am in support of this bill.

In recent years, law enforcement agencies have realized the critical value that DNA evidence has in quickly solving cases. Often, a DNA sample result can scientifically link a perpetrator to a crime or prove a defendant's innocence with virtual certainty. Many of the Nation's Federal and State criminal forensics laboratories currently are overwhelmed with innumerable samples awaiting DNA analysis.

Named for Debbie Smith, who was kidnapped in her Virginia home and raped in nearby woods by a stranger, the Debbie Smith DNA Backlog Grant Program authorized grant money to states to collect samples from crime seems and convicted persons, conduct DNA analyses, and enter these results into a comprehensive national database. Debbie Smith's attacker remained unidentified for over six years, until a DNA sample collected from a convicted person serving time in a Virginia State prison revealed his involvement in her rape. Although eventually identified, the six years between crime and identification allowed Ms. Smith's attacker to engage in more criminal activity.

Re-authorization of the Debbie Smith DNA Backlog Grant Program will help law enforcement throughout the Nation. It will facilitate the development of a comprehensive national data base against which samples from current crime scenes can be compared. It will allow laboratories to reduce the currently unacceptable delays in processing DNA samples. Finally, it will provide law enforcement and prosecutors strong tools to quickly identify and prosecute criminals, minimizing the costs of investigation and prosecution, the possibility of prosecuting the wrong person and the possibility of future heinous crimes.

Recognizing that the backlog of biological evidence that had to be entered in State databases was preventing law enforcement officials from solving many of the Nation's most heinous crimes, like the tragedy that befell Debbie Smith, Congress passed the DNA ''Analysis Backlog Elimination Act of 2000'' (P.L. 106–546). The bill authorized the Attorney General to make grants to eligible States to collect DNA samples from convicted individuals and crime scenes for inclusion in the Federal DNA database, Combined DNA Index System (CODIS), and to increase the capacity of State crime laboratories. The Act required the Bureau of Prisons and the military to collect DNA samples from convicted individuals and forward these samples for analysis, and required the FBI to expand its CODIS database to include the analyses of these DNA samples.

The Act also amended the criminal code to require all defendants on probation or supervised release to cooperate with the collection of a DNA sample. The Act expressed the sense of Congress that State grants should be conditioned upon the State's agreement to ensure post-conviction DNA testing in appropriate cases; and that Congress should work with the States to improve the quality of legal representation in capital cases. Finally, the Act authorized an unspecified amount of appropriations to the Attorney General to carry out the Act.

In 2004, DNA backlog elimination was incorporated into the Justice for Act of 2004'', P.L. 108–405 and was renamed the Debbie Smith DNA Backlog Grant Program, which became Title II of P.L. 108–405. While the Act authorized $151 million for each fiscal year 2005–2009, Congress did not appropriate any money until FY 2008, at which time it appropriated $147–4 million.

The Debbie Smith DNA Backlog Grant Program expires at the end of FY 2009. H.R. 5057, the ''Debbie Smith Reauthorization Act,'' which has strong bipartisan support, would renew the law and authorize $151 million for each fiscal year 2009–2014. H.R. 5057 specifies that not less than 40% of the total amount awarded in grants must be used for DNA analyses of samples from crime scenes, rape kits and other sexual assault evidence, and in cases that do not have an identified suspect.

AMENDMENT

While I support this legislation, I offered an amendment that was accepted and reported out of the House. However, now that the bill has returned from the Senate, the bill is before the House again without my original amendment. My amendment required the Attorney General to evaluate the integrity and security of DNA collection and storage practices and procedures at a sample of crime laboratories throughout the country to determine the extent to which DNA samples are tampered with or are otherwise contaminated in such laboratories. The sample should be a representative sample and should include at least one lab from each State. My amendment required the Attorney General to conduct this evaluation annually and the Attorney General should be required to submit the evaluation to Congress. This amendment was necessary and critically important.

A district attorney in Harris County, Texas used evidence to wrongfully convict persons based upon faulty evidence. An investigation into the Houston Police Department's crime lab revealed that bad management, undertrained staff, false documentation, and inaccurate work cast doubt on thousands of DNA based convictions. Investigators raised serious questions about the reliability of evidence in hundreds cases they investigated and asked for further independent scrutiny and new testing to determine the extent to which individuals were wrongly convicted with faulty evidence.

My amendment would have ensured that Congress will exercise some oversight of the program. It ensured the integrity and security of the DNA collection and storage and procedures. It was my hope that my amendment would minimize wrongful convictions and would make the DNA storage and collection process more reliable.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by

the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5057.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## MILITARY PERSONNEL CITIZENSHIP PROCESSING ACT

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2840) to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2840

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Military Personnel Citizenship Processing Act''.

**SEC. 2. OFFICE OF THE FBI LIAISON.**

(a) ESTABLISHMENT.—Section 451 of the Homeland Security Act of 2002 (6 U.S.C. 271) is amended by adding at the end the following:

''(g) OFFICE OF THE FBI LIAISON.—

''(1) IN GENERAL.—There shall be an Office of the FBI Liaison in the Department of Homeland Security.

''(2) FUNCTIONS.—The Office of the FBI Liaison shall monitor the progress of the functions of the Federal Bureau of Investigation in the naturalization process to assist in the expeditious completion of all such functions pertaining to naturalization applications filed by, or on behalf of—

''(A) current or former members of the Armed Forces under section 328 or 329 of the Immigration and Nationality Act (8 U.S.C. 1439 and 1440);

''(B) current spouses of United States citizens who are currently serving on active duty in the Armed Forces, who qualify for naturalization under section 319(b) of the Immigration and Nationality Act (8 U.S.C. 1430(b)), and surviving spouses and children who qualify for naturalization under section 319(d) of such Act; or

''(C) a deceased individual who is eligible for posthumous citizenship under section 329A of the Immigration and Nationality Act (8 U.S.C. 1440–1).

''(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.''.

(b) RULEMAKING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Attorney General, shall promulgate rules to carry out the amendment made by subsection (a).

**SEC. 3. DEADLINE FOR PROCESSING AND ADJUDICATING NATURALIZATION APPLICATIONS FILED BY CURRENT OR FORMER MEMBERS OF THE ARMED FORCES AND THEIR SPOUSES AND CHILDREN.**

(a) IN GENERAL.—Section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) is amended by adding at the end the following:

''(g) Not later than 6 months after receiving an application for naturalization filed by a current member of the Armed Forces under subsection (a), section 329(a), or section 329A, by the spouse of such member under section 319(b), or by a surviving spouse or child under section 319(d), United States Citizenship and Immigration Services shall—

''(1) process and adjudicate the application, including completing all required background checks to the satisfaction of the Secretary of Homeland Security ; or

''(2) provide the applicant with—

''(A) an explanation for its inability to meet the processing and adjudication deadline under this subsection; and

''(B) an estimate of the date by which the application will be processed and adjudicated.

''(h) The Director of United States Citizenship and Immigration Services shall submit an annual report to the Subcommittee on Immigration, Border Security, and Refugees and the Subcommittee on Homeland Security of the Senate and the Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law and the Subcommittee on Homeland Security of the House of Representatives that identifies every application filed under subsection (a), subsection (b) or (d) of section 319, section 329(a), or section 329A that is not processed and adjudicated within 1 year after it was filed due to delays in conducting required background checks.''.

(b) GAO REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit a report to Congress that contains the results of a study regarding the average length of time taken by United States Citizenship and Immigration Services to process and adjudicate applications for naturalization filed by members of the Armed Forces, deceased members of the Armed Forces, and their spouses and children.

**SEC. 4. SUNSET PROVISION.**

This Act and the amendments made by this Act are repealed on the date that is 5 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker, foreign-born soldiers serving in our Armed Forces are eligible for expedited U.S. citizenship, yet they often face delays in the processing of the FBI background check required for naturalization.

S. 2840 would address this backlog by creating an Office of the FBI Liaison within the Department of Homeland Security. This office will help expedite the processing of naturalization applications filed by soldiers, veterans, and spouses and children of active duty soldiers.

The bill requires DHS to adjudicate these naturalization applications within six months, or to inform the applicants of the reasons for the delay and provide them with an estimated date of completion.

It promotes accountability by having the United States Citizenship and Immigration Service (USCIS) report annually to Congress on how many of these naturalization applications that remain pending a year after filing due to delays in background checks.

Approximately 45,000 lawful permanent residents are currently serving in our Armed Forces. More than 13,000 non-citizen military have applied for U.S. citizenship since 2002.

S. 2480 is a good measure that will help ensure that our soldiers and veterans do not face unreasonable hurdles to U.S. citizenship.

I urge my colleagues to support the bill.

Mr. Speaker, I yield to the gentleman from Texas, Mr. Ciro Rodriguez, as much time as he may consume.

Mr. RODRIGUEZ. Thank you, Mr. Chairman, and thank you, Mr. SMITH.

Mr. Speaker, I rise in Senate bill 2840, the Military Personnel Citizenship Processing Act, sponsored by Senator CHUCK SCHUMER of New York. I was a sponsor on the House side. Senate bill 2840 would address the growing backlog of citizenship applications of those men and women that are serving our country and happen to be foreign born.

This bill addresses some of the hold-ups with the FBI backgrounds, not only for the soldiers, sailors and airmen, but also ensuring that dialogue occurs also with the Department of Defense and the military in the applications.

It creates an office of FBI liaison with DHS and monitors the communication gaps that exist between them at the present time. This bill further requires that the agencies send notice out to the military applicants explaining the delay and estimating the date of completion for any application pending over 6 months.

This bill works in harmony with the recently passed Kendell Frederick Act. While the Kendell Frederick Act will ensure prompt processing of biometric data and timely adjudication after the FBI background checks are completed, S. 2840 will ensure that the background checks themselves are done expeditiously.

Taken together, this bill will be a one-two punch that's required and needed in order for our military servicemen to be able to move forward and become citizens.

Some 7,500 military applications are presently pending with citizenship and immigration services. These men and women represent the best of America, and they unquestionably deserve and are owed the full rights of every citizen in this country.

The provisions on this bill allow it to hopefully expedite this to occur.

Mr. SMITH of Texas. Mr. Speaker, I would like to associate myself with the remarks made by my Texas colleague, Mr. RODRIGUEZ.

Mr. Speaker, the Military Personnel Citizenship Processing Act creates an Office of the

FBI Liaison within U.S. Citizenship and Immigration Services (USCIS). This office will monitor the progress of naturalization applications filed by veterans and military personnel.

It will also monitor the progress of naturalization applications filed by spouses of active duty soldiers stationed abroad. And the Liaison Office will track the naturalization process for the soldiers and their spouses and children who are eligible for citizenship under the provisions that grant posthumous citizenship to military personnel who die in service to the country.

The intent behind the establishment of this Liaison Office is to address the delays that often occur in the processing of the necessary background checks for these categories of applicants.

The haste under which this bill was added to the suspension calendar precludes any meaningful assessment of the need for such an office. However, I do not object to measures that facilitate the processing of naturalization applications of those who have honorably served our country or their spouses and children.

This bill also requires USCIS to make a decision on these applications within 6 months of filing or, in circumstances in which that is not possible, to provide the reasons why. This is not an onerous burden since USCIS will still have the flexibility needed to be sure that all required security checks and eligibility criteria are met before granting citizenship.

In this Congress, we have already passed legislation to ease the processing of naturalization applications for our soldiers. The Kendall Frederick Citizenship Assistance Act became law on June 26th of this year. That law permits soldiers to use the fingerprints they provided at the time of enlistment for their background checks.

That law also requires the Secretary of Homeland Security and the Director of the FBI to take steps to ensure that soldiers' naturalization applications are adjudicated within 180 days after the background checks have been completed. This bill furthers those goals.

The bill provides, but does not require, an earlier target date of 6 months after the filing of the application. But in cases in which that time frame cannot be met—even with the new FBI liaison office created under this bill—USCIS will need to explain why.

I have no objection to these measures, which are intended to ensure the timely adjudication of naturalization applications filed by those who have served our Nation, and urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to the gentlelady from California, ZOE LOFGREN, as much time as she may need.

Ms. ZOE LOFGREN of California. I would certainly like to commend Congressman RODRIGUEZ and Senator SCHUMER. This is a measure that I support.

Mr. Speaker, I would just like to note there is another measure that we have marked up in the Judiciary Committee that would broadly assist our American soldiers and their families. I hope that in the same spirit of collaboration we see this evening, we will be able to achieve that wonderful advance for the fathers, mothers, wives, spouses, and sons and daughters of our brave American soldiers.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 2840.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## PROHIBITING RECOGNITION AND ENFORCEMENT OF FOREIGN DEFAMATION JUDGMENTS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6146) to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6146

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS; PURPOSE.**

(a) FINDINGS.—Congress finds the following:

(1) The first amendment of the Constitution of the United States prohibits the abridgment of freedom of speech.

(2) Freedom of speech is fundamental to the values of American democracy.

(3) In light of the constitutional protection our Nation affords to freedom of speech, the Supreme Court has modified the elements of the common law tort of defamation to provide more protection for defendants than would be available at common law, including providing special protections for political speech.

(4) The courts of other countries, including those that otherwise share our Nation's common law and due process traditions, are not constrained by the first amendment and thus may provide less protection to defamation defendants than our Constitution requires.

(5) While our Nation's courts will generally enforce foreign judgments as a matter of comity, comity does not require that courts enforce foreign judgments that are repugnant to our Nation's fundamental constitutional values, in particular its strong protection of the right to freedom of speech.

(6) Our Nation's courts should only enforce foreign judgments as a matter of comity when such foreign judgments are consistent with the right to freedom of speech.

(b) PURPOSE.—The purpose of this Act is to protect the right to freedom of speech under the first amendment to the Constitution of the United States from the potentially weakening effects of foreign judgments concerning defamation.

**SEC. 2. RECOGNITION OF FOREIGN DEFAMATION JUDGMENTS.**

(a) IN GENERAL.—Part VI of title 28, United States Code, is amended by adding at the end the following:

**"CHAPTER 181—FOREIGN JUDGMENTS**

''Sec.
''4101. Recognition of foreign defamation judgments.

**"§ 4101. Recognition of foreign defamation judgments**

''(a) FIRST AMENDMENT CONSIDERATIONS.—Notwithstanding any other provision of Federal or State law, a domestic court shall not recognize or enforce a foreign judgment for defamation that is based upon a publication concerning a public figure or a matter of public concern unless the domestic court determines that the foreign judgment is consistent with the first amendment to the Constitution of the United States.

''(b) DEFINITIONS.—For purposes of this section:

''(1) DOMESTIC COURT.—The term 'domestic court' means a State court or a Federal court.

''(2) FOREIGN COURT.—The term 'foreign court' means a court, administrative body, or other tribunal of a foreign country.

''(3) FOREIGN JUDGMENT.—The term 'foreign judgment' means a final judgment rendered by a foreign court.''.

(b) CLERICAL AMENDMENT.— The table of chapters for part VI of title 28, United States Code, is amended by adding at the end the following:

**"181. Foreign Judgments ..... 4101".**

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill imposes a limited, but important, condition on enforcement of foreign defamation judgments in our courts.

It prohibits a federal or state court from enforcing a defamation judgment entered in another country for publication involving a matter of public concern, unless the court first determines that the judgment is consistent with the free-speech clause of our Constitution's First Amendment.

H.R. 6146 responds to the problem of what is sometimes called "libel tourism." This is the disturbing practice of suing authors for defamation in foreign countries rather than in the United States, so as to avoid the speech-protective features of defamation law enshrined in our Constitution.

A much-cited recent example is the lawsuit filed by a Saudi billionaire against an American expert on terrorism, as a result of statements about his activities she made in a book entitled Funding Evil: How Terrorism Is Financed and How to Stop It.

The Saudi billionaire sued the American author not in the United States, where the book

was published, but in England, where a mere 23 copies of the book had been sold to on-line buyers.

He sued in England to avail himself of English libel law, which denies authors the important free-speech protections of our First Amendment. This kind of end-run on the Constitution poses an obvious threat to free speech rights in our country.

H.R. 6146, which was introduced by our colleague, STEVE COHEN of Tennessee, would go a long way toward eliminating this threat. At the same time, it would not interfere with the judicial systems of other countries, or deprive plaintiffs of their choice of forum.

It would simply require that anyone who seeks to enforce this specific type of defamation judgment in our courts to establish that the judgment does not offend our First Amendment. Many U.S. courts already impose this condition on the enforcement of foreign defamation judgments.

I urge my colleagues to support this important bill.

Mr. Speaker, I yield to the author of the measure, STEVE COHEN, the gentleman from Memphis, Tennessee, as much time as he may consume.

Mr. COHEN. I want to thank the chairman for his courtesies and the ranking member in helping bring this bill to the floor today.

Mr. Speaker, I rise today in support of H.R. 6146, which I introduced with Congressman ISSA of California. The bill is designed to address the phenomenon of libel tourism, whereby plaintiffs seek judgments from foreign courts from American authors and publishers for making allegedly defamatory statements.

The fact is, these statements in these cases would not be considered defamatory in American courts where the first amendment gives our authors and people the protection of the first amendment, but in certain jurisdictions, even countries that have similar legal systems to ours, the first amendment is not recognized, and the libel laws are much different, and plaintiffs have less burdens to prove to get judgments against defendants.

This threatens to undermine our Nation's core free speech principles, as embodied in the first amendment. U.S. law places this higher burden on defamation plaintiffs to safeguard our first amendment and protect our speech. We have seen problems with this, particularly in courts of England. The State of New York has already acted to pass a bill to protect authors and publishers in the first amendment, but there was a need to have such on a national basis.

Thomas Jefferson is memorialized with the monument here in Washington. My friend, Randy Wade, and I visited Thomas Jefferson recently. Around the top of the monument is a statement Thomas Jefferson is known for:

''I have sworn upon the altar of almighty God eternal hostility against every form of tyranny over the minds of men.'' To infringe on the opportunity for people to write books and publish, which is what this does, is tyranny over the minds of men. I believe Jefferson would join with us today in support of this proposal.

H.R. 6146 will codify the principle that while U.S. courts will normally enforce judgments of foreign courts, they should not do so when the foreign judgments undermine our Constitution, particularly our precious first amendment.

Specifically, our bill prohibits U.S. courts from recognizing and enforcing foreign defamation judgments that do not comport with the first amendment. I believe that passage of this bill will dissuade those who would seek to circumvent our first amendment by filing actions in libel-friendly forums that do not share our protections and then threaten our authors with judgments.

I thank, again, Chairman CONYERS and Ranking Member SMITH for their assistance in bringing this bill to the floor on suspension. I also thank Congressman ISSA for his help and Congressman Peter King.

Representative KING had a different bill on the same subject. He has shown leadership on this issue for his home State of New York, and he joined with us in this particular bill to try to get it passed here in this Congress.

Adam Cohen, no relation to me in any way whatsoever, opined in The New York Times that this bill needed to become law immediately. We did go into warp speed to get this to the floor.

□ 1830

I am committed to working with Mr. KING next year. I have talked to Chairman CONYERS, and he is in agreement that we should have a public hearing next year on this legislation with Mr. KING's ideas that go further than this bill to discuss how far libel tourism should go. And that hearing I think would satisfy Senator SPECTER's office and others on the Senate side, to go deeper to protect our authors and the freedom of speech.

I would also like to thank the Association of American Publishers, particularly former Congresswoman Pat Schroeder, the Media Law Resource Center, and Professor Michael Brode of Emory University Law School for their input on the bill.

I urge the bill's immediate passage. I thank my chairman from the bottom of my heart who I am fortunate to serve with, and my ranking member who has been so kind to me during my first term.

Mr. SMITH of Texas. First of all, I support this legislation and I thank the gentleman from Tennessee (Mr. COHEN) for his persistent efforts in promoting this legislation.

I yield 3 minutes to my colleague, the gentleman from Texas (Mr. POE).

Mr. POE. Mr. Speaker, I thank Mr. CONYERS for pushing this legislation and the gentleman from Tennessee (Mr. COHEN) for sponsoring this legislation. I am proud to be a cosponsor of this legislation.

Mr. Speaker, there is a legal presumption in most countries, even Third World countries, that if you accuse somebody of something, you have to prove it, whether civil or criminal. The burden of proof is on the accuser. But that is not so in all countries when it comes to libel and slander.

Take Great Britain, for example. It goes back to when the King ruled the day. If you criticized the King, even if you were right, off with your head. One of the reasons that we formed our own country was the idea of freedom of speech and freedom of press and that is why we put those two fundamental principles first in our Constitution. I have a pocket Constitution that most Members of Congress carry with them, and the first amendment protects the right of a free press and freedom of speech.

What has occurred, though, throughout the courts in Great Britain in a libel case, in other words somebody writes something about somebody else, if the person that is the subject matter doesn't like it, they file a lawsuit in Great Britain, and the burden is on the person who wrote the document to prove it is true. The burden is not on the accuser like it would be in the United States. That applies not only in libel cases but slander cases. And it has taken place especially in books about Islamic terrorism throughout the world.

Writers critical of Islamic terrorists are being sued by wealthy sheiks and Saudi billionaires, specifically Khalid bin Manfouz, who was accused in ''Alms for Jihad'' of financing Islamic terrorists through Muslim charities. What he did, he got mad about the Cambridge University Press, and he threatened to sue Cambridge University Press. What happened in England, which I hope never happens with our press, they got so nervous about it that they started taking all of the books off the shelves, and they started destroying the books. In fact, they sent word throughout the world, if you have this book, ''Alms For Jihad,'' destroy the book. Kind of like the burning of books during World War II under the Nazis. So the Cambridge University Press gave in because the libel laws are different than they are in the United States.

It has also occurred here in the United States with a similar book called, ''Funding Evil,'' written by Rachel Ehrenfeld. What she did was write a book in the United States, published in the United States. But some books, 23, worked their way to England. Here we go again. This author was sued in the courts of England and had the burden of proof to prove that her statements were true. Well, she filed suit against the people who sued her, once again bin Manfouz, and that lawsuit is now pending in our courts.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. SMITH of Texas. I yield 1 additional minute.

Mr. POE. So our courts are hearing this matter and it is all about the freedom of speech and the freedom of press.

That is a human right. That is a universal right in this world, whether the courts in Great Britain recognize it or not. And it is important that people be free to write the truth and not suffer the consequences from it and certainly not have to prove what they say is true just because somebody objects.

This legislation is good to protect the publishers and writers in the United States that if they are sued in foreign courts, that those judgments will not be upheld unless that law, that judgment would be upheld in courts in the United States.

This is important legislation. I would like to put into the RECORD an article from the San Francisco Chronicle talking about this entire concept of libel tourism.

[From the San Francisco Chronicle, Aug. 29, 2008]

LIBEL TOURISM: WHERE TERRORISM AND CENSORSHIP MEET

(By Cinnamon Stillwell)

It has become popular for those with competing political agendas to allege threats to free speech, whether real or imagined. Yet, there is a very real threat to free speech that has received little attention in the public sphere. It's called libel tourism and it has become a major component in the ideological arm of the war on terrorism.

At question is the publication of books and other writings that seek to shed light on the financing of Islamic terrorism. Increasingly, American authors who dare enter this territory are finding themselves at risk of being sued for libel in the much more plaintiff-friendly British court system in what amounts to an attempt to censor their work on an international level.

The latest case of libel tourism to rear its ugly head involves the book ''Alms for Jihad,'', which was published by Cambridge University Press in 2006. Co-written by former State Department analyst and USAID relief coordinator for Sudan J. Millard Burr and UC Santa Barbara professor emeritus of history Robert O. Collins, ''Alms for Jihad'' delves into the tangled web of international terrorist financing and, chiefly, the misuse of Muslim charities for such purposes.

Among those the book fingers for involvement is Saudi billionaire Khalid bin Mahfouz, the former chairman of Saudi Arabia's largest bank, National Commercial Bank. Bin Mahfouz has come under similar scrutiny on previous occasions, including being named a defendant in a lawsuit filed by family members of victims of the Sept. 11 terrorist attacks. He even has a section of his Web site devoted to trying to refute such charges.

With this in mind, Cambridge University Press lawyers looked over the manuscript for ''Alms for Jihad'' carefully before giving it the go-ahead. According to Collins, the passages involving bin Mahfouz are, in fact, quite ''trivial'' compared to the wealth of information contained in the book on how such funds are used to finance conflicts around the globe.

Yet, it is bin Mahfouz's inclusion in ''Alms for Jihad'' that has proven to be the most problematic, for he soon threatened Cambridge University Press with a libel lawsuit. Before the suit could commence, Cambridge University Press capitulated and announced in July that not only was it taking the unprecedented step of pulping all unsold copies of ''Alms for Jihad,'' but it was asking libraries all over the world to remove the book from their shelves. Cambridge University Press issued a formal apology to bin Mahfouz and posted a public apology at its Web site. It also agreed to pay his legal costs and unspecified damages, which, according to bin Mahfouz, are to be donated to UNICEF.

Authors Burr and Collins, however, did not take part in the apology, nor were they a party to the settlement, and they continue to stand by their scholarship. As Collins put it, ''I'm not going to recant on something just from the threat of a billionaire Saudi sheik . . . I think I'm a damn good historian.'' The authors were aware that Cambridge University Press's decision was based not so much on a lack of confidence in the book as on a fear of incurring costly legal expenses and getting involved in a lengthy trial. The British court system is known as a welcoming environment for ''libel tourists'' such as bin Mahfouz. The Weekly Standard elaborates: ''Bin Mahfouz has a habit of using the English tort regime to squelch any unwanted discussion of his record. In America, the burden of proof in a libel suit lies with the plaintiff. In Britain, it lies with the defendant, which can make it terribly difficult and expensive to ward off a defamation charge, even if the balance of evidence supports the defendant.''

Bin Mahfouz has indeed availed himself of the British court system on many occasions, having either sued or threatened suit against Americans and others at least 36 times since 2002, according to Rachel Ehrenfeld, author and director of the American Center for Democracy.

Ehrenfeld should know, as her own book, ''Funding Evil: How Terrorism is Financed—And How to Stop It,'' was also targeted by bin Mahfouz through the British court system. Bin Mahfouz sued Ehrenfeld for libel in 2004, soon after her book's publication in the United States, even though only 23 copies ever made it to the United Kingdom.

Ehrenfeld would not, as she put it in the New York Post, ''acknowledge a British court's jurisdiction over a book published here'' and a trial was never held, but the court ruled in favor of bin Mahfouz by default. It also awarded bin Mahfouz $225,913 in damages and ordered Ehrenfeld to apologize publicly and to destroy all unsold copies of the book.

Instead, Ehrenfeld chose to fight back. No doubt aware of the larger implications at work, she took her case to the United States and, giving bin Mahfouz a taste of his own medicine, sued him in a New York federal court on the basis that ''his English default judgment is unenforceable in the United States and repugnant to the First Amendment.''

Civil-liberties lawyer Harvey Silverglate has described her case as ''one of the most important First Amendment cases in the past 25 years'' and sure enough, in June of this year, the Second Circuit Court of Appeals agreed that it deserved a hearing. The court will begin hearing arguments this fall in what could turn out to be a pivotal case involving the clash between First Amendment rights and foreign libel rulings.

Ehrenfeld may indeed have a strong case. She maintains that bin Mahfouz has a long history of involvement in terrorist financing. The bulk of it, she wrote in 2005, revolves around the now-defunct Muwafaq (Blessed Relief) Foundation, which was founded by bin Mahfouz and ''identified by the U.S. Treasury Department as providing logistical and financial support to al Qaeda, HAMAS, and the Abu Sayyaf organizations.'' Ehrenfeld recapped her concerns more recently: ''The data in both Alms for Jihad and Funding Evil is all well-documented by the media and the U.S. Congress, courts, Treasury Department and other official statements. Further corroboration comes from French intelligence officials at the General Directorate of External Security (DGSE), as reported in the French daily, Le Monde. For example, the DGSE reported that, in 1998, it knew bin Mahfouz to be an architect of the banking scheme built to benefit Osama bin Laden, and that both U.S. and British intelligence services knew it, too.''

For this reason, and also to create a precedent, Ehrenfeld has been the only defendant so far not to settle with bin Mahfouz. And she refuses to ''acknowledge the British Court and its ruling'' to this day.

Ehrenfeld's success thus far countering bin Mahfouz mirrors other indications that libel tourism may be backfiring. The largely Internet-based furor over the attempt to squelch ''Alms for Jihad'' and what is widely seen as Cambridge University Press' cave-in has caused the book's price to skyrocket. A copy of the book sold on eBay this month for $538. As noted at the blog Hot Air, ''By suing publisher Cambridge University Press into submission, Khalid bin Mahfouz has turned an obscure scholarly book on the financial workings of terrorism into a prized, rare book.''

In addition, the American Library Association is rising to the occasion. Rather than going along with the Cambridge University Press settlement stipulation that American libraries remove ''Alms for Jihad'' from their shelves, the American Library Association's Office for Intellectual Freedom issued the following statement earlier this month: ''Unless there is an order from a U.S. court, the British settlement is unenforceable in the United States, and libraries are under no legal obligation to return or destroy the book. Libraries are considered to hold title to the individual copy or copies, and it is the library's property to do with as it pleases. Given the intense interest in the book, and the desire of readers to learn about the controversy first hand, we recommend that U.S. libraries keep the book available for their users.''

Reportedly, Collins and Burr got the publishing rights to the book back from Cambridge University Press and, according to the Library Journal, have had ''several offers from U.S. publishers.'' It appears the ''Alms for Jihad'' saga is far from over and free speech may yet win the day.

In another victory for free speech, as well as an instructive example of what such libel suits look like when attempted in the United States, a recent case involving Yale University Press proves useful. It involved a book written by Matthew Levitt, the director of the Stein Program on Terrorism, Intelligence and Policy at the Washington Institute for Near East Policy, titled ''Hamas: Politics, Charity, and Terrorism in the Service of Jihad.''

In his book, Levitt disputes the notion, popular among Hamas apologists, that the group's terrorist and social service pursuits can be seen as separate. In the process, he implicates the Dallas charity KinderUSA, which allegedly raises funds for Palestinian children, in terrorist financing. The group has personnel connections to the now-closed Holy Land Foundation for Relief and Development, which has been under investigation by federal authorities for funding Hamas. KinderUSA has also come under investigation and as a result, in 2005 suspended operations temporarily.

All of this information is available to the public and the book was thoroughly fact-checked prior to publication. Levitt, who is a witness in the ongoing trial of the Holy Land Foundation, explained further that he ''conducted three years of careful research for Hamas, and the book was the subject of academic peer review.''

But this didn't stop KinderUSA and the chair of its board, Dr. Laila AI-Marayati, from filing a libel suit in California in April against Levitt, Yale University Press, and the Washington Institute for Near East Policy. They disputed a particular passage from the book, as well as alleging that Yale University Press did not subject it to fact-checking. But, in filing the suit in California, they were faced with a formidable challenge: the state's anti-SLAPP statute. According to Inside Higher Education: ''KinderUSA asked the court for an injunction on its request that distribution of the book be halted, and also sought $500,000 in damages. But in July, Yale raised the stakes by filing what is known as an ''anti-SLAPP suit'' motion, seeking to quash the libel suit and to receive legal fees. SLAPP is an acronym for ''strategic lawsuit against public participation,'' a category of lawsuit viewed as an attempt not to win in court, but to harass a nonprofit group or publication that is raising issues of public concern. The fear of those sued is that groups with more money can tie them up in court in ways that would discourage them from exercising their rights to free speech. Anti-SLAPP statutes, such as the one in California with which Yale responded, are tools created in some states to counter such suits.''

Not only did Yale University Press stand by its author, but, in the end, its aggressive response to KinderUSA paid off. It was announced this month that the libel suit has been dropped and no changes to the book or payments to the plaintiffs will be forthcoming. KinderUSA claims that it dropped the suit because of the costs involved, but it's more likely it felt that it could not win. If the case had been brought in the United Kingdom, the outcome could have been far different.

This is why Americans must be vigilant about protecting their free speech rights, even when the threats at hand do not fit into the politically correct playbook. Certainly not all Muslim charities and Saudi businessmen are involved in financing terrorism, but the overwhelming amount of evidence pointing to existing links deserves attention, as do the fervent attempts by interested parties to silence those trying to bring the truth to light. It is crucial that they not succeed.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, my Texas colleague described the merits of this legislation so well, I will simply make my prepared statement a part of the RECORD.

Mr. Speaker, in the wake of 9–11, the American media has become increasingly alarmed over a phenomenon called ''libel tourism.'' The term refers to the subject of a critical news story suing the American author or reporter of the story in a plaintiff-friendly overseas forum.

This mostly occurs in the United Kingdom, since English libel and slander laws offer less protection to journalists compared to the U.S. system that features the protection offered by the First Amendment.

Persons identified in news stories as terrorists or terrorist sympathizers have brought some of the higher-profile suits. In fact, H.R. 6146 is a legislative response to a New York case in which a Saudi billionaire sued an American author in the UK for defamation, based on the author's allegations that he had subsidized terrorist activities.

What is the legal hook that allowed a British court to claim jurisdiction over the case? Twenty-three copies of the author's book detailing the billionaire's activities were purchased online in Great Britain.

The reporter chose not to appear before the court, which subsequently found her liable and ordered her to pay $225,000 in damages, apologize to the plaintiff, and destroy any remaining copies of the offending book.

Such a result is doubly troublesome. First, an author must worry about satisfying a judgment that would bankrupt most Americans. And second, an author must contend with the fall-out of being shunned by the publishing community.

This is not an imagined result. It is a real threat to anyone wishing to earn a living by reporting and commenting on controversial subjects. And it's an outcome incompatible with our constitutional history and its commitment to the free-flow of ideas and to the robust debate contemplated by the First Amendment.

H.R. 6146 combats libel tourism by proscribing enforcement of any foreign defamation case if it is not ''consistent with the First Amendment . . . .'' This proposal tracks U.S. case law, which holds that a foreign judgment will not be enforced in an American court if the foreign judgment is offensive to State or Federal law.

H.R. 6146 does not overreach. It constitutes a straightforward and sensible response to the practical legal problems caused by libel tourism by codifying a principle already reflected in U.S. law.

Mr. Speaker, I commend the primary authors of the bill, my colleagues on the Judiciary Committee, Representatives STEVE COHEN and DARRELL ISSA, for their hard work and persistence in addressing this important subject.

I also want to acknowledge our colleague, Representative PETER KING, the Ranking Member of the Homeland Security Committee, for his work on the issue.

I urge my colleagues to support H.R. 6146.

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of this bill, I rise to urge its approval by the House.

The bill responds to as increasingly serious threat to freedom of speech—the phenomenon often called ''libel tourism.''

That term is used to describe lawsuits brought in other countries—especially the United Kingdom—by people claiming to have been defamed by publications that would not be considered defamatory in the United States.

As explained in a recent news article about the practice—

Britain is a legal refuge because of defamation standards rooted in common law. They essentially assume that any offending speech is false and the writer or author must prove that it is in fact true to prevail against the charge. In the United States, with its First Amendment protection for free speech, the situation tilts in the opposite direction: To succeed, libel plaintiffs must prove that the speech is false and published with a reckless disregard for the truth.

A notable example involves the case of Rachel Ehrenfeld, an Israeli-born writer living in the United States and her legal battle with a billionaire Saudi entrepreneur, Khalid Salim bin Mahfouz over her 2003 book on terrorist financing, ''Funding Evil,'' which asserted that Bin Mahfouz and his family provided financial support to Islamic terrorist groups. The book was not sold in the United Kingdom, but Mr. Bin Mahfouz's lawyers argued that more than 20 copies of her book had been purchased there online and that therefore the British courts had authority to hear his defamation complaint.

Ms. Ehrenfeld did not respond and because she offered no defense, the judge ruled that she had to pay a judgment of $225,000, apologize for false allegations, and destroy existing copies of the book. Mr. Bin Mahfouz has not sought to collect on the judgment, but Ms. Ehrenfeld says it has affected her ability to publish further books. And last year Cambridge University Press agreed to destroy all copies of ''Arms for Jihad'' and to write to 100 libraries around the world seeking to add an explanatory sheet to archived books.

Evidently Mr. Bin Mahfouz has filed more than 24 lawsuits against writers and authors, and his advisers have created a special Web site tracking the legal suits and apologies issued by writers and publishers.

The bill now before the House responds to this threat to free speech. It would bar any U.S. court (State or Federal) from recognizing or enforcing a foreign defamation judgment unless it determined that the judgment ''is consistent with the First Amendment.'' Thus, someone who had won a defamation judgment abroad would have to prove the case under U.S. standards before it could be enforced here. This will provide important protection for Americans and others who exercise the First Amendment right of free speech in our country.

I urge approval of the bill.

Mr. KING of New York. Mr. Speaker, today I rise in support of H.R. 6146, legislation that will prohibit the recognition and enforcement of foreign defamation judgments based upon a publication that concerns a public figure or a matter of public concern. This bill, like legislation (Free Speech Protection Act) that I introduced earlier this year attempts to deal with the issue of ''libel tourism'' that threatens not only Americans' First Amendment freedom of speech but also their ability to inform the general public about existential threats; namely, who are the terrorists and who are their supporters. As the Ranking Member on the House Committee on Homeland Security I am regularly briefed on dangers to the homeland and know how grave these threats are. We cannot allow foreigners the opportunity to muzzle Americans for speaking the truth about these dangers!

Libel tourism is a recent phenomenon in which certain individuals are obstructing the free expression rights of Americans (and the vital interest of the American people) by seeking out foreign jurisdictions (''libel shopping'') that do not provide the full extent of free-speech protection that is enshrined in our First Amendment. Some of these actions are intended not only to suppress the free speech rights of journalists and others but also to intimidate publishers and other organizations from disseminating or supporting their work.

Unlike in the United States where the burden of proof is on the plaintiff to show that the publication was not only false but also malicious, in countries such as the United Kingdom it is the reverse: The defendant is required to appear in court and prove what he has written was 100 percent factual. And some of the ''tourists'' claims of jurisdiction are tenuous at best. In many cases, not only are none of the individuals (author, litigant, or publisher) associated with the case living in the venue of jurisdiction, but neither are the books

published there. These ''tourists'' stretch the law by claiming a handful of copies of the book were purchased over the internet in that country. The author must then hire an attorney, travel to the foreign country, and defend himself or likely face a default judgment against him. Consequences include (but are not limited to) fines, public apologies, pulping of books, and the removal of them from bookstores and libraries.

We cannot change nor would we want to change other countries' (libel) laws. We must respect their rule of law as they ought to respect ours. However, we cannot allow foreign citizens to exploit these courts to shield personal reputations when it directly contradicts Americans' First Amendment protected speech, especially when the subject matter is of such grave importance as terrorism and those who finance it. We rely on a variety of sources for intelligence and we cannot allow foreign litigants and foreign courts to tell us who can write and who can publish what. That is a dangerous path we do not want to follow.

Furthermore, the governments and courts of some foreign countries have failed to curtail this practice, permitting lawsuits filed by persons who are often not citizens of those countries, under circumstances where there is often little or no basis for jurisdiction over the Americans against whom such suits are brought.

Some of the plaintiffs bringing such suits are intentionally and strategically refraining from filing their suits in the United States, even though the speech at issue was published in the United States, to avoid the Supreme Court's First Amendment jurisprudence and frustrate the protections it affords Americans.

But this issue is also very troubling for the authors, journalists, and even publishers who attempt to write on these subjects. Already we have seen examples of authors having difficulty getting their articles or books published because of publishing houses' fear of being sued overseas. Some companies have even gone as far as to pay large settlements to avoid having to go to court. So not only are authors being injured for the works they have previously written but they and their publishers are being intimidated from writing future works on these important topics. The free expression and publication by journalists, academics, commentators, experts, and others of the information they uncover and develop through research and study is essential to the formation of sound public policy and thus to the security of Americans.

The Americans against whom such suits are brought must consequently endure the prohibitive expense, inconvenience, and anxiety attendant to being sued in foreign courts for conduct that is protected by the First Amendment, or decline to answer such suits and risk the entry of costly default judgments that may be executed in countries other than the United States where those individuals travel or own property.

In turn, the American people are suffering concrete and profound harm because they, their representatives, and other government policy-makers rely on the free expression of information, ideas and opinions developed by responsible journalists, academics, commentators, experts, and others for the formulation of sound public policy, including national security policy.

Having said that, the United States respects the sovereign right of other countries to enact their own laws regarding speech, and seeks only to protect the First Amendment rights of Americans in connection with speech that occurs, in whole or part, in the United States.

That is why earlier this year I introduced the Free Speech Protection Act, H.R. 5814, to defend U.S. persons who are sued for defamation in foreign courts. This legislation allows U.S. persons to bring a Federal cause of action against any person bringing a foreign libel suit if the writing does not constitute defamation under U.S. law. It would also bar enforcement of foreign libel judgments and provide other appropriate injunctive relief by U.S. courts if a cause of action is established. H.R. 5814 would award damages to the U.S. person who brought the action in the amount of the foreign judgment, the costs related to the foreign lawsuit, and the harm caused due to the decreased opportunities to publish, conduct research, or generate funding. Furthermore, it would award treble damages if the person bringing the foreign lawsuit intentionally engaged in a scheme to suppress First Amendment rights. It allows for the expedited discovery if the court determines that the speech at issue in the foreign defamation action is protected by the First Amendment. Finally, nothing in this legislation would limit the rights of foreign litigants who bring good faith defamation actions to prevail against journalists and others who have failed to adhere to standards of professionalism by publishing false information maliciously or recklessly. The Free Speech Protection Act does, however, attempt to discourage those foreign libel suits that aim to intimidate, threaten, and restrict the freedom of speech of Americans. I am proud to have worked closely with Senators. ARLEN SPECTER and JOE LIEBERMAN who have introduced companion legislation in the Senate.

I support the passage of H.R. 6146, a Federal version of New York State's ''Rachel's Law,'' which will provide protection to U.S. authors, journalists, and publishers against the domestic enforcement of defamation judgments from foreign countries with less free speech protections than the U.S. The protection of free speech enshrined in the First Amendment is one of America's most cherished rights, and it is unacceptable that First Amendment rights of Americans can be potentially undermined or restricted by foreign court judgments based on lower free speech standards.

The impetus for a Federal ''Rachel's Law'' is the case of Dr. Rachel Ehrenfeld, a U.S. citizen and Director of the American Center for Democracy. Dr. Ehrenfeld's 2003 book, ''Funding Evil: How Terrorism is Financed and How to Stop It,'' which was published solely in the United States by a U.S. publisher, alleged that a Saudi Arabian subject and his family financially supported al Qaeda in the years preceding the attacks of September 11. He sued Dr. Ehrenfeld for libel in England though because under English law, it is not necessary for a libel plaintiff to prove falsity or actual malice as is required in the U.S. After the English court entered a judgment against Dr. Ehrenfeld, she sought to shield herself with a declaration from both Federal and State courts that her book did not create liability under American law, but jurisdictional barriers prevented both the Federal and New York State courts from acting. Reacting to this problem, the Governor of New York, on May 1, 2008, signed into law the ''Libel Terrorism Protection Act'', commonly known as ''Rachel's Law.''

I support H.R. 6146 because it prohibits U.S. (domestic) courts from enforcing these outrageous defamation suits. We must stand up to the terrorists and their financers, supporters, and sympathizers. However, this bill does not go far enough nor does it resolve the problem of ''libel tourism.'' Foreign litigants will still be allowed to file these libel suits overseas without the worry of being countersued here in the U.S. If this bill passes, they will never see a dime of those hefty judgments they were awarded, but that's not what they are after in the first place. They want the default judgment. They want the publicity. They want the apology. And they want these books to disappear. But most of all they want to intimidate. They want to make sure people are afraid of writing anything about them. And it's working. Journalists are even afraid of writing about this legislation! That's their goal here. Not to collect the money. Many of them are already wealthy, and if they really cared about collecting a monetary judgment they would file these suits in the U.S. in the first place. They choose not to, however, because they know they would never win in a U.S. court.

Finally, I support H.R. 6146 because it is a first step in the right direction. I am a cosponsor of this bill and thank Representatives STEVE COHEN and DARRELL ISSA for introducing it. H.R. 6146 is an important and necessary part of any ''libel tourism'' bill. Unfortunately, it doesn't put an end to the problem and doesn't provide any deterrence from these suits being filed in the first place. But it is my hope that during the 111th Congress we can have hearings on this important issue and that Representatives COHEN and ISSA, along with Senators SPECTER and LIEBERMAN and I, can sit down together and craft a bill that we can all agree on and that will solve this problem once and for all.

Mr. ISSA. Mr. Speaker, I rise today in support of H.R. 6146, a bill to stifle the practice of libel tourism.

The right to free speech in the United States is of fundamental importance. It is arguably the cornerstone of our democracy and the hammer that keeps our government and its officials in check.

We must not take our right to free speech for granted, for our level of freedom is not honored in many countries around the world. China is an easy example of government-controlled speech, as demonstrated recently by the restrictions placed on the international press during the Olympic Games. But other countries are more of a surprise.

Our friend and ally, Great Britain, takes a much more liberal position on libel laws than the United States. They allow judgments against defendants that would not pass muster in our domestic courts, and for this reason many plaintiffs in libel suits involving American defendants seek redress in British courts.

For example, the book, ''Alms for Jihad'', written by a former State Department analyst and a University of California Santa Barbara professor, looked into the network of global finances aiding international terrorism. The book mentioned a Saudi billionaire as being involved at some level, a claim not without controversy, but also not without legitimate research by the authors.

The threat of lawsuit by the billionaire in the British courts alone caused Cambridge University Press to shred all unsold copies of ''Alms for Jihad'' in addition to asking libraries the world over to pull the book.

We cannot allow libel laws in other countries to censor the writings of American authors when laws within the United States find the writings legitimate. Doing so will erode our right to free speech in the United States, an outcome I believe we all find abhorrent.

I cosponsored H.R. 6146 with Congressman STEVE COHEN to help eliminate this threat. The bill instructs courts within the United States not to enforce libel judgments of foreign courts unless the domestic court finds the judgment is consistent with the First Amendment. This is a fairly simple mechanism, but one that we expect to help control the threat of censorship arising from libel tourism.

Without the fear of foreign judgments against legitimate writings, American authors should feel safe continue to promote national and international discourse and debate.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALTMIRE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 6146, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. HASTINGS of Florida (during debate on H.R. 6146), from the Committee on Rules, submitted a privileged report (Rept. No. 110–897) on the resolution (H. Res. 1514) waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

## EQUAL JUSTICE FOR OUR MILITARY ACT OF 2007

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3174) to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3174

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Equal Justice for Our Military Act of 2007''.

**SEC. 2. CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES.**

(a) IN GENERAL.—Section 1259 of title 28, United States Code, is amended—

(1) in paragraph (3), by inserting ''or denied'' after ''granted''; and

(2) in paragraph (4), by inserting ''or denied'' after ''granted''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 867a(a) of title 10, United States Code, is amended by striking ''The Supreme Court may not review by a writ of certiorari under this section any action of the Court of Appeals for the Armed Forces in refusing to grant a petition for review.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. I yield myself such time as I may consume.

Mr. Speaker, the Equal Justice for Our Military Act amends the Federal judicial code to allow members of the United States Armed Services to petition for review by the United States Supreme Court in certain cases when they have been denied relief by the Court of Appeals for the Armed Forces.

Many Americans would be shocked to learn that soldiers serving their country in uniform are blocked from equal access to the Supreme Court.

But the truth is that current law provides virtually no avenue through which active service members who have been convicted by court-martial of certain serious offenses, or who face discharge or dismissal, to ask our Nation's highest court to review their case.

Currently, the Supreme Court can only hear cases where the U.S. Court of Appeals for the Armed Forces, the highest court of the military justice system, has either conducted a review of a court-martial, or has granted a servicemember's petition for extraordinary relief.

What this means is that when the court of appeals denies review, which it does nearly 90 percent of the time, the Supreme Court is barred from reconsidering the case at the request of the servicemember.

Adding insult to injury, while a servicemember is not able to obtain Supreme Court review if he or she loses at the court of appeals, if the court of appeals rules against the government, the Government can seek review in the Supreme Court.

And a former servicemember who is tried under the Military Extraterritorial Jurisdiction Act in civilian court for crimes committed while on active duty also has full right to petition for Supreme Court review.

The Equal Justice for Our Military Act corrects this unfair one-sidedness by allowing an active servicemember to file a writ of certiorari to the Supreme Court in any case where the Court of Appeals for the Armed Forces has denied review of a court-marital conviction or has denied a petition for extraordinary relief.

I would like to commend the author of this bill, our colleague SUSAN DAVIS of California, for her leadership in working to correct this ongoing injustice, so that our active servicemembers have the same fundamental protection that Americans take for granted.

I urge my colleagues to support this legislation.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today on behalf of our troops by urging passage of H.R. 3174, the Equal Justice For Our Military Act, a bill giving our servicemembers equal access to the United States Supreme Court.

We all know when American men and women decide to serve their Nation in the Armed Forces, they make many sacrifices, from lost time with their families to irreplaceable loss of lives. Servicemembers also sacrifice one of the fundamental legal rights that all civilian members enjoy.

Members of the military convicted of offenses under the military justice system do not have the legal right to appeal their cases to the U.S. Supreme Court. After exhausting their appeals through the United States Court of Appeals for the Armed Forces, they have no recourse. In fact, the playing field is weighted in favor of the military, granting the automatic right of Supreme Court review to the Department of Defense when a servicemember wins a case. But servicemembers are denied the same right in nearly every case the government wins against them.

It is unjust to deny the members of our Armed Forces access to our system of justice as they fight for our freedom around the world. They deserve better.

As the chairwoman of the Subcommittee on Military Personnel, a long time advocate for servicemembers and a Representative from San Diego, one of the largest military communities in the Nation, I feel an obligation to fight to ensure that the members of our military are treated fairly.

I introduced, along with Armed Services Chairman Ike Skelton, H.R. 3174 to correct this inequity. This bill has been endorsed by the American Bar Association, the Military Officers Association of America, and many other legal and military advocates. In addition, the Congressional Budget Office has stated that this bill does not affect direct spending.

It is fundamentally unjust, Mr. Speaker, to deny those who serve on behalf of our country one of the basic rights afforded to all other Americans. I hope that all of my colleagues will stand with me in strong support of this legislation to attain equal treatment for those who fight for us.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the vast majority of servicemembers serve with distinction and honor, and are never subjected to disciplinary action under the Uniform Code of Military Justice. But when disciplinary action is necessary, the UCMJ and the military justice system provide a high degree of protection for the accused. In many cases, these protections extend well beyond those provided by the civil justice system.

But from time to time, policymakers ought to review and contemplate proposals for change. I am told the particular section of the code this bill would amend has not been altered or subjected to a congressional review in a quarter of a century. And yet the bill before us proposes far-reaching and significant changes in terms of expanded appellate rights for servicemembers convicted of wrongdoing.

I would support consideration of this measure in the regular order. But the regular order requires a review and consideration of the relative merits of the legislation by subcommittee and committee members with subject matter expertise; a hearing with witnesses who can present expert testimony and offer guidance as to the necessity, effect and scope of any proposals in the bill; a markup or markups after notice to the public and the stakeholders most likely to be impacted by changes; and a committee report that is written and made available to the public and future Congresses that explains the intent and rationale of the proposed changes.

Regrettably, the committee and House leadership have decided to short-circuit the process and dispense with every single one of these steps. This is despite the fact that the bill was introduced by its sponsors and referred to the Courts Subcommittee, with no action, more than a year ago.

The regular order did not fare any better in the other body where the committee of jurisdiction took up the measure just 2 weeks ago and reported it without a hearing, a report, or any other substantial process or record.

Because of the haste with which this proposal is being considered, one might infer there are no questions that ought to be addressed or there are questions that might expose this bill as bad policy if Congress wasn't rushing to judgment.

The truth is when a similar measure was introduced last Congress, the general counsel of the Department of Defense raised major questions about the wisdom and necessity of that bill, as well as its likely impact on the department.

In a letter dated February 6, 2006, General Counsel William J. Haynes, II, wrote that the Department of Defense ''opposes the proposed legislation.''

He noted the department's view that ''there is demonstrable inequity that needs to be rectified''; that ''opening this additional avenue of Supreme Court appeal will require legal reviews and briefs from numerous counsel on the military departments' Government and Defense Appellate Divisions, the Department of Defense Office of General Counsel, as well as within the Office of the Solicitor General and the Supreme Court,'' and that the legislation provides no ''clear safeguards'' to preclude the possible abuse by petitioners of this new avenue for appellate review.

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I am particularly concerned by this last point as well as the fact that the bill is written to permit an appellant to repeal the case to the Supreme Court even when the Court of Appeals for the Armed Forces has declined to review it on the merits, let alone to issue a final decision.

Unfortunately, by refusing to permit the subcommittee and committee members to study the issues and properly discharge their responsibilities, the House leadership is forcing Members to make assumptions without any evidence. Just as a court should not convict someone of an offense without due process and evidence beyond a reasonable doubt, Members of Congress should not be placed in the position of changing long-standing policies without some formal process and actual consideration of the evidence for and against the proposal.

The Democratic leadership increasingly has resorted to extraordinary tactics to move legislation. In so doing, they do a disservice to the Members of the House and of the people we represent.

In closing, Mr. Speaker, the unasked questions and lack of process compel me for the time being to oppose this legislation.

I yield back the balance of my time.

Mr. CONYERS. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 3174.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed and agreed to without amendment bills and a concurrent resolution of the House of the following titles:

H.R. 1157. An act to amend the Public Health Service Act to authorize the director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

H.R. 1532. An act to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

H.R. 6946. An act to make a technical correction in the NET 911 Improvement Act of 2008.

H. Con. Res. 195. Concurrent resolution expressing the sense of the Congress that a National Dysphagia Awareness Month should be established.

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 2162) ''An Act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, and for other purposes.''.

The message also announced that the Senate agreed to the amendment of the House to the bill (S. 3023) ''An Act to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes.''.

## NEED-BASED EDUCATIONAL AID ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1777) to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 2, strike lines 5 and 6 and insert the following: ''*Section 568(d) of the Improving America's Schools Act of 1994 (15 U.S.C. 1 note) is amended by striking '2008' and inserting '2015'.*''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

The Need-Based Educational Aid Act, sponsored by our colleagues BILL DELAHUNT of Massachusetts and Ranking Member LAMAR SMITH of Texas, extends an antitrust exemption that permits colleges to agree to award financial aid on a need-blind basis and to use common principles of needs analysis in making their determinations. This exemption also permits the use of a common aid application form in exchange of student financial information through a third party.

In 1992, Congress passed the first exemption. It has expired several times, and it is now set to expire in 4 days. We hope to avoid that by passing this bipartisan legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

With the current antitrust exemption for need-based educational aid expiring on September 30, our timely action is necessary. Congressman DELAHUNT, the sponsor of this bill, has successfully guided it through Congress, and without his efforts, we might not have extended this extension before it expired.

I appreciate Mr. DELAHUNT's leadership because this issue has long been of interest to me. I was a sponsor of the bill that extended the exemption in 1997 and in 2001, and I am pleased to be a cosponsor of this bill as well.

The bills in 1997 and 2001 were like the bill that passed the House last April, a permanent extension of the moratorium. Both times, the Senate amended those bills, as they did again this year, to a term of years. This exemption originated because Congress disagreed with a suit brought by the Department of Justice against nine colleges for their efforts to use common criteria to assess each student's financial need. Twenty-seven colleges and universities currently are members of the 568 Presidents' Group, which utilizes this antitrust exemption.

They include Amherst College, Boston College, Brown University, Claremont McKenna College, Columbia University, Cornell University, Dartmouth College, Davidson College, Duke University, Emory University, Georgetown University, Grinnell College, Haverford College, MIT, Middlebury College, Northwestern University, Pomona College, Rice University, Swarthmore College, the University of Chicago, the University of Notre Dame, the University of Pennsylvania, Vanderbilt University, Wake Forest University, Wellesley College, Wesleyan University, and Williams College.

Several other colleges, including Yale and Harvard, participate as advisory members of this group.

To my knowledge, there are no complaints about the existing exemption. In fact, a recent GAO study of the exemption found that there has been no abuse of the exemption, and it stated that there has not been an increase in the cost of tuition as a result of the exemption.

This bill, as amended by the Senate, would extend the exemption for another 7 years. It would not make any change to the substance of the exemption. I had hoped that Congress would have been able to extend the exemption permanently, but I'm aware that some in the Senate objected.

The need-based financial aid system serves a worthy goal that the antitrust laws do not adequately address—making financial aid available to the broadest number of students solely on the basis of demonstrated need.

No students who are otherwise qualified should be denied the opportunity to go to one of these schools because of the limited financial means of their families. This bill helps protect need-based aid and need-blind admissions. It has been noncontroversial in the past, and it is supported by a number of higher educational groups. I urge my colleagues to support this bill.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, the exemption that we are renewing today has worked well. It makes sure that schools don't have to compete for the very top students, which could result in some students, the top students, getting excess aid while the rest of the applicant pool receives less or, in some cases, none at all.

As mentioned by Mr. SMITH, it was sent back to us by the Senate. The exemption is extended to 2015. Enacting this today protects need-based aid and need-blind admissions, and it will help preserve the opportunity for all students to attend one of the Nation's most prestigious schools. As Mr. SMITH has noted, we hope someday to have a permanent extension, but for now, we need to pass this bill. I urge my colleagues to support the legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 1777, the "Need-Based Educational Aid Act of 2007." This bill is co-sponsored by Representative DELAHUNT. This bill makes sense and it should be supported. I urge my colleagues to support this very important bill.

H.R. 1777 would make permanent an exemption to the antitrust laws that permits the Ivy League schools to agree to award financial aid on a need-blind basis and to use common principles of needs analysis in making their determinations. The exemption also allows for agreement on the use of a common aid application form and the exchange of the student's financial information through a third party. Without this legislation, the exemption will expire on September 30, 2008. I support this bill.

Beginning in the mid–1950s, a number of prestigious private colleges and universities agreed to award institutional financial aid, i.e., aid from the school's own funds solely on the basis of demonstrated financial need. These schools also agreed to use common principles to assess each student's financial need and to give the same financial aid award to students admitted to more than one member of the group. This practice remained undisturbed until the late 1980s.

In 1989, the Antitrust Division of the Department of Justice brought suit against the nine Ivy League schools to enjoin this practice. In 1991, the eight Ivy Leagues, except MIT, agreed to a consent decree that ended this practice.

In 1992, Congress passed a temporary antitrust exemption to allow the schools to agree to award financial aid on a need-blind basis and to use common principles of needs analysis. This temporary exemption prohibited any agreement as to the terms of a financial aid award to any specific student. It was to expire on September 30, 1994.

In 1994, Congress passed another temporary exemption from the antitrust laws. This exemption, similar to the 1992 exemption, allowed agreements to provide aid on the basis of need only and to use common principles of needs analysis. It also prohibited agreements on awards to specific students. Unlike the 1992 exemption, it allowed agreement on the use of a common aid application form and the exchange of the student's financial information through a third party. The exemption was to expire on September 30, 1997.

In 1997, Congress passed a law to extend the expiration date until September 30, 2001. In 2001, the exemption was extended to September 30, 2008.

H.R. 1777, introduced by Representative BILL DELAHUNT and Ranking Member LAMAR SMITH, would make the exemption passed in 1994 permanent. It would not make any other change to the substance of the exemption.

This is a good bill because need-based financial aid serves social goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need.

But for the existence of financial aid, and laws like this one, many of us today in Congress and in America, generally, would not have benefited from a post-secondary school education. We must pass this bill today to ensure that Americans continue to benefit from need-based financial aid at institutions of higher learning.

Ms. ZOE LOFGREN of California. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1777.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM ACT

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3606) to extend the special immigrant nonminister religious worker program and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3606

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as ''Special Immigrant Nonminister Religious Worker Program Act''.

**SEC. 2. SPECIAL IMMIGRANT NONMINISTER RELIGIOUS WORKER PROGRAM.**

(a) EXTENSION.—Subclause (II) and subclause (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)) are amended by striking ''October 1, 2008,'' both places such term appears and inserting ''March 6, 2009,''.

(b) REGULATIONS.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Homeland Security shall—

(1) issue final regulations to eliminate or reduce fraud related to the granting of special immigrant status for special immigrants described in subclause (II) or (III) of section 101(a)(27)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(C)(ii)); and

(2) submit a certification to Congress and publish notice in the Federal Register that

such regulations have been issued and are in effect.

(c) REPORT.—Not later than March 6, 2009, the Inspector General of the Department of Homeland Security shall submit to Congress a report on the effectiveness of the regulations required by subsection (b)(1).

(d) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that the Secretary of Homeland Security submits the certification described in subsection (b)(2) stating that the final regulations required by subsection (b)(1) have been issued and are in effect.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. I yield myself such time as I may consume.

S. 3606 reauthorizes the Special Immigrant Nonminister Religious Worker Program, which provides an avenue for nuns, monks and other religious workers to come to the United States to do their important work. If we do not act, this program will sunset in just 4 days.

On April 15 of this year, we passed H.R. 5570 to reauthorize the program for 7 years. As sent over from the Senate, the bill allows the program to expire on March 6, 2009. While this unfortunate limitation will require Congress to revisit this issue promptly next year, I believe the program is too important to let expire.

The 5,000 religious workers eligible for these visas each year are called to a vocation or are in traditional religious occupations with bona fide nonprofit religious organizations. They are missionaries, counselors, religious instructors, and other pastoral care providers.

There is a bipartisan consensus around this program. It has been extended four times since first enacted in 1990. We have worked with Mr. SMITH to craft provisions to guard against potential fraud. The Senate bill incorporates those protections. I think this is a sound bill, and I hope that we're able to pass it tonight.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I am happy to have played a part in the creation of the Religious Worker Immigrant Visa program in 1990. These visas enable American religious denominations, large and small, to benefit from committed religious workers from other countries.

Last April, the House passed legislation to extend the program for an additional 7 years. Senator SPECTER introduced legislation in the Senate to extend the program for 3 years. I support this bill today. However, it only reauthorizes the religious worker visa program for about 5 months.

Why such a short reauthorization?

Well, the reason is that some Democrats in the Senate are holding the reauthorization of another vital immigration program hostage. The E-Verify program provides tens of thousands of American employers who want to do the right thing with an effective tool to ensure that they are hiring a legal workforce.

The authorization for E-Verify expires in November, so the House passed a 5-year reauthorization by the overwhelming vote of 407–2. Unfortunately, Democrats in the Senate have refused to pass an extension of E-Verify for longer than 5 months. They refuse to pass a longer extension unless we accede to their demand to increase immigration to the United States by about a half a million people.

Such a demand goes against the clear preference of the American people who support current or reduced levels of immigration. It goes against the interest of American workers who compete with foreign workers for the same jobs, and it goes against the interest of American employers who want to count on E-Verify's being available to them for the long term.

This body is right to reject the demand of the Senate Democrats. Unfortunately, since they will only extend E-Verify for 5 months, we will only get a 5-month extension of the religious worker visa program. So we will need to address this issue again after the 111th Congress convenes next January.

I do appreciate the language in this bill that requires the Department of Homeland Security to expeditiously issue needed regulations to address fraud in the religious worker visa program. I have long been concerned about the high level of fraud that has been evident in this program. I urge my colleagues to support this bill.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just want to comment briefly on the March 6 date.

It is my understanding that two Republican Senators requested dramatic changes to the E-Verify program extension that we were able to pass here. When they were unable to get it, the Senate—or I should say the other body—was able to agree on just an extension until March 6. Then the issue was that nothing else was going to go past March 6.

So I think it's interesting to note that, even though we oftentimes have very contentious disagreements on various immigration matters here in the House, we were able to come to an agreement to extend the E-Verify program for an extended period of time. They couldn't get that together in the Senate, so we're going to, indeed, have to revisit this as well as E-Verify early next year, and we will have to try and come to an agreement that is bipartisan and bicameral. Certainly, we need to approve this today so that religious workers can enrich the lives of our communities. With that, I urge its adoption.

Mr. Speaker, S. 3606 is similar to a bill I authored, H.R. 5570, which passed the House on April 15 of this year.

Both bills would reauthorize the Special Immigrant Non-Minister Religious Worker Program, which allows non-minister religious workers to obtain special immigrant status in the U.S. so that they may do the work required of their faith.

The program is vitally important to religious organizations as it provides in many!instances the only avenue for nuns, monks, and other people of faith to come to the United States to fill a vocation or other traditional religious occupation. Those who use the visas come over to serve as missionaries, counselors, translators, religious instructors, cantors, and other pastoral care providers.

Unfortunately, the program is currently set to expire in just a few days.

H.R. 5570, the bill I authored, would have extended the program for several years. But S. 3606, as sent back from the Senate, would extend the program only through March 6, 2009. Although I strongly would have preferred to extend the program for longer, the program is too important to let expire. We should extend the program today to allow us the additional time we need to work out a longer extension.

I also note tat the program was first enacted in 1990 and that Congress has extended it four times, most recently in 2003. Working with LAMAR SMITH, the Ranking Member of the Judiciary Committee, we made changes to the program for the first time to address potential fraudulent uses of the program. The Senate bill includes those protections.

I urge my colleagues to support this important bipartisan legislation.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the Senate bill, S. 3606.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1900

## EXTENDING PROGRAM RELATING TO WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 5571) to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international

medical graduates, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 2, line 5, strike ''June 1, 2013'' and insert ''March 6, 2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5571 reauthorizes a critically important immigration program that helps medically underserved communities attract highly skilled physicians. This program expired on June 1 of this year. On May 21, the House passed this bill with a 5-year reauthorization.

As sent back from the Senate, the bill allows the program to expire again on March 6, 2009. While this unfortunate limitation will require Congress to revisit this issue promptly next year, the program is too important to let expire. The program helps States attract doctors who have received their medical training in the United States and who agree to work in medically underserved areas.

Its importance was demonstrated last year when a tornado utterly destroyed the town of Greensburg, Kansas. That town would not have had doctors without this program, and their presence helped tremendously in the town's ability to keep casualties to a minimum.

We need to keep this program going so that the States can attract medical talent and keep the doors open.

I commend Ranking Member Lamar Smith, as well as my colleague, Sheila Jackson-Lee, for their efforts to bring this bill to the floor, and I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill extends a program that has successfully brought doctors to medically underserved areas in the U.S. The Conrad Program allows foreign doctors who have been here on exchange programs to stay at the conclusion of their residencies if they agree to practice medicine for at least 3 years in health professionals shortage areas.

Mr. Speaker, this is a good bill. I urge my colleagues to support it.

This bill extends a program that has successfully brought doctors to medically underserved areas in the U.S. The ''Conrad'' program allows foreign doctors who have been here on exchange programs to stay at the conclusion of their residencies if they agree to practice medicine for at least 3 years in health professional shortage areas.

In May the House passed legislation to extend the program for an additional 5 years. And Senator SPECTER introduced legislation in the Senate to also extend the program for 5 years. Our medically underserved communities deserve a long-term reauthorization of this program so that they can better plan for the future.

I support this bill today. However, it only reauthorizes the Conrad program for about 5 months. Why such a short reauthorization? Well, the reason is that the Democrats on the other side of the Capitol are holding the reauthorization of another vital immigration program hostage.

The E-Verify program provides tens of thousands of American employers who want to do the right thing with an effective way to ensure that they are hiring a legal workforce. The authorization for E-Verify expires in November, so the House passed a 5 year reauthorization by the overwhelming vote of 407 to 2.

Unfortunately, the Democrats in the Senate have refused to pass an extension of E-Verify for longer than 5 months. They refuse to pass a longer extension unless we accede to their demand to increase immigration to the U.S. by over 500,000 persons.

Such a demand goes against the clear preference of the American people who oppose an increase in immigration levels already at a record high. It goes against the interests of American workers in these unsettled economic times. And it goes against the interests of American employers, who want to count on E-Verify being available to them for the long term.

The House is right to reject the demand of the Senate Democrats. Unfortunately, since they will only extend E-Verify for 5 months, we will only get a five month extension of the Conrad program. Thus, we will need to address this issue again after the 111th Congress convenes next winter.

I urge my colleagues to support this bill.

Ms. ZOE LOFGREN of California. Mr. Speaker, today, we are preventing a critically important immigration program from expiring.

No one disputes that there is a health care crisis in this country. With our population aging, there is no doubt that the demand for health care will only increase.

The problem is made worse by a shortage of medical professionals, including doctors, in many communities across America. H.R. 5571 will reauthorize a program—the Conrad 30 J Waiver Program—that has been successful at helping medically underserved communities attract highly skilled physicians.

The program allows States to recruit foreign doctors who have received their medical training in the United States, so long as those doctors work in medically underserved areas.

This program is critically important to underserved communities across this country, but it unfortunately expired on June 1, 2008. The House passed the bill on May 21, but the Senate did not act until just yesterday, when it extended the program through March 6, 2009.

Although I would have strongly preferred to reauthorize this program for 5 years, as the bill I introduced stated, this program is too important to let expire as we continue to negotiate the length of time this program should be extended. We must pass this bill today so that we may have the additional time we need to further reauthorize the Conrad 30 J Waiver Program.

I wish to thank LAMAR SMITH, the Ranking Member of the Judiciary Committee, and Representative SHEILA JACKSON-LEE for their efforts in helping me bring this bill to the floor.

I urge my colleagues to support this important legislation.

Mr. SMITH of Texas. Mr. Speaker, I yield back my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I just further urge support of this bill, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 5571.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

## CAMPUS SAFETY ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6838) to establish and operate a National Center for Campus Public Safety.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6838

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Center to Advance, Monitor, and Preserve University Security Safety Act of 2008'' or the ''CAMPUS Safety Act of 2008''.

**SEC. 2. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.**

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by adding at the end the following new part:

**''PART LL—NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY**

**''SEC. 3021. NATIONAL CENTER FOR CAMPUS PUBLIC SAFETY.**

''(a) AUTHORITY TO ESTABLISH AND OPERATE CENTER.—

''(1) IN GENERAL.—The Director of the Office of Community Oriented Policing Services is authorized to establish and operate a National Center for Campus Public Safety (referred to in this section as the 'Center').

''(2) GRANT AUTHORITY.—The Director of the Office of Community Oriented Policing Services is authorized to award grants to institutions of higher education and other nonprofit organizations to asisst in carrying out the functions of the Center required under subsection (b).

''(b) FUNCTIONS OF THE CENTER.—The Center shall—

''(1) provide quality education and training for campus public safety agencies of institutions of higher education and the agencies' collaborative partners, including campus mental health agencies;

''(2) foster quality research to strengthen the safety and security of the institutions of higher education in the United States;

''(3) serve as a clearinghouse for the identification and dissemination of information, policies, procedures, and best practices relevant to campus public safety, including off-campus housing safety, the prevention of violence against persons and property, and emergency response and evacuation procedures;

''(4) develop protocols, in conjunction with the Attorney General, the Secretary of Homeland Security, the Secretary of Education, State, local, and tribal governments and law enforcement agencies, private and nonprofit organizations and associations, and other stakeholders, to prevent, protect against, respond to, and recover from, natural and man-made emergencies or dangerous situations involving an immediate threat to the health or safety of the campus community;

''(5) promote the development and dissemination of effective behavioral threat assessment and management models to prevent campus violence;

''(6) coordinate campus safety information (including ways to increase off-campus housing safety) and resources available from the Department of Justice, the Department of Homeland Security, the Department of Education, State, local, and tribal governments and law enforcement agencies, and private and nonprofit organizations and associations;

''(7) increase cooperation, collaboration, and consistency in prevention, response, and problem-solving methods among law enforcement, mental health, and other agencies and jurisdictions serving institutions of higher education in the United States;

''(8) develop standardized formats and models for mutual aid agreements and memoranda of understanding between campus security agencies and other public safety organizations and mental health agencies; and

''(9) report annually to Congress and the Attorney General on activities performed by the Center during the previous 12 months.

''(c) COORDINATION WITH AVAILABLE RESOURCES.—In establishing the Center, the Director of the Office of Community Oriented Policing Services shall—

''(1) consult with the Secretary of Homeland Security, the Secretary of Education, and the Attorney General of each State; and

''(2) coordinate the establishment and operation of the Center with campus public safety resources that may be available within the Department of Homeland Security and the Department of Education.

''(d) DEFINITION OF INSTITUTION OF HIGHER EDUCATION.—In this section, the term 'institution of higher education' has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,750,000 for each of the fiscal years 2009 through 2013.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, over the past few years, we have seen a number of tragic incidents of violence at colleges and universities, including the disastrous incidents at Virginia Tech and Northern Illinois University.

This bill will help schools to more effectively prevent such incidents and to more effectively respond if such incidents do occur. It creates a national center for campus public safety administered through the Department of Justice. The center will train campus safety agencies, promote research into improving campus safety, and be a clearinghouse for campus safety information. The director at the center will have the authority to award grants to institutions of higher learning to help them meet their enhanced public safety goals.

I would like to thank and publicly acknowledge Crime Subcommittee Chairman Bobby Scott of Virginia, as well as ranking member of that subcommittee, Louie Gohmert of Texas, as well as Senator LEAHY for their bipartisan leadership on this initiative.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I support this bill.

I would like to associate myself with the remarks made by the gentlewoman from California, Congresswoman ZOE LOFGREN, and I will include my entire statement as part of the RECORD.

Mr. Speaker, earlier this year, teachers and students at Virginia Tech gathered to mark the 1-year anniversary of the campus shooting that killed 27 students and 5 faculty members. We now know that the shooter was a mentally-disturbed young man who was able to purchase two handguns. He brought those handguns to the campus and began a shooting spree that spanned several hours and occurred in both dorms and classrooms across campus.

Sadly, in February of this year, a gunman stormed a classroom at Northern Illinois University and opened fire, killing 5 students and wounding 16 others before killing himself.

In the wake of the tragic shootings at Virginia Tech and Northern Illinois University and a recent rash of violence in public schools across the country, it is appropriate for Congress to act to provide resources to schools and law enforcement officials to help protect our schools.

School and college campuses should be safe environments for students to learn. Today, campus security requires much more than ever before, including campus police, emergency alert systems, and emergency response plans.

H.R. 6838, the CAMPUS Safety Act, authorizes the Department of Justice to establish a National Center for Campus Public Safety to award grants to colleges and universities and other nonprofit organizations, provide education and training for campus public safety agencies, and promote research to improve the security of colleges and universities.

The center may coordinate with other Federal agencies to prevent and respond to natural disasters, incidents of campus violence, or other emergencies. The center may also promote the development of an effective behavioral health threat assessment to prevent campus violence.

It is my hope that through this legislation and other programs across the country, we can do our best to prevent violence on our college and university campuses.

I urge my colleagues to support the passage of H.R. 6838.

I yield back my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I simply urge adoption of this measure, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the bill, H.R. 6838.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## MENTALLY ILL OFFENDER TREATMENT AND CRIME REDUCTION REAUTHORIZATION AND IMPROVEMENT ACT OF 2008

Ms. ZOE LOFGREN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2304) to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2304

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Reauthorization of the Adult and Juvenile Collaboration Program Grants.
Sec. 4. Law enforcement response to mentally ill offenders improvement grants.
Sec. 5. Examination and report on prevalence of mentally ill offenders.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) Communities nationwide are struggling to respond to the high numbers of people with mental illnesses involved at all points in the criminal justice system.

(2) A 1999 study by the Department of Justice estimated that 16 percent of people incarcerated in prisons and jails in the United States, which is more than 300,000 people, suffer from mental illnesses.

(3) Los Angeles County Jail and New York's Rikers Island jail complex hold more people with mental illnesses than the largest psychiatric inpatient facilities in the United States.

(4) State prisoners with a mental health problem are twice as likely as those without a mental health problem to have been homeless in the year before their arrest.

**SEC. 3. REAUTHORIZATION OF THE ADULT AND JUVENILE COLLABORATION PROGRAM GRANTS.**

(a) AUTHORIZATION OF APPROPRIATIONS THROUGH 2014.—Section 2991(h) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa(h)) is amended—

(1) in paragraph (1), by striking at the end ''and'';

(2) in paragraph (2), by striking ''for fiscal years 2006 through 2009.'' and inserting ''for each of the fiscal years 2006 and 2007; and''; and

(3) by adding at the end the following new paragraph:

''(3) $50,000,000 for each of the fiscal years 2009 through 2014.''.

(b) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—Section 2991(h) of such title is further amended—

(1) by redesignating paragraphs (1), (2), and (3) (as added by subsection (a)(3)) as subparagraphs (A), (B), and (C), respectively, and adjusting the margins accordingly;

(2) by striking ''There are authorized'' and inserting ''(1) IN GENERAL.—There are authorized''; and

(3) by adding at the end the following new paragraph:

''(2) ALLOCATION OF FUNDING FOR ADMINISTRATIVE PURPOSES.—For fiscal year 2009 and each subsequent fiscal year, of the amounts authorized under paragraph (1) for such fiscal year, the Attorney General may obligate not more than 3 percent for the administrative expenses of the Attorney General in carrying out this section for such fiscal year.''.

(c) ADDITIONAL APPLICATIONS RECEIVING PRIORITY.—Subsection (c) of such section is amended to read as follows:

''(c) PRIORITY.—The Attorney General, in awarding funds under this section, shall give priority to applications that—

''(1) promote effective strategies by law enforcement to identify and to reduce risk of harm to mentally ill offenders and public safety;

''(2) promote effective strategies for identification and treatment of female mentally ill offenders;

''(3) promote effective strategies to expand the use of mental health courts, including the use of pretrial services and related treatment programs for offenders; or

''(4)(A) demonstrate the strongest commitment to ensuring that such funds are used to promote both public health and public safety;

''(B) demonstrate the active participation of each co-applicant in the administration of the collaboration program;

''(C) document, in the case of an application for a grant to be used in whole or in part to fund treatment services for adults or juveniles during periods of incarceration or detention, that treatment programs will be available to provide transition and reentry services for such individuals; and

''(D) have the support of both the Attorney General and the Secretary.''.

**SEC. 4. LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.**

Section 2991 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797aa) is amended by—

(1) redesignating subsection (h) as subsection (i); and

(2) inserting after subsection (g) the following:

''(h) LAW ENFORCEMENT RESPONSE TO MENTALLY ILL OFFENDERS IMPROVEMENT GRANTS.—

''(1) AUTHORIZATION.—The Attorney General is authorized to make grants under this section to States, units of local government, Indian tribes, and tribal organizations for the following purposes:

''(A) TRAINING PROGRAMS.—To provide for programs that offer law enforcement personnel specialized and comprehensive training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(B) RECEIVING CENTERS.—To provide for the development of specialized receiving centers to assess individuals in the custody of law enforcement personnel for suicide risk and mental health and substance abuse treatment needs.

''(C) IMPROVED TECHNOLOGY.—To provide for computerized information systems (or to improve existing systems) to provide timely information to law enforcement personnel and criminal justice system personnel to improve the response of such respective personnel to mentally ill offenders.

''(D) COOPERATIVE PROGRAMS.—To provide for the establishment and expansion of cooperative efforts by criminal and juvenile justice agencies and mental health agencies to promote public safety through the use of effective intervention with respect to mentally ill offenders.

''(E) CAMPUS SECURITY PERSONNEL TRAINING.—To provide for programs that offer campus security personnel training in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved.

''(2) BJA TRAINING MODELS.—For purposes of paragraph (1)(A), the Director of the Bureau of Justice Assistance shall develop training models for training law enforcement personnel in procedures to identify and respond appropriately to incidents in which the unique needs of individuals with mental illnesses are involved, including suicide prevention.

''(3) MATCHING FUNDS.—The Federal share of funds for a program funded by a grant received under this subsection may not exceed 50 percent of the costs of the program. The non-Federal share of payments made for such a program may be made in cash or in-kind fairly evaluated, including planned equipment or services.''.

**SEC. 5. EXAMINATION AND REPORT ON PREVALENCE OF MENTALLY ILL OFFENDERS.**

(a) IN GENERAL.—

(1) IN GENERAL.—The Attorney General shall examine and report on mental illness and the criminal justice system.

(2) SCOPE.—Congress encourages the Attorney General to specifically examine the following:

(A) POPULATIONS.—The rate of occurrence of serious mental illnesses in each of the following populations:

(i) Individuals, including juveniles, on probation.

(ii) Individuals, including juveniles, incarcerated in a jail.

(iii) Individuals, including juveniles, incarcerated in a prison.

(iv) Individuals, including juveniles, on parole.

(B) BENEFITS.—The percentage of individuals in each population described in subparagraph (A) who have—

(i) a serious mental illness; and

(ii) received disability benefits under title II or title XVI of the Social Security Act (42 U.S.C. 401 et seq. and 1381 et seq.).

(b) REPORT.—Not later than 36 months after the date of the enactment of this Act, the Attorney General shall submit to Congress the report described in subsection (a).

(c) DEFINITIONS.—In this section—

(1) the term ''serious mental illness'' means that an individual has, or at any time during the 1-year period ending on the date of enactment of this Act had, a covered mental, behavioral, or emotional disorder; and

(2) the term ''covered mental, behavioral, or emotional disorder''—

(A) means a diagnosable mental, behavioral, or emotional disorder of sufficient duration to meet diagnostic criteria specified within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, or the International Classification of Diseases, Ninth Revision, Clinical Modification equivalent of the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition; and

(B) does not include a disorder that has a V code within the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, a substance use disorder, or a developmental disorder, unless that disorder cooccurs with another disorder described in subparagraph (A) and causes functional impairment which substantially interferes with or limits 1 or more major life activities.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $2,000,000 for 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is similar to H.R. 3992, which was authored by Crime Subcommittee Chairman Bobby Scott of Virginia which passed our House in January.

The Senate bill focuses on expanding the allowable uses of funds in existing programs that provide assistance to mentally ill offenders. It reauthorizes the Mentally Ill Offender Treatment and Crime Reduction Grant Program at the current level of $50 million. It expands the permissible use of funds for mental health courts that will incorporate pretrial services and assessments for alternatives to incarceration.

Funds under this bill can be used to assist law enforcement agencies with identifying and reducing the risk of harm to mentally ill offenders, while also maintaining public safety.

Finally, this bill will provide States and units of government with funding to improve the treatment of female offenders with mental illness.

Despite common misconceptions, the majority of mentally ill people who are arrested and incarcerated are low-

level, nonviolent offenders. This legislation will help jurisdictions assist mentally ill people in ways that help keep them out of our jails and prisons if that's not where they belong.

This is a good bill, and I urge its passage.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I don't know if I'd call it a habit, but I find myself again agreeing with the gentlewoman from California, Ms. ZOE LOFGREN.

This is a bill that has already passed the House in a similar form, I believe, last January.

I will include my entire statement in the RECORD.

I support S. 2304, the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act. The House passed companion legislation, H.R. 3992, last January.

This important legislation addresses the unique challenges that mentally ill offenders create for our criminal justice system. It is estimated that 16 percent of the prison or jail population in the country suffers from a serious mental illness.

More than one-fifth of jails have no access to any mental health services at all. Many criminal justice agencies are unprepared to meet the comprehensive treatment and needs of individuals with mental illness.

Jails and prisons require extra staff resources for inmates with mental illness. In addition, mentally ill offenders can be affected psychologically by incarceration differently than general population offenders.

H.R. 3992 reauthorizes the Mentally Ill Offender Treatment and Crime Reduction Act; encourages early intervention for individuals with mental illness; reauthorizes the mental health courts program; and maximizes diversion opportunities for nonviolent offenders with mental illness and co-occurring disorders.

The legislation also promotes training for treatment professionals on criminal justice processes and mental health and substance abuse issues; establishes State and local planning grants to address the needs of mentally ill offenders; and facilitates communication, collaboration, and the delivery of support services among justice professionals, treatment and related service providers.

I urge my colleagues to support this measure.

I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just say that at a time when the majority of mental health treatment provided in this country is provided in county jails, a measure such as this is enormously important to divert individuals who are suffering from an illness to appropriate treatment where their illness would be treated and where their disruptive behavior will not bother others. I'm glad that we are moving forward in a bipartisan manner to approve this.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the Senate bill, S. 2304.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

## JUDICIAL ADMINISTRATION AND TECHNICAL AMENDMENTS ACT OF 2008

Ms. ZOE LOFGREN of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3569) to make improvements in the operation and administration of the Federal courts, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3569

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Judicial Administration and Technical Amendments Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Change in composition of divisions of western district of Tennessee.
Sec. 3. Supplemental attendance fee for petit jurors serving on lengthy trials.
Sec. 4. Authority of district courts as to a jury summons.
Sec. 5. Public drawing specifications for jury wheels.
Sec. 6. Assessment of court technology costs.
Sec. 7. Repeal of obsolete provision in the bankruptcy code relating to certain dollar amounts.
Sec. 8. Investment of court registry funds.
Sec. 9. Magistrate judge participation at circuit conferences.
Sec. 10. Selection of chief pretrial services officers.
Sec. 11. Attorney case compensation maximum amounts.
Sec. 12. Expanded delegation authority for reviewing Criminal Justice Act vouchers in excess of case compensation maximums.
Sec. 13. Repeal of obsolete cross-references to the Narcotic Addict Rehabilitation Act.
Sec. 14. Conditions of probation and supervised release.
Sec. 15. Contracting for services for pretrial defendants and post-conviction supervision offenders.
Sec. 16. Judge members of U.S. Sentencing Commission.
Sec. 17. Penalty for failure to appear for jury summons.
Sec. 18. Place of holding court for the District of Minnesota.
Sec. 19. Penalty for employers who retaliate against employees serving on jury duty.

**SEC. 2. CHANGE IN COMPOSITION OF DIVISIONS OF WESTERN DISTRICT OF TENNESSEE.**

(a) IN GENERAL.—Section 123(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''Dyer,'' after ''Decatur,''; and

(B) in the last sentence by inserting ''and Dyersburg'' after ''Jackson''; and

(2) in paragraph (2)—

(A) by striking ''Dyer,''; and

(B) in the second sentence, by striking ''and Dyersburg''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—The amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

(3) JURIES NOT AFFECTED.—The amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the United States District Court for the Western District of Tennessee on the effective date of this section.

**SEC. 3. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.**

(a) IN GENERAL.—Section 1871(b)(2) of title 28, United States Code, is amended by striking ''thirty'' in each place it occurs and inserting ''ten''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

**SEC. 4. AUTHORITY OF DISTRICT COURTS AS TO A JURY SUMMONS.**

Section 1866(g) of title 28, United States Code, is amended in the first sentence—

(1) by striking ''shall'' and inserting ''may''; and

(2) by striking ''his''.

**SEC. 5. PUBLIC DRAWING SPECIFICATIONS FOR JURY WHEELS.**

(a) DRAWING OF NAMES FROM JURY WHEEL.—Section 1864(a) of title 28, United States Code, is amended—

(1) in the first sentence, by striking ''publicly''; and

(2) by inserting ''The clerk or jury commission shall post a general notice for public review in the clerk's office and on the court's website explaining the process by which names are periodically and randomly drawn.'' after the first sentence.

(b) SELECTION AND SUMMONING OF JURY PANELS.—Section 1866(a) of title 28, United States Code, is amended—

(1) in the second sentence, by striking ''publicly''; and

(2) by inserting ''The clerk or jury commission shall post a general notice for public review in the clerk's office and on the court's website explaining the process by which names are periodically and randomly drawn.'' after the second sentence.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 1869 of title 28, United States Code, is amended—

(1) in subsection (j), by adding ''and'' at the end;

(2) by striking subsection (k); and

(3) by redesignating subsection (l) as subsection (k).

**SEC. 6. ASSESSMENT OF COURT TECHNOLOGY COSTS.**

Section 1920 of title 28, United States Code, is amended—

(1) in paragraph (2), by striking ''of the court reporter for all or any part of the stenographic transcript'' and inserting ''for

printed or electronically recorded transcripts''; and

(2) in paragraph (4), by striking ''copies of papers'' and inserting ''the costs of making copies of any materials where the copies are''.

**SEC. 7. REPEAL OF OBSOLETE PROVISION IN THE BANKRUPTCY CODE RELATING TO CERTAIN DOLLAR AMOUNTS.**

Section 104 of title 11, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsection (b)(1) as subsection (a) and subparagraphs (A) and (B) of that subsection as paragraphs (1) and (2), respectively;

(3) by redesignating subsection (b)(2) as subsection (b);

(4) by redesignating subsection (b)(3) as subsection (c); and

(5) in subsection (c) (as redesignated by paragraph (4) of this section), by striking ''paragraph (1)'' and inserting ''subsection (a)''.

**SEC. 8. INVESTMENT OF COURT REGISTRY FUNDS.**

(a) IN GENERAL.—Chapter 129 of title 28, United States Code, is amended by inserting after section 2044 the following:

**''§ 2045. Investment of court registry funds**

''(a) The Director of the Administrative Office of the United States Courts, or the Director's designee under subsection (b), may request the Secretary of the Treasury to invest funds received under section 2041 in public debt securities with maturities suitable to the needs of the funds, as determined by the Director or the Director's designee, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(b) The Director may designate the clerk of a court described in section 610 to exercise the authority conferred by subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 129 of title 28, United States Code, is amended by adding at the end the following:

''2045. Investment of court registry funds.''.

**SEC. 9. MAGISTRATE JUDGE PARTICIPATION AT CIRCUIT CONFERENCES.**

Section 333 of title 28, United States Code, is amended in the first sentence by inserting ''magistrate,'' after ''district,''.

**SEC. 10. SELECTION OF CHIEF PRETRIAL SERVICES OFFICERS.**

Section 3152 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) The pretrial services established under subsection (b) of this section shall be supervised by a chief pretrial services officer appointed by the district court. The chief pretrial services officer appointed under this subsection shall be an individual other than one serving under authority of section 3602 of this title.''.

**SEC. 11. ATTORNEY CASE COMPENSATION MAXIMUM AMOUNTS.**

Section 3006A(d)(2) of title 18, United States Code, is amended by adding ''The compensation maximum amounts provided in this paragraph shall increase simultaneously by the same percentage, rounded to the nearest multiple of $100, as the aggregate percentage increases in the maximum hourly compensation rate paid pursuant to paragraph (1) for time expended since the case maximum amounts were last adjusted.'' at the end.

**SEC. 12. EXPANDED DELEGATION AUTHORITY FOR REVIEWING CRIMINAL JUSTICE ACT VOUCHERS IN EXCESS OF CASE COMPENSATION MAXIMUMS.**

(a) WAIVING MAXIMUM AMOUNTS.—Section 3006A(d)(3) of title 18, United States Code, is amended in the second sentence by inserting ''or senior'' after ''active''.

(b) SERVICES OTHER THAN COUNSEL.—Section 3006A(e)(3) of title 18, United States Code, is amended in the second sentence by inserting ''or senior'' after ''active''.

(c) COUNSEL FOR FINANCIALLY UNABLE DEFENDANTS.—Section 3599(g)(2) of title 18, United States Code, is amended in the second sentence by inserting ''or senior'' after ''active''.

**SEC. 13. REPEAL OF OBSOLETE CROSS-REFERENCES TO THE NARCOTIC ADDICT REHABILITATION ACT.**

Section 3161(h) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (B) and (C); and

(B) by redesignating subparagraphs (D) through (J) as subparagraphs (B) through (H), respectively;

(2) by striking paragraph (5); and

(3) by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

**SEC. 14. CONDITIONS OF PROBATION AND SUPERVISED RELEASE.**

(a) CONDITIONS OF PROBATION.—Section 3563(a)(2) of title 18, United States Code, is amended by striking ''(b)(2), (b)(3), or (b)(13),'' and inserting ''(b)(2) or (b)(12), unless the court has imposed a fine under this chapter, or''.

(b) SUPERVISED RELEASE AFTER IMPRISONMENT.—Section 3583(d) of title 18, United States Code, is amended by striking ''section 3563(b)(1)'' and all that follows through ''appropriate.'' and inserting ''section 3563(b) and any other condition it considers to be appropriate, provided, however that a condition set forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with section 3583(e)(2) and only when facilities are available.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 3563(b)(10) of title 18, United States Code, is amended by inserting ''or supervised release'' after ''probation''.

**SEC. 15. CONTRACTING FOR SERVICES FOR PRETRIAL DEFENDANTS AND POST-CONVICTION SUPERVISION OFFENDERS.**

(a) PRETRIAL SERVICE FUNCTIONS.—Section 3154(4) of title 18, United States Code, is amended by inserting '', and contract with any appropriate public or private agency or person, or expend funds, to monitor and provide treatment as well as nontreatment services to any such persons released in the community, including equipment and emergency housing, corrective and preventative guidance and training, and other services reasonably deemed necessary to protect the public and ensure that such persons appear in court as required'' before the period.

(b) DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 3672 of title 18, United States Code, is amended in the seventh undesignated paragraph—

(1) in the third sentence, by striking ''negotiate and award such contracts'' and inserting ''negotiate and award contracts identified in this paragraph''; and

(2) in the fourth sentence, by inserting ''to expend funds or'' after ''He shall also have the authority''.

**SEC. 16. JUDGE MEMBERS OF U.S. SENTENCING COMMISSION.**

Section 991(a) of title 28, United States Code, is amended in the third sentence by striking ''Not more than'' and inserting ''At least''.

**SEC. 17. PENALTY FOR FAILURE TO APPEAR FOR JURY SUMMONS.**

(a) SECTION 1864 SUMMONS.—Section 1864(b) of title 28, United States Code, is amended by striking ''$100 or imprisoned not more than three days, or both.'' each place it appears and inserting ''$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.''.

(b) SECTION 1866 SUMMONS.—Section 1866(g) of title 28, United States Code, is amended by striking ''$100 or imprisoned not more than three days, or both.'' and inserting ''$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.''.

**SEC. 18. PLACE OF HOLDING COURT FOR THE DISTRICT OF MINNESOTA.**

Section 103(6) of title 28, United States Code, is amended in the second sentence by inserting ''and Bemidji'' before the period.

**SEC. 19. PENALTY FOR EMPLOYERS WHO RETALIATE AGAINST EMPLOYEES SERVING ON JURY DUTY.**

Section 1875(b)(3) of title 28, United States Code, is amended by striking ''$1,000 for each violation as to each employee.'' and inserting ''$5,000 for each violation as to each employee, and may be ordered to perform community service.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. ZOE LOFGREN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. ZOE LOFGREN of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill contains what we believe are noncontroversial measures proposed by the Judicial Conference to improve efficiency in the Federal courts. Many have passed the House in a prior Congress in similar forms.

The bill makes some realignments in the place of holding court within specified judicial districts so as to better serve local communities. It permits a chief pretrial services officer to be chosen locally by the district court, just like the chief probation officer. It updates the penalty for failure to appear for jury duty, or lying on a questionnaire to avoid jury duty, by raising the maximum fine from $100 to $1,000, and by allowing the judge to impose community service.

The bill also increases the maximum penalty for employers who retaliate against employees who are called to serve on jury duty.

Other updates include making electronically produced information coverable in court costs, and adding magistrate judges to the list who can be included in circuit Judicial Conferences.

I think this bill, while noncontroversial, is certainly important in increasing the efficiency of our judicial

branch, and I hope that we will unanimously support it.

I would reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of S. 3569 is to implement noncontroversial administrative provisions that the Judicial Conference and the House Judiciary Committee believe are necessary to improve the operations of the Federal judiciary. These provisions will provide justice for the American people as well.

The Judicial Conference is the policy-making body of the Federal judiciary, and through its committee system, it evaluates court operations. The conference endorses all of the provisions in this bill, which the other body passed by unanimous consent.

S. 3569 affects a wide range of judicial branch programs and operations, including those pertaining to financial administration, process improvements, and personnel administration.

The House has passed five of the bills' provisions in previous Congresses.

The bill incorporates 18 separate items, including a section that eliminates the noticing and public drawing requirements for selecting names from jury wheels because the process is performed by computers; a section that adds magistrate judges to the list of circuit, district, and bankruptcy judges who may be summoned to attend circuit Judicial Conferences; a section that clarifies a court may bring individuals into court when they do not respond to a jury summons, thus eliminating non-meritorious challenges to an impaneled jury; a section that eliminates an obsolete provision in the Bankruptcy Code relating to the calculation of uniform percentage dollar adjustments; and a section that increases penalties for employers who retaliate against employees serving on jury duty.

Mr. Speaker, S. 3569 is necessary to improve the functioning of the U.S. courts which will ultimately benefit the country and the American people. This is a noncontroversial bill, and I urge my colleagues to support it.

I want to point out that for the third consecutive time now, I have agreed with my colleague from California, Congresswoman ZOE LOFGREN, in supporting this piece of legislation, specifically S. 3569.

Ms. ZOE LOFGREN of California. Will the gentleman yield?

Mr. SMITH of Texas. I will be happy to yield to the gentlewoman.

Ms. ZOE LOFGREN of California. I would just note this bill, while perhaps boring to many Members, is important to us. And it is a measure that we have adopted with so many of these Members in prior Congresses, and yet because they have to do with down-in-the-weeds issues in the Judiciary, they don't always get the attention that they should.

I'm hopeful, and I'm glad, that we have worked so collaboratively together on these but that we can really work in partnership with our other branch of government for some of these efficiency things. They're not big policy issues, but they're things that will make the judiciary more effective. They need our help in many cases to do that. And I think this may be a marker that we're ready to really hold our hands out in that effort.

And I do thank the gentleman for yielding.

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Mr. SMITH of Texas. Mr. Speaker, I just want to reply and say that I agree with the points made by the gentlewoman from California. They are excellent ones, and we might also add that in a bill like this like, so many bills that are considered by the House and that have been marked up and approved by the Judiciary Committee, sometimes we're talking about sort of arcane subject matter, and yet so much of what is incorporated in this bill and so much of what is part of many other bills do help the judicial process. They do help the American people get better justice. They either save the American people time or they make sure that there's a more ethical result as a result of the actions of the court, and in this particular bill, as a result of the actions of the juries themselves.

So bills like this may seem, at first glance, to either be somewhat technical or somewhat even incomprehensible, but at the bottom line they do improve the justice system of the United States, which can give everybody, I think, a sense of confidence that not only does the system work, but it works in this case in a bipartisan way since Members of both parties do support this legislation which improves the justice system.

I would be happy to yield to the gentlewoman from California again if she would like.

Ms. ZOE LOFGREN of California. I thank the gentleman for yielding. And as you and I both serve on the Courts and Intellectual Property Subcommittee, and most of what we have done has been on the intellectual property side of that, and important as that work is, this is a measure that the court side also is important.

So, again, I look forward to next year. I think both you and I will return and dig in on some of these issues.

Mr. SMITH of Texas. Reclaiming my time, this being the end of the congressional session, with the expectation that we might well adjourn or go into recess tomorrow until next year, it's not often that we on the House floor can recognize the towns of our colleagues. And I would just like to say in this case that the gentlewoman from California, while she mentioned the Intellectual Property Subcommittee, which reminds me of her talents and her interests in high-tech issues, and she does represent a good part of Silicon Valley, so she comes by her talents and her expertise naturally.

But in addition to that, she was formerly, before coming to Congress, an immigration attorney. She happens to be chairman of the Immigration Subcommittee today, and so she brings to that subcommittee, as she does the Intellectual Property Subcommittee, a number of talents and skills that benefit the House as a whole and benefit the Judiciary Committee, in particular.

So I would just like to thank her for her work these last few years on those subjects and so many other subjects that she brings these skills to and has helped promote both on the floor and in the Judiciary Committee itself.

Mr. Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I would just like to thank Mr. SMITH for his enormously complimentary and gracious comments. I look forward to working with him next year. I urge my colleagues to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. ZOE LOFGREN) that the House suspend the rules and pass the Senate bill, S. 3569.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## EXTENDING FUNDS FOR COMMUNITY FOOD PROJECTS

Mr. BACA. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 3597) to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 3597

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. COMMUNITY FOOD PROJECTS.**

(a) TECHNICAL CORRECTION.—Section 4406(a)(7) of the Food, Conservation, and Energy Act of 2008 (Public Law 110–234; 122 Stat. 1902) is amended by striking ''Food and Nutrition Act of 2008'' and inserting ''Food Stamp Act of 1977''.

(b) ALLOCATION OF FUNDS.—Funds allocated under section 25(b) of the Food Stamp Act of 1977 (7 U.S.C. 2034(b)) for fiscal year 2008 shall remain available until September 30, 2009, to fund proposals solicited in fiscal year 2008.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BACA) and the gentleman from Virginia (Mr. GOODLATTE) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BACA. Mr. Speaker, I ask unanimous consent that all Members may

have 5 legislative days in which to revise and extend their remarks on S. 3597.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BACA. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of S. 3597. I thank my colleagues in the Senate. I thank my colleague Mr. GOODLATTE, as well as Mr. HARKIN, for introducing this legislation. I introduced its House counterpart, H.R. 6981.

This bill is, quite simply, a technical fix of the 2008 farm bill.

I want to thank all of my colleagues for their cooperation in bringing this technical fix to the floor. With its passage, we will ensure the fiscal year 2008 funding for a very nutritional program, the Community Food Projects.

Due to an unintended error in title IV of the farm bill, we mistakenly limited USDA's authority to award grants under this program in this fiscal year. This same fix was passed by unanimous consent in the Senate, and CBO has scored this bill at zero.

Community Food Projects is a forward-thinking grant program that encourages innovative local efforts to expand the availability of affordable and healthful foods. This program is critical to those who live in both urban and rural areas who may not have regular access to nutritional foods needed to raise a healthy family.

I urge my colleagues to voice their support for healthy families and vote ''yes'' on S. 3597.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

I thank my colleague, the subcommittee chairman, as well as Chairman PETERSON, for their work, along with others on this side of the aisle, and join them in supporting S. 3597.

This bill makes a technical correction to the Nutrition title of the 2008 farm bill. This measure will ensure funds allocated for Community Food Projects in fiscal year 2008 remain available through fiscal year 2009. Without this correction, valuable grant funding will be lost.

S. 3597 will allow the U.S. Department of Agriculture to carry this funding forward to provide grants that help communities respond to local nutrition issues.

Because of the importance of this funding and the value that communities find in utilizing these funds to help people in need, providing food for them, I urge my colleagues to support S. 3597.

I yield back the balance of my time.

Mr. BACA. Mr. Speaker, again, I want to encourage support for the Community Food Projects. This is a valuable grant. This is a technical error that was done. I thank the gentleman from Virginia (Mr. GOODLATTE) for his support in this bipartisan effort. This is a correction of a technical error.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BACA) that the House suspend the rules and pass the Senate bill, S. 3597.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## APPOINTMENT OF CHIEF HUMAN CAPITAL OFFICER

Mr. ETHERIDGE. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2816) to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2816

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. APPOINTMENT OF THE CHIEF HUMAN CAPITAL OFFICER BY THE SECRETARY OF HOMELAND SECURITY.**

Section 103(d) of the Homeland Security Act of 2002 (6 U.S.C. 113(d)) is amended—

(1) by striking paragraph (3); and

(2) redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

GENERAL LEAVE

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, I rise in support of S. 2816.

This measure seeks to change how the Chief Human Capital Officer is appointed by the Department of Homeland Security. It will bring DHS in line with other Federal agencies who are able to choose whether they have a Chief Human Capital Officer that is a career employee or a political appointee. Granting this authority now is important to transition to the next administration.

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The Chief Human Capital Officer serves as the Department's lead executive for all matters relating to workforce management. Among the responsibilities of the Chief Human Capital Officer are strategic planning, training and development, recruitment, compensation, benefits, and employee relations.

The task of serving as the CHCO at DHS is particularly challenging when you consider that since DHS' inception, it has faced a series of personnel challenges, including; merging 22 separate agencies into one cabinet-level agency with a combined workforce of over 200,000 people; promoting integration among employees and an appreciation of their role within DHS; and confronting ongoing recruitment and retention challenges.

Low employee morale has been a chronic issue for DHS since it was established in 2003. In fact, in both its 2004 and 2006 workforce surveys, the Office of Personnel Management found that DHS' employee morale ranked among the lowest of any cabinet-level department.

In the 2006 OPM survey, the Department was rated ''dead last'' in job satisfaction among its peers and received very low marks on leadership and management capabilities.

Just last year, the Department's own internal Employee Survey revealed that poor morale remained a major problem. Workers cited pay, performance, and promotion practices as some of the sources of their discontent.

Moreover, documented incidents reveal that the management within some of the most prominent DHS components do not value diversity in their operations. This, too, contributes to low morale. These results are clearly unacceptable in our government. The next CHCO has to make it ''job-one'' to tackle the underlying causes of the discontent.

With the change in administration, the next CHCO has an enormous opportunity to turn things around. The Department must properly address employee dissatisfaction by focusing and implementing career development for its employees. DHS should also ensure that its employees receive proper training and adequate resources necessary to get their jobs done.

DHS must recruit the best and the brightest because we're asking them to do one of the most important jobs in the Federal Government, protect this country. These efforts can only be achieved through an effective Chief Human Capital Officer. Unfortunately, over the past 5½ years, six people have held this office at DHS. That is a tremendous turnover. Stable leadership will help DHS address the magnitude and multitude of its workforce management challenges. This legislation will help provide that stable leadership.

I stand in support of this legislation, and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it's wonderful to be on the floor here this Saturday evening with you and with my colleague on the full committee. And this is one of several bills that we are bringing to the floor to finish up the work of the Homeland Security Committee for this Congress.

I rise in support of S. 2816, this bill to provide the Secretary of Homeland Security with the authority to appoint the Chief Human Capital Officer at the Department of Homeland Security. The bill was introduced by Senators VOINOVICH and AKAKA, and it repeals a provision in the Homeland Security Act that includes this official among DHS officials to be appointed by the President.

This bill will provide uniformity by allowing DHS to operate under the same guidelines as other Federal agencies, where the head of the agency has the authority to designate the director of human resources.

The Homeland Security Subcommittee on Management, Investigations, and Oversight has held a number of hearings on personnel issues at DHS, and we understand, all of us on the full committee, just how important this bill is.

DHS Undersecretary for Management, Ms. Elaine Duke, has informed Congress about the need for this legislation. Under Elaine Duke's effective leadership and guidance, a number of significant improvements have been made at DHS. She is now overseeing the transition of DHS to the next administration, which is critical to the continued operations of the Department and the security of our Nation.

As everyone in this Chamber knows, the creation of the Department of Homeland Security was the greatest reorganization of the Federal Government since the creation of the Defense Department. And it's had its ups and downs, but I think now it is generally moving in the right direction, and I believe the current Secretary of DHS is to be commended for the tremendous work that he has done.

The Department of Homeland Security Authorization Act for fiscal year 2008 included a number of provisions to strengthen personnel programs and systems at DHS. We in the House passed that bill last year, but the Senate did not. Unfortunately, the House did not act on a DHS authorization bill in 2008. I would hope this would be a priority for the 111th Congress early next year. Until then, I would urge passage of the bill before us today.

Mr. Speaker, I yield back the balance of my time.

Mr. ETHERIDGE. Mr. Speaker, in closing, DHS has a lot of room for improvement when it comes to managing its workforce, as we know in the committee. This bill gives the Secretary the authority to put someone into the position that has a career and workforce development in the Federal Government. This is an important step.

I urge passage of this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. ETHERIDGE) that the House suspend the rules and pass the Senate bill, S. 2816.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## COMMENDING HOMELAND SECURITY DEPARTMENT EMPLOYEES

Mr. ETHERIDGE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1429) expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1429

Whereas it has been 7 years since the horrific terrorist attacks against the United States and its people on September 11, 2001;

Whereas terrorists around the world continue to plot and plan attacks against the United States and its interests and foreign allies;

Whereas, as evidenced by a suicide bomb attack in Jerusalem that killed 22 people and wounded 140 on March 27, 2002, a car bomb that exploded outside a Marriott Hotel in Jakarta, Indonesia, on August 5, 2003, killing 10 people and wounding 150, 10 bombs that exploded on 4 commuter trains in Madrid on March 11, 2004, killing 191 people, a major anti-terrorist operation by British Police disrupts an alleged bomb plot targeting multiple airplanes bound for the United States flying through Heathrow Airport, near London on August 10, 2006, citizens across the country and in the world should remain vigilant, prepared, and informed;

Whereas during the month of September, the Nation observes National Preparedness Month which is sponsored by the Department of Homeland Security, and encourages all citizens to prepare themselves and their families for possible emergencies by getting an emergency supply kit that will last 72 hours, making a family emergency plan, being informed, and getting involved in the community in organizations such as Citizen Corps, which actively involves citizens in making our communities and our Nation safer, stronger, and better prepared;

Whereas acts of terrorism can exact a tragic human toll, resulting in significant numbers of casualties and disrupting hundreds of thousands of lives, causing serious damage to our Nation's critical infrastructure, and inflicting billions of dollars of costs on both our public and private sectors;

Whereas in response to the attacks of September 11, 2001, and the continuing grave threat of terrorism, Congress established the Department of Homeland Security in March 2003, bringing together 22 disparate Federal entities, enhancing their capabilities with major new divisions emphasizing terrorism-related information analysis, infrastructure protection, and science and technology, and focusing their employees on the critical mission of defending our Nation against acts of terrorism;

Whereas since its creation, the employees of the Department of Homeland Security have endeavored to carry out this mission with commendable dedication, working with other Federal intelligence and law enforcement agencies and partners at all levels of Government to help secure our Nation's borders, airports, seaports, critical infrastructure, and communities against terrorist attacks;

Whereas our Nation's firefighters, law enforcement officers, emergency medical personnel, and other first responders selflessly and repeatedly risk their lives to fulfill their new mission of helping to prevent, protect against, and prepare to respond to acts of terrorism, major disasters, and other emergencies;

Whereas State, local, territorial, and tribal government officials, the private sector, and ordinary citizens across the country have been working in cooperation with the Department of Homeland Security and other Federal Government agencies to enhance our ability to prevent, deter, protect against, and prepare to respond to acts of terrorism;

Whereas all people of the United States can assist in promoting our Nation's overall terrorism and emergency preparedness by remaining vigilant and alert, reporting suspicious activity to proper authorities, and preparing themselves and their families for potential terrorist attacks; and

Whereas all people of the United States should take the opportunity during National Preparedness Month in September 2008 to take steps at home, work, and school to enhance their ability to assist in preventing, protecting against, and preparing to respond to acts of terrorism: Now, therefore, be it

*Resolved,* That the House of Representatives—

(1) commends the public servants of the Department of Homeland Security and other Federal agencies for their outstanding contributions to our Nation's homeland security;

(2) salutes the dedication of State, local, territorial, and tribal government officials, the private sector, and citizens across the country for their efforts to enhance the Nation's ability to prevent, deter, protect against, and prepare to respond to potential acts of terrorism;

(3) expresses the Nation's appreciation for the sacrifices and commitment of our law enforcement and emergency response personnel in preventing and preparing to respond to acts of terrorism;

(4) supports the goals and ideals of National Preparedness Month as they relate to the threat of terrorism; and

(5) urges the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Preparedness Month with appropriate events and activities that promote citizen and community preparedness to respond to acts of terrorism.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. ETHERIDGE) and the gentleman from California (Mr. DANIEL E. LUNGREN) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Speaker, House Resolution 1429 was introduced by Congresswoman CLARKE of New York to recognize September as National Preparedness Month.

Just a couple of weeks ago, the Nation observed the somber anniversary of the September 11 attacks, and we watched Hurricane Gustav and Ike batter the gulf coast. Therefore, September is an appropriate month to commend the men and women of the Department of Homeland Security and the State and local first responders who form the first line of defense against these and other threats. I have always said that you can't have homeland security unless you are prepared to have hometown security, and that preparedness starts a community at a time.

This month is a good opportunity for every American to learn about how they can prepare for all types of emergencies, whether it be a terrorist attack or a natural disaster. We can start by taking four little steps: Get an emergency kit; two, develop and communicate with your family a plan for evacuation and shelter; three, be informed about the types of emergencies that you are likely to face; and four; get yourself and your community involved to be better prepared. Better knowledge is power. We must all do our part to ensure that we learn what to do before an emergency occurs.

So, Mr. Speaker, I rise in support of this House Resolution because I know firsthand that it is best to be prepared, and not scared.

Let us be clear that the dedicated employees of the Department of Homeland Security and other Federal agencies, together with State and local officials and first responders, will do all they can to prepare for, respond to, and recover from acts of terrorism, natural disaster, and other emergencies. But the American people can play a significant role by understanding the simple steps they can take to provide for themselves and their family.

Together, a prepared public and a resourceful and dedicated Department of Homeland Security can truly anticipate how to respond to different types of emergencies. In doing so, we will become a more resilient Nation.

Before I close my remarks, though, I would like to thank Congresswoman CLARKE for introducing the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DANIEL LUNGREN of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 1429, the resolution commemorating the anniversary of the terrorist attacks of September 11; also promoting the month of September as National Preparedness Month, and commending the employees of the Department of Homeland Security and our Nation's emergency response providers and law enforcement agents.

This September, as we know, marks the fifth annual National Preparedness Month and the seventh anniversary of the terrorist attacks on September 11. H. Res. 1429 is a bipartisan resolution commemorating this important anniversary in our Nation's history and reminding all Americans of the importance of emergency preparedness.

While there has not been a terrorist attack on our U.S. soil since September 11, 2001, it is important to remember that terrorists continue to plan attacks against this Nation, its interests, and its allies abroad. It is not by accident that we have not had such a tragedy. It is, in fact, the result of tremendous work by men and women in uniform, in our agencies, first responders, the coordination that's taken place since then, the cooperation we've had with our allies in many, many other countries.

But we must remain vigilant and ensure that all levels of government, nonprofit organizations, the private sector, individuals, and communities continue to prepare for terrorist attacks, natural disasters, or other emergencies.

Each September, various Department of Homeland Security components, along with other Federal, State and local agencies, nonprofit organizations and the private sector take part in events to increase public awareness and encourage individuals to prepare themselves, their families, their businesses and their communities for emergencies.

The Ready Campaign, which is within the Office of Public Affairs at the Department, along with the Citizen Corps Program within the Federal Emergency Management Agency, FEMA, helps educate individuals, families and communities on the steps that they can take to protect their loves ones in an emergency. For instance, individuals are encouraged to get an emergency supply kit, make a family emergency plan, and be informed about different types of emergencies and the appropriate responses thereto.

Since the Ready Campaign and National Preparedness Month were initiated in 2004, the effort has received over $703 million in donated media support. The www.ready.gov Web site has received over 2 billion hits, with almost 30 million unique visitors to the site. And the national 1–800 number has received 345,000 calls.

In addition, Ready has partnered with Scholastic to provide emergency preparedness materials for the classroom to 400,000 teachers, and recently launched a partnership with Sesame Street to help educate preschool-age children and their parents on the need to prepare for emergencies.

This resolution also commends the hard work and dedication of the Federal, State and local government employees, first responders, the private sector, and citizens across the country for their efforts to enhance the Nation's ability to prepare for, protect against, and respond to acts of terrorism and other emergencies.

Working together, we can continue to protect this country from terrorists wishing us harm. I urge all Members to join in supporting this resolution.

Mr. Speaker, I reserve the balance of my time.

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GENERAL LEAVE

Mr. ETHERIDGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. ETHERIDGE. Mr. Speaker, with that, I would like to yield 5 minutes to the gentlelady who is a sponsor of this resolution, Ms. CLARKE from New York.

Ms. CLARKE. Mr. Speaker, today I rise in support of House Resolution 1429, which recognizes September as National Emergency Preparedness Month. I would like to thank the gentleman from North Carolina (Mr. ETHERIDGE) for managing this very important resolution.

This resolution applauds the public servants at the Department of Homeland Security for their outstanding dedication to securing our Nation. More importantly, the resolution also encourages citizens to prepare themselves and their families to respond to emergencies, whether it's an act of terrorism, a natural disaster or another crisis.

As the sole member of the Committee on Homeland Security who resides in the City of New York, I am keenly aware that one of the most important lessons from the tragic attacks on September 11, 2001 and from Hurricane Katrina is that each and every American must be vigilant about their preparedness for an emergency.

As we all know, with the recent bombing of the Marriott Hotel in Pakistan, terrorism is alive and well and continues to be a very real threat in this world. Likewise, this country has experienced widespread wildfires in the West, numerous tornadoes in the Southeast, overwhelming floods in the Midwest, and late this summer the Gulf States were wracked by Hurricanes Fay, Gustav, Hannah and most recently Ike.

The dedicated workers of the Department of Homeland Security and other Federal agencies successfully coordinated with State and local officials and the private sector to assist with the pre-positioning of lifesaving equipment, evacuation efforts and search-and-rescue methods. Similarly, we saw Members helping their fellow brothers and sisters in their time of need.

This marks the fifth year that DHS has observed September as the National Emergency Preparedness Month. In promoting this, DHS has partnered with over 1,700 organizations, including the American Red Cross, in its efforts

to reach out to the public. Since this is National Emergency Preparedness Month, this is an ideal time for all of us to collectively prepare for all types emergencies. Among the department's recommendations to help Americans prepare for emergencies are: Number one, get a kit. Build a disaster supply kit that includes enough supplies for each family member for 3 days and remember to check the kit every 6 months. Number two, make a plan. Every family should develop, communicate and practice their evacuation or other sheltering. Number 3, be informed about the type of disasters or emergencies that may occur where you live, work and/or play and how they can affect you, your family and community. Number 4, get involved. After preparing yourself and your family for possible emergencies by getting a kit, making a plan and being informed, take the next step in getting involved in preparing your community.

I ask my fellow colleagues to encourage their constituents to visit the Federal government's Citizen Corps website at www.citizencorps.gov to learn how we can bring key community figures together to plan for, mitigate, respond to or recover from an emergency.

I am also happy to note that more than 2,200 State, local, tribal and territorial governments in all States and U.S. territories have formed Citizen Corps Councils, and that every day, new councils are formed in communities around the country.

Before I close my remarks, I would like to thank and express my gratitude to Homeland Security Chairman BENNIE G. THOMPSON and Ranking Member PETER KING for their support for this resolution and their leadership on preparedness issues.

Further, I want to thank the subcommittee chairman, HENRY CUELLAR of the Subcommittee on Emergency Communications, Preparedness and Response for sponsoring H.R. 5890, the Citizen and Community Preparedness Act. Mr. CUELLAR has championed the authorization of Citizen Corps, and he, too, encourages every citizen to get involved to improve their individual and community's preparedness. Mr. Speaker, I also want to thank my Republican colleagues for cosponsoring this resolution. After all, preparedness is not a partisan matter.

In closing, I want to honor all of the sheroes and heroes who dedicate their lives to keeping Americans safe. I urge the citizens of this great Nation to visit the website, www.ready.gov so we can all learn how to be vigilant, alert and prepared for an emergency.

I urge all my colleagues to adopt this resolution.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I would urge support for this bill.

With that, I would yield back the balance of my time.

Mr. ETHERIDGE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as you have heard, H.R. 1429 encourages citizens to prepare themselves and their families on how to respond to emergencies, whether it be an act of terror, a natural disaster or other crisis. This is the fifth year the Department of Homeland Security has partnered with over 1,700 organizations, including the American Red Cross, to promote September as National Preparedness Month. With continuing threats of terrorism and increased frequency and intensity of natural disasters, Americans should prepare themselves, their families and their communities.

Everyone should do the four things we talked about. Get an emergency kit. Prepare and communicate to family and friends their evacuation and shelter plans. Be informed about the type of emergencies, and get the family and community involved.

Constituents should be encouraged to visit the following website. You have heard it twice already, www.ready.gov or www.redcross.org.

In closing, H.R. 1429 enjoys broad bipartisan support. I encourage the adoption of this resolution.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of House Resolution 1429 which applauds the public servants at Department of Homeland Security for their outstanding dedication to securing our Nation.

More importantly, House Resolution 1429 encourages citizens to prepare themselves and their families to respond to emergencies—whether it is an act of terror, natural disaster and other crisis.

The Department of Homeland Security has partnered with over 1,700 organizations, including the American Red Cross, to promote September as the National Preparedness Month.

In fact, this is the 5th year that the Department of Homeland Security has observed September as the National Emergency Preparedness Month.

As a former volunteer firefighter, I know that lives are saved when the public takes steps to prepare for the worst.

Likewise, as the Chairman of the Homeland Security Committee, I want the people of this Nation to take the necessary steps to prepare themselves in the event of an emergency.

Constituents should be encouraged to visit the following websites to get information on how to be prepared for different types of emergencies: www.ready.gov and www.redcross.org.

Among the Department's recommendations to help Americans prepare for emergencies are:

1. Get a Kit—Build a disaster supplies kit that includes enough supplies for each family member for three days and remember to check the kit every six months. Be sure that the kit includes water, food, medicine, batteries, flashlights, hygiene materials, blankets, etc.

2. Make a Plan—Every family should develop and communicate with each other their evacuation or sheltering plan. The plan should correspond to the school, work and community of every member of the family. All families are encouraged to practice this plan to ensure familiarity with evacuation or meeting routes, have cell phones charged and have a charger in the car.

It should be known that at times it may be easier to make a long-distance phone call than to call across town, so an out-of-town contact may be in a better position to communicate among separated family members.

Also every family should have a secure location of important documents such as, insurance papers, etc.

3. Be informed about the type of disasters or emergencies that may occur where you live, work and play and how they can affect you, your family and community. In other words do you live in a place prone to hurricanes, tornadoes, earthquakes, etc? Every citizen should also learn about what to do in the event of a biological, chemical, explosive, nuclear or radiological attack.

It is important to identify how authorities will notify you and how you will get important information.

You should learn what you can do to prepare for that emergency as well as first aid, CPR and disaster training.

Consider sharing what you have learned with your family, neighbors and friends.

4. Get Involved—After preparing yourself and your family for possible emergencies by getting a kit, making a plan and being informed, take the next step and get involved in preparing your community. The American public should visit the www.citizencorps.com website to learn about how Citizen Corps brings together community, emergency and government leaders to involve community members in emergency preparedness, planning, mitigation, response and recovery.

More than 2,200 state, local, tribal and territorial governments in all 56 states and U.S. territories have formed Citizen Corps Councils, and every day new Councils are formed in communities around the country.

These Councils assist with outreach and educational efforts to the public; training and exercises that effectively integrate emergency responders, volunteers with a response role, and the general public; and volunteer programs that support emergency response services.

I conclude by asking my colleagues to adopt this resolution.

Mr. ETHERIDGE. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. ETHERIDGE) that the House suspend the rules and agree to the resolution, H. Res. 1429.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## NAVAL VESSEL TRANSFER ACT OF 2008

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7177) to authorize the transfer of naval vessels to certain foreign recipients, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7177

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## TITLE I—NAVAL VESSEL TRANSFER

### SECTION 101. SHORT TITLE.

This title may be cited as the ''Naval Vessel Transfer Act of 2008''.

### SEC. 102. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer the vessels specified in paragraphs (1), (3), and (4) of section 501(a) of H.R. 5916 of the 110th Congress, as passed the House of Representatives on May 15, 2008, to the foreign recipients specified in paragraphs (1), (3), and (4) of such section, respectively, on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(b) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j).

(c) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient (notwithstanding section 516(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e))).

(d) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of the recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of the enactment of this Act.

## TITLE II—UNITED STATES ARMS EXPORTS

### SEC. 201. ASSESSMENT OF ISRAEL'S QUALITATIVE MILITARY EDGE OVER MILITARY THREATS.

(a) ASSESSMENT REQUIRED.—The President shall carry out an empirical and qualitative assessment on an ongoing basis of the extent to which Israel possesses a qualitative military edge over military threats to Israel. The assessment required under this subsection shall be sufficiently robust so as to facilitate comparability of data over concurrent years.

(b) USE OF ASSESSMENT.—The President shall ensure that the assessment required under subsection (a) is used to inform the review by the United States of applications to sell defense articles and defense services under the Arms Export Control Act (22 U.S.C. 2751 et seq.) to countries in the Middle East.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 30, 2009, the President shall transmit to the appropriate congressional committees a report on the initial assessment required under subsection (a).

(2) QUADRENNIAL REPORT.—Not later than four years after the date on which the President transmits the initial report under paragraph (1), and every four years thereafter, the President shall transmit to the appropriate congressional committees a report on the most recent assessment required under subsection (a).

(d) CERTIFICATION.—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following:

''(h) CERTIFICATION REQUIREMENT RELATING TO ISRAEL'S QUALITATIVE MILITARY EDGE.—

''(1) IN GENERAL.—Any certification relating to a proposed sale or export of defense articles or defense services under this section to any country in the Middle East other than Israel shall include a determination that the sale or export of the defense articles or defense services will not adversely affect Israel's qualitative military edge over military threats to Israel.

''(2) QUALITATIVE MILITARY EDGE DEFINED.—In this subsection, the term 'qualitative military edge' means the ability to counter and defeat any credible conventional military threat from any individual state or possible coalition of states or from non-state actors, while sustaining minimal damages and casualties, through the use of superior military means, possessed in sufficient quantity, including weapons, command, control, communication, intelligence, surveillance, and reconnaissance capabilities that in their technical characteristics are superior in capability to those of such other individual or possible coalition of states or non-state actors.''.

(e) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) QUALITATIVE MILITARY EDGE.—The term ''qualitative military edge'' has the meaning given the term in section 36(h) of the Arms Export Control Act, as added by subsection (d) of this section.

### SEC. 202. IMPLEMENTATION OF MEMORANDUM OF UNDERSTANDING WITH ISRAEL.

(a) IN GENERAL.—Of the amount made available for fiscal year 2009 for assistance under the program authorized by section 23 of the Arms Export Control Act (22 U.S.C. 2763) (commonly referred to as the ''Foreign Military Financing Program''), the amount specified in subsection (b) is authorized to be made available on a grant basis for Israel.

(b) COMPUTATION OF AMOUNT.—The amount referred to in subsection (a) is the amount equal to—

(1) the amount specified under the heading ''Foreign Military Financing Program'' for Israel for fiscal year 2008; plus

(2) $150,000,000.

(c) OTHER AUTHORITIES.—

(1) AVAILABILITY OF FUNDS FOR ADVANCED WEAPONS SYSTEMS.—To the extent the Government of Israel requests the United States to provide assistance for fiscal year 2009 for the procurement of advanced weapons systems, amounts authorized to be made available for Israel under this section shall, as agreed to by Israel and the United States, be available for such purposes, of which not less than $670,650,000 shall be available for the procurement in Israel of defense articles and defense services, including research and development.

(2) DISBURSEMENT OF FUNDS.—Amounts authorized to be made available for Israel under this section shall be disbursed not later than 30 days after the date of the enactment of an Act making appropriations for the Department of State, foreign operations, and related programs for fiscal year 2009, or October 31, 2008, whichever occurs later.

### SEC. 203. SECURITY COOPERATION WITH THE REPUBLIC OF KOREA.

(a) FINDINGS.—Congress makes the following findings:

(1) Close and continuing defense cooperation between the United States and the Republic of Korea continues to be in the national security interest of the United States.

(2) The Republic of Korea was designated a major non-NATO ally in 1987, the first such designation.

(3) The Republic of Korea has been a major purchaser of United States defense articles and services through the Foreign Military Sales (FMS) program, totaling $6,900,000,000 in deliveries over the last 10 years.

(4) Purchases of United States defense articles, services, and major defense equipment facilitate and increase the interoperability of Republic of Korea military forces with the United States Armed Forces.

(5) Congress has previously enacted important, special defense cooperation arrangements for the Republic of Korea, as in the Act entitled ''An Act to authorize the transfer of items in the War Reserves Stockpile for Allies, Korea'', approved December 30, 2005 (Public Law 109–159; 119 Stat. 2955), which authorized the President, notwithstanding section 514 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h), to transfer to the Republic of Korea certain defense items to be included in a war reserve stockpile for that country.

(6) Enhanced support for defense cooperation with the Republic of Korea is important to the national security of the United States, including through creation of a status in law for the Republic of Korea similar to the countries in the North Atlantic Treaty Organization, Japan, Australia, and New Zealand, with respect to consideration by Congress of foreign military sales to the Republic of Korea.

(b) SPECIAL FOREIGN MILITARY SALES STATUS FOR REPUBLIC OF KOREA.—The Arms Export Control Act (22 U.S.C. 2751 et seq.) is amended—

(1) in sections 3(d)(2)(B), 3(d)(3)(A)(i), 3(d)(5), 21(e)(2)(A), 36(b), 36(c), 36(d)(2)(A), 62(c)(1), and 63(a)(2), by inserting ''the Republic of Korea,'' before ''or New Zealand'' each place it appears;

(2) in section 3(b)(2), by inserting ''the Government of the Republic of Korea,'' before ''or the Government of New Zealand'';

(3) in section 21(h)(1)(A), by inserting ''the Republic of Korea,'' before ''or Israel''; and

(4) in section 21(h)(2), by striking ''or to any member government of that Organization if that Organization or member government'' and inserting '', to any member government of that Organization, or to the Governments of the Republic of Korea, Australia, New Zealand, Japan, or Israel if that Organization, member government, or the Governments of the Republic of Korea, Australia, New Zealand, Japan, or Israel''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill reflects the bipartisan text agreed by the other body that incorporates several provisions from H.R. 5916, the Berman/Ros-

Lehtinen/Sherman/Manzullo Security Assistance and Arms Export Control Reform Act of 2008 that the House passed in May.

It authorizes the Department of the Navy to transfer surplus U.S. Navy vessels to friendly countries which Congress does on an annual basis. It strengthens the vital security relationship with our close friends and allies, South Korea and Israel. Building on the work of Representative ROYCE, U.S. law will now add South Korea to the list of countries in the Arms Export Control in the same way as NATO, Australia, New Zealand and Japan. This is a significant symbolic recognition of the critical importance of South Korea to U.S. national security and to peace and stability throughout East Asia.

It also requires the administration to empirically assess on an ongoing basis the State of Israel's ''Qualitative Military Edge,'' we call it QME, against conventional or nonconventional security threats, to report that assessment to Congress every 4 years, and to use that assessment when reviewing arms exports to other countries in the Middle East.

Every President since Lyndon Johnson has affirmed the U.S. commitment to Israel's Qualitative Military Edge against potential enemies. But unfortunately it has become clear the administration uses subjective judgment when evaluating Israel's QME. The State and Defense officials have admitted there is no objective empirical method for evaluating this critical measure of whether or not Israel maintains a qualitative superiority over potential threats to its security.

It is also clear that by such subjective evaluations are performed sale by sale and country by country without clear, overall consideration of the balance of capabilities possessed throughout the region that conceivably affect Israel's security.

This provision would remedy this glaring lack of a robust mechanism to make security and export decisions that could undermine the security of one of the most important friends and allies that we have in the Middle East. The bill also authorizes security assistance to Israel, including implementing the recent U.S.-Israel Memorandum of Understanding Regarding Security Assistance.

It is fitting that on the 60th anniversary of Israel, the U.S. renews and strengthens its relationship with a most important friend in the region. It deserves all the support we can muster.

I urge my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I would like to thank my good friend, the chairman of our committee, HOWARD BERMAN. It is a delight to work with him in a bipartisan manner, and I appreciate the close cooperation that we've enjoyed in these months.

Mr. Speaker, I rise in support of H.R. 7177, a measure to authorize certain naval vessel transfers, to strengthen U.S. security assistance to Israel and to upgrade the foreign military sale status of our allies in the Republic of Korea. Mr. Speaker, this bill contains many provisions identical or similar to those contained a bill previously passed by this House this spring, H.R. 5916, the Security Assistance and Arms Export Control Reform Act of 2008.

The bill before us strengthens the U.S. commitment to the security of our dear friends in Israel by requiring an objective analysis of Israel's military capability with respect to conventional and unconventional threats while authorizing an increase in U.S. foreign military financing that is consistent with the August 2007 U.S.-Israel memorandum on military assistance. These provisions are of vital importance because as we all know, Israel is surrounded by a number of threats which threaten its very survival.

Thus, the provisions in this bill enhancing our relationship with Israel are critical to Israel's security but also to our vital interests in the region.

This legislation also upgrades the Foreign Military Sales status of our staunch ally, the Republic of Korea. Elements of this provision were included in H.R. 5443 which passed the House earlier this week. This upgrade is an important symbol of a renewed and transformed U.S.-ROK alliance. It reaffirms that South Korea continues to be a close and a much-valued strategic ally of the United States in a relationship that is, and must remain, a bedrock of stability in Northeast Asia.

Mr. Speaker, our actions here tonight will help to advance a new strategic framework for the alliance, not only for the purpose of managing a range of North Korea contingencies, but also to cement a common, democratic partnership for the 21st century.

Finally, Mr. Speaker, this bill authorizes the grant of surplus Navy vessels. According to our Secretary of the Navy, these proposed transfers would improve our political and military relationship with these countries.

□ 2000

The United States would also incur no cost in transferring these vessels, as the recipients would be responsible for all costs associated with the transfers.

I urge support for this important measure, Mr. Speaker.

I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I have no further requests for time. I simply want to express my deep appreciation to my ranking member. We have been working together now for 7 or so months. We are not always perfect in our dealings, but it is a lot more good than bad, and getting better. I am grateful for her support and understanding of all the different shifts in these kinds of things, and I am glad to have her support for this bill.

Mr. Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I would also like to reiterate the warm friendship and great cooperation that we have gotten from our chairman, both as Members and as members of our staff coordinate these sometimes thorny bills, controversial measures, and we are able to compromise and come to an agreement and understanding and help the House develop a good foreign policy for this greatest nation in the world, the United States of America. It is an honor for me to work with Chairman BERMAN.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 7177.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## WEBCASTER SETTLEMENT ACT OF 2008

Mr. BERMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7084) to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 7084

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Webcaster Settlement Act of 2008''.

**SEC. 2. AGREEMENTS ON BEHALF OF WEBCASTERS.**

Section 114(f)(5) of title 17, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''small commercial'' each place it appears and inserting ''commercial'';

(B) by striking ''during the period beginning on October 28, 1998, and ending on December 31, 2004'' and inserting ''for a period of not more than 11 years beginning on January 1, 2005'';

(C) by striking ''a copyright arbitration royalty panel or decision by the Librarian of Congress'' and inserting ''the Copyright Royalty Judges''; and

(D) in the second sentence, by striking ''webcasters shall include'' and inserting ''webcasters may include'';

(2) in subparagraph (B), by striking ''small commercial'' and inserting ''commercial'';

(3) in subparagraph (C)—

(A) by striking ''Librarian of Congress'' and inserting ''Copyright Royalty Judges'';

(B) by striking ''small webcasters'' and inserting ''webcasters''; and

(C) by adding at the end the following: ''This subparagraph shall not apply to the extent that the receiving agent and a webcaster that is party to an agreement entered into pursuant to subparagraph (A) expressly authorize the submission of the agreement in a proceeding under this subsection.'';

(4) in subparagraph (D)—

(A) by striking ''the Small Webcasters Settlement Act of 2002'' and inserting ''the Webcaster Settlement Act of 2008'' ; and

(B) by striking ''Librarian of Congress of July 8, 2002'' and inserting ''Copyright Royalty Judges of May 1, 2007''; and

(5) in subparagraph (F), by striking ''December 15, 2002'' and all that follows through ''2003'' and inserting ''February 15, 2009''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. BERMAN) and the gentleman from Texas (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. BERMAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BERMAN. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of H.R. 7084, the Webcasters Settlement Act of 2008, which grants authority to relevant parties to negotiate an alternative royalty rate for the use of music on Internet radio stations under the existing government compulsory license.

This license gives webcasters the privilege of using copyrighted recorded music at a government-mandated rate determined by the Copyright Royalty Judges.

The recent government rate was determined on March 2, 2007. After considering voluminous written submissions and 48 days of trial testimony that filled 13,288 pages of transcript, the Copyright Royalty Judges determined fair, marketplace-based rates, averaged over a 5-year rate period. The judges followed their authorizing statute and carried out their duties in a fair and impartial manner. Both sides were able to present thorough cases and the judges came to a fair result based on the evidence presented.

Since that determination, certain webcasters have requested that copyright owners enter into negotiation to offer an alternative rate for webcasters who meet unique conditions, and requested that the Committee on the Judiciary facilitate such negotiations. These negotiations have been proceeding in earnest over the past 2 months, and the parties are making considerable progress.

Because the parties will not be able to finish their negotiations before Congress recesses, however, and because authority by Congress is required for a settlement to take effect under the government compulsory license, we are pushing this legislation that will grant such authority and hope the negotiations will continue in a positive direction for both sides.

I might add that the issue of broadcasters who are doing or want to do webcasting negotiations in that area also will be starting in the immediate future.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. BERMAN. I yield myself 1 additional minute.

It is an important principle that negotiations are more appropriate before the copyright royalty proceeding. However, these conversations that have taken place under the committee's auspices are occurring in unique and extraordinary political and business circumstances and are unlike typical marketplace negotiations.

This bill provides that any alternative private deal-making or any private deal regarding an alternative rate would not be precedential, unless, of course, the parties agreed that it should be. Some of the rates that are being discussed represent a large discount, a huge discount from what independent decisionmaking bodies have found to be marketplace rates, and less than what I understand many webcasters have been paying since the judges reached their decision.

Neither this deal nor this bill should be understood as a criticism of the judges' decision, and I would expect marketplace rates to be higher and at least a reflection of what the judges decided absent the distinct circumstances that apply here.

I hope this legislation will make it easier for more music to be performed online by paying services, and also that there will be an increase in compensation to creators.

I urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 7084, the Webcasting Settlement Act of 2008, grants limited statutory authority to SoundExchange, the government designated entity responsible for disbursing webcasting royalties. Specifically, the bill gives SoundExchange the ability to enter into and negotiate agreements with webcasters for the performance of sound recordings over the Internet.

As background, the Copyright Royalty Board last year issued its final rate determination in a webcasting proceeding. That decision, which was the product of a lengthy and extensive adjudicatory process open to all parties, has withstood all legal challenges in the D.C. Court of Appeals.

In issuing its final ruling, the CRB established the market rates and terms for the performance of statutorily licensed Internet streamed music for a 5 year period that ends December 31, 2010.

Preferring voluntarily negotiated settlements to the continuation of adversarial legal proceedings, SoundExchange and representatives from both the commercial and noncommercial webcasting operators have been attempting to craft a compromise that might end this litigation and provide certainty to sound recording copyright owners and webcasters alike.

While progress has reportedly been made, the law does not permit a successfully negotiated agreement to be given effect after the CRB has issued its final ruling. To provide the needed flexibility, the Webcaster Settlement Act of 2008 provides a limited window of time to enable the parties to try and reach a voluntary accord.

In supporting this legislation and approach, I believe it is particularly important that SoundExchange reach out and expand the number of webcasting representatives with whom they have been meeting. This will ensure all legitimate points of view are considered in negotiating settlements. This authority will accomplish little in the long run if the interests of the public and all significant stakeholders are not carefully weighed and reflected in the final agreements.

In closing, Mr. Speaker, I note this proposal is similar to the manner in which Congress resolved a webcasting royalty dispute in 2002.

While there are significant differences between H.R. 7084 and the earlier law, this bill is needed at this time. If this authority is utilized properly, it will benefit the public.

I urge my colleagues to support H.R. 7084.

Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Washington (Mr. INSLEE), the author of this legislation. The gentleman has been very focused on this issue since the time the Copyright Royalty Board came down with what I view as a just decision, but which others may have a different opinion of.

Mr. INSLEE. Mr. Speaker, I am delighted to be here tonight to help pass the Webcaster Settlement Act of 2008. The reason is I really do believe the upshot of this legislation will be the survival of webcasting as we know it in the United States, to really allow our consumers and our constituents to continue to enjoy tremendous opportunities to listen to great music and great news over the Internet, and allow the continued development of businesses around the business model of webcasting.

I am very appreciative of Chairman BERMAN and his efforts to facilitate discussions to help resolve this difficult issue and to the ranking member, Mr. SMITH, who is a cosponsor of this legislation. This really is a bipartisan effort to find a resolution to a difficult issue.

As Mr. BERMAN indicated, there is a wide divergence on what the right royalty to pay is. Certainly a lot of businesses were jeopardized by this decision. I just note one that led to this relief. Big R Radio, it is actually in the State of Washington where I hail from, under the CRB decision that gave rise to this issue, it would have caused Big R Radio to exceed by 150 percent of their revenues what they would have to pay in royalties.

□ 2015

We have heard many businesses would be in that situation.

We have been engaged now for some period of time, discussions to try to find a resolution and agreement between those who are webcasters, who have big dreams, and providing tremendous music to allow them to continue.

We hope that those will succeed. We think that we are close to a successful resolution of those discussions. Mr. BERMAN has been very helpful in that regard.

But to get there, we need to have this bill to make sure that when an agreement is reached, that it has, in fact, the sanction of the United States. This bill is really kind of simple. It just basically says that the parties, if they can reach an agreement, Uncle Sam will not get in the way. Certainly that makes sense from all standpoints on both sides of the aisle.

I just want to note how important it is. I know many people have been interested in this in the last few days to encourage Congress to pass this legislation. Webcasting really has become a fabric of people's daily lives.

I want to read one quote from Luis Jimenez, who is involved in Live365 network. He is from Frederick, Maryland. This is a quote:

''Internet radio gave me the freedom to put together my own format station without having to be a cookie-cutter station. Listeners and musicians love it because of the variety of music and the fact local and independent artists are played.'' That's a quote from the Frederick News Post.

This is really why our constituents love this service. We want to find a business model where webcasting can thrive, where consumers can listen, and, at some point, terrestrial broadcasters who will be able to simulcast under this the legislation, they will be able to access the benefit of this legislation, and they will be involved in negotiations to find a right, appropriate level.

I am delighted by the passage of this, and I thank all involved in this effort.

Mr. SMITH of Texas. Mr. Speaker, first I want to thank the gentleman from Washington (Mr. INSLEE) for his comments.

I would like to yield as much time as he may consume to my colleague on the Judiciary Committee, the gentleman from Utah (Mr. CANNON) who is now serving as the ranking member of the Administrative and Commercial Law Subcommittee of the Judiciary Committee.

Mr. CANNON. Mr. Speaker, I rise today in support of H.R. 7084, the Webcasters Settlement Act of 2008.

I want to thank my friend, Chairman BERMAN, for his tireless work on this issue, as well as Mr. INSLEE, Ms. ZOE LOFGREN and the ranking member of the Judiciary Committee, Mr. SMITH.

Since the CRB's ruling in March of 2007, the stakeholders, including the Digital Media Association, NPR and RIAA, have been negotiating for a lower rate to preserve the existence of Internet radio as we know it.

We know that the rates set by the CRB would have killed Internet radio, and today we stand on the cusp of a major breakthrough after months of difficult negotiations between the private parties. This bill does nothing to affect the scope of performance rights or make any other changes to the underlying copyright law. It clearly does not affect broadcasters. They will not be bound by any settlement, negotiated settlement or settlement agreement.

This bill simply clears the path for the private negotiations to continue while Congress is in recess. I have long opposed congressional mandates and other government impositions on private parties.

I urge my colleagues to support this legislation. It simply gives the webcasters and copyright holders the freedom to continue the negotiation process.

Without this legislation, negotiation could not continue, and all parties would be bound by the CRB decision.

Mr. Speaker, this is likely to be the last time I address the House, at least for some time, and I would like to take a moment to thank the Judiciary Committee staff, and the majority staff, and minority staff, for their tireless work, and for the floor staff of both the majority and minority parties who have been amazingly good at keeping things moving here.

Finally, I would like to thank our wonderful clerical staff who keep things moving and have made this such a pleasant and wonderful place to do business. I think I should also like to add thanks to our security for the floor for the wonderful support they have been.

Mr. BERMAN. I have great admiration and respect for the previous speaker, Mr. CANNON, who will be moving on from this body soon.

Mr. Speaker, I want to recognize a key person in all of this process on webcasting rates, a member of our subcommittee, a very active member of our subcommittee, the gentlelady from California, for as much time as she may consume.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise in support of the Webcaster Settlement Act. Since the Copyright Royalty Board announced its decision dramatically increasing royalty rates for webcasters, Internet radio has really been in serious jeopardy. In some cases, fees under the ruling actually exceeded the revenue, obviously a business model that is impossible to sustain.

Because the demise of Internet radio is absolutely in no one's interest, not in the stakeholders, Members of Congress have worked very hard to reach a negotiated compromise that would supersede the CRB decision and preserve the continued viability of Internet radio.

I particularly want to commend Representative BERMAN for his work in bringing the parties together. They were very far apart, and his personal attention to this has been a key element for this progress.

This act buys some time for the negotiations to continue, removes the statutory impediment to implementation of a negotiated compromise, and I am very hopeful that we will achieve what we wish.

The alternative to this legislation would be a court-imposed solution that would drive many of the newest and most promising innovators like Pandora, located in Alameda County, out of the marketplace. It's not just the providers of content, it's the American public, indeed the world, that is able to use the digital world for access to content. We don't want, any of us, to stand in the way of that.

I just want to take a minute here, because this may be the last time that I have an opportunity to work on a bill on this floor with Congressman CANNON, who will not be returning to the 111th Congress.

I just want to say, if you look at Congressman CANNON's record and mine, you will find very different records, one of the most conservative Members of Congress, and I am not.

But I will say that working with Congressman CANNON is a tremendous honor, because he is a very smart guy and he is very focused. There are never any games working with him. It's always what can he see that's in the public's interest. When you can work with someone like that, even though it's a conservative and a nonconservative, you can make progress.

It's just been an honor to work with Congressman CANNON. He has served his district, his State and his country with tremendous distinction. I just want to thank him for all he has done. I know he will have many other things to contribute in the private sector, but it's really been an honor to work with him.

Mr. SMITH of Texas. I too want to thank the gentleman from Utah (Mr. CANNON), my colleague on the Judiciary Committee, for his service to this institution and to our country.

CHRIS CANNON has served, while he has been on the Judiciary Committee, both as the chairman of the Commercial and Administrative Law Subcommittee, and as ranking member, a position he holds right now.

The gentleman from Utah has brought to that position an incredible knowledge and expertise and commitment to so many issues that impacts so many Americans in this country today.

He has, in my judgment, that rare blend of a sense of humor and a seriousness of purpose that make him an ideal Member of Congress. Those talents and those skills and his dedication to Congress and to our country will be missed, but we look forward to staying in touch with him and wish him well in his next adventure.

Mr. Speaker, I yield back the balance of my time.

Mr. BERMAN. I am pleased to yield again to the sponsor of this bill an additional minute.

Mr. INSLEE. Mr. Speaker, I do also want to express my great respect for the previous speaker, Representative CANNON. He is a fellow of such great heart and cheerful countenance, it has been a pleasure to serve with him. He and I now belong or shortly will belong to an elite group. He will be joining the Former Members of Congress. I am also a member of the Former Members of Congress.

I just want to relate to him that many of us who are not serving at one time, it is a respectful and honorable position to be in. I want his family to know how much we respect his service. We know he is going to go on to do great things for his community and his family.

Congressman, I would like to tell you how much we respect you. Hope you come by and say hello on occasion. Congratulations.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I just want to take a moment, the irony of both Mr. SMITH and Mr. CANNON being on the floor at the same time. For so many years, I was on Ethics Committee with Mr. SMITH as chairman during a big part of that time, on the Immigration Committee with Mr. SMITH being chairman for a part of that time, and on Intellectual Property, when Mr. SMITH was chairman for a serious part of that time.

I hate to say this in front of the ranking member of the Judiciary Committee, but with the gentleman from Utah, with whom I worked so closely on so many different aspects of the immigration issue, I will sorely miss you.

We didn't agree as much on all the intellectual property issues as we did on the immigration issues. But the other side of the coin is, I didn't agree with the ranking member of Judiciary on the immigration issues as much as I did on the intellectual property issues.

But in both cases it has really been a delight to work with both of you, and particularly you, Mr. CANNON, because at least for now you won't be back here next year. I will miss both your person and your work on these issues, and we shall prevail.

Mr. CANNON. Would the gentleman yield?

Mr. BERMAN. I do.

Mr. CANNON. This is an amazing, actually, pass. Mr. INSLEE and I, of course, have worked on the Natural Resources Committee together and differed sharply on many issues, but never unpleasantly.

This is an amazing pass where people of such divergent views are together on the same issue. It's a nice send-off. I appreciate your kind comments and those of the gentlelady from California and the gentleman from Washington and the gentleman from Texas.

Mr. BERMAN. Mr. Speaker, in closing, I just want to say that we have before us legislation that is supported by the DMA association, the Digital Media Association and the Sound Exchange, the collection agency, as well as their component memberships, including the labels, the performers, the musicians, the backup singers, National Public Radio, the small webcasters. I should report, based on the conversations and an amendment that extends till February 15 the deadline, this bill does not have the opposition of the National Association of Broadcasters.

I urge the passage of H.R. 7084 and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and pass the bill, H.R. 7084, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

□ 2030

## HISTORIC MOMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, you know, people often come up and say we are at an historic moment. Every moment is a part of history because at some time what we are doing is going to be recorded but we really are at another defining moment in American history here this week and this weekend.

And the American people need to know that House Republicans are fighting for the right values and for what 99 percent of Americans have been telling us for the past week. I am also happy to report that most House Republicans agreed with their constituents even before they began hearing from their constituents, and that's a good thing for the American people to know because that means our resolve is even stronger than it would have been if some of our Members had been of a different mind but changed their mind once they started hearing from their constituents.

House Republicans are fighting to ensure that the rescue bill, the economic rescue bill doesn't give a blank check to Wall Street at the expense of taxpayers on Main Street. People have been calling me all day today. I had a call just before I came on the floor asking me are we all right. I am here to reassure the American people that from our side of the aisle we are all right. We are doing fine, and we are standing strong. And I think it is very important that we say that.

But I think also we need to say what some of the specific things we are fighting for and we are fighting against. We are fighting to make sure that we don't slide into socialism in this country. And we are fighting against the special interests, the pork barrel and the very groups that helped get us into the situation that we are in now. I want to say that we are working hard to get out of any bill that is presented here that has pork barrel provisions added by the Democrats, that would reward the people who support them and give them all their money.

Let me talk about three of those groups. Number one, the trial lawyers. Believe it or not, the Democrats have figured out a way to put into this economic recovery bill a great gift to the trial lawyers, and that is something that is called around here a cram down provision.

It would allow people who don't think their mortgage rate is fair to go to a bankruptcy judge and ask that bankruptcy judge to change the conditions of their mortgage. That is an abomination. But what it would do is give a lot of work to trial lawyers. We have said there is a marker here, we will not vote for any economic recovery plan that is going to do that because it would undermine the effectiveness of any economic recovery effort by making it even harder to value these securities.

There is another gift in the draft presented by the Democrats to big labor. This gives Washington's powerful big labor bosses a big handout by having them have ''say on pay'' or proxy access provisions that the Democrats have added to this.

And then a group that people have asked me about ACORN. There is a big gift in here to that group. It includes a giveaway that would force taxpayers to bankroll a slush fund to a discredited ally of the Democratic Party. ACORN's fraudulent voter registration activities on behalf of Democratic candidates are well known.

This bill that the Democrats have presented would return any profits made in the long term from the economic rescue package partly back to ACORN. In fact, the first part of it would go to ACORN for their often-illegal help in helping Democrats get elected.

I have, Mr. Speaker, a long list of their most recent scandals and unlawful activities. Seven ACORN workers

were charged with committing the biggest voter registration fraud in Washington State history. That was from the Seattle Times.

Another article from the Wall Street Journal, ''Late last year, a handful of ACORN canvassers in Washington State admitted that they had falsified voter registrations by illegally filling out hundreds of forms with names such as Dennis Hastert, Leon Spinks and Fruito Boy Crispila.''

I don't have time in the short time I have available to read all of these excerpts from articles, but I would like to put them all in the RECORD.

Mr. Speaker, I want the American people to know, Republicans are fighting for you.

''ACORN is a long-time advocacy group with whom Obama was once associated. Recently, though, ACORN workers in two states have pleaded guilty to election fraud, an unlikely recipient of federal largess.'' Fox News Report, 9/26/08.

''Seven ACORN workers were charged with 'committing the biggest voter-registration fraud in [Washington] state history.' '' The Seattle Times, 7/26/07.

ACORN workers submitted ''just over 1,800 new voter registration forms, but there was a problem. The names were made up—all but six of the 1,800 submissions were fakes... The ACORN workers told state investigators that they went to the Seattle public library, sat at a table and filled out the voter registration forms. They made up names, addresses, and Social Security numbers and in some cases plucked names from the phone book. One worker said it was a lot of hard work making up all those names and another said he would sit at home, smoke marijuana and fill out the forms.'' Fox News Channel, 5/02/08.

''Late last year, a handful of ACORN canvassers in Washington state admitted that they had falsified voter registrations by illegally filling out hundreds of forms with names such as Dennis Hastert, Leon Spinks and Fruito Boy Crispila.'' Wall Street Journal, 7/31/08.

''Eight workers for a get-out-the-vote effort in St. Louis city and county have pleaded guilty to federal election fraud for submitting false registration cards for the 2006 election, authorities said today. The workers were employed by the Association of Community Organizations for Reform Now (ACORN), gathering voter registrations.'' Associated Press, 4/02/08.

''Acorn has had a number of missteps. This month its founder, Wade Rathke, resigned after news emerged that his brother Dale had embezzled nearly $1 million from Acorn and affiliated groups eight years ago—information the group kept from law-enforcement authorities and most members. Dale Rathke left the organization only last month.'' Wall Street Journal, 7/31/08.

So how exactly will ACORN be rewarded if the Democrats get their way? Very simple: behind closed doors, ACORN-friendly language was slipped into the Democratic economic rescue proposal by Senate Banking Committee Chairman Chris Dodd (D–CT) and House Financial Services Committee Chairman Barney Frank (D–MA). Take a look:

Transfer of a percentage of profits.

1. Deposits. Not less than 20 percent of any profit realized on the sale of each troubled asset purchased under this Act shall be deposited as provided in paragraph (2).

2. Use of deposits. Of the amount referred to in paragraph (1)

1. 65 percent shall be deposited into the Housing Trust Fund established under section 1338 of the Federal Housing Enterprises Regulatory Reform Act of 1992 (12 U.S.C. 4568); and

2. 35 percent shall be deposited into the Capital Magnet Fund established under section 1339 of that Act (12 U.S.C. 4569).

Remainder deposited in the Treasury. All amounts remaining after payments under paragraph (1) shall be paid into the General Fund of the Treasury for reduction of the public debt.

What does this mean? The Wall Street Journal breaks it down in an editorial published today:

''What we have here essentially are a pair of government slush funds created in July as part of the Economic Recovery Act that pump tax dollars into the coffers of low-income housing advocacy groups, such as Acorn.''

''Acorn, one of America's most militant left-wing 'community activist groups,' is spending $16 million this year to register Democrats to vote in November. In the past several years, Acorn's voter registration programs have come under investigation in Ohio, Colorado, Michigan, Missouri and Washington, while several of their employees have been convicted of voter fraud...''

That's right. Rather than returning any profits made in the long-term from the economic rescue package, Democrats want to first reward their radical allies at ACORN for their help—often illegal help—in getting Democrats elected to office. Families, seniors, small businesses, and all American taxpayers deserve better than what Democratic leaders are attempting to jam down their throats.

The rescue package should not become a ''Christmas tree'' for the Democratic Majority's far-left wing political agenda that seeks to shower taxpayer dollars upon groups like ACORN. On behalf of beleaguered taxpayers across the nation, House Republicans will continue to fight to remove the ACORN payback and any other Democratic poison-pills from the economic rescue package.

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

(Mr. POE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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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.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

(Mr. TANCREDO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

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The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from Colorado (Mr. TANCREDO) is vacated.

There was objection.

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## ILLEGAL IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the minority leader.

Mr. TANCREDO. Mr. Speaker, I come to the floor tonight to speak on a subject that I have spoken on many, many times over the course of my career in this Congress. This will be the last time I will be able to address this body in a Special Order on this particular issue.

I am reminded of nearly a decade ago when I arrived in the House of Representatives in 1999 and there was really no organized effort to facilitate a discussion on the critical issue of immigration and immigration reform. The task I felt at that time was to bring it to the Nation's attention any way I could, being one Member of the House and as a freshman, there are relatively few ways to accomplish that goal. One way was to address the House through the Special Order process, and I did that night after night after night.

I would sometimes walk away from here thinking it may have been a futile gesture. I would leave here and it would be quite late walking across to my office in Longworth, and I would look back at the Capitol dome and I would see the light shining on it and I would think about the importance of what I was trying to accomplish here. And at my office, there were always lights on the phones, I could see people calling and hear the fax machine going, and I knew there were people out there who were listening to this discussion and who were responding to it and that always gave me the energy to continue the discussion, to come back the next night and do whatever I could to get people to focus on what I considered to be and what I still consider to be one of the most serious problems facing the Nation. Certainly it is one of the most serious domestic problems facing the Nation.

Now we are talking about a financial crisis and it has sucked up all of the energy in the room and all of the energy on Capitol Hill. All of the oxygen has been sucked up by this discussion, and I understand why. It is a crucial issue, crucial to our constituents and enormously important throughout the world, as a matter of fact.

It is important I think also to recognize there is an aspect of this discussion which does go back to the original issue of illegal immigration into the country, and it is no small part of the problem that we now face.

Several months ago in my own county, Jefferson County, Colorado, the district attorney indicted several realtors and mortgage brokers for fraudulently developing documents for people who were here illegally so they could buy homes. By the way, it is not necessarily illegal in the United States, as peculiar as this may sound, it is not illegal for someone who is here illegally to purchase a home, but it is certainly illegal to doctor the documents, to falsify the Social Security and tax records. Now this is a tiny story. How does it relate to this issue.

One county in Colorado, three or four realtors, three or four mortgage brokers, accounted for 250 homes being sold in just that county in Colorado. Across the Nation, this phenomenon accounts for hundreds of thousands of homes that have been sold to people who are here illegally. There have been major industries, certainly major banks in this country that were devoted to trying to identify illegal aliens as a niche market to both make them loans, to identify them as potential bank customers so they can get the mortgage.

We saw hundreds of millions, in fact hundreds of billions of dollars flow into these mortgages. Now what has happened? The economy has gone sour. Immigration reform efforts have gotten to the point where we actually are now conducting raids at some of the major factories and meat packing plants across the country. And also States have taken on this responsibility themselves and have passed laws. Because the Federal Government has been so lax, we have States taking up the burden and passing laws to do something about illegal immigration in their State, and local communities doing the same thing.

The result is lots of people are leaving, going home. To the extent so much so that in Mexico, the president of Mexico issued an urgent plea for us to do something to stop the flow of illegal aliens back to Mexico because they couldn't handle it. They wanted us to secure our border, maybe to build a fence. There were so many returning that they could not handle the influx.

What does that mean for us and the issue of this mortgage problem that we are having? It means that all of those people simply walked away from those mortgages, those hundreds of thousands of homes that were on the market. They walked away because of course they had nothing at stake. They were given 100 percent loans, sometimes even more than that. Their names were oftentimes falsified. They had nothing at stake, were illegally in the country, so it was easy to walk away. They walked away from the homes and we are stuck with the mortgages, and they are now part of this huge bailout we are trying to focus on and deal with as the Congress of the United States.

We haven't talked about that as an issue, but I suggest to you it is an enormous issue. No one wants to talk about it, just like no one wanted to talk about this issue for the last 10 years.

Only recently have we seen a bit of a change. In 1999, I founded the Congressional Immigration Reform Caucus, and six people agreed to join initially. The task I felt again was something that I had to undertake. It was one of those things that I decided to add to the repertoire, if you will, of talking about it here at night, forming an immigration reform caucus and trying to get people to pay attention.

□ 2045

Well, there have been—I don't know—hundreds of speeches, literally thousands of radio spots that I have done and interviews that I have done on this particular issue, thousands of speeches that I have given around the country.

Things have begun to change, and I am extremely happy about that. We certainly have more members of the caucus now headed by BRIAN BILBRAY, over 100 members, both Republicans and Democrats, and a number of things have happened around the country that are worthy of note.

The Minuteman Project showed the Nation how a few hundred concerned citizens could shut down border traffic with lawn chairs and cell phones, just doing what they could do in their spare time as American citizens looking for a lawful way to address the issue of illegal immigration. Thousands of people did it. It was a wonderful thing to observe even though, by our own President, they were called vigilantes, and of course, they were the people who were actually enforcing the law as opposed to the President, who was ignoring it.

We've had governors of southern border States, Democrats and Republicans alike, declare states of emergency in their individual States because of the massive number of illegal immigrants who have come across the borders. We've had small towns, communities all over this country do what Mayor Barletta did in the small town of Hazleton, Pennsylvania when he passed ordinances against hiring or renting to illegal aliens. He earned national attention and a crucial battle with the ACLU for that.

Of course, I mentioned earlier there are other States, States like Arizona, Oklahoma, Georgia, that have taken up this issue themselves because, again, they looked for help from the Federal Government and could not find it, but they have passed wonderful bills to deal with this, saying that employers in their respective States have to use the E-Verify system to make sure that the people they have hired are here legally.

Legislatively, we've seen other things that seemed impossible a while back. In October of 2004, Speaker HASTERT's H.R. 10, which came out of the 9/11 Recommendations Implementation Act, was passed in the House, and it substantially targeted immigration-related weaknesses related to terrorist travel.

The following month, I used a rarely employed conference rule to force a Republican Conference meeting and postpone a vote on the Intelligence reform bills because immigration-related provisions had been stripped from the conference report. The shutdown resulted in the promise that became the Real ID Act, which became the law the following year. It mandates standards for the issuance of driver's licenses that would preclude the eligibility of illegal aliens.

In 2006, the Secure Fence Act became law, mandating the construction of approximately 800 miles of fencing and infrastructure on the U.S.-Mexico border. Three hundred miles of that fence have been completed.

The most important tool in forcing Congress to deal with immigration is the amendment process that we have here. In 2003, I began offering amendments to spending bills, seeking to enforce Federal laws that prohibit sanctuary cities. This was a new strategy, and I began to build a record for all of my colleagues. No longer could Members just speak in platitudes about immigration. They had to put their money where their mouths were and cast a vote up or down on these real issues.

I brought amendments on the sanctuary policy's temporary protected status by removing reimbursements for illegal alien health care, by repealing food stamps for immigrants, by suspending the Visa Waiver Program, by revoking visas for countries that refuse reparations.

As the votes began to pile up, the voting habits of my colleagues began to change. The first sanctuary amendment I offered in 2003 got 102 votes. Now we regularly pass these amendments. The real catalyst was President Bush's speech in 2004, which caused widespread outrage with the amnesty proposal. Our constituents showing the vast disconnect between themselves and the beltway elite started making their views known with the benefits of high-paid lobbyists.

Like most Americans, I was delighted to watch the immigration proposal go down to defeat in the U.S. Senate. First and foremost, it demonstrated how widely unpopular the notion of granting amnesty to illegal aliens is with the American people. More importantly, however, Congress' rejection of the bill may have signified the high watermark for advocates of ever increasing levels of immigration, both legal and illegal, into the United States.

Supporters of the President's immigration plan were forced to even change the rhetoric of the debate as they tried desperately to invent a nonoffensive euphemism for amnesty. We heard it referred to as ''earned legalization,'' as ''comprehensive reform'' and

as ''regularization.'' Despite their efforts, however, Americans made it quite clear that they opposed amnesty.

It's not surprising, but the amnesty proposal contained within the bill isn't the only fuel that fueled the grassroots brush fire that killed that bill. Dramatic increases in legal immigration levels proved to be nearly as unpopular as amnesty, and it also contributed to the demise of the legislation.

Public concerns about dramatically increased levels of legal immigration helped to derail a similar Senate proposal in 2006 after Robert Rector of the Heritage Foundation analyzed how many foreigners the bill would allow into the United States over the next 20 years, some 60 million people. Sheer numbers began to transcend anecdotal stories about friendly immigrant neighbors on the minds of the American public.

Indeed, the protracted debate over immigration has voters increasingly focused on what is a very reasonable question: What kind of immigration policy serves our national interest? Not surprisingly, few have stepped forward to defend the status quo or the massive increases proposed by the Senate leadership or the President. Mr. Rector penned a report applicable to that year's Senate concoction. Despite all the talk about how critical low-skilled immigrants are to economic growth, his study confirmed what many already knew, that low-skilled legal and illegal immigrants are a net cost to taxpayers, not a net gain, just as their native-born counterparts are.

The Senate bill would have cost our children and grandchildren $2.5 trillion due to amnesty provisions and increased levels of legal immigration authorized by the legislation. Again, it was Mr. Rector's analysis that deeply shook the public's confidence in the Senate's credibility in handling the issue. Once more, the question about legal immigration became relevant in light of that information.

Now, I'm not saying that America is ready to install a ''no vacancy'' sign on the Statue of Liberty. At the same time, we cannot discount the increasingly disconcerting public feeling that honoring our tradition of immigration while decreasing the yearly total of immigrants to more sustainable levels are not mutually exclusive goals. A significant decrease similar to that one in the Commission on Immigration Reform advocated in the mid-1990s would be a good first step toward creating a more orderly and sustainable immigration policy in America, such as, by the way, eliminating chain migration and the visa lottery. I continue to believe that a return to traditional immigration levels as well as stepped up enforcement can be won in a matter of months and years, not decades.

For one reason I believe that this is what will happen in this seminal legislative moment in my House tenure is that Mr. SENSENBRENNER, the chairman of the Judiciary Committee, began the process in late 2005 of crafting a comprehensive immigration reform bill—the Border Protection, Antiterrorism, and Illegal Immigration Control Act. It passed 239 to 182. Not only did the enforcement bill first receive broad bipartisan support on the final passage but so did stand-alone amendments to build border fencing and to reduce legal immigration by eliminating the Visa Diversity program.

Our immigration caucus played a vital role in making sure that not so much as a sense of Congress was allowed to suggest that we needed guest workers.

There is still, of course, much to do. I am proud of the accomplishments of the caucus. I am proud of the accomplishments that my colleagues and I, who have fought for immigration reform, have made to this point in time.

Certainly, it is the reason, by the way, that I ran for the Presidency of the United States, for the Republican nomination for the Presidency of the United States. With little idea, in fact no idea, that I would actually become the President of the United States in that process, I was nonetheless inspired to do what I did and run for the nomination for President in order to force the people who were on the stage with me during that period of time to address this issue. There was a reluctance in doing so. I know I started the process out in February of last year and ended it in December, and between that time that I started in February to December, there was a complete change in the way each person who was running for that nomination addressed the issue of immigration. Finally, every single person, including the present nominee of the party, agreed that we had to secure the borders first. We must do that. There was no longer ambiguity in their statements about this. Our borders have to be secure.

Now, I hope of course that the rhetoric turns into action. I commend to my colleagues here who will be returning next year that their task will be ahead of them to make sure that that is what is done.

So we have done a great many things. There are still a lot of concerns that most of us have about where we go from here. It is imperative that we stay strong in our opposition to amnesty of any kind. It is imperative that we push for a border fence and for one that is, in fact, a real deterrent to the flow of illegal immigrants into the country.

It is imperative that we never, ever do to anybody else what we've done to Agents Ramos and Compean, who are still imprisoned for essentially doing what they were hired to do in protecting our borders.

There are threats to our sovereignty like the Security and Prosperity Partnership and the North American Union. They continue to exist in some form or other. Legal immigration is still at an historical high. The effects of our language and of our culture threaten not only what kind of a nation we will be but whether we will be a nation at all.

This leads me to the next part of this discussion and, perhaps, even to the more serious part that we must begin to work with as we have now accomplished a number of goals that we have set and that I have set, essentially, for myself here, which is one of the reasons why I chose not to run again. I mean, when I look back at where I started in this process and where we are now 10 years later, I feel like I have accomplished many of the goals I set for myself in this body. There are many people here who I can turn to now and hand the baton to and know that they will take it up—it's wonderful—to Judge Poe and to STEVE KING. I could go on and on with the number of people who are here today who are committed to doing something about true immigration reform. Hence, I feel very comfortable in taking my leave of this place at this time, but I do so with this caveat:

We must never forget the real threat that exists as a result of massive immigration, both legal and illegal, into this country when it merges with what I have often called the cult of multiculturalism. It permeates our society, this cult does. It is an emphasis on all of the things that pull us apart as a society—an emphasis on creating linguistic and cultural enclaves, on turning us into a cultural and linguistic Tower of Babel. It is a focus on all of the negative aspects of Western civilization and the United States' exemplification of Western civilization's greatest attributes.

The colleges and institutions of higher education and certainly even our high schools and our K–12 educational system is fraught with this idea of this cult of multiculturalism and the attitude about America and about the west. It permeates all of the textual materials of most of the professors who are at these institutions, who always confront the issue of America and the west and western society in the most negative terms, who are always tearing us down—who we are, what we've built, what we're all about. This is the cult of multiculturalism. When millions of people come into this country, either legally or illegally, who are also interested in ideas and who are interested in things other than becoming an American, we become susceptible to a disease that really will destroy us. It is a disease that works its way from within the body politic in this country, and it is susceptible to an attack from without.

We see what's happening today. We have been calling it a war on terror. It is a misnomer. It is incorrect to label it that way. It is not a war on terror that we face and that we are trying to advance. It is a war against radical Islam. Terror is a tactic of radical Islamists. It is not the entity with which we are at war.

Lao Tzu, of course, is a famous Chinese philosopher, and he has stated and

has been quoted over the years because of his insight into both the nature of war and into the nature of human beings. He said at one point that there are two things that are desperately needed in order to be successful in any clash. One is the knowledge of who your enemy really is. Who are they? What makes them tick? Why do they do the things they are doing? The other is, he says, a knowledge of who you are. We have to understand who it is we are fighting. Again, it is not simply terrorists.

□ 2100

It is radical Islam. Islam's hostility towards the West has nothing to do with American troops in Muslim lands or America's support for Israel or the plight of the Palestinians. The first thing we must understand is that Muslims believe the Koran is the word of god as dictated to Mohammed. It cannot be interpreted by man. This is troubling because the book's passages call for the destruction of opposing religions, the extermination of non-Muslims, and the imposition of a worldwide caliphate.

Among other things, the Koran tells Muslims: those who disbelieve we shall roast them in fire, they may feel the punishment. When you meet the unbelievers, smite them, and when you have caused a bloodbath among them, bind a bond firmly on them. Take the infidels captive and besiege them, and prepare for them each ambush. They that reject faith, take not friends from their ranks and make them flee in the way of Allah . . . seize them and kill them wherever you find them and take no friends from their ranks. Fight them until there is no dissension, and religion is entirely Allah's. Instill terror into the hearts of the unbelievers. Prepare for disbelievers chains, yokes, and a blazing fire. Cast terror into the hearts of those who disbelieve and strike off their heads and fingertips.

This is Islam's instruction book, and the instructions are quite clear.

So whether we want to admit it or not, the Western world is locked in a struggle against this form of Islam—a religion whose practitioners and adherents are inextricably linked to terrorism. And if we are to successfully defend ourselves against the desire of our enemies to impose a caliphate on the world, we must first be willing to openly identify them, say who they are.

Politically correct politicians in the United States, Europe, and elsewhere are quick to dispute notions that Islam is inherently violent, and they flatly reject that Islam is engaged in a global struggle to dominate the world. But a quick look around the globe tells a different story.

While the most obvious clashes between Islam and the West are taking place in the streets of Israel, in the mountains of Afghanistan, and in the deserts of Iraq, Islam's foot soldiers are waging their war against non-Muslims in all corners of the world.

In Sudan, the conflict between the north and the south was basically a conflict between Arab Muslims and southern black Christians.

A visiting teacher from Denmark was jailed for insulting Islam after she let her class name a teddy bear ''Mohammad.''

In Thailand, a nation of more than 60 million that is more than 95 percent Buddhist—a nation that is known worldwide for its friendly people and enduring spirit of hospitality—some 3,000 Thais have been killed in brutal uprisings by Muslims who are determined to replace Thailand's democratic kingdom with an Islamic State.

Last week, Islamic militants in the southern Thai town of Pattani shot a state official some 30 times with a machine gun as he arrived to visit a school. After the attack, the gunman dragged his body out of the truck and chopped off his head in front of the horrified students and teachers.

In the Philippines—a former U.S. territory known more for its food and cathedrals than for Islamic extremism—the government has also been struggling with Islamic militants seeking to overthrow the democratic system and ''return'' the country to its ''pre-Christian 'Moor' national identity.''

This insurgency has gone on for decades and claimed more than 120,000 lives. Over the last few years, Filipino soldiers, priests, other Christians, and non-Muslims have been routinely captured and beheaded.

In Indonesia—which is struggling to maintain a democratic system amid calls for the imposition of Sharia law—dozens of demonstrators recently attacked the local ''Playboy'' magazine office, injuring police officers and damaging property. Keep in mind that the Indonesian version of the magazine does not even contain nudity, and is primarily dedicated to Western pop culture and fashion.

After the incident, it was not the militants, but Erwin Arnada—the magazine's editor—who was arrested and forced to face charges of violating the country's indecency laws and faces a long prison sentence.

For more than 40 years, Malaysia—a former British colony—has successfully balanced its democratic secular form of government with the plurality of its citizens' Muslim roots. Slowly, however, these roots are ripping up the fabric of freedom in this country.

In 2005, the country's Federal court system dismissed appeals by four Muslims who were sentenced to 3 years in jail for wrongfully attempting to convert from Islam. Despite the Malaysian constitution's guarantee to all people the right to profess and practice one's own religion, the court disregarded the Federal constitution and ceded jurisdiction of the case to a Sharia court.

In 2007, over the objections of his Hindu wife and family, Emm Moorthy—part of the first Malaysian team to climb Mount Everest and an army commando—was declared a Muslim after his death and buried as one.

In another case, local authorities refused to recognize the conversion of a Muslim woman to become a Catholic. In addition, the local registrar refused her application for marriage to a Catholic man because Islam prohibits Muslims from marrying non-Muslims. Courageously, she filed suit, optimistic that the Malaysian constitution's provisions for equal protection and freedom would win the day. Unfortunately, amid Islamist protestors' shouts of ''Allah-o-Akbar'' inside the courtroom, a judge dismissed her application finding that ''ethnic Malays'' are constitutionally defined as ''Muslims,'' making conversion from Islam and her marriage to a Catholic man illegal.

The judge went on to say that he could not allow her to change her religion because granting her such an exemption would encourage future converts.

That's part of the world that we seldom hear about but where actions like this are everyday occurrences. These developments in Asia and Africa are problematic, but the wave of Islam is also washing over Europe's shores. While Islamists work to eliminate legal protections for free speech and free association in Asia and Africa in order to replace pluralism with Islam, they are using these freedoms and the legal system in Europe in order to determine democratic institutions and replace them with Sharia Law, undermining democratic institutions.

Sharia Law calls for brutal punishment, such as the stoning of women who are accused of adultery or having children out of wedlock, cutting off the hands of petty thieves, lashings for the casual consumption of alcohol and a failure of women to wear a veil or head-scarf.

Muslims in the UK recently used a loophole in the Federal arbitration law to make Islamic Sharia Law and the decisions of the Sharia court legally binding in civil cases in the United Kingdom.

A recent poll conducted by the Centre for Social Cohesion in the United Kingdom found that some 40 percent of Muslim students in the United Kingdom support the introduction of Sharia law there, and 33 percent support the imposition of an Islamic Sharia-based government worldwide. Another 32 percent of the British Muslim youth living believe that killing for the religion is acceptable, while 20 percent are unsure.

Just days after the London subway attack, Tariq Ali, a prominent British Muslim activist, was quick to suggest that London residents ''paid the price'' for British support in the Iraqi campaign.

Another academic, George Hajjar, went even further proclaiming, ''I hope every patriotic and Islamic Arab will participate in this war and will shift the war not only to America but to . . . wherever America may be.'' He added, ''There are no innocent people,'' and referred to the victims of the attack as ''collateral casualties.''

In the Netherlands, the number of Muslims has grown from just 54 in 1909 to almost 1 million in 2004. These changes have not come without costs.

2002, Pim Fortoon, a politician who expressed concern about the rapid influx of Muslim immigration, was shot six times in the head as he walked to his car. During his court appearance, the killer told the judge in killing Fortoon he ''acted on behalf of the country's Muslims.''

2004. Theo Van Gogh, Dutch filmmaker who had the temerity to make a movie critical of Islam's treatment of women, was shot and killed by a 26-year old Dutch born Muslim in broad daylight in a busy Amsterdam street. After shooting Van Gogh, the jihadist pinned a note to his body threatening the co-author of the script. Then he began the task of decapitating Mr. Van Gogh's lifeless body.

Another Dutch politician who has raised concerns about the danger of Islam's rise in Holland, Geert Wilders, has received numerous death threats and is forced to travel with 24-hour day security. According to Mr. Wilders, the Dutch government has completely capitulated to Islamists in the wake of these politically motivated murders.

He recently told the Hudson Institute, ''We have gone from calls by one cabinet members to turn Muslim holidays into official state holidays to statements by another cabinet member that Islam is part of Dutch culture,'' to an affirmation by the Christian Democrat Attorney General that he is willing to accept Sharia Law in the Netherlands. And there is another majority.

We now have cabinet members who pass with passports from Morocco and Turkey. More alarming still, one half of Dutch Muslims say they understand the 9/11 attacks.

Before I go on, going back to the United Kingdom for a moment. The largest mosque in the world is being built outside London. Recently Archbishop of Canterbury said they should have two tracks, a two-track system in England: one Sharia Law and one traditional English law. Mohammed is now the most popular name in England for a child.

France is also gripped by the crisis. Muslim rioting gripped the country for weeks last year resulting in death and unprecedented destruction of private property. There are hundreds of areas inside Paris and inside and around Paris where police do not go. They are entirely Muslim areas, and the police are essentially afraid to go in there.

The PEW Research Center reported that more than half of all French Muslims loyal to Islam is greater than their loyalty to France, and one in three do not object to suicide attacks.

The demographics, of course, are significant, and that is what is causing a significant change in the entire attitude of Western Europe about such things as Islam and the changing of Western laws.

That is the point of this, that all of this comes with a cost. There is a challenge to western civilization. We have a system that was established by the concept of the rule of law and many other things that unite us as a Nation in the past and united the West in the past are being threatened and destroyed.

Before liberals in America roll out the Islamic welcome mat any farther, they ought to look closely at Europe. As I noted, many Muslims in Europe openly expressed a desire to replace secular democracies there with Islamic caliphates. Hardly surprising when you have an immigration policy that allows for the importation of millions of radical Muslims, you are also importing the radical ideology, an ideology that is fundamentally hostile to the foundations of Western democracy, such as gender equity, pluralism, and individual liberty.

These lessons are unfolding in plain sight across the Atlantic in Europe, but what many Americans don't realize is that these same problems are beginning to manifest themselves here in the United States in parts of Michigan, New York, and Virginia. Yes, yet America's political leaders remain asleep at the switch.

The PEW Research Center, for example, asked American Muslims between the ages of 18 and 29, When are suicide bombings justified? Twenty-six percent said that they were always justified. Another 15 percent said they were often justified.

Another potential threat, settlement poses to the United States is made worse by the fact of the sheer volume of both legal and illegal immigration into our country. Combine that with the rise of culture relativism, political correctness, and the lefts' obsession with diversity, and you have a recipe for disaster as immigrants are prevented from assimilating and separate ethnic cultural communities spring up all over the United States.

We are again confronted with this situation, and we are made less able to deal with it because of this, the political correctness that—and this multicultural society that we are creating here. It makes us weaker as a society to deal with this.

We are told constantly, as I said earlier, about the deficiencies of the West and that we are not really a country at all, that the United States isn't just a Nation of sovereign people, it is just a place on the planet. Just a place on the continent.

It's called America, and if you live here, you're an American. There are no other ties that should bind us, certainly not a linguistic tie, certainly not the English language. That's what they say. I say it is the imperative tie that must bind us. It is the glue that holds our society together. It is the thing that allows us to communicate with each other. And it is imperative that we have something because we have so many things in this country that pull us apart, it is imperative that we have something, anything, that pulls us together. Language is that one thing.

Our people come from everywhere around the world from every different kind of culture, religion, color, historical background, and language. We have—something when they come here has got to begin the process of assimilation because immigration without assimilation is creating a phenomena that is like putting a gun to our heads.

Examples of this kind of political correctness go on and on. Los Angeles Roosevelt High School. An 11th grade teacher told a nationally syndicated radio program that she hates the textbooks that she's been told to use and the State-mandated history curriculum because they ignore students of Mexican ancestry. Because the students don't see themselves in the curriculum, the teacher has chosen to ''modify the curriculum'' by replacing it with activities like mural walks intended to open the students' eyes to their indigenous culture.

A friend of the teacher invited to help with the mural walk went on to tell the students, ''Your education has been one big lie after another.''

In a textbook called, ''Across the Centuries,'' which is used widely across America for the teaching of 7th grade history, the term ''jihad'' is defined as ''to do one's best to resist temptation and overcome evil.''

□ 2115

In 2002, the new guidelines for teaching history in the New Jersey public schools failed to mention America's Founding Fathers, the Pilgrims, or the Mayflower. After this became public, New Jersey changed the guidelines.

In a Prentice Hall history textbook used by students in Palm Beach County high schools, titled ''A World Conflict,'' the first five pages of the World War II chapter cover such topics as discrimination against women in the Armed Forces, racial segregation during the war, and internment of Japanese Americans, far fewer than are dedicated to the 292,000 Americans who died in the conflict, fighting against totalitarianism and genocide.

A Washington State teacher substituted the word ''winter'' for the word ''Christmas'' in a carol to be sung at a school program so as not to appear to be favoring one faith over another.

In a school district in New Mexico, the introduction to a textbook called ''500 Years of Chicano History in Pictures'' states that it was written ''in response to the Bicentennial celebration of the 1776 American Revolution and its lies.'' Its stated purpose was to ''celebrate our resistance to being colonized and absorbed by racist empire builders.'' The chapter headings include ''Death to the Invader,'' ''U.S. Conquest and Betrayal,'' ''We Are Now a U.S. Colony,'' ''In Occupied America,'' and ''They Stole Our Land.'' This is a textbook in a New Mexico school district.

Nicholas DeGenova, an assistant professor of anthropology at Columbia

University, told students that he wanted to see ''a million Mogadishus''—a reference to an operation in Somalia in 1993 in which elite U.S. Army personnel were pinned down in a fierce firefight. Eighteen Americans were killed and 84 wounded. DeGenova added that, ''The only true heroes are those who find ways to help defeat the U.S. military.'' Administrators at Columbia University expressed regret, saying they were ''appalled by the statements,'' but took no action to dismiss DeGenova, who is still teaching. Teaching, by the way, is a liberal way to interpret his activity.

At Royal Oak Intermediate School in Covina, California, students in Len Cesene's seventh grade history class fasted last week—this was some time ago, last week was the quote from the article—last week to celebrate the Muslim holy month of Ramadan. His letter to parents explained that ''in an attempt to promote a greater understanding and empathy towards the Muslim religion and toward other cultures, I am encouraging students to participate in an extra credit assignment. Students may choose to fast for one, two, or three days. During this time, students may only drink water during daylight hours.''

A Federal judge in Brooklyn interpreted New York City policy on holiday displays in public schools allow for the display of the Jewish Menorah and the Muslim Crescent—but not the display of a Christian Nativity scene. The judge based his decision on the notion that the Muslim Crescent and Jewish Menorah are ''secular'' symbols, while the Christian Nativity scene is not, and the list goes on and on.

Certainly, many people have heard about the professor from the University of Colorado who claimed that all the people that were killed in the Twin Towers deserved to be killed; they were little Eichmanns. Again, it goes on and on.

And individually, these kinds of incidents may seem regrettable and harmless. They are just examples of Americans' tolerance for diversity and multiculturalism. Collectively, they will subject our Nation to death by a thousand cuts.

Islamic leaders have seen the inability of our government institutions to maintain cultural cohesion, and despite the mainstream media's attempt to report it because of political correctness, they are no longer shy about expressing their own intentions.

According to the Manifesto of the Muslim Brotherhood in America, ''Our work in America is a kind of grand jihad in eliminating and destroying the Western civilization from within.''

According to Professor Hatem Bazian of the University of California at Berkeley, ''It's about time that we have an intifada in this country, that changes, fundamentally the political dynamics here.''

Yousef Khattab, of the U.S.-based Islamic Thinkers Society, recently said in an interview that ''Islam will dominate, that's what it will be. We want to see Sharia Law here, and it will be. The flag of Islam will be, God willing, on the White House, if that's where we choose it to be.''

According to a co-founder of the Council on American Islamic Relation, CAIR, Abdul Rahman Alamoudi, ''We Muslims have a chance, in America, to be the moral leadership in America. The problem is when? It will happen, I have no doubt in my mind. It depends on me and you, either we do it now or we do it after a hundred years, but this country will become a Muslim country.''

The head of another Muslim group, Coordinating Council of Muslim Organizations, Imam Johari Abdul Malik, told a crowd, ''Before Allah closes our eyes for the last time you will see Islam move from being the second largest religion in America—that's where we are now—to the first religion in America.''

Muslim ''activist'' Abu Waleed told a crowd of reporters, ''We are not Muslims . . . who are simply here to integrate and become part of democracy and freedom and adopt these values. Rather, what we hope to do is to engage with the . . . society to . . . one day implement the Sharia over man-made law and sharia over . . . Washington, D.C.''

A Muslim man recently told CNN's Anderson Cooper, ''We are bound by the rules of Islam. If a woman runs away, she must be killed.''

Our essentially ''open door'' policy of unlimited legal and illegal immigration may seem like a harmless manifestation of our national tradition of welcoming newcomers with open arms, but it is an invitation to our destruction.

For example, the American left's dogmatic adherence to the idea of ''diversity'' and their tendency to elevate it above all other values also led them to establish the visa lottery, or ''Diversity Visa'' program in 1990. Hundreds of thousands of people have come with these kinds of programs throughout the United States, and we do this at our peril.

We were a Nation that was identifiable. It was identifiable by the kind of language that we spoke, the religion that we observed. Just an example of what we were at one time and what we must think about as what held us together, the ideas, the attitude, yes, the religion, yes, the language. They were something that at one point in time held us together as a Nation.

The Trinity Church case in 1892 said, ''If we pass beyond these matters to a view of American life, as expressed by its law, its business, its customs, and its society, we find everywhere a clear recognition of the same truth . . . this is a Christian Nation.'' Justice Brewer.

''We are a Christian people, according to one another the equal right of religious freedom and acknowledging with reverence the duty of obedience to the will of God,'' Justice Sutherland, 1931, the Macintosh case.

1983, ''To invoke divine guidance on a public body entrusted with making the laws is not . . . a violation of the Establishment Clause; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country.''

And then, of course, later decisions began to erode that concept of religious similarity in this country.

Who we were, this is something that I want to read and will tell you at the end who wrote this; although, probably the content of it will let us know. It was written on June 6, 1944.

''Almighty God: Our sons, pride of our Nation, this day have set upon a mighty endeavor, a struggle to preserve our republic, our religion, and our civilization, and to set free a suffering humanity.

''Lead them straight and true; give them strength to their arms, stoutness to their hearts, steadfastness in their faith.

''They will need Thy blessings. Their road will be long and hard. For the enemy is strong. He may hurl back our forces. Success may not come with rushing speed, but we shall return again and again; and we know that by Thy grace, and by the righteousness of our cause, our sons will triumph.

''They will be sore tried, by night and by day, without rest-until the victory is won. The darkness will be rent by noise and flame. Men's souls will be shaken with the violences of war.

''For these men are lately drawn from the ways of peace. They fight not for the lust of consequence. They fight to end conquest. They fight to liberate. They fight to let justice arise, and tolerance and goodwill among all Thy people. They yearn but for the end of battle, for their return to the haven of home.

''Some will never return. Embrace these, Father, and receive them, Thy heroic servants, into Thy kingdom.

''And for us at home—fathers, mothers, children, wives, sisters, and brothers of brave men overseas—whose thoughts and prayers are ever with them—help us, Almighty God, to rededicate ourselves in renewed faith in Thee in this hour of great sacrifice.

''Many people have urged that I call the Nation into a single day of special prayer. But because the road is long and the desire is great, I ask that our people devote themselves in a continuance of prayer. As we rise to each new day, and again when each day is spent, let words of prayer be on our lips, invoking Thy help to our efforts.

''Give us strength, too—strength in our daily tasks, to redouble the contributions we make in the physical and the material support of our Armed Forces.

''And let our hearts be stout, to wait out the long travail, to bear sorrow that may come, to impart our courage unto our sons wheresoever they may be.

''And, O Lord, give us Faith. Give us Faith in Thee; Faith in our sons; Faith

in each other; Faith in our united crusade. Let not the keenness of our spirit ever be dulled. Let not the impacts of temporary events, of temporal matters of but fleeting moment let not these deter us in our unconquerable purpose.

''With Thy blessing, we shall prevail over the unholy forces of our enemy. Help us to conquer the apostles of greed and racial arrogancies. Lead us to the saving of our country, and with our sister Nations into a world unity that will spell a sure peace, a peace invulnerable to the schemings of unworthy men. And a peace that will let all of men live in freedom, reaping the just rewards of their honest toil.

''Thy will be done, Almighty God.

''Amen.''

That, of course, was the prayer of Franklin Delano Roosevelt as our men embarked upon D Day. This prayer, I wonder if it could be said today by the leader of this country. I wonder if the President of the United States would have the courage to start off a prayer asking for the Lord to help protect our religion, our civilization, our Republic, and to set free a suffering humanity. Would we add the words ''our civilization,'' ''our religion''? Could we? Do they mean anything? What do they describe today to anyone? Or are we too afraid to mention this for fear that it will be perceived by someone as narrow-minded?

And so, therefore, we do not discuss who we are or at least who we were. But just as dangerous an event as D Day was and just as much as we needed prayer to protect the men who were going across that channel, we find ourselves in a world that's equally dangerous. We find ourselves daily facing events that challenge us in so many ways and are as dangerous and as threatening to our very existence as was the threat posed by Nazi Germany and the Empire of Japan.

They come from a different source, those threats. They are not identifiable as a single nation. It makes it harder for us to deal with it. But we as a country must do so.

And this is my parting thought for this Congress, for this Nation. Pray for the same thing that Franklin Delano Roosevelt prayed for: strength, courage to defeat an enemy that has every intention of defeating us and destroying Western civilization. Do not walk quietly into the night of a dark age. Know who we are. Know who the enemy is. Hold up this Nation's flag. Take back our country.

## VACATING 5-MINUTE SPECIAL ORDER

The SPEAKER pro tempore. Without objection, the 5-minute Special Order of the gentleman from New Jersey (Mr. GARRETT) is vacated.

There was no objection.

## CURRENT FINANCIAL SITUATION OF THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for 60 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, we come to the floor tonight to speak about an issue that has eclipsed all other issues, that has been in the media and on the public's minds of recent date, and that, of course, is the financial situation that the United States currently finds itself in.

As we go through this evening, we will talk about deals or no deals, the underlying fundamental problems that the situation has brought us to this point, who and how we got here, what was the makeup of the market and the Fed and the Treasury that may have helped to facilitate the problems that we face today.

□ 2130

And, finally, what are some of the solutions that are potentially out there that can move us from where we are today to a more stronger and safe economy?

I'll just start for a moment, before I yield to some of my colleagues who have joined me, to suggest to the American public that tonight they should be concerned, not just about what is occurring on Wall Street, but what is occurring right here in Washington, D.C. as well.

With regard to the situation on Wall Street, although as difficult as it may be, I have, deep down inside of me, the utmost faith in the American people and the American worker and the America businessman that, when faced with this challenge, that they will be able to overcome it and to strive and make a stronger economy tomorrow that will be beneficial for our farmers, for our families, for our manufacturers, for our economy throughout the United States.

And yes, there may be some need, as we will discuss, for the intervention by Washington, but the reason why I say that the American citizen should be concerned tonight—not so much about Wall Street, but about Washington—is what may come out in the form of legislation tonight—or in the next day or the day after that. Because, you see, we are being asked to sort of rush through this process, where as normally we would come to this body and maybe spend hours upon hours debating whether we should spend a million dollars on this bridge over in this State or a million dollars in this program in that State.

And we will go through committee hearings and markups and subcommittees and the like and then finally get to the floor of the House and pass it here. And then it will go over to the Senate, and it will go through the same arduous process of subcommittees and full committees and markups, and then to the Senate floor, where they will have debate on it infinitum. And maybe even then we'll go to conference committee and come back here to the House where we will have to discuss the issue all over again. And that may be only for a matter of only a million dollars or two.

But what we are talking about here is potentially spending $700 billion, and we're being asked to basically decide that issue in a matter of hours. Mind you, we may, hopefully—as the optimist as I always am—get just the right answer. But the reason I say the American citizen should be warned is that history does not indicate that. And many times, in the rush to judgment, when we are pushed to make a decision at the end of the day, at the end of the week, at the end of a session when a crisis is looming over our heads, we are sometimes pushed in the wrong direction.

And I would also ask the American citizen to consider this; you know, the overwhelming calls to our offices I think across the board, across both Democrats and Republicans as well, would say that they have been opposed to spending $700 billion of the American taxpayers' dollars to bail out, if you will, Wall Street. I would just advise the American public, as a plan finally does come through the process and is passed through this House and the Senate, I would advise them to look over it very, very carefully when they are told that this is not the same Paulson proposal, that the American taxpayer is not going to be on the hook. I don't know what that proposal will be—as negotiations are going on literally as we speak—but look at it very carefully to see that the proverbial wool is not being pulled over all of our eyes, and that we ultimately, and our future generations, our children and our grandchildren, will be held responsible for paying the debt. I hope that's not the case.

I remain optimistic that we can work out a solution. And the House Republicans have actually proposed such a solution that would not put the American taxpayer on the hook. And we are willing to work with our Democrat colleagues across the aisle to make any changes or additions or alterations to that so that it can be palatable to all parties in both Houses to get through the process, but let's see how the final end result is.

And with that, I yield as much time as he may consume to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. I appreciate my friend, Mr. GARRETT's, comments. I heard him earlier tonight on Fox Business News. That's the first I had seen that channel, and it was quite good. Perhaps if they had been on the air longer, maybe we wouldn't be in this problem, people would be watching that.

But I heard one lady comment that there is an adage that ''Europe was formed by history and the United States was formed by philosophy.'' And there really is something to that. We were founded on the basis of people coming together. And of course at the Constitutional Convention they

couldn't come up with a constitution, the Articles of Confederation had all fallen apart, no common currency, it just didn't work, too loose of a web. And so they came together 4 years later, 1787, in the Constitutional Convention, and for merely 5 weeks couldn't agree on anything. And that's when the very elderly Benjamin Franklin gave his speech, that during the war in the early days, they never let a day go by without prayer, and they saw prayer answered. And so he made the motion that they begin each day with prayer, and that began. And now, all of a sudden we're able to come together with all these different philosophers through the ages and come up with what was the Constitution. Amazing.

But they had seen the New Testament practice early in the church, when they had everybody bring everything into a common storehouse and gave out equally. And that eventually results, as it always has to, when people see someone else is not working as hard as they are and they're getting an equal share, then they quit working and everything falls part. That led to the Apostle Paul coming around and saying, If you don't work, you don't eat. At Jamestown, we saw where the pilgrims tried the same thing. And then we saw in the Soviet Union—and you've got to give it to the Soviet Union, they made it 70 years under that premise, that you could bring everything into a common storehouse and give out equally, and they made it 70 years. That's got to be a record for that.

But here, they're wanting to take this government in the biggest socialist step in the history of the western hemisphere, $700 billion; and we're supposed to be comforted because our government may be able to make a profit on the taxpayers' money. The trouble is, government never makes the kind of profit that individuals could, and the government is not supposed to be in the business of making a profit. That is free enterprise. That's what we were founded on.

And, you know, I heard this quote years ago, I don't remember who said it, if they were quoting someone else, but especially since I've been in Congress I've found it to be true. And it may very well be true in this situation, it sure seems to be, because we've got people on Wall Street who are screaming, you have got to come in with this infusion of $700 billion of taxpayer money to bail out the banks. What is that going to do? As I understand it, it's going to buy mortgage-based securities—at a rate above where they may even be marked down to—and save those people that have stock in that bank, the officers that got them in that trouble, and that will keep their stock from being worthless. And the quote that I was alluding to is this, ''Hell hath no fury like a vested interest masquerading as a moral principle.'' And boy, have we been hearing that. ''You can't let the country fall.'' ''You can't let this panic ensue.'' We were told Friday, a week ago, 8 days ago, if we didn't have a deal by Monday, then the banks were going to start falling and it would be a domino and we would never get it back. It didn't happen. Some of us wanted to be more cautious.

But anyway, as I heard the gentleman say earlier, if the majority, if the Speaker wants to pass a bill, she sure doesn't need us. And I heard Madam Speaker say just earlier today on the news that it was very unpatriotic for the Republicans not rushing in sooner to be part of this $700 billion bailout discussion. And that was really striking because they didn't ask for our input when they ran in here and crammed down a non-energy energy bill that didn't allow any amendments. They didn't need our votes. They were going to cram it down the Nation's throat and tell them we gave them energy when there was not a drop of energy ever going to come from it. And then shortly thereafter the majority leader said, oh, one of the first orders of business, we'll put the moratorium back. So they don't need us, really, to pass a bill.

And another thing that I haven't heard talked about in these mortgage-based securities is actually who those are. Now, at one end—and people don't want to talk about this—but at one end you've got people who thought if they could run in, get a no-money-down mortgage on a house that was a lot more than they could afford—when it was $1 million or $2 million or half a million—more than they could afford and they could hold it for a year, they could turn it, double their money, they never had to make a payment, and wow, they just doubled the value of the home and then came away with all this cash. When the house didn't double, then they had been in the house for a year and hadn't made a payment, didn't pay anything down—as the saying goes, ''no skin in the game''—and now we're supposed to bail them out? That's at one end.

In the middle, we have people who were really legitimately hurt, and not so much of their own accord. They knew what kind of house they wanted to look at. They were talked into, by bankers or realtors that shouldn't have, into buying more than they could afford. They got a mortgage that they really couldn't afford, thinking the house would greatly be enhanced in value and they would come out ahead. And they're truly suffering, and my heart goes out to them.

Then the other thing—and I haven't heard anybody talk about it on the floor here—but as it turns out, there are apparently a lot of illegal aliens who got mortgages. Because I know I had seen Bank of America advertising that they wanted to help the aliens, and under certain circumstances, gosh, we can get you a mortgage. So we're going to bail out mortgages for illegal aliens.

Let me tell you, back in the eighties, when the FDIC and RTC had taken over so many banks, what we saw was people come in and say, you know, I've been making my payment every month, and I'd like to negotiate a better deal. And they were told, well, heck no, you keep making your payments. I mean, I did outside counsel work for the RTC and FDIC. You would have some people come in later and say, okay, you wouldn't work with me before when I was making my payment every month, now I haven't paid for 6 months and they say, okay, now we'll work with you. We're sending the wrong message. And it is so critical that we not come out of this Chamber with a bill that hurts the America that we know and love so much.

There have to be consequences. And it troubles me much that the administration, the Secretary Treasurer has been forecasting this gloom and doom; ''there's going to be widespread panic.'' ''If Washington Mutual goes down it will be a domino and we will not stop the depression.'' Normally, it's the administration saying, nobody panic, we're going to get through this, this will all be okay, just stay with us, let's have faith in each other. And instead, all we're hearing is ''you've got to do something immediately or it's all going to fall apart.''

Well, it seems like, if you allow me to borrow from Kipling's poem and paraphrase a little bit, if you can keep your head while all those about you are losing theirs, you're probably the reason they're losing theirs. And that's what we seem to be seeing around here.

I appreciate the time and Mr. GARRETT yielding. And I will yield back.

Mr. GARRETT of New Jersey. I thank the gentleman. And hopefully, Members on both sides of the aisle will be keeping their heads as we go through the debate and the seeking of a deal on this, and a deal that, at the end of the day, is a benefit to the taxpayers of this country.

While we try to seek out that debate and try to seek out the solution, one axiom that we should probably go by is ''Do not go back to the same people who brought you this problem in the first place.'' And I will speak on that in a little more detail to take a look at who it was actually that brought us to this problem. I know some people are pointing their fingers exclusively at Wall Street on this, and clearly they have some blame to lay there because, for various reasons, executives and otherwise made truly imprudent decision making, maybe it's in part because they really did not have the information on hand, maybe it's because of lawsuits in the pasts when analysts were pushed out of the Wall Street, out of the cell side of the equation, or maybe it's because with all the Ph.D.s and what have you brought in and brought in all the new modeling on Wall Street and what have you, that made it almost impossible for the CEOs

of these investment firms and otherwise to really know what it was exactly that they were buying down below.

Whatever the excuse, whatever the reason, there is some blame to be laid at Wall Street, to be clear, but we also have to look to see where some of that blame lays here in Washington, D.C. And that's why I said, do not return to those who brought us here.

And if you want to look to a place where you can get a little bit of information about how we got here, as we're all done here listening to this program right now, our speakers here on the floor, I went to a place earlier today—or somebody sent this to me as an e-mail, and it was an e-mail for a YouTube site, and it's called ''Burning Down the House.'' And it's a 9½ minute YouTube presentation done with music and what have you that gives you a nutshell explanation of exactly how did we get to where we are in the first place.

□ 2145

So I recommend people to go to YouTube's ''Burning Down the House'' and they will be educated on it.

But right now we're going to be additionally educated by the young lady from Minnesota.

I yield such time as she may consume to Mrs. BACHMANN.

Mrs. BACHMANN. I want to thank the gentleman from New Jersey for his leadership on this issue, which is perhaps the most important vote that Members will take during their entire congressional career. I know for me, this is my first term in Congress. This is the pivotal vote that I will be taking. And my heart has been breaking. I have been despairing over this vote that is coming before us not because I am afraid to take the vote but because I am despairing over what could be the outcome because I grieve over the fact that we may reject, for the first time in the history of our country, in a wholesale manner, free markets, free answers and free capitalism.

And what that means is freedom. And there is nothing more important in this country than freedom. It's why a mom would put her 5-year-old in an inner tube in Havana and brave the shark-infested waters for 90 miles to get to Florida so that she could see her son enjoy something she never knew. And that is a concept called ''freedom.''

And what does that have to do with the bailout? It has everything to do with the bailout because what this bailout represents is the wholesale leap downward towards socialism, towards saying that we can never have failure again. Nobody can ever have a bad day. Congress has to jump in and make it right every time, because government has to take up risk and back up everybody's risk.

I wrote something earlier this week that I would like to share in the course of my remarks this evening. When Bear Stearns hit bottom in March of this year in 2008, the credit crisis claimed the first big Wall Street victim. Treasury Secretary Hank Paulson said, we had to bail out this bleeding financial giant at the cost to the taxpayers of $29 billion. Even for Washington that is a lot of money. Secretary Paulson said that would stabilize the markets. But it didn't.

Next, Treasury Paulson said that we had to bail out mortgage giants Fannie Mae and Freddie Mac. All roads in this big fat mess go through Fannie Mae and Freddie Mac. It is a monster of ugly proportions created by the government. That should be our first lesson. Government should never create a private business. But it created this private monstrosity and then decided it would back up with a wink and a nod any risky, hare-brained loan or mortgage-backed security that Fannie and Freddie came up with.

The starting price of that bailout was $200 billion and climbing. And that is on top of $300 billion that was passed by Congress only a month or so earlier in another massive housing bailout bill. We were told then that this would surely calm the markets. But it didn't.

Treasury Secretary Paulson and Federal Reserve Chair Ben Bernanke then siphoned $85 billion from taxpayer coffers to save another private company known as AIG from bankruptcy, and again with the stated purpose of stabilizing the markets. Did it do the trick this time? No. Things appear only to have gotten worse.

More than $600 billion into these market-calming bailouts, the market turmoil has only ramped up. And it's continuing. In fact, it has now grown to such an incredible crescendo that here we are tonight, and the Treasury Secretary and the Federal Reserve Chair has told Congress, in no uncertain terms by the way, that we must spend another $700 billion in taxpayer funds. We are told we must do this now, without delay, without deliberation, as Congressman GARRETT has said, without answers to most of our questions.

This would bring the bailout tally to well over $1 trillion, now that is real money, even for Washington, approaching half the size of America's entire budget.

In other words, every American who has played it safe and has played it smart to avoid being in debt is now being asked to spend the rest of his or her life paying off the debts of Washington and the debts of some miscreants on Wall Street. We are well on our way to privatizing profit but socializing risk. And we are well on our way to eliminating moral hazard from economics altogether. This is antithetical not only to the free-market basis of the United States economy, but also to the rich heritage of liberty, that is called freedom, that we've long enjoyed. It runs counter to the American Dream, to what we hold dear, unless you're a fat cat that is rolling the dice with taxpayers' money. Then who cares?

American taxpayers are chumps here in this equation because American taxpayers are being asked to clean up a mess that the American taxpayer didn't create. Congress must not rush to judgment on this matter. We can't do that. It's a complicated issue. That is true. This isn't easy for any of us to sort out. All Members of Congress, I think, are going through a crash course in a Ph.D. in high finance all within less than 1 week's time. And the consequences could threaten generations with lack of prosperity.

We can't just stick a $1 trillion Band-aid on that problem. We don't have that kind of money in our back pocket, because after all, when Uncle Sam opens his cash box this week, there are no greenbacks in there. There are only feathers flying out that cash box.

We have to examine the root causes of this problem. And we have to seek to address the core issues. It's real simple. Government got involved where it shouldn't get involved. We spent more money than what we had. It's not too tough to figure out. Otherwise it's only a matter of time before we find ourselves right back where we were.

The recklessness of government is the primary culprit here. Once again, just like on energy, it is Congress that created this problem. For years Congress has been pushing banks to make risky subprime loans. You heard me right. It wasn't the lenders on their own. Congress passed laws that said we're going to fine you and we're going to file lawsuits against you lenders if you don't make risky loans. And using the authority of the Community Reinvestment Act, the big push for subprime mortgages began in earnest during the Clinton administration. Republicans aren't completely lily-white here with hands. The Clinton administration however ramped this up. And banks that didn't play ball were subjected to serious fines and lawsuits, and regulatory obstacles were placed in their way.

Expanding access to the American Dream is a worthy goal. We all agree with that. But by blindly pursuing that goal and allowing the end to justify means, we put millions of Americans today at financial risk. Although we question what that risk might be.

Because many of these home loans are backed by mammoth government-sponsored enterprises, Fannie Mae and the Freddie Mac, kind of like your weird uncle and weird aunt, Wall Street was more than happy to trade on these egregious loans. The assumption, which was proven right, was that Uncle Sam would guarantee them. Fannie and Freddie quickly grew too big. And all calls to regulate them, made even in fact by this administration, more closely to reform their structures were ignored, ignored I would say by the current Chair of the House Financial Services Committee of which I'm privileged to serve on.

In fact, leaders in Congress such as Representative BARNEY FRANK, chairman of the House Financial Services Committee, resisted reforming Fannie and Freddie at every turn. When former Treasury Secretary John Snow pleaded before Chairman FRANK before his committee for Fannie and Freddie reform, the chairman responded, ''Fannie Mae and Freddie Mac are not in a crisis. I think we see entities that are fundamentally sound financially.'' O, that BARNEY FRANK were right. But Treasury Secretary Snow was right.

And millions of homes and a mountain of wealth were built on a foundation of sand. And when the housing bubble burst, it all began to collapse. And suddenly, the homeowners who took out loans that they couldn't afford had homes that were worth less than when they bought them. And stalwart financial giants were left holding on to billions in securities that they just couldn't cash, what are called ''illiquid assets'' that you read about in your morning paper. And without liquidity and without the free flow of credit, the market ground to a halt, and companies began to buckle.

Endless government bailouts will not prevent this crisis from repeating itself. We need to remember that. It will further cement the precedent that got us here in the first place. There are other options to bringing much-needed liquidity to the market, including infusing the market with new capital by suspending the business tax and the capital gains tax.

Also Fannie Mae and Freddie Mac need to be dismantled and quick. Now that the implicit taxpayer guarantee that they enjoyed for years has been made permanent, we have to make a clean break with them.

Accounting that artificially devalued securities and other assets could be temporarily suspended. And before Congress jumps to a full trillion dollar plus bailout, it should explore these and other market reforms. Congress should look for the best way to provide the greatest stabilization in the markets with the least taxpayer exposure.

And that is where House Republicans come in. We do not want the American taxpayer to bail out this $700 billion tab. It isn't about Wall Street. It's about this street, Washington, D.C. The Congress created this problem. For 2 years, the Democrat-controlled Congress, while this head of steam has been building, has failed to dismantle Freddie and Fannie. They have failed to dismantle the Community Reinvestment Act.

But the real issue here is the forgotten man. That is the issue. It's the forgotten man. It's the poor, beleaguered American taxpayer. Who is going to be left to bail him out?

Mr. GARRETT of New Jersey. I thank the gentlelady for your comments. And your opening comments were quite instructive.

You say we have a problem today. That we all agree on. But we should not be moving forward expeditiously without all the evidence before us so we can make the right decision. It was just the other day that during the course of this week I was in contact with a notable economist who made that point to me as well, that we should have all the data before us so that we can make a correct determination as to what is the right reform in Washington to address the problem on Wall Street. And he referred me to some data. And the data is not mine. It is not his. It is published data from the Federal Reserve. I will just spend 30 seconds on it to put it in perspective. We do know we have a problem. If you talk to most people on Wall Street, they will tell you there is a problem in the credit markets.

You have to put things in perspective with respect to where we stood before. If you look at commercial and industrial loans, seasonally adjusted, it goes from July of last year to September of this year, and you will see that leading into this week, actually commercial and industrial loans were at historic highs. And yes, on the other end of the chart it just begins to tip down, the chart shows it goes down just a little bit. And the latest data we have is from I think just 1 week ago. The next data for this week will be coming out.

It's probably telling that we can't get this information, quite honestly. I believe maybe only the Federal Reserve may have this information. But for Congress really to act intelligently, it needs information like this. This is why I threw the chart up, because the gentlelady from Minnesota said we should have information.

Here is another chart. And I will end on this because charts are hard to follow here. This is commercial paper here of nonfinancial companies, again seasonally adjusted, again from the same time frame, July of last year to September of this year. And you will see where we are, on average at the 190 level, we were peaking just going into this. Now it went down. But you see those spikes going down all the time.

On the very end of the chart, pointing over here, there is a little bit of an uptick. I can't tell you what the actual data is conclusively, whether that little uptick then goes up. I doubt it. It probably begins to spike downwards again. It is that sort of information that we would like to have specifically before us so we are not relying on anecdotal evidence. And I don't discount that, or the phone calls we receive from the street or the articles that we receive as well. We do know there is a problem out there.

I'm just pointing out, as the gentlelady from Minnesota has said, it would be a lot more beneficial before we start spending $700 billion, or for that matter even $100 billion. Because we may see a so-called ''compromise'' piece of legislation come out that says, American taxpayer, don't worry. We're not going to spend $700 billion to bail out Wall Street. We are only going to spend $100 billion. And now you should thank Washington for only spending $100 billion. So come on board with that. Some of us still have a problem with spending $100 billion on a problem that is part Wall Street's but also part Washington's.

If it were ever to again regain credibility with the American people, Congress really has to address a fundamental problem and a fundamental question, and that is to answer to the American public how come it was that for so many years, when the evidence, true evidence, data evidence, coming into Congress was showing us that this housing growth model could not sustain itself, why Congress did not pass legislation to rein it in, to reform the system, and to put into checks and balances in the past?

Well again we can go into the details why Congress didn't do that. But to get the credibility back before we move forward on new legislation involving tens or hundreds of billions of dollars, we need to answer that question.

□ 2200

With that, I would like to yield the floor to the gentleman from Michigan.

Mr. MCCOTTER. I thank the gentleman from New Jersey for yielding. I also wish to take this moment to thank him for his strength of character and his depth of intellect and leadership on this issue.

It has been said if you don't know where you are going, any road will take you there. Unfortunately, we find ourselves in such a situation, as America finds itself amidst a potential economic meltdown of its financial sector.

Right now, the U.S. Congress is being asked to vote upon the Paulson-Bush-Obama-McConnell-Pelosi-Reid plan. I myself will be up front and say I think it is a disastrous policy that House Republicans should continue to resist. What we are asking Americans to do, quite simply, is to send money to the very people who caused this problem and expect them to fix it.

If I can put this in the simplest terms that even I could understand, we have a liquidity crisis in our financial markets. That means that private investors are standing on the sidelines. They do not want to put their money into purchasing toxic assets. What they are now doing is asking Congress to put your money into purchasing toxic assets, and, if you do not, then these private investors have promised to wreak havoc upon your personal savings, upon your credit ratings, upon your financial existence. And for what sin? For not giving them $700 billion to fix the problem that they caused.

House Republicans have stood against this. We have consistently tried to keep ahead of the crisis atmosphere, and we have succeeded. What we instead offered is a responsible position that protects the taxpayers, that puts private recapitalization first, so that Wall Street can bail itself out of its mess before going to the taxpayers, and

putting an appropriate backstop in place.

Now, we have been reviled for our principled opposition to what we believe is an extortion of taxpayers' precious resources. For this we have been condemned in the liberal media. For this we have been condemned by the majority Democratic Party in this House. We have been condemned by the Democratic majority in the Senate. We have been condemned by our own Republican President and his Secretary of the Treasury and the Federal Reserve Board Chairman.

In fact, I think we have recently reached the height of the disapprobation heaped upon us when earlier the Speaker of the House, in response to our refusal to spend $700 billion of taxpayer money on this problem, we were labeled ''unpatriotic.'' I suppose this should not surprise us the least bit. We had earlier heard from the Democratic vice presidential nominee, Senator BIDEN, that Republicans, because we would not raise your taxes, were also unpatriotic.

Now, there has been some debate whether there is a new Democratic Party in America. If I may link these two statements to disprove that notion, according to Senator BIDEN and Speaker PELOSI, if you do not support raising the American people's taxes and spending $700 billion of it on Wall Street, you are unpatriotic.

I disagree with this assessment, and I trust that the American people do. In fact, in many ways it tends to point out the politics that are being played here. The reality is, as has been shown so often in the past, the Republican Party in Congress is the minority party. In the House of Representatives especially, the minority has acute pangs, because we do not have the power to obstruct a single thing the majority wants to get done. Let me draw a quick comparison.

When we were debating increasing American energy production to help our constituents and ease their pain at the pump by increasing supply, we were denied a bipartisan vote on an all-of-the-above energy strategy. Today, in the debate to bail out Wall Street, we see the Speaker demanding a bipartisan vote to bail them out.

The dichotomy proves the point that if this Democratic majority truly believes, as does their Speaker and Senator OBAMA and others, in President Bush's plan, yes, I know that sounds dysfunctional, but these are the times in which we live, they would then take it upon themselves to do one of two things: They would run us over; or instead they would choose the prudent course, to work with us.

Today they are beginning to show signs they may work with us. But, unfortunately, the political games continue. We continue to hear now, in addition to being unpatriotic and obstructive, which is impossible as the minority party in the House, we continue to hear that if we resist an arbitrary Sunday midnight deadline, we, who cannot stop this bill from being passed, are going to cause the meltdown of the American and the global economy.

We instead as House Republicans are going to do what you sent us here to do, which is guard your money with which you have entrusted us. What we are going to do is reject arbitrary deadlines, for two very critical reasons important to the American people.

One is we will have no rush to misjudgment, whereby a bad bill is passed for the sake of meeting an artificial deadline that winds up being either passed into law or being forced into a no vote defeat in this House, the result of which could be the very economic meltdown we are trying to prevent.

The other alternative is if prudent consultation with Republicans and Democrats continue and we pass the arbitrary deadline, if investors' expectations are raised improperly and irresponsibly, if we do the right thing and take a prudent course with this legislation towards a pro-taxpayer outcome, the economic meltdown may still occur.

This is why House Republicans refuse to put a deadline on these economic negotiations, which are of critical interest to the American people, the same way we opposed putting artificial deadlines on our troops in Iraq. One is dedicated to preserving the prosperity of the American people, just as the other was dedicated to preserving the liberty of the American people by expanding it to the Iraqis.

We have failed to do so in the past in our negotiations with the Democratic Party to make it clear that we have learned our lesson. We will not legislate defeat, either of our troops or of the American taxpayer, and we will continue to stand strong in their defense.

Why is this critically important? If one looks at the lessons of history, we see critical times where decisions are made that affect future generations. This is such a time.

This is the first economic panic of the global economy. The precedent that we set as your servants in Congress will be followed for decades to come. If we are rushed into this by a market bent upon getting their billions from taxpayers, we will set a precedent that we will rue. If we take our time and have prudent, responsible progress towards a pro-taxpayer result, such as embodied in the Cantor-Ryan plan, we will have done our job, not only for the crisis of the present, but for future generations to come.

This is why today I say I have never been more proud to be a House Republican, because in many ways the more you are reviled for not abandoning the hard-working, responsible American people, for not abrogating their trust in you to protect their tax dollars and their futures, we wear it as a badge of honor, because that is precisely what we were elected to do as the party of Lincoln, as the party of Reagan.

And I have a history lesson as I conclude for the party of Andrew Jackson. Andrew Jackson stood tall for the working people of America in the face of every rich special interest that this Nation had. When they demanded a Bank of the United States and got a servile Congress to pass it for them, he vetoed it, not once but twice, because he knew that the best way America could grow was from families, communities and neighborhoods, not from a centralized Bank of the United States.

Today we face a centralized shadow bank of the United States on Wall Street, and this is precisely the forces that we are standing up to for the responsible, hard-working people of America. And when Andrew Jackson for the second time vetoed a charter for the Bank of the United States, he said something that I would ask every Democrat in this Chamber to remember: ''There are no necessary evils in government.''

So that when this Democratic majority brings a bill to the floor, make sure that you believe in it; because if you do not believe in it and you do not vote for it, or you do, do not go home and tell your constituents that this was a necessary evil to get through this time. And we as Republicans on our part will always remember the words of Ralph Waldo Emerson: ''If one man plant himself upon his convictions and then abide, the whole huge world will come around to him.''

We will stand our ground, backed by principle and the American people, and we will do our duty.

I yield back to the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman. We hopefully will learn from our history that there are no necessary evils in government. And it may well be if the unfortunate compromise comes about, that that is the arguments that will be made by those who propose that, that you just have to suffer a little bit in government expenditures on that; that is a necessary evil.

That is when the actual question will come about probably, is when is $700 billion not $700 billion. And the answer that may well be given, well, it is not $700 billion when we pay it out over time; $100 billion this month, $150 billion a couple months from now, $150 billion in January, $200 billion after that; and as the numbers go up, eventually to $700 billion, and maybe even more. Because that is where we stand right now with the administration and the Democrat majority essentially having originally said that there was a deal, and that means the Democrats having signed on to or basically accepted the outline of the original Paulson plan, the Bush administration plan, saying we should spend $700 billion. Anything less than that from their perspective, which we don't just do it at one time but do it over time, to the American taxpayer should be seen as the exact same thing.

That is why I said in my opening comments, don't let anyone pull the proverbial wool over your eyes by saying we have ratcheted this down somehow by making a compromise that they are going to spend it in a different manner, because to you and I it is the same thing. Also to our children and our children's children, it will be the same thing, inasmuch as the devastating impact it will have on future economies with regard to inflation, inflation, one of the most onerous taxes of all, as it steals from us without us even seeing it, as the value of our dollar goes down and down and down as the American government prints more and more money to do a bailout.

With that, once again I am pleased to be joined now by another leader on this issue, the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I want to thank Mr. GARRETT, my colleague from New Jersey, and say that I am happy to come and join him and my other colleagues in this. I wish I were as eloquent as they have been tonight, because they have certainly described the situation we face in very, very eloquent terms.

I would put it in some very plain terms, I believe. We can act in haste and repent at leisure. That is something I think the American people understand as well as they have understood the wonderful things said here.

We have been told again that we must act immediately or, as Speaker PELOSI has said, we are being unpatriotic. I don't believe that. I think we are being patriotic by taking our time and holding the Speaker to the promises she made in 2006: All bills would go through regular order, go through committee, come to the floor, be allowed to be amended. It would be the most bipartisan Congress ever in the history of the Congress. We have not seen that, and the taxpayers of this country deserve that.

I want to say also again, this is not a failure of our markets. It is a failure of our government, as has been said over and over and over again.

As Congresswoman BACHMANN has said, we have many options, contrary to what Secretary Paulson has said when he presented this to us. And to reiterate what Congressman MCCOTTER from Michigan said, it is important that the American people know the Democrats are in charge of this Congress. They have 231 votes. It takes only 218 to pass a bill. If they want to pass a bill, they can pass any bill they want to. They have done it this whole 20 months without our help. They don't need bipartisan support for this.

□ 2215

I would like to speak about an article from the Wall Street journal entitled ''A Mortgage Fable.''

I am not going to read this article tonight, but I do want to point out some things again, some which my colleagues have already pointed out, but just to hit some high spots. It talks about the problems, the people and the agencies that have created the problems that we are facing.

I will quote here, ''But Washington is as deeply implicated in this meltdown as anyone on Wall Street or at Countrywide Financial. Going back decades, but especially in the past 15 or so years, our politicians have promoted housing and easy credit with a variety of subsidies and policies that helped to create and feed the mania. Let us take the role of political cause and financial effect.''

Again, I am going to hit the high spots here. ''The Federal Reserve. The original sin of this crisis was easy money.

''Fannie Mae and Freddie Mac. Created by government, and able to borrow at rates lower than fully private corporations because of the implied backing from taxpayers, these firms turbocharged the credit mania. They channeled far more liquidity in the market than would have been the case otherwise.''

Fannie and Freddie's patrons on Capitol Hill didn't care about the risks inherent in their combined trillion dollar plus mortgage portfolios, so long as they help meet political goals on housing, even after taxpayers have had to pick up a bailout tab that may grow as large as $200 billion, House Financial Services Chairman BARNEY FRANK still won't back a reduction in their mortgage portfolios.

''A credit-rating oligopoly. Thanks to Federal and State regulation, a small handful of credit rating agencies pass judgment on the risk for all debt securities in our markets. Many of these judgments turned out to be wrong, and this goes to the root of the credit crisis: Assets officially deemed rock solid by the Government's favored risk experts have lately been recognized as nothing of the kind.''

''Banking regulators. In the Beltway fable, bank supervision all but vanished in recent years. But the great irony is that the banks that made some of the worst mortgage investments are the most highly regulated.''

''Meanwhile, the least regulated firms—hedge funds and private equity—have had the fewest problems, or have folded up their mistakes with the least amount of trauma. All of this reaffirms the historical truth that regulators almost always discover financial excesses only after the fact.''

''The Community reinvestment Act. This 1977 law makes banks to make loans to poor borrowers who often cannot repay them. Banks that failed to make enough of these loans were often held hostage by activists when they next sought some regulatory approval.''

''Our point here isn't to absolve Wall Street or to pretend there weren't private excesses. But the investment mistakes would surely have been less extreme, and ultimately their damage containable, if not for the political support and subsidy for mortgage credit.''

Mr. Speaker, I would like to submit for the RECORD the article from the Wall Street journal I just referred to, entitled ''A Mortgage Fable.''

[From the Wall Street Journal, Sept. 22, 2008]

A MORTGAGE FABLE

Once upon a time, in the land that FDR built, there was the rule of ''regulation'' and all was right on Wall and Main Streets. Wise 27-year-old bank examiners looked down upon the banks and saw that they were sound. America's Hobbits lived happily in homes financed by 30-year-mortgages that never left their local banker's balance sheet, and nary a crisis did we have.

Then, lo, came the evil Reagan marching from Mordor with his horde of Orcs, short for ''market fundamentalists.'' Reagan's apprentice, Gramm of Texas and later of McCain, unleashed the scourge of ''deregulation,'' and thus were ''greed,'' short-selling, securitization, McMansions, liar loans and other horrors loosed upon the world of men.

Now, however, comes Obama of Illinois, Schumer of New York and others in the fellowship of the Beltway to slay the Orcs and restore the rule of the regulator. So once more will the Hobbits be able to sleep peacefully in the shire.

With apologies to Tolkien, or at least Peter Jackson, something like this tale is now being sold to the American people to explain the financial panic of the past year. It is truly a fable from start to finish. Yet we are likely to hear some version of it often in the coming months as the barons of Congress try to absolve themselves of any responsibility for the housing and mortgage meltdowns.

Yes, greed is ever with us, at least until Washington transforms human nature. The wizards of Wall Street and London became ever more inventive in finding ways to sell mortgages and finance housing. Some of those peddling subprime loans were crooks, as were some of the borrowers who lied about their incomes. This is what happens in a credit bubble that becomes a societal mania.

But Washington is as deeply implicated in this meltdown as anyone on Wall Street or at Countrywide Financial. Going back decades, but especially in the past 15 or so years, our politicians have promoted housing and easy credit with a variety of subsidies and policies that helped to create and feed the mania. Let us take the roll of political cause and financial effect:

The Federal Reserve. The original sin of this crisis was easy money. For too long this decade, especially from 2003 to 2005, the Fed held interest rates below the level of expected inflation, thus creating a vast subsidy for debt that both households and financial firms exploited. The housing bubble was a result, along with its financial counterparts, the subprime loan and the mortgage SIV.

Fed Chairmen Alan Greenspan and Ben Bernanke prefer to blame ''a global savings glut'' that began when the Cold War ended. But Communism was dead for more than a decade before the housing mania took off. The savings glut was in large part a creation of the Fed, which flooded the world with too many dollars that often found their way back into housing markets in the U.S., the U.K. and elsewhere.

Fannie Mae and Freddie Mac. Created by government, and able to borrow at rates lower than fully private corporations because of the implied backing from taxpayers, these firms turbocharged the credit mania. They channeled far more liquidity into the market than would have been the case otherwise, especially from the Chinese, who thought (rightly) that they were investing in

mortgage securities that were as safe as Treasurys but with a higher yield.

These are the firms that bought the increasingly questionable mortgages originated by Angelo Mozilo's Countrywide and others. Even as the bubble was popping, they dived into pools of subprime and Alt-A (''liar'') loans to meet Congressional demand to finance ''affordable'' housing. And they were both the cause and beneficiary of the great interest-group army that lobbied for ever more housing subsidies.

Fan and Fred's patrons on Capitol Hill didn't care about the risks inherent in their combined trillion-dollar-plus mortgage portfolios, so long as they helped meet political goals on housing. Even after taxpayers have had to pick up a bailout tab that may grow as large as $200 billion, House Financial Services Chairman Barney Frank still won't back a reduction in their mortgage portfolios.

A credit-rating oligopoly. Thanks to federal and state regulation, a small handful of credit rating agencies pass judgment on the risk for all debt securities in our markets. Many of these judgments turned out to be wrong, and this goes to the root of the credit crisis: Assets officially deemed rock-solid by the government's favored risk experts have lately been recognized as nothing of the kind.

When debt instruments are downgraded, banks must then recognize a paper loss on these assets. In a bitter irony, the losses cause the same credit raters whose judgments allowed the banks to hold these dodgy assets to then lower their ratings on the banks, requiring the banks to raise more money, and pay more to raise it. The major government-anointed credit raters—S&P, Moody's and Fitch—were as asleep on mortgages as they were on Enron. Senator Richard Shelby (R., Ala.) tried to weaken this government-created oligopoly, but his reforms didn't begin to take effect until 2007, too late to stop the mania.

Banking regulators. In the Beltway fable, bank supervision all but vanished in recent years. But the great irony is that the banks that made some of the worst mortgage investments are the most highly regulated. The Fed's regulators blessed, or overlooked, Citigroup's off-balance-sheet SIVs, while the SEC tolerated leverage of 3o or 4o to 1 by Lehman and Bear Stearns.

The New York Sun reports that an SEC rule change that allowed more leverage was made in 2004 under then Chairman William Donaldson, one of the most aggressive regulators in SEC history. Of course the SEC's task was only to protect the investor assets at the broker-dealers, not the holding companies themselves, which everyone thought were not too big to fail. Now we know differently (see Bear Stearns below).

Meanwhile, the least regulated firms—hedge funds and private-equity companies—have had the fewest problems, or have folded up their mistakes with the least amount of trauma. All of this reaffirms the historical truth that regulators almost always discover financial excesses only after the fact.

The Bear Stearns rescue. In retrospect, the Fed-Treasury intervention only delayed a necessary day of reckoning for Wall Street. While Bear was punished for its sins, the Fed opened its discount window to the other big investment banks and thus sent a signal that they would provide a creditor safety net for bad debt.

Morgan Stanley, Lehman and Goldman Sachs all concluded that they could ride out the panic without changing their business models or reducing their leverage. John Thain at Merrill Lynch was the only CEO willing to sell his bad mortgage paper—at 22 cents on the dollar. Treasury and the Fed should have followed the Bear trauma with more than additional liquidity. Once they were on the taxpayer dime, the banks needed a thorough scrubbing that might have avoided last week's stampede.

The Community Reinvestment Act. This 1977 law compels banks to make loans to poor borrowers who often cannot repay them. Banks that failed to make enough of these loans were often held hostage by activists when they next sought some regulatory approval.

Robert Litan, an economist at the Brookings Institution, told the Washington Post this year that banks ''had to show they were making a conscious effort to make loans to subprime borrowers.'' The much-maligned Phil Gramm fought to limit these CRA requirements in the 1990s, albeit to little effect and much political jeering.

We could cite other Washington policies, including the political agitation for ''mark-to-market'' accounting that has forced firms to record losses after ratings downgrades even if the assets haven't been sold. But these are some of the main lowlights.

Our point here isn't to absolve Wall Street or pretend there weren't private excesses. But the investment mistakes would surely have been less extreme, and ultimately their damage more containable, if not for the enormous political support and subsidy for mortgage credit. Beware politicians who peddle fables that cast themselves as the heroes.

The last thing that I would like to say, because I want to give some more time to my colleague to New Jersey, is that one of the areas that I think has not been properly discussed in the last couple of days is the fact that Republicans have put out a set of economic rescue principles. They are on my Web site. I think they are on probably many other people's Web sites. I am only going to highlight these very, very quickly. These were put together by a working group, established by Republican Leader Boehner and released earlier this week.

Again, I think it's very important to that the taxpayers know we have put them first, not Wall Street. These are the three major components, a commonsense plan to have Wall Street fund the recovery, not taxpayers. You heard that first from Republicans. ''Have Private Capital Injection to the Financial Markets, Not Tax Dollars.''

''Immediate Transparency, Oversight, and Market Reform.''

Mr. Speaker, I would submit Economic Rescue Principles for the RECORD.

ECONOMIC RESCUE PRINCIPLES

COMMON SENSE PLAN TO HAVE WALL STREET FUND THE RECOVERY, NOT TAXPAYERS

Rather than providing taxpayer funded purchases of frozen mortgage assets to solve this problem, we should adopt a plan to insure mortgage back securities through payment of insurance premiums.

Currently the federal government insures approximately half of all mortgage backed securities. (MBS) We can insure the rest of current outstanding MBS; however, rather than taxpayers funding insurance, the holders of these assets should pay for it. Treasury Department can design a system to charge premiums to the holders of MBS to fully finance this insurance.

HAVE PRIVATE CAPITAL INJECTION TO THE FINANCIAL MARKETS, NOT TAX DOLLARS

Instead of injecting taxpayer capital into the market to produce liquidity, private capital can be drawn into the market by removing regulatory and tax barriers that are currently blocking private capital formation. Too much private capital is sitting on the sidelines during this crisis.

Temporary tax relief provisions can help companies free up capital to maintain operations, create jobs, and lend to one another. In addition, we should allow for a temporary suspension of dividend payments by financial institutions and other regulatory measures to address the problems surrounding private capital liquidity.

IMMEDIATE TRANSPARENCY, OVERSIGHT, AND MARKET REFORM

Increase Transparency. Require participating firms to disclose to Treasury the value of their mortgage assets on their books, the value of any private bids within the last year for such assets, and their last audit report.

Limit Federal Exposure for High Risk Loans: Mandate that the GSEs no longer securitize any unsound mortgages.

Call on the SEC to audit reports of failed companies to ensure that the financial standing of these troubled companies was accurately portrayed.

Wall Street Executives should not benefit from taxpayer funding.

Call on the SEC to review the performance of the Credit Rating Agencies and their ability to accurately reflect the risks of these failed investment securities.

Create a blue ribbon panel with representatives of Treasury, SEC, and the Fed to make recommendations to Congress for reforms of the financial sector by January 1, 2009.

I thank my colleague from New Jersey for allowing me to do this. I want to leave with a quote that our colleague, TRENT FRANKS from Arizona, gave me tonight, in an e-mail. ''If you love wealth better than liberty, the tranquility of servitude than the animated contest of freedom, go from us in peace. We ask not your counsels or arms. Crouch down and lick the hands which feed you. May your chains sit lightly upon you, and may posterity forget that you were our countrymen.''

It's from Samuel Adams, and I say to those who want to support the Paulson socialism plan, this is my message to you.

Mr. GARRETT of New Jersey. I thank the gentlelady from North Carolina for joining us and also for your leadership on this crucial issue, perhaps as others have said, one of the most crucial issues we in Congress will ever vote on.

As the lady as said, as the speakers before have as well, we recognize the severity of the problem on the U.S. economy, and the global economy as well. We recognize that some action by Congress is necessary, but we suggest that the proposal that has been proposed by Secretary Paulson and ostensibly supported by the Democrat majority is the wrong proposal. Therefore, we have stepped up to the plate and suggested a House Republican proposal.

It is not simply us, we here in the House Republicans that suggest that the Paulson-Pelosi proposal is not the way to go. In my hand here is a list of, I think, several hundred economists, 192 economists from around the country, who reviewed it and expressed their view and, very briefly, they say

we want to express to Congress our great concern for the plan proposed by Treasury Secretary Paulson to deal with the financial crisis.

''We see three fatal pitfalls in the current proposed plan. One, its fairness, the plan is a subsidy to investors at taxpayer expense. Two, its ambiguity, neither the mission of the new agency, nor its oversight are clear; and, three, perhaps most important, it's long-term effects, if the plan is enacted, its effects will be with us for a generation.''

I know the President heard those remarks, it was reported on ABC. When he saw this, he said, ''I don't care what someone on some college campus says,'' ABC reports. Instead he says he trusts his Treasury secretary.

Well, quite candidly, as a representative of Congress, I trust what my constituents are saying about this situation. They realize it's an important matter. They realize it's a tightening of the credit markets. They realize that something must be done, but they also realize, as the economists do, that we should not be putting this on the backs of the taxpayers, but, rather takes gentlelady from North Carolina suggests, come up with an alternative proposal where the Wall Street players would actually be underwriting the cost of the proposal.

As the gentlelady has put into the record and outlined it, in essence what we are doing there is setting up a guaranteed fund, if you will, or backing for those mortgage-backed securities.

I will just digress on how that would work for 30 seconds, think of it this way. If you are confident in the way that Washington handles your tax dollars today, if you are confident that the way the American government, Washington, handled your tax dollars when it came to Katrina, if you are confident with the way that Congress handles your tax dollars when, year after year, we can't balance our budget like the American family has to balance their budget. If you are confident in the way that the American government in Washington handles your tax dollars when we run deficits of $100 billion, $150 billion, then $200 billion and $300 billion, now over $400 billion. With this, of course, on top of it, would be over a trillion dollars.

If you were confident with the management of the assets of the American government over the past years, then you should be absolutely confident that we would be able to set up an agency, either external to the Treasury or within the Treasury, to be able to handle $700 billion of mortgage-backed security, and that would mean, on the back side of those, all the assets of those foreclosed properties that would possibly come from that as well.

Somebody on a TV show earlier said well we did it with the RTC, and Secretary of the Treasury Paulson said, well, this is not like the RTC. But in a the way it is. We were handling those assets. At some point along the line I had to remind the commentator on the program with the RTC, it ended up costing the taxpayer around 127 to 147 billion dollars, which in today's dollars is around $220 billion. Here we are talking about $700 billion.

If you are confident the American government can do this better than anyone else, then support either the initial Paulson-Pelosi proposal or any hybrid or compromise from that that still involves that.

But if you are not so confident, if you have a question of the ability of Washington adequately handling those dollars, and if you have a question on how this may impact upon the economy and the monetization of that debt and the rise in inflation that may have followed it this year. But next year, if the production in this country does not increase, then you should be looking for an alternative, and that alternative is just what the lady from North Carolina has raised.

As I started my comment, I said, let us therefore not look to those who have brought us to this point in the first place, whether it be the Federal Reserve, with the loose lending policies that they have had for years, or the Congress who refused to step in, as I said, when evidence indicated that had there was a problem in the housing market, that a bubble was coming, that there was a problem with the GSEs, that's Fannie Mae and Freddie Mac but Congress refused to act.

Let's not go back to those individuals who brought us to that particular point for a solution, let's maybe think out of the box and look for a solution.

Another economist recently was published on this matter, to address more of the global issue, the larger issue. I will read from this, he is Chicago economist Robert Schimer from the University of Chicago. He States, as follows, ''Let me mention one other issue that I take very seriously. I recognize that this might not matter much to my Congressman, but in my view it may be the most important issue for global welfare. The U.S. has long been a beacon of free markets. When economic conditions turn sour in Argentina or Indonesia, we give very clear instructions on what to do: balance the budget, cut government employment, maintain free trade and the rule of law, and do not prop up failing enterprises. Opponents of free markets argue that this advice benefits international financiers, not the domestic market. I have always believed (at least since I began to understand economics) that the U.S. approach was correct. But when the U.S. ignores its own advice in this situation, it reduces the credibility of this stance. Rewriting the rules of the game at this stage will therefore have serious ramifications not only for people in this country but for future of global capitalism. The social cost of that is far, far greater than $700 billion.

So I end where I began, the social cost of our adopting a program, on this country, and our children and our future generation will be far, far greater than anything we can imagine if we do not do it right.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. WATERS (at the request of Mr. HOYER) for September 26 until 5:15 p.m.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TANCREDO) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, today.

Mr. POE, for 5 minutes, September 28.

Mr. JONES, for 5 minutes, September 28.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1492. An act to improve the quality of Federal and State data regarding the availability and quality of broadband services and to promote the deployment of affordable broadband services to all parts of the Nation; to the Committee on Energy and Commerce.

S. 2913. An act to provide a limitation on judicial remedies in copyright infringement cases involving orphan works; to the Committee on the Judiciary.

S. 3109. An act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system; to the Committee on Energy and Commerce.

S. 3192. An act to amend the Act of August 9, 1955, to authorize the Cow Creek band of Umpqua Indians of Oregon, the Coquille Tribe of Oregon, and the Confederated Tribes of the Siletz Reservation, Oregon, to obtain 99-year lease authority for trust land, and to authorize the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation, California, to obtain 50-year lease authority for trust land; to the Committee on Natural Resources.

S. 3477. An act to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence; to the Committee on Oversight and Government Reform.

S. 3536. An act to amend section 5402 of title 39, United States Code, to modify the authority relating to United States Postal Service air transportation contracts, and for other purposes; to the Committee on Oversight and Government Reform.

S. 3641. An act to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of the 1984; to the Committee on the Judiciary.

## ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the

House of the following titles, which were thereupon signed by the Speaker:

H.R. 1343. An act to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act, and for other purposes.

H.R. 2638. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes.

H.R. 2851. An act to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

H.R. 3068. An act to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

H.R. 4120. An act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

H.R. 5001. An act to authorize the Administrator of General Services to provide for the redevelopment of the Old Post Office Building located in the District of Columbia.

H.R. 5975. An act to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Cpl. John P. Sigsbee Post Office''.

H.R. 6092. An act to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the ''Sergeant Paul Saylor Post Office Building''.

H.R. 6370. An act to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

H.R. 6437. An act to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas, as the ''Corporal Alfred Mac Wilson Post Office''.

H.J. Res. 62. Joint resolution to honor the achievements and contributions of Native Americans to the United States, and for other purposes.

## SENATE ENROLLED BILLS SIGNED

The Speaker announced her signature to enrolled bills of the Senate of the following titles:

S. 496. An act to reauthorize and improve the program authorized by the Apalachian Regional Development act of 1965.

S 1046. An act to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other other purposes.

S. 1382—An act to amend the Public Health Service act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1810—An act to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and posnatally diagnosed conditions.

S. 2482—An act to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida.

S. 2606—An act to reauthorize the United States Fire Administration, and for other purposes.

S. 2932—An act to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3009—An act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building''.

S. 3560—To amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

## BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on September 26, 2008 she presented to the President of the United States, for his approval, the following bills.

H.R. 923. To provide for the investigation of certain unsolved civil rights crimes, and for other purposes.

H.R. 1199. To extend the grant program for drug-endangered children.

H.R. 3986. To amend the John F. Kennedy Center Act to authorize appropriations for the John F. Kennedy Center for the Performing Arts, and for other purposes.

H.R. 5834. To amend the North Korean Human Rights Act of 2004 to promote respect for the fundamental human rights of the people of North Korea, and for other purposes.

H.R. 6889. to extend the authority of the Secretary of Education to purchase guaranteed student loans for an additional year, and for other purposes.

H.R. 6893. To amend parts B and E of title IV of the Social Security Act to connect and support relative caregivers, improve outcomes for children in foster care, provide for tribal foster care and adoption access, improve incentives for adoption, and for other purposes.

H.R. 6984. To amend title 49, United States Code, to extend authorizations for the airport improvement program, to amend the Internal Revenue Code of 1986 to extend the funding and expenditure authority of the Airport and Airway Trust Fund, and for other purposes.

## ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Sunday, September 28, 2008, at 1 p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8801. A letter from the U.S. House of Representatives, Clerk, transmitting notification, pursuant to section (1)(k)(2) of H.R. 895, that the board members and alternate board members of the Office of Congressional Ethics: Former Congressman David Skaggs; Former Congressman Porter J. Goss; Former Congresswoman Yvonne Brathwaite Burke; Former House Chief Administrative Officer Jay Eagen; Former Congresswoman Karan English; Professor Allison Hayward; Former Congressman Abner Mikva; and Former Congressman Bill Frenzel, have individually signed an agreement to not be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Elecion Campaign

8802. A letter from the Administrator, Risk Management Agency, Department of Agriculture, transmitting the Department's final rule — Common Crop Insurance Regulations; Dry Pea Crop Provisions (RIN: 0563-AC14) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8803. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Benjamin S. Griffin, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

8804. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John R. Wood, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8805. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8806. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-8037] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8807. A letter from the Acting Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — FOREIGN ISSUER REPORTING ENHANCEMENTS [RELEASE NOS. 33-8959; 34-58620; INTERNATIONAL SERIES RELEASE NO. 1310; File No. S7-05-08] (RIN: 3235-AK03) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8808. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Control of Communicable Diseases; Restrictions on African Rodents, Prairie Dogs, and Certain Other Animals [[Docket No. FDA-2003-N-0427] (formerly Docket No. 2003N-0400)] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8809. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.622(i), Final DTV Table of Allotments, Television Broadcast Stations. (Castle Rock, Colorado) [MB Docket No. 08-106 RM-11447] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8810. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Beeville, Christine, George West, and Tilden, Texas) [MB Docket No. 07-78 RM-11366 RM-11383] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8811. A letter from the Legal Advisor/Chief, Wireless Telecomm. Bur., Federal Communications Commission, transmitting the

Commission's final rule — In the Matter of Amendment of the Commission's Rules Regarding Maritime Automatic Identification Systems [WT Docket No. 04-344] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8812. A letter from the Associate Chief, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 90.20(e)(6) of the Commission's Rules [WT Docket No. 06-142 RM-11135] received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8813. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule Fees (RIN: 3084-AA98) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8814. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule — Telemarketing Sales Rule (''TSR'') (RIN: 3084-AA98) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8815. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

8816. A letter from the Acting Assistant Secretary Legislative Affairs, Department of State, transmitting the Department's final rule — Amendment to the International Traffic in Arms Regulations: Registration Fee Change [Public Notice ] (RIN: 1400-AC50) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8817. A letter from the Acting Chief Human Capital Officer, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8818. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8819. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8820. A letter from the White House Liaison, Department of Health and Human Services, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8821. A letter from the Deputy White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8822. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New York [Docket No. 071030625-7696-02] (RIN: 0648-XK19) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8823. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Monkfish Fishery; Framework Adjustment 6 to the Monkfish Fishery Management Plan [Docket No. 080627793-81063-02] (RIN: 0648-AW81) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8824. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XK38) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8825. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XK29) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8826. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XJ69) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8827. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the Directed Butterfish Fishery [Docket No. 070717340-8451-02] (RIN: 0648-XK16) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8828. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XK24) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8829. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Taking of Marine Mammals Incidental to Commercial Fishing Operations; Atlantic Large Whale Take Reduction Plan Regulations [Docket No. 080509647-81084-02] (RIN: 0648-AW84) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8830. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Nomenclature Change to Rename the ''Haddock Rope Trawl'' the ''Ruhle Trawl''; Final Rule [Docket No. 0808251151-81155-01] (RIN: 0648-AX18) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8831. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Adjustment of Civil Penalties for Inflation [NRC-2008-0412] (RIN: 3150-AI45) received September 26, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8832. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Lexington, OK [Docket No. FAA-2008-0003; Airspace Docket No. 08-ASW-1] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8833. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Altus AFB, OK [Docket No. FAA-2008-0339; Airspace Docket No. 08-ASW-5] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8834. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Salida, CO [Docket No. FAA-2007-0293; Airspace Docket No. 07-ANM-18] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8835. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Low Altitude Area Navigation Route (T-Route); Southwest Oregon [Docket No. FAA-2008-0038; Airspace Docket No. 07-ANM-16] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8836. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Plains, TX [Docket No. FAA-2008-0683; Airspace Docket No. 08-ASW-11] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8837. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; APEX Aircraft Model CAP 10 B Airplanes [Docket No. FAA-2008-0470 Directorate Identifier 2008-CE-026-AD; Amendment 39-15645; AD 2008-17-07] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8838. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. FAA-2007-29174; Directorate Identifier 2007-NM-125-AD; Amendment 39-15641; AD 2008-17-03] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8839. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PZL Swidnik S.A. Model W-3A Helicopters [Docket No. FAA-2008-0844; Directorate Identifier 2007-SW-23-AD; Amendment 39-15635; AD 2008-16-17] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8840. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Airplanes [Docket No. FAA-2008-0406; Directorate Identifier 2007-NM-196-AD; Amendment 39-15640; AD 2008-17-02] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8841. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Airplanes [Docket No. FAA-2008-0584; Directorate Identifier 2007-NM-315-AD; Amendment 39-15639; AD 2008-17-01] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8842. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, DHC-8-103, DHC-8-106, DHC-8-201, DHC-8-202, DHC-8-301, DHC-8-311, and DHC-8-315 Airplanes [Docket No. FAA-2008-0179; Directorate Identifier 2007-NM-367-AD; Amendment 39-15572; AD 2008-13-09] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8843. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747SR, and 747SP Series Airplanes [Docket No. FAA-2007-0043; Directorate Identifier 2007-NM-058-AD; Amendment 39-15632; AD 2008-16-14] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8844. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Diamond Aircraft Industries GmbH Model DA 42 Airplanes [Docket No. FAA-2008-0685 Directorate Identifier 2008-CE-037-AD; Amendment 39-15638; AD 2008-16-20] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8845. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-6 Airplanes [Docket No. FAA-2008-0626 Directorate Identifier 2008-CE-035-AD; Amendment 39-15637; AD 2008-16-19] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8846. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-61, DC-8-61F, DC-8-63, DC-8-63F, DC-8-71F, and DC-8-73F Airplanes [Docket No. FAA-2008-0497; Directorate Identifier 2007-NM-096-AD; Amendment 39-15629; AD 2008-16-11] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8847. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211-524 Series Turbofan Engines [Docket No. FAA-2007-0036; Directorate Identifier 2007-NE-22-AD; Amendment 39-15636; AD 2008-16-18] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8848. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Short Brothers Model SD3-60 Airplanes [Docket No. FAA-2008-0375; Directorate Identifier 2007-NM-272-AD; Amendment 39-15627; AD 2008-16-09] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8849. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bell Helicopter Textron Canada (BHTC) Model 230 Helicopters [Docket No. FAA-2008-0450; Directorate Identifier 2007-SW-39-AD; Amendment 39-15634; AD 2008-16-16] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8850. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eclipse Aviation Corporation Model EA500 Airplanes [Docket No. FAA-2008-0837; Directorate Identifier 2008-CE-043-AD; Amendment 39-15633; AD 2008-16-15] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8851. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Dierctives; Boeing Model 737-600, -700, -700C, -800, -900, and -900ER Series Airplanes [Docket No. FAA-2008-0413; Directorate Identifier 2008-NM-003-AD; Amendment 39-15631; AD 2008-16-13] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8852. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777-200 Series Airplanes [Docket No. FAA-2008-0520; Directorate Identifier 2008-NM-018-AD; Amendment 39-15630; AD 2008-16-12] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8853. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Removal of Class E5 Airspace; Madison, CT [Docket No. FAA-2008-0665; Airspace Docket 08-ANE-100] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8854. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Kivalina, AK [Docket No. FAA-2008-0452; Airspace Docket No. 08-AAL-11] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8855. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Pampa, TX [Docket No. FAA-2008-0610; Airspace Docket No. 08-ASW-10] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8856. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Colored and VOR Federal Airways; Alaska [Docket No. FAA-2007-0092; Airspace Docket No. 07-AAL-18] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8857. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Emporium, PA [Docket No. FAA-2007-0275; Airspace Docket No. 07-AEA-15] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8858. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Removal of Class E Airspace; Roanoke Rapids, NC [Docket No. FAA-2008-0307; Airspace Docket 08-AEA-18] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8859. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fort Collins, CO [Docket No. FAA-2008-0336; Airspace Docket No. 08-ANM-4] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8860. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes [Docket No. FAA-2008-0627; Directorate Identifier 2008-CE-033-AD; Amendment 39-15647; AD 2008-17-09] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8861. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; DG Flugzeugbau GmbH Model DG-500MB Powered Sailplanes [Docket No. FAA-2008-0649; Directorate Identifier 2008-CE-038-AD; Amendment 39-15646; AD 2008-17-08] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8862. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Area Navigation Route Q-110 and Jet Route J-73; Florida [Docket No. FAA-2008-0187; Airspace Docket No. 07-ASO-27] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8863. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and E Airspace; Altus AFB, OK [Docket No. FAA-2008-0339; Airspace Docket No. 08-ASW-5] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8864. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Factoryville, PA [Docket No. FAA-2007-29361; Airspace Docket 07-AEA-5] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8865. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class D and Class E Airspace; Rome, NY [Docket No. FAA-2008-0550; Airspace Docket 08-AEA-21] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8866. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Revision of Class E Airspace; Red Dog, AK [Docket No. FAA-2008-0457; Airspace Docket No. 08-AAL-16] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8867. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; Rome, NY [Docket No. FAA-2008-0308; Airspace Docket No. 08-AEA-19] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8868. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of

Class E Airspace; Black River Falls, WI [Docket No. FAA-2008-0024; Airspace Docket No. 08-AGL-4] received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8869. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Model 390 Airplanes [Docket No. FAA-2008-0353; Directorate Identifier 2007-CE-101-AD; Amendment 39-15620; AD 2008-16-02] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8870. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. FAA-2008-0541; Directorate Identifier 2008-NM-063-AD; Amendment 39-15624; AD 2008-16-06] (RIN: 2120-AA64) received September 19, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 4131. A bill to designate a portion of California State Route 91 located in Los Angeles County, California, as the ''Juanita Millender-McDonald Highway'' (Rept. 110–895). Referred to the House Calendar.

Mr. BRADY of Pennsylvania: Committee on House Administration. H.R. 6589. A bill to provide financial support for the operation of the law library of the Library of Congress, and for other purposes; with an amendment (Rept. 110–896 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1514. Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 110–897). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the Committee on Transportation and Infrastructure discharged from further consideration. H.R. 6589 referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. MALONEY of New York (for herself, Mr. NADLER, Mr. FOSSELLA, Mr. KING of New York, Mr. RANGEL, Mr. ENGEL, Mr. TOWNS, Mr. WALSH of New York, Mr. KUHL of New York, Mr. MCHUGH, Mrs. MCCARTHY of New York, Mrs. LOWEY, Mr. HALL of New York, Mr. MCNULTY, Mr. HINCHEY, Mr. ISRAEL, Mr. CROWLEY, Mrs. GILLIBRAND, Mr. ARCURI, Mr. SHAYS, Mr. SMITH of New Jersey, Ms. SLAUGHTER, Mr. HIGGINS, Ms. CLARKE, Mr. SERRANO, Mr. BISHOP of New York, Mr. ACKERMAN, and Mr. GARRETT of New Jersey):

H.R. 7174. A bill to amend the Public Health Service Act to extend and improve protections and services to individuals directly impacted by the terrorist attack in New York City on September 11, 2001, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. CHABOT, Mr. DAVID DAVIS of Tennessee, Ms. CLARKE, and Mr. CUELLAR):

H.R. 7175. A bill to amend the Small Business Act to improve the section 7(a) lending program, and for other purposes; to the Committee on Small Business.

By Mrs. BONO MACK (for herself, Mr. BARROW, and Mr. BARTON of Texas):

H.R. 7176. A bill to prohibit the installation on a computer of certain ''peer-to-peer'' file sharing software without first providing notice and obtaining consent from the owner or authorized user of the computer; to the Committee on Energy and Commerce.

By Mr. BERMAN (for himself and Ms. ROS-LEHTINEN):

H.R. 7177. A bill to authorize the transfer of naval vessels to certain foreign recipients, and for other purposes; to the Committee on Foreign Affairs. considered and passed.

By Mr. DAVIS of Alabama (for himself, Mr. ALTMIRE, and Mr. WALZ of Minnesota):

H.R. 7178. A bill to amend title 38, United States Code, to improve the enforcement of the Uniformed Services Employment and Reemployment Rights Act of 1994, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself and Mr. SHAYS):

H.R. 7179. A bill to amend the Public Health Service Act to provide coordinated leadership in Federal efforts to prevent and reduce obesity and to promote sound health and nutrition among Americans, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUMENAUER (for himself, Mr. PAYNE, Mr. MANZULLO, Ms. JACKSON-LEE of Texas, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. LATOURETTE, and Mr. JONES of North Carolina):

H.R. 7180. A bill to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 and to improve access to safe drinking water and sanitation throughout the world; to the Committee on Foreign Affairs.

By Mr. BLUMENAUER (for himself, Mr. KIND, Mr. MCDERMOTT, Mr. FATTAH, Ms. HOOLEY, and Mr. WU):

H.R. 7181. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program for consultations regarding orders for life sustaining treatment and to provide grants for the development and expansion of programs for such orders; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 7182. A bill to amend the Immigration and Nationality Act to include in the definition of the term ''aggravated felony'' a criminal violation committed by an alien who unlawfully entered the United States; to the Committee on the Judiciary.

By Mr. ENGEL (for himself and Mr. ENGLISH of Pennsylvania):

H.R. 7183. A bill to direct the Secretary of State to work with the Government of Brazil and the governments of other countries in the Western Hemisphere to develop partnerships to strengthen diplomatic relations and energy security by accelerating the development of biofuels production, research, and infrastructure, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 7184. A bill to amend the Immigration and Nationality Act to authorize certain aliens who have earned a Ph.D. degree from a United States institution of higher education in a field of science, technology, engineering, or mathematics to be admitted for permanent residence and to be exempted from the numerical limitations on H-1B nonimmigrants; to the Committee on the Judiciary.

By Ms. FOXX:

H.R. 7185. A bill to amend titles 23 and 49, United States Code, to repeal wage requirements applicable to laborers and mechanics employed on Federal-aid highway and public transportation construction projects; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 7186. A bill to amend title 49, United States Code, with respect to the regulation of solid waste by the Environmental Protection Agency; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATHESON:

H.R. 7187. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to nutrition labeling of food offered for sale in food service establishments; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York:

H.R. 7188. A bill to amend the Truth in Lending Act to establish certain advertising and disclosure requirements with respect to tax refund anticipation loans, and for other purposes; to the Committee on Financial Services.

By Mr. GARY G. MILLER of California:

H.R. 7189. A bill to ensure that any troubled assets relief program of the Treasury provides for purchase of vacant properties backing such troubled assets by regional public-private partnerships to retain the value of such real estate, stabilize communities, and minimize the fiscal impact on taxpayers; to the Committee on Financial Services.

By Mr. GARY G. MILLER of California:

H.R. 7190. A bill to provide for the reform of fair value accounting standards applicable to financial institutions; to the Committee on Financial Services.

By Ms. SCHWARTZ:

H.R. 7191. A bill to amend title XIX of the Social Security Act to encourage the use of certified health information technology by providers in the Medicaid and SCHIP programs, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SCHWARTZ:

H.R. 7192. A bill to amend the Public Health Service Act and the Social Security Act to increase the number of primary care physicians and to improve patient access to primary care services, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on the Judiciary, Education and Labor, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself and Mr. ROYCE):

H.R. 7193. A bill to require a report on business and investment climates in foreign countries, and for other purposes; to the Committee on Foreign Affairs.

By Ms. SOLIS:

H.R. 7194. A bill to distribute proceeds from greenhouse gas emissions allowance auctions to low and moderate income households, through refundable tax credits for wage earners and senior citizens and monthly rebates to low-income citizens, to offset any loss in purchasing power such households may experience as a result of the regulation of greenhouse gas emissions; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WHITFIELD of Kentucky:

H.R. 7195. A bill to entitle affected participants under a pension plan referred to in the USEC Privatization Act to payment for benefit increases not received; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAZAYOUX (for himself, Mr. ALEXANDER, and Mr. MELANCON):

H.R. 7196. A bill to require the Secretary of Agriculture to provide crop disaster assistance to agricultural producers that suffered qualifying quantity or quality losses for the 2008 crop year due to a natural disaster; to the Committee on Agriculture.

By Mr. LAMBORN (for himself and Mr. WITTMAN of Virginia):

H. Con. Res. 437. Concurrent resolution recognizing and congratulating the City of Colorado Springs, Colorado, as the new official site of the National Emergency Medical Services Memorial Service and the ''Tree of Life'' National EMS Memorial honoring emergency medical services personnel who have died in the line of duty; to the Committee on Energy and Commerce.

By Ms. LEE (for herself, Mr. CONYERS, Ms. CLARKE, Mrs. CHRISTENSEN, Mr. FATTAH, Ms. WATSON, Ms. NORTON, Mr. RUSH, Mr. WATT, Ms. WATERS, Mr. JOHNSON of Georgia, Mr. CUMMINGS, Mr. HASTINGS of Florida, Ms. MOORE of Wisconsin, Mr. SCOTT of Georgia, Mr. TOWNS, Ms. JACKSON-LEE of Texas, Ms. EDWARDS of Maryland, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JEFFERSON, Ms. CORRINE BROWN of Florida, and Mr. BISHOP of Georgia):

H. Con. Res. 438. Concurrent resolution expressing the sense of Congress with regard to providing humanitarian assistance to countries of the Caribbean devastated by Hurricanes Gustav and Ike and Tropical Storms Fay and Hanna; to the Committee on Foreign Affairs.

By Mr. HALL of Texas:

H. Res. 1512. A resolution expressing support for designation of February 8, 2010, as ''Boy Scouts of America Day'' in celebration of the 100th anniversary; to the Committee on Oversight and Government Reform.

By Mr. FOSTER:

H. Res. 1513. A resolution providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Eleventh Congress; considered and agreed to.

By Mr. SALI (for himself, Mr. BARTLETT of Maryland, and Mr. SESSIONS):

H. Res. 1515. A resolution amending the Rules of the House of Representatives to strengthen the point of order against the consideration of congressional earmarks, and for other purposes; to the Committee on Rules, and in addition to the Committee on Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added and resolutions as follows:

H.R. 154: Mrs. BONO MACK.
H.R. 699: Mr. KUHL of New York.
H.R. 741: Mr. MCKEON.
H.R. 819: Mr. CASTLE.
H.R. 1074: Mr. ISRAEL.
H.R. 1279: Mr. MCGOVERN.
H.R. 1283: Mrs. DAVIS of California.
H.R. 1967: Mr. CARTER.
H.R. 2045: Mrs. BONO MACK .
H.R. 2713: Mr. SOUDER.
H.R. 2870: Ms. SCHAKOWSKY.
H.R. 2965: Ms. EDWARDS of Maryland.
H.R. 3212: Mr. SMITH of Washington and Mr. BAIRD
H.R. 3929: Ms. MCCOLLUM of Minnesota.
H.R. 4138: Mr. COURTNEY and Mr. SALAZAR.
H.R. 4236: Mr. CAZAYOUX.
H.R. 4294: Mr. ARCURI.
H.R. 5268: Ms. ROYBAL-ALLARD.
H.R. 5635: Mr. CARNEY and Mr. WHITFIELD of Kentucky.
H.R. 5673: Mr. GINGREY.
H.R. 5714: Mr. CASTLE, Mr. FOSSELLA, Mr. SAM JOHNSON of Texas, Mrs. SCHMIDT, Mr. GOODLATTE, Mr. BONNER, Mr. BRADY of Texas, Mr. COLE of Oklahoma, Mr. KING of Iowa, Mr. ROGERS of Alabama, Mr. PORTER, Mr. REHBERG, Mr. SMITH of Nebraska, Mr. PAUL, Mr. LINDER, Mr. FRANKS of Arizona, Mr. ROHRABACHER, Mr. RADANOVICH, Mr. PITTS, Mr. FRELINGHUYSEN, Mr. HOBSON, Mr. SIMPSON, Mr. ROGERS of Michigan, Mr. SHUSTER, Mr. DAVID DAVIS of Tennessee, Mr. SALI, Mr. MARCHANT, Mr. TERRY, Mr. SHIMKUS, Mr. STEARNS, Mr. BUYER, Ms. HARMAN, Ms. SLAUGHTER, Ms. LEE, Mr. MICHAUD, Mr. INGLIS of South Carolina, Mr. BAIRD, Mr. BECERRA, Mr. BERMAN, Mr. BLUMENAUER, Mr. BOSWELL, Mrs. CAPPS, Mr. CHANDLER, Ms. CLARKE, Mr. CLYBURN, Mr. COOPER, Mr. COSTELLO, Mr. DONNELLY, Ms. ESHOO, Mr. GENE GREEN of Texas, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Ms. HERSETH SANDLIN, Mr. HILL, Ms. HOOLEY, Mr. KENNEDY, Mr. LIPINSKI, Mr. MATHESON, Mr. MELANCON, Mr. MOLLOHAN, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. SCOTT of Virginia, Ms. WATERS, Mr. WILSON of Ohio, Mrs. MCMORRIS RODGERS, Mr. RUSH, Mr. SALAZAR, Mr. PICKERING, Mr. RYAN of Ohio, Mr. KING of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTON of Texas, Ms. SUTTON, Mr. LANGEVIN, Mr. HALL of Texas, Mr. MCGOVERN, Mr. BURTON of Indiana, Ms. GIFFORDS, Ms. DELAURO, Mr. RODRIGUEZ, Ms. CORRINE BROWN of Florida, Mr. COHEN, MR. RAHALL, Ms. EDWARDS of Maryland, Mr. CLEAVER, Ms. HIRONO, Mr. WALBERG, Mr. ROTHMAN, Mr. MCCAUL of Texas, Mr. KNOLLENBERG, Mr. LATOURETTE, Mr. FOSTER, Mr. PETRI, Mr. KINGSTON, and Mr. PASCRELL.
H. R. 5734: Mr. ROSKAM.
H. R. 5878: Mr. HOLT and Ms. ROYBAL-ALLARD.
H. R. 6076: Mr. NADLER and Mr. BERMAN.
H. R. 6127: Mr. LATHAM and Mr. PLATTS.
H. R. 6160: Ms. BORDALLO.
H. R. 6203: Mr. SERRANO and Ms. SUTTON.
H. R. 6259: Mr. PASCRELL.
H. R. 6324: Mr. ENGEL.
H. R. 6407: Ms. SCHAKOWSKY.
H. R. 6562: Mr. MCCOTTER and Mr. MITCHELL.
H. R. 6643: Mr. VAN HOLLEN.
H. R. 6749: Mr. GRIJALVA.
H. R. 6787: Mr. BAIRD.
H. R. 6869: Mr. CARNEY, Mr. HIGGINS, and Mr. GONZALEZ.
H. R. 6873: Mr. KUCINICH.
H. R. 6896: Mr. DANIEL E. LUNGREN of California and Mr. ENGLISH of Pennsylvania.
H. R. 6913: Ms. WATERS.
H. R. 6939: Ms. HERSETH SANDLIN.
H.R. 6987: Mr. PEARCE, and Mrs. BACHMANN.
H.R. 7003: Mr. BISHOP of New York.
H.R. 7013: Ms. SCHAKOWSKY.
H.R. 7032: Mrs. BONO Mack.
H.R. 7056: Ms. SCHAKOWSKY.
H.R. 7113: Mr. RYAN of Ohio.
H.R. 7119: Mr. MCHUGH.
H.R. 7122: Ms. BORDALLO.
H.R. 7124: Mr. AKIN and Mr. CANNON.
H.R. 7125: Mr. BLUMENAUER, Ms. SCHAKOWSKY, Ms. SUTTON, and Mr. MCGOVERN.
H.R. 7162: Mr. GONZALEZ.
H. Con. Res. 424: Mr. TOWNS, Mr. BRADY of Pennsylvania, Mr. KILDEE, Mr. ORTIZ, Ms. SCHAKOWSKY, Ms. MATSUI, and Mr. Hinche.
H. Con. Res. 426: Mr. ELLISON.
H. Con. Res. 428: Mrs. MYRICK and Mr. MCCOTTER.
H. Res. 245: Mr. DAVIS of Kentucky and Mr. PASCRELL.
H. Res. 373: Mr. CONYERS.
H. Res. 1017: Ms. HIRONO.
H. Res. 1437: Mrs. BACHMANN.
H. Res. 1462: Mr. COHEN, Ms. SCHAKOWSKY, Mrs. TAUSCHER, Mr. MCDERMOTT, Mr. THOMPSON of Mississippi, Ms. Tsongas, Mrs. CAPPS, Mr. PASCRELL, and Ms. GIFFORDS.
H. Res. 1478: Mr. REGULA, Mr. MCCAUL of Texas, and Ms. SCHAKOWSKY.
H. Res. 1483: Mr. CROWLEY and Mr. GALLEGLY.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 421: Mr. LIPINSKI.

United States of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, SATURDAY, SEPTEMBER 27, 2008 No. 155

# Senate

*(Legislative day of Wednesday, September 17, 2008)*

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

## PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Creator of the universe, all loving, all wise, all powerful, move on Capitol Hill today. Your lawmakers need You for such a time as this, and You have promised to supply their needs. Supply their need for wisdom. Illuminate their minds as they seek to do the right thing. Infuse them with supernatural power to make sense out of the riddles that baffle so many. May they be able to look back over today's labors knowing they have glorified You. Lord, astound them with new thoughts and fresh insights they could not conceive without Your blessing.

We pray in the Name of Him who is the truth. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, September 27, 2008.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
*President pro tempore.*

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

## SCHEDULE

Mr. REID. Mr. President, following the remarks of the leaders, if any, the Senate will proceed to the consideration of the House message to accompany H.R. 2638, the continuing resolution. The time until 10 a.m. will be equally divided and controlled between the leaders or their designees. At exactly 10 a.m., the Senate will proceed to a rollcall vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 2638.

As those of us here have seen, in trying to make entry to the Capitol, there is something of a bicycle race or performance of some kind. It has really slowed things up, so we are not going to terminate the vote in the normal 15-minute time schedule. We are going to make sure people have an opportunity to get here.

I say to all Members, unless something can be resolved by consent, we are going to file cloture today on the Department of Defense authorization bill, which will be a Monday vote. Hopefully, there does not have to be a vote tomorrow. Thirty hours after cloture was invoked on this matter will be sometime tomorrow afternoon. There are a number of ways we can do that. People wanting the extra 30 hours could waive that or they could let us have a voice vote tomorrow. As I understand it, there is only one Senator holding up this bill now. We will work on that during the next hour or so. It appears we may have to be in session tomorrow, with a vote on Monday. I know there is a holiday on Monday starting at sundown and going to sundown on Tuesday.

The staff worked until about 3 a.m. this morning on the bailout. They made significant progress. There are probably 15 issues still left outstanding. Senators are going to have to get together and resolve those. We hope sometime tomorrow evening we can announce that there has been some kind of an agreement in principle so the only thing that will have to be done is to write the legislation. We are still a long way from completing it, but we have made significant progress, as I just indicated. We will keep Senators advised on a timely basis as well as we can.

## CAPITOL VISITOR CENTER ACT OF 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 611, H.R. 5159.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5159) to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEMINT, Mr. President, I rise to speak on the newest addition to the U.S. Capitol, the U.S. Capitol Visitor Center.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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I have been told by the Architect of the Capitol that the CVC is scheduled to open its doors to the public for the first time on December 2 of this year. I have toured this impressive facility, and I believe it will be a vast improvement in the experience visitors will have when touring the Capitol Complex. I look forward to the opening of this long awaited addition; it will be a momentous and historic occasion.

However, in addition to providing security and functionality, the CVC also provides an educational experience designed to tell the story of our Nation's Capitol. I believe it is critical that this history appropriately and accurately reflects the traditions and history of the Capitol.

We want our constituents and visitors from around the world to get an accurate portrayal of the Capitol's history and, as much as possible, to understand the motivations and inspirations of those who have led our branch of Government since its establishment 220 years go.

Tragically, as the CVC exists now, they will get a much different experience.

In touring the CVC, I found the exhibits to be politically correct, left leaning, and secular in nature. The secular aspects were especially surprising because of the deep connection between faith and the Capitol, and our Judeo Christian traditions. But despite this connection and our traditions, the doors to the CVC are flanked with a quote from former Congressman Rufus Choate that says, ''We have built no temple but the Capitol. We consult no common oracle but the Constitution.'' Even a brief reflection on our Nation's history will show this quote is not accurate and, in my opinion, grossly inappropriate.

The first thing you are confronted with once you have entered the CVC is the phrase ''E. Pluribus Unum'' engraved in stone above a mock of the Capitol dome. A panel next to the dome describes E. Pluribus Unum as our Nation's motto. This is not only completely false but also offensive to the 90 percent of Americans who approve of our Nation's actual motto ''In God We Trust,'' signed into law by President Dwight Eisenhower in 1956.

Unfortunately, nowhere in the CVC will you find the words ''In God We Trust'' engraved in stone. The acknowledgement of God and our Nation's motto has been left out of the CVC. In fact, the massive replica of the House Chamber omits the ''In God We Trust'' from above the Speaker's chair.

We are now told they are planning to fix this ''mistake,'' but on my tour 2 days ago, it was still missing. Also missing are the words to our Pledge of Allegiance, the only words spoken each morning by both Chambers of Congress.

There are a few articles in the CVC that reflect elements of faith—two Bibles, a picture of the congressional nondenominational faith space, and the oath of office—but I believe they grossly understate the prominent role of faith and Judeo Christian values in the history of this great building.

I have worked with the Senator BENNETT, the ranking member of the Rules Committee, this week to address some of my concerns. After several conversations, he and Senator FEINSTEIN, the chairman of the Rules Committee, sent me a letter formalizing an agreement to make some changes. Our agreement includes engraving ''In God We Trust'' in stone in a prominent location within the CVC; engraving ''The Pledge of Allegiance'' in stone in a prominent location within the CVC; removing the words ''Our Nation's motto'' from the Unity panel on the Wall of Aspirations and replacing it with a new panel.

I will ask unanimous consent to have a copy of this letter be printed in the RECORD.

In addition, I have a verbal agreement with Senator BENNETT that the Architect of the Capitol will be instructed to consider the rich faith heritage of our Nation when considering the content of any future display. I would like to thank my friend for his help on this issue, and I look forward to working with him in the future.

I am very pleased with this progress in improving the accuracy of the CVC. However, I am still distressed by what remains or, rather, what is missing.

There seems to be a trend of whitewashing God out of our history. The last two major memorials in Washington—the FDR and World War II Memorials—left out references to God and persons of faith, the first time a memorial or monument in Washington has not had a quote, reference, or inscription referencing God or the faith of those we are memorializing.

Now it can be said these are not intentional omissions, but consider this: last year the Architect of the Capitol censored God from a certificate accompanying a flag flown over the Capitol by a Boy Scout for his grandfather; a national cemetery director stopped an honor guard from performing the traditional burial ceremony because it mentioned God; ''In God We Trust'' was removed from the front of our currency; schools have been sued over having the pledge of allegiance every morning; and the list goes on.

It appears that many would prefer to ignore the role and prominence of God and faith in our Nation's history and the lives of the American people today. But I want to make sure unelected bureaucrats are not removing these references just because they are afraid of offending a vocal minority, despite the overwhelming will of the American people. I can assure you, this is something that I will continue to fight against.

I would like to take just a moment to detail a few of the many examples of our faith heritage that could be included in future displays: the Aitken Bible of 1782, the only Bible ever printed by an act of Congress; church services held in the Capitol for over 70 years while Congress was in session, becoming the largest church in Washington in 1867; pictures of National Day of Prayer events or the March for Life, both of which are attended by hundreds of thousands of citizens each year; the text of President Lincoln's second Inaugural and his Bible to go with the table from which he delivered his address, which is already in the CVC; a description of all the paintings in the Rotunda on the virtual tour monitors found in the CVC; and a picture of Members of Congress gathering spontaneously on the Capitol steps to sing ''God Bless America'' on September 11.

In the words of Benjamin Franklin: ''We have been assured in the sacred writings that except the Lord build the house, they labor in vain that build it. I firmly believe this and I also believe that without His concurring aid, we shall succeed in this political building no better than the builders of Babel.''

I also firmly believe this. And while I firmly believe every person has the right to their own opinion and the blessing of religious freedom, that freedom is the freedom of religion, not freedom from religion. We don't have to agree with our Founding Fathers and the history of our country, but that doesn't mean we can change it. Daniel Webster said in this very building, ''God grants liberty only to those who love it, and are always ready to guard and defend it.'' We must remember our history and the faith of our fathers; it is what formed us into the great Nation we are today.

Mr. President, I ask unanimous consent to have a copy of the letter to which I referred printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON RULES AND ADMINISTRATION,
*Washington, DC, September 26, 2008.*

Hon. JIM DEMINT,
*Russell Senate Office Building,*
*Washington, DC.*

DEAR JIM, After many years of anticipation the Architect of the Capitol is preparing for the opening of the new Capitol Visitor Center (CVC) on December 2, 2008.

Delaying the opening of the CVC has serious security implications. The CVC was designed so that public visitors will be screened at one secure location, improving security in the U.S. Capitol for constituents, staff and Members.

Delaying the opening of the CVC also has significant financial consequences. As you are aware, the CVC has already cost $621 million for construction. The Architect is currently paying the cost of salaries and benefits for staff preparing to open and operate the facility for the American public. Every day the CVC is closed to the public, it will cost the taxpayer $72,040 in unused staff resources.

In response to your letter dated September 25, 2008, we agree in principle to support engraving ''In God We Trust'' in stone in a prominent location within the CVC; engraving ''The Pledge of Allegiance'' in stone in a prominent location within the CVC; and removing the words ''Our Nation's Motto'' from the Unity panel on the Wall of Aspirations of the Exhibition Hall in the CVC, and replacing it with a new panel.

We recognize that one of your suggestions (renaming ''Our Nation's Motto'') is a correction, and the ''Pledge'' and ''In God We Trust'' are additions. The approximate cost of doing all three projects, according to the Architect of the Capitol, is $150,000.

We are pleased that you have agreed to Senate consideration of the CVC legislation.

Sincerely,

DIANNE FEINSTEIN,
*Chairman*.
ROBERT F. BENNETT,
*Ranking Member*.

Mr. REID. Mr. President, I ask unanimous consent that the amendment that is at the desk be considered and agreed to; the bill, as amended, be read three times, passed; the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD, as if given, with the above occurring with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 5674) was agreed to.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 5159), as amended, was read the third time, and passed.

Mr. REID. Mr. President, I appreciate the bipartisan working relationship on the Rules Committee. Senators FEINSTEIN and BENNETT work so well together, and this is an example of that working relationship.

Again, for all Senators, we are going to vote at 10 o'clock this morning.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

Mr. REID. Under the previous order, the Senate will resume consideration of the House message to accompany H.R. 2638, which the clerk will report.

The legislative clerk read as follows:

House message to accompany H.R. 2638, the Department of Homeland Security Appropriations Act/Continuing Resolution for 2009.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided and controlled between the two leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum and ask that the time be charged against both the majority and the minority.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2638, the Department of Homeland Security Appropriations Act/Continuing Resolution for Fiscal Year 2009.

Evan Bayh, Debbie Stabenow, Benjamin L. Cardin, Byron L. Dorgan, Barbara A. Mikulski, Jeff Bingaman, John F. Kerry, Herb Kohl, Sherrod Brown, Jon Tester, Benjamin Nelson, Richard Durbin, Patrick J. Leahy, Amy Klobuchar, Robert P. Casey, Jr., Claire McCaskill, Bernard Sanders.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the amendment of the House to the amendment of the Senate to H.R. 2638, the Department of Homeland Security Appropriations Act/Continuing Resolution for Fiscal Year 2009, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BIDEN), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The yeas and nays resulted—yeas 83, nays 12, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—83

| | | |
|---|---|---|
| Akaka | Dorgan | Murkowski |
| Alexander | Durbin | Murray |
| Allard | Enzi | Nelson (FL) |
| Barrasso | Feinstein | Nelson (NE) |
| Baucus | Grassley | Pryor |
| Bennett | Gregg | Reed |
| Bingaman | Hagel | Reid |
| Bond | Harkin | Roberts |
| Boxer | Hatch | Rockefeller |
| Brown | Hutchison | Salazar |
| Brownback | Inhofe | Sanders |
| Byrd | Inouye | Schumer |
| Cantwell | Isakson | Smith |
| Cardin | Johnson | Snowe |
| Carper | Kerry | Specter |
| Casey | Klobuchar | Stabenow |
| Chambliss | Kohl | Stevens |
| Clinton | Lautenberg | Sununu |
| Cochran | Leahy | Tester |
| Coleman | Levin | Thune |
| Collins | Lieberman | Vitter |
| Conrad | Lincoln | Voinovich |
| Cornyn | Lugar | Warner |
| Craig | Martinez | Webb |
| Crapo | McCaskill | Whitehouse |
| Dodd | McConnell | Wicker |
| Dole | Menendez | Wyden |
| Domenici | Mikulski | |

NAYS—12

| | | |
|---|---|---|
| Bunning | DeMint | Kyl |
| Burr | Ensign | Landrieu |
| Coburn | Feingold | Sessions |
| Corker | Graham | Shelby |

NOT VOTING—5

| | | |
|---|---|---|
| Bayh | Kennedy | Obama |
| Biden | McCain | |

The PRESIDING OFFICER (Ms. KLOBUCHAR). On this vote, the yeas are 83; the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Madam President, we are now working our way through postcloture time. Everyone has been very courteous and agreeable. We will probably have to spend 2½ hours before we have the final vote on this CR. It will probably be around 1 o'clock. We would hope that we can condense the time. That would be 1 o'clock today rather than 4 o'clock or 5 o'clock tomorrow afternoon. That being the case, the only matter that is left that we have to be concerned about is the Department of Defense authorization. My plan, as I have explained to the Republican leader, is to file cloture on that today for a Monday cloture vote. We can't wait until Wednesday to do that, for obvious reasons. Now it appears our goal is to try to complete everything next week.

For the information of all Members, staff worked until 3 o'clock this morning on the rescue plan for the financial problems we have in America today.

There are a number of issues that need to be resolved by Members. Chairman DODD has indicated he is going to get people together sometime today when appropriate. Staff has to move down the road a little bit longer. The goal is to try to come up with a final agreement by tomorrow. Now, we may not be able to do that, but we are trying very hard. It is something I think shows how we can work together. It is an issue on which none of us would like to be working, but we have to work on it.

If we are going to be able to do what it appears we can do, it will resolve a lot of the questions people have around the country because it is not the proposal we got from Secretary Paulson. It is one where Democrats and Republicans in the House and the Senate are working to get an end product.

Without getting into the details—I do not think we should do that now, and I talked to Chairman DODD earlier today, and he also agrees we should not get into the details right now. But if we can do that, at least announce sometime tomorrow that we have the beginning of an agreement—we are told it is very important we do that—if we could do it by 6 o'clock tomorrow, it would be important because that is when the Asian markets open, and everyone is waiting for this thing to tip a little bit too far, that we may not have another day. But if we can announce an agreement, then it is going to take

some time to draft this because we know people want to read every line, as they should. We are going to work something out on that.

I have spoken to the Republican leader. It is possible, with the agreement of Senators BAUCUS and GRASSLEY, that we could use a tax measure they already have, that we would start here first. Now, my inclination is not to do that. We should have the House do it first. But there are a lot of possibilities floating around. I am going to keep in as close touch as I can with Senator MCCONNELL, and he will notify his Members when that is appropriate, and I will do the same.

So we will have one more vote today. We think we have that worked out. We do not have the actual agreement—I do have it. Everyone should know I am getting pretty good at reading Lula's writing, which is OK, but not real good.

Madam President, I ask unanimous consent that all postcloture time be yielded back except that the following be recognized to speak, and at the expiration of that time the Senate proceed to vote on the motion to concur, and there be no further intervening action or debate; that the people who will speak on the motion to concur be Senator BYRD, 15 minutes; Senator COCHRAN, 15 minutes; Senator COBURN, 15 minutes; Senator SESSIONS, 30 minutes; Senator KYL, 10 minutes; Senator DEMINT, 15 minutes; Senator LANDRIEU, 30 minutes.

The PRESIDING OFFICER. Is there objection?

Ms. LANDRIEU. Madam President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I understand there are many plans that have been made this weekend, and I appreciate the cooperation of the Democratic leader and the Republican leader. I appreciate the good work that some of my Republican and Democratic colleagues have done this last week, particularly Chairman HARKIN. However, on ag we are about ready to close out a session without a substantial and adequate advance or plan to help the agricultural community, and the rules that have been written in the last farm bill are not adequate.

I have asked the leader for 1 hour to speak today. I do not think that is too much to try to advance the effort. I thank Senator HUTCHISON for signing on. I have asked for just a vote at the next available time—not today, not on this bill.

Would the leader please respond if an hour would be available?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, we are happy to change the 30 minutes in the consent that is being sought now to have 1 hour for the Senator from Louisiana. What we have been working on today is that there are a number of agricultural States: Arkansas, Louisiana, Texas, and a lot of——

Ms. LANDRIEU. Mississippi.

Mr. REID. Mississippi, and a lot of other States. We have an agreement that there is a piece of legislation that Senators from a number of States will sign onto, Democrats and Republicans. Senator MCCONNELL and I will do everything we can to bring it up. Everyone understands the Senate rules, and we will do our best to get it up.

Now, we cannot guarantee a vote, but we will guarantee that we will do everything we can to bring this matter before the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. As modified, with Senator LANDRIEU having 1 hour, 60 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I just want to indicate to my Republican colleagues we will have a briefing in the Mansfield Room at 11 o'clock from Senator GREGG to bring everyone up to date on the status of the talks that are going on. Staff worked, as the majority leader indicated, through the evening, and this will be an opportunity to bring everybody up to date.

Mr. DOMENICI. Madam President, will the leader yield to the Senator from New Mexico for a question?

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I have a question of the majority leader or the minority leader.

I have been asked by a number of people who want to come to the Senate floor when I give a couple sentences of goodbye to the Senate, and I am just wondering when might such things be available for myself, Senator WARNER——

Mr. REID. Madam President, I have prepared a speech that I want to give for my friend. We have worked together for so many years. I am going to do that on Monday. We are going to be in session on Monday, and we will likely have a vote Monday on the Defense Department authorization bill. If we don't, we are still going to be in session. I think we send the wrong message to America if we leave here with this bailout not having been done. So I am going to give my speech on Monday about you, I say to the Senator, and that would be a good time to give one.

Mr. DOMENICI. Madam President, I know Senator WARNER would like to speak. That is satisfactory with me, as long as we are expecting to give people like you and me a little bit of time.

Mr. REID. Madam President, we will have time next week to make sure we do. There are a number of Senators who want to say a few words or many words—whatever they choose—about departing Senators. So we are going to have plenty of time to do that next week.

Mr. DOMENICI. Madam President, I thank our leader.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. MCCONNELL. Madam President, I, too, had planned to speak about Senator DOMENICI and Senator WARNER today, and I will check with them on their schedules because I certainly would like for them to be here on the floor of the Senate. Obviously, a better time to do that, if it were done today, would be after the vote, an hour and a half or so from now. But I will be conferring with them about that.

Mr. DOMENICI. I thank the Senator.

The PRESIDING OFFICER. Is there objection to the original request of the majority leader?

Without objection, it is so ordered.

The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I thank the Chair.

Madam President, I speak today in support of the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act of 2009.

The measure that is before the Senate includes the fiscal year 2009 Defense appropriations bill, the fiscal year 2009 Military Construction and Veterans Affairs bill, and the fiscal year 2009 Homeland Security bill.

In addition, the measure includes a continuing resolution for fiscal year 2009, which provides funding for Government operations at fiscal year 2008 levels through March 6, 2009.

In response to the Midwest floods and Hurricanes Gustav, Hanna, and Ike, the measure includes $22.3 billion of critical disaster relief.

The measure also includes funding to support $25 billion of auto industry loans that were authorized in the Energy Independence and Security Act of 2007. These loans will provide a critical boost to the effort to develop energy-efficient vehicles, while creating thousands—thousands, I will say—of new jobs. The bill also includes $5.1 billion for the Low-Income Home Energy Assistance Program and $250 million for the Weatherization Program. With this funding, an additional 5.7 million households will get assistance in coping with dramatically rising home heating costs. At the current funding level, the Low-Income Home Energy Assistance Program serves only 15 percent of eligible families.

The message that is before the Senate lives up to the commitment we made to support our troops, provide first class health care to our veterans, secure our homeland, direct relief to the victims of natural disasters all across this great Nation of ours, and provide help for families on Main Street.

Madam President, my good friend, Senator THAD COCHRAN, and I began this year with the goal of producing 12 bipartisan, fiscally responsible appropriations bills. The Committee on Appropriations made great progress in reporting nine such bills by the end of July. Regrettably, the President—your President, my President, our President—chose to announce that he would veto any of the bills—hear that—he

would veto any of the bills—did you hear that—that he would veto any of the bills that exceeded his request.

Our bills included critical increases in funding for veterans health care, for job-creating programs such as highway and mass transit, for the National Institutes of Health, and for fighting crime in our streets. As a result of the President's veto threats, the appropriations process has fallen prey to the election cycle. Therefore, in order to fulfill our promises to the troops and to our veterans, we have, once again, yes, been forced to use an omnibus appropriations measure to complete our work. I disdain—I disdain—such procedures. But, in order to complete our work, we proceeded on a bipartisan basis to produce the legislation that is now before the Senate.

So I urge all of my fellow Senators—hear me: I urge all of my fellow Senators to join me in supporting swift action on these critical national priorities.

Madam President, there is funding in this bill to conduct an independent and objective study regarding the withdrawal of our troops from Iraq in the next 12 to 18 months. This bill includes $2.4 million for the Department of Defense to provide to the RAND Corporation to conduct this study. As a Federally-funded research and development center and an independent research arm of the Department of Defense, RAND has access to the Department of Defense information necessary to prepare such plans. Furthermore, the staff at RAND is able to draw on expertise from across the entire spectrum of the U.S. government to provide a long overdue strategic assessment. This study will assume that the United States will leave a limited number of troops in Iraq to train Iraqis, target Al Qaeda, and protect our mission after the withdrawal of the majority of our forces.

A study of this scope is long overdue. Secretary of Defense Gates stated before the Senate Armed Services Committee on September 23, 2008 that in Iraq, he believes:

> we have now entered that endgame—and our decisions today and tomorrow and in the months ahead will be critical to regional stability and our national security interests for years to come.

Yet it is unclear where Defense Department formal planning stands on withdrawing our forces in a measured and responsible manner. The time to begin the Iraq withdrawal is now. This new RAND study will publicly and independently help chart the responsible course ahead.

I wish to thank Chairman INOUYE for including this language and Senator KENNEDY for his strong leadership on this issue.

Madam President, I reserve the balance of my time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Madam President, according to the order, I was allocated a certain amount of time. I think it was 15 minutes.

The PRESIDING OFFICER. That is correct.

Mr. COCHRAN. I doubt if I will use that time, for the information of other Senators who may be waiting for the opportunity to speak.

We have adopted, strictly speaking, an amendment to the Senate amendment to H.R. 2638, an act making appropriations for the Department of Homeland Security for fiscal year 2008. But most Members are aware that what this bill actually contains is the fiscal year 2009 Homeland Security Appropriations bill, and the Military Construction and Veterans Affairs appropriations bill. It also contains a continuing resolution to fund the rest of the Government through March 6, and a substantial disaster supplemental in response to floods, wildfires, and hurricanes.

I highlight the title of the bill because it is indicative of the sometimes opaque and convoluted process by which the bill was drafted. Its contents were determined almost exclusively by staff members and a small handful of Members of the Senate. There was no opportunity for most Senators to advocate for a specific request. There was no forum in which to offer amendments. There were no meetings in which to argue policy or discuss grievances that Members may have had with the provisions of these bills. There was no meeting of the conference committee. Only a few elements of the bill have been previously considered on the floor of the Senate. Only the Military Construction and Veterans Affairs chapter was debated on the floor of the other body. Yet we have only a few days remaining in the fiscal year, and we have been compelled to either concur in the House amendment or risk the shutdown of the Government.

The appropriations process has rarely, if ever, been perfect, and I am the first to admit that. In many years, the regular order has been abandoned at some stage of the process because of pressures of the legislative and fiscal calendar.

This year, we have thrown regular order completely out the window. In the process, we have failed both the Senate and, in my opinion, the people we represent. Not any of the 12 fiscal year 2009 appropriations bills have been brought to the Senate floor. Only one appropriations bill was brought to the floor of the House.

The Senate committee did not mark up even three of the appropriations bills, including the Defense bill, that supports men and women in uniform, which accounts for almost half of all discretionary spending. We didn't consider the bill in committee. Yet here we are with a so-called conferenced Defense bill buried within a much larger appropriations measure, which we have adopted.

It is not without precedent to have regular bills appended to the continuing resolution or other appropriations bills, but this is a $1 trillion appropriations package that has been presented for final action without a conference committee meeting, without any noncommittee members having had an opportunity to discuss the issues, to amend the bill, and without even committee members having an opportunity to consider most of the provisions of the bill.

Now, the principal reason, we understand, is that the leadership made a conscious decision early in the year not to engage the President, not to fuss with the President over appropriations bills. Of course, he has insisted that his request be honored, that the submission he has made to the Congress for appropriations be honored in terms of the top line figure; that any bill increasing the amount above the President's request would be vetoed. But you know what. I don't remember any President since I have been in the Senate who hasn't said something such as that when he submits the bills to the Senate. I can remember the Senate working its will, considering the President's requests. I remember President Reagan standing there with a big continuing resolution and supplementals and everything else we can imagine; it was about 2 feet high and tall, and in his State of the Union or speech to the Congress, he said: Don't ever send me another bill such as this. I will veto it. Well, guess what. We kept sending bills, and if they weren't that high, they might have been close to it. That is what we have on our hands here, the chief executive insisting on his right to participate in the process and be an influence in the process through the budget submission and the request for appropriations that he is bound to make to the Government every year, and we are bound to respond. We are bound to act, and we have.

So I am not quarreling with the technicality; what I am suggesting is we have denied our own Members the opportunity to openly discuss, to debate, to offer amendments on these bills. I think we need to reexamine that process of putting half of the day-to-day operations of the Government on auto pilot, which is what was the result, for 6 months—for 6 months—rather than negotiate with the President, or attempt to override his veto. We can override the veto, too. It is not the end of the world when the President vetoes a bill.

So the majority continues to express confidence that the Congress will be able to come back next year and, working with the next President, we hope to complete action on the remaining appropriations bills. Whether that is realistic to expect, we will wait until the next Congress and confront the next administration with our views on the appropriations levels and the proper way to write these bills of funding the Federal Government.

I fear the next Congress may refuse to do that and instead extend the continuing resolution through the end of

the year. There may be some adjustments made here and there. We have done that before. We did it in 2007. We wouldn't spend much less under that scenario, but we might omit some details, guidance, and oversight provisions that are our responsibility to undertake.

So if the majority was unable to win concessions from the President on their spending priorities, we could have overridden the President's vetoes or rewritten the bills to accommodate the President's concerns. There is nothing to stop Congress from coming back next year and working with the next administration to address in supplemental legislation any shortfalls we may become aware of. That is probably what we will end up doing. But with this CR, this continuing resolution, we will put half of the Government adrift, in effect, for the next 6 months.

We have been able to take some comfort in the past by the fact that the Appropriations Committees did that which was their responsibility to do. This year, however, even the committee has fallen short. In the Senate we marked up only 9 of the 12 appropriations bills. In the House, only five were reported from the full committee.

That is because the majority didn't want to take votes on the single issue which has been the top priority of American families throughout the summer—energy prices. The majority didn't want to risk even considering amendments to amend or repeal the moratoria on oil and gas development on the Outer Continental Shelf, or the moratorium that prohibits the development of Rocky Mountain oil shale deposits.

I was elected by the people of my State to vote on issues such as energy policy. That is what we are here to do. But we spent much of the summer, in effect, avoiding our responsibilities.

What has been the result? Before us we now have an appropriations bill that does exactly what the majority had hoped to avoid—it lifts the moratoria on oil shale and Outer Continental Shelf development. In the process of getting to that result, however, Members of the House and Senate Appropriations Committees have been denied the opportunity to debate and offer amendments to the other appropriations bills, including the Defense appropriations bill that is buried in this package.

This saddens me.

I regret that Republican committee members in the other body were denied an opportunity to amend the Defense or Homeland Security bills that are part of this package.

I regret that Republicans in the other body were denied an opportunity to offer a motion to recommit this bill. The majority precluded even this minor parliamentary opportunity by using the fiscal year 2008 Homeland Security bill as a shell for this bill.

I am sorry for all Members of the other body who were denied any opportunity to offer amendments to any piece of this package aside from the Military Construction and Veterans Affairs bill. Even amendments to that bill were controlled by an unusually restrictive rule.

I regret that some members of the Senate Appropriations Committee were unable to offer amendments to the Defense bill, the Interior bill or the legislative branch bill because those bills were never brought before the committee.

I am sorry for all the Members of this body who will have no opportunity, and have had no prior opportunity, to offer amendments to the various elements of this package.

This is a $1 trillion appropriations bill, yet there has been no conference committee to resolve differences between the House and Senate. This Senator has taken part in only a single meeting on this bill, and that meeting was confined to the Defense Appropriations chapter and was limited to the chairmen and ranking Members of the Defense subcommittee. There was no similar meeting for any of the other parts of this bill. Instead, decisions were made exclusively by staff, the committee chairmen, and the Democratic leaders.

To be clear, Chairman BYRD and his staff have been steadfast throughout this process in advocating for Senate priorities. I am grateful for Senator BYRD's support, and other Senators should be as well. I would like to be able to help him, however, and I know my colleagues on the committee would like to help as well. Yet without markups or conference committees or formal meetings, there is no venue for Members to express their views or advocate for their priorities.

Some will criticize this bill for including billions and billions in earmarks that were tucked into a must-pass spending bill behind closed doors. It may surprise people to hear me say this, but there is some truth in this. While I will defend vigorously the right of Congress to appropriate funds for specific purposes or projects, I will also defend the right of individual Senators to challenge those choices throughout the legislative process. Just like anything else in a bill, earmarks should be subject to scrutiny and amendment in committee, on the floor, and during conference. We do ourselves a great disservice by centralizing decision-making in the hands of a few, and by not allowing all Members of the House and Senate to contribute their own unique knowledge and ideas to legislation.

Don't get me wrong. This bill includes many positive measures.

In the Military Construction and Veterans Affairs chapter, the Department of Veterans Affairs is funded at a record level of $94.4 billion, including $31 billion for medical services. Our commitment to quality care for our veterans has never been greater.

The Homeland Security chapter includes funding for 2,200 new border patrol agents, $775 million for continued work on physical and tactical infrastructure along the southern and northern borders, and funding above the President's request to accommodate an additional 1,400 detention beds.

The Defense chapter provides a balanced approach to readiness, modernization and quality of life programs for U.S. military men and women. It provides the level of support that they deserve—including additional family advocacy programs, enhanced health care, improved training, and state-of-the-art equipment.

The bill includes $9.3 billion for the Federal Emergency Management Agency for essential disaster response across the United States. These funds are crucial to help our citizens and communities recover from recent disasters such as Hurricanes Gustav and Ike, as well as past disasters such as Hurricane Katrina.

At the end of the day, I am pleased that we will get the three principal security-related appropriations bills to the President. I regret the process that has brought us to this point, and the degree to which Members have been shut out of the decision-making. It would be unconscionable for Congress to adjourn without enacting a Defense bill while our troops are in the field, fighting to implement the policies of our government and sometimes making the ultimate sacrifice.

I will support this bill, and I urge my colleagues to do the same. But we must do better next year. We must put the upcoming election behind us, and recognize that shortcuts in the legislative process are often the long way around. Enacting appropriations bills is one of the core duties of the Congress. If Congress is to regain the trust and respect of the American people, we must perform that duty in a timely and transparent fashion.

Thank you, Madam President.

My hope is we will admit we have responsibilities that go beyond putting the Government on this auto pilot as we have described. We are here to challenge the President when we disagree with him, but we don't need to avoid completely our responsibilities or abrogate our responsibilities.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Chair wishes to note that under the previous order cloture having been invoked on the motion to concur in the House amendment, the motion to concur with an amendment falls.

The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, let me say that I share the disdain the able Senator from Mississippi has expressed for this process. Everything the able Senator has said is absolutely correct. The last time that all appropriations bills were sent to the President on time was 1994 when I was chairman. We should all do better, and I look forward to working with the able and distinguished Senator to return to the regular order.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, I sincerely thank my distinguished colleague and friend, Senator BYRD, the chairman of our committee. We have worked closely together during my time in the Senate. I have enjoyed the opportunity to learn from him. I appreciate the cooperation he has extended to me personally. Also, that is true of his staff members, that we have worked together and with mutual respect. That respect still continues. I am grateful for it. I know that by continuing to put our best efforts forward, we can improve this process, and I look forward to that day.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I thank the very able and distinguished Senator.

I certify that the information required by Senate rule XLIV related to congressionally directed spending has been available on the publicly accessible congressional Web site in a searchable format at least 48 hours before a vote on the pending bill.

Madam President, I speak today in support of the fiscal year 2009 Homeland Security Appropriations bill which addresses America's most critical and pressing security needs. The Appropriations Committee, which was established in 1867, by a vote of 29 to 0, produced a balanced and responsible bill. We had a good negotiation with the House.

The legislation invests the resources needed to protect our citizens from deadly terrorist attacks, to secure our borders and enforce U.S. immigration laws, and to ensure a rapid and effective Federal response to both natural and manmade disasters.

The bill total is $42.2 billion. That is $42.20 for every minute since Jesus Christ was born. The bill total is $42.2 billion, which is $2.4 billion above the President's budget request. And despite—hear me now—despite the administration's assertion that al-Qaida has reconstituted itself in Pakistan with the goal of striking America, the President—get this—the President submitted a flat budget proposal for the Department of Homeland Security.

I am going to read that again. It bears reading again. Despite the administration's assertion—that is, this administration—this administration's assertion that al-Qaida has reconstituted itself in Pakistan with the goal of striking America, the President submitted—that is your President, my President, our President, Madam President—the President submitted a flat budget proposal for the Department of Homeland Security.

The President—your President, my President, our President—proposed deep cuts—you hear that—the President proposed deep cuts in funding for our Nation's first responders.

The message that is now before the Senate increases our ability to secure the homeland—this homeland, our homeland—by increasing resources for border security, restoring irresponsible cuts in first responder grants, funding immigration enforcement, and increasing funding above the President's request for core homeland security missions that help to keep our people—your people, my people—our people safe.

Finally, the bill includes new requirements for contracting, procurement, and program oversight, helping to ensure that taxpayer dollars are being carefully spent.

The legislation significantly increases resources for border security, including $775 million, as requested, for border fencing and technology on the southwest border and funding to hire 2,200 new Border Patrol agents and 892 new Customs officers.

The legislation provides significant resources for immigration enforcement, including over $1 billion to identify and remove from the United States criminal aliens who are either at large or already incarcerated in prisons or jails, funding for 1,400 new detention beds, $60 million above the request for work site enforcement, and $226 million to fully fund 104 fugitive operations teams that locate and remove illegal aliens who have been ordered removed from the country.

The legislation restores irresponsible cuts in first responder grants by providing $4.244 billion—$16.2 million above fiscal year 2008 and $2.071 billion above the President's fiscal year 2009 request.

Port security grants are funded at $400 million, and rail and transit security grants are funded at $400 million. FIRE Act grants are funded at $565 million, which is $265 million over the President's request, and SAFER grants are funded at $210 million, which the President proposed to eliminate.

The bill provides critical increases above the President's request for core homeland security missions, including the Coast Guard, the Secret Service, aviation security, and FEMA.

Madam President, I ask unanimous consent to have printed in the RECORD a more detailed description of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BILL HIGHLIGHTS

The legislation significantly increases resources for border security, including:

$775 million, as requested, for border fencing and technology. Of these funds, $100 million is made available immediately, $40 million is directed toward Northern border security, and $30 million is for interoperable communications grants for communities along the border. $400 million is withheld from obligation until the Department submits a detailed expenditure plan. It is expected that nearly all of the 670 miles of fencing and vehicle barriers on the Southwest border will be complete or under contract by the end of January 2009.

2,200 new Border Patrol agents—this will bring the total number of agents to 20,019 by the end of Fiscal Year 2009. It also adds funds to transfer 75 experienced agents to the Northern border.

892 new CBP officers and specialists, including 561 for land border ports of entry, 173 for airports, 100 agriculture specialists, and 58 trade specialists.

The bill provides significant resources for immigration enforcement including:

Direction that $1 billion be focused on identifying and removing from the United States criminal aliens who are either at-large or already incarcerated in prisons or jails. This includes $150 million above the request, added by the Senate bill, to continue the Secure Communities program that was initially funded last year.

1,400 new detention beds, for a total of 33,400 beds—400 more than requested.

$60 million above the request for worksite enforcement (including detention beds associated with worksite enforcement actions). Worksite enforcement is funded at $126.5 million.

$226 million to fully fund 104 fugitive operations teams that locate and remove illegal aliens who have been ordered removed from the country but who have absconded.

$189 million for the Criminal Alien Program to identify and remove aliens currently serving time for crimes committed in this country.

The bill restores irresponsible cuts in first responder grants:

The bill restores irresponsible cuts in first responder grants by providing $4.244 billion for the programs, $16.2 million above FY 2008 enacted and $2.071 billion above the President's FY 2009 request. Port security grants are funded at $400 million, which is $190 million over the request. Rail and transit security grants are funded at $400 million, which is $225 million over the President's request. FIRE Act grants are funded at $565 million, which is $265 million over the President's request. And SAFER grants are funded at $210 million, which the President proposed to eliminate.

The bill provides critical increases above the request for core homeland security missions:

The bill provides $294 million for the purchase and installation of explosives detection equipment for checked baggage at airports, $140.1 million above the request and the same level enacted in Fiscal Year 2008. When combined with $250 million in mandatory funds for this program, the bill provides $544 million. TSA is in receipt of over 80 requests totaling $700 million for airport facility modifications for optimal checked baggage screening solutions. The increase of $140.1 million above the President's request greatly accelerates the ability of TSA to implement these optimal systems.

The bill provides $250 million for checkpoint screening equipment, $122.3 million above the President's request and the same level enacted in Fiscal Year 2008. At the President's request level, deployment of screening technology would decrease by 64 percent compared to Fiscal Year 2008. The bill's increase will allow TSA to accelerate the purchase of technologies that can provide significant improvements in threat detection at passenger checkpoints.

The bill provides $122.8 million for air cargo security, $18 million above the President's request and $49.8 million above the Fiscal Year 2008 enacted level. The bill's increase will allow TSA to expand technology pilots that evaluate the effectiveness of air cargo screening and to audit indirect air carriers, shippers, and distribution centers participating in the certified shipper program.

The bill provides $1.1 billion within the total appropriation provided to the TSA for activities and requirements authorized by the 9/11 Act, including $544 million for the procurement and installation of explosives detection systems at airports; $122.8 million

for air cargo security; $30 million to expand Visible Intermodal Protection and Response Teams; $390.7 million for specialized screening programs (travel document checkers, behavior detection officers, bomb appraisal officers, and officers to randomly screen more airport and airline employees); $11.6 million for surface transportation inspectors; and $20 million to implement regulations and other new activities authorized by the 9/11 Act.

The bill provides $819.5 million for the Federal Air Marshals (FAMs), $33.4 million above the President's request and $49.9 million above the Fiscal Year 2008 enacted level. The increase will allow FAMs to maintain current coverage on critical flights.

The bill provides $108 million for Coast Guard response boats, $44 million above the request and $63 million above the Fiscal Year 2008 enacted level. This funding will allow the Coast Guard to purchase 36 Response Boat-Mediums (RB–Ms) in Fiscal Year 2009, 22 more than the President requested. The RB–M is a critical Coast Guard asset that will replace aging 41-foot Utility Boats acquired in the early 1970s and serve as a platform for boardings, search and rescues, and port security. Recent studies have identified the lack of response boats as an impediment to fully implementing the Coast Guard's mission requirements.

The bill provides $353.7 million for the Coast Guard's National Security Cutter (NSC), the same amount as the President's request and $188 million above the Fiscal Year 2008 enacted level. Of this amount, $346.6 million is for the production of NSC #4, and $7.1 million is for the structural retrofit of NSC #1. The bill's accompanying statement expresses concern with purported cost increases above the requested level and requires the Coast Guard to provide the Committees with detailed information on all reasons why there may be a nearly 50 percent increase in the cost of this cutter.

The bill provides $30.3 million above the request to re-activate USCGC *Polar Star,* a Coast Guard heavy polar icebreaker. Over 22 percent of the world's energy supply is under the Arctic ice cap. Russian President Dmitry Medvedev has stated that Russia should unilaterally claim part of the Arctic, stepping up the race for the disputed energy-rich region. Russia has a fleet of 20 heavy icebreakers and is nearing completion of the first of their newest fleet of nuclear-powered icebreakers in an effort to control energy exploration and maritime trade in the region. Thanks to the Bush Administration, the United States has only one functioning heavy polar icebreaker. These funds will allow the Coast Guard to reactivate the *Polar Star* to extend its service life 7 to 10 additional years. The Navy and the Air Force call our need for polar icebreaking capabilities ''an essential instrument of U.S. policy'' in the region.

The bill provides $23.5 million above the request for Coast Guard port and maritime safety and security enhancements. Funds are provided for additional watchstanders, boats, and marine inspection staff; to conduct testing of Area Contingency Plans; to increase maritime casualty investigations; to increase armed boat escorts and security boardings; and to increase terminal inspections of Certain Dangerous Cargoes transport and delivery.

The bill provides $4 million above the request for cyber crimes investigations by the Secret Service and $1.7 million above the President's request for international investigations.

The bill provides $97.6 million for a new consolidated headquarters for the Department of Homeland Security (DHS). DHS headquarters facilities are currently located in approximately 40 locations and 70 buildings throughout the National Capital Region.

The bill provides $904 million for FEMA Management and Administration, $19 million over the President's request and $279 million over FY 2008. For too long, FEMA was left to wither on the vine. This investment continues the restoration of needed resources for an Agency that is vital to the prevention, preparedness, and response efforts of this Nation as threats loom and disasters strike.

Mr. BYRD. Madam President, I thank the very able, very distinguished Senator, THAD COCHRAN, the ranking member, for his many notable contributions to this legislation.

I also thank our able majority and minority staff who worked together to produce this legislation. Let me name them: Charles Kieffer—let me say that again—the inimitable Charles Kieffer, Chip Walgren, Scott Nance, Drenan Dudley, Christa Thompson, Tad Gallion, Rebecca Davies, Carol Cribbs, Arex Avanni, and Adam Morrison.

Madam President, I yield the floor. I thank all Senators.

Mr. COCHRAN. Madam President, I suggest the absence of a quorum and ask that the time be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. 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. COBURN. Madam President, I appreciate the unanimous consent request that allows me to spend a little bit of time on this bill. Before I get into the bill, I wish to answer the most senior Senator we have in terms of the President's request for flatlining a lot of DHS.

I happen to be on the Homeland Security Committee, and I can tell you, outside the Pentagon, there is no agency in the Government that has more waste, fraud, and abuse than the Department of Homeland Security. Any business manager or any family could quickly see that you could easily flatline it and make it much more efficient and do a good job for the taxpayers. So the motivation by flatlining is to try to generate some efficiency in the Department of Homeland Security.

I also wish to associate some of my words with the Senator from Mississippi on terms of process. We have a tremendous amount of money—$643 billion—that this bill has. Here is the bill. It is another one of those thick bills we are going to send over. There are going to have to be technical corrections—we know that—in any big bill we do this way. But there is something fundamentally flawed, and it doesn't have anything to do with the bill; it has to do with the process.

We have an Appropriations Committee that does generally a very good job on most of these items, but what we have done is excluded the whole body from their input into making decisions about some $640 billion worth of spending. As far as the discretionary budget, it is about 65 percent of the total discretionary budget that we are going to pass, and it is not going to have any input except for 29 Members of this body—no input, no chance to change policy, no chance to put limitations, no chance to truly do what should be done. We have to ask the question: Why is that? Why is it that appropriations bills did not come through this body this year? I think the reason is, not because they didn't really want people to try to improve and perfect the legislation, it is that we didn't want any votes that might make some political party—one or the other, ours or the majority—to have a political advantage through a vote. That is a very terrible way for this body to descend into politics instead of policy. This bill contains tons of earmarks. Some are bright, some stink. Some, when the light of day is shone on them, the American people will actually gasp and say: Where was the common sense? How in the world are my children paying for us spending money like this?

I am concerned, not because of the present crisis we have in front of us. I think this body, by the time this weekend is completed, will have addressed that issue and started down the road. But what we are doing is treating a symptom of a disease Congress has, and that disease is lack of oversight to see how we are spending the money, lack of metrics to be able to measure the effectiveness of programs. We are highly resistant to holding administrative agencies accountable, and we are restricting the ability of individual Senators to offer positions for the body to consider. Not that they may be won, but that the whole country loses when we don't have the debate.

There are many egregious earmarks that are in this bill, and I will tell you I think our appropriations process this year is broken, that it doesn't serve the country well. There is no question we need to fund the agencies, but what we are doing is we are taking three agencies and we are funding them—we will not allow amendments or allow the body to work—but the rest of the agencies will run in a status quo until March 6. Now, let me give you an example of why that is bad.

I had the good pleasure of meeting with a couple of Oklahomans who happened to be traveling back here last Monday. They happen to work for the weather service. They are both acquisition officers for the weather service, and here is what happened to them last year—and it is going to happen again this year. They are going to get their final numbers sometime in late March. We will pass the information on for them as to what they are allowed to spend. They will have less than 3 months to contract and acquire everything for 12 months. They are telling me it is impossible for them to do a

good job; that there is no way they can be frugal, efficient, and get great value for the American public the way we are running the appropriations process.

Now, that has nothing to do with my colleague from Mississippi. His desire would have been to bring these bills to the floor, have them amended, have them voted on, and send them to the House. But a leadership decision was made that we could not do that.

Now, I want you to multiply these two gentlemen who were acquisition specialists in the weather service, multiply that across the whole Government, and what we have done is we have squeezed, into a 3-month period of time, acquisitions that normally take 6 to 9 months to do properly and efficiently and in a frugal way for the American taxpayers. Consequently, we are going to waste another 10 or 15 percent of the money in these appropriations bills.

Then, when it comes to the end of the year, if any money is left over, here is what they told me they have to do. They have to spend the money to make sure the Appropriations Committee will give them the money next year, even though they had trouble spending the money this year because we put a time constraint on them.

None of us would run our businesses, none of us would run our families that way. Yet we are telling the rest of the Federal Government—great employees whom we have—to do something that is impossible to do in an efficient and orderly manner.

There are a lot of things that have happened in the last 2 years in the way this Senate is run. I believe most of them were for political reasons. They were not intended to hurt the policy, but nevertheless the policy is tremendously damaged. It is my hope that come January, when we have a new leader in the White House, no matter who it is, he will recognize the severity of the appropriations process and its impact on waste in this country.

As I frequently do, I wish to raise again to the American public and this body the fact that the Government Accountability Office, the various inspectors general, the Congressional Research Service, and the Congressional Budget Office can specifically lay out for the American people at least $300 billion a year of spending that is either pure waste, fraud or total duplication. At a time when we are going to have a $600 billion accounting deficit—because you have to add what we are stealing from Social Security to what we spend to get what our real deficit is—does it make any sense that we would continue to have $300 billion worth of waste, fraud or abuse and duplication in these bills? There is not one attempt in this bill to eliminate that. Not one. Not one.

So as you think about your quarterly tax payments or you think about your paycheck stub and the taxes taken from you, your income tax and estimated payments, and you think about what we are not doing, you ought to be awfully dissatisfied as an American taxpayer. We have failed the test. We have failed the test. Why it is important is because what we have done is mortgaged the future hopes, freedom, and prosperity of our children and our grandchildren.

I am disappointed, to say the least, with the process. But I am more disappointed in the fact that we are going to earn a reputation that we have not done our jobs.

Serious concerns with the economy should turn the attention of Congress away from parochial interests toward national interests.

Congress has focused on parochial interests for far too long, spending more time securing earmarks than doing the business of the American people.

Our Nation faces an economic challenge today equal to any challenge we have previously faced and now requires our full attention.

The following snapshot of our economy should impress upon everyone the seriousness of the job ahead.

The national debt currently stands at over $9.58 trillion, the largest in world history.

This year's deficit, in real accounting terms, stands above $600 billion.

This year alone, taxpayers will spend more than $230 billion just to pay the interest on the national debt.

Since 2006, gas has risen from $2.24 per gallon to nearly $4 a gallon.

More Americans are out of work; the unemployment rate has increased from 4.9 percent in January to 6.1 percent in August.

In 2008, over 600,000 jobs have been lost.

According to USDA projections, the Consumer Price Index—CPI—for all food is forecast to increase 4.5 to 5.5 percent in 2008. For example, since 2006 the price of milk has increased approximately 16 percent.

According to Reuters news service, the total tab for government rescues and special loan facilities this year is more than $900 billion, not including the proposed $700 billion rescue of the financial markets in the Paulson plan.

Already this year, the Federal Government has taken drastic steps to stabilize the economy, all using taxpayer dollar. While several of these amounts may be fully repaid to taxpayer, they involve huge liabilities and expenditures:

$200 billion was authorized for use in rescuing Fannie Mae and Freddie Mac. The Treasury will inject up to $100 billion into each institution by purchasing preferred took to shore up their capital as needed;

$300 billion for the Federal Housing Administration to refinance failing mortgages into new reduced-principal loans with a Federal guarantee;

$4 billion in HUD grants to banks to help hem buy and repair homes abandoned due to mortgage foreclosures;

$85 billion loan from the Fed for AIG, which would give the Federal Government a 79.9 percent stake and avoid a bankruptcy filing for the embattled insurer;

At least $87 billion in repayments to JPMorgan Chase & Co. for providing financing to underpin trades with units of bankrupt investment bank Lehman Brothers;

$29 billion in financing from the Fed for JPMorgan Chase's Government-brokered buyout of Bear Stearns & Co. in March;

At least $200 billion of currently outstanding loans to banks issued through the Federal Reserve's Term Auction Facility, which was recently expanded to allow for longer loans of 84 days alongside the previous 28–day credits;

Starting last year, Social Security and Medicare projected expenditures exceed revenues. Over the next 75 years, this will cost $41 trillion in present value terms. Of that amount, $34 trillion is related to Medicare and $7 trillion to Social Security. By one account, the current unfunded liabilities of Medicare and Social Security are above $100 trillion.

If we think that the current economic troubles are a concern, wait until the bill comes due for all of the reckless spending Congress is engaging in today.

Members should focus like a laser on these issues rather than concentrate their efforts on political games and earmarks.

Instead of doing any of this, Congress is now planning to ram through an irresponsible continuing resolution to keep the Government operating during fiscal year 2009.

None of these issues are addressed in the bill but only compound the problems. Congress seems to have not learned its lesson.

The appropriations process is broken and excludes Members from considering serious issues.

The Senate is preparing to vote on an appropriations bill that will cost $634 billion, which will include funds for all of our national security agencies, disaster relief, and a continuing resolution for the 2009 fiscal year. Yet the text of the bill only came available late on Tuesday night, with no one having seen a word of it except for a few Democratic staff and Members in the House. Further still, a joint explanatory statement was released yesterday afternoon.

This must be what the House Appropriations Committee chairman meant when he said that the continuing resolution would be drafted in ''secret.''

The following is an excerpt from an article yesterday in Bloomberg News.

The plan outlined by Obey would give Republicans less than 24 hours to scrutinize legislation spending more than $600 billion on the Defense, homeland security and veterans' affairs agencies including thousands of pet projects known as earmarks.

Asked if the process has been secretive, Obey said: ''You're d**n right it has because if it's done in the public it would never get done.'' He said he wanted to avoid his colleagues' ''pontificating'' on the content of

the legislation, saying ''that's what politicians do when this stuff is done in full view of the press.'' He said ''we've done this the old fashioned way by brokering agreements in order to get things done and I make no apology for it.''

It is easy to understand why the House Appropriations Chairman would want to conduct his business in secret, as one who received $51.5 million in earmarks for his district.

The one constitutional duty of the Congress is to pass legislation funding the operations of Government, and yet his duty has been entirely abandoned by the majority.

Congress is now less than 1 week away from the beginning of fiscal year 2009, and yet it has not passed one appropriations bill.

The only bill to receive a vote by either body is the Military Construction—Veterans Affairs appropriations bill that passed the House of Representatives.

No appropriations bills have even been brought to the floor of the Senate during the entire calendar year 2008 thus far—though the Senate is now expected to vote on three of the largest bills having had 36 hours to review the $634 billion in spending they contain.

The appropriations process should have begun long ago. It is unfair to taxpayers when Congress chooses to pass large legislation in the dark of night rather than debate them for all to see.

Congress now finds itself considering major national security legislation in one day under pressure of both a Government shutdown and delay on an important piece of economic legislation.

Had the majority leader taken action earlier this year, Members would be free to concentrate fully on the Treasury proposal. Instead, they are distracted by making sure that their earmarks and pork-barrel projects are in the CR.

The CR has been loaded down with billions of dollars in wasteful earmarks.

Despite having had only 1½ days to look over the bill, it is plain that there are a large number of highly questionable earmarks set to receive funding in 2009.

In just the three appropriations bills for the Department of Defense, the Department of Homeland Security, and the Department of Veterans Affairs/Military Construction, there are 2,627 earmarks worth $16.1 billion.

This means that without even funding the remaining nine appropriations bills, Congress has nearly reached the dollar value of all earmarks in fiscal year 2008.

According to Citizens Against Government Waste, there were 11,620 earmarks worth $17.2 billion for all 12 appropriations bills in 2008.

In fiscal year 2008, the average dollar amount of each earmark was $1.48 million.

In the continuing resolution before the Senate, the average dollar amount for each earmark is $6.1 million— more than five times higher.

Every dollar that goes to an earmark in this bill is a dollar that will not go to important national security programs at the Departments of Homeland Security and Defense.

What kind of projects are receiving earmarked funds out our national security agencies in 2009?

$3.2 million for the High Altitude Airship—Senator SHERROD BROWN. After spending millions to investigate and develop a blimp-based platform for ICBM surveillance, the Missile Defense Agency—MDA—cancelled the program—called the High Altitude Airship—due to myriad capability limitations.

MDA did not request funding for the program for 2008. However, $2.5 million in earmarks in the 2008 Defense appropriations bill revived the cancelled program, despite the fact that no one else at the Pentagon had expressed interest.

After shopping the program around, Lockheed Martin managed to pass the program to Army Space and Missile Defense Command, which will now begin investigating if there is any utility for them with the program.

The project has been based in Akron, OH, funded by a $1 million earmark toward the program by Senator BROWN, who has a long record in opposition to missile defense.

$2 million for Hibernation Genomics—Senator TED STEVENS. This earmark would provide funding to the University of Alaska for research into the hibernation genomics of Alaskan ground squirrels.

University of Alaska lobbyist, Martha Stewart—no relation—claims that the research into squirrel hibernation will one day help wounded soldiers in the battlefield.

According to Ms. Stewart, the university is well equipped to do the work. She insists: ''We have a number of ground squirrels that are in various stages of hibernation in Fairbanks.''

And $800,000 for the Columbia College Chicago Construct Program—Senator DICK DURBIN. Columbia College claims to be the ''Nation's largest private arts and media school in the Nation.'' It offers a wide selection of coursework in audio arts, dance, film, journalism, poetry, and radio. According to the school's annual report, it received $2.7 million in Federal grants during 2007 from the Department of Education, U.S. Army Research Laboratory, Corporation for National and Community Service, the National Endowment for the Arts, and the Department of Health and Human Services.

Since 2000, Columbia College Chicago has received over $275 million in grants, cooperative agreements, and direct payments from the Federal Government.

And $800,000 for Partnership in Innovative Preparation for Educators and Students and the Space Education Consortium—Senator WAYNE ALLARD and Senator KEN SALAZAR. The Space Education Consortium was created by the Air Force in 2004 as a partnership with the University of Colorado and others to promote science education for professionals as well as ''getting space technology and curriculum infused throughout the U.S. education system from kindergarten to post-graduate work.

''It is a chance to grow a cadre of space professionals from the launch pad to the stars,'' said Air Force General Lance Lord, commander of the Air Force Space Command.

A July 2008 report by the DOD Inspector General stated that this earmark was not consistent with the department's mission ''to provide the military forces needed to deter war and to protect the security of our country.''

And 24.5 million for the National Drug Intelligence Center—Representative JOHN MURTHA. Every year, millions of dollars for our national defense are siphoned away from the military's budget to pay for a single program administered not by the Pentagon but by the Department of Justice.

This funding is directed to the National Drug Intelligence Center—NDIC—which the Department of Justice has asked Congress to shut down.

The former director of NDIC even confessed to U.S. News, ''I recognized that a lot of [NDIC] reports were Godawful, poorly written, poorly researched, and, some cases, wrong.''

Another former director even admitted, ''I've never come to terms with the justification for the NDIC'' and ''the bottom line was that we had to actually search for a mission.''

According to an investigation by the Government Accountability Office, NDIC duplicates the activities of 19 drug intelligence centers that already existed.

Since 1992, the center has received over 500 million in federal funding.

$15 million for Waterbury Industrial Commons Redevelopment Initiative—Senator JOE LIEBERMAN and Representative CHRIS MURPHY. According to Taxpayers for Common Sense, ''This would clean up a decades old munitions factory to be used as a city-owned industrial park.

The Fairfield Weekly reports that the State of Connecticut has turned down requests to fund this project—each year the Mayor of Waterbury ''makes the trip to Hartford seeking the money, and each year comes back empty handed.''

Why should the American taxpayer fund that which State of Connecticut will not provide funding?

And $4 million to the Go For Broke National Education Center. This earmark is aptly named in light of the fact that Congress is helping the Nation ''go broke.''

And $9.9 million for the U.S.S. Missouri Memorial Asociation. Visitors can go aboard the battleship from World War II that survived the attack on Pearl Harbor in Hawaii.

While preserving the Nation's history is important, this is not only something that could be funded privately, it is not a priority at this time.

And $1.6 million for New Electronic Warfare Specialists Through Advanced Research by Students Representative DAVID HOBSON.

And $4.5 million for the 2010 Olympics Coordination Center Senator PATTY MURRAY and Representative RICK LARSEN.

And $800,000 Pseudofoliculitis Barbae—PFB—Topical Treatment—this goes to ISW Group in St. Louis, MO—Senator KIT BOND.

There is $10 million for the Intrepid Museum Foundation.

And $4 million for the Nimitz Center.

And $1.2 million for the Center for Nonproliferation Studies, Monterey Institute for International Affairs—Representative BERMAN.

And $10 million for the New Mexico State University Institute for Defense and Public Policy——Senator JEFF BINGAMAN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Madam President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on a letter which I am sending today to the executive officials, to Secretary Paulson and Chairman Bernanke, and to the legislators who are involved in the negotiations on the economic proposal, with the suggestion that extensive consideration be given to loans instead of purchasing the toxic securities.

I think the model of AIG would be very appropriate to use as opposed to the purchase of those toxic securities. It will be very difficult to ascertain what is fair value for those securities when there is no market. But the AIG example was a good one, with the Government securing a preferred position, substantial interest rate, and excellent opportunities to get the money paid back.

I also urge the negotiators to give consideration to the proposals by the House Republicans on the so-called insurance fund. I believe all the options ought to be weighed when we are dealing with a matter of this magnitude. When we deviate from the regular legislative course, we are in a very difficult area.

As to the proposal of the $700 billion, I believe we have not yet had a sufficiently specific description on that figure. It is a gigantic figure, and the public response, understandably, is why and what are the causes for the problem. That is my view, too, as to why the figure has been advanced. There has been no specification as to why we need that figure.

On the proposals to advance part of it initially, I think that is a good idea. I don't know that the figure has to be as much as $250 billion. There ought to be justification for why that figure is selected. And then the proposal for an additional $100 million, with the request of the President, I think is sound, to have a procedure for staged installments. But even as to the President's request, there ought to be some standards specified.

Then, as to the balance of the $350 billion, or whatever sum that is, we have to be careful that we do not violate the holding of the U.S. Supreme Court in INS v. Chadha, where there was an effort to have legislative refusal of certain executive action by the Attorney General, the Supreme Court said where there is deviation, you have to follow the regular legislative process—passage by both Houses and approved by the President. So we are in a very complex legal area, which I urge the negotiators to study carefully before coming to any judgment. When regular order is not followed, we are on thin ice.

The executive branch negotiators, Secretary Paulson and Chairman Bernanke, would not have any reason to know the intricacies of the legislative process, but they have served our country very well for more than 200 years. As we all know, it starts with a bill, a bill we can read. Well, we still don't have a bill, and we are talking about passage within the next couple days. After you get a bill, you have hearings. There have been some hearings, but not in the context of a specific bill. Then the proponents of the legislation are asked to testify, and there are people opposed to it or people with other ideas who testify before the relevant committee—which would be the Banking Committee in this situation. They are subject to examination and cross-examination and pushed as to exactly what they have in mind.

Then, after the hearing, or hearings, are completed, there is committee action and what we call a markup, where the committee goes over the proposed legislation line by line and decides whether there should be changes and then votes on the changes. The committee then files a report. It is usually thick and complicated. It comes before the Senate and we debate it and we offer amendments.

The same thing happens in the House. Finally, when each House has acted and there is passage of the bill proposed, it goes to conference, where it is further refined and then is presented to the President. The President takes an additional look at it to see if he thinks it ought to be approved or if it ought to be rejected.

Well, that is a very lengthy process, and I think we ought to be very careful when we deviate from that process so we know what we are doing. Perhaps there is not time—well, there isn't time to go through the exhaustive process, which would take a considerable period of time—but when we deviate from that process, we ought to be careful that we know what we are doing and not set arbitrary time limits which are very brief.

I have taken a look at the Dow for the intervening period between Friday, September 19, and Friday September 26—yesterday. When the proposals were made over the last weekend, there was an urging of Congress to act before the 26th, which was our scheduled date for adjournment. Then we thought: Well, maybe Saturday or Sunday or maybe Monday morning. Next week we have the Jewish holidays, and Yom Kippur in the week that follows. But on the Dow, which closed at 11,388 on Friday, September 19, it declined 2.15 percent over a week to close at 11,143 on September 26. By measuring from September 19, on September 22 it was down 3.27 percent; on the 23rd, it was down 1.47 percent; on the 24th, it was down .27 percent; on the 25th, it was up 1.82 percent; and on the 26th, it was up 1.1 percent. So the net figure was down 2.15 percent.

We would rather see the Dow go up, but that is not a precipitant decline. It is my sense that the market—Wall Street, that entity which calibrates the market—would understand it takes some additional time. As long as they have seen that Congress is working as promptly as practicable, then I do believe there would be a sufficient opportunity without having a precipitous slide. Obviously, we can watch it on a day-by-day basis, and we ought to move as promptly as we can, but I do believe it is not a matter which has to be done yesterday or tomorrow. We have to do it promptly and show that we acknowledge the problem.

There is a consensus, with very few dissenters, that something needs to be done and something very substantial.

Our actions need to be very thoughtful and very careful. We also need to assure the American people that our actions are thoughtful. Senator CASEY and I had an open forum on Pennsylvania Cable Network on Tuesday, where we had call-ins, and the temperature out there is 212 degrees Fahrenheit or higher. It is boiling. We have a responsibility in the Congress to make judgments and we listen to our constituents but, in a representative democracy, as Edmund Burke said several hundred years ago, it is our responsibility to exercise our best judgment.

The intervening days have given us an opportunity to see the issue percolate in the country, where people consider it, where there are talk shows and radio and television and op-ed pieces, and we get to digest it and sleep on it for a few days, which is a very healthy thing.

I heard a suggestion from the former Speaker of the House, Newt Gingrich, that whatever the proposal is, it ought to be on the Internet for 24 hours. Maybe that is not quite long enough, but it is projected that in 24 hours you would have thousands of responses, or perhaps millions of responses the way

the Internet is watched. That would put us on guard that something has not been slipped in. These bills turn out to be very voluminous. It started off as a 3-page memorandum; now it is more than 100 pages. America could provide us with some good ideas so that we are alerted to something being slipped in that we can't rectify after the fact, or alert us to some unintended consequences.

In conclusion, it is my hope the Congress will act in a way which will be effective, after we have given the entire matter appropriate consideration and consider views beyond those expressed by Secretary Paulson and Chairman Bernanke. There has been some significant movement, movement toward oversight, not allowing the people who have gotten us into this mess to profit—the golden parachutes, et cetera. But we are on the road to acting. I think we have to do it in an appropriate timeframe.

I ask unanimous consent that the letter I am sending to the executive branch, those involved in the negotiations, be printed in the RECORD; in addition, a letter which I sent to Secretary Paulson and Chairman Bernanke dated September 23 be included in the RECORD; and a letter I sent to Majority Leader REID and Republican Leader MCCONNELL, dated September 21, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

SEPTEMBER 27, 2008.

Secretary of the Treasury HENRY PAULSON,
Chairman of the Federal Reserve BEN BERNANKE,
Speaker of the House NANCY PELOSI,
House Republican Leader JOHN BOEHNER,
Senate Majority Leader HARRY REID,
Senate Republican Leader MITCH MCCONNELL,
Chairman CHRISTOPHER DODD,
Ranking Member RICHARD SHELBY,
Chairman KENT CONRAD,
Ranking Member JUDD GREGG,
Chairman BARNEY FRANK,
Ranking Member SPENCER BACHUS,
Senator BOB BENNETT.

GENTLEMEN AND SPEAKER PELOSI: I write with some suggestions on the prospective legislation to deal with the economic crisis and to urge you to take the time necessary to give appropriate consideration to it without rushing to judgment. In the past week, I, like many members, have been reaching out to economists and other experts and have had suggestions coming in from economists and other experts, as well as listening to the suggestions made by other members of Congress.

I urge you to consider lending federal funds with senior security as opposed to having the federal government buy toxic securities. The AIG model could be used. The obvious difficulty for the federal government to go into the market to buy toxic securities is the difficulty in assessing realistic value in the absence of a market. With a lending approach, the government is likely to be able to have lesser expenditures with a better chance of repayment. I further urge a real consideration to the proposals made by House Republicans for an industry-financed insurance program for mortgages which are in default.

As to the overall figure of $700 billion, Congress should have a detailed explanation as to how at which that figure was arrived and the necessity for such a large sum. I favor the proposal to have the federal funds advanced in installments. Consideration should be given to having the first installment less than the $250 billion as currently proposed. On additional installments, it is a good idea to require a presidential certification with the legislation specifying standards which the President should use.

On the stipulation to give Congress to the option to object to the final $350 billion, care must be exercised not run afoul of the Supreme Court decision in INS v. Chadha which requires following regular legislative process with passage by both houses and presi action and perhaps inferentially legislative conditions.

In a letter dated September 21, 2008 I wrote to Majority McConnell urging that we not rush to judgment. Many have argued that the situation is so dire that there must be immediate Congressional action in order to avoid a cataclysmic result in the market. My view, as expressed in my letter to Secretary Paulson and Chairman Bernanke on September 23, 2008, is practicable to enact a serious, substantial program since there is a solid consensus that some major government aid must be and will be forthcoming.

On September 19, 2008, there were predictions of dire consequences if legislation was not passed by September 26th. The Dow declined by 2.15% from September 19th from 11,388.44 to September 26th to 11,143.13. During this time, there was no major deviation from September 19th: 9/22—down 3.27%; 9/23—down 1.47%; 9/24—down .27%; 9/25—up 1.82%; 9/26—up 1.1%. It is noteworthy that the market ended on a positive note at the end of e week, even though Congress had not passed legislation.

I urge time for due deliberation because of the risks when we do not follow regular order. For those who are not acquainted with the details of the legislative process, there should be a focus on the institutions of Congress which have served this nation so well for more than 200 years. The legislative process begins, as we all know, with the introduction of a bill. As yet, we do not have in writing the traditional starting point, a bill which we can study and analyze. Next there are hearings on the bill with testimony from its proponents. Then the committee of jurisdiction listens to opponents or those with other ideas and all the witnesses are subject to questioning, really cross examination, by members of the committee.

Then the committee sits in what is called a markup going over the proposed legislation line by line with votes on suggested changes. A committee report is then filed and the measure is called for floor action in each house with debate and opportunity for amendments. The bills passed by each house are then subjected to a conference where further refinement is made before the legislation is presented to the president.

When we depart from regular order, we are on very risky ground. I am not suggesting that this full time-consuming process legislative be followed; but we should take great care in the consideration of this legislation to compensate as much as possible for the departure from regular order.

I pass on, for your consideration, an idea proposed by former Speaker of the House Newt Gingrich who suggests that the final proposal be put on the internet for 24 hours. Speaker Gingrich suggests, and I concur, that such a proposal would be read by thousands if not millions of people who could then inform the Congress of provisions which are so often slipped into legislation unbeknownst to the members and further give us appraisals of unintended consequences.

As already noted, I wrote to Secretary Paulson and Chairman Bernanke by letter dated September 23, 2008 (copies enclosed for the additional addressees), not yet answered, which raises questions which I would like to have responded to before I am called upon to vote.

We have a duty to the American people to act responsibly to address the problem, protect the taxpayers, and take every measure to ensure that this does not happen again.

Thank you for your consideration of these suggestions.

Sincerely,

ARLEN SPECTER.

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U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, September 23, 2008.*

HENRY M. PAULSON, Jr.,
*Secretary of the Treasury, Department of the Treasury, Washington, DC.*
BEN S. BERNANKE,
*Chairman of the Board of Governors, Federal Reserve System, Washington, DC.*

DEAR SECRETARY PAULSON AND CHAIRMAN BERNANKE: I write to you because I am in the process of deciding how to vote on legislation to deal with the economic crisis. I agree that there is need for federal action; but I am concerned that we not rush to judgment without giving sufficient attention to the many complex issues which are involved.

At the outset, the, or a, precipitating cause was the fact that hundreds of thousands of people, perhaps as many as five million, faced an inability to make their mortgage payments and eviction from their homes. These mortgages were ''securitized,'' divided up and sold in packages to many people or entities. As a result, it was not always clear who had the authority to adjust these mortgages, and when it was clear, adjustments were not made quickly enough. Last November, Senator Durbin introduced S. 2136 and I introduced S. 2133 to give the bankruptcy courts authority to revise homeowners' financial obligations. Keeping people in their homes should be a, if not the, fundamental object of congressional action.

After assisting homeowners, a decision should then be made as to what additional federal aid is necessary to unclog the lending pipelines and restore confidence and stabilize the economy. I am very skeptical about granting authority to spend $700 billion on other aid without standards as to who should get the funds and a requirement that there be demonstrated necessity that such additional expenditures are indispensable to stabilizing the economy.

Then there is the question of oversight and regulation. Obviously, there must be oversight and some regulation to prevent a recurrence. As I see it, the regulation must be calibrated to those objectives and not go too far. Vigorous enforcement of our laws to prevent market manipulation, as well as added transparency, should be a priority.

I hear tremendous resentment from my constituents on this matter. In a free enterprise society, entrepreneurs may undertake whatever risks they choose to secure big profits, but when there are losses, they should not turn to the government for a bailout which puts the burden on the taxpayers. The firms/corporations and their executives who created the crisis should not profit from a federal bailout. If it is not already a part of your proposal, you should consider structuring the funding in a way that gives the Government a preferred creditor position and a share in ultimate profits, rather than simply buying up debt which has declined in value. And any aid should be conditioned on the elimination of golden parachutes or large compensation packages.

Also, I am concerned about reports that foreign corporations, with a United States affiliate, will participate in a federal bailout.

If foreign corporations are to get funding, then foreign governments ought to bear their fair share.

I know there is concern that Congress must act promptly or the economy may deteriorate further. It seems to me that Wall Street should and would understand that legislation on this complex matter requires some time. If it is seen that Congress is moving as swiftly as practicable, that ought to stem the tide. But we can only do it as fast as realistic to work through the legislative proposals and resolve these intricate issues.

These are issues which come to my mind at the moment and I am sure there will be more as the hearings progress and the debate occurs. I would appreciate your responses as promptly as possible.

Sincerely,

ARLEN SPECTER.

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U.S. SENATE,
*Washington, DC, September 21, 2008.*

Senator HARRY REID,
*Majority Leader, U.S. Senate,*
*Washington, DC.*

Senator MITCH MCCONNELL,
*Minority Leader, U.S. Senate,*
*Washington, DC.*

DEAR HARRY AND MITCH: As you project the Senate's schedule, I urge that we not rush to judgment and take whatever time is necessary on any proposed legislation to deal with the nation's economic problems. The public, our constituents, have a great deal of skepticism, which I share, about legislation which will let Wall Street ''off the hook'' and pay insufficient attention to Main Street, middle class Americans.

It is important to focus the legislation on the hundreds of thousands of homeowners who are at risk of losing their residences to foreclosure.

In deciding what additional powers to give to the federal regulators, I believe we should give careful consideration to not extending those powers beyond the current crisis and steps to prevent a recurrence.

I have read reports that some Wall Street firms, whose conduct has created the crisis, will benefit from a congressional legislative fix. We should do our utmost to see to it that those responsible for the crisis bear the maximum financial burden on any bailout in order to minimize the taxpayers' exposure.

There are reports that the bailout might be extended to foreign firms with United States affiliates. In my view, the legislation must be carefully tailored for United States' interests and if foreign firms, even if United States affiliates are to be involved, then consideration should given to appropriate contributions from those foreign governments.

I realize there is considerable pressure for the Congress to adjourn by the end of next week, but I think we must take the necessary time to conduct hearings, analyze the Administration's proposed legislation, and demonstrate to the American people that any response is thoughtful, thoroughly considered and appropriate.

Sincerely,

ARLEN SPECTER.

Mr. SPECTER. 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. DEMINT. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 15 minutes.

Mr. DEMINT. Madam President, as we try to end the session today, I think I am looking for some silver lining in all we are doing here, with the panic I believe we here in Congress have created in our markets and credit industry and passing this conglomeration of bills without adequate debate. There is one silver lining for me that I think we need to mention to the American people. A number of families are suffering for a lot of reasons, but one of the greatest is the high cost of gasoline in this country—and now even shortages. But because of the anger of the American people, because of the e-mails that have come in, this continuing resolution we will be voting on today includes a huge victory for the American people because the moratorium on oil and gas leasing on most of the Outer Continental Shelf and on oil shale leasing on Federal lands will expire.

Many thought this was a law that we couldn't change, but the fact is this was a year-to-year rider on spending bills that had to be included every year or it would expire. But because Americans got engaged in this whole idea of making October 1 Energy Freedom Day, our Democratic colleagues have backed down and have not included an extension of this moratorium in this year's bill.

So at midnight on October 1, 2008, because it is a start of a new fiscal year, the current prohibitions on oil and gas leasing on most of the Outer Continental Shelf and on oil shale leasing on Federal lands will expire. That is something to celebrate here in America.

Estimates from the Minerals Management Service and the Bureau of Land Management indicate there are upwards of 18 billion barrels of recoverable crude oil on the currently off-limit areas of the Outer Continental Shelf, as well as more than 55 trillion cubic feet of natural gas.

Estimates of American oil shale vary widely but range from the hundreds of billions of barrels to trillions of barrels of oil. Many believe we have more oil in oil shale than Saudi Arabia has.

Taking advantage of America's resources will increase the worldwide supply of petroleum and bring down prices at the pump. The very access to these resources will send powerful price reduction signals to the futures market, providing immediate price relief, even if the actual leasing does not commence for months.

Everyone is familiar with the crisis on Wall Street. The coverage dominates every media outlet. But we also have a crisis on Main Street, where people are paying outrageously high prices for gasoline and having to wait in long lines to fill up their cars.

Here are only a few headlines we are starting to get from newspapers. The Associated Press headline: ''The Southeast Shortage Squeezes Small Retailers and One Gas Station Owner Says It's A Panic.''

CBS News reported in their headline in North Carolina: ''Gas Shortage Leaves People Panicked.''

Washington Post, ''Gas Shortage in the South Creates Panic and Long Lines.''

It goes on and on. This is very real. This is not something we are manufacturing and it is a direct result of bad policy here in Congress that has restricted the development of our own energy here in America.

Unfortunately, we are still having to wait for a number of Members of Congress to allow this to proceed. It was announced earlier this week that the Democrats had given up on their efforts to block energy exploration, and America celebrated. But then not more than 24 hours later we learned the majority leader here was making plans to rob Americans of this victory by extending the ban on oil shale. Fortunately, that effort was defeated yesterday. Now media reports indicate that Democrats also have a plan to delay any offshore drilling using environmental lawsuits until after the November elections, when the Democrats can reinstate the ban on deep sea energy exploration.

In fact, House Majority Leader HOYER told cnnnews.com on Wednesday that restoring the ban on new offshore oil drilling leases will be a top priority for discussion next year. If the Democrats retain control of Congress, he said, I am sure it will be a top priority for discussion next year.

This is outrageous. The American people will not tolerate it. That is why I have written a bill that is called the Drill Now Act, which will guarantee access to offshore and oil shale reserves. It will expedite the leasing and production of these energy supplies and provide States with a 50–50 share of the revenues with the Federal Government and prevent frivolous lawsuits from delaying the will of the American people. This is very simple and it is what Americans want. I hope my colleagues on the other side of the aisle will set aside their desire to punish Americans for buying gas and side with the American people.

Yesterday I asked unanimous consent that we bring this bill up and pass it, but it was objected to by the majority leader. We will continue this effort, to try to pass this bill that will expedite energy production in our country.

I wish to mention a few things we will be voting on in an hour because this is, frankly, an embarrassment in a time we are running around here like Chicken Little saying '' the sky is falling.'' The credit markets are seizing up—this has been a self-fulfilling prophecy. We have created a crisis in our country. But while we are talking about a financial crisis and an economic crisis all around America and the world, it is business as usual here in the Senate. When the Democrats took control 2 years ago, they promised we would end this wasteful spending and cut earmarks dramatically, but the continuing resolution we are voting on today goes right back to where we were, and worse. This bill includes

$16.1 billion in earmarks—that is billion. There are over 2,620 earmarks in this bill. For all the appropriations bills last year, there were less than that, and this only includes three. There is more porkbarrel spending today than we did all of last year, at a time when we are saying the country is running out of money.

At this rate, for these three bills, the 2009 fiscal year budgets will see more earmarks than we have ever seen in history. Most Americans are beginning to understand how this wastes their money and corrupts the process. Let me mention a few of the earmarks that are in this bill.

There is $44 million for the National Drug Intelligence Center in JOHN MURTHA's district, a project the Defense Department has said repeatedly it does not want or need. But every year it comes back because it is in a Congressman's district.

There is $1.75 million for a heritage center that Speaker NANCY PELOSI put in for a museum that is negligible—it has no value to the men and women in uniform.

There is $1.28 million for a Navy museum included by Congressman DICKS. The military doesn't need another museum, they need the tools to fight the war. If we had billions of extra money sitting around, maybe we could talk about these extravagances, but when we are going into more and more debt, hundreds of billions of dollars a year, it makes absolutely no sense to be including over 2,000 earmarks, wasteful spending, in a bill that includes serious military needs.

Americans are angry. They are hearing we have to bail out Wall Street. They are angry at wasteful spending and they have every right to be. When the Democrats took control, the Congressional Budget Office projected an $800 billion surplus between 2008 and 2017. But after 2 years of Democratic control, that same budget office now projects a $2.6 trillion deficit over the same period. That is $3.4 trillion in deterioration of our budget situation. As I said, even worse; wasteful spending and secret earmarks are back in full force.

Americans have seen, over the last couple of years, this Congress do things and attempt to do things that they know are bad for our country. They saw a massive amnesty bill for illegal immigrants come through, but we were able to stop it because of the anger of the American people. They have seen this Congress for years stop the development of our own resources, our own energy, and now prices are through the roof and shortages are occurring.

But the anger of the American people is beginning to get the attention of Congress. We have stopped this moratorium, and we are making progress. Now we are talking about this massive bailout of Wall Street that was caused by bad policy here in Congress that we still refuse to change.

While this bailout may be necessary for reasons we have caused here in Congress, we need to do it in a way that protects the taxpayer and includes some free market principles. We need to do some things that actually solve the problems that caused what we are dealing with today. We need to do some things that support some free market principles and guarantee that the Government is not going to be a permanent player in our financial markets.

Americans are angry. I hope they will stay angry because the more they call and e-mail, the more we can get things done here that are right for American people. We stopped their amnesty bill, we have stopped the moratorium on drilling, and we have gotten their attention on this bailout. Now they are listening to some of the better solutions that have been brought up. So I thank the American people for being engaged. Because of their action, we have a chance now to make some major changes here in Congress.

I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE.) The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank Senator DEMINT for his principled leadership and his willingness to talk about some difficult issues. I want to talk about some of those today.

I absolutely believe the question of energy is a major contributing factor to the fundamental difficulties we are having in the economy today. We calculated—my staff—that the average American two-car family is paying $105 more per month today for gasoline than they were a year or so ago. This is, in effect, a gas tax, and if a particularly onerous event occurred—and today I heard that after the University of Alabama had a little football game with Clemson University and pulled off a victory, they were saying there was not enough gas for Alabamians to go to Georgia to play the University of Georgia football team today. Well, they would have walked over there, if necessary. It would have been an exciting game.

But there is a problem out there, and it has been unaddressed by this Congress. So we are now in the closing days of the 110th Congress. Although some work may be completed, it appears that we are soon—in a matter of hours—going to adjourn.

I would note that today is September 27, 2008. The Senate has been in session for 148 days this year. There are 96 days left on the calendar, but on September 30 the fiscal year ends. October 1 is a new fiscal year, and the fundamental responsibility of the Congress and the Senate is to authorize and appropriate the moneys necessary to run this Government. We are within days—a couple or 3 days—of that deadline arriving. We have yet to do it. So what we will be seeing here is a very unfortunate event where everything will be completed in a matter of a few hours.

They are saying that this is an election year and we need to get out of Washington and go home and campaign. I understand that. People do need to see their candidates, and certainly campaigns are important to America. They help the electorate become more knowledgeable and select the best candidate. But I want to be clear, the decision to adjourn this week is a completely arbitrary decision. It is nothing more than a date circled on a calendar. It would not set back the pace of democracy in America for Congress to stay here and work and to actually cast votes and to be held accountable for what it does. How much more time would it take? I do not think a lot. But we certainly would not hurt the Republic doing that. In my opinion, this Congress and this Senate are failing the American people.

Senators and their staff are already scurrying around the Capitol trying to tie up the loose ends to justify a departure. Members also will soon hit the trail, making the case for why the people should send them back here. It might be a tough case to make for some of us. I am up this time. I am certainly working, and have been for some weeks, trying to discuss with the people of my State the issues they think are important and how I hope to address some of those.

A recent Fox News poll reports that only 17 percent of the American people approves of the way Congress does business. That is a really distressing number, 17 percent. It may be the lowest we have ever had. It means that 8 out of every 10 Americans are unhappy with the Congress. And if the American people really knew how this great heritage of debate, amendments, and discussions that this Senate has, how that has been eroded, I think they perhaps might be even more unhappy with us.

While it is typical that the last week of Congress is rushed and a lot happens, and I understand that, I do not recall a time since I have been in the Senate that we have rushed through so many important issues in such a very short time. Over these closing hours, the Senate will likely call up and vote on three major pieces of legislation, huge pieces of legislation. These huge pieces of legislation will pass, I predict, with no opportunity for amendments and no real debate.

First, we considered, without debate, a $56 billion new stimulus package. We did $150 billion earlier, sent out the checks and that sort of thing. I have to say, I did not support it. It certainly has not gotten us out of the fix we are in, almost doubling the projected deficit for this year, every penny of that stimulus package—emergency spending, on top of the debt—every penny increasing the debt. And this stimulus package, thank goodness, that was proposed by the Democratic leadership was defeated and did not pass, which would have added another $56 billion straight to the national debt. It included a $7.5 billion bailout for automobile companies. But it has been put back in the CR, even though it failed in that package, and presumably will pass, as I will discuss.

Second, we are considering a continuing resolution, with an omnibus spending bill attached, that will fund military projects in the Department of Defense and Homeland Security.

Third, we will consider an unprecedented $700 billion financial industry saving—economy saving, they say—bailout. I think we do have a problem with the economy, and this Congress needs to act and we need to act quickly, so certain normal processes will have to be truncated. We have some good people who are focused on that. But it is a closely held deal, very few people meeting in private meetings, unavailable to the public, writing the legislation that will dispense with $700 billion. In truth, I do believe and hope and pray that even though we are exposed for $700 billion, we will not actually, as a government, take that big a hit. I think there will be a recoupment. I certainly hope and pray it will be recouped.

So these are three extraordinarily important pieces of legislation, each of which is being moved through Congress in the closing hours of the session with virtually no public, open debate. I suggest it raises questions about the historic purposes of the Senate. None of the three bills have been subject to the traditional legislative process.

We only received the continuing resolution from the House last night. It is 344 pages involving hundreds and hundreds of billions of dollars. How is it possible that we could fully understand its impact before we vote today?

I have been a Member of this Senate for 12 years. There was one thing that slowed down the trains. You know what it was—the sheriff, Senator JOHN MCCAIN. He would come down here, to this chair right here—I have seen him do it—not for some political gimmick but because he was concerned about this process—and he would object to any UCs until he had a chance to read the bill, and he would come down and highlight what he considered bogus and wasteful spending. He even opposed some spending I put in those bills. But that was healthy. But they wanted to pass those bills, the powers that be, without any debate, without anybody reading them, just pass them. That is not a healthy thing for the great Senate of the United States of America to do.

Well, we have not seen a firm legislative proposal regarding the bailout yet, but we are going to vote on it today, tonight, tomorrow, Monday. The Senate has been called the world's greatest deliberative body, but if we are honest, we will have to admit we have fallen far from it. In fact, I think we are standing on the cusp of the greatest legislative failure of Senate leadership in my tenure here for sure.

The growing trend to procedurally, through manipulation and other efforts, limit free and open debate, to block the ability to improve legislation through the technique of filling the tree, which the majority leader, the Democratic leader, HARRY REID, has done—it has been done by Republicans in the past. It has reached a new height, anybody would have to agree, under Senator REID, all of which is designed to avoid the committee process traditionally available in the Senate. And they use small groups of Senators—I have taken to calling them masters of the universe—to negotiate deals behind closed doors and deposit that bill on the floor of the Senate with the idea that: It has to be passed. We are going to recess. We have no time to discuss and debate and vote.

Mr. President, I would ask that I be notified when 20 minutes has passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I think this is bad for America. It is a bipartisan bad thing. It was not good when Republicans were doing it, and it is not good now that the Democrats have carried it even further.

This Congress is no longer serving in its traditional role of protecting and allowing the American people to see the issues before them, to be the saucer that allows the debating issues to be cooled and debated. I worry about it.

There was a time when, if you look back at debates, according to a gentleman from Harvard who studied this, the debates focused on what was in the long-term interests of the country, and people debated that and they said: Well, if we give money to people who invested recklessly or people who are lazy and will not go to work, will we not encourage reckless investment, or when we encourage people to stay home and draw a check? I mean, they asked these kinds of questions and they discussed them because what we do here has certain importance. But it is too rare today.

The legislative process, I have to say, is broken. The congressional budget and spending process is broken. The American people need to know what is happening and what is not happening here.

So in the spirit to reach the finish line, I am going take a few moments to highlight some items that I see as an example of the broken nature of the process.

There is no better scorecard for how a Congress operates than the tally of appropriations bills that are actually debated. There are 12 appropriations bills we must pass each year. Traditionally, each one is brought up and voted on, and each one of those bills should be passed before October 1. They fund certain parts of the Government. As of this minute, this day, on the eve of our adjournment, this year's legislative score on the 12 bills is zero, none, not one. This is the first time it has happened in my 12 years in the Senate, that Congress failed to pass a single stand-alone appropriations bill on time. Failure to move individual bills is more and more a common thing. Republicans and Democrats have both been guilty of this, but this year is the worst ever.

The congressional budget and spending process is broken. Since 1980, only three times has Congress enacted all its appropriations bills, as they should, by the start of the fiscal year, October 1. Only three times in 28 years have we done our job on time. Mr. President, 138 continuing resolutions, however, have been needed to keep the Government running. The reason for this is that any Government agency cannot expend a dime that is not appropriated by Congress. If we don't appropriate money for the next fiscal year beginning October 1, they cannot pay payrolls. They cannot pay the light bill. They cannot do necessary things. The Antideficiency Act says it is a crime for them to spend money not appropriated by Congress, and it violates the Constitution.

These stopgap measures, these continuing resolutions, have been used as a method to keep the Government open. We can't agree on the appropriations bills, so we just continue funding at the present level without any real review or priorities, and it avoids discussion and debate. The American people should know a continuing resolution represents, in truth: a failure of Congress to get its job done.

Also, over the past 12 budget cycles, Congress has passed 10 big omnibus bills, averaging about seven or eight bills each. They are put in massive form, as we will see, hundreds of pages oftentimes, with just a few hours to debate and very limited ability to file amendments. They have been rammed through the Senate and the House in the last hours of a session. Now the masters of the universe say: If we bring this bill up, people might actually offer amendments, and they might ask us to change the Tax Code. Somebody might want to raise or lower the capital gains rate. We would have to vote on that. We would be put on record as having to vote. We don't want to go back home and have a voting record. We are going to see if we can't bring it up at the end of the session.

Don't think this is by chance. This is by design, to bring it up at the end of a session so there is little time for debate and discussion. Nobody can deny that. We know that, those of us who have been here.

This year we are going to have both. We will have an omnibus bill where some actual appropriations bills are put together, and then we will have a continuing resolution. We will vote on the Department of Defense bill representing $487 billion. That is a pretty good chunk of money, not $700 billion but a lot of money. We will not have amendments on that bill. I am not happy with some of the things that happened that moved some money around since it left the Armed Services Committee, of which I am a member. As a practical matter, there is no way, I am told, I can get a vote from this body to try to correct it. We either take the bill, as the group of people who put it together approved it, or not.

Let me move along and share this thought with my colleagues. It is something we have to do. I offer this as a bipartisan solution that I believe would make a big difference. There is no single cure for what we are doing. It takes a determination by each of us that we want to do a better job of affirming and defending and validating the historical prerogatives and responsibilities of the Senate.

Let me suggest that a biennial, 2-year budget process would be a tremendous step in the right direction. It is good Government reform. Biennial, 2-year budgeting has been supported by the last four Presidents, Democrats and Republicans. It has strong bipartisan support in this Congress.

Some people know every time a bill passes—and they are skilled at it—they can stick something on it. They believe if the bill isn't passing but once every 2 years, they might have less opportunity to stick some special interest pork project on it. But whatever, we would be doing 2-year budgets, and a change from that would have benefits. By eliminating the budget decision to every other year, Congress would have considerably more time to spend passing critical legislation such as this bailout package, actually giving it thought. Two-year budgets would allow more time for considering things such as the energy crisis, for heaven's sake. That is critical. It would also allow much better oversight of existing wasteful programs that are not achieving what they are supposed to.

Two-year budgeting would provide Federal agencies such as the Department of Defense more time to complete their core missions. They are over here all the time, every year, trying to work through congressional arguments and fusses over what DOD needs.

Process does drive policy. The current budget process, the current appropriations process, is not working. It is an embarrassment to the heritage of the Senate. Two-year budgeting will not solve all our spending problems, but it would be a positive step. I believe this is a matter that would strengthen the Congress, our traditional role, improve the way we do business, and make our Government better.

Putting together in a CR the appropriations bills points out the need for more oversight, more serious congressional action, including the fact that there is over $16 billion worth of earmarks in the bill that were not really brought forward in a way that somebody could pass them or reject them, based on whether they are legitimate. Senator DEMINT mentioned some of those earlier today. I will mention one.

The LIHEAP legislation eligibility was changed from 60 percent to 75 percent of a State's median income for one to be eligible. That means more people would be eligible to have the Government pay for their heating oil. It has been said that this program would be able to be accessed by people who have high electricity bills and heating bills, maybe in Arizona, Louisiana, and Alabama. But look at the $2.88 billion designated as emergency. Almost all of this is going to be earmarked in a way that it is going to go to the Northeast. So it is not fair, No. 1, and No. 2, I am not sure why people's gas bills are not going to be paid. Why are we picking on that?

One more thing about that: I think it is particularly odd that Members of the Northeast who oppose consistently drilling off our shores, who consistently oppose natural gas pipelines, who oppose nuclear power oftentimes, they are now demanding that the U.S. taxpayers give them a subsidy so they can buy at below-market price dirty heating oil to heat their homes with. We hear we need to use more solar and geothermal and wind. Maybe we ought to give money for that if it is so wonderful. But this is an increase of a $2.8 billion emergency expenditure for LIHEAP.

I think it is bad policy. In this crisis of time and overspending and deficits I don't believe another new $2.8 billion in emergency spending is good policy. I don't believe it is good for America. Sure, it is great if you have a check for your heating oil. You would say: Thank you, Uncle Sam. But somebody paid for that check. If not the taxpayers, our grandchildren.

I would note, by the way, since we are already in deficit and this is emergency spending, every single dollar of that $2.8 billion increases the debt of the United States. There is no money to pay for it. There is lots of that kind of thing in there.

I will not use the rest of my time to go through these kinds of matters, but I will note that the automobile bailout that I thought we had defeated with the second emergency supplemental is now back in the bill. It is going to pass, $7.5 billion to guarantee $25 billion in loans for automobile producers. We have to be careful about this. We have criticized the Europeans for subsidizing loans for their industries. Now we are in this hog wild. It is going to be a problem maybe in violation of the WTO agreements we have made.

The heritage of the Senate is indeed a great one. We have been slipping in recent years away from full and open debate. I see the Republican whip is here, Senator KYL. He remembers many of the 3-week debates on issues of importance in the day. That has gotten less and less frequent as time has gone by. More and more power is asserted by fewer and fewer Members to move huge pieces of legislation without debate. It is not good.

I urge my colleagues to consider what we can do about it. This year the train is on the track. I assume it is going to be able to move forward and carry these bills through. That is what I am hearing. That is what I hear the votes are. But I do think we need to change this. We need to return to the great heritage of the Senate. If it means we have to stay here for a week and stay into the night so people can come in and engage on how to fix the energy crisis or how to create more liquidity in the markets or what to do about the fundamental problems this country faces—as USA Today said the other day, three things: We are an economy founded on excessive personal debt, excessive government debt, and a massive trade deficit. We can move around with a lot of things to try to help the financial markets not be bottlenecked. But I am really worried if we don't deal with those things such as energy independence, things of that nature, the economy is not likely to improve.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. While the Senator from Alabama is still on the Senate floor, it is with no great pleasure that any of us opposes a continuing resolution. But I associate myself with his remarks. At some point you have to say enough is enough. Unless people object to the process, it is not going to change. I note that when I try to explain to my constituents that is the way business is done in Washington. They say: Then try to stop it.

So while it is with great reluctance that we oppose a continuing resolution, I don't know of any other way to make the point that this business as usual has to stop than by voting no. So I appreciate the remarks of my colleague from Alabama.

Mr. SESSIONS. Mr. President, if the Senator will yield?

Mr. KYL. Yes.

Mr. SESSIONS. I thank him for making that explicit point. It is sad that I feel I have to vote against the continuing resolution. But the Senator is so right. You have seen this for a number of years more than I. If we do not begin to push back against this process—and I think we could make a difference if we fight—it is going to continue. So I thank the Senator for his leadership and his insight and his commitment to reform in the great traditions of the Senate.

Mr. KYL. I thank the Senator very much.

Mr. President, I, first, wish to explain a little bit of the process. When I say we oppose a continuing resolution with great reluctance, the reason is that something has to be done to ensure that our Government can operate, the Government programs are funded.

Unfortunately, we have ourselves in a bind because the Senate has passed not one single appropriations bill. There are about 13 different appropriations bills that we usually pass each year to fund the Department of Education, the Department of Agriculture, the Department of Defense—all the different things that need to operate with the Government—and we are supposed

to have that done by the end of the fiscal year, which is in a couple days. Because we have not passed a single appropriations bill, we have to roll up everything all into one giant bill and either take it or leave it. It is called the continuing resolution. It continues to fund the Government, in this case, for another roughly 6 months. There is no opportunity to amend it. It is a take-it-or-leave-it proposition, and it is wrong. Because what happens is that bills that could not possibly pass on their own are added to this must-pass legislation, putting us in this absolute difficult political bind. The Hobson's choice: If you vote for it, you are saying yes to a broken system, to over 2,000 earmarks, to $34 billion in spending that is added to the national debt above and beyond the budgeted amount that otherwise is necessary to run the Government. So there is the pressure to vote for that. Yet there is no way for us to take each of these items out and say we would have voted to amend them out of the bill if we would have had a chance to do so, except to oppose the entire legislation.

Let me give you some illustrations of this. Because this is done on a take-it-or-leave-it basis, I would have to vote against a bill which, first of all, funds the Department of Defense, which I want to fund, and the homeland security and military construction efforts. It funds border enforcement, which is important for my State of Arizona, and, importantly, it removes the moratorium on offshore drilling, which is a policy Republicans have pushed very hard to achieve. So those are good things in the bill that I wish to register my support for.

But am I forced to take all the other things in order to register my support for these things? Here is what we are asked to swallow. According to the House Budget Committee, there are 2,627 congressional earmarks. They total $16-plus billion. Now, my colleague, JOHN MCCAIN, has made it clear that if and when he is elected President, this process is going to stop. But Senator SESSIONS and I wish to make the point that it should stop now. We do not need one last orgy of earmarks before the reformers come to town and say: It is stopped. I am going to veto the legislation.

Now, what of these earmarks? Well, there are some very good projects, I suspect. Here is one, for example: $23 million for biomedical research at a particular State university. Now, one of the best biomedical research facilities is in the State of Arizona in Phoenix. I would love to have them be able to bid on that $23 million research grant. They would have a good chance of getting it because they are good. They do great work there. Why does this particular State university get the money instead?

There is a $2 million study of animal hibernation. Now, there may well be some scientific reason to understand why animals—I mean, I think I know why they sleep over the winter, but there has to be something about that that is important to some scientists. But do we need to add that to the national debt or could it compete with other kinds of projects? That is the problem with this kind of bill: the take it or leave it.

What you would like to do is establish priorities and say: All right, maybe an animal hibernation study is a good thing, but is it so important we need to add it to the national debt? That is the question—no debate, no amendment, take it or leave it.

There is $44 million for a drug center for the military that it says it does not need, but it is important for a particular Member's district. Once again, prioritize. Some of these things may be good, but how about if you had them compete with other good things and the best ones are funded and the ones that are not so good do not get added to the national debt?

There is a huge amount of money in here for the so-called CDBG disaster funds. Now, these are Community Development Block Grants, ordinarily considered to be long-term projects. In fact, this CDBG funding is to provide assistance for long-term rebuilding of communities, not emergency recovery. We have emergency recovery money in here for various emergencies or disasters, and I do not object to that funding. But why do we need to put in an emergency supplemental that is not paid for but is added to the Federal debt? This long-term spending money, it should not be in here.

There is a total of $34 billion, as I said, in this unfunded emergency spending, about $16 billion, as I said, in earmarks. Another one of the elements is about $7.5 billion for the so-called auto bailout loans. There is money to our big auto companies. Now, it may be that you think our big auto companies need a little help from us taxpayers. I am not sure that is true. One of the reasons they say they need help is that the Government has put so many new obligations on them for fuel efficiency standards and other things that they need to retool in order to pay for them. Maybe we should not have put those obligations on them in the first place.

But, in any event, there is something eerily familiar about this loan. Do you remember in our financial market problem we are working on over this weekend, part of the issue is the fact that a lot of loans were issued to people with almost no payments due for several years. Low interest or no interest or no principal has to be paid, and then all of a sudden people find out after 5 years they have a big balloon payment they have to make and they cannot afford it. So you come in and foreclose on the home. People criticized the mortgage brokers who enticed them into those kinds of loans.

Guess what kind of a loan this is for the auto companies. No principal, no interest for 5 years. What happens after 5 years? They are going to be back in here saying: Thank you for the $25 billion that we have not had to pay interest or principal on. We are going to have a hard time to pay that principal and interest now. Could you give us another hand?

We are criticizing these folks who sold mortgages to people who could not afford them by having these no-interest and no-principal payments. Yet that is exactly what we are doing with these auto companies right now. Oh, they are happy to have the money, I know.

Then, we have $2.8 billion in emergency funds for LIHEAP. That is above the regular appropriation, which is about twice again as much. So it is over $5 billion. My colleague from Alabama said, there is one little problem with this other than the fact it is a huge amount of money and not paid for, it is also very unfair. We come from States that are more in the South and in the West, and it is not a matter of freezing winters, it is a matter of stifling hot summers. The reality is the fuel oil to fuel heat in the winter is a whole lot cheaper than the electricity bill in Phoenix, AZ, or Yuma, AZ, in the middle of the summer, and people die from situations that arise from the fact that they cannot air-condition their home. However, with all this, Arizona gets a little less than 1 percent of the funding under the formula. Now, the Governor of Arizona, a Democrat, Governor Janet Napolitano, and I have both written letters to our colleagues, Democrats and Republicans, saying this is not fair. Phoenix is the fifth-largest city in the country. Arizona is a big State now, and it gets very hot throughout the summer months, and electricity bills are too high for a lot of people to afford. However, 1 percent is enough.

Let me conclude by saying, as I said in the beginning, it is with great reluctance that we oppose a continuing resolution such as this. But there are so many things I have discussed, and more which I could, that require I register an objection and for which I am required to vote no.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I have business to bring before the Senate, and I understand this will not count against my time. May I ask the Presiding Officer?

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I thank the Chair.

## JUDICIAL ADMINISTRATION AND TECHNICAL AMENDMENTS ACT OF 2008

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 3569, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3569) to make improvements in the operation and administration of the Federal courts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, today the Senate has passed the Judicial Administration and Technical Amendments Act of 2008, a bill to provide important assistance to the men and women who comprise our Federal judiciary system. I am pleased the Senate has given its unanimous support to this important legislation.

I thank Senators SCHUMER and SESSIONS for moving this bill through the Senate. Four years ago, a similar bipartisan measure I introduced never moved out of Committee in a Republican Congress. I am glad that, in a Democratic Congress, the bill we pass today has not suffered a similar fate. I hope the House of Representatives will promptly consider this bipartisan measure, and the President will sign it into law.

This bill is intended to improve the administration and efficiency of our Federal court system by replacing antiquated processes and bureaucratic hurdles with the necessary tools for the 21st century. Those who honorably serve on our Federal judiciary do not deserve to experience unnecessary bureaucratic delays in fulfilling their constitutional duties. Their dedication to defend our Constitution, and deliver justice in a neutral and unbiased manner, ought to be met by an equal commitment from Congress to provide the tools for them to fulfill their critical duties as effectively and efficiently as possible.

The legislation we pass today contains technical and substantive proposals carried over from previous Congresses. It also contains additional proposals that the Federal judiciary believes will improve its operations and allow it to continue to serve as a bulwark protecting our individual rights and liberties.

First, the provisions in the bill facilitate and update judicial operations. For example, the bill would authorize realignments in the place of holding court in specified district courts. It also would remove a ''public drawing'' requirement for the selection of names for jury wheels, which is now a function performed more efficiently by computers. These provisions would add convenience to the men and women—who as lawyers, litigants, and jurors—appear before our Federal courts.

Second, the bill contains provisions that would improve judicial resource management and strengthen the constitutional protection of Americans' right to serve on juries. The bill would make a juror eligible to receive a $10 supplemental fee after 10 days of trial service instead of 30 days. Juries serve to vindicate the rights of all Americans, including the poor, the powerless, and the marginalized. I am glad this bill takes steps to ensure that economic hardship will not be an obstacle to an individual performing his or her duty to serve on a jury. Equally important, the bill takes important steps to ensure that no American will be threatened or intimidated from exercising their right to serve on a jury.

Third, in the area of criminal justice, numerous provisions in the bill would also clarify existing law to better fulfill Congress's original intent or to make technical corrections. In particular, I am glad the bill would explicitly authorize the Director of Administrative Office to provide goods and services to pretrial defendants and clarify similar authority recently made available for postconviction offenders through the Second Chance Act of 2007. Under current law, there is no explicit statutory authority to provide for services on behalf of offenders who do not suffer from substance abuse problems or psychiatric disorders. This provision would fill in that gap by providing services to pretrial defendants to ensure their appearance at trial.

I am also pleased that the bill contains a provision, similar to the JUDGES Act that I cosponsored in 2003, that would reverse the troubling and ill-conceived provisions in the so-called Republican Feeney Amendment that limited the number of Federal judges who can serve on the Sentencing Commission. Our Federal judges are experts on sentencing policy, and I am glad this restoration has been included.

I thank the organizations that have supported this bill. I am especially grateful to the Administrative Office of the Courts who, on behalf of the Judicial Conference, sent us policy recommendations from the Federal judiciary. Many of those recommendations are included in this bill, and I commend them for working so hard to enact this measure.

Our independent judiciary is the envy of the world. Yet in these changing times and circumstances, the judiciary needs improvements to increase its efficiency and administrative operations. With passage of this bill, the Senate has taken an important step to ensure that the Federal judiciary has the tools to keep up with the changes and challenges of the 21st century.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3569) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3569

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Judicial Administration and Technical Amendments Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Change in composition of divisions of western district of Tennessee.
Sec. 3. Supplemental attendance fee for petit jurors serving on lengthy trials.
Sec. 4. Authority of district courts as to a jury summons.
Sec. 5. Public drawing specifications for jury wheels.
Sec. 6. Assessment of court technology costs.
Sec. 7. Repeal of obsolete provision in the bankruptcy code relating to certain dollar amounts.
Sec. 8. Investment of court registry funds.
Sec. 9. Magistrate judge participation at circuit conferences.
Sec. 10. Selection of chief pretrial services officers.
Sec. 11. Attorney case compensation maximum amounts.
Sec. 12. Expanded delegation authority for reviewing Criminal Justice Act vouchers in excess of case compensation maximums.
Sec. 13. Repeal of obsolete cross-references to the Narcotic Addict Rehabilitation Act.
Sec. 14. Conditions of probation and supervised release.
Sec. 15. Contracting for services for pretrial defendants and post-conviction supervision offenders.
Sec. 16. Judge members of U.S. Sentencing Commission.
Sec. 17. Penalty for failure to appear for jury summons.
Sec. 18. Place of holding court for the District of Minnesota.
Sec. 19. Penalty for employers who retaliate against employees serving on jury duty.

**SEC. 2. CHANGE IN COMPOSITION OF DIVISIONS OF WESTERN DISTRICT OF TENNESSEE.**

(a) IN GENERAL.—Section 123(c) of title 28, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting ''Dyer,'' after ''Decatur,''; and

(B) in the last sentence by inserting ''and Dyersburg'' after ''Jackson''; and

(2) in paragraph (2)—

(A) by striking ''Dyer,''; and

(B) in the second sentence, by striking ''and Dyersburg''.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—The amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

(3) JURIES NOT AFFECTED.—The amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the United States District Court for the Western District of Tennessee on the effective date of this section.

**SEC. 3. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.**

(a) IN GENERAL.—Section 1871(b)(2) of title 28, United States Code, is amended by striking ''thirty'' in each place it occurs and inserting ''ten''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2009.

**SEC. 4. AUTHORITY OF DISTRICT COURTS AS TO A JURY SUMMONS.**

Section 1866(g) of title 28, United States Code, is amended in the first sentence—

(1) by striking ''shall'' and inserting ''may''; and

(2) by striking ''his''.

**SEC. 5. PUBLIC DRAWING SPECIFICATIONS FOR JURY WHEELS.**

(a) DRAWING OF NAMES FROM JURY WHEEL.—Section 1864(a) of title 28, United States Code, is amended—

(1) in the first sentence, by striking ''publicly''; and

(2) by inserting ''The clerk or jury commission shall post a general notice for public review in the clerk's office and on the court's website explaining the process by which names are periodically and randomly drawn.'' after the first sentence.

(b) SELECTION AND SUMMONING OF JURY PANELS.—Section 1866(a) of title 28, United States Code, is amended—

(1) in the second sentence, by striking ''publicly''; and

(2) by inserting ''The clerk or jury commission shall post a general notice for public review in the clerk's office and on the court's website explaining the process by which names are periodically and randomly drawn.'' after the second sentence.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 1869 of title 28, United States Code, is amended—

(1) in subsection (j), by adding ''and'' at the end;

(2) by striking subsection (k); and

(3) by redesignating subsection (l) as subsection (k).

**SEC. 6. ASSESSMENT OF COURT TECHNOLOGY COSTS.**

Section 1920 of title 28, United States Code, is amended—

(1) in paragraph (2), by striking ''of the court reporter for all or any part of the stenographic transcript'' and inserting ''for printed or electronically recorded transcripts''; and

(2) in paragraph (4), by striking ''copies of papers'' and inserting ''the costs of making copies of any materials where the copies are''.

**SEC. 7. REPEAL OF OBSOLETE PROVISION IN THE BANKRUPTCY CODE RELATING TO CERTAIN DOLLAR AMOUNTS.**

Section 104 of title 11, United States Code, is amended—

(1) by striking subsection (a);

(2) by redesignating subsection (b)(1) as subsection (a) and subparagraphs (A) and (B) of that subsection as paragraphs (1) and (2), respectively;

(3) by redesignating subsection (b)(2) as subsection (b);

(4) by redesignating subsection (b)(3) as subsection (c); and

(5) in subsection (c) (as redesignated by paragraph (4) of this section), by striking ''paragraph (1)'' and inserting ''subsection (a)''.

**SEC. 8. INVESTMENT OF COURT REGISTRY FUNDS.**

(a) IN GENERAL.—Chapter 129 of title 28, United States Code, is amended by inserting after section 2044 the following:

**''§ 2045. Investment of court registry funds**

''(a) The Director of the Administrative Office of the United States Courts, or the Director's designee under subsection (b), may request the Secretary of the Treasury to invest funds received under section 2041 in public debt securities with maturities suitable to the needs of the funds, as determined by the Director or the Director's designee, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

''(b) The Director may designate the clerk of a court described in section 610 to exercise the authority conferred by subsection (a).''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 129 of title 28, United States Code, is amended by adding at the end the following:

''2045. Investment of court registry funds.''.

**SEC. 9. MAGISTRATE JUDGE PARTICIPATION AT CIRCUIT CONFERENCES.**

Section 333 of title 28, United States Code, is amended in the first sentence by inserting ''magistrate,'' after ''district,''.

**SEC. 10. SELECTION OF CHIEF PRETRIAL SERVICES OFFICERS.**

Section 3152 of title 18, United States Code, is amended by striking subsection (c) and inserting the following:

''(c) The pretrial services established under subsection (b) of this section shall be supervised by a chief pretrial services officer appointed by the district court. The chief pretrial services officer appointed under this subsection shall be an individual other than one serving under authority of section 3602 of this title.''.

**SEC. 11. ATTORNEY CASE COMPENSATION MAXIMUM AMOUNTS.**

Section 3006A(d)(2) of title 18, United States Code, is amended by adding ''The compensation maximum amounts provided in this paragraph shall increase simultaneously by the same percentage, rounded to the nearest multiple of $100, as the aggregate percentage increases in the maximum hourly compensation rate paid pursuant to paragraph (1) for time expended since the case maximum amounts were last adjusted.'' at the end.

**SEC. 12. EXPANDED DELEGATION AUTHORITY FOR REVIEWING CRIMINAL JUSTICE ACT VOUCHERS IN EXCESS OF CASE COMPENSATION MAXIMUMS.**

(a) WAIVING MAXIMUM AMOUNTS.—Section 3006A(d)(3) of title 18, United States Code, is amended in the second sentence by inserting ''or senior'' after ''active''.

(b) SERVICES OTHER THAN COUNSEL.—Section 3006A(e)(3) of title 18, United States Code, is amended in the second sentence by inserting ''or senior'' after ''active''.

(c) COUNSEL FOR FINANCIALLY UNABLE DEFENDANTS.—Section 3599(g)(2) of title 18, United States Code, is amended in the second sentence by inserting ''or senior'' after ''active''.

**SEC. 13. REPEAL OF OBSOLETE CROSS-REFERENCES TO THE NARCOTIC ADDICT REHABILITATION ACT.**

Section 3161(h) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking subparagraphs (B) and (C); and

(B) by redesignating subparagraphs (D) through (J) as subparagraphs (B) through (H), respectively;

(2) by striking paragraph (5); and

(3) by redesignating paragraphs (6) through (9) as paragraphs (5) through (8), respectively.

**SEC. 14. CONDITIONS OF PROBATION AND SUPERVISED RELEASE.**

(a) CONDITIONS OF PROBATION.—Section 3563(a)(2) of title 18, United States Code, is amended by striking ''(b)(2), (b)(3), or (b)(13),'' and inserting ''(b)(2) or (b)(12), unless the court has imposed a fine under this chapter, or''.

(b) SUPERVISED RELEASE AFTER IMPRISONMENT.—Section 3583(d) of title 18, United States Code, is amended by striking ''section 3563(b)(1)'' and all that follows through ''appropriate.'' and inserting ''section 3563(b) and any other condition it considers to be appropriate, provided, however that a condition set forth in subsection 3563(b)(10) shall be imposed only for a violation of a condition of supervised release in accordance with section 3583(e)(2) and only when facilities are available.''.

(c) TECHNICAL AND CONFORMING AMENDMENT.—Section 3563(b)(10) of title 18, United States Code, is amended by inserting ''or supervised release'' after ''probation''.

**SEC. 15. CONTRACTING FOR SERVICES FOR PRETRIAL DEFENDANTS AND POST-CONVICTION SUPERVISION OFFENDERS.**

(a) PRETRIAL SERVICE FUNCTIONS.—Section 3154(4) of title 18, United States Code, is amended by inserting '', and contract with any appropriate public or private agency or person, or expend funds, to monitor and provide treatment as well as nontreatment services to any such persons released in the community, including equipment and emergency housing, corrective and preventative guidance and training, and other services reasonably deemed necessary to protect the public and ensure that such persons appear in court as required'' before the period.

(b) DUTIES OF DIRECTOR OF ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—Section 3672 of title 18, United States Code, is amended in the seventh undesignated paragraph—

(1) in the third sentence, by striking ''negotiate and award such contracts'' and inserting ''negotiate and award contracts identified in this paragraph''; and

(2) in the fourth sentence, by inserting ''to expend funds or'' after ''He shall also have the authority''.

**SEC. 16. JUDGE MEMBERS OF U.S. SENTENCING COMMISSION.**

Section 991(a) of title 28, United States Code, is amended in the third sentence by striking ''Not more than'' and inserting ''At least''.

**SEC. 17. PENALTY FOR FAILURE TO APPEAR FOR JURY SUMMONS.**

(a) SECTION 1864 SUMMONS.—Section 1864(b) of title 28, United States Code, is amended by striking ''$100 or imprisoned not more than three days, or both.'' each place it appears and inserting ''$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.''.

(b) SECTION 1866 SUMMONS.—Section 1866(g) of title 28, United States Code, is amended by striking ''$100 or imprisoned not more than three days, or both.'' and inserting ''$1,000, imprisoned not more than three days, ordered to perform community service, or any combination thereof.''.

**SEC. 18. PLACE OF HOLDING COURT FOR THE DISTRICT OF MINNESOTA.**

Section 103(6) of title 28, United States Code, is amended in the second sentence by inserting ''and Bemidji'' before the period.

**SEC. 19. PENALTY FOR EMPLOYERS WHO RETALIATE AGAINST EMPLOYEES SERVING ON JURY DUTY.**

Section 1875(b)(3) of title 28, United States Code, is amended by striking ''$1,000 for each violation as to each employee.'' and inserting ''$5,000 for each violation as to each employee, and may be ordered to perform community service.''.

## AUTHORIZING FUNDING FOR THE NATIONAL CRIME VICTIM LAW INSTITUTE

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3641, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3641) to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. Presdient, I am glad the Senate is moving forward today by passing a bill to reauthorize funding to provide legal support to victims of crime through Crime Victims Legal Assistance Programs. I was proud to be an original cosponsor of this bill. Too often, survivors who have been victims of crimes are left without recourse and legal assistance. This bill will help ensure that their needs are not forgotten. It is vitally important that we continue to recognize the needs of crime victims and their family members and work together to promote victims' rights and services.

We have been able to make some progress during the past 27 years to provide victims with greater rights and assistance. In particular, I was honored to support the passage of the Victims of Crime Act of 1984, VOCA, Public Law 98–473, which established the Crime Victims Fund. The Crime Victims Fund allows the Federal Government to provide grants to State crime victim compensation programs, direct victim assistance services, and services to victims of Federal crimes. Nearly 90 percent of the Crime Victims Fund is used to award victim assistance formula grants and provide State crime victim compensation. These VOCA-funded victim assistance programs serve nearly four million crime victims each year, including victims of domestic violence, sexual assault, child abuse, elder abuse, and drunk driving, as well as survivors of homicide victims. Our VOCA-funded compensation programs have helped hundreds of thousands of victims of violent crime.

The Crime Victims Fund is the Nation's premier vehicle for supporting victims' services. It is important to understand that the Crime Victims Fund does not receive a dime from tax revenue or appropriated funding. Instead, it is made up of criminal fines, forfeited bail bonds, penalties, and special assessments.

In 1995, after the Oklahoma City bombing, I proposed and Congress passed the Victims of Terrorism Act of 1995. Among other important matters, this legislation authorized the Office for Victims of Crime at the Department of Justice to set aside an emergency reserve as part of the Crime Victims Fund to serve as a ''rainy day'' resource to supplement compensation and assistance grants to States to provide emergency relief in the wake of an act of terrorism or mass violence that might otherwise overwhelm the resources of a State's crime victims compensation program and crime victims assistance services.

We also enacted, as part of the Justice for All Act of 2004, Federal rights for victims. In the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, and Nila Lynn Crime Victims' Rights Act, we expressly provided for the right to reasonable, accurate, and timely notice of any public court proceeding; the right not to be excluded from any such public court proceeding; the right to be reasonably heard at any public proceeding involving release, plea, sentencing, or parole; the reasonable right to confer with the attorney for the Government in the case; the right to full and timely restitution as provided in law; the right to proceedings free from unreasonable delay; and the right to be treated with fairness and with respect for the victim's dignity and privacy. I wrote a letter to Attorney General Mukasey in June to ask what the Justice Department has done to ensure that family members of 9/11 victims are afforded the same level of respect as the 9/11 court and military commission proceedings and move forward.

Since fiscal year 2000, Congress has set a cap on annual obligations from the Crime Victims Fund. I have worked to ensure that the cap has never resulted in resources being lost to the Crime Victims Fund. I believe we need to increase the cap. With the failure of the Bush administration crime prevention policies, crime began to rise under Attorney General Gonzales. Crime victims, the States, and service providers need more assistance.

Instead of taking that salutary action, the Bush administration is proposing to raid the Crime Victims Fund and zero it out. The future of the Crime Victims Fund is in danger because the Bush administration has proposed rescinding all amounts remaining in the Crime Victims Fund at the end of fiscal year 2009—just cleaning it out and leaving the cupboard bare. That would leave the Crime Victims Fund with a zero balance going into fiscal year 2010 and create a disastrous situation for providers of victims' services. That is wrong.

Over the last few years, we have successfully blocked the Bush administration's past attempts to raid the Crime Victims Fund. This is not a cache of money from which this administration should try to reduce the budget deficits it has created. This administration has turned a $5 trillion budget surplus into a $9.4 trillion debt. Its annual deficits run into the hundreds of millions. It is wrong to try to pay for its failed fiscal policies by emptying out the Crime Victims Fund. These resources are set aside to assist victims of crime.

In order to preserve the Crime Victims Fund once again, Senator CRAPO and I, as well as 25 other Senators, sent a letter on April 4, 2008, to the Senate Appropriations Committee asking that the committee oppose the administration's proposal to empty the Crime Victims Fund. We asked the committee, instead, to permit unobligated funds to remain in the Crime Victims Fund, in accordance with current law, to be used for needed programs and services that are so important to victims of crime in the years ahead.

The Judiciary Committee has worked hard this Congress to pass legislation that protects victims of Crime. This week the Senate unanimously reauthorized the Debbie Smith DNA backlog grant program, which helps forensic labs keep up with the increasing demand for DNA analysis. The Debbie Smith DNA backlog grant program has given States help they desperately needed, and continue to need, to carry out DNA analyses of backlogged evidence, particularly rape kits. It has provided a strong starting point in addressing this serious problem, but much work remains to be done before we conquer these inexcusable backlogs. I was pleased to work with Debbie Smith and Senator BIDEN to pass the reauthorization.

I am also proud to be a cosponsor of this legislation. This bill will help victims of crime by reauthorizing funding for essential programs such as the Victim Notification System, which is run by the Department of Justice, and programs that provide legal counsel and support services for victims in criminal cases.

We need to renew our national commitment to crime victims. I am glad the Senate has passed this important bill today, and I hope that the House will move on this legislation swiftly.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3641) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3641

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REAUTHORIZATION.**

Section 103(b) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2264) is amended in paragraphs (1) through (5) by striking ''2006, 2007, 2008, and 2009'' each place it appears and inserting ''2010, 2011, 2012, and 2013''.

## MINTING OF COINS IN COMMEMORATION OF THE LEGACY OF THE UNITED STATES ARMY INFANTRY

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 3229, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3229) to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States

Army Infantry and the establishment of the National Infantry Museum and Soldier Center.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3229) was ordered to a third reading, was read the third time, and passed.

## REQUIRING THE SECRETARY OF THE TREASURY TO MINT COINS IN COMMEMORATION OF THE CENTENNIAL OF THE BOY SCOUTS OF AMERICA

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 5872, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5872) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5872) was ordered to a third reading, was read the third time, and passed.

## PERSONNEL REIMBURSEMENT FOR INTELLIGENCE COOPERATION AND ENHANCEMENT OF HOMELAND SECURITY ACT OF 2008

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 1052, H.R. 6098.

The legislative clerk read as follows:

A bill (H.R. 6098) to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the ''Personnel Reimbursement for Intelligence Cooperation and Enhancement of Homeland Security Act of 2008'' or the ''PRICE of Homeland Security Act''.*

***SEC. 2. CLARIFICATION ON USE OF FUNDS.***

*Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—*

*(1) in subsection (a)—*

*(A) in the matter preceding paragraph (1), by striking ''Grants'' and all that follows through ''used'' and inserting the following: ''The Administrator shall permit the recipient of a grant under section 2003 or 2004 to use grant funds''; and*

*(B) in paragraph (10), by inserting '', regardless of whether such analysts are current or new full-time employees or contract employees'' after ''analysts''; and*

*(2) in subsection (b)—*

*(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and*

*(B) by inserting after paragraph (2) the following:*

*''(3) LIMITATIONS ON DISCRETION.—*

*''(A) IN GENERAL.—With respect to the use of amounts awarded to a grant recipient under section 2003 or 2004 for personnel costs in accordance with paragraph (2) of this subsection, the Administrator may not—*

*''(i) impose a limit on the amount of the award that may be used to pay for personnel, or personnel-related, costs that is higher or lower than the percent limit imposed in paragraph (2)(A); or*

*''(ii) impose any additional limitation on the portion of the funds of a recipient that may be used for a specific type, purpose, or category of personnel, or personnel-related, costs.*

*''(B) ANALYSTS.—If amounts awarded to a grant recipient under section 2003 or 2004 are used for paying salary or benefits of a qualified intelligence analyst under subsection (a)(10), the Administrator shall make such amounts available without time limitations placed on the period of time that the analyst can serve under the grant.''.*

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be laid upon the table with no intervening action or debate, and any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill, (H.R. 6098), as amended, was read the third time, and passed.

## CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009—Continued

Ms. LANDRIEU. Mr. President, I wish to proceed to the hour that I have asked the leader to set aside for the purpose of discussing, in my view, a grave oversight that can be corrected if there is enough political will to do so. So the purpose of this hour is to try to lay out a case so that we can build, over the course of the next few days and weeks, the will necessary to take action that if not taken could literally result in the bankruptcy of thousands of people and individuals in rural communities throughout Louisiana and the Nation who, through no fault of their own, have been caught up in the disasters of the last few weeks and months.

The disasters I speak of are not like the manmade disaster that is happening on Wall Street as we speak. It is not the purpose for which a group of Senators, both Republicans and Democrats, have been meeting around the clock for hours. They are disasters of nature's making—hurricanes, strong winds, and heavy rains that no one could prevent, but we most certainly can stop the economic downturn in the aftermath that will occur.

I am here today because it looks to me and several of my colleagues as though this Congress intends to leave without taking any action whatsoever, to give even hope to people, thousands of hard-working taxpayers who are in this situation.

I will speak for an hour, but this cartoon says it all. This was in the USA TODAY newspaper yesterday. I don't think it needs any explanation. I represent the lower ninth ward. I am proud to represent the ninth ward and the lower ninth ward. I also represent St. Bernard Parish and Plaquemines Parish and Terrebonne Parish and others that were devastated and basically have been abandoned in large measure by aspects of this Government that did not come to their aid. This cartoon says we have been building a levee for the last several weeks—or trying to build a levee—around Wall Street. Meanwhile, the rest of the country—whatever.

Out there in the rest of the country—whatever—which is what I represent—are thousands of farmers. This is what their fields look like. They are completely underwater, not because they left the hose on too long or failed to do the proper irrigation techniques but because we had Hurricane Gustav, Hurricane Ike, and Hurricane Fay, which did not hit just Florida, but that storm, as the Presiding Officer will remember, dropped significant rains throughout large parts of the country right before harvest time. Then, a few weeks later—because the farmers in many districts who watch the weather, of course, every day, made the decision to wait until these rains were done, they would then go into their fields and harvest the thousands of acres that were planted in Louisiana in cotton, soybean, rice, sugarcane, sweet potatoes, and our beautiful pecan trees. They would wait until those rains subsided and then they would go to their fields for the harvest that they were expecting to be quite spectacular despite price inputs at the front of the season: high fuel and fertilizer costs. But then Hurricane Ike came and Hurricane Gustav, and the water just never went away. There was nowhere for it to go.

The State I represent, as people will know their geography, is the State that basically drains, through the Mississippi River, the Arkansas, the Missouri River, comes down through the Mississippi River to Louisiana. There was simply nowhere for the water to go. It broke levees everywhere. The

levees in New Orleans held because of the work I have been, in large measure, fighting for with others to help build. But levees have broken all over Louisiana, including Federal levees and non-Federal levees. We are a strong State but not always strong enough to hold in the water from the whole Nation. Although we have tried on many occasions to build the kind of levee system we need, we are 20 or 30 years behind.

I got here 12 years ago and have worked every day to accelerate that, and I am going to stay here for as long as it takes to get the job done. Nonetheless, we are not there yet.

So the water came into these fields. The farmers cannot harvest their crops. They cannot get into the fields to try to save what is left. This is a farmer who has farmed profitably with his family for probably over 50 years. He is from Chaneyville. This is what the rice fields look like if you grow rice in water, but it can't grow in salt water. So the salt water and the tidal surge came in, ruining the rice crop. Then, the cotton crop, which looked so beautiful just a couple of weeks ago—8 weeks ago—the farmers throughout the South were celebrating what a beautiful crop they may have. It has been a very tough year, as the Presiding Officer knows, with high fuel prices and the financial markets being unsettled, which has not just been going on the last few weeks. Farmers have had their eyes on that. Many of them are leveraged, as we know, quite a bit to try to produce safety the food that every single person in this country needs. But the cotton crop as it is now, thousands and thousands of acres, are absolutely unharvestable because of these rains.

This Congress, Democrats and Republicans, is about ready to leave, having done nothing—nothing—not even a lifeline, not even a telegraph, not even a message to say: We hear you.

Right now everyone is—many people—downstairs in a room talking about how we can build a levee around Wall Street. I understand that something has to be done about the financial situation. I am not sure I am in a position to be able to say exactly what should happen. But I can tell my colleagues that while everybody has been meeting for weeks about building a levee on Wall Street, the levees have already broken at home. They have already broken at home; not just in Louisiana but in Texas and in Arkansas and in Missouri and in Kansas and throughout the heartland. People who never even heard about a subprime loan, never, ever looked at an application for a subprime loan, never went to a bank to inquire about a subprime loan, and most certainly never knowingly bought one, their levees have already broken.

Now, I would not have kept my colleagues here. I am known up here as tenacious but a team player. I fight hard, but I fight fair. I most certainly would not have asked 100 Members, for whom I have the greatest respect and with whom it has been my honor to work with, each of them, to have great difficulty in their plans for the weekend. I understand one-third are up for reelection. There are Senators who came to me to say they have taken the first—tried to take the first vacation with their child in 6 months. Other Senators have said they have had these plans. I understand that. I have two young children at home myself. But I could not leave without at least making a 1-hour pitch—and I am going to be here after the vote for several hours. I asked to speak for 1 hour before this vote because I wanted to be able to lay this case down. But I will be here for the rest of the day speaking about this and through the evening if the Senate stays in. As long as the Senate is in, I am prepared to be here because this is not a 1-hour grandstanding on my part. Please believe me. This is about my complete inability to understand how this Congress could pass four major appropriations bills—Defense, Homeland Security, the stimulus package, and—not the stimulus package—the disaster relief package, and the continuing resolution and fail to recognize that the program we established in good intentions and with goodwill is not even in existence yet to help these farmers.

I wish to read from the terrific statement that our commissioner from Louisiana, Mike Strain, who has been leading this effort—not only for us but nationally—I wish to say something so people understand how strongly I feel about this issue.

Mike Strain is not a Democrat; he is a Republican. I actually didn't even support him in his election. I supported someone else. But he is the agriculture commissioner now, and it is my job to stand with him and to do what I can to help our rural communities. So I asked him to testify before the committee that I chair this week to try to get something on the record in Congress to help.

This is what our commissioner says, who is, by the way, a farmer himself. He is a veterinarian. He is very knowledgeable. He is a tenacious fighter. He came up and has spent days here trying to sound the alarm. He says:

> Louisiana agriculture faces unprecedented losses from Hurricanes Gustav and Ike. This is the largest natural disaster affecting agriculture, aquaculture, forestry, and fisheries in Louisiana history.

Now, that statement did get my attention. I have only been here 12 years, but for a commissioner who is knowledgeable, who is trained, who has been in the business, who has been elected by the people of my State, to make such a statement before a committee, I thought it might be worth it to bring that statement to the full floor of the Senate. He goes on:

> No parish or commodity was spared by these storms. From the cattle rancher and the oyster fisherman in the southernmost tip of Plaquemines Parish, to cotton farmers in the delta of East Carol Parish all were severely impacted. Combined with the timing of these storms, just prior to harvest, and the devastation caused by the wind (110 miles per hour), in Terrebonne Parish, the flooding (24 inches), in Franklin Parish, and the tidal surge (12 feet) in Cameron Parish, our agriculture community is in peril.

He has held 11 meetings across the State with farmers and ranchers. I have been to several of them with him. There are several reasons our situation is so grave: One, the inadequacy of the crop insurance program we have in place, but the regulations aren't written yet, and there is no availability for our farmers to access; insufficient disaster provisions of the farm bill, which I just described; farmers who have contracts with elevators and cannot deliver the commodity; bank liens against partially filled commodity contracts; and deterioration of rain and cotton quality, which I have demonstrated with my pictures earlier.

I wish to go on to read his statement to explain these in some detail:

> Higher input cost—Fuel and fertilizer costs have more than doubled since the start of the current crop.

I don't know what the prices are in the Presiding Officer's State, but in the last year, gasoline prices and diesel prices have been on the rise. As the Presiding Officer knows, several of us have been in negotiations on bills trying to contain those costs. We have not yet been successful. But the price of gasoline and diesel over the last 12 to 15 months has doubled. Fertilizer prices have gone up 300 percent, and potash, which is a commonly used substance for our agriculture base, the farmers were faced with almost a 600-percent increase with no explanation. So their input costs were higher this year than almost any previous year. That is how the year started. Yet farmers absorbed it. They got their crops in the field and were ready for a good harvest, but that was a problem on the front end.

Many farmers did not borrow enough money to cover these exorbitant costs. Some of them were totally unexpected. They used all their available credit. Since the storms occurred just prior to harvest, as I said, many of the farmers have incurred all the costs of the crop except harvesting and now will not be able to repay lenders and suppliers.

I wish to say, they will not be able to repay lenders and suppliers. That is what the Wall Street bailout is all about. People unable—banks, holding companies, financiers unable to meet their debts, and this Congress could not scramble fast enough to try to build them a levee. But to the farmers who can't pay their notes: You are on your own.

He goes on to explain the inadequacy of the crop insurance program:

> The farm bill was signed late. Had producers known they would have had a disaster program included that was based on their crop insurance coverage levels, they may have made different coverage decisions. But in order to be eligible for the SURE program—

Which is the new program—

USDA requires farmers to purchase catastrophic insurance or to participate in the noninsured assistance program. Due to thin margins and high costs of buyout coverage levels, crop insurance protection participation is relatively low in Louisiana and other southern States.

It is not that we don't want insurance. It is not that we don't believe in insurance. But the insurance programs that have been crafted by this Congress do not meet the needs of southern farmers. Every region of the country is very different, and the crop insurance programs that exist today have never been adequate for southern farmers.

Although a farmer may have only harvested a portion of his crop, he may have already surpassed the yield threshold. A cotton farmer reported to me that he met with his insurance agent and based on preliminary calculations, even though he has more than 1,000 acres of cotton and is facing a 50 percent crop loss, he will only receive only $3,300 in insurance proceeds.

Mr. President, $3,300 is not going to keep the farming community in this farmer's hometown moving forward in a strong position.

The disaster provisions of the farm bill—I wish to read from his testimony and why it is inadequate:

Many of our crops will not qualify for assistance under the current disaster provisions. All of the rules and regulations of the new 2008 Farm Bill had not been written.

I repeat that for the record. The opponents of what I am trying to do—and they are unidentifiable by name, but obviously there is some opposition or we would have been able to get this amendment moving—say: Senator, you are making a mountain out of a molehill because your farmers can get help through the 2008 disaster farm bill. We passed a farm bill. There is a disaster provision to try to help your farmers.

So I want to read this into the RECORD:

All of the rules and regulations—

Of that bill that is supposed to be a help for us—

. . . have not yet been written; and payments may not be available until October or November of 2009.

Our farmers cannot wait until November of 2009 for assistance. They need it now. The only people who can give them assistance is us. So I am filing a bill today on behalf of myself, Senator HUTCHISON, Senator LINCOLN, Senator PRYOR, and Senator WICKER. On behalf of these Senators, I am introducing this bill today, and I urge other colleagues to look at this bill to see if they will join us in our efforts to put before this Congress at the earliest possible time a bill that will at least provide a glimmer of hope for these farmers and rural communities throughout America. I send the bill to the desk.

Again, the reason this bill has to be introduced and the reason this speech had to be given today, and the reason this Congress must act before we leave—we are going to, it looks like, take a break for a day or two, come back for a couple of days next week, and it looks like there is going to be some bailout package for Wall Street. It might be a $700 billion package, it might be a $300 billion package, it could be a $400 billion package. By the time they finish negotiating, maybe it is only a $200 billion package. Right now, I am leaning against voting for that package, no matter how it is structured, without certain provisions in it. This bill asks for $1 billion—$1 billion of—which at least will help all the rest of the farming communities in this part of the country while we are working on bailing out the financial community.

Mr. President, $1 billion. And maybe that is not sufficient. I introduce the bill at this level because our needs in Louisiana are $700 million. I know we might not be able to get every penny that our commissioner has testified we desperately need and most certainly can justify. I am most certainly willing for this $1 billion to be shared by the other States that can put forth their documents and put forth their requirements. Maybe this $1 billion is not sufficient. But I could not in good conscience leave here without putting something down with my colleagues. And this is a bipartisan effort.

I am so grateful this morning that I was able to secure, by the motions that were provided this morning on the calendar, the support of Senator HUTCHISON of Texas. She cannot even get into some places in Texas to do the assessment because the water and damage is so high. But she has cosponsored this bill with me.

I am very proud as well to have Senator LINCOLN and Senator PRYOR as cosponsors. I am going to yield to both of them in a moment. I see Senator CONRAD is in the Chamber. I wish to give each of them 5 minutes to speak because they are quite knowledgeable about this situation—I must say more knowledgeable than I am about farm programs. Senator LINCOLN is on the committee. Senator CONRAD was the chief sponsor and designer of the farm disaster program. He helped to write it. Having his testimony and him speaking today about why the program that he wrote, with all good intentions, is not necessarily going to help us and why we need special assistance will give a lot of support to my arguments.

I yield to my good friend from Arkansas for whatever she might require. I thank her for being a cosponsor of the bill.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, I come to the floor today to say an enormous thanks to my good friend and neighbor, Senator LANDRIEU. When you grow up in small communities in middle America, one of the things you understand the most is that it is important to be a good neighbor and it is very important to have good neighbors. Through the last several years, we in Arkansas and the folks in Louisiana have come to understand that. We have housed most or a tremendous number of the evacuees from both Katrina and Rita, and then Gustav sent us more evacuees. We have worked in tandem with our neighbors to try to figure out how we can be there for one another.

With our proximity to Louisiana and Texas, sitting right above those two States, we say thanks to our colleagues who are allowing us to join them in speaking out on behalf of a tremendously important constituency that we represent, and that is production agriculture.

Senator LANDRIEU has brought up so many good points. Again, I wish to reiterate that our growers across this country, these hard-working farm families, get up early every morning. They go into the fields, into their livestock arenas, and work hard to ensure that we can have the safest, most abundant, and affordable food supply in the world. They provide us a food supply, food and fiber per capita that is less than any other developed nation in the world.

Yet in this body and throughout the Congress, it is hard to get attention if your issue is not glamorous. If it is not glamourous and it is not on the front page of People magazine or on the front page of these papers, people don't want to talk about it and they don't want to put the work into it that is required to get the results that are needed.

These hard-working farm families are doing a tremendous job. As Senator LANDRIEU has mentioned, so often we forget these are folks who are absorbing tremendous costs—the increased cost of fuel and utilities, the needs they have in terms of chemical application, fertilizers, and other products, and the fluctuation of the price and value of commodities that are going crazy as well in many of those markets. So it is so important that we as a government create an environment where they can continue to do the fine job they do in ensuring that all of us—not just in this country but globally—can enjoy that safe and abundant supply of food.

Senator LANDRIEU is exactly correct. Every year they go through this unbelievable anguish of figuring out how they are going to pay to keep their jobs. They go to their lenders in December and January to start a new crop year. This year they are going to go to that lender and they are going to say: We have had unbelievable disaster, whether it has been a hurricane, floods, tornadoes, which we suffered drastically this spring. We had one tornado that hit the ground and stayed on the ground for 120 miles. We have seen floods that are 50-, 90-year floods. We had those in the spring, to be followed by a tremendous amount of water that was sent up from Louisiana or Texas after Gustav and Ike which put all of our crops that had been planted late because of spring floods under water, as Senator LANDRIEU has mentioned.

They go in to their lenders, having suffered these unbelievable disasters,

they are faced with unbelievable increases in their input costs, and the lender says: Your house is probably worth less because of the mortgage crisis and your 401(k) might not be so solid because of whatever else is going on. They get hit from absolutely every direction. Yet to be able to get back into the field, they have to have the support of those lenders. Without having the Government behind them, the Government to say, We are going to stand with you in whatever it is that you meet up against, they are not going to be able to continue to do that tremendous job.

As Senator LANDRIEU mentioned—and I know Senator CONRAD has worked tirelessly in terms of crop insurance—she is exactly right. Crop insurance doesn't fit us like it does the rest of the country. We grow capital-intensive crops and to insure ourselves against that kind of liability and that kind of risk, it is not cost effective, nor is the payout what it needs to be when we hit those disasters. So it is critically important that we recognize the disaster program that is intended to be there for those farmers crop insurance cannot fully protect.

We worked in this farm bill to come up with that program. Again, as Senator LANDRIEU has mentioned, USDA has failed to give us the rules. So these growers, who are caught between a rock and a hard spot, know they have a 2008 farm bill, there are no rules that apply, and they are not going to understand or even know what they can count on in terms of disaster payments until the spring. It is too late by April or May to have gotten their assistance, their financing, their ability to know what they are going to be able to plant and start for a 2009 crop year.

I thank my good friend and my good neighbor because we understand how important it is to be and to have good neighbors. I am very grateful she is standing up for our farm families and allowing those of us who want to stand with her to say: It may not be a glamorous issue, it may not be one that people are going to jump up and rise to the occasion to try to solve. But I tell you one thing, when people look around and realize that it is not just stock markets, it is not just home mortgages, but it is actually the ability to feed your family, then they will figure out that it is absolutely appropriate that we stand here today and ask our Government to help us move forward with the kind of environment that our growers need to put seed in the ground, to produce, as well as to be competitive in a global marketplace so we can continue to allow them to produce unbelievably safe and abundant food and fiber for this Nation and for the entire world.

Thanks to my good friend and neighbor, Senator LANDRIEU. I am proud to be here with her to fight on behalf of America's growers.

I thank the Senator for yielding.

Ms. LANDRIEU. Mr. President, I thank the Senator from Arkansas for her remarks. As you can see, she is one of the experts in farming policy of this country. We are very grateful.

I now yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank Senator LANDRIEU, the Senator from Louisiana, for her leadership. Senator LINCOLN, who is a valuable member of the Agriculture Committee and the Finance Committee, played such an important role in writing a new farm bill, and Senator PRYOR, as well, from Arkansas, who is here. They are fighting for farmers who have been devastated by disasters, farmers who are down and out through no fault of their own.

We hear some saying: Wait, there is a disaster program that has just passed that is in the farm bill.

Indeed, that is true. In fact, I am the author of that legislation, very proud of it. The problem is, we don't yet have the regulations from the U.S. Department of Agriculture as to how that program will be administered. So these farmers who have been hit by one hurricane after another don't know the rules of the road. They can't know. So they are there wondering if there is any help for them. And what do they see? They see Congress rushing to help Wall Street and understanding that if credit in this country locks up, it is not just going to be Wall Street. The Chairman of the Federal Reserve has told us that if the credit lockup continues, 3 to 4 million Americans will lose their jobs in the next 6 months. So we all understand there is much more at risk than Wall Street. Main Street is on the line.

But what about these farm families? What about them? Apparently, there is no place in this package for them. And the excuse? Well, we have a disaster program in the farm bill. But the problem is, it is not in effect and no one knows the rules of the road because USDA hasn't written them. Talk about a catch-22. These farmers, these constituents of Senator LANDRIEU, these constituents of Senator LINCOLN, these constituents of Senator PRYOR are out there in limbo land. They are being told: Oh, yes, there is a disaster program for you. But nobody can tell them what it is because the rules and regulations have not yet been drafted. But it is there, so don't you worry. And they are thinking: Well, wait a minute, where is the help? What am I going to do about planting decisions for next year because with no money, I can't finance. With no disaster program yet in place, without the rules and regulations, what do they take to their banker—a newspaper headline that the farm bill was passed with the disaster program? With the current situation of a lockdown in credit, what is the banker going to do with that?

What Senator LANDRIEU is asking for here is exactly what needs to be done; that is, a bridge program to deal with the current emergency until the disaster program that is part of the farm bill is in effect. So, Mr. President, I would hope our colleagues in the House and the Senate and representatives of the administration would help find a way to deal with this crisis because these farm families are in every bit as much a crisis as the families who are being affected by the fiscal crisis, and these farm families deserve our help as well.

I thank Senator LANDRIEU for her leadership. She has been persistent. She has gone from colleague to colleague. She has talked to the House and the Senate, trying to persuade them that these farm families should not be abandoned at their time of need. What an irony it would be if the Congress moved in the next few days to react to a fiscal crisis in the country but left part of the country out and said to those farm families in Arkansas, in Louisiana, and in Texas, and, yes, in Mississippi: Tough luck for you. We have $700 billion for other parts of the country, but we don't have $1 billion for you. Mr. President, that can't be the result.

I thank the Chair, and I thank Senator LANDRIEU for the time.

Ms. LANDRIEU. Mr. President, I thank the Senator from North Dakota. I couldn't say it better myself, and I most certainly don't know it as well as he does, but I wish to read to the Senator, before he leaves the floor, something that I think will make him even more concerned.

I would like to say to the Senator that, in anticipation—because I was getting nowhere with my conversations, except with good people such as yourself, and of course Senator HARKIN was very interested, Senator LINCOLN, and Senator HUTCHISON, but others didn't seem to have a real understanding of this situation despite the fact that we kept talking. So I wrote a letter to HUD, because in the disaster package which we are voting on now, the Senator may know that there is $22 billion of special disaster relief, and in that there is $6.5 billion of community development block grant money, for which we are grateful. That is money for Louisiana, Texas, Mississippi, and, frankly, the whole part of the country that got hit by the storms. But Houston alone—the mayor of Houston, just to put this in perspective, was on record this week saying that Houston alone needs $30 billion. Now let me repeat that. Houston alone may need $30 billion, and we have $6.5 billion in this bill that we are going to spread the best way we can throughout many States.

So people would tell me: Senator, you don't have a problem. Just go get some money from the community development block grant. Maybe you all can come up with a plan to help your farmers.

So I thought: Well, let me scurry over and find out if that could be possible.

So I wrote a letter as quickly as I could, and I said:

Gustav and Ike caused an estimated $700 million in damage in agricultural damage in Louisiana alone. Regulations have still not been written . . . will not be available through this program until 2009, which is much too long to wait. Can CDBG funds be used to provide grants and loans to individual farmers, ranchers, and fishermen, as well as agricultural lending institutions and processing facilities?

I was hoping that maybe I could get a glimmer of hope. But I want to read for the record what they wrote.

This is probably an eligible activity under the CDBG disaster recovery program. CDBG funds may be used to assist businesses to create or retain low- and moderate-income jobs, and the CDBG disaster recovery program allows the State to make grants and loans directly rather than working through local governments.

But here is the kicker:

The only issue that may arise is that Circular OMB A–87 does not allow one Federal program to be used for costs allocable to another program and these costs may be allocable to the USDA SURE Program.

And here is the last sentence:

If the CDBG activity is designed to only cover costs USDA will not allow, then it could work.

Mr. President, I tell my friend from North Dakota, if I go home and try to read this paragraph of gobbledygook to my farmers, I wouldn't blame them for trying to find another Senator. I mean, I cannot even understand it myself, yet I am supposed to go home and tell the people whom I represent that this is the paragraph I have left Washington with?

I didn't think this was sufficient, and so I make no apologies to my colleagues, but as a way of explanation, the reason I am standing here for this 1 hour is to just testify that this paragraph is not sufficient. The program is not sufficient.

As I speak, I know the powers that be in this Chamber, on both sides, and in the White House have been in meeting after meeting trying to bail out Wall Street. Could somebody spend 1 hour or 2 hours figuring out how to bail out our farmers throughout the entire midpart of our country? Because this paragraph isn't going to do it.

Mr. CONRAD. Will the Senator yield?

Ms. LANDRIEU. I will yield.

Mr. CONRAD. I have been in the Senate for 22 years, and I have gotten letters like that in the past. I know exactly what they mean. It means ''not eligible.'' They say ''probably it is,'' with this one little problem, and the little problem is that because there is another program—the disaster program in the farm bill—CDBG cannot be used for that purpose. They can write all the fancy legal language they want to try to make somebody feel better, but we know at the end of the day how much money it is going to result in for these farmers who have been hit by a disaster—zero, goose egg, nothing. That is what is going to happen.

Again, the catch-22 your farmers face and farmers all across America face is we have a disaster bill that was passed as part of the farm bill, but USDA has not written the regulations—the rules of the road. So, in effect, there is no program available currently, yet the disaster is now. These farmers have been hit now. The question is, Is there going to be any help for them now?

Here we have the prospect of a massive rescue package for the entire country to prevent 3 or 4 million people from losing their jobs in the next 6 months, and yet we have a need that is now. It is immediate. It is not 6 months from now, it is right now.

The Senator is doing the Lord's work, and I hope very much that we can find a way to get a resolution.

Ms. LANDRIEU. I thank the Senator from North Dakota. Again, because I was able to introduce this bill this morning, I wanted very much for it to be introduced with the support of both Republican and Democratic leaders, and I was able to secure that. As I said, the senior Senator from Texas is a cosponsor of this bill, and I am certain that sometime before the next few days she will speak on behalf of the farmers of Texas because I myself am aware, having flown over many parts of southwest Louisiana, what the agricultural situation in Texas looks like. It is not quite as bad per capita as Louisiana—and, of course, Texas has Galveston, Bridge City, Houston, and so many other areas affected—but the agricultural hit to Texas is going to be significant.

May I inquire of the Chair how many minutes I have remaining?

The PRESIDING OFFICER. The Senator has 18 minutes remaining.

Ms. LANDRIEU. I thank the Chair.

Mr. President, I think this says it all. I most certainly am not trying, again, to grandstand here because I do understand the significance of what happens on Wall Street and in Manhattan and in many of the financial centers of this country, of which New Orleans, whether it is a small city—Merrill Lynch actually started in New Orleans many years ago. So I am not unaware of the significance of cities such as Boston and Manhattan and New Orleans and San Francisco and Chicago and the well-being of our financial sector and our country to operate. I am not unaware of the importance of this financial system needing to be secure not just for our people or our institutions and our taxpayers but for the world. Our economy is so large, and so much of the rest of the world's finances, in large measure, now are so interconnected. So I am not here complaining about the time and effort that has gone into trying to figure this situation out.

What I am complaining about is that in all of these discussions, no one seems to understand that there is a financial crisis right now in the heartland that is not being relieved by this disaster bill we are getting ready to vote on, nor, to date, have I heard one sentence, one phrase, one section, one paragraph that might bring any hope to the thousands of farmers and ranchers who never even saw a subprime loan, who have never filled out an application for a subprime loan, yet whose crops in the field are rotting, are unharvestable—not one single word about them. So I thought it was worth at least 1 hour of this Congress's time to hear that word from me and to hear that word from Senator LINCOLN and to hear that word from Senator CONRAD and to hear that word from Senator PRYOR and to hear that word from Senator WICKER and Senator HUTCHISON, who have joined in this effort.

I am going to ask the other Senators to join with us. Many of them are reading the document now. Senator HARKIN has it under consideration. Senator SAXBY CHAMBLISS has it under consideration. I have expressed to both of them, with respect, as leaders of the Agriculture Committee—should they see anything in this bill that they think should be modified or increased or decreased or written in a different way, the Senator from Louisiana is most certainly willing to take any amendments that they would think necessary to make this work. I am not even asking for this, again, to be for Louisiana. This is for the whole country.

I have to spend an hour saying $700 billion for Wall Street and zero for farmers? It could be said a different way: $700 billion for financiers, zero for farmers.

If you want to know why people in America are upset with this bailout, I could give you several reasons. Let me try one big one. The regular people out there, who put boots on in the morning and go to work, direct traffic, run the daycare centers, teach our kids in school, get on the fire trucks in the morning, shine shoes, open the grocery store—they don't think anyone is listening to them. And they are right. No one is listening to them. Everyone is listening to the people who have a lot of money—money, money, money.

People who work hard every day and actually put in 14-hour days and maybe make—not farmers, because they usually make more than this—but $8 or $10 an hour, they work hard, they never heard about a quick buck—there are no quick bucks in the life they live. They don't make $500 million an hour. They don't make $1 million a minute. They are lucky if they make $1 million in a lifetime. I have to go home and tell them not only I wasn't able to do anything to help them but no one in the whole Congress could come up with a plan to help them. I am not going home with that. I am not going home with it.

I am not going home with gobbledegook. I want to read it again in the last 5 minutes. This was the response I got. Senator, we can't do anything for you, we can't amend the bill, we can't give you a vote on the floor, we can't put it in the bailout package, we can't put it in the disaster package, we can't have a committee meeting, we can't do anything. We can't do anything. That is what I was told all week.

This is the sheet of paper I am going to submit for the RECORD. This is $6.5 billion. I hope the cameras could see it. I wish I had it blown up; $6.5 billion. That is what we are taking home for all the disasters including Houston, Galveston, everything else. I was told if I needed help for my farmers, I could do this:

Dear Senator, your request to help farmers, this is probably an eligible activity under the Community Development Block Grant Disaster Recovery Program. These funds may be used to assist businesses to create or retain low- and moderate-income jobs and the CBDG Disaster Recovery Program allows the States to make grants or loans directly rather than through local governments. The only issue that may arise is that circular OMB 8–87 [may?] does not allow one Federal program to be used for costs allocable to another program and these costs may be allocable to the USDA shore program.

If the CDBG is designed to only cover costs USDA would not allow, then it would work.

I don't have time to explain this to my farmers because it doesn't make any sense. The only thing—actually nothing makes sense to them. I went home last weekend—and I am going to wrap up. I have about a minute left.

I went home last weekend and told them I would be there, and hundreds of them came out of the fields with dirt on their hands, of course, filthy dirt. These are men who had been farming for decades, who said: Senator, I left my sons in the field to come meet you. These are the farmers I met with. They said: Senator, what is going on in Washington? Between the weather reports we have to read and working hard in our fields all day, we are having a hard time understanding about this bailout. Who are we bailing out? Why are we bailing them out? And does anybody know that our crops are under water, that we have had the worst disaster?

This disaster for us, may I remind everyone, comes 3 years after Katrina hit our State and it was the worst natural disaster and manmade disaster. Let me give you some numbers to illustrate this. When Hurricane Andrew hit, the per capita was $58. After the attacks on the World Trade Center, the per capita equaled $1,050. But after Katrina and Rita hit, the per capita damage shot up to $4,366. And that number will only increase after all the damage left by Gustav and Ike has been assessed.

Let me repeat that. No disaster in the history of the country ever exceeded the mark that Katrina and Rita have left Louisiana, including 9/11 or anything. Our disaster in Katrina and Rita, from Mississippi and Louisiana, exceeded $4,000 per capita.

I know about disasters. I have been through the worst one in the history of the country. We are just recovering. We are grateful for the aid. We are still struggling. We have communities that are still destroyed, neighborhoods with houses that are worth $600,000 as well as $50,000, still struggling. The gulf coast is not back. And then we get hit by this and then I have to go home and tell my farmers that we are going to do $700 billion for financiers, and nothing for them? I have to go home and tell them I don't know what is going on in this bailout passage, all I can tell you is it looks as though the financiers are going to win and you are going to lose again.

I thought before I did that, if at least they could see that I was fighting for them and they could see an actual bill we introduced, that might be helpful.

I see my good friend, the Senator from Mississippi, here. I would be happy to yield a minute if he wanted to speak on this, or two?

Mr. COCHRAN. Mr. President, I asked the distinguished Senator to yield to me because I want to commend her for the strong argument she has made, the attention she has brought to the issue of agricultural disaster both in her State and Texas in particular. But this also affects my State, Mississippi.

Listening to her a little while ago, from my office, over the television, made me think: We do need to address this issue, and why not put language in this bill that would help ensure that consideration was given?

I wish to be listed, if the Senator will permit me, as a cosponsor to her bill. I am pleased to support it and I hope it is helpful.

I don't know whether we have the votes. I don't know what would happen in conference. I don't know what will happen when the administration sees it. But I think you have made some excellent points and they need to be acknowledged by those in charge of our programs so ways can be found to help these farmers.

Ms. LANDRIEU. I thank the Senator from Mississippi.

How much time do I have remaining?

The PRESIDING OFFICER. Six minutes remain.

Ms. LANDRIEU. I am going to wrap up now in 1 minute and yield the rest of my time because I know the Senators are anxious for a vote. I couldn't think of a better way to end than with an endorsement from the senior Senator from Mississippi. He and I and his colleague before him, Trent Lott, have been through the mill, as they say at home, with these storms. Well fought, shoulder to shoulder, side by side. We have had disagreements, but we continue to work on behalf of the people of Mississippi and Louisiana, the gulf coast. We have said often—he and I have come to the floor to say this is America's working coast. We are America's energy coast. We are a breadbasket in our farming community for the rice, cotton, sugarcane, and corn. I appreciate his support.

I will be pleased to add him as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Again, I want the Senator to understand I would not have taken this time—and I do not take it lightly. I am not here complaining about something that only affects Louisiana, although that would be meritorious enough. But I am here saying we cannot talk about a bailout of $700 billion for Wall Street and zero for the rest of America, particularly our farmers.

I yield the time.

COOPERATIVE DEVELOPMENT PROGRAM

Mr. JOHNSON. Mr. President, I would like to ask the Senator from Vermont, the chairman of the State and Foreign Operations Subcommittee, if he would enter into a colloquy with me about the Cooperative Development Program which is funded in his bill?

Mr. LEAHY. Mr. President, I would be pleased to enter into a colloquy with the Senator from South Dakota, Mr. JOHNSON.

Mr. JOHNSON. Mr. Chairman, I would like to commend your committee and all the work it has done to promote responsible international development. As you know, our Nation's cooperatives have played a significant role in our international development efforts for over 40 years. Mr. Chairman, your committee has been very supportive of the Cooperative Development Programs, and I applaud you for it.

I am, however, concerned that the program may suffer due to the continuing resolution. The request for applications for the 5-year competitively bid Cooperative Development Program is set to be reissued this fall. For a number of years, you and the committee have worked to encourage the U.S. Agency for International Development to continue the program's successes by providing needed increased funding. As currently configured, this small program provides funding for eight grants that are on average less than $700,000 per year. I am concerned that under the continuing resolution, the new grants under this program will not be able to grow in accordance with intent of the State and Foreign Operations Subcommittee.

Cooperatives have had a long and beneficial impact on the economy of my State, and I strongly support the Cooperative Development Program as it supports the growth of cooperatives as a means of spreading inclusive businesses in the developing world. This small but effective program enables U.S. cooperative development organizations to expand the use of this practical and beneficial development tool in our foreign assistance portfolio, and I hope that you can provide some insight on this issue.

Mr. LEAHY. Mr. President, I thank the Senator from South Dakota for his continued interest in international development and in the Cooperative Development Program. I assure him that the State and Foreign Operations Subcommittee intends to continue our strong support of the Cooperative Development Program in the fiscal year 2009 State and Foreign Operations appropriations bill.

Mr. JOHNSON. I thank the chairman for his support and leadership on this issue.

DDG—1000 ZUMWALT DESTROYER PROGRAM

Mr. KENNEDY. Mr Chairman, I would like to clarify language included in the fiscal year 2009 Defense Appropriations bill that addresses the Navy's DDG–1000 Zumwalt destroyer program.

Mr. INOUYE. The bill supports the Navy's DDG–1000 program, which incrementally funds the third ship, directs that a construction contract consistent with the ship's current acquisition schedule be awarded, and directs that the remaining funds necessary to complete the third ship be included in the fiscal year 2010 budget.

Mr. KENNEDY. Mr. Chairman, the language also identifies a requirement for the Navy to have future shipbuilding requirements reviewed by the Joint Requirements Oversight Council, or JROC, before moving forward with any modifications to the existing Navy shipbuilding program of record and before any funds can be obligated for surface combatants. I understand that this requirement is a result of significant instability in the Navy's surface combatant shipbuilding program; however, I would like to be clear that the intent of the bill is to award a contract for a third DDG–1000 in fiscal year 2009 that would be split funded between fiscal year 2009 an fiscal year 2010.

Mr. INOUYE. That is correct. I fully expect the Joint Requirements Oversight Council to review future Navy surface combatant requirements so that the results of this review will be available as the Department considers future shipbuilding plans and any adjustments to the program that may be required in future budget submissions.

Mr. KENNEDY. Thank you, Mr Chairman. Your support of the Zumwalt program is appreciated.

Mr. BYRD. Mr. President, I ask unanimous consent that the following disclosure of earmarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DISCLOSURE OF EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Following is a list of congressional earmarks and congressionally directed spending items (as defined in clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, respectively) included in the bill or this explanatory statement, along with the name of each Senator, House Member, Delegate, or Resident Commissioner who submitted a request to the Committee of jurisdiction for each item so identified. Neither the bill nor the explanatory statement contains any limited tax benefits or limited tariff benefits as defined in the applicable House and Senate rules.

**DIVISION B—DISASTER RELIEF AND RECOVERY**

| Agency | Account | Project | Amount | Requester(s) |
|---|---|---|---|---|
| Corps of Engineers | Construction | Lake Pontchartrain and Vicinity, LA | $700,000,000 | Landrieu, Mary L.; Vitter, David |
| Corps of Engineers | Construction | West Bank and Vicinity, LA | $350,000,000 | Landrieu, Mary L.; Vitter, David |
| Corps of Engineers | Construction | Southeast Louisiana Urban Drainage, LA | $450,000,000 | Landrieu, Mary L.; Vitter, David |
| FEMA | General Provision | Concerning flood insurance rate maps in certain areas in MO and IL | | Durbin, Richard; Costello, Jerry; Shimkus, John |
| FEMA | General Provision | Communications System, MS | | Cochran, Thad |
| GSA | Federal Buildings Fund | Cedar Rapids Courthouse, IA | $182,000,000 | Harkin, Tom; Grassley, Chuck; Loebsack, Dave |

**DEFENSE**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| AP,A | Air Warrior-Joint Service Vacuum Packed Life Raft (AW-JSVPLR) | $2,400,000 | Young (FL) | |
| AP,A | Aircraft Component Remediation | 1,600,000 | | Sessions |
| AP,A | CAAS—Pilot Vehicle Interface | 1,600,000 | Hinchey | Grassley, Harkin, Schumer |
| AP,A | Cockpit Air Bag System (CABS) | 1,600,000 | Pastor | |
| AP,A | Forward Looking Infrared System for New York National Guard | 1,600,000 | King (NY), Arcuri, Gillibrand, Hall (NY), Israel | Schumer |
| AP,A | HH-60A to HH-60L Upgrades for the 204th TN ARNG | 8,000,000 | | Alexander |
| AP,A | Light Utility Helicopter | 32,600,000 | | Cochran, Wicker |
| AP,A | UH-60 Improved Communications (ARC 220) for the ARNG | 1,600,000 | Latham, Bishop (UT) | Bennett, Grassley, Harkin, Hatch, Landrieu |
| AP,A | UH-60 MEDEVAC Thermal Imaging Upgrades | 1,600,000 | Capps, Hooley | Smith, Wyden |
| AP,A | UH-60A Rewiring Program | 5,000,000 | Granger | |
| AP,A | Vibration Management Enhancement Program | 800,000 | | Graham |
| AP,A | Vibration Management Enhancement Program | 2,500,000 | | Feinstein |
| AP,A | Vibration Management Enhancement Program (Note: For SC ARNG) | 2,000,000 | Clyburn | |
| AP,AF | C-130 Active Noise Cancellation System (ANCS) | 1,600,000 | Tiahrt | |
| AP,AF | Civil Air Patrol | 5,000,000 | Tiahrt | Roberts |
| AP,AF | F-15 Improved Radio Communications (ARC 210) | 2,400,000 | | Harkin, Hatch, Grassley, Landrieu, Smith, Wyden |
| AP,AF | F-15C/D MSOGS Retrofit | 5,000,000 | | Grassley, Harkin |
| AP,AF | F-16C Fire Control Computers for the 114th Fighter Wing | 1,440,000 | Herseth Sandlin | Johnson, Thune |
| AP,AF | Large Aircraft Infrared Countermeasure for MC-130P aircraft | 3,200,000 | | Martinez |
| AP,AF | RC-26B Modernization | 7,200,000 | Granger, Bishop (GA), Lampson, Rogers (AL) | Bingaman, Murray, Nelson (FL), Shelby |
| AP,AF | Scathe View for NV ANG | 400,000 | Berkley, Porter | Reid |
| AP,AF | SENIOR SCOUT Beyond Line-of-Sight SATCOM Data Link | 7,000,000 | Cannon | Bennett, Hatch |
| AP,AF | Smart Bomb Rack Unit (S-BRU) Upgrade | 1,600,000 | Herseth Sandlin | Johnson, Thune |
| AP,AF | USAF Senior Scout Digital Rio Raton ELINT System | 800,000 | Hobson | |
| AP,N | AAR-47 Missile Advanced Warning System | 4,000,000 | Young (FL) | Nelson (FL) |
| AP,N | Advanced Helicopter Emergency Egress Lighting System | 1,600,000 | Alexander, Melancon | Landrieu, Vitter |
| AP,N | Advanced Skills Management (ASM) System | 1,200,000 | Dicks, Inslee | Cantwell, Murray |
| AP,N | AN/AVS-7 Day Heads-Up Display (DayHUD) | 5,000,000 | Granger | Bond |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| AP,N | C4ISR Operations and Training | 4,000,000 | Murtha | |
| AP,N | Common ECM Equipment (ALQ-214) | 2,800,000 | | Lugar |
| AP,N | Crane NSWC IDECM Depot Capability | 1,600,000 | Ellsworth | Bayh |
| AP,N | Direct Squadron Support Readiness Training Program | 3,200,000 | | Byrd |
| AP,N | F/A-18 Expand 4/5 Upgrade for USMC | 7,600,000 | Pickering | Cochran, Wicker |
| AP,N | Integrated Mechanical Diagnostics Health and Usage Management System and Condition Based Maintenance for the H-53E | 4,000,000 | | Burr, Johnson, Leahy, Thune |
| AP,N | Network Centric Collaborative Targeting (NCCT) for P-3C Aircraft | 3,200,000 | Granger | |
| CHEM DEMIL | Blue Grass Chemical Agent Destruction Pilot Plant | 20,000,000 | | McConnell |
| DHP | AFIP/Joint Pathology Center (JPC) Records Digitization and Repository Modernization | 20,000,000 | | Byrd |
| DHP | Cancer Immunotherapy and Cell Therapy Initiative (Note: Department of Defense Military Health System Enhancement) | 1,600,000 | McGovern, Olver | |
| DHP | Comprehensive Clinical Phenotyping and Genetic Mapping for the Discovery of Autism Susceptibility Genes (Note: Within Military Dependents Populations) | 1,600,000 | Pryce | |
| DHP | Copper Antimicrobial Research Program | 1,600,000 | Arcuri, Costello, Higgins, Loebsack, Murphy (CT) | Casey, Dodd, Durbin, Grassley, Harkin, Lieberman, Schumer |
| DHP | Customized Nursing Programs | 800,000 | Bishop (GA) | |
| DHP | Dedicated Breast MRI System for WRAMC/WRNNMC | 1,600,000 | Tierney | Kennedy |
| DHP | Department of Defense Brain Injury Rescue and Rehabilitation Project (BIRR) | 1,200,000 | Alexander, Melancon | |
| DHP | Digital Accessible Personal Health Electronic Record | 800,000 | | Harkin |
| DHP | DoD/VA Blind Rehabilitation and Training Pilot | 800,000 | Jefferson | Landrieu, Salazar |
| DHP | Enhanced Medical Situational Awareness | 2,400,000 | | Kohl |
| DHP | Epidemiologic Health Survey at the Iowa Army Ammunition Plant | 800,000 | Loebsack | Harkin |
| DHP | Fort Drum Regional Health Planning Organization | 640,000 | McHugh | |
| DHP | Hawaii Federal Health Care Network | 23,000,000 | | Inouye |
| DHP | Health Research and Disparities Eradication Program | 6,500,000 | Clyburn | |
| DHP | Health Technology Integration for Clinical, Patient Records and Financial Management Related to the Military | 400,000 | Lowey | |
| DHP | Identifying Health Barriers for Military Recruits | 3,000,000 | Clyburn | |
| DHP | Integrated Patient Electronic Records System for Application to Defense Information Technology | 1,200,000 | Lee | |
| DHP | Integrated Translational Prostate Disease Research at Walter Reed | 4,000,000 | | Stevens |
| DHP | Lung Injury Management Program | 1,200,000 | Meeks | Corker |
| DHP | Madigan Army Medical Center Digital Pen | 200,000 | Smith (WA) | |
| DHP | Madigan Army Medical Center Trauma Assistance Center | 1,600,000 | Dicks, Smith (WA) | Murray |
| DHP | Management of the Wounded Soldier from Air Evacuation to Rehabilitation | 2,500,000 | Berkley | Reid |
| DHP | Microencapsulation and Vaccine Delivery | 800,000 | Edwards (TX) | |
| DHP | Military Physician Combat Medical Training | 1,000,000 | Brown (FL) | Martinez |
| DHP | Military Trauma Training Program | 800,000 | Ruppersberger | |
| DHP | Mobile Diabetes Management | 1,600,000 | Ruppersberger, Sarbanes | Cardin |
| DHP | Neuregulin Research | 1,520,000 | Bishop (GA), Lewis (GA), Scott (GA) | Isakson |
| DHP | Neuroscience Clinical Gene Therapy Center (OSUMC) | 800,000 | Pryce | |
| DHP | Operating Room of the Future for Application to Mobile Army Surgical Hospital Improvements | 2,400,000 | Roybal-Allard | |
| DHP | Pacific Based Joint Information Technology Center (JITC) | 4,800,000 | | Inouye |
| DHP | Pediatric Health Information System for Medical Charting and Research Related to Military Health Care | 400,000 | Lowey | |
| DHP | Pediatric Medication Administration Product and Training | 800,000 | LaHood | |
| DHP | Pharmacological Countermeasures to Ionizing Radiation | 800,000 | Ramstad | Coleman |
| DHP | Proton Therapy | 4,800,000 | Foster, Davis (IL) | Durbin |
| DHP | Pseudofolliculitis Barbae (PFB) Topical Treatment | 800,000 | | Bond |
| DHP | Research to Improve Emotional Health and Quality of Life of Servicemembers with Disabilities | 2,400,000 | Castor | |
| DHP | Reservist Medical Simulation Training Program | 800,000 | Hobson | |
| DHP | Security Solutions from Life in Extreme Environments Center | 1,200,000 | Cummings, Sarbanes | Crapo |
| DHP | Severe Disorders of Consciousness (IBRF) (Note: Department of Defense Health System Enhancement) | 6,400,000 | Crowley, Pascrell | |
| DHP | Stress Disorders Research Initiative at Fort Hood | 1,600,000 | Edwards (TX) | |
| DHP | Theater Enterprise Wide Logistics System (TEWLS) | 2,000,000 | Sestak | Casey, Specter |
| DHP | Vanadium Safety Readiness | 1,600,000 | Paul, English, Murphy (CT), Space | Brown, Casey, Dodd, Lieberman, Lincoln, Pryor |
| DHP | Web-based Teaching Programs for Military Social Work | 3,200,000 | Roybal-Allard | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| DHP | Wide Angle Virtual Environment for USHUS | 4,000,000 | Van Hollen | |
| DPA | ALON and Spinel Optical Ceramics | 4,000,000 | Bono Mack, Higgins, Tierney | Feinstein, Kerry |
| DPA | Armor and Structures Transformation Initiative—Steel to Titanium | 3,200,000 | Murtha | |
| DPA | Automated Composite Technologies and Manufacturing Center | 5,000,000 | Bishop (UT), Cannon | Bennett, Hatch |
| DPA | Carbon Foam Program | 9,600,000 | | Byrd |
| DPA | Domestic Production of Transparent Polycrystalline Laser Gain Materials | 5,200,000 | Bilirakis, Brown-Waite, Altmire, Dingell | Casey, Levin |
| DPA | Extremely Large, Domestic Expendable and Reusable Structures Manufacturing Center (ELDERS) | 8,000,000 | Cramer | Cochran, Shelby, Wicker |
| DPA | High Homogeneity Optical Glass | 3,200,000 | | Specter |
| DPA | High Performance Thermal Battery Infrastructure Project | 3,000,000 | Young (FL) | |
| DPA | Hybrid Plastics and POSS Nanotechnology Engineering Scale-Up Initiative | 3,000,000 | | Cochran, Wicker |
| DPA | Lightweight Small Caliber Ammunition Production Initiative | 4,200,000 | | Cochran, Wicker |
| DPA | Low Cost Military Global Positioning System (GPS) Receiver | 4,000,000 | Braley, Loebsack, Boswell | Grassley, Harkin |
| DPA | Military Lens Fabrication and Assembly | 2,400,000 | Murtha | Specter |
| DPA | Production of Miniature Compressors for Electronics and Personal Cooling | 1,000,000 | Rogers (KY) | |
| DPA | Reactive Plastic CO2 Absorbent Production Capacity | 1,600,000 | | Biden, Carper |
| DPA | Read Out Integrated Circuit Manufacturing Improvement | 1,600,000 | Simpson | Craig, Crapo |
| DPA | Silicon Carbide Armor Manufacture Initiative | 2,000,000 | | Bunning |
| DPA | Titanium Metal Matrix Composite and Nano Enhanced Titanium Development | 3,200,000 | | Byrd |
| DRUGS | Alaska National Guard Counter Drug Program | 3,000,000 | | Stevens |
| DRUGS | Appalachia High Intensity Drug Trafficking Area—Tennessee National Guard | 4,000,000 | Tanner | Corker, Alexander |
| DRUGS | Hawaii National Guard Counterdrug | 3,000,000 | | Inouye |
| DRUGS | Indiana National Guard Counter Drug Program | 800,000 | Visclosky | |
| DRUGS | Kentucky National Guard Counterdrug Program | 3,600,000 | Rogers (KY) | McConnell |
| DRUGS | Midwest Counterdrug Training Center | 5,000,000 | | Grassley, Harkin |
| DRUGS | Multi-Jurisdictional Counter-Drug Program | 3,000,000 | Young (FL) | |
| DRUGS | Nevada National Guard Counter Drug Funding Initiative | 3,500,000 | Berkley | Reid |
| DRUGS | New Mexico National Guard Counterdrug Support Program | 3,200,000 | Udall (NM) | Bingaman, Domenici |
| DRUGS | Northeast Counterdrug Training Center (NCTC) | 3,000,000 | Cummings | Cardin, Specter |
| DRUGS | Regional Counter Drug Training Academy, Meridian | 2,500,000 | Pickering | Cochran |
| DRUGS | Southwest Border Fence | 1,600,000 | Hunter | |
| DRUGS | West Virginia Counter-drug Program | 800,000 | | Byrd |
| GP | Helmets to Hardhats | 3,000,000 | Ryan (OH) | Clinton |
| GP | Joint Venture Education Program | 5,500,000 | | Inouye |
| GP | Presidio Heritage Center | 1,750,000 | Pelosi | |
| GP | Project SOAR | 4,750,000 | Pelosi, Braley | Grassley, Harkin |
| GP | Special Olympics International | 3,000,000 | | Craig, Harkin |
| GP | STEM Education Research Center | 5,000,000 | LaHood | |
| GP | USS Missouri | 9,900,000 | | Inouye |
| GP | Waterbury Industrial Commons Redevelopment Project | 15,000,000 | Murphy (CT) | Lieberman |
| ICMA | Language Mentorship Program Incorporating an Electronic Portfolio | 800,000 | Boswell | |
| ICMA | National Drug Intelligence Center | 24,500,000 | Murtha | |
| INTEL | Biometric Research | 2,000,000 | | Rockefeller |
| INTEL | Intelligence Community Academic Outreach | 1,600,000 | | Hatch |
| INTEL | Intelligence Training Program | 200,000 | | Rockefeller |
| INTEL | Littoral Net Centric Operations | 2,400,000 | | Rockefeller |
| INTEL | National Media Exploitation Center | 9,000,000 | | Rockefeller |
| MILPERS,ANG | Crypto-Linguist/Intelligence Officer Initiative | 2,720,000 | | Hagel, Nelson (NE) |
| MILPERS,ANG | Joint Interagency Training and Education Center | 650,000 | | Byrd |
| MILPERS,ANG | WMD Civil Support Team for Florida | 400,000 | Young (FL) | |
| MILPERS,ANG | WMD Civil Support Team for New York State | 304,000 | Fossella, Bishop (NY), Clarke, Gillibrand, Hall (NY), King (NY), Maloney, McCarthy (NY) | |
| MILPERS,ARNG | Joint Interagency Training and Education Center | 3,600,000 | | Byrd |
| MILPERS,ARNG | WMD Civil Support Team for Florida | 1,200,000 | Young (FL) | |
| MILPERS,ARNG | WMD Civil Support Team for New York State | 1,627,000 | Fossella, Bishop (NY), Clarke, Gillibrand, Hall (NY), King (NY), Maloney, McCarthy (NY) | |
| MP,A | PATRIOT Tactical Command Station (TCS) / Battery Command Post (BCP) | 2,400,000 | | Sessions, Shelby |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| NDSF | RRF Training Ship Upgrades | 10,000,000 | Delahunt, Olver, Shays, Tsongas | Kennedy, Kerry |
| OM,A | 49th Missile Defense Battalion Infrastructure and Security Upgrades | 2,200,000 | | Stevens |
| OM,A | Air Battle Captain | 1,600,000 | Pomeroy | Conrad, Dorgan |
| OM,A | Air-Supported Temper Tent | 5,000,000 | Rogers (KY) | |
| OM,A | Army Battery Management Program Utilizing Pulse Technology Project | 800,000 | Sessions | |
| OM,A | Army Command and General Staff College Leadership Training | 1,600,000 | Boyda | |
| OM,A | Army Condition-Based Maintenance | 2,400,000 | | Feinstein |
| OM,A | Army Conservation and Ecosystem Management | 4,000,000 | | Inouye |
| OM,A | Army Force Generation Synchronization Tool (AST) | 2,000,000 | Dent, Dingell | Specter, Stabenow |
| OM,A | Army Manufacturing Technical Assistance Production Program (MTAPP) | 1,600,000 | Miller (MI), Markey | |
| OM,A | Army/Marine Corps Interoperability at Echelons above the Brigade | 2,400,000 | Rahall | |
| OM,A | Biometrics Operations Directorate Transition | 2,000,000 | | Byrd |
| OM,A | Common Logistics Operating Environment (CLOE) System | 1,200,000 | Moran (VA) | |
| OM,A | Electronic Records Management Pilot Program | 1,200,000 | Capito | Casey, Lieberman |
| OM,A | Family Support for the 1/25th and 4/25th | 4,000,000 | | Stevens |
| OM,A | Fort Hood Training Lands Restoration and Maintenance | 2,800,000 | Carter, Edwards (TX) | |
| OM,A | Human Resource Command Training | 2,000,000 | | Bunning |
| OM,A | Joint National Training Capability—Red Flag/ Northern Edge Training Range Enhancements | 14,700,000 | | Stevens |
| OM,A | Ladd Field Paving | 2,500,000 | | Stevens |
| OM,A | Lightweight Ballistic Maxillofacial Protection System | 3,500,000 | | Craig, Crapo, Nelson (FL) |
| OM,A | Light-weight Tactical Utility Vehicles | 3,200,000 | Petri, McIntyre | |
| OM,A | M24 Sniper Weapons System Upgrade | 3,200,000 | Arcuri | Schumer |
| OM,A | Modular Command Post Tent | 3,000,000 | Rogers (KY) | |
| OM,A | Nanotechnology Corrosion Support | 800,000 | Rahall | |
| OM,A | Net Centric Decision Support Environment Sense and Respond Logistics | 3,200,000 | Bishop (GA) | |
| OM,A | Operational/Technical Training Validation Testbed | 2,400,000 | Reyes | |
| OM,A | Rock Island Arsenal, Building #299 Roof Removal and Replacement, Phase III | 5,000,000 | Braley, Hare | Durbin, Grassley, Harkin |
| OM,A | Roof Removal and Replacement at Fort Stewart, GA | 2,160,000 | Kingston | |
| OM,A | Sawfly Laser Protective Lenses | 3,000,000 | | Leahy |
| OM,A | Soldier Barracks Roof Removal and Replacement at Fort Knox, Kentucky | 2,320,000 | Lewis (KY) | Bunning |
| OM,A | Stryker Situation Awareness Soldier Protection Package | 2,000,000 | Smith (WA) | |
| OM,A | Subterranean Infrastructure Security Demonstration Program | 1,600,000 | Kaptur | |
| OM,A | Training Area Restoration | 5,500,000 | | Stevens |
| OM,A | TranSim Driver's Training at Fort Stewart | 4,000,000 | Kingston | |
| OM,A | TranSim Driver's Training Program | 1,200,000 | Matheson, Bishop (UT) | |
| OM,A | Tricon and Quadcon Shipping Containers | 1,200,000 | Brown (SC) | Graham |
| OM,A | UAS Center of Excellence | 2,400,000 | | Sessions |
| OM,A | UH-60 Leak Proof Transmission Drip Pans | 2,000,000 | Rogers (KY) | |
| OM,A | United States Army Sergeants Major Academy Lecture Center Audio-Visual expansion and upgrade | 520,000 | Reyes | |
| OM,A | US Army Alaska Bandwidth Shortfalls | 3,000,000 | | Stevens |
| OM,A | US Army Alaska Critical Communications Infrastructure | 1,300,000 | | Stevens |
| OM,A | WMD Civil Support Team for Florida | 300,000 | Young (FL) | |
| OM,AF | 11th Air Force Consolidated Command Center | 10,000,000 | | Stevens |
| OM,AF | 11th Air Force Critical Communications Infrastructure | 3,200,000 | | Stevens |
| OM,AF | Advanced Ultrasonic Inspection of Aging Aircraft Structures | 1,250,000 | Cole | Inhofe |
| OM,AF | Aircrew Life Support Equipment RFID Initiative | 800,000 | Costello | Durbin |
| OM,AF | Alaska Civil Air Patrol Strategic Upgrades and Training | 800,000 | Young (AK) | Stevens |
| OM,AF | Alaska Land Mobile Radio | 2,900,000 | | Stevens |
| OM,AF | Alaskan NORAD Region Communications Survivability and Diversity | 3,800,000 | | Stevens |
| OM,AF | ANG Munitions Security Fence | 800,000 | Eshoo | |
| OM,AF | Barry M. Goldwater Range Upgrades | 800,000 | Pastor, Grijalva | |
| OM,AF | Brown Tree Snake Control and Invasive Species Management at Andersen Air Force Base, Guam | 400,000 | Bordallo | |
| OM,AF | C-17 Assault Landing Zone | 16,000,000 | | Stevens |
| OM,AF | Center for Space and Defense Studies | 600,000 | | Allard |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| OM,AF | Civil Air Patrol | 1,360,000 | | Bennett, Biden, Brownback, Byrd, Cardin, Carper, Harkin, Hatch, Snowe |
| OM,AF | Combined Mishap Reduction System | 1,600,000 | Frank | Kennedy, Kerry, Reed |
| OM,AF | Defense Critical Languages and Cultures Initiative—Angelo State University | 2,400,000 | | Hutchison |
| OM,AF | Demonstration Project for Contractors Employing Persons with Disabilities | 2,400,000 | Tiahrt | |
| OM,AF | Department of Defense Wage Issues Modification for USFORAZORES Portuguese National Employees | 240,000 | Frank | |
| OM,AF | Diversity Recruitment for Air Force Academy | 440,000 | Becerra | |
| OM,AF | Eielson Air Force Base Coal-to-Liquid Initiative | 5,000,000 | | Stevens |
| OM,AF | Eielson Utilidors | 9,000,000 | | Stevens |
| OM,AF | Electrical Distribution Upgrade at Hickam | 8,500,000 | | Akaka, Inouye |
| OM,AF | Engine Health Management Plus Data Repository Center | 3,000,000 | Murtha | |
| OM,AF | Engineering Training and Knowledge Preservation System | 1,600,000 | Davis (KY) | |
| OM,AF | Expert Knowledge Transfer | 1,600,000 | Gonzalez | |
| OM,AF | Joint National Training Capability—Red Flag/ Northern Edge Training Range Enhancements | 8,600,000 | | Stevens |
| OM,AF | Joint National Training Capability-Red Flag/ Northern Edge Pacific Alaska Range Complex Environmental Assessment | 3,300,000 | | Stevens |
| OM,AF | Land Mobile Radios (LMR) | 1,600,000 | | Reid |
| OM,AF | MacDill AFB Online Technology Program | 1,600,000 | Castor | |
| OM,AF | Military Legal Assistance Clinic | 800,000 | | Brown |
| OM,AF | Military Medical Training and Disaster Response Program for Luke Air Force Base | 1,600,000 | Mitchell | |
| OM,AF | Minority Aviation Training | 3,200,000 | Meek | |
| OM,AF | Mission Critical Power System Reliability Surveys | 1,200,000 | Davis (CA), Price (NC) | Shelby, Specter, Voinovich |
| OM,AF | National Center for Integrated Civilian-Military Domestic Disaster (Yale New Haven Health Systems) | 3,200,000 | DeLauro | |
| OM,AF | National Security Space Institute | 2,800,000 | | Allard |
| OM,AF | Online Technology Training Program at Nellis Air Force Base | 2,000,000 | Porter | |
| OM,AF | Program to Increase Minority Contracting in Defense (PIMCID) | 5,600,000 | Fattah | |
| OM,AF | Revitalize Buckley AFB Small Arms Training Range | 784,000 | | Salazar |
| OM,AF | USAF Engine Trailer Life Extension Program | 2,400,000 | | Reid |
| OM,AFR | 931st ARG Manning | 4,000,000 | Tiahrt | |
| OM,ANG | 129th Air Rescue Wing Security Towers | 200,000 | Eshoo | |
| OM,ANG | Active Noise Reduction Headsets | 800,000 | Blumenauer, DeFazio, Hooley, Wu | Smith, Wyden |
| OM,ANG | Atlantic Thunder Quarterly Joint Training Events at the Air National Guard Savannah Combat Readiness Training Center | 400,000 | Kingston | |
| OM,ANG | Controlled Humidity Protection (CHP) | 1,600,000 | Clyburn | Graham |
| OM,ANG | Crypto-Linguist/Intelligence Officer Initiative | 640,000 | | Hagel, Nelson (NE) |
| OM,ANG | DART (DCGS Analysis and Reporting Team) | 2,400,000 | | Voinovich |
| OM,ANG | Joint Interagency Training and Education Center | 150,000 | | Byrd |
| OM,ANG | MBU 20/P Oxygen Mask with Mask Light | 800,000 | Dreier | |
| OM,ANG | National Guard and First Responder Resiliency Training | 1,200,000 | | Brownback |
| OM,ANG | Scathe View | 400,000 | | Reid |
| OM,ANG | Smoky Hill Range Access Road Improvements | 1,600,000 | Moran (KS) | |
| OM,ANG | Smoky Hill Range Equipment | 1,600,000 | Moran (KS) | Brownback |
| OM,ANG | Squadron Operations Facility Repair—Phase I | 2,200,000 | | Brownback |
| OM,ANG | UAV Technology Evaluation Program | 3,000,000 | | Brownback |
| OM,ANG | Unmanned Aerial System Mission Planning | 400,000 | | Brownback |
| OM,ANG | Vehicle Fuel Catalyst Retrofit | 800,000 | Shays | |
| OM,ANG | Weapons Vaults Upgrade | 200,000 | Eshoo | |
| OM,AR | Aviation Support Facilities Expansion Program, Clearwater, FL | 1,600,000 | Young (FL) | |
| OM,ARNG | 2nd Generation Extended Cold Weather Clothing System (ECWCS) | 3,200,000 | Castle | Biden, Carper, Mikulski, Reed |
| OM,ARNG | Advanced Law Enforcement Rapid Response Training (ALERRT) | 1,600,000 | Doggett | |
| OM,ARNG | Advanced Starting Systems | 400,000 | Lewis (CA) | |
| OM,ARNG | Advanced Trauma Training Course for the Illinois Army National Guard | 2,400,000 | LaHood, Davis (IL) | |
| OM,ARNG | Army National Guard Battery Modernization Program | 2,400,000 | | Bond |
| OM,ARNG | Border Joint Operations Emergency Preparedness Center | 1,200,000 | Cuellar | |
| OM,ARNG | Colorado National Guard Reintegration Program | 1,000,000 | | Salazar |
| OM,ARNG | Columbia Regional Geospatial Service Center System | 4,000,000 | | Hutchison |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| OM,ARNG | Emergency Satellite Communications Packages (JISCC) | 2,800,000 | Granger | Cornyn |
| OM,ARNG | Expandable Light Air Mobility Shelters (ELAMS) and Contingency Response Communications System (CRCS) | 4,000,000 | | Durbin, Stabenow |
| OM,ARNG | Exportable Combat Training Capability | 3,500,000 | Clyburn | |
| OM,ARNG | Family Assistance Centers | 1,600,000 | Shuler, Hayes, McIntyre, Miller (NC), Price (NC), Watt | |
| OM,ARNG | Family Support Regional Training Pilot Program | 1,520,000 | | Gregg, Sununu |
| OM,ARNG | Homeland Operations Planning System (HOPS) | 2,800,000 | Tauscher, McNerney | |
| OM,ARNG | Integrated Communications for Georgia National Guard Support for Civil Authorities | 1,600,000 | Kingston | Isakson |
| OM,ARNG | Jersey City Armory Dining Support Service Rehabilitation Project | 400,000 | Sires | |
| OM,ARNG | Joint Forces Orientation Distance Learning | 2,400,000 | Murtha | |
| OM,ARNG | Joint Interagency Training and Education Center | 5,600,000 | | Byrd |
| OM,ARNG | Minnesota Beyond Yellow Ribbon Reintegration Program | 2,000,000 | Ellison, McCollum, Oberstar, Peterson (MN), Ramstad, Walz | Coleman, Klobuchar |
| OM,ARNG | MK 19 Crew Served Weapons Systems Trainer (Engagement Skills Trainer 2000) | 328,000 | Granger | |
| OM,ARNG | Mobile Firearms Simulator and Facility Improvements | 800,000 | Cuellar | |
| OM,ARNG | National Guard CST/CERFP Sustainment Training and Evaluation Program (STEP) | 800,000 | Dicks, Hastings (WA) | Murray |
| OM,ARNG | National Guard Global Education Program | 400,000 | Rothman | Lautenberg, Menendez |
| OM,ARNG | Non-foam, Special Polymer Twin Hemisphere Pad Sets for Personnel Armor System for Ground Troops (PASGT) Helmet Retrofit Kits | 1,280,000 | Tancredo | Bayh |
| OM,ARNG | Pennsylvania National Guard Integration of the Joint CONUS Communications Support Environment (JCCSE) | 2,000,000 | | Casey |
| OM,ARNG | Rapid Data Management System (RDMS) | 5,000,000 | Shea-Porter | Collins, Gregg |
| OM,ARNG | Rescue Hooks/Strap Cutters | 800,000 | Hooley, Blumenauer, Wu | Smith, Wyden |
| OM,ARNG | Spray Technique Analysis and Research for Defense (STAR4D) | 1,760,000 | Braley | Grassley, Harkin |
| OM,ARNG | Vermont Army National Guard Mobile Back-Up Power | 800,000 | | Sanders |
| OM,ARNG | Vermont National Guard Readiness Equipment | 792,000 | Welch | |
| OM,ARNG | Vermont Service Member, Veteran, and Family Member Outreach, Readiness, and Reintegration Program | 3,200,000 | | Leahy, Sanders |
| OM,ARNG | Weapons Skills Trainer | 3,000,000 | Keller, Stearns, Brown (FL) | Nelson (FL) |
| OM,ARNG | WMD—Civil Support Team for Florida | 2,300,000 | Young (FL) | |
| OM,ARNG | WMD—Civil Support Team for New York | 1,024,000 | Fossella, Bishop (NY), Clarke, Gillibrand, Hall (NY), King (NY), Maloney, McCarthy (NY) | |
| OM,ARNG | Yellow Ribbon—Alaska National Guard | 500,000 | | Stevens |
| OM,DW | Aircraft Logging and Event Recording for Training and Safety (ALERTS) | 1,600,000 | Pomeroy | Conrad, Dorgan |
| OM,DW | ALCOM Child Care Support for Deployed Forces | 2,000,000 | | Stevens |
| OM,DW | Camp Carroll Challenge Infrastructure Improvements | 3,000,000 | | Stevens |
| OM,DW | Clinic for Legal Assistance to Servicemembers | 400,000 | Moran (VA) | |
| OM,DW | Critical Language Training, SDSU | 1,600,000 | Filner, Davis (CA) | |
| OM,DW | Defense Critical Languages and Cultures Program at University of Montana | 1,600,000 | | Baucus, Tester |
| OM,DW | Delaware Valley Continuing Education Initiative for National Guard and Reserve | 800,000 | Schwartz; Gerlach; Murphy, Patrick | Lautenberg, Menendez, Specter |
| OM,DW | East Asian Security Studies Program | 800,000 | Sánchez, Linda | |
| OM,DW | Former MARCH AFB Building Demo -- NE Corner | 1,200,000 | Calvert | |
| OM,DW | Frankford Arsenal Environmental Assessment and Remediation | 1,600,000 | Schwartz | |
| OM,DW | Geospatial Intelligence Analysis Education | 1,000,000 | Lewis (CA) | |
| OM,DW | Hunters Point Naval Shipyard Remediation | 9,300,000 | Pelosi | Feinstein |
| OM,DW | Intermodal Marine Facility—Port of Anchorage | 10,000,000 | | Stevens |
| OM,DW | Joint Tanana Range Access | 60,000,000 | | Murkowski, Stevens |
| OM,DW | McClellan AFB Infrastructure Improvements | 2,400,000 | Matsui | Boxer |
| OM,DW | Middle East Regional Security Program | 2,800,000 | Berman | |
| OM,DW | Military Intelligence Service Historic Learning Center | 1,000,000 | Pelosi, Honda | Akaka |
| OM,DW | Norton AFB (New and Existing Infrastructure Improvements) | 4,800,000 | Lewis (CA) | |
| OM,DW | Phase II of Stabilization/Repair of MOTBY Ship Repair Facility | 6,800,000 | Sires | Lautenberg, Menendez |
| OM,DW | Phased Redeployment Study | 2,400,000 | | Kennedy |
| OM,DW | Restoration of Centerville Beach Naval Facility | 6,400,000 | Thompson (CA) | |
| OM,DW | SOCOM Enterprise-wide Data and Knowledge Management System | 800,000 | Young (FL) | |
| OM,DW | Soldier Center at Patriot Park, Ft. Benning | 4,800,000 | Bishop (GA) | |
| OM,DW | Special Operations Forces Modular Glove System | 800,000 | Dicks, Baird, McDermott | |
| OM,DW | Strategic Language Initiative | 1,600,000 | Royce, Lofgren, Richardson, Tauscher, Watson | Boxer |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| OM,DW | Thorium/Magnesium Excavation—Blue Island | 1,200,000 | Jackson | |
| OM,DW | Translation and Interpretation Skills for DoD | 1,600,000 | Farr | |
| OM,DW | Troops to Pilots Demonstration Project | 2,500,000 | | Stevens |
| OM,DW | Web-based Adaptive Diagnostic Assessment for Students (WADAS) | 2,000,000 | Visclosky | |
| OM,MC | Acclimate Flame Resistant High Performance Base Layers | 1,600,000 | Hayes | Dole |
| OM,MC | Advanced Load Bearing Equipment | 1,600,000 | | Reed |
| OM,MC | Cold Weather Layering System (CWLS) | 2,400,000 | Walberg, Hodes, Rogers (MI), Shea-Porter, Tsongas | Kennedy, Kerry, Stabenow |
| OM,MC | Combat Desert Jacket | 4,000,000 | Castle, Cummings | Biden, Carper, Mikulski |
| OM,MC | Lightweight Maintenance Enclosure | 1,200,000 | Davis, Lincoln | |
| OM,MC | Rapid Deployable Shelters (RDS) or Modular General Purpose Tent System (MGPTS) Type III | 1,600,000 | Hinchey | Schumer |
| OM,MC | Telecom Upgrade to MCBH | 3,600,000 | | Inouye |
| OM,MC | Ultra Lightweight Camouflage Net System (ULCANS) | 2,400,000 | Etheridge | Burr |
| OM,MC | US Marine Corps Installation Access Enterprise Solution Project | 800,000 | | Smith, Wyden |
| OM,N | Advanced Technical Information Supports System | 760,000 | Rahall | |
| OM,N | Brown Tree Snake Control and Interdiction on Guam | 840,000 | Hirono | |
| OM,N | Center for Defense Technology and Education for the Military Services | 5,600,000 | Farr | |
| OM,N | Continuing Education Distance Learning at Military Installations | 1,200,000 | Brown-Waite | |
| OM,N | CPI-Metamorphose/i3 Technical Data Conversion and Support | 2,400,000 | | Baucus |
| OM,N | Digitization, Integration, and Analyst Access of Investigative Files, Naval Criminal Investigative Services | 4,800,000 | | Byrd |
| OM,N | Diversity Recruitment for Naval Academy | 446,000 | Becerra | |
| OM,N | Energy Education Accreditation for Military Personnel | 400,000 | | Conrad, Dorgan |
| OM,N | Institute for Threat Reduction and Response FCCJ | 1,200,000 | Brown (FL) | |
| OM,N | Joint Electronic Warfare Training and Tactics Development | 2,000,000 | Larsen | Murray |
| OM,N | Mark 75 Maintenance Facility Support and Upgrade | 1,600,000 | Brady (PA), Sestak | Specter |
| OM,N | Mk 45 Mod 5 Gun Depot Overhauls | 9,000,000 | | McConnell |
| OM,N | Mobile Distance Learning for Military Personnel | 800,000 | Young (FL) | |
| OM,N | Modernization/Restoration of Naval Air Station Key West Facilities and Infrastructure | 4,800,000 | Ros-Lehtinen | |
| OM,N | Navy Shore Readiness Integration | 3,200,000 | Dicks | |
| OM,N | Partnership for the Maintenance of Trauma and Readiness Surgery Skills | 760,000 | Costa | |
| OM,N | Personnel Armor System for Ground Troops (PASGT) Helmet Retrofit Kits to Sustain Navy IPE Pool | 1,120,000 | Tancredo | Allard, Bond |
| OM,N | PMRF Flood Control | 2,500,000 | | Inouye |
| OM,N | Puget Sound Navy Museum | 1,280,000 | Dicks | |
| OM,N | SPAWAR Systems Center | 800,000 | | Landrieu, Vitter |
| OM,N | Sustainable Maintenance and Repair Technologies for Aircraft Composites | 800,000 | Crenshaw | |
| OM,N | U.S. Navy Mobile Condition Assessment System Pilot for Commander, Navy Region Mid-Atlantic (CNRMA) | 1,000,000 | Gerlach | |
| OM,N | Wireless Pierside Connection System | 1,600,000 | Crenshaw | |
| OP,A | 1/25th SIB Range (ATREP) | 7,000,000 | | Stevens |
| OP,A | Advanced Field Artillery Tactical Data Systems (AFATDS) | 1,600,000 | | Lincoln, Pryor |
| OP,A | Aircraft Landing System | 800,000 | | Klobuchar |
| OP,A | All Terrain Ultra Tactical Vehicles | 2,400,000 | Peterson (MN), Herseth Sandlin, Oberstar, Obey | Coleman, Harkin, Klobuchar |
| OP,A | AN/PSQ-23 Small Tactical Optical Rifle Mounted Micro-Laser Range Finder | 1,200,000 | | Gregg, Sununu |
| OP,A | AN/TSC-156 Phoenix TSST Mobile Satellite Communication Terminals (for Delaware Army National Guard) | 4,000,000 | Castle | Biden, Carper |
| OP,A | Army Aviation—Automatic Identification Technology Life Cycle Asset | 2,000,000 | | Shelby |
| OP,A | Army Field Artillery Tactical Data Systems Software for the Kentucky Army National Guard | 2,400,000 | Chandler | |
| OP,A | Ballistic Protection for Remote Forward Operating Bases | 1,600,000 | Allen, Michaud | Collins, Salazar, Snowe |
| OP,A | Battlefield Anti-Intrusion System (BAIS) | 2,400,000 | Saxton, Andrews, LoBiondo | |
| OP,A | Call For Fire Trainer (CFFT) for the Army National Guard | 3,200,000 | Holden | Casey |
| OP,A | Call For Fire Trainer II (CFFT II) / Joint Fires and Effects Trainer System | 4,500,000 | Cole | Inhofe |
| OP,A | Camp Ripley Minnesota Training Center Aircraft Rescue Fighter (AARF) Vehicles | 1,200,000 | Oberstar | Klobuchar |
| OP,A | Combat Arms Training Systems (FATS upgrade) | 1,600,000 | | Chambliss, Isakson |
| OP,A | Combat Skills Marksmanship Trainer for the Army National Guard | 4,000,000 | Kingston, Gingrey | |
| OP,A | Combat Skills Simulation Systems, Ohio Army National Guard | 3,720,000 | Space, Ryan (OH) | |
| OP,A | Combined Arms Virtual Trainer for the TN ARNG | 4,000,000 | | Corker |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| OP,A | Critical Army Systems Cyber Attack Technology (CASCAT) | 1,200,000 | Visclosky | |
| OP,A | Defense Advanced GPS Receiver (DAGR) | 2,000,000 | Loebsack, Boswell, Braley, King (IA) | Grassley, Harkin, Inhofe |
| OP,A | Deployable, Mobile Digital Target System for Armor and Infantry, TN ARNG | 450,000 | Tanner | Alexander |
| OP,A | Detonation Suppression System | 4,000,000 | | Landrieu, Vitter |
| OP,A | Embedded GPS Receivers for the North Carolina ARNG | 800,000 | | Dole |
| OP,A | Engagement Skill Trainer 2000 for TN ARNG | 800,000 | | Alexander |
| OP,A | Fido Explosive Detector | 3,000,000 | | Inhofe |
| OP,A | Fire Suppression Panels | 2,500,000 | | Brownback |
| OP,A | Flextrain Exportable Combat Training Capability (XCTC) | 800,000 | Whitfield, Boswell, Rodriguez, Thompson (CA) | Crapo |
| OP,A | Fuel Tank Passive Fire Suppression Mod Kit | 800,000 | Mitchell | |
| OP,A | Future Combat Support Hospital | 3,200,000 | Boozman | Lincoln, Pryor |
| OP,A | Future Medical Shelter System (FMSS) | 2,400,000 | Welch | Dodd, Lautenberg, Leahy, Lieberman, Menendez |
| OP,A | Ground Guidance for Army Movement Tracking System | 800,000 | | Coleman, Klobuchar |
| OP,A | HMMWV Restraint System Upgrades | 3,200,000 | Young (FL) | |
| OP,A | I-HITS for Montana Joint Training | 3,000,000 | | Baucus |
| OP,A | Immersive Group Simulation Virtual Training System for HI ARNG | 1,200,000 | | Akaka |
| OP,A | Information Technology Upgrades at the Detroit Arsenal | 2,000,000 | | Levin |
| OP,A | Instrumentation for Urban Assault Course—TN ARNG | 1,400,000 | Tanner | Alexander |
| OP,A | Interoperable Radios for Texas ARNG Disaster Response | 800,000 | Conaway | |
| OP,A | Joint Incident Scene Communication Capability | 2,000,000 | Conaway | |
| OP,A | Laser Collective Combat Advanced Training System | 3,200,000 | Ruppersberger | Reed |
| OP,A | Laser Marksmanship Training System (LMTS) | 3,200,000 | Kennedy | |
| OP,A | Life Support for Trauma and Transport (LSTAT) | 2,400,000 | Richardson, Reyes | |
| OP,A | Lightweight Maintenance Enclosure (LME) | 4,320,000 | Davis, Lincoln | Alexander |
| OP,A | Maritime Domain Awareness Sensors and Software | 2,400,000 | Murphy, Patrick | |
| OP,A | Minnesota Army National Guard Armory Emergency Response Generators | 704,000 | Walz, Oberstar, Peterson (MN) | Klobuchar |
| OP,A | Minnesota Helicopter Civil Band Radio Communication System | 1,300,000 | Walz, Oberstar, Peterson (MN) | Klobuchar |
| OP,A | Minnesota Satellite Multi-Modal Collabortive Crisis and Training Network | 2,224,000 | Oberstar, Peterson (MN), Walz | Coleman, Klobuchar |
| OP,A | Mobile Virtual Training Capability (MVTC) | 2,500,000 | Keller | |
| OP,A | MQ-5B Hunter UAV | 5,000,000 | Pickering | Cochran, Wicker |
| OP,A | Multi-Temperature Refrigerated Container System | 2,400,000 | Davis (KY) | |
| OP,A | Muscatatuck Urban Training Center (MUTC) Instrumentation | 2,400,000 | Ellsworth, Hill, Shuler | Bayh, Lugar |
| OP,A | New Combat Helmet | 2,400,000 | | Leahy |
| OP,A | Radio Personality Modules for SINCGARS Test Sets | 2,400,000 | Tiahrt | Roberts |
| OP,A | Remote Activation Munitions System (MI-RAMS) | 2,800,000 | Lewis (CA) | |
| OP,A | Retrofit 30th HBCT radios with Embedded SAAMS card | 800,000 | McIntyre, Hayes | |
| OP,A | Selective Availability Anti-Spoofing Module (SAASM) Precise Positioning Service (PPS) GPS | 1,600,000 | Souder, Gallegly | Bayh, Lugar |
| OP,A | SHERPA Interoperable Deployable Communications System | 2,000,000 | Melancon | |
| OP,A | Specialized Reconnaissance Assault Transport System (SRATS) | 6,000,000 | Hobson | |
| OP,A | Texas Army National Guard Future Soldier Trainer Program | 2,400,000 | Lampson | |
| OP,A | Virtual Interactive Combat Environment for NJ ARNG | 4,000,000 | Holt, Saxton | Lautenberg, Menendez |
| OP,A | Warrior Block 0 Sensor Upgrade | 1,600,000 | McKeon | |
| OP,A | Wideband Imagery Dissemination System for the ARNG | 3,000,000 | | Cochran |
| OP,AF | Air Force Plant 4 (AFP 4) Physical Security Enhancements | 2,072,000 | Granger | |
| OP,AF | Alaskan NORAD Region Communications Survivability and Diversity | 700,000 | | Stevens |
| OP,AF | ANG-Combat Communications on the Move | 1,600,000 | Hunter | |
| OP,AF | Base Low-cost Integrated Surveillance System | 4,000,000 | | Conrad, Dorgan |
| OP,AF | Camp Ripley, Minnesota Aircraft Landing System | 760,000 | Oberstar | |
| OP,AF | Force Protection Surveillance System | 2,000,000 | Sanchez, Loretta | |
| OP,AF | Halvorsen Loader | 1,600,000 | Keller | Wicker |
| OP,AF | Hawaii ANG Eagle Vision One-Meter SAR and Communications Upgrades | 3,500,000 | Abercrombie | Akaka |
| OP,AF | Information Modernization for Processing with Advanced Coating Technologies (IMPACT) | 1,600,000 | Kingston, Marshall | |
| OP,AF | Joint National Training Capability-Red Flag/ Northern Edge Training Range Enhancements | 8,000,000 | | Stevens |
| OP,AF | Laser Marksmanship Training System (LMTS) | 2,400,000 | | Mikulski |
| OP,AF | Life Support Radio Test Sets for the Air National Guard | 1,000,000 | Tiahrt | Brownback |
| OP,AF | MacDill AFB Waterside Security System | 1,000,000 | Young (FL) | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| OP,AF | Nanotechnology Equipment for Laboratoriesμ | 800,000 | | Salazar |
| OP,AF | NORAD and USNORTHCOM Interoperable Communications | 3,000,000 | | Salazar |
| OP,AF | Observations Systems for the 21st Century | 3,000,000 | McDermott | Murray |
| OP,AF | Revitalize Buckley AFB Small Arms Training Range | 816,000 | | Salazar |
| OP,AF | ROVER Combat Operations Support | 2,400,000 | Matheson, Bishop (UT) | Hatch |
| OP,AF | Science, Engineering, and Laboratory Data Integration (SELDI) | 800,000 | Bishop (UT) | Bennett, Hatch |
| OP,AF | Secure Network Infrastructure—Toledo ANG | 800,000 | Kaptur | |
| OP,AF | Tactical Air Control Extreme Shelter Program | 2,400,000 | Salazar | Bingaman, Domenici, Salazar |
| OP,AF | Unmanned Threat Emitter (UMTE) Modernization | 4,000,000 | Berkley, Higgins, Renzi | Reid, Schumer |
| OP,N | 66 foot Coastal Command Boat (CCB) | 5,000,000 | Dicks | Cantwell, Murray |
| OP,N | Advanced Ground Target Threat Simulators | 1,280,000 | Gallegly | |
| OP,N | Advanced Maintenance and Environmental Monitoring Technologies for Public Shipyards | 2,400,000 | Shea-Porter | |
| OP,N | Advanced Mission Extender Device Kits | 2,000,000 | | Leahy |
| OP,N | Aegis Land Based Test Site Upgrades | 4,000,000 | Miller, Gary | |
| OP,N | Airborne Laser Mine Detection System | 2,400,000 | Weldon | |
| OP,N | AN/SPQ-9B Surface Ship Radar | 4,300,000 | Ackerman, Bishop (NY), Israel, McCarthy (NY) | Schumer |
| OP,N | AN/WSN-7 Fiber Optic Gyro System Upgrades | 3,000,000 | Goode | Warner, Webb |
| OP,N | Canned Lube Pumps for LSD-41/49 Ships | 2,000,000 | Myrick, Hayes | Dole |
| OP,N | Communications Data Link System for Capital Ships | 1,600,000 | Hunter | |
| OP,N | Condition-Based Inspection Technologies for Propulsion Equipment | 800,000 | Walsh | |
| OP,N | CVN Propeller Replacement Program | 5,000,000 | Taylor | Cochran, Wicker |
| OP,N | Enhanced Detection Adjunct Processor | 3,200,000 | Kaptur | |
| OP,N | Gateway System | 4,800,000 | Mica | |
| OP,N | High Performance Computing Capability | 800,000 | Hunter | |
| OP,N | High Speed Aluminum Towable Boat Lifts | 4,000,000 | | Cantwell, Murray |
| OP,N | Integrated Voice Communications System for the SSN-688I | 3,000,000 | | Lautenberg, Menendez |
| OP,N | Jet Fuel (JP-5) Electric Valve Operators | 2,400,000 | King (NY), Bishop (NY), Israel, McCarthy (NY) | Schumer |
| OP,N | LSD Main Propulsion Diesel Engine Upgrade | 4,800,000 | | Kohl |
| OP,N | LSD-41/49 Diesel Engine Low Load Upgrade Kit | 1,600,000 | Baldwin | Kohl |
| OP,N | Man Overboard Identification (MOBI) System | 2,800,000 | Visclosky, Davis (CA) | Akaka, Bayh, Warner, Webb |
| OP,N | MCM-1 Class Combat System Upgrades/Acoustic Generators | 1,000,000 | Boyd | |
| OP,N | Multi Climate Protection System | 2,000,000 | Tsongas, Hodes, Olver, Rogers (MI), Shea-Porter, Walberg | Kennedy, Kerry, Stabenow |
| OP,N | NIROP Industrial Facilities Materials Staging Area | 3,200,000 | Mollohan | |
| OP,N | PHNSY Upgrades | 4,000,000 | | Inouye |
| OP,N | Remote Monitoring and Troubleshooting Project | 2,500,000 | | Shelby |
| OP,N | Shipboard Network Protection System | 1,600,000 | Moran (VA) | |
| OP,N | Standardized Metrics Assessment of Readiness Training | 3,500,000 | Kennedy | Reed |
| OP,N | Virtual Perimeter Monitoring System | 2,400,000 | | Mikulski |
| P,DW | Electronic Warfare Simulator | 2,400,000 | Holt | |
| P,DW | Expansion of the Mobile Forensic Laboratories and Forensic Technical Assistance and Training Support Center of Excellence | 3,200,000 | Young (FL) | |
| P,DW | Final-E-Curfew,Mid Range Radio Frequency Operations | 1,600,000 | Weldon | |
| P,DW | Joint Biological Standoff Detection System | 4,000,000 | | Shelby |
| P,DW | Joint Chemical Agent Detector | 4,000,000 | Bartlett, Herseth Sandlin, Ruppersberger | Mikulski |
| P,DW | LA-5/PEQ Integrated Small Arms Illuminator | 1,200,000 | | Gregg |
| P,DW | M53 Individual Protective Mask | 1,600,000 | | Levin |
| P,DW | Mission Helmet Recording System | 2,400,000 | | Gregg, Sununu |
| P,DW | MK47 Mod 0 Advanced Lightweight Grenade Launcher | 3,600,000 | | Collins, Snowe |
| P,DW | Multi-Band Multi-Mission Radio (MBMMR) | 1,600,000 | Souder, Castor, Young (FL) | |
| P,DW | Reactive Skin Decontamination Lotion | 3,280,000 | | Cochran |
| P,DW | Simple Imagery Access with FalconView | 400,000 | Moran (VA) | |
| P,DW | Small Arms Training Ranges | 2,000,000 | | Ensign, Reid |
| P,DW | SOF Combat Assault Rifle | 3,000,000 | | Graham |
| P,DW | SOVAS Hand Held Imager/Long Range | 2,400,000 | | Kennedy, Kerry |
| P,DW | SOVAS Handheld Imager/Pocket | 2,500,000 | | Gregg, Sununu |
| P,DW | Special Operations Craft-Riverine | 2,880,000 | Taylor | Cochran, Wicker |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| P,MC | 2kW MTG Diesel Generator Rapid Replenishment | 800,000 | Garrett, Pascrell, Rothman | Lautenberg, Menendez |
| P,MC | Combat Casualty Care Equipment Upgrade Program | 3,200,000 | Spratt, Barrett | Graham |
| P,MC | Combat Tactical Support Trailer | 2,200,000 | Murtha | |
| P,MC | IP Distribution Box and Category 5E Cable Upgrades for Improved Combat Operations Communications | 2,500,000 | Graves | Bond |
| P,MC | Nitrile Rubber Collapsible Storage Units | 1,200,000 | Taylor | Cochran |
| P,MC | On Board Vehicle Power Kits for MTVR | 10,000,000 | | Kohl |
| P,MC | Performance Enhancements for Information Assurance and Information Systems | 6,400,000 | | Cochran, Wicker |
| P,MC | Portable Armored Wall System for VCP | 800,000 | Sestak | |
| P,MC | Sniper Training System (STS) | 3,600,000 | Maloney | |
| P,MC | Tactical Video Capture System | 3,200,000 | Lewis (CA) | |
| PA,A | 60mm Mortar, All Types | 1,600,000 | Ross | Lincoln, Pryor |
| PA,A | Ammunition Production Base Support (Scranton AAP)—Electrical Substations Upgrade | 1,920,000 | Kanjorski, Carney | Casey, Specter |
| PA,A | Cartridge, 105mm High Explosive Plastic-Tracer, M393A3 HEP-T | 1,200,000 | Radanovich | |
| PA,A | CTG, Arty, 155mm, All Types | 1,600,000 | Ross | Lincoln, Pryor |
| PA,A | CTG, Mortar, 120mm, All Types | 1,600,000 | Ross | Lincoln, Pryor |
| PA,A | Grenade Incendiary Thermite AN-M14 | 1,600,000 | Ross | |
| PA,A | Grenades, All Types | 4,000,000 | Ross | Lincoln, Pryor |
| PA,A | Holston Army Ammunition Plant Critical Reliability Enhancement | 1,600,000 | Davis, David | |
| PA,A | M769, Mortar, Full Range Practice Cartridge | 4,000,000 | Kanjorski | Specter |
| PA,A | Rapid Wall Breaching Kit (RWBK) | 3,200,000 | Whitfield, Rogers (KY) | McConnell |
| PA,A | Small Caliber Trace Charging Facilitization Program | 1,200,000 | Shimkus, Costello, LaHood | Brownback |
| PA,A | Supercritical Water Oxidation, Bluegrass Army Depot | 1,700,000 | | Bunning |
| PA,AF | McAlester Army Ammunition Plant Bomb Line Modernization | 1,600,000 | Boren | Inhofe |
| PA,AF | PGU-14 API Armor Piercing Incendiary, 30mm Ammunition | 2,400,000 | LaHood, Costello, Obey | |
| PANMC | Grenades, All Types | 1,600,000 | | Lincoln, Pryor |
| RDTE,A | National Center of Opthamology Training and Education at Wills Eye Center | 1,000,000 | Brady (PA) | |
| RDTE,A | 101st Airborne Injury Prevention & Performance Enhancement Research Initiative | 2,000,000 | | Alexander, Corker |
| RDTE,A | 21st Century Command, Control, and Communications Technology | 640,000 | Holt | |
| RDTE,A | 3D2 Advanced Battery Technology | 4,000,000 | LaHood | Durbin |
| RDTE,A | 5.56mm Aluminum Cartridge Case, Lake City Army Ammunition Plant | 1,000,000 | Graves | Bond, Crapo |
| RDTE,A | Academic Support and Research Compliance for Knowledge Gathering | 2,000,000 | | Roberts |
| RDTE,A | Accelerated Materials Development and Characterization | 2,500,000 | Herseth Sandlin | Johnson |
| RDTE,A | Accelerating Treatment for Trauma Wounds | 1,200,000 | Stearns, Crenshaw | Nelson (FL) |
| RDTE,A | Acid Alkallne Direct Methanol Fuel Cell Technology | 2,800,000 | McIntyre, Price (NC) | |
| RDTE,A | Adaptive Infrastructure for SOF Experimentation | 2,400,000 | Hoyer | |
| RDTE,A | Adaptive Lightweight Materials for Missile Defense | 1,600,000 | | Baucus, Tester |
| RDTE,A | Advance Stand off Technologies for National Security | 1,200,000 | Boyd | Nelson (FL) |
| RDTE,A | Advanced Cargo Projectile Technology | 1,200,000 | Hastings (WA) | |
| RDTE,A | Advanced Cavitation Power Technology | 4,400,000 | | Cochran |
| RDTE,A | Advanced Cluster Energetics | 3,200,000 | Frelinghuysen, Payne | Lautenberg, Menendez |
| RDTE,A | Advanced Commercial Technology Insertion for Aviation and Missile Research, Development, and Engineering | 2,400,000 | Everett | Shelby |
| RDTE,A | Advanced Communications ECM Demo | 1,600,000 | Holt | |
| RDTE,A | Advanced Composite Armor for Force Protection | 1,600,000 | Coble | |
| RDTE,A | Advanced Composites for Light Weight, Low Cost Transportation Systems using 3+ Ring Extruder | 2,400,000 | Stupak | |
| RDTE,A | Advanced Conductivity Program (ACP) | 3,500,000 | Young (FL) | |
| RDTE,A | Advanced Corrosion Protection for Military Vehicles | 2,400,000 | | Kohl |
| RDTE,A | Advanced Demining Technology | 5,900,000 | | Leahy |
| RDTE,A | Advanced Detection of Explosives (ADE) | 2,400,000 | Young (FL) | |
| RDTE,A | Advanced Digital Hydraulic Hybrid Drive System | 2,000,000 | Upton, Ramstad | Coleman, Klobuchar, Levin, Stabenow |
| RDTE,A | Advanced Drivetrains for Enhanced Mobility and Safety | 1,600,000 | Upton, Walberg | Stabenow |
| RDTE,A | Advanced Electronics Rosebud Integration | 3,200,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Advanced Energy Storage Development for Renewable Energy Generation | 1,200,000 | Schwartz | Casey |
| RDTE,A | Advanced Environmental Control Systems | 5,500,000 | | Reid |
| RDTE,A | Advanced Fuel Cell Research Program | 3,000,000 | Poe | Cornyn, Hutchison |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Advanced Functional Nanomaterials for Biological Processes | 2,000,000 | Snyder | Lincoln, Pryor |
| RDTE,A | Advanced Fuzing Technologies | 3,600,000 | Bartlett | Byrd |
| RDTE,A | Advanced Hybrid Electric Vehicle Technologies for Fuel Efficient Blast Protected Vehicles | 1,200,000 | | Graham |
| RDTE,A | Advanced Hypersonic Weapon Technology Demonstration | 2,400,000 | Everett, Aderholt | Shelby, Wicker |
| RDTE,A | Advanced IED Jammer Research and Development Program | 2,000,000 | Honda, Holt, Lofgren | |
| RDTE,A | Advanced Lightweight Gunner Protection Kit | 1,200,000 | Altmire | |
| RDTE,A | Advanced Lightweight Multi-Functional Multi-Threat Composite Armor Technology | 2,400,000 | Rangel | Schumer |
| RDTE,A | Advanced Lithium Iron Phosphate Battery System for Army Combat Hybrid HMMWV and Other Army Vehicle Platforms | 2,000,000 | Dingell | Levin, Stabenow |
| RDTE,A | Advanced Live, Virtual, and Constructive (LVC) Training Systems | 1,600,000 | Latham | Grassley, Harkin |
| RDTE,A | Advanced Lower Limb Prostheses for Battlefield Amputees | 1,600,000 | Markey, McGovern | Kennedy, Kerry |
| RDTE,A | Advanced Magnetic Nanosensors for Defense Applications | 4,800,000 | Fortenberry | Hagel, Nelson (NE) |
| RDTE,A | Advanced Manufacture of Lightweight Components | 2,400,000 | | Kohl |
| RDTE,A | Advanced Materials and Process For Armament Structures (AMPAS) | 2,400,000 | Regula, Sutton | Brown |
| RDTE,A | Advanced Medical Multi-Missions and CASEVAC Roles (Note: VTOL man rated UAG/UGV) | 800,000 | Harman | |
| RDTE,A | Advanced Medium Caliber Tungsten Penetrators | 1,600,000 | Murphy, Tim | |
| RDTE,A | Advanced Modeling Technology for Large Structure Titanium Machining Initiative | 800,000 | Ramstad | Coleman, Klobuchar, Stabenow |
| RDTE,A | Advanced Performance Transparent Armor for Tactical Wheeled Vehicles | 1,200,000 | Altmire | |
| RDTE,A | Advanced Portable Power Institute | 1,600,000 | Gordon | Corker |
| RDTE,A | Advanced Prototyping with Non-Traditional Suppliers | 3,200,000 | Rothman | Lautenberg, Menendez |
| RDTE,A | Advanced Radar Transceiver IC Development | 800,000 | Harman, Hayes | |
| RDTE,A | Advanced Rarefaction Weapon Engineered System | 2,400,000 | Kaptur | |
| RDTE,A | Advanced Regenerative Medicine Therapies for Combat Injuries | 3,000,000 | Doyle | Casey, Specter |
| RDTE,A | Advanced Restoration Therapies in Spinal Cord Injuries | 2,000,000 | Hoyer, Ruppersberger | Cardin, Mikulski |
| RDTE,A | Advanced Soldier Portable Power Systems Technologies | 1,600,000 | | Cochran, Wicker |
| RDTE,A | Advanced Strap Down Seeker | 5,000,000 | | Gregg, Sununu |
| RDTE,A | Advanced Surface Technologies for Prosthetic Development | 1,600,000 | | Baucus, Tester |
| RDTE,A | Advanced Tactical 2KW External Combustion Power Sources for Cogeneration Applications | 2,400,000 | Hastings (WA) | Cantwell, Murray |
| RDTE,A | Advanced Tactical Fuels for the U.S. Military | 4,000,000 | | Conrad, Dorgan |
| RDTE,A | Advanced Technologies, Energy and Manufacturing Science | 5,000,000 | Frelinghuysen | |
| RDTE,A | Advanced Thermal Management System | 2,400,000 | Stupak | Levin |
| RDTE,A | Advanced Thermal Processing of Packaged Combat Rations | 1,680,000 | Gingrey | Isakson |
| RDTE,A | Advanced UV Light Diode Sensor Development | 1,600,000 | Clyburn | Graham |
| RDTE,A | Advanced Wireless Technologies | 1,200,000 | Sestak | Casey, Schumer, Specter |
| RDTE,A | Aerial Canopy MASINT System | 1,600,000 | Rogers (KY) | |
| RDTE,A | Aerial Firefighting—Precision Container Aerial Delivery System (PCADS) | 2,320,000 | Rohrabacher | |
| RDTE,A | Affordable Light-Weight metal matrix composite armor | 1,600,000 | | Reid |
| RDTE,A | Air, Space and Missile Defense Architecture Analysis Program (A3P) | 1,200,000 | Aderholt, Rogers (AL) | Sessions |
| RDTE,A | Airborne Threats | 1,500,000 | | Stevens |
| RDTE,A | Aircraft Structural Condition Monitoring (ASCM) | 1,600,000 | Cramer | |
| RDTE,A | Alliance for NanoHealth (Note: Department of Defense Military Health Enhancement) | 3,200,000 | Culberson | |
| RDTE,A | ALQ-211 Networked EW Controller | 1,600,000 | Pascrell | Lautenberg, Menendez |
| RDTE,A | Alternative Power Technology for Missile Defense | 4,000,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Angiogenesis and Tissue Engineering Research | 1,200,000 | Capuano | |
| RDTE,A | Antiballistic Windshield Armor | 3,600,000 | Donnelly, Clyburn | Bayh, Graham, Lugar |
| RDTE,A | Anti-Terror Medical Technology Program | 2,800,000 | Rothman, Pallone | Lautenberg, Menendez |
| RDTE,A | Applied Communications and Information Networking (ACIN) | 3,200,000 | Andrews, LoBiondo | Casey, Lautenberg, Menendez |
| RDTE,A | Applied Power Management Control and Integration | 800,000 | | Levin, Stabenow |
| RDTE,A | Arabic Language Training Program | 960,000 | | Brownback |
| RDTE,A | Armament Systems Engineering—ASEI2 | 3,200,000 | Frelinghuysen, Sires | |
| RDTE,A | Army Applications of Direct Carbon Fuel Cells | 800,000 | Regula | |
| RDTE,A | Army Aviation Weapon Technology | 800,000 | Aderholt, Rogers (AL) | Shelby |
| RDTE,A | Army Center of Excellence in Acoustics | 4,400,000 | | Cochran |
| RDTE,A | Army Missile and Space Technology Initiative | 1,600,000 | Sessions | |
| RDTE,A | Army Responsive Tactical Space (ARTS) | 2,400,000 | | Cochran |
| RDTE,A | Army Responsive Tactical Space System Exerciser (ARTSSE) | 2,000,000 | Aderholt, Cramer | Sessions, Shelby |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Asymmetric Threat Response and Analysis Program (ATRAP) | 2,400,000 | Giffords | |
| RDTE,A | Automated and Portable Field System for the Rapid Detection and Diagnosis of Diseases | 1,600,000 | Kuhl | |
| RDTE,A | Automated Communications Support System for Warfighters, Intelligence Community, Linguists, and Analysts | 1,600,000 | | Chambliss, Isakson |
| RDTE,A | Automated Language and Cultural Analysis for National Security | 2,000,000 | Hoyer, Cummings, Edwards (MD), Sarbanes, Van Hollen | Cardin, Mikulski |
| RDTE,A | Automatic Aim-Point Targeting Technology with Enhanced Imaging | 2,000,000 | Weiner | |
| RDTE,A | Autonomous Cargo Acquisition for Rotorcraft Unmanned Aerial Vehicles | 2,400,000 | Cramer, Aderholt | Shelby |
| RDTE,A | Auxiliary Power Unit (APU) for the Abrams M1/A2 Tank | 2,400,000 | Sarbanes, Bartlett, Ruppersberger | Cardin, Mikulski |
| RDTE,A | Ballistic Armor Research | 3,200,000 | Dent | Specter |
| RDTE,A | Ballistic Precision Aerial Delivery System (BPADS) | 1,000,000 | Larson, Taylor | Wicker |
| RDTE,A | Base Security Systems | 1,200,000 | Rogers (MI) | Stabenow |
| RDTE,A | Battlefield Asset Recovery Decontamination System (BARDS) | 1,600,000 | Clay | |
| RDTE,A | Battlefield Connectivity | 1,600,000 | Moran (VA) | |
| RDTE,A | Battlefield Exercise and Combat Related Spinal Cord Injury Research (Miami Project) | 800,000 | Brown-Waite | |
| RDTE,A | Battlefield Nursing Program | 1,600,000 | Cohen | |
| RDTE,A | Battlefield Plastic Biodiesel | 1,600,000 | King (IA), Boswell, Latham | Grassley, Harkin |
| RDTE,A | Battlefield Research Accelerating Virtual Environments for Military Individual Neuro Disorders (BRAVEMIND) | 800,000 | Harman | Boxer |
| RDTE,A | Battlefield Tracheal Intubation | 4,200,000 | | Nelson (NE) |
| RDTE,A | Battlefield Treatment of Hemorrhagic Shock | 800,000 | Cohen | |
| RDTE,A | Behavior and Neuroscience, Fuctional Magnetic Resonance Imaging Research Project | 800,000 | Herseth Sandlin | |
| RDTE,A | Beneficial Infrastructure for Rotorcraft Risk Reduction Demonstrations | 800,000 | Sestak | |
| RDTE,A | Bio-Battery | 800,000 | Cramer | |
| RDTE,A | Biodefense Tech Transfer Initiative (BTTI) (only for militarily relevant technology) | 1,500,000 | | Cardin, Mikulski |
| RDTE,A | Bioelectrics Research for Casualty Care and Management | 1,600,000 | Scott (VA) | Warner, Webb |
| RDTE,A | Biological Air Filtering System Technology | 1,600,000 | Berry | Lincoln, Pryor |
| RDTE,A | Biological and Immunological Infectious Agent and Cancer Vaccine Research | 800,000 | Capuano | |
| RDTE,A | Biomass-to-Liquid Using Synthetic Enzymes | 2,000,000 | Visclosky | Bingaman |
| RDTE,A | Biometrics DNA Applications | 1,600,000 | | Byrd |
| RDTE,A | Biosecurity for Soldier Food Safety | 1,600,000 | | Roberts |
| RDTE,A | Biosensor, Communicator and Controller System | 5,000,000 | | Reid |
| RDTE,A | Blast Damage Assessment Risk Analysis and Mitigation Application—Enhancements (BRAMA-E) | 800,000 | Young (AK) | |
| RDTE,A | Blood Safety and Decontamination Technology | 1,600,000 | DeLauro, McDermott | Coleman |
| RDTE,A | Blood, Medical & Food Safety Via Eco-Friendly Wireless Sensing | 1,000,000 | | Coleman, Klobuchar |
| RDTE,A | BLOS Network for MASINT Sensors | 800,000 | Moran (VA) | |
| RDTE,A | Border Security and Defense Systems Research | 1,600,000 | | Hutchison |
| RDTE,A | Boston University Photonics Center | 3,200,000 | Capuano | Kennedy, Kerry |
| RDTE,A | Brain Interventional-Surgical Hybrid Initiative | 1,600,000 | Wasserman Schultz | |
| RDTE,A | Brain, Biology, and Machine Applied Research | 1,600,000 | DeFazio, Hooley, Walden, Wu | Smith, Wyden |
| RDTE,A | Brownout Sensor Visualization and Hazard Avoidance System | 800,000 | Cramer, Aderholt | Shelby |
| RDTE,A | Brownout Situational Awareness Sensor | 1,600,000 | Hunter | |
| RDTE,A | Burn and Shock Trauma Institute | 2,000,000 | | Durbin |
| RDTE,A | C4ISR Auxiliary Power Unit (APU) for Soldier Tactical Applications | 1,600,000 | Sherman | |
| RDTE,A | CAMEL—Water transport system | 800,000 | | Bond |
| RDTE,A | Cancer Prevention Through Remote Biological Sensing | 1,600,000 | Bishop (NY) | Schumer |
| RDTE,A | Capability Expansion of Spinel Transparent Armor Manufacturing | 5,120,000 | Salazar | Allard, Salazar |
| RDTE,A | Carbon Nanotube Production | 1,200,000 | | Hutchison |
| RDTE,A | Cellular Therapy for Battlefield Wounds (Phase II) | 1,600,000 | Jones (OH) | |
| RDTE,A | Cellulose Nanocomposite Panels for Enhanced Blast and Ballistic Protection | 2,400,000 | Michaud, Allen | Collins, Snowe |
| RDTE,A | Center for Advanced Energy Storage Research and Technology | 1,600,000 | | Levin, Stabenow |
| RDTE,A | Center for Advanced Vehicle Technology and Fuel Development | 800,000 | | Levin |
| RDTE,A | Center for Aerospace Human Factors Research and Innovation | 800,000 | | Conrad, Dorgan |
| RDTE,A | Center for Borane Technology | 2,000,000 | | Bond |
| RDTE,A | Center for Education in Nanoscience and Nanotechnology | 640,000 | Braley | Grassley, Harkin |
| RDTE,A | Center for Information Assurance | 800,000 | Scott (VA) | Warner, Webb |
| RDTE,A | Center for Injury Biomechanics | 3,200,000 | Boucher, Goode, Moran (VA) | Warner, Webb |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Center for Integration of Medicine and Innovative Technology | 8,000,000 | Capuano, Lynch | Kennedy, Kerry |
| RDTE,A | Center for Nanoscale Bio-sensors as a Defense against Biological Threats to America | 800,000 | Boozman, Ross | |
| RDTE,A | Center for Ophthalmic Innovation (Note: Department of Defense Military Health System Enhancement) | 2,400,000 | Diaz-Balart, Mario; Ros-Lehtinen | Nelson (FL) |
| RDTE,A | Center for Untethered Healthcare | 1,000,000 | McGovern | Kennedy, Kerry |
| RDTE,A | Center of Cardiac Surgery Robotic Computerized Telemanipulation (Note: as part of a Comprehensive Approach to Advanced Heart Care) | 1,600,000 | Brady (PA), Gerlach | |
| RDTE,A | Center of Excellence for Military Operations in Urban Terrain and Cultural Training | 3,000,000 | Crenshaw | Nelson (FL) |
| RDTE,A | Center of Excellence in Integrated Sensor Systems (CEISS) | 600,000 | Cramer | |
| RDTE,A | Center of Genetic Origins of Cancer (Note: Department of Defense Military Health System Enhancement) | 2,400,000 | Dingell | Stabenow |
| RDTE,A | Ceramic and Metal Matrix Composite (MMC) Armor Development using Ring Extruder Technology | 800,000 | Stupak | |
| RDTE,A | Ceramic Membrane Battery Systems | 1,200,000 | Schwartz | Casey, Specter |
| RDTE,A | CERDEC Airborne and Ground Wideband Digital Communications and Antenna Testbed | 1,600,000 | Smith (NJ) | |
| RDTE,A | CH-47 Chinook Helicopter: Accessory Gear Box (AGB) Improvement | 800,000 | Regula | Dodd, Lieberman, Voinovich |
| RDTE,A | CH-47 Integrated Vehicle Health Management System (IVHMS) | 3,200,000 | | Leahy |
| RDTE,A | Chemical and Biological Protective Hangars | 2,240,000 | Hulshof | |
| RDTE,A | Chemical and Biological Threat Protection Coating | 2,400,000 | Barrett | Graham |
| RDTE,A | Chronic Tinnitus Treatment Program | 1,000,000 | Dent | |
| RDTE,A | Clinical Looking Glass Project (Note: To Enhance the capabilities of Fort Drum, New York Military Health System) | 800,000 | Engel | |
| RDTE,A | Close Combat Missile Modernization (Javelin) | 3,700,000 | Brown (FL), Everett | Sessions, Shelby |
| RDTE,A | Cogeneration for Enhanced Cooling and Heating of Advanced Tactical Vehicles | 2,400,000 | | Kohl |
| RDTE,A | Co-Generation of Power and Air Conditioning | 800,000 | Shays | Dodd, Lieberman |
| RDTE,A | Cold Regions Test Center Distributed Test Coordination Cell | 1,500,000 | | Stevens |
| RDTE,A | Cold Springs Harbor Laboratory—Women's Cancer Genomics Center (Note: Department of Defense Military Health System Enhancement) | 2,800,000 | McCarthy (NY), Lowey | |
| RDTE,A | Columbia College Chicago Construct Program | 800,000 | | Durbin |
| RDTE,A | Combat Mental Health Initiative | 2,400,000 | Kaptur | |
| RDTE,A | Combat Stress Intervention Program (CSIP) | 2,400,000 | Murtha | |
| RDTE,A | Combat Vehicle Electrical Power-21st Century (CVEP-21) | 800,000 | | Bayh, Lugar |
| RDTE,A | Combat Wound Initiative at WRAMC | 1,600,000 | | Byrd, Reed |
| RDTE,A | Command and Control, Communications and Computers (C4) module | 1,200,000 | Young (AK) | |
| RDTE,A | Commercially Viable Si/C Power Semiconductors Using Superlattice Technology | 2,560,000 | Gillibrand, Maloney | Schumer |
| RDTE,A | Common Remote Stabilized Sensor System (CRS3) | 2,800,000 | Emerson | Bond |
| RDTE,A | Compact Eyesafe Tactical Laser | 1,200,000 | Grijalva | |
| RDTE,A | Compact MVCC Soldier Cooling System | 1,600,000 | Young (FL) | |
| RDTE,A | Compact Pulsed Power Initiative | 3,000,000 | Neugebauer, Conaway | Hutchison |
| RDTE,A | Compact, Day and Night CMOS Camera for Mini and Micro UAVs | 2,000,000 | Inslee | |
| RDTE,A | Complementary & Alternative Medicine Research for Military Operations & Healthcare | 5,000,000 | | Harkin |
| RDTE,A | Complete Molten Carbonate Fuel Cell Demonstrator—Parks Reserve Forces Training Area | 1,600,000 | McNerney | |
| RDTE,A | Composite Applied Research and Technology for FCS and Tactical Vehicle Survivability | 3,000,000 | Castle | Biden, Carper |
| RDTE,A | Composite Bottles for Survival Egress Air | 2,000,000 | | Crapo |
| RDTE,A | Composite Small Main Rotor Blades | 1,600,000 | Tiahrt | Brownback, Dodd |
| RDTE,A | Composite Structure Design | 1,600,000 | Johnson (GA) | |
| RDTE,A | Composite Tissue Allotransplantation Research and Clinical Program | 1,600,000 | Yarmuth | |
| RDTE,A | Condition Based Maintenance and Mission Assuredness for Ground Vehicles | 2,400,000 | Knollenberg | Isakson, Levin, Stabenow |
| RDTE,A | Consortium for Bone and Tissue Repair and Regeneration | 800,000 | Emerson | |
| RDTE,A | Constant Look Operational Support Environment (CLOSE) | 1,600,000 | Young (AK) | |
| RDTE,A | Control of Inflammation and Tissue Repair | 3,200,000 | Inslee, McDermott | Cantwell, Murray |
| RDTE,A | Control of Vector-Borne Diseases | 1,200,000 | Visclosky | |
| RDTE,A | Control System for Laser Powder Deposition | 500,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Controlled Release of Anti-Inflammatory and tissue Repair Agents from Prothestic Devices and Burn Treatment | 6,000,000 | Blunt | |
| RDTE,A | Conversion of Municipal Solid Waste to Renewable Diesel Fuel | 1,600,000 | Rothman, Bartlett, Moran (VA), Payne | Bayh, Lautenberg, Menendez, Specter |
| RDTE,A | Copper Air Quality Program | 2,000,000 | Whitfield | Wicker, Lieberman |
| RDTE,A | Corneal Wound Repair | 5,400,000 | Blunt | |
| RDTE,A | Counter-IED Force Protection Program | 2,000,000 | Holt | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | C-RAM Armor Development | 800,000 | Moran (VA) | |
| RDTE,A | Crosshairs Hostile Fire Indicating System | 2,000,000 | | Cornyn |
| RDTE,A | Cutting Tools and Materials for Aerospace | 800,000 | Grijalva | |
| RDTE,A | Cyber Threat Analytics | 2,400,000 | Lewis (CA) | |
| RDTE,A | Defense Applications of Carbonate Fuel Cells | 1,600,000 | Larson | |
| RDTE,A | Defense Helicopter Power Dense Transmission | 1,280,000 | Barrow | Isakson |
| RDTE,A | Defense Materials Technology Center | 3,000,000 | Regula, Ryan (OH) | Brown |
| RDTE,A | Demonstration/Evaluation project at Travis Air Force Base, California, to develop a greenhouse gas inventory and footprint utilizing a web-based Environmental Management Information System (EMIS) | 400,000 | Tauscher | |
| RDTE,A | Depleted Uranium Sensing and Treatment for Removal (DUSTR) Program | 4,000,000 | | Cochran |
| RDTE,A | Deployable Space and Electronic Warfare Analysis Tools | 800,000 | Lamborn | Casey |
| RDTE,A | Detection Algorithms and Software for Force Protection | 1,600,000 | | Reed, Whitehouse |
| RDTE,A | Detection, Mitigation and Neutralization of High Explosive, Remotely Detonated Devices | 3,500,000 | | Bond |
| RDTE,A | Development of Drugs for Malaria and Leishmaniasis in US Military and Civilian Personnel | 3,400,000 | | Cochran |
| RDTE,A | Development of Enabling Chemical Technologies for Power from Green Sources | 1,200,000 | Olver | |
| RDTE,A | Development of Improved Lighter-Weight IED/EFP Armor Solutions | 1,000,000 | Tiahrt | Roberts |
| RDTE,A | Development of Truck Deployed Explosive Containment Vessel | 1,600,000 | | Reid |
| RDTE,A | Developmental Mission Integration | 4,000,000 | Frelinghuysen | |
| RDTE,A | Dielectrically Enhanced Sensor Systems (DESS) | 1,200,000 | | Cochran, Wicker |
| RDTE,A | Diminishing Manufacturing Sources and Material Shortages Case Resolution Program | 2,400,000 | Knollenberg, Miller (MI), Levin | Levin, Stabenow |
| RDTE,A | Direct Methanol Fuel Cell Battery Recharger Program | 2,400,000 | Visclosky | |
| RDTE,A | Direct Methanol Fuel Cell Development | 800,000 | Crenshaw | Martinez, Nelson (FL) |
| RDTE,A | Disposable Unit Dose Drug Pumps for Anesthesia and Antibiotics | 1,750,000 | Pelosi | |
| RDTE,A | D-NET: Electrically Charged Mesh (ECM) Defense Net Troop Protection System | 2,560,000 | Aderholt | |
| RDTE,A | DoD High Energy Laser Test Facility | 4,000,000 | | Bingaman, Domenici |
| RDTE,A | DoD Hydrogen PEM Fuel Cell Medium/Heavy Duty Vehicle Demonstration Program | 1,600,000 | Larson | Lieberman |
| RDTE,A | DoD International Diabetes Research Initiative | 2,000,000 | Dicks | |
| RDTE,A | Domestic Production of Nanodiamond for Military Operations | 1,600,000 | Peterson (PA) | Casey |
| RDTE,A | Domestically Produced Atomized Magnesium for Defense | 800,000 | Kaptur | |
| RDTE,A | Drive System Composite Structural Component Risk Reduction Program | 2,400,000 | Brady (PA) | Casey, Specter |
| RDTE,A | Dual Stage Variable Energy Absorber | 2,400,000 | Murphy, Patrick | Specter |
| RDTE,A | Dugway Lidar and Modeling Improvements | 2,400,000 | Bishop (UT) | Bennett, Hatch |
| RDTE,A | Dynamically Managed Data Dissemination (DMDD) | 1,200,000 | Olver | |
| RDTE,A | Dynamometer Facility Upgrade Program at TARDEC | 3,200,000 | Dingell, Levin | Levin, Stabenow |
| RDTE,A | Effect Based Approach to Operations | 1,600,000 | | Bennett |
| RDTE,A | Electric Commodity Project | 800,000 | | Byrd |
| RDTE,A | Electro Conversion of Energetic Materials | 3,600,000 | | Enzi |
| RDTE,A | Electrofluidic Chromatophores for Adaptive Camouflage | 1,750,000 | Chabot | |
| RDTE,A | Electronic Combat and Counter Terrorism Threat Developments to Support Joint Forces | 3,760,000 | Kingston | Shelby |
| RDTE,A | Embedding Iris Recognition Technology On-board Warfighter Personal Equipment | 800,000 | Miller, George | Roberts |
| RDTE,A | End-to-End Vehicle Survivability Technology | 1,600,000 | Knollenberg | Stabenow |
| RDTE,A | Engineering Replacement Tissues | 1,600,000 | | Reed, Whitehouse |
| RDTE,A | Enhanced Digital Electronic Night-Vision (EDEN) | 1,600,000 | | Hutchison |
| RDTE,A | Enhanced Holographic Imager | 2,480,000 | Conaway, Granger | Cornyn |
| RDTE,A | Enhanced Jamming Resistant Technology for INS/GPS Precision Guided Munitions | 1,600,000 | Frelinghuysen | |
| RDTE,A | Enhanced Ku-band / L-band Antenna System | 800,000 | Moran (VA) | |
| RDTE,A | Enhanced Landmine and IED Detection System | 960,000 | Cubin | |
| RDTE,A | Enhanced Military Vehicle Maintenance System Demonstration Project with Anniston Army Depot and Auburn University | 1,600,000 | Rogers (AL) | Shelby |
| RDTE,A | Enhanced Rapid Tactical Integration and Fielding Systems (ERTIFS) | 1,600,000 | | Sessions, Shelby |
| RDTE,A | Enhanced Robotic Manipulators for Defense Applications | 750,000 | Cubin | Enzi |
| RDTE,A | Enhanced Vapor Aeration Capabilities (EVAC) | 2,400,000 | LaTourette | Voinovich |
| RDTE,A | Expanding Access to Proven Lifestyle Modification Treatments Focused onPreventing and Reversing Chronic Diseases | 1,750,000 | Pelosi | |
| RDTE,A | Expansion and Development Upper and Lower Bionic Limbs | 2,000,000 | Davis (IL) | Durbin |
| RDTE,A | Experiential Technologies for Urban Warfare and Disaster Response | 500,000 | | Burr |
| RDTE,A | Exploding Foil Initiators (EFI) with Nanomaterial-Based Circuits | 1,600,000 | Herseth Sandlin | Johnson |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Extended Duration Silver Wound Dressing—Clinical Trials | 1,600,000 | Shuler | |
| RDTE,A | Extended Lifecycle Management Environment | 800,000 | English | |
| RDTE,A | Extended Range Modular Sniper Rifle System | 2,000,000 | | Inhofe |
| RDTE,A | Extreme Light Sources, University of Florida | 1,600,000 | Wexler | |
| RDTE,A | Extremely High Frequency (EHF)Transmitter for WIN-T Satellite Communications | 2,000,000 | Carney | Casey |
| RDTE,A | Extremity War Injury Research Foundation | 800,000 | Doyle | |
| RDTE,A | Eye-Safe Standoff Fusion Detection of CBE Threats | 2,000,000 | Doyle | Specter |
| RDTE,A | Facilitating Use of Advanced Prosthetic Limb Technology | 1,600,000 | Rush | Durbin |
| RDTE,A | FCV Advanced Suspension System | 1,600,000 | | Reid |
| RDTE,A | Feeding Tube for Battlefield Trauma Patients (Phase II) | 1,600,000 | Ryan (OH) | |
| RDTE,A | Fibrin Adhesive Stat (FAST) Dressing | 3,000,000 | Etheridge, Price (NC), Van Hollen | Burr, Cardin, Dole, Mikulski, Schumer |
| RDTE,A | Fighting Drug Resistant Infections | 2,000,000 | | Hagel, Nelson (NE) |
| RDTE,A | Fire Resistant Fuels | 3,200,000 | Rodriguez | |
| RDTE,A | Fire Shield | 3,200,000 | Dreier | |
| RDTE,A | Fire Support Technology Improvement Program | 800,000 | Shuster | |
| RDTE,A | Flame and Thermal Protection for Individual Soldier | 3,200,000 | Kagen | Kohl |
| RDTE,A | Flexible Electronics Research Initiative | 1,600,000 | | Specter |
| RDTE,A | Florida Collaborative Development of Advanced Materials for Strategic Applications | 1,200,000 | Buchanan | |
| RDTE,A | Foliage Penetrating, Reconnaissance, Surveillance, Tracking, and Engagement Radar (FORESTER) | 3,200,000 | McHugh, Walsh | |
| RDTE,A | Freeze Dried Blood Technology Clinical Research | 2,000,000 | Cole | Cardin, Inhofe |
| RDTE,A | Fuel Cell Power System | 800,000 | Lungren | |
| RDTE,A | Fuel Cells for Mobile Robotic Systems Project | 800,000 | Jackson | |
| RDTE,A | Fuel Logistics Reduction through Enhanced Engine Performance | 1,200,000 | McGovern | |
| RDTE,A | Future Affordable Multi-Utility Materials for the Army Future Combat Systems | 6,400,000 | Boyd | Grassley, Harkin, Johnson, Thune |
| RDTE,A | Future TOC Hardware/Software Integration | 2,000,000 | Everett | Sessions, Shelby |
| RDTE,A | Garment-Based Physiological Monitoring Systems | 1,600,000 | Castle | Biden, Carper |
| RDTE,A | Gas Engine Driven Air Conditioning (GEDAC) Demonstration | 2,400,000 | Berkley, Porter, Grijalva, Pastor, Renzi | Reid |
| RDTE,A | Geosciences/ Atmospheric Research (CG/AR) | 1,600,000 | | Allard, Salazar |
| RDTE,A | Geospatial Airship Research Platform | 2,800,000 | Kaptur | |
| RDTE,A | Global Military Operating Environment | 2,000,000 | | Ensign, Reid |
| RDTE,A | Globally Accessible Manufacturing and Maintenance Activity | 1,600,000 | Knollenberg | Stabenow |
| RDTE,A | Green Armaments/Rangesafe | 2,400,000 | Frelinghuysen, Rothman, Sires | Lautenberg, Menendez |
| RDTE,A | Green Environmentally Sustainable Laboratories and Clean rooms (USAMRMC) | 800,000 | Bishop (GA) | |
| RDTE,A | Ground Combat Systems Electronic Enhancements | 2,400,000 | McKeon | |
| RDTE,A | Ground Vehicle Integration Technologies | 2,400,000 | | Levin |
| RDTE,A | Ground Vehicle Reliability Modeling for Condition-Based Maintenance | 800,000 | | Levin, Stabenow |
| RDTE,A | Ground-forces Readiness Enabler for Advanced Tactical Vehicles (GREAT-V) | 800,000 | | Hutchison |
| RDTE,A | Gunfire Detection Systems for Unmanned Aerial Vehicles | 800,000 | Everett | |
| RDTE,A | Hawaii Undersea Chemical Military Munitions Assessment Plan | 4,000,000 | Hirono, Abercrombie | |
| RDTE,A | Headborne Energy Analysis and Diagnostic System (HEADS) | 1,600,000 | Mitchell | |
| RDTE,A | Health Informatics Initiative | 2,500,000 | Putnam, Castor, Young (FL) | |
| RDTE,A | Health Information Technology Demonstration Project at Madigan Army Medical Center and Puget Sound VA Medical Center | 1,000,000 | | Cantwell |
| RDTE,A | Health Sciences Regenerative Medicine Center | 3,000,000 | | Burr, Dole |
| RDTE,A | Heat Dissipation for Electronic Systems and Enclosures | 2,000,000 | | Reid |
| RDTE,A | Heavy Fuel Burning Engines for UAVs | 2,000,000 | Diaz-Balart, Lincoln | Stabenow |
| RDTE,A | Heavy Fuel High Efficiency Turbine Engine | 2,000,000 | Wexler | |
| RDTE,A | Heavy Metals Total Life-Cycle Initiative | 800,000 | | Bingaman, Domenici |
| RDTE,A | Helicopter Reliability and Failure Analysis Center | 880,000 | Cramer, Aderholt | Shelby |
| RDTE,A | Helicopter Vulnerability Reduction | 2,400,000 | DeLauro, Courtney, Shays | Dodd, Lieberman |
| RDTE,A | Heuristic Internet Protocol Packet Inspection Engine (HIPPIE) | 2,000,000 | Akin | Bond |
| RDTE,A | HEV Battery System for Future Combat System | 1,600,000 | | Bayh, Lugar |
| RDTE,A | Hibernation Genomics | 2,000,000 | | Stevens |
| RDTE,A | High Altitude Airship | 3,200,000 | Ryan (OH) | Brown |
| RDTE,A | High Altitude Integration Testbed (HIT) | 3,000,000 | Cramer | Sessions, Shelby |
| RDTE,A | High Altitude Shuttle System for Battlespace Coverage | 800,000 | Hooley | Smith, Wyden |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | High Detail Architecture Analysis Tool (HDAAT) | 1,440,000 | Cramer | |
| RDTE,A | High Explosive Air Burst (HEAB) 25mm Ammunition | 4,400,000 | Costello, LaHood | Durbin |
| RDTE,A | High Fidelity Imaging System (HiFIS) | 800,000 | Cramer | |
| RDTE,A | High Fidelity Virtual Simulation and Analysis | 1,600,000 | Aderholt | Shelby |
| RDTE,A | High Power Electrolytic Super-Capacitors Based On Conducting Polymers | 800,000 | | Bond |
| RDTE,A | High Pressure Processing Prototype for Meals-Ready-to-Eat (MRE) | 1,600,000 | | Murray |
| RDTE,A | High Speed Digital Imaging | 4,500,000 | | Gregg, Sununu |
| RDTE,A | High Temperature Polymers for Missile System Applications | 3,200,000 | | Cochran |
| RDTE,A | High-Frequency, High-Power Electronic and Optoelectronic Devices on Aluminum Nitride | 3,200,000 | Price (NC) | Burr |
| RDTE,A | Highly Mobile Remotely Controlled IED Countermeasures | 800,000 | Rothman | Lautenberg, Menendez |
| RDTE,A | Highly Reliable, Maintenance Free Remote Solar Power System | 640,000 | Johnson (IL) | |
| RDTE,A | Hi-Tech Eyes for the Battlefield | 1,600,000 | | Hutchison |
| RDTE,A | Hospital Emergency Planning and Integration (HEPI) | 800,000 | Shuster | |
| RDTE,A | Host Pathogen Interaction Study | 3,200,000 | Cramer | |
| RDTE,A | Hostile Fire Indicator | 4,000,000 | Shea-Porter | Gregg, Sununu |
| RDTE,A | Hull Humvee Protection Program | 2,000,000 | Barrett, Brown (SC) | Graham |
| RDTE,A | Human Genomics, Molecular Epidemiology, and Clinical Diagnostics for Infectious Diseases (Note: Department of Defense Military Health System Enhancement) | 1,160,000 | Pastor | |
| RDTE,A | Human Terrain Geographic Decision Support | 3,000,000 | Murtha | |
| RDTE,A | Hybrid Electric (Heavy Truck) Vehicle | 2,400,000 | Bartlett | Cardin, Mikulski |
| RDTE,A | Hybrid Luminescent Ammunition | 800,000 | | Landrieu, Vitter |
| RDTE,A | HYBRID Propellant for Medium and Large Caliber Ammunition | 3,200,000 | Boyd | |
| RDTE,A | Hydraulic Hybrid Vehicles (HHV) for the Tactical Wheel Fleet | 800,000 | Regula, Knollenberg | Levin, Stabenow |
| RDTE,A | Hydrogen Batteries for the Warfighter | 3,000,000 | Clyburn | Graham |
| RDTE,A | HYPERSAR | 2,400,000 | | Bond |
| RDTE,A | Hyperspectral Sensor for Improved Force Protection (Hyper-IFP) | 1,600,000 | Akin | |
| RDTE,A | Illinois Center for Defense Manufacturing | 2,000,000 | Manzullo, Hare | Durbin |
| RDTE,A | Implementation of an Advanced Tactical Wheeled Armored Vehicle System | 3,000,000 | | Levin |
| RDTE,A | Improved Blackhawk De-icing | 800,000 | Moran (VA) | |
| RDTE,A | Improved EFP and IED protection, Testing, Modeling and Proving Using Lithia Alumina Silica (LAS) Glass Ceramics | 2,400,000 | Tauscher, Sestak | Corker |
| RDTE,A | Improved Lightweight Integrated Communication and Hearing Protection Device | 800,000 | Altmire | Casey, Specter |
| RDTE,A | Improvised Explosive Device (IED) Simulation in Different Soils | 500,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Individual Airburst Weapon System | 1,000,000 | Hayes, Rothman | Coleman, Klobuchar, Lautenberg, Menendez |
| RDTE,A | Infectious and Inflammatory Disease Center at the Burnham Institute for Medical Research (Note: Department of Defense Military Health System Enhancement | 2,400,000 | Bilbray, Davis (CA) | Nelson (FL) |
| RDTE,A | Information Assurance Development | 1,600,000 | Holt | |
| RDTE,A | InfraRed Goggle Upgrade System (IRGUS) | 800,000 | Sessions, Shea-Porter | Cornyn |
| RDTE,A | Injection Molded Ceramic Body Armor | 800,000 | Olver | |
| RDTE,A | Ink-Based Desktop Electronic Material Technology | 1,600,000 | Frelinghuysen | |
| RDTE,A | Innovative Wireless Technologies for Sensor Networks | 700,000 | Goode | |
| RDTE,A | Institute for Advanced Materials and Manufacturing Strategies (IAMMS) | 1,200,000 | Kildee | Stabenow |
| RDTE,A | Institute for the Advancement of Bloodless Medicine | 1,600,000 | Rothman, Garrett | Lautenberg, Menendez |
| RDTE,A | Institute of Surgical and Interventional Simulation (ISIS) | 4,400,000 | Dicks, McDermott, Smith (WA) | Cantwell, Murray |
| RDTE,A | Integrated Functional Materials | 800,000 | Young (FL) | |
| RDTE,A | Integrated Information Technology Policy Analysis Research | 1,600,000 | Lewis (CA) | |
| RDTE,A | Integrated Lightweight Tracker System | 1,600,000 | Obey | |
| RDTE,A | Integrated Patient Quality Program | 1,600,000 | Simpson | Craig, Crapo |
| RDTE,A | Integrated Vehicle Health Monitoring System | 1,600,000 | Tsongas | Kennedy |
| RDTE,A | Intelligent Distributed Command and Control (IDC2) | 2,400,000 | Visclosky | |
| RDTE,A | Intelligent Fault Protected Laser Diodes | 800,000 | Capuano | |
| RDTE,A | Intensive Care Unit to Intensive Care Hospital | 2,400,000 | Rothman | |
| RDTE,A | Intensive Quenching for Advanced Weapon Systems | 960,000 | Sutton | Schumer |
| RDTE,A | Inter Turbine Burner for Turbo Shaft Engines | 3,200,000 | Lewis (CA) | |
| RDTE,A | International Heart Institute/US Army Vascular Graft Research Project | 1,000,000 | | Baucus, Tester |
| RDTE,A | JAMMA Lightweight, Armored, Hybrid, Power Generating, Tactical Vehicle | 2,000,000 | Cannon | Bennett, Hatch |
| RDTE,A | Joint Collaborative Medical Information System (JCMIS) | 3,200,000 | Murtha | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Joint Combat Support Trailer | 3,200,000 | Kagen | |
| RDTE,A | Joint Fires and Effects Training System (JFETS) | 2,000,000 | Cole | Inhofe |
| RDTE,A | Joint Medical Simulation Technology Research and Development Center (JMSTRDC) | 1,600,000 | Feeney | |
| RDTE,A | Joint Munitions and Lethality Mission Integration | 1,600,000 | Frelinghuysen | |
| RDTE,A | Joint Munitions and Lethality Warfighter Technology Insertion | 2,400,000 | Frelinghuysen | |
| RDTE,A | Joint Training Integration and Evaluation Center (JTIEC) | 1,680,000 | Feeney | |
| RDTE,A | Joint Urban Environment Test Capability | 2,000,000 | | Bingaman |
| RDTE,A | Kinetic Energy Enhanced Lethality and Protection Materials | 2,000,000 | Davis, David | Alexander, Corker |
| RDTE,A | Knowledge, Innovation and Technology Sharing Program | 1,600,000 | | Bond |
| RDTE,A | Large Aluminum Nitride Crystals for Effective Deep Ultraviolet Sources | 800,000 | McNulty | Schumer |
| RDTE,A | Large Area Monitoring Network (LAMNET) | 6,000,000 | | McConnell |
| RDTE,A | Large Energy National Shock Tunnel (LENS XX) Hypervelocity Ground Testing | 1,600,000 | Higgins | |
| RDTE,A | Large Format Li-Ion Battery | 800,000 | Moore (WI) | Kohl |
| RDTE,A | Laser Based Explosives, Chem/Bio Standoff and Point Detector | 4,000,000 | | Cardin, Mikulski |
| RDTE,A | Laser Studied and Enhanced Reactive Materials: Self-Decontaminating Polymers for Chemical-Biological Defense | 1,600,000 | | Craig, Crapo |
| RDTE,A | Lattice Block Structures for AM2 Matting Replacement | 2,500,000 | Hodes | Gregg, Sununu |
| RDTE,A | Legacy Aerospace Gear Drive Re-Engineering Initiative | 2,000,000 | Larson | Dodd |
| RDTE,A | Lehman Injury Research Center (Ryder Trauma Center) (Note: Includes funding for Jackson Health System) | 6,000,000 | Diaz-Balart, Lincoln; Diaz-Balart, Mario; Meek; Wasserman Schultz | Nelson (FL) |
| RDTE,A | Leishmania Skin Test | 800,000 | Hunter | |
| RDTE,A | Lens-Less Micro Seeker System for Small Steerable Projectiles | 1,600,000 | Dreier | |
| RDTE,A | Light Tactical Vehicle Ambulance Shelter | 2,400,000 | | Biden, Cantwell, Murray |
| RDTE,A | Light Utility Helicopter Simulator | 1,200,000 | Barton | |
| RDTE,A | Light Weight Medical Evacuation Unit | 1,600,000 | Knollenberg | |
| RDTE,A | Light Weight Structural Composite Armor for Blast and Ballistic Protection | 1,600,000 | Castle, Price (NC), Shuler | Burr |
| RDTE,A | Lightweight 1-2 Person Low-Pressure Inflatable Tents | 800,000 | | Gregg |
| RDTE,A | Lightweight Anti-Ballistic Protection for Aircraft | 400,000 | | Enzi |
| RDTE,A | Lightweight Caliber .50 Machine Gun (LW50MG) | 8,000,000 | | Collins, Leahy, Snowe |
| RDTE,A | Lightweight Cannon Recoil Reduction | 1,920,000 | Heller | Ensign, Reid |
| RDTE,A | Lightweight Multi-Functional Material Technology for Combat Munitions Logistics | 800,000 | Frelinghuysen, Rothman | Lautenberg, Menendez |
| RDTE,A | Lightweight Munitions and Surveillance System for Unmanned Air and Ground Vehicles | 2,800,000 | Garrett | Lautenberg, Menendez |
| RDTE,A | Lightweight Partial Hybrid Electric Military Transport Vehicle | 1,600,000 | | Bayh, Lugar |
| RDTE,A | Lightweight Polymer Designs for Soldier Combat Optics | 1,200,000 | Olver | Kennedy |
| RDTE,A | Lightweight Soldier Sensor Computing | 800,000 | | Kohl |
| RDTE,A | Lightweight Transparent Armor for Force Protection | 2,000,000 | Cramer | Casey, Specter |
| RDTE,A | Lightweight Trauma Module | 2,400,000 | Frelinghuysen, Pascrell | Lautenberg, Menendez |
| RDTE,A | Limb Regeneration Through Biometrics Technology | 800,000 | Capuano | |
| RDTE,A | Limb Tissue Regeneration after Battlefield Injuries using Bone Marrow Stem Cells | 3,000,000 | Wu, Baird, Blumenauer, Hooley, Smith (WA) | Murray, Smith, Wyden |
| RDTE,A | Linear Accelerator Cancer Research | 800,000 | Rangel | Schumer |
| RDTE,A | Lithium Ion Battery Exchange Program | 2,400,000 | Dent | |
| RDTE,A | Logistical Fuel Processors for Army Development Program | 2,800,000 | Bachus, Rogers (AL) | Sessions |
| RDTE,A | Long Range Hypersonic Interceptor | 800,000 | Boyda | Brownback, Roberts |
| RDTE,A | Lookout Small Scale Radar | 2,000,000 | Walsh | Schumer |
| RDTE,A | Low Cost Interceptor | 2,400,000 | | Shelby |
| RDTE,A | Low Temperature Vehicle Performance Research | 1,600,000 | | Levin |
| RDTE,A | LSTAT Advanced Medical Technologies | 2,400,000 | Sanchez, Loretta; Richardson | |
| RDTE,A | LWI Training-based Collaborative Research | 25,000,000 | Skelton | |
| RDTE,A | Magneto Inductive Remote Activation Munition System (MI-RAMS) Frequency and Digital Enhancements | 2,800,000 | Lewis (CA) | |
| RDTE,A | Magneto-Rheological (MR) Suspensions for Tactical Wheeled Vehicles | 2,400,000 | Price (NC) | Dole, Stabenow |
| RDTE,A | Maine Institute for Human Genetics and Health | 1,600,000 | Michaud | Collins, Snowe |
| RDTE,A | Manufacturing and Industrial Technology Center | 800,000 | Boyd | |
| RDTE,A | Manufacturing Metrology for Weapon System Production and Sustainment (M2WSPS) | 1,760,000 | | Reed |
| RDTE,A | Manufacturing Technology Development of Advanced Solid State Lasers | 2,400,000 | McNerney, Carney | Casey |
| RDTE,A | Mariah II Hypersonic Wind Tunnel Development | 3,200,000 | Rehberg | Baucus, Tester |
| RDTE,A | Maritime C4ISR System | 800,000 | Shuster | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Mary Bird Perkins Cancer Center (Note: A treatment Planning Research Laboratory for High Performance Computing and Radiation Dose Effects | 2,400,000 | Cazayoux, Alexander | Landrieu, Vitter |
| RDTE,A | Maryland Proof of Concept Alliance for Defense Technologies | 3,500,000 | | Mikulski |
| RDTE,A | Mass Scale Biosensor Threat Diagnostic for In-Theater Defense Utilization (FIU) | 1,600,000 | Ros-Lehtinen | |
| RDTE,A | Materials Applications Research Center | 800,000 | Bachus | |
| RDTE,A | MATRIC-Project National Shield Integration Center | 2,000,000 | Capito | |
| RDTE,A | MATTRACKS | 2,000,000 | Peterson (MN) | |
| RDTE,A | Medical Errors Reduction Initiative | 400,000 | Rothman, Garrett | Lautenberg, Menendez |
| RDTE,A | Medical Modeling and Simulation Through Synthetic Digital Genes | 1,000,000 | | Craig, Crapo |
| RDTE,A | Medical Resources Conservation Technology System | 2,400,000 | Visclosky | |
| RDTE,A | Medium Caliber Metal Parts Upgrade | 2,600,000 | Kanjorski | Casey, Specter |
| RDTE,A | Medium Sized Unmanned Ground Vehicles Platform | 2,000,000 | Diaz-Balart, Lincoln | |
| RDTE,A | MEMS Antenna for Wireless Comms | 2,400,000 | | Conrad, Dorgan |
| RDTE,A | Michigan Technological University's Project for Diverse Sensing for Synergistic Force Protection in Urban Threat Environments | 800,000 | | Stabenow |
| RDTE,A | Micro Electrical Mechanical Systems (MEMS) Technology and Plastic Armor Applications | 1,600,000 | Ferguson | Lautenberg, Menendez |
| RDTE,A | Micromachined Switches in Support of Transformational Communications Architecture | 2,400,000 | Miller, George | |
| RDTE,A | Micro-systems Nanotechnology for Advanced Technology Development | 1,000,000 | Young (FL) | |
| RDTE,A | Midwest Traumatic Injury Rehabilitation Center | 1,460,000 | Ehlers | |
| RDTE,A | Military Adult Stem Cell Collection and Storage Project | 800,000 | Rothman | Schumer |
| RDTE,A | Military Burn Trauma Research Program | 4,000,000 | Lungren, Matsui | Boxer |
| RDTE,A | Military Fuels Research Program | 1,600,000 | | McConnell |
| RDTE,A | Military Interoperable Digital Hospital Testbed | 10,000,000 | Murtha | |
| RDTE,A | Military Jet-Fueled Fuel Cell Generator | 800,000 | | Smith, Wyden |
| RDTE,A | Military Low Vision Research | 1,600,000 | Lynch, Capuano | Kennedy, Kerry |
| RDTE,A | Military Nutrition Research: Personnel Readiness and Warfighter Performance | 1,600,000 | Alexander, Cazayoux | Landrieu, Vitter |
| RDTE,A | Military Photomedicine Program | 2,800,000 | Sanchez, Loretta | Boxer, Dole, Kennedy |
| RDTE,A | Miniature Cooling Unit for Electronic Devices | 800,000 | Johnson (IL) | Durbin |
| RDTE,A | Miniaturized Sensors for Small and Tactical Unmanned Aerial Vehicles (MINISENS) | 1,200,000 | Reyes | |
| RDTE,A | Mini-LRAS3 Scout Surveillance System | 1,600,000 | | Gregg, Sununu |
| RDTE,A | Minimizing Health Effects of Air Toxics on Military Personnel | 1,600,000 | Yarmuth | |
| RDTE,A | Missile Attack Early Warning System (MAEWS) | 2,000,000 | | Shelby |
| RDTE,A | Mission Execution Technology Implementation | 3,200,000 | Hulshof, Akin | Bond |
| RDTE,A | Mitigation of Energetic Single Point Failures | 2,400,000 | Frelinghuysen | |
| RDTE,A | MLRS Disposal System | 3,000,000 | | Ensign, Reid |
| RDTE,A | Mobile Medic Training Program | 800,000 | Mica | |
| RDTE,A | Mobile Object Search Toolkit for Intelligence Analysts | 3,200,000 | Dicks | |
| RDTE,A | Mobile Optical Tracking System (MOTS) All Sky Imager (MASI) | 1,200,000 | Reyes, Rodriguez | |
| RDTE,A | Model-Based Engineering Environment | 800,000 | Capuano | |
| RDTE,A | Modeling and Testing of Next Generation Body Armor | 2,000,000 | Rush | Durbin |
| RDTE,A | Modular Ballistic System for Force Protection | 800,000 | | Collins, Snowe |
| RDTE,A | Modular Stethoscope For Harsh Environments | 1,200,000 | | Coleman |
| RDTE,A | Modular Universal TOC Packages for Vehicles and Shelters | 2,400,000 | Young (FL) | |
| RDTE,A | Moldable Fabric Armor | 1,200,000 | | Graham |
| RDTE,A | Mosquito Born Disease Prevention : Malaria & Dengue Fever | 800,000 | DeLauro | Dodd, Lautenberg, Lieberman, Menendez |
| RDTE,A | Moving Vehicle BAT Face Recognition Surveillance System | 1,200,000 | | Gregg, Sununu |
| RDTE,A | MRAP Supportability System (MSS) | 4,000,000 | Murtha | |
| RDTE,A | Multi-layer Coextrusion for High Performance Packaging | 2,400,000 | Obey | Kohl |
| RDTE,A | Multipurpose Nanosat Missile System (MNMS) formerly Integrated Nanosat Delivery System (INDS) | 6,000,000 | Cramer | Shelby |
| RDTE,A | Munitions Evaluation for Composite Electric Armor | 1,200,000 | | Coleman |
| RDTE,A | MUSC Cancer Genomics Research Collaborative | 800,000 | Brown (SC) | |
| RDTE,A | Nanocomposite Enhanced Radar and Aerospace Materials | 1,200,000 | | Hutchison |
| RDTE,A | Nanocrystal Source Display | 1,200,000 | Markey | |
| RDTE,A | Nano-Crystalline Cement for High Strength, Rapid Curing Concrete with Improved Blast Resistance | 1,440,000 | Visclosky | |
| RDTE,A | Nanofabricated Bioartificial Kidney, Pancreas, and Liver | 2,500,000 | Knollenberg | |
| RDTE,A | Nanofluids for Advanced Military Mobility | 800,000 | Davis (KY) | Bunning |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Nano-Imaging Agents for Early Disease Detection | 1,600,000 | Green, Al; Culberson | |
| RDTE,A | Nanomanufacturing of Multifunctional Sensors | 1,000,000 | Tsongas, Olver | Kennedy, Kerry |
| RDTE,A | Nanophotonic Devices | 1,600,000 | | Hutchison |
| RDTE,A | Nanoscale Biosensors | 2,500,000 | | Lincoln, Pryor |
| RDTE,A | NanoSensor StageGate Accelerator (NSSA) | 1,200,000 | McNulty, Gillibrand | Schumer |
| RDTE,A | Nanostructured Materials For Photovoltaic Applications | 1,600,000 | McHugh | Schumer |
| RDTE,A | Nanosystems through Optical Biosensors | 1,600,000 | Slaughter | |
| RDTE,A | Nanotechnology for Potable Water and Waste Treatment | 1,000,000 | Murphy, Tim | |
| RDTE,A | Nanotechnology Fuze-On-A-Chip | 2,800,000 | Obey | Kohl |
| RDTE,A | Nanotechnology Manufacturing Center | 2,000,000 | Barrow | Chambliss |
| RDTE,A | Nanotubes Optimized for Lightweight Exceptional Strength Composite Materials | 2,400,000 | Boyd, Crenshaw | Martinez, Nelson (FL) |
| RDTE,A | National Biodefense Training | 5,000,000 | | Hutchison |
| RDTE,A | National Eye Evaluation and Research Network (NEER) -Clinical Trials of Orphan Retinal Degenerative Diseases | 800,000 | Sessions | Harkin |
| RDTE,A | National Functional Genomics Center | 6,000,000 | Bilirakis, Castor, Young (FL) | Martinez, Nelson (FL) |
| RDTE,A | National Oncogenomics and Molecular Imaging Center | 3,200,000 | Knollenberg | |
| RDTE,A | National Warfighter Health Sustainment Study | 800,000 | Capuano, Price (NC) | |
| RDTE,A | Near-Net Shaped Direct-Sintered Silicon Carbide Torso Plates | 1,600,000 | Snyder | Lincoln, Pryor |
| RDTE,A | Networked Dynamic Spectrum Access Investigation Enhanced MBITR | 2,400,000 | Bartlett | Mikulski |
| RDTE,A | Neural Controlled Prosthetic Device for Amputees | 1,600,000 | Murtha | |
| RDTE,A | Neuroimaging and Neuropsychiatric Trauma in Warfighters | 5,000,000 | Pelosi | Boxer |
| RDTE,A | Neuroimaging of Brain Disorders | 800,000 | Jones (OH) | Voinovich |
| RDTE,A | Neuroscience Research Consortium to Study Spinal Cord Injuries | 800,000 | Wasserman Schultz | Nelson (FL) |
| RDTE,A | Neutron/Hadron Particle Therapy | 1,200,000 | Foster | Durbin |
| RDTE,A | New High Temperature Domestic Sourced PES Foam Fabrication/Certification for DOD Aerospace Applications | 2,400,000 | Johnson, Eddie Bernice | |
| RDTE,A | New Vaccines to Fight Respiratory Infection | 4,000,000 | Latham | Grassley, Harkin |
| RDTE,A | Next Generation Communications System | 1,200,000 | Altmire | Casey, Specter |
| RDTE,A | Next Generation Diesel Engine for Ground Vehicles | 4,000,000 | Emanuel | Durbin, Stabenow |
| RDTE,A | Next Generation High Performance Ballistic Materials and Technologies Providing 7.62mm Small Arms Protection for US Armed Forces Helmets | 1,440,000 | Myrick | |
| RDTE,A | Next Generation Ice Protection Technologies | 1,600,000 | | Roberts |
| RDTE,A | Next Generation Lightweight Drive System for Army Weapons Systems | 1,600,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Next Generation Non-Tactical Vehicle Propulsion | 1,600,000 | Hall (NY), Kuhl | Levin, Mikulski, Stabenow, Schumer |
| RDTE,A | Next Generation Protective Seat | 2,400,000 | Gerlach | Casey, Specter |
| RDTE,A | Next Generation Wearable Video Capture System | 800,000 | Stupak | |
| RDTE,A | Next-generation Combat Helmet Development | 2,800,000 | Butterfield | Dole |
| RDTE,A | Nickel Boron Coating Technology for Army Weapons | 2,400,000 | Mahoney, Boyd | |
| RDTE,A | No-Idle Climate Control for Military Vehicles | 1,600,000 | Brady (TX) | |
| RDTE,A | Non-communications ECM Technology Demo | 1,200,000 | Holt | |
| RDTE,A | Non-Hazardous Infrared Anti-Reflective Coatings for Army Aircraft Sensors | 1,200,000 | Hayes | |
| RDTE,A | Norfolk State University Center for Modeling and Simulation | 2,400,000 | Scott (VA) | |
| RDTE,A | Northern Ohio Integrated Command Operations Program | 1,600,000 | Kaptur | |
| RDTE,A | Novel Approaches to Reduce the Severity of Battlefield Combined Tissue Injury | 1,600,000 | Berkley, Porter | Ensign, Reid |
| RDTE,A | Novel Extremity Body Armor | 600,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Novel Flame Retardant Nylon Fabrics | 1,200,000 | Spratt | Chambliss |
| RDTE,A | Novel Guidance Kit—Phase 2 (NGK2) for M864 Projectile | 4,000,000 | | Burr, Coleman, Leahy |
| RDTE,A | Novel Methods for Detecting and Inhibiting Corrosion | 1,360,000 | | Conrad, Dorgan |
| RDTE,A | Novel Onboard Hydrogen Storage System Development | 800,000 | | Levin |
| RDTE,A | Novel Zinc Air Power Sources for Military Applications | 1,600,000 | Rogers (AL) | Shelby |
| RDTE,A | N-STEP-Enabled Manufacturing Cell for Future Combat Systems | 2,400,000 | Jordan, Latta | |
| RDTE,A | OH-58D Kiowa Warrior Vehicle Health and Usage Management System (VHUMS) Demonstration | 2,400,000 | Welch, Herseth Sandlin | |
| RDTE,A | ONAMI Miniature Tactical Energy Systems Development | 2,400,000 | Walden, Blumenauer, DeFazio, Hooley, Wu | Smith, Wyden |
| RDTE,A | Oncology Group Pediatric Cancer Research (CH) | 1,600,000 | Young (FL) | |
| RDTE,A | One-Step JP-8 Bio-Diesel Fuel | 1,600,000 | Obey | |
| RDTE,A | Online Medical Training for Military Personnel | 2,800,000 | | McConnell |
| RDTE,A | On-The-Move Telescoping Mast | 2,400,000 | Regula | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Open Source Intelligence for Force Protection and Intelligence | 1,600,000 | | Hutchison, Roberts |
| RDTE,A | Operator Situational Awareness System—MEDEVAC | 1,750,000 | Pelosi | |
| RDTE,A | Optical Neural Techniques for Combat / Post-Trauma Healthcare | 1,600,000 | Inslee, McDermott, Smith (WA) | Cantwell, Murray |
| RDTE,A | Optimized M-25 Soldier Fuel Cell System | 2,000,000 | Castle | Biden |
| RDTE,A | Organic Semiconductor Modeling and Simulation | 1,200,000 | | Cornyn |
| RDTE,A | Orion High Altitude Long Loiter (HALL) UAV | 5,000,000 | | Cochran, Wicker |
| RDTE,A | Parts on Demand for CONUS Operations | 5,000,000 | | Conrad, Dorgan |
| RDTE,A | Passive IR Sensor for Persistent Wide Area Surveillance | 2,000,000 | Hodes | Gregg |
| RDTE,A | Payload and Advanced Development for Next Generation Robot Platform | 2,000,000 | Tierney | Kennedy, Kerry |
| RDTE,A | Peer Reviewed Orthopaedic Extremity Trauma Research | 5,000,000 | | Bayh, Cornyn, Harkin, Hutchison, Landrieu |
| RDTE,A | Perpetually Available and Secure Information Systems (PASIS) | 3,200,000 | Doyle | |
| RDTE,A | Personal Miniature Thermal Viewer | 1,600,000 | Michaud | |
| RDTE,A | Personal Status Monitor | 2,000,000 | McHugh, Walsh | |
| RDTE,A | Pharmaceutical Advanced Packaging | 1,600,000 | Holden | Specter |
| RDTE,A | Photovoltaic Tent Fabric | 2,800,000 | Kaptur | |
| RDTE,A | Plant-based Vaccine Research (Mitchell Memorial Cancer Center) | 2,000,000 | Lewis (KY) | |
| RDTE,A | Plasma Energy Pyrolysis System (PEPS) Clean Fuels | 800,000 | Davis (VA) | |
| RDTE,A | Plasma Sterilizer | 3,200,000 | Ellison, McCollum | Coleman, Klobuchar |
| RDTE,A | Plasma Technology Laboratory | 800,000 | Ortiz | |
| RDTE,A | Plug-In Architecture for DoD Medical Imaging | 800,000 | Moran (VA) | Warner, Webb |
| RDTE,A | Plug-In Hybrid Vehicle Electrification Program | 3,200,000 | Kilpatrick, Conyers, Dingell, Knollenberg | Levin, Stabenow |
| RDTE,A | Portable autonomous fluid-less near-infrared non-invasive alcohol testing devices | 500,000 | | Bingaman |
| RDTE,A | Portable Emergency Broadband System | 4,000,000 | Gerlach, Sestak | Casey, Specter |
| RDTE,A | Portable Non-Magnetic Compass/Positioning/Timing Device | 1,600,000 | Allen, Michaud | Collins, Snowe |
| RDTE,A | Positron Sensors and Energy Applications | 3,000,000 | | Cantwell, Murray |
| RDTE,A | Power and Energy Research Equipment Upgrades | 6,000,000 | | Levin |
| RDTE,A | Power Dense Transmissions | 1,280,000 | Inglis, Barrett, Goode, Regula, Ryan (OH) | |
| RDTE,A | Prader-Willi Syndrome (PWS) Research | 1,600,000 | Royce | |
| RDTE,A | Precision Guided Airdropped Equipment | 3,680,000 | Clarke, Towns, Weiner | |
| RDTE,A | Precision Molding Manufacturing Technology for Infrared Aspheric Optics | 2,320,000 | Rothman, Andrews, Dent | Lautenberg, Menendez, Specter |
| RDTE,A | Press-Loaded Explosive Projectile Washout Line | 800,000 | Ellsworth | Coleman, Klobuchar, Lugar |
| RDTE,A | Prevention of Compartment Syndrome, Ultrafiltration Catheter | 1,600,000 | McCollum, Ellison | Coleman, Klobuchar |
| RDTE,A | Processing DNA Data Using Classical Discrimination Techniques (PRODDUCT) | 2,000,000 | Cramer | |
| RDTE,A | Project Kryptolite Force Implementation Phase | 1,200,000 | Smith (NJ) | Lautenberg, Menendez |
| RDTE,A | Prostate and Ovarian Cancer Biomarkers (Note: Department of Defense Military Health System Enhancement) | 1,200,000 | Murphy, Patrick | |
| RDTE,A | Protective Textile Fabric | 800,000 | Dingell | Stabenow |
| RDTE,A | Proteomics Project (CH-LA) | 1,200,000 | Schiff | |
| RDTE,A | QuickMEDS | 800,000 | | Sessions |
| RDTE,A | Quiet, Low-Impact Alternative Energy Technology | 2,240,000 | Wilson (OH), Space | |
| RDTE,A | Radar Tag Emitters | 2,400,000 | | Domenici |
| RDTE,A | Radiation Hardening Initiative | 2,400,000 | Cramer, Aderholt | Sessions, Shelby |
| RDTE,A | Raman Chemical ID System | 1,600,000 | Tierney | Kennedy |
| RDTE,A | RAND Arroyo Center | 4,000,000 | | Feinstein |
| RDTE,A | Range Scrap Disposal, Hawthorne Army Depot | 800,000 | Brady (PA), Sestak | |
| RDTE,A | Rapid and Accurate Pathogen Identification/Detection (RAPID) Program | 1,600,000 | Visclosky | Bayh, Lugar |
| RDTE,A | Rapid Insertion of Developmental Technology | 2,400,000 | Frelinghuysen, Sires | |
| RDTE,A | Rapid Prototyping for Special Projects | 3,200,000 | Frelinghuysen | |
| RDTE,A | Rapid Response Force Protection System | 2,400,000 | Rothman | |
| RDTE,A | Rapid Response System for Active Protection of Ground and Air Vehicles | 4,160,000 | Cramer | |
| RDTE,A | Rapid Up-Armor Synthesis and Crashworthiness Design for Improved Soldier Survivability | 1,200,000 | Visclosky, Donnelly | |
| RDTE,A | Rapid Vaccine Discovery Technology | 1,600,000 | Visclosky, Capuano | |
| RDTE,A | Ration Packaging Materials and Systems for MREs | 3,600,000 | Obey | Kohl |
| RDTE,A | Reconfigurable Tooling System | 1,600,000 | Heller | |
| RDTE,A | Regional Integrated Command Center (RICC) | 800,000 | Doyle | |
| RDTE,A | Rehabilitation and Assistive Technologies to Enhance the Life of Individuals with Disabilities | 800,000 | Young (FL), Castor | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Remote Bio-Medical Detector | 2,000,000 | Murtha | |
| RDTE,A | Remote Explosive Analysis and Detection System (READS) | 2,240,000 | Cramer | |
| RDTE,A | Remote Unmanned Vehicle Checkpoint System | 1,000,000 | | Levin, Stabenow |
| RDTE,A | Remote Video Weapons Sight, USSOCOM SBIR | 2,000,000 | Radanovich | |
| RDTE,A | Remotely Operated Weapons Systems | 5,000,000 | Frelinghuysen | |
| RDTE,A | Renewable Energy for Military Applications | 1,600,000 | | Bayh, Lugar |
| RDTE,A | Renewable Energy Testing Center | 1,600,000 | Lungren, Matsui | |
| RDTE,A | Renewable Jet Fuel from Lignocellulosic Feedstocks | 3,200,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Respiratory Biodefense Initiative | 1,600,000 | | Allard, Salazar |
| RDTE,A | Returning Soldier Adjustment Assessment Remote Monitoring System Research Study | 3,120,000 | Bishop (GA) | |
| RDTE,A | Ripsaw Unmanned Ground Vehicle (UGV) Weaponization | 1,200,000 | Allen | Collins, Snowe |
| RDTE,A | Robotics Vehicle Secure Communications | 2,000,000 | | Stabenow |
| RDTE,A | Rotary Valve Pressure Swing Absorption Oxygen Generator | 800,000 | Davis (CA) | |
| RDTE,A | Rugged Electronic Textile Vital Signs Monitoring | 3,000,000 | Kennedy | Reed, Whitehouse |
| RDTE,A | Ruggedized Cylinders for Expandable Mobile Shelters | 2,400,000 | Obey | Kohl |
| RDTE,A | Rural Health (CERMUSA) (Note: To serve remote and rural military retiree populations) | 2,400,000 | Shuster | Casey |
| RDTE,A | Safe Airway Access in Combat | 2,000,000 | | Hagel |
| RDTE,A | Self Powered Prosthetic Limb Technology | 2,400,000 | Peterson (PA) | Casey, Specter |
| RDTE,A | Self Powered, Lightweight, Flexible Display Unit on a Plastic Substrate | 1,600,000 | | Grassley, Harkin |
| RDTE,A | Self-Deploying Autonomous Sensor Platforms for Situational Awareness | 4,000,000 | Blunt | |
| RDTE,A | Semi-Autonomous or Unattended Psychological Operations and Reconnaissance Tool (SUPORT) | 2,400,000 | Spratt | |
| RDTE,A | Shadow Tactical Unmanned Aerial System Flight in the National Airspace | 4,000,000 | | Cardin, Mikulski |
| RDTE,A | Short Range Electro Optic (SREO) | 1,600,000 | | Nelson (FL) |
| RDTE,A | Silver Fox and Manta UAS | 2,000,000 | Giffords | |
| RDTE,A | Small Agile Satellites | 400,000 | | Feinstein |
| RDTE,A | Small Business Infrared Material Manufacturing-Silicon Alternative Substrates | 5,600,000 | | Durbin |
| RDTE,A | Small Unmanned Aerial Vehicles and Sensors | 500,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,A | Smart Data Project: Real-Time Geospatial Video Sensor Intelligence | 800,000 | Tierney | Kennedy |
| RDTE,A | Smart Machine Platform Initiative | 4,000,000 | Chabot, McNulty | Brown, Schumer, Voinovich |
| RDTE,A | Smart Prosthetic Hand Technology | 1,600,000 | | Craig, Crapo |
| RDTE,A | Smart Prosthetics Research | 1,600,000 | Kuhl, Walsh | Schumer |
| RDTE,A | Smart Sensor Supercomputing Center | 5,800,000 | | Byrd |
| RDTE,A | SOCOM Lightweight Unmanned Ground Robot | 1,600,000 | Ross | |
| RDTE,A | Software Lifecycle Affordability Management Phase II (SLAM II) | 800,000 | Saxton | Lautenberg, Menendez |
| RDTE,A | Soldier Fuel Cell System | 2,400,000 | Visclosky | |
| RDTE,A | Soldier Portable Power Pack (SP3) for the 21st Century Warrior | 1,700,000 | Price (NC), Hayes | Dole |
| RDTE,A | Soldier Survival in Extreme Environments | 2,960,000 | | Hagel, Nelson (NE) |
| RDTE,A | Soldier Worn Gunshot Detection System | 2,400,000 | Visclosky | |
| RDTE,A | Solid Oxide Fuel Cell Powered Tactical Smart Charger | 1,600,000 | Walsh | |
| RDTE,A | Solid State Processing of Titanium Alloys for Defense Materiel Armaments | 1,440,000 | Kaptur | |
| RDTE,A | Solid State Shelter Lighting System | 384,000 | Hill | Bayh |
| RDTE,A | Solutions for Infection Control in Military Hospitals | 2,000,000 | | Nelson (NE) |
| RDTE,A | Southeast Nebraska Cancer Center/National Functional Genomics Center | 1,200,000 | Fortenberry | Nelson (NE) |
| RDTE,A | Specialized Compact Automated Mechanical Clearance Platform | 1,600,000 | Murphy, Patrick | |
| RDTE,A | Spectroscopic Materials Identification Center | 800,000 | Berry | Lincoln, Pryor |
| RDTE,A | Spinal Muscular Atrophy (SMA) Research Program | 3,200,000 | Pelosi, Nadler, Rangel | Schumer |
| RDTE,A | Spring Suspended Airless Tires for Convoy Protection | 2,800,000 | Obey | |
| RDTE,A | Stabilized Enzyme Biofuel Cell (SEBC) for Unmanned Ground Sensors | 800,000 | | Bond |
| RDTE,A | Standoff Hazardous Agent Detection and Evaluation System | 2,800,000 | Berry | Lincoln, Pryor |
| RDTE,A | Standoff Improvised Explosive Device Detection Program | 4,800,000 | Boyd, Berry, Brown (FL), Hirono, Meek | Akaka, Lincoln, Martinez, Pryor |
| RDTE,A | Staph Vaccine | 4,000,000 | | Conrad, Dorgan |
| RDTE,A | Strattice Dermal Matrix Research | 2,400,000 | Ferguson | |
| RDTE,A | Stryker Common Active Protection System (APS) Radar | 1,600,000 | Johnson, Sam; Hall (TX); Reyes | Cornyn |
| RDTE,A | Stryker Second Source Tire Research | 800,000 | Goode, Ryan (OH) | Voinovich, Warner, Webb |
| RDTE,A | Super High Accuracy Range Kit (SHARK) | 3,600,000 | Young (FL) | |
| RDTE,A | Superior Weapons Systems Through Castings | 1,600,000 | | Brownback, Lincoln, Pryor, Roberts |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | Superlattice Semiconductors for Mobile SS Lighting and Solar Power Applications | 2,400,000 | Hinchey | |
| RDTE,A | Sustainable Alternative Energy for DoD | 2,400,000 | Obey | |
| RDTE,A | Synchrotron-based Scanning Research Neuroscience and Proton Institute | 5,000,000 | Lewis (CA) | |
| RDTE,A | Synthetic Automotive Virtual Environments | 2,400,000 | Hodes | |
| RDTE,A | Systems Biology Biomarkers Toxicology Initiative | 2,640,000 | Dicks, Baird, McDermott | Murray |
| RDTE,A | Tactical Asset Visibility Enhancement | 500,000 | | Reid |
| RDTE,A | Tactical Booster for Mobile Network Centric Warfare | 1,600,000 | Obey | Kohl |
| RDTE,A | Tactical Metal Fabrication System (TacFab) | 2,000,000 | Turner, Brown (SC), Clyburn, Markey, Ryan (OH), Tierney, Tsongas | Kerry, Lautenberg, Menendez |
| RDTE,A | Tactical RPG Airbag Protection System (TRAPS) Enhancement | 800,000 | Capps, Farr | |
| RDTE,A | Technologies for Metabolic Monitoring (TMM) | 800,000 | Gonzalez | Wicker |
| RDTE,A | Technologies for Military Equipment Replenishment | 3,600,000 | Obey | Kohl |
| RDTE,A | Technology and Human Systems Integration | 2,400,000 | | Kennedy |
| RDTE,A | Technology Commercialization and Management Network | 1,600,000 | Lewis (CA), Hinojosa | |
| RDTE,A | Technology for Rapid Foreign Language Acquisitions for Specialized Military and Intelligence Purposes | 1,200,000 | | Sununu |
| RDTE,A | Telepharmacy Remote Medicine Device Unit (TRMDU) | 1,400,000 | Brady (PA), English | Casey |
| RDTE,A | Terahertz Spectrometer | 800,000 | Murphy (CT) | Dodd, Lieberman |
| RDTE,A | Test Support Infrastructure Darning and Trafficability Study | 4,000,000 | | Bingaman, Domenici |
| RDTE,A | Thermal and Electrical Nanoscale Transport (TENT) | 1,600,000 | Honda | |
| RDTE,A | Thermoelectric Power Generation Materials and Devices | 1,200,000 | | Hutchison |
| RDTE,A | Threat Detection and Neutralization Project | 3,200,000 | Mollohan | |
| RDTE,A | Titanium Extraction, Mining and Process Engineering Research (TEMPER) | 3,000,000 | | Baucus |
| RDTE,A | Titanium Powder Advanced Forged Parts Program | 1,600,000 | Murtha | |
| RDTE,A | Total Quality System for FDA Regulated Activities Database | 1,440,000 | Bishop (GA) | |
| RDTE,A | Toxic Particles | 800,000 | Allen | Collins, Snowe |
| RDTE,A | Transportable Cryofracture/Plasma Arc | 1,600,000 | Doolittle | Baucus, Tester |
| RDTE,A | Trauma Care, Research and Training | 2,400,000 | | Hutchison |
| RDTE,A | Trauma Hemostat | 800,000 | Cohen | |
| RDTE,A | Turbo Fuel Cell Engine | 2,500,000 | Murtha | |
| RDTE,A | UAS Sense and Avoid Concept Evaluation for Airspace Integration | 2,400,000 | | Shelby |
| RDTE,A | UAV-Resupply BURRO | 1,200,000 | Larson | Dodd, Lieberman |
| RDTE,A | Ultra High Speed MEMS Electromagnetic Cell Sorter (UHSMECS) | 2,400,000 | Capps | |
| RDTE,A | Ultra Light Weight Transmission for FCS | 1,600,000 | Walberg | Stabenow |
| RDTE,A | Ultra-Endurance Coating | 3,600,000 | Hobson | |
| RDTE,A | Ultra-High Resolution Display for Army Medicine (UHRDARM) | 4,000,000 | Hall (NY) | Murray |
| RDTE,A | Ultrasonic Consolidation for Armor Applications | 1,200,000 | Dingell | Levin, Stabenow |
| RDTE,A | Ultrasonic Impact Technology | 1,200,000 | | Shelby |
| RDTE,A | UMDNJ Cancer Initiative | 2,400,000 | Payne, Pallone, Sires, Smith (NJ) | |
| RDTE,A | Uncooled Metal-Oxide Semiconductor Field-Effect Transistor (MOSFET) Embedded Micro-cantilevers | 2,400,000 | Visclosky | |
| RDTE,A | Universal Control Full Authority Digital Engine Control (FADEC) | 3,200,000 | Larson | Dodd, Lieberman |
| RDTE,A | University Center for Disaster Preparedness and Emergency Response | 1,600,000 | Pallone, Payne, Smith (NJ) | Lautenberg, Menendez |
| RDTE,A | Unmanned Ground Vehicle Advanced Technology Development | 2,500,000 | Murtha | |
| RDTE,A | Unmanned Ground Vehicle Initiative (UGVI) | 12,000,000 | | Levin |
| RDTE,A | Unserviceable Ammunition Demilitarization via Chemical Dissolution | 800,000 | | Bennett, Hatch |
| RDTE,A | Urban Patterns and Signatures to Support Counter-Insurgency Operations | 1,200,000 | | Gregg |
| RDTE,A | Use of Drugs to Reduce Hearing Loss from Acute Acoustic Trauma | 1,280,000 | McHugh | |
| RDTE,A | UXO Detection and Classification in Volcanic Soil Using an Integrated Fully Polametic GPR and Chemical Sensor Technology | 1,000,000 | Hirono | Akaka |
| RDTE,A | Vectored Thrust Ducted Propeller Compound Helicopter | 5,000,000 | Castle | Biden, Carper, Casey, Specter |
| RDTE,A | Vehicle Armor Structure Development and Testing for Future Combat Systems and Joint Light Tactical Vehicle | 800,000 | Levin | Levin, Stabenow |
| RDTE,A | Vehicle Common Armor Manufacturing Process (VCAMP) | 2,000,000 | Saxton | |
| RDTE,A | Vertical Integration for Missile Defense Surveillance Data | 3,280,000 | | Cochran |
| RDTE,A | Vertical/Horizontal Integration of Space Technologies and Applications (VISTA) | 2,400,000 | Aderholt | |
| RDTE,A | VideoArgus | 2,000,000 | Holt, Rothman | Lautenberg, Menendez |
| RDTE,A | Vigilant Sentinel Auto-ID and Access Control System | 1,600,000 | Tiahrt | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,A | VIPER Mobile Power Development Project | 800,000 | Harman | |
| RDTE,A | Virtual Opportunity and Information Center | 1,000,000 | Murphy, Tim | |
| RDTE,A | Vision Integrating Strategies in Ophthalmology and Neurochemistry (VISION) | 3,200,000 | Granger | Cornyn |
| RDTE,A | Visualization for Training and Simulation in Urban Terrains | 1,200,000 | | McConnell |
| RDTE,A | Warfighter Cancer Care Engineering | 2,400,000 | Carson | Bayh, Lugar |
| RDTE,A | Wearable Gyro-Compensated Personnel Tracking During GPS Interference | 800,000 | Slaughter, Kuhl | |
| RDTE,A | Wearable Personal Area Network Technology | 2,400,000 | Spratt | |
| RDTE,A | Weight Measurements and Standards for Military Personnel | 2,000,000 | | Vitter |
| RDTE,A | Western Hemisphere Security Analysis Center | 1,600,000 | Hastings (FL) | Nelson (FL) |
| RDTE,A | Wireless Analysis and Visualization Engines for Sensors (WAVES) | 800,000 | Stupak | |
| RDTE,A | Wireless Electronic Patient Records | 3,200,000 | Harman | Feinstein |
| RDTE,A | Wireless Medical Monitoring System (WiMed) | 1,600,000 | Boswell, Latham | Grassley, Harkin |
| RDTE,A | Wound Infection Treatment Program | 2,400,000 | Baldwin | Kohl |
| RDTE,A | Wyoming Valley Integrated Command Operations Program (ICOP) | 1,600,000 | Carney | |
| RDTE,AF | Accelerated Insertion of Advanced Materials and Certification for Military Aircraft Structure Material Substitution and Repair | 3,000,000 | Tiahrt | Brownback, Roberts |
| RDTE,AF | Accelerator-Driven Non-Destructive Testing | 2,000,000 | Simpson | Crapo |
| RDTE,AF | ACES 5 Ejection Seat | 5,600,000 | Lamborn, Pastor | Allard, Bennett, Cochran, Dodd, Lieberman, Salazar, Wicker |
| RDTE,AF | Acquisition Data Repository (ADR) | 2,800,000 | Hobson | |
| RDTE,AF | Active Unmanned Air Vehicle (UAV) Phenomenology and Automatic Target Recognition Technology Transition (ATR) | 2,000,000 | Hobson | |
| RDTE,AF | Advance Casting and Coating Technologies for Aircraft Canopies | 2,800,000 | Sutton | Specter |
| RDTE,AF | Advance Threat Alert/Advance Technology Demonstration | 4,880,000 | Hodes | Gregg, Sununu |
| RDTE,AF | Advanced Aerospace Heat Exchangers | 1,600,000 | Wilson (OH) | Voinovich |
| RDTE,AF | Advanced Carbon Fiber Research and Test Initiative | 2,400,000 | Spratt, Inglis | Graham |
| RDTE,AF | Advanced Data Exploitation and Visualization | 800,000 | | Brown |
| RDTE,AF | Advanced Electromagnetic Location of IEDs Defeat System | 1,600,000 | Kaptur | |
| RDTE,AF | Advanced Fiber Lasers Systems and Components | 960,000 | | Murray |
| RDTE,AF | Advanced fuel cell based power system for small UAV applications | 1,200,000 | | Reid |
| RDTE,AF | Advanced Lithium Ion Battery Manufacturing | 1,600,000 | Scott (GA) | Isakson |
| RDTE,AF | Advanced Military Installations that Integrate Renewable Energy and Advanced Energy Storage Technologies | 4,000,000 | | Bond |
| RDTE,AF | Advanced Modular Avionics for Operationally Responsive Space Use | 2,400,000 | Wilson (NM) | Bingaman, Domenici |
| RDTE,AF | Advanced Nanotube Micro-Munitions Weapon Technology Initiative | 1,600,000 | Bishop (GA) | |
| RDTE,AF | Advanced Staring Infrared Testbed (ASIRT) Technology Demonstration | 960,000 | | Allard, Salazar |
| RDTE,AF | Advanced Technical Intelligence Center (ATIC) | 2,000,000 | Hobson | Voinovich |
| RDTE,AF | Advanced Thermal Control Coatings for Space Applications | 1,600,000 | Davis (IL) | |
| RDTE,AF | Advanced Vehicle Propulsion Center | 1,200,000 | McKeon | |
| RDTE,AF | Aerodynamic Wind Tunnel Upgrade Initiative | 1,600,000 | Giffords | |
| RDTE,AF | Aerospace Lab Equipment Upgrade | 800,000 | Napolitano | |
| RDTE,AF | Affordable Lightweight Power Supply Development | 1,000,000 | Gerlach | Casey, Specter |
| RDTE,AF | Air Cargo Tracking and Analysis/Secure Skies | 1,360,000 | | Inouye |
| RDTE,AF | Air Force Minority Leaders Program | 8,000,000 | | Alexander, Corker, Hutchison, Landrieu |
| RDTE,AF | Air Purification with Carbon Nanotube Nanostructured Material | 5,000,000 | | Leahy |
| RDTE,AF | Aircraft Evaluation Readiness Initiative | 2,400,000 | | Grassley, Harkin |
| RDTE,AF | Aircraft Fatigue Modeling and Simulation | 3,000,000 | | Hutchison |
| RDTE,AF | Alternative Energy—Tin City | 500,000 | | Stevens |
| RDTE,AF | Alternative Energy Fuel Cell Power | 1,600,000 | Ryan (OH), Sutton | Brown |
| RDTE,AF | Applications of LIDAR to Vehicles with Analysis | 7,000,000 | | Inouye |
| RDTE,AF | Assessment of Alternative Energy for Aircraft Ground Equipment | 1,600,000 | Wu | Smith, Wyden |
| RDTE,AF | ASSET eWing and Data Fusion Technology Integration | 4,000,000 | | Byrd |
| RDTE,AF | Assured Aerospace Fuels Research | 1,600,000 | | Voinovich |
| RDTE,AF | AT-6B Capabilities Demonstration for the Air National Guard | 6,000,000 | Tiahrt | Brownback |
| RDTE,AF | Automated Sensor-Communication Response Technology | 1,600,000 | Hobson | |
| RDTE,AF | B-1 Bomber 16-Carry Adapter Weapons Initiative | 4,160,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,AF | B-2 Advanced Tactical Data Link | 11,200,000 | | Feinstein, Inhofe |
| RDTE,AF | Ballistic Missile Technology | 2,400,000 | Young (FL) | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,AF | Base Facility Energy Independence | 3,200,000 | Kaptur | |
| RDTE,AF | BattleSpace: Reducing Military Decision Cycles | 1,280,000 | | Hagel, Nelson (NE) |
| RDTE,AF | Big Antennas Small Structures Efficient Tactical (BASSET) UAV | 1,200,000 | Harman | |
| RDTE,AF | Bio-JP8 Fuel Development | 800,000 | Boyd | |
| RDTE,AF | Biothreat Test Pouch for Film Array System | 800,000 | | Bennett |
| RDTE,AF | Body Armor Improved Ballistic Protection | 2,000,000 | Murtha | |
| RDTE,AF | Broad Area Multi-Intelligence Ubiquitous Surveillance Enterprise | 1,600,000 | Walsh, Kuhl | Schumer |
| RDTE,AF | C-130 Automated Inspection, Repair, Corrosion and Aircraft Tracking Condition-Based Maintenance Plus | 3,200,000 | Kingston, Marshall | Chambliss, Isakson |
| RDTE,AF | Carbon Nanotube Enhanced Power Sources for Space | 2,400,000 | Markey, Olver | |
| RDTE,AF | Carbon Nanotube-based Radiation Hard Nano-Electronic Devices | 7,200,000 | Blunt | |
| RDTE,AF | Carbon Non-Materials for Advanced Aerospace Applications | 2,400,000 | Culberson | |
| RDTE,AF | Center for Microplasma Science and Technology (CMST) | 2,000,000 | Rothman, Sires | Lautenberg, Menendez |
| RDTE,AF | Center for Responsive Space Systems | 800,000 | Wilson (NM) | Bingaman |
| RDTE,AF | Center for Solar Electricity and Hydrogen | 3,600,000 | Kaptur | |
| RDTE,AF | Center of Excellence for Defense UAV Education | 4,000,000 | Pomeroy | Conrad, Dorgan |
| RDTE,AF | Ceramic Matrix Composite Turbine Blade Demonstration | 4,000,000 | Shays | Dodd |
| RDTE,AF | Chip Scale Atomic Clock | 2,400,000 | Young (FL) | |
| RDTE,AF | Close Proximity Space Situational Awareness | 640,000 | Edwards (TX) | |
| RDTE,AF | Coal Transformation Laboratory | 800,000 | | Lugar |
| RDTE,AF | Combat Sent Wideband Sensor Upgrade Program | 3,040,000 | | Ensign |
| RDTE,AF | Command and Control Service Level Management (C2SLM) program | 4,000,000 | Blunt | |
| RDTE,AF | Compact Laser Terminal for Airborne Network Centric Warfare | 2,800,000 | Visclosky | |
| RDTE,AF | Component Object Model Attitude Control System Simulation/Trainer | 1,600,000 | | Murray, Warner, Webb |
| RDTE,AF | Compound Zoom for Airborne Reconnaissance (CZAR) | 1,200,000 | Sherman | |
| RDTE,AF | Conducting Polymer Stress and Damage Sensors for Composites | 1,440,000 | | Cochran |
| RDTE,AF | Consortium for Nanomaterials for Aerospace Commerce and Technology | 2,400,000 | Hinojosa | Hutchison |
| RDTE,AF | Conventional Strike Mission Integration Demonstration | 4,800,000 | Lewis (CA) | |
| RDTE,AF | Core Component Jammer (CCJ) | 9,000,000 | Tiahrt | Brownback, Roberts |
| RDTE,AF | COTS Analysis Tools for Navigational Warfare | 1,200,000 | Sestak | |
| RDTE,AF | COTS Technology for Situational Space Awareness | 2,800,000 | Gerlach | Specter |
| RDTE,AF | Cyber Attack Mitigation and Exploitation Laboratory (CAMEL) III | 2,000,000 | Arcuri | Schumer |
| RDTE,AF | Cyber Security Laboratory at Louisiana Tech University | 3,000,000 | Alexander, McCrery | Landrieu |
| RDTE,AF | Defensive Counterspace Testbed | 800,000 | | Allard |
| RDTE,AF | Development and Testing of Advanced Paraffin-Based Hybrid Rockets for Space Applications | 2,800,000 | Lofgren | |
| RDTE,AF | Development and Validation of Advanced Design Technologies for Hypersonic Research | 2,000,000 | | Coleman, Klobuchar |
| RDTE,AF | Diamond Substrate for Cooling of Micro-Electronics | 2,000,000 | | Reed |
| RDTE,AF | Distributed Mission Interoperability Toolkit (DMIT) | 1,600,000 | Sestak, Andrews, LoBiondo | |
| RDTE,AF | Eglin AFB Range Operations Center (ROCC) Initiative | 800,000 | Miller (FL) | |
| RDTE,AF | Eielson Air Force Base Alternative Energy Source Program | 2,400,000 | Young (AK) | |
| RDTE,AF | Eielson Air Force Base Coal to Liquid Initiative | 5,000,000 | | Stevens |
| RDTE,AF | Electromagnetic In-Flight Propeller Balancing System | 2,000,000 | English | Casey, Specter |
| RDTE,AF | Electronics Liquid Cooling for Advanced Military Ground and Aerospace Vehicle Projects | 1,000,000 | LaTourette | |
| RDTE,AF | EMI Grid Fabrication Technology | 2,720,000 | Bono Mack | |
| RDTE,AF | Energetic Device Quality and Reliability Improvements Using Computer Aided Process Control | 2,400,000 | Blunt | |
| RDTE,AF | Expeditionary 200 kW+ Alternative Power Generator | 800,000 | Lamborn | |
| RDTE,AF | Expert Organization Develoment System (EXODUS) | 1,000,000 | Capito | |
| RDTE,AF | F-15 AESA Development and Demonstration | 12,000,000 | | Cochran, Feinstein, Wicker |
| RDTE,AF | F-15 AN/ALR-56C RWR Digital Receiver Upgrade | 3,200,000 | Rothman, Pascrell | Lautenberg, Menendez |
| RDTE,AF | FEL Capabilities for Aerospace Microfabrication | 1,120,000 | Wittman | |
| RDTE,AF | Field Programmable Gate Arrays Mission Assurance Center | 3,000,000 | | Bingaman, Domenici |
| RDTE,AF | Fire and Blast Resistant Materials for Force Protection | 1,600,000 | Moore (WI) | Kennedy, Kohl |
| RDTE,AF | Flash Hyper-Dimensional Imaging System for Space Situational Awareness and Ballistic Missile Defense | 1,600,000 | Hirono | Akaka, Inouye |
| RDTE,AF | Flexible Access Secure Transfer (FAST) | 1,200,000 | Pascrell, Rothman | |
| RDTE,AF | Florida National Guard Missile Range Safety Technology | 1,600,000 | Young (FL) | |
| RDTE,AF | FPS-16 Radar Mobilization Upgrade | 2,800,000 | Miller (FL) | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,AF | Freedom Fuels/Coal Fuels Alliance | 3,200,000 | | Bunning |
| RDTE,AF | Gallium Nitride RF Power Technology | 1,600,000 | Coble | |
| RDTE,AF | Health Surveillance System | 1,600,000 | Inslee | Murray |
| RDTE,AF | High Power Broadly Tunable Middle-Infrared Laser Sources | 2,400,000 | Davis (AL) | |
| RDTE,AF | High Temperature Hydrogen Energy Production Facility | 1,200,000 | | Hutchison |
| RDTE,AF | Holloman High Speed Test Track | 4,000,000 | Pearce | Bingaman, Domenici |
| RDTE,AF | Homeland Emergency Learning and Preparedness (HELP) Center | 3,000,000 | Hobson | |
| RDTE,AF | Hybrid Bearing | 1,600,000 | Coble, Hayes, Shuler, Turner | Dodd, Dole, Gregg, Lieberman, Voinovich |
| RDTE,AF | Hybrid Sounding Rocket Propulsion | 800,000 | Hunter | |
| RDTE,AF | Hydrocarbon Boost Technology Demonstrator | 1,400,000 | McCarthy (CA), Doolittle, Matsui, McKeon | |
| RDTE,AF | Imaging Tools for Human Performance Enhancement and Diagnostics | 2,000,000 | Hobson | Voinovich |
| RDTE,AF | Inductive Thermography Systems Inspection | 2,400,000 | | Murray |
| RDTE,AF | Information Quality Tools for Persistent Surveillance Data Sets | 1,600,000 | Snyder | Lincoln, Pryor |
| RDTE,AF | Innovative Polymeric Materials for Three-Dimensional (3-D) Microdevice Construction | 1,600,000 | Emerson | |
| RDTE,AF | Institute for Science and Engineering Simulation (ISES) | 3,360,000 | Burgess | |
| RDTE,AF | Integrated Aircraft Energy Management | 2,000,000 | Hobson | |
| RDTE,AF | Integrated Electrical Starter/Generator (IES/G) | 1,600,000 | Turner | Voinovich |
| RDTE,AF | Integrated Power for Aircraft Technologies (INPACT II) | 3,500,000 | Manzullo | Durbin |
| RDTE,AF | Integrated Propulsion Analysis Tool | 2,000,000 | Lewis (CA) | |
| RDTE,AF | Integrated SAR/PI Evaluator for Critical Target and Activity Recogniton (INSPECTAR) | 800,000 | Hobson | |
| RDTE,AF | Integrated Spacecraft Engineering Tool (ISET) | 1,600,000 | Lewis (CA) | |
| RDTE,AF | Integrated Targeting Device | 3,000,000 | | Nelson (FL) |
| RDTE,AF | Intelligent Manufacturing Initiative | 2,400,000 | Pryce | Voinovich |
| RDTE,AF | Internal Base Facility Energy Independence—Solar | 1,600,000 | Kaptur | |
| RDTE,AF | Joint Theater Air Ground Simulation System | 2,400,000 | | Martinez |
| RDTE,AF | Large Aircraft Infrared Countermeasures for AFSOC AC/MC-130 Aircraft | 4,400,000 | Miller (FL) | Martinez, Nelson (FL) |
| RDTE,AF | Large Area, APVT Materials Development for High Power Devices | 800,000 | Frelinghuysen | Lautenberg, Menendez |
| RDTE,AF | Laser Peening for Friction Stir Welded Aerospace Structures | 1,600,000 | Tiahrt | |
| RDTE,AF | Lean Management System Research Initiative at Air Mobility Wing MacDill AFB | 800,000 | Young (FL) | |
| RDTE,AF | LGX High Temperature Acoustic Wave Sensors | 1,600,000 | | Collins, Snowe |
| RDTE,AF | Light Weight Organic Photovoltaic Technologies | 1,200,000 | Altmire | |
| RDTE,AF | Lightweight, High-Efficiency Solar Cells for Spacecraft | 800,000 | | Durbin |
| RDTE,AF | Liquid Crystal Laser Eye Protection | 1,600,000 | Ryan (OH) | |
| RDTE,AF | Lithium Ion Domestic Materials Development | 1,600,000 | Courtney | Dodd |
| RDTE,AF | Low Profile Arresting Gear | 800,000 | Sestak | Casey |
| RDTE,AF | Low Voltage, Wideband Electro-Optic Polymer Modulators | 3,000,000 | Inslee | Cantwell, Murray |
| RDTE,AF | Low-Earth Orbit Nanosatellite Integrated Defense Autonomous Systems | 5,000,000 | | Inouye |
| RDTE,AF | Manufacturing of High Energy Superior Lithium Battery Technology | 6,000,000 | | Bond |
| RDTE,AF | Massively Parallel Optical Interconnects (MPOI) for ISR Satellites | 1,600,000 | | Ensign |
| RDTE,AF | Massively Parallel Optical Interconnects for MicroSatellite Applications | 1,600,000 | | Reid |
| RDTE,AF | Materials Integrity Management Research for Air Force Systems | 800,000 | | Roberts |
| RDTE,AF | Microcomposite Coatings for Chrome Replacement | 800,000 | Jones (OH) | |
| RDTE,AF | Micro-Grid Energy Storage Utilizing a Deployable Zinc-Bromide Flow Battery | 1,600,000 | Marshall | |
| RDTE,AF | Micromachined Switches for Next Generation Modular Satellites | 2,400,000 | Miller, George | |
| RDTE,AF | Micro-Satellite Serial Manufacturing to Include Academic Outreach Educational Program | 800,000 | Harman, Lewis (CA) | |
| RDTE,AF | Mobile Wind Turbine Systems to Power Forward Bases | 800,000 | | Brown |
| RDTE,AF | Moving Target Strike | 2,000,000 | Miller (FL) | |
| RDTE,AF | M-PACT High Pressure Pure Air Generator System | 1,600,000 | Frelinghuysen, Garrett | Lautenberg, Menendez |
| RDTE,AF | MPOI for Battlespace Information Exchange | 3,900,000 | | Reid |
| RDTE,AF | MQ-9 Reaper—UAS AirPortal, Hancock Field | 3,000,000 | Walsh | |
| RDTE,AF | MSSS Operations & Research | 22,000,000 | | Inouye |
| RDTE,AF | Multi Platform Radar Technology Improvement Program (MPRTIP) Integration and Test on JSTARS | 20,000,000 | Shays, Weldon | Chambliss, Dodd, Isakson, Lieberman |
| RDTE,AF | Multicontinuum Technology for Space Structures | 2,880,000 | Cubin | Enzi |
| RDTE,AF | Multi-mission Deployable Optical System | 4,000,000 | | Inouye |
| RDTE,AF | Multi-Mode Space Propulsion | 800,000 | Gilchrest | Mikulski |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,AF | Multiple UAS Cooperative Concentrated Observation and Engagement Against a Common Ground Objective | 4,400,000 | Bartlett, Sestak | |
| RDTE,AF | Multi-Sensor Detect, See and Avoid | 6,000,000 | | Reid |
| RDTE,AF | Multi-Sensor Person-Borne Suicide Counter Bomber Detection Systems | 1,200,000 | Hobson | |
| RDTE,AF | Nano-Composite Structures Manufacturing Technology Development | 800,000 | Turner | Brown |
| RDTE,AF | Nanocomposites for Lightning Protection of Composite Airframe Structures | 1,200,000 | Tiahrt | Brownback |
| RDTE,AF | National Test Facility for Aerospace Fuels and Propulsion | 1,360,000 | Buyer | |
| RDTE,AF | Net-Centric Sensors Grid | 800,000 | Hill | Bayh, Lugar |
| RDTE,AF | New Electronic Warfare Specialists Through Advanced Research by Students | 1,600,000 | Hobson | |
| RDTE,AF | Next Generation Casting Supplier Base Initiative | 2,400,000 | Blumenauer | Reid |
| RDTE,AF | Next Generation Manufacturing Processes | 1,200,000 | Smith (TX) | |
| RDTE,AF | Next Generation Tactical Environmental Clothing for AFSOC | 2,000,000 | Rogers (AL) | |
| RDTE,AF | NP 2000 Propeller System—Air National Guard Special Missions C-130 | 2,000,000 | Murphy (CT) | Dodd, Schumer |
| RDTE,AF | Nuclear Test Seismic Research | 2,000,000 | | Leahy, Kennedy, Kerry |
| RDTE,AF | ONAMI Safer Nanomaterials and Nanomanufacturing | 4,000,000 | Blumenauer, DeFazio, Walden, Wu | Smith, Wyden |
| RDTE,AF | Operational Responsive Space Architecture for Dual Use Applications | 1,272,000 | Perlmutter | |
| RDTE,AF | Optic Band Control Program | 800,000 | Bilirakis | |
| RDTE,AF | Optically Pumped Atomic Laser (OPAL) | 2,800,000 | Hobson, Grijalva | |
| RDTE,AF | PanSTARRS | 8,000,000 | | Inouye |
| RDTE,AF | Partnership for Emerging Technologies | 1,600,000 | Duncan | Corker |
| RDTE,AF | Partnership in Innovative Preparation for Educators and Students and the Space Education Consortium | 800,000 | | Allard, Salazar |
| RDTE,AF | Pennsylvania NanoMaterials Commercialization Center | 2,000,000 | Doyle | |
| RDTE,AF | Persistent Sensing Data Processing, Storage and Retrieval | 1,600,000 | | Brown |
| RDTE,AF | PhasorBIRD Helmet Tracker | 2,480,000 | | Leahy |
| RDTE,AF | Plasma-Sphere Array for Flexible Electronics | 2,800,000 | Kaptur | |
| RDTE,AF | Precision Image Tracking and Registration | 1,600,000 | Young (FL) | |
| RDTE,AF | Predator Mission Aircrew Training System (PMATS) Upgrade | 2,400,000 | Hinchey | Schumer |
| RDTE,AF | Prepreg Thickness Variability Reduction Program | 1,600,000 | Hall (TX) | |
| RDTE,AF | Production of Nanocomposites for Aerospace Applications | 1,600,000 | Turner | Voinovich |
| RDTE,AF | Project Air Force | 3,000,000 | | Feinstein |
| RDTE,AF | Radiation Hardened Microelectronics (HX5000) Carbon Nanotube Sensors | 2,000,000 | | Coleman, Klobuchar |
| RDTE,AF | Radiation Hardened Non-Volatile Memory Technology | 1,600,000 | Lamborn | Salazar |
| RDTE,AF | Rapid Automated Processing of Advanced Low Observables | 1,600,000 | | Brown |
| RDTE,AF | Rapid Prototyping and Nanotechnology Initiative | 800,000 | Waters | |
| RDTE,AF | Rapid Replacement of Mission Critical Electronics to Support High Usage Wartime Aircraft Deployments | 1,500,000 | Marshall | Chambliss, Isakson |
| RDTE,AF | Real-time Optical Surveillance Applications | 2,800,000 | | Inouye |
| RDTE,AF | Reconfigurable Electronics and Non-Volatile Memory Research | 2,000,000 | | Craig, Crapo |
| RDTE,AF | Reconfigurable Secure Computing | 1,200,000 | Moran (VA) | Warner, Webb |
| RDTE,AF | Regional Telepathology Initiative at Keesler AFB | 2,500,000 | | Cochran |
| RDTE,AF | Remote Suspect Identification | 3,200,000 | Alexander, McCrery | |
| RDTE,AF | Renewable Hydrocarbon Fuels for Military Applications (Great Lakes Region) | 2,000,000 | Kucinich | Brown |
| RDTE,AF | Rivet Joint ISR Network Integration | 2,000,000 | Hall (TX) | |
| RDTE,AF | Satellite Coherent Optical Receiver (SCORE) | 1,750,000 | Pelosi | |
| RDTE,AF | Science for Sustainment | 1,600,000 | Hobson | |
| RDTE,AF | Scorpion Low Cost Helmet Mounted Cueing and Information Display System | 4,000,000 | LaHood | Durbin |
| RDTE,AF | Secure Network Centric Operations | 1,600,000 | Johnson, Sam | |
| RDTE,AF | Semiconductor Optical Amplifier for Responsive Space MPOI | 2,200,000 | Heller, Porter | |
| RDTE,AF | Sensor Fusion | 2,400,000 | Hobson | |
| RDTE,AF | Sewage-Derived Biofuels Project | 2,400,000 | | Cochran |
| RDTE,AF | Shielding Rocket Payloads | 400,000 | Herseth Sandlin | Johnson, Thune |
| RDTE,AF | Silicon Carbide Electronics Material Producibility Initiative | 4,800,000 | Pickering | Cochran |
| RDTE,AF | Silicon Carbide Power Electronics for More Electric Aircraft | 3,200,000 | Pickering | Cochran, Wicker |
| RDTE,AF | Small Adaptive Cycle Turbine Engines | 1,600,000 | Kaptur | |
| RDTE,AF | Small Low-Cost Reconnaisance Spacecraft Components | 1,600,000 | Bishop (UT) | |
| RDTE,AF | Smart View Program (SVP) | 800,000 | Hobson | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,AF | Sonic Infrared Imaging Technology Development | 800,000 | | Stabenow |
| RDTE,AF | Space Control Test Capabilities | 1,600,000 | Everett, Aderholt, Rogers (AL) | Sessions, Shelby |
| RDTE,AF | Space Qualification of the Common Data Link | 1,600,000 | Cannon | Bennett |
| RDTE,AF | Space Situational Awareness | 1,200,000 | Edwards (TX) | |
| RDTE,AF | Space Situational Awareness—TCN Demonstration and Deployment | 3,000,000 | | Kennedy, Kerry |
| RDTE,AF | Super-Resolution Sensor System | 2,000,000 | | Allard |
| RDTE,AF | Sustainable Energy Vermont National Guard Demonstration Projects | 5,000,000 | | Leahy, Sanders |
| RDTE,AF | Synthetic Aperture Radar (SAR) Thunder Radar Pod (TRP) | 3,200,000 | Israel | Bond, Graham |
| RDTE,AF | Tactical Shelters Next Generation Composite Initiative | 1,600,000 | | Reid |
| RDTE,AF | Technical Order Modernization Environment | 1,440,000 | Kaptur | |
| RDTE,AF | Technology Insertion Demonstration and Evaluation (TIDE) | 3,200,000 | Doyle | |
| RDTE,AF | Texas Research Institute for Environmental Studies | 1,600,000 | Brady (TX) | |
| RDTE,AF | Thermal IR Processing and Exploitation Cell (TPEC) | 2,400,000 | Hobson | |
| RDTE,AF | Thin Film Amorphous Solar Arrays | 1,600,000 | | Levin |
| RDTE,AF | Tools and Technologies for Incident and Consequence Management | 800,000 | Moran (VA) | |
| RDTE,AF | Transportable Transponder Landing System | 4,000,000 | | Smith, Wyden |
| RDTE,AF | Ultra High Resolution Deployable Projector for Simulation | 3,200,000 | | Enzi |
| RDTE,AF | Ultra Low Power Electronics | 3,200,000 | | Craig, Crapo |
| RDTE,AF | Ultralight Aerospace Nanotube Conductors | 2,000,000 | Hodes | Sununu |
| RDTE,AF | Unmanned Aerial Systems Mission Planning and Operation Center | 400,000 | Moran (KS) | |
| RDTE,AF | Vortex Low Cost Rocket Engine | 2,400,000 | | Kohl |
| RDTE,AF | Warfighter Support Using HELIOS | 2,400,000 | Cramer | |
| RDTE,AF | Warner Robbins Air Logistics Center Special Operations Forces | 800,000 | Marshall | Chambliss, Isakson |
| RDTE,AF | WASH Oxygen Sensor and Cell-Level Battery Controller | 800,000 | Dreier | |
| RDTE,AF | Watchkeeper | 800,000 | Rehberg | Baucus, Tester |
| RDTE,AF | Weather Sensors for CoT | 1,600,000 | Moran (VA) | |
| RDTE,AF | Wideband Digital Airborne Electronic Sensing Array | 2,400,000 | | Reed, Whitehouse |
| RDTE,AF | WR-ALC Strategic Airlift Aircraft Availability Improvement | 3,360,000 | Kingston, Marshall | Chambliss, Isakson |
| RDTE,AF | XTC58F VAATE Small Turbo Fan Program | 3,600,000 | Pastor | |
| RDTE,AF | Strategic Biofuel Supply Program | 1,000,000 | Rodriguez | Hutchison |
| RDTE,DW | 3-D Electronics and Power | 2,400,000 | Calvert | |
| RDTE,DW | 3-D Technology for Advanced Sensor Systems | 1,440,000 | Simpson, Price (NC) | Craig, Crapo, Dole |
| RDTE,DW | Acinetobacter Baumannii Research | 2,000,000 | Pelosi | Boxer |
| RDTE,DW | Advanced Active Denial Planar Scanning Antenna System | 1,600,000 | Sherman, Gallegly | |
| RDTE,DW | Advanced Battery Technology | 2,300,000 | Young (FL) | |
| RDTE,DW | Advanced Craft Technology Demonstrators to Quantify and Mitigate Operator Injury | 2,000,000 | Davis (CA) | |
| RDTE,DW | Advanced Development of Mobile Rapid Response Prototypes | 1,600,000 | | Lautenberg, Menendez |
| RDTE,DW | Advanced Emergency Response Integrated Environment (AERIE) | 1,200,000 | Sestak | |
| RDTE,DW | Advanced Information Discovery and Analysis Capability for NSA | 1,200,000 | | Bennett, Hatch |
| RDTE,DW | Advanced Materials Research Institute | 2,400,000 | Jefferson | Landrieu, Vitter |
| RDTE,DW | Advanced Missile Simulation Technology for Intelligence Analysis | 1,280,000 | | Cochran |
| RDTE,DW | Advanced Mobile Microgrid | 2,720,000 | Rogers (MI), Conyers, Dingell | Levin, Stabenow |
| RDTE,DW | Advanced SAM Hardware Simulator Development | 5,000,000 | Johnson (GA), Bishop (GA), Cramer, Gingrey, Scott (GA) | Chambliss, Isakson |
| RDTE,DW | Advanced Scientific Missile Intelligence Preparation of the Battlespace (IPB) | 2,000,000 | Cramer | |
| RDTE,DW | Advanced Tactical Laser Flashlight Devices | 1,200,000 | Kilpatrick | |
| RDTE,DW | Advanced Tactical Threat Warning Radio (ATTWR) | 1,200,000 | Lofgren | Boxer |
| RDTE,DW | Advanced Technology Sensors and Payloads | 1,600,000 | Lewis (CA) | |
| RDTE,DW | Advanced, Long Endurance Unattended Ground Sensor Technologies | 3,600,000 | Pickering | Cochran |
| RDTE,DW | AELED IED Electronic Signature Detection | 3,200,000 | Murtha | |
| RDTE,DW | Agile JTRS Integrated Circuits | 1,600,000 | Capps | |
| RDTE,DW | Agile Software Capability Interventions | 1,600,000 | | Bond |
| RDTE,DW | Aging Systems Sustainment and Enabling Technologies | 2,000,000 | Lucas | Inhofe |
| RDTE,DW | Airborne Infrared Surveillance (AIRS) System | 800,000 | Sullivan, Boren | Inhofe |
| RDTE,DW | All-Source Content Management (ASCMAN) for Actionable Intelligence | 1,600,000 | | Bond |
| RDTE,DW | Antibody-Based Therapeutic Against Smallpox | 800,000 | Van Hollen | Cardin |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,DW | Antioxiant Micronutrient Therapeutic Countermeasures for Chemical Agents | 800,000 | McCarthy (NY) | |
| RDTE,DW | Arctic Regional Supercomputer | 3,200,000 | | Stevens |
| RDTE,DW | Armed Forces Health and Food Supply Research | 5,000,000 | | Roberts |
| RDTE,DW | Augmented Reality to enhance Special Warfare Domain Awareness | 1,600,000 | Allen | Collins, Snowe |
| RDTE,DW | Autonomous Rendezvous/Formation Flight | 2,000,000 | | Reid |
| RDTE,DW | Bio Agent Early Warning Detector | 2,000,000 | Hoyer | Cardin |
| RDTE,DW | Bio-Butanol Production Research | 2,000,000 | Clyburn | |
| RDTE,DW | Biodefense Vaccine Development and Engineering of Antiviral Peptides | 1,600,000 | | Vitter |
| RDTE,DW | Biofuels Program | 1,600,000 | | Levin |
| RDTE,DW | Biological Threat Antibody Research | 1,600,000 | King (IA), Herseth Sandlin | |
| RDTE,DW | Biometric Signatures Research | 2,000,000 | | McConnell |
| RDTE,DW | Biometric Terrorist Watch-List Data Base Management Development | 1,600,000 | Ramstad, Shays, Tsongas | Coleman, Kerry, Lieberman |
| RDTE,DW | Biosurety Development and Management Program | 1,200,000 | Reyes | |
| RDTE,DW | BOPPER (Bioterrorism Operations Policy for Public Emergency Response) | 1,200,000 | Watt | Burr |
| RDTE,DW | Botulinum Neurotoxin Research | 1,600,000 | Baldwin | Kohl |
| RDTE,DW | Buoyancy Assisted Lift Air Vehicle | 2,500,000 | Napolitano, Sherman | |
| RDTE,DW | Camp Guernsey Joint Training and Experimentation Center | 6,000,000 | | Barrasso |
| RDTE,DW | Carbon Nanotube Chemical Detector | 800,000 | Edwards (TX) | |
| RDTE,DW | Carbon Nanotube Thin Film Devices for Portable Power | 1,600,000 | Lewis (CA) | |
| RDTE,DW | Catalytic Oxidation Integrated Demonstration | 2,400,000 | LaTourette, Pastor | |
| RDTE,DW | Cellulosic-Derived Biofuels Research Project | 4,000,000 | Chandler | |
| RDTE,DW | Center for Advanced Emergency Response | 4,400,000 | | Durbin |
| RDTE,DW | Center for Autonomous Solar Power (CASP) large-area, flexible PV energy research | 4,000,000 | Hinchey | Schumer |
| RDTE,DW | Center for Innovative Geospatial Technology | 10,000,000 | Lewis (CA) | |
| RDTE,DW | Center for Nonproliferation Studies, Monterey Institute for International Affairs | 1,200,000 | Berman | |
| RDTE,DW | CEROS | 10,000,000 | | Inouye |
| RDTE,DW | Chemical Warfare Agent Fate Appropriate Response Tool | 1,600,000 | Kildee | |
| RDTE,DW | Chemical/Biological Infrared Detection System | 1,200,000 | | Collins |
| RDTE,DW | Chemical/Biological Preparedness Center for Advanced Development of Mobile Rapid Response Prototypes | 4,000,000 | Rothman | |
| RDTE,DW | Collaboration Gateway | 1,200,000 | Lewis (CA) | |
| RDTE,DW | Collection Management Tool Development | 1,440,000 | Cramer, Aderholt | Shelby |
| RDTE,DW | Combating Terrorism Technology Support Office/STAR-TEC Partnership Program | 2,400,000 | Young (FL) | |
| RDTE,DW | Commercial Denied Area Radargrammetry Mapping | 800,000 | | Allard, Salazar |
| RDTE,DW | Commodity Management System Consolidation program | 1,600,000 | | Byrd |
| RDTE,DW | Common UGV Command and Control for PSYOP Programs | 800,000 | Moran (VA) | |
| RDTE,DW | Communications-Capable Reconnaissance Imager | 800,000 | | Leahy |
| RDTE,DW | Comprehensive Maritime Domain Awareness | 4,500,000 | Young (FL) | |
| RDTE,DW | Comprehensive National Incident Management System | 2,000,000 | Moran (VA), Goode | Warner, Webb |
| RDTE,DW | Connectory Expansion for Rapid Identification of Technology Sources for DoD | 400,000 | Hunter | |
| RDTE,DW | Contaminated Human Remains Pouch | 1,600,000 | | Brownback, Roberts |
| RDTE,DW | Continuation of Advanced Materials (Mercuric Iodide) Research for Nuclear Detection, Counter-Proliferation and Imaging for CBRNE Special Operations | 800,000 | Young (FL) | |
| RDTE,DW | Continuation of Industry Based Research into Biological Agent Identifiers without Wet Reagents | 1,600,000 | Young (FL) | |
| RDTE,DW | Continued Expansion of Prototypes for the Destruction of Airborne Pathogens Project | 800,000 | Slaughter | |
| RDTE,DW | Continuous Acquisition and Life-Cycle (CALS) and Integrated Data Environment and Defense Logistics Enterprise Services Program | 3,200,000 | | Byrd |
| RDTE,DW | Copper-Based Casting Technology Applications | 2,800,000 | Perlmutter | Salazar |
| RDTE,DW | Corrosion Engineering Education Initiative | 800,000 | Regula, Ryan (OH), Sutton | |
| RDTE,DW | Countering Missile-related Technology Proliferation | 2,000,000 | Goode | |
| RDTE,DW | Countermeasures to Chemical/Biological Control-Rapid Response | 2,400,000 | Young (FL) | Nelson (FL) |
| RDTE,DW | Covert Communications for SOF Operations | 1,600,000 | Gingrey | Chambliss, Isakson |
| RDTE,DW | Covert Sensing and Tagging System (CSTS) | 1,200,000 | Moran (VA) | |
| RDTE,DW | C-Scout Container Security System | 2,400,000 | | Reid |
| RDTE,DW | CV-22 Helmet Mounted Display | 2,000,000 | Young (FL) | Bayh, Lugar |
| RDTE,DW | Defense Command Integration Center | 880,000 | Moore (KS), Boyda | Brownback |
| RDTE,DW | Defense Fuelcell Locomotive | 2,000,000 | | Brownback |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,DW | Defense Leadership and Technology Initiative | 2,400,000 | Bishop (GA); Cummings; Davis (IL); Jackson-Lee; Johnson, Eddie Bernice; Lee; Meek; Norton; Ruppersberger; Sestak; Watt | Schumer |
| RDTE,DW | Defense Support to Large Scale Disaster Preparedness | 800,000 | | Landrieu, Vitter |
| RDTE,DW | Defense Through Early Containment | 1,200,000 | Towns | |
| RDTE,DW | Department of Defense Corrosion Program | 12,000,000 | | Cochran, Wicker |
| RDTE,DW | Directed Energy Systems for UAV Payloads | 800,000 | Tiahrt | |
| RDTE,DW | Disaster Response: Communications and Other Infrastructure Restoration | 4,000,000 | | Crapo |
| RDTE,DW | Distributed Network Switching | 2,000,000 | Sanchez, Loretta | Boxer |
| RDTE,DW | DNA Safeguard | 1,200,000 | | Craig, Crapo |
| RDTE,DW | Document Analysis and Exploitation | 1,600,000 | Dent | Casey, Specter |
| RDTE,DW | Document and Media Search and Discovery (DMSD) | 1,440,000 | | Cochran, Wicker |
| RDTE,DW | Dual Use Technologies for Bio-Defense: Drug Design and Delivery of Novel Therapeutics | 1,200,000 | Diaz-Balart, Mario | |
| RDTE,DW | EDIT Technology for Counter-Tunnel Operations and Cache Detection | 800,000 | Udall (NM) | Domenici |
| RDTE,DW | Electric Grid Reliability/Assurance | 1,200,000 | Simpson | Craig, Crapo |
| RDTE,DW | Electronics and Materials for Flexible Sensors and Transponders | 3,200,000 | Pomeroy | Conrad, Dorgan |
| RDTE,DW | Emerging Critical Interconnection Tech | 2,000,000 | Ellsworth | Bayh, Lugar |
| RDTE,DW | Enhanced Simulation for IO Capabilities | 5,120,000 | | Cochran, Wicker |
| RDTE,DW | Environmentally Friendly Aircraft Decontamination Systems | 1,600,000 | LaTourette | |
| RDTE,DW | Environmentally Friendly Nanometal Electroplating Processes for Cadmium and Chromium Replacement | 5,304,000 | Obey | |
| RDTE,DW | Environmentally Intelligent Moisture and Corrosion Control | 2,000,000 | Visclosky | Lautenberg, Menendez |
| RDTE,DW | Expeditionary Persistent Power (USSOCOM) | 1,600,000 | Shuster | |
| RDTE,DW | Explosively Formed Projectile Iron Curtain | 800,000 | Moran (VA) | |
| RDTE,DW | Ex-Rad Radiation Protection Program | 5,000,000 | | Lautenberg, Menendez |
| RDTE,DW | Extended-Lifetime Radioisotope Batteries | 1,600,000 | Price (NC) | Burr |
| RDTE,DW | Eye-Safe Long Range Stand-off System for Detection of Chemical and Biological Weapons | 1,500,000 | Cubin | Enzi |
| RDTE,DW | Facial Recognition Technology Initiative | 2,000,000 | Klein | |
| RDTE,DW | Facility Security Using Tactical Surveys | 2,400,000 | Lewis (CA) | |
| RDTE,DW | Feature Size Migration at DMEA AMRS Boundary | 2,000,000 | Lungren, Matsui | |
| RDTE,DW | Ferroelectric Component Technology | 1,200,000 | Peterson (PA) | Casey, Specter |
| RDTE,DW | Field Experimentation Program for Special Operations | 1,600,000 | Farr | |
| RDTE,DW | First Link | 2,000,000 | Murtha | |
| RDTE,DW | Flashlight Soldier-to-Soldier Combat Identification System (FSCIS) | 5,600,000 | Granger, Rodriguez | Cornyn |
| RDTE,DW | Florida Defense Manufacturing Supply Chain Initiative | 2,000,000 | Brown (FL) | |
| RDTE,DW | Foliage Penetrating Reconnaissance and Surveillance System | 3,200,000 | | Akaka |
| RDTE,DW | Full Scale Impact and Blast Loading Laboratory Testing Program | 1,600,000 | Davis (CA) | Boxer |
| RDTE,DW | Generation II Special Operation Forces Internally Transported Vehicle (SOF-ITV) | 1,600,000 | Waters | |
| RDTE,DW | Gulf Range Mobile Instrumentation Capability | 800,000 | Miller (FL) | |
| RDTE,DW | Helicopter Cable Warning and Obstacle Avoidance | 800,000 | Harman | Isakson |
| RDTE,DW | High Assurance Cross Domain Solutions for High Performance Computing Center Net-Centric Operations | 2,000,000 | | Sununu |
| RDTE,DW | High Assurance Cross Domain Technology Development | 2,000,000 | Bilirakis | Sununu |
| RDTE,DW | High Performance Computational Design of Novel Materials | 2,480,000 | | Cochran |
| RDTE,DW | High Performance Tunable Materials | 2,400,000 | | Conrad, Dorgan |
| RDTE,DW | High Speed, High Volume Laboratory Network for Infectious Diseases | 5,000,000 | Pelosi, Udall (NM) | Boxer, Domenici |
| RDTE,DW | High-Pressure Mobile Water Delivery System | 800,000 | Walberg | |
| RDTE,DW | Hostile Fire Indicating System | 800,000 | Barton, Sestak | |
| RDTE,DW | Hybrid Power Generation System | 1,200,000 | Simpson | Crapo |
| RDTE,DW | HyperAcute Vaccine Development | 2,400,000 | Latham | Grassley, Harkin |
| RDTE,DW | IM Formulation Development of Anthrax Therapeutic | 800,000 | Frelinghuysen | Lautenberg, Menendez |
| RDTE,DW | Improved Chemical, Biological, and Radiological Filters | 1,600,000 | | Warner, Webb |
| RDTE,DW | Improved Collapsible Urethane-Fuel Storage Tanks (ICU-FST) | 1,600,000 | Regula; Davis, David; Ryan (OH) | |
| RDTE,DW | Improved Commercial Integration (ICI) | 800,000 | | Allard |
| RDTE,DW | Improved Information Transfer for Special Forces | 2,400,000 | Young (FL) | |
| RDTE,DW | Improved LAS Glass-Ceramic Laminated Armored Window Systems | 1,600,000 | Duncan | |
| RDTE,DW | In Transit Visibility System | 800,000 | Brady (PA) | |
| RDTE,DW | In Vitro Models for Biodefense Vaccines | 1,000,000 | Brown (FL) | Martinez, Nelson (FL) |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,DW | Indiana Complex Operations Partnership | 2,000,000 | Hill | Bayh, Lugar |
| RDTE,DW | Indium Based Nitride Technology Development | 3,000,000 | Clyburn | |
| RDTE,DW | Infections Disease Research (AMNH) for Defense Research Sciences | 2,000,000 | Lowey, Nadler | |
| RDTE,DW | Inland Empire Perchlorate Wellhead Treatment | 2,000,000 | Baca | Boxer |
| RDTE,DW | Institute for Collaborative Sciences Research | 1,200,000 | Meek | |
| RDTE,DW | Institute for Information Security | 2,500,000 | | Inhofe |
| RDTE,DW | Institute of Advanced Flexible Manufacturing Systems | 7,000,000 | | Byrd |
| RDTE,DW | Integrated Analysis Environment | 1,200,000 | Moran (VA) | |
| RDTE,DW | Integrated Bridge System | 1,200,000 | Mollohan | |
| RDTE,DW | Integrated Cryo-cooled High Power Density Systems | 1,600,000 | Boyd | Nelson (FL) |
| RDTE,DW | Integrated Signature Production and Exploitation | 800,000 | Johnson (IL) | |
| RDTE,DW | Integration of Force XXI Battle Command, Brigade & Below (FBCB2) with Tactical Handheld Digital Devices (THDD) | 1,200,000 | | Shelby |
| RDTE,DW | Intelligence Analyst Education and Training | 3,900,000 | | Cochran, Wicker |
| RDTE,DW | Intelligent Decision Exploration | 3,600,000 | | Inouye |
| RDTE,DW | Intelligent Remote Sensing for Urban Warfare Operations | 2,400,000 | Sestak, Fattah | |
| RDTE,DW | Joint Ground Robotics Enterprise Modeling, Simulation, Analysis Project | 800,000 | Emerson | |
| RDTE,DW | Joint Gulf Range Complex Upgrade | 1,200,000 | Miller (FL) | |
| RDTE,DW | Joint Services Aircrew Mask Don/Doff In-flight Upgrade | 1,600,000 | Castle | Biden, Carper |
| RDTE,DW | Laboratory for High Performance Computational Systems | 1,600,000 | Cramer | |
| RDTE,DW | Large Scale Single-Use Bioreactor for Rapid Response to Bioterrorism | 800,000 | Rogers (MI) | |
| RDTE,DW | Liquid Crystal Sensor Technology Research and Development for Force Protection | 2,400,000 | Baldwin | Kohl |
| RDTE,DW | Lithium Ion Battery Safety Detection and Control of Impending Catastrophic Failures | 1,600,000 | | Bayh, Lugar |
| RDTE,DW | Long-range Tagging and Locating System | 800,000 | | Hutchison |
| RDTE,DW | Low Cost Stabilized Turret | 1,600,000 | Crenshaw | |
| RDTE,DW | Machine Augmented Composite Armor | 800,000 | Rodriguez | |
| RDTE,DW | Managing and Extending DoD Asset Lifecycles | 2,500,000 | Abercrombie | Akaka |
| RDTE,DW | Maritime UAS Demonstration for the SOUTHCOM Region | 3,000,000 | | Cochran |
| RDTE,DW | MDIOC Modeling and Simulation | 10,000,000 | Lamborn | Allard, Salazar |
| RDTE,DW | MHPCC | 5,000,000 | | Inouye |
| RDTE,DW | Micro-Power Special Operations Generator | 1,600,000 | Capuano | |
| RDTE,DW | Military/Law Enforcement Counterterrorism Test Bed | 2,400,000 | Young (FL) | |
| RDTE,DW | MilTech Expansion Program | 1,600,000 | | Baucus, Tester |
| RDTE,DW | Miniature, Remote Wideband Survey, Collection, and Recording System | 800,000 | Cramer | |
| RDTE,DW | Miniaturized Chemical Detector for Chemical Warfare Protection (ChemPen) | 1,600,000 | McGovern, Olver | |
| RDTE,DW | Mismatch Repair Derived Antibody Medicines to Treat Staphylococcus-derived Bioweapons | 1,600,000 | Gerlach, Sestak | Specter |
| RDTE,DW | Mixed Oxidants for Chem Bio Decontamination | 2,800,000 | Boyd | |
| RDTE,DW | Mobile Continuous Air Monitor (MCAM) | 1,600,000 | Brown (FL) | |
| RDTE,DW | Mobile Sensor Enhancement to BMD Sensors Network | 4,000,000 | Langevin | Kennedy, Vitter |
| RDTE,DW | Modeling and Simulation Standards Development | 640,000 | Forbes | |
| RDTE,DW | Morehouse College, John Hopps Program | 1,600,000 | Bishop (GA), Lewis (GA) | Chambliss, Isakson |
| RDTE,DW | Multiple Applications for Light Activated, Reactive Materiels for the Protection of the Warfighter, First Responder, and Public Health | 1,600,000 | Graves | |
| RDTE,DW | Multiple Target Tracking Optical Sensor Array Technology | 5,000,000 | | Akaka |
| RDTE,DW | Multi-Purpose Biodefense Immunoarray | 800,000 | DeLauro | Dodd, Mikulski |
| RDTE,DW | Multi-Spectral Laboratory (UML) and Analytical Services Center (ASCENT) Program | 1,600,000 | Lucas | Inhofe |
| RDTE,DW | Multivalent Marburg, Ebola Filovirus Vaccine Program | 3,500,000 | Brown (SC) | Graham |
| RDTE,DW | Nano Porous Hollow Fiber Regenerative Chemical Filter | 1,000,000 | Hayes | |
| RDTE,DW | National Biometrics Security Project | 3,200,000 | | Byrd |
| RDTE,DW | National Consortium for MASINT Research | 3,000,000 | | Bingaman, Cardin |
| RDTE,DW | National Nuclear Security Agency (NNSA ) Metals Declassification for Reuse by DoD in Armaments | 2,720,000 | Granger | |
| RDTE,DW | National Repository of Digital Forensic Intelligence (NRDFI) and the Center for Telecommunications and Network Security (CTANS) | 1,200,000 | Lucas | Inhofe |
| RDTE,DW | Naval Research Lab Supercomputing Information Prototype | 2,800,000 | Obey | |
| RDTE,DW | Networked Standoff Biological LIDAR | 1,200,000 | Moran (VA) | |
| RDTE,DW | New England Defense Manufacturing Supply Chain Initiative | 800,000 | Michaud, Allen, Hodes, McGovern | Collins, Dodd, Kennedy, Kerry, Leahy, Lieberman, Reed, Sanders, Snowe, Whitehouse |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,DW | New Mexico State University Institute for Defense and Public Policy | 10,000,000 | | Bingaman |
| RDTE,DW | Next Generation Intelligent Portable Radionuclide Detection and Identification Systems | 1,600,000 | English | Specter |
| RDTE,DW | Next Generation Respiratory Protection | 2,400,000 | | Johnson, Thune |
| RDTE,DW | NIDS Improved Handheld Biological Agent Detector | 1,600,000 | Castle | Biden, Carper |
| RDTE,DW | Night Vision Sensor | 1,000,000 | Hirono | |
| RDTE,DW | Northwest Defense Manufacturing Initiative | 1,600,000 | Walden, Blumenauer, DeFazio, Hooley, Wu | Murray, Smith, Wyden |
| RDTE,DW | Northwest Maritime Information and Littoral Operations Program | 2,800,000 | Dicks | |
| RDTE,DW | Novel System for Developing Therapeutics Against Botulism | 4,000,000 | Fortenberry | Hagel, Nelson (NE) |
| RDTE,DW | Novel Viral Biowarfare Agent Identification and Treatment (NOVBAIT) | 4,000,000 | Pelosi | |
| RDTE,DW | On-Site Alternative Fuel Manufacturing System | 1,200,000 | Carney | |
| RDTE,DW | Pacific Data Conversion and Technology Program | 1,000,000 | | Akaka, Inouye |
| RDTE,DW | Pacific Region Interoperability Test and Evaluation Capability | 3,000,000 | | Inouye |
| RDTE,DW | Partnership for Defense Innovation Wi-Fi Laboratory Testing and Assessment Center | 2,000,000 | Hayes | Burr |
| RDTE,DW | Pat Roberts Intel Scholars Program (PRISP) | 2,000,000 | | Roberts |
| RDTE,DW | Photo Catalytic Oxidation (PCO) Demonstration for Water Reuse | 2,400,000 | Visclosky | |
| RDTE,DW | Photovoltaic Power Supply for Autonomous Sensors | 2,400,000 | Etheridge | |
| RDTE,DW | Picoceptor and Processor for Man-portable Threat Warning | 3,500,000 | | Gregg |
| RDTE,DW | Plant Vaccine Development | 1,600,000 | Castle | Biden, Carper |
| RDTE,DW | Playas Training and Research Center Joint Training Experiment | 4,800,000 | Wilson (NM) | Bingaman, Domenici |
| RDTE,DW | Port and Hull Security 3D, Real Time Sonar System—Echoscope | 1,600,000 | Young (FL) | |
| RDTE,DW | Portable Rapid Bacterial Warfare Detection Unit | 4,000,000 | Boswell, Latham | Grassley, Harkin |
| RDTE,DW | Preventing Long-Term Brain and Lung Damage Caused by Battlefield Trauma Project | 2,900,000 | Slaughter, Higgins | Schumer |
| RDTE,DW | Protection from Oxidative Stress | 1,600,000 | | Harkin |
| RDTE,DW | Protective Self-Decontaminating Surfaces | 1,600,000 | Grijalva, Aderholt | Shelby |
| RDTE,DW | Radio Inter-Operability System (RIOS) | 800,000 | Moran (VA) | |
| RDTE,DW | Random Obfuscating Compiler Anti-Tamper Software | 1,600,000 | Michaud | Collins, Snowe |
| RDTE,DW | Range Element Network Enterprise Technology (RE-NET) | 4,000,000 | Kingston, Bishop (GA) | Chambliss, Isakson |
| RDTE,DW | Rapid Forensic Evaluation of Microbes in Biodefense | 1,000,000 | Murtha | |
| RDTE,DW | Rapid Response Institute | 3,200,000 | Pallone, Saxton, Smith (NJ) | Lautenberg, Menendez |
| RDTE,DW | Reactive Overlay and Removable CBRN Coatings | 1,600,000 | McDermott | Murray |
| RDTE,DW | Recombinant BChE Formulation Program | 1,600,000 | Sarbanes | Cardin |
| RDTE,DW | Reliability Testing of Lead-Free Circuits/Components | 1,440,000 | Visclosky | |
| RDTE,DW | Remote Sensor Network Services Platform | 2,000,000 | | Conrad, Dorgan |
| RDTE,DW | Renewable Fuel Systems for Defense Applications | 3,200,000 | Andrews, Sires | Lautenberg, Menendez |
| RDTE,DW | Research of Chemical and Biological Warfare Agents | 800,000 | Rangel | |
| RDTE,DW | Research on a Molecular Approach to Hazardous Materials Decontamination | 1,200,000 | | Craig, Crapo |
| RDTE,DW | Robotic Mobility Platform System | 1,200,000 | Boyd | Gregg |
| RDTE,DW | Roll-On, Roll-Off Reconnaissance, Surveillance, and Special Mission Palletized System | 4,000,000 | Murtha | |
| RDTE,DW | Scalable Topside Array Radar Demonstrator | 800,000 | Gilchrest, Bartlett, Ruppersberger, Sarbanes | Cardin, Mikulski |
| RDTE,DW | SeaCatcher UAS Launch and Recovery System | 1,600,000 | Sarbanes | |
| RDTE,DW | SEAL Delivery Vehicle (SDV) Integrated Combat System (ICS) | 3,200,000 | Murtha | |
| RDTE,DW | Secure Media and ID Card Development | 240,000 | | Reid |
| RDTE,DW | Secure, Miniaturized, Free Space, Optical Communications | 2,000,000 | Rothman | Lautenberg, Menendez |
| RDTE,DW | Security for Critical Communication Networks | 3,600,000 | Rothman, Sires | Lautenberg, Menendez |
| RDTE,DW | Semiconductor Photomask Technology Infrastructure Initiative | 2,400,000 | Tauscher | |
| RDTE,DW | Shock Trauma Research Center | 2,000,000 | Cleaver | |
| RDTE,DW | Signal Intelligence and Electronic Warfare Developments for Integration of SOF Systems | 1,600,000 | Brown (SC) | Graham |
| RDTE,DW | Simultaneous Field Radiation Technology (SFRT) | 2,300,000 | Pickering | Cochran, Wicker |
| RDTE,DW | Small Assault Vehicle Expeditionary (SAVE) | 800,000 | | Landrieu |
| RDTE,DW | Smart Bomb Millimeter Wave Radar Guidance System | 2,000,000 | | Cochran |
| RDTE,DW | Smart, Modular Regenerative Off-Grid Hydrogen Fuel Cell | 1,000,000 | Larson | Dodd |
| RDTE,DW | SOF Mission Training and Preparation Systems Interoperability | 1,600,000 | Young (FL) | |
| RDTE,DW | Software Assurance Education and Research Institute | 800,000 | Kilpatrick, Conyers | |
| RDTE,DW | Space-Based Interceptor Study | 5,000,000 | | Allard, Inhofe, Kyl, Sessions |
| RDTE,DW | Spartan Advanced Composite Technology | 1,600,000 | | Conrad, Dorgan |
| RDTE,DW | Spintronics Memory Storage Technology | 2,400,000 | Lewis (CA) | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,DW | Strategic Materials and Silicon Carbide Optics | 4,400,000 | | Inouye |
| RDTE,DW | Superlattice Nanotechnology | 2,000,000 | Hayes | Burr, Dole |
| RDTE,DW | Superstructural Particle Evaluation and Characterization with Targeted Reaction Analysis (SPECTRA) | 1,200,000 | | Burr, Dole |
| RDTE,DW | Surface Enhanced Infrared Detection of Threats | 1,200,000 | Edwards (TX) | |
| RDTE,DW | Synthetic Fuel Innovation | 4,000,000 | | Byrd |
| RDTE,DW | Tactical Biometrics Operating and Surveillance System (TBOSS) | 1,600,000 | Capito | |
| RDTE,DW | Technology for Shallow Water Special Operations Forces Mobility | 2,400,000 | Boyd | Nelson (FL) |
| RDTE,DW | Technology Infusion Cell (TIC) | 1,000,000 | Hayes | |
| RDTE,DW | Terahertz High-Resolution Portable Explosives Detector | 800,000 | Schiff | |
| RDTE,DW | Total Perimeter Surveillance | 1,000,000 | Walberg | Stabenow |
| RDTE,DW | Tunable MicroRadio for Military Systems | 4,800,000 | | Conrad, Dorgan |
| RDTE,DW | UAV Situational Awareness System | 1,000,000 | Drake | |
| RDTE,DW | UAV Systems Operations Validation Program (USOVP) | 5,000,000 | Pearce, Wilson (NM) | Bingaman, Domenici |
| RDTE,DW | Ultra Low Power Electronics for Special Purpose Computers | 1,600,000 | | Craig, Crapo |
| RDTE,DW | Ultra Photonics Program | 1,280,000 | Barrett | |
| RDTE,DW | Ultra Portable Unmanned Surveillance Helicopter | 1,000,000 | Murtha | |
| RDTE,DW | Ultrahigh-Strength Steel for Landing Gear | 2,000,000 | Hobson | |
| RDTE,DW | Ultra-rapid Next Generation Pathogen Identification | 2,000,000 | | Cochran |
| RDTE,DW | UML UAV/UAS Test Facility | 2,400,000 | Cole | |
| RDTE,DW | Unified Management Infrastructure System | 1,200,000 | Schakowsky | |
| RDTE,DW | University Strategic Partnership | 3,200,000 | Wilson (NM) | Bingaman, Domenici |
| RDTE,DW | Unmanned Aerial Vehicle Avionics Upgrade (UAVAU) | 1,200,000 | | Specter |
| RDTE,DW | Unmanned Aerial Vehicles | 1,200,000 | | Stevens |
| RDTE,DW | Vaccine Development Program | 800,000 | Pascrell | Lautenberg, Menendez |
| RDTE,DW | Vacuum Sampling Pathogen Collection and Concentration | 3,200,000 | Simpson | Craig, Crapo |
| RDTE,DW | Validation of an Enhanced Urban Air Blast Tool | 2,400,000 | Nadler | Schumer |
| RDTE,DW | Vehicle Fuel Cell and Hydrogen Logistics Program | 8,000,000 | | Levin |
| RDTE,DW | Vet-Biz Initiative for National Sustainment (VINS) | 2,000,000 | Sarbanes | Mikulski |
| RDTE,DW | ViriChip Rapid Virus Detection Systems | 1,600,000 | | Harkin |
| RDTE,DW | Weapons Shot Counter | 1,400,000 | | McConnell |
| RDTE,DW | Wiring Integrity Technology | 1,600,000 | Bishop (GA), Marshall | |
| RDTE,DW | X-Band/W-Band Solid State Power Amplifier | 1,600,000 | Young (FL) | |
| RDTE,DW | Zumwalt National Program for Countermeasures to Biological and Chemical Threats | 1,200,000 | Neugebauer | |
| RDTE,N | 76mm Swarmbuster Capability | 1,600,000 | Crenshaw | |
| RDTE,N | Accelerated Improvement for Active Surface Electronic Warfare Systems | 1,600,000 | Moran (VA) | |
| RDTE,N | Accelerating Fuel Cells Manufacturability and their Application in the Armed Forces | 2,400,000 | Slaughter | Schumer |
| RDTE,N | ACINT (MASINT) Tape Digitization Program | 2,000,000 | | Inhofe |
| RDTE,N | Acoustic Research Detachment Large Scale Vehicles Operations Enhancement | 480,000 | Sali | Craig, Crapo |
| RDTE,N | Acoustic Research Detachment Test Support Platform Upgrade | 1,500,000 | Sali | Craig, Crapo |
| RDTE,N | Adaptive Diagnostic Electronic Portable Testset (ADEPT) | 800,000 | Schwartz | |
| RDTE,N | Adelos National Security Sensor System | 2,000,000 | | Baucus, Tester |
| RDTE,N | Advanced Airship Flying Laboratory, AAFL Phase 2 | 1,600,000 | | Smith, Wyden |
| RDTE,N | Advanced Composite Maritime Manufacturing | 2,000,000 | Castle | Biden, Carper |
| RDTE,N | Advanced Continuous Active Sonar for UUVs | 2,500,000 | | Craig, Crapo |
| RDTE,N | Advanced Fluid Controls for Shipboard Applications Phase III | 2,500,000 | Garrett | Lautenberg, Menendez |
| RDTE,N | Advanced High Energy Density Surveillance Power Module | 2,400,000 | Baldwin | Kohl |
| RDTE,N | Advanced Linear Accelerator (LINAC) Facility | 3,200,000 | Hill | Bayh, Lugar |
| RDTE,N | Advanced Logistics Fuel Reformer for Fuel Cells | 2,400,000 | DeLauro | Dodd |
| RDTE,N | Advanced Molecular Medicine Initiative | 2,000,000 | Solis, Dreier | |
| RDTE,N | Advanced Naval Logistics | 1,600,000 | | Casey, Specter |
| RDTE,N | Advanced Repair Technology for the Expeditionary Navy | 800,000 | Capps | |
| RDTE,N | Advanced Ship Self Defense Technology Testing | 4,000,000 | Bishop (UT) | Bennett, Hatch |
| RDTE,N | Advanced Simulation Tools for Aircraft Structures Made of Composite Materials | 1,200,000 | Clay | Bond |
| RDTE,N | Advanced Steam Turbine | 1,600,000 | Kuhl | Schumer |
| RDTE,N | Advanced Tactical Control System (ATCS) | 1,600,000 | Frank, Olver | Kennedy, Kerry, Reed |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,N | AEGIS Combat Information Center Modernization | 4,000,000 | Murtha | |
| RDTE,N | Affordable Weapons System | 11,200,000 | Hunter, Gallegly | |
| RDTE,N | Agile Laser Eye Protection | 800,000 | Walsh | Schumer |
| RDTE,N | Agile Port and High Speed Ship Technology | 6,000,000 | Sánchez, Linda | |
| RDTE,N | Aging Military Aircraft Fleet Support | 1,600,000 | Tiahrt | Brownback, Roberts |
| RDTE,N | Air Combat Environment Test and Evaluation Facility upgrade | 3,000,000 | Hoyer | Cardin, Mikulski |
| RDTE,N | Air Sentinel | 1,000,000 | | Inouye |
| RDTE,N | Airborne Mine Countermeasures Open Architecture Technology Insertion | 2,000,000 | Davis (VA) | |
| RDTE,N | Aircraft Composite Rocket Launcher Improvement | 2,500,000 | McCarthy (NY) | |
| RDTE,N | All Weather Sense and Avoid Sensors for UAVs | 2,500,000 | Hoyer | Cardin, Mikulski |
| RDTE,N | Amelioration of Hearing Loss | 1,000,000 | | Baucus, Tester |
| RDTE,N | Analytics for Shipboard Monitoring Systems | 1,600,000 | Drake | |
| RDTE,N | Arc Fault Circuit Breaker with Arc Location System | 1,000,000 | Matheson | Bennett, Hatch |
| RDTE,N | Assault Directed Infrared Countermeasures | 2,000,000 | Rothman | |
| RDTE,N | Assistive Technologies for Injured Servicemembers | 1,600,000 | | Martinez |
| RDTE,N | ASW Training Interoperability Enterprise Demonstration Test Bed | 1,600,000 | Dicks | |
| RDTE,N | Automated Fiber Optic Manufacturing Initiative | 2,800,000 | Drake, Scott (VA) | Warner, Webb |
| RDTE,N | Automated Readiness Measurement System (ARMS) | 2,800,000 | Davis (VA), Courtney, Drake | Warner, Webb |
| RDTE,N | Autonomous Acoustic Array Advanced Tubular Solid Oxide Fuel Cell | 2,000,000 | Olver | Kennedy |
| RDTE,N | Autonomous Anti-Submarine Vertical Beam Array | 1,600,000 | Miller (NC), Coble | Burr |
| RDTE,N | Autonomous Marine Sensors and Networks for Rapid Littoral Assessment | 1,600,000 | Young (FL) | |
| RDTE,N | Autonomous Power Management for Distributed Operation | 400,000 | | Conrad, Dorgan |
| RDTE,N | Autonomous Unmanned Surface Vessel | 1,200,000 | | Akaka |
| RDTE,N | Autonomous Unmanned Undersea Vehicle (UUV) Delivery and Communication (AUDAC) Implementation | 2,800,000 | Dicks, Inslee | Murray |
| RDTE,N | Base Level Inventory Tracking System Enhancements | 2,800,000 | | Vitter |
| RDTE,N | Bio/Nano-MEMS for Defense Applications | 1,500,000 | | McConnell |
| RDTE,N | Biochemical Agent Detection | 800,000 | Edwards (TX) | |
| RDTE,N | Biosensors for Defense Applications | 2,000,000 | | Landrieu |
| RDTE,N | Boat Trap System for Port Security/Water Craft Interdiction | 2,400,000 | Markey, Welch | Leahy |
| RDTE,N | Bow Lifting Body Ship Research | 6,240,000 | Kagen, Stupak | Inouye |
| RDTE,N | C-Band Radar Replacement Development | 4,000,000 | Young (FL) | |
| RDTE,N | Center for Applied Research in Intelligent Autonomous Systems | 2,400,000 | Sestak, Fattah | Casey, Specter |
| RDTE,N | Center for Commercialization of Advanced Technology | 2,500,000 | Lewis (CA), Davis (CA) | |
| RDTE,N | Center for Quantum Studies | 1,200,000 | | Warner, Webb |
| RDTE,N | Chafing Protection System | 1,200,000 | Pomeroy | Conrad, Dorgan |
| RDTE,N | Collective Aperture Multi-Band Sensor System | 3,500,000 | | Gregg, Sununu |
| RDTE,N | Combustion Light Gas Gun Projectile | 4,000,000 | | Byrd |
| RDTE,N | Common Architecture Imaging System (CAIS) Program | 800,000 | Sherman | |
| RDTE,N | Common Below Decks Affordable Architecture | 3,200,000 | Young (FL) | |
| RDTE,N | Common Expeditionary Force Protection System Architecture | 4,000,000 | Kennedy | Reed |
| RDTE,N | Compact Ultra-fast Laser System Development | 1,600,000 | Ellsworth | Bayh, Lugar |
| RDTE,N | Composite Materials Enhancements through Polymer Science Research and Development | 2,240,000 | | Cochran |
| RDTE,N | Composite Tissue Transplantation for Combat Wounded Repair | 2,000,000 | | Chambliss |
| RDTE,N | Computational Modeling and High Performance Computing in Advanced Material Processing, Synthesis and Design | 1,200,000 | Watt | |
| RDTE,N | Condition-based Maintenance Enabling Technologies Program | 2,400,000 | | Byrd |
| RDTE,N | Cooperative Engagement Capability | 4,800,000 | Young (FL) | |
| RDTE,N | Countermine Lidar UAV-based System | 1,200,000 | Taylor | Cochran |
| RDTE,N | Covert Robust Location Aware Wireless Network | 1,600,000 | Sanchez, Loretta | |
| RDTE,N | Cross-Domain Network Access System | 800,000 | Johnson (IL) | Durbin |
| RDTE,N | Data Acquisition Reporting and Trending System (DARTS) | 2,400,000 | Brady (PA) | |
| RDTE,N | DDG 51 Permanent Magnet Hybrid Electric Propulsion System | 7,600,000 | Bartlett, Murphy (CT), Olver, Tsongas | Dodd, Kennedy, Kohl, Lieberman |
| RDTE,N | DDG-51 Hybrid Drive System | 6,600,000 | | Cochran, Wicker |
| RDTE,N | Defense Modernization and Sustainment Initiative | 5,000,000 | Kuhl | |
| RDTE,N | Deployable Command and Control Vehicle | 1,200,000 | Boyd | |
| RDTE,N | DEPUTEE—High Powered Microwave Non-Lethal Vehicle/Vessel Engine Disabling | 1,600,000 | | Baucus, Bingaman |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,N | Desktop Virtual Trainer Follow-On | 2,400,000 | Murtha | |
| RDTE,N | Detection and Neutralization of Electronically Initiated Improvised Explosive Devices | 2,000,000 | Emerson | |
| RDTE,N | Detection, Tracking, and Identification for ISRTE of Mobile and Asymmetric Targets | 1,600,000 | | Akaka |
| RDTE,N | Digital Directed Manufacturing Project | 1,700,000 | Yarmuth | McConnell |
| RDTE,N | Digital Modular Radio (DMR) | 2,000,000 | Pastor | |
| RDTE,N | Digitization, Integration, and Analyst Access of Investigative Files, NCIS | 1,600,000 | | Byrd |
| RDTE,N | Directed Energy Initiative | 1,760,000 | | Warner, Webb |
| RDTE,N | Disposable Biocidal Medical Masks for NAMRU Evaluation | 800,000 | | Leahy |
| RDTE,N | Distributed Maritime Surveillance System | 1,600,000 | | Hutchison |
| RDTE,N | Distributed Targeting Processor | 2,400,000 | Weldon | |
| RDTE,N | Domain Specific Knowledge Capture Interface | 1,360,000 | Carney | |
| RDTE,N | Durability, Energy Saving and Sustainability of Oceanic Vehicles and Support Infrastructure Through Use of Nanotech Lubricants | 800,000 | | Lincoln, Pryor |
| RDTE,N | E-Beam Free Form Repair Qualification | 1,200,000 | Lipinski, Inslee | |
| RDTE,N | Electrochemical Field Deployable System for Water Generation | 2,800,000 | Berkley | Ensign, Reid |
| RDTE,N | Electromagnetic Signature Assessment System using Multiple AUVs | 1,600,000 | | Craig, Crapo |
| RDTE,N | Electronic Motion Actuation Systems | 800,000 | Latta, Higgins, Shuler, Sutton | Bennett, Dole, Hatch, Voinovich |
| RDTE,N | Energetics S&T Workforce Development | 4,500,000 | Hoyer | Cardin, Mikulski |
| RDTE,N | Energy Efficient Gallium Nitride Semiconductor Technology | 1,040,000 | Visclosky, Capps | |
| RDTE,N | Enhanced Special Weapons/Nuclear Weapons Security program | 1,600,000 | Hooley, Wu | Smith, Wyden |
| RDTE,N | Environmentally Sealed, Ruggedized Avionics Displays | 4,000,000 | Butterfield, Hayes, McIntyre | Burr, Dole |
| RDTE,N | EP-3E Requirements Capability Migration Technology Integration Lab | 4,800,000 | Edwards (TX) | |
| RDTE,N | Evaluating ELF Signals in Maritime Environments | 1,600,000 | Sali | Craig, Crapo |
| RDTE,N | Expeditionary Swimmer Defense System | 2,400,000 | | Murray |
| RDTE,N | Extended Underwater Optical Imaging | 2,000,000 | Mahoney, Hastings (FL) | Martinez, Nelson (FL) |
| RDTE,N | Extensible Launching System | 3,000,000 | Cummings, Ruppersberger | Cardin, Mikulski |
| RDTE,N | Extreme Torque Density (XTM) Propulsion Motor | 800,000 | Altmire | Casey, Specter |
| RDTE,N | F/A-18 Avionics Ground Support System | 2,400,000 | Peterson (PA) | Casey, Specter |
| RDTE,N | Fiber Optic Conformal Acoustic Velocity Sensor (FOCAVES) | 2,000,000 | Cannon, Bishop (UT) | Bennett, Hatch |
| RDTE,N | Field Support of Fiber Optic Cable | 1,600,000 | Schwartz | |
| RDTE,N | Floating Area Network Littoral Sensor Grid | 4,800,000 | Dicks | |
| RDTE,N | Friction Stir Welding | 800,000 | | Bennett |
| RDTE,N | Fusion, Exploitation, Algorithm, Targeting High-Altitude Reconnaissance | 6,000,000 | | Bennett |
| RDTE,N | Future Fuel Non-Tactical Vehicle Initiative | 1,600,000 | Kuhl | Levin, Stabenow, Schumer |
| RDTE,N | Galfenol Energy Harvesting | 1,600,000 | Latham | Grassley, Harkin |
| RDTE,N | Gallium Nitride RF Power Technology | 1,600,000 | Coble, Watt | Burr, Dole |
| RDTE,N | Guillotine | 1,600,000 | | Warner, Webb |
| RDTE,N | Hampton University Cancer Treatment Initiative | 8,000,000 | Scott (VA), Moran (VA) | |
| RDTE,N | Harbor Shield—Homeland Defense Port Security Initiative | 3,500,000 | | Reed, Voinovich, Whitehouse |
| RDTE,N | HealtheForces | 2,800,000 | | Byrd |
| RDTE,N | High Awareness Littoral Observing (HALO) Sensor—360 Degree Imaging for Submarines | 1,200,000 | Neal, Olver | Kerry, Leahy |
| RDTE,N | High Energy Conventional Energetics (Phase II) | 3,200,000 | Hoyer | Bingaman, Cardin, Domenici, Mikulski |
| RDTE,N | High Power Density Motor Drive | 1,000,000 | Murphy, Tim | |
| RDTE,N | High Power Density Propulsion and Power for USSVs | 1,600,000 | Allen | Collins, Snowe |
| RDTE,N | High Power Free Electron Laser Development for Naval Applications | 2,400,000 | Wittman | Warner, Webb |
| RDTE,N | High Speed ACRC & Composites Sea Lion Craft Development | 2,000,000 | | Cochran, Wicker |
| RDTE,N | High Speed Anti-radiation Demonstration (HSAD) | 800,000 | Davis (VA), McKeon | |
| RDTE,N | High Speed Blood and Fluid Transfusion Equipment | 3,100,000 | | Reid |
| RDTE,N | High Strength Welded Structures | 800,000 | Moran (VA) | |
| RDTE,N | High Temperature Superconductor Trap Field Magnet Motor | 2,000,000 | Carter | |
| RDTE,N | Highly Corrosive-Resistant Alloy Joining for Nuclear Applications | 800,000 | Simpson | Craig, Crapo |
| RDTE,N | Highly Integrated Optical Interconnect for Military Avionics | 1,600,000 | Stupak | Levin, Stabenow |
| RDTE,N | Holographic Optical Filter for Light Detection and Ranging (LIDAR) | 2,000,000 | Schwartz; Murphy, Patrick; Sestak | Casey, Specter |
| RDTE,N | HTDV | 10,000,000 | | Inouye |
| RDTE,N | Human Neural Cell-Based Biosensor | 1,000,000 | | Isakson |
| RDTE,N | Hydrogen Fuel Cell Development | 1,200,000 | Butterfield | Dole |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,N | Hydrokinetic Power Generator | 1,600,000 | Dingell | Levin, Stabenow |
| RDTE,N | Immersive Naval Officer Training Systems | 3,000,000 | | Reed, Whitehouse |
| RDTE,N | Implementation of Formable Textile for Composite Shaped Aerospace Composite Structures | 1,600,000 | Michaud, Allen | Collins, Snowe |
| RDTE,N | Improved Corrosion Protection for Electromagnetic Aircraft Launch System (EMALS) for CVN-21 Class Carriers | 2,000,000 | LoBiondo, Sestak, Smith (NJ) | |
| RDTE,N | Improved Interoperability Research and Development to support NAVAIR and GWOT | 2,000,000 | Hoyer | |
| RDTE,N | Improved Stealth and Lower Cost Operations for Ships Using High Strength Flame Resistant LCP Reinforced Netting | 1,600,000 | | Murray |
| RDTE,N | In Buoy Processor for Trigger and Alert Sonobuoy System (TASS) | 2,000,000 | Abercrombie | |
| RDTE,N | Infrared LED Free Space Optics Communications Advancement | 400,000 | Hunter | |
| RDTE,N | Infrared Materials Laboratories | 2,500,000 | Cole | Inhofe |
| RDTE,N | Integrated Advanced Ship Control (IASC) | 1,200,000 | Tierney | |
| RDTE,N | Integrated Manufacturing Enterprise | 2,400,000 | McCrery | Landrieu, Vitter |
| RDTE,N | Integrated Naval Electronic Warfare | 1,000,000 | Drake | |
| RDTE,N | Integrated Power System Converter | 2,000,000 | Murphy, Tim | Casey, Specter |
| RDTE,N | Integrated Product Support Data Management System | 1,000,000 | Rogers (KY) | |
| RDTE,N | Integrated Ship and Motion Control Technology | 3,440,000 | Courtney, Gillibrand | Dodd, Lieberman, Schumer |
| RDTE,N | Integrated Warfighter Biodefense Program | 3,000,000 | Castle | Biden, Carper |
| RDTE,N | Integration of Electro-Kinetic Weapons into Next Generation of Navy Ships | 4,500,000 | Boyd | Martinez, Nelson (FL) |
| RDTE,N | Integration of Logistics Information for Knowledge Projection and Readiness Assessment | 1,600,000 | | Byrd |
| RDTE,N | Intelligent Retrieval of Imagery | 2,400,000 | Moran (VA) | |
| RDTE,N | Intelligent Work Management for Class Squadrons (CLASSRONS) | 2,000,000 | Brown (FL) | |
| RDTE,N | Joint Explosive Ordnance Disposal Diver Situational Awareness System | 1,200,000 | Moran (VA) | |
| RDTE,N | Joint Integrated Systems Technology for Advanced Digital Networking (JIST-NET) | 800,000 | Hunter | |
| RDTE,N | JSF F-35B Lift Fan Component Manufacturing | 1,600,000 | Smith (TX), Rodriguez | |
| RDTE,N | Kinetic Hydropower System (KHPS) Turbine | 2,400,000 | Inslee, Engel, Maloney, Towns | Murray, Schumer |
| RDTE,N | Landing Craft Composite Lift Fan | 1,000,000 | Dent, Garrett | Lautenberg, Menendez |
| RDTE,N | Large-Scale Demonstration Item for Virginia Class Submarine Bow Dome | 1,800,000 | Taylor | Cochran |
| RDTE,N | Laser Perimeter Awareness System | 1,500,000 | | Coleman |
| RDTE,N | Layered Surveillance/Sensing | 1,600,000 | Young (FL) | |
| RDTE,N | LCS Common Mission Package Training Environment | 4,500,000 | Murtha | |
| RDTE,N | Lightweight Composite Structure Development for Aerospace Vehicles | 800,000 | Sullivan | Inhofe |
| RDTE,N | Lithium Batteries | 1,600,000 | Bishop (GA) | Chambliss, Isakson |
| RDTE,N | Lithium/Sulfur Chemistry Validation for Sonobuoy Application | 1,600,000 | Boyda | Brownback, Roberts |
| RDTE,N | Lithium-Ion Cell Development with Electro Nano Materials | 4,000,000 | | Bond |
| RDTE,N | Littoral Battlespace Sensing-Autonomous UUV | 800,000 | Alexander | Landrieu |
| RDTE,N | Long Range Synthetic Aperture Sonar for ASW | 800,000 | Moran (VA) | Warner, Webb |
| RDTE,N | Long Wavelength Array | 2,800,000 | Wilson (NM) | Bingaman, Domenici |
| RDTE,N | Low Acoustic and Thermal Signature Battlefield Power Source | 2,000,000 | | Baucus, Tester |
| RDTE,N | Low Cost Laser Module Assembly for Acoustic Sensors | 1,600,000 | Sestak | Specter |
| RDTE,N | Low Cost Multi-Channel Camera System | 2,400,000 | Bonner | |
| RDTE,N | Low Cost, Expendable, Fiber Optic Sensor Array | 5,000,000 | Murtha | Specter |
| RDTE,N | Low-Cost Image-Based Navigation and Precision Targeting | 800,000 | Markey | Kerry |
| RDTE,N | Low-Signature Modular Weapon Platform | 3,200,000 | Blumenauer, Baird, DeFazio, Hooley, Wu | Murray, Smith, Wyden |
| RDTE,N | M65 Bismaleimide Carbon Fiber Prepreg | 1,600,000 | Aderholt, Bishop (UT), Tauscher | Bennett, Dodd, Hatch |
| RDTE,N | Magnetic Refrigeration Technology | 2,400,000 | Baldwin | Kohl |
| RDTE,N | MARCOM Computer Research | 1,000,000 | | Hutchison |
| RDTE,N | Marine Mammal Awareness, Alert and Response Systems (MMAARS) | 2,400,000 | Abercrombie | |
| RDTE,N | Marine Mammal Hearing and Echolocation Research | 1,600,000 | Abercrombie | |
| RDTE,N | Maritime Security—Surface and Sub-surface Surveillance System and Expeditionary Test-Bed | 3,600,000 | Boyd | |
| RDTE,N | Micro-munitions Interface for Tactical Unmanned Systems (MITUS) | 1,600,000 | Ehlers, McCarthy (CA) | Stabenow |
| RDTE,N | Millimeter Wave Imaging | 1,600,000 | Castle | Biden, Carper |
| RDTE,N | Mk 48 Torpedo Post-Launch Communication System | 800,000 | Arcuri | Schumer |
| RDTE,N | Mk V.1 MAKO for Improved Signature and Weight Performance | 2,000,000 | Allen | Collins, Snowe |
| RDTE,N | Mobile Acoustic Decoys for Surface Ship Defense | 960,000 | Price (NC) | Dole |
| RDTE,N | Mobile Manufacturing and Repair Cell/Engineering Education Outreach Program | 2,400,000 | Conyers, Dingell, Kilpatrick, Knollenberg, Levin | Levin |
| RDTE,N | Mobile Oxygen, Ventilation and External Suction (MOVES) | 1,200,000 | Johnson, Sam | Cornyn |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,N | Mobile Valve and Flex Hose Maintenance (MVFM) | 1,000,000 | Allen | Collins, Snowe |
| RDTE,N | Modular Advanced Vision System | 2,000,000 | | Casey, Specter |
| RDTE,N | Molten Carbonate Fuel Cell Demonstrator | 3,500,000 | | Dodd, Lieberman |
| RDTE,N | Multi-Function Laser System | 1,200,000 | English | Casey, Specter |
| RDTE,N | Nanotechnology Engineering and Manufacturing Operations | 1,600,000 | Hirono | |
| RDTE,N | National Initiatives for Applications of Multifunctional Materials | 1,600,000 | | Hutchison |
| RDTE,N | National Radio Frequency Research and Development and Technology Transfer Center | 4,000,000 | Buyer, Ellsworth | Bayh, Lugar |
| RDTE,N | National Security Training | 1,600,000 | Serrano | |
| RDTE,N | National Sensor Fusion Support for Puget Sound Port Security | 1,600,000 | Dicks | |
| RDTE,N | National Terrorism Preparedness Institute Anti-Terrorism/Counter-Terrorism Technology Development and Training | 3,000,000 | Young (FL) | |
| RDTE,N | NAVAIR Distance Support Environment | 800,000 | Pascrell | |
| RDTE,N | Naval Ship Hydrodynamic Test Facilities | 4,000,000 | Van Hollen | Cardin, Mikulski |
| RDTE,N | Naval Special Warfare 11m RIB Replacement Craft Design | 800,000 | Michaud, Allen | Collins, Snowe |
| RDTE,N | Navy Multi-Fuel Combustor for Shipboard Fuel Cell Systems | 1,600,000 | Lampson | |
| RDTE,N | Navy Science and Technology Outreach (N-STAR)—Maryland | 1,000,000 | | Cardin |
| RDTE,N | Network Expansion and Integration of Navy/NASA RDT&E Ranges and Facilities | 4,800,000 | | Cardin, Mikulski |
| RDTE,N | Next Generation Automated Technology for Landmine Detection | 1,600,000 | | Hagel, Nelson (NE) |
| RDTE,N | Next Generation Electronic Warfare Simulator | 1,200,000 | McCarthy (CA) | |
| RDTE,N | Next Generation Phalanx with Laser Demo | 10,700,000 | Crowley, Walsh, Bishop (UT), Obey | Bunning, Hatch, Kohl, McConnell, Schumer |
| RDTE,N | Next Generation Scalable Lean Manufacturing Initiative | 2,400,000 | Young (FL) | |
| RDTE,N | Novel Coating Technologies for Military Equipment | 4,800,000 | Fortenberry | Hagel, Nelson (NE) |
| RDTE,N | NULKA Decoy and Mk 53 Decoy Launch System | 1,600,000 | | Kennedy |
| RDTE,N | ONAMI Nanoelectronics and Nanometrology Initiative | 4,000,000 | Wu, Blumenauer, DeFazio, Hooley, Walden | Smith, Wyden |
| RDTE,N | On-Board Vehicle Power Systems Development | 2,400,000 | | Shelby |
| RDTE,N | On-Demand Custom Body Implants/Prosthesis for Injured Personnel | 1,600,000 | Dingell | Levin, Stabenow |
| RDTE,N | Open Architecture/Maintenance Free Operating Period (MFOP) | 2,800,000 | Moran (VA) | |
| RDTE,N | Optimization of New Marine Coatings | 1,600,000 | | Conrad, Dorgan |
| RDTE,N | Out of Autoclave Composite Processing | 1,600,000 | Clay, Akin | |
| RDTE,N | Over-the-Horizon Vessel Tracking | 800,000 | Wittman, Scott (VA) | |
| RDTE,N | Pacific Airborne Surveillance and Testing | 15,000,000 | | Inouye |
| RDTE,N | Paragon System Upgrades | 1,600,000 | Moran (VA) | |
| RDTE,N | Penn State Cancer Institute | 2,800,000 | Holden | |
| RDTE,N | Permanent Magnet Linear Generator Power Buoy System | 2,000,000 | Hooley | Smith, Wyden |
| RDTE,N | Persistent Surveillance Wave PowerBuoy System | 3,000,000 | | Lautenberg, Menendez |
| RDTE,N | Planar Solid Oxide Fuel Cell System Demonstration at UTC SimCenter | 3,500,000 | Wamp | |
| RDTE,N | PMRF Force Protection Lab | 2,000,000 | | Inouye |
| RDTE,N | Point Mugu Electronic Warfare Laboratory Upgrade | 1,600,000 | Gallegly | |
| RDTE,N | Portable Launch and Recovery System for Unmanned Aerial Vehicle Operation | 3,200,000 | Hastings (WA) | Cantwell, Murray, Smith, Wyden |
| RDTE,N | Power Dense Integrated Power System for CG(X) | 3,000,000 | Bartlett | Mikulski |
| RDTE,N | Precision Terrain Aided Navigation (PTAN) | 1,600,000 | Young (FL) | |
| RDTE,N | Predicting Bio-Agent Threat Profiles Using Automated Behavior Analysis | 1,600,000 | Herseth Sandlin | Johnson |
| RDTE,N | Puget Sound Anoxia Research for the Department of the Navy | 1,200,000 | Dicks | |
| RDTE,N | Pulse Virtual Clinical Learning Lab | 2,400,000 | Ortiz | |
| RDTE,N | Quiet Drive Advanced Rotary Actuator | 2,000,000 | Richardson, Harman, Higgins | Schumer, Warner, Webb |
| RDTE,N | Radiation Hardness and Survivability of Electronic Systems | 800,000 | | Bayh, Lugar |
| RDTE,N | Real-Time Hyperspectral Targeting Sensor | 2,400,000 | Hunter | Gregg, Sununu |
| RDTE,N | Reduction of Weapon System Downtime Rapid Repair Structural Adhesives | 2,400,000 | Langevin | Reed, Whitehouse |
| RDTE,N | Regenerative Fuel Cell Back-up Power | 1,200,000 | Larson | Dodd |
| RDTE,N | Remote Continuous Energetic Material Manufacturing for Pyrotechnic IR Decoys | 1,600,000 | McCrery | Vitter |
| RDTE,N | Repair of Massive Tissue Loss and Amputation through Composite Tissue Allotransplantation | 3,200,000 | Cummings | Cardin |
| RDTE,N | Reparative Core Medicine | 800,000 | Young (FL) | |
| RDTE,N | Research Support for Nanoscale Research Facility | 2,800,000 | Stearns | Martinez |
| RDTE,N | RFID TECH Program | 800,000 | | McConnell |
| RDTE,N | Rotor Blade Protection Against Sand and Water Erosion | 800,000 | Edwards (TX) | |
| RDTE,N | Sacrificial Film Laminates for Navy Helicopter Windscreens | 960,000 | Spratt | Graham |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,N | Scalable Open Architecture Upgradeable Reliable Computing Environment | 3,000,000 | | Murray |
| RDTE,N | Sea Base Mobility and Interfaces | 5,000,000 | | Stevens |
| RDTE,N | Self Healing Target System for Laser and Sniper Ranges | 1,600,000 | Porter | Reid |
| RDTE,N | Semi-Submersible UUV | 1,600,000 | | Vitter |
| RDTE,N | Sensor Integration Framework | 1,200,000 | Boyd | |
| RDTE,N | Sensorless Control of Linear Motors in EMALS | 2,800,000 | | Reed |
| RDTE,N | Ship Affordability Through Advanced Aluminum | 2,000,000 | Carter, Braley | Grassley, Harkin |
| RDTE,N | Shipboard Electronic Warfare Sustainment Training | 3,200,000 | Mollohan | |
| RDTE,N | Shipboard Production of Synthetic Aviation Fuel | 1,000,000 | | Bennett, Hatch |
| RDTE,N | Single Generator Operations Lithium Ion Battery | 4,000,000 | | Lugar, Reid |
| RDTE,N | SKYBUS 80K and 130K LTA-UAS Multirole Technologies | 2,000,000 | | Collins |
| RDTE,N | Smart Instrument Development for the Magdalena Ridge Observatory (MRO) | 7,000,000 | Pearce, Wilson (NM) | Bingaman, Domenici |
| RDTE,N | Smart Machinery Spaces System | 2,400,000 | Granger | |
| RDTE,N | Smart Valve | 800,000 | Allen | Collins, Snowe |
| RDTE,N | SOF Test Environment for Advanced Team Collaboration Missions | 2,000,000 | Hoyer | Cardin, Mikulski |
| RDTE,N | Solid Oxide Fuel Cell | 800,000 | | Corker |
| RDTE,N | Solid-State DC Protection System | 1,200,000 | Moore (WI), Bartlett, Murphy (CT) | Dodd, Lieberman |
| RDTE,N | Sonobouy Wave-Energy Module | 3,000,000 | | Landrieu, Vitter |
| RDTE,N | Stabilized Laser Designation Capability | 2,000,000 | Thompson (CA) | |
| RDTE,N | Standoff Explosive Detection System (SEDS) | 1,200,000 | Knollenberg | Stabenow |
| RDTE,N | Strategic/Tactical Resource Interoperability Kinetic Environment Program | 1,120,000 | | Cochran |
| RDTE,N | Strike Weapon Propulsion (SWEAP) | 2,400,000 | Barton, Doolittle | |
| RDTE,N | Submarine Automated Test and Re-Test (ATRT) | 2,000,000 | Moran (VA) | |
| RDTE,N | Submarine Environment for Evaluation and Development | 2,400,000 | | Reed |
| RDTE,N | Submarine Fatline Vector Sensor Towed Array | 800,000 | Gilchrest, Bartlett, Courtney | Dodd, Lieberman |
| RDTE,N | Submarine Littoral Defense System | 1,600,000 | Langevin, Courtney, Kennedy | Reed |
| RDTE,N | Submarine Maintenance Automation and Communication System (SMACS) | 1,600,000 | Moran (VA) | |
| RDTE,N | Submarine Panoramic Awareness System Program | 1,600,000 | | Durbin |
| RDTE,N | Supply Chain Logistics Capability at the ABL NIROP | 8,000,000 | | Byrd |
| RDTE,N | Supportability Training Services Infrastructure | 1,600,000 | Rehberg | |
| RDTE,N | Sure Trak Re-Architecture and Sensor Augmentation | 2,000,000 | Hoyer, Cummings, Ruppersberger, Sarbanes | Cardin |
| RDTE,N | Sustainability of AN/SPS-49 Common Signal Data Processor | 2,800,000 | Obey | |
| RDTE,N | Swimmer Detection Sonar Network for the Portsmouth Naval Shipyard | 3,200,000 | Hodes, Shea-Porter | Collins, Snowe, Sununu |
| RDTE,N | System for Intelligent Task Assignment and Readiness (SITAR) | 800,000 | Hunter | |
| RDTE,N | Tactical E-Field Buoy Development | 1,600,000 | Hunter | |
| RDTE,N | Testing of Critical Components for Ocean Alternate Energy Options for the Department of the Navy | 2,000,000 | Abercrombie | |
| RDTE,N | Texas Microfactory | 3,000,000 | | Hutchison |
| RDTE,N | Theater Undersea Warfare Initiative | 2,400,000 | | Inouye |
| RDTE,N | Thin Film Materials for Advanced Applications, Advanced IED and Anti-Personnel Sensors | 3,000,000 | | Leahy |
| RDTE,N | Tomahawk Cost Reduction Initiatives | 1,600,000 | Bishop (UT) | Bennett, Hatch |
| RDTE,N | Topical Hemostat Effectiveness Study | 800,000 | | Coleman, Klobuchar |
| RDTE,N | Torpedo Composite Homing Array | 1,600,000 | Tsongas | Kerry |
| RDTE,N | Total Ship Training System | 1,040,000 | Moran (VA) | |
| RDTE,N | TSG Technology Accreditation | 2,400,000 | | Bond |
| RDTE,N | U.S. Navy Metrology and Calibration (METCAL) | 2,800,000 | Calvert | |
| RDTE,N | UAS Optimization Technologies | 2,000,000 | | Byrd |
| RDTE,N | Ultra-Wide Coverage Visible Near Infrared Sensor for Force Protection | 1,200,000 | Bean | |
| RDTE,N | Underground Coordination of Managed Mesh-networks (UCOMM) | 2,400,000 | Moran | |
| RDTE,N | Undersea Launched Missile Study | 3,200,000 | Courtney, Kennedy, Langevin, Scott (VA) | Dodd, Lieberman, Reed |
| RDTE,N | Undersea Weapons Enterprise Common Automated Test Equipment | 3,200,000 | Dicks | |
| RDTE,N | Unique Identification of Tangible Items | 3,000,000 | | Wicker |
| RDTE,N | Universal Description, Discovery and Integration | 4,300,000 | | Conrad, Dorgan |
| RDTE,N | Unmanned Aerial Vehicle Fuel Cell Power Source with Hybrid Reforming | 1,600,000 | Higgins | Schumer |
| RDTE,N | Unmanned Air Systems Tactical Control System | 2,500,000 | Hoyer, Porter | |
| RDTE,N | Unmanned Force Augmentation System | 2,400,000 | Sessions, Burgess | |

**DEFENSE—Continued**

| Account | Project | Amount | Requester(s) | |
|---|---|---|---|---|
| | | | House | Senate |
| RDTE,N | Unmanned Ground Vehicle Mobility and Coordination in Joint Urban/Littoral Environments | 1,200,000 | Carney | |
| RDTE,N | Unmanned Undersea Vehicles Near Term Interim Capability | 4,000,000 | Kennedy | |
| RDTE,N | US Navy Cancer Vaccine Program | 2,400,000 | Hunter, Jones (NC) | Landrieu, Vitter |
| RDTE,N | US Navy Pandemic Influenza Vaccine Program | 1,600,000 | McHugh | |
| RDTE,N | USMC Electronic Warfare (EW) Training | 2,400,000 | Mica | |
| RDTE,N | Validation of Lift Fan Engine Systems | 2,000,000 | Doolittle | |
| RDTE,N | Vet-Biz Initiative for National Sustainment (VINS-Navy) | 1,600,000 | Brown (SC), Clyburn, Salazar | Allard |
| RDTE,N | Video and Water Mist Technologies for Incipient Fire Detection on Ships | 3,200,000 | DeLauro, Larson | Dodd |
| RDTE,N | Virtual Onboard Analyst (VIRONA) for Multi-Sensor Mine Detection | 1,000,000 | | Inouye |
| RDTE,N | Water Security Program (Inland Water Quality and Desalination) | 2,400,000 | | Bingaman, Domenici |
| RDTE,N | Water Space Management Navigation Decision Aid | 2,400,000 | Dicks | |
| RDTE,N | Wave Energy PowerBuoy Generating System for the Department of the Navy | 1,600,000 | Abercrombie | |
| RDTE,N | Wide Area Sensor for Force Protection Targeting | 1,600,000 | Bean | |
| RDTE,N | Wireless Sensors for Navy Aircraft | 2,400,000 | Welch | Leahy |
| RDTE,N | Zero-Standoff HERO-compliant RFID Systems | 1,600,000 | | Conrad, Dorgan |
| RDTE,N (MC) | Anti-Sniper Infrared Targeting System | 2,000,000 | Rogers (KY) | Bunning, McConnell |
| RDTE,N (MC) | Ballistic Helmet Development | 1,200,000 | King (NY) | |
| RDTE,N (MC) | Battlefield Sensor Netting | 2,400,000 | Young (FL) | |
| RDTE,N (MC) | Center for Geospatial Intelligence and Investigation (GII) | 1,520,000 | Granger, Carter | |
| RDTE,N (MC) | Craft Integrated Electronic Suite (CIES) | 2,880,000 | Mollohan | |
| RDTE,N (MC) | Eye Safe Laser Warning Systems | 2,000,000 | Baird, Wu | Smith, Wyden |
| RDTE,N (MC) | Global Supply Chain Management | 1,600,000 | Bishop (GA) | |
| RDTE,N (MC) | Ground Warfare Acoustical Combat System of Netted Sensors | 2,000,000 | Sullivan, Boren | Inhofe |
| RDTE,N (MC) | High Power, Ultra-Lightweight Zinc-Air Battery | 2,500,000 | Welch, Akin, Coble, Graves, Kucinich, Ryan (OH), Sutton | Dole, Leahy |
| RDTE,N (MC) | Hybrid Capacitor Supercell for Marine Combat Vehicle | 1,200,000 | Altmire | Casey, Specter |
| RDTE,N (MC) | Logistics Technology Improvements | 1,600,000 | Bishop (GA) | Chambliss, Isakson |
| RDTE,N (MC) | M2C2 | 3,800,000 | | Inouye |
| RDTE,N (MC) | Marine Air-Ground Task Force Situational Awareness | 1,000,000 | | Inouye |
| RDTE,N (MC) | Marine Corps Shotgun Modernization Program | 3,000,000 | Hoyer | Mikulski |
| RDTE,N (MC) | Marine Expeditionary Rifle Squad—Sensor Integrated, Modular Protection, Combat Helmet (MERS-SIMP) | 1,600,000 | Rehberg | Baucus, Tester |
| RDTE,N (MC) | Near Infrared Optical (NIRO) Augmentation System | 800,000 | Moran (VA) | |
| RDTE,N (MC) | Urban Operations Laboratory | 1,600,000 | Boyda | Brownback, Roberts |
| RDTE,N (MC) | USMC Logistics Analysis and Optimization | 2,400,000 | Bishop (GA) | |
| RDTE,N (MC) | Warfighter Rapid Awareness Processing Technology | 4,000,000 | Abercrombie, Hirono | Akaka |
| SCN | AGS Pallets | 6,000,000 | | McConnell |
| SCN | Large Harbor Tugs | 11,800,000 | | Murray |
| WPN | ABL Restoration Plan | 38,000,000 | | Byrd |
| WTCV,A | AB-FIST Gunnery Trainer Upgrades for the ID ARNG | 1,000,000 | Sali | Crapo |
| WTCV,A | AB-FIST Gunnery Trainer Upgrades for TN ARNG | 3,200,000 | | Corker |
| WTCV,A | AB-FIST Gunnery Trainers for TN ARNG | 2,400,000 | | Alexander, Corker |
| WTCV,A | Arsenal Support Program Initiative—Rock Island | 8,500,000 | Braley, Hare | Durbin, Grassley, Harkin |
| WTCV,A | Arsenal Support Program Initiative—Watervliet | 5,000,000 | McNulty | Schumer |
| WTCV,A | Arsenal Support Program Initiative, Rock Island—Joint Manufacturing and Technology Center | 4,200,000 | Hare, Braley | Durbin, Grassley, Harkin |
| WTCV,A | M1 Abrams Mobile Conduct of Fire Trainers Upgrades for the TN ARNG | 3,000,000 | Tanner | Alexander |
| WTCV,A | Transmission Dynamometer | 1,600,000 | Boyda | Brownback |

**DEPARTMENT OF HOMELAND SECURITY**

| Account | Project | Amount | Requester(s) |
|---|---|---|---|
| CIO | National Center for Critical Information Processing and Storage, MS | $22,300,000 | Thad Cochran |
| CBP Salaries and Expenses | Containerized Cargo Inspection Demonstration Project (Project SeaHawk), Port of Charleston, SC | 2,000,000 | Henry Brown, Lindsey Graham |
| CBP Salaries and Expenses | 2010 Olympics Coordination Center, WA | 4,500,000 | Patty Murray, Rick Larsen |
| CBP Air and Marine Interdiction, Operations, Maintenance, and Procurement | Wireless Airport Surveillance Platform, NC | 5,000,000 | Bob Etheridge |
| CBP Construction | Advanced Training Center, WV | 39,700,000 | Robert Byrd |
| CBP Construction | Del Rio: Comstock, TX Station | 25,000,000 | The President |

**DEPARTMENT OF HOMELAND SECURITY—Continued**

| Account | Project | Amount | Requester(s) |
|---|---|---|---|
| CBP Construction | Detroit: Sandusky, OH Station | 4,000,000 | The President |
| CBP Construction | Calexico, CA Station | 34,000,000 | The President |
| CBP Construction | Indio, CA Station | 18,000,000 | The President |
| CBP Construction | Sector HQ Vehicle Maintenance Facility, CA | 18,000,000 | The President |
| CBP Construction | EL Paso: Expanded Checkpoints, TX | 1,513,000 | The President |
| CBP Construction | Marfa: Presidio, TX Station | 3,000,000 | The President |
| CBP Construction | Blythe, CA Station | 28,900,000 | The President |
| CBP Construction | Boulevard, CA Station | 31,000,000 | The President |
| CBP Construction | Casa Grande, AZ Station | 17,873,000 | The President |
| CBP Construction | Naco, AZ Station | 47,000,000 | The President |
| CBP Construction | Sonoita, AZ Station | 27,000,000 | The President |
| CBP Construction | Yuma, AZ Hangar, Maintenance & Admin | 4,000,000 | The President |
| CBP Construction | El Centro, CA Hangar, Maintenance & Admin | 2,100,000 | The President |
| CBP Construction | El Paso, TX Consolidation of facilities | 1,500,000 | The President |
| CBP Construction | Laredo, TX Hangar, Maintenance & Admin | 4,000,000 | The President |
| CBP Construction | Marfa, TX Hangar, Maintenance & Admin | 3,000,000 | The President |
| CBP Construction | Uvalde, TX Hangar, Maintenance & Admin | 2,000,000 | The President |
| Coast Guard Operating Expenses | Operations Systems Center, WV | 3,600,000 | Robert Byrd |
| Coast Guard Acquisition, Construction and Improvements | Sector Buffalo, NY | 3,000,000 | Brian Higgins |
| Coast Guard Acquisition, Construction and Improvements | Rescue Swimmer Training Facility, NC | 15,000,000 | G.K. Butterfield |
| Coast Guard Acquisition, Construction and Improvements | CG Air Station Cape Cod, MA | 5,000,000 | The President |
| Coast Guard Acquisition, Construction and Improvements | Sector Delaware Bay, NJ | 13,000,000 | The President |
| Coast Guard Acquisition, Construction and Improvements | Coast Guard Housing-Cordova, AK | 11,600,000 | The President |
| Coast Guard Acquisition, Construction and Improvements | Coast Guard Academy-Chase Hall, CT | 10,300,000 | The President, Chris Dodd |
| Coast Guard Acquisition, Construction and Improvements | Station Montauk, NY | 1,550,000 | The President |
| Coast Guard Alteration of Bridges | Fourteen Mile Bridge, Mobile, AL | 4,000,000 | Robert Aderholt, Jo Bonner, Richard Shelby |
| Coast Guard Alteration of Bridges | Galveston Causeway Bridge, Galveston, TX | 4,000,000 | John Culberson, Gene Green, Kay Bailey Hutchison, Ron Paul, Ted Poe |
| Coast Guard Alteration of Bridges | Elgin, Joliet, and Eastern Railway Company Bridge, Morris, IL | 2,000,000 | Richard Durbin, Jerry Weller |
| Coast Guard Alteration of Bridges | Burlington Northern Railroad Bridge, Burlington IA | 2,000,000 | Tom Harkin, David Loebsack |
| Coast Guard Alteration of Bridges | Chelsea Street Bridge, Chelsea, MA | 2,000,000 | Edward Kennedy, John Kerry |
| Coast Guard Alteration of Bridges | Canadian Pacific Railway Bridge, La Crosse, WI | 2,000,000 | Herb Kohl |
| Secret Service Acquisition, Construction, Improvements, and Related Expenses | Perimeter security and noise abatement study at the Rowley training center, MD | 250,000 | Steny Hoyer |
| NPPD Infrastructure Protection and Information Security | Philadelphia Infrastructure monitoring, PA | 2,000,000 | Chaka Fattah |
| NPPD Infrastructure Protection and Information Security | Critical Underground Infrastructure in major urban areas | 3,000,000 | Peter King, Carolyn McCarthy, James Walsh, Charles Schumer |
| NPPD Infrastructure Protection and Information Security | Office of Bombing Prevention, IED-Geospatial Analysis Tool Plus, PA | 1,000,000 | John Murtha |
| NPPD Infrastructure Protection and Information Security | State and Local Cybersecurity Training, University of Texas, San Antonio, TX | 3,500,000 | Ciro Rodriguez |
| NPPD Infrastructure Protection and Information Security | Power and Cyber Systems Protection, Analysis, and Testing Program at Idaho National Laboratory, ID | 4,000,000 | Mike Simpson, Larry Craig |
| NPPD Infrastructure Protection and Information Security | National Infrastructure Simulation and Analysis Center, NM | 20,000,000 | The President, Pete Domenici |
| FEMA Management and Administration | Impacts of Climate on Future Disasters, State of North Carolina | 5,000,000 | David Price |
| FEMA Management and Administration | Flood Control and Hazard Mitigation Demonstration Program, Commonwealth of Kentucky | 2,425,000 | Harold Rogers |
| FEMA Management and Administration | Pacific Region Homeland Security Center, HI | 2,200,000 | Daniel Inouye |
| FEMA State and Local Programs | National Domestic Preparedness Consortium<br>National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology, NM<br>National Center for Biomedical Research and Training, Louisiana State University, LA<br>National Emergency Response and Rescue Training Center, Texas A&M University, TX<br>National Exercise, Test, and Training Center, Nevada Test Site, NV<br>Transportation Technology Center, Incorporated, CO<br>National Disaster Preparedness Training Center, University of Hawaii, HI | 23,000,000<br>23,000,000<br>23,000,000<br>23,000,000<br>5,000,000<br>5,000,000 | The President, Rodney Alexander, Wayne Allard, John Carter, John Cornyn, Pete Domenici, Chet Edwards, Charles Gonzalez, Kay Bailey Hutchison, Daniel Inouye, Mary Landrieu, Harry Reid, Ken Salazar, John Salazar, David Vitter |
| FEMA State and Local Programs | Center for Domestic Preparedness | 62,500,000 | The President, Richard Shelby, Robert Aderholt, Mike Rogers |
| FEMA State and Local Programs | Counterterrorism and Cyber Crime Center, VT | 1,700,000 | Patrick Leahy |
| FEMA State and Local Programs | Emergency Operations Center, Tensas Parish Police Jury, LA | 750,000 | Rodney Alexander |
| FEMA State and Local Programs | Emergency Operations Center, City of Rialto, CA | 225,000 | Joe Baca |

**DEPARTMENT OF HOMELAND SECURITY—Continued**

| Account | Project | Amount | Requester(s) |
|---|---|---|---|
| FEMA State and Local Programs | Emergency Operations Center, Village of Poynette, WI | 1,000,000 | Tammy Baldwin |
| FEMA State and Local Programs | Emergency Operations Center, Sebastian County, AR | 750,000 | John Boozman |
| FEMA State and Local Programs | Emergency Operations Center, Lake County, FL | 1,000,000 | Corrine Brown |
| FEMA State and Local Programs | Emergency Operations Center, Sarasota County, FL | 1,000,000 | Vern Buchanan |
| FEMA State and Local Programs | Emergency Operations Center, Northumberland County, Department of Public Safety, PA | 1,000,000 | Christopher P. Carney |
| FEMA State and Local Programs | Emergency Operations Center, City of Detroit, MI | 1,000,000 | John Conyers, Carolyn Kilpatrick, Carl Levin, Debbie Stabenow |
| FEMA State and Local Programs | Emergency Operations Center, San Diego Unified School District, San Diego, CA | 400,000 | Susan A. Davis |
| FEMA State and Local Programs | Emergency Operations Center, City of Half Moon Bay, CA | 750,000 | Anna G. Eshoo |
| FEMA State and Local Programs | Emergency Operations Center, Chesterfield County, VA | 250,000 | Randy Forbes |
| FEMA State and Local Programs | Emergency Operations Center, Spencer County Commissioners, Rockport, IN | 1,000,000 | Baron P. Hill |
| FEMA State and Local Programs | Emergency Operations Center, City of Gladstone, OR | 60,000 | Darlene Hooley |
| FEMA State and Local Programs | Emergency Operations Center, City of Coral Springs, FL | 550,000 | Ron Klein, Robert Wexler |
| FEMA State and Local Programs | Emergency Operations Center, Snohomish County, WA | 1,000,000 | Rick Larsen, Maria Cantwell |
| FEMA State and Local Programs | Emergency Operations Center, County of Atlantic, NJ | 750,000 | Frank LoBiondo, Frank Lautenberg, Robert Menendez |
| FEMA State and Local Programs | Emergency Operations Center, City of Rio Vista, CA | 150,000 | Daniel Lungren |
| FEMA State and Local Programs | Emergency Operations Center, American Red Cross, Sacramento Sierra Chapter, CA | 35,000 | Doris Matsui |
| FEMA State and Local Programs | Emergency Operations Center, Village of Bellerose, NY | 200,000 | Carolyn McCarthy |
| FEMA State and Local Programs | Emergency Operations Center, Town of Pomona Park, FL | 300,000 | John Mica |
| FEMA State and Local Programs | Emergency Operations Center, San Francisco Police Department, CA | 1,000,000 | Nancy Pelosi |
| FEMA State and Local Programs | Emergency Operations Center, North Carolina Department of Crime Control and Public Safety, NC | 1,000,000 | David Price |
| FEMA State and Local Programs | Emergency Operations Center, City of Del Rio, TX | 500,000 | Ciro Rodriguez |
| FEMA State and Local Programs | Emergency Operations Center, City of Bell Gardens, CA | 175,000 | Lucille Roybal-Allard |
| FEMA State and Local Programs | Emergency Operations Center, City of Cudahy, CA | 50,000 | Lucille Roybal-Allard |
| FEMA State and Local Programs | Emergency Operations Center, The County of Cook, IL | 1,000,000 | Bobby Rush |
| FEMA State and Local Programs | Emergency Operations Center, Douglas County, GA | 500,000 | David Scott |
| FEMA State and Local Programs | Emergency Operations Center, City of Richmond, Office of Emergency Management, VA | 750,000 | Robert C. ''Bobby'' Scott |
| FEMA State and Local Programs | Emergency Operations Center, Hudson County, NJ | 1,000,000 | Albio Sires, Frank Lautenberg, Robert Menendez |
| FEMA State and Local Programs | Emergency Operations Center, Marion County, FL | 750,000 | Cliff Stearns |
| FEMA State and Local Programs | Emergency Operations Center, City of Miami Beach, FL | 1,000,000 | Debbie Wasserman Schultz, Ilena Ros-Lehtinen |
| FEMA State and Local Programs | Emergency Operations Center, Vermont Emergency Management Agency, VT | 1,000,000 | Peter Welch, Patrick Leahy |
| FEMA State and Local Programs | Emergency Operations Center, Crittenden County, KY | 750,000 | Ed Whitfield |
| FEMA Predisaster Mitigation | City of Rainbow City, AL | 1,000,000 | Robert Aderholt |
| FEMA Predisaster Mitigation | Municipality of Murrysville, PA | 100,000 | Jason Altmire |
| FEMA Predisaster Mitigation | Bibb County, Emergency Management Agency, AL | 750,000 | Spencer Bachus |
| FEMA Predisaster Mitigation | City of Wynne, AR | 50,000 | Marion Berry |
| FEMA Predisaster Mitigation | City of San Diego, CA | 1,000,000 | Brian Bilbray |
| FEMA Predisaster Mitigation | Pinellas County, FL | 1,000,000 | Gus Bilirakis, C.W. ''Bill'' Young, Kathy Castor |
| FEMA Predisaster Mitigation | Brigham City (Corporation), UT | 650,000 | Rob Bishop, Robert Bennett, Orrin Hatch |
| FEMA Predisaster Mitigation | City of Coolidge, GA | 80,000 | Sanford Bishop |
| FEMA Predisaster Mitigation | Drywood Township, Garland, KS | 35,000 | Nancy Boyda |
| FEMA Predisaster Mitigation | City of Merced, CA | 500,000 | Dennis Cardoza |
| FEMA Predisaster Mitigation | City of Newark, DE | 300,000 | Michael Castle, Joseph Biden |
| FEMA Predisaster Mitigation | Adjutant General's Office of Emergency Preparedness, SC | 1,000,000 | James E. Clyburn |
| FEMA Predisaster Mitigation | Alabama Department of Homeland Security, for Jackson County, AL | 90,000 | Robert Cramer |
| FEMA Predisaster Mitigation | Harris County Flood Control District, TX | 1,000,000 | John Culberson |
| FEMA Predisaster Mitigation | Tarrant County, TX | 1,000,000 | Kay Granger |
| FEMA Predisaster Mitigation | City of Chula Vista, CA | 400,000 | Bob Filner |
| FEMA Predisaster Mitigation | North West, MO Regional Council of Governments | 300,000 | Sam Graves |
| FEMA Predisaster Mitigation | Florida Atlantic University, Boca Raton, FL | 300,000 | Alcee Hastings, Tim Mahoney, Debbie Wasserman Schultz |
| FEMA Predisaster Mitigation | City of Kannapolis, NC | 468,000 | Robin Hayes |
| FEMA Predisaster Mitigation | Town of Conklin, NY | 330,000 | Maurice Hinchey |
| FEMA Predisaster Mitigation | County of Hawaii, Civil Defense Agency, HI | 400,000 | Mazie Hirono |
| FEMA Predisaster Mitigation | City of Berlin, Public Health Department, NH | 100,000 | Paul Hodes |
| FEMA Predisaster Mitigation | City of Trenton, NJ | 500,000 | Rush Holt, Christopher Smith, Frank Lautenberg, Robert Menendez |
| FEMA Predisaster Mitigation | Santa Clara Water Valley District, San Jose, CA | 790,000 | Michael Honda |
| FEMA Predisaster Mitigation | City of Houston, TX | 200,000 | Sheila Jackson-Lee |
| FEMA Predisaster Mitigation | West Jefferson Medical Center, Marrero, LA | 400,000 | William Jefferson, Mary Landrieu |

**DEPARTMENT OF HOMELAND SECURITY—Continued**

| Account | Project | Amount | Requester(s) |
|---|---|---|---|
| FEMA Predisaster Mitigation | Erie County, Sandusky, OH | 399,000 | Marcy Kaptur |
| FEMA Predisaster Mitigation | Wayne County, Detroit, MI | 300,000 | Carolyn Kilpatrick, Carl Levin, Debbie Stabenow |
| FEMA Predisaster Mitigation | New York State Emergency Management Office, NY | 1,000,000 | Nita Lowey, José Serrano, Peter King |
| FEMA Predisaster Mitigation | City of Berkeley, CA | 750,000 | Barbara Lee |
| FEMA Predisaster Mitigation | City of Taylorsville, KY | 750,000 | Ron Lewis |
| FEMA Predisaster Mitigation | Westchester and Rockland Counties, NY | 500,000 | Nita Lowey |
| FEMA Predisaster Mitigation | Town of Lake Placid, FL | 500,000 | Tim Mahoney |
| FEMA Predisaster Mitigation | Tifton-Tift County Emergency Management Agency (EMA), GA | 40,000 | Jim Marshall |
| FEMA Predisaster Mitigation | Town of Pembroke Park, FL | 400,000 | Kendrick Meek |
| FEMA Predisaster Mitigation | City of Miami, FL | 1,000,000 | Kendrick Meek, Ilena Ros-Lehtinen |
| FEMA Predisaster Mitigation | City of Mission Viejo, CA | 850,000 | Gary Miller |
| FEMA Predisaster Mitigation | Yardley Borough, PA | 500,000 | Patrick Murphy |
| FEMA Predisaster Mitigation | Clark County Emergency Management, WI | 300,000 | David Obey |
| FEMA Predisaster Mitigation | County of Essex, NJ | 500,000 | Donald Payne |
| FEMA Predisaster Mitigation | Val Verde County, Del Rio, TX | 500,000 | Ciro Rodriguez |
| FEMA Predisaster Mitigation | County of Los Angeles, CA | 600,000 | Lucille Roybal-Allard |
| FEMA Predisaster Mitigation | City of Los Angeles, CA | 500,000 | Adam Schiff |
| FEMA Predisaster Mitigation | City of New Braunfels, TX | 360,000 | Lamar Smith |
| FEMA Predisaster Mitigation | Brown Township Board of Trustees, Malvern, OH | 247,728 | Zachary Space |
| FEMA Predisaster Mitigation | City of Barberton, OH | 200,000 | Betty Sutton |
| FEMA Predisaster Mitigation | Mississippi Homeland Security Office, MS | 500,000 | Bennie Thompson |
| FEMA Predisaster Mitigation | Town of North Andover, MA | 100,000 | John Tierney |
| FEMA Predisaster Mitigation | Cities of Lake Station and Hobart, IN | 500,000 | Peter Visclosky |
| FEMA Predisaster Mitigation | City of Owatonna, MN | 400,000 | Timothy Walz |
| FEMA Predisaster Mitigation | Putnam County, FL | 450,000 | John Mica |
| FEMA Predisaster Mitigation | City of Lake City, TN | 418,000 | Zack Wamp |
| FLETC Acquisition, Construction, Improvements, and Related Expenses | Artesia Construction, NM | 3,000,000 | Pete Domenici |
| FLETC Acquisition, Construction, Improvements, and Related Expenses | Practical Application/Counterterrorism Operations Training Facility, GA | 9,195,000 | The President |
| S&T Research, Development, Acquisition, and Operations | Southeast Region Research Initiative, TN | 27,000,000 | Lamar Alexander, Thad Cochran, Roger Wicker |
| S&T Research, Development, Acquisition, and Operations | Distributed Environment for Critical Infrastructure Decisionmaking Exercises, Multiple Locations | 3,000,000 | Robert Bennett, Patrick Leahy, Joe Lieberman, George Voinovich, Rob Bishop, Dean Heller |
| S&T Research, Development, Acquisition, and Operations | Naval Postgraduate School, CA | 2,000,000 | Sam Farr |
| S&T Research, Development, Acquisition, and Operations | Homeland Security Research, Development, & Manufacturing Pilot, Bay Shore, NY | 2,000,000 | Steve Israel, Peter King, Charles Schumer |
| S&T Research, Development, Acquisition, and Operations | National Institute for Hometown Security, Community-Based Infrastructure Protection Solutions, KY | 11,000,000 | Harold Rogers |
| General Provision | Mississippi Debris Removal | | Thad Cochran |

**MILITARY CONSTRUCTION**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Army | Alabama | Anniston Army Depot | Powertrain Transmission Repair Facility | $27,000,000 | The President; Senator Sessions; Senator Shelby |
| Army | Alabama | Anniston Army Depot | Small Arms Repair Shop-Depot Level | 18,000,000 | The President; Senator Sessions; Senator Shelby |
| Army NG | Alabama | Fort McClellan | Multipurpose Machine Gun Range | 3,000,000 | The President; Senator Sessions |
| Air Force | Alabama | Maxwell AFB | Air & Space Basic Course Combat Arms Trng Fac | 15,556,000 | The President; Mr. Everett; Senator Sessions; Senator Shelby |
| Army | Alabama | Anniston Army Depot | Lake Yard Railroad Interchange | 1,400,000 | Mr. Rogers, M. (AL) |
| Army | Alabama | Fort Rucker | Chapel Center | 6,800,000 | Mr. Everett |
| Army | Alabama | Redstone Arsenal | System Software Engineering Annex, Ph 3 | 16,500,000 | Senator Sessions; Senator Shelby; Mr. Cramer |
| Army | Alaska | Fort Richardson | Child Development Center | 15,000,000 | The President |
| Army | Alaska | Fort Wainwright | Barracks Complex | 63,000,000 | The President |
| Army | Alaska | Fort Wainwright | Organizational Vehicle Parking | 14,000,000 | The President |
| Army | Alaska | Fort Wainwright | Tactical Vehicle Wash Facility | 21,000,000 | The President |
| Army | Alaska | Fort Wainwright | Training Aids Support Center | 12,400,000 | The President |
| Air Force | Alaska | Elmendorf AFB | C-17 Restore Road | 2,000,000 | The President |
| Air Force | Alaska | Elmendorf AFB | F-22 Aerospace Ground Equip Shop | 7,200,000 | The President |
| Air Force | Alaska | Elmendorf AFB | F-22 Corrosion Ctrl/Lo Mx/Composite Repair Fac | 22,400,000 | The President |
| Air Force | Alaska | Elmendorf AFB | F-22 Flight Simulator | 16,400,000 | The President |

**MILITARY CONSTRUCTION—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Air Force | Alaska | Elmendorf AFB | F-22A 7 Bay Aircraft Shelter | 20,400,000 | The President |
| Air Force | Alaska | Elmendorf AFB | F-22A 8 Bay Aircraft Shelter | 22,200,000 | The President |
| Air Force | Alaska | Elmendorf AFB | F-22A Field Training Detachment | 6,600,000 | The President |
| Air Force | Alaska | Elmendorf AFB | F-22A Squadron Ops/AMU 6 Bay Hangar | 41,100,000 | The President |
| Defense-Wide | Alaska | Fort Richardson | Dental Clinic Addition/Alteration | 6,300,000 | The President |
| Army | Alaska | Fort Wainwright | Pedestrian Access Bridge Training Area | 2,950,000 | Senator Stevens |
| Army NG | Alaska | Bethel Armory | Readiness Center | 16,000,000 | Senator Stevens; Senator Murkowski; Mr. Young, D. |
| Army | Alaska | Fort Richardson | Multipurpose Machine Gun Range | 3,100,000 | Senator Stevens |
| Army | Arizona | Fort Huachuca | Unit Maintenance Facilities | 11,200,000 | The President |
| Army | Arizona | Yuma | Raw Sewage Lagoon and Oxidation Pond | 3,800,000 | The President |
| Army NG | Arizona | Camp Navajo | Readiness Center | 13,000,000 | The President |
| Army NG | Arizona | Florence | Readiness Center | 13,800,000 | The President |
| Army NG | Arizona | Papago Military Res. | Readiness Center | 24,000,000 | The President |
| Navy | Arizona | Yuma | Applied Instruction Facility (MAWTS) | 19,490,000 | The President; Senator Kyl |
| Air Force | Arizona | Luke AFB | Repair Runway Pavement | 1,755,000 | Mr. Pastor; Senator Kyl |
| Army | Arizona | Fort Huachuca | ATC Radar Operations Building | 2,000,000 | Ms. Giffords; Senator Kyl |
| Air Force | Arizona | Davis-Monthan AFB | Fire/Crash Rescue Station | 15,000,000 | Senator Kyl; Ms. Giffords |
| Army NG | Arkansas | Cabot | Readiness Center | 10,868,000 | Mr. Berry; Senator Lincoln; Senator Pryor |
| Air NG | Arkansas | Little Rock AFB | Replace Engine Shop | 4,000,000 | Senator Lincoln; Senator Pryor; Mr. Snyder |
| Army NG | Arkansas | Fort Chaffee | Infantry Platoon Battle Course | 204,000 | Senator Lincoln; Senator Pryor; Mr. Boozman |
| Army | California | Fort Irwin | Barracks Complex | 17,500,000 | The President; Senator Feinstein |
| Army | California | Fort Irwin | Military Operations Urban Terrain, Ph 3 | 22,100,000 | The President; Senator Feinstein |
| Army | California | Presidio of Monterey | General Instruction Building | 15,000,000 | The President; Senator Feinstein |
| Army | California | Sierra Army Depot | Water Treatment Plant | 12,400,000 | The President; Senator Feinstein; Senator Boxer |
| Army Reserve | California | Fort Hunter Liggett | Modified Record Fire Range | 3,950,000 | The President; Mr. Farr; Senator Feinstein |
| Navy | California | Barstow | Bachelor Enlisted Quarters | 7,830,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—41 Area | 32,430,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—33 Area | 30,300,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—43 Area | 15,150,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—62 Area | 25,920,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Area 13 | 33,320,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Area 14 | 32,350,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Chappo (22 Area) | 48,640,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Del Mar (21 Area) | 33,190,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Del Mar (21 Area) | 33,440,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Horno (13 Area) | 33,790,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Horno (53 Area) | 40,660,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Las Pulgas Area | 34,340,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Pico (24 Area) | 32,870,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Pico (24 Area) | 32,260,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—San Mateo Area | 34,500,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Del Mar (21 Area) | 34,120,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—San Mateo Area | 32,550,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Bachelor Enlisted Quarters—Margarita (33 Area) | 31,170,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | BEQ—Armory, Training Facility, SOI (52 Area) | 54,730,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Consolidated Comm/Elec Maintenance & Storage | 10,050,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Corrosion Control Water Treatment Facility | 52,520,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Indoor Fitness Center | 12,230,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Infantry Training Center | 11,500,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Operations Access Points, Red Beach | 11,970,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Regimental Maintenance Complex (Phase 3) | 33,620,000 | The President; Senator Feinstein |
| Navy | California | Camp Pendleton | Special Operations Training Battle Course | 22,250,000 | The President; Senator Feinstein |
| Navy | California | El Centro | Combined Child Care and Youth Center | 8,900,000 | The President; Senator Feinstein |
| Navy | California | Miramar | Combat Training Tank Complex | 10,820,000 | The President; Senator Feinstein |
| Navy | California | Miramar | Emergency Response Station | 6,530,000 | The President; Senator Feinstein |
| Navy | California | Miramar | In-Line Fueling Station Modification | 22,930,000 | The President; Senator Feinstein |
| Navy | California | Miramar | Military Working Dog Operations Center | 4,800,000 | The President; Senator Feinstein |

**MILITARY CONSTRUCTION—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Navy | California | Miramar | MV-22 Wash Rack | 3,690,000 | The President; Senator Feinstein |
| Navy | California | North Island | Berthing Lima Conversion | 38,992,000 | The President; Senator Feinstein |
| Navy | California | North Island | Child Development Center | 14,270,000 | The President; Senator Feinstein |
| Navy | California | San Clemente Island | Bachelor Enlisted Quarters | 34,020,000 | The President; Senator Feinstein |
| Navy | California | San Diego | Recruit Reconditioning Facility | 16,790,000 | The President; Senator Feinstein |
| Navy | California | San Diego | Recruit Support Barracks | 34,430,000 | The President; Senator Feinstein |
| Navy | California | Twentynine Palms | Bachelor Enlisted Quarters | 36,470,000 | The President; Senator Feinstein |
| Navy | California | Twentynine Palms | Bachelor Enlisted Quarters | 36,280,000 | The President; Senator Feinstein |
| Navy | California | Twentynine Palms | BEQ and Parking Structure | 51,800,000 | The President; Senator Feinstein |
| Navy | California | Twentynine Palms | Combined Arms MOUT (Phase 2) | 21,000,000 | The President; Senator Feinstein |
| Navy Reserve | California | Lemoore | Marine Corps Reserve Center | 15,420,000 | The President; Senator Feinstein |
| Air Force | California | Edwards AFB | F-35 Ramp & Security Upgrade | 3,100,000 | The President; Senator Feinstein |
| Defense-Wide | California | Coronado | SOF Combat Crew Training Facility | 9,800,000 | The President; Senator Feinstein |
| Defense-Wide | California | Tracy Depot | Replace General Purpose Warehouse | 41,000,000 | The President; Senator Feinstein |
| Defense-Wide | California | Tracy Depot | Replace Truck Entrance/Control Facility | 9,300,000 | The President; Senator Feinstein |
| Navy | California | Monterey | Education Facility | 9,990,000 | Mr. Farr |
| Air Force | California | Edwards AFB | Main Base Runway Ph 4 | 6,000,000 | Mr. McKeon; Mr. McCarthy, K. |
| Navy | California | North Island | Training Pool Replacement | 6,890,000 | Ms. Davis, S. |
| Navy | California | Twentynine Palms | Lifelong Learning Center Ph 1 | 9,760,000 | Mr. Lewis, Jerry |
| Air Force | California | Travis AFB | Large Crash Rescue Station | 12,100,000 | Senator Feinstein; Senator Boxer; Ms. Tauscher |
| Navy | California | San Diego MCRD | Recruit Barracks | 43,200,000 | House Committee on Appropriations [1] |
| Army | Colorado | Fort Carson | Barracks & Dining Incr 1 | 94,000,000 | The President; Senator Allard; Senator Salazar |
| Army | Colorado | Fort Carson | Battalion Complex | 45,000,000 | The President; Senator Allard; Senator Salazar |
| Army | Colorado | Fort Carson | Brigade/Battalion HQs | 46,000,000 | The President; Senator Allard; Senator Salazar |
| Army | Colorado | Fort Carson | Company Operations Facilities | 93,000,000 | The President; Senator Allard; Senator Salazar |
| Army | Colorado | Fort Carson | Infrastructure, BCT | 69,000,000 | The President; Senator Allard; Senator Salazar |
| Army | Colorado | Fort Carson | Physical Fitness Facility | 28,000,000 | The President; Senator Allard; Senator Salazar |
| Army | Colorado | Fort Carson | Unit Maintenance Facilities | 15,000,000 | The President; Senator Allard; Senator Salazar |
| Army | Colorado | Fort Carson | Vehicle Maintenance Shops | 84,000,000 | The President; Senator Allard; Senator Salazar |
| Chem Demil | Colorado | Pueblo Depot | Ammunition Demilitarization Facility Incr 10 | 65,060,000 | The President; Senator Allard; Senator Salazar |
| Army NG | Colorado | Denver | Readiness Center | 9,000,000 | The President; Senator Allard; Senator Salazar |
| Army NG | Colorado | Grand Junction | Readiness Center | 9,000,000 | The President; Senator Allard; Senator Salazar; Mr. Salazar |
| Air Force | Colorado | U.S. Air Force Academy | Upgrade Academic Facility, Ph V | 18,000,000 | The President; Senator Allard; Senator Salazar |
| Defense-Wide | Colorado | Buckley AFB | Satellite Pharmacy | 3,000,000 | The President; Senator Allard; Senator Salazar |
| Air Force | Colorado | Peterson AFB | Land Acquisition—23 Acres | 4,900,000 | Senator Allard; Senator Salazar |
| Air NG | Colorado | Buckley AFB | Alert Crew Headquarters | 4,200,000 | Senator Allard; Senator Salazar |
| Army NG | Connecticut | Camp Rell | Regional Training Institute | 28,000,000 | The President; Mr. Courtney; Senator Dodd |
| Army NG | Connecticut | East Haven | KD Range Add/Alt | 13,800,000 | The President; Senator Dodd |
| Navy | Connecticut | New London | Pier 31 Replacement | 46,060,000 | The President; Mr. Courtney; Senator Dodd |
| Air NG | Connecticut | Bradley IAP | TFI Upgrade Engine Shop | 7,200,000 | Ms. DeLauro; Mr. Courtney; Mr. Larson; Mr. Murphy, C.; Mr. Shays |
| Navy | Connecticut | New London | Indoor Small Arms Range | 11,000,000 | Senator Dodd; Senator Lieberman |
| Army NG | Delaware | New Castle | Army Aviation Support Facility Add/Alt | 28,000,000 | The President; Senator Biden |
| Navy Reserve | Delaware | Wilmington | NOSC Portion, Armed Forces Reserve Center | 11,530,000 | The President; Senator Biden |
| Air Force | Delaware | Dover AFB | ADAL Physical Fitness Center | 19,000,000 | The President; Senator Biden; Senator Carper; Mr. Castle |
| Air NG | Delaware | New Castle County AP | TFI—Info Ops Squadron (IOS) Facility | 3,200,000 | The President; Senator Biden; Senator Carper; Mr. Castle |
| Defense-Wide | Delaware | Dover AFB | Alter Fuel Storage Tank | 3,373,000 | The President; Senator Biden |
| Air NG | Delaware | New Castle County AP | Replace C-130 Aircraft Maintenance Shops | 11,600,000 | Senator Biden; Senator Carper; Mr. Castle |
| Navy | District of Columbia | Naval Research Lab | Autonomous System Research Lab | 24,220,000 | The President |
| Army | Florida | Miami-Doral | SOUTHCOM Headquarters, Incr 2 | 81,600,000 | The President; Mr. Diaz-Balart, L.; Senator Martinez; Senator Bill Nelson |
| Army NG | Florida | Camp Blanding | Ammunition Supply Point | 12,400,000 | The President; Senator Martinez; Senator Bill Nelson |
| Navy | Florida | Jacksonville | Child Development Center | 12,890,000 | The President; Mr. Crenshaw; Senator Martinez; Senator Bill Nelson |
| Navy | Florida | Jacksonville | P-8A Integrated Training Center | 48,220,000 | The President; Senator Martinez; Senator Bill Nelson |
| Navy | Florida | Mayport | Alpha Wharf Improvements | 14,900,000 | The President; Mr. Crenshaw; Senator Martinez; Senator Bill Nelson |
| Navy | Florida | Tampa | Joint Communications Squadron Facility | 29,000,000 | The President; Senator Martinez; Senator Bill Nelson |
| Air Force | Florida | Eglin AFB | F-35 Student Dormitory (144 Room) | 19,000,000 | The President; Senator Martinez; Senator Bill Nelson |
| Air Force | Florida | MacDill AFB | SOCCENT Headquarters & Commandant Facility | 21,000,000 | The President; Senator Martinez; Senator Bill Nelson |

**MILITARY CONSTRUCTION—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Defense-Wide | Florida | Eglin AFB | SOF Battalion Operations Complex | 40,000,000 | The President; Senator Martinez; Senator Bill Nelson |
| Defense-Wide | Florida | Hurlburt Field | SOF Special Tactics Group Facility | 8,900,000 | The President; Senator Martinez; Senator Bill Nelson |
| Defense-Wide | Florida | MacDill AFB | SOF Add/Alter 501B (HQ SOCOM) | 10,500,000 | The President; Senator Martinez; Senator Bill Nelson |
| Defense-Wide | Florida | Jacksonville | Replace Fuel Storage Tanks | 34,000,000 | The President; Senator Martinez; Senator Bill Nelson |
| Air Force | Florida | Tyndall AFB | 325 ACS Ops Training Complex | 11,600,000 | Mr. Boyd |
| Army NG | Florida | Camp Blanding | Regional Training Institute Ph 4 | 20,907,000 | Mr. Young, B.; Ms. Brown, C.; Mr. Stearns; Senator Martinez; Senator Bill Nelson |
| Air Force | Florida | MacDill AFB | Combat Training Facility | 5,000,000 | Ms. Castor |
| Navy | Florida | Mayport | Aircraft Refueling | 3,380,000 | Mr. Crenshaw |
| Air Force | Florida | Cape Canaveral AS | Satellite Operations Support Facility | 8,000,000 | Senator Martinez; Senator Bill Nelson; Mr. Weldon |
| Army | Georgia | Fort Benning | Automated Anti-Armor Range | 8,800,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Basic 10M-25M Firing Range 1 | 2,400,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Basic 10M-25M Firing Range 2 | 2,400,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Basic 10M-25M Firing Range 3 | 2,350,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Basic 10M-25M Firing Range 4 | 2,500,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Basic 10M-25M Firing Range 5 | 2,500,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Digital Multipurpose Training Range | 17,500,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Fire and Movement Range | 2,450,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Maintenance Shop | 42,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Modified Record Fire Range 1 | 4,900,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Modified Record Fire Range 2 | 4,900,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Modified Record Fire Range 3 | 4,500,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Range Access Road | 9,100,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Reception Station Phase 2 | 39,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Stationary Tank Range | 6,900,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Tactical Vehicle Wash Facility | 10,800,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Tracked Vehicle Drivers Course | 16,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Trainee Complex | 32,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Training Area Infrastructure—Osut Area | 16,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Training Area Infrastructure—Northern Area | 13,800,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Benning | Unit Maintenance Facilities | 27,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Stewart | Barracks & Dining, Incr 1 | 41,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Stewart | Brigade Complex | 30,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Stewart | Brigade/Battalion HQs | 36,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Stewart | Child Development Center | 20,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Stewart | Company Operations Facilities | 75,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Stewart | Infrastructure | 59,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Stewart | Physical Fitness Facility | 22,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Stewart | Shoot House | 2,300,000 | The President; Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Stewart | Vehicle Maintenance Shops | 67,000,000 | The President; Senator Chambliss; Senator Isakson |
| Army NG | Georgia | Dobbins ARB | Readiness Center | 45,000,000 | The President; Senator Chambliss; Mr. Gingrey; Senator Isakson |
| Navy | Georgia | Albany MCLB | BEQ Replacement | 15,320,000 | The President; Senator Chambliss; Senator Isakson |
| Navy Reserve | Georgia | Marietta | Marine Corps Reserve Center | 7,560,000 | The President; Senator Chambliss; Senator Isakson |
| Air Force | Georgia | Robins AFB | Aircraft Hangar | 24,100,000 | The President; Senator Chambliss; Senator Isakson |
| Defense-Wide | Georgia | Fort Benning | Consolidated Troop Medical Clinic | 3,900,000 | The President; Senator Chambliss; Senator Isakson |
| Defense-Wide | Georgia | Augusta | Regional Security Operations Center Incr IV | 100,220,000 | The President; Senator Chambliss; Senator Isakson |
| Defense-Wide | Georgia | Hunter AAF | Replace Fuel Storage Tank | 3,500,000 | The President; Senator Chambliss; Senator Isakson |
| Air NG | Georgia | Savannah CRTC | Troop Training Quarters | 7,500,000 | Mr. Barrow; Senator Chambliss; Senator Isakson |
| Navy | Georgia | Kings Bay | Add to Limited Area Reaction Force Facility | 6,130,000 | Mr. Kingston; Senator Chambliss; Senator Isakson |
| Air Force | Georgia | Robins AFB | Avionics Facility | 5,250,000 | Mr. Marshall; Senator Chambliss; Senator Isakson |
| Air Reserve | Georgia | Dobbins ARB | Construct New Control Tower | 6,450,000 | Senator Chambliss; Senator Isakson |
| Army | Georgia | Fort Gordon | AIT Complex, Phase 1 | 32,000,000 | House Committee on Appropriations [1] |
| Army | Hawaii | Schofield Barracks | Barracks | 42,000,000 | The President; Senator Inouye |
| Army | Hawaii | Schofield Barracks | Battalion Complex | 69,000,000 | The President; Senator Inouye |
| Army | Hawaii | Schofield Barracks | Battalion Complex | 27,000,000 | The President; Senator Inouye |
| Army | Hawaii | Schofield Barracks | Brigade Complex | 65,000,000 | The President; Senator Inouye |
| Army | Hawaii | Schofield Barracks | Infrastructure Expansion | 76,000,000 | The President; Senator Inouye |

**MILITARY CONSTRUCTION—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Army | Hawaii | Wahiawa | Wideband SATCOM Operations Center | 40,000,000 | The President; Senator Inouye |
| Army Reserve | Hawaii | Fort Shafter | Army Reserve Center | 19,199,000 | The President; Senator Inouye |
| Navy | Hawaii | Barking Sands | Advanced Radar Detection Laboratory | 28,900,000 | The President; Senator Inouye |
| Navy | Hawaii | Kaneohe Bay | Bachelor Enlisted Quarters | 28,200,000 | The President; Senator Inouye |
| Navy | Hawaii | Pearl Harbor | Child Development Center | 29,300,000 | The President; Senator Inouye |
| Navy | Hawaii | Pearl Harbor | Fitness Center | 45,000,000 | The President; Senator Inouye |
| Navy | Hawaii | Pearl Harbor | Joint Forces Deployment Staging Area FISC | 5,990,000 | The President; Senator Inouye |
| Navy | Hawaii | Pearl Harbor | Sub Drive-In Magnetic Silencing Facility Incr 2 | 41,088,000 | The President; Senator Inouye |
| Defense-Wide | Hawaii | Pearl Harbor | Replace Fuel Pipeline | 27,700,000 | The President; Senator Inouye |
| Army | Hawaii | Pohakuloa TA | Access Road, Ph 5 | 30,000,000 | Senator Inouye; Mr. Abercrombie; Senator Akaka |
| Army NG | Idaho | Orchard TA | Live Fire Shoot House | 1,850,000 | The President |
| Army Reserve | Idaho | Hayden Lake | Army Reserve Center/OMS/Unheated Storage | 9,580,000 | The President |
| Air Force | Idaho | Mountain Home AFB | Logistics Readiness Center | 1,800,000 | Senator Craig; Senator Crapo; Mr. Simpson |
| Navy | Illinois | Great Lakes | RTC Special Programs Barracks | 62,940,000 | The President; Senator Durbin |
| Defense-Wide | Illinois | Scott AFB | USTRANSCOM Joint Intel Operations Center | 13,977,000 | The President; Mr. Costello; Senator Durbin |
| Air NG | Illinois | Greater Peoria RAP | C-130 Squadron Operations Center | 400,000 | Mr. LaHood; Senator Durbin |
| Army NG | Illinois | Urbana Armory | Readiness Center | 16,186,000 | Senator Durbin |
| Army NG | Indiana | Camp Atterbury | Multi Purpose Machine Gun Range | 5,800,000 | The President |
| Army NG | Indiana | Lawrence | Readiness Center | 21,000,000 | The President |
| Army NG | Indiana | Muscatatuck | Combined Arms Collective Training Facility Ph 1 | 6,000,000 | Mr. Visclosky; Mr. Hill; Senator Bayh; Senator Lugar |
| Air NG | Indiana | Fort Wayne IAP | Aircraft Ready Shelters/Fuel Fill Stands | 5,600,000 | Mr. Souder |
| Army | Indiana | Crane Army Ammo Act. | Ready Service Magazine Complex | 8,300,000 | Senator Bayh; Senator Lugar |
| Army NG | Iowa | Camp Dodge | MOUT Site Add/Alt | 1,500,000 | Mr. Boswell; Senator Harkin |
| Army NG | Iowa | Davenport | Readiness Center Add/Alt | 1,550,000 | Mr. Braley; Senator Harkin |
| Air NG | Iowa | Fort Dodge | Vehicle Maintenance & Comm. Training Complex | 5,600,000 | Senator Harkin; Senator Grassley; Mr. Latham; Mr. Loebsack; Mr. King, S. |
| Army NG | Iowa | Mount Pleasant | Readiness Center Add/Alt | 1,500,000 | Mr. Loebsack; Senator Harkin |
| Army | Kansas | Fort Riley | Battalion Complex | 38,000,000 | The President; Senator Roberts |
| Army | Kansas | Fort Riley | Brigade Complex | 79,000,000 | The President; Senator Roberts |
| Army | Kansas | Fort Riley | Commissary | 23,000,000 | The President; Senator Roberts |
| Army | Kansas | Fort Riley | Rail Siding | 15,000,000 | The President; Senator Roberts |
| Army Reserve | Kansas | Dodge City | Army Reserve Center/Land | 8,100,000 | The President; Mr. Moran, Jerry; Senator Roberts |
| Army | Kansas | Fort Leavenworth | Chapel Complex Ph 2 | 4,200,000 | Ms. Boyda; Senator Brownback |
| Army | Kansas | Fort Riley | Fire Station | 3,000,000 | Ms. Boyda; Senator Brownback; Senator Roberts |
| Air Force | Kansas | McConnell AFB | MXG Consolidation & Forward Logistics Center Ph 2 | 6,800,000 | Mr. Tiahrt; Senator Brownback |
| Air NG | Kansas | Smoky Hill ANG Range | Smoky Hill Range Support Facility | 7,100,000 | Senator Brownback; Mr. Moran, Jerry |
| Chem Demil | Kentucky | Blue Grass Depot | Ammunition Demilitarization Facility Incr 9 | 67,218,000 | The President; Senator McConnell |
| Chem Demil | Kentucky | Blue Grass Depot | Defense Access Road | 12,000,000 | The President; Senator McConnell |
| Army | Kentucky | Fort Campbell | Battalion Complex | 37,000,000 | The President; Senator McConnell |
| Army | Kentucky | Fort Campbell | Child Development Center | 8,600,000 | The President; Senator McConnell |
| Army | Kentucky | Fort Campbell | Training Support Center | 15,513,000 | The President; Senator McConnell |
| Army | Kentucky | Fort Campbell | Unit Maintenance Facilities | 47,000,000 | The President; Senator McConnell |
| Defense-Wide | Kentucky | Fort Campbell | Medical/Dental Clinic | 24,000,000 | The President; Senator McConnell |
| Defense-Wide | Kentucky | Fort Campbell | SOF Tactical Equipment Shop | 15,000,000 | The President; Senator McConnell |
| Defense-Wide | Kentucky | Fort Campbell | New Elementary School | 21,400,000 | The President; Senator McConnell |
| Army | Kentucky | Fort Campbell | School Age Services Center | 10,000,000 | Senator McConnell; Senator Bunning; Senator Alexander; Senator Corker; Mr. Wamp; Mr. Tanner; Mr. Whitfield |
| Army NG | Kentucky | London | Aviation Operations Facility Ph III | 7,191,000 | Mr. Rogers, H. |
| Army | Kentucky | Fort Campbell | Installation Chapel Center | 630,000 | Senator McConnell; Senator Bunning; Senator Alexander; Senator Corker; Mr. Wamp; Mr. Tanner; Mr. Whitfield |
| Army | Louisiana | Fort Polk | Unit Operations Facilities | 29,000,000 | The President |
| Air Force | Louisiana | Barksdale AFB | Security Forces Complex | 14,600,000 | Senator Landrieu; Senator Vitter; Mr. Alexander; Mr. McCrery |
| Army NG | Maine | Bangor | Regional Training Institute Ph 1 | 20,000,000 | The President |
| Navy | Maine | Portsmouth NSY | Dry Dock 3 Waterfront Support Facility | 1,450,000 | Mr. Allen; Ms. Shea-Porter; Senator Collins; Senator Snowe; Senator Gregg; Senator Sununu |
| Navy | Maine | Portsmouth NSY | Dry Dock 3 Waterfront Support Facility | 20,660,000 | Senator Collins; Senator Snowe; Senator Gregg; Senator Sununu; Mr. Allen; Ms. Shea-Porter |
| Navy | Maine | Portsmouth NSY | Consolidated Global Sub Component Ph 1 | 9,980,000 | Ms. Shea-Porter; Senator Collins; Senator Snowe |
| Army NG | Maryland | Edgewood | Army Aviation Support Facility Add/Alt | 28,000,000 | The President; Senator Mikulski; Senator Cardin |

**MILITARY CONSTRUCTION—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Army NG | Maryland | Salisbury | Readiness Center Add/Alt | 9,800,000 | The President; Senator Mikulski; Senator Cardin |
| Army Reserve | Maryland | Baltimore | Army Reserve Center | 11,600,000 | The President; Senator Mikulski; Senator Cardin |
| Navy | Maryland | Indian Head | Sewage Treatment Plant Upgrades | 13,930,000 | The President; Senator Cardin; Mr. Hoyer; Senator Mikulski |
| Navy | Maryland | Suitland | National Maritime Intel Center Incr | 12,439,000 | The President; Senator Mikulski; Senator Cardin |
| Air Force | Maryland | Andrews AFB | Admin Facility Addition | 28,000,000 | The President; Senator Mikulski; Senator Cardin |
| Air Force | Maryland | Andrews AFB | NCR Relocation—Admin Facility | 49,648,000 | The President; Senator Mikulski; Senator Cardin |
| Defense-Wide | Maryland | Aberdeen PG | USAMRICD Replacement, Incr I | 23,750,000 | The President; Senator Mikulski; Senator Cardin |
| Defense-Wide | Maryland | Fort Detrick | USAMRIID Stage I, Incr III | 209,000,000 | The President; Senator Mikulski; Senator Cardin |
| Defense-Wide | Maryland | Fort Meade | NSAW Campus Utility Chilled Water Backup | 19,100,000 | The President; Senator Mikulski; Senator Cardin |
| Defense-Wide | Maryland | Fort Meade | NSAW South Campus Stormwater Management System | 11,900,000 | The President; Senator Mikulski; Senator Cardin |
| Navy | Maryland | Carderock | RDTE Support Facility Ph I | 6,980,000 | Mr. Van Hollen; Senator Cardin |
| Army NG | Maryland | Dundalk | Readiness Center | 579,000 | Mr. Ruppersberger; Senator Cardin |
| Navy | Maryland | Indian Head | Energetics Systems & Tech Lab Complex Ph I | 12,050,000 | Mr. Hoyer; Senator Mikulski; Senator Cardin |
| Air NG | Maryland | Martin State Airport | Replace Fire Station | 7,900,000 | Mr. Bartlett; Mr. Ruppersberger; Mr. Sarbanes; Senator Cardin |
| Army NG | Massachusetts | Methuen | Readiness Center Add/Alt (ADRS) | 21,000,000 | The President |
| Army Reserve | Massachusetts | Fort Devens | Shoot House | 1,900,000 | The President |
| Air NG | Massachusetts | Otis ANGB | TFI Digital Ground Station FOC Beddown | 1,700,000 | Mr. Delahunt; Mr. Olver; Senator Kennedy; Senator Kerry |
| Air NG | Massachusetts | Otis ANGB | Digital Ground Station | 14,300,000 | Senator Kennedy; Senator Kerry; Mr. Delahunt; Mr. Olver |
| Air Reserve | Massachusetts | Westover ARB | Joint Service Lodging Facility | 943,000 | Mr. Olver; Mr. Neal |
| Army Reserve | Michigan | Saginaw | Army Reserve Center/Land | 11,500,000 | The President; Senator Levin; Senator Stabenow |
| Army NG | Michigan | Camp Grayling | Live Fire Shoot House | 2,000,000 | Mr. Knollenberg; Mr. Stupak; Senator Levin; Senator Stabenow |
| Army NG | Michigan | Camp Grayling | Urban Assault Course | 2,000,000 | Mr. Knollenberg; Mr. Stupak; Senator Levin; Senator Stabenow |
| Army NG | Michigan | Camp Grayling | Infantry Squad Battle Course | 2,000,000 | Senator Levin; Senator Stabenow; Mr. Knollenberg; Mr. Stupak |
| Army NG | Michigan | Camp Grayling | Barracks Replacement, Ph 1 | 16,943,000 | Senator Levin; Senator Stabenow; Mr. Knollenberg; Mr. Stupak |
| Army | Michigan | Detroit Arsenal | Access Control Point | 6,100,000 | Senator Levin; Senator Stabenow; Mr. Levin, S. |
| Army NG | Minnesota | Arden Hills | Readiness Center | 15,000,000 | The President |
| Army NG | Minnesota | Arden Hills | Infrastructure Improvements | 1,005,000 | Ms. McCollum; Senator Coleman; Senator Klobuchar |
| Air NG | Minnesota | Duluth | Replace Fuel Cell Hangar | 4,500,000 | Senator Coleman; Senator Klobuchar; Mr. Oberstar |
| Air NG | Minnesota | Minneapolis-St. Paul IAP | Aircraft Deicing Apron | 1,500,000 | Mr. Ellison; Senator Coleman; Senator Klobuchar |
| Navy | Mississippi | Gulfport | 25 Naval Construction Regiment HQ Facility | 6,900,000 | The President; Senator Wicker |
| Air Force | Mississippi | Columbus AFB | Child Development Center | 8,100,000 | The President; Senator Wicker |
| Navy | Mississippi | Gulfport | Battalion Maintenance Facility | 5,870,000 | Mr. Taylor; Senator Wicker |
| Navy | Mississippi | Meridian NAS | Fitness Center | 6,340,000 | Senator Cochran; Senator Wicker; Mr. Pickering |
| Air Force | Mississippi | Keesler AFB | Indoor Firing Range | 6,600,000 | Senator Wicker |
| Air NG | Mississippi | Gulfport-Biloxi IAP | Relocate Munitions Storage Complex | 3,400,000 | Senator Wicker |
| Army | Missouri | Fort Leonard Wood | Training Support Center | 18,500,000 | The President |
| Army | Missouri | Fort Leonard Wood | Urban Assault Course | 2,350,000 | The President; Senator Bond |
| Army Reserve | Missouri | Weldon Springs | Army Reserve Center | 11,700,000 | The President |
| Defense-Wide | Missouri | Fort Leonard Wood | Primary Care Clinic Addition/Alteration | 22,000,000 | The President |
| Army | Missouri | Fort Leonard Wood | Wastewater Treatment Plant | 7,400,000 | Mr. Skelton |
| Air Force | Missouri | Whiteman AFB | Security Forces Animal Clinic | 4,200,000 | Mr. Skelton |
| Army | Missouri | Fort Leonard Wood | Chapel Complex | 3,500,000 | Mr. Skelton |
| Army | Missouri | Fort Leonard Wood | Mine Detection Training Facility and K-9 Kennel | 10,800,000 | Senator Bond |
| Army | Missouri | Fort Leonard Wood | Soldier Readiness Processing Center | 648,000 | Senator Bond |
| Air Force | Montana | Malmstrom AFB | Upgrade Weapons Storage Area, Ph 1 | 10,000,000 | Senator Baucus; Senator Tester |
| Army Reserve | Nevada | Las Vegas | Army Reserve Center | 33,900,000 | The President; Senator Reid |
| Air Force | Nevada | Creech AFB | UAS 432 Wing HQ Mission Support Facility | 7,000,000 | The President; Senator Reid |
| Air Force | Nevada | Creech AFB | UAS Dining Hall | 9,000,000 | The President; Senator Reid |
| Air Force | Nevada | Creech AFB | UAS Flight Simulator & Academics Facility | 9,800,000 | The President; Senator Reid |
| Air Force | Nevada | Creech AFB | UAS Main Gate/Sewer Transfer Facility/Infra. | 6,500,000 | The President; Senator Reid |
| Air Force | Nevada | Creech AFB | UAS Operations Facility | 16,200,000 | The President; Senator Reid |
| Air Force | Nevada | Nellis AFB | F-16 Aggressor Hangar/Aircraft Maintenance Unit | 30,800,000 | The President; Senator Reid |
| Air Force | Nevada | Nellis AFB | F-16 Aggressor Squadron Ops/Infrastructure | 17,500,000 | The President; Senator Reid |
| Air Force | Nevada | Nellis AFB | F-35 Airfield Pavements | 5,000,000 | The President; Senator Reid |
| Air Force | Nevada | Nellis AFB | Airfield Fire Rescue Station | 9,800,000 | Senator Reid; Senator Ensign |
| Army NG | Nevada | Elko | Readiness Center | 11,375,000 | Senator Reid; Senator Ensign; Mr. Heller |

**MILITARY CONSTRUCTION—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Army NG | Nevada | Las Vegas | Field Maintenance Shop | 2,058,000 | Senator Reid; Senator Ensign; Ms. Berkley |
| Army NG | Nevada | N. Nevada Mil. Dept. | Paint Booth | 1,500,000 | Senator Reid |
| Army Reserve | New Jersey | Fort Dix | Modified Record Fire Range | 3,825,000 | The President; Senator Lautenberg; Senator Menendez; Mr. Saxton |
| Navy | New Jersey | Lakehurst | Advanced Arresting Gear Test Site | 15,440,000 | The President; Senator Lautenberg; Senator Menendez; Mr. Saxton |
| Air NG | New Jersey | Atlantic City IAP | Operations and Training Facility | 8,400,000 | Mr. LoBiondo; Senator Lautenberg; Senator Menendez |
| Air Force | New Jersey | McGuire AFB | Security Forces Operations Facility Ph 1 | 7,200,000 | Mr. Saxton; Senator Lautenberg; Senator Menendez |
| Army | New Jersey | Picatinny Arsenal | Ballistic Evaluation Facility Ph 1 | 9,900,000 | Mr. Frelinghuysen; Senator Lautenberg; Senator Menendez |
| Navy | New Jersey | Earle NWS | Main Gate Security Improvements | 8,160,000 | Senator Lautenberg; Senator Menendez; Mr. Smith, C. |
| Air Force | New Mexico | Holloman AFB | F-22 Alter Hangar for LO/CRF | 14,500,000 | The President; Senator Bingaman; Senator Domenici |
| Air Force | New Mexico | Holloman AFB | F-22A ADAL Aircraft Maintenance Unit | 1,050,000 | The President; Senator Bingaman; Senator Domenici |
| Air Force | New Mexico | Holloman AFB | F-22A ADAL Flight Simulator Facility | 3,150,000 | The President; Senator Bingaman; Senator Domenici |
| Air Force | New Mexico | Holloman AFB | F-22A ADAL Jet Engine Maintenance Shop | 2,150,000 | The President; Senator Bingaman; Senator Domenici |
| Air Force | New Mexico | Holloman AFB | F-22A Aerospace Ground Equipment Facility | 4,600,000 | The President; Senator Bingaman; Senator Domenici |
| Defense-Wide | New Mexico | Cannon AFB | SOF Maintenance Hangar | 18,100,000 | The President; Senator Bingaman; Senator Domenici; Mr. Udall, T. |
| Defense-Wide | New Mexico | Kirtland AFB | Replace Fuel Storage Tanks | 14,400,000 | The President; Senator Bingaman; Senator Domenici |
| Defense-Wide | New Mexico | Cannon AFB | CV-22 Flight Simulator Facility | 8,300,000 | Senator Domenici; Senator Bingaman; Mr. Udall, T. |
| Air Force | New Mexico | Holloman AFB | F-22A Consolidated Munitions Maintenance | 495,000 | Senator Domenici; Senator Bingaman |
| Army | New York | Fort Drum | Brigade Complex-Barracks | 29,000,000 | The President |
| Army | New York | Fort Drum | Brigade Complex-Barracks | 24,000,000 | The President |
| Army | New York | Fort Drum | Unit Maintenance Facilities | 37,000,000 | The President |
| Army | New York | U.S. Military Academy | Science Facility, Ph 1 | 67,000,000 | The President |
| Army NG | New York | Fort Drum | Maneuver Area Training Equipment Site Ph 3 | 11,000,000 | The President |
| Army NG | New York | Queensbury | Field Maintenance Shop | 5,900,000 | The President |
| Army Reserve | New York | Kingston | Army Reserve Center/Land | 13,494,000 | The President |
| Army Reserve | New York | Shoreham | Add/Alt Army Reserve Center | 15,031,000 | The President |
| Army Reserve | New York | Staten Island | Army Reserve Center | 18,550,000 | The President |
| Air NG | New York | Hancock Field | TFI—Reaper IOC/FOC Beddown | 5,000,000 | The President; Mr. Walsh |
| Air NG | New York | Gabreski Airport | Replace Pararescue Ops Facility Ph 2 | 7,500,000 | Mr. Ackerman; Mr. Bishop, T.; Senator Clinton; Mr. Israel; Mr. King, P.; Ms. McCarthy, C.; Senator Schumer |
| Army | New York | Fort Drum | Replace Fire Station | 6,900,000 | Mr. McHugh; Senator Schumer; Senator Clinton |
| Air Reserve | New York | Niagara Falls ARS | Dining Facility/Community Center | 9,000,000 | Ms. Slaughter; Senator Schumer; Senator Clinton |
| Air NG | New York | Hancock Field | Upgrade ASOS Facilities | 5,400,000 | Mr. Walsh |
| Army | North Carolina | Fort Bragg | Access Roads Ph 1 | 13,200,000 | The President; Senator Burr; Mr. Hayes; Mr. McIntyre |
| Army | North Carolina | Fort Bragg | Access Roads Ph 1 (Additional Funds) | 8,600,000 | Mr. Hayes; Mr. McIntyre |
| Army | North Carolina | Fort Bragg | Training Support Center | 20,500,000 | The President; Mr. Hayes |
| Army | North Carolina | Fort Bragg | Utility Upgrade (Camp Mackall) | 3,200,000 | The President; Mr. Hayes |
| Army Reserve | North Carolina | Raleigh | Army Reserve Center/Land | 25,581,000 | The President |
| Navy | North Carolina | Camp Lejeune | Bachelor Enlisted Quarters—Camp Johnson | 38,230,000 | The President |
| Navy | North Carolina | Camp Lejeune | Bachelor Enlisted Quarters—Camp Johnson | 23,760,000 | The President |
| Navy | North Carolina | Camp Lejeune | Bachelor Enlisted Quarters—French Creek | 33,960,000 | The President |
| Navy | North Carolina | Camp Lejeune | Bachelor Enlisted Quarters—Hadnot Point | 39,890,000 | The President |
| Navy | North Carolina | Camp Lejeune | Bachelor Enlisted Quarters—Hadnot Point | 39,320,000 | The President |
| Navy | North Carolina | Camp Lejeune | Bachelor Enlisted Quarters—Courthouse Bay | 35,890,000 | The President |
| Navy | North Carolina | Camp Lejeune | Bachelor Enlisted Quarters—Hadnot Point | 42,950,000 | The President |
| Navy | North Carolina | Camp Lejeune | Child Development Center | 13,960,000 | The President; Senator Burr; Senator Dole |
| Navy | North Carolina | Camp Lejeune | Consolidated Mess Hall—Hadnot Point (200 Area) | 25,000,000 | The President |
| Navy | North Carolina | Camp Lejeune | Infantry Platoon Battle Course—SR1 | 18,250,000 | The President |
| Navy | North Carolina | Camp Lejeune | Mess Hall—Hadnot Point (400 Area) | 21,660,000 | The President |
| Navy | North Carolina | Camp Lejeune | Mod K-Ranges (Phase 2) | 20,220,000 | The President |
| Navy | North Carolina | Cherry Point | 2nd MAW Command Operations Facility | 30,480,000 | The President |
| Navy | North Carolina | Cherry Point | Bachelor Enlisted Quarters | 30,100,000 | The President |
| Navy | North Carolina | Cherry Point | Engineering Product Support Facility | 16,840,000 | The President |
| Navy | North Carolina | New River | Aircraft Parking Apron Addition | 6,830,000 | The President |
| Navy | North Carolina | New River | Bachelor Enlisted Quarters | 36,740,000 | The President |
| Navy | North Carolina | New River | Bachelor Enlisted Quarters—MCAS | 25,620,000 | The President |
| Navy | North Carolina | New River | Enlisted Dining Facility | 17,090,000 | The President |
| Defense-Wide | North Carolina | Fort Bragg | SOF Expand Training Compound | 14,200,000 | The President; Mr. Hayes |

**MILITARY CONSTRUCTION—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Defense-Wide | North Carolina | Fort Bragg | SOF Headquarters Facility | 14,600,000 | The President; Mr. Hayes |
| Defense-Wide | North Carolina | Fort Bragg | SOF Security/Force Protection | 4,150,000 | The President; Mr. Hayes |
| Defense-Wide | North Carolina | Fort Bragg | SOF Training Facility | 5,300,000 | The President; Mr. Hayes |
| Defense-Wide | North Carolina | Fort Bragg | New Elementary School | 28,170,000 | The President; Mr. Hayes |
| Defense-Wide | North Carolina | Fort Bragg | New Intermediate School (Irwin) | 27,945,000 | The President; Mr. Hayes |
| Defense-Wide | North Carolina | Fort Bragg | New Middle School | 22,356,000 | The President; Mr. Hayes |
| Army NG | North Carolina | Camp Butner | Training Complex | 1,376,000 | Mr. Miller, B.; Senator Burr |
| Army | North Carolina | Fort Bragg | Mass Casualty Facility | 1,300,000 | Mr. Etheridge |
| Army | North Carolina | Fort Bragg | Chapel | 11,600,000 | Mr. McIntyre |
| Air Force | North Carolina | Seymour Johnson AFB | Consolidated Support Center | 12,200,000 | Senator Burr; Senator Dole; Mr. Butterfield |
| Defense-Wide | North Carolina | Camp Lejeune | Hospital Renovation & MRI addition | 57,900,000 | House Committee on Appropriations [1] |
| Air Force | North Dakota | Grand Forks AFB | Fire Station | 13,000,000 | Senator Dorgan; Senator Conrad; Mr. Pomeroy |
| Air NG | North Dakota | Hector Field | Combat Arms Training Simulator/Maintenance Facility | 1,500,000 | Senator Dorgan; Senator Conrad |
| Army NG | Ohio | Camp Perry | Barracks | 2,000,000 | Ms. Kaptur; Mr. Latta; Senator Brown; Senator Voinovich |
| Army NG | Ohio | Ravenna | Barracks | 2,000,000 | Mr. Ryan, T.; Ms. Sutton; Senator Brown; Senator Voinovich |
| Air NG | Ohio | Springfield-Beckley ANGB | Combat Communications Training Complex | 1,100,000 | Senator Brown; Senator Voinovich; Mr. Hobson |
| Air NG | Ohio | Springfield-Beckley ANGB | Combat Communications Training Complex | 12,800,000 | Mr. Hobson; Senator Brown; Senator Voinovich |
| Air Force | Ohio | Wright-Patterson AFB | Security Forces Operations Facility | 14,000,000 | Mr. Turner; Senator Brown; Senator Voinovich |
| Air NG | Ohio | Rickenbacker ANGB | Security Gate | 1,600,000 | Senator Brown |
| Air NG | Ohio | Youngstown ARS | Joint Services Lodging Facility | 900,000 | Senator Brown; Senator Voinovich; Mr. Ryan, T. |
| Army | Oklahoma | Fort Sill | Training Complex Upgrade | 63,000,000 | The President |
| Air Force | Oklahoma | Tinker AFB | Aircraft Maintenance Hangar | 48,600,000 | The President |
| Air Force Res | Oklahoma | Tinker AFB | AFR Scheduled Maintenance Hangar | 9,900,000 | The President |
| Defense-Wide | Oklahoma | Tinker AFB | Medical/Dental Clinic Replacement | 65,000,000 | The President |
| Defense-Wide | Oklahoma | Altus AFB | Replace Fuel Storage Dikes | 2,850,000 | The President |
| Army | Oklahoma | McAlester AAP | AP3 Connecting Rail | 5,800,000 | Mr. Boren; Senator Inhofe |
| Air Force | Oklahoma | Tinker AFB | Realign Air Depot Street | 5,400,000 | Mr. Cole; Senator Inhofe |
| Air Force | Oklahoma | Altus AFB | Consol Digital Airport Surveill Radar/Rapcon Fac. | 10,200,000 | Senator Inhofe |
| Army NG | Oregon | The Dalles | Readiness Center | 682,000 | Senator Wyden; Senator Smith; Mr. Walden |
| Army NG | Oregon | Dallas Armory | Readiness Center | 1,681,000 | Senator Wyden; Senator Smith; Ms. Hooley |
| Army | Pennsylvania | Carlisle Barracks | Museum Support Facility | 13,400,000 | The President; Senator Casey; Senator Specter |
| Army | Pennsylvania | Tobyhanna Depot | Electronics Maintenance Shop | 15,000,000 | The President; Senator Casey; Mr. Kanjorski; Senator Specter |
| Army Reserve | Pennsylvania | Letterkenny Depot | Army Reserve Center | 14,914,000 | The President; Senator Casey; Mr. Shuster; Senator Specter |
| Navy | Pennsylvania | Philadelphia | Full Scale Electric Test Drive Facility | 22,020,000 | The President; Senator Casey; Senator Specter |
| Defense-Wide | Pennsylvania | Philadelphia | Convert Warehouse to Admin Space | 1,200,000 | The President; Senator Casey; Senator Specter |
| Army NG | Pennsylvania | Honesdale | Readiness Center Add/Alt | 6,117,000 | Mr. Carney |
| Army NG | Pennsylvania | Honesdale | Readiness Center Add/Alt | 504,000 | Mr. Carney |
| Army NG | Pennsylvania | Pittsburgh | Combined Support Maintenance Shop | 3,250,000 | Mr. Murtha; Mr. Murphy, T. |
| Army | Pennsylvania | Letterkenny Depot | Upgrade Munition Igloos Phase 2 | 7,500,000 | Senator Casey; Mr. Shuster; Senator Specter |
| Army NG | Pennsylvania | Fort Indiantown Gap | Combat Vehicle Training Facility | 620,000 | Senator Casey; Senator Specter |
| Army NG | Pennsylvania | York | Readiness Center | 880,000 | Senator Casey; Senator Specter |
| Navy | Rhode Island | Newport | Fitness Facility | 29,900,000 | The President |
| Navy | Rhode Island | Newport | Unmanned ASW Support Facility | 9,900,000 | Mr. Kennedy, P.; Senator Reed |
| Air NG | Rhode Island | Quonset State Airport | Replace Control Tower | 600,000 | Mr. Langevin; Senator Reed |
| Air NG | Rhode Island | Quonset State Airport | Construct Air Traffic Control Tower | 7,700,000 | Senator Reed; Mr. Langevin |
| Army NG | Rhode Island | North Kingstown | Army Aviation Support Facility | 5,000,000 | Senator Reed; Mr. Langevin |
| Navy | Rhode Island | Newport | Submarine Payloads Integration Laboratory | 750,000 | Senator Reed; Mr. Kennedy, P. |
| Army | South Carolina | Fort Jackson | Training Complex Upgrade | 30,000,000 | The President; Senator Graham |
| Army NG | South Carolina | Anderson | Readiness Center | 12,000,000 | The President; Senator Graham |
| Army NG | South Carolina | Beaufort | Readiness Center | 3,400,000 | The President; Senator Graham |
| Army NG | South Carolina | Eastover | Joint Forces Headquarters | 28,000,000 | The President; Senator Graham |
| Navy | South Carolina | Beaufort MCAS | EOD/Ordnance Operations Facility | 5,940,000 | The President; Senator Graham |
| Navy | South Carolina | Parris Island | Third Recruit Training Battalion (Phase 2) | 36,400,000 | The President; Senator Graham |
| Navy | South Carolina | Parris Island | Third Recruit Training Bn Complex (Phase 3) | 28,350,000 | The President; Senator Graham |
| Air Force | South Carolina | Charleston AFB | C-17 Flight Simulator Addition | 4,500,000 | The President; Mr. Brown; Senator Graham |
| Army NG | South Carolina | Hemingway | Field Maintenance Shop Ph 1 | 4,600,000 | Mr. Clyburn |

**MILITARY CONSTRUCTION—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Army NG | South Carolina | Sumter | Readiness Center | 382,000 | Mr. Clyburn |
| Air Force | South Carolina | Shaw AFB | Physical Fitness Center | 9,900,000 | Senator Graham; Mr. Spratt |
| Army NG | South Dakota | Rapid City | Armed Forces Reserve Center | 29,000,000 | The President; Senator Johnson; Senator Thune |
| Air NG | South Dakota | Joe Foss Field | Aircraft Ready Shelters/AMU | 4,500,000 | Ms. Herseth Sandlin; Senator Johnson; Senator Thune |
| Air Force | South Dakota | Ellsworth AFB | Base Entry and Perimeter Gates | 11,000,000 | Senator Johnson; Ms. Herseth Sandlin |
| Army NG | South Dakota | Rapid City | Barracks/Dining/Admin and Parking Complex Ph 1 | 14,463,000 | Senator Johnson; Senator Thune; Ms. Herseth Sandlin |
| Air NG | South Dakota | Joe Foss Field | Conventional Munitions Shop | 1,900,000 | Senator Johnson |
| Army Reserve | Tennessee | Chattanooga | Army Reserve Center | 10,600,000 | The President |
| Army NG | Tennessee | Tullahoma | Readiness Center | 10,372,000 | Mr. Wamp; Mr. Davis, L. |
| Air NG | Tennessee | Knoxville (McGhee-Tyson AP) | Replace Squadron Operations | 8,000,000 | Senator Alexander; Senator Corker; Mr. Wamp; Mr. Duncan |
| Army | Texas | Corpus Christi | Dynamic Component Rebuild Facility | 39,000,000 | The President; Senator Hutchison; Mr. Ortiz |
| Army | Texas | Fort Bliss | Barracks & Dining | 148,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Barracks & Dining | 148,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Battalion Complex | 34,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Brigade/Battalion HQs | 44,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Brigade/Battalion HQs | 44,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Chapel | 9,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Company Operations Facilities, BCT | 90,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Company Operations Facilities, BCT1 | 90,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Digital Multipurpose Range Complex | 42,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Infrastructure, IBCT1 | 98,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Infrastructure, IBCT2 | 100,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Training Support Center | 12,600,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Unit Maintenance Facilities | 10,200,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Vehicle Maintenance Shops | 81,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Bliss | Vehicle Maintenance Shops | 81,000,000 | The President; Senator Hutchison |
| Army | Texas | Fort Hood | Unit Maintenance Facilities | 32,000,000 | The President; Mr. Edwards; Senator Hutchison; Mr. Carter |
| Army | Texas | Fort Sam Houston | Trainee Barracks Complex | 96,000,000 | The President; Senator Hutchison; Mr. Smith, L. |
| Army | Texas | Red River Depot | Manuever Systems Sustainment Center, Phase 1 | 6,900,000 | The President; Senator Hutchison |
| Army Reserve | Texas | Sinton | Army Reserve Center | 9,700,000 | The President; Senator Hutchison |
| Air Force | Texas | Fort Hood | TACP Joint Air Ground Center | 10,800,000 | The President; Mr. Edwards; Senator Hutchison; Mr. Carter |
| Air Force | Texas | Lackland AFB | BMT Recruit Dormitory | 75,515,000 | The President; Senator Hutchison |
| Defense-Wide | Texas | Fort Sam Houston | Medical Instruction Facility | 13,000,000 | The President; Senator Hutchison; Mr. Smith, L. |
| Army Reserve | Texas | Bryan | Army Reserve Center | 920,000 | Mr. Edwards |
| Army | Texas | Camp Bullis | Live Fire Shoot House | 4,200,000 | Mr. Rodriguez |
| Air NG | Texas | Ellington Field | ASOS Facility | 7,600,000 | Mr. Lampson |
| Army | Texas | Fort Hood | Chapel with Education Center | 17,500,000 | Mr. Edwards; Mr. Carter |
| Air Force | Texas | Lackland AFB | Security Forces Building Ph 1 | 900,000 | Senator Cornyn; Mr. Gonzalez; Senator Hutchison |
| Air Force | Texas | Laughlin AFB | Student Officer Quarters Ph 2 | 1,440,000 | Mr. Rodriguez |
| Air Force | Texas | Randolph AFB | Fire and Rescue Station | 972,000 | Senator Cornyn; Mr. Cuellar; Senator Hutchison |
| Navy | Texas | Corpus Christi | Parking Apron Recapitalization Ph 1 | 3,500,000 | Mr. Ortiz |
| Army | Texas | Fort Bliss | Medical Parking Garage Ph 1 | 12,500,000 | Mr. Reyes |
| Air NG | Texas | Fort Worth NAS JRB | Security Forces Training Facility | 5,000,000 | Ms. Granger |
| Navy | Texas | Kingsville | Fitness Center | 11,580,000 | Mr. Ortiz |
| Air Force | Texas | Dyess AFB | Multipurpose C-130 Maintenance Hangar | 21,000,000 | Senator Hutchison; Senator Cornyn; Mr. Neugebauer |
| Air Force | Texas | Sheppard AFB | Centralized Administrative Processing Center | 1,314,000 | Senator Hutchison; Senator Cornyn |
| Air Force | Texas | Goodfellow AFB | Joint Intelligence Technical Training Facility | 1,656,000 | Senator Hutchison; Senator Cornyn |
| Army NG | Texas | Laredo | Readiness Center Addition/Alteration | 1,165,000 | Mr. Cuellar |
| Army | Texas | Fort Sam Houston | AIT Barracks | 47,000,000 | House Committee on Appropriations [1] |
| Defense-Wide | Texas | Fort Bliss | Hospital Replacement | 52,835,000 | House Committee on Appropriations [1] |
| Army NG | Utah | Camp Williams | Ammunition Supply Point | 17,500,000 | The President; Senator Hatch |
| Air Force | Utah | Hill AFB | F-22A Heavy Maint. Fac. & Composite Back Shop | 36,000,000 | The President; Senator Hatch |
| Defense-Wide | Utah | Hill AFB | Hydrant Fuel System | 20,400,000 | The President; Senator Hatch |
| Air Force | Utah | Hill AFB | Three-Bay Fire Station | 5,400,000 | Senator Bennett; Mr. Bishop, R.; Senator Hatch |
| Air NG | Vermont | Burlington IAP | Security Forces and Communications Facility | 6,600,000 | The President; Senator Leahy |
| Army NG | Vermont | Ethan Allen Range | Readiness Center | 323,000 | Mr. Welch; Senator Leahy; Senator Sanders |
| Army NG | Vermont | Ethan Allen Range | Readiness Center | 10,200,000 | Senator Leahy; Senator Sanders; Mr. Welch |

**MILITARY CONSTRUCTION—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Army NG | Vermont | Westminster TS | Westminster Zero Range | 1,789,000 | Senator Leahy; Senator Sanders |
| Army | Virginia | Fort Belvoir | Emergency Services Center | 7,200,000 | The President; Mr. Moran, James; Senator Warner; Senator Webb |
| Army | Virginia | Fort Eustis | Unit Operations Facilities | 14,400,000 | The President; Senator Warner; Senator Webb |
| Army | Virginia | Fort Lee | Dining Facility | 10,600,000 | The President; Mr. Forbes; Senator Warner; Senator Webb |
| Army | Virginia | Fort Lee | Trainee Barracks Complex | 90,000,000 | The President; Mr. Forbes; Senator Warner; Senator Webb |
| Army | Virginia | Fort Myer | Barracks | 14,000,000 | The President; Mr. Moran, James; Senator Warner; Senator Webb |
| Army NG | Virginia | Arlington | Arlington Hall Readiness Center PH2 | 15,500,000 | The President; Mr. Moran, James; Senator Warner; Senator Webb |
| Army NG | Virginia | Fort Pickett | Multi Purpose Machine Gun Range | 2,950,000 | The President; Mr. Forbes; Senator Warner; Senator Webb |
| Navy | Virginia | Norfolk | Child Development Center | 10,500,000 | The President; Senator Warner; Senator Webb |
| Navy | Virginia | Norfolk | Norfolk Harbor Channel Dredging | 42,830,000 | The President; Senator Warner; Senator Webb |
| Navy | Virginia | Quantico | Aircraft Maintenance Hangar, Type II | 27,750,000 | The President; Senator Warner; Senator Webb |
| Navy | Virginia | Quantico | Aircraft Parking Apron (Greenside) | 36,280,000 | The President; Senator Warner; Senator Webb |
| Navy | Virginia | Quantico | Infrastructure—Russell Road (Phase 1) | 7,450,000 | The President; Senator Warner; Senator Webb |
| Navy | Virginia | Quantico | Instruction Facility Addition—TBS | 6,350,000 | The President; Senator Warner; Senator Webb |
| Navy | Virginia | Quantico | Instruction Facility TBS (Phase 1) | 25,200,000 | The President; Senator Warner; Senator Webb |
| Navy | Virginia | Quantico | Mess Hall—OCS | 13,750,000 | The President; Senator Warner; Senator Webb |
| Navy | Virginia | Quantico | Student Quarters—TBS (Phase 3) | 27,530,000 | The President; Senator Warner; Senator Webb |
| Navy Reserve | Virginia | Norfolk | EODMU 10 Operations Facility | 8,170,000 | The President; Senator Warner; Senator Webb |
| Navy Reserve | Virginia | Williamsburg | Ordnance Handling Cargo Ops Training Support | 12,320,000 | The President; Senator Warner; Senator Webb |
| Defense-Wide | Virginia | Pentagon | Pentagon Athletic Center Phase 2 | 6,967,000 | The President; Mr. Moran, James; Senator Warner; Senator Webb |
| Defense-Wide | Virginia | Pentagon | PFPA HAZMAT Facility | 16,401,000 | The President; Mr. Moran, James; Senator Warner; Senator Webb |
| Defense-Wide | Virginia | Pentagon | Raven Rock West Power Plant | 15,572,000 | The President; Senator Warner; Senator Webb |
| Defense-Wide | Virginia | Dam Neck | SOF Operational Facility Incr II | 31,000,000 | The President; Senator Warner; Senator Webb |
| Defense-Wide | Virginia | Fort Story | SOF Small Arms Range | 11,600,000 | The President; Senator Warner; Senator Webb |
| Defense-Wide | Virginia | Craney Island | Replace Fuel Storage Tanks | 39,900,000 | The President; Senator Warner; Senator Webb |
| Army NG | Virginia | Fort Belvoir | Readiness Center and NGB Conference Center | 1,085,000 | Mr. Moran, James |
| Army | Virginia | Fort Myer | Hatfield Gate Expansion | 300,000 | Mr. Moran, James |
| Army | Virginia | Fort Eustis | Vehicle Paint Facility | 3,900,000 | Mr. Scott, R.; Mr. Wittman |
| Navy | Virginia | Norfolk NS | Fire and Emergency Services Station | 9,960,000 | Ms. Drake |
| Navy | Virginia | Norfolk NSY | Industrial Access Improvements, Main Gate 15 | 9,990,000 | Mr. Forbes; Mr. Scott, R. |
| Navy | Virginia | Quantico | OCS Headquarters Facility | 5,980,000 | Senator Warner; Senator Webb; Mr. Wittman |
| Army | Virginia | Fort Eustis | Training Support Center, Ph 1 | 13,600,000 | Senator Warner; Senator Webb; Mr. Scott, R.; Mr. Wittman |
| Army | Washington | Fort Lewis | Battalion Complex | 54,000,000 | The President; Senator Murray |
| Army | Washington | Fort Lewis | Battalion Complex | 47,000,000 | The President; Senator Murray |
| Army | Washington | Fort Lewis | Brigade Complex | 30,000,000 | The President; Senator Murray |
| Army | Washington | Fort Lewis | Brigade Complex, Incr 3 | 102,000,000 | The President; Senator Murray |
| Army | Washington | Fort Lewis | Child Development Center | 27,000,000 | The President; Senator Murray |
| Army NG | Washington | Fort Lewis | Aviation Readiness Center | 32,000,000 | The President; Senator Murray |
| Army Reserve | Washington | Seattle | Army Reserve Center | 37,500,000 | The President; Senator Murray |
| Navy | Washington | Bangor | Limited Area Production & Storage Complex Incr V | 50,700,000 | The President; Senator Murray |
| Navy | Washington | Whidbey Island | Hangar 5 Recapitalization (Incr) | 34,000,000 | The President; Senator Murray |
| Air Force | Washington | McChord AFB | C-17 ADAL Flight Simulator | 5,500,000 | The President; Senator Murray |
| Defense-Wide | Washington | Fort Lewis | SOF Ranger Battalion Complex | 38,000,000 | The President; Senator Murray |
| Navy | Washington | Kitsap NB | Saltwater Cooling & Fire Protection Improvements | 5,110,000 | Mr. Dicks |
| Air NG | Washington | McChord AFB | 262 Info Warfare Aggressor Squadron Facility | 8,600,000 | Senator Murray; Senator Cantwell; Mr. Smith, A. |
| Navy | Washington | Whidbey Island | Firefighting Facility | 6,160,000 | Mr. Larsen |
| Army NG | Washington | Fairchild AFB | Hangar 1001 Improvement | 766,000 | Senator Murray; Senator Cantwell |
| Army NG | West Virginia | Camp Dawson | Shoot House | 2,000,000 | Mr. Mollohan |
| Army NG | West Virginia | Camp Dawson | Access Control Point | 2,000,000 | Mr. Mollohan |
| Army NG | West Virginia | Camp Dawson | Multi-Purpose Building Ph 2 | 5,000,000 | Mr. Mollohan |
| Air NG | West Virginia | Yeager AP, Charleston | Fuel System/Corrosion Control Hangar | 27,000,000 | Senator Byrd |
| Army NG | West Virginia | Kenova | Tri-State Armory Addition | 2,000,000 | Senator Byrd |
| Air NG | West Virginia | Martinsburg AB | C-5 Taxiway Upgrade | 850,000 | Senator Byrd |
| Army Reserve | Wisconsin | Fort McCoy | Auto Qualification Training Range | 4,000,000 | The President |
| Air NG | Wisconsin | Truax Field | Communications & Audio Visual Training Facility | 6,300,000 | Senator Kohl |
| Air Force | Wyoming | F.E. Warren AFB | Renovate Historic Dormitory | 8,600,000 | The President |
| Air NG | Wyoming | Cheyenne MAP | TFI—C-130 Squadron Operations Facility | 7,000,000 | The President; Ms. Cubin |

**MILITARY CONSTRUCTION—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Air Force | Wyoming | F.E. Warren AFB | Missile Service Complex | 810,000 | Senator Enzi; Senator Barrasso; Ms. Cubin |
| Army | Afghanistan | Bagram AB | Bulk Fuel Storage & Supply, Phase 8 | 26,000,000 | The President |
| Army | Afghanistan | Bagram AB | Bulk Fuel Storage & Supply, Phase 5 | 22,000,000 | The President |
| Army | Afghanistan | Bagram AB | SOF HQ Complex | 19,000,000 | The President |
| Air Force | Afghanistan | Bagram AB | C-130 Maintenance Hangar | 27,400,000 | The President |
| Air Force | Afghanistan | Bagram AB | Cargo Handling Area Expansion | 8,800,000 | The President |
| Air Force | Afghanistan | Bagram AB | Refueler Ramp | 21,000,000 | The President |
| Navy | Diego Garcia | Diego Garcia | Wharf Upgrade and Warehouse | 35,060,000 | The President |
| Navy | Djibouti | Camp Lemonier | Aircraft Maintenance Hangar | 12,830,000 | The President |
| Navy | Djibouti | Camp Lemonier | Aircraft Parking Apron | 15,250,000 | The President |
| Navy | Djibouti | Camp Lemonier | Telcom Facility | 3,330,000 | The President |
| Army | Germany | Katterbach | Aircraft/Vehicle Maintenance Complex | 19,000,000 | The President |
| Army | Germany | Wiesbaden | Command and Battle Center, Increment I | 59,500,000 | The President |
| Army FH | Germany | Wiesbaden | Family Housing Replacement | 32,000,000 | The President |
| Army FH | Germany | Wiesbaden AB | Family Housing Replacement | 10,000,000 | The President |
| Army FH | Germany | Wiesbaden AB | Family Housing Replacement | 32,000,000 | The President |
| Army FH | Germany | Wiesbaden AB | Family Housing Replacement | 27,000,000 | The President |
| Defense-Wide | Germany | Germersheim | Logistics Distribution Center Europe | 48,000,000 | The President |
| Navy | Greece | Souda Bay | Fuel Storage Tanks and Pipeline Replacement | 8,000,000 | The President |
| Air Force | Guam | Andersen AFB | Combat Communications Maintenance Facility | 5,200,000 | The President; Ms. Bordallo |
| Navy | Guam | Guam NB | Bachelor Enlisted Quarters, Main Base | 62,360,000 | The President; Ms. Bordallo |
| Navy | Guam | Guam NB | Kilo Wharf Extension | 50,912,000 | The President; Ms. Bordallo |
| Navy | Guam | Guam NB | Wastewater Collection System & Upgrade | 26,070,000 | The President; Ms. Bordallo |
| Defense-Wide | Guam | Guam NH | Central Utility Plant | 30,000,000 | The President; Ms. Bordallo |
| Air Force | Guam | Andersen AFB | ISR/STF Realign Arc Light Boulevard | 5,400,000 | Ms. Bordallo |
| Navy | Guantanamo Bay | Guantanamo Bay | Consolidated Fitness Complex | 20,600,000 | The President |
| Navy FH | Guantanamo Bay | Guantanamo Bay | Replace Bargo Housing | 21,435,000 | The President |
| Navy FH | Guantanamo Bay | Guantanamo Bay | Replace Granadillo Circle Housing | 15,846,000 | The President |
| Navy FH | Guantanamo Bay | Guantanamo Bay | Replace Granadillo Point Housing | 22,662,000 | The President |
| Army | Italy | Vicenza | Brigade Complex-Barracks/Community, Incr 2 | 15,000,000 | The President |
| Army | Italy | Vicenza | Brigade Complex-Operations Support Fac, Incr 2 | 15,000,000 | The President |
| Army | Japan | Camp Zama | Sensitive Compartmented Information Facility | 2,350,000 | The President |
| Army | Japan | Sagamihara | Battle Command Training Center | 17,500,000 | The President |
| Army | Korea | Camp Humphreys | Vehicle Maintenance Shop | 20,000,000 | The President |
| Army FH | Korea | Camp Humphreys | Family Housing New Construction | 125,000,000 | The President |
| Air Force | Kyrgyzstan | Manas AB | Hot Cargo Pad | 6,000,000 | The President |
| Defense-Wide | Qatar | Al Udeid | SOF Training Range | 9,200,000 | The President |
| Air Force | United Kingdom | RAF Lakenheath | Large Vehicle Inspection Station | 7,400,000 | The President |
| Air Force FH | United Kingdom | RAF Lakenheath | Replace Family Housing (182 Units) | 71,828,000 | The President |
| Air Force | Worldwide | Classified | Special Evaluation Project | 891,000 | The President |
| Air Force | Worldwide | Unspecified | UAS Field Training Unit Ops Complex | 15,500,000 | The President |
| Air Force | Worldwide | Unspecified | UAS Field Training Unit Maintenance Complex | 22,000,000 | The President |
| Air Force | Worldwide | Unspecified | STRATCOM Replacement Facility Design | 10,000,000 | Senator Ben Nelson |
| Defense-Wide | Worldwide | Unspecified | BMDS-European Interceptor Site | 42,600,000 | The President |
| Defense-Wide | Worldwide | Unspecified | BMDS-European Midcourse Radar Site | 108,560,000 | The President |
| Navy | Worldwide | Unspecified | Data Center | 35,000,000 | The President |
| Navy | Worldwide | Unspecified | Joint Operations & Support Complex, Phase 1 | 17,800,000 | The President |
| Air Force | France | Marnes-La-Coquette | Lafayette Escadrille Memorial (Admin. Provision) | 500,000 | Senator Landrieu; Mr. Lewis, Jerry |

[1] The House Committee on Appropriations learned through hearings, site visits, and Department of Defense briefings that trainee and recruit facilities and medical treatment facilities are two high priority areas in great need of additional funds. The projects included were identified by the Department as projects of high priority and were not included at the request of Members of Congress.

**VETERANS AFFAIRS**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Construction, Major Projects | Colorado | Denver | New Medical Facility | $20,000,000 | The President; Senator Allard; Senator Salazar; Mr. Perlmutter |
| Construction, Major Projects | Florida | Bay Pines | Inpatient/Outpatient Improvements | 17,430,000 | The President; Senator Martinez; Senator Bill Nelson |
| Construction, Major Projects | Florida | Lee County | Outpatient Clinic | 111,412,000 | The President; Senator Martinez; Senator Bill Nelson |

**VETERANS AFFAIRS—Continued**

| Account | State | Location | Project | Amount | Requester(s) |
|---|---|---|---|---|---|
| Construction, Major Projects | Florida | Orlando | New Medical Facility | 120,000,000 | The President; Senator Martinez; Senator Bill Nelson; Ms. Brown, C.; Mr. Weldon |
| Construction, Major Projects | Massachusetts | Massachusetts National Cemetery | Gravesite Expansion and Cemetery Improvements | 20,500,000 | The President; Senator Kennedy; Senator Kerry |
| Construction, Major Projects | Missouri | St. Louis | Medical Facility Improvements and Cemetery Expansion | 5,000,000 | The President; Senator Bond |
| Construction, Major Projects | New York | Calverton National Cemetery | Gravesite Expansion and Cemetery Improvements | 29,000,000 | The President; Senator Clinton; Senator Schumer |
| Construction, Major Projects | Puerto Rico | Puerto Rico National Cemetery | Gravesite Expansion and Cemetery Improvements | 33,900,000 | The President |
| Construction, Major Projects | Puerto Rico | San Juan | Seismic Corrections Building | 64,400,000 | The President |

Mr. BINGAMAN. Mr. President, I wanted to take a moment to highlight a provision in this continuing resolution that is before us to provide mandatory funding for the Advanced Technology Vehicles Manufacturing Incentive Program, which we passed in last year's energy bill, EISA. As one of the principal authors of the provision, I am happy to see the program moving forward and particularly pleased to see the guidance in the resolution that will press the Department of Energy to move forward quickly to get the program up and running. There is great potential in bringing these new advanced technology vehicles to market and we can't let difficulties in obtaining financing for manufacturing facilities derail our efforts.

As we conferred on the program almost a year ago, it was clear there were credit problems for both the large manufacturers and the smaller startups and component suppliers, particularly as it related to getting financing for the most cutting edge technologies such as batteries for electric-drive vehicles. Now that credit markets have tightened further, the need is even more acute. I hope that with this funding the Department can move quickly to produce regulations to implement the program and particularly to move forward with loans to component manufacturers, including battery manufacturers such as A123 Systems and other key suppliers that will be imperative to bringing forward plug-in vehicles in the coming years. Several of these smaller, important component suppliers have been participating in the Department loan guarantee program but have yet to complete their journey through that process. In fact, it was their difficulty in acquiring guarantees for this critical enabling technology that was a significant motivation for creating the loan program in last year's bill. I hope the Department can apply some of the lessons learned in the loan guarantee program, and perhaps some of the data submitted by these companies, to move this loan program forward quickly and effectively.

Finally, I have been told there may be some confusion about the terms of the loans as the provision creating the loan program references the ''activities'' that are the subject of a grant program also authorized in the same section of EISA. The grant program is limited to 30 percent of the costs of a facility. This is a fairly typical cost share for grant programs. Some have raised a question as to whether this 30 percent cap should also apply to the loan program. That is not the way I read the language of the law and was certainly not our intent in writing the provision. Moreover, I would argue that it would dramatically limit the effectiveness of the program as it would require companies to go to tight credit markets for 70 percent of their financing, precisely the problem we were seeking to remedy with the creation of the loan program. While I don't expect the Department of Energy to take this limited view of the program, I wanted to go on record here to help alleviate any confusion that may exist. I look forward to working with the Department to aid them in getting this program up and running.

Mr. FEINGOLD. Mr. President, I will vote against H.R. 2638, the continuing resolution for fiscal year 2009. Congress needs to provide funding to keep the Federal Government operating, and this bill includes funding for a number of programs I support. I am particularly pleased that this resolution includes money to help Wisconsinites recover from the serious flooding the Midwest experienced earlier this year. I joined a number of my colleagues in asking appropriators to include this disaster relief, which will help Wisconsin families and communities still dealing with the aftermath.

But wrapping three separate appropriations bills into one package, with no opportunity for amendments, is irresponsible and unacceptable. Moreover, this bill provides funding to continue the war in Iraq, when we should be bringing that war to a close. And it allows Members of Congress to receive a hefty $4700 pay raise, despite the massive deficits we are running and the economic pain so many of our constituents are feeling.

Mr. LEAHY. Mr. President, we are about to vote on the continuing resolution to enable the Federal Government to continue functioning until March 6, 2009.

I had hoped, as I know Chairman BYRD and Senator COCHRAN had, that we would have been permitted to debate and vote on the individual appropriations bills that the Appropriations Committee has reported.

That was not to be, due to President Bush's insistence that he would veto bills that exceed his arbitrary spending cap and to certain Republican Senators who have made it virtually impossible to pass anything here without the necessary 60 votes to overcome a filibuster.

A continuing resolution will result in hardship for many Federal agencies, and those hardships will be felt by the American people. But as long as some here would prefer to be obstructionists rather than legislators, this is the only course available to us.

Having said that, I commend Chairman BYRD and Senator COCHRAN for what they have done because it is a bipartisan bill that reflects the constructive efforts of the leaders of both parties to do their best under difficult circumstances.

There are several items within the jurisdiction of the State and Foreign Operations Subcommittee in this bill. Senator GREGG and I, working with Congresswoman LOWEY and Congressman WOLF, have ensured that vital programs continue and that necessary adjustments are made.

For example, we have lifted the cap on administrative expenses for the State Department's refugee and migration assistance programs. We have reauthorized the Overseas Private Investment Corporation, and we have provided authority to the Treasury Department to contribute up to $5 million to help Liberia extinguish its commercial debt.

The bill also includes supplemental aid for Georgia, and it specifically prohibits the administration from transferring funds from other vulnerable former Soviet and Eastern European countries. We also provide funds to ensure continued Voice of America and Radio Free Europe broadcasting to Georgia, Russia, and the region during this time of heightened tensions.

We provide additional funding to ensure the continued operations of the Special Inspector General for Afghanistan Reconstruction. And we provide emergency assistance for Haiti and other Caribbean countries that were severely damaged by the recent hurricanes.

We are all painfully aware that the 2008 hurricane season caused much loss of life and destruction of property in communities along the gulf coast of the United States. And while the Federal Government is trying to help the victims of those disasters, including with additional appropriations for disaster relief for victims of Hurricane Ike in this bill, we sometimes forget that Haiti, Cuba, Jamaica, the Dominican Republic, and other Caribbean

countries suffered catastrophic destruction from Hurricanes Fay, Gustav, Hanna, and Ike.

In Haiti, the U.N. has reported that over 400 people have died due to the storms or storm-related causes, over 800,000 were severely affected, and some 150,000 were left homeless. Cuba reportedly suffered damage estimated at $5 billion.

The U.S. Government has provided $30 million in emergency humanitarian aid to Haiti, but no additional assistance was requested by the administration. That was inexplicable, and I am pleased that the Congress did not likewise decide to ignore that impoverished nation in which we have already invested so much. This bill includes $100 million in emergency supplemental aid for hurricane relief and reconstruction for Haiti and other Caribbean countries.

This assistance was included to address both the short and longer term needs that Haiti and its neighbors face. We not only want to respond to immediate needs like potable water, food, shelter, and medical care, we also want to rebuild infrastructure and stabilize hillsides to avoid future washouts and mudslides that have caused so much loss of life. The U.S. Agency for International Development should use a portion of these funds to significantly enhance its efforts to address environmental vulnerabilities in key Haitian watersheds.

We know that next year there will be more hurricanes. For once, let us look beyond the immediate needs and help Haiti and its neighbors strengthen basic infrastructure bridges and roads and help with reforestation, so that damage from future storms is less severe.

We also know that Haiti was a destitute country before these latest hurricanes. Its Government is fragile; its economy is in shambles. These devastating storms are capable of reversing whatever economic and social progress has been made in recent years and could trigger chaos and panic and a repeat of the flotillas of fleeing desperate people that we saw a few years ago.

Cuba also suffered widespread damage from the hurricanes, and I am disappointed that the Cuban Government has not been willing to accept offers of humanitarian aid from the United States. I also regret that the administration's ill-conceived embargo against Cuba prevents the American people from helping the Cuban people in this time of need. This is an opportunity to cooperate with the Cuban Government for a purely humanitarian purpose. We are long overdue for a new policy toward Cuba, as this disaster so graphically illustrates.

I also want to mention the Reid-Byrd stimulus bill we voted on yesterday, which would have provided urgently needed funding for a wide range of domestic programs to help bolster this Nation's ailing economy. These programs address critical needs of urban and rural working class people across America.

Despite all the finger pointing and angry talk about how Washington is broken often by those who did their utmost to game the system or who have themselves been in Government for decades this is exactly what the Congress should be doing.

I commend Chairman BYRD and Senator REID for this initiative. After inheriting the largest surplus in this Nation's history, President Bush will leave a legacy of fiscal mismanagement and mile high deficits that dwarf anything in my 34 years in the Senate. For an administration that came into office piously claiming to be the guardians of responsible fiscal conservatism, when it comes to the economic security of middle class Americans this White House has proven to be incompetent, unprincipled and unaccountable.

This administration's economic policies have been disastrous for the people of this country who are most dependent on Federal funding for schools, hospitals, police and fire departments, farms and businesses.

The stimulus items in S. 3604, none of which were requested by the White House and which most of our Republican friends voted to defeat, would have helped prevent an already precarious economic situation that threatens the livelihoods and retirements of millions of Americans, from becoming worse.

Mr. JOHNSON. Mr. President, I am pleased that the appropriations package which the Senate is now considering incorporates a trio of security-related funding measures, including the fiscal year 2009 Military Construction, Veterans Affairs and Related Agencies Appropriations bill.

This bill is important to the Nation's military forces and their families and to the military veterans who have served their country so valiantly. By passing this legislation, we will fulfill the promise we have made to support our veterans and military families by providing historic levels of funding for military construction and the Department of Veterans Affairs.

The Military Construction and Veterans Affairs bill totals a record $119.6 billion dollars, of which $72.8 billion is discretionary funding.

For the Department of Veterans Affairs, discretionary funding totals $47.6 billion, $2.8 billion over the President's request and $4 billion above the fiscal year 2008 enacted level. This is a landmark level of funding which will greatly enhance the VA's ability to deliver veterans' benefits in a timely manner and to provide first-rate medical care in first-class medical facilities to veterans throughout the country.

Within the VA budget, the funding for veterans health care also set a new benchmark at nearly $41 billion, almost $2 billion above the President's request. A key focus of this funding is medical research. Not only does this bill flatly reject the cuts in research funding proposed by the President, but it also provides a healthy increase over last year's funding level. This is crucial to ensure that the VA is on the forefront in providing innovative treatment for service-related diseases and complex combat injuries, such as traumatic brain injury, polytrauma injuries, and post-traumatic stress disorder.

I am also pleased that the bill establishes a $250 million rural health initiative targeted toward meeting the unique needs of veterans who live in remote and rural areas. South Dakota is a prime example of the need for this type of initiative. Many veterans in South Dakota are scattered in sparsely populated rural areas, and many others live on Native American reservations. These veterans must drive long distances in many cases hundreds of miles—to access medical care.

Through the rural health care initiative, the VA can greatly expand its current rural health outreach and devote more resources to such programs as mobile clinics, telemedicine, community clinics, and shared health care services. Significantly, the Department will be able to implement targeted health care for rural areas without having to compete for funding with urban hospitals and clinics.

For military construction, the bill provides $25 billion. This funding will provide for the most critical construction needs of our Nation's military, improving safety and security on our military bases in the United States and abroad, and enhancing the living conditions of our soldiers and their families.

Mr. President, it is vitally important that the Senate act quickly on this spending package and see it signed into law before the end of the fiscal year so that we may speed this funding to the many programs that are essential to the health and well-being of our military forces, their families, and our Nation's veterans.

Mr. HARKIN. Mr. President, as our colleagues know, my State of Iowa and other States across the Midwest were hit by devastating tornadoes, floods, and heavy rains this past spring. These were natural disasters of historic proportions, and they left tremendous damage and destruction in their wake.

Three and a half months later, Iowans are making progress toward recovery. But the harsh reality is that many flood victims are still living in trailers or with relatives. Many businesses can't get the low-interest Small Business Administration loans they need to rebuild and recover. Cities are waiting for funding to restore damaged infrastructure. We still face billions of dollars in unmet needs across Iowa.

Within weeks of the flooding, Congress acted promptly to provide assistance, passing a $2.65 billion disaster assistance bill. This was intended to be only an initial injection of Federal aid—a downpayment on the long recovery ahead.

I am very pleased that, in this continuing resolution before us today, we have the second installment on disaster assistance. The bill includes $23 billion in disaster aid, with a significant share of those dollars destined for Iowa and other Midwestern states hit by floods and tornadoes.

As a senior member of the Senate Appropriations Committee, I have been working with other members of the committee, and with the House Appropriations Committee; with other Senators from the disaster-impacted States; as well as the Iowa House delegation for months to secure these urgently needed funds. I am both gratified and grateful that my colleagues on the Appropriation Committees recognized the disaster recovery needs in my State of Iowa as a national priority.

The $23 billion provided in this bill is allocated in several areas. The largest segment is $8 billion to replenish FEMA's available funding, which is crucial. However, the amount that local governments and individuals receive from FEMA is set by existing law.

One of the most important functions is mitigation funding equal to 20 percent of most of what FEMA spends in a State. Those funds are used to reduce the chance of damage from future disasters. I am proud that, in 1993, I was the chief sponsor of legislation that sharply expanded this program, similar to what it is today. We need not only to recover from past disasters, but work to limit damage in the future.

The most significant component of relief funding in this bill is $6.5 billion for community development block grants. State and local governments have considerable flexibility and leeway in how they use these grants. They can be used for home repairs and buyouts, assistance to businesses, repair of damaged public facilities, and additional mitigation efforts to reduce damage from future disasters.

The amount of CDBG funding varies from time to time, as do the specific rules. The language in this continuing resolution provides more flexibility than has often been provided in the past.

Since passage of the initial flood relief in late June, the Department of Housing and Urban Development has been very slow to actually get CDBG funding out the door and to the people who need it. There has been endless redtape and chronic delays. And this is unacceptable at a time when so many people are hurting and so many businesses are struggling to put people back to work.

To prevent a repeat of this poor performance, a provision was included, which I proposed, requiring that HUD allocate at least one-third of the CDBG money in this bill within 60 days of it being signed. This will give us confidence that, by about December 1, a significant portion of this CDBG money will be in the hands of individuals and businesses that urgently need it. Needless to say, this ''one third'' requirement is a minimum. I hope that HUD will do better than that and will release this new CDBG funding as expeditiously as possible.

This new disaster-relief package includes several other major components.

It includes $7.9 billion for FEMA disaster relief, which helps pay individuals affected by disasters nationally.

It includes $600 million for the social services block grant program to provide urgently needed services to people in areas hit by disasters. This funding can be used to purchase food, shelter, and clothing, as well as health care and mental health services. States may also use these funds for vital public health activities, such as surveillance of water-borne or mosquito-borne diseases. Funds may also be used to repair damaged health care and social services facilities, such as child care centers.

In addition, the package includes $182 million for construction of the new Cedar Rapids Courthouse. As many of my colleagues know, the city of Cedar Rapids was devastated by the flooding in June. The Cedar River crested at nearly 32 feet, inundating nearly 400 city blocks—more than 9 square miles. The construction of this new Federal courthouse will be an important symbol of the rebirth and rebuilding of this proud city.

The package also includes important disaster relief for rural areas. It includes: $59 million for the U.S. Department of Agriculture to help rebuild and repair single and multifamily homes in rural areas; $40 million for USDA to rebuild and repair rural community facilities, including nonprofit facilities, everything from hospitals to day care centers, in towns with populations under 20,000; $26 million for rural utilities including water and wastewater, rural electric cooperatives, electric and telephone repair, and reconstruction; $100 million for the USDA Emergency Watershed Program for recovery from floods, storms, and other natural disasters; $115 million for the USDA Emergency Conservation Program; $850 million is made available for the repair of State highways damaged by the storms across the country; and $20 million is made available for the repair of rail line and bridges of small railroads that have suffered very considerable damage. These funds are crucial to several small railroads that are very important to many local shippers and receivers of rail goods. This funding is not available to the large railroads.

In addition to the relief provisions in the continuing resolution, I want to mention the good work of my senior colleague, Senator GRASSLEY, who played a lead role in moving a number of important tax provisions in the separate tax extender bill that passed the Senate earlier this week—tax provisions that will be of significant benefit to those recovering from disasters. I was pleased to be the lead Democratic sponsor of his disaster tax bill in this area that includes important assistance for homeowners, for the building of new housing, and assistance to rebuild and revitalize business.

The funding in the continuing resolution will bring a second infusion of urgently needed resources to people in Iowa and across the Midwest.

No question, people in my State have suffered terrible damage, and the road back is going to be long and difficult. But as I have witnessed in recent months, Iowans are a tough, resilient people. And they are also a generous people, pitching in to help neighbors and strangers alike.

As I learned in the Navy, there are two responses to a disaster. It's either ''every man for himself, abandon ship,'' or it's ''all hands on deck, save the ship.'' Well, Iowans are an ''all hands on deck'' kind of people. We will endure—and we will prevail.

Finally, let me say that the disaster funding in this bill is another important, positive step on the path to full recovery. But additional assistance will be needed.

The reality is that the funding levels for the disaster package were set with only minimal information on the level of damage suffered by Hurricanes Gustav and Ike. When that data is set, I believe it will be clear that additional assistance will be necessary for those accounts that are allocated by the level of damage in each State or region compared to all of the disaster areas.

Hopefully, early next year, by which time we should have a nearly complete assessment of damages and needs, I will work with my colleagues on the Appropriations Committee to include a third installment of disaster relief on the omnibus appropriations bill for fiscal year 2009.

I am grateful to my colleagues for providing this generous assistance to people and businesses in Iowa and across the Midwest. And I urge their support for this continuing resolution.

Mr. INOUYE. Mr. President, today the Senate is considering the Defense Appropriations Act for fiscal year 2009, along with a 6 month continuing resolution and other matters. In regards to the Defense portion of this bill, the Appropriations Committee examined the President's request of $491.7 billion for funding under the jurisdiction of the Defense Subcommittee. The amount that is contained in this measure for the Department of Defense is $487.7 billion, $4 billion below the request and equal to the subcommittee's 302(b) allocation.

Over the past 9 months the Appropriations Committee received testimony from the leaders of the Department of Defense and intelligence community, on all of the critical programs requested by the Administration for the coming fiscal year. These hearings were augmented by countless meetings and detailed review by the committee staff. Senator COCHRAN, Senator STEVENS, and I together worked in formulating the recommendations that were

reviewed and approved by the Defense Subcommittee on September 10. Those recommendations form the basis of the bill which is before the Senate today.

The highest priority for our committee is to support our men and women in uniform. That means we strongly support and fully fund programs to provide for the pay and allowances of our forces, to take care of their families, and preserve the readiness of the force. In this bill, our families are protected. Additional funds are provided to fix hospitals and barracks, to serve our families through the Family Advocacy Program, and to enhance our Defense Health Program.

To ensure our forces are prepared to serve in harm's way, the recommendation provides for the purchase of essential equipment and support to meet their needs. The measure approves and, in some cases, increases funding above the budget request for key programs such as the Future Combat System, unmanned aerial vehicles, F–18 aircraft, UH–60, MH–60, and CH–47 helicopters among many others.

The recommendation includes funds to purchase 14 F–35 aircraft and includes advance procurement to preserve the industrial base for the F–22 aircraft and DDG–51 destroyer programs. It provides a $120 million increase for our near-term missile defense programs and support for all the major missile systems in the budget request. It includes $750 million in additional funds to support our National Guard and Reserve equipment needs and $750 million to enhance our Nation's intelligence, surveillance and reconnaissance capabilities to support our warfighters today. In addition, the needs of the intelligence community are addressed in this measure and summarized in a classified annex.

The bill before the Senate, which was passed by the House on Wednesday by a vote of 370 to 58, represents a compromise between the views of the Senate and House Defense Subcommittees. Additional funding above the amounts approved by the Senate Defense Subcommittee is included for several initiatives including a down payment on the next LPD–17 amphibious ship. It provides more funding for C–130 aircraft than we had recommended and a higher level of funding for the Presidential helicopter program. It also includes a cut of 5 percent in funding to scale back contracting out in the Defense Department.

On balance we believe this is a very good bill. The budget allocation requires us to make some difficult choices curtailing funding for programs which are of interest to certain members, outside interest groups, or the military departments. But the funds that are reduced are for programs which are behind schedule or not sufficiently justified. In reallocating funding from these programs, this bill provides for the critical unmet needs of the military and intelligence community albeit at a lower overall funding level.

Today is September 25. The fiscal year is rapidly coming to a close. The Senate is using an unusual procedure to consider this bill. It is not one that any of us is particularly pleased with, and some are likely to be critical of it, but it is a procedure and probably the only procedure which will allow for passage of this very important measure before the end of the fiscal year. I can assure my colleagues that we have worked closely with the House on a bipartisan basis to ensure that the bill which has come before the Senate represents what is needed for our Nation's defense and for the men, women, and their families who serve her. I thank all my colleagues, and in particular Senator COCHRAN and Senator STEVENS, for their efforts in putting this bill together. I urge my colleagues to join with me today and vote to pass this measure.

Mr. CRAIG. Mr. President, I rise today at a time of significant financial crisis in our Nation to discuss a program within this continuing resolution that, in my opinion, is the wrong priority at the wrong time.

Over the last 2 years, the chairman of the Senate Veterans' Affairs Committee has brought before the Committee and this Senate legislation to authorize bonus payments for Filipino veterans who fought in World War II. Like my colleague and good friend, Senator AKAKA, I respect and honor the sacrifice of the Filipinos in that war, and I respect his tenacity to pass what he believes is a remedy to a wrong.

This is where I unfortunately part with the Senator. After World War II, the Philippines were not left destitute, with America turning a blind eye to their sacrifice and efforts in the war. In fact, the United States has spent millions upon millions of dollars on infrastructure in the Philippines.

However, there are some who think that is not enough. There are some who believe that Filipino veterans deserve to have all the benefits and entitlements that American veterans are afforded. I disagree.

At a time when we have soldiers coming home broken from combat, this bill would designate as an ''emergency'' $198 million to provide a lump-sum payment of $9,000 to Filipino veterans currently living in the Philippines and $15,000 for those Filipino veterans living in the United States.

Mr. President, let me say that again: this would designate the funding I just spoke of as an ''emergency.''

Now, I know how things work around here. Someone's emergency doesn't always seem to be too urgent to other folks. But please, I would like somebody to come to this floor and explain to me how giving Filipino veterans a check for $9,000 or $15,000 can be seen as an emergency. Not when we are debating landmark legislation to shore up our economy, which is suffering so greatly. Not when we have Senators coming to this floor repeatedly arguing that we have so badly underfunded the VA that we need supplemental spending every year just to keep up. Not when there are towns in Texas still cleaning up from the ravages of Hurricane Ike. And not when we have a Forest Service that is broke and must borrow and steal from other agencies to ensure that we can fight against wildfires threatening thousands of people's homes.

Mr. President, I could go on for days talking about true emergencies in our Nation. However, designating a fund for Filipino veterans as an ''emergency'' just doesn't pass the smell test. And this is not an insignificant amount of money, Mr. President: we are talking about almost $200 million that could be used for items that truly deserve to be considered emergencies.

I know that we will pass this continuing resolution, and I praise the work that was done on most of this bill. There are a lot of good programs that will get funded because of this bill and the work that was done on it.

Unfortunately, I could not stay silent when I saw that almost $200 million, designated as emergency spending, was going to be spent on non-American veterans for actions taken in the 1940s.

I hope that my colleagues today will take a serious look at the authorization that will come before this Senate in the future to allow this funding to be spent. It is my serious belief, as I hope I spelled out clearly here today, that this funding should not be spent for its intended purpose. Instead, Senators should look at this funding as a way to pay for priorities, either within the VA or other agencies that have been underfunded, that are true emergencies.

Mr. LEVIN. Mr. President, this consolidated appropriations bill includes three important Fiscal Year 2009 appropriations bills, the Homeland Security appropriations bill, the Military Construction and Veterans appropriations bill, and the Defense appropriations bill. In addition, this bill includes funding for a number of other important programs, including nutrition and home energy assistance programs to ensure those most vulnerable who rely on these programs do not lose access to them.

Today many families are hurting from the current economic downturn and the rising food and energy costs. This bill includes additional funding for both the Nutrition for Women, Infants and Children, WIC, program and the Commodity Supplemental Food Program, CSFP, which provide assistance to children, low-income working families, and seniors. It is of vital importance that we continue these food programs for our Nation's least fortunate and most vulnerable.

I am pleased that the bill contains significant additional funding for the Low Income Home Energy Assistance Program, or LIHEAP. This bill includes a total of $5.1 billion for LIHEAP, which is double the amount of funding provided in fiscal year 2008

and will serve an additional 2 million households and increase the average amount available per household. LIHEAP is a critically important program that was created to help low-income families, elderly individuals on a fixed income, and the unemployed pay their energy bills.

Even before recent and projected increases in energy prices, Michigan—like other States—started off with less funding in the current fiscal year than was required to meet the need. There have been significant efforts over the last couple of years to provide full funding for the LIHEAP program—consistent with that authorized by the Energy Policy Act of 2005—but these efforts have been thwarted by an administration unwilling to support this program at the necessary level. Therefore, I am particularly pleased today that the administration finally has joined the Congress in supporting this vital lifeline for many Americans.

This additional funding for LIHEAP is critically needed particularly as we head into the winter months. These funds need to be put quickly and directly into the hands of individuals who need them the most, which will both provide a vital safety net to these families and seniors and provide a benefit to the economy. Studies have shown that every LIHEAP dollar distributed generates up to 5 dollars of economic activity, thus helping to stimulate the economy.

I am also pleased that this legislation includes a significant increase in funding for the Department of Energy's weatherization assistance programs, providing close to $500 million for this program in fiscal year 2009. The Bush administration has consistently reduced funding for weatherization assistance in previous years and even proposed to eliminate it completely this year. But instead of decimating the program as proposed by the administration with, the increase provided in this bill, Congress will more than double the assistance provided by the Federal Government and help to weatherize an additional 100,000 homes.

Congress has changed eligibility rules under the Pell Grant Program in order to afford more students larger grants. As a result, the Pell Grant Program will require a funding boost from this year's funding to ensure each student's 2009–2010 Pell grant award level. The bill includes $2.5 billion above 2008 to prevent cuts in the Pell Grant award to students midway through the year.

I am particularly pleased that this appropriations bill includes funding to support up to $25 billion for loans to auto manufacturers and suppliers for retooling of facilities to produce advanced technology vehicles and their component parts. These loans were authorized as part of the 2007 Energy bill to assist companies in moving swiftly toward advanced technology. Since that time, the need for access to capital has become increasingly urgent due to the state of the economy and significantly changed market conditions.

In the midst of all the economic dark clouds that are in the sky, this is a significant bright spot that will help domestic manufacturers in moving forward with the advanced technology that we all want to see. The U.S. automotive manufacturing industry is facing huge challenges. They face a sputtering global economy, the economic downturn here at home, the credit crisis here at home, and the challenge of meeting new fuel economy standards that Congress enacted last year. The future viability of the auto industry depends on whether they are able to produce advanced technology vehicles that will reduce our consumption of oil and greenhouse gas emissions, be affordable for the average American, and ultimately save consumers money at the gas pump.

The funding that is part of this legislation will support loans that will be fully repaid with interest to the Federal Government and will not cost the taxpayers anything beyond the administrative costs. The benefit to the American people is that it will help to bring these advanced vehicle technologies more quickly into the marketplace and it will ensure that these vehicles and components continue to be manufactured in the United States by American workers for many years to come. In the near term, the availability of these loans for auto manufacturers and suppliers in my home State of Michigan and other auto manufacturing States will help ensure that we maintain existing auto and supplier jobs and stem the decline in American manufacturing.

Success in the area of advanced technology vehicles—such as hybrids, clean diesel, and plug-in hybrids—is critical to the future of Michigan-based auto manufacturers and suppliers and those in many other States. Most of these technologies were invented by our companies here in the United States, and we need to keep manufacturing them here and continue to lead the world in automotive innovation. These loans will help our companies stay competitive in the global marketplace. It is important to note that the loan program is open to all automakers and suppliers to retool their facilities to produce these vehicles and components. Some may be more in need than others—but it is open to everyone with a qualified technology. I want also to emphasize that these loans are available to suppliers and component manufacturers independently to develop and manufacture many of the technologies that will be assembled into advanced technology vehicles—technologies such as lightweight materials, batteries and battery systems, fuel cells, and other components that offer tremendous potential to improve fuel economy.

It is a significant accomplishment to have funding for these loans included in this appropriations bill. The next step in this process is for the Department of Energy to establish regulations to implement this program, and it is essential that it happen quickly. We need these regulations completed expeditiously in order to get money out the door to the manufacturers that need it to move forward with advanced technology vehicles and components.

The legislation significantly increases resources for border security, including $30 million for border interoperability demonstration projects. In 2007, I authored the legislation that established the International Border Community Interoperable Communications Demonstration Projects on the northern and southern borders. These projects will address the interoperable communications needs of police officers, firefighters, emergency medical technicians, National Guard, and other emergency response providers at our borders.

The bill also provides valuable funding for our first responders, rail and transit security FIRE Act grants, and SAFER grants.

The Defense appropriations section of the bill supports the operational needs of our troops in Iraq and Afghanistan and the ongoing transformation of the military. Small and large businesses and universities across State play a critical role in ensuring that our Armed Forces are equipped to meet the challenges of the 21st century. Especially in the areas of vehicle technologies, robotics, energy and manufacturing research and development, Michigan continues to lead the way.

The bill includes approximately $354.1 million for Army research on combat vehicle and automotive technologies. This includes work on systems to protect Army vehicles against rocket-propelled grenades, improvised explosive devices and explosively formed projectiles; advanced materials for combat and tactical vehicle armor; more efficient engines; fuel cell and hybrid electric vehicles; unmanned ground vehicles; computer simulations for vehicle design and training of Army personnel; and technology partnerships with the automotive industry. This research is performed and managed by the Army Tank and Automotive Research, Development and Engineering Command, TARDEC, and its National Automotive Center, NAC, both located in Warren, MI. TARDEC is the leading laboratory for research and development of advanced military vehicle technologies for the Department of Defense, DOD.

The bill also includes funding for the programs of the Army's TACOM Life Cycle Management Command, LCMC, in Warren. TACOM LCMC is the Army's lead organization for the development and acquisition of ground vehicle combat, automotive and armaments technologies and systems. TACOM LCMC-managed systems include the Abrams main battle tank, Bradley Fighting Vehicle, Stryker Armored Vehicle, Mine Resistant Ambush Protected Vehicle, and all Army tactical vehicles, such as the HMMWV,

FMTVs, and the Army's next generation of combat vehicles, known as Future Combat Systems.

There are nine military construction projects included in the MILCONN/VA division of the bill for Michigan, including $68.5 million for the Detroit Arsenal in Warren.

These funds are crucial for the needed construction and renovations necessary to accommodate the more than 1,000 personnel who will be transferred to the Detroit Arsenal. This bill will also provide much needed improvements at Camp Grayling, the Army Reserve Center in Saginaw, and Selfridge Air National Guard Base.

Mr. KOHL. Mr. President, I know none of my colleagues is happy that today the Senate was forced to pass a continuing resolution. Continuing resolutions are a sign that we failed to get our work done in a timely manner. As a result, many departments will be frozen at last year's funding levels and unable to begin new initiatives until next spring.

Congress was able to complete 3 of the 12 appropriations bills, however, and those bills are the vehicle for the continuing resolution before us. I am pleased that Congress was able to come together and move the legislation most critical to our national defense including the Defense, Military Construction, and Homeland Security appropriations bills.

Unfortunately, one of the bills that is left behind is the Agriculture appropriations bill, the bill I have responsibility for. However, there are parts of the CR that deal with the Agriculture Department, and I think it is important to spend a few moments going over the details within my jurisdiction as chairman of the Subcommittee on Agriculture Appropriations.

My staff worked diligently with their House counterparts to find a responsible way to move forward under difficult circumstances. The continuing resolution includes an addition of $150 million for the Food and Drug Administration. The FDA has enormous responsibilities and I have consistently been pressing for more rigorous work on food safety. These additional funds will contribute to that effort.

The continuing resolution also includes resources to aid recovery from recent hurricanes and flooding in the Midwest. An additional $100 million is provided for the Emergency Watershed Program. The Emergency Conservation Program is slated for an increase of $115 million. Both of these programs provide basic, essential support for storm cleanup.

The continuing resolution also includes substantial resources—$188 million for Rural Development. $38 million of these funds are specifically set aside to continue recovery from hurricanes Katrina and Rita. The balance of $150 million is aimed at aiding recovery from natural disasters that occurred in 2008. They will augment efforts to maintain rural housing for low income and elderly Americans affected by these disasters. Without them, many needy Americans face very grim housing circumstances. The funds will also help restore community facilities, rural utilities and small businesses.

The CR also address some other priorities of mine. I am pleased that this continuing resolution includes an addition of $2.5 billion for the Pell Grant program, which is the largest grant program available to help low-income families afford the rising cost of a college degree. Pell grants are critical to ensure that all Americans can pursue a higher education, and during these tough economic times, such grants have become even more important to families. With college students seeking financial aid in record numbers, the Department of Education recently announced that the Pell Grant program could face a shortfall of nearly $6 billion next year if more federal funds are not made available. The additional funds provided in this bill are a crucial first step toward ensuring the continued sustainability of the Pell Grant program, and I am glad to see that this Congress continues to make college affordability a top priority.

The continuing resolution also includes low-interest loans for U.S. automakers. These loans will provide needed financing to allow GM, Ford and Chrysler to retool their factories to produce fuel efficient cars and trucks. In June of this year, GM announced it was closing its Janesville, Wisconsin, plant because demand for the SUVs built there was down. With these low-interest loans on the way, I am hopeful that GM retools the Janesville plant. With a highly skilled workforce, the Janesville plant stands ready to meet consumer demands for fuel efficient vehicles that will keep good paying jobs in Wisconsin and reduce our dependence on foreign oil.

Passing a continuing resolution instead of finishing our work is never something to be proud of, but this CR makes the best of a bad situation. I look forward to finishing the appropriations bills next year and putting our government on a more sustainable funding path.

Mrs. FEINSTEIN. Mr. President, I rise today to discuss a matter of critical importance to the security of our borders and our Nation.

It is estimated that at least 15 million people enter the United States through the visa waiver program each year. Thousands of these people overstay their authorized visit, and many just simply disappear into the shadows.

This country cannot afford to continue this trend. The Department of Homeland Security and its partners must have the tools they need to protect Americans by tracking the millions who enter our country, including some who may wish on us grievous harm and injury.

A biometric system is one of the best tools we have to protect us from the use of fraudulent and stolen passports and other international documents. We need to make sure people are who they claim to be.

Between January 2002 and June 2004, 28 foreign governments, including visa waiver countries, reported 56,943 stolen blank foreign passports to the State Department. And just this summer, a security van in London was hijacked, resulting in the loss of 3,000 blank British passports and visas that were destined for overseas embassies.

Clearly, DHS cannot continue to add new countries into the visa waiver program without properly mitigating the security risks.

That is why Congress passed a provision in the 9/11 Commission Recommendations Act just last year requiring the Department of Homeland Security to implement a biometric air exit system. This biometric system is required to be in place by June 30, 2009.

The intent of Congress was and remains clear: There must be in place a fully operational biometric air exit system, or else the Secretary of Homeland Security cannot admit new countries into the visa waiver program.

Therefore, if such a biometric system is not implemented by June 30, 2009, the Secretary's authority to admit new countries with visa refusal rates above 3 percent shall be suspended until a biometric exit system is fully operational.

This is critical to ensuring the ability to track the arrivals and departures of foreign nationals—not just through a paper trail, but through fingerprints, photographs, and other fraud-proof biometric identifiers.

The bill that we are considering today cuts off funding for the biometric air exit system until reports are received by Congress on pilot tests of the air exit solution.

We simply cannot afford to delay the execution of the biometric exit system. Congress should not be restricting DHS's ability to protect our borders and our people.

However, if the biometric system is delayed and the Department of Homeland Security is unable to meet the statutory deadline of June 30, 2009, the visa waiver program should not be expanded.

That is the intent of the authorizing language and that is what's best to protect the security of our Nation.

The biometric air exit system was mandated as a result of the horrific events of 9/11. We are a different country today and we must learn the lessons of September 11 and implement the recommendations of the 9/11 Commission. We cannot afford to go backwards as a country and Congress must do all that it can to protect our Nation and prevent another tragedy like 9/11.

Mr. MENENDEZ. Mr. President, I rise today to express my support for the 2009 Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, a bill better known as the continuing resolution.

Keeping the government running, particularly as so many Americans are

struggling in these tough economic times, is vital. Besides ensuring that basic services continue to be provided, we are also providing some additional measures of assistance that will benefit millions of middle class and working Americans. Now more than ever, we can't simply tell Americans who are having a rough go of it, ''Tough luck, you're on your own.'' It is important to responsibly offer a helping hand where we can and help spur the economy.

As families face increasing energy bills that have stretched their budgets thin, and as we head toward cold winter days and nights, we are providing some relief. This resolution contains substantial low-income energy assistance and weatherization assistance—programs that are essential for seniors and low income families this upcoming winter.

The CR will also provide much-needed resources for families struggling to keep up with increasing grocery bills and rising college tuition fees. It will provide urgently needed disaster assistance to those hit by recent hurricanes, substantial funding or veteran's health care, and an important investment in Pell grants and emergency food assistance.

As the author of the COAST Act, I am adamantly opposed to expanded coastline drilling along eastern and western seaboards of the United States, especially the Jersey shore. I want to continue the moratorium that has protected our Outer Continental Shelf for over two decades. Expanded OCS drilling is bad energy policy, bad environmental policy, and it will do nothing to lower the prices at the pump, now or ever.

This country deserves a serious debate about energy and not just election year posturing. Though this resolution does not extend the moratorium on coastline drilling, it allows us to revisit this issue in March, when we can have a serious policy discussion. In the meantime, drilling would not commence between now and then—or for years into the future—anyway. With a new Congress and a new administration I will continue to stand up for the development of a real, comprehensive energy policy that achieves our goals without endangering the Jersey shore.

With this action today, we have avoided a shutdown of the Federal Government, provided much-needed relief to middle-class and working Americans struggling in this economy and allowed Congress to focus on finding a bipartisan solution to the urgent financial crisis.

Mr. LEAHY. Mr. President, it is encouraging that Congress today passed the Wartime Enforcement of Fraud Act of 2008 as part of the Consolidated Security, Disaster Assistance and Continuing Appropriations Act. This is a modest but important commonsense measure that will help restore accountability and deter fraud in the many billions of dollars worth of contracts in connection with the two wars we continue to fight.

The failed legacy of the Bush administration is clearer today than ever before, as our Nation faces unprecedented crises at home and abroad. The financial markets are in turmoil as a result of mismanagement of the economy and neglect of the regulatory process that helps maintain confidence in the market. Americans are losing their homes to foreclosure at record rates. Our country remains mired in Iraq, fighting a war that President Bush should never has started, that continues to cost too many lives and billions of dollars each month, with no end in sight.

As part of this legacy, the Bush administration has further failed to meet one of its most important obligations during wartime—to protect American taxpayers from losses due to fraud and corruption in war contracting. Fraud and corruption in contracting are all too common in times of war, and these problems have been particularly pervasive in Iraq.

New reports just this week have confirmed that corruption and fraud have robbed billions from the American taxpayers during the Iraq war. The former chief investigator of the Iraqi Commission on Public Integrity, Salam Adhoob, testified before Congress this week that $9 billion in U.S. taxpayer funds have been lost to corruption and fraud in Iraq.

Mr. Adhoob described how senior Iraqi defense officials set up fraudulent front companies that were supposed to buy airplanes, armored vehicles, and guns with $1.7 billion in U.S. funds. But these companies failed to deliver most of the military equipment, and what they did provide was mostly junk, including defective ammunition and unsafe bulletproof vests. These companies also overcharged for military helicopters and aircraft, delivering useless decades-old equipment. Most of the money ended up in German bank accounts controlled by these Iraqi defense officials.

The Iraqi chief investigator prepared a full report based on this investigation, and thousands of others, and submitted the documentation to the Iraqi government, as well as to U.S. investigators. Yet so far, neither the Bush administration nor the Iraqi government has taken action in these cases. Instead, the Iraqi government has passed laws giving immunity to many of its corrupt officials, and the U.S. investigators have too often stalled trying to find witnesses and review documents in the midst of a war zone.

These examples of fraud and corruption are not isolated, or new. Over the past 2 years, I have chaired hearings in the Appropriations and Judiciary Committees focused on the billions of dollars that have been lost to contracting fraud, waste, and abuse during this war. The testimony at those hearings has also exposed the Bush administration's failure to take aggressive action to enforce and punish wartime fraud. These hearings have shown how difficult it can be for investigators to uncover and prosecute fraud amidst the chaotic environment of war.

These persistent problems have been made worse by the Bush administration's use of ''no-bid'' and ''cost-plus'' contracts that have been awarded with little, if any, oversight or accountability. Billions in cash—physical, paper money—have been flown to Iraq and handed out in paper bags, often without records of who received what, and when. Billion-dollar contracts for training services cannot be audited because the records are incomplete, lost, or in disarray. As a result, time and time again, the government has paid for services that were never needed or never provided and for equipment that was too often substandard or actually defective.

But as we found again this week, too often we do not learn about wartime fraud and corruption until years after the fact. What we do know is that billions of dollars are unaccounted for, and likely lost to war profiteers and corrupt officials. Fraud investigators from the offices of several inspectors general, as well as the Special Inspector General for Iraq Reconstruction and the Federal Bureau of Investigation, are working to figure out where the money has gone and who has taken it. But they have told us it will take a long time, in some cases years, to figure out exactly what has happened with the billions of dollars in fraud related to war contracts.

In the meantime, the statute of limitations that bars Federal fraud prosecutions after 5 years threatens to make this work meaningless and essentially immunize those who are responsible. The wars in Iraq and Afghanistan have gone on for far more than five years, and with each passing day, we are losing the authority to prosecute fraud committed early on in the wars. As time passes, we are effectively granting immunity to these criminals and letting them get away with taxpayers' money.

I introduced the Wartime Enforcement of Fraud Act of 2008 to correct this problem once and for all. Passage of this legislation today is an important step forward to make sure all those who have committed fraud will be held to account. Put simply, this bill will give the government more time to continue investigating these massive wartime frauds and, in time, this provision should save American taxpayers untold millions and help punish those responsible for the fraud.

Our country has faced this same problem in past wars and taken similar action. During World War II, President Franklin Delano Roosevelt spoke out against ''war millionaires'' who made excessive profits exploiting the calamity of war. President Harry Truman, when he served in the Senate, held historic public hearings to expose gross fraud and waste by military contractors during the war.

In 1942, President Roosevelt signed the Wartime Suspension of Limitations

Act, which made it possible for criminal fraud offenses against the United States to be prosecuted after the war was over. President Truman made that law permanent in 1948.

Everyone understood then that it was unrealistic to believe that all wartime fraud could be tracked down immediately in the midst of a war. The law provided an extension of the statute of limitations until the war was over. Congress supported this law overwhelmingly, as they had with a similar provision during World War I. President Roosevelt wrote:

> The crisis of war should not be used as a means of avoiding just penalties for wrongdoing.

Unfortunately, this Roosevelt-era law does not appear to apply to the ongoing conflicts in Iraq and Afghanistan. Current law only applies ''when the United States is at war,'' but the military operations in Iraq and Afghanistan were undertaken without formal declarations of war. As a result, this law technically does not apply to these ongoing conflicts.

This bill simply amends current law to make clear that extending the statute of limitations during wartime applies to the wars in Iraq and Afghanistan. In doing so, we will give investigators and auditors the time necessary to continue their efforts to uncover the wartime frauds and prosecute those who are responsible. Without this bill, fraudulent conduct by war contractors and corrupt officials will go unpunished, and the government will have no ability to recover taxpayer money lost to these criminals.

The statute of limitations is an important check on the proper use of government power, and we should suspend it only in extraordinary circumstances. Wars provide exactly such circumstances, as Congress and Presidents have recognized in the past. It would be wrong to exempt the wars in Iraq and Afghanistan from this common sense law, and passage of this bill will close that loophole for the Iraq and Afghanistan wars, as well as any future wars.

With passage of this bill today, Congress has taken action, as it has in the past, to protect the American taxpayer and make sure the money spent to support the troops is not wasted through fraud and corruption. The President should now sign this bill to show the American people that we will do all we can to investigate and prosecute those who would undermine our troops and steal from the taxpayer during times of war.

The PRESIDING OFFICER. Is all time yielded back?

If all time is yielded back, the question is now on agreeing to the motion to concur.

Ms. LANDRIEU. 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 assistant legislative clerk called the roll.

Mr. BURR (When his name was called). On this vote, Senator CLINTON is absent. If she were present and voting, she would have voted ''yea.'' If I were at liberty to vote, I would vote ''nay.'' Therefore, I withhold my vote.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Washington (Mrs. MURRAY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from California (Mrs. FEINSTEIN) would vote ''aye.''

Mr. KYL. The following Senator is necessarily absent. The Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 12, as follows:

[Rollcall Vote No. 208 Leg.]

YEAS—78

| | | |
|---|---|---|
| Akaka | Durbin | Murkowski |
| Barrasso | Enzi | Nelson (FL) |
| Baucus | Grassley | Nelson (NE) |
| Bayh | Gregg | Pryor |
| Bennett | Hagel | Reed |
| Bingaman | Harkin | Reid |
| Bond | Hatch | Roberts |
| Brown | Hutchison | Rockefeller |
| Brownback | Inhofe | Salazar |
| Byrd | Inouye | Sanders |
| Cantwell | Isakson | Schumer |
| Cardin | Johnson | Smith |
| Carper | Kerry | Snowe |
| Casey | Klobuchar | Specter |
| Chambliss | Kohl | Stabenow |
| Cochran | Landrieu | Stevens |
| Coleman | Lautenberg | Sununu |
| Collins | Leahy | Tester |
| Conrad | Levin | Thune |
| Corker | Lieberman | Vitter |
| Cornyn | Lincoln | Voinovich |
| Craig | Lugar | Warner |
| Dodd | Martinez | Webb |
| Dole | McConnell | Whitehouse |
| Domenici | Menendez | Wicker |
| Dorgan | Mikulski | Wyden |

NAYS-12

| | | |
|---|---|---|
| Alexander | DeMint | Sessions |
| Allard | Ensign | Shelby |
| Bunning | Feingold | |
| Coburn | Graham | |
| Crapo | Kyl | |

PRESENT AND GIVING A LIVE PAIR—1

Burr, against

NOT VOTING—9

| | | |
|---|---|---|
| Biden | Kennedy | Obama |
| Boxer | McCain | |
| Clinton | McCaskill | |
| Feinstein | Murray | |

The motion was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is a great accomplishment for this Congress. Of course, we have battled our way through a lot of things, but this is an excellent piece of legislation. We funded the troops in more ways than one. Not only have we done the Defense appropriations bill, but we have done VA-HUD and Homeland Security. I wish we could have done all the appropriations bills, but we haven't done that. But we have funded the Government until March 6. I appreciate the cooperation of the distinguished Republican leader and all Senators because it took all Senators to get to the point where we are. I appreciate it very much.

We are going to have no more votes today. We will let everyone know as soon as we can as to what we are going to do on Monday. We are going to be in session on Monday. The question is, What are we going to do on Monday? We may have to have a vote on the Defense authorization bill. We may have to have a vote on the Amtrak bill. I failed to mention one thing to the Republican leader. I told him we had two things that were absolutely necessary. I forgot to mention one of them. We have to do, of course, the Defense authorization bill. We have to do Amtrak. We have to do the nuclear treaty with India. I have indicated to them we have a lands bill we are taking a look at, a package of bills. Each one of these is something we could complete next week.

For people who are concerned about the Indian nuclear agreement—and there are several Senators who have concerns—all we would be doing is running out the statutory time. At the end of that time, Senators have 10 hours of debate time. Then we vote. So there are very few hurdles we have to jump through on that other than running out the 30 days. We can do that the easy way or the hard way. Time started running on September 8. Those are legislative days we are in session.

Those are the things we have to do before we leave. Of course, I haven't mentioned the big one, which is the financial rescue plan. As I said this morning, staff worked until early this morning. I had a briefing an hour ago from my staff. Progress is still being made. They only have a handful of issues, literally, maybe a handful and a half, left that the Members of Congress who are part of this negotiation will finalize, and they will bring them to the respective floor leaders. Hopefully, we can bring it to the floor at a very early time.

As I indicated this morning, one of the things we want to do is have an outline of an agreement by 6 o'clock on Sunday because that would give recognition to the Asian markets opening. That is an important message. We have to make sure the markets aren't volatile.

We tend to look at the Dow Jones, but as we have learned—as I have learned—there are a lot of other financial indicators that are extremely important, and this week they have been in big trouble. As we have said, and will say, this is more than just a concern to Wall Street. A lot of these things would have a dramatic, fast impact on Main Street. That is what the negotiators are working on.

So no more votes today. We will let everyone know as soon as we can what votes there will be on Monday. If we have a vote on Monday, it is a very narrow window because of the holiday that starts at sundown on Monday night. That vote would be between 11:30 and 12:30.

The PRESIDING OFFICER (Mr. SANDERS). The Republican leader is recognized.

Mr. MCCONNELL. Mr. President, I did not hear all of my good friend's, the majority leader's, remarks, but I did hear the end of them, and I do want to underscore that he is entirely correct, that this crisis we face in the financial markets is about Main Street.

A good example of that is a community of mine that wanted to issue municipal revenue bonds the other day. These were highly rated bonds. There was no buyer. This is going on all across the country. It underscores the need to act responsibly and quickly, which we anticipate doing on Monday.

## TRIBUTE TO SENATOR PETE DOMENICI

Mr. MCCONNELL. Mr. President, few Senators have meant more to this body than PETE DOMENICI, and few are more deserving of that praise. I am honored today to say a few words on the floor of the Senate about the good and humble man we all know around here as ''Uncle PETE.''

PETE is a classic American story that reminds us why America is so great. His parents were Italian immigrants who taught their five children the importance of faith, the rewards of hard work, the blessings of a big family, and an abiding love for their adopted country.

As an only son, PETE grew up fast, working in his father's wholesale grocery business, studying hard at St. Mary's High School in Albuquerque, and developing a good enough fastball to become a star pitcher at the University of New Mexico.

In a sign of his future success as a lawmaker, PETE put together an impressive 14–3 record his senior year in college. He was such a good pitcher, in fact, that he caught the attention of some major league scouts and soon earned a spot in the starting rotation of the Albuquerque Dukes.

Now, for most American boys growing up in the 1940s, being a minor league pitcher would have been enough. But not for the son of Alda and Cherubino Domenici. After earning his JD degree at the University of Denver, PETE became a lawyer. From there, he had the tools he would need to go to bat for the people of New Mexico for the next 5 decades.

Elected to the Albuquerque City Commission in 1966, he became mayor of Albuquerque the following year at the age of 35. It was there in the shadow of the Sandia Mountains that he got to know the needs and the ambitions of his friends and neighbors and seemingly everyone else.

Today, there is almost no one in New Mexico—from the high plains in the east, to the Sangre de Cristo Mountains in the north, to the high plateaus that cover much of the rest of the State—who does not offer a smile of recognition at the familiar name of PETE DOMENICI.

Five years after becoming mayor, the people of New Mexico sent PETE to Washington. It was one of the best decisions the voters of any State have ever made.

In six terms, PETE has built a reputation for honesty that is second to none. The undisputed leader on energy issues in the Senate for nearly four decades, PETE saw the need to secure America's energy future before it was cool, even writing a book on the promise of nuclear energy.

Thanks largely to his efforts, the Nuclear Regulatory Commission received its first application last year for a nuclear powerplant in 29 years.

PETE is the only American to be awarded the French nuclear society's highest award. He spearheaded efforts to pass the landmark Energy Policy Act of 2005, a comprehensive bill that has spurred the growth of renewable energy such as wind and solar and which has set America on a path of increased energy efficiency.

PETE authored the Gulf of Mexico Energy Security Act of 2006, a bipartisan bill that opened new areas of the gulf to oil and natural gas exploration. Long before people were calling on Congress to find more and use less, Pete was showing us that it could be done.

PETE's tenure on the Budget Committee earned him a well-deserved reputation as one of the strictest fiscal hawks in Congress. As chairman or ranking member for nearly 23 years, he coauthored the original Budget Reform Act of 1974, which started the modern budget process and established the Congressional Budget Office. He authored the Balanced Budget Act of 1997, leading to 4 straight years of surpluses.

There is no greater friend of the disabled in this country than PETE DOMENICI. A coauthor of the Mental Health Parity Act of 1996, he has fought tirelessly to expand it ever since. And just this week, all that hard work paid off when the Senate approved full mental health parity as part of the tax extenders bill. After years of patient effort, PETE's vision for expanded benefits for millions of struggling Americans will—we hope—soon be the law of the land.

PETE's contributions to his home State are literally legendary. He helped protect and preserve New Mexico's breathtaking natural beauty by working to create nearly 1 million acres of wilderness throughout the State. In concert with the National Park Service, he authorized the Route 66 initiative to help preserve the look and the feel of this iconic American road.

He has helped bring water to rural communities through the water supply bill. He secured funding for the only major western dam project of the last decade. All of this is just part of PETE DOMENICI's legacy.

Fortunately, the people of New Mexico will be able to get the whole story thanks to an effort that was recently announced at New Mexico State University to study PETE's impact on public policy and contributions to the State in 36 remarkable years of service in the Senate.

The people of New Mexico are not the only ones who are grateful for PETE's service. He may not know this, but PETE has a lot of fans in Kentucky. Back in the late 1990s, when Kentuckians were beginning to learn the extent of the environmental and health damage caused by the Paducah Gaseous Diffusion Plant, PETE offered a helping hand. Whether it was appropriating funds for the cleanup, making sure workers were screened for lung cancer, or compensating those who had been wrongfully injured, Senator DOMENICI has been a reliable partner to me and a great friend to the people of Paducah every step of the way, and we are grateful for his help.

A record such as this is not easy to achieve in the Senate. It takes vision, hard work, patience, and an ability to cooperate with Members on both sides of the aisle. One mark of PETE's skills in working with Members of both sides is the praise he has received not only from local media but the national press as well. Here is what the New York Times had to say about PETE in 2001:

> If Mr. Domenici sounds like a serious man, he is. A colleague once described him as having a case of terminal responsibility. He is not cut from the same bolt as most politicians.

Like most of us, PETE never could have done it alone. And he has not. Around the same time the minor league scouts noticed PETE, PETE noticed a young lady named Nancy Burk. And 50 years ago this year, PETE and Nancy were married. Fifty years of marriage is a remarkable achievement in itself, and it is well worth noting.

Apparently PETE and Nancy were both overachievers. Over the years, they raised eight children, which, of course, makes all the other accomplishments look a little less challenging.

They are a remarkable couple. They made the Senate a more friendly place. And I know my wife Elaine has enjoyed getting to know Nancy and working with her in the Senate Spouses Group.

The members of my staff are going to miss Uncle PETE a lot as well. They will miss his frequent visits and his stories about the old days and the way he lit up like a child whenever he talked about his faith, his children, his grandkids, and his beloved wife Nancy who, thanks to PETE's bragging, is known to everyone on my staff as a great cook.

They will miss his warmth, his good cheer, and his passion for the issues of the day. They will miss the same

things that his colleagues will miss: an honest statesman and a good man who made all of us proud to be Members of the same institution as him.

Whenever PETE is reminded of all that he has done for the people of New Mexico and for our country, he always says the same thing: It is an honor. Now we, his colleagues in the Senate, say the same thing about the time we have spent working alongside this good man.

Senator DOMENICI, it has been an honor.

The PRESIDING OFFICER. The Senator from New Mexico.

## FAREWELL TO THE SENATE

Mr. DOMENICI. Mr. President, first, I have to thank the distinguished Republican leader for his kind remarks and equally as important for his consideration of me ever since he has been our leader. It has been easy for me to make suggestions and to know he would listen. It has been easy for me, when he has asked me to do things, to do them because for the most part he has been right on his ideas, he has been right on his judgment. I very much appreciate his remarks here today.

I have worked with a number of leaders, as everyone knows, and they are all wonderful people. Obviously, when you serve with people such as the distinguished Senator Bob Dole, who was in your position, I say to my good friend who just remarked on my behalf, and when you sit in the same position as our good friend from Tennessee, who sat there for so long, Howard Baker, you know you are in good company. And I know you are in good company. But I would say to them, they are in good company with you.

Now, I am supposed to say goodbye to the Senate and that is probably what I am not going to do because I do not quite know how to do it. But I am going to say something in my address today. It may be a little bit broken up. But I do want to start by saying I want to thank my wife first.

Frankly, to be honest, she should not have let me run for the Senate. After I ran for city council and became mayor of Albuquerque, we already had our children. We were not a moneyed family, and I guess you all could guess we were pretty broke. Here I was in that condition telling her that I want to run for something else. And the Lord blessed me. I had a luck-out. I got a big lawsuit that settled. No, it did not. It went to jury right about that time and made a lot of money. I was able to at least tell my wife we were not going to go broke running for the Senate, although there would not be much around for us to share. The case was a good one, and it made us able to go on through that campaign.

But anybody that has been from a family that is as large as ours knows that for the head of the household to decide to run and serve as a Senator, especially in a State like New Mexico—which is not Republican at all, and which is, very big—for the lady of the household to say yes, and then to live with it, has not been an easy job.

She has probably had as hard a job—a much harder job—than I, and she has never been anything but beautiful and decent and honest and loving and caring. Obviously, she did not have enough time to do all these things that I have done. She did some of them. But I can say, wherever any of the Members and their wives met her, they had nothing but good things to say because they could not say otherwise. She deserves just that.

Let me say that these remarks about the Senate itself—I say to my fellow retiree sitting here, JOHN WARNER—I could do this in 20 minutes or 2 days because, obviously, there is so much to talk about. The time in the Senate, when you look at it day by day, was wrenching and difficult at times. It was so hard; but when you look at it over 36 years, it is like a storm. It blew by, and all of a sudden it is 36 years later, and you are gone. Nobody will experience the strange feeling it is after 36 years in a place such as this to wake up of a morning and say you are not going to be here anymore. I don't know what I could offer the Senate to make it more pleasant for people who are leaving, but for me it is time to say goodbye.

Having said that, I wish to move on to what makes a Senator succeed. I have a list of the people who have worked for me in my Senate office here, or in my Senate office in New Mexico, or on the Budget Committee, or on the Energy and Natural Resources Committee. I will say I could not have done what I have done without fantastic leadership from my staff. My first recommendation to anybody coming here anew is don't let anybody tell you that you can get by with just this person or that person. You have to find people who are smart, people who are gifted, people who are ambitious, and people who want to serve you, the Senator, and make you achieve for your constituency. I have been blessed by an abundance of them. They are not all still here. They are all over the place. Wherever they are, most are in high places doing distinguished things.

The whole list I wish to mention will go in the RECORD shortly. There are three or four people whom I want to recommend. First, Steve Bell, who has been with me most all of my 36 years—all but 8. Those 8 years he took off to go to Wall Street and make his own fortune. He did that. Then he came back, and I caught him one day when he wasn't doing anything. I asked him if he would like to work, and he wondered: Where? I said: How does chief of staff sound? He didn't bother to say I have to talk to my wife or anything. He said: I will take it. And he has been here ever since.

A young man named Alex Flint, as well as another young man in my office—a lawyer—Ed Hild, who shepherded the mental health parity bill for 10 years. There are many other people. I am sorry I mentioned three, because others are going to wonder why I didn't mention them. I am compelled to mention two others. Bill Hoagland was the director of the Budget Committee and is now known in the United States as the our Nation's foremost expert on the budget of the United States. He has written a white paper on the budget and it is incredible. Anybody who wants to know the first 25-year history of the Budget Act should read Bill Hoagland's white paper.

Then there is a lady named Carol McGuire who I got from one of the other appropriations Senators. He was a Democrat. As he left, she came to work for me more than 25 years ago. I can tell you with all honesty, she became as if she were a New Mexican. She knows more about her adopted State, which is my State, than any living public servant of any category in anyplace in New Mexico, because she has served me there and that means in every district she has been the principal person on appropriations projects and activities.

Clearly, there are many others and they all have my greatest thanks as I ask unanimous consent to have this list printed in the RECORD at this time. As I go through and find a few more that I must put in, I think the Senate will indulge me to add them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Steve Bell, Ed Hild, Alex Flint, Bill Hoagland, Chris Gallegos, Charles Gentry, Carol McGuire, Angela Raish, Lee Rawls, Paul Gilmon, Denise Ramonas, George Ramonas, Darlene Garcia, Peggy Mallow, Lisa Breeden, Susie Cordero, Ernest Vigil, Joe Trujillo, Joyce Pullen, Poe and Nancy Corn, Lou Gallegos, Cheryl Rodriguez, Clay Sell, Frank Macchiarola, Scott O'Malia, Maggie Murray, Davie Schiappa.

Mr. DOMENICI. Mr. President, now I wish to say that I looked for a little bit of history about myself to see what I said when I first came to the Senate. In those days you waited a few months before speaking on the floor, so I will tell you that I did not give a so-called maiden speech, Mr. Leader, until I had been here 4 full months. I guess it was because I was frightened. I thought this was such a mammoth organization with such compelling things happening, I didn't know where I should be or what I should do. I sat in that seat over there because I was 99th in the Senate. JOE BIDEN was 100 when I came. Incidentally, they parked him in my office, so there were two Senators in the same office when I arrived because JOE had no place to stay and they put us together. So it was DOMENICI and BIDEN in the same office.

But what I said, Mr. Leader, in my first speech—I will just read one sentence, and I said this: ''Let us quit this self-serving struggle and get on with the business of governing.''

Now, that was when the Senate didn't have time to legislate because we were arguing about Richard Nixon.

As a brand new Senator, I said those words. Now, isn't it interesting that I could say those words today. I wish we could quit partisan arguing and get more done. As I leave the Senate, I must say there is no place like the Senate. I don't think you could ever invent one. It has evolved out of our Constitution and out of the rules, the Jeffersonian rules that were adopted, and then the evolution occurred with this body trying to meet the challenges of this fantastic, great country, from its infancy to the growth that it has today. Believe it or not, we have passed over the years one-sentence bills that were very meaningful that took a long time. We have had complicated matters that probably we never thought would be handled by the Senate or the House. One of those is before us today.

It is so complex for this kind of a body to legislate this problem that we are having in our financial markets that one wonders whether we can do it. But I do wish to say that it is my feeling that we will solve the problem. We will solve the financial problem which could cause the ruination of our country, and it is because the Senate almost always, if not always, finds somebody who will take the lead. Somebody will rise up and be the leader. Somebody will take the reins and run with it and others will follow, and you will get done what must be done for America. There is no question that it is easy to play politics, even with something as profound as our financial system and its potential for bankruptcy. It is easy to play politics and hide when you have something before you that says perhaps we are going to have a depression if we don't act. But the Senate doesn't expect everybody to agree.

I wish to address for a moment two things that are happening in the Senate that I wish could be changed. I wish the filibuster—which I am a staunch advocate of retaining—but I wish we could find a way to use it less. The use of the filibuster so frequently is beginning to distort this place. When you add it with a couple of other things such as the filling of the tree activity, we are becoming more and more like the House and less and less like a U.S. Senate. I don't know whether we can do anything about that, but surely, surely we ought to be solving more problems in a bipartisan way. I think the rules of our Senate are more apt to operate well if Senators could work together rather than being polarized. Again, I can't say anyone is wrong in doing it, because we feel very strongly about the issues before us, and that is why these things happen.

I did mention, at least in passing, in these few words about New Mexico and the things I was privileged to do there. And, how they made me what I am by letting me do for them what they needed. I do wish to mention that there are great people in that State. As a matter of fact, people don't know that those two giant national laboratories in the State of New Mexico, the one called Los Alamos and the other one at Sandia. Between the two of them, they provide more Ph.D.s and advanced degrees in science, math and physics to that part of the United States than any other part of the country. It is rather phenomenal what they do and what they contribute. To be part of them has caused me to become somewhat of an expert in nuclear power, and I am proud to tell my colleagues that nuclear power is in a renaissance posture. I take a little bit of credit for it because I spent 10 years working on it, and finally, it came forward. We are going to have nuclear power. It will take awhile, because it takes about 4 years to clear the permits, but they are coming forward four at a time, four permits at a time. There are about 26 of them, 1,000-megawatt units pending before the Nuclear Regulatory Commission. Our distinguished leader mentioned one, because one had to start it off, but we have many more now than one. Those nuclear powerplants will begin to help America achieve what we have always been best at: We will achieve with large operating machines that are perfectly safe; we will achieve without any carbon dioxide to bother the outer limits where we are worrying about climate change. They have no emissions that have anything to do with that. What a big achievement for us. I am proud to have had something to do with that.

There are many more things that are kind of matched between New Mexicans telling me about them and my getting to work on them up here. Because of my scientists and the expertise in nuclear matters, I was encouraged after the two balanced budgets that I was privileged to put forth and manage—we did have two of them, JOHN, even though we look back and wonder when was it and will it ever come again, we had two in a row. I was chairman of the Budget Committee. After that, my staff said: What is next, Senator? I said, I don't know. We have to dream it up. We have already balanced the budget and we all came up with let's work on nuclear power, and we did. That is how it happened. One thing followed another. One accomplishment begged out and asked for another. That was, indeed, exciting. Many other things have happened in the field of energy, in the field of nonproliferation.

I remember going to Russia when we finalized an agreement with the Russians. President Clinton invited me because I was the one who led the cause here to buy the remnants of 20,000 missiles that had been taken apart in Russia and they had highly enriched uranium in abundance. We bought it. It was my proposal: $350 million. The lights in the leader's home and in people's homes today—10 percent of all of the lights in America are being lit by that highly enriched uranium that is still flowing from that agreement, which is about 14 years old. Now we are going to enter into new agreements to use that material that comes out of those nuclear rockets; 20,000 is what was dismantled for what we bought, but there is much more there, and that is always dangerous for America and for the world. So somebody will need to fill this vacuum and work hard at it. I heard the Presidential candidates speaking of it. I am not quite sure that either of them has been involved enough to know what is going on, but I wish whichever one of them wins well in that regard, because that is important. The nonproliferation of nuclear materials is drastically important.

Now, I don't know whether I am going to be around here. My wife Nancy and I haven't decided whether we are going to live here or in New Mexico. If we live here, I won't be bugging anybody or bothering anybody, but maybe some of you might bother me. Who knows, I might have a cause that brings me to talk to you once in a while. But leaving will be difficult for me. You all already know me. I don't take things lightly. I get so worked up about this issue of the possible financial problems of our country. I feel so personal about it. But, you must take care of it after I leave. After a day of debating and arguing, I feel so uptight about the fact that we didn't do something, that I don't know how we can continue day after day, especially the leader, waiting for these things to materialize.

I want them done yesterday when I see a problem as big as the one we have in terms of our financial system. The first day I find out all about them, I want to sit down and finish it, Leader. I guess you have sensed that, have you not? I bother you a lot asking what is going on, when are we going to do this, when are we going to do that.

If I don't have any of that around, I don't know what exactly I will do or what kind of a person I may become. Maybe I will just fade away. I hope not and I doubt it.

What I have learned in the Senate. I learned what I wish every Senator would learn, every Republican Senator, just speaking to my own party, I learned that the best way to solve a big problem is to do it in a bipartisan manner.

That puts me looking over my left shoulder and seeing Senator BINGAMAN. He is a Democrat. He has not been here as long. Almost as long. The way he is going, he is probably going to pass my 36 years. Although every time I tell him that, he nods no. I don't see what he is going to do if he isn't in the Senate. He is so involved. He loves it.

I do wish to say the most successful piece of legislation in 36 years—I did budgets, but they are not legislated. I did reconciliation bills, which I am going to talk about in a moment as my closing remarks. But when it came to doing a major energy bill, we failed until I made up my mind that I would not do it unless I did it in a bipartisan manner.

I went to my fellow Senator, Senator BINGAMAN, and I said: Are you willing

to give it a try? We will do it in a bipartisan manner. I was chairman for 3 years. And he said: It will be great. I can tell you it was the best 2 years of legislating here that I have had, and I think he would say the same. He recalls. He pushed me, and he knows I pushed him. That means I took him as far as I could, and when I got to a certain place, I said: I better agree with him, he doesn't want to do this, because he is apt to quit, he is at the end of the rope. I don't know how many times he did that to me, but that is how you do it. You have to push and push, and then you have to give. That was a very exciting thing and a lesson for all of us.

There are too many people who don't know what is in that bill and they talk about it. But that bill is the reason why we are going to have a rebirth of nuclear power. It is the reason we are moving ahead as rapidly as we are in solar energy and wind energy, no question about it. It is a bill that set the ground rules for improving the national grid for electricity so we might have a day soon when we can say the national grid will not break again. It will continue unabated. No matter what you do to it, you will not knock the whole thing offline. Those are the kinds of things that are in this bill, and much more, on conservation and a host of other issues.

We did that bill in 2 years because we walked hand in hand, Republican and Democrat. He had to, as it goes, because I was chairman, take a lot less notoriety in New Mexico than I got. I never heard him complain a bit. He should have probably told me every now and then: Why don't you shut up for a week and let me talk about the bill so New Mexicans will know I am working too. But he didn't do that. When we finally finished, the President of the United States made sure he got his credit because Senator BINGAMAN went for the signing of that bill. The reason he got so much credit is because I put on a pair of glasses to hide from the Sun. They were so big and bulky that people didn't know who I was. They surely knew who he was because he was clear and lucid and I had these glasses hiding me. So he got his just due.

My last comments have something to do internal to the Senate that I have achieved with the help of some mighty fine people, with Steve Bell and Bill Hoagland as leaders.

We passed a bill in 1974 called the Budget Impoundment Act of the United States. That was done for two reasons. One, President Richard Nixon got involved a little too much in impounding as a means of cutting budgets. So he would impound ongoing projects, such as a water project, I say to David sitting there.

I should comment that without David Schiappa and all his staff, we cannot make it. This place needs the young, smart, dedicated and honest.

Here is what happened in that law. That law was passed, and it was bragged about that Senator ROBERT BYRD joined with those who put it together and it will run and operate exactly as it was written and there are no loopholes in that bill. Maybe there were not and maybe there were, but early on, we found you could not get anything out of the Budget Act by just adopting budget resolutions because there was no way to make enforce anything other than points of order. So we found a little section in there called reconciliation. That is a funny word. We said: We are going to interpret reconciliation to mean our committee can order another committee to do something and how. What they are ordered to do is reconcile with the budget. We soon found we could reconcile tax bills. We could reconcile entitlements. We could reconcile direct spending.

Lo and behold, the committees had to do it or we would do it. They said: You will never do it because you are not the committee chairman; it is my committee. I said that is the perfect intent of this provision. If you don't want me to do it, you better do it. We never had to find out whether the chairman could because they always did it.

Why is that so important? Because reconciliation was provided to make sure you could not delay matters of budget. It was not filibusterable, let me say. A matter in that budget, anything in that Budget Act that was put forth before the Senate was not subject to filibuster.

Senator BYRD, the first or second time we used it, came to the floor and said: That is not what we intended. And we said: Well, we think it is. We had a vote. The Senate said it was.

If you wonder why almost all the major legislation of the U.S. Government has been appearing with a funny name—it is usually called something that says ''Budget and Reconciliation Act of'' such and such a year. That is generally the major piece of legislation that we passed—major tax changes, major Medicare changes, major Social Security changes, if any. All of them will come out in that form. That means every one of those bills became law because of that interpretation of the Budget Act that we put on it called reconciliation. That is how all the bills passed.

What does it tell you then? It tells you that a filibuster doesn't work because to get the work of budgeting done, you abandon filibuster. You send it to a temporary ash heap—not permanently—because if you tried to do it permanently, everybody would die because they think the filibuster would be abolished and maybe there would be a vote. But that is not what happens in the Budget Act. You can read it in the act and interpret it and say you cannot stop budgets indefinitely. There is no reason to have a budget. If you stop the implementation indefinitely, you kill the budget. Right? That is where it comes from.

I certainly took a lot more than 20 minutes, but I didn't take 2 days to say goodbye and to tell you how I felt about this place. But it took a long time. Some of you certainly could have gone a long time ago, but out of courtesy to me, you have sat here, including you, Mr. Leader.

I do hope whoever reads the RECORD and whoever hears me today and those of you who are on the floor, at least got out of this that I worked pretty hard at being a Senator. I somehow got myself involved in a lot of different things, and it was kind of fun that way. We got things done. We didn't always make a lot of noise, although I am known to make noise, if necessary. But those were not the areas I was involved in.

I wish to close with one funny story about my wife, Senator TED KENNEDY, and myself. One night I was over here and Senator KENNEDY was over there. My wife sometimes watches the TV to see what we do here on the floor. It was between 7 and 9 in the evening. When I talk loud, you notice my face gets red. I didn't talk very loud today, but you have seen plenty of times late in the evening when I talk loud and my face gets red. Some people say it is because you are yelling. I don't know what it is. Maybe it is yelling, maybe it is just talking too loud.

I got a note. I was called to the cloakroom, so I went to the cloakroom while Senator KENNEDY held the floor. My wife had written a note and said—my family nickname is Bocci, not Pete: Bocci, you don't do any better when you yell and get red in the face than when you talk low and you don't get red in the face. I love you.

I came back. I said to Senator KENNEDY, when it finally got to be my turn: Senator KENNEDY, I want you to know I got a note from my wife.

He said: Oh, you mean Nancy.

I said: Yes, Nancy.

He said: What about it?

I said: She sent you a note. Really. So I read him the note with his name in place of Bocci my name: Dear Senator KENNEDY, you don't do any better when you yell and get red in the face than you do when you talk low and you don't get red in the face. I said: I don't know why my wife said that to you, but she did. My wife would almost not let me in the door that night. But we made our point and both of us tried from time to time to yell a little less.

I hope he is getting well or feeling better. We finished a bill that I did not mention—maybe I did in passing—but we did a bill together over the past 8 years, which is a very important bill for the mentally ill of our country. I have worked on the mentally illness issues for about 25 years. The treatment of the mentally ill in the United States is one of the most disgraceful ways of handling a social problem of almost anything. We let them all out of dungeons and then provided no physical facilities for them. We just thought it will happen, but it didn't happen. That is the worst. We acted like it wasn't a disease, even though it

is. In the meantime, insurance companies decided not to cover it. Even if they had an insurance policy that covered everything, they would cover mentally ill less. This bill says that will not happen anymore. Insurance companies would not be able to do that any more—the bill is called parity, which means fairness, which means equality. We are going to have fairness and equality of treatment by all insurance companies for the mentally ill.

Senator KENNEDY was as excited about that as I was. He is very sorry he couldn't be here when you helped me, Mr. Leader, get that through the other day. We called him and told him and sent him a letter saying we couldn't have done it without him.

That bill will cover 113 million people who will no longer have the threat of having less than full coverage for their mental illness, such as they do for other diseases.

That seems like it is pretty close to the end of my time, my 36 years. It will soon actually be, literally, 36 years, but for now, I will act as if it is and say this is my time to say thank you to the Senate. To all those who have worked with me and with whom I have been privileged to work.

What a magnificent opportunity I have had. Coming from Albuquerque, my father never went to school. He got here at 13. He claimed he was lucky. He didn't have to go to school because the law said if you are 13, you don't have to. He didn't know education was valuable, so he was glad to go to work. He didn't want me to go to law school because he was quite sure I had been overeducated. But when I explained it to him, he paid for everything. He said: I want you to be a lawyer, which was absolutely fantastic.

It has been an honor to serve my home state of New Mexico. With that, I just want to say thank you and goodbye.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. 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

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## TRIBUTE TO SENATOR PETE DOMENICI

Ms. LANDRIEU. Mr. President, let me take a few moments to say what an absolutely outstanding privilege it has been for me, for 10 of the 12 years I have served in the Senate, to serve on the Energy Committee with Senator DOMENICI.

It is rare to see a person in public office who cares equally as deeply about his family and his children and his work. Sometimes families get pushed aside because of the work of men and women who think the work they do is somehow more important than raising their children. I have experienced struggling for that balance in my own life, watching my father struggle with that balance. Sitting on the committee watching Senator DOMENICI has been an inspiration to me, to watch him handle some of the biggest issues of our time, truly, over 36 years. He spoke about some of them—the budgets of the entire Congress, the nuclear renaissance in the country, major pieces of social legislation he has shepherded and nurtured and loved. But in between many of these discussions I have been privileged to have with him, he will stop in the middle of a conversation and talk about one of his children or one of his grandchildren. He is the father of eight. I am one of nine and the mother of two.

I just want to tell him, in these brief moments—and I am just going to speak for 2 or 3 minutes—what an inspiration he has been to me as a man who loves his wife and his children and his grandchildren so deeply and has managed to serve his State with such passion and grace and love for 36 years. And New Mexico is not a next-door kind of place. New Mexico is a long way from Washington, DC, but it has never been long from the Senator's heart.

The final thing I want to say is that, on behalf of the people of my State, I want the Senator from New Mexico to know we will be forever grateful for his leadership when it came to passing, for us, something in the nature of the Declaration of Independence. And I don't mean to belittle that document, but for the people of Louisiana, who for 60 years have struggled to try to find some way to preserve this great coast of ours and to save our communities, our culture, and our economic livelihood, this Senator stepped up, this Senator from New Mexico—not much water there—and his heart was with the people of Louisiana and the gulf coast. He and his wife flew over this great expanse of land, which has been under water now for quite some time with these storms in the last years, and he basically took the lead on establishing for us something that had eluded us for 60 years—since President Truman was the President of the United States. Senator DOMENICI changed the fortunes of Louisiana, Mississippi, Texas, and Alabama by putting in a major piece of legislation that will establish a way for us to secure this coast.

So, Senator, I could speak for a long time—many more hours—about what you have done, but there are other Members much more senior to me and in your own party who wish to speak. I just wanted to lay down for the record the comment to you—and I will submit a more formal statement for the RECORD—that the people of Louisiana whom I represent will be forever grateful for your leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I am sorry to see PETE DOMENICI leave the Senate for a variety of reasons but one highly personal: He is reducing by 25 percent the number of Senators now serving who served with my father. Senator BYRD, Senator KENNEDY, Senator INOUYE, Senator STEVENS, and Senator BIDEN all served with my father, as did Senator DOMENICI. Now, he has told me that my father was never quite able to pronounce his name correctly, for which I apologize. I have learned how to do it so that the Bennett family is relieved of that particular problem.

This demonstrates a degree of continuity and a degree of dedication to the problems related to the West because New Mexico and Utah are neighboring States. We touch at one tiny point. It is the only point in the United States where four States come together. It is called the Four Corners, where four States, in a straight divide, come and touch each other. But New Mexico and Utah share many of the same problems, and as I have come to the Senate with the problems of the West and had to turn somewhere for a mentor to help guide me through those problems, I have turned to Senator DOMENICI. His advice has always been good, his help has always been available, and he has proven to be as good a friend to his western neighbors as he has been to his New Mexican constituents.

If the Senate seniority rule holds in place, I will succeed him as the ranking member of the Energy and Water Subcommittee of the Committee on Appropriations. These are very big shoes to fill. In true DOMENICI style, instead of just waving goodbye and walking out the door, he has tucked me under his arm and taken me around to all of the national labs to make sure that these beloved institutions, which he has tended and funded and guided so carefully, got introduced to me under his tutelage and so that he made sure that I understood fully how important they were. In very kind and subtle ways, he made it clear to me that if I didn't stand up to the responsibility of keeping those national treasures alive, he would haunt me in one way or another. Now, I hope he does. I hope he is available for years to come for advice and counsel.

The other thing that has been referred to here, on which I have been delighted to join with him, is his crusade for insurance equality for the mentally disturbed. He and I both have some experience with that with members of our own families. We understand how

important that is, and it has been easy to be a foot soldier in the ranks, with PETE DOMENICI leading the charge.

There is a phrase that has been used and vastly overused around these halls in Washington for a long time, but it applies accurately to PETE DOMENICI. He truly has been a national treasure, and we shall miss him but wish him well.

The PRESIDING OFFICER (Mr. LEVIN). The Senator from Virginia.

Mr. WARNER. Mr. President, what a privilege it has been for myself and many of my colleagues to sit here in the presence this afternoon to not hear a goodbye to the Senate, because the Senate, Senator DOMENICI, will always look up to you. You will be the model which young men and women coming to the Senate will wish to follow.

I don't know whether anyone can do what you have done throughout the Senate with greater feeling and sincerity. Mr. President, when Senator DOMENICI greets and visits with you, he always finishes that with ''I love you, brother'' or ''I love you, sister.''

God bless you and your family.

Mr. DOMENICI. Thank you.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Republican leader.

## TRIBUTE TO SENATOR JOHN WARNER

Mr. MCCONNELL. Mr. President, I rise also today to pay my respects to another retiring Member of the Senate, the squire from Virginia, a longtime colleague of the occupant of the chair, and a truly remarkable man.

It is not a stretch to say that if most Americans were asked to conjure up in their minds the image of a U.S. Senator, the man they would see is the senior Senator from Virginia. To most people, JOHN WARNER seems as though he were born to be a Member of this body, and in a remarkable 30-year career, he has proven they were right. He has matched the image with the skill and, though it certainly never was, he made it look easy.

Virginians are very proud of their history. They are proud of their traditions. And JOHN WARNER has lived up to the best of them. Like our Nation's first President and Virginia's most famous son, he has always been a patriot first.

The son of a World War I field surgeon, JOHN first heard the call to serve while still in high school, dropping his studies at age 17 and enlisting in the Navy in the closing months of World War II. The call to serve later led him to interrupt law school in order to join the Marine Corps in the Korean war. After that, it led him to fulfill his mother's dream by becoming Secretary of the Navy; to take charge of America's bicentennial in 1976; and, for the last three decades, to serve America and the people of the Old Dominion with distinction in the Senate. These are the deeds that define JOHN WARNER. They are the only things that can explain a career that has been as significant to the strength of our Nation—and as beneficial to the people of his State—as his.

JOHN always balanced the interests of his State and the Nation masterfully. Virginians have honored him for it, sending him back to the Senate four times after that first election in 1978, and he has repaid them time after time.

Over the years, JOHN has earned a reputation as one of the most knowledgeable, hardest working, respected Senators on Capitol Hill. He has distinguished himself among his colleagues on both sides of the aisle as a man of intelligence, deep humanity, and courage. The people of Virginia can be proud of his many years of service in the Senate. JOHN's entire Senate career speaks of his skills as a legislator and his love of Virginia and country.

But any list of his legislative accomplishments would have to begin with the work he has done on behalf of the men and women in our military. He has vastly improved the quality of life for military men and women by fighting for substantial increases in pay, including increases in separation, hardship duty, and imminent danger pay.

He has played a central role in improving benefits for widows and survivors of fallen soldiers.

And many of us are not too young to recall JOHN leading the fight for the 1991 gulf war resolution.

He played a major role in ensuring that America's missile defense system was built, and deployed.

On being named chairman of the Armed Services Committee from 1999 to 2001, and then for 5 more years from 2003 to 2007, he worked closely with Democrats and Republicans to ensure that the interests of American security and the interests of our servicemen and women were met.

As chairman of the Armed Services Committee, Senator WARNER saw an emerging threat from radical terrorists that many others overlooked. And he acted on it by creating a new Emerging Threats Subcommittee on terrorism, chemical and biological warfare and cyberwarfare.

He pushed and succeeded in approving a major increase in the Nation's submarine fleet.

He has guided the annual Defense authorization act through Congress for years, using it in recent years to modernize our armed forces and to meet current and emerging threats in Iraq and Afghanistan.

He has been a firm supporter and a trusted friend to the brave men and women bravely serving the cause of freedom in Afghanistan and Iraq.

Closer to home, Senator WARNER secured major Federal funding to rebuild the Woodrow Wilson Bridge that connects Alexandria to Maryland, easing the commute for millions and improving the flow of commerce along the I–95 corridor between Maryland, Virginia, and the DC area.

He has worked hard to improve the water quality and to restore wildlife in the Chesapeake Bay. He has designated thousands of acres of National Forest as wilderness, expanded Virginia's National Wildlife Refuges and National Parks, and secured funds to demolish the Embrey Dam.

He led a 3-year campaign to preserve the Newport News shipbuilding shipyard in Hampton Roads—a show of grit and persistence that paid off with thousands of jobs for southeastern Virginia.

Senator WARNER has been unafraid, at times, to part ways with his colleagues when he disagreed with them—but he has never lost their trust, their confidence, their respect, or their deep admiration.

In everything, he has been the consummate Senator, and always a gentleman. And the Senate will never be the same without JOHN WARNER.

On a more personal note, the entire Senate family shared JOHN's happiness when he married Jeanne, not least of all because we all enjoy her company so much.

Elaine and I have valued their friendship over the past several years.

JOHN, I know, is a proud graduate of Washington and Lee.

The school's motto—''Not Unmindful of the Future''—is meant to impress on graduates a sense of responsibility to the future, rooted in the past.

In a long career of service to the current and future good of his country, JOHN WILLIAM WARNER has made that motto his own.

Virginia has produced some of America's greatest leaders. JOHN WILLIAM WARNER is one of them.

His colleagues in the Senate are deeply grateful for his service, his friendship, and his many contributions to this body and to the Nation.

(Applause, Senators rising.)

Mr. WARNER. Mr. President, I am deeply humbled like my dear friend, PETE DOMENICI. I don't know if I am going to measure the courage to say goodbye to the Senate, but that will wait until next week.

But I remember going back to a day when the Republican leader, then Bob Dole, came to me. I adored him, as I do to this day. He said to me: You need to do something for the Senate.

I said: What is that?

He said: I want you to give up your seat on the Rules Committee because the Senate has been joined by a young man who I believe can best serve the Senate—because of the complexities of the rules of the Senate, because of the problems that face the Senate—if he were to serve on this committee. Senator Dole said: I will assure you if you wish to return you may do so without loss of seniority or otherwise.

So I said: Who is this man?

And he described him.

I said: Well, if that is for the best interests of the Senate, I will step down.

I did, and you, MITCH MCCONNELL, joined the Rules Committee. Not long after that, Dole again expressed his appreciation to me, and he said: You

know, I predict that someday that man will become the Republican leader of the Senate.

I was a bit taken aback. I hadn't been here that long, but that is quite a prediction for someone to make.

Well, it has come true. It is almost as if the hand of Providence has directed it because here, in these final hours, these final days that my dear friend, Senator DOMENICI and I will serve in this institution, we will be a part of making a decision, a decision with regard to the future of America and our economy. It is a decision of a magnitude that I am not sure any other Senate has made in its 218-year history, save perhaps during the Civil War, a decision that this body will make affecting every single American—every single American.

I just say in concluding, the Senate, the country is fortunate to have you and others in the leadership role in this institution today, on both sides of the aisle, to guide us through to make that decision. That comes from my heart.

Good luck, God bless you, bless the leadership of the Senate and every Member of this institution as we assemble within the coming days, each of us in our seat, to cast this most important vote.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

## SENATOR PETE DOMENICI

Mr. SALAZAR. Mr. President, if I may, to Senator DOMENICI, with whom I have worked on the Energy Committee since I came to the Senate, I want to give him my accolades and also to wish him well in his days ahead. When I arrived in the Senate some 3½ years ago, he was one of the people who welcomed me here. He welcomed me here as the man from the land of enchantment, la Tierra Encantada, as we say in Spanish in New Mexico. He did so in large part because many of my family members are from the State of New Mexico. My family helped found the city of Santa Fe, the city of Holy Faith, now over 400 years ago.

During many times as I was growing up as a young man, and later on in my professional life, traveling in New Mexico, I would hear about the great Senator of New Mexico, the great PETE DOMENICI. Now, for the last 4 years it has been a tremendous privilege and personal honor for me to be able to serve with him.

I want to make two comments about him—first, in terms of the substance of the legislation that we have worked on together. We have passed three significant pieces of bipartisan energy legislation with him—in 2005, the Energy Policy Act of that year; again, we passed another energy package in 2006; and again in 2007. In the passage of those major pieces of legislation, it was Senator DOMENICI, working closely with his good friend, Senator BINGAMAN, who said that we could agree on things for the future of this country on this signature issue that is so important to our national security and to our economic prosperity. He brought us together to make sure that we would work on those things that we all agreed upon. That is why we were able to pass those very important pieces of legislation. I very much appreciate what he has done in that committee.

Second, as he and I have talked many times over the last several years, there are issues that are unique to the West, the issues of public lands, where much of our lands—for example, in my State of Colorado, 33 percent is owned by the Federal Government. It takes an understanding of those realities, of issues like payment in lieu of taxes, or how we deal with the mining law in the West, or how we make sure that the water issues of the West are protected, and how we recognize the compacts of our States as being important. For all those issues he has been a tremendous leader and an inspiration.

I will miss him dearly as a friend. He has been a dear friend. But I also will miss his leadership because on so many issues he has worked across the aisle. I appreciate his leadership as well in what he has done for mental health parity for the United States of America.

There will be not hundreds of thousands, not millions, but hundreds of millions of Americans who will come to benefit from his leadership on the mental health parity issue. Also, the building blocks he has laid for us to try to take the moon shot that will get us energy independence. Those building blocks will remain in place for decades and for generations to come.

So I appreciate his leadership, and I appreciate his service.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to thank my good friend, Senator SALAZAR, from the State of Colorado. I don't know what brought us together on our Energy Committee. Maybe it was a little bit of common language—we both spoke a little Spanish to each other, and it made us both understand and feel like we were friends. But we became that, we became friends rather quickly in his short 4 years.

I obviously remember your very first 6 months when we became friends and worked on many issues. I compliment you on your constant effort to work in a bipartisan way on issues. It is tough around here. It is going to have to move in that direction or we are going to continue to have trouble getting things done. For that, I hope you will stand your ground and at least keep trying.

I appreciate the kind words you said in my behalf. Let's hope we see each other frequently, if not in your State, in New Mexico, the Land of Enchantment.

Thank you very much, Senator.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, these are one of the periods of our lives in the Senate we shall always remember. My good friend, the Senator from New Mexico, steps down and departs the floor. But you will be a Member of this decisionmaking body through the next few days, which will be critical when your vast experience will be brought to bear on this decision, as it will.

Mr. DOMENICI. Senator, I tell you, I said a little bit in my remarks a while ago about it. I get very excited and anxious because it takes too long. But that is the deliberative body. But we don't have a long time to give the Secretary of the Treasury the kind of authority he needs to fix a broken train.

We have had a wreck—lots of wrecks. All the freeways are clogged. We have to take away the things that are clogging them. We could look at it as a freeway with cracked-up cars, but actually the assets that are piled up there are the toxic assets that have been accumulated by those banks. If you don't get them out of the way, the line continues growing because of the broken-down cars, the toxic assets. The running cars can run no more. They are stopped in place. They contain everything that has given us a decent life in America.

We have to fix that. I am going to be here. Let's hope our negotiators will put something together that the executive branch tells us will work and that the world accepts it with confidence. When we come off this floor, when we vote that in—whatever it is, Monday or whatever—we will join, you and I, with great confidence that we have once again done something important.

Mr. WARNER. Mr. President, I was present today in our group of Senators. When you spoke, you inspired them. We have got to rebuild the confidence in America. That is what underlies this decision. I also wish to say a few words about our dear friend from Colorado. I cannot altogether make these remarks without divulging I have a bias. I have visited that beautiful State many times. But my daughter makes her home there, together with my grandson, and the Senator from Colorado allowed my grandson to be an intern in his office. He served as an intern briefly in my office, both without pay to the taxpayers, I hasten to say, when I make these remarks.

But he has been a great friend. We have worked together on many things. He has dignity. But above all it is his enthusiasm and love for this institution. There is not a day when he walks on this floor, either to say to other Senators or to say it quietly to himself: How fortunate I am to be a Senator, to come here to represent the people of Colorado, to represent the people, as each Senator does, of the whole of the United States.

So as I step down, and others, we do so with a sense of confidence, behind us remain individuals like yourself and indeed the distinguished Presiding Officer who for 30 years, he and I have

served together on the Armed Services Committee. He will remain on. The Senate will be in good hands with you and our other colleagues to carry on and solve the problems for this great Nation and indeed much of the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

## SENATOR JOHN WARNER

Mr. SALAZAR. Mr. President, I want to make a few comments about my good friend, Senator JOHN WARNER from Virginia. When you first come to this body, you get to know people. Soon I got to know him as a Senator's Senator, because he was one of those people who was always trying to bring people together and take on the major issues that confront our country.

I had the distinct honor of traveling to Iraq and other countries with him and with the distinguished Presiding Officer. I admired the relationship between Senator LEVIN and Senator WARNER as a template for how things should run in Washington, DC as we represent the 325 million people of America. There are two people from two different parties who work together to make sure that what we were doing was the very best job that we could to protect America.

So you are, both the Presiding Officer as well as Senator WARNER, two of my most significant role models in this Chamber. I admire you both for your service.

The Senator from Virginia was a member of pulling together the Gang of 14. It was now some 2 years ago when we were debating whether there would be a ''nuclear option'' and whether we would move forward in saving some of the procedures and the very functioning of the institution of the Senate. I remember working in awe with him as he and Senator BYRD and others worked on that historic document at that time, and on so many other occasions where he has been the person who has been the glue to bring people together. So he is a Senator's Senator, because he is such a proud American and such a wonderful leader for Virginia and for the Senate.

But he also is a wonderful Senator because he has a very unique ability of bringing people together. I would hope that all of us, the 100 Members of this Chamber, always continue to look to him for the kind of inspiration and great example he has been.

I yield the floor.

Mr. WARNER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HELP FOR RURAL AMERICA

Ms. LANDRIEU. Mr. President, I intend to speak for these next few minutes, and then perhaps at least once or twice more as the day goes on. As you know, yesterday, because of my initial insistence on a potential rollcall vote that would require the Senate to come back, we were able to at least secure the introduction, at least the introduction of a bipartisan bill cosponsored by several leaders on the Republican side in agriculture and several leaders on our side on agriculture.

We voted to extend our Government operations until March. And attached to that continuing resolution were four very important bills to this country—Homeland Security, Defense appropriations, Homeland Security appropriations, in which I had a hand, as all of us did, in crafting. It has a disaster aid package, very specific, not a stimulus, not a spending bill, but a disaster aid package of $22 billion that was passed.

The aid package is going to be a great help for the States of Louisiana, Mississippi, Texas, particularly, that were hit so hard by these last storms. That is Congress's responsibility, not to do it all, but to step up in times of disaster and help States and cities and counties through these major disasters.

I am starting to feel as if I am an expert on disasters, not something I want to be or that I am happy to be, because there is nothing happy about people losing their life savings, the only home they have ever lived in, having to use up all of their savings that they had for their retirement or their grandchildren or children's college education, to try to keep their home together after everything they have ever known is gone.

I have, unfortunately, in my short career here in the Senate, had to be witness to too many of these kinds of disasters in the State I represent. This Congress, particularly, I have to say, the Democratic Congress, has been very generous to help the people of Louisiana and Mississippi. I have been joined at times by Republican leaders who have understood what we are going through.

But a few hours ago we passed a bill with some objections, and mine was one, that said there was a glaring omission in all of these bills. It looks as though unless something is done in the next few days this Congress may leave here with $700 billion for Wall Street and zero for farmers.

I represent large cities such as New Orleans, my hometown, and large parishes such as Jefferson Parish, in my neighboring city; cities such as our capital city, which is now the largest city in Louisiana because of the damage done to New Orleans by Katrina.

But I also represent rural communities such as Delhi and Rayville, and Cheneyville, and Dry Prong, and other places in between that have suffered tremendously, not just from the levee breaches but from the hurricanes and the rain from Fay that hit Florida, but dumped inches of rain on our State, Ike and Gustav.

I have spent a good bit of the morning, and I wish to spend now, reading into the RECORD the real description of this disaster and continue to ask in public places such as this, on the floor of the Senate, for the leaders to come together and do something before we leave.

As I speak, the delegation from Louisiana on the House side is gaining signatures from the legislators in Mississippi, the Congressmen from Mississippi, Texas, and Arkansas to join this effort, and agriculture commissioners around the State, around the country, led by Mike Strain, our commissioner, interestingly enough, who is a Republican, I am a Democrat. This is not a partisan issue, this is an issue of fairness and justice, to try to help get our farmers some help before we send a $700 billion package or $350 billion package or $100 billion package, whether it is in one tranche or three tranches or seven tranches, could there possibly be a tranche for middle America, and particularly for our farmers and our rural communities?

I wish to read a portion of a beautifully written statement that was delivered before my subcommittee earlier this week as we scrambled to get our information and our data together. It is not as though we were dillydallying or waiting to the last minute.

These storms, both Ike and Gustav, happened within the month. Ike happened 2 weeks ago. The people of Galveston literally were allowed back in the city I think 3 days ago to basically look, cry, and leave. I have witnessed this before as people came back to look, cry, and leave, all throughout the coast of Mississippi and Louisiana.

Well, my heart goes out to Galveston and to Houston. I committed to their leaders and to all of them, I will do everything I can in the time here to help them.

In the midst of all this, focused on levees and breakwaters and rising tides, what the Congress has forgotten is that rains accompany a lot of these storms. The rains fell and fell and fell and devastated parts of Louisiana, Mississippi, and Arkansas. Of course, earlier in the year, we had the great floods in the Midwest. Of course, even earlier in the year, we had the great fires in California. I am not here saying woe is us, we are the only ones who ever have disasters. What I am saying is, this Congress should not leave trying to bail out Wall Street and leave farmers holding soggy rice or sugarcane or rotten sweet potatoes or cotton in their hands that cannot be harvested. People are scratching their heads, asking me: Does anybody know we are out here? Does anybody care?

I was privileged to have Wallace Ellender IV testify before our Agriculture Committee this week. The interesting historical note is that his

grandfather was actually the chair of the Agriculture Committee. We had the hearing in the same room that his grandfather chaired, Senator Ellender from Louisiana, a great Senator and a man I knew as a child. He chaired the Agriculture Committee.

I would like to read into the RECORD a portion of this testimony because I thought it was beautifully written and so appropriate for the time. Wallace Ellender writes not only as a sugarcane farmer himself but as chairman of the National Legislative Committee of the American Sugar Cane League.

He writes:

My brother and I are fifth-generation farmers who grow sugarcane on two farms in the Raceland and Bourg communities in southeast Louisiana, including the land that my ancestors settled in 1853. As a child, I remember my grandfather telling me a story about a stubborn dog that he had when he was a kid on our farm. On one occasion, the family loaded up everyone but the dog in a sailboat and sailed down the bayou to the Gulf. That dog trotted down the bayou behind the boat all the way down to the Gulf at Timballier Island. Other than fording a couple of small streams, he went all the way on foot. Today, that dog would have to swim 30 miles to reach timballier Island.

Where Timballier Island is, is washing away at an alarming rate. This is the coast of Louisiana. Timballier Island would be right down in this section. I wish to repeat:

That dog trotted down the bayou behind the boat all the way to Timballier island. Other than fording a couple of small streams, he went all the way on foot. Today that dog would have to swim 30 miles to get to the island.

As I have said time and time again, if this Congress does not do more—and this administration—to send urgent and direct help through revenue sharing and some special disaster relief, there will not be any farms in south Louisiana left.

He continues:

Gone are some of the barrier islands and most of the wetlands that served as a natural buffer from the worst of the storms that came in from the Gulf of Mexico. We are losing coastal wetlands at a rate of 40 square miles each year. Some experts predict that the shoreline will move inland over 30 miles in the next 30 years.

I hope this gives you some perspective of the breadth of the long-term problem our communities are facing when we look to the south. I don't have to tell anyone who owns a TV or computer about winds that demolish houses and flatten forests and fields, or floods that overwhelm levees and shove aside homes, but the ominous power of the sea when it surges 20–30 miles inland is something to behold. What the sea leaves behind when it retreats can be bad, but what it leaves behind when it stays in the fields is worse. Once breached, levees that held back the tide will hold back the ebbing waters. We tear holes in the levees when necessary to allow the sea to retreat, but sea surges of the magnitude of Rita in 2005 and Ike in 2008 flow over the levees and push vast volumes of seawater to the lowest elevations in the fields. When the tides turn, the storm-ravaged cane fields become salt lakes.

But sugarcane is a hearty plant and, with good weather and time, the cane can rebound and produce a decent crop. Harvesting it will be more difficult,and costly, but we can still hope for a mild autumn and a good price to help offset some of the additional costs we will incur in harvesting a bent and broken crop. On the other hand, we may not have much time to finish planting and harvesting before winter frosts and freeze become a concern. Further complicating the matter, sugarcane is a perennial crop and time will be needed to determine whether fields holding surge water for extended periods will recover next year.

He goes on to say:

According to Dr. Calvin Viator and his team of agricultural consultants, the worst of the wind damage to sugarcane from Gustav occurred in Terrebonne Parish, Assumption Parish, and parts of Lafourche, Ascension, Iberville, West Baton Rouge and Point Coupee Parishes.

All these parishes are here, and this represents about 2 million people in the southern part of the State.

He says:

The northeastern corner of the eye of the hurricane caused the worst stalk breakage, but this damage occurred virtually everywhere in the cane belt.

He writes:

Hurricane Ike's eye stayed to our south as it moved in on Texas, but this meant that the counter-clockwise winds drove the sea surge deep into Louisiana's cane belt in a manner eerily familiar to those of us who experienced Hurricane Rita in 2005.

I wish to stop here and say it is hard to describe the magnitude of Hurricanes Katrina and Rita, the largest natural disasters in the history of the United States, flooding more than the land of Great Britain, causing economic damage, up to $150 to $200 billion by estimates from conservatives to liberals, estimates from some of the greatest economic think tanks in the country. But all of that aside, to have that happen 3 years ago and then have other storms, Gustav and Ike, hit the same region again is more than I can possibly describe.

He goes on to describe the destruction that is occurring right now. This is one of our most successful farmers. This farmer is a wealthy farmer. Whether he and his family will be able to make it, I don't know, but whether you are a wealthy farmer or a middle-income farmer or barely scraping by, the Government has an obligation to respond to disasters that are not of your making. Our leaders have been meeting nonstop for 2 weeks, 3 weeks, and longer in other meetings, trying to figure out a way to handle a disaster that was of our making. These farmers in Louisiana and Mississippi and Arkansas and throughout the country had no hand in this. It was a natural disaster. Yet we have to put up $700 billion for a bailout for Wall Street and the financial markets, and we can't seem to find $1 billion to help families.

I will submit this letter for the RECORD, but I will close with this statement. I know some people listening to me might say: Senator LANDRIEU, every time we see you, you are asking for help. Every time we hear you, you are saying some other group needs help.

I wish to read, on behalf of sugarcane farmers, this sentence:

For the record, Louisiana sugarcane growers have received agricultural disaster assistance [just] twice in 200 years of production.

I wish to repeat that. We have received, for all the work that has been done, disaster assistance twice in 200 years. Can I say, as their Senator, I don't think that is too much to ask once every hundred years. Some people come to this floor and can't wait until the ink is dry on the tax bill before they come and ask for another loophole, another deduction. They can't wait to take their taxes offshore so they don't have to pay anything. Our farmers in Louisiana have gotten disaster assistance twice in 200 years. I am here asking for them a third time, and I don't think that is too much. They have nowhere to go. They are literally between the sea and disaster. That is the sugarcane farmers in south Louisiana and in north Louisiana.

I wish to put up a picture of the cotton crop and what it looks like because it is up north. I wish to submit for the RECORD part of the beautiful testimony written by Jay Hardwick.

I understand I have how much more time?

The PRESIDING OFFICER. The Senator's time has expired.

Ms. LANDRIEU. I ask unanimous consent for 3 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. This is beautiful testimony by Jay Hardwick, who is vice chairman of the National Cotton Council. Jay is from Newellton, LA, a small town up north. He is also director of the peanut board, past president of the cotton producers, a man who works hard and knows his business well. He farms 7,300 acres of cotton, corn, grain, peanuts, soybean, and wheat. He is diversified.

He says:

Our producing mission is to achieve a viable and profitable farm enterprise while providing a balance between habitat and production resources with a minimum impact upon the farm ecosystem. Emphasis is placed on conservation crop production methods including no-till, crop rotation, residue maintenance, erosion control and precision technologies to apply and reduce pesticides and nutrient resources to help restore and improve water, air, soil, wildlife habitat. . . .

He continues:

Plentiful fish, deer, turkey, neotropical birds, migratory waterfowl, turtles, alligators, black bears, and increased sightings of eagles and various cat family members inhabit the property.

Our farmers are getting so smart and so good, and they have so much respect from me, trying to use so many techniques to not just produce the healthiest food and fiber in the Nation but to do it in an economical and environmentally safe way. They were environmentalists before the term was made cool in Washington. The farmers in America were the first environmentalists and always will be. They continue

to apply techniques to minimize damage.

If the people on Wall Street took as much care in their business to minimize damage as farmers in America do every day before 9 o'clock in the morning, we would not be here this weekend. For this Congress to leave without doing anything is a gross violation of our responsibility. This is what the cotton crop looks like, not because there was some ''fancy dancy'' paper taken out and it just turned it bad.

A hurricane came through and rains fell and the farmers could not get it out of the fields fast enough.

I see the leader. I thank the Senate, at least some Members, for stepping up this morning—THAD COCHRAN and others—to sign on to a bill that might provide some relief to the farmers, not only in Louisiana but Texas and Mississippi, Alabama, and throughout. I will continue to speak about this as time allows and continue to push the leaders on both sides to come up with something that we can do before we leave.

Mr. REID. Don't forget Arkansas.

Ms. LANDRIEU. And Arkansas.

Mr. President, I ask unanimous consent to print in the RECORD the testimonies to which I referred.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

My name is Wallace Ellender IV, a Louisiana sugarcane farmer and Chairman of the National Legislative Committee of the American Sugar Cane League. I appreciate the opportunity to speak to you today about the effectiveness of agricultural disaster assistance. I speak as a farmer whose crop was twisted and flattened by Gustav, then swamped in seawater by Ike. A representative group of photos is attached to my written testimony. I took some of those photos myself, three days after Ike came through. Other photos came from the Franklin area and the same scenes could be found all along Highway 90, the road you'll see in one of the aerial photos. Highway 90 is the east-west evacuation route and it runs approximately 10 miles north of the Coast.

My brother and I are fifth-generation farmers who grow sugarcane on two farms in the Raceland and Bourg communities in southeast Louisiana, including the land that my ancestors settled in 1853. As a child, I remember my grandfather telling me a story about a stubborn dog that he had when he was a kid on our farm. On one occasion, the family loaded up everyone but the dog in a sailboat and sailed down the bayou to the Gulf. That dog trotted down the bayou behind the boat all the way down to the Gulf at Timballier Island. Other than fording a couple of small streams, he went all the way on foot. Today, that dog would have to swim 30 miles to reach Timballier Island.

Gone are some of the barrier islands and most of the wetlands that served as a natural buffer from the worst of the storms that came in from the Gulf of Mexico. We are losing coastal wetlands at a rate of 40 square miles each year. Some experts predict that the shoreline will move inland over 30 miles in the next 30 years.

I hope this gives you some perspective of the breadth of the long-term problem our communities are facing when we look to the south. I don't have to tell anyone who owns a TV or computer about winds that demolish houses and flatten forests and fields, or floods that overwhelm levees and shove aside homes, but the ominous power of the sea when it surges 20–30 miles inland is something to behold. What the sea leaves behind when it retreats can be bad, but what it leaves behind when it stays in the fields is worse. Once breached, levees that held back the tide will hold back the ebbing waters. We tear holes in the levees when necessary to allow the sea to retreat, but sea surges of the magnitude of Rita in 2005 and Ike in 2008 flow over the levees and push vast volumes of seawater to the lowest elevations in the fields. When the tides turn, the storm-ravaged cane fields become salt lakes.

But sugarcane is a hearty plant and, with good weather and time, the cane can rebound and produce a decent crop. Harvesting it will be more difficult and costly, but we can still hope for a mild autumn and a good price to help offset some of the additional costs we will incur in harvesting a bent and broken crop. On the other hand, we may not have much time to finish planting and harvesting before winter frosts and freeze become a concern. Further complicating the matter, sugarcane is a perennial crop and time will be needed to determine whether fields holding surge water for extended periods will recover next year.

According to Dr. Calvin Viator and his team of agricultural consultants, the worst of the wind damage to sugarcane from Gustav occurred in Terrebonne Parish, Assumption Parish, and parts of Lafourche, Ascension, Iberville, West Baton Rouge and Point Coupee parishes. The northeastern corner of the eye of the hurricane caused the worst stalk breakage, but this damage occurred virtually everywhere in the cane belt. The cane varieties that tend to produce higher tonnage suffered more breakage than lower-yielding varieties, and the brittleness of the higher-yielding varieties will make cutting the cane more problematic.

Hurricane Ike's eye stayed to our south as it moved in on Texas, but this meant that its counter-clockwise winds drove the sea surge deep into the Louisiana cane belt in a manner eerily familiar to those of us who experienced Hurricane Rita in 2005. In some areas, the damage was even worse than Rita. From my farm in Bourg, across Terrebonne, St Mary's, Iberia and Vermillion Parishes, levees were topped and standing water remains.

As a general rule, we keep a field in production, using existing root systems, for three years and, after harvesting the third crop, let that ground stay fallow for nearly a year before replanting. So I always have roughly 25 percent of my fields lying fallow, except for that brief time each year when we start harvesting mature cane for the purpose of planting the fallow ground. This generally occurs in August and September. But the rainy weeks before Gustav came left us way behind in our planting, so there is less newly planted cane to be lost to the surge. This may sound like good news, but the delay in planting increases our risk of not being able to plant some of the fields before winter sets in. This delay also has the potential of pushing harvest deeper into the winter months, when a heavy frost or hard freeze can destroy whatever is left in the fields.

In order to increase our chances of getting new growth from the damaged cane we will be planting over the next few weeks, we will use more acres of our mature cane as seed for the fallow fields. In my case, this will mean that I will use 260 acres of mature cane to plant 800 acres of fallow ground this year. Typically, I would use only 160 acres to plant that same acreage. Income from one hundred acres of sugarcane that I would normally deliver to the processing facility will be lost.

You have asked for my experience with crop insurance as a disaster assistance tool. Our growers have traditionally had access to only one type of crop insurance policy, the Actual Production History (APH) program. The costs of APH buy-up coverage have been prohibitively high, as USDA's Risk Management Agency acknowledged this past year when it lowered the APH rates in response to potential competition from a farmer-developed Group Risk Program (GRP) policy. While the rates are lower, the buy-up coverage has not been seen as reducing our actual risks by a sufficient amount to make the added expense worthwhile for most of our farmers.

Despite the destructive natural forces that are sometimes unleashed against it, the sugarcane plant is a hearty survivor and catastrophic production losses, meaning losses of greater than 50 percent, are rare. Since 1995, when Louisiana sugarcane participation in crop insurance went from $2 million in liability to over $61 million, the cumulative loss ratio has been approximately .17. Since nearly 90 percent of our policies are the basic catastrophic coverage, which has been a prerequisite for disaster assistance eligibility in the past, this loss ratio can conceal significant losses to a farmer's bottom-line. The GRP policy will be available in the coming year and we are hopeful that the GRP program may be a more useful and affordable insurance policy for our growers in the future. Initial modeling suggests that it would be a significantly better risk management product in hurricane years.

The new permanent disaster assistance program included in the '08 Farm Bill has not been implemented and regulations explaining how the Department will administer the program are still under development. As I understand the Supplemental Revenue Assistance Payment Program, or SURE, it provides payments to producers in disaster counties based on the crop insurance program. The revenue guarantee is equal to 115 percent of (payment rate x payment acres x payment yield). The payment rate is the crop insurance price election level, the payment acres are the insured planted acres and the payment yield is the crop insurance coverage level selected by the farmer times the crop insurance yield. The sum of this equation is then subtracted by the revenues from the whole farm (except that 85 percent of the direct government payments that most program crop farmers receive are excluded from this calculation) and multiplied by 60 percent.

If the goal is to provide a hand-up to farmers when they most need it, before the natural disaster becomes a full-fledged economic one, the SURE program's linkage to whole farm revenue is problematic. For sugarcane farmers, this requirement would mean that any SURE payment would come approximately a year after the disaster occurs. Based on the experience of many of our farmers who were hit hard in 2005, the assistance can arrive too late to save the farm, even if it does ameliorate some of the debt load after the fact. As a farmer dealing with another spike in input costs, the assistance is most helpful if it can be used to keep my employees working; my diesel tanks filled, and my banker hoping for the best.

Regrettably, we have been unable to find an accurate SURE calculator for sugarcane to gain a better understanding of the actual assistance that might be available to cane farmers, but the poorly performing crop insurance program it will be built upon would seem to reduce its effectiveness as a hurricane assistance program.

Congress has developed a disaster assistance mechanism that works. In response to the 2002 hurricanes, Congress developed a delivery mechanism for ad hoc assistance to

sugarcane growers in Louisiana that is tailored to the types and levels of damage associated with hurricanes and cane fields.—The mechanism, as improved in the Emergency Agricultural Disaster Assistance Act of 2006 (2006 Act), targeted a portion of the overall package to address losses and costs from planted cane that was lost to the hurricanes. Another portion of the package was designated to offset some of the increased planting costs and harvesting costs that we incurred. A final portion was allocated to address yield losses and other sector-wide losses. By apportioning the package in this way, Congress was able to link the bulk of the assistance directly to the specific losses or costs of the hardest-hit producers, while reserving a portion to address the yield losses that virtually every producer absorbed. In the current instance, given the uncertainty about the eventual losses, the delivery mechanism could be further refined to allow for quick release of some funds to address the plant-cane losses and the higher planting and harvesting costs, while reserving funds to address the yield losses that become clear later in the year.

USDA's Farm Service Agency (FSA) office in Louisiana, along with FSA's Economic Policy Analysis division in Washington, DC, have developed invaluable experience in operating this program and could, if provided sufficient resources, move expeditiously to implement such a program now.

In conclusion, Louisiana has been growing sugarcane commercially for well over 200 years. Our forbearers harvested cane during the worst days of the Civil War and the Great Depression. They survived the great flood of 1927 and went back to fanning after the waters receded, just as I and many of my friends have done twice in this decade. For the record, Louisiana sugarcane growers have received agricultural disaster assistance twice over our more than 200 years of production. The fact that both of those assistance packages were made necessary by intense hurricanes in this decade is a direct result of rampant coastal erosion. Unless we Investment In energetic coastal restoration efforts soon, my farm may be beachfront property in a few short years before slipping quietly beneath the waves.

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WALLACE R. ELLENDER III, BOURG, LA 70343

EXPERIENCE

Ellender Farms, Inc., 1993–Present, president and farmer, purchased family farm from my father, and increased it to 3200 acres. Manage an annual budget of 2 million dollars.

Hope Farm, Inc., 1977–1993, farmer, farmed 1200 acres of sugar cane with my father and brothers.

American Sugar Cane League, 1977–Present, Chairman, National Legislative Committee, 2006–Present, lobby for the sugar industry, in process of writing sugar portion of the Farm Bill, secured 40 million dollar disaster assistance to Louisiana sugar industry. Representative, Barataria Terrebonne National Estuary Program (BTNEP), 2001–Present, liaison for sugar industry to assure healthy agricultural practices in the wetlands. Vice-Chairman, National Legislative Committee, 2004–2006, assisted with CAFTA opposition, testified before the US Senate Ag Committee on Farm Bill legislation. Dedicated Research Committee, 2003–2005, decided on the distribution of approximately ½ million dollars to various sugar cane research programs. Strategic Planning & Re-organization Committee, 2003–2005, reviewed and revamped the by-laws, implemented the restructuring of the League. Search Committee 2004 & 2006, assisted in the search for a new General Manager, assisted in the search for and hiring of a new lobbyist for the League. Nominating Committee, 2001–2002, made nominations for new League Board members.

National Agriculture Technical Advisory committee (ATAC), 2005–Present, participate in advising the USDA & the Administration (USTR) on international trade policy regarding sugar.

First South Farm Credit, 2003–Present, Regional Director, assist in the review of the quarterly cooperative reports and make recommendations as needed.

Vision Christian Center, 2005–Present, Men's Leader, teach monthly Bible studies to men.

Bourg Recreation Center Board of Directors, 1990–2003, Chairman, 1994–1998, created the annual fiscal budget, made financial and staffing decisions for the Center.

Bayou Land YMCA Board of Directors, 1995–2001, President, 1998–2000, completed phase I of the basketball court.

Agricultural Stabilization and Conservation Service Committee, 1981–1990, approved conservation program practices.

EDUCATION

B.S. Agriculture Economics, Louisiana State University, Baton Rouge, LA, 1977.

LSU Ag. Leadership Program, Louisiana State University, Baton Rouge, LA, 1996.

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TESTIMONY BY JAY HARDWICK, VICE CHAIRMAN ON BEHALF OF THE NATIONAL COTTON COUNCIL BEFORE THE UNITED STATES SENATE

The National Cotton Council is the central organization of the United States cotton industry. Its members include producers, ginners, cottonseed handlers, merchants, cooperatives, warehousemen, and textile manufacturers. While a majority of the industry is concentrated in 17 cotton-producing states stretching from the Carolinas to California, the downstream manufacturers of cotton apparel and home furnishings are located in virtually every state.

The industry and its suppliers, together with the cotton product manufacturers, account for more than 230,000 jobs in the United States [U.S. Census of Agriculture]. Annual cotton production is valued at more than $5.5 billion at the farm gate, the point at which the producer sells his crop [Economic Services, NCC]. In addition to the cotton fiber, cottonseed products are used for livestock feed, and cottonseed oil is used for food products ranging from margarine to salad dressing. While cotton's farm-gate value is significant, a more meaningful measure of cotton's value to the U.S. economy is its overall economic impact. Taken collectively, the annual economic activity generated by cotton and its products in the U.S. is estimated to be in excess of $120 billion [Economic Services, NCC].

Mr. Chairman, I am Jay Hardwick from Newellton, LA, and I currently serve as Vice Chairman of the National Cotton Council. I am also a Director on the National Peanut Board, Vice Chairman of Cotton Inc., past President of the Louisiana Cotton Producers Association, Vice President of the Louisiana Cotton Warehouse Association, Vice President of Newellton Gin Co., a Director of Farm and Livestock Credit, Inc., member of the Louisiana Black Bear Management Program, and a Director of the Tensas Concordia Soil and Water Conservation District. Our family-operated farm includes 7,300 acres of cotton, corn, grain sorghum, peanuts, soybeans, and wheat in Northeast Louisiana adjacent to the Mississippi River. Our production mission is to achieve a viable and profitable farm enterprise while providing a balance between habitat and production resources with a minimum impact upon the farm ecosystem. Emphasis is placed on conservation crop production methods including no-till, crop rotation, residue maintenance, erosion control and precision technologies to apply and reduce pesticides and nutrient resources to help restore and improve water, air, soil, wildlife habitat and crop production economics. Plentiful fish, deer, turkey, neotropical birds, migratory waterfowl, turtles, alligators, black bears, and increased sightings of eagles and various cat family members inhabit the property.

Thank you for holding today's hearing and thank you for allowing me to try to describe the devastating effects of Hurricanes Gustav and Ike. Senator LANDRIEU, we sincerely appreciated you taking time to tour some of the affected areas last weekend.

While my comments will focus on cotton, it is important to point out that no crop was spared damage. During Gustav our family farm received over 20 inches of rain and ruined or damaged essentially all of our crops. Much of the Louisiana cotton crop was at an extremely vulnerable stage of production. Many of the bolls were open on the plants as we are rapidly approaching harvest. Due to the extreme amounts of wind and rain much of the cotton that is still attached to the plants will not be harvestable due to rot or if harvested the quality of both lint and cottonseed will be significantly below normal.

Extension specialists from Louisiana State University estimate that revenue from the 2008 cotton crop will be reduced by between $125 and $137 million—a 52–57 percent decline in farm-gate value. Specialists also estimate that over 80,000 acres of cotton will not be harvested. On the remaining acres, yield losses will be dramatic. In many parishes, crops that were expected to produce 3 bales per acre are now projected to produce only 1 bale per acre. In addition to the yield losses, the revenue from the harvested cotton will be significantly less due to quality and grade reductions.

The impacts of Hurricanes Gustav and Ike are being felt far beyond the farm gate. Agriculture's infrastructure suffered physical damages due to the high winds and excessive rainfall. The economic losses extend beyond the physical damage as cotton gins, warehouses, and grain elevators rely on volume moving through their operations to cover their fixed costs and maintain their labor force. Unfortunately, many of our gins and warehouses will process significantly reduced volume or no volume at all in 2008.

With some of the worst damage in history farmers will look to crop insurance and the recently enacted permanent disaster program for assistance. Unfortunately, for many cotton farmers, the prospect of meaningful financial assistance from these programs is uncertain at best. While almost all cotton acres in Louisiana are insured at some level, more than half of the state's acres (54 percent) are insured with only the Catastrophic (CAT) level of coverage. This level of coverage will provide minimal benefits and then only if the crop had catastrophic losses. Some of the hardest hit parishes like Catahoula and Concordia Parishes with over 37,000 acres of cotton are only covered with CAT level policies. In addition, the producers who purchased buy-up crop insurance did not purchase the highest levels of coverage. Some may ask why so many producers did not purchase higher levels of crop insurance coverage. Historical experience has shown that in most years the expected benefits do not outweigh the costs of the higher coverage levels. Unfortunately, this year is not typical of most years.

I applaud the effort and foresight of Members of Congress for including a permanent disaster provision in the recently enacted farm bill. Unfortunately, I am concerned that the program will not be able to meet in

a timely manner the needs of farmers who have suffered devastating losses this year. First, due to budget constraints, the permanent disaster program was developed with only a fraction of the funding compared to spending under previous ad hoc disaster programs. Second, as currently written, the disaster program guarantee is based on the level of the farm's crop insurance coverage. This will do little to help those acres with CAT coverage. And third, while USDA has made excellent strides in implementing many of the provisions of the new farm law, we have yet to see the details of the permanent disaster provisions. It is also evident that the data required to administer the whole-farm, revenue-based disaster program will not be available for some time. This means any financial assistance, in the absence of an advance payment, can not be made available to farmers until the latter half of 2009. That is simply too late for those that have suffered losses.

As you know, today's modern farming operations require expensive inputs and investment. Input and technology costs have escalated in 2008 with skyrocketing fuel and fertilizer prices. We are experiencing these losses at the absolute worst time because we incurred maximum costs of production as the harvest approaches. We are now dealing both with the impact of the lost revenue for this year's crops and trying to finance next year's crops. Without timely assistance, many Louisiana growers will be unable to settle this year's outstanding debt or secure the necessary financing for next year's crop. In short, without timely assistance, some farmers will find themselves in a financial situation that will make it difficult to continue farming.

Louisiana is not the only state with losses due to Hurricane Gustav. USDA data indicate that approximately 470 thousand acres of cotton were planted in South Texas in 2008. USDA's preliminary estimates of harvested area imply approximately 400,000 will be harvested, leaving 70,000 acres abandoned. In southeast Arkansas, losses might run 25%, according an initial estimate by the Extension Service. Damage also is being reported in Mississippi, mainly in the south and central Delta counties where the heaviest rains fell and some fields flooded.

The National Cotton Council recently joined with other agricultural organizations in a letter to USDA's Risk Management Agency requesting expedited appraisals for crop insurance policy holders. This would help speed payments for those covered by crop insurance. However, more needs to be done. I encourage Congress to develop a plan that will deliver financial assistance to producers in a timely manner. Enhanced crop insurance coverage, timely ad hoc disaster relief, supplemental payments delivered in the same manner as direct payments, and enhancements to the provisions of the permanent disaster programs should all be considered in order to expedite assistance that is commensurate with the losses that have been incurred. In addition, additional funding for existing conservation program can be used as a means of providing assistance for restoration of damaged fields. Finally, I urge the Committee to consider providing some form of financial assistance to gins, warehouses and other key components of our infrastructure who will experience significant financial losses due to sharply reduced volumes.

Mr. Chairman, the economic losses caused by the hurricanes are dramatic and severe, and immediate assistance is needed. Many farmers simply do not have the financial resources to wait until 2009 for assistance.

Thank you for your consideration of our views and recommendations and for giving me the opportunity to present testimony.

The PRESIDING OFFICER. The majority leader is recognized.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 3001, the Department of Defense authorization bill.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 3001

*Resolved*, That the bill from the Senate (S. 3001) entitled ''An Act to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes'', do pass with an amendment.

Mr. LEVIN. Mr. President, I urge my colleagues to support the House amendment to S. 3001, the National Defense Authorization Act for Fiscal Year 2009. This bill was voted out of the Senate Armed Services Committee by a unanimous vote back in April. Last week, the Senate passed the bill by a vote of 88–8.

Over the last week, we have worked around the clock to reconcile the Senate and House versions of the Defense authorization bill. The compromise version of the bill—the House amendment to S. 3001—has now been approved by the House by on overwhelming bipartisan vote of 392–39.

The bill that we bring before the Senate today contains many provisions that will improve the quality of life for our men and women in uniform, give them the tools that they need to defend our nation, and provide critical reforms to improve the operations of the Pentagon.

First and foremost, the bill would provide critical support to our men and women in uniform. For example, it would increase military pay by 3.9 percent—a half a percent more than the President requested; provide continued authority for the payment of enlistment and reenlistment bonuses, accession and retention bonuses for service members with critical skills or assigned to high-priority units, and other special bonuses and incentives needed to reward our troops and ensure that we can recruit and retain the people that we need in our military; authorize funds for military family housing and military construction projects needed to ensure that our troops have the housing that they deserve and our military has the facilities it needs for the national defense; and protect members of the military, family members and retirees from any increase in TRICARE fees, premiums, deductibles and copays.

The bill would increase the end strength of the Army, the Marine Corps, and the Army National Guard, to help reduce the incredible stress on our troops. It would also establish and extend critical authorities needed by the Department of Defense in our current operations. For example, the bill would provide DOD the authority to use funds for quick-turnaround construction projects needed to support our troops in Iraq and Afghanistan; extend DOD's authority to provide ''train and equip'' funds and ''stabilization and security assistance'' so essential to the well-being of our troops; provide $1.5 billion for the Commanders' Emergency Response Program, CERP, which commanders on the ground in Iraq and Afghanistan consider the highest priority for protecting U.S. forces; and provide funding for critical initiatives, including $2.2 billion for the Joint Improvised Explosive Device Defeat Organization's, JIEDDO's, ongoing efforts to defeat the threat of improvised explosive device, IEDs.

At a time when thousands of our soldiers, sailors, airmen, and marines are deployed around the world and our all-volunteer military is straining to meet the requirements of two ongoing conflicts while remaining prepared for other contingencies, these are steps that we simply must take. When our men and women in uniform are in harm's way, there is nothing more important.

The bill also includes a number of measures to ensure the proper stewardship of taxpayer dollars.

It would also ensure that the Iraqis use their own oil revenues rather than U.S. tax dollars to pay for large infrastructure projects and for the training and equipping of the Iraqi military. At the beginning of the Iraq war, then-Deputy Secretary of Defense Wolfowitz testified that Iraq would be able to ''finance its own reconstruction'' through oil revenues. That has not proven to be true. To date, the U.S. taxpayers have paid approximately $48 billion for stabilization and reconstruction activities in Iraq. While the Iraqi government has generated more than $100 billion in oil revenues since the war began, it has spent only a small fraction of that amount on its own reconstruction. The Iraqi government now has $80 billion at its disposal to fund large scale reconstruction projects. Under these circumstances, it is inexcusable for U.S. taxpayers to continue to foot the bill for projects that Iraqis are fully capable of funding themselves.

Other provisions of the bill would help improve the management of the Department of Defense and protect taxpayer dollars. For example, the bill would institute improved cost controls for the acquisition of major weapon systems; require program managers to incorporate energy efficiency requirements into the performance parameters for such systems; establish new ethics standards to prevent personal conflicts of interest by contractor employees who perform acquisition functions on behalf of the Department of Defense; and establish a new database of information regarding contractor integrity, ensuring that this information

is available to acquisition officials making key contracting decisions.

I am disappointed that procedural obstacles in the Senate precluded us from considering a package of more than a hundred amendments, which would have taken further steps to support our troops and improve the management of the Department of Defense. Where it was possible within the scope of the House and Senate bills, we tried to include eleme nts of these amendments. Unfortunately, many of these important amendments were beyond the scope of the two bills and will have to be deferred until next year.

I am also disappointed that we were unable to adopt provisions addressing the administration's excessive reliance on contractors to perform functions that should be performed by the uniformed military or by civilian federal employees. For example, both the Senate bill and the House bill included provisions that would have precluded the use of contractor employees to perform inherently governmental functions in an area of combat operations, or to conduct interrogations of detainees. Unfortunately, these provisions drew a veto threat, so we had to limit ourselves to a Sense of Congress expressing our views on the issue.

When this bill was under consideration in the Senate, we spent a great deal of time and effort discussing how best to provide public visibility for our funding decisions, including earmarks of funds authorized in the bill. Historically, our funding tables have been included in report language, rather than in bill language. In Executive Order 13457, the President stated his view that such funding decisions should be ''included in the text of the bills voted upon by the Congress and presented to the President.''

Unfortunately, the Government Printing Office informed us that incorporating our funding tables into bill language would have added three full days to the time required to prepare a bill for floor consideration in the Senate and the House—even if GPO did not have other high priority work to accomplish at the same time. This delay would have been in addition to the day and a half it would have required for the committee staff to prepare the funding tables in a form that could be processed by GPO, and to ensure the accuracy of GPO's work.

With only a few days left for the House and the Senate to consider the bill before the end of this year's session of Congress, we determined that placing the funding tables into bill language was not an option that was available to us. Instead, we have incorporated the tables into the bill by reference—an action that has the same legal effect. To ensure public visibility of all of the funding decisions in the tables, the tables have been posted on the websites of both the Senate Armed Services Committee and the House Armed Services Committee. This is in addition to the posting on these websites of separate transparency tables which—as required by the Rules of the Senate and the House of Representatives—provide information about each funding item requested by a Senator or a Member of Congress.

As of today, almost 200,000 U.S. soldiers, sailors, airmen, and marines are deployed far from home, in Iraq, Afghanistan, Kuwait and other theaters of operations around the world. After more than 6 years of war, our military, particularly our ground forces, are severely stressed. Too many of our troops are worn out, their families are tired of repeated deployments, and our equipment is being used up.

We need to enact this bill to improve the quality of life of our men and women in uniform. We need to enact this bill to give them the tools that they need to remain the most effective fighting force in the world. Most important of all, we need to enact this bill to send an important message that we, as a nation, stand behind them and appreciate their service.

At a time when our men and women in uniform are sacrificing so much for our country every day, it is surely not asking too much for our colleagues to agree to enact this bill so we can provide our troops the support that they need and deserve. I urge my colleagues to support the House amendment to S. 3001—the National Defense Authorization Act for Fiscal Year 2009.

• Mr. MCCAIN. Mr. President, I rise to offer my sincere congratulations to Chairman LEVIN, Senator WARNER, the members of our committee, and our House colleagues for their work on the fiscal year 2009 National Defense Authorization Act. With provisions that authorize a considerable pay raise for all military personnel, increase Army and Marine end-strength, improve the system that serves wounded veterans, and help prevent waste, fraud, and abuse in defense contracting and procurement, this bill contains many important provisions that will help support our national defense and, in particular, our servicemen and women. However, this bill also contains other provisions that are very problematic.

Before explaining my concerns with this bill, let me take a moment to express my sincere gratitude to Senator WARNER for his many years of service to this Nation, not the least of which are 30 well-spent years in the Senate where he has been a consistent and steadfast champion of our men and women in uniform. Senator WARNER has been instrumental in providing needed oversight of the Department of Defense, and in ensuring that our soldiers are well trained, well equipped, and that they and their families are well provided for. I am particularly grateful for his contributions during this Congress when he so frequently stepped in on my behalf. Let me be clear that my concerns with this year's bill reflect in no way on Senator WARNER outstanding efforts: He deserves much credit for the many exemplary provisions contained in this bill.

Nonetheless, in this year's bill, and the accompanying report, there are $5 billion in earmarks. Of that total amount, $2.1 billion arises from a single provision that authorizes the procurement of six C–17 Globemaster aircraft that the Defense Department states we neither need nor can afford. In my view, the massive pork spending in this bill renders it a frontal assault on this body's purported commitment to ethics and earmark reform and, in my view, results in a failure in our obligation to the taxpayer.

Among the most egregious items in this bill are:

The Defense bill provides more than $2.1 billion for 6 C–17 cargo aircraft. The Secretary of Defense wants to end production of C–17 aircraft for the U.S. Air Force. These aircraft are neither requested nor required by the Department of Defense. In the fiscal year 2008 Defense supplemental appropriations, the Congress added another 15 C–17 aircraft that also were not requested nor required by DOD. Congress has earmarked 31 C–17s above the mount that is necessary in various Pentagon requirements studies over the last 2 years. C–17 aircraft cost more than $300 million per plane. With this bill, the total number of C–17s procured will rise to 211 total aircraft. This is a thinly veiled effort to keep the C–17 production line open using taxpayer's dollars to fund what is essentially a more than $2.1 billion corporate earmark for the Boeing Corporation.

The Defense bill provides $140 million in advance procurement for additional F–22s. The Air Force and contractors say that prohibiting spending in this bill would cause second tier suppliers to shut down and make it more expensive to restart the line if the next administration wants to continue production, even though the Secretary of Defense's position is that 183 F–22s is the full military requirement. Advanced procurement funding for additional F–22 aircraft is neither requested nor required. This earmark is being pursued by Lockheed Martin and its supporters.

The Defense bill includes funding of $88 million for a VIP aircraft to fly Air Force general officers. Scott AFB has served as headquarters for numerous Air Force commands. Today, two 4-star Air Force generals from the Air Mobility Command and the U.S. Transportation Command call Scott AFB, home. Just as senior leadership in-transit comfort capsules, SLICCs, created a stir several months ago when it was learned from Air Force documents that Air Force Generals were trying to use GWOT money to purchase ''first class'' seats and beds in ''flying pods'' so that generals could travel in luxury when they fly overseas, it is egregious to think that while the military—mostly privates, sergeants, and petty officers—is engaged in the global war on terrorism in Iraq and Afghanistan, we would be spending scarce defense dollars on VIP aircraft for generals.

The Defense bill continues to fund the Presidential helicopter program for

next year at $1.1 billion. The VH–71A program is intended to provide the replacement helicopter for the transportation of the President and Vice President. The current program which would build 23 aircraft has had excessive delays and cost overruns of more than 70 percent. This level is well in excess of the percentages—in fact five times as much—that would trigger a breach of the Nunn-McCurdy limits for major acquisition programs. Several program managers have been dismissed or reassigned in an effort to restructure this ailing program. This program should be cancelled. In the meantime the $1.1 billion to continue next year's development of the Presidential helicopter should be halted and the money withheld until the Navy and the contractor demonstrate more transparency and accountability on this failing program.

The Defense bill includes a provision directing the Secretary of the Navy to sell the ''yard floating drydock'', AFDL–23, to Gulf Copper Ship Repair in Aransas Pass, TX. This provision would authorize the Secretary of the Navy to sell the drydock; however, the provision restricts the Secretary from recouping the full costs, approximately $120–$190 million, because the Secretary is directed to consider the amounts paid by, or due and owing from, the lessee—Gulf Copper Ship Repair. This would essentially allow the rent paid by Gulf Copper Ship Repair to be deducted from the total price of the drydock.

The Navy does not support this provision. The Navy is in the process of determining whether the dock is excess to future Navy needs and, if so, whether it would be required by other U.S. Government agencies or activities when the current lease to Gulf Copper expires. Subsequent to a determination that there are no additional U.S. Government needs, the vessel would be struck from the Naval Vessel Register and designated for disposal. This provision is an end-run of the normal process for disposal or sale of government equipment and is not in the best interest of the taxpayer.

The Defense bill includes a provision which is highly objectionable and is strongly opposed by the administration which purports to incorporate by reference into the bill most of the earmarks included in the accompanying report—totaling more than $5 billion. The provision is meant to thwart President Bush's Executive Order 13457 ''Protecting American Taxpayers from Government Spending on Wasteful Earmarks.''

I had advocated a better approach of putting all the spending tables into the actual bill language. By hiding/shielding the tables in the report, the taxpayer does not have full transparency of Congress' actions in adding corporate and Member earmarks which are not requested or needed by the military services.

Again, while there is much in this year's Defense authorization bill that is very worthwhile and helpful to providing for the national defense, the provisions contained within it that move in the wrong direction are too numerous, too large, and too costly for this Member to ignore.●

Mr. AKAKA. Mr. President, as a senior member of the Senate Armed Services Committee, I was pleased the Senate passed the House Amendment to S. 3001, the National Defense Authorization Act for Fiscal Year 2009, today by unanimous consent. This bill follows through on the commitment that this Congress has made to our troops and their families to provide them with the support that they need and deserve. This includes a 3.9-percent across-the-board pay raise for all uniformed personnel—a half a percent more than the President's request—and a prohibition on increasing TRICARE beneficiary cost shares and pharmacy copays. It also includes a number of provisions designed to improve the readiness of our troops. For example, the bill fully funds Army and Marine Corps readiness and depot maintenance programs which will help ensure that the men and women in our armed services have the equipment necessary for them to fulfill their mission requirements. It also adds $15 million for the readiness and environmental protection initiative to fund priority projects that benefit critical mission training sites and directs the Secretary of Defense to conduct a comprehensive technical and operational risk assessment for DOD installations, facilities, and activities.

As the chairman of the Armed Services Committee's Subcommittee on Readiness and Management Support, I was pleased to work toward the inclusion of a number of critically important management and acquisition policy provisions which were included in this bill. These include a provision to establish steering boards to review new requirements that could increase the costs of major weapons systems, language requiring business transformation offices for each military department and a provision requiring the DOD to establish ethics standards to prevent personal conflicts of interest by contractor employees who perform acquisition functions on behalf of the DOD. I applaud the inclusion of language that expresses the view of Congress that private security contractors should not perform inherently governmental functions in an area of combat operations and that contractor employees should not conduct interrogations of detainees during the aftermath of hostilities. However, I am disappointed that due to a large extent to the Administration's objections and the absolute need to pass this bill in an expeditious manner, we were not able to incorporate this sense of the Congress into provisions that have the force of law.

As chairman of the Veteran's Affairs Committee, I was very pleased to have worked toward the inclusion of a number of provisions related to the treatment of wounded warriors. This includes a clarification of the requirement that DOD utilize the VA criteria in establishing eligibility of retirement and disability. It also requires the Secretaries of Defense and the VA to jointly establish a center of excellence in the mitigation, treatment and rehabilitation of traumatic extremity injuries and amputations as well as a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of hearing loss. In addition, this bill includes a provision derived from legislation that I introduced to extend senior-level oversight of cooperative efforts between the Departments of Defense and Veterans Affairs. The Senior Oversight Committee, SOC, was formed in the wake of last year's Walter Reed scandal, to improve the efforts of DOD and VA in managing the transition from military service to veteran status for wounded servicemembers. The Senior Oversight Committee's responsibilities are not complete as long as wounded warriors are still returning from Iraq and Afghanistan, therefore, I was pleased to be able to include this language for the SOC to be able to continue its important function.

Once again, I would like to thank Chairman LEVIN for his strong leadership and dedication to ensuring that this bill was passed. I also want to take this last opportunity to extend my warmest aloha to my friend and colleague Senator WARNER who managed this bill on the minority side. In my many years of serving with Senator WARNER on the Armed Services Committee, I have never failed to be impressed by his character, graciousness, and collegiality. Mahalo Nui Loa for your friendship and for all that you have done for our nation and the members of our armed services in particular.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate bill, and that the motion to reconsider be laid upon the table.

Mr. WARNER. Mr. President, I am very pleased to say there is no objection on this side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WARNER. Mr. President, I am overjoyed this has been done.

Mr. REID. Mr. President, I have said on many occasions—and I say it again—this bill is a great piece of work.

Has the bill passed?

The PRESIDING OFFICER. The request was agreed to. The bill has passed.

Mr. REID. OK. Now, I said it before, and I will say it again: I so admire and respect the two managers of this bill who have worked together on this bill for 30 years. There was a time this year when we thought this would be the first year in those 30 years that my friends have worked on this bill that it would not pass. And it did. It is done.

It is a great day for America. It is a great day for our troops. As I have said to my two friends, I appreciate so much being able to work with you. It is a great honor for me that the two distinguished senior Senators, whom I have so much respect and admiration for, would allow me to, being a part of the Senate, come and offer this consent agreement. I am going to talk on Monday about my friend from Virginia who is leaving. So I will save those words for him. He already knows the knowledge I have of our friendship.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank the distinguished leader. I say to him, as you referred to: Two Senators who worked on this, coincidentally, it is the Presiding Officer, the Senator from Michigan, Mr. LEVIN, who is in the chair to whom you were referring. We both thank you, and we thank Senator MCCONNELL and all Members of the Senate for their support in passing this key piece of legislation.

Sometimes people are concerned that this institution does not quite work in a manner in which is easily comprehensible. But this is an effort that has been one that you and I and all the members of our committee and the distinguished staff whom we have on the committee have worked on throughout this year.

I say to the Presiding Officer, you are the chairman. I am now the senior serving Republican on it, the former chairman, having served with you. Senator MCCAIN is the ranking member. By reason of necessity, he is absent; otherwise, he would be standing here today in terms of the bill.

This bill is not about us, though. It is about the men and women of the Armed Forces and their families and their loved ones and their friends. The Constitution provides very explicitly that the President is the Commander in Chief of the Armed Forces. To the legislative branch—the Congress of the United States—is entrusted the care and welfare and safety and, indeed, protection of the men and women of the Armed Forces.

Now, I commend the distinguished Presiding Officer, the chairman of the Armed Services Committee, Senator CARL LEVIN of Michigan, with whom I have worked these 30 years, side by side, on this committee. This is a good bill. There were times when I think we could have made it stronger. But given the rules of the Senate, which I respect, as does the Presiding Officer, and all other Senators, we were not able to quite achieve those goals. But that is the nature of the Senate. The minority has a very respected and powerful voice in this Senate, and it is right and just that it be heard.

So despite the fact this bill may not have all the features and important provisions I and the Senator from Michigan and other members of our committee and other Senators might have had incorporated in this bill, it is still a very fine bill. It adequately—most adequately—cares for the men and women of the Armed Forces.

Again, I commend the distinguished chairman, the Senator from Michigan, my friend of these 30 years.

The PRESIDING OFFICER (Ms. Landrieu. The Senator from Michigan.

Mr. LEVIN. Madam President, first, let me thank the Presiding Officer.

This is a bittersweet moment for me. This will be the last time the Senator from Virginia and I will be standing here and celebrating the passage of a Defense authorization bill. We stood together in support of these bills and the men and women of our Armed Forces for 30 years. In this particular case—there have been previous examples of this, but this is perhaps the most dramatic one—we would not be standing here with a bill in hand now going to the White House but for the courage of the Senator from Virginia.

I will not go into all the details as to how that came about, but it is because of his commitment to the men and women in uniform that we have a bill. We would not have a bill this year except that he took the steps which he was determined to take as a Senator of this Nation—not just of Virginia—to support the men and women in uniform.

So on behalf of 25 committee members, 45 committee staff members, 2.3 million Active Duty and Reserve members of the military and their families, I offer a heartfelt thanks for them for a job always well done by the Senator from Virginia.

I will have more to say about the Senator from Virginia also next week. But for the time being, let me say this: In the future, when we cannot seem to find our way out of the difficult situations that a bill of this magnitude and complexity get us into, people will say: Well, what would JOHN WARNER have done? That will be the question we will ask. When we ask that question, the right answers will follow. I thank my dear friend.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I thank my dear friend. If I could take a moment. I wish to join the Senator in thanking our respective leaders, Senator REID, Senator MCCONNELL and the members of the committee and the staff, once again, and indeed the members of the leadership staff and the floor staff who made possible this bill.

But I wish to tell a short personal story since this is my last bill.

I just walked through Senator REID's office. He asked me to come in and visit with him privately a minute. As I passed by, I looked up on the wall, and there was a portrait of Harry Truman. I had the privilege of serving in the Navy in World War II—the closing year of World War II—as a young 17-year-old, 18-year-old sailor, and never dreaming I would ever be a Senator—that was the furthest thing from my mind—a 17-year-old, 18-year-old sailor.

It was one of the darkest hours of the United States. Roosevelt was then President. Truman was Vice President. It was the winter of 1945. I, similar to so many young men at that time—and those women who joined the military also—signed up and volunteered. We wanted to be a part of this. The war had gone unexpectedly the wrong way in Europe for a while when Hitler trapped our divisions and Allied divisions in the Battle of the Bulge. Iwo Jima was underway. Okinawa, a terrific battle, was on the horizon.

America was all together, and we were determined to establish our freedom in the world. But I remember my first night—I had been on a steam train for about 2 days, working its way up to the Great Lakes Naval Training Station. It would stop at the station, and 17-, 18-year-old guys would get on the train, and they would be in those old cars, cold, shivering, with no food that I can remember to speak of. We arrived at the Great Lakes at about 4 o'clock in the morning. We all were herded off the train into a great big gymnasium. A fellow, a chief petty officer—he was as big around as he was tall; I remember a very big fellow—got up, and he had a bullhorn, and shouted at us. I remember the words—here it was 65 years ago, 66 years ago—as if it were this minute. He said: All you guys who can't read and write, raise your hand.

Well, I had been in a wonderful home. My father provided well as a medical doctor, with the best of schools, even though I left school to join the Navy. I did not know people who did not know how to read and write. Some of the other guys' hands were raised, and the fellow said, through the bullhorn: All right, you smart guys, fill out the forms for the others. So I and others went over to help those people fill out their forms—put their X on it. The next day, we were in the training camps side by side, all training.

Those men went on to different tasks in the military but important tasks. There were many jobs in our military that did not require an education, but they were as important a part of the force as those of us, I guess, who felt we were a little smarter.

But why do I tell that story? I later served in the Marines. So I look back over these 60 years. I have spent a great deal of my life associated with the men and women of the Armed Forces. My Active service is of no great consequence.

But the thing I have always remembered is that you and I, as a team, I say to the Senator—all these years we have been working here, we have been working to improve and make possible that the current generation of young men going into the uniform, and women, have the same advantages my generation had: The GI bill—working with Senator WEBB recently to get that through.

I always feel I am a Senator today because of all the military men and women whom I have served with, who

have trained me, who have disciplined me, who have inspired me. They performed the same duty I did that cold night in 1945. They have helped me fill out the forms. I have learned from them, have had the wisdom to work with you and others to put together these legislative measures for their benefit.

So I close my last words thanking all those in uniform who have so generously given to me their wisdom, their friendship, their inspiration, and their courage to do what little I have been able to do as a Senator to help me fill out the forms and put my X on this my last bill.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Well, Madam President, the men and women of this Nation would be grateful to JOHN WARNER if they knew him, had that honor of knowing him. They have been benefited by him even though they will never know him. Maybe as a 17-year-old sailor back in 1945, the last thing in his mind was that he would ever be a Senator. There is something about this Nation that makes it possible for men and women—in this case a man such as JOHN WARNER—to rise to the very top of the respect of his country men and women. It has been a true pleasure and honor to serve with him.

I, again, will have more to say about that next week. But I, again, wish to thank the Presiding Officer.

I yield the floor.

Mr. WARNER. 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.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

(The remarks of Ms. LANDRIEU pertaining to the introduction of S. 3647 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

## HIGHER EDUCATION DISASTER AND EMERGENCY RELIEF LOAN PROGRAM

Ms. LANDRIEU. Mr. President, this past August the President signed into law the Higher Education Opportunity Act, which reauthorized programs for postsecondary and higher education. Contained within the reauthorization is the Education Disaster and Emergency Relief Loan Program. The bill established a loan program within the U.S. Department of Education to provide critically needed low interest guaranteed loans to institutions in the event of catastrophic natural or manmade disasters.

The colleges and universities in Louisiana, particularly those in the New Orleans area, remain in many ways financially crippled by Hurricane Katrina. Three years after Katrina and Rita devastated Louisiana and Mississippi these institutions still have nearly $700 million in unrecovered losses. The estimates for Gustav and Ike are still not finalized but at this stage the damage is purported to be at least $46 million to state colleges and universities alone.

Before Katrina, the 11 colleges and universities in the New Orleans area educated 70,000 students. Today that number is only 50,000 but it continues to slowly rebound. This growth comes despite the fact that our institutions of higher education experienced more than $1 billion in physical damages and operational losses due to the 2005 hurricanes and have recovered less than half of those losses. Higher education institutions are the largest employers in New Orleans both before and after Katrina. The higher education industry in New Orleans continues to attract millions of research dollars and supports industries as diverse as biotechnology, aerospace and medicine. The work of each institution in the city can be seen in every aspect of the region's recovery, from the redesign of the city's troubled public schools to coastal restoration and hurricane protection to the provision of health care across the region. They engage in this important work even as they continue to struggle with mounting revenue losses, buildings that remain in disrepair due to flooding and the loss of key faculty and staff.

I call today on the Secretary of Education to make the Education Disaster Loan program a top regulatory priority. It is my understanding that some Department of Education officials have said that they will not promulgate regulations on any newly create programs in the Higher Education Act until funds are appropriated. This simply is not acceptable. This issue has become a major roadblock in the current disaster funding process, and it is my hope that the Secretary and the Department will move expeditiously to establish regulations so that the program may provide crucial assistance to the colleges and universities impacted by Hurricanes Katrina, Rita, Gustav, Ike and the Midwest Floods.

This is a program I was proud to author, design, shepherd through the last Congress to help all the colleges and universities that have been so hard hit, and a portion of the community development block grant loans that we have provided could possibly go to help our universities.

## NEW ORLEANS REGION HOSPITAL DISASTER FUNDING

Ms. LANDRIEU. Mr. President, I rise to highlight the continued and critical need for post-Katrina health care recovery funding for those hospitals that have struggled to this day to provide critical medical services in the New Orleans region. The Congress has been extremely helpful to the State of Louisiana in providing funding support for many Katrina and Rita recovery purposes. However, minimal assistance has been provided to enable the greater New Orleans area hospitals to maintain adequate and required health care operations. The affected hospitals, specifically East Jefferson General Hospital, Ochsner Health System, Touro Infirmary, Tulane Medical Center, University Hospital, and West Jefferson Medical Center, provided over 90 percent of all regional hospital-based health care, and are expected to do so for at least the next five years. It is vitally important that this health care base be maintained in order to preserve other recovery efforts throughout the region.

Louisiana hospital executives have testified before Congress concerning the post-Katrina health care funding crisis caused by escalating expenses that significantly outpaced revenues, with no immediate stabilization expected; post-Katrina labor expenses that increased by $140 million; nonlabor expenses—i.e. utilities, insurance, interest, bad debts—that increased by $300 million; and fewer skilled healthcare professionals. The regional hospitals are experiencing reduced bond ratings—with defaults looming—increased marketing and recruiting expenses, and even a loss of leadership. The Department of Health and Human Services Inspector General—OIG—and the General Accounting Office, through extensive and voluntary audits, have objectively validated the magnitude of these post-Katrina financial losses and the demonstrated need for New Orleans regional hospital disaster assistance.

To stabilize critical health care services in the region, the New Orleans area hospitals require a federal funding ''bridge'' as they transition to a firmer economic base through adjusted wage indexes and other revenue streams. The hospitals are at a critical tipping point in financial losses, and each is determining the steps necessary to remain medically and fiscally sound. Without funding support, the potential reduction in health care services will impact the fragile recovery of the entire New Orleans region.

In the pending appropriations bill now before this body, Social Service Block Grant funding is provided to partially address health care and other needs resulting from Katrina, Rita and other hurricanes and natural disasters. I intend to work closely with the President, the Secretary of Department of Health and Human Services, and other Federal officials to ensure that sufficient block grant funding is provided to the New Orleans regional hospitals to ensure the stability of health care services in the Katrina-affected regions.

Again, I was instrumental in crafting this program to help hospitals that, with the electricity off and the city underwater, stayed open by the sheer

guts of their doctors and nurses. I can still see them in my mind, struggling to keep those hospitals open with the city completely underwater and a parish underwater. This is for Orleans and Jefferson. They still have not been reimbursed for the work that they did during Katrina.

For some reason, we can't get this Congress to understand the importance of what those hospitals did during this great time of need. So I wish to send this in for the RECORD.

## DISASTER DECLARATION

Ms. LANDRIEU. Mr. President, finally, I wish to urge this administration to provide a 100-percent disaster declaration for at least these parishes. Our Governor has asked for 100 percent for all the parishes—and I am going to put up that chart in a minute—but the Governor believes the entire State deserves to have a 100-percent reimbursement because Gustav went through our whole State, and then Ike came up a few weeks later and flooded and did a tremendous amount of wind damage.

We are not designated as a 100-percent cost share yet, which means the Federal Government would step in and pick up 100 percent of some of these parishes that are on their last leg. They have been through four storms in the last couple years. Unfortunately, and I am not sure why, but several counties in Texas have been granted the first 0 to 14 days at 100 percent. Yet our parishes, which were hit equally as hard, have not yet received that designation.

So I am asking, on their behalf and with the full support of our Governor, our Lieutenant Governor, and others who are leading our effort in the recovery, if the administration would please consider at least giving equal treatment—100 percent, 0 to 14—for the parishes that were as hard hit as the Texas counties were in this aerial.

But do not forget, as I close, that when Hurricane Gustav was in the gulf, our Governor called for a mandatory evacuation, and 2 million people, the largest evacuation in the country's history, left their homes to move temporarily, for a couple days, and then came back. The damage was very bad. It wasn't catastrophic such as Katrina, but it was as bad as Hurricane Rita. But when they came home, the Federal Government said: Well, thank you for evacuating, but there is virtually no help for you or your counties.

It is expensive to evacuate. I know people don't understand, those who have never had to go through it, but it costs hundreds of dollars to fill your tank with gas, if you have a car; it costs hundreds of dollars to stay at a hotel, even if it is just for a day or two; it costs hundreds of dollars to drive down the road to pick up your elderly aunt or your grandmother, who lives in another parish, to get her to evacuate. I can't tell you the expense that people incur.

I don't think the Federal Government should pick up 100 percent of the expense of mandatory evacuations, but I do think, for some period in some parishes, particularly those that have been very hard hit, that the Government, the Federal Government, if they can do it for some of the counties in Texas, most certainly should consider the parishes in Louisiana. So I am going to submit that as my last plea for the RECORD.

I know it has been a long day, but I feel as if we got some things accomplished. I don't know what the schedule will be as the leaders decide on how we bring this particular Congress to a close, but I have to say the work of the recovery is still going on. It will go on for many years. My heart goes out to my neighbors from Texas who are just now discovering with awe and shock, shock and awe, what a hurricane can mean. They haven't had one in 50 years, such as the one in Galveston, and they had one last week. So I know what they are experiencing because we have been through that. I will stand ready to work with them in my committee, as chair of the Subcommittee on Disaster, when we return. Whether it is floods in the Midwest or hurricanes in the gulf, we will continue to, first, try to protect ourselves by better levees and flood control; and then have a better system of aid and help that is reliable and dependable for these people—for our people, our constituents, and our citizens in need.

## PATENT REFORM

Mr. KYL. Mr. President, I rise today to comment on S. 3600, the Patent Reform Act of 2008. This bill is based on, but makes a number of changes to, S. 1145, a patent reform bill that was reported out of the Judiciary Committee in 2007 but that was never considered by the full Senate.

S. 1145 proposed several salutary and uncontroversial reforms to the patent system, but also included provisions that would rewrite the formula for awarding damages in patent cases and that would create new administrative proceedings for challenging patents. These and other provisions of that bill would have made it much more expensive to hold and defend a patent, would have extended the time for recovering damages for infringement, and would have substantially reduced the amount that the patent holder would ultimately recover for infringement. The changes proposed by S. 1145 went so far that under that bill's regime, it may have proved cheaper in many cases to infringe a patent and suffer the attenuated and reduced consequences of doing so, rather than to pay a license to the holder of the patent. Once such a line is crossed, the incentive to invest in research and development and the commercialization of new technology in this country would be greatly reduced. Such a change would do enormous harm to the U.S. economy in the medium-to-long term. Reputable economists estimate that historically, between 35 and 40 percent of U.S. productivity growth has been the result of innovation.

My bill makes substantial changes to those sections of S. 1145 that address damages, post grant review, venue and interlocutory appeals, applicant quality submissions, and inequitable conduct. This bill will not be considered in this Congress. I nevertheless thought that it would be useful to propose alternative approaches to these issues now, to allow Senators and interested parties the time to consider these alternatives as we prepare for the patent reform debate in the next Congress. I hope that my colleagues will work with me in a bipartisan and deliberative manner to construct a bill that will be considered in the next Congress. With those thoughts in mind, allow me to describe the significant changes that this bill makes to S. 1145.

I believe that S. 1145 goes too far in restricting a patent owner's right to recover reasonable royalty damages. On the other hand, I also believe that there is room for improvement in current law. Some unsound practices have crept into U.S. patent damages litigation. My staff and I spent several months at the end of last year and the beginning of this year discussing the current state of patent damages litigation with a number of seasoned practitioners and even some professional damages experts. I sought out people with deep experience in the field who had not been retained to lobby on pending legislation.

A substantial number of the experts with whom I spoke said that there is nothing wrong with current damages litigation and that Congress should not change the law. Others, however, identified a number of unsound practices that they believe have led to inflated damages awards in a significant number of cases. Different attorneys and experts repeatedly identified the same valuation methods and criteria as being unsound, subject to manipulation, and leading to damages awards that are far out of proportion to an invention's economic contribution to the infringing product. Examples of problematic methodologies that were identified to me include the so-called rule of thumb, under which an infringed patent is presumptively entitled to 40 percent or some other standard portion of all of the profits on a product, the use of the average license paid for patents in an industry as a starting point for calculating the value of a particular patent, and a formula attributed to IBM whereby every high-technology patent is entitled to 1 percent of the revenues on a product. A number of experts also criticized the use of comparables, whereby the value of a patent is calculated by reference to the license paid for a supposedly comparable patent.

The views of those experts who were critical of current damages law find

some support in the macro evidence. Data collected by PricewaterhouseCoopers and FTI Consulting indicate that the majority of the largest patent-damages awards and settlements of all time have been entered only since 2002. Also, the inflation adjusted value of awards entered since 2000 is more than 50 percent higher than it was during the early 1990s. And it also appears that jury awards tend to be about ten times higher than the average damages award entered by a judge, and that results vary markedly by jurisdiction. These facts suggest that the problems that sometimes lead to inflated damages awards are to some extent systemic.

The task of reforming substantive damages standards presents a very difficult legislative question. Damages calculation is an inherently fact-intensive inquiry and requires legal flexibility so that the best evidence of a patent's value may always be considered. Any proposed changes to the law must be evaluated in light of the kaleidoscope of factual scenarios presented by the calculation of damages for different types of patents.

I have largely given up on the idea of developing a unified field theory of damages law that solves all problems at once. I also oppose proposals to require a prior-art subtraction in every case. Most measures of a reasonable royalty, such as established royalties, costs of design-arounds, comparisons to noninfringing alternatives, or cost savings produced by use of the patented invention, already effectively deduct the value of prior art out of their estimate of the patented invention's value. To mandate prior-art subtraction when using such measures would be to double count that deduction, effectively subtracting the prior art twice and undervaluing the invention.

And for reasons mostly explained in my minority views to the committee report for S. 1145, S. Rep. 110–259 at pages 64–65, I also disagree with the argument that defendants should be allowed to revisit validity questions, such as a patent's novelty or nonobviousness, during the damages phase of litigation. To those comments I would simply add that, if Congress were to desire that patents be defined more specifically and narrowly, then it would need to provide express guidance as to how to do so. Simply using adjectival phrases such as ''specific contribution'' or ''inventive features'' will not suffice. These terms merely express a hope or objective. But legislation needs to be about means, not ends, particularly if it is intended to achieve its results by altering the practices and outcomes of litigation. I should also add that although I have consulted with many neutral experts in the field of patent damages, and many of those experts described to me what they believed to be serious problems with patent damages litigation, none of those experts told me that insufficiently specific claim construction is causing excessive damages awards. If overly broad claim constructions were a major source of problems with damages litigation, I undoubtedly would have come across at least one neutral expert who expressed that view.

Discussions that I have had with several proponents of S. 1145 indicated that they understand the principal evil of current damages litigation to be the award of damages as a percentage or portion of the full price of the infringing product. It also appears that some proponents of S. 1145 believe that a statutory instruction to define the invention more narrowly and clearly would prevent parties from seeking damages based on the entire value of the infringing product. The linkage between claim construction and the damages base is not clear to me. Even a concededly limited invention could be fairly valued by using the full product's price as the damages base, so long as the rate applied to that base was appropriately small.

Many unjustified and excessive awards certainly do use the full value of the infringing product as the damages base. Indeed, awards that are derived from the rule of thumb almost always are based on the entire value of the infringing product, as is the typical industry averages award. Precluding or sharply limiting the use of net sales price as a damages base certainly would block the path to many of the bad outcomes that are produced by the use of these methodologies.

The problem with a rule that bars the use of net sales price as the damages base when calculating a reasonable royalty is that in many industrial sectors, net sales price is routinely used as the damages base in voluntary licensing negotiations. It is favored as a damages base because it is an objective and readily verifiable datum. The parties to a licensing negotiation do not even argue about its use. Instead, they fight over the rate that will be applied to that base. Even if the net sales price of the product is very large and the economic contribution made by the patented invention is small, net sales price can still serve as the denominator of an appropriate royalty if the numerator is made small.

Thus in these industries, the initials, NSP, appear frequently and repeatedly in licensing contracts. A legal rule that precluded use of net sales price as the damages base would effectively prevent participants in these industries from making the same royalty calculations in litigation that they would make in an arm's length transaction. Such an outcome would be deeply disruptive to the valuation of patents in these fields. Evidence and techniques whose use is endorsed by the market via their regular use in voluntary negotiations are likely to offer the best means of valuing a patent in litigation. After all, what is an object in commerce worth, other than what the market is willing to pay? We simply cannot enact a law that bars patentees from using in litigation the same damages calculation methods that they routinely employ in arm's length licensing negotiations.

The bill that I have introduced today uses what I call an enhanced gatekeeper to address problems with damages awards. The bill strengthens judicial review of expert witness testimony, provides greater guidance to juries, and allows for sequencing of the damages and validity/infringement phases of a trial. The bill also codifies the principle that all relevant factors can be considered when assessing reasonable royalty damages, while adopting guidelines and rules that favor the use of an economic analysis of the value of an invention over rough or subjective methodologies such as the rule of thumb, industry averages, or the use of comparables. Allow me to provide a subsection-by-subsection summary of the bill's revisions to section 284, the basic patent damages statute.

Subsection (a) of the bill's proposed section 284 copies and recodifies all of current section 284, including its authorization of treble damages and its admonition that compensatory damages shall ''in no event be less than a reasonable royalty for the use made of the invention.''

Subsection (b) codifies current Federal circuit precedent defining a reasonable royalty as the amount that the infringer and patent owner would have agreed to in a hypothetical negotiation at the time infringement began. It tracks the language of the *Rite-Hite* case, 56 F.3d 1538 (Fed. Cir. 1995), and follow-on decisions. Some supporters of S. 1145 are critical of the hypothetical negotiation construct and believe that it leads to bad results. Not only is this test established law, however, but it is also inherent in the concept of a ''reasonable royalty.'' That standard requires the trier of fact to determine what would have been—i.e., what the parties would have agreed to. As long as the patent code requires a ''reasonable royalty,'' courts and juries will need to engage in a hypothetical inquiry as to how the invention reasonably would have been valued at the time of infringement. Indeed, it is not apparent by what other means the factfinder might approach the calculation of a reasonable royalty. And in any event, the source of occasional bad results in damages trials is not the mental framework used for approaching the question of a reasonable royalty, but rather the particular evidence and methods used to value some inventions. It would be a noteworthy omission to avoid mention of the hypothetical negotiation concept in a bill that regulates damages analysis to the degree that this one does. This subsection thus codifies the Federal circuit's jurisprudence on the hypothetical negotiation.

Subsection (c) simply makes clear that, despite subsection (d), (e), and (f)'s codification and modification of several of the Georgia-Pacific factors,

the rest of the Georgia-Pacific factors—as well as any other appropriate factor—may be used as appropriate to calculate the amount of a reasonable royalty.

Subsection (d) is probably the most important subsection in the bill's revised section 284. It bars the use of industry averages, rule-of-thumb profit splits, and other standardized measures to value a patent except under particular circumstances. Standardized measures are defined as those methods that, like rule of thumb and industry averages, do not gauge the particular benefits and advantages of the use of a patent. Instead, they are relatively crude, cookie-cutter measures that purport to value all patents—or at least all patents in a class—in the same way, without regard to a particular patent's economic value. These back-of-the envelope methods are occasionally used in arm's-length, voluntary licensing negotiations, as are things such as gut instinct and intuition. But they are rough methods that can produce wildly inaccurate results. Subsection (d) disfavors their use.

This subsection restricts the use of Georgia-Pacific factor 12, which largely describes the rule of thumb. Subsection (d)'s general rule cites the rule of thumb and industry averages as important and illustrative examples of standardized measures. But it also expressly applies to other methods that are ''not based on the particular benefits and advantages'' of an invention, to ensure that variations on these examples and other methods that consist of the same evil also are brought within the scope of subsection (d)'s main rule.

An example of a standardized measure other than profit splits and industry averages that is also currently in use and that also falls within subsection (d)'s scope is the so-called IBM 1-percent-up-to-5 formula. This formula apparently was used by IBM in the past to license its own portfolio of patents. Under this methodology, each patent receives 1 percent of the revenues on a product until a 5 percent ceiling is reached, at which point the whole portfolio of patents is made available to the licensee.

I have heard more than one representative of a high-technology company describe the use of this formula in litigation against his company. Apparently, there exists a stable of plaintiff-side damages expert witnesses who will testify that this formula is appropriate for and is customarily used to calculate the value of any patent in the computer or information-technologies sectors. These experts start at 1 percent and then adjust that number based on the other Georgia-Pacific factors, supposedly to account for the particular aspects of the patent in suit, though these adjustments almost always seem to push the number higher.

Obviously, 1 percent of revenues or even profits is a grossly inflated value for many high-technology patents. It is not uncommon for high-technology products to be covered by thousands of different patents, which are of greatly differing value. Not every one of those patents can be worth 1 percent of revenues. Some patents inevitably will be for features that are trivial, that are irrelevant to consumers, or that could be reproduced by unpatented, off-the-shelf noninfringing substitutes. One percent of the sales revenue from, for example, a laptop computer is an enormous sum of money. Many patents are worth nothing near that, and any methodology that starts at that number is likely to produce a grossly inflated result in a large number of cases.

It bears also mentioning some of those common methodologies that clearly are not standardized measures. In addition to established royalties, which are afforded an express exemption from this subsection by paragraph (2), there are the methods of calculating the costs of designing around a patent, drawing comparisons to the experience of noninfringing alternatives, or calculating the costs savings produced by use of the invention. All of these factors gauge the benefits and advantages of the use of the invention and therefore are outside the scope of subsection (d).

Paragraph (1) of subsection (d) allows parties to use a standardized measure, such as a rule-of-thumb profit split, if that party can show that the patented invention is the primary reason why consumers buy the infringing product. If the patented invention is the primary reason why people buy the product, then the patent effectively is the reason for the commercial success of the product, and its owner is entitled to a substantial share of the profits, minus business risk, marketing, and other contributions made by the infringer.

Some have advocated a lower standard than ''primary reason'' for allowing use of profit splits and other standardized measures—for example, using a ''substantial basis'' standard. I rejected the use of a lower standard because a profit split should basically award to the patent owner all of the profits on the product minus those attributable to business risk. Thus the test for allowing such profit splits must be one that only one patent will meet per product, since the bulk of the profits can only be awarded once. If the test were ''substantial basis,'' for example, multiple patents could meet the standard and multiple patent owners could demand all of the profits minus business risk on the product.

Paragraph (2) of subsection (d) makes established royalties an express exception to the bar on standardized measures. In earlier drafts, I did not include this exception in the bill because I thought it obvious that an established royalty is based on the benefits and advantages of the use of the invention and is thus outside the scope of the subsection (d) rule. Some parties who reviewed those earlier drafts, however, found the bill ambiguous on this point, and in any event the lack of an exception would have forced parties to litigate the question whether an established royalty was, in fact, based on the benefits and advantages of the use of the patent. Since established royalties are widely considered to be the gold standard for valuing a patent, we should avoid making it harder to use this method. It is thus expressly placed outside the scope of subsection (d)'s restrictions by paragraph (2).

Paragraph (3) of subsection (d) allows industry averages to continue to be used to confirm that results produced by other, independently allowable methods fall within a reasonable range. The paragraph speaks of ''independently'' allowable methods in order to make clear that an industry average cannot be used to confirm an estimate produced solely by reference to a ''comparable'' patent. Subsection (e) requires that comparables only be used in conjunction with or to confirm other methods, and thus under this bill comparables are not a method whose use is allowed ''independently'' of other methods.

A brief explanation is in order as to why this bill regards industry averages as a potentially unreliable metric and restricts their use. An industry average often will reflect a broad range of licensing rates within a technological sector. Even a licensed patent whose value is included in the calculation of such a range may fall at a far end of that range, producing highly inaccurate results if that average is used as a starting point for calculating the value of that patent. Moreover, many existing patents, though valid and infringed by a product, disclose trivial inventions that add little to the value of the product. But the types of patents that typically are licensed—and that therefore would be a source of available data for calculating an industry average—are the ones that are substantial and valuable. Trivial patents don't get licensed, and their value does not enter into industry average calculations. Thus particularly in the case of a minor patent that has never been and likely never would be licensed, an industry average would provide an inflated estimate of the patent's value. This is because the industry average is not the average licensing rate of all patents in a field, but merely the average of those that have been licensed and for which data is publicly available.

Paragraph (4) of subsection (d) creates a safety valve that allows parties to use standardized measures if no other method is reasonably available to calculate a reasonable royalty, and the standardized method is otherwise shown to be appropriate for the patent. Over the course of drafting this bill, I have consulted with a number of experts with broad experience in patent damages calculation. Only a few believed that they had ever seen a case where use of a standardized measure

was necessary—that is, where a more precise economic analysis was not feasible. I thus anticipate that this safety valve may almost never need to be used, but I nevertheless include it in the bill, because it is impossible to say with certainty that no situation will ever arise in the future where parties will be unable to calculate a reasonable royalty without use of the rule of thumb or other standardized measures. Suffice to say that if one party to a suit presents appropriate evidence of a patent's value and that evidence falls outside the scope of subsection (d) or within one of the other exceptions, then that method is ''reasonably available'' and paragraph (4) could not be invoked.

A word about the need for substantive standards: some critics of S. 1145 have made the argument to me that any problems with damages litigation can be cured through procedural reforms, and that changes to substantive legal standards such as those in subsections (d) through (f) are unnecessary. These parties also have made the related, though different argument that to the extent that litigants are using unreliable evidence or methodologies, this problem should be addressed through cross examination and advocacy.

Though I share these critics' displeasure with S. 1145, I do not think that problems such as the overuse of rule of thumb and industry averages will be completely solved through purely procedural reforms. The most likely mechanism for excluding these methodologies would be rule 702. But the use of some of these methods for valuing patents is endorsed by multiple experts. These methods, while ultimately unsound, represent a significant minority view that is backed by some published commentary, albeit sometimes only commentary in journals that are exclusively written by, subscribed to, and read by plaintiff-side damages expert witnesses. In such circumstances, it is no sure thing that a party will be able to exclude under Daubert the testimony of an expert employing these methodologies. These metrics are sufficiently entrenched that the only way to ensure that the courts will disallow them when their use is not appropriate is for Congress to tell the courts to disallow them.

As to the second point, it is true that it is the lawyer's duty to identify the flaws in the other side's arguments and to debunk unsound theories. But the reality is that because of the limited expertise and experience of many jurors and the limited time allowed to argue a case at trial, often the trier of fact will not divine the truth of the matter. And some unsound damages methodologies are particularly likely to be appealing to those untutored in the field. An industry average analysis, for example, employs the one statistical concept that is understood by virtually everyone, and this method's use may amount to no more than a simple back-of-the-envelope calculation that requires only one expert to give you the industry average licensing rate and another to calculate the gross revenues on the product. When a complex economic analysis that focuses on noninfringing alternatives to the patented invention or the costs of a design-around is forced to compete for the jury's favor with a simple average-rate-times-sales calculation, many jurors may find the simpler and readily understandable method more intuitively appealing, even if it is less accurate. And of course, when two different and even slightly complex damages calculations are presented to a jury, there always exists a risk that the jury will resolve the dispute by splitting the difference between the two methods. In a high-value case where the patent owner uses an unsound method that produces a wildly inflated number, the risk that the jury will pick the wrong method or even split the difference may easily be unacceptable from a business perspective.

In the end, it is the premise of the rules of evidence that some types of evidence are so unsound, so prejudicial, or so likely to produce an unjust result that we do not require the other side's lawyer to debunk this evidence, but rather we require the judge to bar it from the courtroom altogether. If we find that particular methodologies routinely produce inaccurate and unjust results, it is appropriate that we amend the law to directly restrict the use of those methodologies.

Subsection (e) restricts and regulates the use of licenses paid for supposedly comparable patents as a means of calculating the value of the patent in suit. The use of comparables is authorized by Georgia-Pacific factor two and can generate probative evidence of a patent's value. Nevertheless, such use is regulated and restricted by this subsection. Comparables are a valuation method that is often abused, both to overvalue and to undervalue patents. When an infringer is sued for infringing an important patent, he often will cite as evidence of a reasonable royalty the license paid for a patent that is in the same field but that is much less valuable than the patent in suit. Similarly, a plaintiff patent owner asserting a trivial patent may cite as ''comparable'' other patents in the same field that are much more valuable than the plaintiff's patent. The fact that another patent is licensed in the same industry should not alone be enough to allow its use as a comparable in litigation.

Comparability is a subjective test. By definition, every patent is unique and no two patents are truly comparable. Subsection (e) thus requires that comparables be used only in conjunction with or to confirm the results of other evidence, and that they only be drawn from the same or an analogous technological field. I chose the latter term rather than ''same industry'' because the term ''industry'' is too broad. Parties might define ''industry'' so expansively that every patent in the universe would fall into one of only two or three ''industries.''

Paragraph (2) of subsection (e) sets out guideposts for determining whether a patent is economically comparable to another patent. It suggests requiring a showing that the supposed comparable is of similar significance to the licensed product as the patent in suit is to the infringing product, and that the licensed and infringing products have a similar profit margin. Obviously, a patent that makes only a trivial contribution to a product cannot accurately be valued by reference to a comparable that makes a critical and valuable contribution to its licensed product, or vice versa. And similarity in the profitability of the licensed and infringing products will also generally be important to establishing the economic comparability of two patents. As an economic reality, when the profits on a product are high, the manufacturer will be more generous with the royalties that he pays for the patented inventions that are used by the product. This economic reality is undergirded by the fact that it will typically be the patented inventions used by a product that make that product unique in the marketplace and allow it to earn higher profits. Even if two patents are the principal patent on products in the same field, if one patent's product has a 2-percent profit margin and the other's has a 20-percent profit margin, that first patent evidently is doing less to distinguish that product in its market and to generate consumer demand—and thus has a lower economic value.

A thorough analysis of comparability, of course, likely will depend in a given case on many factors beyond those listed here. Subparagraphs (A) and (B) are simply guideposts that describe two factors that are likely to be relevant to comparability. The bill only provides that these two factors may be considered. It does not preclude consideration of other factors, nor does it require that these two factors be considered in every case. A party asserting the propriety of a comparable may be able to show that one or even both of these factors are not appropriate to establishing economic comparability in a given case.

Subsection (f) bars parties from arguing that damages should be based on the wealth or profitability of the defendant as of the time of trial. Some lawyers have been known, after making their case for an inflated royalty calculation, to emphasize how insignificant even that inflated request is in light of the total revenues of the defendant infringer. Such arguments do not assist the jury in gauging a reasonable royalty. Rather, they serve to reduce the jury's sense of responsibility to limit a reasonable royalty to the actual value of the use made of the invention. This subsection does not bar all

consideration of the financial condition of the infringer. It may be appropriate to consider the infringer's finances at the time of infringement especially if there is some evidence that such information is considered when licensing patents in the relevant industry. But in no case should a court allow such information to be presented when the evident purpose of doing is to tell the jury that the defendant has deep pockets and will not be burdened by an inflated award.

Subsection (g) gives either party a presumptive right to demand that validity and infringement be decided before the jury hears arguments about damages. Currently, some plaintiffs will force a premature debate over damages in order to color the jury's view of validity and infringement. For example, in some cases, the same defense witness who testifies as to validity and infringement will also know facts relevant to the patent's value. This may allow the plaintiff's lawyer to question that witness about damages, forcing the defendant to begin arguing about the amount of his liability before the jury has even heard all the arguments as to whether the patent is valid and infringed. A defendant who is already arguing about what a patent is worth will tend to look as if he has already conceded that he owes something, and that the dispute is simply over the amount.

This tension also exists even when all validity and infringement arguments are presented before damages are argued. Current law routinely allows the defendant to be forced to argue in the alternative to be made to argue in one breath that he is not liable and in the next that if he is liable, then this is the amount for which he is liable. A presumptive right to have one issue resolved before the other is addressed would cure this tension. This subsection allows only sequencing of the trial, not full bifurcation. It does not require the use of a second jury, and allows all pretrial activity, including that related to damages, to be completed before the validity and infringement case is presented and decided. The jury would decide validity and infringement and then proceed immediately to hear the damages case, if still needed.

Subsection (h) requires an expert to provide to the opposing party his written testimony and the data and other information on which his conclusions and methods are based, and to also provide the written testimony to the court. This subsection supplements current law, codifying and enforcing the better interpretation of what is currently required by the rules of procedure. It is necessary because those current rules are sometimes not fully enforced, and experts sometimes are allowed to testify, for example, as to what is customary in an industry without providing the facts and figures or evidence of actual events that are the basis for the expert's view that something is customary. Rule 702 exists to ensure that expert witnesses are not simply allowed to argue from authority. It allows opposing counsel to challenge the expert's methods as unsound, but that right becomes illusory if the expert is allowed to testify without ever disclosing an objective foundation for his conclusions. Requiring the expert's written testimony to also be provided to the judge should allow the judge to prepare himself to consider motions regarding the relevance and admissibility of the expert's testimony.

Subsection (i) codifies and reinforces current law allowing a party to seek summary judgment or JMOL on damages issues. It also requires a court to instruct the jury only on those issues supported by substantial evidence, a requirement which, when appropriate motions have been made, should prevent the court from simply reading the laundry list of all 15 Georgia-Pacific factors to the jury. The court's identification of those factors for which there is substantial evidence not only will provide better guidance to the jury, but should also clarify the record and give form to the factfinder's decision, thereby providing a better foundation for an appeal.

Section 299A creates a patent-specific and expanded Daubert rule. First, it makes Rule 702 specific to the Federal circuit and patent law. Currently, rule 702 is regarded by the Federal circuit as a procedural rule, and thus in each case the Federal Circuit simply follows the Daubert jurisprudence of the regional circuit whence the district court decision came. Since the regional courts of appeals do not hear patent cases, this system retards the development of a rule 702 jurisprudence that thoroughly considers some of the unique issues presented by patent law and particularly patent-damages law. The current situation also requires the district courts to look only to rule 702 precedent that is based only on nonpatent cases. By embedding rule 702 in the patent code, section 299A will force the development of more consistent and thorough jurisprudence regarding what kinds of reasonable royalty damages calculation methodologies are reliable and what kinds are not. Like subsection (h) above, this section supplements rather than replaces current law.

Section 299A also codifies the four indicia of reliability that were announced in the original *Daubert* v. *Merrell Dow Pharmaceuticals* decision, 509 U.S. 579 (1993), as well as two other indicia that are not described in Daubert. These two additional reliability indicia, at paragraphs (5) and (6), are based on standards announced in court of appeals decisions that apply Daubert. These decisions are discussed in footnote 30 of section 6266 of Wright and Miller's Federal Practice and Procedure. The first new factor, whether a theory or technique has been employed independently of litigation, should be useful in flushing out methodologies that exist only in litigation expert witness' testimony and are never employed in actual licensing negotiations. Use of this reliability indicator should inject more honesty into the hypothetical negotiation. It should force parties to use methodologies that actually would have been used had the infringer and claimant negotiated a license, rather than metrics that are only ever employed in an expert's imaginary parallel universe.

The second new reliability indicator, whether the expert has accounted for readily available alternative theories, should exclude the expert who ignores precise and objective metrics of value in favor of subjective and manipulable methodologies that allow him to produce the result that happens to most favor his client. If there is clear evidence, for example, of the market price of a noninfringing alternative to the infringing product, of the costs of noninfringing substitutes for the invention or the costs of a design-around, or of the cost savings produced by use of the invention, an expert witness should not be allowed to ignore that evidence. He must consider that evidence or at least provide a persuasive account as to why it should not be considered. One common sign of a bad or biased expert witness is his disregard of readily available alternative theories or techniques. Paragraph (6) will help to ensure that Federal courts exercise their gatekeeper role and bar such witnesses from misleading the jury.

Finally, subsection (c) of proposed section 299A requires district courts and circuit courts to explain their Daubert determinations, which should facilitate appeal of those decisions.

Section 5 of the bill authorizes the creation of post grant review proceedings for challenging the validity of patents. It allows both first- and second-window review of a patent, with procedural restrictions that will limit the time and expense of these proceedings and protect patent owners. The bill uses a procedural model that is favored by PTO and is calculated to allow quick resolution of petitions. Importantly, the bill also imposes procedural limits on when a second-window proceeding may be sought after civil litigation has commenced, and restricts duplicative or second and successive proceedings, preventing infringers from using post grant review as a litigation or delaying tactic.

Section 5(a) of the bill repeals the procedures for inter partes reexam effective 1 year after the date of enactment of the bill, while allowing requests for reexam that are filed before that effective date to continue to be considered by the office. Director-initiated reexam is also repealed, out of concern that in the future political pressure may be brought to bear on PTO to attack patents that are a nuisance to politically important businesses.

The bill's proposed section 321 authorizes two types of post grant review

proceedings, a first-period proceeding in which any invalidity argument can be presented, and a second-period proceeding that is limited to considering arguments of novelty and nonobviousness that are based on patents or printed publications. The first-window proceeding must be brought within 9 months after the patent is issued. The second window is open for the life of the patent after the 9-month window has lapsed or after any first-period proceeding has concluded.

The bill uses an oppositional model, which is favored by PTO as allowing speedier adjudication of claims. Under a reexam system, the burden is always on PTO to show that a claim is not patentable. Every time that new information is presented, PTO must reassess whether its burden has been met. This model has proven unworkable in inter partes reexam, in which multiple parties can present information to PTO at various stages of the proceeding, and which system has experienced interminable delays. Under an oppositional system, by contrast, the burden is always on the petitioner to show that a claim is not patentable. Both parties present their evidence to the PTO, which then simply decides whether the petitioner has met his burden.

If we expect post grant review proceedings to be completed within particular deadlines, I think that it is obligatory that we consult with the agency that is expected to administer the proceedings. In this case, PTO has expressed a strong preference for an oppositional model, and it believes that it can comply with reasonable deadlines if that model is adopted. The bill's use of an oppositional system thus allows proposed section 329(b)(1) to mandate that post grant review proceedings be completed within one year after they are instituted, with a possible 6-month extension for good cause shown or in the event of second-window joinder.

Section 5 also imposes a number of procedural limitations on post grant review proceedings. Proposed section 321 applies a standing requirement that petitioners must have a substantial economic interest adverse to the patent. This is a relatively low threshold that simply requires a showing that some substantial economic activity of the petitioner's is hindered by the express or implied threat of the patent's monopoly. Nevertheless, the requirement does give patentees a measure of control over when they might be forced to defend themselves in a post grant review proceeding.

Proposed section 322 includes a number of provisions that are designed to limit the use of post grant review proceedings as a delaying tactic and to mitigate these proceedings' negative impact on efforts to enforce a patent. Subsection (a) provides presumptive immunity from post grant review proceedings to a patent that is enforced in court within three months of its issue. A patent asserted in court this early in its life likely is already the subject of a well-developed commercial dispute. A delay in resolution of the case under these circumstances probably would do unjustified and irreparable harm to one or another party's market share. Such disputes should be resolved as soon as possible, which means hearing all of the case in the one forum capable of hearing all claims, the district court.

Paragraph (1) of subsection (b) bars a party that has filed a declaratory-judgment action challenging the validity of a patent from also challenging the patent in a post grant review proceeding. And paragraph (2) requires a defendant in an infringement action who seeks to open a second-window proceeding to do so within 3 months after his answer to the complaint is due. I think that this is a better rule than one requiring that a petition for a second-window proceeding be filed before an infringement action is filed. Such a restriction might cause parties who think that they may be sued but who are not otherwise inclined to seek post grant review to file defensive petitions for second-period review, lest they later be sued and lose the right to request post grant review.

Subsection (c) of section 322 bars a party that has already sought a post grant review proceeding against a patent from subsequently seeking another post grant review or a reexam with regard to the same patent.

Subsection (d) of section 322 estops a party that has brought a post grant review proceeding against a patent from raising in any subsequent PTO or ITC proceeding or civil action any claim against that patent that it did raise in a post grant proceeding or that it could have raised in a second-window proceeding.

A word about privity: subsections (b)(2) and (d) of section 322 bar second-window proceedings from being instituted or claims from being raised if particular proceedings or claims were pursued by privies to the party now seeking to start proceedings or raise claims. The concept of privity, of course, is borrowed from the common law of judgments. The doctrine's practical and equitable nature is emphasized in a recent California Court of Appeals decision, *California Physicians' Service* v. *Aoki Diabetes Research Institute*, 163 Cal.App.4th 1506 (Cal. App. 2008), which notes, at page 1521, citations omitted, that:

> The word ''privy'' has acquired an expanded meaning. The courts, in the interest of justice and to prevent expensive litigation, are striving to give effect to judgments by extending ''privies'' beyond the classical description. The emphasis is not on a concept of identity of parties, but on the practical situation. Privity is essentially a shorthand statement that collateral estoppel is to be applied in a given case; there is no universally applicable definition of privity. The concept refers to a relationship between the party to be estopped and the unsuccessful party in the prior litigation which is sufficiently close so as to justify application of the doctrine of collateral estoppel.

It bears noting that not all parties in privity with a would-be petitioner for other purposes or by way of various contracts would also be in privity with the petitioner for purposes of estoppel—that is, for purposes of section 322. This limitation on estoppel privity is usefully highlighted in a decision of the Federal circuit, *International Nutrition Co.* v. *Horphag Research, Ltd.*, 220 F.3d 1325 (Fed. Cir. 2000), which notes, at page 1329, that:

> One situation in which parties have frequently been held to be in privity is when they hold successive interests in the same property. See, e.g., *Litchfield* v. *Crane*, 123 U.S. 549, 551, 8 S.Ct. 210, 31 L.Ed. 199 (1887) (defining privity to include a ''mutual or successive relationship to the same rights of property''). Thus, a judgment with respect to a particular property interest may be binding on a third party based on a transfer of the property in issue to the third party after judgment. See Restatement (Second) of Judgments §43 (1982) (''A judgment in an action that determines interests in real or personal property . . . [h]as preclusive effects upon a person who succeeds to the interest of a party to the same extent as upon the party himself.''). A corollary of that principle, however, is that when one party is a successor in interest to another with respect to particular property, the parties are in privity only with respect to an adjudication of rights in the property that was transferred; they are not in privity for other purposes, such as an adjudication of rights in other property that was never transferred between the two. See 18 Wright et al., supra, §4462. Put another way, the transfer of a particular piece of property does not have the effect of limiting rights of the transferee that are unrelated to the transferred property. See *Munoz* v. *County of Imperial*, 667 F.2d 811, 816 (9th Cir.1982) (concluding that non-parties were not in privity with a party to litigation because ''[t]he right which the [third parties] seek to litigate is not one which they obtained through contractual relations with [a party to the previous litigation]. It is a completely independent right[.]'').

Proposed section 327 also imposes important limits on post grant review proceedings. Its requirements are designed to protect both patent owners and the PTO. Section 327 establishes a substantial evidentiary threshold for bringing any post grant review proceeding, and it imposes a further elevated threshold against the bringing of a second-period proceeding for a patent that already has become the subject of such a proceeding. Subsection (a) requires that any petition present evidence that, if unrebutted, would show that a claim in the patent is unpatentable. This threshold is designed, among other things, to force a petitioner to present all of his best evidence against a patent up front. His petition itself must present a full affirmative case. It thus reinforces the front-loaded nature of an oppositional system, which is critical to the efficient resolution of proceedings by PTO. This threshold is considerably higher than ''significant new question of patentability,'' and thus, particularly in combination with the mandates of section 329(c), should provide the PTO with sufficient discretion to protect itself against being overwhelmed by a deluge of petitions.

Subsection (b) of section 327 is designed to allow parties to use first-window proceedings to resolve important legal questions early in the life of such controversies. Currently, for example, if there is debate over whether a particular subject matter or thing is really patentable, parties who disagree with PTO's conclusion that it is patentable must wait until a patent is granted and an infringement dispute arises before the question can be tested in court. In such a situation, subsection (b) would allow parties with an economic interest in the matter to raise the question early in its life. If PTO is wrong and such a thing cannot be patented, subsection (b) creates an avenue by which the question can be conclusively resolved by the Federal circuit before a large number of improper patents are granted and allowed to unjustifiably disrupt an industry. Obviously, subsection (a) alone would not be enough to test the view that PTO has reached an incorrect conclusion on an important legal question, because subsection (a) requires the petitioner to persuade PTO that a claim appears to be unpatentable, and PTO is unlikely to be so persuaded if it has already decided the underlying legal question in favor of patentability. Subsection (a) is directed only at individual instances of error that PTO itself appreciates, while subsection (b) allows PTO to reconsider an important legal question and to effectively certify it for Federal circuit resolution when it appears that the question is worthy of early conclusive resolution.

Subsection (c) of section 327 applies a successive-petition bar of sorts to second or successive petitions for second-period review. It is a rare patent that should be twice subjected to second-window proceedings. Nevertheless, Congress ought not preclude such review entirely. It is possible, for example, that a second-period proceeding may be resolved in a way that suggests that there was some collusion between the petitioner and the patent owner. And PTO may over time identify other circumstances in which even a second or third second-period proceeding is appropriate. Subsection (c) requires that such latter circumstances be exceptional, however.

Lengthy and duplicative proceedings are one of the worst evils of other systems of administrative review of patents. During the pendency of such proceedings, a patent owner is effectively prevented from enforcing his patent. Subsection (c) should ensure that second or successive second-period proceedings are few and far between.

It would be desirable that, when the Director grants petitions, he identify for the parties those issues that he found to be sufficiently established and those that were not. Such a practice would help to expedite proceedings in many cases, as it would limit the issues, and it would also give the patent owner a sense of what issues are important to the board and where he ought to focus his amendments. Ultimately, though, I decided against requiring such practice in the text of the bill. If a mandate were in the statute, it would create problems for the board in the rare but inevitable case where the board initially identifies one issue as the basis for granting the petition, but it later becomes apparent that a different issue is really the central issue in the case. It is better that these proceedings not become as formal as is certiorari practice in the Supreme Court. Nevertheless, it would be helpful to the process and to the parties if the board were to adopt a practice in the ordinary case of identifying the issues that formed the basis of its grant of the petition.

A few words about joinder: section 325 mandates that multiple first-period proceedings be consolidated, and allows multiple second-period proceedings to be so joined. There is no provision in the bill for successive first-period proceedings, so any additional first-period petition that is worthy of being instituted must be joined with the first one. The threshold imposed by section 327, in combination with the mandates of section 329(c), gives the Director the discretion to reject additional first-period petitions that do not add anything new to the case. This section is not intended to make first-period review operate like a notice-and-comment proceeding, in which everyone gets his say and the agency may be buried under an avalanche of repetitive comments.

In the case of both first and second-period proceedings, additional petitions can be joined only if, among other things, they are properly filed. The words ''properly filed'' are a term of art that is also employed in section 2244 of title 28 and that has been given content no less than three times during this decade by the U.S. Supreme Court, see *Artuz* v. *Bennett*, 531 U.S. 4 (2000), *Pace* v. *DiGuglielmo*, 544 U.S. 408, and *Allen* v. *Siebert*, 128 S.Ct. 2 (2007). The gist of these decisions is that a petition is properly filed when it is delivered and accepted in compliance with applicable rules governing filings, though particular claims within filings be barred on other procedural grounds, and that time deadlines for filing petitions must be complied with in all cases.

Where possible, I have sought to make the intended operation of these provisions clear and evident on their face, but the interaction between sections 325(b), 327, and 329(b)(2) requires some explanation. Under 329(b)(2), a request to join a second-period proceeding must be made within a time period to be set by the Director. If the request is so made, the additional second-period petition may be joined to a pending proceeding at the discretion of the Director if he has determined that the additional petition satisfies the threshold set in section 327(a). If the 329(b)(2) deadline is not met, however, the additional second-period petition can still be joined to a pending proceeding at the discretion of the Director if he determines that the additional petition satisfies the threshold set in section 327(c). Section 325(b) requires that a petition be procedurally in order if it is to be considered for joinder, but there is no time deadline that applies to petitions for second-period proceedings, other than that they not be filed before first-period proceedings are concluded. The deadline set pursuant to 329(b)(2) applies only to the motion for joinder, not to the filing of the additional petition itself, and 327(c) expressly contemplates that successive petitions will be filed outside the 329(b)(2) deadline for seeking joinder. Thus a procedurally proper successive petition for second-period review may be joined to a pending proceeding at the discretion of the Director, even if the 329(b)(2) deadline has not been met, so long as the Director determines that the petition satisfies the threshold set in section 327(c).

This is by design. Such a rule encourages petitioners to seek timely joinder to a pending second-period proceeding, but gives the Director discretion to join petitions that meet the successive petition bar even if the request for joinder is untimely. Since an additional petition that satisfies 327(c) would be entitled to its own successive proceeding in any event, it makes sense to allow the Director to join that petition to the pending proceeding, even though joinder was not timely sought.

Section 325(c) gives the PTO broad discretion to consolidate, stay, or terminate any PTO proceeding involving a patent if that patent is the subject of a postgrant review proceeding. It is anticipated, for example, that if a second-period proceeding is instituted and reexam is sought, the Director would be inclined to stay the postgrant review during exhaustion of the reexam. On the other hand, if a postgrant review is near completion, the Director may consolidate or terminate any other PTO proceeding that is initiated with regard to that patent.

Section 329(a)(5) prescribes discovery standards for first-window proceedings, and section 329(b)(3) sets standards for second-period discovery. The standard for allowing second-period discovery is more limited, out of recognition of the fact that the issues that can be raised in that proceeding are few and thus the need for discovery is less. Also, because a second-period proceeding can be instituted long after the patent has issued, it is more burdensome for the patent owner. Limiting second-window discovery limits that burden. Subparagraph (A) of section 329(b)(3) thus allows depositions of witnesses submitting statements, and subparagraph (B) allows further discovery as necessary in the interest of justice. This latter standard restricts additional discovery to particular limited situations, such as minor discovery that PTO finds to be routinely useful, or to discovery that is justified by the special circumstances of the case. Given the time

deadlines imposed on these proceedings, it is anticipated that, regardless of the standards imposed in section 329, PTO will be conservative in its grants of discovery.

Let me comment on two arguments and concerns with regard to second-period review that are not addressed in the text of this bill. First, many parties have made the case to me that any postgrant review of a patent should be limited to a first window that can only be opened within a limited period of time after the grant of a patent. There are strong arguments to be made for this view. Any type of second-period proceeding, whether an opposition or inter partes reexam, invariably interferes with and delays litigation. There is simply no avoiding this result. District judges, many of whom do not enjoy adjudicating patent cases, almost always will stay litigation when a second window has been opened and has the potential to terminate the patent.

I have decided, however, that it would be too radical a step to try to repeal inter partes reexam and not offer any other type of second-period review in its place. As a political and legislative reality, this decision was made in 1999 and probably cannot be undone. To address some of the concerns about a second window, this bill limits such review to the issues that can be raised in inter partes reexam, and includes provisions that are designed to preclude the kinds of tactical and abusive uses of second-period proceedings that are currently seen in inter partes reexam. Though it does not attempt to put the second-period genie back in the bottle, the bill should be an improvement over current law's inter partes reexam. I would welcome a debate about the desirability of second-window review during the next Congress.

Second, a number of parties have expressed concern to me about the current could-have-raised estoppel standard, which I have carried over to second-period proceedings in section 322(d)(2). It is arguable that applying could-have-raised estoppel to the second window does not actually protect the interests that it is designed to vindicate. This estoppel standard's main purpose appears to be to force a party to bring all of his claims in one forum—everything that he ''could have raised''—and therefore to eliminate the need to press any claims in other fora. In this bill, however, the issues that can be raised in the second window are so sharply limited that the goal of flushing out all claims is unattainable. Only 102 and 103 arguments based on patents and printed publications can be raised in the second window. Accused infringers inevitably will have other challenges and defenses that they will want to bring, and those arguments can only be raised in district court. Regardless of the estoppel standard that is applied, the patent owner will almost always be forced to fight in two fora, and the intended goal of could-have-raised estoppel will remain beyond reach.

The real reforms in this bill that would protect patent owners from abusive and duplicative proceedings are the various restrictions imposed in section 327 and in subsections (a), (b), and (c) of section 322. These provisions, I think, would be more useful and valuable to patent owners than could-have-raised estoppel. I welcome a broader debate on this issue. At the very least, it would be helpful to me to more clearly understand the interests that proponents and opponents believe are protected or injured by could-have-raised estoppel.

Section 8 of the bill addresses venue. It adopts an activities-based test for determining whether a particular district is an appropriate locale for a patent-infringement suit. Under section 8's proposed amendments to 28 U.S.C. section 1400, some significant activity involving either the patent or the infringing product must take place in the district in order for venue to be proper there. This section aims to limit patent litigation to districts with some reasonable connection to the patent, but without generating substantial preliminary litigation over venue. Of course, any change to the venue statute will result in a period of litigation over the new statute's meaning. To the extent possible, section 8 uses terms of art that have a settled meaning in the venue context.

Paragraph (2) and subparagraphs (B) and (C) of paragraph (6) refer to acts of infringement and to a product or process that embodies an invention, events or facts whose existence likely will be the subject of the litigation. I considered whether the word ''allegedly'' should be added before ''infringement'' or ''embodies,'' since those facts will not yet have been proven at the time when venue is being determined. Current section 1400(b), however, refers simply to ''acts of infringement.'' I am unaware of any courts that, when applying the current law, have required the plaintiff to demonstrate that infringement has in fact occurred before allowing themselves to be persuaded that venue is proper. I would expect courts and litigants to also use common sense when applying paragraphs (2) and (6), and to not construe the language to require that the merits of the case be litigated before a threshold question may be determined.

Paragraph (4) refers to the place where an invention was conceived. This can, of course, be more than one place and can involve collaborative activities.

Paragraphs (5) and (6)(A) refer to ''research and development.'' Other patent venue reforms that have been proposed in this Congress have referred to research or development, treating the two words as if they were separate concepts. In most circumstances, however, research and development are treated as one thing and no effort is made to distinguish research from development. Although theoretical distinctions are possible, they become very difficult to apply to actual practical situations. Thus section 8 treats research and development as a unified concept.

Paragraphs (5) and (6)(A) also refer to ''significant'' research and development. This bill uses the word ''significant,'' rather than the word ''substantial,'' which is a word that has been used in other legislative proposals made in this Congress. Having reviewed judicial constructions of both terms, it appears to me that ''significant'' means something like ''legitimate,'' and that the significance of an activity can be evaluated on the face of that activity, without reference to the whole of which it is a portion. The word ''substantial,'' on the other hand, appears to measure an activity in light of the whole of which it is a part. Arguably, one cannot know whether particular research-and-development activity is substantial without knowing all of the research-and-development activity that has taken place with regard to the patent in suit. Using the word ''substantial'' here or elsewhere in this section likely would in many cases require discovery to determine just what is the whole of which the activity in question is alleged to be a substantial part. Since the last thing that I would want to be responsible for is a patent law that made discovery and a 2-day evidentiary hearing a routine feature of establishing venue in patent litigation, my bill uses the word ''significant'' rather than ''substantial.''

Paragraph (7) allows venue at the place where a nonprofit organization managing inventions for colleges and universities, including the patent in suit, is principally based. These organizations manage inventions by, among other things, helping the schools to commercialize them. Whether such an organization acts on behalf of a university should not be construed to turn on whether there is an agency relationship between the organization and school. Even an independent contractor acts on behalf of the party that has retained it.

A few words about interlocutory appeals: I expressed skepticism in the committee report to S. 1145 about requiring the Federal circuit to accept interlocutory appeals of claim constructions. I noted that such a rule risked allowing a district judge who is insufficiently enthusiastic about his duty to decide patent cases to rid himself of a case by certifying an interlocutory appeal to the Federal circuit, in the hope that the case would go away and never come back. Not only would such an event waste the Federal circuit's resources, it would also force that circuit to decide a claim construction on the basis of what may be an inadequate evidentiary record. And no matter how thin that record may be, once the claim construction was before the Federal circuit and that court were forced to decide it, whatever came back to the district court would be the law of the case. The Federal circuit's claim construction could not be

changed by the district court on remand, no matter how obvious it later became in light of a more complete record that the Federal circuit had gotten it wrong.

I have heard from more than one patent lawyer that claim construction often is a rolling process. Even when a court holds a Markman hearing and attempts to definitively construe a patent early in a trial, frequently new information comes forward over the course of the trial that sheds new light on claim terms, or it becomes clear that different claim terms constitute the heart of the dispute and must be construed. An interlocutory appeal would prove to be a large waste of time if it later became clear that different claim terms formed the heart of the dispute. And such an appeal could prove to be an utter disaster if the Federal circuit were forced to construe the key claim terms without having all of the necessary information before it and, as a result, that court misconstrued those claims. Because of the great risk of such undesirable outcomes, and the delay that interlocutory appeals would inject into trials, I have not included a proposal to require interlocutory appeals in this bill.

Section 10 of the bill addresses applicant quality submissions. PTO believes that all applicants for a patent should be required to conduct a search of prior art and a patentability analysis before they submit their patent application. Such a requirement not only would improve the quality of applications, it would also persuade many would-be applicants not to file in the first place, since they would discover that their invention already is disclosed in the prior art.

PTO presents a strong case that the patent system currently is buckling under the volume of applications, and that if present trends continue, in 10 years the system could be brought to the point of collapse. Today, many applications provide little useful information to examiners and are filed without any awareness of the prior art. Some have suggested that PTO simply needs to hire and retain more examiners, but there are natural limits to PTO's ability to hire, train, and assimilate new examiners into the culture of PTO. Already PTO is hiring a significant percentage of every year's graduating class in particular fields of engineering. If something does not change, Congress may find it necessary to mandate across-the-board search-and patentability requirements in the future.

PTO urged the adoption of search-and-patentability requirements during this Congress. The ability of such proposals to secure acceptance from the relevant interests ultimately foundered, however, on our inability to answer several key questions about how such a system would function and how much it would cost. The types of searches that PTO performs, for example, are rather specialized. Many patent applicants would want to hire a search firm to conduct such searches rather than learn how to conduct PTO searches themselves. Currently, however, no market exists for such services and no firms exist that offer to conduct searches that would meet PTO's specifications. It is thus impossible at the moment to say with certainty how much patent applicants can expect to pay to have a private firm conduct a search that meets PTO's requirements.

It also is unclear exactly what kind of patentability analysis PTO might want. It will probably be necessary for PTO to launch such a system and to adjust it over a period of years before PTO itself discovers what kinds of requirements produce information that is useful to the Office.

And finally and most importantly, under the current system, in which statements made by the applicant during prosecution are used to construe the claims of the patent in district court, any requirement that the applicant make additional statements about patentability during prosecution would prove to be very expensive to the applicant. Under the current litigation regime, applicants who can afford to do so would be wise to hire expensive patent lawyers to think through how every statement made to PTO during a patentability analysis might later affect claim construction in an infringement suit. In other words, a patentability analysis requirement likely would result in heavy legal costs for patent applicants.

Rather than mandate that all applicants submit a search report and a patentability analysis, section 10 of the bill authorizes PTO to offer incentives to parties who do so, and it makes the prosecution record of a patent that is secured through such a program inadmissible to construe patent claims in later proceedings. This last requirement is both an essential prerequisite to the palatability of a voluntary search-and-patentability program, and is also expected to be a powerful draw to applicants to participate in the program. By effectively providing immunity in later litigation against all information that is in the file wrapper of the patent's prosecution history, this provision allows applicants to speak freely with examiners, without having to constantly think through—or rather, have their lawyers think through—how each statement might later affect claim scope in subsequent litigation. I also anticipate that the prospect of being able to assert a patent based solely on its claims, without having to litigate over the meaning of every action and statement in the prosecution record, will be a strong inducement to many patent applicants to try to comply with the PTO's voluntary search-and-patentability program.

Proposed section 123(b) also authorizes PTO to issue regulations identifying material submitted in an attempt to comply with the search-and-patentability program that also shall receive file-wrapper immunity. Such regulations should encourage applicants to try PTO's system who might otherwise be deterred by fear that if they try to comply with PTO's program and abort the attempt or are unsuccessful and later secure the same patent by the conventional route, the possibly substantial record produced during the failed attempt will later be used in litigation to limit claim scope. And of course, even ultimately successful users of the search-and-patentability program who are not confident that they will complete the program likely would, in the absence of the immunity tendered by such regulations, engage in the very type of defensive and overlawyered discussions with the examiner that the prospect of file-wrapper immunity is designed to prevent.

Proposed section 123(a) authorizes PTO to offer various other incentives to parties who participate in a search-and-patentability program. Subsection 10(b) of the bill is intended to preclude a negative implication that because the bill authorizes PTO to offer such incentives, PTO must currently lack the authority to offer incentives to applicants who submit additional information. I should also note that PTO may continue to offer incentives to applicants under existing pilots and programs without issuing regulations.

Section 10 of the bill is designed to allow a substantial trial run of a search-and-patentability program. It is my hope that if the incentives offered are powerful enough and if PTO's search-and-patentability demands are reasonable, eventually a major portion of all patent applicants will choose to prosecute their patents under such a system. A well-functioning and heavily used search-and-patentability program not only would help PTO to process its backlog of applications, it also would answer some of the questions that we were unable to answer this year, such as how much would private prior-art searches cost, and will file-wrapper immunity operate as intended in court?

I hope that the gathering patent-application storm that PTO perceives will be diverted by the program authorized in this section and by the reforms to the inequitable-conduct doctrine in section 11 of the bill, both of which should encourage applicants to be more frank with PTO and to provide information that is more useful to the Office. If present filing trends continue for another decade, however, and Congress is forced to consider applying search- and patentability-analysis requirements across the board to all applications, it likely will have proven useful to have had a substantial trial run of a search-and-patentability program.

Section 11 of the bill addresses the doctrine of inequitable conduct. Under current law, this doctrine allows an accused infringer to have an entire patent declared unenforceable if he can demonstrate that when the patent was

prosecuted, the patent applicant intended to deceive the examiner by misrepresenting information that the court deems material under one of a variety of tests, such as whether the information would be important to a reasonable patent examiner in deciding whether to allow the application. See, e.g., *Digital Control, Inc.* v. *Charles Machine Works*, 437 F.3d 1309, 1313–14 (Fed. Cir. 2006). This doctrine, which is applied in the course of infringement litigation, is a court-made doctrine that is designed to force patent applicants to be forthcoming and to not mislead the PTO when prosecuting their patents. In practice, however, the doctrine does not fulfill this purpose and instead generates a variety of undesirable consequences.

There are two aspects of the current inequitable conduct doctrine that I find particularly troubling. The first is that it is asserted in a majority of all patent lawsuits. As much as one might think ill of the ethics of particular industries, it is simply inconceivable that fraud and other misconduct infects anything close to half of all of the patents issued in this country.

One explanation that a number of lawyers have given to me for the high rate at which inequitable conduct is asserted in litigation is that the doctrine gives the accused infringer an opportunity to examine the inventor—often in the jury's presence—and to paint him as deceptive and dishonest. Even the most upright and honest inventor can be made to look sly and shifty under aggressive examination as to why exactly he chose not disclose particular facts or documents to the PTO. And thus even an infringer who has no reasonable hope of prevailing on an inequitable-conduct claim will assert the doctrine simply because it offers an opportunity to cast the inventor and his work in a negative light. This tactic tends to increase the odds that the jury will find the invention obvious and to decrease the jury's estimate of the damages to which the inventor is entitled.

The doctrine also carries high transaction costs. It typically is grounds for exhaustive discovery of the inventor's files and for depositions directed at his state of mind at the time of the prosecution—for questioning him as to what did he know and when did he know it, and what was his motive for not disclosing particular pieces of information. The doctrine adds substantially to the expense of litigation.

The other aspect of the current doctrine that I find problematic is that it applies a draconian penalty to instances of misconduct whose materiality often appears to be doubtful. Jon W. Dudas, the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office, commented on this aspect of the doctrine in his testimony before the Judiciary Committee on June 6, 2007:

> Under existing case law, courts must hold all of a patent's claims invalid if they find inequitable conduct in any aspect of prosecuting a patent application even if the claims are completely valid and/or the inequitable conduct was irrelevant to prosecution of the claims. Thus, the only remedy available is complete loss of the patent. Inequitable conduct can be found if the applicant deliberately withholds or inaccurately represents information material to patent prosecution. Anything the court deems that a reasonable examiner would find important can be material and the evidence necessary to show intent varies according to the nature of the omission. Accordingly, the inequitable conduct standard is uncertain and the potential penalties severe. For example, any misstatement in an affidavit, or even a failure to disclose a possible source of bias, has been held to be capable of rendering all claims of the patent unenforceable.

Because inequitable conduct is a court-enforced doctrine, the assessment of what is material—of what would have been important to a reasonable patent examiner—is made by a U.S. district judge. But district judges very rarely have any firsthand knowledge of the patent-prosecution process or the workings of the PTO and are not in a position to accurately assess what information actually would have been important to a reasonable examiner.

The Federal courts' sometimes hair-trigger assessments of materiality are a substantial injustice to those patent owners who lose the right to enforce what is an otherwise perfectly valid patent. This injustice can be particularly acute when the current owner of the patent is a good-faith purchaser who is not even alleged to have engaged in any type of misconduct himself.

Judicial enforcement of the doctrine of inequitable conduct also has led to consequences that are of a more general concern. The doctrine's severe penalty, combined with the unpredictability of its application, has led applicants to adopt extreme tactics that are designed to eliminate the risk that their patent will ever be held unenforceable on the ground of inequitable conduct. These tactics, while perhaps effective at minimizing such risk, are inconsistent with sound prosecution practice. They constitute the exact opposite of providing PTO with the information that it needs in order to be able to assess whether a claimed invention is patentable, and they make it harder for PTO to do its job. Under Secretary Dudas commented on this phenomenon in his June 6, 2007 Judiciary Committee testimony:

> In some other cases, applicants or their attorneys fear that the legal doctrines of inequitable conduct and unenforceability may unfairly punish them with draconian penalties for innocently omitting information. The theory is that, if one does provide information, it must be perfect. Otherwise, the consequence may be loss of the patent and/or disciplinary action (for the applicant's attorney). By way of contrast, failure to share or disclose information has absolutely no adverse legal consequence.
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> While the risk of an inequitable conduct finding is low, it is frequently alleged. When alleged, inequitable conduct assertions add substantially to litigation costs and malpractice claims. The ''all or nothing'' result of an inequitable conduct finding understandably has a perverse effect on the actions of applicants and their attorneys with respect to ''risking'' a proper search in the first place. As a result, the doctrine results in counterproductive behavior before the USPTO. It discourages many applicants from conducting a search and leads others to be indiscriminate in the information they submit. In a review two years ago, we found that over 50 percent of submitted applications contained either no information disclosure statement or that such submissions included more than 20 references.

The Under Secretary's testimony is consistent with what has been described to me by a number of attorneys and patent applicants. The current state of inequitable conduct enforcement leads applicants to adopt one of two tactics: either they flood the Office with prior-art references but offer no explanation of how the invention is distinguished from that prior art or which prior art is most relevant, since by providing the reference they cannot be accused of concealing it, and by providing no explanation they cannot be accused of misleading the Office or mischaracterizing the information, or applicants provide no information at all with their applications, since providing some information would inevitably mean not supplying other information in the universe of existing information and thus could open the applicant to charges of having concealed something in that universe of information not provided. Both tactics impede the PTO's examination of patent applications.

Professor John F. Duffy of George Washington University Law School has made a persuasive case that inequitable conduct that occurs during patent prosecution should be addressed in proceedings before the PTO itself. He notes that the 1940s decisions that are viewed as giving the Supreme Court's imprimatur to judicial enforcement of the doctrine are much more limited in their rulings than the expansive approach to inequitable conduct that has been developed by the Federal circuit. He also points out that the patent system's use of civil litigation to enforce good conduct in dealings with an agency is unique to the patent system. In the case of every other Federal administrative agency, the agency itself polices misconduct and fraud committed in agency proceedings.

Professor Duffy also notes that in other administrative contexts, the Federal courts themselves have predicted that judicial supervision of agency proceedings would produce the very consequences that judicial intervention has produced in the PTO. Though *Buckman Co.* v. *Plaintiffs' Legal Committee*, 531 U.S. 341, 351 (2001), is a case about the FDA, it might as well be describing the impact of the inequitable-conduct doctrine on patent prosecutions:

> [F]raud-on-the-[agency] claims inevitably conflict with the [agency's] responsibility to

police fraud consistently with the Administration's judgment and objectives. As a practical matter, complying with the [agency's] detailed regulatory regime in the shadow of [the courts' varying fraud standards] will dramatically increase the burdens facing potential applicants * * *.

Conversely, fraud-on-the-[agency] claims would also cause applicants to fear that their disclosures to the [agency], although deemed appropriate by the Administration, will later be judged insufficient in * * * court. Applicants would then have an incentive to submit a deluge of information that the Administration neither wants nor needs, resulting in additional burdens on the [agency's] evaluation of an application. As a result, the [agency certification] process could encounter delays, which would, in turn, impede competition * * * and delay [innovation].

Section 11 of the bill that I have introduced proposes a new approach to addressing misconduct in proceedings before the PTO. It effectively shifts enforcement of the doctrine of inequitable conduct from civil litigation to administrative proceedings before the PTO. Under the procedures authorized in proposed sections 298 and 299, PTO will reissue patents if needed to remove any invalid claims, will assess the culpability of any misconduct, and will impose sanctions on any parties that have engaged in inequitable or fraudulent conduct before the Office.

I believe that the administrative framework proposed in section 11 is consistent with the principles outlined in the Supreme Court cases that the Federal circuit relies on as the basis for its own inequitable conduct jurisprudence, *Precision Instrument Manufacturing Co.* v. *Automotive Maintenance Machinery Co.*, 324 U.S. 806 (1945), and *Hazel-Atlas Glass Co.* v. *Hartford-Empire Co.*, 322 U.S. 238 (1944). Section 298 would require district courts to order patents that are infected by fraud to go into reissue proceedings, where invalid claims would be removed. Limiting patents to their proper scope serves important public interests. As the court noted in Precision Instrument, at pages 815 to 816, citations omitted:

The possession and assertion of patent rights are issues of great moment to the public. As recognized by the Constitution, [a patent] is a special privilege designed to serve the public purpose of promoting the ''Progress of Science and useful Arts.'' At the same time, a patent is an exception to the general rule against monopolies and to the right to access to a free and open market. The far-reaching social and economic consequences of a patent, therefore, give the public a paramount interest in seeing that patent monopolies spring from backgrounds free from fraud or other inequitable conduct and that such monopolies are kept within their legitimate scope.

Proposed section 299 would authorize procedures whereby the PTO can receive and assess complaints about misconduct committed by parties to its matters or proceedings, assess the materiality of the misconduct and the mens rea of the malfeasant, and levy appropriate sanctions, including civil fines and, in severe cases, unenforceability of the patent. This section is animated by the principles expressed in Precision Instrument, at page 818, where the court emphasized that:

Those who have applications pending with the Patent Office or who are parties to Patent Office proceedings have an uncompromising duty to report to it all facts concerning possible fraud or inequitableness underlying the applications in issue. * * * Public interest demands that all facts relevant to such matters be submitted formally or informally to the Patent Office, which can then pass upon the sufficiency of the evidence.

A few provisions of proposed section 299 deserve some commentary and explanation. Subsection (a) authorizes the PTO to issue regulations accepting complaints from any source. It is anticipated, based on preliminary discussions with the Office, that the PTO will accept complaints from a broad range of parties, including those that are third parties to any commercial disputes involving the patent. The scope of such regulations, however, ultimately remains within the Office's discretion, and PTO may later decide to limit who may file a complaint should it discover that allegations of misconduct that originate from particular types of sources are burdensomely voluminous or otherwise unproductive.

Though any person may file an allegation of misconduct under section 299, that section only allows such complaints to be filed against individual and entities that are parties to matters or proceedings before the Office. This limitation excludes examiners and other PTO personnel. Prosecutions occasionally become contentious, particularly when examiners fail to appreciate an inventor's revolutionary genius. If section 299 were not limited to complaints against parties, we would run the risk that such proceedings might come to be regarded by a subset of applicants as their final means of appealing an examiner's rejection.

Section 299 is not limited, however, to entertaining complaints against applicants and patentees. A party that engages in intentionally deceptive and material misconduct while challenging a patent during a postgrant review proceeding, or even while requesting such a proceeding, also may be sanctioned pursuant to section 299.

Some parties have criticized the fact that the proceedings authorized by section 299 will be prosecuted by the PTO alone, without the participation of parties adverse to the patent. PTO prefers it this way. If misconduct has resulted in the grant of claims that are invalid, that patent can still be challenged in court if its owner attempts to enforce it. And to the extent that alleged misconduct has not resulted in the grant of claims that are invalid, the interests principally affected by any misconduct are those of PTO. The primary injury in such a case is to PTO's interest in ensuring that parties are honest and forthcoming in their dealings with the Office and its general interest in the integrity of its proceedings. In such circumstances, it is appropriate that PTO control the prosecution of the misconduct.

Subsection (b)(3)(C) of section 299 permits PTO to sanction a patent owner by rendering his patent unenforceable. That penalty, however, is reserved by subparagraph (C) for particularly egregious misconduct that was committed by the current beneficial owner of the patent.

This elevated standard is consistent with the standards for unenforceability set in Precision Instrument and Hazel-Atlas Glass, the foundational Supreme Court cases of the modern inequitable-conduct doctrine. In Precision Instrument, an applicant ''gave false dates as to the conception, disclosure, drawing, description and reduction to practice of his invention.'' When his fraud was discovered by the other party to an interference proceeding, the applicant colluded with that other party to assign the false application to the party. The Supreme Court held the patent unenforceable, concluding that ''[t]he history of the patents and contracts in issue is steeped in perjury and undisclosed knowledge of perjury'' and that ''inequitable conduct impregnated [the patentee's] entire cause of action.'' Pages 809, 816, and 819. Similarly, in Hazel-Atlas Glass, the court rendered a patent unenforceable upon ''conclusive proof'' of a ''deliberately planned and carefully executed scheme to defraud not only the Patent Office but the Circuit Court of Appeals.'' The court also emphasized in that case that ''no equities have intervened through transfer of the fraudulently procured patent or judgment to an innocent purchaser.'' Pages 245 and 246.

I should also comment on a few other significant changes that this bill makes to S. 1145. My bill's proposed section 102(a)(1) amends the novelty condition of patentability by eliminating public use and the on-sale bar as independent bases of invalidity and instead imposes a uniform test of whether art has been made available to the public. By eliminating confidential sales and other secret activities as grounds for invalidity and imposing a general standard of public availability, this change will make the patent system simpler and more transparent. Whether a patent is valid or not will be determined exclusively on the basis of information that is available to the public. As a result, at the outset of any dispute over a patent, the patentee and potential infringer can develop a full and complete understanding of the information that will determine the novelty and nonobviousness of the claimed invention. This change not only will provide greater certainty and predictability—it should also substantially reduce the need for discovery in patent litigation, since defendants will no longer need to uncover evidence of private sales or offers for sale or other nonpublic information in order to determine whether the patent is valid.

It bears mention that the extent of what is deemed to be publicly available

is defined in important respects by the doctrine of inherency. Under that doctrine, once a product is sold on the market, any invention that is necessarily present or inherent to the product and that would be recognized as such by a person skilled in the art is itself deemed to be publicly available. Such an invention becomes publicly available art and cannot be patented. See generally *Rosco, Inc.* v. *Mirror Lite Co.*, 304 F.3d 1373, 1380–81 (Fed. Cir. 2002).

To address the possible concern that a uniform available-to-the-public standard might allow secret commercialization of a product followed by belated patenting, I should note that a manufacturer who embarked on such a course would run the risk that, under the first-to-file system, someone else might patent the invention out from under him. Perhaps for this reason, among others, industrialized countries that currently employ this standard do not appear to have experienced significant problems with manufacturers attempting secret commercialization and late patenting of their products.

The bill also includes other provisions that would make the patent system more objective and transparent. Section 3(c) eliminates current law's best-mode requirement, and section 15 strikes several provisions of title 35 that require inquiry into a patentee's subjective intent. Any useful information that might be supplied by describing a patent's best mode generally also will be provided while satisfying the written description and enablement requirements. And because the best-mode requirement turns on the patentee's subjective intent, rather than on objective facts, it often becomes grounds for deposition of the inventor and other discovery. Eliminating that requirement will make patent litigation less burdensome.

My bill also strikes S. 1145's elimination of the exception to the 18-month publication requirement. Small-patent-owners' groups have persuaded me that the current exception should be preserved. That exception, although used only about 40,000 times annually, is invoked heavily by small-business applicants. These smaller applicants believe that the opt-out of 18-month publication allows them to preserve the market advantage generated by their ingenuity, and prevents their inventions' being appropriated in foreign countries, in the event that their application is not granted or is only granted on a second attempt. Under Secretary Jon Dudas, in his June 6, 2007, Judiciary Committee testimony, also expressed doubt about the wisdom of eliminating the current exception. He noted that serious concerns had been expressed ''by independent inventors and small entities that large entities and foreign interests may misappropriate their inventions upon disclosure and prior to issuance of a patent.''

Sections 12 and 13 of the bill are carried over from S. 1145 as reported by the Judiciary Committee. I have included additions to those sections that I understand that their supporters had intended to adopt and have also made an addition of my own to section 12. The new subsection (c) in that section converts various day-based deadlines in title 35 into month-based deadlines. Month-based deadlines are easier to calculate. The use of months should make it easier to avoid the type of ministerial mistake that apparently is the cause for section 12. It should also save the patent system hundreds of billable hours over the years.

Section 2(b) of the bill includes a minor modification to the CREATE Act, Public Law 108–453. This change more closely aligns the text of that act to the PTO's current and uncontested interpretation of that act with regard to who must own the prior art that is regarded as jointly owned by the parties to a joint research agreement pursuant to the CREATE Act.

And last, but certainly not least, section 14 of the bill consists of the Coburn amendment, which would create a revolving fund for PTO fees. Under that amendment, all fees paid by patent and trademark applicants and owners to the PTO would remain in the PTO and could not be diverted to unrelated Government programs.

According to Senator COBURN, the fees collected by PTO are more than adequate to pay for the costs of all patent examinations and other PTO proceedings. But PTO is not allowed to keep those fees. Instead, the fees are deposited into the U.S. Treasury, and PTO's operations are funded by a congressional appropriation. It is that appropriation that effectively determines on an annual basis what portion of the fees that PTO has collected it will be allowed to keep and use.

Since 1992, Congress has diverted over $750 million in PTO fees to other governmental programs. As recently as 2004, over $100 million was diverted from the PTO.

Fee diversion unquestionably has a negative impact on the patent system. In recent years, it has hampered PTO's ability to hire an adequate number of examiners. Multiple studies and multiple witnesses at congressional hearings have concluded that fee diversion contributes to the growing backlog and lengthening pendency of patent applications. It currently takes nearly 3 years to get a patent, and 786,000 applications are pending. That means that large numbers of businesses, universities, and other inventors are waiting to learn if they will receive a patent for their invention.

Because of recent public outcry over lengthy patent-application pendency periods, the administration and Congress have abstained from diverting PTO fees since 2004. As a result, PTO has been able to hire a record number of new examiners and begin to address its backlog of applications. Unless the Coburn amendment is enacted into law, however, Congress and the administration could easily begin diverting PTO fees again in future years. Certainly, any bill that aspires to deserve the title ''Patent Reform Act'' should include a revolving-fund provision.

I thank all of the individuals who have assisted my attempts to understand and find answers to the difficult questions posed by efforts to improve the patent system, and I look forward to next year's congressional debate on patent reform legislation.

## JUVENILE JUSTICE AND DELINQUENCY PREVENTION REAUTHORIZATION ACT

Mr. LEAHY. Mr. Presdient, in July, the Senate Judiciary Committee reported the Juvenile Justice and Delinquency Prevention Reauthorization Act, an important bill designed to protect our communities and particularly our most precious asset, our children. I am disappointed that Republican objections continue to prevent this vital bipartisan legislation from passing the Senate this year.

This bill seeks to not only keep our children safe and out of trouble, but also to help ensure they have the opportunity to become productive adult members of society. Senator SPECTER and Senator KOHL have been leaders in this area of the law for decades, and I was honored to join with them once again to introduce this important initiative.

The Juvenile Justice and Delinquency Prevention Act sets out Federal policy and standards for the administration of juvenile justice in the states. It authorizes key Federal resources for States to improve their juvenile justice systems and for communities to develop programs to prevent young people from getting into trouble. With the proposed reauthorization of this important legislation, we recommit to these important goals. We also push the law forward in key ways to better serve our communities and our children.

The basic goals of the Juvenile Justice and Delinquency Prevention Act remain the same: keeping our communities safe by reducing juvenile crime, advancing programs and policies that keep children out of the criminal justice system, and encouraging States to implement policies designed to steer those children who do enter the juvenile justice system back onto a track to become contributing members of society.

The reauthorization that we consider today augments these goals in several ways. First, this bill encourages states to move away from keeping young people in adult jails. The Centers for Disease Control and Prevention concluded late last year that children who are held in adult prisons commit more crimes, and more serious crimes, when they are released, than children with similar histories who are kept in juvenile facilities. After years of pressure to send more and more young people to

adult prisons, it is time to seriously consider the strong evidence that this policy is not working.

We must do this with ample consideration for the fiscal constraints on States, particularly in these lean budget times, and with ample deference to the traditional role of States in setting their own criminal justice policy. We have done so here. But we also must work to ensure that unless strong and considered reasons dictate otherwise, the presumption must be that children will be kept with other children, particularly before they have been convicted of any wrongdoing.

As a former prosecutor, I know well the importance of holding criminals accountable for their crimes with strong sentences. But when we are talking about children, we must also think about how best to help them become responsible, contributing members of society as adults. That keeps us all safer.

I am disturbed that children from minority communities continue to be overrepresented in the juvenile justice system. This bill encourages States to take new steps to identify the reasons for this serious and continuing problem and to work together with the Federal Government and with local communities to find ways to start solving it.

I am also concerned that too many runaway and homeless young people are locked up for so-called status offenses, like truancy, without having committed any crime. In a Judiciary Committee hearing earlier this year on the reauthorization of the Runaway and Homeless Youth Act, I was amazed by the plight of this vulnerable population, even in the wealthiest country in the world, and inspired by the ability of so many children in this desperate situation to rise above that adversity.

This reauthorization of the Juvenile Justice Act takes strong and significant steps to move States away from detaining children from at-risk populations for status offenses and requires States to phase out the practice entirely in 3 years, but with a safety valve for those States that are unable to move quite so quickly due to limited resources.

As I have worked with experts on this legislation, it has become abundantly clear that mental health and drug treatment are fundamental to making real progress toward keeping juvenile offenders from reoffending. Mental disorders are two to three times more common among children in the juvenile justice system than in the general population, and fully 80 percent of young people in the juvenile justice system have been found by some studies to have a connection to substance abuse. This bill takes new and important steps to prioritize and fund mental health and drug treatment.

The bill tackles several other key facets of juvenile justice reform. It emphasizes effective training of personnel who work with young people in the juvenile justice system, both to encourage the use of approaches that have been proven effective and to eliminate cruel and unnecessary treatment of juveniles. The bill also creates incentives for the use of programs that research and testing have shown to work best.

Finally, the bill refocuses attention on prevention programs intended to keep children from ever entering the criminal justice system. I was struck when Chief Richard Miranda of Tucson, AZ, said in a December hearing on this bill that we cannot arrest our way out of the problem. I heard the same sentiment from Chief Anthony Bossi and others at the Judiciary Committee's field hearing earlier this year on young people and violent crime in Rutland, VT. When seasoned police officers from Rutland, VT, to Tucson, AZ, tell me that prevention programs are pivotal, I pay attention.

Just as this administration and recent Republican Congresses have gutted programs that support State and local law enforcement, so they have consistently cut and narrowed effective prevention programs, creating a dangerous vacuum. We need to reverse this trend and help our communities implement programs proven to help kids turn their lives around.

I have long supported a strong Federal commitment to preventing youth violence, and I have worked hard on past reauthorizations of this legislation, as have Senators SPECTER and KOHL and others on the Judiciary Committee. We have learned the importance of balancing strong law enforcement with effective prevention programs. This reauthorization pushes forward new ways to help children move out of the criminal justice system, return to school, and become responsible, hard-working members of our communities.

This legislation seeks to move the country in new directions to protect our communities and give our children the chance they need to grow up to be productive members of society. But we were careful to do so with full respect for the discretion due to law enforcement and judges, with deference to states, and with a regard for difficult fiscal realities.

It is unfortunate that, despite the bipartisan nature of the legislation and the careful consideration and consultation that went into drafting it, Republican objections have prevented this important bill from passing and helping to keep our children and our communities safe. I hope, while there is still time, that all Senators will decide to support and pass this vital reauthorization.

## PUBLIC CORRUPTION PROSECUTION IMPROVEMENTS ACT

Mr. LEAHY. Mr. President, more than a year ago, I introduced a bill aimed at restoring Americans' faith in their elected officials. The bipartisan Public Corruption Prosecutions Improvements Act would complement the accomplishments this Congress has made in passing important ethics and lobbying reforms by giving law enforcement additional tools and resources to root out corrupt conduct. Although the Judiciary Committee reported the bill last November, it has been stalled on the Senate floor for nearly a year. In the waning days of this Congress, we should take the opportunity to take up and promptly pass this critical legislation.

Since the bill's introduction, we have seen repeated instances of rampant and corrosive corruption at all levels of government, including at key Federal agencies. Just this month, the Office of Inspector General for the Department of the Interior documented numerous instances where the ''royalty-in-kind'' program—a program that collects billions of dollars from private companies that tap key energy resources—was corrupted by Federal employees who accepted benefits from energy companies ''with prodigious frequency.'' Investigators and prosecutors must have the resources and tools they need to go after this kind of corrupt conduct that compromises America's security. Too often, though, strained budgets and loopholes in existing corruption laws mean that corrupt conduct goes unchecked or simply cannot be prosecuted.

Make no mistake: the stain of corruption has spread to all levels of Government and has affected both major political parties. This is not a Democratic or Republican problem—it is an American problem that victimizes every single one of us by chipping away at the foundations of our democracy. Congress must send a strong signal that it will not tolerate public corruption by providing better tools for Federal investigators and prosecutors to combat it. This bill will do exactly that.

We are also just now learning the role of fraud and perhaps corruption in the catastrophic unraveling of the financial markets and the economy. Prosecutors must have every tool at their disposal to restore accountability. This bill will strengthen the tools prosecutors have to crack down on these insidious crimes.

The bill gives investigators and prosecutors more time and resources to effectively enforce existing anti-corruption laws. Specifically, it extends the statute of limitations from 5 to 6 years for the most serious public corruption offenses. Public corruption cases are among the most difficult and time-consuming cases to investigate and prosecute. Bank fraud, arson and passport fraud, among other offenses, all have 10-year statutes of limitations. Public corruption offenses cut to the heart of our democracy, and a more modest increase to the statute of limitations is a reasonable step to help our corruption investigators and prosecutors do their jobs.

The bill would also provide significant and much-needed additional funding for public corruption enforcement. Since September 11, 2001, Federal Bureau of Investigation, FBI, resources have been shifted away from the pursuit of white collar crime to counterterrorism. FBI Director Mueller has said recently that public corruption is now among the FBI's top investigative priorities, but a September 2005 report by the Department of Justice inspector general found that, from 2000 to 2004, there was an overall reduction in public corruption matters handled by the FBI. More recently, a study by the research group Transactional Records Access Clearinghouse found that the prosecution of all kinds of white collar crimes is down 27 percent since 2000, and official corruption cases have dropped in the same period by 14 percent. The Wall Street Journal reported recently that the investigation of a Federal elected official stalled for 6 months because the investigating U.S. Attorney's Office could not afford to replace the prosecutor who had previously handled the case.

We must reverse this trend and make sure that law enforcement has the tools and the funding it needs to address serious and corrosive crimes occurring right here at home. Efforts to combat terrorism and official corruption are not mutually exclusive. A bribed customs official who allows a terrorist to smuggle a dirty bomb into our country, or a corrupt consular officer who illegally supplies U.S. entry visas to would-be terrorists, can cause grave harm to our national security.

This bill goes further by amending several key statutes to broaden their application in corruption and fraud contexts. This series of fixes will prevent corrupt public officials and their accomplices from evading or defeating prosecution based on existing legal ambiguities. For example, the bill includes a fix to the gratuities statute that makes clear that public officials may not accept anything of value, other than what is permitted by existing regulations, given to them because of their official position.

The bill also appropriately expands the definition of what it means for a public official to perform an ''official act'' for the purposes of the bribery statute and closes several other gaps in current law.

Finally, the bill raises the statutory maximum penalties for several laws dealing with official misconduct, including theft of government property and bribery. These increases reflect the serious and corrosive nature of these crimes, and would harmonize the punishment for these crimes with other similar statutes.

This bipartisan bill is supported by the Department of Justice and by a wide array of public interest groups that have long advocated for vigorous enforcement of our fraud and public corruption laws, including the Campaign Legal Center, Common Cause, Democracy 21, the League of Women Voters, Public Citizen, and U.S. PIRG.

If we are serious about addressing the kinds of egregious misconduct that we have recently witnessed in high-profile public corruption cases, Congress must enact meaningful legislation to give investigators and prosecutors the tools and resources they need to enforce our laws. Passing last year's ethics and lobbying reform bill was a step in the right direction. But we must finish the job by strengthening the criminal law to enable Federal investigators and prosecutors to bring those who undermine the public trust to justice. I am disappointed that Republican objections have prevented the full Senate from passing this critical bill. I ask those Republicans Senators who are objecting to proceeding to this anticorruption legislation and to passing it to please reconsider before it is too late. Let us join together in taking bipartisan action.

## ECONOMIC STIMULUS

Mr. CARDIN. Mr. President, these are very difficult times for the American economy and America's working families. For most of the past 2 weeks, the headlines have been dominated by news of Wall Street's financial meltdown. But our Nation's economic woes stretch far beyond financial institutions.

The American people are watching the fluctuations in the stock market; they see investment banks failing and the values of their own 401(k) accounts and money market funds decline. Gas is still hovering near $4 a gallon, their grocery and heating bills continue to skyrocket, and yet their wages remain stagnant. Millions of families do not know how they will make ends meet this winter. While they believe that something must be done to fix the problems in the credit markets, they need and expect us to help them too.

It has been a week since the President sent to Capitol Hill a three-page bill asking for unprecedented authority to increase the American people's debt even further—to $11.3 trillion—and to use that money solely to purchase troubled assets from failing financial institutions, while demanding no accountability from their executives. It is no surprise that the American people have solidly rejected that plan. Bewildered, they ask Congress, ''Where is the help for my family, for my community?''

This week bipartisan efforts on the bailout continue in the Senate and House. We are working to craft a responsible plan to guarantee strong oversight of the system that created this disaster, limit exorbitant executive compensation and bonuses on Wall Street, and restore confidence in our markets. But we also recognize that much more must be done.

Senate Majority Leader REID and Appropriations Chairman BYRD have developed a thoughtful, comprehensive package that will begin to help our entire Nation recover. Regrettably, yesterday 42 Republicans rejected efforts to provide help beyond Wall Street. By voting against the motion to proceed, they denied the Senate the opportunity to even debate a plan for Americans' personal economic recovery.

The most recent statistics on employment and inflation reveal why their choice was wrong and why an immediate and forceful response is needed.

The unemployment rate stands at 6.1 percent the highest rate since September 2003. This bill would have extended unemployment benefits by 7 weeks for all States and by an additional 13 weeks in high unemployment States, and it would have provided $300 million for employment and training activities for dislocated workers. These funds would have helped more than 79,000 people receive training, and job search and career counseling.

Over the past 2 years, food costs have increased by nearly 15 percent. This bill would provide an additional $50 million for food banks and $60 million for senior meals program, increase food stamp benefits by 10 percent and add $450 million for the WIC Program.

Energy prices are up by nearly 40 percent in the past 2 years. This bill would have added $5.1 billion for low-income home energy assistance programs and $500 million to help make low-income homes for energy efficient through weatherization.

The majority of State governments are in dire economic straits. My home State of Maryland faces a $1 billion shortfall for the next fiscal year, and cuts in programs and services are already being planned. This bill would have boosted state coffers by providing a 4-percent increase in Federal help for State health care programs and $1.2 billion extra for the National Institutes of Health, NIH, headquartered in Bethesda, MD. This bill would have allowed NIH to award 3,300 new research grants to help discover new treatments and cures for devastating diseases.

Foreclosure rates are at the highest in our country's history and home values are plummeting. This bill included $37.5 million for the Legal Services Corporation to help families whose homes are in foreclosure, $52 million for the FHA to bolster its staff and resources to ensure that its mortgage fund remains solvent, $250 million to help public housing agencies rehabilitate vacant rental units, and $200 million to help families in rental housing who are displaced by foreclosure find safe, affordable places to live.

The Wall Street meltdown has vastly reduced the availability of credit for our small businesses and endangered the survival of many businesses. This bill would have provided $200 million to support reduced-fee loans to small businesses and $5 million to support microloans.

The defeat of the cloture vote today truly represents a missed opportunity

to answer Americans' call for aid. I want to commend Majority Leader REID and Chairman BYRD for their work in crafting this much needed bill. I would hope that before this Congress adjourns, we will have the opportunity to debate and pass this necessary measure.

## RACIAL INTIMIDATION

Mr. SMITH. Mr. President, I come to the floor today to speak about a recent act of hate and intimidation in my home State of Oregon.

On Tuesday morning, September 23, 2008, the custodial crew at George Fox University found a life-size cardboard cutout of Senator BARACK OBAMA hung by fishing wire from a tree on the campus. Attached to the cutout was a sign that read, ''Act Six reject.'' George Fox is a Christian university of 1,800 undergraduate students in Newberg, OR. In an effort to expand diversity on campus, George Fox instituted a university scholarship program—Act Six—that provides full scholarships to students chosen for their leadership potential from Portland high schools. While not a requirement, many of the recipients are from a minority group.

Sadly, this crude and incendiary act of racial intimidation highlights our continued need to address the issue of civil rights in our country as racism still lurks in many dark corners of our Nation. Hate crimes and acts of racial intimidation seek to marginalize entire groups of Americans—and it simply cannot be tolerated in a democratic society.

The freedom and opportunities in the United States are the envy of the world. And while our Nation has made significant strides in protecting minority groups, the recent event at George Fox is a reminder that the civil rights struggle remains far from finished.

I praise the actions of George Fox President Robin Baker for acting quickly to unite the campus in expressing outrage to the act, and in urging students to show that the incident has no place in our society.

## IDAHOANS SPEAK OUT ON HIGH ENERGY PRICES

Mr. CRAPO. Mr. President, in mid-June, I asked Idahoans to share with me how high energy prices are affecting their lives, and they responded by the hundreds. The stories, numbering well over 1,000, are heartbreaking and touching. To respect their efforts, I am submitting every e-mail sent to me through an address set up specifically for this purpose to the CONGRESSIONAL RECORD. This is not an issue that will be easily resolved, but it is one that deserves immediate and serious attention, and Idahoans deserve to be heard. Their stories not only detail their struggles to meet everyday expenses, but also have suggestions and recommendations as to what Congress can do now to tackle this problem and find solutions that last beyond today. I ask unanimous consent to have today's letters printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Instead of getting out the state crying towel and airing a lot of sob stories about how people are suffering from high energy prices, why does not Congress start a meaningful course toward reducing oil prices by doing the following:

1. Open some of the areas of known oil reserves that have been placed ''off limits'' by irrational environmentalists bent on destroying this nation's economy (it is working, by the way) and encourage drilling in such places as the ANWAR, the known oil and coal fields in southern Utah, drilling off the western coast of California (let the bastards look at the Sierra Nevadas for scenery if they do not believe they'll like what they see with national security pouring from offshore rigs);

2. Encourage and authorize the construction of more refineries and decentralize them so that natural disasters (like Katrina) will not do irreparable damage to the oil supply system of this nation;

3. Hasten the construction of new nuclear reactors, even breeder reactors, for the safe and clean production of electricity. There are plenty of open, remote areas in Idaho, Nevada, Wyoming, Montana and Oregon to place several high-capacity nuclear reactors which would offer a significant bolster to power production and release oil for gasoline and diesel production instead of powering filthy gas-guzzling electricity generation plants;

4. And lastly, but not least, trash the ill-conceived corn-fed ethanol generation plan. What makes sense about using 1.2 gallons of energy to produce a single gallon of ethanol? Which idiots in your no longer august institution bought into that lunacy?

ROBERT.

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It seems the Senate and Congress have done nothing to help Americans when our way of life is being downgraded by high fuel, taxes, groceries and many other things. It seems the only thing they can pass is a pay raise for them, if their work performance was what a pay raise was based on, they would not have had one for decades. They would be fired at any other job. There should not be one power plant in our country using oil to make electricity. There should be a tax credit and time limit on every household that heats with oil to convert to electricity or something else. Why do we allow the cost of natural gas and propane to climb along with oil when we do have plenty of supplies? There are so many things broken in our country while the Congress and Senate do nothing that I wonder if there will be an America in 20 years.

BARRY.

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Hardest hit are Idahoans who have to drive to work every day in order to pay their bills, provide for their families and pay their taxes, and I feel sorry for them. Not far behind are senior citizens trying to make ends meet. I worked 34 years with one company, for which I am paid a modest monthly pension. That pension has not changed since my retirement in 1980. And you know what has happened to the cost of living since then. ''Skyrocketed'' would a close one-word definition. I am fortunate that I do not have to drive every day, but I do have to drive to the doctor's office, to the grocery store, to the pharmacy. I have cut out all pleasure travel to such favorites as Cascade, McCall and Sun Valley. Can no longer afford air travel. I now pay three times what I once paid for gasoline, and that increase has to come from somewhere, right? It comes out of the grocery money, prescription drug costs, and living expenses, which are also on the rise.

I am sadly disappointed in our government for allowing the U.S. to become dependent on Middle Eastern countries for our most of our energy needs. Now we are at their mercy, and they are not big on mercy, as we have found out. Everybody saw this coming, but nobody did anything about it. Big food distributors could have and should have decentralized long ago. Instead of wasting money on ethanol, windmills, and finger-pointing, our government should have been busy solving its problems. It should have opened the way to real alternate energy sources (including nuclear). It should have allowed, even encouraged, more refineries. It should have allowed, even encouraged, the tapping of our vast oil reserves. (If the intent was to save it for a rainy day—that day is unquestionably here.) And it should have pursued ways of discouraging wasteful uses of energy.

I can remember the day when Japan copied our inventions. Now Japan has taken the lead in research and development. They are acting responsibly. They are on their way to mass producing a vehicle that will run (really!) on nothing but water. What ever happened to our Yankee ingenuity? Why did not Detroit think of this first?

WILLARD, *Boise*.

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Because of rising energy costs, we have been driving less, biking more. We have started to implement changes to our business whereby we will use less fossil fuel overall. (My husband and I are artists who use a propane-fired furnace to produce our work.) We are marketing our artwork more locally instead of nationally because of high shipping costs. We are considering building a greenhouse to grow some of our own food and have joined a Community Supported Farm.

I do support diversifying our energy sources, especially wind, and solar and some hydropower. I also support programs that would encourage conservation and teach people about the real costs (war and pollution, to name a few) of our energy consumption. In addition, I would especially support any programs that include public transportation as a priority; yes, even in Idaho. We have public transportation over Teton Pass and in Jackson, Wyoming, and it is widely used and appreciated. There are also private shuttles that operate bringing people from southeast Idaho to the Salt Lake City airport. They are very reasonable and also widely used. I also support any legislation which can encourage the development and production of truly energy efficient vehicles, some kind of tax break for those who buy them for instance.

I do not support drilling for oil in some of our most pristine areas which support rare wildlife. Once these areas are destroyed or heavily impacted, they are gone forever. I do not trust that mining in these areas would be done in an environmentally conscious way. There is very little mining that is done consciously.

I think the overall emphasis needs to be using less, rather than finding more oil. It is, after all, a finite resource. We have essentially been living on borrowed time with regards to our consumption.

MARY, *Driggs*.

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We seem to be worry about just the cost of gas, but it is going to affect everything we do, buy and consume. I am a single man and on a tight budget. I am aware of what things cost. I have even been seeing the cost of groceries starting to inch up. Eventually everything will go up in price and we in the US are

going to find ourselves not able to live as we have for so many years. Spending will stop, businesses will cut back or even close their doors, unemployment will go up and we will be just like any Third World country with its people literally starving to death. We the people of the United States have a false hope that government will come to the rescue. I would hope so but, Mr. Crapo, I do not think you have the power any more to do so. I hope and pray that Congress are on their knees humbling yourselves and getting help and direction from above.

A concerned citizen,

MAC.

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I do not support increasing gas supplies. If our politicians weren't so short-sighted, we would have plenty for our needs.

Why do you suppose that Idahoans drive so much? Because we have no mass transit! If you really want to help your constituents, get them out of their cars.

I have an 18-year-old son who is planning to attend BSU next year. We live right here in Boise, and it is inexcusable that he will not be able to rely on our bus system to get to campus. What if he has a night class? What if he needs to be on campus on Sunday for study? What if he has a date and they would like to go out to the mall for a movie or to hang out with friends?

Wake up, Mr. Crapo—Idaho needs smart leaders who will make us energy independent and it can start with a real transit system. Oh, and how about some real incentives to get us off of oil? Like tax credits for solar so the average homeowner could actually afford it? Like major incentives for businesses that support telecommuting? How about tax cuts for innovations like fuel cells and electric vehicles?

SUSAN.

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The biggest group to blame about high energy prices, Mr. Crapo, is you and your colleagues in the United States Congress. Congress has put this country in a hole that it quite possible can never dig itself out of. The unfriendly energy legislation that has been passed over the years is unbelievable. You (Congress) have put the U.S. in a great security risk, with our dependence on foreign countries for our energy needs. Shame on you all. France of all countries gets roughly 80% of its power from nuclear energy. Germany plans on building 27 new coal fire plants by 2020. Yet, due to poor planning by the U.S. government, those types of plants have absolutely no chance of getting built in the U.S. today. The other powers in the world are just sitting back and watching us crumble from within. The Energy policy or lack there of is dandy; you push ethanol so now not only do we pay high prices for gas; we pay high prices for food products. When was the last time a refinery was built? The headaches the U.S. government has put in place make it impossible to build one. Why should an oil company build one here when they can do it in another country for less hassle?

The average American is getting killed by high energy prices and what has been done by Congress to help? Absolutely nothing. You sit in Washington and bicker back and forth like children. When will Congress realize that if you do not take action soon it will be too late? You need to absolutely treat this as a national security threat. Why aren't we pushing for hydrogen technology? Car makers have cars ready but the infrastructure is not in place. We will spend $100 billion in Iraq, but that money is better spent in our own country building our hydrogen infrastructure. Good job again boys! When are you going to make our country the priority? Obviously hydrogen technology is not the only answer. We need legislation to promote energy independence not legislation that hinders it.

Everyone can see what our future looks like under the current trend. You are putting my children's future in jeopardy with inaction. How does it feel knowing that your generation is responsible for the destruction of the greatest country in the history of the world?

DAN.

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I lived in rural Idaho and enjoyed a wonderful place out in the Lake Lowell area. We had a park-like setting out in the country with farm fields all around us. It was quiet and peaceful, a great place to raise the kids. The drawbacks were becoming too detrimental to overcome. Along with all the advantages to living out there, the disadvantages started to add up. They were not disadvantages until we got into a stupid war with the Middle East. We have had one after another setback with the refineries due to natural occurrences and ''scheduled maintenance'' taking the refineries offline. I lived five miles to the closest grocery store, so I would call my wife every day before returning home to combine a trip. The kids had to go seven miles one way to school (my wife does not trust the bus companies since they do not offer seatbelts (another hard thing to take—the seatbelt law). I rode the commuter bus from Nampa into Boise. It was very inconvenient; I had to drive a ways to catch any buses, and then they only operate during a two-hour window in the AM and the PM.

I ended up selling my house, moving to Boise and eliminating my commute. We rarely drive any more. It is not that we cannot now afford it, but things are close enough to reach by walking. It certainly is not because we improved our public transportation situation. I still have to walk a quarter-mile to the closest bus stop, and I live on Curtis Road between Northview and Fairview. The problem with this bus system is the lack of it. When I was commuting, I had extensive contact with the management and people involved in public transportation, trying to understand it. Literally, nobody knew what was going on outside of the level they worked, up or down, within any aspect of that operation. I could go on and on the issues I raised with them, offering ways to increase funding, ridership, the like. All shot down with excuses. I had even contacted the County Commissioners, the City Commissioners. Nothing but excuses. Idaho does not want to fix it, and they will not. It will take a major commitment by City, County, and State officials. They even fought about who had the right to widen Ustick Road. The County and the State fighting over territory (ridiculous).

My thoughts and comments may not appear too concise, but I have fought this fight and met resistance and stupidity on every level trying to make it better. I ask the questions and get ridiculous answers. They forward my emails around commenting to each other, ''I am glad this was not directed at me!'' Very frustrating, but if you can do anything about public transportation, [I would appreciate it].

JAMES.

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I would like to express my concerns regarding energy prices. I live in a rural community in southeast Idaho where everything is miles away. We have to drive a minimum of 20 miles each way to just get to the grocery store and back. As there is no industry in our area, I also commute over 120 miles round trip to work every day. The housing market in rural Idaho is also depressed, which precludes me from selling to move closer to work. In addition, since the food at the store needs to be trucked a long way; the cost of diesel is being passed through as increased prices in the store upping our food bill. The cost of our gas is up over $100 per month compared to last year making a severe impact on our family's budget, leaving little extra for other purchases.

In addition to this, we have to heat with propane as that and electricity is the only sources of heat available. Our propane bill to heat our home this last winter was approximately $2,800 as the price of propane has increased dramatically. That is close to a $1,000 more than the previous year, even with the thermostat set at 69 degrees. I have considered purchasing electric heaters instead of using my propane forced air furnace (which is only 5 years old and quite efficient). However, with the loss of the BPA credit on our power bills and the talk of 25-45% increases in electricity cost, I am not sure this will help very much.

I would like to respectfully suggest that you as members of the Senate look at ways to provide some relief to those of us in the West where long distances prohibit other means of getting around other than driving. I would respectfully suggest that legislation be presented that would remove some of the environmental restrictions so the oil companies can increase their refining capabilities and be allowed to drill in areas with known oil reserves which would increase supply, reduce costs and dependence on foreign sources of oil. This would be only a short-term fix and I would suggest that the Senate also look at increasing funding for research or incentives to encourage development of alternative sources of energy that will reduce the need to rely on oil (i.e. nuclear energy, wind and solar power, increasing hydro power generation, hydrogen fuel cell technology, synthetic fuel production from coal, methane generators utilizing the methane from old landfills, etc.).

With the demand from China and other rapidly developing countries continuing to climb which reduces supplies of oil available for us, this problem is going to continue to escalate exponentially. We are already behind the curve and, even if we act quickly, the problem is still years away from improving. The time for sitting on our hands is past. We need to act quickly to protect our countries way of life, economy, defense, and to make sure our kids have the energy resources they need in the future.

TOM, *Clifton*.

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I am not telling you something that you do not already know. Our country, including Idaho, is very dependent on transportation for survival. Most everything we sell needs to move out of Idaho and everything we use needs to be brought in, and we pay the freight both ways. When the transportation system collapses due to high fuel costs, the economy will collapse also. We need to get our act together and develop our own oil reserves and refineries, if it is not too late. We need to develop nuclear power, if it is not too late. Our crisis is real, and it seems that Washington is just sitting around waiting. Our food supply is a national security issue and energy is the cornerstone of everything is enjoyed and need.

Thanks for all you do,

RALPH, *Island Park*.

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We are all affected because of the inaction or our elected representatives. There have been no efforts to correct our dependence on oil from others. The same with our drug costs!!! We have been sold out to the chemicals Companies in this country; there is no way that they should be so high. We must go to Mexico, Canada and India to get our meds. Do something please about these problems.

Because of the greedy, this country is going to socialism.

MARLIN.

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I have to put almost all of my gas purchases on my credit cards because of the huge increase in costs. This has greatly increased my credit card debt, and continues to increase my payments on my credit cards, with no end in sight. I am not getting any pay raises at work due to economy, and my wife has taken extra jobs to help make ends meet yet we are still falling behind. I owed next to zero on my credit cards a year and a half ago; I now have over $12,000 related mostly to the increase in cost of fuel. Why cannot we reintroduce 55 mph speed limits? This would greatly cut down the demand for fuel, which should decrease the cost.

REX, *Rigby*.

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Although we were warned in the early eighties, there was no effort made to correct our path. We are seeing the repercussions of past failures to act on this threat. Although the cost of energy is a serious detriment to the economic stability of America, I still believe that the invasion of our country by Mexican nationals in the future will prove to be a far more serious problem. Still our Congress deals with the use of steroids and other trivial matters, rather than dealing with immigration, Social Security and national security. As today's youth would ask—what is up with that?

BILL.

## ADDITIONAL STATEMENTS

### BOYER VALLEY COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Boyer Valley Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Boyer Valley Community School District received a 2002 Harkin grant totaling $1 million which it used to help build an addition to the school in Dow City to provide a multipurpose room that could be used by the community as well as the school. The district collaborated with the City of Dunlap to build an addition to the middle/high school to house the community/school library. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. The district also received a $25,000 fire safety grant.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Boyer Valley Community School District. In particular, I would like to recognize the leadership of the board of education—Ken Dunham, Pat Putnam, Julie Wood, Steve Puck, Paul Klein, Mark McAllister, and Randy Mitchell, and former board members Roger Waderich, Theresa McAllister, Ruth Sherwood, Sam Cogdill, Sam Head, and Jane Davie as well as superintendent Thomas Vint and former superintendent Debra Johnsen. I would also like to recognize the city of Dow City and mayor Ace Ettleman, the city of Dunlap and treasurer Dwaine Hack and the late mayor Giles Lacey and the committee that worked to pass the bond referendum for the new schools.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Boyer Valley Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.•

### COLUMBUS COMMUNITY EDUCATION

• Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Columbus Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Columbus Community School District received a 2004 Harkin grant totaling $500,000 which it used to help replace the heating and cooling system with a geothermal system at the high school. Additionally, in 1998 and 1999, fire safety grants totaling $50,000 were used to update the electrical wiring and the installation of new alarm systems and fire doors at the middle and high schools. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Columbus Community School District. In particular, I would like to recognize the leadership of the board of education, Mike Braun, Marsha Gerot, Ed Smith, Dan Peters, and Georgia Kost. I would also like to recognize superintendent Richard Bridenstine and staff members including Tanya Purdy, Todd Heck and Mike Jay, and the community leadership of Mark Huston and Wade Edwards.

As we mark the 10th anniversary of the Harkin School Grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young

people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Columbus Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

## DAVENPORT COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Davenport Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Davenport Community School District received a 2000 Harkin grant totaling $500,000 which it used to help build a gym addition and for interior remodeling at Smart Intermediate School. A second Harkin Grant was awarded to the district in 2003 for $399,000. Matching funds were available through the passage of a Local Options Sales and Service Tax. The remodeling of classrooms and improvements to the media center at Harrison Elementary School were made possible by the combination of these funds. Additionally, between 2000 and 2005, the Davenport Community School District has received more than $900,000 in fire safety grants. Early warning systems, fire alarms and emergency lighting were installed in school buildings through the district to assure the health and safety of students, teachers and staff. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Davenport Community School District. In particular, I would like to recognize the leadership of the current board of education including Patt Zamora, Larry Roberson, Richard Clewell, Nikki DeFauw, Ralph Johanson, Ken Krumwiede and Tim Tupper and former board members Denise Hollonbeck, Jamie Howard, Steve Imming, Gary Kleinschmidt, Susan Low and the late Jim Hester. I would also like to recognize superintendent Julio Almanza, former superintendent Jim Blanche and several other members of the administration and support staff, Christie Wallace Noring, Linda Doran, Marsha Tangen, Tom Wagner, Howard Hunigan, Bill Good, Donna Cooper, Kris Kleinsmith, Marti Timmerman, Rachael Mullins, Tom Hunt, Karen Farley, Linda Smith Kortemeyer, the late Jane Grady and the late David Lane; and the commitment of community leaders like Dan Portes and Dave and Peggy Iglehart.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Davenport Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

## STORM LAKE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Storm Lake Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Storm Lake Community School District received several Harkin fire safety grants totaling $221,274 which it used to upgrade fire alarm systems at East Elementary and the Storm Lake High School; install fire detection systems at West and North Elementary Schools; and bring district facilities into fire inspection compliance through installation of emergency lighting, electrical upgrades made necessary due to expanding technology needs, and installation of fire safety doors and stairwell separators. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute superintendent Paul Tedesco and the entire staff, administration, and governance in the Storm Lake Community School District. In particular, I would like to recognize the leadership of the board of education—Dan Douglas, Barb Seiler, Leslie Cutler, Ed McKenna, and Todd Nicholson. Former superintendent Dr. Bill Kruse was also instrumental in the application and implementation of the grants, and public safety director Mark Prosser and Storm Lake fire chief Mike Jones supported the district's efforts by assisting in the assessment and identification of fire safety needs of the district.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the

Storm Lake Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

## VAN BUREN COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Van Buren Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Van Buren Community School District received a 2002 Harkin grant totaling $837,000. These funds were used to build a school library which is also available to the community, a lunchroom, an art and music room and a meeting space at the Douds Elementary School. With a financial commitment from the community through the passage of a local option sales tax and a contribution from the Van Buren Foundation, the Douds Elementary School created a safe and supportive learning environment.

In 2003, a second Harkin grant for $500,000 was awarded to the Van Buren School District. Matching funds came from a generous donation from the William M. and Donna J. Hoaglin Foundation. The funds were used for the remodeling of the art and music room at Stockport Elementary School, and to add another pre-school classroom at the Birmingham Early Childhood Center. These schools are the modern, state-of-the-art facilities that befit the educational ambitions and excellence of this school district. Indeed, they are the kind of schools that every child in America deserves.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Van Buren Community School District. In particular, I would like to recognize the leadership of the board of education—Tony Huffman, Terry Jester, Dick Hornberg, Sheila Parsons, Stan Whitten, Karen McEntee and Brian Starnes and former board members Jon Finney, Dixie Daugherty, Jean McIntosh, Monte Humble, Bill Shewmaker and Dr. Tim Blair. I would also like to recognize superintendent Karen Stinson, former superintendent Richard Barton and principal Charles Russell.

The projects would not have been possible without the financial support of two local foundations and I would like to recognize the board of directors of the Hoaglin Foundation; and the Van Buren Foundation board of directors, whose members include Art Ovrom, Dean Folker, Jon Finney, B.R. Poole, Steve Kisling, Rex Strait, Sandy McLain, Davis Pollock, Rich Lytle, Jim Dorothy, Butch Gates, Matt Manning, Jeanne Erickson, John O. Manning, Don VonSeggen, Pat Miller, George Manning, Mary J. Smith, Allen Gunn and Crystal Cronk.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Van Buren Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

## WEST DELAWARE COUNTY COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the West Delaware County Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The West Delaware County Community School District received several Harkin fire safety grants totaling $270,199 which it used to upgrade the fire alarm system and improve emergency lighting and other items at the high school and middle school as well as add fire rated doors and smoke and heat detectors at Lambert Elementary School. The Federal grants have made it possible for the district to provide quality and safe schools for their students.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the superintendent Bob Cue and the entire staff, administration, and governance in the West Delaware County Community School District. In particular, I would like to recognize the leadership of the board of education—president Elwyn Curtis, Mike Ryan, Steve Dudak, Cheryl Stufflebeam and Linda Bessey, as well as past members former president Dan Zumbach, Mike Carr, Ilona Durey, Gary Johnson, Jack Young, and Edith Fortmann-Comley.

Other dedicated district staff who were instrumental in the success of the grant implementation whom I would also like to recognize are the late superintendent Rick Hilbert, business manager Ron Goerdt, building and grounds director Ron Swartz, and technology coordinator Ron Struble.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young

people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the West Delaware County Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

## WOODBINE COMMUNITY EDUCATION

● Mr. HARKIN. Mr. President, in Iowa and across the United States, a new school year has begun. As you know, Iowa public schools have an excellent reputation nationwide, and Iowa students' test scores are among the highest in the Nation.

I would like to take just a few minutes today to salute the dedicated teachers, administrators, and school board members in the Woodbine Community School District, and to report on their participation in a unique Federal partnership to repair and modernize school facilities.

This fall marks the 10th year of the Iowa Demonstration Construction Grant Program. That is its formal name, but it is better known among educators in Iowa as the program of Harkin grants for Iowa public schools. Since 1998, I have been fortunate to secure a total of $121 million for the State government in Iowa, which selects worthy school districts to receive these grants for a range of renovation and repair efforts—everything from updating fire safety systems to building new schools or renovating existing facilities. In many cases, this Federal funding is used to leverage public and/or private local funding, so it often has a tremendous multiplier effect in a local school district.

The Woodbine Community School District received several Harkin grants totaling $1,138,670 which it used to help build a new school, renovate existing classrooms, and make fire safety repairs throughout the district. This school is a modern, state-of-the-art facility that befits the educational ambitions and excellence of this school district. Indeed, it is the kind of school facility that every child in America deserves. To accomplish this comprehensive plan to modernize schools throughout the district, the citizens in the school district passed a bond issue for $5.1 million.

Excellent schools do not just pop up like mushrooms after a rain. They are the product of vision, leadership, persistence, and a tremendous amount of collaboration among local officials and concerned citizens. I salute the entire staff, administration, and governance in the Woodbine Community School District. In particular, I would like to recognize the leadership of the board of education—Amy Sherer, Mike Staben, Joanna Shaw, Todd Heistand, and Amber Nelson and former board members Joe Ball, Ryan Sullivan, Randall Pryor, Cheryl Book, Alan Ronk, Lynnette Lee, and Alan Ahrenholtz. I would also like to recognize superintendent Tom Vint, former superintendent Dr. Terry Hazard, former high school principal Deb Johnsen, Jim Berg with BVH Architects and the members of the steering committee responsible for passage of the bond referendum.

As we mark the 10th anniversary of the Harkin school grant program in Iowa, I am obliged to point out that many thousands of school buildings and facilities across the United States are in dire need of renovation or replacement. In my State of Iowa alone, according to a recent study, some 79 percent of public schools need to be upgraded or repaired. The harsh reality is that the average age of school buildings in the United States is nearly 50 years.

Too often, our children visit ultramodern shopping malls and gleaming sports arenas on weekends, but during the week go to school in rundown or antiquated facilities. This sends exactly the wrong message to our young people about our priorities. We have to do better.

That is why I am deeply grateful to the professionals and parents in the Woodbine Community School District. There is no question that a quality public education for every child is a top priority in that community. I salute them, and wish them a very successful new school year.●

## TRIBUTE TO BOBBY HAYES

● Mr. SHELBY. Mr. President, today I pay tribute to Bobby Hayes, who has dedicated over 24 years of his life to public service. In October of this year, when Bobby steps down as mayor of the city of Pelham, AL, he will leave behind a legacy of leadership and service to his community.

For 24 years, Bobby has served as the mayor of Pelham. Over those years, Bobby has overseen many changes to the city. As a retired field commander of the tactical operations unit of the Birmingham Police Department, it was critical to Bobby that he provide local law enforcement with the tools needed to do their jobs effectively. Bobby successfully expanded the Pelham Police Department, adding a traffic unit, tactical operation unit, school resource officers and installing computers in all patrol cars.

It was also under his direction that Pelham erected four new fire stations and a new public safety building to house the police department and the municipal court. During his tenure, Mayor Hayes also was instrumental in the building of the Pelham Civic Complex and Pelham Senior Center. Bobby also ensured that the Pelham sewer system and new sewer plant were completed and increased the city's water supply and storage facilities.

A strong supporter of education and academics, Bobby oversaw the expansion and renovation of the Pelham Public Library. Since then, it has become one of only four public libraries in the State the Alabama Library Association recognized for excellence in library service. In 2005, the library became the recipient of prestigious Blue Ribbon Library status.

While many people think that the service Bobby contributes each day as mayor of Pelham is enough, he thinks otherwise. An avid leader, Bobby has been involved in many State committees and one national committee. In 2004, he was elected vice-president of the Alabama League of Municipalities and in 2005 he rose to serve as president. Bobby also represents the mayors of the 6th Congressional District to the State of Alabama Housing Finance Authority.

Additionally, Bobby has held memberships with organizations such as the Alabama League Committee on State and Federal Legislation, National League of Cities Public Safety and Crime Prevention Policy Committee, the Greater Shelby County Chamber of Commerce, and the Alabama City/County Management Association.

Bobby is married to Judith Lance Hayes. Together, they have three children and nine grandchildren.

As Bobby embarks on another phase in his life, he will be remembered for his dedication and many contributions to the city of Pelham's ongoing prosperity and advancement. I wish him much luck in his future endeavors, and I ask this entire Senate to join me in recognizing and honoring the life and career of my good friend Bobby Hayes.●

# MESSAGES FROM THE HOUSE

## ENROLLED BILLS SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 6890. An act to extend the waiver authority for the Secretary of Education under section 105 of subtitle A of title IV of division B of Public Law 109–148, relating to elementary and secondary education hurricane recovery relief, and for other purposes.

H.R. 6894. An act to extend and reauthorize the Defense Production Act of 1950, and for other purposes.

The bills were subsequently signed by the President pro tempore (Mr. BYRD).

## ENROLLED BILLS SIGNED

At 12:04 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1046. An act to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes.

S. 2606. An act to reauthorize the United States Fire Administration, and for other purposes.

H.R. 1343. An act to amend the Public Health Service Act to provide additional authorization of appropriations for the health

centers program under section 330 of such Act, and for other purposes.

H.R. 2851. An act to amend the Employee Retirement Income Security Act of 1974, the Public Health Service Act, and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

H.R. 6092. An act to designate the facility of the United States Postal Service located at 101 Tallapoosa Street in Bremen, Georgia, as the ''Sergeant Paul Saylor Post Office Building''.

H.R. 6370. An act to transfer excess Federal property administered by the Coast Guard to the Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

## ENROLLED BILLS SIGNED

At 1:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1382. An act to amend the Public Health Service Act to provide for the establishment of an Amyotrophic Lateral Sclerosis Registry.

S. 1810. An act to amend the Public Health Service Act to increase the provision of scientifically sound information and support services to patients receiving a positive test diagnosis for Down syndrome or other prenatally and postnatally diagnosed conditions.

S. 2932. An act to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States.

S. 3009. An act to designate the Federal Bureau of Investigation building under construction in Omaha, Nebraska, as the ''J. James Exon Federal Bureau of Investigation Building''.

H.R. 4120. An act to amend title 18, United States Code, to provide for more effective prosecution of cases involving child pornography, and for other purposes.

H.R. 5975. An act to designate the facility of the United States Postal Service located at 101 West Main Street in Waterville, New York, as the ''Cpl. John P. Sigsbee Post Office''.

H.R. 6437. An act to designate the facility of the United States Postal Service located at 200 North Texas Avenue in Odessa, Texas; as the ''Corporal Alfred Mac Wilson Post Office''.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 3:18 p.m., a message from the House of Representatives, delivered by Mr. Zapata, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1283. An act to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

H.R. 6999. An act to restructure the Coast Guard Integrated Deepwater Program, and for other purposes.

H.R. 7112. An act to impose sanctions with respect to Iran, to provide for the divestment of assets in Iran by State and local governments and other entities, and to identify locations of concern with respect to transshipment, reexportation, or diversion of certain sensitive items to Iran.

The message also announced that the House has agreed to the following bills, without amendment:

S. 2482. An act to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging the coast of Florida.

S. 2982. An act to amend the Runaway and Homeles appropriations, and for other purposes.

S. 3560. An act to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program, and for other purposes.

The message further announced that the House concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 239. Concurrent resolution recognizing and acknowledging the important role of adoption, and commending all parties involved, including birthparents, who carry out an adoption plan, and adoptive families, adopted children.

H. Con. Res. 405. Concurrent resolution recognizing the first full week of April as ''National Workplace Wellness Week''.

H. Con. Res. 416. Concurrent resolution commending Barter Theatre on the occasion of its 75th anniversary.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3068) to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony.

The message further announced that the House agrees to the amendment of the Senate to the resolution (H.J. Res. 62) to honor the achievements and contributions of the Native Americans to the United States, and for other purposes.

## MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3646. A bill to authorize and expedite lease sales within the outer Continental Shelf, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–8068. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report of an amendment to the list of payment-in-kind projects required by U.S. Army Europe; to the Committee on Armed Services.

EC–8069. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the notification of the initiation of a public-private competition for the laundry/dry cleaning function being performed by twenty-one civilian employees located at Marine Corps Recruit Depot, Parris Island, South Carolina; to the Committee on Armed Services.

EC–8070. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Addition of Certain Persons to the Entity List; Removal of General Order from the Export Administration Regulations (EAR)'' (RIN0694–AE46) received on September 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–8071. A communication from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled ''Transactions Between Member Banks and Their Affiliates: Exemption for Certain Securities Financing Transactions Between a Member Bank and an Affiliate'' ((Docket No. R–1330)(12 CFR Part 223)) received on September 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–8072. A communication from the Acting Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Foreign Issuer Reporting Enhancements'' (RIN3235–AK03) received on September 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–8073. A communication from the Assistant Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled ''Commission Guidance and Revisions to the Cross-Border Tender Offer, Exchange Offer, Rights Offerings, and Business Combination Rules and Beneficial Ownership Reporting Rules for Certain Foreign Institutions'' (RIN3235–AK10) received on September 25, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–8074. A communication from the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report relative to the Navajo Electrification Demonstration Program; to the Committee on Energy and Natural Resources.

EC–8075. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled ''Coordination of Federal Authorizations for Electric Transmission Facilities'' (RIN1901–AB18) received on September 25, 2008; to the Committee on Energy and Natural Resources.

EC–8076. A communication from the Acting Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Minerals Management: Adjustment of Cost Recovery Fees'' (RIN1004–AE01) received on September 25, 2008; to the Committee on Energy and Natural Resources

EC–8077. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the actions taken by the Department in response to the program recommendations of the Khartoum, Sudan Accountability Review Board; to the Committee on Foreign Relations.

EC–8078. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report on the review and determination of International Atomic Energy Agency activities in countries described in Section 307(a) of the Foreign Assistance Act; to the Committee on Foreign Relations.

EC–8079. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the proposed transfer of major defense equipment from the Government of Turkey to Lockheed Martin

Aeronautics with an original acquisition cost of $100,000,000 (Transmittal No. RSAT–06–08); to the Committee on Foreign Relations.

EC–8080. A communication from the Assistant Secretary for Employment Standards, Department of Labor, transmitting, pursuant to law, a report relative to the fiscal year 2005 operations of the Office of Workers' Compensation Programs; to the Committee on Health, Education, Labor, and Pensions.

EC–8081. A communication from the Administrator of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA–3289–EM in the State of Louisiana; to the Committee on Homeland Security and Governmental Affairs.

EC–8082. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Audit of Advisory Neighborhood Commission 3G for Fiscal Years 2006 Through 2008, as of March 31, 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–8083. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled ''Letter Report: Audit of Advisory Neighborhood Commission 2B for Fiscal Years 2006 Through 2008, as of March 31, 2008''; to the Committee on Homeland Security and Governmental Affairs.

EC–8084. A communication from the Secretary of Homeland Security, transmitting, pursuant to law, a report relative to the Department's strategic plan for fiscal years 2008–2013; to the Committee on Homeland Security and Governmental Affairs.

EC–8085. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–503, ''St. Martin Apartments Tax Exemption Temporary Act of 2008'' received on September 25, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–8086. A communication from the Acting Director, Strategic Human Resources Policy, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''National Security Personnel System'' (RIN3206–AL62) received on September 25, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–8087. A communication from the Deputy Administrator, Small Business Administration, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Administrator, received on September 25, 2008; to the Committee on Small Business and Entrepreneurship.

EC–8088. A communication from the Director of Regulation Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled ''Schedule of Rating Disabilities; Evaluation of Residuals of Traumatic Brain Injury (TBI)'' received on September 25, 2008; to the Committee on Veterans' Affairs.

EC–8089. A communication from Director of Agency Management and Budget, Veterans Employment and Training, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Annual Report From Federal Contractors'' (RIN1293–AA12) received September 25, 2008; to the Committee on Veterans' Affairs.

EC–8090. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Boeing Model 777–200, –200LR, –300, and –300ER Series Airplanes Approved for Extended-range Twin-engine Operational Performance Standards (ETOPS)'' ((RIN2120–AA64)(Docket No. FAA–2008–0673)) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8091. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Cessna Aircraft Company 172, 175, 180, 182, 185, 206, 207, 208, 210, and 303 Series Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0471)) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8092. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; Airbus A318, A319, A320, and A321 Series Airplanes'' ((RIN2120–AA64)(Docket No.FAA–2007–0081)) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8093. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, and MD–10–10F Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2008–0015)) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8094. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airworthiness Directives; De Havilland Support Limited Model Beagle B.121 Series 1, 2, and 3 Airplanes'' ((RIN2120–AA64)(Docket No. FAA–2007–0248)) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8095. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments'' ((14 CFR Part 97)(Docket No. 30604)) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8096. A communication from the Acting Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Household Eligibility and Application Process of the Coupon Program for Individuals Residing in Nursing Homes, Intermediate Care Facilities, Assisted Living Facilities and Households that Utilize Post Office Boxes'' (RIN0660–AA17) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8097. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule'' (RIN3084–AA98) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8098. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the State of New York'' (RIN0648–XK19) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8099. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Deep-Water Species Fishery by Amendment 80 Vessels Subject to Sideboard Limits in the Gulf of Alaska'' (RIN0648–XK43) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8100. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species by Vessels Using Trawl Gear in the Gulf of Alaska'' (RIN0648–XK44) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8101. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled ''Telemarketing Sales Rule Fees'' (RIN3084–AA98) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8102. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Safety Zone Regulations (including 2 regulations beginning with USCG–2008–0264)'' (RIN1625–AA00) received on September 25, 2008; to the Committee on Commerce, Science, and Transportation.

EC–8103. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of Homeland Security, transmitting, pursuant to law, a report entitled ''2007 Annual Report to Congress on Transportation Security''; to the Committee on Commerce, Science, and Transportation.

EC–8104. A communication from the Chief of the Publications and Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Taxation of fringe benefits'' ((Rev. Rul. 2008–48)(26 CFR 1.61–21)) received on September 25, 2008; to the Committee on Finance.

EC–8105. A communication from the Chief of the Publications and Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule relative to the treatment of taxpayers accepting certain settlements of potential legal claims relating to auction rate securities ((Rev. Proc. 2008–58)(26 CFR 601.601)) received on September 25, 2008; to the Committee on Finance.

EC–8106. A communication from the Chief of the Publications and Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Tax-exempt Money Market Funds—Temporary Treasury Program to Support Money Market Funds—No Violation of Restrictions Against Federal Guarantees of Tax-exempt Bonds Under Section 149(b)'' (Notice 2008–81) received on September 25, 2008; to the Committee on Finance.

EC–8107. A communication from the Program Manager of the Office of the Actuary, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2009'' (RIN0938–AP00) received on September 25, 2008; to the Committee on Finance.

EC–8108. A communication from the Program Manager of the Office of the Actuary, Centers for Medicare & Medicaid Services,

Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for Calendar Year 2009'' (RIN0938–AP03) received on September 25, 2008; to the Committee on Finance.

EC–8109. A communication from the Program Manager of the Office of the Actuary, Centers for Medicare & Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicare Program; Part A Premium for Calendar Year 2009 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other Entitlement'' (RIN0938–AP04) received on September 25, 2008; to the Committee on Finance.

EC–8110. A communication from the Program Manager of the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''State Parent Locator Service; Safeguarding Child Support Information'' (RIN0970–AC01) received on September 25, 2008; to the Committee on Finance.

## 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. KYL (for himself and Mr. LEAHY):

S. 3641. A bill to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984; considered and passed.

By Mr. DURBIN (for himself, Mr. CORKER, Mr. KERRY, and Mrs. MURRAY):

S. 3642. A bill to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 and to improve access to safe drinking water and sanitation throughout the world; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself, Mr. KERRY, and Mrs. MURRAY):

S. 3643. A bill to enhance the capacity of the United States to undertake global development activities, and for other purposes; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself, Mrs. HUTCHISON, Mrs. LINCOLN, Mr. PRYOR, Mr. WICKER, and Mr. COCHRAN):

S. 3644. A bill to require the Secretary of Agriculture to provide crop disaster assistance to agricultural producers that suffered qualifying quantity or quality losses for the 2008 crop year due to a natural disaster; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. HATCH:

S. 3645. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DEMINT:

S. 3646. A bill to authorize and expedite lease sales within the outer Continental Shelf, and for other purposes; read the first time.

By Ms. LANDRIEU:

S. 3647. A bill to assist the State of Louisiana in flood protection and coastal restoration projects, and for other purposes; to the Committee on Appropriations.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself and Mr. SMITH):

S. Res. 690. A resolution expressing the sense of the Senate concerning the conflict between Russia and Georgia; considered and agreed to.

By Mr. HATCH (for himself, Mr. BENNETT, Mr. COCHRAN, Mr. DURBIN, Mr. BROWN, Mr. LEVIN, and Mr. CASEY):

S. Res. 691. A resolution designating Thursday, November 20, 2008, as ''Feed America Day''; considered and agreed to.

By Mr. REID for Mr. BIDEN (for himself, Mrs. CLINTON, Mr. DODD, Mr. DORGAN, Mr. COLEMAN, Mr. CASEY, Mrs. LINCOLN, Mr. KERRY, Mr. WHITEHOUSE, Mr. VOINOVICH, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. OBAMA, Ms. STABENOW, Mr. NELSON of Florida, Mr. DURBIN, Mr. BINGAMAN, Mr. BUNNING, Mr. ISAKSON, Mr. HAGEL, Mr. ALLARD, Mr. KENNEDY, Mr. TESTER, Mr. INHOFE, Mrs. FEINSTEIN, and Mr. STEVENS):

S. Res. 692. A resolution designating the week of November 9 through November 15, 2008, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country; considered and agreed to.

By Mr. LAUTENBERG (for himself, Mr. MARTINEZ, Mrs. MURRAY, Mr. LEVIN, Mr. BROWN, Mr. SALAZAR, Mr. OBAMA, Mr. MENENDEZ, Mr. CASEY, and Mr. BAYH):

S. Res. 693. A resolution recognizing the month of November 2008 as ''National Homeless Youth Awareness Month''; considered and agreed to.

By Mr. DOMENICI (for himself, Mr. DODD, Mr. ALEXANDER, Mr. ROCKEFELLER, Mr. INHOFE, Ms. STABENOW, Mr. ENZI, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. BIDEN, Mr. CORNYN, and Ms. MURKOWSKI):

S. Res. 694. A resolution designating the week beginning October 19, 2008, as ''National Character Counts Week''; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 3530

At the request of Mr. DURBIN, his name was added as a cosponsor of S. 3530, a bill to establish the Stephanie Tubbs Jones Gift of Life Medal for organ donors and the family of organ donors.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself and Mr. LEAHY):

S. 3641. A bill to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984; considered and passed.

Mr. KYL. 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. 3641

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REAUTHORIZATION.**

Section 103(b) of the Justice for All Act of 2004 (Public Law 108-405; 118 Stat. 2264) is amended in paragraphs (1) through (5) by striking ''2006, 2007, 2008, and 2009'' each place it appears and inserting ''2010, 2011, 2012, and 2013''.

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By Mr. DURBIN (for himself, Mr. CORKER, Mr. KERRY, and Mrs. MURRAY):

S. 3642. A bill to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 and to improve access to safe drinking water and sanitation throughout the world; to the Committee on Foreign Relations.

Mr. DURBIN. My predecessor and friend, the late Senator Paul Simon, championed the cause of water for the poor. Ten years ago he wrote an important and foretelling book, Tapped Out, in which he described the world's looming clean water crisis.

Senator Simon was ahead of the curve. He identified this challenge long before many others, and urged the U.S. to lead on it. It is my privilege to carry forward his vision in the United States Senate today.

I take this responsibility seriously—not only to honor my friend and mentor from Illinois—but more importantly to further this country's leadership in making access to clean water and sanitation possible for people in every part of the world.

In 2005, Congress passed the Senator Paul Simon Water for the Poor Act to elevate the position of safe water and sanitation efforts in U.S. foreign assistance.

We have made progress since then. Last year alone, the U.S. helped provide nearly 2 million people with access to a better source of drinking water for the first time. And we helped more than 1.5 million people access better sanitation.

These are encouraging results, but our impact could be much greater. Our current efforts are hindered by limited resources and lack of overall strategy and coordination.

To strengthen U.S. leadership in this area, I am pleased to join with Senators CORKER, KERRY and MURRAY, and Representatives BLUMENAUER and PAYNE to introduce new legislation that builds and improves upon the 2005 act.

The Senator Paul Simon Water for the Poor Enhancement Act of 2008 will increase capacity at USAID and the State Department to implement clean water and sanitation efforts.

It will strengthen local capacity by adding a corps of water experts to USAID missions and by training local water and sanitation managers.

It will foster development of low-cost and sustainable clean water and sanitation technologies for use in priority countries.

In short, it will put the U.S. again at the forefront of assuring access to these most basic needs for millions around the world.

We will not be able to make a sustained difference on the ground with good intentions alone. We need to back up the lofty goals in this bill with resources—money and personnel.

We need to give our development experts the tools and support they need to get the job done well. That is why I've also led an effort in the Senate to increase the number of Foreign Service Officers and to urge the placement of water experts in USAID missions around the world.

This kind of development assistance, helping to build infrastructure and alleviate poverty, is a crucial to our ability to lead and influence other countries.

America's strength resonates not only from its military power but from the power of American ideas and values, from our generosity and diplomacy.

I fear we have lost a measure of that influence in recent years. Our smart power has waned as we've focused our resources and attention elsewhere.

Real leadership from the United States on water and sanitation will help stave off one of the world's looming crises. It will reassert our standing as a leader in the fight against global poverty.

And, once again, Paul Simon was ahead of his time. What element of international development assistance could be more fundamental than ensuring access to clean water and basic sanitation?

We often take water for granted in this country. Turn on the tap, and out it comes—clean, inexpensive and plentiful. Occasionally we hear of water shortages in a handful of states during times of drought. But for the most part, we think little about this crucial resource.

Yet for many people in the world, access to clean water and sanitation are out of reach—and the problem may only get worse.

In the past 20 years, 2 billion people have gained access to safe drinking water and 600 million have gained access to basic sanitation services. This is encouraging progress.

Yet nearly 900 million people still live without clean water, and nearly 2 in 5 do not have access to proper sanitation.

In the past century, global demand for water has tripled, and is now doubling every two decades. Rapid population growth, urbanization, pollution and climate change will add even greater pressures to an already strained system.

This scenario is troubling for a lot of reasons.

First, unsafe water is a serious threat to global health. The World Health Organization estimates that water-related diseases account for about one-tenth of the global disease burden. We lose nearly 5,000 children each day to these diseases, and over 2 million people each year.

We recently expanded our efforts to fight global AIDS—an effort I support—but antiretroviral therapy taken with unsafe water may do more harm than good.

Lack of safe water threatens economic development and political stability. A developing economy cannot grow if its population is too sick to work or if its members are engaged in conflict over water resources, as in Darfur, for example, or in parts of the Middle East.

Nor can an economy grow if its women and girls have to spend many hours each day gathering water rather than engaging in more productive pursuits. The UN estimates that women lose 40 billion working hours each year to carrying water. The economic repercussions are clear.

Water scarcity has a serious impact on the environment, as well. The strain on natural resources will continue as global warming causes glaciers to melt and climate patterns to shift. We can expect key sources of clean water to be altered or eliminated in the process.

So, this is a big problem. But the U.S. is in a position to make a big difference in the lives of the world's poor with strong leadership and investment in global safe water.

U.S. leadership can and will make a difference in this most fundamental development challenge. I urge my colleagues to join with me in supporting this effort to refocus our global clean water activities.

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. 3642

*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 ''Senator Paul Simon Water for the Poor Enhancement Act of 2008''.

**SEC. 2. FINDINGS.**

Congress finds the following:

(1) The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121)—

(A) makes access to safe water and sanitation for developing countries a specific policy objective of United States foreign assistance programs;

(B) requires the Secretary of State to—

(i) develop a strategy to elevate the role of water and sanitation policy; and

(ii) improve the effectiveness of United States assistance programs undertaken in support of that strategy;

(C) codifies Target 10 of the United Nations Millennium Development Goals; and

(D) seeks to reduce the proportion of people who are unable to reach or afford safe drinking water and basic sanitation by 50 percent by 2015.

(2) On December 20, 2006, the United Nations General Assembly, in GA Resolution 61/192, declared 2008 as the International Year of Sanitation, in recognition of the impact of sanitation on public health, poverty reduction, economic and social development, and the environment.

(3) On August 1, 2008, Congress passed H. Con. Res. 318, which—

(A) supports the goals and ideals of the International Year of Sanitation; and

(B) recognizes the importance of sanitation on public health, poverty reduction, economic and social development, and the environment.

(4) While progress is being made on safe water and sanitation efforts—

(A) more than 884,000,000 people throughout the world lack access to safe drinking water; and

(B) 2 of every 5 people in the world do not have access to basic sanitation services.

(5) The health consequences of unsafe drinking water and poor sanitation are staggering, accounting for—

(A) nearly 10 percent of the global burden of disease; and

(B) more than 2,000,000 deaths each year.

(6) The effects of climate change are expected to produce severe consequences for water availability and resource management in the future, with 2,800,000,000 people in more than 48 countries expected to face severe and chronic water shortages by 2025.

(7) The impact of water scarcity on conflict and instability is evident in many parts of the world, including the Darfur region of Sudan, where demand for water resources has contributed to armed conflict between nomadic ethnic groups and local farming communities.

(8) In order to further the United States contribution to safe water and sanitation efforts, it is necessary to—

(A) expand foreign assistance capacity to address the challenges described in this section; and

(B) represent issues related to water and sanitation at the highest levels of United States foreign assistance deliberations, including deliberations related to issues of global health, food security, the environment, global warming, and maternal and child mortality.

**SEC. 3. PURPOSE.**

The purpose of this Act is to enhance the capacity of the United States Government to fully implement the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121).

**SEC. 4. DEVELOPING UNITED STATES GOVERNMENT CAPACITY.**

Section 135 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151h) is amended by adding at the end the following:

''(e) OFFICE OF WATER.—

''(1) ESTABLISHMENT.—To carry out the purposes of subsection (a), the Administrator of the United States Agency for International Development shall establish the Office of Water.

''(2) LEADERSHIP.—The Office of Water shall be headed by an Assistant Administrator for Safe Water and Sanitation, who shall report directly to the Administrator.

''(3) DUTIES.—The Assistant Administrator shall—

''(A) implement this section and the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121); and

''(B) place primary emphasis on providing safe, affordable, and sustainable drinking water, sanitation, and hygiene.

''(f) BUREAU OF INTERNATIONAL WATER.—

''(1) ESTABLISHMENT.—To increase the capacity of the Department of State to address international issues regarding safe water, sanitation, and other international water programs, the Secretary of State shall establish the Bureau for International Water

within the Office of the Under Secretary for Democracy and Global Affairs (referred to in this subsection as the 'Bureau').

''(2) DUTIES.—The Bureau shall—

''(A) oversee and coordinate the diplomatic policy of the United States Government with respect to global freshwater issues, including—

''(i) access to safe drinking water and sanitation;

''(ii) river basin and watershed management;

''(iii) transboundary conflict;

''(iv) agricultural and urban productivity of water resources;

''(v) pollution mitigation; and

''(vi) adaptation to hydrologic change due to climate variability; and

''(B) ensure that international freshwater issues are represented—

''(i) within the United States Government; and

''(ii) in key diplomatic, development, and scientific efforts with other nations and multilateral organizations.''.

**SEC. 5. SAFE WATER AND SANITATION STRATEGY.**

Section 6(e) of the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121) is amended—

(1) in paragraph (5), by striking ''and'' at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(7) an assessment of the extent to which the United States Government's efforts are reaching the goal described in section 135(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2152h(a)(2)); and

''(8) recommendations on what the United States Government would need to do to help achieve the goal referred to in paragraph (7) if the United States Government's efforts were proportional to its share of the world's economy.''.

**SEC. 6. DEVELOPING LOCAL CAPACITY.**

The Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121) is amended—

(1) by redesignating sections 9, 10, and 11 as sections 10, 11, and 12, respectively; and

(2) by inserting after section 8 the following:

**''SEC. 9. WATER AND SANITATION MANAGERS TRAINING PROGRAM.**

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—The Secretary of State and the Administrator of the United States Agency for International Development shall establish, in every priority country, a program to train local, in-country water and sanitation managers, and other officials of countries that receive assistance under section 135 of the Foreign Assistance Act of 1961 to promote the capacity of recipient governments to provide affordable, equitable, and sustainable access to safe drinking water and sanitation.

''(2) COORDINATION.—The program established under subsection (a) shall be coordinated by the lead country water manager designated in subsection (c)(2).

''(3) EXPANSION.—The Secretary and Administrator may establish the program described in this section in additional countries if the receipt of such training would be most beneficial, with due consideration given to good governance.

''(b) DESIGNATION.—The United States Chief of Mission within each country receiving a 'high priority' designation under section 6(f) shall—

''(1) designate safe drinking water and sanitation as a strategic objective;

''(2) appoint an in-country water and sanitation manager within the Mission to coordinate the in-country implementation of this Act and section 135 of the Foreign Assistance Act of 1961 with local water managers, local government officials, the Department of State, and the Office of Water of the United States Agency for International Development; and

''(3) coordinate with the Development Credit Authority and the Global Development Alliance to further the purposes of this Act.''.

**SEC. 7. GRANTS FOR LOW COST CLEAN WATER AND SANITATION TECHNOLOGIES.**

Section 135(c) of the Foreign Assistance Act (22 U.S.C. 2152h(c)) is amended—

(1) in paragraph (3), by striking ''and'' at the end;

(2) in paragraph (4), by striking the period at the end; and

(3) by adding at the end the following:

''(5) provide grants through the United States Agency for International Development to foster the development of low cost and sustainable technologies for providing clean water and sanitation that are suitable for use in high priority countries, particularly in places with limited resources and infrastructure.''.

**SEC. 8. UPDATED REPORT REGARDING WATER FOR PEACE AND SECURITY.**

Section 11(b) of the Senator Paul Simon Water for the Poor Act of 2005, as redesignated by section 6, is amended by adding at the end the following: ''The report submitted under this subsection shall include an assessment of current and likely future political tensions over water sources and an assessment of the expected impacts of global climate change on water supplies in 10, 25, and 50 years.''.

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated for fiscal year 2009 and each subsequent fiscal year such sums as may be necessary to carry out this Act and the amendments made by this Act.

**[SEC. 10. CONSTRUCTION.**

This Act shall be implemented in a manner consistent with the Senator Paul Simon Water for the Poor Act of 2005 (Public Law 109–121). Nothing in this Act shall be construed in such a way as to override or take precedence over the implementation of that Act.]

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By Mr. DURBIN (for himself, Mr. KERRY, and Mrs. MURRAY):

S. 3643. A bill to enhance the capacity of the United States to undertake global development activities, and for other purposes; to the Committee on Foreign Relations.

Mr. DURBIN. Events of the last decade are stark reminders that security in the U.S. is closely linked to the stability of far-flung places beyond our borders. From food riots to failed states, we have become more aware of how important it is to help the poorest around the world live healthier, more productive, and stable lives.

Foreign assistance for development is not only the right thing to do; it's in our national interest. In the U.S., the responsibility for such development falls largely to the U.S. Agency for International Development, or USAID.

USAID was founded by the Kennedy administration in 1961. It became the first U.S. foreign assistance organization whose primary emphasis was on long term economic and social development efforts overseas.

During its first decade, it had more than 5,000 dedicated Foreign Service Officers serving all over the world, often in the most difficult of conditions. They helped build clinics in Nepal, provide clean water in Honduras, and boost the agricultural and industrial sectors of Pakistan.

Today, when the U.S. needs to show its leadership overseas more than ever, USAID operates with just 1,000 Foreign Service Officers.

Many people on both sides of the aisle agree that USAID is no longer equipped to do its job effectively. We simply are not meeting the international development goals of the United States.

USAID has not received adequate funding, staffing, or political support—and America's efforts abroad have suffered as a result.

It is time to make a change.

We should be sending bright, talented public servants to help improve child and maternal health, treat those with AIDS, TB and malaria, provide clean water and sanitation for the world's poor, help farmers and women start or improve their business, and assist reformers and civic leaders to build stronger democratic institutions.

Today, along with Senator KERRY and Senator MURRAY, I am introducing the Increasing America's Global Development Capacity Act of 2008 to take the first step toward putting the Agency for International Development on firmer footing.

The bill would authorize USAID to hire an additional 700 Foreign Service Officers. This would basically double the current number of development officers available to work in targeted countries. This is fundamental to rebuilding the agency's capacity.

Senator LEAHY, Chair of the Foreign Operations Appropriations Subcommittee, shares a commitment to rebuilding USAID. I am heartened by the Subcommittee's recommended increase in funding for USAID's operating expenses for fiscal year 2009. This was a priority for me in the bill, and Chairman LEAHY has been very supportive.

My bill also would establish a goal of hiring an additional 1,300 Foreign Service Officers by 2011.

After three years, USAID would have more than 3,000 of talented, committed Americans serving in the world's most difficult locations helping to improve the lives of others. It won't be the 5,000 experts of the 1960s, but it will be a big improvement from today.

Foreign development assistance is as important a foreign policy tool as diplomacy and defense. Secretary of Defense Robert Gates is perhaps the most persuasive advocate for rebuilding our civilian development capacity. He argues that we need to engage in nonmilitary ways to pursue global development goals.

The civilian instruments of national security—diplomacy, development assistance, sharing expertise on civil society—are becoming more and more important. Secretary Gates argues

that these tools are good for the world's poor, our national security, and our country.

I agree.

Let us take one concrete step to rebuild that important civilian capacity, which would help improve our ability to help the world's poorest countries and people.

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. 3643

*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 ''Increasing America's Global Development Capacity Act of 2008''.

**SEC. 2. FINDINGS.**

Congress finds that—

(1) foreign development assistance is an important foreign policy tool in addition to diplomacy and defense;

(2) development assistance is part of any comprehensive United States response to regional conflicts, terrorist threats, weapons proliferation, disease pandemics, and persistent widespread poverty;

(3) in 2002 and 2006, the United States National Security Strategy includes global development, along with defense and diplomacy, as the 3 pillars of national security;

(4) in its early years, the United States Agency for International Development (USAID) had more than 5,000 full-time Foreign Service Officers;

(5) as of 2008, USAID has slightly more than 1,000 full-time Foreign Service Officers;

(6) the budget at USAID, calculated in real dollars, has dropped 27 percent since 1985;

(7) this decline in personnel and operating budgets has diminished the capacity of USAID to provide development assistance and implement foreign assistance programs; and

(8) the Committee on Appropriations of the Senate recommended increasing the amount to be appropriated for USAID operating expenses for fiscal year 2009 by $171,000,000 compared to the amount appropriated for such expenses for fiscal year 2008.

**SEC. 3. HIRING OF ADDITIONAL FOREIGN SERVICE OFFICERS AS USAID EMPLOYEES.**

(a) INITIAL HIRINGS.—Not later than 1 year after the date of the enactment of this Act, the Administrator of USAID shall use additional amounts appropriated to USAID for fiscal year 2009 compared to fiscal year 2008 to increase by not less than 700 the total number of full-time Foreign Service Officers employed by USAID compared to the number of such officers employed by USAID on the date of the enactment of this Act. These officers shall be used to enhance the ability of USAID to—

(1) carry out development activities around the world by providing USAID with additional human resources and expertise needed to meet important development and humanitarian needs around the world;

(2) strengthen its institutional capacity as the lead development agency of the United States; and

(3) more effectively help developing nations to become more stable, healthy, democratic, prosperous, and self-sufficient.

(b) SUBSEQUENT HIRINGS.—

(1) IN GENERAL.—Except as provided under paragraph (2), during the 2-year period beginning 1 year after the date of the enactment of this Act, the Administrator of USAID shall increase by not less than 1,300 the total number of full-time Foreign Service Officers over the number of such Officers at the beginning of such 2-year period to carry out the activities described in subsection (a), contingent upon sufficient appropriations.

(2) REPROGRAMMING.—If the Administrator of USAID determines that USAID has competing needs that are more urgent than the hirings described in paragraph (1), the Administrator may use amounts available for such hirings for such competing needs if the Administrator submits to the Committee on Appropriations and the Committee on Foreign Relations of the Senate and the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives a report describing such competing needs.

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By Mr. HATCH:

S. 3645. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Magna Water District water reuse and groundwater recharge project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise to introduce legislation that would assist the Magna Water District of Utah to implement a water reuse and groundwater recharge project. The district faces perchlorate-contaminated wells due to decades of rocket motor production at a Department of Defense site operated by Hercules, ATK launch Systems. To address this, the water district has developed a bio-destruction process which combines wastewater and desalination brine stream to destroy perchlorate. This technology gives DOD what it needs to broadly address perchlorate issues at multiple sites in a way that is quicker and cheaper than existing technologies and processes.

This bill, would authorize a 25 percent Federal match for the total cost of this project. In truth, the district has already invested a significant amount of its own funds and is now seeking funds from the federal government on a matching basis. It is critically important for Magna to maintain high quality drinking water for irrigation and preserve the community's valuable water resources while finding a beneficial use of treated domestic and industrial wastewater to destroy a harmful plume of the contaminate perchlorate, that threatens the water resources of this community.

We have but a few days left in this session of the 110th Congress but I feel it important to introduce this bill and ask my colleagues to please review it. I plan on reintroducing this bill early in the 111th Congress and will work on ensuring its passage next year.

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By Ms. LANDRIEU:

S. 3647. A bill to assist the State of Louisiana in flood protection and coastal restoration projects, and for other purposes; to the Committee on Appropriations.

Ms. LANDRIEU. Mr. President, I hope I am not wearing out my welcome. I know that I have spoken more today than the other Members. I was proud this morning to have achieved a small—but I think significant—victory, as I pressed for a rollcall vote which would have required the Senate to come back tomorrow, but in acquiescing on that, I was able to introduce a bipartisan piece of legislation with key Members, including Senator COCHRAN, Senator HUTCHISON, Senator CONRAD, Senator LINCOLN, and Senator PRYOR on a piece of very important legislation for farmers and for the agricultural community and rural communities throughout the Nation.

Hopefully, by this piece of legislation being filed today and the work that can go on over the next few days before the lights go out in this Chamber and we all leave to go home for the election, something could be done to help rural America because the big bailout package, no matter how it is structured, will not really reach to the problem quickly enough and the regulations have not been written for the bill that is in place to help them. So between the bill that doesn't have regulations written and the bailout package, which has nothing at this moment for them, we are trying to stand in the gap and provide some sort of bridge assistance for the farmland of America and the rural areas and to give our farmers some hope until we can come back and address their needs. I am pleased to have at least accomplished that today. While I am speaking, Members of the House—both Republicans and Democrats—are putting a bill together and circulating letters so that, hopefully, we can accomplish something before we leave.

I did have an option to hold up the Defense authorization bill, as the Presiding Officer knows. It was a bill that the Presiding Officer and Senator WARNER spoke about. It passed in record time—in less than a minute, as I recall—because I was standing right here when it did. I could have exerted my ability as a Senator to object but, not only out of respect for the Presiding Officer as well as the Senator from Virginia but also out of respect for the men and women who wear a uniform, I did not think that it was an appropriate vehicle to use to make my point. I am certain the people of my State would agree with that, and so I did not. That does not mean I won't continue over the course of the next several days to use other vehicles, other opportunities to press this case.

Leaving that subject for a moment, I wish to spend a moment to again talk about the need for coastal protection and restoration in Louisiana. I have spoken about this topic hundreds of times and will for the next 15 minutes do it once again.

Louisiana's coast is literally washing away. Even if we didn't have Katrina or Rita—the major storms that affected us in 2005—and even if Gustav

and Ike had never happened, the devastation along Louisiana's coast is substantial. It affects a little bit of the Mississippi coast as well and a small portion of east Texas. I am sorry I do not have Texas on this map. Southeast Texas is very much like southwest Louisiana in topography. So what I am saying affects them as well. Of course, southwest Mississippi, our neighbor to the east, the southwestern part of Mississippi is protected by this great wetlands, but it is basically the Mississippi delta area.

One hundred years ago, the Mississippi River delta consisted of 7,000 square miles of coastal marshes and swamps, making it one of the sixth or seventh largest delta complexes in the world. The delta's growth depended on periodic flooding of the Mississippi River that drains 41 percent of the continental United States, with the river sediments gradually settling in the surrounding wetlands. So as the sediment came down the Mississippi River, this is how this area was built. Of course, it took thousands and thousands of years, but that process still exists to this day. The Mississippi River and the sediment come down and overflow this great delta.

Portions of the State I represent have grown up on this delta. This is New Orleans, Baton Rouge, Lafayette, and Lake Charles right here, the four major cities in Louisiana. I don't have to explain to people—even people who have never been to New Orleans or to the cities I mentioned—how important and rich this land is, not just for agriculture and forestry but also for fisheries, both commercial and sports fishermen, as well as the great cities that call this area home.

We have been trying to stay high and dry and out of the water for over 300 years. If we don't act more urgently in this Congress, it will be a losing battle.

Since the early 1900s, this national ecological jewel has lost 2,000 square miles of coastal wetlands, with the expectation of another 500 square miles by 2050. Again, these hurricanes seem to be happening more frequently and with more ferocity in the way they rush to our shore. Their increased velocity and frequency are wreaking havoc on many parts of the coast from Florida to the east coast, but particularly the State I represent.

The construction of flood control and navigation levees along the Mississippi River, which we had to do for the commercial activities of our Nation, had the side effect—the unfortunate side effect—of blocking deposits of the Mississippi River sediment into the surrounding wetlands. Without these sediments, the coastal system has slowly subsided, turning these wetlands into open waters.

I read a letter an hour ago about a farmer, Wallace Ellender, whose father was a Senator. As a young girl, I remember Senator Ellender. He testified in committee that his farm that used to sit close to the shore, they now had to swim 30 miles in open water to the island on which he used to picnic as a child. This is the largest loss of lands. If the enemy was taking this much land, we would literally declare war and attack them. That is how great is the land loss. The enemy is water, rising tides, more frequent storms, and climate change.

I am not here only to complain. I am here to offer a solution, the solution we have passed by this Congress—which I commended Senator DOMENICI for this morning because without him, it never, ever would have happened—that we have decided as a State to take President Truman up on his offer that he made to us in 1949 to use a portion of our offshore oil and gas revenues that come to the Treasury, $10 billion a year. The people of Louisiana, Texas, and Mississippi, from the offshore oil and gas off our coasts, contribute to the Federal Treasury billions and billions of dollars. Since the year I was born, 50-plus years ago, we have sent over $117 billion to the Federal Treasury to fund all sorts of programs—domestic and international, including supporting the wars that have been waged on behalf of this country. We have contributed the second largest portion outside individual income tax.

With Senator DOMENICI's help and with my leadership, we led an effort to take President Truman up on an offer that we were too foolish to accept at the time and passed the Domenici-Landrieu Gulf of Mexico Energy Security Act. I am proud to add my name on that bill which will redirect 37.5 percent of these revenues to the coast to secure these wetlands, to build these levees, to protect not just New Orleans but Baton Rouge, Lafayette, and Lake Charles, to protect the Ellender farm, to restore the culture and protect the great Cajun culture of south Louisiana—many of the people still speak French, as the original settlers to this area—and to preserve the culture of our fishermen and oystermen.

Mr. President, you can appreciate that because being from Michigan, you have quite a diversity of constituents you represent. I don't know Michigan, of course, as well as I know Louisiana. I am certain you have pockets of immigrants who have come to Michigan who have proven themselves to be outstanding citizens.

I met with a very strong, strapping man who came to Louisiana probably when he was a child, I imagine as a young teenager. He is now pushing 50 to 60. He met with me not too long ago over a small table in Plaquemine, LA. He had his sleeves rolled up. His arms were quite large. He is an oyster fisherman. He came from Croatia. He had no money in his pocket when he arrived, but he and his sons have been oyster fishermen down in this area for decades.

He looked at me and he said: Senator, I could not love a country more than I love America. I came here as a penniless child, he said, and I have been trying to make a living fishing in the oyster beds in Louisiana. His son was sitting right next to him. He said: But Senator, if we don't do something, all that we have done for these decades will be lost.

I share that story. I am sure Senator MIKULSKI could tell a story about her fishermen from Maryland, and I am certain Senator CARPER could relay a similar story from Delaware, and I am certain, Mr. President, that you have similar stories from people who came here, not born in America, but came here looking for a chance and in their quest to find that chance have provided so much wealth, more than you can imagine, for themselves and their families and for all of us, as well as people who were born in south Louisiana, who were born here, or working side by side with those who came, looking for a new life decades ago to preserve this great place. If we do not step it up, if we do not expedite this effort, their work will have been for nought.

A couple of years ago, we passed a bill that will give us revenue sharing to try to build the levees. We went actually after the storm—I was so devastated after Katrina thinking where could we find help, where could we find a plan. I traveled to the Netherlands, to Europe, to look at the systems they have. I brought 40 elected officials, both Republicans and Democrats, with me, laymen and engineers, to say: If the Netherlands, which is a small country that can fit inside the State of Louisiana—this is our State. The Netherlands is so small it could fit inside Louisiana. It is a powerful nation but a small one. It has the same problems as we do. If their levees break, they will lose their entire country. So they don't fool around with it as we do in America. They actually build levees that hold. They have great engineering. We have great engineers here, but we are not giving the support or tools they need to do this job. So our land continues to wash away while the Netherlands has managed to save itself.

I learned a very interesting thing over in the Netherlands when I went, and it was shocking to me. Netherlands has no system of insurance such as we do. We have flood insurance here. It is a bill we actually could not pass in the last few years, but we technically have flood insurance. We have commercial insurance. In the Netherlands, they don't have insurance because their levees are built to withstand a storm once every 10,000 years.

I hate to be the one to be the bearer of bad news, but our levees are not even built to withstand storms once in 100 years. The levees the Netherlands build protect their people once every 10,000 years, so they virtually never break. That little picture everybody might remember, at least those of my age and older, of that little boy with the finger in the dike, that is not how it is. They have the most extraordinary investments and infrastructure you can imagine. They have gates that

open and close. They have diversion systems. I literally have people in their living rooms with buckets trying to keep the water out.

I had elected officials come to my office this week with pictures of everything that their town owned dumped out on the street because the water comes in. And somehow in America we have lost either the interest, the will, or the ability to use the resources we have and the brains that God gave us to figure this out.

Although countries have done it—and I am sure the Netherlands is not the only country that has done it—I am here to tell you America is a long way from getting this right.

I came to the floor to introduce a bill—it is not going to completely solve this problem, but I will send it to the desk because it is going to take more than one bill to do it. In the supplemental bill we passed, the emergency disaster bill, there is a portion in that bill—it is a $1.5 billion portion—that is directed to only one project in south Louisiana. This bill I am going to lay down will suggest that the $1.5 billion that is directed to one project be given to the State in a way that our Governor, who is not a Democrat but a Republican—so I am not doing this with party. He is Republican and I am working with him—to give him and his team an opportunity to use those funds to cover the billions of dollars of projects we have underway.

We have billions of dollars of projects underway. We have $1.5 billion in the bill. So instead of directing it to one particular project, I thought it might be worth discussing the wisdom and the benefit of trying to give it to our State, allowing them to use it in a way that will most quickly benefit the most people.

I want to show the levee structure. We have passed since 1986 eight WRDA bills, water resources development bills. This is the way Congress builds levees all over the country. The red represents Federal levees in Louisiana, the green represents local levees, and then the yellow is boundaries separating our parishes. We don't have counties, we have parishes. Here is St. Bernard Parish. This parish, by the way, with 67,000 people, was completely obliterated in Katrina—completely. Out of 67,000 people, there were 5—5—homes that were not completely inundated up to the roof with water. That is St. Bernard Parish.

Then we have Orleans, and we saw what happened when the levees broke: 70 percent of the city went underwater. What you didn't see was Plaquemine Parish went underwater. This levee helped. This is the only levee in our entire State, Golden Meadow, even though it held in Katrina—you are going to have a hard time believing this, but this little levee held down here in Golden Meadow. But since Katrina, I can't seem to get a dollar to lift it a little higher because the Corps of Engineers, for some reason, doesn't think this is a big priority. It held again in Ike, and it held again in Gustav. They keep telling me there is something wrong, we can't build a levee this way. I said: Since this levee held and yours broke, maybe Golden Meadow knows something about building levees. Nevertheless, we don't have money to help them strengthen that levee, although it has been through four hurricanes now.

In the last WRDA bill, we authorized $6.9 billion of projects, which is the good news, and some of that money will be spent here. By the way, there will be billions of dollars spent around the country on levees such as this. We are only one of 50 States. I most certainly don't think we should get all the money in Louisiana, although we have a lot of the water. The Mississippi River probably deserves a little extra because of that, and we do because it is a water bill, it is not a desert bill. If it were a desert bill, New Mexico would get a good portion of that money. It is a water bill. We have a lot of water, so we get a lot of money.

We have $6 billion. However, in the actual appropriations bill, we only have $1.5 billion. So the best way I can think to take that $1.5 billion, instead of dedicating it to one project, is give it to the Governor and let him, with his team and the legislature, Democrats and Republicans, figure out how to lay that money down on south Louisiana to save as much as we can while we wait and work for the revenue-sharing piece I talked about earlier, the portion of the offshore oil and gas revenues. We are now going to get 37 percent of those revenues, which are moneys that come to the Federal Treasury that if Louisiana weren't willing to produce oil and gas, the country would not have. They might own the resources off our coast, off our 9-mile boundary, but they couldn't access those revenues without the people of Louisiana agreeing.

Remember, Louisiana, Texas, Mississippi, and Alabama are the only States that allow drilling off their coasts, and Alaska, which is not in the lower 48, of course. So because we allow drilling, because we generate $10 billion, we thought instead of coming here hat in hand every year, let us direct some of that money to help us build these levees and then in the meantime, we can get occasionally some money in the water resources bill or in an appropriations bill to add to that so we can start protecting our people. We may not get to 1 in every 10,000 years' storm, but we most certainly need to get past 1 out of every 100 years. We have to move not from a category 3 protection but to a category 5 protection, and we have to do it quickly. So I send this bill to the desk and hope we can consider it at the earliest convenience.

I wish to also send to the desk some more detailed information about what I have spoken about, and I will conclude this portion by saying that this is an urgent matter. I don't know how many storms we have to endure on the gulf coast, America's energy coast, before this Congress realizes this is an economic disaster, it is an emotional drain on people who continue to watch everything they own flood time and time again.

If I thought I could relocate 2 million people to another part—even if I could get them to go, which I couldn't because this is their home—it would be too expensive. Who would stay and run the river? Who would keep these channels open? Who would drill for the oil and gas? We haven't figured out how to do this from unmanned aerial platforms yet. People actually have to go out into this coastline and work hard every day in agriculture, in oil and gas and in fisheries. This operation cannot be run from Kansas City or from Little Rock, AR. It has to be run on the coast. And everybody who lives on a coast, whether you live in Florida or Texas or South Carolina or North Carolina or Georgia understands what I am talking about. We can't relocate everyone to Denver. We have to protect our coasts, and we are doing a terrible job of it in this country. I am one of the Senators who represents the most challenged area in the Nation. Louisiana is not the only . . . .

## SUBMITTED RESOLUTIONS

### SENATE RESOLUTION 690—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE CONFLICT BETWEEN RUSSIA AND GEORGIA

Mr. KERRY (for himself and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 690

*Resolved*, That it is the sense of the Senate that—

(1) irrespective of the origins of the recent conflict in Georgia, the disproportionate military response by the Russian Federation on the sovereign, internationally recognized territory of Georgia, including the South Ossetian Autonomous Region (referred to in this resolution as ''South Ossetia'') and the Autonomous Republic of Abkhazia (referred to in this resolution as ''Abkhazia''), is in violation of international law and commitments of the Russian Federation;

(2) the actions undertaken by the Government of the Russian Federation in Georgia have diminished its standing in the international community and should lead to a review of existing, developing, and proposed multilateral and bilateral arrangements;

(3) the United States recognizes significant interests in common with the Russian Federation, including combating the proliferation of nuclear weapons and fighting terrorism, and these interests can, over time, serve as the basis for improved long-term relations;

(4) the Government of the Russian Federation should immediately comply with the September 8, 2008, follow-on agreement to the 6-point cease-fire agreement negotiated on August 12, 2008;

(5) the Government of the Russian Federation and the Government of Georgia should—

(A) refrain from the future use of force to resolve the status of Abkhazia and South Ossetia; and

(B) work with the United States, Europe, and other concerned countries and through the United Nations Security Council, the Organization for Security and Cooperation in Europe, and other international fora to identify a political settlement that addresses the short-term and long-term status of Abkhazia and South Ossetia, in accordance with prior United Nations Security Council resolutions;

(6) the United States should—

(A) provide humanitarian and economic assistance to Georgia;

(B) seek to improve commercial relations with Georgia; and

(C) working in tandem with the international community, continue to support the development of a strong, vibrant, multiparty democracy in Georgia;

(7) the President should consult with Congress on future security cooperation and assistance to Georgia, as appropriate;

(8) the United States continues to support the North Atlantic Treaty Organization declaration reached at the Bucharest Summit on April 3, 2008; and

(9) the United States should work with the European Union, Georgia, and its neighbors to ensure the free flow of energy to Europe and the operation of key communication and trade routes.

## SENATE RESOLUTION 691—DESIGNATING THURSDAY, NOVEMBER 20, 2008, AS ''FEED AMERICA DAY''

Mr. HATCH (for himself, Mr. BENNETT, Mr. COCHRAN, Mr. DURBIN, Mr. BROWN, Mr. LEVIN, and Mr. CASEY) submitted the following resolution; which was considered and agreed to:

S. RES. 691

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the Nation was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates Thursday, November 20, 2008, as ''Feed America Day''; and

(2) encourages the people of the United States to sacrifice 2 meals on Feed America Day and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

## SENATE RESOLUTION 692—DESIGNATING THE WEEK OF NOVEMBER 9 THROUGH NOVEMBER 15, 2008, AS ''NATIONAL VETERANS AWARENESS WEEK'' TO EMPHASIZE THE NEED TO DEVELOP EDUCATIONAL PROGRAMS REGARDING THE CONTRIBUTIONS OF VETERANS TO THE COUNTRY

Mr. REID (for Mr. BIDEN (for himself, Mrs. CLINTON, Mr. DODD, Mr. DORGAN, Mr. COLEMAN, Mr. CASEY, Mrs. LINCOLN, Mr. KERRY, Mr. WHITEHOUSE, Mr. VOINOVICH, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. OBAMA, Ms. STABENOW, Mr. NELSON of Florida, Mr. DURBIN, Mr. BINGAMAN, Mr. BUNNING, Mr. ISAKSON, Mr. HAGEL, Mr. ALLARD, Mr. KENNEDY, Mr. TESTER, Mr. INHOFE, Mrs. FEINSTEIN, and Mr. STEVENS)) submitted the following resolution; which was considered and agreed to:

S. RES. 692

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas in each of the years 2000 through 2007 the Senate has recognized the need to increase the understanding of the contributions of veterans among school-aged children by approving a resolution recognizing the week containing Veterans Day as ''National Veterans Awareness Week'': Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of November 9 through November 15, 2008, as ''National Veterans Awareness Week'' for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) encourages the people of the United States to observe National Veterans Awareness Week with appropriate educational activities.

## SENATE RESOLUTION 693—RECOGNIZING THE MONTH OF NOVEMBER 2008 AS ''NATIONAL HOMELESS YOUTH AWARENESS MONTH''

Mr. LAUTENBERG (for himself, Mr. MARTINEZ, Mrs. MURRAY, Mr. LEVIN, Mr. BROWN, Mr. SALAZAR, Mr. OBAMA, Mr. MENENDEZ, Mr. CASEY, and Mr. BAYH) submitted the following resolution; which was considered and agreed to:

S. RES. 693

Whereas between 1,600,000 and 2,800,000 children and teens are homeless in the United States each year, with many staying on the streets or in emergency shelters;

Whereas families with children are the fastest growing segment of the homeless population and now make up approximately ⅓ of that population;

Whereas many homeless youth experience isolation and trauma while residing on the streets or in precarious housing situations and may eventually develop depression, anxiety, and post-traumatic stress disorder;

Whereas homeless youth are typically too poor to secure basic needs and are unable to access adequate medical or mental health care;

Whereas many youth become homeless due to a lack of financial and housing resources as they exit juvenile corrections and foster care;

Whereas 12 to 36 percent of foster youth experience homelessness at least once after exiting foster care;

Whereas homeless youth are most often expelled from their homes by their guardians after physical, sexual, or emotional abuse or separated from their parents through death or divorce without adequate resources; and

Whereas awareness of the tragedy of youth homelessness and its causes must be heightened so that greater support for effective programs involving businesses, families, law enforcement agencies, schools, and community and faith-based organizations, aimed at helping youth remain off the streets becomes a national priority: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the values and efforts of businesses, organizations, and volunteers dedicated to meeting the needs of homeless children and teens;

(2) applauds the initiatives of businesses, organizations, and volunteers that employ time and resources to build awareness of the homeless youth problem, its causes, and potential solutions, and work to prevent homelessness among children and teens; and

(3) should recognize the month of November 2008 as ''National Homeless Youth Awareness Month'' and encourages these businesses, organizations, and volunteers to continue to intensify their efforts during the month of November.

## SENATE RESOLUTION 694—DESIGNATING THE WEEK BEGINNING OCTOBER 19, 2008, AS ''NATIONAL CHARACTER COUNTS WEEK''

Mr. DOMENICI (for himself, Mr. DODD, Mr. ALEXANDER, Mr. ROCKEFELLER, Mr. INHOFE, Ms. STABENOW, Mr. ENZI, Mr. LIEBERMAN, Mr. VOINOVICH, Mr. BIDEN, Mr. CORNYN, and Ms. MURKOWSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 694

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good

character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

*Resolved,* That the Senate—

(1) designates the week beginning October 19, 2008, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 5674. Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. BENNETT) proposed an amendment to the bill H.R. 5159, to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes.

SA 5675. Ms. LANDRIEU (for Mr. NELSON, OF FLORIDA (for himself and Mr. INHOFE) proposed an amendment to the resolution S. Res. 660, condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

SA 5676. Mr. COBURN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 5677. Mr. REID proposed an amendment to the bill H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes.

SA 5678. Mr. REID submitted an amendment intended to be proposed to amendment SA 5677 proposed by Mr. REID to the bill H.R. 2095, supra.

## TEXT OF AMENDMENTS

**SA 5674.** Mr. REID (for Mrs. FEINSTEIN (for herself and Mr. BENNETT)) proposed an amendment to the bill H.R. 5159, to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the ''Capitol Visitor Center Act of 2008''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CAPITOL VISITOR CENTER

Sec. 101. Designation of facility as Capitol Visitor Center; purposes of facility; treatment of the Capitol Visitor Center.
Sec. 102. Designation and naming within the Capitol Visitor Center.
Sec. 103. Use of the Emancipation Hall of the Capitol Visitor Center.

TITLE II—OFFICE OF THE CAPITOL VISITOR CENTER

Sec. 201. Establishment.
Sec. 202. Appointment and supervision of Chief Executive Officer for Visitor Services.
Sec. 203. General duties of Chief Executive Officer.
Sec. 204. Assistant to the Chief Executive Officer.
Sec. 205. Gift shop.
Sec. 206. Food service operations.

TITLE III—CAPITOL VISITOR CENTER REVOLVING FUND

Sec. 301. Establishment and accounts.
Sec. 302. Deposits in the Fund.
Sec. 303. Use of monies.
Sec. 304. Administration of Fund.

TITLE IV—CAPITOL GUIDE SERVICE AND OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

Subtitle A—Capitol Guide Service

Sec. 401. Transfer of Capitol Guide Service.
Sec. 402. Duties of employees of Capitol Guide Service.

Subtitle B—Office of Congressional Accessibility Services

Sec. 411. Office of Congressional Accessibility Services.
Sec. 412. Transfer from Capitol Guide Service.

Subtitle C—Transfer Date and Technical and Conforming Amendments

Sec. 421. Transfer date.
Sec. 422. Technical and conforming amendments.

TITLE V—MISCELLANEOUS PROVISIONS

Sec. 501. Jurisdictions unaffected.
Sec. 502. Student loan repayment authority.
Sec. 503. Acceptance of volunteer services.
Sec. 504. Coins treated as gifts.
Sec. 505. Flexible work schedule pilot program.

TITLE VI—AUTHORIZATION OF APPROPRIATIONS

Sec. 601. Authorization of appropriations.

### TITLE I—CAPITOL VISITOR CENTER

**SEC. 101. DESIGNATION OF FACILITY AS CAPITOL VISITOR CENTER; PURPOSES OF FACILITY; TREATMENT OF THE CAPITOL VISITOR CENTER.**

(a) DESIGNATION.—The facility authorized for construction under the heading ''CAPITOL VISITOR CENTER'' under chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277; 112 Stat. 2681–569) is designated as the Capitol Visitor Center and is a part of the Capitol.

(b) PURPOSES OF THE FACILITY.—The Capitol Visitor Center shall be used—

(1) to provide enhanced security for persons working in or visiting the United States Capitol;

(2) to improve the visitor experience by providing a structure that will afford improved visitor orientation and enhance the educational experience of those who have come to learn about the Congress and the Capitol; and

(3) for other purposes as determined by Congress or the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(c) TREATMENT OF THE CAPITOL VISITOR CENTER.—

(1) OVERSIGHT.—The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives shall have oversight of the Capitol Visitor Center.

(2) TREATMENT OF EXPANSION SPACE OF THE SENATE AND HOUSE OF REPRESENTATIVES IN THE CAPITOL VISITOR CENTER.—

(A) SENATE.—The expansion space of the Senate described as unassigned space under the heading ''CAPITOL VISITOR CENTER'' under the heading ''ARCHITECT OF THE CAPITOL'' under title II of the Act entitled ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes'', approved November 12, 2001 (Public Law 107–68; 115 Stat. 588) shall be part of the Senate wing of the Capitol.

(B) HOUSE OF REPRESENTATIVES.—The expansion space of the House of Representatives described as unassigned space under the heading ''CAPITOL VISITOR CENTER'' under the heading ''ARCHITECT OF THE CAPITOL'' under title II of the Act entitled ''An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2002, and for other purposes'', approved November 12, 2001 (Public Law 107–68; 115 Stat. 588) shall be part of the House of Representatives wing of the Capitol.

(d) TREATMENT OF CONGRESSIONAL AUDITORIUM AND RELATED ADJACENT AREAS.—

(1) IN GENERAL.—The Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives shall jointly prescribe regulations for the assignment of the space in the Capitol Visitor Center known as the Congressional Auditorium and the related adjacent areas.

(2) RELATED ADJACENT AREAS.—The regulations under paragraph (1) shall include a designation of the areas that are related adjacent areas to the Congressional Auditorium.

(e) VISITOR CENTER SPACE IN THE CAPITOL.—Section 301 of the National Visitor

Center Facilities Act of 1968 (2 U.S.C. 2165) is repealed.

(f) EXHIBITS FOR DISPLAYS.—

(1) IN GENERAL.—

(A) LOAN AGREEMENTS.—Subject to subparagraph (B), the Architect of the Capitol may enter into loan agreements to place historical objects for display in the Exhibition Hall of the Capitol Visitor Center.

(B) CONSULTATION AND APPROVAL.—The Architect of the Capitol may exercise the authority under subparagraph (A) with respect to each loan agreement—

(i) after consultation with—

(I) the Senate Commission on Art; and

(II) the House of Representatives Fine Arts Board; and

(ii) subject to the approval of—

(I) the Committee on Rules and Administration of the Senate; and

(II) the Committee on House Administration of the House of Representatives.

(C) EFFECTIVE DATE.—This paragraph shall take effect on December 3, 2008.

(2) EXHIBITION PROHIBITION.—Section 1815 of the Revised Statutes (2 U.S.C. 2134) is amended by inserting ''Emancipation Hall of the Capitol Visitor Center,'' after ''Rotunda,''.

(3) EXCEPTIONS TO EXHIBITION PROHIBITION.—Section 1815 of the Revised Statutes (2 U.S.C. 2134) shall not apply to any historical object placed within an exhibit in the Exhibition Hall of the Capitol Visitor Center that—

(A)(i) is directly related to the purpose of the Capitol Visitor Center under subsection (b)(2);

(ii) is the subject of a loan agreement entered into by the Architect of the Capitol before December 2, 2008; and

(iii) has been approved by the Capitol Preservation Commission; or

(B) is the subject of a loan agreement described under paragraph (1)(A).

(4) SUBSTITUTION OF HISTORICAL OBJECT.—A loan agreement described under paragraph (3)(A)(ii) may provide for the removal of an historical object from exhibition for preservation purposes and the substitution of that object with another historical object having a comparable educational purpose.

**SEC. 102. DESIGNATION AND NAMING WITHIN THE CAPITOL VISITOR CENTER.**

(a) IN GENERAL.—Except as provided under subsection (b), no part of the Capitol Visitor Center may be designated or named without the approval of—

(1) not less than ¾ of all members on the Capitol Preservation Commission who are members of the Democratic party; and

(2) not less than ¾ of all members on the Capitol Preservation Commission who are members of the Republican party.

(b) EXCEPTION.—Subsection (a) shall not apply to any room or space under the jurisdiction of the Senate or the House of Representatives.

**SEC. 103. USE OF THE EMANCIPATION HALL OF THE CAPITOL VISITOR CENTER.**

The Emancipation Hall of the Capitol Visitor Center may not be used for any event, except upon the passage of a resolution agreed to by both houses of Congress authorizing the use of the Emancipation Hall for that event.

## TITLE II—OFFICE OF THE CAPITOL VISITOR CENTER

**SEC. 201. ESTABLISHMENT.**

There is established within the Office of the Architect of the Capitol the Office of the Capitol Visitor Center (in this Act referred to as the ''Office''), to be headed by the Chief Executive Officer for Visitor Services (in this Act referred to as the ''Chief Executive Officer'').

**SEC. 202. APPOINTMENT AND SUPERVISION OF CHIEF EXECUTIVE OFFICER FOR VISITOR SERVICES.**

(a) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Architect of the Capitol.

(b) SUPERVISION AND OVERSIGHT.—The Chief Executive Officer shall report directly to the Architect of the Capitol and shall be subject to oversight by the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(c) REMOVAL.—Upon removal of the Chief Executive Officer, the Architect of the Capitol shall immediately provide notice of the removal to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the House of Representatives and Senate. The notice shall include the reasons for the removal.

(d) COMPENSATION.—The Chief Executive Officer shall be paid at an annual rate of pay equal to the annual rate of pay of the Deputy Architect of the Capitol.

(e) TRANSITION FOR CURRENT CHIEF EXECUTIVE OFFICER FOR VISITOR SERVICES.—

(1) APPOINTMENT.—The individual who serves as the Chief Executive Officer for Visitor Services under section 6701 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriation Act of 2007 (2 U.S.C. 1806) as of the date of the enactment of this Act shall be the first Chief Executive Officer for Visitor Services appointed by the Architect under this section.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 6701 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriation Act of 2007 (2 U.S.C. 1806) is repealed.

**SEC. 203. GENERAL DUTIES OF CHIEF EXECUTIVE OFFICER.**

(a) ADMINISTRATION OF FACILITIES, SERVICES, AND ACTIVITIES.—

(1) IN GENERAL.—Except to the extent otherwise provided in this Act, the Chief Executive Officer shall be responsible for—

(A) the operation, management, and budget preparation and execution of the Capitol Visitor Center, including all long term planning and daily operational services and activities provided within the Capitol Visitor Center; and

(B) in accordance with sections 401 and 402, the management of guided tours of the interior of the United States Capitol.

(2) INDEPENDENT BUDGET CONSIDERATION.—

(A) IN GENERAL.—The Architect of the Capitol, upon recommendation of the Chief Executive Officer, shall submit the proposed budget for the Office for a fiscal year in the proposed budget for that year for the Office of the Architect of the Capitol (as submitted by the Architect of the Capitol to the President). The proposed budget for the Office shall be considered independently from the other components of the proposed budget for the Architect of the Capitol.

(B) EXCLUSION OF COSTS OF GENERAL MAINTENANCE AND REPAIR OF VISITOR CENTER.—In preparing the proposed budget for the Office under subparagraph (A), the Chief Executive Officer shall exclude costs attributable to the activities and services described under section 501(b) (relating to continuing jurisdiction of the Architect of the Capitol for the care and superintendence of the Capitol Visitor Center).

(b) PERSONNEL, DISBURSEMENTS, AND CONTRACTS.—In carrying out this Act, the Architect of the Capitol shall have the authority to, upon recommendation of the Chief Executive Officer—

(1) appoint, hire, and fix the compensation of such personnel as may be necessary for operations of the Office, except that no employee may be paid at an annual rate in excess of the maximum rate payable for level 15 of the General Schedule;

(2) disburse funds as may be necessary and available for the needs of the Office (consistent with the requirements of section 303 in the case of amounts in the Capitol Visitor Center Revolving Fund); and

(3) designate an employee of the Office to serve as contracting officer for the Office, subject to subsection (c).

(c) REQUIRING APPROVAL OF CERTAIN CONTRACTS.—The Architect of the Capitol may not enter into a contract for the operations of the Capitol Visitor Center for which the amount involved exceeds $250,000 without the prior approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(d) SEMIANNUAL REPORTS.—The Chief Executive Officer shall submit a report to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives not later than 45 days following the close of each semiannual period ending on March 31 or September 30 of each year on the financial and operational status during the period of each function under the jurisdiction of the Chief Executive Officer. Each such report shall include financial statements and a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.

**SEC. 204. ASSISTANT TO THE CHIEF EXECUTIVE OFFICER.**

(a) IN GENERAL.—The Architect of the Capitol shall—

(1) upon recommendation of the Chief Executive Officer, appoint an assistant who shall perform the responsibilities of the Chief Executive Officer during the absence or disability of the Chief Executive Officer, or during a vacancy in the position of the Chief Executive Officer; and

(2) notwithstanding section 203(b)(1), fix the rate of basic pay for the position of the assistant appointed under subparagraph (A) at a rate not to exceed the highest total rate of pay for the Senior Executive Service under subchapter VIII of chapter 53 of title 5, United States Code, for the locality involved.

(b) TRANSITION FOR CURRENT ASSISTANT CHIEF EXECUTIVE OFFICER.—

(1) APPOINTMENT.—The individual who serves as the assistant under section 1309 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1807) as of the date of the enactment of this Act shall be the first Assistant Chief Executive Officer for Visitor Services appointed by the Architect under this section.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1309 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1807) is repealed.

**SEC. 205. GIFT SHOP.**

(a) ESTABLISHMENT.—The Architect of the Capitol, acting through the Chief Executive Officer, shall establish a Capitol Visitor Center Gift Shop within the Capitol Visitor Center for the purpose of providing for the sale of gift items. All moneys received from sales and other services by the Capitol Visitor Center Gift Shop shall be deposited in the Capitol Visitor Center Revolving Fund established under section 301 and shall be available for purposes of this section.

(b) EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON CAPITOL GROUNDS.—Section 5104(c) of title 40, United States Code, shall not apply to any activity carried out under this section.

**SEC. 206. FOOD SERVICE OPERATIONS.**

(a) RESTAURANT, CATERING, AND VENDING.—The Architect of the Capitol, acting through

the Chief Executive Officer, shall establish within the Capitol Visitor Center a restaurant and other food service facilities, including catering services and vending machines.

(b) CONTRACT FOR FOOD SERVICE OPERATIONS.—

(1) IN GENERAL.—The Architect of the Capitol, acting through the Chief Executive Officer, may enter into a contract for food service operations within the Capitol Visitor Center.

(2) EXISTING CONTRACT UNAFFECTED.—Nothing in paragraph (1) shall be construed to affect any contract for food service operations within the Capitol Visitor Center in effect on the date of enactment of this Act.

(c) DEPOSITS.—All net profits from the food service operations within the Capitol Visitor Center and all commissions received from the contractor for such food service operations shall be deposited in the Capitol Visitor Center Revolving Fund established under section 301.

(d) EXCEPTION TO PROHIBITION OF SALE OR SOLICITATION ON CAPITOL GROUNDS.—Section 5104(c) of title 40, United States Code, shall not apply to any activity carried out under this section.

## TITLE III—CAPITOL VISITOR CENTER REVOLVING FUND

### SEC. 301. ESTABLISHMENT AND ACCOUNTS.

There is established in the Treasury of the United States a revolving fund to be known as the Capitol Visitor Center Revolving Fund (in this section referred to as the ''Fund''), consisting of the following individual accounts:

(1) The Gift Shop Account.

(2) The Miscellaneous Receipts Account.

### SEC. 302. DEPOSITS IN THE FUND.

(a) GIFT SHOP ACCOUNT.—There shall be deposited in the Gift Shop Account all monies received from sales and other services by the gift shop established under section 205, together with any interest accrued on balances in the Account.

(b) MISCELLANEOUS RECEIPTS ACCOUNT.—There shall be deposited in the Miscellaneous Receipts Account each of the following (together with any interest accrued on balances in the Account):

(1) Any amounts deposited under section 206(c).

(2) Any other receipts received from the operation of the Capitol Visitor Center.

(3) Any amounts described under section 504(d).

### SEC. 303. USE OF MONIES.

(a) GIFT SHOP ACCOUNT.—

(1) IN GENERAL.—All monies in the Gift Shop Account shall be available without fiscal year limitation for disbursement by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, in connection with the operation of the gift shop under section 205, including supplies, inventories, equipment, and other expenses. In addition, such monies may be used by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, to reimburse any applicable appropriations account for amounts used from such appropriations account to pay the salaries of employees of the gift shops.

(2) USE OF REMAINING FUNDS.—To the extent monies in the Gift Shop Account are available after disbursements and reimbursements are made under paragraph (1), the Architect of the Capitol, upon recommendation of the Chief Executive Officer, may disburse such monies for the operation of the Capitol Visitor Center, after consultation with—

(A) the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives; and

(B) the Committees on Appropriations of the House of Representatives and Senate.

(b) MISCELLANEOUS RECEIPTS ACCOUNT.—All monies in the Miscellaneous Receipts Account shall be available without fiscal year limitation for disbursement by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, for the operations of the Capitol Visitor Center, after consultation with—

(1) the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives; and

(2) the Committees on Appropriations of the House of Representatives and Senate.

### SEC. 304. ADMINISTRATION OF FUND.

(a) DISBURSEMENTS.—Disbursements from the Fund may be made by the Architect of the Capitol, upon recommendation of the Chief Executive Officer.

(b) INVESTMENT AUTHORITY.—The Secretary of the Treasury shall invest any portion of the Fund that, as determined by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, is not required to meet current expenses. Each investment shall be made in an interest-bearing obligation of the United States or an obligation guaranteed both as to principal and interest by the United States that, as determined by the Architect of the Capitol, upon recommendation of the Chief Executive Officer, has a maturity date suitable for the purposes of the Fund. The Secretary of the Treasury shall credit interest earned on the obligations to the Fund.

(c) AUDIT.—The Fund shall be subject to audit by the Comptroller General at the discretion of the Comptroller General.

## TITLE IV—CAPITOL GUIDE SERVICE AND OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES

### Subtitle A—Capitol Guide Service

### SEC. 401. TRANSFER OF CAPITOL GUIDE SERVICE.

(a) TRANSFER OF AUTHORITIES AND PERSONNEL TO OFFICE OF THE CAPITOL VISITOR CENTER.—In accordance with the provisions of this title, effective on the transfer date—

(1) the Capitol Guide Service shall be an office within the Office;

(2) the contracts, liabilities, records, property, appropriations, and other assets and interests of the Capitol Guide Service, established under section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166), and the employees of the Capitol Guide Service, are transferred to the Office, except that the transfer of any amounts appropriated to the Capitol Guide Service that remain available as of the transfer date shall occur only upon the approval of the Committees on Appropriations of the House of Representatives and Senate; and

(3) the Capitol Guide Service shall be subject to the direction of the Architect of the Capitol, upon recommendation of the Chief Executive Officer, in accordance with this subtitle.

(b) TREATMENT OF EMPLOYEES OF CAPITOL GUIDE SERVICE AT TIME OF TRANSFER.—

(1) IN GENERAL.—Any individual who is an employee of the Capitol Guide Service on a non-temporary basis on the transfer date who is transferred to the Office under subsection (a) shall be subject to the authority of the Architect of the Capitol under section 402(b), except that the individual's grade, compensation, rate of leave, or other benefits that apply with respect to the individual at the time of transfer shall not be reduced while such individual remains continuously so employed in the same position within the Office, other than for cause.

(2) ELIGIBILITY FOR IMMEDIATE RETIREMENT ON BASIS OF INVOLUNTARY SEPARATION.—For purposes of section 8336(d) and section 8414(b) of title 5, United States Code, an individual described in paragraph (1) who is separated from service with the Office shall be considered to have separated from the service involuntarily if, at the time the individual is separated from service—

(A) the individual has completed 25 years of service under such title; or

(B) the individual has completed 20 years of service under such title and is 50 years of age or older.

(c) EXCEPTION FOR CONGRESSIONAL SPECIAL SERVICES OFFICE.—This section does not apply with respect to any employees, contracts, liabilities, records, property, appropriations, and other assets and interests of the Congressional Special Services Office of the Capitol Guide Service that are transferred to the Office of Congressional Accessibility Services under subtitle B.

### SEC. 402. DUTIES OF EMPLOYEES OF CAPITOL GUIDE SERVICE.

(a) PROVISION OF GUIDED TOURS.—

(1) TOURS.—In accordance with this section, the Capitol Guide Service shall provide without charge guided tours of the interior of the United States Capitol, including the Capitol Visitor Center, for the education and enlightenment of the general public.

(2) ACCEPTANCE OF FEES PROHIBITED.—An employee of the Capitol Guide Service shall not charge or accept any fee, or accept any gratuity, for or on account of the official services of that employee.

(3) REGULATIONS OF THE ARCHITECT OF THE CAPITOL.—All such tours shall be conducted in compliance with regulations approved by the Architect of the Capitol, upon recommendation of the Chief Executive Officer.

(b) AUTHORITY OF THE ARCHITECT OF THE CAPITOL.—In providing for the direction, supervision, and control of the Capitol Guide Service, the Architect of the Capitol, upon recommendation of the Chief Executive Officer, is authorized to—

(1) subject to the availability of appropriations, establish and revise such number of positions of Guide in the Capitol Guide Service as the Architect of the Capitol considers necessary to carry out effectively the activities of the Capitol Guide Service;

(2) appoint, on a permanent basis without regard to political affiliation and solely on the basis of fitness to perform their duties, a Chief Guide and such deputies as the Architect of the Capitol considers appropriate for the effective administration of the Capitol Guide Service and, in addition, such number of Guides as may be authorized;

(3) with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, with respect to the individuals appointed under paragraph (2)—

(A) prescribe the individual's duties and responsibilities; and

(B) fix, and adjust from time to time, respective rates of pay at single per annum (gross) rates;

(4) with respect to the individuals appointed under paragraph (2), take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or termination of employment with the Capitol Guide Service, against any employee who violates any provision of this section or any regulation prescribed by the Architect of the Capitol under paragraph (8);

(5) prescribe a uniform dress, including appropriate insignia, which shall be worn by personnel of the Capitol Guide Service;

(6) from time to time and as may be necessary, procure and furnish such uniforms to such personnel without charge to such personnel;

(7) receive and consider advice and information from any private historical or educational organization, association, or society with respect to those operations of the Capitol Guide Service which involve the furnishing of historical and educational information to the general public; and

(8) with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, prescribe such regulations as the Architect of the Capitol considers necessary and appropriate for the operation of the Capitol Guide Service, including regulations with respect to tour routes and hours of operation, number of visitors per guide, staff-led tours, and non-law enforcement security and special event related support.

(c) PROVISION OF ACCESSIBLE TOURS IN COORDINATION WITH OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.—The Chief Executive Officer shall coordinate the provision of accessible tours for individuals with disabilities with the Office of Congressional Accessibility Services established under subtitle B.

(d) DETAIL OF PERSONNEL.—The Architect of the Capitol shall detail personnel of the Capitol Guide Service based on a request from the Capitol Police Board to assist the United States Capitol Police by providing ushering and informational services, and other services not directly involving law enforcement, in connection with—

(1) the inauguration of the President and Vice President of the United States;

(2) the official reception of representatives of foreign nations and other persons by the Senate or House of Representatives; or

(3) other special or ceremonial occasions in the United States Capitol or on the United States Capitol Grounds that—

(A) require the presence of additional Government personnel; and

(B) cause the temporary suspension of the performance of regular duties.

(e) EFFECTIVE DATE.—This section shall take effect on the transfer date.

**Subtitle B—Office of Congressional Accessibility Services**

**SEC. 411. OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.**

(a) IN GENERAL.—Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) is amended to read as follows:

**"SEC. 310. OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.**

''(a) ESTABLISHMENT OF OFFICE OF CONGRESSIONAL ACCESSIBILITY SERVICES.—

''(1) ESTABLISHMENT.—There is established in the legislative branch the Office of Congressional Accessibility Services, to be headed by the Director of Accessibility Services.

''(2) CONGRESSIONAL ACCESSIBILITY SERVICES BOARD.—

''(A) ESTABLISHMENT.—There is established the Congressional Accessibility Services Board, which shall be composed of—

''(i) the Sergeant at Arms and Doorkeeper of the Senate;

''(ii) the Secretary of the Senate;

''(iii) the Sergeant at Arms of the House of Representatives;

''(iv) the Clerk of the House of Representatives; and

''(v) the Architect of the Capitol.

''(B) DIRECTION OF BOARD.—The Office of Congressional Accessibility Services shall be subject to the direction of the Congressional Accessibility Services Board.

''(3) MISSION AND FUNCTIONS.—

''(A) IN GENERAL.—The Office of Congressional Accessibility Services shall—

''(i) provide and coordinate accessibility services for individuals with disabilities, including Members of Congress, officers and employees of the House of Representatives and the Senate, and visitors, in the United States Capitol Complex; and

''(ii) provide information regarding accessibility for individuals with disabilities, as well as related training and staff development, to Members of Congress and employees of the Senate and the House of Representatives.

''(B) UNITED STATES CAPITOL COMPLEX DEFINED.—In this paragraph, the term 'United States Capitol Complex' means the Capitol buildings (as defined in section 5101 of title 40, United States Code) and the United States Capitol Grounds (as described in section 5102 of such title).

''(b) DIRECTOR OF ACCESSIBILITY SERVICES.—

''(1) APPOINTMENT, PAY, AND REMOVAL.—

''(A) APPOINTMENT AND PAY.—The Director of Accessibility Services shall be appointed by the Congressional Accessibility Services Board and shall be paid at a rate of pay determined by the Congressional Accessibility Services Board.

''(B) REMOVAL.—Upon removal of the Director of Accessibility Services, the Congressional Accessibility Services Board shall immediately provide notice of the removal to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the House of Representatives and Senate. The notice shall include the reasons for the removal.

''(2) PERSONNEL AND OTHER ADMINISTRATIVE FUNCTIONS.—

''(A) PERSONNEL, DISBURSEMENTS, AND CONTRACTS.—In carrying out the functions of the Office of Congressional Accessibility Services under subsection (a), the Director of Accessibility Services shall have the authority to—

''(i) appoint, hire, and fix the compensation of such personnel as may be necessary for operations of the Office of Congressional Accessibility Services, except that no employee may be paid at an annual rate in excess of the annual rate of pay for the Director of Accessibility Services;

''(ii) take appropriate disciplinary action, including, when circumstances warrant, suspension from duty without pay, reduction in pay, demotion, or termination of employment with the Office of Congressional Accessibility Services, against any employee;

''(iii) disburse funds as may be necessary and available for the needs of the Office of Congressional Accessibility Services; and

''(iv) serve as contracting officer for the Office of Congressional Accessibility Services.

''(B) AGREEMENTS WITH THE OFFICE OF THE ARCHITECT OF THE CAPITOL, WITH OTHER LEGISLATIVE BRANCH AGENCIES, AND WITH OFFICES OF THE SENATE AND HOUSE OF REPRESENTATIVES.—Subject to the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives, the Director of Accessibility Services may place orders and enter into agreements with the Office of the Architect of the Capitol, with other legislative branch agencies, and with any office or other entity of the Senate or House of Representatives for procuring goods and providing financial and administrative services on behalf of the Office of Congressional Accessibility Services, or to otherwise assist the Director in the administration and management of the Office of Congressional Accessibility Services.

''(3) SEMIANNUAL REPORTS.—The Director of Accessibility Services shall submit a report to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives not later than 45 days following the close of each semiannual period ending on March 31 or September 30 of each year on the financial and operational status during the period of each function under the jurisdiction of the Director. Each such report shall include financial statements and a description or explanation of current operations, the implementation of new policies and procedures, and future plans for each function.''.

(b) SPECIFIC FUNCTIONS.—The Director of Accessibility Services shall submit to the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives a list of the specific functions that the Office of Congressional Accessibility Services will perform in carrying out this subtitle with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives. The Director of Accessibility Services shall submit the list not later than 30 days after the transfer date.

(c) TRANSITION FOR CURRENT DIRECTOR.—The individual who serves as the head of the Congressional Special Services Office as of the date of the enactment of this Act shall be the first Director of Accessibility Services appointed by the Congressional Accessibility Services Board under section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by this section).

**SEC. 412. TRANSFER FROM CAPITOL GUIDE SERVICE.**

(a) TRANSFER OF AUTHORITIES AND PERSONNEL OF CONGRESSIONAL SPECIAL SERVICES OFFICE OF CAPITOL GUIDE SERVICE.—In accordance with the provisions of this title, effective on the transfer date—

(1) the contracts, liabilities, records, property, appropriations, and other assets and interests of the Congressional Special Services Office of the Capitol Guide Service, and the employees of such Office, are transferred to the Office of Congressional Accessibility Services established under section 310(a) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by section 411 of this Act), except that the transfer of any amounts appropriated to the Congressional Special Services Office that remain available as of the transfer date shall occur only upon the approval of the Committees on Appropriations of the House of Representatives and Senate; and

(2) the employees of such Office shall be subject to the direction, supervision, and control of the Director of Accessibility Services.

(b) TREATMENT OF EMPLOYEES AT TIME OF TRANSFER.—

(1) IN GENERAL.—Any individual who is an employee of the Congressional Special Services Office of the Capitol Guide Service on a non-temporary basis on the transfer date who is transferred under subsection (a) shall be subject to the authority of the Director of Accessibility Services under section 310(b) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by section 411 of this Act), except that the individual's grade, compensation, rate of leave, or other benefits that apply with respect to the individual at the time of transfer shall not be reduced while such individual remains continuously so employed in the same position within the Office of Congressional Accessibility Services established under section 310(a) of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) (as amended by section 411 of this Act), other than for cause.

(2) ELIGIBILITY FOR IMMEDIATE RETIREMENT ON BASIS OF INVOLUNTARY SEPARATION.—For purposes of section 8336(d) and section 8414(b) of title 5, United States Code, an individual described in paragraph (1) who is separated

from service with the Office of Congressional Accessibility Services shall be considered to have separated from the service involuntarily if, at the time the individual is separated from service—

(A) the individual has completed 25 years of service under such title; or

(B) the individual has completed 20 years of service under such title and is 50 years of age or older.

(3) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Director of Accessibility Services may not impose a period of probation with respect to the transfer of any individual who is transferred to the Office of Congressional Accessibility Services under subsection (a).

**Subtitle C—Transfer Date and Technical and Conforming Amendments**

**SEC. 421. TRANSFER DATE.**

In this title, the term ''transfer date'' means the date occurring on the first day of the first pay period (applicable to employees transferred under section 401) occurring on or after 30 days after the date of enactment of this Act.

**SEC. 422. TECHNICAL AND CONFORMING AMENDMENTS.**

(a) EXISTING AUTHORITY OF CAPITOL GUIDE SERVICE.—Section 441 of the Legislative Reorganization Act of 1970 (2 U.S.C. 2166) is repealed.

(b) COVERAGE UNDER CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) TREATMENT OF EMPLOYEES AS COVERED EMPLOYEES.—Section 101(3)(C) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(3)(C)) is amended to read as follows:

''(C) the Office of Congressional Accessibility Services;''.

(2) TREATMENT OF OFFICE AS EMPLOYING OFFICE.—Section 101(9)(D) of such Act (2 U.S.C. 1301(9)(D)) is amended by striking ''the Capitol Guide Board,'' and inserting ''the Office of Congressional Accessibility Services,''.

(3) RIGHTS AND PROTECTIONS RELATING TO PUBLIC SERVICES AND ACCOMMODATIONS.—Section 210(a)(4) of such Act (2 U.S.C. 1331(a)(4)) is amended to read as follows:

''(4) the Office of Congressional Accessibility Services;''.

(4) PERIODIC INSPECTIONS FOR OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE.—Section 215(e)(1) of such Act (2 U.S.C. 1341(e)(1)) is amended by striking ''the Capitol Guide Service,'' and inserting ''the Office of Congressional Accessibility Services,''.

(c) TREATMENT AS CONGRESSIONAL EMPLOYEES FOR RETIREMENT PURPOSES.—Section 2107(9) of title 5, United States Code, is amended to read as follows:

''(9) an employee of the Office of Congressional Accessibility Services.''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the transfer date.

**TITLE V—MISCELLANEOUS PROVISIONS**

**SEC. 501. JURISDICTIONS UNAFFECTED.**

(a) SECURITY JURISDICTION UNAFFECTED.—Nothing in this Act granting any authority to the Architect of the Capitol or Chief Executive Officer shall be construed to affect the exclusive jurisdiction of the Capitol Police, the Capitol Police Board, the Sergeant at Arms and Doorkeeper of the Senate, and the Sergeant at Arms of the House of Representatives to provide security for the Capitol, including the Capitol Visitor Center.

(b) ARCHITECT OF THE CAPITOL JURISDICTION UNAFFECTED.—

(1) IN GENERAL.—Nothing in this Act granting any authority to the Chief Executive Officer shall be construed to affect the exclusive jurisdiction of the Architect of the Capitol for the care and superintendence of the Capitol Visitor Center. All maintenance services, groundskeeping services, improvements, alterations, additions, and repairs for the Capitol Visitor Center shall be made under the direction and supervision of the Architect, subject to the approval of the Committee on Rules and Administration of the Senate and the House Office Building Commission as to matters of general policy.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 1305 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1825) is repealed.

**SEC. 502. STUDENT LOAN REPAYMENT AUTHORITY.**

Section 5379(a)(1)(A) of title 5, United States Code, is amended by inserting '', the Architect of the Capitol, the Botanic Garden, and the Office of Congressional Accessibility Services'' after ''title''.

**SEC. 503. ACCEPTANCE OF VOLUNTEER SERVICES.**

Notwithstanding section 1342 of title 31, United States Code, the Architect of the Capitol, upon the recommendation of the Chief Executive Officer, may accept and use voluntary and uncompensated services for the Capitol Visitor Center as the Architect of the Capitol determines necessary. No person shall be permitted to donate personal services under this section unless such person has first agreed, in writing, to waive any and all claims against the United States arising out of or connection with such services, other than a claim under the provisions of chapter 81 of title 5, United States Code. No person donating personal services under this section shall be considered an employee of the United States for any purpose other than for purposes of chapter 81 of such title. In no case shall the acceptance of personal services under this subsection result in the reduction of pay or displacement of any employee of the Office of the Architect of the Capitol.

**SEC. 504. COINS TREATED AS GIFTS.**

(a) DEFINITION.—In this section, the term ''covered grounds'' means—

(1) the grounds described under section 5102 of title 40, United States Code;

(2) the Capitol Buildings defined under section 5101 of title 40, United States Code, including the Capitol Visitor Center; and

(3) the Library of Congress buildings and grounds described under section 11 of the Act entitled ''An Act relating to the policing of the buildings and grounds of the Library of Congress'', approved August 4, 1950 (2 U.S.C. 167j).

(b) TREATMENT OF COINS.—In the case of any coins in any fountains on covered grounds—

(1) such coins shall be treated as gifts to the United States; and

(2) the Architect of the Capitol shall—

(A) collect such coins at such times and in such manner as the Architect determines appropriate; and

(B) except as provided under subsection (c), deposit the collected coins in accordance with subsection (d).

(c) COST REIMBURSEMENT.—Any amount collected under this section shall first be used to reimburse the Architect of the Capitol for any costs incurred in the collection and processing of the coins. The amount of any such reimbursement is appropriated to the account from which such costs were paid and may be used for any authorized purpose of that account.

(d) DEPOSIT OF COINS.—The Architect of the Capitol shall deposit coins collected under this section in the Miscellaneous Receipts Account of the Capitol Visitor Center Revolving Fund established under section 301.

(e) AUTHORIZED USE AND AVAILABILITY.—Amounts deposited in the Miscellaneous Receipts Account of the Capitol Visitor Center Revolving Fund under this section shall be available as provided under section 303(b).

**SEC. 505. FLEXIBLE WORK SCHEDULE PILOT PROGRAM.**

(a) IN GENERAL.—Section 1302 of the Legislative Branch Appropriations Act, 2008 (2 U.S.C. 1831 note; 121 Stat. 2242) is amended in the third sentence by striking ''September 30, 2008'' and inserting ''September 30, 2010''.

(b) EFFECTIVE DATE.—The amendment made under subsection (a) shall take effect as though enacted as part of the Legislative Branch Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 2218 et seq.).

**TITLE VI—AUTHORIZATION OF APPROPRIATIONS**

**SEC. 601. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated such sums as are necessary to carry out this Act.

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**SA 5675.** Ms. LANDRIEU (for Mr. NELSON of Florida (for himself and Mr. INHOFE)) proposed an amendment to the resolution S. Res. 660, condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan; as follows:

Strike paragraphs (3) through (5) of the resolving clause and insert the following:

(3) in light of the well-documented existence of arms in Darfur that were transferred from China and Russia and the insistence of the Government of Sudan that it will not abide by the embargo, all United Nations member states should immediately cease all arms sales to the Government of Sudan; and

(4) the United States Permanent Representative to the United Nations should use the voice and vote of the United States in the United Nations Security Council to seek an appropriate expansion of the arms embargo imposed by Security Council Resolutions 1556 and 1591.

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**SA 5676.** Mr. COBURN (for himself and Mr. DEMINT) submitted an amendment intended to be proposed by him to the bill H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 8006.

At the appropriate place, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be available for any Congressionally directed spending item including projects listed in the tables titled ''Explanation of Project Level Adjustments'' in the explanatory statement described in section 4: *Provided*, That the amount made available for all corresponding programs, projects, and activities in such tables is rescinded, and the corresponding amounts be returned to the Treasury for debt reduction.

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**SA 5677.** Mr. REID proposed an amendment to the bill H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; as follows:

At the end, insert the following:

The provisions of this Act shall become effective in 2 days after enactment.

**SA 5678.** Mr. REID submitted an amendment intended to be proposed to amendment SA 5677 proposed by Mr. REID to the bill H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes; as follows:

In the amendment, strike ''2'' and insert ''1.''

## NOTICE OF INTENT TO OBJECT TO PROCEEDING

Mr. FEINGOLD, pursuant to the provisions of section 512 of Public Law 110–181, submitted his notice of intent to object to proceed to consider the resolution (S. Res. 626) expressing the sense of the Senate that the Supreme Court of the United States erroneously decided Kennedy v. Louisiana, No. 07–343 (2008), and that the eighth amendment to the Constitution of the United States allows the imposition of the death penalty for the rape of a child, dated July 25, 2008, for the following reasons:

It would be inappropriate for the U.S. Senate to express a view on this case at this time and in this manner, as the United States Supreme Court has asked the parties in this case and the Solicitor General of the United States to submit supplemental briefs in response to a Petition for Rehearing. The Senate should not intervene in this ongoing legal proceeding. Senators are free to express their opinions on how the Supreme Court should rule on the Petition through amicus briefs if they wish.

## PRIVILEGES OF THE FLOOR

Mr. COCHRAN. Mr. President, I ask unanimous consent that Pete Evans, a fellow in the office of Senator DOMENICI, and Peggy Mallow, a member of his staff, be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VETERANS' BENEFITS IMPROVEMENT ACT OF 2008

Ms. LANDRIEU. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives with respect to S. 3023.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

S. 3023

*Resolved*, That the bill from the Senate (S. 3023) entitled ''An Act to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, and for other purposes'', do pass with an amendment.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate concur in the amendment of the House to the Senate bill and the motion to reconsider be laid upon the table; further, that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, as ranking member of the Senate Committee on Veterans' Affairs, I rise today to applaud the passage of S. 3023, the Veterans' Benefits Improvement Act of 2008. This veterans' benefits omnibus bill, which is now on its way to the President, will make a wide assortment of improvements to benefits programs for our Nation's veterans and their families.

I want to commend the chairman of the Senate Committee of Veterans' Affairs, Senator AKAKA, and our colleagues on the House Committee on Veterans' Affairs, Chairman FILNER and Ranking Member BUYER, for their efforts in crafting this compromise legislation. It reflects the bipartisan work of dozens of Members of both the House and Senate. The result of our work is an omnibus veterans' benefits bill with over 60 provisions that will allow more veterans to access VA-backed home loans, will expand access to independent living services for severely injured veterans, and will address VA's disability claims backlog, among many other valuable provisions.

I am particularly pleased that the bill includes an education benefit that draws its inspiration from a North Carolinian. Sarah Wade, spouse of Ted Wade, an Iraq War veteran who lost his right arm and has battled the effects of severe traumatic brain injury after an explosive detonated under his Humvee in 2004, has been at her husband's side as a primary caregiver from the beginning. She quit her job to take care of Ted and has doggedly ensured that he receives the highest quality of care. It is likely that her intensive involvement in Ted's ongoing recovery will last for several more years.

Sarah's effort on behalf of her husband leaves little time for herself. Sarah would one day like to go to school. Although VA provides an educational assistance benefit for the spouses of totally disabled veterans and servicemembers, the law requires that the benefit be used within 10 years of the date the veteran receives a total disability rating. For a spouse like Sarah Wade, there is next to no time to take advantage of this benefit within that timeframe. The recovery period for a TBI-afflicted veteran—the very period that Ted needs Sarah the most—simply precludes her from pursuing that option.

In recognition of hundreds of spouses like Sarah, the Veterans' Benefits Improvement Act of 2008 would extend from 10 to 20 years the period within which certain spouses of severely disabled veterans could use their education benefits. That longer window will allow Sarah and others to focus on their first priority, the care of their injured spouses, while giving them some flexibility to pursue their educational goals later on. This provision is simply the right thing to do for those who have sacrificed so much.

Another provision I would like to mention would require human resource specialists in the Federal executive branch to receive training on the Uniformed Services Employment and Reemployment Rights Act, or USERRA. This law provides a wide range of employment protections to veterans, future and current members of the Armed Forces, and Guard and Reserve members. For returning servicemembers, it requires that they be given their jobs back when they return home. It also requires that they receive all the benefits and seniority that would have accumulated during their absence.

While every employer should strive to meet or exceed the requirements of USERRA, Congress has stressed that ''the Federal Government should be a model employer'' when it comes to complying with this law. In my view, this means the Federal Government should make sure that not a single returning servicemember is denied proper reinstatement to a Federal job. But unfortunately, this is not happening yet. The Federal Government often violates this law because Federal hiring managers simply don't understand what it requires or how to apply it.

That is why I championed a provision to require the head of each Federal executive agency to provide training for their human resources personnel on the rights, benefits, and obligations under USERRA. My hope is that this training will help prevent future violations of USERRA before they ever occur, so our returning servicemembers will not experience delays or frustrations in resuming their civilian jobs. In short, this provision will move the Federal Government toward becoming the ''model employer'' that it should be.

This bill also provides a number of enhancements to VA's Home Loan Guaranty Program, which are particularly important in light of the ongoing home loan crisis. For starters, the bill temporarily increases the maximum amount of VA's home loan guaranty from just over $104,000 to more than $182,000, allowing veterans purchasing homes in higher cost areas to benefit from a VA guaranty. Another key provision will significantly increase the maximum amount of VA's guaranty for refinance loans. This means veterans with large, high-interest conventional loans may be able to switch to lower interest rate VA-backed loans, helping them keep their homes by lowering their monthly payments.

Also, the bill would decrease from 10 percent to 0 percent the amount of equity required in order to refinance from a conventional loan to a VA-backed loan. So, even veterans who have seen declining home values may

be able to benefit from these VA-guaranteed refinance loans. Collectively, these changes will help more of our Nation's veterans purchase their own homes or keep their existing homes.

Other very important provisions in this bill will expand access to VA's independent living services program. This program helps veterans with severe service-related disabilities improve their ability to function more independently in their homes and communities and, in some cases, it gives them hope for a productive life. These services are more important than ever before, as veterans return home from Operation Enduring Freedom and Operation Iraqi Freedom with catastrophic injuries and as the overall veteran population ages. But VA is not authorized to allow more than 2,500 disabled veterans to enter this program each year, which may prevent or delay veterans from receiving these crucial services.

Also, VA is generally precluded from providing more than 24 months of independent living services to a disabled veteran. This may not be long enough for a veteran suffering severe disabilities, such as traumatic brain injuries, which can have lengthy, complex, and unpredictable recovery periods. So, this bill will increase from 2,500 to 2,600 the number of veterans who may enter the independent living services program each year and will allow any severely disabled veteran of OIF/OEF to receive more than 24 months of services. These changes will help ensure that veterans who have suffered devastating injuries in service to our Nation will have access to the services they need to lead fulfilling, independent lives.

This bill also includes a provision that would require VA to provide Congress with a plan for updating its disability rating schedule and a timeline for when changes will be made. This rating schedule—which is the cornerstone of the entire VA claims processing system—was developed in the early 1900s, and about 35 percent of it has not been updated since 1945. It is riddled with outdated criteria that do not track with modern medicine, and it does not adequately compensate young, severely disabled veterans; veterans with mental disabilities; and veterans who are unemployable.

To address this situation, VA conducted studies on the appropriate level of disability compensation to account for any loss of earning capacity and any loss of quality of life caused by service-related disabilities. To make sure these studies don't get put on a shelf to collect dust—as has happened in the past—this bill would require VA to submit to Congress a report outlining the findings and recommendations of those studies, a list of the actions that VA plans to take in response, and a timeline for when VA plans to take those actions. My hope is that this will finally prompt the type of complete update that is necessary to ensure the VA rating schedule is meeting the needs of our injured veterans.

This bill would also help ensure that the U.S. Court of Appeals for Veterans Claims consistently has the judicial resources it needs to provide timely decisions to veterans and their families. In recent years, the court has struggled in the face of a massive caseload, with record levels of incoming cases and record levels of pending appeals.

To help the court deal with this workload, this bill will temporarily increase the size of the court from seven judges to nine judges. This temporary increase will provide the court with more judicial resources in the near term. At the same time, it will allow Congress to gather more information about the court's workload before deciding whether a permanent expansion of the court is the best way to make sure veterans receive timely decisions in the future. To that end, the bill would require the court to provide annual reports to Congress with details about who is actually doing the work, what type of work they are doing, and where there are bottlenecks.

This temporary expansion to nine judges will also help with an ongoing problem—the prospect of having multiple judicial vacancies when judges retire. When the court was created in 1988, the terms of the judges were not staggered, so six judges retired between 2000 and 2005, with four retirements in a single 11-month period. This led to a serious disruption in service to veterans. To try to avoid a similar disruption in service when the existing judges retire, the terms of the judges appointed as a result of this expansion would extend well beyond the retirement dates of all of the existing judges.

In addition to all these good provisions, the bill includes some commonsense reforms to the court's pay structure and the rules on recalling retired judges. It would remove the current cap on the number of days a retired judge may voluntarily serve in recall status each year. It would create a three-tier payment structure for the judges, which reserves the highest pay for judges actually serving either as active judges or as recalled retired judges. It also would exempt retired judges from being involuntarily recalled after they have served at least 5 aggregate years as a recalled judge. These reforms should create meaningful incentives for retired judges to come back to work for longer or more frequent periods of time. With their experience and expertise, the increased involvement of retired judges will be of significant value to the veterans seeking justice from the court.

Mr. President, these are only a few of the over 60 items in this comprehensive veterans' benefits bill. I am confident this bill will improve the lives of veterans and their families, even if only in small ways. I applaud the passage of this bill, and, again, I thank my colleagues, Chairman AKAKA, Chairman FILNER, and Ranking Member BUYER.

## VETERANS' MENTAL HEALTH CARE IMPROVEMENTS ACT OF 2008

Ms. LANDRIEU. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to S. 2162.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 2162) entitled ''An Act to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance disorders, and for other purposes'', do pass with an amendment.

Ms. LANDRIEU. I ask unanimous consent that the Senate concur in the amendment of the House to the Senate bill and the motion to reconsider be laid upon the table; further, that any statements be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Mr. President, I rise today to speak briefly on legislation that will make a tremendous difference in the lives of those who have served our country in uniform. S. 2162, the Veterans' Mental Health and Other Care Improvements Act of 2008, reflects a compromise reached between the House and Senate on critical health care legislation. It is comprised of over 40 provisions, authored by both my House and Senate colleagues. The bill passed the House on Wednesday night and is now pending before the Senate awaiting final passage to be sent to the President.

S. 2162 includes needed improvements to health care services provided to veterans who suffer from both mental illness and substance use disorder. It ensures that veterans seeking treatment for both conditions will receive quality, coordinated treatment. It would expand the availability of treatment the Department of Veterans Affairs, VA, offers for substance abuse, including detoxification and stabilization services. It will strengthen VA's reimbursement of community hospitals for emergency care that they provide to enrolled veterans; direct VA to develop a comprehensive policy on the management of pain experienced by veterans; direct the establishment of epilepsy centers of excellence; and make it easier for veterans with HIV/AIDS to be diagnosed and treated.

Let me spend a few minutes discussing a few key provisions that I am particularly proud to support. First, legislation I authored is included in this bill that would authorize VA to make grants to private and public groups so that they may provide supportive services to keep low-income veterans, who are at risk of becoming homeless, in permanent housing. We have all heard the old saying that ''an ounce of prevention is worth a pound of cure.'' This legislation will help those on the verge of becoming homeless by

getting them help from the community. It is much easier to prevent homelessness than it is to bring someone out of it. The supportive services that will be provided under the legislation include greater access to housing assistance, physical and mental health services, health insurance, and vocational and financial counseling. North Carolina is home to over 770,000 veterans, and the VA estimates that over 40,000 North Carolina veterans live in poverty. We must do all we can to ensure that the men and women who've served our Nation in the military do not suffer the indignity of going to bed at night without a roof over their heads.

Second, to help service-disabled veterans cope with the high cost of gasoline, S. 2162 would codify VA's new travel reimbursement rate for veterans who drive to their medical appointments at VA, and would index that rate so that future increases are automatic. The rate was increased in January from 11 cents to 28.5 cents a mile by VA Secretary James Peake. In addition, this bill will reverse the increase in the deductible that was made in January.

Third, the legislation directs a 3-year pilot program on the provision of contract care to veterans residing in highly rural areas where no VA facilities exist. It makes no sense for veterans in rural areas to travel hundreds of miles for their care when they could easily seek care at their own local community health care facilities. Not only will they be more likely to seek needed preventive care, they'll also avoid the high cost of gas to get to a VA appointment. I am pleased about the potential for this pilot program and look forward to it being tested in rural States like North Carolina.

And fourth, I am pleased the legislation includes an expansion of a concept that was tested and that proved successful at the Asheville VA Medical Center. The concept was to consolidate VA's capability to bill and collect from private insurance companies into one site rather than retain that capability at multiple sites. The employees at the Asheville VA Consolidated Patient Accounting Center have cultivated their expertise, and I am pleased to say that the pilot has been a success, generating millions of dollars in additional revenue. The legislation would expand on that concept by directing VA to open seven other centers around the country within the next 5 years. I am excited at the prospect of enhancing VA's revenue collection so that additional dollars can be invested in the health care delivery of our veterans.

These are just a few of the good provisions of this legislation. For my colleagues interested in a fuller accounting of the bill's provisions I would refer them to the Joint Explanatory Statement that will be made part of the RECORD.

Before I conclude, I would like to personally thank the chairman of the Senate Committee on Veterans' Affairs, Senator AKAKA, for his cooperation with me on this bill. The chairman has no equal when it comes to handling negotiations with integrity and fairness. I would also like to thank the chairman of the House Committee on Veterans' Affairs, Chairman BOB FILNER, and ranking member STEVE BUYER. Finally, I would like to thank all of the staff members of the Veterans' Committees who worked on this bill, as well as the hard-working staff of the Senate and House Legislative Counsel's office who performed the technical drafting.

This is a good bill. I am proud of the work the House and Senate have done on it. And I ask my colleagues for their support.

## BREAST CANCER AND ENVIRONMENTAL RESEARCH ACT OF 2007

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1157, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1157) to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1157) was ordered to a third reading, was read the third time, and passed.

Mr. REID. Mr. President, I am pleased that both chambers of Congress passed the Breast Cancer and Environmental Research Act this week.

Every year, hundreds of thousands of women in this country receive the diagnosis of breast cancer. Breast cancer will strike approximately 1 in 8 American women in her lifetime, with a new case diagnosed every 2 minutes.

We have made remarkable progress in the area of breast cancer, but we still do not know what causes breast cancer. Scientists have identified some risk factors, but those factors help explain fewer than 30 percent of cases.

The Breast Cancer and Environmental Research Act would help to establish a national strategy to study the potential links between the environment and breast cancer and would authorize funding for such research. The resulting discoveries could be critical to improving our knowledge of this complex illness, which could lead to new treatments and perhaps, one day, a cure.

Too many women have wanted too long for this legislation to become law. Since former Senator Lincoln Chafee and I first introduced legislation in 2000, it is estimated that 2 million women have been diagnosed with breast cancer and almost 300,000 have died. One of these women, a lifelong Nevadan named Deanna Jensen, championed this legislation and stayed in regular contact with my staff, even while enduring a grueling regimen of radiation and chemotherapy. Sadly, Deanna Jensen lost her battle with cancer on January 7, 2007.

Last session, I had hoped that this legislation would finally become a reality. It was reported out of the Senate HELP Committee, and despite overwhelming bipartisan support for this legislation, the Republican majority would not schedule floor time to consider this bill. On several occasions, I tried to pass this legislation by unanimous consent, but with every attempt, one Senator objected and prevented the Senate from passing this important legislation.

This year, thanks to Senate Health, Education, Labor and Pensions—HELP—Committee Chairman KENNEDY's leadership and that of Senators CLINTON and HATCH, the Senate HELP Committee reported this bill favorably. However, the minority continued to object to our efforts to pass this legislation by unanimous consent. On more than one occasion, I proposed that we consider this legislation under a time agreement that would have permitted a reasonable number of germane amendments and a recorded vote on the bill. Those offers were also rejected, in spite of the fact that over two-thirds of the members of the Senate were cosponsors of this bill.

Over the past several months, this legislation has been the focus of negotiations between the bill sponsors in both chambers and those members whose strong concerns have prevented this legislation from advancing for so long. The resulting compromise is a strong step in the right direction and will finally set us on the path towards obtaining a better understanding of the relationship between the development of breast cancer and the environment. I am pleased that we were able to pass this legislation this week and hope the President will sign it into law without further delay.

## COMPREHENSIVE TUBERCULOSIS ELIMINATION ACT OF 2007

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 1532, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1532) to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statement related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1532) was ordered to a third reading, was read the third time, and passed.

## TO MAKE A TECHNICAL CORRECTION IN THE NET 911 IMPROVEMENT ACT OF 2008

Ms. LANDRIEU. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 6946, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6946) to make a technical correction in the NET 911 Improvement Act of 2008.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid on the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6946) was ordered to a third reading, was read the third time, and passed.

## MEASURE READ THE FIRST TIME—S. 3646

Ms. LANDRIEU. Mr. President, I understand there is a bill at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3636) to authorize and expedite lease sales within the Outer Continental Shelf, and for other purposes.

Ms. LANDRIEU. I now ask for a second reading. In order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

## SUDAN ARMS SALES

Ms. LANDRIEU. I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 660 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 660) condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. I ask unanimous consent that the resolution be agreed to, the amendment which is at the desk be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 5675) was agreed to, as follows:

(Purpose: To improve the resolution)

Strike paragraphs (3) through (5) of the resolving clause and insert the following:

(3) in light of the well-documented existence of arms in Darfur that were transferred from China and Russia and the insistence of the Government of Sudan that it will not abide by the embargo, all United Nations member states should immediately cease all arms sales to the Government of Sudan; and

(4) the United States Permanent Representative to the United Nations should use the voice and vote of the United States in the United Nations Security Council to seek an appropriate expansion of the arms embargo imposed by Security Council Resolutions 1556 and 1591.

The resolution (S. Res. 660), as amended, was agreed to.

The preamble was agreed to.

The resolution, as amended, with its preamble, reads as follows:

(The resolution will be printed in a future edition of the RECORD).

Mr. REID. Mr. President, I would ask my distinguished friend from Louisiana, the senior Senator from Louisiana, to allow me to conduct some business. It will take a couple of minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

Mr. REID. I ask the Chair to lay before the Senate a message from the House with respect to H.R. 2095, the Federal Railroad Safety Improvement Act.

The Presiding Officer laid before the Senate the following message:

*Resolved*, That the House agree to the amendment of the Senate to the bill, H.R. 2095, an Act to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, do pass with a House amendment to the Senate amendment.

CLOTURE MOTION

Mr. REID. I move to concur in the House amendment with the Senate amendment to H.R. 2095, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to concur in the House amendment to the Senate amendment to H.R. 2095, the Federal Railroad Safety Improvement Act.

Richard Durbin, Hillary Rodham Clinton, Kay Bailey Hutchison, John Warner, Gordon H. Smith, Olympia J. Snowe, Jim Webb, Jon Tester, Barbara Boxer, Dianne Feinstein, Frank R. Lautenberg, Charles E. Schumer, Thomas R. Carper, John D. Rockefeller, IV, Benjamin L. Cardin, Byron L. Dorgan, Patty Murray, Daniel K. Inouye.

AMENDMENT NO. 5677

Mr. REID. I now move to concur in the House amendment with the Senate amendment to H.R. 2095 with an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to concur in the House amendment to the Senate amendment to the House amendment with an amendment numbered 5677.

Mr. REID. 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 as follows:

In the amendment, strike ''2'' and insert ''1''.

Mr. REID. 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 were ordered.

AMENDMENT NO. 5678

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The Senator from Nevada [Mr. REID] proposes an amendment numbered 5678 to amendment No. 5677.

Mr. REID. 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 as follows:

At the end, insert the following:

The provisions of this Act shall become effective in 2 days after enactment.

Mr. REID. I ask unanimous consent that there be no motions to refer in order during the pendency of this message.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that the cloture vote occur at 12:30 p.m. Monday, September 29, and that the mandatory quorum be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

## NATIONAL DYSPHAGIA AWARENESS MONTH

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of H. Con. Res. 195, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 195) expressing the sense of the Congress that a National Dysphagia Awareness Month should be established.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. LANDRIEU. I ask unanimous consent that the concurrent resolution be agreed to; the preamble be agreed to; the motion to reconsider be laid upon the table; and any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 195) was agreed to.

The preamble was agreed to.

## UNANIMOUS CONSENT AGREEMENT—SENATE RESOLUTIONS

Ms. LANDRIEU. I ask unanimous consent that the Senate now proceed to en bloc consideration of the following Senate resolutions which were submitted earlier today: S. Res. 690, S. Res. 691, S. Res. 692, S. Res. 693, and S. Res. 694.

I ask unanimous consent that the resolutions be agreed to; the preambles, where applicable, be agreed to; and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

## CONFLICT BETWEEN RUSSIA AND GEORGIA

The resolution (S. Res. 690) expressing the sense of the Senate concerning the conflict between Russia and Georgia, was agreed to, as follows:

S. RES. 690

That it is the sense of the Senate that—

(1) irrespective of the origins of the recent conflict in Georgia, the disproportionate military response by the Russian Federation on the sovereign, internationally recognized territory of Georgia, including the South Ossetian Autonomous Region (referred to in this resolution as ''South Ossetia'') and the Autonomous Republic of Abkhazia (referred to in this resolution as ''Abkhazia''), is in violation of international law and commitments of the Russian Federation;

(2) the actions undertaken by the Government of the Russian Federation in Georgia have diminished its standing in the international community and should lead to a review of existing, developing, and proposed multilateral and bilateral arrangements;

(3) the United States recognizes significant interests in common with the Russian Federation, including combating the proliferation of nuclear weapons and fighting terrorism, and these interests can, over time, serve as the basis for improved long-term relations;

(4) the Government of the Russian Federation should immediately comply with the September 8, 2008, follow-on agreement to the 6-point cease-fire agreement negotiated on August 12, 2008;

(5) the Government of the Russian Federation and the Government of Georgia should—

(A) refrain from the future use of force to resolve the status of Abkhazia and South Ossetia; and

(B) work with the United States, Europe, and other concerned countries and through the United Nations Security Council, the Organization for Security and Cooperation in Europe, and other international fora to identify a political settlement that addresses the short-term and long-term status of Abkhazia and South Ossetia, in accordance with prior United Nations Security Council resolutions;

(6) the United States should—

(A) provide humanitarian and economic assistance to Georgia;

(B) seek to improve commercial relations with Georgia; and

(C) working in tandem with the international community, continue to support the development of a strong, vibrant, multiparty democracy in Georgia;

(7) the President should consult with Congress on future security cooperation and assistance to Georgia, as appropriate;

(8) the United States continues to support the North Atlantic Treaty Organization declaration reached at the Bucharest Summit on April 3, 2008; and

(9) the United States should work with the European Union, Georgia, and its neighbors to ensure the free flow of energy to Europe and the operation of key communication and trade routes.

## FEED AMERICA DAY

The resolution (S. Res. 691) designating Thursday, November 20, 2008, as ''Feed America Day,'' was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 691

Whereas Thanksgiving Day celebrates the spirit of selfless giving and an appreciation for family and friends;

Whereas the spirit of Thanksgiving Day is a virtue upon which the Nation was founded;

Whereas, according to the Department of Agriculture, roughly 35,000,000 people in the United States, including 12,000,000 children, continue to live in households that do not have an adequate supply of food; and

Whereas selfless sacrifice breeds a genuine spirit of thanksgiving, both affirming and restoring fundamental principles in our society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates Thursday, November 20, 2008, as ''Feed America Day''; and

(2) encourages the people of the United States to sacrifice 2 meals on Feed America Day and to donate the money that they would have spent on food to a religious or charitable organization of their choice for the purpose of feeding the hungry.

## NATIONAL VETERANS AWARENESS WEEK

The resolution (S. Res. 692) designating the week of November 9 through November 15, 2008, as ''National Veterans Awareness Week'' to emphasize the need to develop educational programs regarding the contributions of veterans to the country was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 692

Whereas tens of millions of Americans have served in the Armed Forces of the United States during the past century;

Whereas hundreds of thousands of Americans have given their lives while serving in the Armed Forces during the past century;

Whereas the contributions and sacrifices of the men and women who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by the people of the United States;

Whereas the advent of the all-volunteer Armed Forces has resulted in a sharp decline in the number of individuals and families who have had any personal connection with the Armed Forces;

Whereas this reduction in familiarity with the Armed Forces has resulted in a marked decrease in the awareness by young people of the nature and importance of the accomplishments of those who have served in the Armed Forces, despite the current educational efforts of the Department of Veterans Affairs and the veterans service organizations;

Whereas the system of civilian control of the Armed Forces makes it essential that the future leaders of the Nation understand the history of military action and the contributions and sacrifices of those who conduct such actions; and

Whereas in each of the years 2000 through 2007 the Senate has recognized the need to increase the understanding of the contributions of veterans among school-aged children by approving a resolution recognizing the week containing Veterans Day as ''National Veterans Awareness Week'': Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of November 9 through November 15, 2008, as ''National Veterans Awareness Week'' for the purpose of emphasizing educational efforts directed at elementary and secondary school students concerning the contributions and sacrifices of veterans; and

(2) encourages the people of the United States to observe National Veterans Awareness Week with appropriate educational activities.

## NATIONAL HOMELESS YOUTH AWARENESS MONTH

The resolution (S. Res. 693) recognizing the month of November 2008 as

''National Homeless Youth Awareness Month'' was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 693

Whereas between 1,600,000 and 2,800,000 children and teens are homeless in the United States each year, with many staying on the streets or in emergency shelters;

Whereas families with children are the fastest growing segment of the homeless population and now make up approximately ⅓ of that population;

Whereas many homeless youth experience isolation and trauma while residing on the streets or in precarious housing situations and may eventually develop depression, anxiety, and post-traumatic stress disorder;

Whereas homeless youth are typically too poor to secure basic needs and are unable to access adequate medical or mental health care;

Whereas many youth become homeless due to a lack of financial and housing resources as they exit juvenile corrections and foster care;

Whereas 12 to 36 percent of foster youth experience homelessness at least once after exiting foster care;

Whereas homeless youth are most often expelled from their homes by their guardians after physical, sexual, or emotional abuse or separated from their parents through death or divorce without adequate resources; and

Whereas awareness of the tragedy of youth homelessness and its causes must be heightened so that greater support for effective programs involving businesses, families, law enforcement agencies, schools, and community and faith-based organizations, aimed at helping youth remain off the streets becomes a national priority: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the values and efforts of businesses, organizations, and volunteers dedicated to meeting the needs of homeless children and teens;

(2) applauds the initiatives of businesses, organizations, and volunteers that employ time and resources to build awareness of the homeless youth problem, its causes, and potential solutions, and work to prevent homelessness among children and teens; and

(3) should recognize the month of November 2008 as ''National Homeless Youth Awareness Month'' and encourages these businesses, organizations, and volunteers to continue to intensify their efforts during the month of November.

## NATIONAL CHARACTER COUNTS WEEK

The resolution (S. Res. 694) designating the week beginning October 19, 2008, as ''National Character Counts Week'' was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 694

Whereas the well-being of the United States requires that the young people of the United States become an involved, caring citizenry with good character;

Whereas the character education of children has become more urgent as violence by and against youth increasingly threatens the physical and psychological well-being of the people of the United States;

Whereas more than ever, children need strong and constructive guidance from their families and their communities, including schools, youth organizations, religious institutions, and civic groups;

Whereas the character of a nation is only as strong as the character of its individual citizens;

Whereas the public good is advanced when young people are taught the importance of good character and the positive effects that good character can have in personal relationships, in school, and in the workplace;

Whereas scholars and educators agree that people do not automatically develop good character and that, therefore, conscientious efforts must be made by institutions and individuals that influence youth to help young people develop the essential traits and characteristics that comprise good character;

Whereas, although character development is, first and foremost, an obligation of families, the efforts of faith communities, schools, and youth, civic, and human service organizations also play an important role in fostering and promoting good character;

Whereas Congress encourages students, teachers, parents, youth, and community leaders to recognize the importance of character education in preparing young people to play a role in determining the future of the United States;

Whereas effective character education is based on core ethical values, which form the foundation of democratic society;

Whereas examples of character are trustworthiness, respect, responsibility, fairness, caring, citizenship, and honesty;

Whereas elements of character transcend cultural, religious, and socioeconomic differences;

Whereas the character and conduct of our youth reflect the character and conduct of society, and, therefore, every adult has the responsibility to teach and model ethical values and every social institution has the responsibility to promote the development of good character;

Whereas Congress encourages individuals and organizations, especially those who have an interest in the education and training of the young people of the United States, to adopt the elements of character as intrinsic to the well-being of individuals, communities, and society;

Whereas many schools in the United States recognize the need, and have taken steps, to integrate the values of their communities into their teaching activities; and

Whereas the establishment of National Character Counts Week, during which individuals, families, schools, youth organizations, religious institutions, civic groups, and other organizations focus on character education, is of great benefit to the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning October 19, 2008, as ''National Character Counts Week''; and

(2) calls upon the people of the United States and interested groups—

(A) to embrace the elements of character identified by local schools and communities, such as trustworthiness, respect, responsibility, fairness, caring, and citizenship; and

(B) to observe the week with appropriate ceremonies, programs, and activities.

NATIONAL VETERANS AWARENESS WEEK

• Mr. BIDEN. Mr. President, I rise in support of a resolution expressing the sense of the Senate that the week including Veterans Day—November 9–15, 2008—be designated as ''National Veterans Awareness Week.'' This marks the ninth year I have introduced such as resolution, which has been adopted unanimously by the Senate on all previous occasions, and has been recognized by the President as an important objective. With our military men and women continuing to be on the front lines in Iraq and Afghanistan, it is no doubt appropriate that we recognize and honor the service and sacrifice of those who are currently serving to protect our freedom, as well as those who have served in the past.

The idea behind National Veterans Awareness Week actually came from a Delaware student, Samuel I. Cashdollar. In 2000, as a 13-year-old seventh grader at Lewes Middle School, Samuel won the Delaware VFW's Youth Essay Contest with a powerful presentation titled ''How Should We honor America's Veterans?'' Samuel's essay pointed out that we have Nurses' Week, Secretaries' Week, and Teachers' Week to rightly emphasize the importance of these occupations, but no comparable week to encourage, and honor, service in the military. That is why, every year since 2000, I have introduced a resolution designating National Veterans Awareness Week to focus on educating our youth on the contributions, heroism, and service of our veterans.

The reality is, during both World Wars and the Korean and Vietnam conflicts, families were more likely to have a relative serving in the military. That is not the case today; tremendous advances in military technology, an all-volunteer force, and increases in productivity have greatly reduced the number of families with relatives who are active servicemembers or recent veteran. Coupled with the fact that the number of veterans who served in major conflicts like World War II is declining, it is more important than ever that we take the time to make sure students comprehend and appreciate the service and sacrifice of our veterans. National Veterans Awareness Week provides us with an opportunity to do just that. Additionally, with soldiers returning from the front lines with service-connected injuries, National Veterans Awareness Week reminds us how important it is that we keep our promise to veterans by providing them with the proper support and services they need once they return home. This promise is the most sacred obligation we have, and it is imperative that our children are also aware of the debt we owe our veterans.

In closing, let me add that, although many of us will not have the opportunity to serve our country in uniform, we must not forget our responsibility as citizens to fulfill the obligations we owe, both tangible and intangible, to those who have served and sacrificed on our behalf. By passing along this shared responsibility and recognition to future generations, our children, grandchildren, and great-grandchildren will continue to appreciate and honor what our veterans have accomplished in order to appropriately confront the many challenges they are sure to encounter.•

NATIONAL CHARACTER COUNTS WEEK

Mr. DOMENICI. Mr. President, I rise in support of a resolution designating the week of October 19 through 25 as the 2008 ''National Character Counts Week.'' I would also like to recognize and thank my colleague and good friend, Senator CHRIS DODD, for his support of Character Counts and his partnership on numerous legislative issues throughout the years.

Our character is the foundation of who we are as people and how we are perceived by the world. Every day our character and ethics are tested through the decisions we make and the behavior we exhibit. The National Character Counts program focuses on ''Six Pillars of Character,'' which are promoted through school- and community-based character education programs across the country. The six pillars are: trustworthiness, respect, responsibility, fairness, caring, and citizenship.

I have supported Character Counts throughout the years because I believe this program reaches out to all youth and adults, as the Character Counts Coalition states, no matter the individual's race, creed, politics, gender, or wealth. In my home State of New Mexico, we have run many successful Character Counts programs throughout the years. While many schools initiate Character Counts programs there are also many other organizations that develop character-based programming. As I prepare to leave the Senate, I would like to reflect upon some of the tremendous accomplishments of this program and how it continues to affect New Mexicans in a positive way.

This year, the New Mexico Character Education Program, funded by the Partnership in Character Education Federal Grant, included 14 school districts and five charter schools statewide, with 50,726 students participating in 106 schools statewide. Through this program, the ''Six Pillars of Character'' have become a common thread of communication for students, teachers and parents across the State. In addition, 3,640 coaches, athletic directors and youth sports officials worked, in conjunction with the New Mexico Activities Association, to incorporate the goal of teaching the ''Pursuing Victory with Honor'' theme to students participating in sports. I am thrilled that schools and communities in New Mexico saw a marked increase in leadership role participation and a change in the school climate: Eugene Field Elementary School in Albuquerque, NM, has seen a decrease in discipline referrals from five per day to five in the school year. All of the organizations and schools who have been involved, including those not mentioned here, are to be commended for their hard work in developing these programs and spreading the message that character truly does count.

In addition to these numbers, which show the remarkable affect Character Counts is having on my home State of New Mexico, there are many individual stories about how New Mexicans are affecting each other's lives on a day to day basis as a result of this program. One particularly touching story is that of 9-year-old Jacob Thomson, who lives in Clovis, NM. Jacob has cystic fibrosis, and when he missed the big basketball game to go to the hospital for treatment, the Clovis High School basketball team went and visited him in the hospital, bringing him a basketball, a shirt, and a smile. These athletes had been involved with the Character Counts program and displayed what a powerful impact this program has had and continues to have.

During the week of October 19, I hope everyone takes the time to participate in a Character Counts event in their local area. I know in New Mexico we will be having some special celebrations. On October 17, a Character Counts Proclamation will be made at the Chaves County Court House in Roswell, NM. On October 20, Hagerman Elementary School in Hagerman, NM will be dedicating a Character Counts Mural. On October 21, a zoo tour and pillar presentation will be held at Spring River Park for grades 3–5 in Roswell, NM.

I believe this program is making a difference in my home State and across the country. I want to encourage more people to become involved with the Character Counts program, but most of all I hope individuals will take the time to reflect on what the ''Six Pillars of Character'' mean to them.

I hope all of my colleagues will support this effort.

Mr. DODD. Mr. President, today Senator DOMENICI and I introduced a resolution designating the third week of October as ''National Character Counts Week.'' Senator DOMENICI and I have worked together for many years on the issue of character education and hope that by designating a special week to this cause, we may highlight the importance of character building activities in schools not only this week but all year long.

In 1994, Senator DOMENICI and I first established the Partnerships in Character Education Pilot Project and have worked regularly since then to commemorate National Character Counts Week. Character Counts was founded on a simple notion: Our core ethical values aren't just important to us as individuals—they form the very foundation of democratic society. We know that we in order to face our challenges as communities and as a Nation, we need our children to be both well-educated and trained—and that begins with instilling character in our children.

Trustworthiness, respect, responsibility, fairness, caring, and citizenship—these are the six pillars of character. Character education provides students a context within which to learn those values and integrate them into our daily lives. Indeed, if we view education simply as the imparting of knowledge to our children, then we not only miss an opportunity, but as also jeopardize our future. Children want direction— to be taught right from wrong. Young people yearn for consistent adult involvement, and when they get it, we know they are less inclined to use illegal drugs, to vandalize, or commit suicide. The American public wants character education in our schools, too. Studies show that approximately 90 percent of Americans support schools teaching character education.

Character education programs work. Currently, there are character education programs across all 50 States in rural, urban and suburban areas at every grade level. Schools across the country that have adopted strong character education programs report better student performance, fewer discipline problems, and increased student involvement within the community.

Support for character education crosses party lines. Indeed, there is no stronger advocate for character education than my good friend, Senator PETE DOMENICI. I have had the distinct pleasure of working with him to ensure that all our children not only acquire strong math and science skills, but also the skills they need to develop into good and decent human beings.

Senator DOMENICI has worked tirelessly on behalf of our Nation's children, and as he winds down his career in the Senate, I would like to take a moment to thank him for his good work and friendship. He will be sorely missed in the halls of this building, and we all wish his wife, Nancy, and him the very best.

This renewed focus on character sends a wonderful message to Americans and will help reinvigorate our efforts to get communities and schools involved. With this resolution, it is my hope that even more communities will make character education a part of every child's life. I hope that my colleagues will support this important effort.

## ORDER FOR PRINTING OF SENATE DOCUMENT

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the tributes to retiring Senators that appear in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit such tributes for inclusion until Friday, November 21, 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. RES. 660

Ms. LANDRIEU. Mr. President, I wish to clarify, with respect to S. Res. 660, the amendment, which was agreed to, was to the resolution; the resolution, as amended, was agreed to, and the preamble was agreed to.

## ORDERS FOR MONDAY, SEPTEMBER 29, 2008

Ms. LANDRIEU. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 11 a.m. on Monday, September 29; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate proceed to a period of morning business until 12 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees; that at 12 noon, the Senate resume consideration of the House message to accompany H.R. 2095, the Federal Rail Safety Improvement Act of 2007, with the Republican leader controlling the time from 12 p.m. until 12:15 p.m., and the majority leader controlling the time from 12:15 p.m. until 12:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Ms. LANDRIEU. Mr. President, under a previous order, at 12:30 p.m., the Senate will proceed to vote on the motion to invoke cloture on the motion to concur in the House amendment to the Senate amendment to H.R. 2095.

## RECESS UNTIL MONDAY, SEPTEMBER 29, 2008, AT 11 A.M.

Ms. LANDRIEU. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 5:28 p.m., recessed until Monday, September 29, 2008, at 11 a.m.

# EXTENSIONS OF REMARKS

## DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009

SPEECH OF

**HON. MARK UDALL**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mr. UDALL of Colorado. Mr. Speaker, as a Member of the House Armed Services Committee, I rise in support of this important legislation.

I applaud Chairman SKELTON for his leadership in guiding this bill to the floor today. He and Ranking Member HUNTER have done a tremendous job, and they have been ably supported by the expert staff of our committee. We passed the Defense Authorization bill in the House over four months ago—but there was concern that the Senate wouldn't pass its bill before Congress adjourned for the year.

Fortunately, the Senate acted last week, and we're able to move ahead today to complete this important annual task. Chairman SKELTON and Ranking Member HUNTER and their staff were not about to let this be the first Defense Authorization bill in 42 years not to become law. They worked very hard to reconcile the House and Senate legislation, and I commend them for the outcome. I expect the Senate to follow our lead and send this bill to the President for his signature.

This bill rightly focuses on our military's readiness needs. After more than five years at war, both the active duty and reserve forces are stretched to their limits. The bill will provide what's needed to respond, including funds to address equipment shortages for the active duty and reserve forces, improve the quality of our military barracks, maintain ammunition, and expand training opportunities, among other important readiness needs. The bill also improves the quality of life for our forces and their families by including a 3.9 percent pay raise for all service members, preserving important health benefits by prohibiting fee increases in TRICARE and the TRICARE pharmacy program, and including new preventive health care initiatives.

With regard to Colorado provisions, I am pleased that the bill includes language requiring the Secretary of Defense to maintain redundant facilities and equipment—along with the staff necessary to ensure continuity of operations—at Cheyenne Mountain Air Force Station until the Secretary can certify that security measures have been instituted to bring the consolidated command center for NORTHCOM/NORAD at Peterson AFB into full compliance with Protection Level One requirements. Currently, the Secretary has waived compliance to allow Peterson to meet these requirements—defined as resulting in "the greatest possible deterrence against hostile acts" and providing "the maximum means to achieve detection, interception and defeat of a hostile force before it is able to seize, damage or destroy resources"—though Peterson AFB does not yet meet this level of protection. Such a waiver would not be permitted to meet the requirement under this legislation.

It is important that the House and the Senate have recognized that Northern Command's decision to relocate the nation's air and space defense command from Cheyenne Mountain to the new NORTHCOM/NORAD command center at Peterson AFB was flawed, particularly without fully analyzing the full range of threats. The Government Accountability Office in its recent report highlighted the lack of a comprehensive threat analysis, and the Department of Defense (DOD) finally concurred that a thorough analysis still needs to be completed. While that study is ongoing—and certainly while Peterson AFB cannot yet comply with protection level requirements for the highest level of threats—redundant operations should be maintained at Cheyenne Mountain.

I'm also pleased that the bill increases overall military construction project authorization at the Pueblo Chemical Depot by $223 million, raising the five-year-old authorization cap that had forced the Assembled Chemical Weapons Alternative (ACWA) program and its main contractor Bechtel to cancel some work earlier this year and would have resulted in layoffs if it had not been increased. Although Congress appropriated sufficient funds last year, ACWA did not have Congressional permission to spend the funds until this cap was raised.

Finally, the bill includes language that prohibits DOD from transporting away from the Pueblo Chemical Depot in the next six months the hazardous wastes left after chemical treatment of mustard agent. This is based on legislation I introduced with Rep. JOHN SALAZAR earlier this year, and sends an important message to the Department of Defense.

There is no question that the ACWA program has been poorly managed for years. But I believe the people of Pueblo shouldn't have to pay for DOD's mistakes. Pueblo needs the jobs that the biotreatment process will provide, and the community deserves the certainty that clean-up will be completed in a timely fashion. I am disappointed that the final language is not as strong as the language I helped pass in the House, but it is still an important step forward. I will continue to work to ensure the secondary wastes are not transported off-site.

The Pueblo Chemical Depot holds 2,611 tons of liquid mustard agent and is part of the DOD's ACWA program, which is responsible for destroying the chemical weapons stored at Pueblo and at the Blue Grass Army Depot in Kentucky. The Chemical Weapons Convention, ratified by Congress in 1997, requires these munitions to be destroyed by 2012. Because of schedule delays, management problems, and funding shortfalls for the ACWA program, the DOD has said that the U.S. will not meet the Chemical Weapons Convention treaty deadline.

Last year, Congress mandated that DOD complete all chemical weapons destruction activities by 2017. The DOD has suggested that a 2017 deadline at Pueblo cannot be reached if wastes are treated on-site. DOD is again studying whether to transport these wastes for treatment off-site, despite approved plans to treat the wastes at the Pueblo Chemical Depot, and despite the fact that construction of an on-site biotreatment facility has already begun. In addition, studies have shown that shipping these wastes would not yield benefits. The community of Pueblo and the Colorado Citizens' Advisory Commission, established by law to represent community interests, have repeatedly expressed their preference for treating the wastes on-site.

The bill also authorizes $474 million for military construction projects at Fort Carson, as well as $65 million for construction at the Pueblo Chemical Depot, $4.9 million for land acquisition at Peterson AFB, $18 million for Colorado National Guard readiness centers in Denver and Grand Junction, $3 million for a satellite pharmacy and $4.2 million for Alert Crew Headquarters at Buckley Air Force Base, and $18 million to upgrade academic facilities at the U.S. Air Force Academy.

Mr. Speaker, the bill we are considering today does an excellent job of balancing the need to sustain our current warfighting abilities with the need to prepare for the next threat to our national security. It is critical that we are able to meet the operational demands of today even as we continue to prepare our men and women in uniform to be the best trained and equipped force in the world.

This is a good bill, a carefully drafted and bipartisan bill, and I urge its passage.

## PROVIDING FOR AGREEMENT BY HOUSE WITH AMENDMENT TO SENATE AMENDMENT TO H.R. 2095, RAIL SAFETY IMPROVEMENT ACT OF 2008

SPEECH OF

**HON. GRACE F. NAPOLITANO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mrs. NAPOLITANO. Madam Speaker, I rise in strong support of H.R. 2095, the Federal Railroad Safety Improvement Act and Amtrak Reauthorization bill. I congratulate Chairman OBERSTAR, Chairwoman BROWN, Ranking Member MICA, and Ranking Member SHUSTER for their bipartisan work on this bill.

H.R. 2095 is vital legislation for my district which has 160 trains traveling through it every day, 90 on the Union Pacific line and 70 on the Burlington Northern Santa Fe line. These trains carry approximately 14,000 containers every day, with many of them holding hazardous materials. This train traffic is expected to triple by 2020, which will mean a train every 10 minutes.

From October 2004 to May 2005, five derailments occurred in or near my district. These derailments damaged homes and businesses, threatened public safety and caused anxiety for those who lived and worked along the railroad.

H.R. 2095 will take major steps to prevent derailments by improving track safety and grade crossing safety, increasing whistleblower protections, setting hours of service requirements, and strongly enforcing rail safety violations.

The rail safety section of the bill includes 3 provisions that I offered through amendments in Committee and on the House floor.

The first provision would create strict training standards for all railroad employee inspectors. Railroad inspectors have expressed frustration over their lack of training curriculum. They claim that most training is on the job and from coworkers. This provision creates strong training, testing, and skills evaluation measures to ensure that inspectors are able to address critical safety defects that contribute to derailments and accidents.

The second provision would fund Operation Lifesaver for $7 million over the next 4 years. Operation Lifesaver is a rail safety awareness program that provides public service announcements, school presentations, brochures and materials, and support for public awareness campaigns. The goal of this public education program is to end collisions, deaths, and injuries at highway-rail grade crossings and on railroad rights-of-way. The program is supported by a wide range of partners including Federal, State and local government agencies, highway safety organizations, law enforcement, and the Nation's railroads. The provision will also create a pilot program for sustained outreach in high risk areas, as defined by number of accidents and population density near the tracks.

The third provision would prohibit the Federal Government from allowing train safety inspections in Mexico from satisfying U.S. safety requirements. Railroad companies have tried multiple times to receive waivers from the Federal Government from having to perform safety inspections of trains that cross the border. Safety inspections in Mexico are much different than those performed on our side of the border and we must make sure U.S. rail safety laws are being followed.

H.R. 2095 also includes a major provision regarding the implementation of Positive Train Control (PTC) systems that is vital to ensuring that accidents such as the recent Metrolink tragedy never happen again. The bill requires all major railroads and passenger railroads to implement PTC by December 31, 2015. PTC systems have the ability to stop trains automatically before accidents occur by using switch position indicators, track integrity technology, GPS systems, and other technology. The bill also includes a grant program to assist the railroads in deploying PTC systems.

I am concerned that an important provision regarding State regulation was not included in this final bill. The State regulation provision would have ensured the original intent of Congress to give States regulatory authority to address local safety hazards.

The provision is necessary because Federal Appellate Courts have preempted every attempt by the States to implement rail safety provisions where the FRA has not acted. This was not the original intent of Congress. The Federal Railroad Safety Act as passed in 1970 says, "The States will retain the authority to regulate individual local problems where necessary to eliminate or reduce essentially local railroad safety hazards."

States and local communities cannot rely on the limited FRA resources to address their safety concerns. States must be allowed to regulate the railroad in order to protect their property and their citizens. I hope this important safety issue will be addressed in the next Congress.

I also support the Amtrak and passenger rail section of H.R. 2095 which makes a dramatic investment in our passenger rail system that will provide jobs, strengthen the economy, and improve the environment.

The bill creates a new State Grant Program that provides $380 million per year for intercity passenger rail. This is desperately needed in California as it has 3 of the top 5 busiest rail corridors in the U.S. These corridors include Pacific Surfliner from San Diego through Los Angeles to San Luis Obispo, the Capitol Corridor from San Francisco through Sacramento to Auburn, and the San Joaquin Corridors from Bakersfield to Oakland and Sacramento.

The bill will greatly assist the Sunset Limited, which travels through my district, by alleviating "choke points" with congestion grants and a new process for mediating disputes with freight railroads at the Surface Transportation Board (STB). It also provides funding for a High Speed Rail System which California has been working on.

The passenger rail section includes a provision I authored regarding compliance with the Americans with Disabilities Act (ADA) and the raising of station platforms. L.A. Metrolink and many other commuter railroads have fully complied with ADA rules by putting ramps and lifts in all of their stations so the disabled community can safely and easily board the trains. DOT has proposed making a rule that would require all railroad stations to fully raise their platforms to the floor level of the trains entering the station. The problem is that most passenger rail stations are serviced by multiple railroad companies with different train sets. Raising the platform could create major vertical and horizontal gaps between the trains and the platform. This would make it harder for the disabled community to safely and efficiently enter and exit trains. The provision I authored requires Amtrak to study how raising station platforms will affect the safe and efficient boarding of trains for all passengers.

Madam Speaker, I strongly support passage of H.R. 2095, this very important railroad safety and passenger rail bill. I thank the Chairman for shepherding this bill through the legislative process.

## ELDER ABUSE VICTIMS ACT OF 2008

SPEECH OF

### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 22, 2008*

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H.R. 5352, the Elder Abuse Victims Act of 2008.

This bipartisan legislation increases prosecutions by providing technical, investigative, coordination, and victim assistance resources to law enforcement to support elder justice cases. Additionally, it also provides grants for training, technical assistance, policy development, multidisciplinary coordination and other types of support to local prosecutors handling elder justice—related cases.

Elder abuse is a silent but widespread problem: reports reveal that 500,000 to 5 million senior Americans will be victims of some form of abuse every year, causing illness, suffering, and premature death. In my home state of Illinois, reports to the Illinois Elder Abuse and Neglect Program increased by 48% between 1997 and 2005.

Few pressing social issues have been as systematically ignored as elder abuse. Over the past 25 years, Congress passed comprehensive bills to address child abuse and crimes against women, yet there is not one full-time Federal employee working on elder abuse in the entire Federal Government.

A comparison of federal money spent to fight abuse and neglect shows that less than 2 percent of federal dollars spent on abuse and neglect goes toward elder abuse. In addition, no federal law has yet been enacted that adequately and comprehensively addresses the issues of elder abuse, neglect, and exploitation.

Since my election to Congress, I have been working with my colleagues Rep. PETER KING and Senators JOHN BREAUX, ORRIN HATCH and BLANCHE LINCOLN to pass the Elder Justice Act to protect vulnerable seniors. I am glad the bill before us, the Elder Abuse Victims Act includes many of the crucial law enforcement provisions of the Elder Justice Act. This bill is the first step to understanding—and therefore eradicating—elder abuse.

Mr. Speaker, I thank my colleague from Pennsylvania for including these crucial provisions in his legislation and I urge my colleagues to join me in voting for H.R. 5352, the Elder Abuse Victims Act.

## PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

SPEECH OF

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2008*

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of H.R. 6983, the Paul Wellstone Mental Health and Addiction Equity Act. It is long past time that the 54 million Americans suffering from mental illness have access to the care they need, and we cannot afford another day to go by.

This legislation is named in tribute to the late Minnesota Senator Paul Wellstone whose work on this issue was groundbreaking. I also rise to thank my colleague from Minnesota, Congressman JIM RAMSTAD, for his courage in sharing his experience with substance abuse and his hard work on this legislation. Without his dedication and perseverance, we would not be at this critical moment.

We have all been affected in some way—ourselves, a family member, a friend, or colleague—by mental health or substance abuse. This is an issue I hear about in my district a lot and I thank my constituents who have been willing to share their stories to make change.

The current system is unfair and inadequate. People should not have to forego essential treatment because of cost when care could mean improvements to their quality of life and productivity. Parents should not end

up with an emergency room bill they cannot pay because they rushed their child to the hospital after a suicide attempt. Our service men and women returning from Iraq should not be handed a 1–800 number to treat a mental illness.

Passing this bill is both morally and economically right because delay not only affects individuals and families, but it also affects schools, businesses, and our communities. I urge my colleagues to join me in voting for this important bill. Today we can finally make mental health parity a reality.

## TRIBUTE TO SUE BOSTON

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize Sue Boston of Marshalltown, Iowa as the recipient of the Governor's Volunteer Award for her time spent volunteering in the Marshalltown Community School District.

The Governor's Volunteer Award program was established to honor and recognize volunteers for the commitment, service and time that they contribute to Iowa's government agencies and nonprofit organizations. Sue has volunteered with the Marshalltown Community School District for 20 years, contributing her time and talents to improving the lives of area students and the community as a whole.

I consider it a great honor to represent Sue Boston in the United States Congress, and I wish her the best as she continues to provide a positive impact on young people and her community in the years to come.

## CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

SPEECH OF

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mr. ETHERIDGE. Mr. Speaker, I rise in support of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act for 2009. This bill provides vital funding for our national security needs by including regular appropriations for the Department of Homeland Security, the Department of Defense, and the Department of Veterans Affairs. It also provides continuing funding for the regular operations of other areas of the Federal Government to prevent any interruption in vital services for our citizens.

As a veteran of the U.S. Army, I am proud that this bill keeps our commitments to our troops and their families, those who are serving in Iraq, Afghanistan, and other areas around the world and those who have served our Nation honorably in this war or previous times of strife.

H.R. 2638 provides $487.7 billion for our military needs. It addresses equipment shortfalls for our troops, improves training, and ensures that our military men and women, and their families, receive first class medical care. The bill increases military pay by 3.9 percent, rejects the President's attempts to increase TRICARE fees, and continues our commitment to the well-being of our soldiers. It provides critical support to the people who support our troops, making $2.8 billion available for family advocacy, education, and daycare. It improves barracks and military hospitals with a $734 million increase over the President's request, ensuring our soldiers have quality facilities when they serve our Nation.

Like the House-passed Military Construction and Veterans Affairs Appropriations Act, H.R. 6599, this bill makes veterans a top priority. It includes a total of $47.6 billion for the Department of Veterans Affairs, more than 10 percent over last year's appropriation. $41 billion supports the Veterans Health Administration (VHA) and Veterans Medical Services, which expects to serve more than 5.8 million patients next year. To improve access to care for our veterans, particularly in rural areas without a VHA facility, the bill provides $200 million for fee-based providers where VHA services are not available. This bill also helps our soldiers returning today from Iraq and Afghanistan, increasing funding for traumatic brain injury and post traumatic stress disorder treatment, as well as supporting prosthetics and new prosthetic technology.

As the Representative of Fort Bragg, one of the largest United States Army bases in the country, I am pleased that this bill addresses the needs of our military installations. H.R. 2638 includes $25 billion for military construction. With a commitment of $8.8 billion, this bill addresses the costs of implementing the Base Realignment and Closure (BRAC), which is bringing unprecedented growth to Fort Bragg.

As a Member of the House Committee on Homeland Security, I am pleased that this bill makes investments in our security needs while cutting funding for low priority and poorly managed programs. It also demands long-needed oversight for contracting and procurement to ensure taxpayer funds are well spent. Homeland security begins with hometown security, and this bill provides $4.2 billion, nearly twice the funding requested by the President, for first responders who provide the first line of defense against disaster, whether natural or man-made. It provides funding for a record number of border patrol agents and other Customs and Border Protection (CBP) officers, enhancing our ability to enforce our laws and keep our borders secure. The bill pays for 4,361 new CBP personnel and 1,400 more detention beds for Immigration and Customs Enforcement (ICE), and adds $1 billion for ICE's enforcement efforts and $775 million for border security fencing and technology. Overall it includes nearly $40 billion in funding to keep Americans secure and ensure that our Nation is prepared for every emergency.

H.R. 2638 provides additional money for Community Development Block Grants, Social Services Block Grants, and disaster relief to address the emerging needs of communities responding to recent natural disasters. It also provides an additional $2.5 billion over last year for Pell Grants to prevent cuts that were facing college students in the middle of the year.

This is not a perfect bill, and compromises needed to be made in order to ensure our Nation's vital priorities can be addressed. I am disappointed that H.R. 2638 does not include any restrictions on offshore drilling, ending 25 years of Congressional protection for our beaches and shorelines, and allowing oil rigs to be built just three miles from our coast. I am disappointed that this bill does not include a balanced energy strategy, like that in the House-passed H.R. 6899, the Comprehensive American Energy Security and Consumer Protection Act, to give states control over their coastlines and target drilling and exploration in the Outer Continental Shelf (OCS) beyond 50 miles of our coastlines. I am disappointed that this bill does not significantly address our desperate need for school construction and modernization, as our schools are bursting at the seams and our economy could use the new jobs it would create. I am disappointed that in this time of financial crisis, this bill does not address state shortfalls for Medicaid and other pressing needs. I look forward to working to address these shortfalls when the 111th Congress takes up appropriations for the rest of FY2009 in the new year.

I support H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act for 2009, and I urge my colleagues to join me in voting for its passage.

## RECOGNIZING THE HONORABLE BUD CRAMER AND THE HONORABLE TERRY EVERETT ON THEIR RETIREMENT FROM CONGRESS

SPEECH OF

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mr. BONNER. Mr. Speaker, I respectfully request to include the accompanying articles in the CONGRESSIONAL RECORD to supplement my remarks which were entered during the Special Order in honor of two Members of the Alabama Delegation who are retiring.

[From The Montgomery Advertiser, August 5, 2008]

CONGRESSMAN GARNERS PRAISE FOR LOCAL SUPPORT

(By Cosby Woodruff)

Congressman Terry Everett's support for Maxwell Air Force Base during his 16 years in Washington is one reason the River Region benefits from the base's $1.6 billion annual impact, said the head of the Montgomery Area Chamber of Commerce.

Chamber President Randy George said Everett's impact on the area goes far beyond Maxwell, but any discussion of the congressman's legacy must start with the military.

''You can't take that away from him,'' George said. ''He has been a major player on Maxwell.''

George said Maxwell is one of Montgomery's biggest economic engines, but the base contributes to the region in ways that can't be measured in dollars and cents.

''The societal impact to our area is at least as important,'' George said. ''It makes us cosmopolitan.''

Everett, who is retiring after eight terms in Congress, spoke to the chamber for the last time as a congressman Monday at its Eggs & Issues breakfast series.

His speech focused more on national politics than on local economics, but he did say sectors of Alabama's economy are poised for growth—and he pointed to the space industry as one area that could have an impact in years to come.

''We have never had a national discussion about what space means to our economy,'' he said. ''Space is a $19 billion global industry growing at 22 percent a year.''

He suggested the industry's impact on Alabama is limited only by the workers the state can supply.

''We need more young people interested in space, engineering and math,'' he said.

George pointed out Everett's contributions to the area that go beyond his commitment to the military.

''Downtown, he helped us get the money,'' George said, of the construction boom and renovations going on in Montgomery. ''Much of that money came from federal grants that he has been very supportive of. He has been an advocate for the expansion of the airport.''

Everett said he has supported the state's agriculture industry, what he called its biggest economic factor, in Congress.

He said he made sure those interests were protected in the recent farm bill.

George said the congressman has been a friend to the chamber and area businesses.

''Terry has been very responsive to the business community,'' he said. ''We think he has done a great job.''

## TRIBUTE TO DR. STEVEN J. DETERESA

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. SKELTON. Madam Speaker, it has come to my attention that Dr. Steven J. DeTeresa will soon complete his detail to the Committee on Armed Services of the United States House of Representatives.

Dr. DeTeresa was detailed from the Lawrence Livermore National Laboratory (LLNL) to the Committee on June 1, 2005. He received his Bachelor of Science and Master of Engineering in Biomedical Engineering from Rensselaer Polytechnic Institute and his Master of Science and Ph.D. in Polymer Science and Engineering from the University of Massachusetts. Dr. DeTeresa worked as visiting scientist for the Institute Donegani in Novara and the University of Naples, Italy; as a research fellow for the University of Massachusetts; and in various research and project management positions at LLNL for the past 20 years.

Dr. DeTeresa has over thirty-five years experience in leadership positions and in conducting independent research and development projects for defense and commercial applications of materials. He is an expert in the mechanics of materials, structure-mechanical property relationships, fundamental aspects of aging and long-term behavior, process science, and failure analysis and modeling.

Dr. DeTeresa has made great contributions to the work of our committee, the Armed Forces of the United States, and the American people during the past three years. Dr. DeTeresa came to work for Congress voluntarily to help his country during a time of war. During his time here, he has been a scientific and technical advisor to the Chairman and to the Committee on Armed Services. He has conducted critically important work for the country on force protection issues such as vehicle and body armor, counter-IED or improvised explosive device technologies, and persistent surveillance technologies. He also has been an essential member of our Oversight and Investigations Subcommittee Staff.

On behalf of the House of Representatives and the Armed Services Committee, let me personally thank Dr. DeTeresa for his service to the Nation and to the men and women of our Armed Services. I wish the best for him, his wife Patti, and their children Catherine and Peter.

## PERSONAL EXPLANATION

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. GONZALEZ. Madam Speaker, due to important business in my district, I was unable to be in Washington, DC, on September 22 and the morning of September 23.

Had I been present, I would have cast the following votes:

Monday, September 23, 2008—

Yes, H.R. 6685—To authorize the Secretary of the Interior to provide an annual grant to facilitate an iron working training program for Native Americans (Rep. LYNCH—Natural Resources).

Yes, H.R. 1907—Coastal and Estuarine Land Conservation Program Act (Rep. SAXTON—Natural Resources).

Yes, H.R. 6853—Nationwide Mortgage Fraud Task Force Act of 2008 (Rep. MEEK—Judiciary).

Tuesday, September 23, 2008—

Yes, Motion on Ordering the Previous Question on the Rule for H.R. 5244—The Credit Cardholders' Bill of Rights Act of 2008 (H. Res. 1476).

Yes, H. Res. 1476—Rule providing for consideration of H.R. 5244—The Credit Cardholders' Bill of Rights Act of 2008.

Yes, S.J. Res. 45—Great Lakes-St. Lawrence River Basin Water Resources Compact (Sen. LEVIN—Judiciary) Suspension bill.

## TRIBUTE TO THE WINNEBAGO SCOUT RESERVATION

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. LATHAM. Madam Speaker, I rise today to congratulate the Winnebago Scout Reservation on its 50th anniversary. The Winnebago Scout Reservation is located near Marble Rock, Iowa and serves over 4,500 people per year.

In 1954, the need for scouting programs exceeded the capacity of the 25 acre campsite, Camp Roosevelt, in Ventura, Iowa. The Winnebago Boy Scout Council decided to build a new camp with three sites being considered. With the promotion of the Marble Rock location by the local scout leader and Executive board member, Arnold Staudt, the 450 acre location in the Marble Rock area was selected as the new camp site.

The Winnebago Scout Reservation hosts many programs including Cub Scouts, Polar Bear Hunt, Spring Fling, Shooting Sports Weekend, and PALS. The camp also allows other public groups to reserve the grounds for their use.

Over the last 50 years, the Winnebago Scout Reservation has thrived at meeting the needs of area scouts and the surrounding community. I congratulate the Winnebago Scout Reservation on this historic anniversary. It is an honor to represent each scout member and the council staff in the United States Congress, and I wish the Winnebago Scout Reservation an equally storied future.

## TRIBUTE TO CONGRESSMAN LOUIS STOKES ON THE 40TH ANNIVERSARY OF HIS ELECTION TO CONGRESS

### HON. JESSE L. JACKSON, JR.

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. JACKSON of Illinois. I rise today to pay tribute to an extraordinary man, former Congressman Louis Stokes on the 40th anniversary of his election to the U.S. House of Representatives.

The Congressman's achievements and legacy continue to be celebrated through scholarship programs, building designations and many other initiatives that bear his name. In 1998, Howard University recognized Congressman Stokes with its designation of the Louis Stokes Health Services Library. On September 28, 2008, colleagues and friends will commemorate this important occasion at this state-of-the-art research facility on the University's campus in Washington, DC.

Congressman Stokes' historic election in 1968 marked the beginning of 30 years of distinguished service to the state of Ohio and the nation. His leadership as a founding member of the Congressional Black Caucus; a member of the powerful House Appropriations Committee; his chairmanship on the Select Committee on Assassinations; chair of the House Permanent Select Committee on Intelligence; chair of the House Ethics Committee; service on the Iran Contra panel; and the legislative proposals that he successfully authored throughout his tenure in Congress, earned Chairman Stokes the respect of his constituents and the admiration of his colleagues on both sides of the aisle.

I have had the privilege of following in Congressman Stokes' footsteps with my service on the House Appropriations Committee, specifically the Subcommittee on Labor, Health, and Human Services, and Education. On the Labor, Health and Education Subcommittee, Congressman Stokes drafted the blueprint to end health disparities. Congressman Stokes' pioneering efforts as the first African-American to serve on the Appropriations Committee can be seen today in JIM CLYBURN, CAROLYN CHEEKS-KILPATRICK, CHAKA FATTAH, SANFORD BISHOP, BARBARA LEE, and me.

Congressman Stokes, I congratulate you and thank you for your leadership.

## RECOGNIZING THE 100TH ANNIVERSARY OF ALLENWORTH, CALIFORNIA

### HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. NUNES. Madam Speaker, I rise today with great pride to recognize the 100th Anniversary of Allensworth—a small town in Tulare County, California, founded, financed and governed by African Americans. The town was created in 1908 by Col. Allen Allensworth, a visionary man with an extraordinary life.

Allen Allensworth was born a slave in Louisville, Kentucky, in 1842. At the age of 12, he was sold for trying to learn to read and write. He was taken to New Orleans and bought by a slaveholder to become a jockey.

When the Civil War started and Union forces neared Louisville, Allensworth seized the opportunity to gain his freedom by joining the Navy. Prior to being discharged, he had achieved the rank of first class petty officer. In 1871, he was ordained as a Baptist minister and entered the Baptist Theological Institute at Nashville. While serving at the Union Baptist Church in Cincinnati, he learned of the need for African American chaplains in the armed services and got an appointment as Chaplain of the 24th Infantry.

At the time of the Civil War, Allensworth saw many African Americans move west to escape discrimination. With four other men with a similar vision, he decided to establish a place where African Americans could live and thrive without oppression. On June 30, 1908, they formed the California Colony Home Promoting Association.

The town of Allensworth began with 20 acres in southwest Tulare County, and later grew to more than 80 acres. By 1914, the little town boasted 200 inhabitants.

That same year Allensworth became its own voting precinct, as well as its own judicial district. Tragically, Col. Allensworth was killed on September 14, 1914, when he was hit by a motorcycle while getting off a streetcar in Monrovia. After a funeral at the Second Baptist Church in Los Angeles, he was buried with full military honors.

Over the years, the population dwindled in the small town. In 1970, there was an effort to save the town as an historic monument and park dedicated to the memory of Col. Allensworth and the achievements and contributions of African Americans to the history of California.

In 1974, California State Parks purchased land within the historical town site of Allensworth, and it became Colonel Allensworth State Historic Park. A collection of restored early 20th-century buildings—including the Colonel's house, historic schoolhouse, Baptist church, and library—sit within the park.

Today, I ask that my colleagues join me in celebrating the rich history of Allensworth and its lasting legacy as an inspirational art of the State of California.

## EARMARK DECLARATION

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mrs. JO ANN EMERSON. Madam Speaker, in accordance with the February 2008 New Republican Earmark Standards Guidance, I submit the following:

Requesting Member: Congresswoman JO ANN EMERSON.

Bill Number: H.R. 2638.

Account: RDTE,N 14 0602782N Mine and Expedition Warfare Applied Research.

Legal Name of Requesting Entity: Missouri University of Science and Technology.

Address of Requesting Entity: 1870 Miner Circle, Rolla, MO 65409.

Description of Request: Provide an earmark of $2,000,000 for Detection and Neutralization of Electronically Initiated Improvised Explosive Devices. It is my understanding that this funding will provide $200,000 for Navy administrative costs, $900,000 for instrumentation development, research and administrative costs with Missouri S&T partner General Dynamics, $160,000 for faculty salary, $80,000 for a technician, $135,000 for graduate students, $200,000 for equipment (including: instrumentation to develop a fieldable prototype to rapidly detect electronics associated IEDs, instrumentation to develop a fieldable prototype to neutralize electronics associated with IEDs, downmixing receivers, amplifiers, general lab supplies), $235,000 for overhead.

Requesting Member: Congresswoman JO ANN EMERSON.

Bill Number: H.R. 2638.

Account: RDTE, A 28 0602787A Medical Technology.

Legal Name of Requesting Entity: Missouri University of Science and Technology.

Address of Requesting Entity: 1870 Miner Circle, Rolla, MO 65409.

Description of Request: Provide an earmark of $800,000 for Consortium for Bone and Tissue Repair and Regeneration. It is my understanding that Missouri University of Science and Technology and the University of Missouri—Kansas City would use $175,000 in funding for major equipment purchases including a digital x-ray machine; $625,000 for research personnel and supplies.

Requesting Member: Congresswoman JO ANN EMERSON.

Bill Number: H.R. 2638.

Account: Air Force RDT&E, Line 23, Electronic Combat Technology, PE 0603270F.

Legal Name of Requesting Entity: Brewer Science, Inc.

Address of Requesting Entity: 2401 Brewer Drive, Rolla, MO 65401.

Description of Request: Provide an earmark of $1,600,000 to develop Three-dimensional microstructures. Approximately, $1,120,000 (70 percent) is for engineering, design and simulation work required to develop new 3–D microdevice manufacturing techniques for the microelectronics industry, where two-dimensional device fabrication is the norm; $160,000 (10 percent) for outside engineering support; $320,000 (20 percent) for materials and supplies necessary for the conduct of this development effort and for the construction of 3–D devices.

Requesting Member: Congresswoman JO ANN EMERSON.

Bill Number: H.R. 2638.

Legal Name of Requesting Entity: Battelle Memorial Institute, Fort Leonard Wood Operations.

Address of Requesting Entity: 571 VFW Memorial Drive, Ste. 5, St. Robert, MO 65584.

Account: OSD—Joint Ground Robotics Enterprise, RDT&E, Defense-wide, Line 40 PE 06030711D8Z Joint Robotics/Autonomous Systems.

Description of Request: Provide an earmark of $800,000 in the FY 09 Defense Budget to complete the prototyping and demonstration of a modeling, simulation and analysis capability for autonomous behaviors of robotic systems in an operational environment. Approximately, $128,000 [or 16 percent] is for improvement of systems within the Maneuver Support Battle Laboratory; $672,000 [or 84 percent] for two development teams working in the Government's Laboratory to develop the necessary applications and interfaces as well as the development of the Demonstration.

## CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT OF 2009

SPEECH OF

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this appropriations measure—partly because of what it includes, but primarily because I have concluded it would be irresponsible and a dereliction of duty to do otherwise.

Nonetheless, I must express my unhappiness with the way in which the legislation was developed, especially the decision to accede to the Bush Administration's insistence that it not include anything that would impede their desire to rush toward full-scale commercial development of oil shale.

By this insistence, the White House has shown it is quite ready to disregard our Western Slope communities and put Colorado's water supplies at risk. They were prepared to shut down the entire Federal Government—at a moment when our economy is in crisis—rather than accept a careful, responsible approach to full-scale oil shale development. Such 'my way or the highway' tactics are deplorable, and while some may be tempted to respond in kind, I cannot in good conscience adopt the same approach by voting against this legislation.

I am also very disappointed that far too many of the measure's provisions have never previously been considered by the House or even approved by the full Appropriations Committee, meaning that they never have been and never will be the subject of detailed debate or possible revision.

I do not think this is the way the House of Representatives should exercise its serious constitutional responsibility for deciding how to spend the taxpayers' money.

However, while both the process through which the measure was developed and the details of its provisions could have been better, it includes many provisions that deserve enactment.

For example, it includes $910 million to defray firefighting costs and emergency fire-prevention efforts, and to help recover lands devastated by recent fires.

This has been one of the worst wildfire seasons on record, and while Colorado has not been as hard hit we have not been immune. Nationally, nearly 5 million acres have burned, costing over $1.8 billion for Federal wildfire suppression activities, which is $700 million above the average suppression cost.

So, it is appropriate that that measure includes a total of $610 million for wildfire suppression activities, including sufficient funds to fully repay all agency operating and construction funds which were previously borrowed to support emergency suppression activities earlier this summer. This repayment will allow the Forest Service and the Interior Department to use contractors and staff to revive important projects which were delayed by the budget shortfalls earlier this year.

In addition, this legislation includes a total of $175 million for urgently needed hazardous fuels reduction projects all over the Nation, including extensive areas in Colorado and other parts of the mountain west which are suffering unprecedented tree die-off from infestations of bark beetles and some other insects. Of this total, some $125 million is for state and private activities and $50 million for projects on national forests. Another $100 million will be used for rehabilitation of burned areas, including $75 million for the Forest service and $25 million for the Interior Department, and another $25 million is provided for firefighter retention.

Responding to the problems associated with insect infestations in Colorado's forests has been a high priority for me. I have worked with other members of our state's delegation on legislative proposals and have joined in efforts to secure increased funding for that purpose—so these parts of the bill are particularly welcome.

Further, as a member of the Armed Services Committee, I am also particularly glad to note that the FY09 Defense Department Appropriations bill included in this package puts our troops first.

It provides funds for necessary weapons and equipment and training, boosting funds particularly for the National Guard and Reserve; makes critical investments in the health of our troops, including $300 million for traumatic brain injury and mental health; provides more than the president's request to improve army barracks and military hospitals; and compensates troops for every month their terms of service are involuntarily extended, also known as "stop loss." The bill also includes funding for important weapons systems and intelligence, surveillance and reconnaissance needs.

This legislation also provides FY09 funding for Defense Department military construction, including $474 million for military construction projects at Fort Carson, as well as $65 million for construction at the Pueblo Chemical Depot, $4.9 million for land acquisition at Peterson AFB, $18 million for Colorado National Guard readiness centers in Denver and Grand Junction, $3 million for a satellite pharmacy and $4.2 million for Alert Crew Headquarters at Buckley Air Force Base, and $18 million to upgrade academic facilities at the U.S. Air Force Academy.

Finally, this legislation includes FY09 funding for the Department of Veterans Affairs—providing $47.6 billion for veterans' medical care, claims processors, and facility improvements, including $20 million for the new Fitzsimons VA hospital. The bill makes substantial increases in mental health and substance abuse programs, provides veterans with advanced prosthetics, provides additional resources for veterans who live in places where the VA does not offer sufficient services, increase the gas mileage reimbursement rate to 41.5 cents per mile, and improves access to care for veterans in rural areas.

In conclusion, I have decided the bill's merits—which include the fact that it will allow all federal agencies to continue their work until the next Congress can complete action on funding legislation for the remainder of this fiscal year—outweigh its defects, and I will vote for it.

## TRIBUTE TO DENNIS OLEJNICZAK AND GENE SCHULTZ

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize Gene Schultz of Lansing, Iowa and Dennis Olejniczak of Decorah, Iowa for their service and dedication to their schools' baseball teams.

Together, their record is astounding: more than 2,500 wins, 12 state championships and 24 tournament appearances in a combined 79 years of high school baseball. But what is more interesting and incredible is that Gene Schultz and Dennis Olejniczak coach at rival high schools 35 miles apart.

Although Iowa has multiple seasons of high school baseball, which is one of the reasons for the high numbers, it truly comes down to their coaching philosophies. North Fayette's Dan Hovden, said this of Schultz and Olejniczak, "They both have a high regard for the game. They put the team above themselves and obviously it shows up in the end."

I thank and congratulate both Gene Schultz and Dennis Olejniczak for their hard work and commitment to coaching high school baseball. It is a great honor to represent Gene and Dennis in the United States Congress, and I wish them the best.

## EARMARK DECLARATION

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. HALL of Texas. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of, H.R. 2638—The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

A. Rivet Joint ISR Networth Integration (0305207F 192 MANNED RECONNAISSANCE SYSTEMS.) The entity to receive funding for this project is L–3 Integrated Systems, located at 10001 Jack Finney Blvd., Greenville, TX 75402. The funding would be used to provide networking upgrades that will enable it to fully collaborate with a variety of Intelligence Surveillance and Reconnaissance (ISR) nodes so that more effective projections of threat environments can be made.

B. PrePreg Thickness Variability Reduction Program (0603680F 29 MANUFACTURING TECHNOLOGY PROGRAM.) The entity to receive funding for this project is Cytec Engineered Materials, located at 4300 Jackson Street, Greenville, TX 78402. The funding would be used to reduce the variability of prepreg thickness to +/−1 percent, which is a substantial improvement over even foreign prepreg capabilities. Reducing variation significantly complements and enhances the advancements expected to be made in the areas of tooling and manufacturing. These achievements are crucial for Cytec's military and commercial partners.

C. Stryker Common Active Protection System (APS) Radar (0603653A 62 ADVANCED TANK ARMAMENT SYSTEMS (ATAS).) The entity to receive funding for this project is Raytheon Network Centric Systems, located at 2501 West University, McKinney, TX 75070. APS is an externally mounted vehicle protection system that identifies, discriminates and intercepts RPGs, mortars, antitank guided missiles and artillery projectiles after they are launched toward a combat vehicle. The system consists of the Multi-Function Radio Frequency (MFRF) radar, launchers, fire control processors and countermeasures.

Please see attached for financial plan of each project. Neither I nor my spouse has any financial interest in these projects.

FINANCE PLAN

Requesting Member: Rep. RALPH M. HALL.

Bill Number: H.R. 2638.

Account: Air Force, RDT&E, Line 192, PE 0305207F, Manned Reconnaissance Systems.

Project Name: Rivet Joint ISR Network Integration.

Legal Name of Requesting Entity: L–3 Communications Integrated Systems.

Address of Requesting Entity: 10001 Jack Finney Boulevard, Greenville, TX 75403.

Anticipated sources of funding for the duration of the project: Additional funding would be provided by the Air Force to procure this capability after successful demonstration of the developmental prototype, in their future years budget requests.

Percent and source of required matching funds: N/A, this program is providing a good or service to the Department of Defense.

Justification for use of federal taxpayer dollars: The RIVET JOINT will provide networking upgrades that will enable it to fully collaborate with a variety of Intelligence Surveillance and Reconnaissance (ISR) nodes so that more effective projections of threat environments can ba made. Detailed analysis of RIVET JOINT operations shows that full integration of networked capabilities will result in a 25 percent improvement in critical Threat Analysis Measures of Effectiveness for priority dual-use commercial communication threat environments. The specific threats that will be addressed by this system upgrade are the highest priority threats to ongoing military operations.

Detailed finance plan: $750,000 is for Non-Recurring Engineering Design and Development; $750,000 is for Manufacture Design and Production of Networked Speech, Geo-Location, and Reach-back Processing and Data

Base Access Applications; and $500,000 is for Labor, Materials, and System Installation and Integration on one Rivet Joint aircraft.

RECIPIENT REQUEST CERTIFICATION FORM

None of the funding requested will be used for a new building, program, or project that has been named for a sitting Member of Congress. If the building, program, or project is already named after a sitting Member of Congress, please state when that naming occurred.

None of the funding requested will be used to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark.

For requests where the receiving entity is not a unit of federal, state or local government, or where the entity receiving the funding will not be providing support to a Federal, state, or local government, or will not be providing research, the requesting entity is to provide matching funds including in-kind contributions of 5 percent or more above statutory requirement.

Attachment of detailed finance plan must include: anticipated sources of the funding for the duration of the project; percent and source of required matching fund; and justification for use of federal taxpayer dollars.

Name of person certifying: Steven C. Speak.

Title of person certifying: President.

Project name: Prepreg Thickness Variability Reduction Program.

Legal name of entity making request: Cytec Engineered Materials.

Address: 4300 Jackson Street, Greenville, TX 78420.

RECIPIENT REQUEST CERTIFICATION FORM—DETAILED FINANCE PLAN

Project Name: Prepreg Thickness Variability Reduction Program.

Requested by Congressman RALPH HALL (TX–4).

Total Requested funding FY09: $1.6 million.

Justification of the use of Federal funds: This program will reduce the variability of Carbon fiber prepreg, the raw material that provides the basis for strong durable, light-weight composite aircraft structures. It is predominantly used by the Air Force, Navy, Marine Corps and the airline industry to fabricate aircraft structures such as wing skins. A major impediment to assembling composite aircraft structural components is the dimensional mismatch of composite parts which may produce rough edges, overlays, or gaps between parts. Much of this mismatch is due to variations that occur in component manufacturing. Funding has been applied to efforts to reduce variation in component manufacturing by the Air Force and the prime contractors. Unfortunately, funds have not been directed towards efforts to reduce variation by refining the raw material—carbon fiber prepreg. Lower prepreg variation will avoid the purchase of costly precision machining equipment by program partners, estimated at $80 million, to mitigate surface and component part deviations. Federal funding is justified in this effort to reducing the variability of prepreg to help the Joint Strike Fighter program and others meet the goal of reducing the overall variability of composite parts. This is vital to reduce the weight of aircraft, as well as to promote optimal stealth capabilities.

DETAILED BUDGET FOR VARIATION REDUCTION DEVELOPMENT PROGRAM

Materials:

Resin and prepreg production, production trials, feedstock variations, customer shop trials, and packaging supplies: $100K.

Deliverables:

(1) Develop and demonstrate the necessary equipment and processes for production.

(2) Document aerospace production control documents (PCD) for JSF Program technical approval and signature.

Labor:

Scientist, technicians, mechanics, testing personnel, and production operators: $160K.

Deliverables:

(1) Direct the work to be done, optimize process, execute plan scale up work.

(2) Ensure best practice sharing of manufacturing engineering development.

Testing:

Fiber testing, production of composites, and testing of the composite coupons: $1130K.

Deliverables:

(1) Generate meaningful composite material data, demonstrating alignment to heritage mechanical test data bases.

(2) Review data and correlate to end-use application.

Contract Administration: $30K.

Overhead and Contract Management: $100K.

Contingency/Miscellaneous Travel, part-time resources, contingent raw material needs: $80K.

Total Budget: $1600K.

STRYKER COMMON ACTIVE PROTECTION SYSTEM (APS) RADAR

Bill Number and Account: H.R. 2638, RDT&E, Army, Line 62.

Name and Address of Recipient: Raytheon Company, 2501 West University Drive, McKinney, TX, 75070.

Program Description/Use of FY09 Funding: Active Protection System (APS) is an externally mounted vehicle protection system that identifies, discriminates and intercepts rocket propelled grenades (RPGs), mortars, antitank guided missiles and artillery projectiles after they are launched toward a combat vehicle. The system consists of the Multi-Function Radio Frequency (MFRF) radar, launchers, fire control processors and countermeasures. In March, 2006, the Army competitively awarded a contract with two options for APS. Option A for the Short Range Countermeasure is in development and will integrate RPG protection into current combat vehicles, beginning with Stryker. Option B will address the longer range threats and is a sub-system to the Hit Avoidance Suite for the Future Combat Systems (FCS) fleet of Manned Ground Vehicles (MGV). In 2007, the Army accelerated the requirement for Stryker by designating it a critical component of Spin Out 2, the second increment of FCS technologies to be fielded to the Current Force in the 2010–2012 timeframe. Due to budget constraints, the FY09 President's budget request does not contain funding to support APS integration onto Stryker.

The additional FY09 funding of $1.6M will allow ruggedization of the Environmental Control Unit (ECU) for tactical application (e.g., submergence) on Stryker, as well as software and hardware development for system command and control, including the man-machine interface.

Anticipated Sources of Funding: APS development is funded under the FCS MGV budget line, but there is no dedicated funding to support APS development for Stryker in FY08 or FY09. The Army originally requested funding in FY08 for Stryker APS but has since reallocated the funding to support power management and the other upgrades Stryker needs to accommodate FCS Spin Outs. Additional funding is anticipated through future years' budgets, but details of the 10–15 POM are unknown at this time.

Matching Funds: N/A.

Justification for Use of Taxpayer Dollars: This project aims to accelerate delivery of a validated military need intended to enhance protection of Army soldiers and vehicles. As a priority military initiative, this program will be funded through Federal expenditures.

## INTRODUCTION OF THE ACT TO SAVE AMERICA'S FORESTS

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Ms. ESHOO. Madam Speaker, I rise today to offer the Act to Save America's Forests.

Our forests are an extraordinary natural resource which must be preserved. Unfortunately, aggressive logging practices on Federal land have eliminated much of our Nation's remaining forests and their native biological diversity. This is a sensible bill to limit aggressive logging and protect our forests and our environment.

The Act to Save America's Forests bans clearcutting in all Federal forests. It also ends logging in the last virgin forests, roadless areas, and other core regions of the Federal forest system. The bill allows for limited and ecologically sustainable logging in lands that have already been logged outside of core forest areas.

An important provision of the bill transfers jurisdiction of the Giant Sequoia National Monument from the Forest Service to the Park Service to manage and protect this important ecological asset. The Forest Service has continued to allow logging of the sequoias, which is not acceptable, and the courts finally put a stop to this egregious practice. My constituent, Martin Litton, has fought tirelessly for decades to protect the magnificent giant sequoia trees and the congressional action proposed in the Act to Save America's Forests will ensure their long term protection.

This year, the bill includes a new provision for the Department of Interior to conduct environmental surveys to identify ecosystems not currently included in our national park system. These studies will identify needs to ensure that our national parks will preserve as much natural diversity as possible.

Preserving our forests not only ensures that we will maintain the natural beauty of our Nation, it will help mitigate climate change by reducing carbon emissions. Forests are an important carbon storage medium and the Intergovernmental Panel on Climate Change estimated that deforestation accounts for 20–25 percent of annual greenhouse gas emissions. In 2006, the Environmental Protection Agency estimated that forests in the U.S. absorbed enough carbon dioxide to offset 11 percent of our country's emissions. Logging reduces the capacity of our forests to absorb carbon dioxide from the atmosphere, so unless we act

now to prevent aggressive logging, we could lose 50–80 percent of our carbon storage capacity and reduce our ability to mitigate the effects of climate change.

The Act to Save America's Forests will ensure that future generations of Americans will inherit and enjoy our Nation's irreplaceable natural forest treasures.

I'm very proud to introduce this bipartisan bill with 70 cosponsors and I urge my colleagues on both sides of the aisle to join me in supporting this important piece of legislation.

## 110TH ANNIVERSARY OF THE OLD PRINT SHOP

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. FRELINGHUYSEN. Madam Speaker, I rise to recognize the 110th anniversary of the Old Print Shop, an American and New York landmark located at 150 Lexington Avenue in New York City.

The Old Print Shop celebrates 110 years under four generations of Newman family.

Its headquarters for almost 75 of those years has been on Lexington Avenue in an unpretentious brownstone with old wooden floors and antique display cases. The shop has been described as having Old World charm. At the helm are second and third generation Newman's who enjoy what has been the hallmark of the shop, buying and selling fine prints, maps, and books.

The Old Print Shop has supplied prints and paintings to many public and private art collections including the Library of Congress, the State Department, and the National Portrait Gallery. It strives to present a friendly and helpful atmosphere to both experts and beginning collectors. The comfortable interior encourages browsing through the thousands of prints, which are organized by subject, artist, and size. The shop has grown considerably since its humble beginnings as a portrait gallery and now carries a broad selection of American graphic arts from the 18th, 19th, 20th, and 21st centuries and a wide selection of antique maps. The Old Print Shop has also expanded by taking over the ground floor of the adjoining building at 152 Lexington Avenue, where the focus is on art reference, illustrated, fine art, and color plate books.

Following in the footsteps of his father, the late Harry Shaw Newman, his son, Kenneth M. Newman, helped to build many collections of American primitive art and to concentrate the attention of the public on American printmakers, especially Currier & Ives and other publishers from the 18th, 19th, 20th, and 21st centuries.

Robert K. Newman, Kenneth's elder son, and his younger son, Harry Shaw Newman, share in their father's knowledge and love of prints, paintings, and art history. In recent years, Robert K. Newman's son, Brian has joined the shop as fourth generation in the business.

Madam Speaker, I ask that the House recognize this remarkable family who have contributed so much toward the preservation and appreciation of American history through their business acumen at the Old Print Shop in New York City and their associated gallery, the Old Print Gallery in Washington, DC.

## TRIBUTE TO DAVE GUTZ

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize Dave Gutz, of Jefferson, Iowa who competed in the 100 yard dash and in golf at the 2008 U.S. Transplant Games in Pittsburgh, PA.

Four years ago, Dave Gutz found out that his only kidney, the other one was damaged at birth and was later removed, was failing and he was immediately put on dialysis for twenty-five months. A year later, Dave was placed on the transplant list and it took at least another eighteen months before a kidney was available. Last September he received the gift of life—the kidney he needed to survive.

Hosted by the National Kidney Foundation, the Transplant Games are an Olympic-style event for athletes who have received life-saving organ transplants. It provides the athletes an opportunity to celebrate that they survived and flourished. The Games have twelve different events and the athletes have the opportunity to win either a gold, silver, and bronze medal.

Dave Gutz's courage and perseverance is an inspiration to all of us. I am honored to represent Dave Gutz in the United States Congress and I know that my colleagues join me in congratulating him and wish him success in the future.

## CONGRESSIONAL TRIBUTE HONORING RAYMOND RIVERA, JR.

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. GONZALEZ. Madam Speaker, I rise today to honor a constituent of mine, Mr. Raymond Rivera, Jr., who was recently awarded the "Regional Hero" award by the National Association of Letter Carriers.

Mr. Rivera, a member of the NALC's San Antonio Branch 421, was honored this past week by the NALC for rescuing two little girls who were being attacked by a pair of pit bulls in San Antonio. Heroically, he grabbed one of the pit bulls by the face as it was biting a child. With the help of another Good Samaritan, the two saved the children and restrained the animals for 45 minutes until authorities arrived. One child received more than 100 stitches after the accident, but without Mr. Rivera, the incident could have very well been catastrophic.

San Antonio is grateful for everyday heroes such as Mr. Rivera who are setting great examples for the rest of our community. I'm pleased to recognize his actions and bravery of that day, and I'm honored to call him a constituent.

## RECOGNIZING THE ACCOMPLISHMENTS OF GLOBAL STAFFING, INC., AND WESTMORELAND, INC.

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. UDALL of Colorado. Madam Speaker, I rise to congratulate Westmoreland/GTG JV, a venture of Global Staffing, Inc., and Westmoreland, Inc., on its recognition as a "Top 100 Veteran Owned Business in America" and a "Top 100 Disabled Owned Business in America" by Diversity Business Magazine. From what I have heard of Westmoreland/GTGS JV, a service-disabled, veteran-owned small business, this recognition is well deserved.

I'm told that for the 17 years that Global Staffing has operated in my district, it has provided quality service to commercial enterprises and government agencies. Global Staffing has provided gainful employment to thousands of my constituents and other citizens nationwide. I understand that Global Staffing has demonstrated good corporate citizenship, supporting the local community through scholarships for at-risk children, food drives for the homeless, and grants to domestic abuse support agencies.

Westmoreland, Inc. was founded by Dennis Westmoreland a service-disabled veteran of two tours in Vietnam, who has for many years given his time and energy to working with and supporting other veterans at VA hospitals in Colorado.

I congratulate the management and staff of Global Staffing and Westmoreland for this award and wish them continued success in the future.

## WHEN, IN HEARTS AS FOUND

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. WAMP. Madam Speaker, this poem was written to honor a great American patriot, Sue Downes of Claiborne County, Tennessee.

WHEN, IN HEARTS AS FOUND

When, In Hearts As Found! Such things as so astounds . . . When all else fails, as when courage comes to crest . . . when heard in ones heart such sounds! Beating . . . beating all in ones chest so now . . . Are but all those heroes, magnificent's who so wear that crown . . .

That crown worn of Hero so now . . . Who must so rebuild their lives, someway . . . somehow . . . Whose greats hearts do so astound, as does so one so Susan Downes!

While, marching off to war . . . Leaving behind, all that she so loved and adored . . . But for her family and sweet country tis of thee, as was her burden bore . . . who could but ask for more?

With her two strong legs so lost . . . Is that not what heaven is for? Paying such a great price, such a cost . . . this her albatross . . . As she came home, and her courageously fine heart would not so be lost!

For in this war . . . Unlike, none before . . . women have all given so much more!

All at the ready . . . all out in front ever steady while on the hunt, for our freedom to so insure . . .

But, in life . . . There are new battles, and new wars . . . Only won by heart's of gold so fine and pure, that which so touch us all with their sacrifice all the more . . . Building day by day, passing heartache's way . . . lifting up her head . . . This Magnificent Force . . .

In Susan Downes . . . In what was lost, we so see in life . . . against all odds, what so can be found! When Courage Crests, as her faith does us so bless . . . when but the best of all heart's so astounds . . .

Could we, would we? Ever find the such strength to go off to war, then come back home and fight one more? To rebuild where none lies left, without arms or legs . . . not to cry or beg, to so touch our Lord!

Some people, are put upon this earth . . . So sent down from our Lord above, to but teach us all above faith's true fine worth! To Teach Us To Reach Us, To So Touch All Our Hearts . . . inside all of our souls here first!

Against all odds! When, all the chips are down . . . only where heart's of faith so found . . . In such courage now, do our hearts astound . . . all in Heroes like Sue Downes! In Hearts As Found!

Susan Downes was a gunner in Afghanistan. She is an F4 in The United States Army. She lost both her feet and part of her legs in an IED explosion. She is from Tazewell, Tennessee, is married to her husband Gabriel, and they have two wonderful children named Austin and Alexis.

## TRIBUTE TO LTG JOHN R. WOOD

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. SKELTON. Madam Speaker, it has come to my attention that LTG John R. Wood is retiring from the U.S. Army.

Lieutenant General Wood graduated from the U.S. Military Academy at West Point in 1972. He has served in many posts, including as the platoon leader to the commanding general of the 2nd Infantry Division of the 8th U.S. Army—Republic of South Korea, as a National Security Fellow to the White House, and as a commander at the U.S. Joint Forces Command's Joint Experimentation Directorate.

Lieutenant General Wood has overseen the Joint Forces Command's missions on training, experimentation and integration for the U.S. military. Lieutenant General Wood is a highly decorated commander, earning the Bronze Star, Legion of Merit, the Meritorious Service Medal, and many others. The General also holds advanced degrees from the University of Chicago and the U.S. Army Command and General Staff College.

Madam Speaker, LTG John R. Wood is a valuable member of his community, but moreover, an honorable soldier. His dedication to the Armed Forces should certainly be noted. I know the Members of the House will join me in thanking Lieutenant General Wood for his service in the U.S. military, and in wishing him and his family nothing but the best in the many years to come.

## INTRODUCTION OF H.R. 7063, THE U.S. AND THE WORLD EDUCATION ACT

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to urge my colleagues to support H.R. 7063, the U.S. and the World Education Act, which I introduced in the House this week.

This bill addresses the need to improve student awareness of and achievement in international education so they will be able to compete in an information age world that is constantly shrinking due to rapid technological advances.

This bill will create a grant program to fund international education professional development for elementary and secondary teachers, and related supplemental extracurricular activities for students. These activities could include Model U.N., geography bees, and foreign language clubs, among many others.

In addition, H.R. 7063 would establish an international education research repository containing scientifically valid education research, and promising and exemplary practices related to international education and foreign language education. This repository would be available to state and local educational agencies in order to continually improve their international education curriculum and teaching methods.

This bill supports improvements in the way international education is taught in the classroom, and encourages students and teachers to engage in life-long learning on the various topics involved in international education, such as foreign languages, geography, world history, international economics and international culture.

These days with just a simple computer mouse click, we can create personal or professional relationships with anyone around the world. In the workplace, American-based multinational corporations and small businesses are increasingly in need of employees with knowledge of foreign languages and cultures.

Future generations need to be equipped with a skill-set that will help them be successful and meet the demands of a global workforce. H.R. 7063, the U.S. and the World Education Act will help prepare our students and our country for the global economy of the future.

## TRIBUTE TO JOHN R. BLACKBURN, JR.

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. SHUSTER. Madam Speaker, I rise today in honor of John R. Blackburn, Jr., Chairman of the UPMC Bedford Memorial Board of Directors. Mr. Blackburn will be retiring after 53 years of service to the UPMC Bedford Memorial Hospital. During his tenure John, or Jack, as he prefers to be known, has served in multiple leadership roles and has been active in a variety of committees including the Finance Committee and the Scholarship Committee. Jack helped form the Memorial Hospital of Bedford County Foundation, worked on the Spring House Estates project, and was a key player during the transition of the hospital to the University of Pittsburgh Medical Center.

Mr. Blackburn was born on December 19, 1922 and has been a life-long resident of Bedford County. After graduating from Bedford High School he enrolled and graduated from the prestigious Dartmouth College in New Hampshire. Jack served in the Army Air Corps for 3 years and was 1st Lieutenant in the Pacific Theatre during World War II. He was also one of the select few who flew the B–32 bomber in the Philippines during that conflict. After his military service Mr. Blackburn returned home and became a partner of Blackburn Russell, a grocery distributor in Bedford.

When Jack became a member of the Bedford Memorial Hospital Board of Directors in 1955 he was following a path paved by his father, John Blackburn, Sr., who has been one of the original Board members. Jack's service to the hospital was anything but in his father's shadow. He served on 12 different hospital committees administering everything from the Buildings and Grounds Committee to the Congestive Heart Failure Committee. He was elected Secretary of the Board in 1964 and served in that role until he was elected Vice-President in 1976. Ten years later Jack found himself elevated to the position of President of the Board of Directors. His position was retitled in 1994 making him Chairman of the Board. After 22 years of leading the Board, and 53 years of service overall, Jack made the decision to step down and enjoy retirement.

Mr. Blackburn and his late wife, Elizabeth dedicated their lives to improving their community. Jack has been an active member and leader in the Bedford community for many years and is well respected. A life of servitude to one's community is something to be proud of. It is also not one that is easy to step away from, because in a man like Jack Blackburn, the desire to help others and the community is something that never truly disappears. I would like to wish Mr. Blackburn all the best in his future endeavors. It is my pleasure to honor Mr. Blackburn today for his many years of service to the Bedford Community, and I hold him up as a model example of good citizenship.

## TRIBUTE TO BOB AHRENS

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of a local Ogden, Iowa mechanic, Bob Ahrens and to express my appreciation for his dedication and commitment to his community.

For 41 years, Bob has been fixing cars for his friends, neighbors and strangers in the Ogden area. He is known for doing quality car repairs without costing a fortune to his customers. He also has performed many jobs on cars where he did not bother to collect the money owed to him. His long-time business

has been a staple holding the community's transportation needs together, and his services will be greatly missed.

Bob Ahrens selfless, hardworking Iowa mentality has set a lasting standard for the people of the Ogden community. I know that my colleagues in the United States Congress join me in commending Bob Ahrens for his service. I consider it an honor to represent Bob in Congress, and I wish him a long, happy and healthy retirement.

## IN MEMORY OF PETTY OFFICER JOSHUA T. HARRIS

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. HUNTER. Madam Speaker, I rise today to honor and pay tribute to the life and memory of former Petty Officer First Class Joshua T. Harris, who was killed during combat operations in Afghanistan last week. Joshua was a native of Lexington, North Carolina, and was deployed to Afghanistan from an assignment at the Naval Special Warfare Development Group in Dam Neck, Virginia.

Joshua graduated from Lexington Senior High School where he distinguished himself as an outstanding linebacker earning both all-county and all-conference honors. He enrolled in Davison College in Davison, North Carolina, where he studied studio art before pursuing graduate studies in architecture at the University of North Carolina.

After enlisting in the Navy on August 23, 2000, Joshua attended Navy SEAL training in California.

Joshua Harris is survived by his mother Evelyn, his father Sam, his twin sister Mary-Maria Kirstin and his older brother, Sam Ranchor. He will always be remembered by his family and friends as a competitive athlete with a passion or art and design.

I would like to share with my colleges a poem penned by Albert Carey Caswell in memory of Petty Officer First Class Joshua Harris, recognizing his heroism and sacrifice to America. The poem titled ''Thou Art'' reads as follows:

THOU ART

A thing of Beauty . . .
A sheer work of art . . .
Can only come but from deep inside one's heart . . .
From only deep down inside one's soul . . .
All in the brush strokes of a lifetime so . . .
All on the canvass of a life behold . . .
To all hearts and minds, and souls . . .
A thing of faith and courage, so!
A thing of beauty . . .
A work of art . . .
To warm all hearts as we grow old . . .
As was your fine life Josh, so . . .
All in courage's quote . . .
All in the seeds of freedom you so sowed . . .
As left behind, to all hearts which spoke . . .
All upon your fine canvass of life as lies such hope . . .
Which but means the very most . . .
That so touches all of our hearts and souls . . .
Is but your fine portrait of life, that which you so wrote!
Painted, all there by your oh so magnificent heart of gold . . .
All in this your Honor's Code . . .
Is but left a fine reflection of your very soul!
Bringing Light!
Bringing Hope!
As in the darkest days of war you fought . . .
Such a thing of beauty Joshua, as you Thou Art!
Are but the colors of your heart . . .
All in this your life's design!
Reminds us all, how against all odds your courage climbed . . .
As against the darkest of all evil's you so shined . . .
All in your Seal of Honor burning bright . . .
To win that day, that night!
Shining, all in your most sacrificial light . . .
Burning bold, burning bright . . . blessing all of us here this night!
For Joshua, how so you lived and died . . .
Brings such tears, even to The Angels eyes!
As so surely, it was but Heaven Joshua you'd find!
As we gaze upon this Masterpiece, all in the life you so left behind!
Mount Up Seal . . . Your new battle has begun . . .
It's your new war to be won!
All as an Angel in The Army of Our Lord, my son!
Now with wings of courage full . . .
A thing of beauty . . .
A work of art . . .
Joshua, my most magnificent of all sons . . .
You are Thou Art!
Amen. . . .

## INTRODUCTION OF LEGISLATION THE PATIENT ADVOCATE ACT

### HON. ROBERT C. "BOBBY" SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. SCOTT of Virginia. Madam Speaker, access to quality, affordable health care is critical to the well being of our citizens. With 46 million uninsured, including 9 million children, and many more underinsured, we must focus on strengthening our existing system as we continue to work to assure that quality health care is available to all. The Patient Advocate Act will assist patients, particularly those with a chronic illness, in successfully meeting the challenges brought on by their illness.

Patients battling a life-threatening illness are generally ill-equipped to negotiate with insurance companies, hospitals and other medical providers. Advocates will be available to assist with job retention and other debt crisis matters, while the patients are dealing with the reality of their illness at the same time. The limited network of existing patient advocate programs have proven their value and cost effectiveness. It is in the best interest of the patient to have someone available to advocate on their behalf while suffering from chronic illness.

Madam Speaker, the Patient Advocate Act would establish a demonstration grant program for State, local, tribal and non-profit entities to develop and operate patient advocate programs. The programs will assist patients in resolving health insurance, job retention, debt crisis and other problems related to the patients' diagnosis and illness. Specific services include negotiating pre-authorization claims, expediting the appeals process on contested claims, resolving billing errors and other bill issues, resolving debt crises, brokering resources to supplement limits to insurance, gaining access to services for the uninsured, and addressing other problems related to the patient's illness, at no cost to the patient. The grants will be made available to existing and new patient advocacy programs.

Madam Speaker, to ensure that patients facing serious illness are able to effectively address the major issues that confront them during their illness, it is vitally important that they have access to professional case management services. The Patient Advocate Act will provide communities with the ability to establish patient advocate programs to assist patients as they negotiate the challenges of serious illness. I urge my colleagues to support this bill.

## TRIBUTE TO JERRY HOWELL

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Jerry Howell, organist at the Maxwell Church of the Brethren and Loring United Methodist Church of Maxwell, Iowa, and to express my appreciation for his dedication and commitment to his church and community.

For the past 50 years, Jerry has contributed his time and talents to his church community. He began piano lessons at the age of 11. In 1958, the organist at Santiago Methodist Church in rural Mitchellville retired, and at the age of 14, Jerry was called up to the organ bench. In 1989, Jerry and his wife Opal transferred their church membership to Loring United Methodist Church in rural Maxwell, Iowa. The organist at Loring retired, and Jerry was back on the organ bench. For the past 10 years, he was the organist for both Loring and Maxwell Church of the Brethren.

It is estimated that in the past 50 years, Jerry has played for 2,700 Sunday morning services, 120 funerals and 25 weddings. Unfortunately, Jerry's career has been cut short with his diagnosis of age-related macular degeneration that has caused blurry vision that makes reading and playing the music difficult. Although he no longer plays the organ at church, the memories of Jerry's musical contributions live on, and he continues to be an active member of his community.

Beyond retiring from his service at church, Jerry also retired from his job as an accounting technician at the Iowa Department of Transportation a year and a half ago, and he has taken the opportunity to travel around the country while his vision remains strong enough. I consider it an honor to represent Jerry Howell in the United States Congress, and I wish him a long, happy and healthy retirement as he continues to serve his community and travel around the country.

## RECOGNIZING THE HONORABLE RON LEWIS ON THE OCCASION OF HIS RETIREMENT

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. BONNER. Madam Speaker, I rise today to honor the distinguished career of the Honorable RON LEWIS for his service to the people

of Kentucky and the United States House of Representatives. Congressman LEWIS has represented the 2nd Congressional District of the state of Kentucky for the past 14 years.

RON was born and raised in South Shore, Kentucky. He graduated from McKell High School and worked his way through Morehead State University before transferring to the University of Kentucky, where he received a Bachelor of Arts in history and political science. Following graduation, he worked as a salesman and then taught at a business college in Louisiana. He returned to Morehead State and earned a Master of Arts in Higher Education and then attended Southern Baptist Seminary and became an ordained Baptist minister.

RON has long been an ardent supporter of our national defense. In 2005, he and the entire Kentucky delegation successfully fought the closing of Fort Knox, one of our nation's premier military installations employing nearly 9,000 personnel. Due in large part to RON's leadership during this most recent round of base realignment, Fort Knox was designated to remain open and to keep the majority of our nation's gold reserves.

From his post on the powerful Ways and Means Committee, RON has been a champion for farmers in his heartland district. He sponsored the Rural Communities Investment Act, which provides tax incentives to make interest income on farm real estate and certain rural housing loans exempt from federal taxation. He has also worked to develop alternative fuels made from crops grown in his district, sponsoring legislation to promote increased use of ethanol and biodiesel, made from corn and soybeans.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated leader and friend to many in this body. I know his family, his wife, Kayi; his two children, Ronald Brent and Allison Faye; and his many friends and colleagues join me in honoring his accomplishments and extending thanks for his service over the years on behalf of the commonwealth of Kentucky and the United States of America.

RON will surely enjoy the well deserved time he now has to spend with his family and loved ones. I wish him the best of luck in all his future endeavors.

## HONORING MISS ALLISON SCHMITT UPON HER ACHIEVEMENT OF THE BRONZE MEDAL IN THE 2008 SUMMER OLYMPICS

### HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. MCCOTTER. Madam Speaker, today I rise to honor and acknowledge Miss Allison Schmitt upon her achievement of the Bronze Medal in the Women's 4x200 Meter Freestyle Relay in the 2008 Summer Olympics.

Allison Schmitt was born in Pittsburgh, Pennsylvania on June 7, 1990. At the age of 9, she began her swimming career with the Plymouth Canton Cruiser in Canton, MI. Allison then went on to join the Ann Arbor Swim Club at the age of 12. During her high school career, Allison swam Varsity all four years she attended Canton High, and was also acknowledged by her team as the MVP all four years. During her time at Canton High School, Allison was named All-State a total of eight times, two per year of attendance, and was named Michigan High School Swimmer of the Year in 2006. In her senior year, Allison was Canton High's Swim Team Captain. Allison is a ten time All-American athlete and holds two Michigan State High School records.

In December of 2007, Allison began training with Club Wolverine's High Performance Group, under Coach Bob Bowman. In January 2008, Allison graduated from Canton High School to train for the Olympic trials. On July 2, 2008, Allison made the USA Olympic team and subsequently achieved a national age group record in the 200 meter freestyle.

On August 14, 2008, the United States Women's 4x200 meter Freestyle Relay team consisting of Allison Schmitt, Natalie Coughlin, Caroline Burckle, and Katie Hoff broke the American record and swam the relay in 7:46.33, achieving a third place finish and a bronze medal.

Madam Speaker, today, I ask my colleagues to join me in wishing Allison every success as she attends the University of Georgia, where she will continue her swimming career during the fall of 2008; and in congratulating and thanking Miss Allison Schmitt upon her winning the bronze medal as a member of the United States Women's 4x200 Freestyle Relay Team for making us all so proud.

## EARMARK DECLARATION

### HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. FORBES. Madam Speaker, consistent with Republican earmark standards, the following are detailed finance plans for each of my requested projects in H.R. 2638, the Consolidated Security, Disaster Assistance and Continuing Appropriations Act.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 2638.

Account: Homeland Security.

Legal Name of Requesting Entity: Chesterfield County, VA.

Address of Requesting Entity: 9901 Lori Road, Chesterfield, VA, 23832, USA.

Description of Request: Provide $250,000 to enhance perimeter security at the Chesterfield, VA Emergency Operations Center to assure the safety of personnel during response efforts, as well as the protection of our emergency response critical infrastructure. The Emergency Operations Center (EOC) is a highly sensitive public safety agency. The function of the EOC is to provide information to public safety providers and citizens on a range of items to include criminal activity, terrorist activity or natural disasters. In the event of a terrorist or an individual(s) who may want to hinder or interrupt the public safety system in the County, the logical place to strike is the EOC. In order to mitigate the risk of sabotage or criminal activity, providing physical security to our facility is necessary.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 2638.

Account: Military Construction, Navy.

Legal Name of Requesting Entity: Norfolk Naval Shipyard.

Address of Requesting Entity: Norfolk Naval Shipyard, Portsmouth, VA, USA.

Description of Request: Provide $9,990,000 to make Industrial Access Improvements at Main Gate 15 at the Norfolk Naval Shipyard. Mandatory vehicle access control at military installations is a Department of Defense (DoD) requirement per DoD Directives 5200.8 and 5200.8R. Based on a Staff Integrated Vulnerability Assessment conducted in October 2006, the entrance and guardhouse configuration at Gate 15 are inadequate for both industrial access and from a security/safety standpoint and require upgrading. This project provides for industrial access improvements of Gate 15 including the truck and private automobile inspection area, Pass Office Renovations and counter terrorism measures at Gate 15.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 2638.

Account: Military Construction, Army National Guard.

Legal Name of Requesting Entity: Fort Pickett.

Address of Requesting Entity: Fort Pickett, VA, USA.

Description of Request: Provides $2,950,000 to be used to construct a Multipurpose Machine Gun Range for training purposes with a variety of firearms and weapons for the Virginia National Guard and other Army and Guard units along the East Coast. Full budget documentation is a part of the President's Fiscal Year 2009 Department of Defense budget request.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 2638.

Account: Military Construction, Army.

Legal Name of Requesting Entity: Fort Lee.

Address of Requesting Entity: Fort Lee, VA, USA.

Description of Request: Provides $90,000,00 to construct a standard-design training barracks complex for advanced initial training for Army soldiers. This project supports the increase in trainee requirements at Fort Lee as part of the increase in permanent end strength of the Army. The estimated and intended use is 1200 soldiers. All existing adequate facilities are being fully utilized to support current operations. If this project is not provided, there will not be sufficient adequate permanent facilities to support the Grow the Force initiative and soldiers will continue to work out of temporary and/or relocatable buildings which have limited operational capabilities and limited useful life expectancies. Full budget documentation is a part of the President's Fiscal Year 2009 Department of Defense budget request.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 2638.

Account: Military Construction, Army.

Legal Name of Requesting Entity: Fort Lee.

Address of Requesting Entity: Fort Lee, VA, USA.

Description of Request: Provides $10,300,000 to provide a dining facility to support an increase in the number of soldiers who will receive Advanced Individual Training at Fort Lee. This project supports the Grow the Force initiative. It will enable the Army to meet the greater training throughput requirement that will result from the increased size of the

Army. All existing adequate facilities are being fully utilized to support current operations as well as Army Modularity and Global Defense Posture Realignment (GDPR) initiatives. If this project is not provided, there will not be sufficient adequate dining facilities to support the training requirement as a result of the Grow the Force initiative. All physical security measures and antiterrorism protection measures are included. The Deputy Assistant Secretary of the Army (Installations and Housing) certifies that this project has been considered for joint use potential. Full budget documentation is a part of the President's Fiscal Year 2009 Department of Defense budget request.

Requesting Member: Congressman J. RANDY FORBES.

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation, Defense-Wide.

Legal Name of Requesting Entity: Virginia Modeling, Analysis and Simulation Center.

Address of Requesting Entity: Virginia Modeling, Analysis and Simulation Center, 1030 University Blvd., Suffolk, VA 23435, USA.

Description of Request: Provide $640,000 for research and development effort that will bring together the Modeling and Simulation community to define, implement, and utilize a set of standards that will guide the development of M&S capability for the foreseeable future. Standards will provide a more cost effective way to ensure simulation compatibility and reuse among the Services and the many types of simulations being developed to address their problems. This action provides funding for the Virginia Modeling, Analysis and Simulation Center at Old Dominion University to develop a set of modeling and simulation standards that will guide all aspects of DoD modeling and simulation design and development.

## OFFICER RICKY ANTOINE

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. POE. Madam Speaker, today I recognize Port Arthur police officer, Rickey Antoine for his commitment to law enforcement and traffic safety.

On August 21, 2008, Officer Antoine was awarded 2008 Traffic Officer of the Year by Texas Department of Transportation's Statewide Transportation Enhancement Program (STEP) that offers grants for police officers to target a specific area of enforcement during overtime. The Texas Department of Transportation acknowledged Officer Antoine for his ''outstanding achievements and extraordinary efforts to save lives on Texas streets and highways.'' Being the first time a police department east of Houston has been recognized for its efforts, this is a great accomplishment for Officer Antoine and the Port Arthur Police Department.

Despite issuing traffic tickets not being pleasant for him and hearing many complaints, Officer Antoine has dedicated his service to enforcing the law. He has issued hundreds of traffic tickets in the two years he has served on the Department's traffic unit. He has even ticketed motorists driving 5 miles over the speed limit, which appears to be absurd to violators, but Officer Antoine sticks by the law to ensure traffic safety.

While Officer Antoine would rather not write traffic tickets, he follows the principle that drivers must take responsibility for their actions. Driving over the speed limit increases the risk of death in an automobile accident. Officer Antoine has devoted his career to limiting that risk for drivers by enforcing the speed limit to as many people possible.

Before Officer Antoine came onto the area stretching across Ninth Avenue, speed limits were almost always violated.

On behalf of the Second Congressional District of Texas, I congratulate Officer Rickey Antoine for his accomplishments and applaud his dedication to traffic safety and making Southeast Texas a better place to drive.

And that's just the way it is.

## EARMARK DECLARATION

### HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. REGULA. Madam Speaker, in accordance with the Republican rules on earmarks, I wish to place these eight declarations in the CONGRESSIONAL RECORD for earmarks secured in H.R. 2638—the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Rep. RALPH REGULA (OH–16).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation—Defense-Wide.

Legal Name of Requesting Entity: Seaman Corporation.

Address of Requesting Entity: 1000 Venture Blvd, Wooster, OH 44691.

Description of Request: To provide an earmark of $1.6 million to develop and test improved collapsible urethane fuel storage tanks. Specifically, the money will be spent on 16 tanks of varying sizes, rental and site preparation of two test locations, site operations, disposal and clean-up costs, and the rental cost of JP–8 fuel with which to carry out the testing.

A wide range of critical military, national security, and natural disaster response activities depend on collapsible storage tanks for fuel and water distribution. In recent years, the Government has purchased fuel tanks that have not consistently performed well. The development and testing of better manufacturing processes will ensure extended life and performance dependability to meet the increasing fundamental infrastructure needs of all branches of our military service and national security agencies.

Requesting Member: Rep. RALPH REGULA (OH–16).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: Will-Burt Company.

Address of Requesting Entity: 169 Main St., Orrville, OH 44667.

Description of Request: To provide an earmark for $2,400,000 to develop a rugged, telescoping, fast-erecting/retracting, and locking mast for use in elevating heavy payloads on ground vehicles. Often, mission requirements dictate a powered payload to be extended from a vehicle in either the horizontal or vertical direction. LOS radio communications, for example, are significantly enhanced by elevating optical sensors and antennae above ground level. The development of this mast technology will significantly enhance mission flexibility, enable on-the-move engagement of urban and field targets above ground level, and enhance manned and unmanned ground vehicle survivability by allowing ''ahead'' vision/sensing of IEDs and enemy combatants.

Requesting Member: Rep. RALPH REGULA (OH–16).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: American Engineering & Manufacturing.

Address of Requesting Entity: 4622 French Creek Road, Sheffield, OH 44054.

Description of Request: To provide an earmark of $2,400,000 for the Advanced Materials & Processes for Armament Structures, AMPAS. This is a public/private partnership that will leverage up to $50,000,000 private and $20,000,000 public investment with the goal of increasing the availability of low cost titanium for government and commercial manufacturing.

This program was initiated to provide significantly lighter components for military equipment resulting in ease of use and transport of equipment. This program implements research using native Ohio titanium production facilities for low-cost titanium products used in U.S. Army applications. The ability to successfully transfer commercial developed metal-forming technologies to Federal agencies is a key contributor to United States readiness and economic competitiveness. As the U.S. Army undertakes transformation implementation with lighter-weight equipment, the use of titanium in armament and ground vehicles is becoming more and more important.

Requesting Member: Rep. RALPH REGULA (OH–16).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: Contained Energy, Inc.

Address of Requesting Entity: c/o Wright Fuel Cell Group, 1819 E. 101st St., Cleveland, OH 44106.

Description of Request: To provide an earmark of $800,000 to continue work on developing advanced applications of direct carbon fuel cells. The Army spends $1 billion annually on energy, of which $750 million is energy for facilities. Further development of fuel cell technologies could significantly reduce the cost of energy for facilities, while simultaneously reducing Army reliance on fossil fuels and increasing the use of renewable energy.

Requesting Member: Rep. Ralph Regula (OH–16).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation—Defense-Wide.

Legal Name of Requesting Entity: The University of Akron.

Address of Requesting Entity: 302 Buchtel Mall, Akron, OH 44325.

Description of Request: To provide an earmark of $800,000 to establish the first undergraduate corrosion engineering program to offer corrosion-specific, accredited engineering degrees at the associate and baccalaureate

levels. Specifically, the money will be spent on curriculum development, student training, outreach and recruiting efforts, and establishing a corrosion testing and teaching laboratory.

The direct annual costs of corrosion for the Department of Defense are estimated to be more than $20 billion. Preventing or slowing the forces of corrosion could result in enormous cost savings for not only the Department of Defense, but the government as a whole. Additionally, the debilitating effects of corrosion have been documented to have a significant impact on readiness and in-theater operability. A key factor in combating corrosion is the availability of an educated workforce that can integrate corrosion considerations at the earliest stages of the acquisition process. This project will develop appropriate curriculum that will result in a pipeline of qualified corrosion engineers.

Requesting Member: Rep. Ralph Regula (OH–16).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: The Defense Metals Technology Center.

Address of Requesting Entity: c/o Stark State College 6200 Frank Ave, NW North Canton, OH 44720.

Description of Request: To provide an earmark for $3,000,000 to fund an industry-based consortium to serve the needs of the Department of Defense by facilitating research and development of innovative technology and products for the defense materials and manufacturing industry. Specifically, the money will be used for staffing, strategic metals research and development, technology insertion, industrial base risk analysis, local academic research grants, and cooperative educational work programs.

The Center will serve the current industry needs, capture the individual successes of each service, manage the needs of each service, and look broadly to the expansion of the strategic metals industrial base to serve both the military and commercial markets.

Requesting Member: Rep. Ralph Regula (OH–16).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: Honeywell International.

Address of Requesting Entity: 101 Constitution Ave, NW Suite 500 West Washington, DC 20001.

Description of Request: To provide an earmark of $800,000 to fund complete research, development, testing and evaluation of a redesigned Accessory Gear Box (AGB) for the CH–47F Chinook helicopter. The redesigned AGB will give the operator and maintainer of the CH–47F Chinook fleet a 200 percent improvement in AGB reliability, which is critical to mission readiness. The redesigned AGB will increase reliability, durability, and safety. In addition to the Army's CH–47F, the redesigned AGB will also be compatible with Special Operations MH–47s, the Air Force Combat Search and Rescue (CSAR–X) aircraft, and our allies' CH–47 helicopter fleets.

Requesting Member: Rep. Ralph Regula (OH–16).

Bill Number: H.R. 2638.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: Bosch RexRoth Corporation.

Address of Requesting Entity: 1700 Old Mansfield Road Wooster, OH 44691.

Description of Request: To provide an earmark of $800,000 to address the needs of the U.S. military's tactical wheeled fleets to significantly reduce fuel consumption and improve vehicle performance and mobility. Specifically, the money will be spent 60 perent on salaries and labor, 20 percent on materials, and 20 percent on hybrid system and vehicle testing.

This research and development will produce advanced Hydraulic Hybrid Vehicle technology that will improve fuel economy by up to 60 percent for the tactical wheeled fleet, reduce the required logistics support footprint, and reduce maintenance and replacement costs due to a reduction in brake wear. The benefits to the U.S. military are many, including supporting the American warfighter, conserving energy, improving cost-effectiveness, and reducing the Department of Defense's dependence on fossil fuels and foreign oil.

## DR. ED YOUNG

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. POE. Madam Speaker, Jesus told the well-known parable of a shepherd who owned 100 sheep, Luke 15:3-7. When the shepherd discovered that one of his sheep was missing, he left the 99 secure and went back to find the lost one. The point is that every sheep is important. "The Lord is . . . not willing that any should perish", 2 Peter 3:9. Today, I am proud to honor long time shepherd, Dr. Ed Young, and his ministry as he celebrates 30 years with Second Baptist Church in Houston, Texas.

Dr. Young became the pastor of Second Baptist Church in 1978 and continues to minister today. Under Dr. Young's leadership in 1979, Second Baptist started its weekly broadcast of the church's worship services on local television station, Channel 39. The purpose of the weekly broadcast was to create interest in local residents and minister inside and outside of the church network.

Dr. Young was elected President of The Southern Baptist Convention in both 1992 and 1993. He has also authored a number of books, including The Winning Walk: Outfitting for the Christian Adventure, The 10 Commandments of Parenting, and Total Heart Health.

Dr. Young is host of the broadcast radio show, The Winning Walk, named after his first book. The Winning Walk television broadcast has also emerged. Both programs and the Internet outreach have produced national and international exposure.

Since his start, Second Baptist has grown from 2,000 members to more than 48,000 members in five different campuses. Dr. Young and Second Baptist's ministry has not only spread throughout Houston, but has reached people worldwide.

Dr. Ed Young was born on August 11, 1936 in Laurel Mississippi. He was inspired by his pastor's wife, Mrs. Gates, who led him to faith at the age of 12.

Dr. Young attended University of Alabama for half a semester before leaving. After being challenged about his faith by a dorm-mate at the University, Dr. Young decided to seek out God's purpose in his life. He transferred to Christian University, Mississippi College, where he continued his education and prepared himself for his future ministry. He later attended Southeastern Baptist Theological Seminary in Wake Forest, North Carolina and remained in the area, where he got his first pastoral experience. After ministering in North and South Carolina for a while, he and his wife, Jo Beth, moved to Houston, Texas.

On behalf of the Second Congressional District of Texas, I want to congratulate my long time friend Dr. Ed Young for his 30 years at Second Baptist Church and honor his ministries that have touched numbers of people worldwide.

And that's just the way it is.

## IN HONOR OF FRED SHELDON, PRESIDENT OF THE NATIONAL RURAL WATER ASSOCIATION

### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to congratulate Mr. Fred Sheldon as he becomes the new President of the National Rural Water Association. Fred is to be commended for his dedication to keeping our water and environment clean and healthy.

Fred has served on the Executive Board of National Rural Water for 8 years. His commitment to serve America's communities has included several terms as Board President and Vice President of the association. He was also instrumental in the establishment of Evergreen Rural Water of Washington in 1994.

As a professional in the field, Fred is dedicated to helping ensure a safe drinking water supply for all of us to use and enjoy. I am sure that National Rural Water will be in excellent hands for the duration of Mr. Sheldon's 2-year tenure.

Madame Speaker, I invite my colleagues to join me in commending Fred for his excellent work stewarding our natural resources and in congratulating him as he starts his new position as President of the National Rural Water Association.

## ON THE IMPORTANCE OF EXTENDING FOSTER CARE SERVICES THROUGH AGE 21

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. GEORGE MILLER of California. Madam Speaker, the House and the Senate recently approved an important bill to make significant reforms to our child welfare system, including provisions to address the serious and urgent need to provide vital support to foster youth during their transition to independent adulthood. One provision of the bill in particular allows states to voluntarily extend foster care to age 21 from its current limit of 18 years of age. The President is expected to sign H.R.

6893, The Fostering Connections to Success and Increasing Adoptions Act of 2008, into law shortly. I am proud to have voted for this bill, sponsored by my good friend Rep. JIM MCDERMOTT, and I look forward to its implementation and the benefits it will bring to young people struggling to overcome their difficult circumstances.

Recent research indicates that across the Nation more than 24,000 youth ''age-out'' of foster care each year. This figure represents an increase of 41 percent since 1998 in the number of young people who leave foster care without having found a permanent connection to a family or stable adult.

Thus, youth who turn 18 and are discharged from the system find themselves on their own, without the support that most adolescents rely upon as they transition from childhood to independent adulthood. Without that support, former foster youth are known to struggle. One in four will be incarcerated within a year of leaving the child welfare system. One in five will experience homelessness in that same year. Rates of mental health diagnoses are higher than in the general population, yet access to treatment and counseling is sporadic. Additionally, these youth have extremely low rates of educational attainment and thus are frequently unable to secure and sustain employment sufficient to meet their basic needs.

The same research that documents these overwhelming challenges, however, also shows the benefits of extending foster care to age 21. A large, ongoing, multi-State study conducted by Chapin Hall at the University of Chicago, indicates that when youth are allowed to remain in care beyond their 18th birthday, they fare significantly better than youth who cannot. Some States voluntarily extend the option to young adults who have been unable to secure a permanent connection, and when Chapin Hall compares their later life circumstances to those of youth who were turned out at 18, found that they achieved significantly higher levels of education, earned higher wages, waited longer to become pregnant and bear children, and they took increased advantage of available services.

The study's authors state clearly that their findings indicate that extending foster care services can support youth in developing into healthy, educated, productive, and independent citizens. By giving all States the option of continuing foster care services to age 21, the legislation Congress recently approved would allow States to continue vital support for their disconnected adolescent foster youth during a crucial life transition, increasing the likelihood that these youth will experience better ultimate outcomes.

As a long-time member and now chairman of the House Education and Labor Committee, I have dedicated many years to the effort of improving the lives of children in foster care and have had the opportunity to work with many different individuals and organizations along the way. Today I wanted to highlight one group in particular for its efforts as it relates directly to the bill we just approved.

The John Burton Foundation for Children Without Homes has played an invaluable role in identifying potential policy solutions to the documented difficulties of former foster youth. Under the leadership of California State Senator John Burton (retired), the foundation plays a critical role at the State and national levels by bringing legislative attention to the needs of some of the Nation's most vulnerable young people. The foundation sponsors and advocates for legislation aimed at providing necessary ongoing support to youth who, by definition, the government has taken on the responsibility of parenting.

Through their advocacy to members of Congress and effective efforts to organize stakeholders in California, the John Burton Foundation has played an important role in ensuring that the extension of Federal funding to age 21 is included in this legislation. The evidence is solid and the conclusion is clear: Extending foster care services to age 21 to young adults raised in the child welfare system will support them in their effort to become healthy, independently functioning adults, and thereby honor the commitment made to them by the State and Federal governments.

Madam Speaker, I deeply appreciate the foundation's efforts and I deeply appreciate the work that my colleague, Rep. MCDERMOTT, carried out in passing this legislation. Congress owes a great deal to children in foster care, and this legislation will be a very important step in that direction.

## SEATBELTS FOR INCREASED BUS SAFETY

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. POE. Madam Speaker, most of us are aware of the bus accidents that have been occurring around the country. Two years ago there was a fatal bus accident involving the Westbrook High School girls' soccer team in Beaumont, Texas. Just this year, there was an accident in Sherman, Texas, which involved several Vietnamese community members. Similar incidents occurred in Liberty, Missouri, Arlington, Virginia, New York City, and New Orleans, to name a few.

These tragic bus accidents demonstrate that school bus safety reform is an urgent issue. While school buses are among the safest mode of transportation, these re-occurring accidents are unacceptable. School buses need to be safer.

The widespread bus crashes have sparked a comeback in the idea of seatbelts in buses. Seatbelts raise the issue of whether they would increase bus safety.

According to the Texas Department of Transportation, Texas safety belt use has topped 90 percent, this being the third year in a row. The majority of people in Texas are wearing their seatbelts in cars and trucks. But few to no passengers are wearing their seatbelts in school buses. Currently, there is no Federal mandate on seatbelts in buses.

Every State, except New Hampshire, requires by law that car and truck drivers and passengers wear seatbelts. This is because seatbelts work—they increase a passenger's chance of survival in a crash. In short, seatbelts save lives.

If laws require passengers of cars and trucks to wear seatbelts, why are there no requirements for buses to even include seatbelts? In many States there are variations of ''Click it or Ticket'' policies that threaten motorists who don't wear seatbelts, yet no such laws apply to the buses that carry our children and community members on a daily basis.

Certainly, buses are made very different from cars and trucks. For one, buses can carry many more passengers than any car. Some of these differences might lead one to believe that there should not be a mandate on seatbelts in buses. These differences have not stopped bus drivers from being required to wear seatbelts. So why not for school bus passengers as well?

Some claim that seatbelts may not be properly worn by passengers or cause injury. If anything, it shows that seatbelts should be made better. However, to completely disregard seatbelts as a safety precaution is absurd.

The answer appears to be that of common sense. While seatbelts are in no way a quick fix and there are many questions surrounding seatbelts in buses, they should be looked into as one of the very many necessary measures taken to ensure school bus safety.

## MR. JOHN DIEDERICH

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. VISCLOSKY. Madam Speaker, it is with great respect and sincerity that I take this time to honor one of Northwest Indiana's most distinguished business and community leaders, Mr. John Diederich of Crown Point, Indiana. On Thursday, September 25, 2008, John will be honored by the Northwest Indiana Forum for his many years of service as a dedicated executive and his many contributions to the Northwest Indiana community. This extraordinary event will be taking place at Gamba's Ristorante in Merrillville, Indiana.

John Diederich has been a fixture in the banking industry in Northwest Indiana for the past thirty-four years. Following his collegiate studies, where he earned a degree in Accounting from Calumet College of Saint Joseph in Whiting, Indiana, and a degree in Finance from Saint Joseph's College in Rensselaer, Indiana, John entered the banking industry as a controller at Commercial Bank in Crown Point, Indiana. From there, he went on to serve as a commercial lender for Gainer Bank before being named its Division Manager for Commercial Lending in 1989. Mr. Diederich remained in this position until 1996, when he was named Manager of Private Banking and Investments for First Chicago NBD. Following a brief stint as Manager of Commercial Lending with Bank One, he was named Regional President of Bank One in 2000, and remained in that role with JPMorgan for the last eight years.

Throughout the years, John Diederich has become known just as much for his contributions to his community as to the banking industry. One of the most giving and selfless individuals I have ever had the pleasure of knowing, John has dedicated much of his time focusing on the development of the economy in Northwest Indiana, most notably as a past chairman of the Managing Board of Directors for the Northwest Indiana Forum and as a founding member and past president of the Regional Development Company. John has also volunteered much of his free time working with organizations that help children in his

community. He serves or has served in various capacities on the boards for numerous organizations, including: the Boys and Girls Club of Northwest Indiana, where he is a past chairman of the board, the Southlake YMCA, for which he is a past president, the Juvenile Diabetes Research Foundation, Trade Winds, the Crown Point Community Foundation, the Diocese of Gary, and the Crisis Center in Gary, Indiana, where he currently serves as its chairman of the board.

While John has always been committed to his work and has remained active in the Northwest Indiana community, his greatest enjoyment is the time spent with his beautiful family. He and his wife, Louise, have one daughter, Lisa, a graduate of Butler University, and one son, Brian, who currently attends the University of Dayton.

Madam Speaker, at this time, I ask that you and my other distinguished colleagues join me in commending Mr. John Diederich as he is honored for his lifetime of service and dedication to the Northwest Indiana community. His years of service have touched and improved the lives of all whom he has served. His unselfish and lifelong dedication is worthy of the highest commendation, and I am proud to represent him in Congress.

## IN RECOGNITION OF HILLSBOROUGH MAYOR CATHERINE ''KITTY'' MULLOOLY

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Ms. SPEIER. Madam Speaker, this fall, one of California's most dedicated public servants will retire as Mayor of the Town of Hillsborough in the 12th Congressional District. The Honorable Catherine Mullooly, ''Kitty'' to all who know her, has been a beacon of light and volunteer extraordinaire since relocating from her native Wisconsin to our beloved Bay Area some forty-three years ago.

One year after graduating from the University of Wisconsin—Whitewater in 1964, Kitty came west with her new husband Doctor Thomas Mullooly, DDS, where she taught at San Francisco's St. Stephen's Elementary School prior to giving birth to her first child, Michelle. Two years later, their family was joined by son, Michael, and shortly thereafter the Mulloolys moved to Hillsborough where they have been ever since.

Kitty and Tom have brought smiles to peninsula residents for more than thirty years, through both dental healthcare and civic involvement. In fact, it is difficult to say ''Mullooly'' without smiling.

Kitty Mullooly's charitable work was recognized by her adopted hometown with Hillsborough's Community Care Award in 1985. She was further honored as 1989's Hillsborough Citizen of the Year. Three years later, Kitty was elected to the City Council, where she quickly impressed her peers with her hard-work and was re-elected for three subsequent terms.

During Ms. Mullooly's tenure in city government, she has been tapped to serve two terms as Mayor, including her current stint which began in 2006 and ends at the end of this year, when she will step down from her official role in city leadership. But Madam Speaker, I know Mayor Mullooly, and I can assure you that she will not stray far from Town Hall. In fact, she lives just two doors away and I have a strong suspicion she will continue listening to her scanner so she can race with the firefighters she has helped her whole career to any call that goes out.

Kitty's commitment to our community has encompassed all aspects of daily life. She volunteered her skills for the Early Childhood Education/School Improvement Program, served on the Hillsborough Elementary School district Board of Trustees and the town's Recreation Commission and was the Chairwoman of our community's premiere charity event, the Hillsborough Concours d'Elegance. Regionally, Mayor Mullooly represents our community on the San Francisco Airport Community Roundtable, the San Mateo Area Emergency Services Council, and is a Board Member of Leadership San Mateo.

Now that Michelle and Michael are grown and married, Kitty and Tom have turned their attention to their grandchildren, Ashley and Christopher. Like your own, Madam Speaker, Kitty's grandchildren are fortunate to have a grandmother that will serve as an inspiration and role model for the rest of their lives.

Kitty is many things to me—my Mayor, my constituent and my friend. Any day spent with her is a good day. I have expressed my appreciation and admiration in private many times. A highlight of my short time in Congress is being able to do so in this most public of forums.

## EARMARK DECLARATION

### HON. ROBERT E. LATTA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. LATTA. Madam Speaker, pursuant to the Repubublican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009. The following are the Department of Defense and Military Construction projects I have requested that have received funding approval:

Project Name: N-STEP Enabled Manufacturing Cell for Future Combat Systems.

Bill Number: H.R. 2638.

Account: RDTE, A.

Requesting Entity: Joint Systems Manufacturing Center/General Dynamics; 1161 Buckeye Road, Lima, Ohio 45804.

Project Description and Amount: Joint Systems Manufacturing Center-Lima (JSMC) has developed, designed, installed and implemented an N-STEP Enabled Reconfigurable Manufacturing Cell and has completed performance demonstration phases using automatic processes. To make the core equipment production ready for FCS, specific weld process development using the Friction Appurtenance Welder, FAW, must be completed. This funding request will provide for the necessary technical resources required to develop the weld machine parameters/specifications for support of vehicle production activities. $2,400,000.

Project Name: Electronic Motion Actuation Systems.

Bill Number: H.R. 2638.

Account: RDTE, N.

Requesting Entity: Moog: FloTork Facility, 1701 North Main Street, P.O. Box 68, Orrville, Ohio 44667.

Project Description and Amount: The purpose of the project is to develop shipboard-qualified prototype electric actuators and demonstrate their satisfactory performance in shipboard applications. Successful completion of the technology will reduce shipboard personnel and reduce repair and maintenance costs. The Department of the Navy has repeatedly stated its desire for an all-electric ship. The target ship for this concept is the DDX which is due to hit the water in 2010. Environmental hazards associated with hydraulic systems will also be eliminated by moving to an electric actuator. $800,000.

Project Name: Barracks, Camp Perry Training Site, Port Clinton, Ohio.

Bill Number: H.R. 2638.

Account: Department of Defense, Army National Guard.

Military Facility Address: Ohio National Guard, Camp Perry Training Site, 1000 Lawrence Road, Port Clinton, Ohio 43452.

Project Description and Amount: Provide $2 million in P–341, unspecified minor military construction, funds pursuant to Title 10 U.S. Code 2805, to construct a new 80-bed baracks at the Ohio National Guard's Camp Perry Training Site, Port Clinton, OH. The request will increase the readiness of our servicemen and women in the Ohio National Guard and help them better prepare for the challenges they face both at home and abroad. $2,000,000.

## IN HONOR OF DR. SCOTT KENNEDY

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. FARR. Madam Speaker, I am proud today to rise to pay tribute to Dr. Scott Kennedy, a former mayor of Santa Cruz, CA. Dr. Kennedy has been named the 2008 recipient of the El-Hibri Charitable Peace Education Prize—which rightly recognizes his tireless, selfless and fearless promotion of peace and social justice in the Middle East and around the world.

It is with great pleasure that I call attention to Dr. Scott Kennedy's work to bring peace to the world over the course of his lifetime. He has been a Peace Educator for 40 years and was instrumental in pioneering educational delegations to conflict zones, now a widely practiced form of peace education. Scott has personally led more than three dozen delegations to the Middle East since 1979. He also helped establish Witness for Peace, which brought thousands of U.S. citizens to Nicaragua on short educational delegations.

Scott Kennedy co-founded the Resource Center for Nonviolence in Santa Cruz, CA, which is one of the most active community-based peace education centers in the Nation. The Center has been host to world-renowned international speakers, workshops, and programs focusing on the need for peaceful and just resolution of conflicts both locally and

globally, and I have been privileged to be a participant in these activities.

Scott has actively served on the board of many organizations that teach and exemplify peace and empowerment, including the Fellowship of Reconciliation, Middle East Witness, Refuser Solidarity Network, Middle East Advisory Committee of the American Friends Service Committee, Isla Vista Youth Project, Thomas Merton Unity (Nonviolence) Center, the Isla Vista People's Life Fund, California Youth Advocate Program, National Youth Advocate Program, and the Interfaith Peace-Builders.

Madam Speaker, true men of peace grace generations and, in my lifetime, I have witnessed Mohandas Gandhi, Martin Luther King, and Nelson Mandela. I am proud to commend Scott Kennedy as a true man of peace, and I am proud to call him my friend.

## REMARKS IN RECOGNITION OF T. JACK FOSTER

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Ms. SPEIER. Madam Speaker, this evening I salute one of the young pioneers of the 12th Congressional District. T. Jack Foster, Jr. in his 80th year, is being honored by the Rotary Club of Foster City on Saturday, September 27, 2008.

In 1960, after a successful career in Honolulu, Hawaii, where he constructed over 1500 single family homes, T. Jack Foster moved to San Mateo County to join his father, T. Jack Senior and brothers, J.R. and Richard, in planning and building a vital, safe and environmentally sound community that would become known as Foster City, California.

Foster City is now a successful bedroom, office and retail community of 30,000 full-time residents and an equal number of employees who commute to the many companies doing business there. A city like no other, it is built around a series of lagoons and canals that not only provide beautiful views, but enhance the city with a vast array of recreational opportunities.

Born July 21, 1928 in Norman, Oklahoma, Jack received a degree in Business Administration from the University of Oklahoma, where he was Editor of the Sooner Yearbook and inducted into Phi Eta Sigma and Beta Gamma Sigma honorary societies. After college, he served two years of active duty in the United States Air Force before launching his real estate career.

Jack and his lovely and vivacious wife, the former Patricia Chesnut, live in San Mateo. They have a daughter, Lee and two sons, T. Jack III and Mark. Their six creative and energetic grandchildren take after talented grandpa, who is an accomplished singer, actor and tap dancer who has entertained thousands by performing in many local theater productions.

Madam Speaker, Jack is a longtime friend and, on occasion, a gentle critic. He cares passionately about San Mateo County, its people, policies and environment. Jack has given back as much as he has received in his long and fruitful life. He has worked tirelessly to advance healthcare opportunities as President of the Comprehensive Health Planning Council of San Mateo County and first Chairman of the Health Network Consortium of San Mateo County. He has also served as Chairman of the San Mateo County Economic Development Association and is a past President of the Peninsula Community Foundation.

Jack and Pat were notably and appropriately honored as 2000 Volunteers of the Year by the Volunteer Center.

Madam Speaker, my district and our San Francisco Bay Area would be a different place without the vision and hard work of the Foster family. It gives me great joy to inform the rest of our nation of the lifetime of service of T. Jack Foster and his exceptional family. I wish him a very happy birthday and hopes for many, many more and bestow my congratulations on him for this latest honor.

## IN COMMEMORATION OF THE NATIONAL DAY OF TAIWAN

### HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. WU. Madam Speaker, I would like to offer my warmest wishes and congratulations to the people of Taiwan in commemoration of the National Day of the Republic of China (Taiwan), which is celebrated every year on October 10.

In March of this year, the people of Taiwan participated in Taiwan's fourth direct and democratic presidential election. The smooth and peaceful transition from one administration to another is a testament to Taiwan's continued dedication to the principles of democracy, human rights, and the rule of law. I commend the people of Taiwan for building a democratic, peaceful, and prosperous island.

For more than 50 years, the United States and Taiwan have fostered a close relationship, which has been of mutual political, economic, cultural, and strategic advantage. In celebration of this year's Double Tenth National Day, it is my hope that the United States, Taiwan, and the People's Republic of China can work together to promote enduring peace, stability, and prosperity in the Asia-Pacific region, especially in the Taiwan Strait.

## CONGRESSMAN RAY LAHOOD'S DEDICATION TO PUBLIC SERVICE

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. RAHALL. Madam Speaker, I rise today to recognize a dear friend and colleague, Congressman RAY LAHOOD. RAY has been a faithful servant to the people of the 18th District of Illinois since first being elected in 1994 to the 104th Congress. Before that he was a schoolteacher, a longtime community leader, member of the Illinois General Assembly and Chief of Staff for former U.S. House Minority Leader Robert Michel. Each of these opportunities furthered his dedication to serving the American people and eventually led him to serve as a Member of the U.S. House of Representatives.

RAY and I have worked closely together over the years on a number of issues, but one that has always been near to our hearts because of its importance to the United States, has been our work with the nation of Lebanon, the land of our ancestors. As Members of Congress who are deeply interested in Lebanon, the people of Lebanon, and the ability of Lebanon to rise above the turmoil and conflicts which have overtaken the country, we are able to view the recent election of the new Lebanese President as a strong signal to the world that progress and forward movement continues to be made in the Middle East.

RAY has always had a deep respect for the institution of Congress, a trait which can be attested to by any and all who have served with him over the years. While RAY has left many lasting legacies during his time here in the House of Representatives, for me his friendship will be one I continue to treasure the most as he, his wife Kathy and their family move on to this new chapter in their lives.

Although it seems that we as a Congress can't find ourselves in agreement on many things, one thing that is beyond dispute is that Ray has embodied the ideal of the civil servant who tirelessly has served the interests of the American people.

## IN CELEBRATION OF THE FIFTH ANNIVERSARY OF ALMA VIA

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Ms. SPEIER. Madam Speaker, among the most vulnerable in our society are those in our elder population.

That is why I have such profound respect and deep gratitude for the good work done by Alma Via of San Francisco. Alma Via is an assisted living and memory care community that services the senior community in the San Francisco Bay Area. They celebrate five excellent years of service this fall, on November 1, 2008.

Alma Via is a member of Elder Care Alliance, a nonprofit faith-based organization committed to serving and enriching the physical, emotional and spiritual well-being of older adults. Their sponsors, the Sisters of Mercy, Burlingame, and the Sierra Pacific Synod of the Evangelical Lutheran Church of America, bring a 130-year tradition of service to their communities and commitment to enhancing the quality of life for elders through creative programs and supportive services.

The Elder Care Alliance is composed of six communities in California and serves 700 elders. Their programs include special services for those with early to late stage dementia and without them, many of these older Americans would possibly not receive treatment. Their loving and professional communities are staffed by 620 dedicated staff members who provide daily care for residents in a manner that respects and celebrates the dignity and inherent worth of each person.

Madam Speaker, I can personally attest to the excellence and compassion of the Sisters of Mercy. Wherever they choose to serve, their mission always moves their community and the world forward. The good work provided by Alma Via and the Elder Care Alliance

is certainly no different. I ask you to join me in commending them for the important and necessary role they play in society by working tirelessly to help an expanding number of adults who desire to remain vital and active in their later years.

## EARMARK DECLARATION

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. POE. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act for FY09.

Account: Army, RDT&E, Army Missile Defense Systems Integration (Non-Space).

Legal Name of Requesting Entity: Lamar University.

Address of Requesting Entity: 4400 MLK Blvd., P.O. Box 10009, Beaumont, TX 77710.

Description of Request: The Advanced Fuel Cell Research Program (AFC) at Lamar University is currently operating fuel cell test beds on behalf of U.S. Army Space and Missile Defense Command (USASMDC) that simulates power requirements and characterizes alternative power and storage capabilities for a wide variety of USASMDC systems. Critical need continues to exist for an efficient and clean advanced renewable energy source to meet urgent U.S. Army space and missile defense battlefield requirements. AFC continues to develop, test and validate advanced fuel cell technologies necessary to enable lightweight, power efficient, environmentally clean, and cost-effective renewable energy technology and products for Army space and missile defense systems including: sensors, radars, weapons, and communications. The FY09 request will leverage fuel cell technology achievements funded through previous DoD Appropriations bills by transitioning prototype lightweight fuel cells into Army renewable power products. UAV (unmanned aerial vehicle) prototypes integrated with the AFC-developed fuel cells will be flight-tested and demonstrated under field conditions to validate reliable, long duration, and quality power for missile defense situational awareness missions. The AFC's advanced hydride fuel cell will validate the UAV's unique long loitering time and stealth capabilities for critical extended endurance surveillance missions. Amount Received: $3,000,000. These funds will be used to pay labor costs for 22 full time personnel, lab and test bed equipment and supplies, and facilities improvement.

Account: Department of Homeland Security, U.S. Coast Guard Bridge Replacement.

Legal Name of Requesting Entity: Gulf Intracoastal Canal Association.

Address of Requesting Entity: 2010 Butler Drive, Friendswood, TX 77546.

Description of Request: Galveston Causeway Railroad Bridge Replacement. Today, 21 thousand barges move 29 million tons of cargo worth $10 billion through the Galveston Bridge each year. In 2001, after a lengthy review process, the bridge was declared a hazard to navigation by the Coast Guard under the Truman Hobbs Act. The current estimated cost of replacement is almost $68 million. This request is consistent with the intended and authorized purpose of the Department of Homeland Security, U.S. Coast Guard, under the Truman Hobbs Act. Amount Received: $4,000,000. Under the Truman Hobbs Act, the federal government pays 90 percent of replacement cost and the bridge owner, Galveston County pays 10 percent.

## VETERANS' BENEFITS IMPROVEMENT ACT OF 2008

SPEECH OF

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mr. FILNER. Madam Speaker, I submit the following:

S. 3023, as amended, the Veterans' Benefits Improvement Act of 2008, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (the Committees) on the following bills reported during the 110th Congress: H.R. 674; H.R. 3681, as amended; H.R. 3889, as amended; H.R. 4255, as amended; H.R. 5664, as amended; H.R. 5892, as amended; H.R. 6221, as amended; H.R. 6225, as amended, and H.R. 6832 (House Bills); S. 1315, as amended; and S. 3023, as amended (Senate Bills).

H.R. 674 passed the House on July 31, 2008; H.R. 3681, as amended, passed the House on May 20, 2008; H.R. 3889, as amended, passed the House on May 20, 2008; H.R. 4255, as amended, passed the House on July 31, 2008; H.R. 5664, as amended, passed the House on May 20, 2008; H.R. 5892, as amended, passed the House on July 30, 2008; H.R. 6221, as amended, passed the House on July 31, 2008; H.R. 6225, as amended, passed the House on July 31, 2008; H.R. 6832 passed the House on September 11, 2008; S. 1315, as amended, passed the Senate on April 24, 2008, and passed the House, as amended, on September 22, 2008; and S. 3023, as amended, passed the Senate on September 16, 2008.

The Committees have prepared the following explanation of S. 3023, as further amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

### TITLE I—COMPENSATION AND PENSION MATTERS

#### REGULATIONS ON CONTENTS OF NOTICE TO BE PROVIDED CLAIMANTS BY THE DEPARTMENT OF VETERANS AFFAIRS REGARDING THE SUBSTANTIATION OF CLAIMS

CURRENT LAW

Under current law, the Secretary has general authority to issue regulations.

SENATE BILL

Section 101 of S. 3023, as amended, would amend subsection (a) of section 5103 of title 38, United States Code, to add a new paragraph that would require the Department of Veterans Affairs (VA) to promulgate regulations specifying the content of notices required by the Veterans Claims Assistance Act (VCAA). The regulations required by S. 3023 would provide that the notice specify for each type of claim for benefits the general information and evidence required to substantiate the claim. The regulations would specify different content of the notices depending on the type of claim concerned, whether it be an original claim, a claim for reopening, or a claim for increase in benefits. The Senate bill would provide authority for additional or alternative content for notice if appropriate to the particular benefit or services sought under the claim. The regulations would also be required to include in the notice the time period within which such information and evidence must be submitted. The provision would be applicable only to notices which would be sent on or after the date the regulations are effective.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 101 of the Compromise Agreement generally follows the Senate language.

The Committees note that the notice required by section 5103 applies to all types of applications for benefits and services. While the Committees recognize that veterans seeking service-connected compensation are most likely to receive VCAA notices, the Compromise Agreement specifically provides that the notice shall provide that the content of notices be appropriate to the type of benefits or services sought. The Committees intend that the Compromise Agreement would require a notice involving a pension claim to have different content than a notice concerning a clothing allowance or a claim for specially adapted housing.

The Committees emphasize that VCAA notices are required only in cases in which additional information or evidence is needed to substantiate the claim. If the information and evidence needed to substantiate the claim is submitted with the application or contained in the claims file, no VCAA notice is required. For example, claims for education, health care, housing, vocational rehabilitation, and burial benefits might contain sufficient information and evidence to substantiate the claim without the necessity of a VCAA notice.

In other respects, the Committees agree that Senate Report 110–148 contains a full explanation of the provision contained in the Compromise Agreement.

#### JUDICIAL REVIEW OF ADOPTION AND REVISION BY THE SECRETARY OF VETERANS AFFAIRS OF THE SCHEDULE OF RATINGS FOR DISABILITIES OF VETERANS

CURRENT LAW

Under current law, section 502 of title 38, judicial review of actions involving VA's rating schedule for disabilities is prohibited.

SENATE BILL

Section 102 of S. 3023, as amended, would authorize the United States Court of Appeals for the Federal Circuit to review VA actions relating to the adoption or revision of the VA disability rating schedule in the same manner as other comparable actions of the Secretary are reviewed.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 102 of the Compromise Agreement follows the Senate language.

CONFORMING AMENDMENT RELATING TO NON-DEDUCTIBILITY FROM VETERANS' DISABILITY COMPENSATION OF DISABILITY SEVERANCE PAY FOR DISABILITIES INCURRED BY MEMBERS OF THE ARMED FORCES IN COMBAT ZONES

CURRENT LAW

Section 1212 of title 10 stipulates the amount of severance pay available to members of the Armed Forces who separate due to a disability incurred in the line of duty. Section 1646 of the Wounded Warrior Act, title XVI of Public Law 110–181, amended section 1212 to adjust the computation of the amount of such severance pay and to eliminate the requirement that severance pay received by servicemembers for a disability incurred in a combat zone be deducted from VA compensation.

Section 1161 of title 38 stipulates that the deduction of disability severance pay from disability compensation shall be made at a monthly rate not in excess of the rate of compensation to which the individual would be entitled based on the individual's disability rating. Section 1161 makes reference to subsection 1212(c) of title 10. However, Public Law 110–181 did not include a conforming amendment to keep section 1161 consistent with the changes made to section 1212.

SENATE BILL

Section 104 of S. 3023, as amended, would make a conforming amendment, so that section 1161 of title 38 will be consistent with section 1212 of title 10. The amendment would take effect on January 28, 2008, as if it had been included in the Wounded Warrior Act. As a result, the amended section 1161 of title 38 would reflect the change to section 1212 of title 10 eliminating the requirement that severance pay for a disability incurred in a combat zone be deducted from disability compensation from VA.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 103 of the Compromise Agreement follows the Senate language.

REPORT ON PROGRESS OF THE SECRETARY OF VETERANS AFFAIRS IN ADDRESSING CAUSES FOR VARIANCES IN COMPENSATION PAYMENTS FOR VETERANS FOR SERVICE-CONNECTED DISABILITIES

CURRENT LAW

There is no applicable provision in current law.

SENATE BILL

Section 105 of S. 3023, as amended, would require VA to submit a report to Congress describing the Department's progress in addressing the causes for any unacceptable variances in compensation payments to veterans.

Section 105 would require VA to submit a report to the Committees on Veterans' Affairs of the Senate and the House of Representatives describing the Department's progress in addressing the causes of unacceptable variances in compensation payments to veterans for service-connected disabilities. The report would be due to the Committees not later than one year after the date of enactment of this section.

Section 105 would require the report to include three specific elements: (1) a description of the Veterans Benefits Administration's efforts to coordinate with the Veterans Health Administration (VHA) to improve the quality of disability examinations performed by VHA and contract clinicians, including the use of standardized templates; (2) an assessment of the current personnel requirements at each regional office for each type of claims adjudication position; and (3) a description of the differences, if any, in current patterns of submittal rates for claims from various segments of the veterans population, including veterans from rural and highly rural areas, minority veterans, veterans who served in the National Guard or Reserve, and military retirees.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 104 of the Compromise Agreement generally follows the Senate language. The Committees acknowledge that it is unreasonable to expect states to have exactly the same average compensation or percentage of veterans receiving compensation. In determining whether differences are unacceptable, the Committees expect that the Secretary would identify those that do not result from such basis demographic discrepancies.

EXTENSION OF TEMPORARY AUTHORITY FOR THE PERFORMANCE OF MEDICAL DISABILITY EXAMINATIONS BY CONTRACT PHYSICIANS

CURRENT LAW

Public Law 104–275, the Veterans' Benefits Improvements Act of 1996, authorized VA to carry out a pilot program of contract disability examinations at ten VA regional offices using amounts available for payment of compensation and pensions. Public Law 108–183, the Veterans Benefits Act of 2003, provided additional authority to VA, on a time-limited basis, to contract for disability examinations using appropriated funds. This additional authority expires on December 31, 2009.

SENATE BILL

Section 604 of S. 3023, as amended, would amend section 704(c) of the Veterans Benefits Act of 2003 (Public Law 108–183) by striking ''December 31, 2009'' and inserting ''December 31, 2012.'' This would extend VA's authority, through December 31, 2012, to use appropriated funds for the purpose of contracting with non-VA providers to conduct disability examinations.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 105 of the Compromise Agreement follows the Senate language except that the authority extends only until December 31, 2010.

ADDITION OF OSTEOPOROSIS TO DISABILITIES PRESUMED TO BE SERVICE-CONNECTED IN FORMER PRISONERS OF WAR WITH POST-TRAUMATIC STRESS DISORDER

CURRENT LAW

Subsection 1112(b) of title 38 contains two lists of diseases that are presumed to be related to an individual's experience as a prisoner of war. The first presumptive list, in paragraph (2) of section 1112(b), requires no minimum internment period and includes diseases associated with mental trauma or acute physical trauma which could plausibly be caused by even a single day of captivity. The second presumptive list, found under paragraph (3) of section 1112(b), has a 30-day minimum internment requirement.

SENATE BILL

Section 601 of S. 1315, as amended, would add osteoporosis in veterans whom the Secretary has previously determined have post-traumatic stress disorder (PTSD), to the list of disabilities presumed to be service-connected in former prisoners of war found under paragraph (3) of section 1112(b) of title 38.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 106 of the Compromise Agreement follows the Senate language.

TITLE II—MODERNIZATION OF DEPARTMENT OF VETERANS AFFAIRS DISABILITY COMPENSATION SYSTEM

SUBTITLE A—BENEFITS MATTERS

AUTHORITY FOR TEMPORARY DISABILITY RATINGS

CURRENT LAW

Under current law, the Secretary has, under the Secretary's general authority, issued regulations providing temporary ratings for veterans with unstabilized medical conditions who are recently discharged from active duty, hospitalized veterans, veterans undergoing convalescent care, and veterans who are discharged from active duty with a mental disorder that develops as the result of a highly stressful event.

HOUSE BILL

Section 109 of H.R. 5892, as amended, would have provided VA with authority to issue partial ratings and to act in a more expeditious manner for claims presenting undisputed severe and very severe injuries and in turn provide compensation more quickly where the service-connection link is indisputable. VA currently possesses the ability to issue partial ratings, although this authority is not expressly stated in statute. H.R. 5892, as amended, would expressly grant VA that authority and require VA to issue a partial rating in the instances where a veteran has sustained severe injuries (50 percent or above) and very severe injuries (100 percent) that can be promptly rated, while deferring other conditions that may not be ready to rate. VA and the Department of Defense (DOD) have defined these conditions, and they include limb amputations, paralysis, traumatic brain injury (TBI), severe burns, blindness, deafness, along with other radical injuries.

The House bill also further clarified the language so that VA could rate the indisputable injuries based solely on the Department of Defense medical records, which would be extensive for these categories of injuries.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 211 of the Compromise Agreement would codify the various provisions for temporary ratings contained in current regulations. Specifically, the Committees intend to provide a specific statutory basis for the regulations currently found at sections 4.28, 4.29, 4.30 and 4.129 of title 38, Code of Federal Regulations.

In addition to the authority currently contained in regulations, the Compromise Agreement provides that veterans discharged or released from active duty within 365 days of application who have stabilized medical conditions would be eligible to receive a temporary rating under certain circumstances. In general, veterans with stabilized disabilities would be eligible to receive a temporary rating under conditions which are similar to those applied to veterans with unstabilized conditions when a total rating is not immediately assignable.

The Committees intend that, under this new authority, a veteran who has a stabilized condition, such as a healed amputation, but has one or more severe disabilities for which a total rating is not immediately assignable under the regular provisions of the rating schedule or on the basis of Individual Unemployability, could qualify for a temporary rating when employment was adversely impacted by such disabilities. The Compromise Agreement would permit such a veteran to be eligible to receive a temporary rating when such veteran has severe disabilities that result in substantially gainful employment not being feasible or advisable or the veteran has unhealed or incompletely healed wounds or injuries that make material impairment of employability likely. The Committees intend that, in considering eligibility for a temporary rating under this section, both stabilized and unstabilized conditions could be considered in determining the impact of such disabilities upon employment.

The rating assigned under these conditions would be as prescribed by the Secretary in regulations. The Committees note that, where current regulations are adequate to address the conditions for temporary ratings, as set forth in this section, the Secretary would not be required to issue new regulations.

SUBSTITUTION UPON DEATH OF CLAIMANT

CURRENT LAW

Currently, upon the death of a claimant with a claim or appeal pending adjudication at the time of death, the surviving spouse or other beneficiary is unable to take up the claim where it is in the process and must refile the claim separately as if submitting a new claim. Section 5121 of title 38 allows for survivors, in order of priority, to refile this new claim for accrued benefits.

HOUSE BILL

Section 111 of H.R. 5892, as amended, would provide that, in the event of the death of a veteran with a pending disability claim, an eligible dependent as identified under section 5121(a)(2) of title 38 would be authorized to substitute for the deceased claimant rather than being forced to re-file and restart the claim or appeal. This provision would also allow an eligible survivor to submit additional evidence for up to one year after the death of a veteran. This provision further stipulates that only one person may be treated as the claimant under this section. Additionally, if the person who would be eligible to be a claimant under this section certifies to the Secretary that he or she does not want to be treated as the claimant for such purposes, he or she may designate the person who could then be entitled to receive the benefits under this section. The effective date of this section would apply only to claims of veterans who die on or after the date of enactment.

SENATE BILL

The Senate bill contains no comparable provisions.

COMPROMISE AGREEMENT

Section 212 of the Compromise Agreement generally follows the House language. However, the Compromise Agreement stipulates that, not later than one year after the date of the death of the claimant, the individual who would be eligible to receive accrued benefits under section 5121(a) of title 38 must file a request to be substituted as the claimant for the purpose of processing the claim to completion. This is the same time period within which claimants for accrued benefits are required to file an application for accrued benefits must file such a claim under current law. Under the Compromise Agreement, any person seeking substitution shall present evidence of the right to claim such status within the time period prescribed by the Secretary in regulations.

REPORT ON COMPENSATION OF VETERANS FOR LOSS OF EARNING CAPACITY AND QUALITY OF LIFE AND ON LONG-TERM TRANSITION PAYMENTS TO VETERANS UNDERGOING REHABILITATION FOR SERVICE-CONNECTED DISABILITIES

CURRENT LAW

Under chapter 11 of title 38, VA pays compensation to veterans who suffer disabilities as a result of an injury or disease incurred or aggravated in the line of duty during active duty. Section 1155 of title 38 requires VA to adopt and apply a schedule of disability ratings, which is used to determine the amount of compensation that will be provided. That schedule is based on the average impairment of earning capacity caused by a service-connected disability.

In July 2007, the President's Commission on Care for America's Returning Wounded Warriors recommended that Congress restructure VA disability payments to include transition payments and that VA update the rating schedule to reflect current injuries and the impact of disability on quality of life. In 2008, the Secretary entered into a contract to conduct studies on those issues. The studies examined the appropriate level of disability compensation to be paid to veterans to compensate for loss of earning capacity and loss of quality of life as a result of service-connected disabilities. The studies also examined the feasibility and appropriate level of long-term transition payments to veterans who are separated from the Armed Forces due to a disability while those veterans are undergoing a program of rehabilitation.

SENATE BILL

Section 106 of S. 3023, as amended, would require the Secretary to provide Congress with a report regarding the results of studies examining the appropriate compensation to be provided to veterans for loss of earning capacity and loss of quality of life caused by service-connected disabilities and examining long-term transition payments to veterans undergoing rehabilitation for service-connected disabilities.

Section 106 also would require the Secretary to submit to Congress a report including a comprehensive description of the findings and recommendations of those studies; a description of the actions proposed to be taken by the Secretary in light of those findings and recommendations, including a description of any proposed modifications to the VA disability rating schedule or to other regulations or policies; a schedule for the commencement and completion of any actions proposed to be taken; and a description of any legislative action required in order to authorize, facilitate, or enhance any of the proposed actions. That report would be due no later than 210 days after the date of enactment.

HOUSE BILL

Section 102(a) of H.R. 5892, as amended, would require the Secretary to conduct a study on adjusting the schedule for rating disabilities adopted and applied under section 1155 of title 38. It would require VA to complete the study within 180 days after the date of enactment and would require VA, within 60 days after completing the study, to submit to Congress a report on the study. Not later than 120 days after the Secretary submits the report, the Secretary would be required to submit a plan for readjusting the rating schedule.

COMPROMISE AGREEMENT

Section 213 of the Compromise Agreement generally follows the Senate language.

ADVISORY COMMITTEE ON DISABILITY COMPENSATION

CURRENT LAW

There is no applicable provision in current law.

HOUSE BILL

Section 102(d) of H.R. 5892, as amended, would require the Secretary to establish an 18–member Advisory Committee on Disability Compensation. The Committee would consist of individuals who have demonstrated civic or professional achievement and who have experience in the provision of disability compensation or have other relevant scientific or medical expertise. The Secretary would determine the terms of pay and service of such members, but their terms of service would not exceed two years. The Secretary would be authorized to reappoint members for subsequent terms.

Section 102 would require the Committee to be responsible for providing advice to the Secretary with respect to the maintenance and periodic adjustment of the rating schedule.

It would also require the Committee to submit annual reports to the Secretary and require the Secretary to submit reports and recommendations to the Committees on Veterans' Affairs of the House and Senate.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 214 of the Compromise Agreement contains the House provision with modifications. The Committees intend that this Committee provide medical and scientific advice to the Secretary concerning the maintenance and readjustment of the rating schedule. Therefore, the Compromise Agreement provides that membership be limited to individuals with experience with the provision of disability compensation by the Department or individuals who are leading medical or scientific experts in relevant fields. The Compromise Agreement extends the term of service of such members to four years and provides that the terms are to be staggered so as to provide for continuity of membership on the Committee. The Compromise Agreement provides that the Secretary shall appoint a Chair of the Committee.

The Compromise Agreement specifically provides that the Secretary shall ensure that appropriate personnel, funding, and other resources are provided to the Committee to carry out its responsibilities. The Compromise Agreement requires the Committee to submit biennial reports to the Secretary. The Compromise Agreement requires the Secretary to submit such biennial reports to the Committees on Veterans' Affairs of the Senate and House together with the recommendations of the Committee and the Secretary.

SUBTITLE B—ASSISTANCE AND PROCESSING MATTERS

PILOT PROGRAMS ON EXPEDITED TREATMENT OF FULLY DEVELOPED CLAIMS AND PROVISION OF CHECKLISTS TO INDIVIDUALS SUBMITTING CLAIMS

CURRENT LAW

Section 5103 of title 38 requires the Secretary to notify a claimant of the information and medical or lay evidence needed to substantiate the claimant's claim. Under section 5103A of title 38, the Secretary is required to assist the claimant by making reasonable efforts to obtain evidence necessary

to substantiate the claimant's claim. In claims for service-connection, this duty includes obtaining records held by any Federal department or agency and by providing a medical examination or opinion necessary to make a determination on the claim. VA is required to comply with these laws before issuing a decision on the claim.

HOUSE BILL

Section 107(a) of H.R. 5892, as amended, would require the Secretary to provide for the expeditious treatment of any fully developed claim. A fully developed claim would be defined as a claim for which the claimant received assistance from a veterans service officer, a State or county veterans service officer, an agent, an attorney or for which the claimant submits with the claim an indication that the claimant does not want to submit any additional information and does not require assistance with respect to the claim. The claimant would certify in writing that no additional information is available or needed to be submitted in order for the claim to be adjudicated. The Secretary would be required to decide such claims within 90 days of submittal.

Section 107(b) of H.R. 5892, as amended, would require the Secretary to amend the notice required by section 5103 of title 38 to require the creation of a detailed checklist for claims for specific requests of additional information or evidence.

The checklist would be required to be developed within 180 days of enactment.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 221 of the Compromise Agreement accepts the House provision with an amendment that creates two pilot programs to test the effectiveness of providing expedited treatment of fully-developed claims and providing an additional checklist that includes information or evidence required to be submitted by the claimant to substantiate the claim. The pilot program on expedited treatment of fully developed claims would be carried out at 10 VA regional offices for a period of one year beginning 60 days after the date of enactment; the pilot program on the provision of checklists to individuals submitting claims would be carried out at four VA regional offices for a period of one year beginning 60 days after the date of enactment for original claims and for a period of three years beginning 60 days after the date of enactment for reopened claims and claims for increased disability ratings. The Secretary would be required to provide interim reports for each pilot authorized under this section and final reports would be due to Congress upon conclusion of the pilots.

The Compromise Agreement provides that such checklist be construed as an addendum to the notice require by section 5103 of title 38 and shall not be considered as part of the notice for purposes of reversal or remand of a decision of the Secretary. As such, the Committees stress that these checklists are intended to serve only as guidance for claimants and that any errors in these checklists should not be the basis for a remand of the claimant's claim.

The Committees expect that, in selecting locations for the pilot projects, the Secretary shall ensure that regional offices of various size and geographic location are included in the pilot projects. The Committees encourage the Secretary to locate the four pilot programs for the checklist at locations selected for the expedited claims pilot projects.

OFFICE OF SURVIVORS ASSISTANCE

CURRENT LAW

There is no relevant provision in current law.

HOUSE BILL

Section 101 of H.R. 5892, as amended, would require VA to create an Office of Survivors Assistance (Office) within the Veterans Benefits Administration that would provide policy and program analysis and oversight regarding all benefits and services delivered by the VA to survivors of deceased veterans and servicemembers.

The Office would be responsible for ensuring that survivors and dependents of deceased veterans and deceased members of the Armed Forces have access to applicable benefits and services provided under title 38. The Office would also be responsible for regular and consistent monitoring of benefits delivery to survivors and dependents and ensuring that appropriate referrals are made with respect to various administrations within the VA.

The Office would act as a primary advisor to the Secretary on all matters related to the policies, programs, legislative issues, and other initiatives affecting such survivors and dependents.

The Secretary would be required to identify and include the activities of the Office in the annual report to Congress under section 529 of title 38.

In establishing the Office, the Secretary would have to seek guidance from interested stakeholders, including veterans service organizations and other service organizations.

The Secretary would be required to ensure that appropriate personnel, funding, and other resources are provided to the Office to carry out its responsibilities.

SENATE BILL

The Senate Bills contain no comparable provisions.

COMPROMISE AGREEMENT

Section 222 of the Compromise Agreement follows the House language with modifications. In the Compromise Agreement, the Office is established in the Department rather than in the Veterans Benefits Administration (VBA). The Committees expect that, by placing the Office under the Department, the full spectrum of VA benefits and services for survivors would be addressed.

The Compromise Agreement does not specify the duties of the office in the legislation. However, the Committees intend that the Office be responsible for ensuring that the surviving spouses, children and parents of deceased veterans, including deceased members of the Armed Forces, have access to applicable benefits and services under title 38. The Committees expect that programs carried out by the Department for such survivors will be conducted in a manner that is responsive to their specific needs. The Committees expect the Office to conduct regular and consistent monitoring of the delivery of benefits and services to this population. The Committees expect the Office to ensure that policies and procedures are such that such survivors will receive appropriate referrals to the relevant administrations and offices of the Department, so that such survivors may receive all of the benefits and services for which they are eligible.

COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES

CURRENT LAW

VA dependency and indemnity compensation (DIC) is a benefit that is paid to survivors of certain veterans. To be eligible, the veteran's death must have resulted from: a disease or injury incurred or aggravated in the line of duty or active duty for training; an injury incurred or aggravated in the line of duty while on inactive duty training; or, a service-connected disability or a condition directly related to a service-connected disability.

DIC may also be paid to survivors of veterans who were totally disabled from service-connected conditions at the time of death, even if the death was not cause by their service-connected disabilities. To be eligible for the benefit under this circumstance, the veteran must have been rated totally disabled for the ten years preceding death; rated totally disabled from the date of military discharge and for at least five years immediately preceding death; or, a former prisoner of war who died after September 30, 1999, and who was rated totally disabled for at least one year immediately preceding death.

Surviving spouses of veterans who died on or after January 1, 1993, receive a basic rate, plus additional amounts for dependent children. Surviving spouses of veterans who died prior to January 1, 1993, receive an amount based on the deceased veteran's military pay grade, plus additional amounts for dependents.

SENATE BILL

Section 807 of S. 1315, as amended, would require the Comptroller General to report on the adequacy of DIC to maintain survivors of veterans who die from service-connected disabilities. The Comptroller General would be required to submit, to the Committees on Veterans' Affairs of the Senate and House of Representatives, a report regarding the adequacy of the benefits to survivors in replacing the deceased veteran's income. The Comptroller General would be required to include a description of the current system of payment of DIC to survivors, including a statement of DIC rates; an assessment of the adequacy of DIC in replacing a deceased veteran's income; and any recommendations that the Comptroller General considers appropriate in order to improve or enhance the effects of DIC in replacing the deceased veteran's income. The Comptroller General would be required to submit the report not later than ten months after the date of enactment of the provision.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 223 of the Compromise Agreement follows the Senate language.

INDEPENDENT ASSESSMENT OF QUALITY ASSURANCE PROGRAM

CURRENT LAW

Section 7731 of title 38 requires the Secretary to carry out a quality assurance program within the Veterans Benefits Administration. Under this provision, the Secretary has elected to carry out a separate quality assurance program, the Systematic Technical Accuracy Review (STAR), for measuring compensation and pension claims processing accuracy.

HOUSE BILL

Section 106 of H.R. 5892, as amended, would require the Secretary to contract with an independent third-party entity for an annual quality assurance assessment. The assessment would measure a statistically valid sample of VBA employees and their work product to assess quality and accuracy. The provision would also require the production of automated categorizable data to help identify trends. Under this provision, the Secretary would be required to use information gathered through the annual assessment to develop an employee certification as found in section 105 of H.R. 5892, as amended.

SENATE BILL

The Senate Bills contain no similar provision.

COMPROMISE AGREEMENT

Section 224 of the Compromise Agreement follows the House bill with modifications. Under the Compromise Agreement, the Secretary would enter into a contract with an independent third-party entity to conduct a three-year assessment of the quality assurance program. The Committees intend that this provision would be applicable only to quality assurance programs involving the adjudication of claims for compensation and pension benefits. The Compromise Agreement does not include language from section 106 of H.R. 5892, as amended, which would have expressly required the Secretary to ensure the accuracy and consistency across different regional offices with the Department as an amendment to 7731, of title 38, United States Code. However, the Committees agree that the Secretary should strive to reduce variances in ratings for disability compensation between regional offices. The Committees note that section 104 of the Compromise Agreement requires a report from the Secretary in addressing unacceptable variances in compensation payments.

The Compromise Agreement also contains provisions from the House bill which would require the Secretary to retain, monitor, and store in an accessible format certain data with respect to claims for service-connected disability compensation. The Committee recognizes that sex and race data are not kept by the Department within the database utilized by the Veterans Benefits Administration at this time and, therefore, excluded those items from the data required to be collected.

In other respects, the Compromise Agreement generally follows the House bill. The Committees agree that House Report 110–789 contains a full explanation of the House provisions which were modified in the Compromise Agreement.

CERTIFICATION AND TRAINING OF EMPLOYEES OF THE VETERANS BENEFITS ADMINISTRATION RESPONSIBLE FOR PROCESSING CLAIMS

CURRENT LAW

The Secretary has general authority to manage and provide for certification of employees of the Department. There is no specific applicable provision in current law.

HOUSE BILL

Section 105 of H.R. 5892, as amended, would require the Secretary to develop a certification examination to test appropriate VBA employees and managers who are responsible for processing claims for benefits. The Secretary would be required to develop such examinations in consultation with specified stakeholders. The Secretary would be directed to require such employees and managers to take a certification examination. The Secretary would be prohibited from satisfying the requirements of the bill through the use of any certification examination or program that exists as of the date of enactment of the bill.

The House provision would also require the Secretary to contract with an outside entity to conduct an evaluation of VBA's training and quality assurance programs within 180 days of enactment and provide the results of such evaluation to Congress.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 225 of the Compromise Agreement follows the House language with modifications. The Compromise Agreement would apply only to employees and managers who are responsible for processing claims for compensation and pension benefits. By using the general term ''compensation and pension'' benefits, the Committees intend that the provision would apply to employees and managers responsible for processing claims for all monetary benefits paid to veterans and survivors, including DIC, death compensation, death pension and benefits paid to children under chapter 18 of title 38.

Under the Compromise Agreement, the Secretary is required to consult with examination development experts, interested stakeholders, and employee representatives and consider the data produced under section 7731(c)(3) of title 38 as added by section 224 of the bill.

The Compromise Agreement does not contain the prohibition on use of certification examinations or programs that currently exist as in H.R. 5892, as amended. However, the Compromise Agreement requires the Secretary to develop an updated certification examination no later than one year after the date of enactment of this bill and to begin using the updated examination within 90 days after the date on which development of the updated examination is complete.

The Compromise Agreement does not include the House provision requiring that VA contract for an evaluation. However, it does require the Comptroller General of the United States to evaluate the training programs administered for employees of the Veterans Benefits Administration and submit a report on the findings of the evaluation to the Committees.

STUDY OF PERFORMANCE MEASURES FOR CERTAIN EMPLOYEES OF THE VETERANS BENEFITS ADMINISTRATION

CURRENT LAW

There is no applicable provision in current law.

HOUSE BILL

Section 103 of H.R. 5892, as amended, would require the Secretary to conduct a study of VBA's work credit system, which is used to measure the work production of VBA employees. This section of the House bill would require that the Secretary consider the advisability of implementing: performance standards and accountability measures; guidelines and procedures for the prompt processing of claims that are ready to rate upon submission; guidelines and procedures for the processing of such claims submitted by severely injured and very severely injured veterans; and requirements for assessments of claims processing at each regional office for the purposes of producing lessons learned and best practices. A report on the study would be required no later than 180 days after the Secretary submits to Congress the report; and the Secretary would be obligated to establish a new system for evaluating work production. This section of H.R. 5892, as amended, would prohibit the Secretary from awarding a work credit to any employee of the Department if the Secretary has not implemented a new system within the time specified.

Section 104 of H.R. 5892, as amended, would require the Secretary to conduct a study on the work management system of the Veterans Benefits Administration designed to improve accountability, quality, and accuracy and reducing the time for processing claims for benefits.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 226 of the Compromise Agreement generally follows the House language with modifications. Under the Compromise Agreement, the Secretary would be required to conduct a study on the effectiveness of the current employee work credit system and the work management system of the Veterans Benefits Administration which is used to measure and manage the work production of employees of the Veterans Benefits Administration who handle claims for compensation and pension benefits. The Secretary would be required to report to Congress on the work credit system and work management system no later than October 31, 2009. The report would be required to identify the components required to implement an updated system for evaluating such VBA employees.

In addition, the Compromise Agreement requires that not later than 210 days after the date on which the Secretary submits to Congress the report required under this section, the Secretary shall establish an updated system, based upon the findings of the study, for evaluating the performance and accountability of VBA employees who are responsible for processing claims for compensation or pension benefits.

REVIEW AND ENHANCEMENT OF USE OF INFORMATION TECHNOLOGY IN VETERANS BENEFITS ADMINISTRATION

CURRENT LAW

There is no applicable provision in current law.

HOUSE BILL

Section 110 of H.R. 5892, as amended, would require the Secretary to conduct a review, no later than one year after the date of enactment of this Act, on the use of information technology within the Veterans Benefits Administration. It also requires the Secretary to develop a comprehensive plan for use of such technology in processing claims for benefits so as to reduce subjectivity, avoidable remands, and regional office variances in disability ratings for specific disabilities.

The House bill would also require that the comprehensive plan include information technology upgrades including web portals, rules-based expert systems, and decision support software.

Under the House bill, a report on the progress of the review and plan would be due to Congress by no later than January 1, 2009.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 227 of the Compromise Agreement generally follows the House bill, except that it clarifies two of the comprehensive plan requirements contained in section 110 of H.R. 5892, as amended. The Compromise Agreement gives the Secretary the discretion to include the following elements, to the extent practicable: the ability for benefits' claimants to view applications online and compliance with security requirements as noted in section 227 (b)(3)(B)(ii) of the Compromise Agreement.

The Compromise Agreement also requires that the plan be developed, not later than one year after date of enactment.

The Compromise Agreement requires, no later than April 1, 2010, a report to Congress on the review and the comprehensive plan required under this section.

STUDY AND REPORT ON IMPROVING ACCESS TO MEDICAL ADVICE

CURRENT LAW

There is no applicable provision in current law.

HOUSE BILL

Section 108 of H.R. 5892, as amended, would require the Secretary to conduct a study to

evaluate the need of the Veterans Benefits Administration to employ medical professionals who are not physicians, to act as a medical reference for employees of the Administration so that such employees may accurately assess medical evidence submitted in support of claims for benefits under laws administered by the Secretary. The House bill would prohibit any medical professionals of the Veterans Health Administration from being employed to rate any disability or evaluate any claim. It would require the Secretary to conduct a statistically significant survey of VBA employees to ascertain whether, how, and to what degree medical professionals could provide assistance to such employee.

Section 108 would also require the Secretary to submit to Congress a report, within 180 days of enactment of the bill, to evaluate the need to employ such medical professionals. If the Secretary hired medical professionals pursuant to this study, the House bill would require that all employees of all VBA regional offices have access to the medical professionals.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 228 of the Compromise Agreement generally follows the House language with modifications. The Compromise Agreement requires the Secretary to conduct a study to assess the feasibility and advisability of various mechanisms to improve communication between the Veterans Benefits Administration and the Veterans Health Administration when needed by Veterans Benefits Administration employees to carry out their duties. The study is also required to evaluate whether additional medical professionals are necessary to provide access to relevant Veterans Benefits Administration employees. The Compromise Agreement omits the requirement in the House bill for a statistically significant study of employees.

## TITLE III—LABOR AND EDUCATION MATTERS

### SUBTITLE A—LABOR AND EMPLOYMENT MATTERS

### REFORM OF USERRA COMPLAINT PROCESS

CURRENT LAW

Chapter 43 of title 38 provides reemployment and employment rights to servicemembers, veterans, and those who seek to join a uniformed service through the Uniformed Services Employment and Reemployment Rights Act (USERRA). Individuals can privately enforce their rights by filing a complaint in federal or state court, or, in the case of a complaint against a federal employer, by submitting a complaint to the Merit Systems Protection Board (MSPB). In addition, individuals can request assistance from the federal government by filing a complaint with the Department of Labor's Veterans' Employment and Training Service (DOL VETS), which investigates and attempts to resolve complaints, and, if requested, will refer complaints for litigation. DOL VETS refers complaints against federal agencies to the Office of Special Counsel (OSC) and complaints against private sector employers and state and local governments to the Attorney General. The Special Counsel or Attorney General may represent individuals before the MSPB or in federal court, respectively.

SENATE BILL

Section 302 of S. 3023, as amended, would create deadlines for DOL VETS, OSC, and the Attorney General to provide assistance to servicemembers who believe that their rights under USERRA have been violated.

Within 5 days of receiving a USERRA complaint, DOL VETS would be required to notify a complainant in writing about his or her rights to receive governmental assistance, including the right to request a referral and the relevant deadlines that the federal agencies must meet and within 90 days of receiving the complaint, DOL VETS would be required to complete its assistance and investigation and notify the complainant of the results and his or her rights, including the right to request a referral and the deadlines federal agencies must meet. Within 48 days after receiving a request for a referral, DOL would be required to refer a complaint to OSC or the Attorney General. Within 60 days of receiving a referral, OSC or the Attorney General would be required to determine whether to provide legal representation to the complainant and notify the complainant of that decision in writing.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 311 of the Compromise Agreement follows the Senate language.

### MODIFICATION AND EXPANSION OF REPORTING REQUIREMENTS WITH RESPECT TO ENFORCEMENT OF USERRA

CURRENT LAW

Under current law, the Secretary of Labor must file an annual report to Congress that includes the number of cases reviewed by DOL VETS and the Department of Defense Employer Support of the Guard and Reserve, the number of cases referred to OSC and the Attorney General, and the number of complaints filed by the Attorney General.

SENATE BILL

Section 303 of S. 3023, as amended, would expand the reporting requirements regarding the federal government's enforcement of USERRA by requiring data on the number of individuals whose cases are reviewed by both the Department of Defense Employer Support of the Guard and Reserve (DOD ESGR), DOL VETS, OSC, and the Attorney General that involve a disability-related issue, and the number of cases that involve a person with a service-connected disability. In addition, the Senate bill would change the date on which the report is required.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 312 of the Compromise Agreement follows the Senate language.

### TRAINING FOR EXECUTIVE BRANCH HUMAN RESOURCES PERSONNEL ON EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES

CURRENT LAW

There is no applicable provision in current law.

SENATE BILL

Section 304 of S. 3023, as amended, would add a new section to chapter 43 of title 38 to require the head of each Federal executive agency to provide training for human resources personnel on the rights, benefits, and obligations of members of the Armed Forces under USERRA and the administration of USERRA by Federal executive agencies. It would require that the training be developed and provided in consultation with the Office of Personnel Management. The training would be provided as often as specified by the Director of the Office of Personnel Management in order to ensure that the human resources personnel are kept fully and currently informed about USERRA.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 313 of the Compromise Agreement follows the Senate language.

### REPORT ON THE EMPLOYMENT NEEDS OF NATIVE AMERICAN VETERANS LIVING ON TRIBAL LANDS

CURRENT LAW

There is no applicable provision in current law.

SENATE BILL

Section 305 of S. 3023, as amended, would require a report by the Secretary of Labor on efforts to address the employment needs of Native American veterans living on tribal lands.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 314 of the Compromise Agreement follows the Senate language.

### EQUITY POWERS

CURRENT LAW

Under section 4323(e) of title 38 courts may, in an action brought against a State or private employer, use their full equity powers to vindicate the rights or benefits of individuals provided under USERRA.

HOUSE BILL

Section 2 of H.R. 6225, as amended, would amend section 4323(e) of title 38 to require that, in USERRA actions brought against private or State employers, courts shall use their equity powers in any case in which the court determines it is appropriate.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 315 of the Compromise Agreement follows the House language.

### WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING

CURRENT LAW

Section 4103(a)(2) of title 38 requires that each State Director of Veterans' Employment and Training (SDVET) have been, at the time of appointment, a bona fide resident of the State for at least two years.

SENATE BILL

Section 303 of S. 1315, as amended, would permit waiver of a residency requirement for SDVETs.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 316 of the Compromise Agreement follows the Senate language.

### MODIFICATION OF SPECIAL UNEMPLOYMENT STUDY TO COVER VETERANS OF POST 9/11 GLOBAL OPERATIONS

CURRENT LAW

Section 4110A of title 38 requires the Secretary of Labor, through the Bureau of Labor Statistics, to submit a report every two years on the employment and unemployment experiences of Vietnam-era veterans, Vietnam-theater veterans, special disabled veterans, and recently separated veterans.

SENATE BILL

Section 304 of S. 1315, as amended, would update this special unemployment study to focus on veterans of the Post–9/11 Global Operations period and require an annual report.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 317 of the Compromise Agreement generally follows the Senate language, except that the report would be required to include veterans of the Vietnam era, as well as veterans of the Post–9/11 Global Operations period.

SUBTITLE B—EDUCATION MATTERS

MODIFICATION OF PERIOD OF ELIGIBILITY FOR SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE OF CERTAIN SPOUSES OF INDIVIDUALS WITH SERVICE-CONNECTED DISABILITIES TOTAL AND PERMANENT IN NATURE

CURRENT LAW

Under the Survivors' and Dependents' Educational Assistance (DEA) program, VA provides up to 45 months of education benefits to certain children or spouses of military personnel. For instance, the spouse of a veteran or servicemember may be eligible for benefits if the veteran died, or is permanently and totally disabled, as the result of a service-connected disability or if the veteran died from any cause while a permanent and total service-connected disability was in existence.

The spouse generally must use these education benefits within ten years after the date on which the veteran dies or is found to be permanently and totally disabled. However, if the servicemember died while on active duty, the spouse may use the education benefits during the twenty-year period after the servicemember's death.

SENATE BILL

Section 311 of S. 3023, as amended, would extend from ten years to twenty years the time within which the spouses of certain severely injured veterans have to use their DEA benefits. Specifically, the twenty-year period would be available to a spouse of a veteran who becomes permanently and totally disabled within three years after discharge from service, if the spouse remains married to the veteran.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 321 of the Compromise Agreement follows the Senate language.

REPEAL OF REQUIREMENT FOR REPORT TO THE SECRETARY OF VETERANS AFFAIRS ON PRIOR TRAINING

CURRENT LAW

Under current law, State approving agencies approve, for VA education benefits purposes, the application of educational institutions providing non-accredited courses if the institution and its courses meet certain criteria. Among these is the requirement that the institution maintain a written record of the previous education and training of the eligible person and what credit for that training has been given the individual. The institution must notify both VA and the eligible person regarding the amount of credit the school grants for previous training.

SENATE BILL

Section 312 of S. 3023, as amended, would repeal the requirement that an educational institution providing non-accredited courses notify VA of the credit granted for prior training of certain individuals.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 322 of the Compromise Agreement contains the Senate provision.

MODIFICATION OF WAITING PERIOD BEFORE AFFIRMATION OF ENROLLMENT IN A CORRESPONDENCE COURSE

CURRENT LAW

Under current law, in the case of courses offered through correspondence, an enrollment agreement signed by a veteran, spouse, or surviving spouse will not be effective unless he or she, after ten days from the date of signing the agreement, submits a written and signed statement to VA affirming the enrollment agreement. In the event the individual at any time notifies the institution of his or her intention not to affirm the agreement, the institution, without imposing any penalty or charging any fee, shall promptly make a refund of all amounts paid.

SENATE BILL

Section 313 of S. 3023, as amended, would decrease to five days the waiting period before affirmation of enrollment in a correspondence course may be finalized for purposes of receiving educational assistance from VA.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 323 of the Compromise Agreement follows the Senate language.

CHANGE OF PROGRAMS OF EDUCATION AT THE SAME EDUCATIONAL INSTITUTION

CURRENT LAW

Under current law, a student who desires to initiate a program of education must submit an application to VA in the form prescribed by the Department. If the student decides a different program is more advantageous to his or her needs, that individual may change his or her program of study once. However, additional changes require VA to determine that the change is suitable to the individual's interests and abilities. It is rare for VA to deny a change of program, especially if the student is continuing in an approved program at the same school.

SENATE BILL

Section 314 of S. 3023, as amended, would repeal the requirement that an individual notify VA when the individual changes educational programs but remains enrolled at the same educational institution.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 324 of the Compromise Agreement follows the Senate language.

REPEAL OF CERTIFICATION REQUIREMENT WITH RESPECT TO APPLICATIONS FOR APPROVAL OF SELF-EMPLOYMENT ON-JOB TRAINING

CURRENT LAW

Under current law, all provisions of title 38 that apply to VA's other on-job training (OJT) programs (except the requirement that a training program has to be for at least six months) apply to franchise-ownership OJT, including the requirement that the trainee earn wages that are increased on an incremental basis.

SENATE BILL

Section 315 of S. 3023, as amended, would exempt on-the-job training programs from the requirement to provide participants with wages if the training program is offered in connection with the purchase of a franchise.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 325 of the Compromise Agreement follows the Senate language.

COORDINATION OF APPROVAL ACTIVITIES IN THE ADMINISTRATION OF EDUCATION BENEFITS

CURRENT LAW

Under chapter 36 of title 38 VA contracts for the services of State approving agencies (SAAs) for the purpose of approving programs of education at institutions of higher learning, apprenticeship programs, on-job training programs, and other programs that are located within each SAA's State of jurisdiction. Generally SAA approval of these programs is required before beneficiaries may use their educational assistance benefits to pay for them. The Departments of Education and Labor also assess education and training programs for various purposes, primarily for awarding student aid and providing apprenticeship assistance.

SENATE BILL

Section 301 of S. 1315, as amended, would amend section 3673 of title 38 to require VA to take appropriate actions to ensure the coordination of approval activities performed by SAAs and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of those activities.

HOUSE BILL

The House Bills have no comparable provision.

COMPROMISE AGREEMENT

Section 326 of the Compromise Agreement follows the Senate language.

SUBTITLE C—VOCATIONAL REHABILITATION MATTERS

WAIVER OF 24-MONTH LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE FOR VETERANS WITH A SEVERE DISABILITY INCURRED IN THE POST-9/11 GLOBAL OPERATIONS PERIOD

CURRENT LAW

Under chapter 31 of title 38 VA may provide services to certain veterans with service-connected disabilities to help them achieve maximum independence in daily living. Under section 3105 of title 38 the general rule is that no more than 24 months of these services may be provided to a veteran. However, under section 3105(d) of title 38 the period may be extended if ''the Secretary determines that a longer period is necessary and likely to result in a substantial increase in a veteran's level of independence in daily living.''

SENATE BILL

Section 301 of S. 3023, as amended, would amend section 3105(d) of title 38 to allow VA, without having to make such a determination, to extend the 24-month cap on independent living services for any veteran who served on active duty during the Post-9/11 Global Operations period and incurred or aggravated a severe disability during that service.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 331 of the Compromise Agreement follows the Senate language.

INCREASE IN CAP OF NUMBER OF VETERANS PARTICIPATING IN INDEPENDENT LIVING PROGRAM

CURRENT LAW

Section 3120(e) of title 38 authorizes VA to initiate a program of independent living services for no more than 2,500 service-connected disabled veterans in each fiscal year.

SENATE BILL

The Senate Bills contains no comparable provision.

HOUSE BILL

Section 301 of H.R. 6832 increases to 2,600 the number of veterans who may initiate a program of independent living services in any fiscal year.

COMPROMISE AGREEMENT

Section 332 of the Compromise Agreement follows the House language.

REPORT ON MEASURES TO ASSIST AND ENCOURAGE VETERANS IN COMPLETING VOCATIONAL REHABILITATION

CURRENT LAW

Under chapter 31 of title 38, VA provides vocational rehabilitation and employment services to veterans with service-connected disabilities. In its July 2007 report, the President's Commission on Care for America's Returning Wounded Warriors found that, ''of the 65,000 who apply for [VA's Vocational Rehabilitation and Employment program] each year, at most 10,000 of all ages complete the employment track in the program each year.'' The Commission also found that ''the effectiveness of various vocational rehabilitation programs is not well established, and the VA should undertake an effort to determine which have the greatest long-term success.'' In addition, the Commission recommended that ''VA should develop financial incentives that would encourage completion'' of vocational rehabilitation.

SENATE BILL

Section 306 of S. 3023, as amended, would require VA to conduct a study that would identify the various factors that may prevent or preclude veterans from successfully completing their vocational rehabilitation plans. It would also require identification of actions that the Secretary may take to address such factors. Not later than 270 days after beginning the study, VA would be required to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report including the findings of the study and any recommendations on actions that should be taken in light of that study.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 333 of the Compromise Agreement generally follows the Senate language, except that it includes language to specify that the study is required only to the extent that it does not duplicate elements of a VA study or report released during the one-year period after the date of enactment.

LONGITUDINAL STUDY OF DEPARTMENT OF VETERANS AFFAIRS VOCATIONAL REHABILITATION PROGRAMS

CURRENT LAW

Under chapter 31 of title 38 VA provides vocational rehabilitation and employment services for certain veterans with service-connected disabilities. VA currently collects data that does not accurately demonstrate the long-term results of participation in, or completion of, VA's vocational rehabilitation and employment program. Typically, VA knows how long a veteran spends in the various phases in long-term training and the costs related to that participation. However, VA does not collect data on earnings, promotions, and other long-term employment-related data following completion of the program. VA also does not collect data on those who may qualify for the program but do not complete the track of the program appropriate to their situation.

HOUSE BILL

Section 1 of H.R. 3889 would require VA, subject to the availability of appropriated funds, to conduct a longitudinal study, over a period of at least 20 years, of a statistically valid sample of certain groups of individuals who participate in VA's vocational rehabilitation and employment program. The groups of individuals would include those who begin participating in the vocational rehabilitation program during fiscal year 2009, those individuals who begin participating in such a program during fiscal year 2011, and those individuals who begin participating in such a program during fiscal year 2014.

By not later than July 1 of each year covered by the study, the Secretary would be required to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the study during the preceding year. The Secretary would be required to include in the report any data necessary to determine the long-term outcomes of the individuals participating in the program. In addition, each report would be required to contain (1) the number of individuals participating in vocational rehabilitation programs who suspended participation in such a program during the year covered by the report; (2) the average number of months such individuals served on active duty; (3) the distribution of disability ratings of such individuals; (4) the types of other benefits administered by the Secretary received by such individuals; (5) the types of social security benefits received by such individuals; (6) any unemployment benefits received by such individuals; (7) the average number of months such individuals were employed during the year covered by the report; (8) the average annual starting and ending salaries of such individuals who were employed during the year covered by the report; (9) the number of such individuals enrolled in an institution of higher learning; (10) the average number of academic credit hours, degrees, and certificates obtained by such individuals during the year covered by the report; (11) the average number of visits such individuals made to VA medical facilities during the year covered by the report; (12) the average number of visits such individuals made to non-VA medical facilities during the year covered by the report; (13) the average annual income of such individuals; (14) the average total household income of such individuals for the year covered by the report; (15) the percentage of such individuals who own their principal residences; and (16) the average number of dependents of each such veteran.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 334 of the Compromise Agreement generally follows the House language, except that study participants would be selected from those individuals who begin participating in VA's vocational rehabilitation program during fiscal years 2010, 2012, and 2014.

TITLE IV—INSURANCE MATTERS

REPORT ON INCLUSION OF SEVERE AND ACUTE POST-TRAUMATIC STRESS DISORDER AMONG CONDITIONS COVERED BY TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

CURRENT LAW

Section 1980A of title 38 provides traumatic injury protection coverage under the Servicemembers Group Life Insurance (SGLI) program. Traumatic Servicemembers Group Life Insurance (TSGLI) provides coverage against qualifying losses incurred as a result of a traumatic injury event. In the event of a loss, VA will pay between $25,000 and $100,000 depending on the severity of the qualifying loss. At present, active duty and reserve component servicemembers with any amount of SGLI coverage are automatically covered under TSGLI. A premium (currently $1 monthly) is collected from covered members to meet peacetime program expenses; the DOD is required to fund TSGLI program costs associated with the extra hazards of military service.

Subsection (b)(1) of section 1980A lists some qualifying losses for which injured servicemembers are covered under TSGLI, including, among others, complete loss of vision, complete loss of hearing, amputation of a hand or foot and the inability to carry out the activities of daily living resulting from injury to the brain. PTSD is not currently among the conditions classified as qualifying a loss.

SENATE BILL

Section 501 of S. 3023, as amended, would require VA, in consultation with the Department of Defense, to submit a report to Congress assessing the feasibility of and advisability of including severe and acute PTSD among the conditions covered by TSGLI. The report would be due to the Committees not later than 180 days after enactment of this bill.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 401 of the Compromise Agreement follows the Senate language.

TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE

CURRENT LAW

In 2001, section 4 of the Veterans' Survivor Benefits Improvements Act of 2001, Public Law 107–14, established a program of family insurance coverage under SGLI through which an SGLI-insured member's insurable dependents could also be insured. Section 1965(10) of title 38 defines insurable dependents as the member's spouse, and the member's child. Section 101(4)(A) of title 38 defines the term child as a person who is unmarried and under the age of 18 years; who became permanently incapable of self support before attaining the age of 18; or a dependent over the age of 18 that is pursuing education or training at an approved institution. Dependents over the age of 18 are considered a child until they complete their education, or until they reach the age of 23. Under current law, stillborn children are not eligible for coverage as insurable dependents under SGLI.

SENATE BILL

Section 502 of S. 3023, as amended, would amend section 1965(10) of title 38, so as to cover a servicemember's ''stillborn child,'' as an insurable dependent under the SGLI program. The Committees expect VA to issue regulations that would define the term in a manner consistent with the 1992 recommended reporting requirements of the Model State Vital Statistics Act and Regulations as drafted by the Centers for Disease Control and Prevention's National Center for Health Statistics. The Model Act recommends a state reporting requirement of fetal deaths involving fetuses weighing 350 grams or more, if the weight is unknown, or 20 or more completed weeks of gestation, calculated from the date the last normal menstrual began to the date of delivery.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 402 of the Compromise Agreement follows the Senate language.

OTHER ENHANCEMENTS OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE

CURRENT LAW

SGLI is a VA-supervised life insurance program that provides group coverage for members on active duty in the uniformed services (Army, Navy, Air Force, Marine Corps, and Coast Guard), members of the Commissioned Corps of the United States Public Health Service and the National Oceanic and Atmospheric Administration, Reserve and National Guard members, Reserve Officer Training Corps members engaged in authorized training, service academy cadets and midshipmen, Ready Reserve and Retired Reserve members, and Individual Ready Reserve members who are subject to involuntary recall to active duty service. VA purchases a group policy on behalf of participating members from a commercial provider. Since the inception of the SGLI program in 1965, The Prudential Insurance Company of America has been the provider. VA's FY 2009 budget submission projects that 2,342,000 individuals will be covered under SGLI in FY 2009.

Full coverage under SGLI is provided automatically at the maximum coverage amount when an individual begins covered service. Partial coverage at prorated premium rates is available for Reserve and National Guard members for active and inactive duty training periods. To be covered in an amount less than the maximum, or to decline coverage altogether, a member must make a written election to that effect. Coverage amounts may be reduced in multiples of $10,000. A member may also name, at any time, one or more beneficiaries of his or her choice. Decisions concerning coverage amounts and designation of beneficiaries are made at the sole discretion of members insured under SGLI.

The Veterans' Insurance Act of 1974, Public Law 93–289, established a new program of post-separation insurance known as Veterans Group Life Insurance (VGLI). Like SGLI, VGLI is supervised by VA but administered by Prudential. VGLI provides for the post-service conversion of SGLI to a renewable term policy of insurance. Persons eligible for full-time coverage include former servicemembers who were insured full-time under SGLI and who were released from active duty or the Reserves, Ready Reservists who have part-time SGLI coverage and who incur certain disabilities during periods of active or inactive duty training, and members of the Individual Ready Reserve and Inactive National Guard. Like SGLI, VGLI is issued in multiples of $10,000 up to the maximum coverage amount, but in no case can VGLI coverage exceed the amount of SGLI coverage a member had in force at the time of separation from active duty service or the Reserves.

SENATE BILL

Section 503 of S. 3023, as amended, includes numerous amendments to SGLI.

Subsection (a) of section 503 would extend full-time and family SGLI coverage to Individual Ready Reservists (IRRs), those individuals referred to in section 1965(5)(C) of title 38. This group of individuals volunteer for assignment to a mobilization category in the Individual Ready Reserve, as defined in section 12304(i)(1) of title 10. The Veterans' Survivor Benefits Improvement Act of 2001, Public Law 107–14, provided SGLI coverage for Ready Reservists, referred to in section 1965(5)(B), but not to IRRs.

Subsection (b) of section 503 would provide that a dependent's SGLI coverage would terminate 120 days after the date of the member's separation or release from service, rather than 120 days after the member's SGLI terminates.

Subsection (c) of section 503 would clarify that VA has the authority to set premiums for SGLI coverage for the spouses of Ready Reservists based on the spouse's age.

Subsection (d) of section 503 would clarify that any person guilty of mutiny, treason, spying, or desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces or refuses to wear the uniform of the Armed Forces, forfeits all rights to VGLI.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 403 of the Compromise Agreement follows the Senate language.

ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE

CURRENT LAW

Under current law, the administrative costs of the Service-Disabled Veterans Insurance program are paid for by the Government from VA's General Operating Expenses account.

SENATE BILL

Section 102 of S. 1315 would allow administrative costs for the S–DVI program to be paid for by premiums, as is done with all other National Service Life Insurance subfunds. This would allow administrative costs to be provided from Veterans Insurance and Indemnities and not General Operating Expenses in Function 700 of the Budget of the United States Government.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 404 of the Compromise Agreement follows the Senate language.

TITLE V—HOUSING MATTERS

TEMPORARY INCREASE IN MAXIMUM LOAN GUARANTY AMOUNT FOR CERTAIN HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS

CURRENT LAW

Section 3703 of title 38 stipulates the maximum loan guaranty amounts that VA will provide to veterans under its home loan guaranty program. Public Law 108–454 increased VA's maximum guaranty amount to 25 percent of the Freddie Mac conforming loan limit determined under section 305(a)(2) of the Federal Home Loan Mortgage Corporation Act for a single family residence, as adjusted for the year involved. The Economic Stimulus Act of 2008 (Stimulus Act), Public Law 110–185, temporarily reset the maximum limits on home loans that the Federal Housing Administration (FHA) may insure and that Fannie Mae and Freddie Mac may purchase on the secondary market to 125 percent of metropolitan-area median home prices, but did so without reference to the VA home loan program. This had the effect of raising the Fannie Mae, Freddie Mac, and FHA limits to nearly $730,000, in the highest cost areas, while leaving the then-VA limit of $417,000 in place.

On July 30, 2008, the Housing and Economic Recovery Act of 2008 was signed into law as Public Law 110–289. That law provided a temporary increase in the maximum guaranty amount for VA loans originated from July 30, 2008, through December 31, 2008, to the same level as provided in the Stimulus Act.

SENATE BILL

Section 201 of S. 3023, as amended, in a freestanding provision, would apply the temporary increase in the maximum guaranty amount, enacted in Public Law 110–289, until December 31, 2011.

HOUSE BILL

Section 203 of H.R. 6832 would amend section 2201 of Public Law 110–289 by striking ''December 31, 2008'' and inserting ''December 31, 2011''.

COMPROMISE AGREEMENT

Section 501 of the Compromise Agreement follows the Senate language.

REPORT ON IMPACT OF MORTGAGE FORECLOSURES ON VETERANS

CURRENT LAW

There is no applicable provision in current law.

SENATE BILL

Section 205 of S. 3023, as amended, would require VA to report on the impact of the mortgage foreclosure crisis on veterans and the adequacy of existing mechanisms available to help veterans. The report would have to include four specific elements: (1) a general assessment of the income of veterans who have recently separated from the Armed Forces; (2) an assessment of the effects of the length of the disability adjudication process on the capacity of veterans to maintain adequate or suitable housing; (3) a description of the extent to which the provisions of the Servicemembers Civil Relief Act currently protect veterans from mortgage foreclosure; and (4) a description and assessment of the adequacy of the VA home loan guaranty program in preventing foreclosure for recently separated veterans. The report would be due to the Committees on Veterans' Affairs of the Senate and the House of Representatives no later than December 31, 2009.

HOUSE BILL

The House Bills contain no comparable provisions.

COMPROMISE AGREEMENT

Section 502 of the Compromise Agreement follows the Senate language.

REQUIREMENT FOR REGULAR UPDATES TO HANDBOOK FOR DESIGN FURNISHED TO VETERANS ELIGIBLE FOR SPECIALLY ADAPTED HOUSING ASSISTANCE BY SECRETARY OF VETERANS AFFAIRS

CURRENT LAW

Section 2103 of title 38 authorizes VA to provide, without cost, model plans and specifications of suitable housing units to disabled veterans eligible for specially adapted housing under chapter 21 of title 38. Pursuant to this authority, the VA published, in April 1978, Pamphlet 26–13, ''Handbook for Design: Specially Adapted Housing.''

HOUSE BILLI21SECTION 1 OF H.R. 5664 WOULD AMEND SECTION 2103 OF TITLE 38 TO DIRECT THE SECRETARY TO UPDATE AT LEAST ONCE EVERY SIX YEARS THE PLANS AND SPECIFICATIONS FOR SPECIALLY ADAPTED HOUSING FURNISHED TO VETERANS BY VA.I89SENATE BILLI21THE SENATE BILLS CONTAIN NO COMPARABLE PROVISION.I89COMPROMISE AGREEMENT

Section 503 of the Compromise Agreement follows the House language.

ENHANCEMENT OF REFINANCING OF HOME LOANS BY VETERANS

CURRENT LAW

Under section 3703(a)(1)(A)(i)(IV) of title 38, the maximum VA home loan guaranty limit for most loans in excess of $144,000 is equal to 25 percent of the Freddie Mac conforming loan limit for a single family home. Public Law 110–289 set this value at approximately $182,437 through the end of 2008. This means lenders making loans up to $729,750 will receive at least a 25 percent guaranty, which is typically required to place the loan on the secondary market. Under current law, this does not include regular refinance loans.

Section 3703(a)(1)(B) of title 38 limits to $36,000 the guaranty that can be used for a regular refinance loan. This restriction means a regular refinance over $144,000 will result in a lender not receiving 25 percent backing from VA. In this situation, the lender is less likely to make the loan to the veteran. This situation essentially precludes a veteran from being able to refinance his or her existing FHA or conventional loan into a VA guaranteed loan if the loan is greater than $144,000.

Under section 3710(b)(8) of title 38, VA is also precluded from refinancing a loan if the homeowner does not have at least ten percent equity in his or her home.

SENATE BILL

Section 202 of S. 3023, as amended, would increase the maximum guaranty limit for refinance loans to the same level as conventional loans, which is 25 percent of the Freddie Mac conforming loan limit for single family home. It would also increase the percentage of an existing loan that VA will refinance under the VA home loan program from 90 percent to 95 percent.

HOUSE BILL

Section 302 of H.R. 6832 contains identical language as the Senate bill with respect to increasing the maximum guaranty limit for refinance loans. In addition, section 302 would increase the percentage of an existing loan that VA will refinance from 90 percent to 100 percent.

COMPROMISE AGREEMENT

Section 504 of the Compromise Agreement includes the language pertaining to the increase in the maximum guaranty limit for refinance loans that appears in both the House and the Senate bills and follows the House language with respect to the equity requirement.

EXTENSION OF CERTAIN VETERANS HOME LOAN GUARANTY PROGRAMS

CURRENT LAW

Section 3707 of title 38 authorizes VA to conduct a demonstration project that offers guaranties of adjustable rate mortgages (ARMs), loans with interest rates that change, and ''hybrid'' adjustable rate mortgages (hybrid ARMs), loans that carry a fixed rate of interest for an initial period followed by annual interest rate adjustments thereafter. VA currently has authority to continue these demonstration projects through the end of fiscal year 2008.

SENATE BILL

Section 203(a) of S. 3023, as amended, would amend section 3707 of title 38 to extend VA's ARM and hybrid ARM programs through fiscal year 2012.

HOUSE BILL

Section 208 of H.R. 6832 contains identical language.

COMPROMISE AGREEMENT

Section 505 of the Compromise Agreement includes this language.

TITLE VI—COURT MATTERS

TEMPORARY INCREASE IN NUMBER OF AUTHORIZED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

CURRENT LAW

Under current law, section 7253(a) of title 38, the United States Court of Appeals for Veterans Claims (CAVC) is limited to seven active judges.

SENATE BILL

Section 401 of S. 3023, as amended, would temporarily increase the number of active judges on the CAVC from seven to nine, effective December 31, 2009. Effective January 1, 2013, no appointment could be made to Court if that appointment would result in there being more judges of the Court than the authorized number of judges of the Court specified in current law.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 601 of the Compromise Agreement follows the Senate language. It is the Committees' expectation that the next Administration will begin vetting candidates for the additional judgeships as soon as practicable so that by the effective date of this provision, December 31, 2009, Congress might begin considering nominations to the Court.

PROTECTION OF PRIVACY AND SECURITY CONCERNS IN COURT RECORDS

CURRENT LAW

Current law, section 7268(a) of title 38, provides that ''all decisions of the Court of Appeals for Veterans Claims and all briefs, motions, documents, and exhibits received by the Court . . . shall be public records open to the inspection of the public.'' Section 7268(b)(1) provides that ''[t]he Court may make any provision which is necessary to prevent the disclosure of confidential information, including a provision that any such document or information be placed under seal to be opened only as directed by the Court.''

SENATE BILL

Section 402 of S. 3023, as amended, would amend section 7268 of title 38, so as to require the Court to prescribe rules, in accordance with section 7264(a) of title 38, to protect privacy and security concerns relating to the filing of documents, and the public availability of such documents, that are retained by CAVC or filed electronically. The rules prescribed by the Court would be required to be consistent, to the extent practicable, with rules that address privacy and security issues throughout the Federal courts.

HOUSE BILL

The House Bills contain no comparable provisions.

COMPROMISE AGREEMENT

Section 602 of the Compromise Agreement follows the Senate language.

RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

CURRENT LAW

Under section 7257 of title 38, retiring CAVC judges make an election whether to be recall eligible. If a judge chooses to be recall eligible, the Chief Judge of the CAVC has the authority to involuntarily recall that judge for up to 90 days per calendar year or, with the consent of the judge, to recall the judge for up to 180 days per calendar year. Under section 7296 of title 38, a recall-eligible retired judge receives annual pay equal to the annual salary of an active judge (pay-of-the-office) and that salary level is not impacted by how much recall service is performed during a year.

SENATE BILL

Section 403 of S. 3023, as amended, would modify the authorities for the recall of retired judges and the retirement pay structure. This section would repeal the 180-day limit on how many days per calendar year a recall-eligible retired judge may voluntarily serve in recall status. In addition, for judges appointed on or after the date of enactment, it would create a three-tiered retirement pay structure. Specifically, pay-of-the-office would be reserved for judges who are actively serving, either as a judge of the Court or as a retired judge serving in recall status. When not serving in recall status, a recall-eligible retired judge would receive the rate of pay applicable to that judge as of the date the judge retired, as increased by periodic cost-of-living adjustments. A retired judge who is not recall eligible would receive the rate of pay applicable to that judge at the time of retirement. Finally, section 403 would exempt current and future recall-eligible retired judges from involuntary recall once they have served an aggregate of five years of recall service.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 603 of the Compromise Agreement follows the Senate language.

ANNUAL REPORTS ON WORKLOAD OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

CURRENT LAW

Chapter 72 of title 38 establishes the organization, jurisdiction, and procedures governing the CAVC. That chapter does not require the Court to provide Congress with annual reports on its workload.

SENATE BILL

Section 404 of S. 3023, as amended, would add a section to chapter 72 to establish an annual reporting requirement for the CAVC. The CAVC would be required to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report summarizing the workload of the Court.

The information required to be in the report would include the number of appeals, petitions, and applications for fees under the Equal Access to Justice Act (EAJA) filed with the Court. It would also include the total number of dispositions by the Court as a whole, by the Clerk of the Court, by a single judge, by multi-judge panels, and by the full Court and the number of each type of disposition by the Court, including settlement, affirmation, remand, vacation, dismissal, reversal, grant, and denial. In addition, the required information would include the median time from filing an appeal to disposition by the Court as a whole, by the Clerk of the Court, by a single judge, or by multiple judges; the median time from the filing of a petition to disposition by the Court; the median time from filing an EAJA application to disposition by the Court; and the median time from completion of the briefing requirements by the parties to disposition by the Court. The report would also include the number of oral arguments held by the Court; the number of cases appealed to the United States Court of Appeals for the Federal Circuit; the number and status of appeals, petitions, and EAJA applications pending at the end of the fiscal year; the number of cases pending for more than 18 months at the end of the fiscal year; and a summary of any service performed by recalled retired judges during the fiscal year. In addition, the Court would be required to provide an assessment of the workload of each judge of the Court, including consideration of the time required of each judge for disposition of each type of case, the number of cases reviewed by the Court, and the average workload of other Federal judges.

HOUSE BILL

Section 201 of H.R. 5892, as amended, would add a section to chapter 72 to establish an annual reporting requirement for the CAVC. The CAVC would be required to submit to the Committees on Veterans' Affairs of the Senate and House of Representatives an annual report summarizing the workload of the Court. The information required to be reported would include the number of appeals filed; the number of petitions filed; the number EAJA applications filed; the number and type of dispositions; the median time from filing to disposition; the number of oral arguments; the number and status of pending appeals, petitions, and EAJA applications; a summary of any service performed by recalled retired judges; and the number of cases pending longer than 18 months.

COMPROMISE AGREEMENT

Section 604 of the Compromise Agreement follows the Senate language.

ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES

CURRENT LAW

Under section 7285 of title 38, the CAVC is authorized to impose a periodic registration fee on individuals admitted to practice before the Court. The maximum amount of any such fee is capped at $30 per year. That amount is significantly lower than other Federal courts generally charge. The Court is also authorized to impose a registration fee on the individuals participating in the Court's judicial conference.

SENATE BILL

Section 502 of S. 1315, as amended, would strike the $30 cap on the amount of registration fees that may be charged to individuals admitted to practice before the Court. It also would clarify that any registration fee charged by the Court, either for those admitted to practice before the Court or those participating in the judicial conference, must be reasonable.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 605 of the Compromise Agreement follows the Senate language.

TITLE VII—ASSISTANCE TO UNITED STATES PARALYMPIC INTEGRATED ADAPTIVE SPORTS PROGRAM

DEPARTMENT OF VETERANS AFFAIRS PROVISION OF ASSISTANCE TO UNITED STATES PARALYMPICS, INC. AND DEPARTMENT OF VETERANS AFFAIRS OFFICE OF NATIONAL VETERANS SPORTS PROGRAMS AND SPECIAL EVENTS

CURRENT LAW

Section 521 of title 38 authorizes the Secretary to assist certain organizations in providing recreational activities which would further the rehabilitation of disabled veterans.

HOUSE BILL

Section 3 of H.R. 4255, as amended, would authorize the Secretary to provide assistance to the Paralympic Program of the United States Olympic Committee (USOC).

Section 4 of H.R. 4255, as amended, would establish the Department of Veterans Affairs Office of National Veterans Sports Programs and Special Events.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Title VII of the Compromise Agreement generally follows the House language. It makes the authority to provide assistance to the Paralympic Program of the USOC a four-year pilot program instead of a permanent program and makes it clear that the agreement entered into is between VA and United States Paralympics, Inc. The Compromise Agreement makes it clear that the United States Paralympics, Inc., shall continue to seek private sponsorship and donors. It further provides for the Comptroller General of the United States to provide a report to the Congress after three years.

TITLE VIII—OTHER MATTERS

AUTHORITY FOR SUSPENSION OR TERMINATION OF CLAIMS OF THE UNITED STATES AGAINST INDIVIDUALS WHO DIED WHILE SERVING ON ACTIVE DUTY IN THE ARMED FORCES

CURRENT LAW

In January 2008, VA disclosed that, in an attempt to collect debts owed to VA, the Department had contacted the estates of twenty-two servicemembers who died while serving in either Operation Enduring Freedom or Operation Iraqi Freedom. Under the relevant law in effect at that time, section 5302 of title 38, any veteran or active duty servicemember indebted to VA due to the overpayment or erroneous payment of benefits was able to apply for a waiver from VA so as to remove the obligation to pay the debt. However, under that law, VA was required to notify the beneficiary, or his or her estate if the beneficiary was deceased, when an outstanding debt arose and to provide information on the right to apply for a waiver.

In an attempt to address this situation, the Supplemental Appropriations Act, 2008, Public Law 110–252, included a provision that added a new section 5302A to title 38, which prohibits VA from collecting all or any part of a debt owed to VA by a servicemember or veteran who dies as the result of an injury incurred or aggravated in the line of duty while serving in a theater of combat operations in a war or in combat against a hostile force during a period of hostilities after September 11, 2001. The Secretary is required to determine that termination of collection is in the best interest of the United States.

SENATE BILL

Section 601 of S. 3023, as amended, would amend section 3711 of title 31 so as to grant VA discretionary authority to suspend or terminate the collection of debts owed to it by individuals who die while serving on active duty in the Armed Forces. The authority to suspend collection would cover all individuals who die while serving on active duty as a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard during a period when the Coast Guard is operating as a service in the Navy.

Section 601 of S. 3023, as amended, also includes a freestanding provision that would permit VA to provide an equitable refund to any estate from which it collected a debt that it otherwise would have waived had this provision been in effect at the time. VA would have the discretion to determine in which cases, if any, the use of this authority would be appropriate.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 801 of the Compromise Agreement follows the Senate language.

THREE-YEAR EXTENSION OF AUTHORITY TO CARRY OUT INCOME VERIFICATION

CURRENT LAW

Section 6103(l)(7)(D)(viii) of title 26 authorizes the release of certain income information by the Internal Revenue Service (IRS) or the Social Security Administration (SSA) to VA for the purposes of verifying the incomes of applicants for VA needs-based benefits, including pensions for wartime veterans and compensation for Individual Unemployability. Section 5317(g) of title 38 provides VA with temporary authority to obtain and use this information in order to ensure that those receiving benefits under these income-programs are not earning a greater annual income than the law permits. This temporary authority will expire on September 30, 2008.

SENATE BILL

Section 603 of S. 3023, as amended, would extend VA's authority to obtain income information from the IRS or the SSA until September 30, 2011.

HOUSE BILL

Section 206 of H.R. 6832 would extend VA's authority to obtain income verification from the IRS or the SSA until September 30, 2010.

COMPROMISE AGREEMENT

Section 802 of the Compromise Agreement follows the Senate language.

MAINTENANCE, MANAGEMENT, AND AVAILABILITY FOR RESEARCH OF ASSETS OF AIR FORCE HEALTH STUDY

CURRENT LAW

Legislation enacted as section 714 of the John Warner National Defense Authorization Act for Fiscal Year 2007, Public Law 109–364, authorized the Air Force to transfer custody of the data and biological specimens to the Medical Follow-Up Agency (MFUA). There is no provision in current law for the maintenance and management of the assets authorized to be transferred.

SENATE BILL

Section 805 of S. 1315, as amended, would ensure that the assets from the Air Force Health Study (AFHS) transferred to the MFUA are maintained, managed and made available to researchers. In order to ensure that sufficient funds are made available for this purpose, funding in the amount of $1,200,000 would be made available from VA accounts available for Medical and Prosthetic Research in each fiscal year from 2008 through 2011. In addition, funding from the same source would be provided in the amount of $250,000 for each year to conduct additional research using the assets of the AFHS. Finally a report would be provided to the Congress by March 31, 2011, concerning the feasibility and advisability of conducting additional research using these assets or disposing of them.

In the late 1970's, Congress urged the DOD to conduct an epidemiologic study of veterans of ''Operation Ranch Hand,'' the military units responsible for aerial spraying of herbicides during the Vietnam War. In response, the AFHS was initiated in 1982 to examine the effects of herbicide exposure and health, mortality, and reproductive outcomes in veterans of Operation Ranch Hand. The study is noteworthy for the amount of data and biological specimens collected. It cost over $143 million and was concluded in 2006.

The Senate bill would require VA to provide funding during fiscal years 2008 through 2011 for the purposes recommended by IOM in the Disposition of the AFHS report.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 803 of the Compromise Agreement follows the Senate language.

NATIONAL ACADEMIES STUDY ON RISK OF DEVELOPING MULTIPLE SCLEROSIS AS A RESULT OF CERTAIN SERVICE IN THE PERSIAN GULF WAR AND POST-9/11 GLOBAL OPERATIONS THEATERS

CURRENT LAW

Under current law, veterans gain eligibility for disability benefits by demonstrating a link between their disability and their active military, naval, or air service. To establish such a link, the veteran must show, generally, that his or her disability resulted from an injury or disease that was incurred or aggravated during the time of military service.

In addition to disabilities that can be directly linked to service, certain diagnosed diseases are presumed, as a matter of law, to be service-connected if they manifest under conditions specified by statute. For example, section 1112, title 38, provides a presumption for certain chronic diseases if manifested to a degree of disability of 10 percent or more within one year of separation from service, for certain tropical diseases if manifested to

a degree of disability of 10 percent or more, generally, within one year of separation from service, and for active tuberculosis or Hansen's disease if manifested to a degree of disability of 10 percent or more within three years of separation from service.

In 1962, Public Law 87–645 extended the period of time after separation from service that a diagnosis of multiple sclerosis may be presumed to be service-connected from three to seven years for veterans with wartime service.

SENATE BILL

Section 806 of S. 1315, as amended, would require VA to enter into a contract with the IOM to conduct a comprehensive epidemiological study to identify any increased risk of developing multiple sclerosis, and other diagnosed neurological diseases, as a result of service in the Southwest Asia theater of operations or in the Post 9/11 Global Operations theaters. The Southwest Asia theater of operations is defined in section 3.3317 of title 38, Code of Federal Regulations. The Post 9/11 Global Operations theater is defined as Afghanistan, Iraq, or any other theater for which the Global War on Terrorism Expeditionary Medal is awarded for service.

The mandated study would examine the incidence and prevalence of diagnosed neurological diseases, including multiple sclerosis, Parkinson's disease, and brain cancers, as well as central nervous abnormalities, in members of the Armed Forces who served during the Persian Gulf War period and Post–9/11 Global Operations period. The study would also collect information on possible risk factors, such as exposure to pesticides and other toxic substances. IOM would be required to submit a final report to VA and the appropriate committees of Congress by December 31, 2012.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 804 of the Compromise Agreement generally follows the Senate language.

TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR CERTAIN SERVICEMEMBERS

CURRENT LAW

The Servicemembers Civil Relief Act (SCRA), currently found in the appendix to title 50, beginning at section 501, is intended to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service. Title III of the SCRA extends the right to terminate real property leases to active duty servicemembers on deployment orders of at least 90 days. It also allows for the termination of automobile leases for use by servicemembers and their dependents on military orders outside the continental United States for a period of 180 days or more.

SENATE BILL

Section 804 of S. 1315, as amended, would expand the SCRA to allow for the termination or suspension, upon request, of the cellular telephone contracts of servicemembers deployed outside the United States.

HOUSE BILL

Section 4 of H.R. 6225, as amended, would extend the SCRA protections to enable servicemembers with deployment orders to terminate or suspend service contracts without fee or penalty for such services as cellular phones, utilities, cable television, or Internet access.

COMPROMISE AGREEMENT

Section 805 of the Compromise Agreement generally follows the Senate language, except that it also includes a provision allowing servicemembers to suspend or terminate cellular phone contracts if they receive orders for a permanent change of duty station.

CONTRACTING GOALS AND PREFERENCES FOR VETERAN-OWNED SMALL BUSINESS CONCERNS

CURRENT LAW

Sections 502 and 503 of Public Law 109–461, the Veterans Benefits, Health Care, and Information Technology Act of 2006, require VA to provide certain contracting preferences to small businesses owned by veterans and service-disabled veterans.

HOUSE BILL

Section 2 of H.R. 6221, as amended, would amend section 8127 of title 38 to require the Secretary to include in each contract the Secretary enters with an agent acting on VA's behalf for the acquisition of goods and services a provision that requires the agent to comply with the contracting goals and preferences for small business concerns owned or controlled by veterans set forth in sections 502 and 503 of Public Law 109–461.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 806 of the Compromise Agreement generally follows the House language except that it would apply, to the maximum extent feasible, only to contracts entered into after December 31, 2008.

PENALTIES FOR VIOLATION OF INTEREST RATE LIMITATION UNDER SERVICEMEMBERS CIVIL RELIEF ACT

CURRENT LAW

The SCRA provides that penalties under title 18 may be imposed against anyone who knowingly takes part in or attempts to violate certain applicable protections.

HOUSE BILL

Section 5 of H.R. 6225 would amend section 207 of the SCRA by placing a fine of $5,000 and $10,000 on any individual or organization, respectively, who knowingly violates certain SCRA rights of a servicemember. It would further provide for attorney fees and treble damages in certain cases.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 807 of the Compromise Agreement follows the House language to add penalties in section 207 of the SCRA.

FIVE-YEAR EXTENSION OF SUNSET PROVISION FOR ADVISORY COMMITTEE ON MINORITY VETERANS

CURRENT LAW

Section 544 of title 38 required the Secretary to establish an Advisory Committee on Minority Veterans. Under section 544(e) of title 38, the Committee will cease to exist on December 31, 2009.

HOUSE BILL

Section 1 of H.R. 674 would repeal the sunset date on the Advisory Committee on Minority Veterans.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 808 of the Compromise Agreement would extend the sunset date on the Advisory Committee on Minority Veterans for five years from the current date of expiration, until December 31, 2014.

AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO ADVERTISE TO PROMOTE AWARENESS OF BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY

CURRENT LAW

The Anti-Deficiency Act, section 1341 of title 5, prohibits the use of appropriated funds for publicity or propaganda purposes. Section 404 of Public Law 110–161, the Consolidated Appropriations Act of 2008, reinforced this prohibition stating:

No part of any funds appropriated in this Act shall be used by an agency of the executive branch, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, and for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before Congress, except in presentation to Congress itself.

Although executive branch departments and agencies are prohibited from using appropriated funds to engage in ''publicity or propaganda,'' there is no such prohibition against disseminating information about current benefits, policies, and activities. Military recruiting advertising campaigns are a primary example of an acceptable use of appropriated funds.

HOUSE BILL

Section 2 of H.R. 3681 would add a new section 532 to title 38 authorizing the Secretary to advertise in national media to promote awareness of benefits under laws administered by the Secretary.

SENATE BILL

The Senate Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 809 of the Compromise Agreement follows the House language.

MEMORIAL HEADSTONES AND MARKERS FOR DECEASED REMARRIED SURVIVING SPOUSES OF VETERANS

CURRENT LAW

Section 2306(b)(4)(B) of title 38 authorizes VA to furnish an appropriate memorial headstone or marker to commemorate eligible individuals whose remains are unavailable. Individuals currently eligible for memorial headstones or markers include a veteran's surviving spouse, which is defined to include ''an unremarried surviving spouse whose subsequent remarriage was terminated by death or divorce.'' Thus, a surviving spouse who remarried after the veteran's death is not eligible for a memorial headstone or marker unless the remarriage was terminated by death or divorce before the surviving spouse died. However, a surviving spouse who remarried after the veteran's death is eligible for burial in a VA national cemetery without regard to whether any subsequent remarriage ended.

SENATE BILL

Section 602 of S. 3023, as amended, would extend eligibility for memorial headstones or markers to a deceased veteran's remarried surviving spouse, without regard to whether any subsequent remarriage ended.

HOUSE BILL

The House Bills contain no comparable provision.

COMPROMISE AGREEMENT

Section 810 of the Compromise Agreement follows the Senate language.

## CREDIT CARDHOLDERS' BILL OF RIGHTS ACT OF 2008

SPEECH OF

### HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2008*

Mr. TIAHRT. Madam Speaker, over the past week, our Nation's financial flame has begun to smolder under the reckless decisions of several large investment banking firms whose assets were tied into mortgaged-back securities. The result—there is a credit squeeze and depending upon what this Congress decides to do in the coming weeks, credit could become scarce and thousands of Americans who rely on credit as a bridge over life's troubled waters could be left out in the cold.

I am concerned about unfair and deceptive credit card practices and support efforts to protect consumers. I don't think a bill that will result in higher interest rates for consumers is a good idea, however.

In 2005, I voted for, and Congress passed, the ''Bankruptcy Abuse Prevention Act'' to help consumers get control of their debt. This bill also stipulated that open-end credit plans, such as credit cards, are required to include a minimum payment warning on the billing statement, indicating the length of time it can take to pay off a given balance. The warning includes a toll-free number the account holder can call to receive an estimate of the time it would take to repay his/her balance if only minimum payments were to be made. These common sense reforms, which President Bush signed into law, are already helping consumers improve their financial standing.

Furthermore, the Federal Reserve, Office of Thrift Supervision, and National Credit Union Administration are currently finalizing regulations to prohibit unfair and deceptive credit card practices and make disclosures more transparent. The proposed regulations, which are expected to be finalized in December, address a number of goals of this current bill. Those proposed regulations eliminate universal default, prohibit double-cycle billing, require advance notice of rate increases, and rein in over-the-limit fees. Regulations are better suited to addressing these problems than legislation because they can be adapted more readily to changes in market conditions. The proposed regulations are the result of extensive research and consumer input, have received extensive public comment, and should be finalized without legislation.

As drafted, the bill will increase costs and reduce access to credit for millions of Americans while eliminating low-rate credit options that will hurt individuals and small businesses alike. It does so by, among other things, limiting the ability of card companies to manage risk, as well as by dictating the terms under which credit card loans must be repaid. These requirements will force card companies to increase the cost of credit to all consumers to compensate for the added risk, and to eliminate attractive low-cost offers because they will no longer be able to generate a reasonable rate of return.

The result, Americans will be paying more for their credit cards and have less access to low-cost alternatives, such as zero percent balance transfer offers. Millions of small businesses that rely on personal credit cards to assist in their operations will likewise be hurt.

For these reasons, I cannot support this bill and instead vote in favor of our Nation's consumers.

## IN RECOGNITION OF THE 30TH ANNIVERSARY OF AMERICAN CITIZENS ABROAD

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. WILSON of South Carolina. Madam Speaker, this year marks the 30th anniversary of American Citizens Abroad, ACA—an organization dedicated to representing the interests of American citizens living outside the United States. As co-chair of the Americans Abroad Caucus, I am proud to congratulate this organization for reaching this important milestone.

American citizens living abroad are not only citizens of the United States, they are also our ambassadors to the world. They live and serve in diverse communities. They foster greater understanding and greater economic partnerships between our Nation and others.

In their capacity as an advocacy group for Americans living abroad, ACA informs and educates lawmakers in Washington on the interests of these citizens. Whether in the field of taxation or voting rights, the ACA helps to promote and clarify the unique concerns and issues that impact Americans living abroad.

I am pleased to congratulate American Citizens Abroad on three decades of success.

## CORYDON BICENTENNIAL CELEBRATION—CEDAR GLADE

### HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. HILL. Madam Speaker, earlier this year, I made remarks with regard to the Celebration of the Bicentennial of Corydon, Indiana, the county seat of Harrison County 19 miles west of Louisville. Noting the rich history of this community, it was a privilege for me to share with my fellow members and the Nation my affection for this community, and I have appreciated being involved with their Bicentennial Celebration.

On October 5, the town of Corydon will again gather to celebrate its history at a classic Ice Cream Social at one of the community's most historic sites, Cedar Glade. Cedar Glade is one of the oldest homes in Corydon—and certainly one of the most beautiful. It was built in 1808 by Jacob Kintner and his wife Agnes—the same year Corydon became a town. Over its two centuries, just three families—Kintner, McGrain and now Bennett—have owned Cedar Glade.

The name Cedar Glade stems from the rows of cedar trees Jacob Kintner planted on the property—those trees accentuating the many native cedars found in the area, and especially on the hillsides along Indian Creek, which runs through Corydon.

No one seems to know exactly from where Jacob Kintner came—or the source of the wealth he possessed when he arrived in Corydon. In fact, it is not known exactly when Kintner arrived in frontier Indiana—but he was definitely one of the first to do so.

The land on which Kintner built Cedar Glade was entered into the property rolls in his name in 1808, the year he built the house, and the year the town of Corydon was laid out. At that time there were only a few dwellings in the town—and certainly none as large or stately as Kintner's Cedar Glade. Speculation is that Kintner came from Virginia, where records record his marriage to Agnes Crist. The couple's Corydon home is architecturally similar to those of the time in Virginia.

Cedar Glade had Corydon's first water works, with Mr. Kintner laying pipe from springs behind the home to supply ever-flowing clear and cool spring water to the house, barns and his tan yard across the road. Few homes anywhere in those early days would have had such a system.

During the Civil War, in July 1863, Confederate General John Hunt Morgan crossed the Ohio River and launched a raid into the North. After the brief Battle of Corydon south of the town, Morgan set up a siege to persuade the town and its Home Guard to surrender by lobbing artillery shots over Corydon. While many of those cannonballs landed in the yard of Cedar Glade, none actually struck the house.

Luck also saw this property through tight spots during normal, everyday occurrences. While in the ownership of the McGrain family, a potentially disastrous fire could have destroyed the home. While burning corn cobs in the fireplace, a flaming cob jumped out and landed on the wood floor. The problem was noticed in time and the flames were extinguished before fire could envelop the house. However, a section of the wood floor was badly scarred. When Bud and Betty Bennett, the present owners, refurbished the home, that part of the floor was purposely not refinished—leaving the history evident and visible within the home.

One of the Kintner sons, Peter Shipley Kintner, lived a far-flung life of ease, often traveling abroad. After Jacob Kintner's death, Peter—the world traveler—''traded'' Cedar Glade in 1849 to Thomas McGrain, Sr. for a business building on Main Street in Louisville. McGrain moved from Louisville to Corydon—and young Peter Kintner moved to Paris, France. When Peter died, his remains were shipped back to Corydon and he was buried in the family plot on Cedar Hill. Of course, this was before the age of refrigeration and embalming, and Peter's body was shipped across the Atlantic in alcohol.

Life went on at Cedar Glade with the McGrain family in a style similar to the Kintners. The McGrains had 12 children, and the home was a hub of social activity. After the death of Thomas McGrain, Sr., his wife Matilda McGrain married Corydon attorney John Q. Gresham, who became a Union general in the Civil War and later served as a judge. He went on to become Postmaster General and Secretary of the Treasury in the cabinet of President Chester A. Arthur, and finally Secretary of State under President Grover Cleveland. All the while—and for more than 100 years—Cedar Glade was the McGrain family home.

Today, Cedar Glade is the home of Bud and Betty Bennett, and the family seat of son Larry Bennett and daughter Pam Bennett Martin—all prominent in historic preservation and the civic affairs of Corydon and Harrison County. In

fact, Bud Bennett is currently the President of the Main Street Corydon Board of Directors and has been active in Rotary and other community organizations since moving to the town in 1960. Throughout this time, his wife Betty has been the anchor of the family, often pushing Bud and their children to give to their community.

Betty, Bud, and Larry purchased the home in 1999 and conducted an extensive renovation updating it to modern standards and adding a new rear bedroom suite to the home. The process required two contractors—one adding the addition and another updating the main house. Particular attention was paid to preserving the structure's historic value. After more than 3 months of diligent, backbreaking work it was completed.

I am grateful to the Bennetts for preserving this treasure in Corydon, and the community is richer for Cedar Glade's history and contribution to the Corydon landscape. In recognition of Cedar Glade's Bicentennial, as well as that of Corydon, I want to again congratulate its citizens and wish them well at the October 5 event. I look forward to seeing how this unique and wonderful town develops for decades to come.

## HONORING THE 100 YEARS OF CONTRIBUTIONS OF THE CHURCH AND SCHOOL OF THE HOLY NAME OF JESUS OF BEECH GROVE, IN

### HON. ANDRÉ CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. CARSON of Indiana. Madam Speaker, I rise today to honor the Church and School of the Holy Name of Jesus for the countless contributions it has made to our city, and to recognize the parish on its 100-year anniversary.

The Church of the Holy Name of Jesus was founded in 1908 to serve parishioners in the city of Beech Grove, IN. Today, in its 100th year, the Holy Name of Jesus continues its commitment to service. The Holy Name of Jesus has provided education to hundreds of students who have gone through its schools and to thousands of individuals who have been ministered to within its walls. The past 100 years have seen many physical changes to this church but its commitment to its parishioners and the surrounding community has remained constant.

For these reasons I thank the Church of the Holy Name of Jesus for its devoted service to our great city, and congratulate the parish on the 100-year anniversary.

## HONORING JACKSON CHARLES LEGGETT

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jackson Charles Leggett of Kansas City, Missouri. Jackson is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1261, and earning the most prestigious award of Eagle Scout.

Jackson has been very active with his troop, participating in many Scout activities. Over the many years Jackson has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jackson Charles Leggett for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING MRS. BERNICE METZGER

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. UPTON. Madam Speaker, it is with great pleasure that I rise today to honor Mrs. Bernice Metzger, Michigan's Outstanding Older Worker for 2008.

Bernice is 74 years old, but has never let her age stop her from contributing to her community. Twenty years ago, at an age where most workers are eyeing retirement, Bernice embarked on a new career as a clerk at St. Joseph County Courthouse. As if that wasn't enough, she also works in the Treasurer's Office, the Register of Deeds, Probate Office, Circuit Court Judge's Office, Animal Control, Land Resource, and the Michigan State University Extension, and also serves as Deputy Clerk for Nottawa Township.

In addition to her professional duties, Bernice also finds time to volunteer with the Lions Club and the VFW of Sturgis, and has been recognized as a member of the Eastern Star. A mother of four, with four grandchildren and three great grandchildren, Bernice is a devoted mother, grandmother, and family woman. Her dedication to her family and her exemplary and outstanding service to St. Joseph County has made her an example of inspiration to her coworkers and friends.

I would like to extend my congratulations to Mrs. Bernice Metzger for all of her hard work and selflessness, which has made her Michigan's Outstanding Older Worker for 2008.

## TRIBUTE TO ST. GEORGE'S HELLENIC BENEFIT SOCIETY

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. MCGOVERN. Madam Speaker, I rise today to pay tribute to the St. George's Hellenic Benefit Society of Tsamantas in Worcester, Massachusetts, for its generous contributions to communities both in the United States and Greece. The Society is a not-for-profit fraternal organization that seeks to promote and preserve Greek heritage and culture in America and is celebrating its centenary in October of 2008.

For the past 100 years, the St. George's Society has helped friends and neighbors in Worcester, MA, and Tsamantas, Greece in a variety of ways. Some examples include building a school in the village of Tsamantas in the 1930s, offering financial support for a development workshop held at Tsamantas in September 2005 to help its declining economy, and funding scholarships for the grandchildren and great-grandchildren of the original immigrants in America. The St. George's Society is active in promoting education in the immigrant community through its generosity and involvement in the teaching of Greek Heritage, especially focusing on the contributions Greeks have made in the United States.

The St. George's Society will celebrate its founding through a series of events and activities to be held on Sunday, October 11, 2008. The goal of these events is to recognize and honor the contributions made by Greek immigrants and Greek-Americans throughout the United States and the world. The first event will take place at the Worcester Art Museum and seeks to educate the greater Worcester community about the social and philanthropic contributions made, both in Europe and the United States, by Greek immigrants—including those who founded the Society. A commemorative symposium will then take place at St. Spyridon Greek Orthodox Church in Worcester to discuss history, and is meant especially to remind the children and grandchildren of immigrants about the importance of preserving their heritage and participating in community service. The third event of the day, an interdisciplinary and multidisciplinary academic conference on immigration to be held at Hellenic College in Brookline, MA, aims to bring together specialists from a variety of disciplines to examine issues of identity and belonging, and the relationship between the past and the present in the context of cultural globalization. The conference will make a significant contribution to public understanding about the identity and culture of diasporic societies and inspire future research in this area.

Madam Speaker, I commend this wonderful group for its dedication to the Worcester and international community in promoting education and giving financial aid to students, for supporting research and promoting public works. I congratulate the St. George's Society for the centennial celebration of its founding. I ask all of my colleagues join me in paying tribute to this fine example of community involvement.

## HONORING THE RETIREMENT OF COL LINDA EBLING

### HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Ms. CASTOR. Madam Speaker, I rise today to honor COL Linda Ebling for her 22-year career in the United States Air Force as a Medical Service Corps officer. Her direct support of medical planning efforts for the United States Air Force Medical Service has greatly enhanced medical capabilities needed for success in the war.

Colonel Ebling was born in Pittsburgh, Pennsylvania. She obtained a Bachelors of Arts from Thiel College in Chemistry in 1975, and a Bachelors of Health Science from Hahnemann Medical College and Hospital in 1977.

She earned a Masters of Public Health at the University of Pittsburgh in 1985 and continued on as a distinguished graduate from military and health programs such as Health Services Administration, Squadron Officer School, Contingency Wartime Planning, and Joint Medical Planning. She also attended programs such as the Air Command and Staff College, Air War College, and Interagency Institute for Healthcare Executives at George Washington University.

Throughout her career, Colonel Ebling enhanced medical services in the U.S. military by working in numerous positions of medical services, support, management, operations, and planning. She is currently the Director of Medical Readiness for the Office of the Surgeon General, Headquarters United States Air Force at Bolling Air Force Base and the Pentagon, Washington, DC. Prior to serving with the Air Staff, she worked as Commander of the 86th Aeromedical Evacuation Squadron at Ramstein Air Base, Germany, from 2004 through 2006. During this assignment, she also served as Commander to 332nd Expeditionary Medical Support Squadron and Administrator to the 332nd Expeditionary Medical Group, deploying to the Air Force Theater Hospital at Balad Air Base, Iraq.

Prior to entering the Air Force, Colonel Ebling engaged in clinical practice as a Certified Physician Assistant from 1977–1986, working in Family Medicine Clinics in rural Pennsylvania, Industrial Medicine at the United States Steel Corporation, and Internal Medicine Services at the University of Pittsburgh. She also volunteered for medical mission work in rural areas of Haiti during 1984 and 1985. In 1986, Colonel Ebling received a direct commission to the Air Force as a Medical Service Corps Officer. She has served at Air Staff, MAJCOM, MacDill Air Force Base, and in various chief administrative and operational assignments, including AFSOC, AFMOA, 16th Operations Group, and joint special operations.

To recognize Colonel Ebling's extensive experience and powerful influence on medical support to the United States Air Force, she has received numerous awards. She is the recipient of the Air Force Meritorious Service Medal (6 OLC), the Air Force Achievement Medal (2 OLC), and the Air Force Commendation Medal. She is also the recipient of the Joint Service Achievement Medal, Armed Forces Expeditionary Medal (OLC), Humanitarian Service Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Air & Space Campaign Medal, and Iraqi Campaign Medal. She is also a member of Delta Omega, Omicron Chapter, a national society of academic excellence and leadership in public health, and was inducted into Thiel College's Athletic Hall of Fame. Due to her profound commitment and hard work, the United States Air Forces in Europe (USAFE) recognized her as the Medical Readiness Officer of the Year in 1988. She also earned the Air Force Special Operations Command (AFSOC) Commitment to Service Award in 1999, and the Air Combat Command (ACC) Commitment to Service Award in 2001.

Madam Speaker, COL Linda Ebling is a woman of the highest regard who has dedicated her life to the medical support and operations our brave men and women need out on the battlefield and when they return home. I am sure that I join many others in applauding her significant contribution to the Air Force Medical Services throughout her 22-year career.

## INTRODUCTION OF A BILL TO AMEND PUBLIC LAW 106–392 TO EXTEND THE AUTHORIZATIONS FOR THE UPPER COLORADO AND SAN JUAN RIVER BASIN ENDANGERED FISH RECOVERY PROGRAMS

### HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. UDALL of New Mexico. Madam Speaker, I am pleased to introduce a bill today that will extend authorization of the Upper Colorado and San Juan River Basin fish recovery programs. I am pleased to be joined in doing so by Representatives MARK UDALL, JOHN SALAZAR, JIM MATHESON, MARILYN MUSGRAVE, DIANA DEGETTE, and HEATHER WILSON.

The Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program were established under cooperative agreements as multiagency partnerships in 1988 and 1992, respectively.

This bill will allow the continuation of two already very successful programs. Established in 1988 and 1992, the Upper Colorado River Endangered Fish Recovery Program and the San Juan River Basin Recovery Implementation Program are run as partnerships between water users. These partners include the States of Colorado, New Mexico, Utah, and Wyoming; Bureau of Reclamation; U.S. Fish and Wildlife Service; Western Area Power Administration, Bureau of Land Management; National Park Service; Bureau of Indian Affairs; Southern Ute Indian Tribe; Ute Mountain Ute Tribe; Jicarilla Apache Nation; Navajo Nation; environmental organizations; water users; and power customers. The cooperation and compromise that emerges from the union of such diverse parties has been key to the past success of these programs, and to the preservation of western fish species.

State, tribal, and community partnerships have allowed these fish recovery programs to succeed without compromising the rights and wellbeing of surrounding communities and water users. Recovery programs have actually helped 1,600 Federal, tribal, and non-Federal water projects meet Endangered Species Act, ESA, compliance in their consumption of three million acre-feet of San Juan and Colorado River basin water per year. Passage of this bill would help ensure the recovery of endangered fish and the continued compliance of water users to ESA standards. Water and fish habitat, so scarce in the arid West, can only properly be managed through the kind of cooperation and coordination that is made possible by the Endangered Fish Recovery Programs Improvement Act.

Upper Colorado and San Juan River basin recovery programs focus on four fish species, including humpback chub, bonytail, Colorado pikeminnow, and razorback sucker. Successful restoration projects have included the construction of fish passages, fish screens, hatcheries, flood plain and instream habitat, and even a reservoir to provide flow augmentation. These facilities, costing approximately $100 million to date, will require rehabilitation and replacement into the future as the natural impact of floods and debris wears on them. Extended authorization and increased funding, as included in this bill, will allow for continued upkeep of these facilities, and completion of other habitat preservation projects.

With bills such as this, we are clearing a sound path for addressing our future water scarcity issues. Through the programs authorized in this bill, western water users are able to gain access to this vital resource while not compromising the habitat and survival of the species who share that water.

## HONORING SEAN CHARLES DOBBINS

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean Charles Dobbins of Kansas City, Missouri. Sean is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1271, and earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many Scout activities. Over the many years Sean has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean Charles Dobbins for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING THE LIFE AND ACCOMPLISHMENTS OF JOHN ''JACK'' PATRICK GILLESPIE

### HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. BARTON of Texas. Madam Speaker, today, I rise today to honor the life and accomplishments of the late Jack Gillespie. This American, immigrant, veteran, and patriot passed away on April 17th, 2008. Today would have been his 87th birthday and, in his honor, I would like to submit for the record the eulogy his son Ed read at his funeral on April 22nd of this year.

In November 1929, young John Patrick Gillespie—called Sean at the time—left his home by the Eanybeg stream at the base of Carnaween Mountain to head into Donegal Town with his mother and brothers and sisters.

He was beginning a journey to a new life in a wonderful place where he would find happiness, achieve glory, and eventually discover waiting for him there the woman he was meant to be one with.

By the time he came to be called ''Jack'' in his new country, he had figured out what success in America required.

He may have read some tips on board the *Lititia*, the steamer on which he spent two

weeks crossing from Ireland to Ellis Island. Many of the boats that sailed that route posted in their galleys a notice with the heading, ''Advice to Irish Emigrants.''

The posting included these words: ''In America, a man's success must altogether rest with himself—it will depend on his industry, sobriety, diligence and virtue . . . and he may rationally expect to raise himself in the world by his labour.''

People who met Jack Gillespie quickly realized that their friend or coworker or fellow soldier was extremely diligent, very industrious, generally virtuous and—most of the time sober. And he certainly wasn't afraid of labor.

His high school sweetheart Conny Carroll noticed something else about him—something other pretty lasses tended to notice too. He was a strikingly handsome man.

She wrote to him regularly during the war, and clipped newspaper articles on the progress of the 28th Infantry—the famed and feared ''bloody buckets''—and kept the clips in a scrap book.

Sergeant John Patrick Gillespie fought for the cause of freedom. He fought for the honor of his country. And though he never fought for the sake of glory, at war's end he was draped in it.

After landing in France, his Company L was among the first to confront the hedgerows that made a patchwork of the French countryside. His commanding officers spent days hunkered down trying to figure out how to advance over the thick, eight-foot-high lines of brush that separated them from an enemy whose size and strength they had no way of knowing.

Eventually a frustrated, impatient Sergeant Gillespie carved toeholds into the knotted hedgerow and told his lieutenant to listen for him after he went over the top.

When this fearless soldier dropped to the ground on the other side, he began firing his weapon to find—nobody firing back. Sixty years later, when asked what he did to get his Bronze Star, he laughingly said, ''Nothing, really.''

Of course, it wasn't for nothing. Nor was his subsequent Silver Star for Valor in Combat, earned saving a wounded platoon mate, or the Purple Heart for the bullets that ripped through both his legs in the Hurtgen Forest.

He was a successful salesman and a savvy entrepreneur willing to take risks—but calculated ones. He said he never took a chance in business unless he assessed better-than-60 percent odds for success. And he won a lot more often than he lost.

He was an opinion leader in his community. Bobby Kennedy was once asked how his brother Jack won the Democratic nomination in 1960. He said that when other campaigns went in to organize a town, they'd ask, ''Who's the Mayor?'' or ''Who's the county party chairman,'' or ''who's the Chamber of Commerce President?'' And we always asked, ''Who's the man to see?''

For a long time in this community, Jack Gillespie was the man to see.

What he cared most about was his family—his wife and children.

He was a devoted husband. As a father, he was a disciplinarian who gave the greatest gift you can give your children: unconditional love.

And sage advice. If Jack Gillespie said ''that's a good house,'' you should buy it. If he said ''you can't trust that guy,'' you couldn't. If he said ''you ought to marry that girl,'' you ought to.

Because of the guidance and advice he gave to me, I have been able to give guidance and advice to Congressmen, Senators, governors, Supreme Court Justices, prime ministers and, yes, the President of the United States of America.

Remarkable men and women, all. Yet I never felt intimidated in their presence.

You see, the most remarkable man I've ever known lies before us here today.

John Patrick Gillespie has left home again—on a journey to a new life in a wonderful place, where he will find happiness and achieve eternal glory. And waiting for him there, the woman he was meant to be one with.

Farewell, poor immigrant.

Farewell, successful businessman.

Farewell, brave soldier.

Farewell, loving husband, son, brother, uncle, grandfather, and friend.

Farewell, Dad.

## HONORING THE 75TH ANNIVERSARY OF THE GRAND COULEE DAM

### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mrs. McMORRIS RODGERS. Madam Speaker, I rise today to recognize the 75th AnnIversary of the building of Grand Coulee Dam.

If you have ever visited Grand Coulee Dam you know just how impressive of a structure it is. It is the largest concrete structure in the United States with enough concrete to build a sidewalk around the world—twice. During the summer, you can learn the history of the Columbia River by watching a laser light show displayed on the dam.

Although Grand Coulee Dam initially helped us win World War II it continues to play a critical role in the national and economic security of the United States by providing vital electric power and water to grow our food.

The Pacific Northwest serves as an example of good energy policy. You can't get any better than clean, renewable hydropower. As the Ranking Republican on the Water and Power Subcommittee, I am working hard to tell the good news story about hydropower.

That is why I was so pleased to see the Today Show highlighting Grand Coulee Dam and the positive impact it has had in the Pacific Northwest and more specifically Spokane.

Hydroelectric dams across the West and especially in Washington State have provided us with an abundant supply of clean, affordable, and renewable energy. In fact, dams provide nearly two-thirds of our state's electricity. These dams have kept the Pacific Northwest's ''carbon footprint'' at half that of the rest of the Nation. Removal of the four lower Snake River dams would add 5.4 million tons of $CO_2$ to the atmosphere each year and it would take three nuclear, six coal-fired, or 14 gas fired power plants to replace their electricity generation.

At a time of growing energy demand, it makes no sense to throw this energy source away. I am committed, as we move forward with the debate on global climate change, and how to reduce our carbon emissions, that hydropower be recognized for the important role it has played in the Pacific Northwest.

In addition, the water provided from the Columbia Basin Project, supplies more than 500,000 acres of farmland and helps make Washington second only to California in the number of crops grown totaling more than 250 different commodities.

## TRIBUTE TO PAT O'BRIEN, GENERAL MANAGER OF THE EAST BAY REGIONAL PARK DISTRICT

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. GEORGE MILLER of California. Madam Speaker, I rise today to join with my colleagues ELLEN TAUSCHER, BARBARA LEE, PETE STARK, and JERRY MCNERNEY in honoring Pat O'Brien for his many accomplishments and contributions to the East Bay Regional Park District, a world-class system of parks and trails throughout Alameda and Contra Costa counties in the San Francisco Bay Area.

Pat O'Brien has provided remarkable leadership as the General Manager of the East Bay Regional Park District, and our congressional districts have been greatly enhanced by his two decades of service. On the 20th anniversary of his leadership there, it is our great privilege to pay tribute to his work in the CONGRESSIONAL RECORD.

His service to public parks and recreation in California began at the Southgate Recreation and Park District in the Sacramento area. Due to his innovative ideas and pioneering work at Southgate, he was hired as the East Bay Regional Park District's General Manager. Over the next 20 years, Pat has accomplished more than many could in a lifetime of service.

Under his leadership, the Park District has acquired over 32,000 acres of new parklands, and has added 17 parks and more than 100 miles of regional trails. The East Bay Regional Park District today includes 98,000 acres and 65 parks, a remarkable achievement in protecting and providing open space access to the citizens of one of the densely developed regions of the country. And while expanding to ensure that all of our communities are served, Pat O'Brien and the East Bay Regional Park District have built strong relationships throughout the region so that their important projects and initiatives have widespread support.

The East Bay Regional Park District during Pat O'Brien's tenure has been a wise steward not only over the parks, trails, and natural and cultural resources of the East Bay Area, but of the taxpayers' money as well. The Park District has brought in more than $75 million in matching funds, and they have worked through ballot measures and assessment districts to provide stable funding for their good work.

Pat O'Brien's public service is an example to us all, and we are lucky to have his vision and his commitment in the East Bay. We have all benefitted by his leadership, and on behalf of all of our constituents, it is an honor to recognize Pat O'Brien on the occasion of his 20th anniversary as General Manager of the East Bay Regional Park District.

## RECOGNIZING THE JERSEY CITY FIRE DEPARTMENT

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. ROTHMAN. Madam Speaker, I rise to recognize and congratulate the Jersey City

Fire Department on receiving the U.S. Department of Defense Employer Support Freedom Award.

From their beginnings in 1829 through today, the Jersey City Fire Department's primary focus has been on protecting and supporting the community. This is readily apparent in how they treat their employees, particularly those who have chosen to serve in the U.S. military Reserves. Fire Captain Leonard DiStaso has been working for the department since 1997 in addition to serving in the Marine Corps Reserve. In the past 5 years, Captain DiStaso has been deployed to Iraq twice and both times the Jersey City Fire Department was there to support him and his family:

The Jersey City Fire Department went above and beyond the call of duty to make sure that Captain DiStaso was able to keep in contact with his family, while the department made sure to take care of them at home. His coworkers at the fire department stayed in touch with his family and helped them with snow shoveling and other necessities. In addition, the Jersey City Fire Department also raised thousands of dollars to buy phone cards for him and his fellow Marines in Iraq, as well as for wounded Marines at the National Naval Medical Center in Bethesda, Maryland. In fact, they even gave Christmas gifts to the families of all the Marines in his unit.

I commend the Jersey City Fire Department for their commitment to the community and their employees. This group of dedicated individuals is exceedingly deserving of the Department of Defense Employer Support Freedom Award, which recognizes employers who provide exceptional support to employees serving in the National Guard or Reserve. This is the U.S. Government's highest recognition for efforts made in the civilian lives of America's citizen-servicemembers, which make up roughly half of the Nation's Armed Forces.

I am so proud to represent the men and women of the Jersey City Fire Department and hope every Member of Congress will join me in recognizing them for their outstanding commitment to the community.

## HONORING MINEOLA HIGH SCHOOL FOR TAKING PART IN NATIONAL SERVICE LEARNING CHALLENGE WEEK

### HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mrs. McCARTHY of New York. Madam Speaker, I rise in honor of the young men and women from Mineola High School taking part in National Service Learning Challenge Week. For over 10 years, all 9th grade students from Mineola High School have taken part in an interdisciplinary project sponsored by the English and Living Environment curriculums.

On October 8th, under the supervision and guidance of their teachers and New York City Parks Department employees, students will visit Queens' Alley Pond Park as part of a tree planting and forest reclamation project. During their park visit, students will not only add to the beauty of the park by planting trees, but they will also learn of the park's vast history and ecosystem. In learning of the park's indigenous plants, students will come to understand the vast and complicated dynamics nonnative plants can have on their environment.

The growing strength, interest, and funding for service programs in the area has enabled a wider range of students to participate. For the first time, Mineola's ''Life Skills'' students, who are developmentally and physically challenged, will be going to Alley Pond. Their experience will no doubt make the event more complete and fulfilling for all those involved.

As a conscientious citizen and ardent environmental advocate, I am proud to recognize the students of Mineola High School and commend events much like National Service Learning Challenge Week for broadening the education of our Nation's youth. Mineola High School, as a recipient of a Learn and Serve America K–12 Grant, is currently enjoying its 25th year participating in the Mineola Student Service Center and Service Learning Program. Mineola has, and continues to be, a nationwide model for exemplary volunteerism and service.

It is the continued strong will and selfless determination of the students of Mineola that make me proud to call the town my home, and I am immensely grateful to the men and women whose hard work make such great events happen. I ask my colleagues to join me in expressing the gratitude of the U.S. Congress for the extensive contributions to education these individuals have made through this program.

## CONGRATULATING MR. ARNOLD ROMALDINI FOR BEING SELECTED AS PERSON OF THE YEAR

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Arnold Romaldini, who was chosen by the Italian American Association of Luzerne County to be their 2008 ''Person of the Year'' to be honored at their annual Columbus Day observance.

Born in the Hilldale section of Plains Township, Luzerne County, Pennsylvania, Mr. Romaldini is a son of the late Sante and Elia Benzi Romaldini and a stepson of Ubaldo Mosca. He has two sisters, Thelma Stella and Adelia James. He also had two brothers, Carlo and Eugene, both of whom are deceased.

Mr. Romaldini had five children from his first marriage to the late Joan Urban, of Duryea, and seven grandchildren. He is currently married to Elena DeSimone of Naples, Italy, and has two stepchildren and several stepgrandchildren.

Mr. Romaldini attended public schools in Plains Township and graduated from Jenkins Township High School. He attended Wilkes College and graduated from the Kingston Vocational School, specializing in automotive technology. He worked at several local car dealerships before accepting a management position at an out of state business.

He subsequently went into business for himself with an associate and operated a multifaceted repair shop which he later built into three automobile franchises as well as other business ventures. At the height of his business career, he employed approximately 50 people with a payroll in excess of $1 million. He traveled extensively throughout North America and Europe attending auto industry seminars.

Still a member of the National Automobile Dealers Association and the American Imported Auto Dealers Association, he was area District Dealer representative for numerous automobile manufacturers. He is a long standing member of the New York Auto Dealers Association and was a founding member and chairman of the Nissan Advertising Association of New York. He has been retired since selling his business in 1996.

He is a proud and active member of the Italian American Association of Luzerne County.

Madam Speaker, please join me in congratulating Mr. Romaldini. His determination to become a leading businessman has enriched the lives of all he has employed and all with whom he has been associated over many years. Moreover, his contributions to his family and his community has been extraordinary and an inspiration to all who know him.

## EARMARK DECLARATION

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. WALDEN of Oregon. Madam Speaker, consistent with the House Republican leadership's policy on earmarks, to the best of my knowledge the request I have detailed below (1) is not directed to an entity or program that will be named after a sitting Member of Congress; and (2) is not intended to be used by an entity to secure funds for other entities unless the use of funding is consistent with the specified purpose of the earmark. As required by earmark standards adopted by the House Republican Conference, I submit the following information on a project I requested and was included in H.R. 2638, The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Account: Research, Development, Test, and Evaluation—Defense-Wide.

Legal Name of Requesting Entities: Oregon Institute of Technology; Portland State University; University of Oregon; Worksystems, Inc. (a non-profit Workforce Development Board established by the 1998 Workforce Investment Act and recognized by the U.S. Department of Labor).

Address of Requesting Entities: Oregon Institute of Technology, 3201 Campus Drive, Klamath Falls, OR 97601; Portland State University, 2121 SW Fourth Avenue, Unitus Building, 6th Floor, Portland, OR 97027; University of Oregon, Charles H. Lundquist College of Business, 1208 University of Oregon, Eugene, OR 97403; and Worksystems, Inc., 111 SW Fifth Avenue, Suite 1150, Portland, OR 97204.

Description of Project: The Northwest Manufacturing Initiative confirms that it will use this funding for supporting applied engineering and sustainable supply innovation and research, workforce training programs and outreach and training for youth and young adults in order to increase the Northwest region's supply of

skilled, work-ready employees. In order to carry out the previously stated objectives, Northwest Manufacturing Initiative has provided the following budget and funding breakdown for the $1,600,000 provided for the project in H.R. 2638: $600,000 for Portland State University; $250,000 for the University of Oregon; $250,000 for the Oregon Institute of Technology; $360,000 for workforce training and skills integration; $40,000 for youth and young adult outreach; and $100,000 for Defense Logistics Agency estimated processing fee.

Account: Research, Development, Test, and Evaluation—Army.

Legal Name of Requesting Entity: University of Oregon.

Address of Requesting Entity: Attn: Rich Linton, Vice President for Research, University of Oregon, 203 Johnson Hall, Eugene, OR 97403.

Description of Project: The University of Oregon confirms that this funding will be used for the Brain, Biology and Machine Applied Research initiative's (BBMI) applied research phase and will focus primarily on research and development related to neurorehabilitation. In particular, the University of Oregon confirms that BBMI will investigate neuroplasticity aimed at developing, evaluating and optimizing a new generation of intervention techniques for assisted and prosthetic devices and integration. In order to carry out the previously stated objectives, the University of Oregon has provided the following budget and funding breakdown for the $1,600,000 provided for the project in H.R. 2638: $460,000 for equipment; $1,050,000 for research; and $90,000 for public outreach/education.

Account: Army National Guard.

Legal Name of Requesting Entity: Oregon Military Department.

Address of Requesting Entity: Oregon Military Department, Attn: Installations Division, 1776 Militia Way, P.O. Box 14350, Salem, OR 97309–5047.

Project Location: The Dalles, Oregon.

Description of Project: H.R. 2638 appropriates $682,000 for design of The Dalles Readiness Center (Armory), a 35,355-square-foot facility to support administrative and training functions for Company A(–) of the 3–116 Rifle Cavalry, with adequate classroom and administrative space for training and operations for homeland security, antiterrorism, and force protection. The Oregon Military Department has stated that all of the $682,000 appropriated funds will go towards design of The Dalles Readiness Center.

Account: Research, Development, Test, and Evaluation—Army.

Legal Name of Requesting Entities: Oregon State University (on behalf of the Oregon Nanoscience and Microtechnology Institute (ONAMI), a collaboration between the University of Oregon, Oregon State University, and Portland State University).

Address of Requesting Entities: Attn: John M. Cassady, Vice President for Research, Oregon State University, 314 Rogers Hall, Corvallis, OR 97331.

Description of Project: The requesting entity confirms that this funding will be used by the Oregon Nanoscience and Microtechnology Institute (ONAMI) Miniature Tactical Energy Systems Development project. It will be used for research and development to miniaturize a wide range of important tactical energy systems including soldier power systems and advanced cooling units for forward deployed operations. In order to carry out the previously stated objectives, ONAMI has provided the following budget and funding breakdown for the $2,400,000 provided for the project in H.R. 2638: $1,020,000 for equipment; $1,255,000 for research; and $125,000 for industry and community outreach.

Account: Air Force; Research, Development, Test, & Evaluation.

Legal Name of Requesting Entity: University of Oregon (on behalf of the Oregon Nanoscience and Microtechnology Institute (ONAMI) which consists of the University of Oregon, Oregon State University, and Portland State University).

Address of Requesting Entity: Attn: Rich Linton, Vice President for Research, 203 Johnson Hall, University of Oregon, Eugene, OR 97403.

Description of Project: H.R. 2638 has appropriated $4,000,000 for the Oregon Nanoscience and Microtechnology Institute (ONAMI) Safer Nanomaterials and Nanomanufacturing Initiative. In order to carry out the objectives of this project, ONAMI has provided the following budget and funding breakdown for the $4,000,000 provided for the project in H.R. 2638: $1,200,000 for equipment; $2,200,000 for research; $400,000 for industry and community outreach; and $200,000 for industry collaboration.

The ONAMI Safer Nanomaterials and Nanomanufacturing Initiative develops inherently safer and greener nanomaterials and nanomanufacturing methods, which directly impact the military's need for high performance materials that do not emit unintended wastestreams or material hazards. Three general areas of activity included within the Initiative are: (1) rational design of safer and greener materials based upon unique properties found at the nanoscale, (2) systematic assessment of the biological impacts of engineered nanomaterials, and (3) development of technology for high volume manufacturing and application of high-performance nanomaterials. Examples of nanomaterials and manufacturing of importance for military technology include nanoelectronics and nanophotonics, thermoelectric coolers, medical diagnostics and therapeutics, drinking water purification and environmental monitoring & remediation systems.

The ONAMI Safer Nanomaterials and Safer Nanomanufacturing Initiative cost share includes: state funding of approximately $2.23 million for research activities; private funding of over $2 million (cash and in-kind) from Hewlett-Packard, Invitrogen, FEI, and companies involved in related research efforts; and peer-reviewed federal awards and competitive awards from foundations, including the Keck Foundation, worth several million dollars.

Account: Research, Development, Test, and Evaluation—Navy.

Legal Name of Requesting Entity: Portland State University (on behalf of the Oregon Nanoscience and Microtechnology Institute (ONAMI), a collaboration between the University of Oregon, Oregon State University, and Portland State University).

Address of Requesting Entity: John Carruthers, Portland State University, 1719 SW 10th Ave., Portland, OR 97201.

Description of Project: The requesting entity confirms that this funding will be used by the Oregon Nanoscience and Microtechnology Institute (ONAMI) Nanoelectronics and Nanometrology Initiative. This funding will be used for supporting collaborative research with the Western Institute for Nanoelectronics, Pacific Northwest National Laboratory, and Oregon Health and Science University (OHSU) to generate new applications such as nanoelectronic devices to address the end of Moore's Law scaling, advanced solar cells, nanoscale chemical imaging for catalysis improvements in areas such as bioremediation and ethanol production, nanoscale biosensors for point-of-care health management, and biological cell imaging and measurement capabilities. In order to carry out the previously stated objectives, ONAMI has provided the following budget and funding breakdown for the $4,000,000 provided for the project in H.R. 2638: $1,200,000 for equipment; $2,525,000 for research; and $275,000 for industry and community outreach.

## EARMARK DECLARATION

### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. YOUNG of Alaska. Madam Speaker, I submit the following:

Bill Number: H.R. 2638, Air Force, RDT&E, Line 221, PE# 0708611F (Support Systems Development).

Legal name and address of entity receiving earmark: Biomass Energy Systems, Inc., 100 Overlook Center, 2nd Floor, Princeton, NJ 08540.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: This project is underway to introduce alternative energy sources based on locally available resources for the USDOD and in Alaska. The Air Force, APTO, Eielson AFB and BESI have forged an alliance to create an alternative energy source program to be implemented in Alaska. The program consists of three phases. First, an integrated waste to energy system consisting of waste gasification, gas cleanup, and a gas engine to convert waste-based fuel gas to electricity will be demonstrated using wood waste and other locally generated wastes will be located at Eielson AFB in Fairbanks, AK. After the testing is complete and any modifications are identified, the gasification system will be relocated to a local village, to demonstrate the system in a typical local setting as a backup source of power. After testing the system under local conditions is completed, the system will be integrated in parallel with the existing petroleum-based system. Initially the system will operate as backup for the existing system with a gradual change over to a primary role. This provides a practical model of sustainable renewable energy for the USDOD facilities, as well as the Alaskan villages.

Description of matching funds: BESI is currently under contract to the U.S. Air Force, APTO to deliver a final design for a 1MW system for Eielson Air Force Base in Alaska.

This is a Congressionally funded project from FY 07 and the contract is worth $848,040.00.

Appropriated Amount: $2,400,000.

Project Name: Eielson Air Force Base Alternative Energy Source Program.

Detailed Finance Plan:

| Item | Cost |
|---|---|
| Equipment Gasifier and Genset | $1,430,000 |
| Instrumentation and Controls | 330,000 |
| Construction & Installation | 200,000 |
| Shakedown | 200,000 |
| Project Management | 240,000 |
| Total | $2,400,000 |

Bill Number: H.R. 2638, Army, RDT &E, 999 Classified Programs.

Legal name and address of entity receiving earmark: Army Battle Command Battle Laboratory, Mr. Jason Denno, Deputy Director, Ft. Huachuca AZ 85613.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: (BRAMA-E) is a critical decision and training aid for commanders and operators to use in support of military operations on urbanized terrain (MOUT). BRAMA is an integrated collection, planning, and course of action system. It integrates existing U.S. Army developed blast modeling software with a state of the art 4D (Lat, Long, Alt, and Time) visualization front end. It is used by the Army to simulate blast analysis and vulnerability assessments.

BRAMA provides decision support for anti-terrorism/force protection (AT/FP) and critical infrastructure protection (CIP). BRAMA is a royalty-free tool and requires minimal training. It leverages previous U.S. Army and U.S. Air Force—force/facility protection R&D efforts. Starting in 2007, the BRAMA capability—along with training—has been provided to active duty Army, Homeland Security and National Guard representatives from 7 states. The U.S. Army CONOPS for Force Protection highlights the need for a Capabilities Based Assessment (CBA) tool. Additionally, user feedback post-delivery on BRAMA specifically asks for enhancements on the speed at which facility data can be generated and visualized. Research conducted by the Army in 2006 and 2007 has identified a candidate commercial technology that can be integrated into the BRAMA baseline to meet the CONOPS and speed up the collection process.

BRAMA has demonstrated its usefulness to commanders, planners, and security forces by employing full-dimensional display technology to visualize, analyze and remediate blast effects generated by DoD-approved blast models. BRAMA-E will extend that capability by simplifying the ease of use and helping the Army meet its goal to field a unit level Capabilities Based Assessment (CBA) tool.

Description of matching funds: Not Applicable.

Appropriated Amount: $800,000.

Project Name: Blast and Damage Assessment Risk Analysis and Mitigation Application—Enhancements (BRAMA-E).

Funding Source: Army, RDT &E, 999 Classified Programs.

Bill Number: H.R. 2638, Army, RDT&E, Line 6, PE # 0602120A.

Legal name and address of entity receiving earmark: Alkan Shelters, LLC, 1701 S. Cushman St., Fairbanks, AK 99701.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: In an effort to support the needs of the Special Operations Community with regard to establishing remote area communications and intelligence, Alkan has designed a C4 module capable for use on the smaller ATV platforms. The module design incorporates the latest in satellite communications, UAV & IR camera surveillance and military mesh network antenna systems. It will provide a means by which to gather field intelligence and transmit this data back to the tactical operations center. This project funding would be used to build a military ATV vehicle and C4 module and has already received $500,000 in funding from SOCOM.

Description of matching funds: This project has received $500,000 in funding from SOCOM.

Appropriated Amount: $1,200,000.

Project Name: Command and Control, Communications and Computers (C4) module.

Detailed Finance Plan:

| | |
|---|---|
| ATV | $300,000 |
| Shelter | 300,000 |
| C4 Components | 200,000 |
| Engineering | 400,000 |
| Total | $1,200,000 |

Bill Number: H.R. 2638, Operation and Maintenance, Air Force, 04 Administration and Servicewide Activities 0421 Civil Air Patrol.

Legal name and address of entity receiving earmark: Alaska Wing, Civil Air Patrol, United States Air Force Auxiliary, P.O. Box 6014, Elmendorf Air Force Base, AK 99506–6014.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: Requested funds would provide Infra-Red (IR) technology that would be mounted to select aircraft to enhance our capability in Search and Rescue (SAR), Homeland Security, and Disaster related missions. Five aircraft strategically located throughout Alaska would provide enhanced coverage for the aforementioned missions.

Description of matching funds: N/A.

Appropriated Amount: $800,000.

Project Name: Alaska Civil Air Patrol Strategic Upgrades and Training.

Funding Source: Operation and Maintenance, Air Force, 04 Administration and Servicewide Activities 0421 Civil Air Patrol.

Detailed Finance Plan:

EVS Equipment, Installation, and needed aircraft modifications—$450,000.

Training Related Expenses—$150,000–$200,000.

Estimated Modification(s) to Individual Squadron Facilities to Maintain Storage, Security, and Maintenance of the Technology—$100,000–$200,000.

Bill Number: H.R. 2638.

Legal name and address of entity receiving earmark: Alaska National Guard, Alaska Department of Military & Veterans Affairs, PO Box 5800 Camp Denali, Fort Richardson, AK 99505–5800.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The Alaska National Guard is undergoing a significant organizational transformation from its ''Cold War first line of defense'' to an integral component of today's military that is trained and ready to fight the Global War on Terrorism. As such, it is imperative that we have contemporary training and logistics facilities for our soldiers as they return from Kuwait, Iraq, and Afghanistan. This new readiness center will serve as a modem regional training and logistics hub to prepare service members throughout western Alaska for their new mission. Thank you for your support on this matter.

Description of matching funds: The State of Alaska has appropriated all necessary state funds for this project.

Appropriated Amount: $16,000,000.

Project Name: Bethel Armory Readiness Center.

Funding Source: Department of Defense, Air National Guard.

Detailed Finance Plan: Funds will be used for construction costs. The land for the project has been acquired, all environmental documentation is complete and without issue and the site has been prepared, at state cost, and is ready for construction; and the design is 95% complete.

Bill Number: H.R. 2638, Army, RDT&E, 999 Classified Programs.

Legal name and address of entity receiving earmark: Battle Command Battle Lab, Mr. Jason Denno, Deputy Director, Fort Huachuca, AZ 85613.

Description of how the money will be spent and why the use of federal taxpayer funding is justified: The Constant Look system is a prototype biometric sensing capability developed for the U.S. Army to support MOUT (military operations in urbanized terrain). Its unique standoff capability gives users an ability to support surveillance and special operations remotely. User comments from several demonstration tests included requests for enhancements to improve usability and extend the capability of the system in terms of what can be collected The Constant Look Operational Support Environment (CLOSE) will provide that additional functionality by leveraging several proven off-the-shelf technologies—a standoff digital collection system and additional digital signal processing (DSP) to extract other types of biometric signatures.

The U.S. Army's ISR Battle Command Battle Lab at Fort Huachuca (BCBL-H) responding to user requests—has developed and tested a stand-off biometric sensor system that allows traditional and special operations units to conduct surveillance and identify potential hostiles from a safe distance with a low probability of detection. To date, the majority of the effort on Constant Look has focused on the core collection system technology and the user interface has not kept pace with available commercial technology. CLOSE will remedy that by leveraging millions of dollars in commercial investment and integrating that investment into the Constant Look baseline.

CLOSE will provide CL users with a rapid capability to collect and model surveillance target facilities, including ingress and egress, from the same standoff range as the CL collection system itself. Secondly it will extend the DSP capability resident within the CL baseline to extract other types of Indications and Warning (I&W) data.

Description of matching funds: Not Applicable.

Appropriated Amount: $1,600,000.

Project Name: Constant Look Operational Support Environment (CLOSE).

Funding Source: Army, RDT&E, 999 Classified Programs.

## IN HONOR OF ARCHER RAYMOND MORGAN, JR.

### HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. GALLEGLY. Madam Speaker, I rise in honor of Simi Valley Police Department Sergeant Archer Raymond Morgan, Jr., who will retire October 12 after 33 years of dedicated and exceptional service to the department and the city it serves.

Simi Valley, California, has been my home for more than 40 years. When I was first elected to the City Council, Simi Valley's public safety was entrusted to the Simi Valley Community Safety Agency. Officers rode in white cars and wore light blue uniform shirts. It was an intentionally low-key and, some might say, casual approach to law enforcement.

Not long after my election to the council, I became the city's first elected mayor. Soon thereafter, we transformed the Simi Valley Community Safety Agency into the Simi Valley Police Department. White patrol cars became traditional black and whites. Community safety officers became trained and professional police officers and dressed the part.

Arch Morgan was an integral part of that transformation into a professional police force. I have done several ride-alongs with Arch over the years—in both white cars and black and whites. He is a professional's professional and one of the most liked and respected members of the department.

Arch worked patrol for the first 5 years with the department. He also served as the department's Court Officer, field training officer, and on the department's Driving Under the Influence Team (DUIT). In 1980, he was promoted to sergeant. As a sergeant, Arch worked in Patrol, Patrol Support, Youth Services, Inspection & Planning, and the Special Enforcement Detail. For the past 11½ years, he has supervised the Field Training Office Program.

Prior to his law enforcement career, Arch was a Medical Corpsman for the U.S. Army National Guard. He earned his associate of arts with a Police Science major from Moorpark College.

Sergeant Archer Raymond Morgan, Jr., epitomizes the professionalism of the Police Department he has served for more than 3 decades and on which he has left a visible possible mark.

Madam Speaker, I know my colleagues join me in thanking Arch Morgan for his dedication to the Simi Valley Police Department and the people it serves, and in wishing him well in a long and fruitful retirement.

## TRIBUTE TO CARRIE CONLEY

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SHIMKUS. Madam Speaker, I rise today to honor the admirable accomplishment of kidney transplant recipient, Carrie Conley. Mrs. Conley won two gold and two silver medals at the U.S. Transplant Games.

In a brief statement Conley says, ''I attend the games to promote organ donation and to honor my donor family, which I met in 2004 at the Louisville games.'' Mrs. Conley received her kidney failure gradually from polycystic kidney disease. She won gold medals in swimming and golf, and her silver medals in the 5K race and track and field.

The U.S. Transplant Games encourage athletes of all ages who have received transplants to participate in this admirable and charitable event. Carrie Conley is an inspiration to transplant recipients of all ages, and I admire her greatly for her benevolent efforts.

## HONORING ZACHARY RAYMOND BUKATY

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary Raymond Bukaty of Grain Valley, Missouri. Zachary is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1332, and earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many Scout activities. Over the many years Zachary has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zachary Raymond Bukaty for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## TRIBUTE TO JEAN HINES

### HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. HULSHOF. Madam Speaker, I rise today to honor a special woman who has more than left her mark on Missouri. Jean Hines, of Sullivan, has been named by Experience Works, provider of job training and employment opportunities for older Americans, as the Outstanding Older Worker from the State of Missouri. Experience Works serves over 20,000 older workers and local communities.

Ms. Hines is a resident of the Ninth Congressional District. She works as a machinist; specifically, she works in finishing operations for the Cardin Machine Shop, which makes precision machine parts for the aerospace industry for companies such as Boeing and Lockheed.

Experience Works began in the summer of 1963 when President John F. Kennedy decided to make poverty reduction a focus of his anticipated 1964 reelection campaign. Shortly thereafter, President Lyndon B. Johnson, looking to help heal a shocked Nation after President Kennedy's assassination, took the advice of several national leaders and declared war on poverty.

On October 5, 1965, President Johnson signed the Nelson Amendment to the Economic Opportunity Act, which funded the ''green thumb'' project of the National Farmers Union. Soon after, Green Thumb, Inc. (now Experience Works) became the first nonprofit organization whose sole function was to help provide jobs for disadvantaged rural Americans.

While the Economic Opportunity Act stalled in Congress, Lady Bird Johnson helped press the initiative forward. A proposal suggested taking ''the 'green thumbs' of poor, older, and retired farmers and put them to work to beautify our highways.'' The First Lady said that ''an opportunity is presented here to provide [older farmers] with useful employment for which they are fully qualified, and at the same time. to beautify highways for the benefit of all our people.''

Over time, that program went from beautification projects in four States to a major Federal workforce initiative known as the Senior Community Service Employment Program (SCSEP), which today provides training, employment, and community service opportunities to thousands of seniors across the country.

I believe this program is an effective tool, which helps to strengthen families, communities, and our Nation by providing older workers with opportunities to learn, work, and serve others. Many of Missouri's seniors have benefited from this program.

Ms. Hines will be honored this week in Washington, DC, during National Older Workers Week. Today I want to shine a spotlight on not only Ms. Hines' achievements, but also on the vital role that older workers play in our Nation's economy. Ms. Hines' tireless commitment to her work has helped break down the barriers to hiring, training, and retaining older workers. Indeed, she is a role model for other older workers and employers. She has shown that much can be achieved and attained after the traditional retirement age. For these reasons, I am privileged to stand before this body and congratulate Ms. Hines on her receipt of this prestigious award. It is much-deserved.

## HONORING MARINE CORPORAL BRADLEY J. WALKER

### HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to bring to the attention of the House of Representatives the story of Marine Corporal Bradley J. Walker of White Pine, Tennessee.

Corporal Walker, a proud American and proud Marine, was injured when his Humvee vehicle was hit by an improvised explosive device in Haditha, Iraq in November of 2006. As a result of his injuries, Corporal Walker had both legs amputated at the knees. Since that time, Corporal Walker has been an inspiration to all of us as he has taken to his recuperation with the same drive and determination that was the hallmark of his service with the Marine Corps.

As has always been the case, the community of White Pine rallied to the cause of Walker's family in the true ''Volunteer State'' spirit by transforming their home to meet Corporal Walker's new needs as well as honoring him

with a parade and a declaration of "Brad Walker Day."

Corporal Walker has been an inspiration to many others as well. Recently, I had a discussion with Bert Caswell, a member of the Capitol Guide Service. Bert had met Brad at Walter Reed Medical Center and was truly moved by his story. That inspiration led Bert to write a poem that honors Corporal Walker. I enjoyed having the opportunity to read this poem and wanted to share this with the House of Representatives:

WALKING TALL

(By Albert Carey Caswell)

There's a calm before the storm . . .
Upon, battlefields of honor in hearts as worn . . .
All in souls of honor, as into the darkness their hearts of courage move on . . . where magnificence is born . . .

And when that battle is done . . .
Fine Men and Women of honor lie face down, living but their last most brilliant suns!
And then there are those ones, left behind with new battles begun . . . without arms and legs our sons . . .
As somehow their heart's must get up and walk again . . .
All in their pain and heartache, as their most splendid souls must somehow begin . . .
Telling them to get up and walk, as these inner voices of faith and courage so much has taught in the end!

Taught us all about the walk, the walk of life . . .
All in the kinds of battles we so chose to fight, all in these our darkest days of night . . .
All between dark and light, life and death . . . good and evil . . . as comes this battle, this their fine fight . . .

Is but their walk so burning bright . . .
Is but their walk of life, which brings such light . . . to everyone there so in sight . . .
Are all those steps they take, watching them . . . as all of our hearts so begin to break, all on this night . . .

And now upon this day, so seen . . .
Is but a fine United States Marine, Corporal Bradley J. Walker of Tennessee . . .
Who went off to war, who gave up his two fine legs all for our country tis of thee . . .

While, there in the face of death . . .
As he looked down to see no legs left, when he began his most heroic quest . . .
But, cheating death . . . as he began to walk . . . step by step . . . as his faith our world would bless . . .

As Brad, stands even taller on this day . . .
All in what his heart has now so conveyed, all in those new steps he has so made . . .
For Marines can do, and a heart of courage full can so teach so much too . . . all in courage's way!

All in our walk o life . . .
Will we walk tall, and with our souls so burn bright? Doing what is right!
As comes this night, Walking Tall . . . Corporal Bradley Walker this valiant knight . . .

Brad, The Toast of Tennessee . . .
One damn fine United States Marine . . .
And if I ever have a son, I but hope and pray he'd be like this one . . . Walking Tall like Bradley!

In honor of Corporal Bradley J. Walker, D Co., 4th Combat Engineer Battalion of White Pine Tennessee.

Madam Speaker, this is a fitting tribute to a fine young man who has sacrificed so much for his country, and I hope that the House will join me in honoring Corporal Walker for his service and thanking Bert Caswell for his tribute to this young man's service and sacrifice.

## TRIBUTE TO LIMA COMPANY

### HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. HOBSON. Madam Speaker, I request to submit this tribute in honor of the Lima Company of the 3rd Battalion, 25th Marine Regiment based in my congressional district. The piece was written by Albert Caswell.

Rest! Rest our fine sons . . . Your war is now over . . . Your battle's begun . . . There's Company in Heaven . . . There's a new force to be found . . . There's a new band of 23 brothers, of so renown . . .

There's a new winged force of Angels, warriors in the Army of our Lord now . . . There's 22 Magnificent Marines and a Corpsman, who are all out in front, moving so forth out on the prowl . . .

Heading in a divine direction, to do a battle for our Lord . . . to fight the darkness, as it's the light they so ensure! The ones who so lived and so died for each other, in the darkest times of war . . . as where their great burdens bore. Who have now come back as Angels, in this the greatest of all force . . . listen on the wind, you'll hear their voices.

Once but our bravest and brightest, who were all once champions of right . . . there our United States Marines . . . Who were the finest of all sons our nation has seen, who so bravely left all their loved ones to do what must be done! While, strength in honor was but their most magnificent of themes, but willing to die for us and give up all their dreams.

Moments on this earth are but all we so have, to make a difference, to crush hearts . . . all in our shortest of life paths. To grab hearts, from the beginning, where we so start, to stare right into the face of death with but only your fine hearts.

But for the greater good, as only they could . . . There's Company in Heaven . . . it's getting crowded up here! As the Lord our Father, welcomes these fine warriors in all of his tears!

And if I ever have a son, I but hope and pray and so wish . . . that he could but be like all of these fine ones!

Yeah, There's Company in Heaven . . . New Angels up here! Ready for this new battle which appears!

And when there comes a gentle rain . . . your sons' tears of love shall wash down upon you to so ease all of your pain . . . Until, one day up in Heaven . . . you will all so meet again! And you won't have to cry no more . . . FAOY.

LIST OF THE LIMA COMPANY FALLEN

Lance Corporal Timothy M. Bell, Jr.; Lance Corporal Eric J. Bernholtz; Corporal Dustin A. Derga; Lance Corporal Nicholas B. Erdy; Lance Corporal Wesley G. Davids; Sergeant David N. Wimberg; Lance Corporal Michael J. Cifuentes; Lance Corporal Christopher J. Dyer; Lance Corporal Jonathan W. Grant; Sergeant David Kenneth J. Kreuter; Lance Corporal Jourdan L. Grez; Private First Class Christopher R. Dixon.

Lance Corporal Christopher P. Lyons; Staff Sergeant Anthony L. Goodwin; Petty Officer 3rd Class Travis Youngblood; Sergeant Justin F. Hoffman; Staff Sergeant Kendall H. Ivy II; Lance Corporal Nicholas William B. Bloem; Corporal Andre L. Williams; Lance Corporal Grant B. Fraser; Lance Corporal Aaron H. Reed; Lance Corporal Edward A. Schroeder II; Lance Corporal William B. Wightman.

## HONORING MATTHEW AARON GATES

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew Aaron Gates of Platte City, Missouri. Matthew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1351, and earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many Scout activities. Over the many years Matthew has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew Aaron Gates for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## INTRODUCTION OF INDEPENDENCE AT HOME ACT

### HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. MARKEY. Madam Speaker, I rise to introduce the Independence at Home Act. I am pleased to introduce this important legislation today with my colleagues in the House, Representatives. CHRIS SMITH (R–NJ) and RAHM EMANUEL (D–IL), and my colleagues in the Senate, Senators RON WYDEN (D–OR), BARBARA MIKULSKI (D–MD), BENJAMIN CARDIN (D–MD) and SHELDON WHITEHOUSE (D–RI).

Our legislation is designed to improve the quality of care received by a particularly vulnerable portion of the Medicare population—beneficiaries with multiple chronic and debilitating diseases, including Alzheimer's, Parkinson's, ALS, diabetes and other conditions. Medicare beneficiaries with multiple chronic conditions account for a disproportionate share of Medicare spending compared to their representation in the overall Medicare population. Specifically, CMS reports that each year, 10 percent of the Medicare population accounts for two-thirds of all Medicare fee-for-service program payments. Because this population sees an average of 13 physicians and fills about 50 prescriptions per year, beneficiaries with multiple chronic conditions often receive disjointed care from health providers, including conflicting information and multiple diagnoses for the same symptoms.

The Independence at Home Act addresses the critical needs of these patients, for whom coordinated care has the greatest potential to achieve positive results. Through the creation

of a 3-year demonstration project in 26 states, our legislation provides for patient-centered health care directed by physicians and nurse practitioners working as part of a team of caregivers qualified to deliver quality health services for this specific Medicare patient group. The Independence at Home program is designed to fund better health care and improved health care technology through savings it achieves, using an innovative health care delivery model to permit the growing number of Medicare beneficiaries with multiple chronic conditions to remain as independent as possible for as long as possible and to receive care in a setting that is preferred by the beneficiary involved and the family of such beneficiary.

In addition to delivering holistic, preventive care that enables patients to remain in their own homes, the Independence at Home demonstration projects hold providers accountable for quality outcomes, patient satisfaction, and a mandatory minimum 5 percent savings on an annual basis compared to Medicare costs that would have been incurred if the beneficiary had not participated in the demonstration project. Our bill generates these savings by providing comprehensive and coordinated care to the highest cost Medicare beneficiaries with multiple chronic conditions, reducing duplicative and unnecessary services and avoiding unnecessary hospitalizations and emergency room visits. As demonstrated by the Veterans Administration and many other existing programs, the Independence at Home Act has the potential both to promote quality, effective care and significantly reduce costs.

Our bill has been endorsed by the American Academy of Home Care Physicians; AARP; the American Academy of Nurse Practitioners; the National Family Caregivers Association; the Family Caregiver Alliance/National Center on Caregiving; the American Association of Homes and Services for the Aging; the Maryland-National Capital Home Care Association; the Visiting Nurse Associations of America, and Intel Corp.

I look forward to working with my colleagues on both sides of the aisle to move this important legislation.

## REAL SEX ED WEEK

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. HOLT. Madam Speaker, our government has spent $1.5 billion in what is a failed policy for our Nation's children. Our investment in abstinence-only education has failed in giving our teenagers the medically accurate, life-saving information about birth control and sexually transmitted infections they need to make informed decisions. According to the Centers for Disease Control, one out of every four teenage girls in the United States is infected with a sexually transmitted disease and 40 percent of women will get pregnant before they reach 20 years of age. The facts confirm what many of us here in Congress have been saying for years, abstinence-only programs do not work.

This is a public health concern and we must reject funding for abstinence-only programs they are ideologically driven and are wishful thinking. Citizens in my district are demanding comprehensive sex education to keep our youth healthy and safe. A majority of voters in nearly every demographic category strongly support comprehensive sex education and want public schools to teach it, including 78 percent of Catholics.

Congress must put an end to ineffective programs that only cover abstinence until marriage and start putting our money where it works: into comprehensive sex education. Our next generation is depending on us for accurate, lifesaving information, and it's time we gave it to them.

## IN HONOR OF JOHN LAIRD

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. FARR. Madam Speaker, I rise today to recognize the service of a truly remarkable public servant. Assemblymember John Laird, who has represented the coastal portions of Santa Cruz and Monterey Counties in the California legislature for the last 6 years, will leave the legislature at the end of this current term as a result of term limits. I know I speak for the whole House, particularly my colleagues from the California delegation, in extending our gratitude and admiration to John for his Assembly service.

In 2002, John was first elected to represent the 27th Assembly District, which I represented during my tenure in the Assembly. His constituents, including me, returned him to the Assembly in 2004 and 2006 by overwhelming margins. Once in office, John quickly gained a reputation as a quick study of complex policy matters and a member who works with just about anybody in the Capitol. At the start of his second term in 2004, Mr. Laird joined the Assembly leadership team as chair of the Budget Committee, a position to which he won reappointment to in December 2006. As budget Chair, John was a key figure in working with the Governor and other legislative leaders in crafting the State's annual budget. Sometimes those other parties went along with John and the budget came in on time. Other times, those other parties departed from John's lead and delayed the budget's adoption. In each of these budgets, John left his stamp on the lives of Californians by fighting for reduced community college fees, K–12 education, and funding for transportation, park maintenance and foster care.

During Mr. Laird's tenure, he authored a wide range of bills that were signed into law—to establish the landmark Sierra Nevada Conservancy, restore community college health services, and to expand and clarify State civil rights protections. In the 2006 session, he successfully authored bills to provide new protections for sea otters, help build a new veterans cemetery at the former Fort Ord, provide pay increases for park rangers and fish and game wardens, and support local affordable housing trusts.

Raised in Vallejo and educated in Vallejo public schools, Mr. Laird's parents both were educators. They bequeathed to John a deep respect for public service and a passion for the Chicago Cubs. He graduated from UCSC's Adlai Stevenson College. He served on the congressional district staff of Congressman Jerome Waldie, was an analyst for the Santa Cruz County Administrative Officer, and was Executive Director of the Santa Cruz AIDS Project.

In 1981, Mr. Laird was elected to a seat on the Santa Cruz City Council where he served until 1990. He was elected by the City Council to one-year mayor's terms in 1983 and 1987, becoming one of the first openly gay mayors in the United States. He served as an elected member of the Cabrillo College Board of Trustees from 1994 to his election to the Assembly in 2002. Thanks to the recent landmark decision by the California Supreme Court, John was able to marry his longtime partner John Flores.

Madam Speaker, I can think of no better argument against California's legislative term limits than John's leadership and record. On behalf of the House, I want to wish John and his husband every happiness and urge him to continue his great record of service.

## TRIBUTE TO KEITH CASON

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SHIMKUS. Madam Speaker, I rise to mourn the passing of a great American. Keith Cason was an example of a true American family man. He grew up in Fairmont City and moved to the Caseyville area to raise his family. He always had a smile on his face and always set a good example of what we strive to be. He was full of life and energy and enjoyed attending church on Sundays with his father.

Tragically, Keith was lost in an automobile accident in St. Louis on July 15 of this year. My thoughts and prayers are with his wife Mary, his sons Ryan and Craig, his sisters Kena and Karen, his father Charles and all those who mourn at this time for Keith. He devoted his life to his family and his country, and he left a positive mark on both. He will be dearly missed by all who had the privilege to know him.

## HONORING JOSEPH JOHN McLAIN

### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph John McLain of Platte City, Missouri. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1351, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many Scout activities. Over the many years Joseph has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph John McLain for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## MISSISSIPPI FLOODS

### HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. HULSHOF. Madam Speaker, when standing at the tops of the levees overlooking the Mississippi River, the mind's eye can still recall the army of sandbags atop the dirt and sand. You can still remember the smell of diesel fumes from the drainage pumps sending water out over the levee walls this summer. Thankfully, after the waters rose and fell, the sun shines again in my district. The floods are by no means forgotten. Winfield even today is still recovering from levee breaks, and LaGrange, Clarksville and Louisiana are still disposing of debris left behind throughout their towns. However, the signs of water lines against levees and unprotected structures mean lives are moving toward normalcy. After weeks of fighting floodwaters this summer, Jeff McReynolds gets to see his wife and baby at night, and Mark Campbell eats meals at home. In short, Northeast Missouri is beginning to recognize normal again.

Growing up in the shadow of Mississippi River levees, I know the stress and anguish a flood brings. I also know that those who sandbag levees to save their neighbor's home or farm are some of the biggest heroes we have in Missouri. So, with that said, let me now honor Canton Emergency Services Director Jeff McReynolds; Hannibal's Emergency Services Director John Hark; LaGrange City Administrator Mark Campbell; Alexandria Mayor Bob Davis; West Quincy's Roger Sutter and Norman Haerr; Louisiana Mayor Don Giltner; LaGrange City Administrator Mark Campbell; Lewis County Emergency Manager David Keith; Des Moines River Drainage District Chairman John Winkleman; Louisiana City Administrator Bob Jenne; Pike County Emergency Manager Al Murry; Marion County Drainage District Commissioner Brent Hoerr; South River Drainage District Commissioner David Bleigh; Gregory Landing Drainage District Commissioner Kent Leftwich; and Clarksville Mayor JoAnne Smiley for leading the efforts to protect their hometowns. I also thank Colonel Setliff and Colonel Sinkler of the U.S. Army Corps of Engineers. And, finally, I thank every citizen, National Guard soldier and government official that helped saved our towns. These men and women are all true heroes.

There is also sadness in Missouri, for not all of our levees along the Mississippi River held. In addition to the tragic flooding in Iowa and Illinois, many areas of Lincoln County saw levees breached, and the air filled with news choppers that captured images of the flooding. This flooding has a profound effect on everyone who lives or works near the river because once you lose a crop or are forced to rebuild a house, you will always be able to empathize with those who find water where a home or farm should be.

And just as friends, neighbors and perfect strangers helped shore up Clarksville, Canton and West Quincy's levees, we Missourians helped Iowans, Illinoisans and our brothers and sisters elsewhere in Missouri rebuild their lives this summer and now into this fall. Communities up and down the Mississippi River have exhausted themselves and their resources to fight this flood.

To truly honor their service, we must continue to ensure that FEMA and our other federal agencies and resources are committed to the cause of recovery from this and future disasters. We will remain diligent in this effort, for to do otherwise would cheapen the work that the thousands of volunteers in my district and elsewhere in Missouri put forward on this effort. I could not look JoAnne Smiley and all our other volunteers and coordinators in the face without making this commitment, for this is what their commitment deserves and requires.

## 50TH ANNIVERSARY OF THE FIRST VERTICAL ASCENT OF EL CAPITAN

### HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. RADANOVICH. Madam Speaker, I would like to take this opportunity to recognize the 50th anniversary of the first vertical ascent of Yosemite's El Capitan. Standing at 3,593 feet above the Yosemite Valley floor, El Capitan is the largest granite monolith in the world. Since it was named by the Mariposa Battalion in 1851, this natural wonder has lured travelers and climbers from all over the world.

The natural beauty and wonders of Yosemite National Park have inspired countless travelers and have earned Yosemite its reputation as the "crown jewel" of the National Park System. It was this very majesty that compelled Wayne Merry, George Whitmore and Warren J. Harding to fearlessly ascend the seemingly impassable face of El Capitan and become legends amongst the climbing community.

Over a strenuous period of 47 days, this team of climbers courageously charted the Nose Route vertically over the face of El Capitan. Lacking many of the technological developments available in current climbing gear, these men relied heavily on aid climbing with nothing more than fixed rope, pitons and expansion bolts to facilitate their ascent. Finally, on November 12, 1958, they conquered the summit of El Capitan, effectively raising the standards of climbing throughout the world.

I am proud to recognize the accomplishment of Wayne Merry, George Whitmore and Warren J. Harding on the occasion of their endeavor's 50th anniversary. Thousands of climbers have since used the very same route to reach El Capitan's summit and vista. I urge my colleagues to join me in recognizing the 50th anniversary of this achievement and honoring the brave men of the original climbing team.

## HONORING JUDY PARK

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. WOLF. Madam Speaker, I rise today to recognize Ms. Judy Park on the occasion of her retirement after 40 years of dedicated service to the National Active and Retired Federal Employees Association, NARFE, and the 4.6 million Federal workers and annuitants it represents.

Judy began her career at NARFE, then known as the National Association of Retired Civil Employees, in 1968 when newly elected president Thomas G. Walters asked her to join him in starting a legislative presence. Only 4 years out of college, Judy wasted no time. Early victories included granting survivor benefits to second spouses of retirees, extending survivor benefits to spouses in postretirement marriages, making retirees eligible to participate in the Federal Employee Health Benefits Program open season, restoring full annuities to retirees at the death of a survivor, and increasing the Government share of health premiums.

In 1976, Judy became the first legislative director for NARFE and began hiring a staff. In the 1980s, Judy coordinated a major NARFE effort that resulted in the crafting of the Federal Employees Retirement System, FERS, after Federal employees were required to be universally covered by Social Security.

Perhaps the biggest legislative accomplishment of her career was the repeal of the Medicare Catastrophic Protection Act of 1988, because everybody said the repeal would never happen. Judy saw that the new law placed an unjust surtax on all retirees, especially Federal retirees. NARFE worked with the Military Officers Association of America and ultimately put together a 38-organization Coalition for Affordable Health Care that continues to work together today.

Judy has dedicated her life to ensuring that Federal employees and retirees are treated fairly and with respect—an incredible recognition of the important work civil servants perform given that she is not a Federal retiree herself. During her 40-year career, Judy has met with six U.S. Presidents and scores of congressional Members; she has worked with a dozen NARFE presidents; and she has seen the NARFE membership double in size.

Perhaps a former employee describes Judy best when she says that Judy "embodies the words 'trust, leadership and grace.'" It has been my pleasure to work with Judy on issues of importance to Federal employees and retires and I ask that you join me in applauding Judy Park for her excellent service to protecting the rights of Federal employees and retirees. I congratulate Judy in her retirement and wish her the best in her future endeavors.

## HONORING ARCHIE MANINA ON HIS RETIREMENT AS DIRECTOR OF THE OGEMAW COUNTY VETERANS AFFAIRS OFFICE AFTER 26 YEARS

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. STUPAK. Madam Speaker, I rise to recognize Archie Manina of Rose City, MI. Mr. Manina has served as director of the Ogemaw County Veterans Affairs Office for 26 years will be retiring effective November 30. In recognition of his quarter-century of service, I ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in honoring Archie Manina on this momentous occasion.

Mr. Manina was born in Rose City, Michigan and spent the early years of his life living on a rural farm in Gratiot County, MI. For a time,

he attended a one-room country school and then a parochial school in Alma, MI. In the summer of 1956, his family moved to the small farming community of Ithaca, MI. Mr. Manina went on to graduate from Ithaca High School in 1965 and attend Central Michigan University to study secondary teaching. He worked as a harness horse groom and horse trainer during his summers while in college, a hobby that has stuck with Mr. Manina throughout his life. In June 1969 he graduated with a degree in secondary education and was simultaneously commissioned a second lieutenant in the U.S. Army.

In July 1969 Lieutenant Manina went on active duty and after completing the Infantry Officer Basic Course and Airborne School he was assigned to the 82nd Airborne Division at Fort Bragg, NC. He was reassigned to Vietnam and served there until May 1971 as a platoon leader and intelligence officer. For his service, Lieutenant Manina was awarded the Bronze Star Medal, Combat Infantryman's Badge, and Basic Parachutist's Badge.

Upon release from the Army, Mr. Manina trained harness horses for a year prior to entering graduate school at Central Michigan University in August 1972. He graduated with a special education certificate in June 1973 and soon after received a master's degree in special education. On August 4, 1973, he married Susan Hashbarger and they soon moved to La Grange, IN, where Mr. Manina taught at Lakeland High School. Archie and Sue were blessed with two sons.

In 1975, Archie and Sue Manina moved back to Michigan, where Archie worked in Roscommon, MI, as teacher for severely mentally impaired students. In June 1979, he left the education field and became the assistant to the administrator of Ogemaw Valley Medical Facility in Rose City until January 1984. In June 1983, Archie Manina became the director of Veterans Affairs in Ogemaw County, a position he still holds today.

As a U.S. Army veteran himself, Archie Manina has been a tireless advocate for Ogemaw County's veterans these past 26 years and has distinguished himself as a true leader in the community. Mr. Manina has worked for more than a quarter century to help honor the commitment our Nation has made to our veterans. For this, I know he has the gratitude of Ogemaw County's veterans and the entire Ogemaw County community.

Madam Speaker, Archie Manina is a humble man who has worked hard to recognize his fellow veterans for their achievements, while never seeking recognition for his own. I ask that you and the entire U.S. House of Representatives join me in thanking and saluting Mr. Archie Manina for his 26 years of service with the Ogemaw County Veterans Affairs Office and wishing him well on his retirement.

## TRIBUTE TO MR. JOHN ROTH AND MS. MARY TOMPKEY

### HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. MURTHA. Madam Speaker, I rise today to honor the hard work of two great Americans, Mr. John Roth and Ms. Mary Tompkey. These two dedicated civil servants have been the glue in the resource management community of the Department of Defense since the start of the War on Terror. They have been tremendous assets in assisting the staff of the Defense Subcommittee in their review of the defense budget and have worked tirelessly in the service of their country.

Madam Speaker, Mr. Roth is the Deputy Comptroller (Program/Budget) within the Office of the Undersecretary of Defense (Comptroller). As such, he is responsible for all aspects of the Department of Defense budget's preparation, defense, and execution. The FY 2009 budget alone totaled $515 billion in over 50 appropriations and accounts in addition to $70 billion to support operations for the War on Terror. Before taking his current position in 2001, Mr. Roth was the Deputy Director for Investment with the Office of the Undersecretary of Defense (Comptroller).

Mr. Roth entered civil service as a trainee in the Department of the Navy's Centralized Financial Management Training Program. He has completed tours of duty at the Norfolk Naval Supply Center, the Naval Data Automation Command, and the Office of the Secretary of Defense (OSD). He started in the Defense Comptroller's office as a budget analyst in 1984 and has, over the years, reviewed a wide variety of weapon system programs across all Defense components.

Madam Speaker, since 2005 Ms. Tompkey has been the Assistant Deputy Director of the Program Budget Office of the Under Secretary of Defense (OSD) Comptroller. In this position she has helped to lead during a time of significant organizational change and has assisted the Under Secretary Comptroller during noteworthy periods of transition.

From 2002 to 2005, Ms. Tompkey worked as Director of Operations and Personnel in the Office of the Under Secretary of Defense (OSD) Comptroller and was previously the Deputy Director for Military Construction and Classified Activities, Under Secretary of Defense (OSD) Comptroller. She has also worked as an Associate Director for Investment, a Budget Analyst for the Directorate for Plans and Systems, a Budget Analyst for the Directorate for Operations and Personnel, and a Budget Analyst in the Department of the Air Force where she started in 1975.

Together, these two have been instrumental in the formulation and passage of all of the Department of Defense Appropriations bills and War Supplemental Appropriations bills since the War on Terror began in 2002.

Madam Speaker, I rise today to acknowledge the hard work and selfless service of these two outstanding individuals. On behalf of the United States Congress, I say ''thank you'' for their over fifty years of combined service and experience, for their dedication to the Department of Defense, and for their work on behalf of our brave men and women in uniform. I would like to conclude my remarks by saying that I look forward to working with them for many more years.

## AMERICA CAN LEARN FROM THE EXPERIENCE OF ZAKA SEARCH AND RESCUE

### HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. BURTON of Indiana. Madam Speaker, in the aftermath of September 11th, we have made huge strides in expanding and updating our Nation's emergency preparedness and response capabilities. As a whole, our communities are better prepared than ever before. However, like with everything else, more can be done and we cannot lull ourselves into believing that we have all the answers; especially considering that we do not know what the next terrorist attack may look like. The old military adage is that you go into the next war with your army prepared for the last war; and I believe that philosophy applies to our Nation's emergency response system. I believe that our first responders have worked hard to anticipate and train for a future crisis but what will we do if those experts become the victims? It is not hard to imagine a scenario where terrorists attack police, firefighters and other emergency responders in order to sow more chaos and confusion. If our frontline responders go down are others prepared to step up and handle the crisis?

I believe that we should look to the efforts of ZAKA Rescue and Recovery, an Israeli volunteer organization dedicated to helping victims of terrorist attacks, accidents or natural disasters for guidance. I think we can all agree that the threat of terrorist attacks and missile strikes are an everyday worry for the people of Israel; and ZAKA volunteers are often the first to arrive on the scene when tragedy strikes working seamlessly with Israel's police and emergency responders. At the core of ZAKA's mission is the belief in the preservation of human dignity when disaster strikes. ZAKA volunteers provide first aid and rescue services, aid in the identification of the victims of terrorism, accidents and other disasters, and where necessary ensure that the deceased receive a proper Jewish burial. ZAKA first aid materials and supplies and volunteers are prepositioned in practically every Israeli community; along with special motor scooters ready to take them to the scene of any accident or terrorist attack day or night.

ZAKA has gained international recognition by expanding their rescue and recovery work around the world to include the United States. In the aftermath of the deadly Indian Ocean earthquake and tsunami in 2004, ZAKA teams were on the ground and worked side-by-side with the host nations and other international rescue and recovery teams to help identify victims. ZAKA has also helped return victims of plane crashes in Russia and Namibia as well as help rescue and preserve sacred Jewish Torahs in New Orleans after Hurricane Katrina. Last year alone, ZAKA volunteers participated in more than 18,000 life-saving or search-and-rescue incidents, and I believe that ZAKA has a level of emergency preparedness and response expertise that we here in the United States could benefit from. That's why I truly believe America's first responders and our communities could benefit from ZAKA's expertise and vice versa. ZAKA's dedication to

"saving those who can be saved, and honoring those who cannot" should be commended and I am proud to stand up and recognize their good works.

Our Nation's first responders are dedicated and, in my opinion, the best in the business. I commend all of America's first responders and the countless volunteer organizations who came to the rescue of their fellow citizens following September 11th, Hurricanes Katrina, Rita and Ike, and who joined in the international relief efforts to aid the victims of the 2004 tsunami. Simply put, international relief organizations, like ZAKA and the Red Cross, are critical backstop players in search-and-rescue and recovery efforts, and I hope my colleagues will take the opportunity to research and learn about ZAKA's story and capabilities.

## TRIBUTE TO CENTRALIA, ILLINOIS

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SHIMKUS. Madam Speaker, I rise today to pay tribute to a great city in Southern Illinois which has earned a great honor.

Centralia, Illinois, was recently named a 2008 Governor's Home Town Award winner for its Centralia Clean Community Campaign, a community cleanup program. This year, roughly one in eight members of the community participated in some facet of the community cleanup, which included such events as curbside pickup, school neighborhood cleanups and liberty garden planting.

I want to congratulate the citizens of Centralia not only on earning this recognition, but also on their civic mindedness and their willingness to take the time to show their pride in their community by helping to keep it clean. I especially want to acknowledge Bev Virobik, coordinator for Clean & Green and Keep Centralia Beautiful for her organization's efforts in leading this project. Centralia's efforts are truly a model for other communities to follow in expressing their civic pride.

## HONORING MAJOR GENERAL RITA ARAGON

### HON. MARY FALLIN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Ms. FALLIN. Madam Speaker, today I rise to commend and congratulate retired Major General Rita Aragon, who has been named Woman of the Year by the Journal Record business newspaper in Oklahoma City.

Rita Aragon's story is an inspiration to all women. As a single mother working as a public school teacher, she joined the Oklahoma Air National Guard more than 30 years ago. In 1989 she became the first unit commander in the Guard, and by 2003 she had risen to the rank of Brigadier General. As a Major General she served on active duty as assistant to the commander of air education and training and later as assistant to the chief of Staff Manpower and Personnel in the Pentagon. Since her retirement she has returned to education as director of advance programs at the College of Continuing Education at the University of Oklahoma.

Throughout her career, Rita Aragon has given her time and talent to many community organizations and served on the boards of many of those groups. During Oklahoma's response to the 1995 federal building bombing in Oklahoma City she helped lead the military contingent at ground zero. I am honored to recognize Rita Aragon's life of service to her nation, state and city.

## TRIBUTE TO DR. JERILYN McINTYRE, PRESIDENT OF CENTRAL WASHINGTON UNIVERSITY

### HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. HASTINGS of Washington. Madam Speaker, I wish to speak today to pay tribute to Dr. Jerilyn McIntyre, the President of Central Washington University (CWU). Dr. McIntyre, who is the first female to serve as President of CWU, will retire at the end of this year after completing eight years of exceptional service to the students, faculty, and community of Central Washington University.

Since her appointment, CWU has experienced a period of incomparable growth and development. In fact, enrollment has increased by 27 percent. Dr. McIntyre has inspired academic advancement and diversity through the implementation of several initiatives. Specifically, the Performing Arts and Presidential Speaker Series, started in 2002, brings nationally renowned speakers and artists to CWU's campuses; providing unique opportunities for students to learn about various ideas, art and cultures. Dr. McIntyre has also encouraged excellence and ingenuity through the Spheres of Distinction initiative, which supports innovative and resourceful approaches to academic, student and campus life.

To complement the growing student body, Dr. McIntyre worked to transform the University's campuses into the state-of-the-art facilities we see today. In fact, the extensive renovation and restoration of both residential campus and academic facilities under Dr. McIntyre's tenure have been recognized with national architectural awards. CWU's University Centers in Lynnwood, Des Moines, Steilacoom, Wenatchee, Moses Lake, and Yakima have also benefited from renovation projects, providing a modem and exciting atmosphere that stimulates student life and academic discovery.

In addition to her role as President of the university, Dr. McIntyre has continued to regularly teach courses at CWU. Sharing her instructional talents and knowledge of communications studies clearly illustrates her enthusiasm and desire to directly contribute to her student's academic success.

Dr. McIntyre earned her Bachelor of Arts in History and Master of Arts in Journalism at Stanford University, and received her Ph.D. in History and Communication from the University of Washington. She is the author of numerous articles and papers on communication history, journalism ethics, and higher education issues.

Dr. McIntyre provided exemplary service to our state and the Central Washington University community throughout her eight years at CWU. I am honored that I had the opportunity to work with Jerilyn, and I commend her for her achievements and dedication to expanding the educational opportunities at the university. Undoubtedly Dr. McIntyre's contributions have made a remarkable and positive impression on the lives and academic opportunities of countless students.

I am also pleased to hear that Jerilyn and her husband David will be retiring in Ellensburg. It is great to know that they will remain constituents of mine and a part of the Ellensburg community. Finally, I would like to thank Dr. McIntyre for her service at CWU, and wish her the very best in all of her future endeavors.

## RECOGNIZING THE 50TH ANNIVERSARY OF MURPHY, TX

### HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SAM JOHNSON of Texas. Madam Speaker, I want to recognize the city of Murphy, TX, which is celebrating its 50th anniversary this week. This city's rich history and enduring perseverance serves as a shining example of the mettle of all Texans.

The first settlers of Murphy arrived in 1846, establishing a village which later became known as a shipping point for area farmers and stock raisers.

However, it wasn't until 1888 that it received the name it is known by today when William Murphy donated the right of way used to build a railroad line through the center of what would become the town.

Although Murphy's borders enclose only 3.8 square miles, the population has quadrupled since the last U.S. census.

Murphy is known for its close-knit community, family values, and friendly faces. With a rich history of country living and community building activities, Murphy prides itself on promoting the well-being of its residents of all ages.

This fast-growing city boasts over 14,000 residents, comprised largely of families. Popular D Magazine has ranked Murphy as one of the premiere Dallas suburbs to live. Ebby Halliday, a local real estate company, notes that "Murphy offers a small town environment with 'big city' convenience. . . . This town is ideal for families looking for the best of both worlds."

I congratulate the good people of Murphy on its 50th anniversary and wish the residents many more years of prosperity.

## INCREASING SCHOOL'S OPPORTUNITIES FOR SUCCESS ACT OF 2008

### HON. STEVE BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. BUYER. Madam Speaker, today I introduce the Increasing School's Opportunities for Success Act to make two important changes to "No Child Left Behind."

After meeting with local educators and principals I was inspired to reform ''No Child Left Behind'' to better meet the needs of both educators and students. This bill will allow high schools to stay competitive with graduation rates as well as give them a chance to have better annual assessment scores by allowing limited English proficient, LEP, students have more time to learn English before being tested.

Currently, when a student with disabilities does not graduate in the standard number of years (3 or 4 years), they are misrepresented as a dropout against that school's graduation rate even though the Individuals with Disabilities Education Act, IDEA, allows students with disabilities to stay in school until their 22nd birthday. Adding the provision outlined in my bill to ESEA would align it with IDEA, standardizing the statutes.

Current law allows limited English proficient, LEP, students to wait until they have been in the United States for 3 years before being tested for English fluency. This bill simply extends that period of time to 5 years. By doing so, LEP students will have more time to become proficient in English before being tested and therefore reflected in the school's annual assessment.

Education is the basis for success and ''No Child Left Behind'' is focused on ensuring that our children receive a quality education—the necessary foundation for a successful life. My bill offers two minor but substantive changes to current law that will help our schools, students, faculty and staff to better our education system. I ask for your support and the support of my colleagues to pass this important legislation.

## TRIBUTE TO ST. JOHN'S UNITED CHURCH OF CHRIST

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SHIMKUS. Madam Speaker, I rise today to honor St. John's United Church of Christ in Breese, Illinois. For 150 years, St. John's has been one of its community's cornerstones. Before a frame church was built in the summer of 1858, services were held in the homes of settlers and led by the people themselves. In 1859, the Rev. Christepler Starck was called as the first resident pastor. A parsonage was built in 1861 and the church's membership continued to grow.

Throughout its 150-year history, St. John's UCC in Breese, Illinois has served both its local community and the world. St. John's works with House of Manna, a local food pantry, and runs a vacation bible school for local children. St. John's members prepare meals for local seniors and send care packages to servicemen and women in Iraq. As an active contributor to the wider outreach of the United Church of Christ, St. John's gives to meritorious national and international organizations.

St. John's also embodies the spirit of neighborliness: with its active involvement in yearly ecumenical services; in its close working relationship with a local catholic church; and when it gives freely of space and time to local community organizations.

I join with my fellow Representatives to congratulate St. John's on 150 years of faith, service, and neighborliness.

## TRIBUTE TO MAYOR TOM ROWLAND OF CLEVELAND, TENNESSEE

### HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. WAMP. Madam Speaker, today I rise to honor Mayor Tom Rowland of Cleveland, Tennessee, which is in my district. On Monday, September 8, 2008, at 3:05 p.m. Tom Rowland made history. He became the longest-serving mayor in the city of Cleveland's history with 17 years of service. He was elected Mayor of the City of Cleveland in 1991 and is currently serving his fifth term. His dedication and hard work have made Cleveland home to 11 Fortune 500 manufacturing companies as well as increasing the tourism economy tenfold.

Tom has served the City of Cleveland in many capacities with integrity and distinction, including: past president of the Tennessee Municipal League; selected Mayor of the Year, 2004 by the Tennessee Municipal League; member of two standing committees of the United States Conference of Mayors; past president of the East Tennessee Mayors Association; vice chairman of the Tennessee Advisory Commission on Intergovernmental Relations, the highest position you can hold and not be on the state legislature; cochairman of the Tennessee-Virginia AmTrak initiative; executive committee member of Southeast Tennessee Development District; on the Cleveland Utility Board and Cleveland/Bradley Chamber of Commerce Economic Development Council; member of the Tennessee State Rail Advisory Commission; nd past Chairman of the Tennessee Vocational Rehabilitation Board.

Tom is a veteran of the United States Air Force, having retired recently as a Colonel from the Tennessee State Guard. He is the founder of Cleveland 100, an organization that assists surviving family members of officers, firemen and emergency personnel killed in the line of duty. He spearheaded a project to build Tennessee's first memorial to fallen police, fire and rescue personnel. The Emergency Services Memorial was dedicated in May of 2000. Tom is the only Mayor in Tennessee serving on the Homeland Security Council.

And if that isn't enough, Tom and his wonderful wife, Sandra, founded the Empty Stocking Fund, an annual drive that provides Christmas gifts each year to foster children in this community. In 2006 they consolidated the fund in cooperation with the Creating Christmas Memories Foundation.

Madam Speaker, Tom actually lived in many cities before settling in Cleveland in 1964. He was born in Florida, but his father worked for a hotel chain. The chain would buy new properties and it was his dad's job to move to those places and get the business up and going. The family moved about every 2 years. Tom came to Cleveland to work for WCLE radio station, of which he eventually became co-owner. In 1991, when a long-time member of the city commission retired, Tom was tapped to fIll out the unexpired term of 6 months. When the sitting mayor decided not to run for reelection, he encouraged Tom to seek the promotion. Madam Speaker, the rest, as they say, is history.

The City of Cleveland is very fortunate to have a man of this caliber at its helm. So today, I congratulate my friend, Mayor Tom Rowland, for this historic accomplishment.

## THE FEDERAL AGENCY PROGRAM REALIGNMENT AND CLOSURE ACT

### HON. JOHN SULLIVAN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SULLIVAN. Madam Speaker, I rise to announce that yesterday I introduced H.R. 7071, the Federal Agency Program Realignment and Closure Act of 2008, legislation that will change the way Washington does business once and for all.

It is clear that the Federal Government is bogged down with rampant spending, continually growing entitlement programs, an ever increasing annual budget and a Federal deficit that economists predict will hit $500 billion by 2010. When the U.S. Military needed reform and more efficient spending, Congress and the Department of Defense employed the Base Realignment and Closure Commission, BRAC, to evaluate military needs and spending saving taxpayers untold billions of dollars. If it is good enough to reform our Nation's military, it is good enough to be applied to the entire Federal Government.

I introduced this bill to apply the proven BRAC model to all Federal agencies and programs. This commission will consist of 17 bipartisan members, including both public and private sector officials, providing an objective, non-partisan, and independent review and analysis of all Federal agencies and programs. The commission will target agencies and programs that perform a duplicative function, would perform better at the State level or in the private sector and create a list of recommended realignments and closures. Congress will then have an up or down vote on the commission's recommendations. All saved funds will be used solely for deficit reduction meaning it cannot be used to fund new government programs.

Spending in Washington, DC, is completely out of control. I believe that if we are going to keep putting new spending and programs on the table, then we absolutely must have a mechanism to take old things off of the table. The American people understand that if you spend too much of your budget this month you cut back the next month and they expect their government to work the same way. My legislation will help drain the swamp in Washington and put the Federal Government back to work for the people.

## TRIBUTE TO W. STUART SYMINGTON III

### HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor the memory of

W. Stuart Symington III, the Nation's first Secretary of the Air Force.

W. Stuart Symington was born in 1901 in Massachusetts. After graduating from Baltimore City College in 1918, Symington enlisted in the Army as a private and at age 17 became one of the Army's youngest second lieutenants. After World War I, Symington entered Yale University and graduated in 1923.

In 1938, after several years in the iron and electric manufacturing businesses, Symington accepted the presidency of Emerson Electric Company. During World War II, Symington transformed Emerson Electric into the world's largest builder of airplane gun turrets.

Symington resigned from Emerson Electric in 1945 to join the administration of President Harry S. Truman. When the Office of the Secretary of the Air Force was first created in 1947, Symington became the first Secretary of the Air Force. During his tenure, Symington worked hard to give the new United States Air Force (which had previously been part of the Army) respect, championing the United States Air Force Academy, and the success of the Berlin Airlift.

He served as Secretary of the Air Force from September 18, 1947 to April 24, 1950, after which Symington ran for and served four consecutive terms as a Senator from Missouri.

Madam Speaker, I ask that you join with me today to honor the memory of W. Stuart Symington, III. It is with great pride that I congratulate a fellow Baltimore City College graduate on his significant contributions to the United States Air Force and the Nation.

## EARMARK DECLARATION

## HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. PICKERING. Madam Speaker, consistent with House Republican Earmark Standards, I submit the following earmark disclosure and certification information for seven project requests I made included within the text of H.R. 2638, the "The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act for Fiscal Year 2009."

Requesting Member: Congressman CHIP PICKERING.

Bill Number: FY 09 Defense Appropriations Bill.

Project: Regional Counter Drug Training Academy.

Project Amount: $2.5 million.

Account: 01 Operating Forces Drug Interdiction and Counter-Drug Activities.

Legal Name of Requesting Entity: Regional Counterdrug Training Academy.

Address of Requesting Entity: 219 Fuller Road, NAS Meridian, Mississippi 39309.

Description of Request: NGB identified an FY2009 unfunded requirement of $24.2M for Counterdrug Schools. Funding for NGB Counterdrug Schools is essential. Current Counterdrug (CD) Schools funding status impacts their ability to support DoD and Law Enforcement/Community Based Organization training and CNNTF support. Inconsistent funding has prevented CD schools from developing long-term training plans to maximize their capabilities. In FY2006, non-availability of funds forced one of the five Counterdrug schools to shut down. Failure to correct this unacceptable trend will increase the Nation's ability to field an adequate number of law enforcement professionals dedicated to combating drug trafficking at the national, state, and local levels. With appropriate funding, CD Schools will also be better positioned to provide counter narcotics-based training programs critical to domestic law enforcement against Narcoterrorism.

The RCTA Meridian budget has shown little growth since FY2000, yet the costs associated with training law enforcement officers have increased by approximately 20%. The requested funding would restore training opportunities to the FY2000 level of approximately 5000 students per year.

Requesting Member: Congressman CHIP PICKERING.

Bill Number: FY 09 Military Construction/Veterans Affairs Appropriations Bill.

Project: Fitness Center Addition.

Project Amount: $6.34 million.

Account: Military Construction; Navy & Marine Corps.

Legal Name of Requesting Entity: Naval Air Station, Meridian.

Address of Requesting Entity: 255 Rosenbaum Avenue, Meridian, Mississippi 39309.

Description of Request: This project would add to the existing fitness facilities in order to ease overcrowding. It will also upgrade mechanical and electrical systems, reduce maintenance costs, and provide space for military water survival training.

The Fitness Center is required to support 4078 active duty and reserve military, DoD and Contract personnel. The existing fitness facilities are incapable of meeting the present DoD Fitness Standards. Additionally, some of the facilities such as the gymnasium have significant roof leaks which contribute to maintenance, mold, and mildew problems.

Requesting Member: Congressman CHIP PICKERING.

Bill Number: FY 09 Defense Appropriations Bill.

Project: MQ–5B Hunter Tactical Unmanned Aircraft (UAS).

Project Amount: $5 million.

Account: Op;A Other Procurement, Army; Tactical Unmanned Aerial Sys (Tuas)Mip.

Legal Name of Requesting Entity: UAS Project Office, Redstone Arsenal, PM Tactical Concepts, UAS Project Office, SFAS–AV–UAS.

Address of Requesting Entity: Redstone Arsenal, AL.

Description of Request: The MQ–5B Hunter units provide Army Warfighters with real-time Reconnaissance, Surveillance and Target Acquisition (RSTA) and Strike (Armed Reconnaissance) employing the Viper Strike munition.

The Hunter has now flown approximately 60,000 flight hours and nearly 30,000 hours in the OIF theater. The system has proven a proactive platform in winning the IED fight by providing "eyes" over the U.S. Army's main supply routes in OIF. Demand for the MQ–5B Hunter's day/night and Strike capability will remain high even as overall troop levels in a theater of action draw down.

Funding will (1) provide four new production or eight retrofit MQ–5B Air Vehicles to replace 'A' configuration Air Vehicles deployed with the 1st Armor Div Combat Aviation Brigade in Operation Iraqi Freedom (OIF) and (2) support another unit scheduled for employment in Operation Enduring Freedom (OEF).

Requesting Member: Congressman CHIP PICKERING.

Bill Number: FY 09 Defense Appropriations Bill.

Project: Simultaneous Field Radiation Technology (SFRT).

Project Amount: $2.3 million.

Account: RDT & E, Defense-Wide; Advanced Concept Technology Demonstrations.

Legal Name of Requesting Entity: U.S. Navy, Space and Naval Warfare Systems Command.

Address of Requesting Entity: U.S. Navy, Space and Naval Warfare Systems Command, North Charleston, South Carolina 29419.

Description of Request: Early research of Simultaneous Field Radiation Technology (SFRT) has provided initial findings that strongly indicate the potential for significant improvement over conventional antenna technology. Research conducted in 2006, and validated by SPAWAR, resulted in the transitioning of SFRT from a pure theoretical model and conceptual prototype. Preliminary tests with the National Guard and Coast Guard have generated a keen interest within DoD for assessment of SFRT in a multi-dimensional operations environment of networked manned and unmanned tactical and wireless systems.

The FY09 request is intended to provide the means to incorporate the technology baseline of SFRT with emerging technology as a new generation of advancements could significantly reduce antenna size and weight, minimize the negative effects of required antenna vertical polarity, and measurably enhance the performance of robots and unattended ground sensors.

Requesting Member: Congressman CHIP PICKERING.

Bill Number: FY 09 Defense Appropriations Bill.

Project: Silicon Carbide Power Electronics for More Electric Aircraft (MEA).

Project Amount: $3.2 million.

Account: RDT & E, Air Force.

Legal Name of Requesting Entity: Air Force Research Laboratory, Propulsion Directorate AFRL/PRPE.

Address of Requesting Entity: Air Force Research Laboratory, Wright-Patterson Air Force Base, Ohio 45433.

Description of Request: The Joint Strike Fighter Program has documented that Silicon Carbide (SiC) power electronics technology reduces weight and expense in technology for the MEA program. This technology is a key to the Air Force's high-temperature power electronics planning, as presented in the Air Force's planning chart. This project provides a strong base of funding to develop the core SiC high-temperature power electronics needed for the high-temperature engine and flight actuators on JSF and other platforms. SiC based power electronics have been identified as a critical technology to achieve high-speed Mach 2 and Mach 4 aircraft where temperatures required can be up to 350 degrees Celsius, twice the capability of conventional power technologies. This capability will enable improvements in the More Electric Aircraft program and provide substantial benefits for Long Range Strike aircraft programs, ensuring that the United States is able to protect itself quickly, and with improved safety for the war fighter.

Requesting Member: Congressman CHIP PICKERING.

Bill Number: FY 09 Defense Appropriations Bill.

Project: F/A–18 Expand 4/5 Upgrade for USMC.

Project Amount: $7.6 million.

Account: Aircraft Procurement, Navy; F–18 Series.

Legal Name of Requesting Entity: Naval Air Systems Command.

Address of Requesting Entity: Patuxent River, Maryland 20670

Description of Request: FY09 funding will provide radar upgrades for 15 Marine Corps APG–73-equipped F/A–18s. Expand 4/5 allows for very high resolution radar maps to provide long range, all weather target recognition and precise target coordinate generation needed for precision weapons employment.

Requesting Member: Congressman CHIP PICKERING.

Bill Number: FY 09 Defense Appropriations Bill.

Project: Silicon Carbide Electronics Material Producibility Initiative.

Project Amount: $4.8 million.

Account: RDT & E, Air Force.

Legal Name of Requesting Entity: Air Force Research Laboratory—Materials and Manufacturing Directorate Survivability & Sensor Materials Division (AFRL/MLPS).

Address of Requesting Entity: Wright Patterson Air Force Base, Ohio 45433

Description of Request: FY09 funding will enable significant reductions in the size and weight of a vast number of military electronic platforms and dramatically improve capabilities and performance at significantly lower costs. The program will accelerate semiconductor technology integration and development of a domestic second source of production capacity for silicon carbide (SiC) based materials and devices. These devices are required for high performance and high frequency power components for critical next-generation Department of Defense (DoD) systems. These systems include solid state power substations (SSPS) for future all-electric warships with Integrated Power Systems (IPS); hybrid electric military vehicles (HMMWV); high power naval surface radars for DD(X) and CG(X); and airborne radars for F22, F35, tactical UAVs, AWACS, JSTARS, and TPS–75.

## H.R. 6983: THE PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

SPEECH OF

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2008*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today in support of the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008.

Over the years, there have been numerous hearings in DC and around the country at which individuals and their family members testified about the need for parity in the treatment of mental health and addiction conditions.

The final bill being considered today will eliminate most if not all of the abuses that families across the country have testified about. The following are examples of many of the major inequities that the bill is designed to eliminate:

Emergency Care:

Dr. Gerry Clancy described seeking prior authorization for a suicidal patient. Wanting to confirm that this was a serious suicide attempt, the health plan reviewer asked whether the patient had a plan to take his own life. Dr. Clancy answered that the patient planned to shoot himself. He said the reviewer then went farther and said, ''Does that person have a gun?'' and Dr. Clancy answered ''yes.'' Dr. Clancy said he could not believe the next question: ''does the person have bullets?''

No family in America should have to face having to justify why a suicide attempt is a real medical emergency. The final bill would require plans to have the same requirements for prior authorization, terms and financial limitations, co-pays, deductibles and day and visit limits on emergency benefits for mental health and addiction treatment services as the plan has on medical and surgical emergency services covered under the plan.

Medical Necessity:

Michael Noonan, the father of a college-enrolled daughter who suffered from chemical dependence, testified about the struggle his family faced to access inpatient addiction treatment for his daughter. After his daughter encountered a series of escalating problems and relapses, her clinician recommended inpatient rehabilitation for her alcohol dependence. He contacted his insurance company and was told that his contract included a benefit for inpatient rehabilitation for substance use disorders with a $200 deductible and 30 day coverage. In spite of confirming these benefits with his managed behavioral health care company, the authorization of his daughters' inpatient care was suspended after only five days of care. Mr. Noonan endured repeated denials, took out a home equity loan of $23,000 to pay for treatments while processing appeals, and requested the assistance of his congressional representative in order to secure payment for the treatment of his daughter. His experience was echoed in the testimony of many others, like Xavier Ascanio, whose daughter Samantha was hospitalized for an eating disorder. ''During the inpatient stay, the insurance company doled out pre-approval two or three days at a time. Imagine that hanging over you, both as a parent and as a patient.''

Under the final bill, health plans are required to disclose upon request the criteria for medical necessity determinations and the reason for any denial made under the plan with respect to mental health and substance use disorder benefits to the participant or beneficiary.

Out of Network:

Xavier Ascanio testified how difficult it was to find a qualified provider in-network to treat his daughter for an eating disorder. He said that after dealing with a parade of providers who were not helpful, they finally found some who were knowledgeable and could really help. Unfortunately, the providers were not on any insurance company's PPO list.

Ms. Melinda Lemos-Jackson whose young son was diagnosed with an autism spectrum disorder when he was 3 years of age testified, ''Would you go to an internist for a heart condition or would you go to a cardiologist? I have placed the calls to the clinicians, who upon interview, don't meet my son's needs, I have tried some of the in-network clinicians who clearly are not suitable. I've sometimes spoken to highly regarded folks who are actually on the list, only to find out that their practices are closed or they can't take a child like my son at this time, so we get the services our son needs and we learn to bring our checkbook and our Visa. Our health insurance is not accepted.''

What Mr. Ascanio and Ms. Lemos-Jackson described are ''phantom networks.'' ''Phantom networks'' are networks offered by plans that lack an acceptable number and array of providers that offer real options for help or hope for people with mental illness or addiction.

Ensuring equitable access to out-of-network benefits for mental health and addiction benefits is critical for making sure patients receive the care they need. A February 2007 RAND Corporation study looked at one health plan and found only 11.8% of patients accessing mental health benefits under the plan received care out-of-network. Moreover, a December 2007 study in Health Affairs on parity in the FEHBP found that parity legislation that does not extend parity to out-of-network benefits may have the unintended consequence of decreasing access to mental health and addiction treatment services altogether.

The final bill requires health plans to have the same terms and financial limitations on out-of-network benefits for mental health and addiction treatment services as the plan has on medical and surgical services covered under the plan. Plans must provide out-of-network benefits for mental health and substance use disorders in exactly the same manner as out-of-network medical and surgical benefits provided under the plan in order to be in compliance with this Act.

Wellness Plans:

Wellness plans can include information about diet, exercise, stress management and other forms of chronic disease management tools, but they are no substitute for mental health and addiction benefits. Increasingly, we have seen employee assistance programs that provide drug and alcohol treatment move to providing family counseling, stress management and other extremely helpful resources—but they are not a substitute for addiction treatment.

The final bill would prohibit a plan from changing its benefit design to a ''wellness plan'' to avoid compliance with the parity requirements of this Act.

The Diagnostic and Statistical Manual DSM:

Kitty Westin, the President of the Eating Disorder Coalition, spoke movingly about the need for full diagnostic coverage of mental illnesses. Anna Westin, Kitty's daughter, died at the age of 21 due to lack of access to care for her severe eating disorder. Despite having the ''Cadillac'' of insurance policies, Anna was repeatedly denied the treatment she needed. Eating disorders, like other diagnoses affecting children and youth, are often singled out for denial, a form of discrimination that led to the strong push in this legislation to require insurers to use the widely-accepted Diagnostic and Statistical Manual (DSM), rather than allowing plans to pick and choose diagnostic coverage based on cost or bias.

The DSM is a diagnostic manual developed by the American Psychiatric Association, through an open process involving more than 1,000 national and international mental health researchers and clinicians. It is used by virtually all private insurance companies, along

with Medicaid, OPM for the Federal Employees Health Benefit Program, Tricare, and Medicare, which all require DSM criteria for the submission of claims. All NIH grant submissions, FDA drug indications for treatment, and legal indications for mental competency require the use of DSM codes and guidelines.

Despite this status as a recognized authority, the DSM itself became the focal point for many heated debates during the parity negotiations, launched by opponents of parity. However, in the end, language to require the DSM as the basis for coverage was not included in this bill. The final bill requires the Government Accountability Office (GAO) to monitor and report to Congress on the extent to which health plans comply with the requirements of this Act to provide meaningful parity to the millions of families who experience mental health or substance abuse conditions.

## EARMARK DECLARATION

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. LAMBORN. Madam Speaker, pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 2638.

Account: 3600F RDT & E, Air Force, Line 13, PE 0602601F.

Legal Name of Requesting Entity: Aeroflex.

Address of Requesting Entity: 4350 Centennial Blvd. Colorado Blvd, Colorado Springs, CO 80907.

Description of Request: $1.6 million is included in this bill for Radiation Hardened Non-Volatile Memory. This request is intended to aide in the development of radiation hardened non-volatile memory technology to be used in a variety of applications, principally satellites.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 2638.

Account: RDTE, AF.

Legal Name of Requesting Entity: Goodrich Corporation.

Address of Requesting Entity: 1275 North Newport Road, Colorado Springs, CO 80916.

Description of Request: $5.6 million is included in this bill to fund ACES 5 ejection-seat development and testing for the Air Force-variant F–35 to enable insertion into F–35 LRIP to leverage the most capable and safest ejection seat ever developed and ensure that the U.S. preserves the domestic capability to produce vital life saving ejection seat systems for the Air Force.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 2638.

Account: RDT&E.

Legal Name of Requesting Entity: Analytical Graphics, Inc.

Address of Requesting Entity: 7150 Campus Drive, Suite 260, Colorado Springs, CO.

Description of Request: $800,000 is included in this bill to incorporate space object data, improve navigation accuracy prediction (including jamming and weapons modeling), and integrate electronic warfare (EW) analysis into a common operational environment for Army support teams. The user friendly interface will couple real time data integration with currently deployed and supported data feeds, including imagery, terrain, GPS status, electronic warfare environment, and terrestrial weather.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 2638.

Account: Research, Development, Test & Evaluation, Air Force.

Legal Name of Requesting Entity: Finmeccanica of North America.

Address of Requesting Entity: 1625 I Street, NW., Floor 12, Washington, DC 20006.

Description of Request: $800,000 is included in this budget to demonstrate and qualify in a cold climate an innovative, energy efficient, alternative power technology, on an energy intensive Air Force installation. Utilizing tactical or readily available fuels, this first phase of qualifying will place a next generation power generator in a military environment while showcasing all the benefits (monetary, environmental, and technical) this technology can provide within various scenarios, such as ''Silent Camp'' or ''Islanding''.

Requesting Member: Congressman DOUG LAMBORN, CO–05.

Bill Number: H.R. 2638.

Account: Research, Development, Evaluation, & Test, DW.

Legal Name of Requesting Entity: Northrop Grumman Corporation.

Address of Requesting Entity: 1000 Wilson Blvd, Suite 2300 Arlington, VA 22209.

Description of Request: $10 million is included in this budget for Missile Defense Integration & Operations Center (MDIOC) modeling and simulation. This ensures early Warfighter involvement and realistic BMDS operational concepts for the fielded system that will protect U.S. Homeland, our Allies, and U.S. troops from the threat of ballistic missile attack.

## RECOGNIZING THE HONORABLE CHIP PICKERING ON THE OCCASION OF HIS RETIREMENT

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. BONNER. Madam Speaker, I rise today to honor the distinguished career of the Honorable CHARLES ''CHIP'' WILLIS PICKERING, JR. for his service to the people of Mississippi and United States House of Representatives. Congressman PICKERING has represented the 3rd Congressional District of the state of Mississippi for the past 12 years.

A native of Laurel, Mississippi, CHIP received a bachelor's degree in business administration from the University of Mississippi and a master's degree in business administration from Baylor University.

Before joining Congress, CHIP served as a Southern Baptist missionary in the communist region of Budapest, Hungary. Upon returning to the country, former President George H. W. Bush appointed him to the United States Department of Agriculture as a liaison to bring reform to the Soviet Union and Eastern Europe.

Upon his return to the United States, CHIP went to work for the people of Mississippi as a staffer of former Mississippi Senator Trent Lott, where he served for nearly four years. At the age of 33, he ran as the Republican candidate for Mississippi's 3rd District in 1996.

Chip has taken the lead in passing FEMA and contracting reform legislation in the wake of 2005's Hurricane Katrina. As a member of the House Energy and Commerce Committee, Chip has been an influential leader on issues such as telecommunications and technology concerning Mississippi's future.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated leader and friend to many in this body. I know his family, his five sons, Will, Ross, Jackson, Asher, and Harper; his many friends and colleagues join me in praising his accomplishments and extending thanks for his service over the years on behalf of the state of Mississippi and the United States of America.

CHIP will surely enjoy the well deserved time he now has to spend with his family and loved ones. I wish him the best of luck in all his future endeavors.

## IN RECOGNITION OF AIDS AWARENESS HISTORY MONTH

### HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. DAVIS of Illinois. Madam Speaker, as we move into the month of October, I want to take a moment to recognize October as AIDS Awareness History Month. AIDS Awareness month provides an opportunity to focus on the fact that HIV/AIDS is a formidable problem across the country. The 2008 AIDS Awareness Month occurs at a time when we have learned that we are struggling in the fight against AIDS. In early August, the Centers for Disease Control and Prevention, CDC, released new statistics showing a 40 percent increase over previous estimates of new cases of HIV. The report found that that 53 percent of new HIV infections in 2006 were among gay and bisexual men, with almost one-third, 31 percent of new infections being among heterosexuals, which previous studies have shown have the greatest effect on African American women.

HIV/AIDS is a public health problem in our country and an emergency situation within the African American community. African Americans make up 13 percent of the United States population, but they account for 49 percent of the estimated AIDS cases diagnosed since the epidemic began. Since the beginning of the epidemic, African Americans have accounted for 42 percent of the estimated 950,000 AIDS cases diagnosed in the 50 states and the District of Columbia. Not only are African Americans more likely to get AIDS, they are more likely to die from it, with more than half of all AIDS-related deaths being among African Americans. The statistics in Illinois resemble those nationally. African Americans aged 13–24 have the highest average annual HIV rates. African American males aged 13–24 had an average annual HIV rate was 2.5 times higher than the rate in White males, and almost 4

times higher than the rate in Hispanic men. In Chicago, African American women represent 75 percent of all women living with HIV/AIDS, yet they account for only 37 percent of the general female population aged 13 and over. This disparity is unacceptable. HIV / AIDS is plaguing and destroying African American communities, robbing our community of its fathers, mothers, brothers, and sisters.

We must do more to address this problem. We must increase funding for both prevention and treatment. We cannot rely on the failed policies of this administration to ignore strategies proven to decrease risky behavior and lower transmission rates and embrace strategies that do nothing. We must emphasize prevention, not restrict the CDC's prevention budget by 19 percent. We must support the Minority HIV/AIDS Initiative and expand Ryan White. This is a public health. problem that mandates a comprehensive, intensive public health strategic response. I commend the City of Chicago's Department of Public Health, the State of Illinois Department of Public Health, and all of the organizations who actively are working to put at least a dent in this problem. I try to do my part to focus attention on this public health problem. A few weeks ago, I chaired an AIDS walk in Chicago that raised money for awareness and the fight for the cure. I also helped launch the "Quality of Life" Illinois Lottery game called Red Ribbon Cash. Proceeds gathered from the game will fund grants to public and private entities with HIV/AIDS prevention programs in Illinois. In terms of promoting prevention, I myself, have been publicly tested multiple times to convince the African-American community of the importance of being tested. America has within it the resources to address this issue; our political leadership must take action to do so. My fellow colleagues and I and all Americans need to do much more about this problem.

## HONORING NORMA FISHER-DOIRON

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. COURTNEY. Madam Speaker, I rise today to recognize an outstanding educator from my district, Norma Fisher-Doiron, Principal of Southeast Elementary School in Mansfield, Connecticut. This year, Norma has been recognized by the National Association of Elementary School Principals (NAESP) with the 2008 National Distinguished Principals award.

Since 1984, the National Distinguished Principals Program has recognized educators from communities across this nation and abroad who are committed to academic excellence. To be eligible for this award, educators must incorporate of communal and parental involvement in student curriculum. Educators must also display the use of tailored educational programs that facilitate academic success for all students.

For 15 years, Norma has served as the Principal of Southeast Elementary School in Mansfeld Center, Connecticut. Although the Southeast Elementary School community is widespread, Norma was successful in reaching out to all comers of the area to win support from parents and community leaders to reinforce personal and academic success from Southeast Elementary students.

During her tenure, Norma has also prioritized with her students character building—including appreciation and respect of others—a positive attitude, and coping skills.

On October 16th and 17th, Norma will join 61 other honorees from across this nation and abroad, in Washington, D.C. to celebrate this recognition. While in Washington, the honorees will participate in a U.S. Department of State reception and a White House briefing.

Madam Speaker, the success of our education systems relies on the strength and passion of our academic leaders. Norma has exemplified these characteristics, and I remain confident that she will continue to contribute to successes in our public education system. I ask my colleagues to join with me and my constituents in recognizing Norma's contributions and celebrating her award.

## TRIBUTE TO PRINCIPIA COLLEGE SOLAR CAR

### HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SHIMKUS. Madam Speaker, I rise today to congratulate the Principia College Solar Car Team. Since 1995, students and advisors have worked on perfecting their solar car model. This year, they came very close to that goal by finishing second in the 2008 North American Solar Challenge.

The Challenge is a 2,400-mile race from Plano, Texas to Calgary, Alberta, Canada. This year, fifteen cars began the race; only five finished. Principia College is a small liberal arts college in Elsah, Illinois that does not even have an engineering program. The Principia solar car team beat out much larger schools to finish second in the exhausting ten day event.

On the second to last day of the race, Principia's car experienced electrical trouble and stalled for seventy-five minutes. The team electricians were able to remedy the problem and put the car back on the road. Advisor Joe Ritter and his team remained calm throughout the race, especially during the electrical complications.

The pioneering spirit of the young people on the Principia College Solar Car Team deserves recognition and thanks. These students are the ones who will carry our country forward. I stand with my colleagues today to honor the Principia College Solar Car Team for an outstanding second place finish in the North American Solar Challenge.

## HONORING THE RETIREMENT OF REPRESENTATIVE MIKE McNULTY

SPEECH OF

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 22, 2008*

Mrs. MALONEY of New York. Mr. Speaker, today we recognize and salute the contribution of MIKE McNULTY as he prepares to retire as one of our best.

Since I arrived in the House, I have been proud to stand with MIKE, as he fights for New York's working families.

He has carried on his family's tradition of public service since 1969 when he first won office—at age 22—as Green Island Town Supervisor. Elected to Congress in 1988, he has distinguished himself as a member of this House over the past 20 years, fighting for the needs of his Albany-based district.

As Chair of the Social Security Subcommittee of the Ways and Means Committee, he has protected Social Security from misguided attempts to privatize it, putting the retirement of millions at risk.

I'm glad to have had the honor to serve with MIKE McNULTY, and wish him a long and happy retirement away from the House.

## HONORING REPRESENTATIVES RAY LAHOOD AND JERRY WELLER

### HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. HARE. Madam Speaker, I rise to congratulate two of my distinguished Illinois colleagues—Congressman RAY LAHOOD of Peoria and Congressman JERRY WELLER of Joliet on their retirement from the House of Representatives at the end of this term. Both men provided outstanding service to our state and Nation during their 14 years in Congress.

Congressman LAHOOD and I represent neighboring districts in Illinois. I've known RAY for over 25 years. He is a man I deeply admire and respect. During my short time in Congress, the two of us have cooperated on a number of joint projects important to our districts. We have fought to bring jobs back to our region and improve Central Illinois' broken transportation infrastructure.

Early in his career, RAY earned the respect of both Democrats and Republicans for his willingness to work across the aisle. During times of intense partisanship, RAY remained an unapologetic moderate who placed the needs of his district and our Nation above any political party. As Speaker Pro Tempore, RAY often presided over some of the fiercest debates on the House floor with prudence and evenhandedness.

On a personal note, I will never forget the kindness RAY showed to my predecessor—Congressman Lane Evans—as he fought his battle with Parkinson's disease. I was proud to join with RAY to pass legislation naming a Rock Island post office in Lane's honor.

Congressman WELLER served the 11th District of Illinois with distinction. In addition to his work on international affairs, he advocated raising the minimum wage and sought to increase retirement and disability pay for combat-wounded veterans. I respect Congressman WELLER's commitment to standing up for what he believes in and wish him well in retirement.

Both men will be missed.

## RECOGNIZING THE HONORABLE TOM DAVIS ON THE OCCASION OF HIS RETIREMENT

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. BONNER. Madam Speaker, I rise today to honor the distinguished career of the Honorable THOMAS M. DAVIS for his service to the people of Virginia and the United States House of Representatives. Congressman DAVIS has represented the 11th Congressional District of the state of Virginia for the past 13 years.

Born in Minot, North Dakota, TOM moved to Fairfax County, Virginia, at an early age. He graduated from the United States Capitol Page School as president of his class and went on to Amherst College where he graduated with a degree in political science. TOM earned his Juris Doctor from the University of Virginia and attended Officer Candidate School, serving on active duty in the U.S. Army. He spent eight years serving in the Virginia National Guard and the U.S. Army Reserve.

Before his election to Congress, TOM became the chief elected official of Fairfax County, Virginia, the nation's 11th most populous municipality with the second largest county budget in the United States. While serving as the chairman of the board of supervisors, Fairfax County was recognized as the best financially managed county in the Nation.

Upon his election to the United States House of Representatives in 1995, TOM was put in control of the House Government Reform and Oversight Committee's Subcommittee on the District of Columbia, marking the first time a freshman had been appointed as a chairman in over 40 years.

TOM is well known for his advocacy on behalf of federal employees and contractors as well as his support of students in the District of Columbia. He was the integral force behind the passage of the D.C. College Access Act, allowing high school graduates in the District to attend public colleges in Maryland and Virginia at in-state tuition rates.

TOM is also known as a strong supporter of political and ethics reform in the House, while still fighting for issues most important to Virginia's 11th District. He was instrumental in gaining funding for the construction of the new Woodrow Wilson Bridge, designed to ease chronic gridlock in northern Virginia. He has also been an ardent supporter for advancements in information technology, which is critical to northern Virginia's high tech community.

In addition to serving as the Chairman of the National Republican Congressional Committee from 1998 to 2002 and chairing the House Government Reform and Oversight Committee during the 108th Congress, TOM'S crusade against government waste concentrated on monitoring federal contracts of large dollar amounts.

Madam Speaker, I ask my colleagues to join me in recognizing a dedicated leader and friend to many in this body. I know his family, his wife, Jeannemarie Devolites; his three children; his four stepchildren; and his many friends and colleagues join me in praising his accomplishments and extending thanks for his service over the years on behalf of the commonwealth of Virginia and the United States of America.

TOM will surely enjoy the well deserved time he now has to spend with his family and loved ones. I wish him the best of luck in all his future endeavors.

## IN RECOGNITION OF THE BRUCE MCCANDLESS COLORADO STATE VETERANS NURSING HOME

### HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. LAMBORN. Madam Speaker, I rise today to recognize the recent accomplishments of the Bruce McCandless Colorado State Veterans Nursing Home. This superior performing facility is the recipient of the highly coveted American Health Care Association and National Center for Assisted Living's (AHCA/NCAL) Quality Award and is the Nation's first state veterans nursing home accepted into the Eden Alternative Registry. The Eden Alternative Registry is a grass roots nonprofit organization whose core value centers on a holistic belief of quality care and empowerment of the aging.

For over 32 years, the Bruce McCandless Colorado State Veterans Nursing Home has been providing 24-hour, skilled nursing care to veterans and their families, and I am proud to commend them on their well-deserved achievements. Their superiority is exhibited not only by being one of four long-term care facility award recipients in Colorado, but as one of only 312 long-term care facilities in the United States to have qualified for the AHCA/NCAL Step I award.

These prestigious accomplishments exemplify the Bruce McCandless Colorado State Veterans Nursing Home's commitment to providing the very best of care to some of our Nation's finest—our veterans. Their continuous strive to meet the needs of their residents clearly demonstrates a strong commitment to continuous quality improvement and I am pleased to have this facility within both my district and the great state of Colorado.

## THE DAILY 45: A LONELY DEATH IN SAN FRANCISCO

### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. RUSH. Madam Speaker, the Department of Justice tells us that, everyday, 45 people, on average, are fatally shot in the United States. Far too often, while our culture is caught up in the exciting history of our nation's political season right now or the blessed peace that some of us enjoy from living life to its fullest, there are dozens of people, each and every day, who lose their life abruptly and in silence at the hands of a gun-wielding assailant.

Such was the case, last night, on the streets of San Francisco. Twenty-four-year old Donovan Mumphrey, of Pinole, just outside of San Francisco, was shot and killed by an unknown assailant in the parking lot of an apartment complex. Witnesses said Mumphrey was approached by someone who demanded cash and fled after the shooting.

I extend my condolences to Mr. Mumphrey's family and continue to pray for an end to this senseless violence. Americans of conscious must come together to stop the senseless death of "The Daily 45." When will we say 'enough is enough, stop the killing.'

## EXPRESSING SUPPORT FOR DEMOCRACY IN KAZAKHSTAN

### HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. BUTTERFIELD. Madam Speaker, I rise today before you to draw attention to an issue which concerns our continued efforts to establish democratic principles around the world. The recent conflict between Russia and Georgia has highlighted the acute need for the U.S. to maintain and strengthen its resolve to support and strengthen the former Soviet Republic countries.

Kazakhstan is among these countries and it is an important partner in many ways. Kazakhstan is a key energy-producing ally where a large number of U.S. corporations are doing business as part of the global effort to meet our domestic energy needs.

While I certainly appreciate that Kazakhstan has worked closely with the U.S. on matters of nonproliferation, I have become increasingly concerned by reports indicating that Kazakhstan's governmental system lacks the basic rights of democracy: elections are neither free or fair; political opposition faces physical danger; there are few independent media outlets; the wide-scale corruption which has begun to affect major U.S. companies doing business in Kazakhstan; and, there is no respect for human rights, religious freedom, freedom of speech or economic liberalization.

Last year's election in Kazakhstan was far from democratic. Kazakh President Nursultan Nazarbayev's reelection in 2005 with 91 percent of the vote prompted widespread complaints of vote fraud. The Nur-Otan party which supports President Nazarbayev won all 98 contested seats in the country's parliamentary election last August. Pledges to institute overhauls have failed to move forward according to recent reports by the U.S. Department of State and Freedom House.

In fact, a number of opposition parties have decided to boycott Kazakhstan's upcoming Senate elections with one of the opposition parties stating that "we do not intend to give a veneer of 'competition' to a forthcoming farce and to become a pseudo democratic entourage".

As part of an agreement that allows Kazakhstan to ascend to the Chairmanship of the Organization for Security and Cooperation in Europe (OSCE), a multilateral organization devoted to European Security, Kazakhstan pledged to implement an opposition party law and other reform measures by the end of this year. To date, little has been achieved and opposition parties assert that they are not consulted with on formulating an opposition party law.

I applaud my distinguished colleagues Chairman ALCEE HASTINGS of Florida and Co-

Chairman Senator BEN CARDIN of Maryland for holding a hearing hosted by the Helsinki Commission on July 22, 2008, titled ''Promises to Keep: Kazakhstan's 2010 OSCE Chairmanship''. In maintaining the Commission's monitoring duties, the hearing focused on allegations of corruption, human rights abuses and religious intolerance in Kazakhstan. This was the second in a series of hearings during which my colleagues questioned the selection of Kazakhstan as the next leader of the OSCE and its commitment to reform measures. Kazakhstan's Chairmanship has been a controversial issue as many human rights groups and lawmakers have cited a poor human rights record and lack of democratic reform in Kazakhstan. Assistant Secretary of State Richard Boucher testified that political and economic overhauls are needed in Kazakhstan, adding ''That is the only way to get away from corruption''.

A month prior to this hearing, Chairman HASTINGS and Co-Chairman CARDIN led a bipartisan delegation to Kazakhstan in order to attend the OSCE's 17th Annual Session, which took place in Astana, Kazakhstan's capital city. Additionally, Members of the delegation met with President Nursultan Nazarbayev, Prime Minister Karim Masimov and Secretary of State Kanat Saudabayev.

Clearly Members of the Commission remain concerned not only by the promises made to establish democratic reform by year's end, but also by ''very serious allegations'' of corruption in the oil-rich nation which could further complicate its relations with the U.S. and the West, as well as human rights abuses, human trafficking, freedom of religion, freedom of the press and rigged elections. When democracy fails that spills over into every other walk of life and the people of Kazakhstan are the ones who suffer.

I know my colleagues in the U.S. Congress share my concern and I encourage our collective support of the Helsinki Commission in calling on the government of Kazakhstan to uphold its commitment to establish democratic reforms as it has promised to do.

## TRIBUTE TO HILLCREST ORCHARD

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. WALDEN of Oregon. Madam Speaker, I rise today to share my pride in an exceptional family agricultural operation that is celebrating 100 years of quality, excellence, and responsible citizenship: the Parsons family and their Hillcrest Orchard in the heart of the Rogue Valley in southern Oregon. The Rogue Valley is known worldwide for its natural scenic beauty, its productive land, its ideal climate, and its coveted outdoor lifestyle. Hillcrest Orchard is in harmony with, and takes its inspiration from, the unique attributes of the Rogue Valley.

Hillcrest Orchard has been proudly operated by the Parsons family since its founding on July 13, 1908 by Reginald H Parsons and Maude Bemis Parsons. One of the oldest continuously-owned family orchards in the Rogue Valley, Hillcrest has long grown some of the region's finest fruit and produce. Four generations have worked tirelessly to maintain a high standard of quality and to operate always in ways responsible to the environment. Philanthropy and service to the community have been hallmarks of the Parsons family throughout Hillcrest's 100 year history.

Eleven grandchildren of Reginald and Maude are shareholders of Hillcrest: John Day, Hugh Brady, Judson Parsons, George Parsons, Reg Parsons, Geoffrey Tootell, Nancy McDonald, Diana Parsons, Natalie Oliver, Alice Petrich, and Cynthia Parsons. Currently, a fourth generation is involved in Hillcrest and the plan is for members of that generation to assume active management and further the well-established tradition of excellence and service.

As you can imagine, Madam Speaker, over the last 100 years, there have been many challenges in conducting successful orchard operations, but the Parsons family never let economic or natural disasters deter them. During the Depression and World War II, the family retained their employees and kept the fruit trees in healthy condition. By 1938, Reginald Parsons had gradually removed all of the apple trees and replaced them with pears, since the latter were more profitable. As the older pear trees declined in production, workers replaced them with new stock. Today, some of the orchard's earliest pear trees remain standing, producing Hillcrest's famous ''century pears.''

Not only has the Parsons family preserved their rich agricultural legacy, but also, through their stewardship, 11 buildings on the property of Hillcrest Orchard are now listed in the National Register of Historic Places. My colleagues, I have spent much time at Hillcrest Orchard and I can attest that it is truly a jewel in a very beautiful part of the country. It is a beautiful and welcoming place to visit, and their products are second to none. Hillcrest Orchard today remains very true to its century-old proud heritage of quality and innovation. What was once on the outskirts of Medford, Oregon is now surrounded by residential and commercial development, yet Hillcrest continues to operate in environmentally sound ways that makes it a model neighbor to the community. Hillcrest Orchard is dedicated to conserving the land for the health of the community and for future generations.

The most recent development at Hillcrest is the award-winning Roxy Ann Winery, featuring a charming tasting room, well-groomed grounds, musical entertainment, and social events. The planting of Hillcrest's vineyard began in 1997 with Merlot and Cabernet grapes. Hillcrest has expanded its selection of varietals along with acreage. Currently, 14 commercial varieties are grown at Roxy Ann's vineyards, including Bordeaux and Rhone grapes that flourish in the Rogue River Valley's warm climate and have thrived in similar climates and soils in Europe for hundreds of years. Local shallow clay soils help the vines concentrate the flavors in the fruit rather than producing huge vines. The viticulture and wine-making team at Roxy Ann is constantly evaluating varieties suited to this unique site.

Madam Speaker and colleagues, I take great pride in the last century of the Parson's family dedication to excellence at Hillcrest Orchard, and I ask you to join me in congratulating them for this significant feat and wishing them well as they enter their second century of exemplary business and service to the Rogue Valley. They have the tradition and the family dedication to make the next 100 years even more productive than the last. The Parsons family represents what is great about American agriculture and American families, and they will continue to give their customers and their community the very best.

## TRIBUTE TO ALAN LOESSY

### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SHUSTER. Madam Speaker, I rise today to honor the career and mark the retirement of Alan Loessy from the Letterkenny Army Depot in Franklin County, Pennsylvania. Alan Loessy began his 33 year long career in public service as a field representative in Franklin County for Congressman BUD SHUSTER. His exemplary work for the people of the 9th Congressional District made him a perfect candidate to join the outstanding team at the Letterkenny Army Depot and in May 1989 he joined the Letterkenny staff as a personnel management specialist.

In his capacity at Letterkenny, Mr. Loessy worked on behalf of the thousands of employees entering or departing civil service from Letterkenny and its many tenant activities. It was a job that required dedication, extreme patience, and a complete understanding of the Depot's position in the family of Department of Defense facilities as the installation downsized. Alan's support to those many individuals during the transition will long be remembered.

In July 1995 Alan was assigned as a public affairs specialist and became the Letterkenny Public Affairs Officer. He worked to convey the message of the contributions the men and women of Letterkenny made to the defense of the nation. He was the public face of the depot to the media and worked cooperatively with print and television reporters to leave a positive and lasting impression of the good work being done inside the depot fence line.

In 2002 Mr. Loessy was one of the founding members of Opportunity 05, a local group that helped build the case for Letterkenny's continued growth under 2005 Base Realignment and Closing round. The success of that effort was celebrated by many but none more so than Alan who played a key role behind the scenes.

Throughout his long career, Alan Loessy personified dedication, commitment and excellence to the people employed by Letterkenny and the corps of civilian employees in the Department of Defense. I know first hand how hard he worked with my own staff to promote the mission of the Letterkenny Army Depot. While Alan will be missed by everyone, his retirement brings new opportunities for him to follow. I along with the entire Shuster family wish him the best of luck in his future endeavors and congratulate Alan Loessy for a job well done.

THE DAILY 45: PATRICK

## HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. RUSH. Madam Speaker, everyday, 45 people, on average, are fatally shot in the United States.

Patrick McDonald, a Philadelphia police officer pursuing an armed suspect September 23 was fatally shot. He is the fourth city officer to die in the line of duty in 11 months. The suspect was killed. An automatic weapon was recovered at the scene. Too many people have access to automatic weapons and we are all touched by the death of a police officer, killed in the line of duty.

Americans of conscious must come together to stop the senseless death of ''The Daily 45.'' When will Americans say 'enough is enough, stop the killing.'

CRIMINAL SKETCH ARTIST—LOIS GIBSON

## HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. POE. Madam Speaker, Lois Gibson has made the Guinness Book of World Records as ''The World's Most Successful Forensic Artist.'' Her sketches of perpetrators have been instrumental in assisting the police to catch over 1,062 criminals. She has recently written a book with renowned author, Deanie Francis Mills, about her experience being a criminal sketch artist and the profession's value to society. This Houston resident has made a name for herself in law enforcement all across the country and has done so for twenty-five years.

An alumna of the University of Texas at Austin, Gibson has put her Bachelor of Fine Arts degree to great use. A naturally artistic person, she decided to take the FBI Academy Forensic Artist Course to become a qualified criminal sketch artist. When Gibson was younger, she was sexually assaulted by a serial rapist and murderer. Perhaps it was this experience that most inspired Gibson to enter into the service of catching criminals and helping those in need. The memory of her traumatic incident definitely stays with Gibson but rather than letting it get her down, she uses it to inspire her work every single day.

Ms. Gibson's status as a past victim, allows her to truly and deeply sympathize with those that she works with. After an upsetting situation, those affected often have issues rehashing the situation and having to again envision the assailant's face, but Ms. Gibson allows them to get past this. Gibson can communicate well with these people because she understands where they are coming from, being a victim herself. Thus, victims are more likely to open up to Gibson and she makes it easier for them to focus and give her an accurate depiction of their attacker.

Despite the profession of criminal sketching having many talented and trained artists, there is a limited amount of full-time sketch artists in the country. It took Ms. Gibson, herself, some time to persuade the Houston Police Department of her merit. The HPD had never used an artist before and they believed the role Gibson proposed seemed superfluous. When the department finally agreed to let her work, Gibson was soon identified as a valuable asset to the law enforcement team and some police officers began to wonder how they had ever operated efficiently without her.

About thirty percent of Gibson's sketches catch their intended offenders when finger prints are around ten percent effective. It is findings like these that make the question of, why more police departments do not embrace the importance of having a full-time sketch artist, more profound. Still, Gibson's work has not gone unnoticed, as she has won numerous awards for stopping ruthless criminals and bringing justice to the blameless victims.

I commend this remarkable American on her twenty-five year devotion to public service, and thank her for doing work that has made our country a safer place to live in.

And that's just the way it is.

TRIBUTE TO ROSEMARY'S CIRCLE

## HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SHIMKUS. Madam Speaker, I rise today to honor the members of Rosemary's Circle for 75 years of service to the Nashville, Illinois community. In 1933, a Sunday school class was formed at the United Methodist Church in Nashville, Illinois. These 30 students aimed to complete charitable work in their community. Some of the group's activities have included: Christmas fruit trays for shut-ins, fundraising for school activities and Children's homes, funeral dinners for church families, and quilt donations to the local EMT.

From its inception until 2003, the class was named after its first teacher, Jennifer Bennett. In 2003, the longtime president of the ''Jennifer Class'' passed away, and its members decided to rename the group in her honor. Known now as Rosemary's Circle, this group of dedicated women continued to serve the people of Nashville, Illinois for seventy-five years.

In recent years, membership in Rosemary's Circle has dwindled due to the aging of its members. In July of 2008, the group, upon conferring with its namesake's descendents, decided to disband and made a final donation to the Methodist Children's Home. Although Rosemary's circle is no longer active, the generosity of its members will not soon be forgotten. I join with my fellow representatives today in honoring the members—past and present—of Rosemary's Circle for many years of community service.

DEMANDING ACCOUNTABILITY IN THE FINANCIAL BAILOUT PACKAGE

## HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. KIRK. Madam Speaker, in July we bailed out entities with well-paid executives including Daniel Mudd, President and Chief Financial Officer at Fannie Mae ($11.5 million), and Richard Syron, Chairman and Chief Executive Officer at Freddie Mac ($18.3 million). Recent press reports show that a number of chairmen/CEOs were highly compensated before their companies began failing including Bear Stearns CEO, Alan Schwartz ($35 million), Lehman Brothers CEO Richard Fuld ($40 million) and AIG's Martin Sullivan ($47 million).

Federal regulators rightly blocked planned golden parachutes for the failed leaders of Fannie Mae and Freddie Mac, we should now set that precedent into law—if you get a taxpayer bailout, you lose your job and your parachute.

Today, I am introducing legislation that will ensure that no taxpayer dollars can be used for executive compensation or a golden parachute for any senior officer of a company that received credit or direct assistance bailout. My bill also grants Treasury Secretary Paulson the authority to terminate senior officers of any entity seeking a bailout from the taxpayer.

Given the dire economic warnings, Democrats and Republicans must pull together to save jobs and strengthen the economy for working Americans. But this must be a bailout with consequences, including a prohibition on any taxpayer dollars used for senior officer salaries or golden parachutes and the termination of senior officers of companies receiving aid.

CONGRATULATING TAIWAN ON ITS NATIONAL DAY

## HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. BUTTERFIELD. Madam Speaker, people in the Republic of China will be celebrating their National Day this October 10. Taiwan is one of our largest trading partners and has worked very hard in reducing its trade surplus with us year after year. A democracy, Taiwan shares many economic, social and cultural values with us. We know for a fact that Taiwanese tourists choose the United States as their first destination, when traveling outside of Asia. We know Taiwan has more than 30,000 and students studying in the United States. A majority of their cabinet secretaries were educated in the United States and have advanced U.S. degrees

Their newly elected Present is a Harvard-educated attorney. Taiwan's ties to us are many and our mutual relations seem to have dramatically improved with the recent appointment of their top Washington envoy: Ambassador Jason Yuan. Ambassador Yuan is one of the most distinguished diplomats from Taiwan and knows Washington well.

I am happy to learn that Taiwan has recently improved its relations with the Chinese mainland as well. There have been visits by Taiwan leaders to the mainland and vice versa. Both sides are engaged in productive discussions over the reduction of tension in the Taiwan Strait and the improvement of ties. They are building mutual trust and confidence in their bilateral relations, nurturing a long-lasting amity.

Congratulations to Taiwan and the Taiwanese people.

## HONORING GIRARD BASTIEN

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. COURTNEY. Madam Speaker, I rise today to recognize and celebrate the career of Girard Bastien, an outstanding member of our eastern Connecticut community. After six decades of service in the Baltic Fire Department, in Baltic, Connecticut, Girard will commemorate his retirement with family and friends on October 25, 2008 with a celebratory dinner.

As a veteran of World War II and the Korean War, Girard's commitment to public service began early in life. In August 1948, between service in WWII and the Korean War, Girard joined the Baltic Fire Department and launched a lifelong career that would span six decades. During his career, Girard achieved the rank of Deputy Chief, was a member of the New London County Fire Chiefs' Association, and served as the Sprague Tree Warden between 1954 and 1990. Additionally, Girard was the head of the Baltic Fire Department kitchen and orchestrated weekly bingo event in recent years.

Support from his wife of 62 years, Jeanette, as well as his sons, Dennis and Edward have made his career a long and fruitful one.

Madam Speaker, Girard's lifetime of public service has and will continue to inspire our eastern Connecticut community, and I ask my colleagues to join with me and my constituents in recognizing and celebrating this service.

## HONORING GERALD A. EHINGER ON BEING NAMED OGEMAW COUNTY'S VETERAN OF THE YEAR

### HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. STUPAK. Madam Speaker, I rise to recognize Gerald A. Ehinger of West Branch, Michigan. Mr. Ehinger has been named Ogemaw County's Veteran of the Year, and I ask that you, Madam Speaker, and the entire U.S. House of Representatives, join me in honoring him on this momentous occasion.

Born in West Branch, Michigan on February 9, 1927 to Anthony and Elizabeth Ehinger, Gerald Ehinger grew up in a large family with six brothers and three sisters. He attended and graduated in 1943 from St. Joseph Catholic High School of West Branch. After graduation Mr. Ehinger held several different jobs until he joined the U.S. Army.

In November of 1945, he enlisted in the U.S. Army and attended basic training at Camp Crowder, Missouri. Following graduation, he was assigned to the 972nd Signal Service Battalion, stationed at Konehe Naval Air Base in Hawaii. He served there for one year installing and repairing communication lines throughout the island. In February 1947, he was honorably discharged and returned back to his hometown of West Branch, Michigan.

From 1947 until his retirement in 1983, he worked for Consumers Power Company as a service lineman, working the last 25 years as a lineman supervisor. On May 12, 1956 he married his wife of 52 years, Joan. Together they have four wonderful children, three daughters and a son: Geri Marie, Katherine, Susan and John. Gerald and Joan are also the proud grandparents of six.

Since he left the Army, Mr. Ehinger has been involved in numerous civic and veterans organizations, including: the American Legion Post 103, of which he is a lifetime member of more than 50 years; the Knights of Columbus and the National Rifle Association. Mr. Ehinger has also served on the Board of Directors of Ogemaw County's Emergency Assistance Program and as President of the Spring Creek Hunt Club.

Gerald Ehinger is being honored as Ogemaw County's Veteran of the Year this Veteran's Day by the Ogemaw County Veterans Alliance. In accepting the award, Mr. Ehinger wrote, "I accept this award knowing that many other veterans are more deserving of it than I am and do so wish to thank each and everyone for this honor." Himself a U.S. Army veteran, Mr. Ehinger has been an advocate for the veterans of Ogemaw County and a distinguished leader within the community.

Madam Speaker, Mr. Ehinger selflessly served his country and has advocated for his fellow veterans ever since. I ask that you and the entire U.S. House of Representatives join with me in honoring Gerald Ehinger as he receives the Veteran of the Year award from the Ogemaw County Veterans Alliance.

## CONGRATULATING DR. JOSEPH M. LOMBARDO UPON HIS SELECTION FOR LIFETIME ACHIEVEMENT AWARD

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Dr. Joseph M. Lombardo, of Pittston, Luzerne County, Pennsylvania, who was chosen by the Italian American Association of Luzerne County to receive its 2008 "Lifetime Achievement Award." I can think of no one more deserving of this great honor.

Born in the city of Pittston, Pennsylvania, Dr. Lombardo is a son of the late Michael and Louise Ross Lombardo. He has a sister, Colette, and a brother, Michael. He has been married to Mary Elizabeth Smith Lombardo for 45 years. They are the parents of eight children: Michael, Joseph, James, John (deceased), Lisa, Francis, Michelle and Robert. The couple also has 13 grandchildren.

Dr. Lombardo was class president and a summa cum laude graduate of Pittston High School in 1956. He graduated with honors from Scranton University with a bachelor's degree in biology. He graduated from Stritch School of Medicine in Chicago, Illinois, in 1964. He served his internship at Wilkes-Barre General Hospital from 1964 to 1965.

Dr. Lombardo served in the United States Army from 1965 to 1966 at the rank of Captain. He served for 30 years in the inactive reserve at the rank of Colonel. He received a commendation from President Richard Nixon and Gov. Milton Schapp for meritorious service during the Vietnam conflict. He served as medical director for Selective Service Board No. 97 until the end of the military draft. He was a consultant for the U. S. Military at AFEES Induction Center, Wilkes-Barre, Pennsylvania. He was medical director for the Blood Plasma Unit in Wilkes-Barre; medical director for Social Security, Wilkes-Barre, from 1974 to 1988 and medical director, Wesley Village, 1976 to 1996.

Dr. Lombardo started his medical practice in greater Pittston 40 years ago. He was medical director for Heritage House and Hampton House. He has been the sports doctor for Pittston Area High School for 40 years. He instituted the Department of Family Practice at Wilkes-Barre General Hospital from 1985 to 1987. He was a member of the Hospital Board from 1985 to 1987. He was a board member of Retreat State Hospital from 1972 to 1976; a board member of Luzerne County Community College from 1981 to the present, the longest serving member of that board and he is a member of the Wilkes Hahnemann Board that secured a 6 year medical program and served as clinical instructor at Loyola Medical College and Hahnemann Medical School.

Dr. Lombardo was elected to Wilkes-Barre General Hospital Hall of Fame for Meritorious Service to the hospital and staff. He was also elected to the Luzerne County Sports Hall of Fame for the Sam Falcone Lifetime Award along with Dr. Nicholas Ruggiero and Dr. Charles Myers. He started the Anthracosilicosis Clinic at Wilkes-Barre General Hospital and served pro bono at that clinic for 15 years. He was the first full-time emergency room doctor at Wilkes-Barre General Hospital along with Dr. Pat DeGennaro. He served 15 years at Charity Clinic of Wilkes-Barre General Hospital and 5 years as physician for the Pittston Blood Drive. He is also a former Rotarian.

Madam Speaker, please join me in congratulating Dr. Lombardo on the occasion of this auspicious honor. His devotion and commitment to the community in which he was born and raised has been extraordinary and is an inspiration to others. He is truly deserving of this special award.

## EARMARK DECLARATION

### HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. UPTON. Madam Speaker, I submit the following: Pursuant to the Republican Leadership standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks I received as part of H.R. 2638, the Continuing Resolution for Fiscal Year 2009.

1. Advanced Drivetrains for Enhanced Mobility and Safety.

Department: Defense.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: Eaton Corporation.

Address of Requesting Entity: 19218 B Drive South, Marshall, MI 49068.

Description of Request: This request is to provide funding for the final phase of an ongoing three phase program between Eaton

and the US Army. Eaton Corporation, which produces truck components in Galesburg, Michigan, has successfully worked with the Army over the past several years to develop specialized torque-modifying differentials for the HUMVEE to improve the vehicle safety. Phase I and II of the project was structured to first adapt commercial Eaton side-to-side torque modifying differentials to HUMVEES. These programs have proven very successful in quantitatively demonstrating improved vehicle safety by increasing mobility and stability on rough terrain and drastically reducing vehicle rollovers. Prototype systems will be delivered to the Army for additional testing in May 2008. Military-hardened systems will be subsequently designed.

The third and final phase of the program is to develop a front-to-rear transfer case to modulate the driving torque between the front and rear axles. In conjunction with the side-to-side system developed in Phases I and II, this will provide the soldier with the ultimate system for HUMVEE stability and mobility through complete 4x4 active torque management.

Amount: $1,600,000.

Financial Breakdown:

Allocation of Funds

15% = $240,000—Model hardware function and vehicle maneuvers.

25% = $400,000—Materials-modifications to transfer case and addition of differential.

10% = $160,000—Preliminary Bench test and vehicle functional tests.

50% = $800,000—Labor-Design/procure hardware, develop preliminary controls software.

Justification for the use of taxpayer dollars: This program addresses a key military need for tactical wheeled vehicle stability and mobility. The technology will greatly improve soldier safety and survivability and mission effectiveness. Eaton Automotive is a commercial company serving non-military customers. Taxpayer dollars are requested for this program to adapt Eaton commercial technology to military vehicles.

2. Advanced Digital Hydraulic Hybrid Drive Systems.

Department: Defense.

Account: Research, Development, Test and Evaluation—Army.

Legal Name of Requesting Entity: Eaton Corporation.

Address of Requesting Entity: 26201 Northwestern Highway, Southfield, MI.

Description of Request: The objective of this project is to develop and demonstrate a hybrid hydraulic drive system on military 4x4 vehicles. This compact drive system will enable vehicles to be operated more safely and effectively on even the harshest terrains, and also save a substantial amount of fuel. Having seen firsthand the challenges vehicles currently face with respect to immobilization, rollover or forced-slow speeds due to weight, the value of such a system is very apparent. The additional weight of important armor results in increased problems with maneuverability, so the reduced weight of the new hybrid system. In addition to reducing the weight of the drive system, this project will also increase fuel efficiency by roughly 60 percent. The increased fuel efficiency will provide clear logistical benefits by increasing vehicle range and decreasing vehicle re-fueling requirements. This is not at the expense of vehicle performance, however, as the reduced weight will actually add to vehicle traction and performance.

Amount: $2,000,000.

Financial Breakdown:

Allocation of Funds

20% = $400,000—Advanced component testing—Full Authority Pump Motor demonstration.

20% = $400,000—System Testing—Lab scale test for insertion advanced technologies.

10% = $200,000—Materials—Full Authority Pump Motor & Next Generation Accumulators.

50% = $1,000,000—Labor—Design to develop a retrofit system, Next generation accumulators proof of concept, Develop detailed vehicle model, Develop supervisory control architecture, Develop preliminary controls software.

Justification for the use of taxpayer dollars: This project will dramatically increase fuel efficiency in military vehicles, and hence, provide logistical benefits as well as preserve fuel. The new hybrid system will also reduce vehicle weight, which will add to vehicle performance and allow for vehicles to carry increased armor or supplies.

## TAIWAN DESERVES PARTICIPATION

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. POE. Madam Speaker, it has come to my attention that on August 14, seventeen of Republic of China's diplomatic allies requested that the United Nations General Assembly include a supplementary item in the agenda of the 63rd session to "examine the fundamental rights of the 23 million people of the Republic of China (Taiwan) to participate meaningfully in the activities of the United Nations specialized agencies."

I join my colleagues on the Hill in voicing my support for Taiwan's request. Taiwan has been denied participation in the conferences, mechanisms and conventions of the United Nations and the specialized agencies since 1971, thereby creating a major breach in the operations of the United Nations system. This has been a gross injustice that needs to be corrected. Taiwanese people deserve a voice in the UN specialized agencies for a number of reasons. Taiwan's population is larger than two thirds of the UN member states. Taiwan has a vibrant economy. Taiwan is a democracy. Taiwan wants to provide a positive feedback to the international community. Taiwan's meaningful participation in the specialized agencies would help promote peace and cooperation in the Asia-Pacific region.

Madam Speaker, the tension cross the Taiwan straits has been eased since May 2008, and leaders of Taiwan and the People's Republic have shown a willingness to settle their dispute. This thawing of relations has been warmly welcomed by the international community. It is my hope that the PRC will favorably respond to Taiwan's request with goodwill and flexibility. Only by allowing Taiwan to participate meaningfully in the specialized agencies can the UN principle of universality be fulfilled and regional peace and prosperity be ensured.

## GREAT LAKES-ST. LAWRENCE RIVER BASIN WATER RESOURCES COMPACT

SPEECH OF

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, September 22, 2008*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to support S.J. Res. 45, the Great Lakes-St. Lawrence River Basin Water Resources Compact. This bill will help protect the Great Lakes by ensuring that water taken from the Great Lakes does not exceed the rate the lakes can be naturally replenished.

Lake Michigan is, without question, the most treasured resource to residents in States that border it and is our "Grand Canyon," something in which we take enormous pride. In addition to its sentimental value, the Great Lakes, including Lake Michigan, serve as an important resource, providing 20 percent of all the surface water in the world, Despite their size the Great Lakes are a fragile resource. Only 1 percent of the water in the Great Lakes gets replenished by snow and rainwater every year.

As a result, the Great Lakes have been put in jeopardy by efforts to divert large portions of water from the Great Lake basin to support business efforts throughout the midwest and Canada. The Compact will prohibit new or increased Great Lakes basin diversions to outside the region, except under special circumstances to provide public drinking water. It will also require all Great Lakes States to develop water resource inventories and efficiency programs, and give public notice of large proposed new water uses. Finally, it will establish uniform standards across the Great Lake States for evaluating new in-basin uses of Great Lakes water. These all are good practices of stewardship of the Great Lakes, and will allow us to preserve the Lakes, while at the same time exercising intelligent use of it as a natural resource.

The Great Lakes Compact has been approved by the Governors and State legislators of all eight Great Lake States, the U.S. Senate and the Bush administration. I believe that it is vital that the House joins them in supporting the Compact. Doing so will protect the people and environment of the Great Lakes by ensuring that the uses of its resources are done in a deliberate and consensual manner between the Great Lakes States.

Again, Mr. Speaker, I urge adoption of the Great Lakes-St. Lawrence River Basin Water Resources Compact.

## PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

SPEECH OF

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2008*

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of H.R. 6983, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act. I stand with

millions of families, caregivers, healthcare professionals, and individuals in gratitude to this Congress, led by chief sponsor, Representative PATRICK KENNEDY, who have joined forces in a bipartisan manner to help those suffering from mental illness. Today, we tell Americans from all walks of life that we understand that mental illness is just like any physical illness, we understand the difficulties you have been facing, and we are here to end discrimination against patients seeking treatment for mental illnesses.

One out of every five adults in the United State suffers from mental or substance abuse disorders, which according to the Wall Street Journal, cost our economy $550 billion last year. Of course, treating mental illness is not about dollars and cents. It's about lives which are ruined and lives which are lost. Last year one, more than 30,000 Americans committed suicide from untreated depression and 150,000 Americans died as the direct result of chemical addiction. When people are not properly treated, or not treated at all, our Nation as a whole suffers.

H.R. 6983 permanently reauthorizes and expands the Mental Health Parity Act of 1996 to provide for equity in the coverage of mental and substance use disorders compared to medical and surgical disorders. The legislation ensures that group health plans do not charge higher copayments, coinsurance, deductibles, and impose maximum out-of-pocket limits and lower day and visit limits on mental health and addiction care than for medical and surgical benefits. As under current law, the Department of Health and Human Services, the Department of Labor, and the Internal Revenue Service may penalize health plans for discriminatory practices under the bill and individuals may bring a private right of action to receive covered benefits.

Discrimination on all counts must be eliminated in this country. This bill takes a giant step in the right direction. I am grateful to our leadership for moving this bill which is sure to help millions of Americans.

## PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008

SPEECH OF

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 23, 2008*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of the Paul Wellstone-Pete Domenici Mental Health Parity and Addiction Equity Act.

This important bipartisan piece of legislation would not have been possible without the vigorous advocacy of the late Senator Paul Wellstone and the continued dedication and commitment of Senator Wellstone's family.

In addition, I want to thank Congressmen KENNEDY and RAMSTAD as well as Senators KENNEDY and DOMENICI. Without their tireless efforts, this bill would not be before us today.

Mental illness and substance abuse affects millions of families across this country.

Without treatment, those suffering from mental illness and substance abuse often struggle to hold a job or make ends meet.

Today, approximately 44 million Americans suffer from mental illness, but only one-third receive treatment.

A key component of this problem is that private health insurers generally provide less coverage for mental illnesses and substance abuse than for other medical conditions.

A 2002 Kaiser Family Foundation study found that, while 98 percent of workers with employer-sponsored health insurance had coverage for mental health care, 74 percent of those workers were subject to annual outpatient visit limits, and 64 percent were subject to annual inpatient daily limits.

H.R. 6983 amends the Employer Retirement Income Security Act (ERISA) to prohibit employer group health plans from imposing mental health or substance abuse treatment limitations, financial requirements, or out-of-network coverage limitations unless comparable limitations requirements are imposed upon medical-surgical benefits.

The out of network coverage provisions are particularly important.

Under this provision, if a health plan permits individuals to go to an emergency room for a medical condition without prior authorization; or an out-of-network hospital or treatment center at network rates for a medical condition, then the plan must apply the same rules to an individual suffering from a mental illness or substance disorder.

In addition, the bill does not require group health plans to provide any mental health or substance abuse coverage.

However, if the group health plan does offer mental health and/or substance abuse benefits, there must be equity between mental health and/or substance abuse coverage and all comparable medical and surgical benefits that the plan covers.

As a result, more Americans will be able to access affordable mental health and substance abuse benefits.

Nothing in H.R. 6983 is intended to preempt stronger state mental health and substance abuse parity laws.

The Committee on Education and Labor has analyzed each state's mental health and substance abuse law; it is our understanding and intent that this legislation will not preempt any of these laws.

In other words, a state law that may contain broader or more favorable mental health and/or substance abuse benefit requirements will not be preempted.

Finally, this bill directs the Department of Labor to provide information and assistance to individuals, employers, and states in order to help them comply with the requirements of this law.

H.R. 6983 enjoys broad, bipartisan support.

And, I would particularly like to recognize the dedication and commitment of Paul Wellstone's family to getting this bill passed. We know how important this issue was to Paul and it is in his memory that we take this vote today.

I urge all of my colleagues to join me in voting for the Paul Wellstone/Pete Domenici Mental Health Parity and Addiction Equity Act.

It is time to end the stigma and provide fair coverage to those in need.

## RECOGNIZING THE HONORABLE BUD CRAMER AND THE HONORABLE TERRY EVERETT ON THEIR RETIREMENT FROM CONGRESS

SPEECH OF

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mr. SKELTON. Mr. Speaker, let me take this means to add my tribute to two fine Alabama Congressmen, BUD CRAMER and TERRY EVERETT. Through the years, I have had the pleasure of working with these outstanding lawmakers. They have been friends to me both personally and professionally. They have exhibited the best of this institution—looking after the interests of the people they represent and ensuring our Nation has a strong economy, strong foreign policy, and strong national security.

They, like I, represent rural areas of our country. There are few of us serving in Congress who have the privilege of representing predominantly small town America, Typically, we rural Congressmen and women bond together on rural matters, working across party lines to ensure the interests of rural America are best represented in the laws we make in Washington. Both BUD and TERRY have worked on behalf of rural people, not only in Alabama but across our country.

BUD and TERRY have also worked for a strong national defense. I have worked with TERRY on the Armed Services Committee, and I have always been honored by his commitment to our men and women in uniform. BUD, too, has been a stalwart supporter of our troops and of the NASA community in Northern Alabama.

While I am sad to see BUD and TERRY leave the House, the institution has been strengthened by their service. I hope they enjoy the next chapter in their lives.

## BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2008

SPEECH OF

### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. UDALL of Colorado. Madam Speaker, as a proud cosponsor of this bill I urge its approval by the House.

The bill will extend through fiscal year 2012 the highly successful grant program for armor vests for law enforcement officers.

The program was originally established in 1998 through enactment of legislation sponsored by Colorado's Senator Ben Nighthorse Campbell. Since then, over 11,900 jurisdictions have participated in the program, with $173 million in Federal funds committed to support the purchase of an estimated 450,000 vests.

For example, in fiscal year 2007, 60 separate jurisdictions in Colorado received more than $352,000 to assist with the purchase of 1,883 vests.

And while of course the most vests were purchased by the largest law enforcement

agencies—570 by the city and county of Denver, 344 by the State of Colorado, 131 by Adams County and 45 by El Paso County—the program also assisted many smaller agencies as well, including those in Hinsdale County, Moffat County, Federal Heights, Glenwood Springs, and Durango.

Police officers from across our State have told me the program has been a great success, improving the safety and security of American law enforcement officers and better enabling them to do their job. And while President Bush's budgets have repeatedly neglected to request the full funding authorized for the program, Congress has stepped up and recognized its importance and appropriated the funds needed to keep it strong.

Bulletproof vests are expensive but essential. No officer should be without one and they should be basic equipment made available to officers when we ask them to perform dangerous jobs. If we can afford to pay for training and equipment for Iraqi police—and we indeed are paying for that—I think we can afford to help pay for bulletproof vests for the officers who protect Americans here at home.

So, Madam Speaker, I urge approval of this bill, to renew and extend the authorization for this very important program.

## HEALTH CARE SAFETY NET ACT OF 2008

SPEECH OF

### HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. ETHERIDGE. Madam Speaker, I rise today in strong support of H.R. 1343, Health Centers Renewal Act of 2008. This bill fulfills America's promise to its citizens by protecting access to high quality health care.

Health Centers Renewal Act of 2008 will continue Congress's commitment to our Nation's 1,200 community health centers that provide high quality, affordable primary health care to more the 18 million Americans in over 7,000 communities nationwide. Numerous studies have shown that health centers are particularly effective because they remove barriers to care and deliver services in a manner adapted to the patients of individual communities. Health centers improve outcomes and mitigate health disparities, resulting in better health care for their patients and savings for the health care system. In fact, there is evidence that people who get most of their primary care from a health center have 41 percent lower overall health care costs than others, saving Federal taxpayers $10 to $17 billion in 2007 alone. The Community Health Centers program has been consistently rated as one of the most effective programs in the Department of Health and Human Services by the Office of Management and Budget.

Madam Speaker, H.R. 1343 will ensure that the millions of Americans who rely on health care centers continue to have access to high quality and affordable health servlces.

I urge my colleagues to join me in voting for H.R. 1343.

## TRAVEL PROMOTION ACT OF 2008

SPEECH OF

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mr. FARR. Madam Speaker, as co-chair of the Congressional Travel and Tourism Caucus and an original co-sponsor of this bill, I am pleased to see The Travel Promotion Act (H.R. 3232) pass the House of Representatives.

This legislation will re-establish the United States as a premier destination for foreign travelers. Since September 11, the United States has seen a decline of more than 46 million overseas travelers costing our economy $140 billion. This bill will put us back on track.

H.R. 3232 creates a nonprofit corporation to promote the United States to international visitors—this is a public-private partnership with no cost to the American taxpayer. With the current level of the dollar, the United States is a travel bargain and that message needs to get out.

Nearly every developed nation in the world spends millions of dollars to attract visitors, an investment that pays big dividends. Overseas visitors stay longer and spend more. The United States is missing out on a large share of the global tourism market, and we will continue to lose out without this sensible investment.

Another benefit of this bill is the increased person-to-person contact that we will enjoy. At a time when our image abroad is tarnished, this is an opportunity to use our communities to serve as diplomats to the world. There are no better ambassadors than the American people.

I want to thank Congressman BILL DELAHUNT and Congressman ROY BLUNT and for their leadership on this bill,

Additionally, I would like to thank my co-chair on the Congressional Travel & Tourism Caucus, Congressman JON PORTER of Nevada, It has been my pleasure to work with him on his legislation and on many other travel-related issues. His tireless efforts for the travel community and the caucus are truly admirable.

## CALLING CARD CONSUMER PROTECTION ACT

SPEECH OF

### HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mrs. BONO MACK. Madam Speaker, I would like to express my opposition to the Calling Card Consumer Protection Act, H.R. 3402.

Madam Speaker, I rise in opposition to H.R. 3402, the Calling Card Consumer Protection Act. This bill—while well-intentioned—would only add to an increase in regulatory confusion because it sets up a system where lateral government organizations will not only be enforcing laws but also issuing their own interpretations of those laws. This is inefficient and it will breed confusion and conflict.

How can we reasonably expect multiple governmental organizations, in this instance the Federal Communications Commission and the Federal Trade Commission, to agree on the meaning of a particular statute when members of those individual commissions can't seem to agree among themselves? The truth is we can't and that is why the FCC and FTC dual authority provision should be corrected.

Finally, I recognize that State attorneys general can play a role in enforcing a Federal statute. However, empowering multiple entities with this authority will only force American businesses to spend valuable resources fighting litigation rather than investing in infrastructure, jobs, and consumer services.

Madam Speaker for these reasons I ask that my colleagues oppose H.R. 3402.

## EFFECTIVE CHILD PORNOGRAPHY PROSECUTION ACT OF 2007

SPEECH OF

### HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 25, 2008*

Mrs. BIGGERT. Mr. Speaker, I rise today to express my strong support for H.R. 4120, the Effective Child Pornography Prosecution Act. I am very pleased to be the lead Republican cosponsor, and I thank the gentlewoman from Kansas for all of her hard work on this legislation that will close an unacceptable loophole in the Federal criminal code.

Last year, the U.S. Court of Appeals for the 10th Circuit overturned a lower court's decision in U.S. v. Schaefer and freed a defendant who had been convicted of receiving and possessing child pornography. The case was not overturned for lack of evidence, but rather because the prosecution failed to prove that images downloaded from the Internet moved across State lines in ''interstate commerce.''

The judges who decided this case pointed out that the use of the phrase ''in commerce'' instead of ''affecting commerce'' in the law signaled Congress' intent to limit Federal jurisdiction in the prosecution of child pornographers. As co-chair of the Missing and Exploited Children's Caucus, I can assure you, Mr. Speaker, nothing could be further from the truth. We in Congress know the horrible consequences that result from the sexual exploitation of children used to create these images. We also take very seriously our duty to do everything in our power to protect children, punish predators and deter future acts of abuse.

That is why the bill we are considering today deserves our full support. It will close the loophole in current law by replacing the phrase ''in commerce'' with the phrase ''affecting commerce'' in the child pornography statute.

I also was pleased that the Senate chose to include additional provisions making it easier to prosecute those who willfully access child pornography on the Internet. These changes will give prosecutors the tools they need to ensure that predators who use the Internet to transmit or access child pornography end up behind bars, where they belong.

I would like to take this opportunity to again thank the gentlewoman from Kansas, my good friend, NANCY BOYDA, for introducing this legislation. I also would like to thank the National

Center for Missing and Exploited Children for their assistance and counsel in drafting the bill. Mr. Speaker, as a mother of four and grandmother of seven, I know there is nothing more important than safeguarding our children from predators. We must not allow those who sexually exploit children to avoid prosecution because of a technicality.

I urge all my colleagues to support H.R. 4120 and send this important bill to the White House for the President's signature.

## CONSOLIDATED SECURITY, DISASTER ASSISTANCE, AND CONTINUING APPROPRIATIONS ACT, 2009

SPEECH OF

### HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 24, 2008*

Mr. TIAHRT. Mr. Speaker, this continuing resolution spending bill contained needed funding provisions, many of which I support. In fact, three separate Appropriations bills—Defense, Homeland Security, and Military Construction—Veterans Affairs are included in the Continuing Resolution (CR) package. The insertion of these individual bills within the CR will ensure the safety and security of our Nation, maintain the commitment of Congress to our men and women in uniform, and provide for the needs of our veterans through the next fiscal year.

Despite the needed funding to our troops and veterans, the Democrat leadership decided to take political advantage of this spending bill and slipped in several inappropriate spending measures. This legislation includes unjustified spending measures that should have had the opportunity to be considered through the normal legislative process, and not tacked onto a massive, catch-all Appropriations bill.

One of these unjustified spending measures includes a $25 billion bailout of the auto industry of which $7.5 billion is appropriated in the bill. First in line were Fannie Mae and Freddie Mac then Bear Stearns, and now a bailout to the auto manufacturing industry—Mr. Speaker, where does it end?

We must address the core economic problems that hold back workers from better paying jobs and that stifle businesses from being successful. The best and most responsible approach Congress can take is to continue to pursue policies designed to get our economy growing again. After September 11, 2001, our Nation's general aviation and airline manufacturing industry greatly suffered. Congress had a choice, to throw millions of dollars at the aviation industry or take a market based approach and allow accelerated depreciation of its products. The Republican majority chose to pass a jobs and economic growth bill that included depreciation and expensing provisions, which according to manufacturers, have resulted in back orders until 2012–2013. This is just one example of a market based solution to an economic crisis.

This is the type of policy that should guide this Congress in dealing with the failings of the auto industry, the housing industry, and so on. I cannot support a bill that attempts to undercut the integrity of our Nation's free market infrastructure through a $25 billion bailout of the auto industry.

## THE TRINITY VALLEY EXPOSITION 100TH ANNIVERSARY

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. POE. Madam Speaker, today, I am proud to recognize the Trinity Valley Exposition on its 100th anniversary this October. The TVE has been a fixture in southeast Texas that brings fun and culture together for a great yearly event. Additionally, outside of the celebration in the autumn, TVE is active in the community and invests in the youth of our great State.

The TVE is a charitable organization located in Liberty, Texas. The main groups benefitting from the works of the TVE are the young people residing in the counties of Liberty and Chambers. Over the past few years, the TVE has contributed thousands of dollars in scholarships to those students who are going to be attending post-secondary institutions. For example, in 2004, the TVE gave $30,000 in scholarships to students in the area.

The TVE owns 60 acres of land, a covered arena, an exposition hall, and a pavilion. Various functions occur in these places throughout the year. People are allowed to rent these facilities, giving members of the community a chance to convene and offering anyone a great place to have ceremonies, celebrations, and get-togethers.

The TVE is a volunteer organization that relies on its helpers to be effective, especially, every fall when the TVE hosts a county fair. This is a tradition that attracts people from many places, near and far, to gather for the festivities. There is no gate charge, all events are free, and the entire public is invited.

This time, for the 100-year anniversary, the event is extra special with numerous contests engaging participants in kind-spirited competition. The contests include: quilting, baking, scarecrow, kiddie tractor pull, and salsa. Also, this year, favorite TVE memory is a contest, calling people to recollect special experiences of times past. In addition to these events, the TVE asks the children to participate in a coloring contest or in playing one of many games available. There will be live family entertainment, a magician, hotdogs, and rice. The grand event closes with a fireworks display to usher out a truly meaningful milestone.

The TVE is a tradition that brings the community together and calls to mind many of the things that identify us as Texans. Therefore, I am happy to draw attention to the Trinity Valley Exposition on its 100th year of operation.

## VETERANS APPRECIATION CELEBRATION LEADING UP TO VETERANS DAY

### HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. MAHONEY of Florida. Madam Speaker, beginning November 1st, 2008 Charlotte County will begin a Veterans Appreciation Celebration leading up to Veterans Day. This celebration will honor the Veterans in our area who have bravely served our country. It is my honor to recognize and thank the Veterans who made this day possible and the community leaders who helped to put this wonderful celebration together. Events included in this 18-day celebration are:

A Homeless Stand Down on November 1st, 2008, being hosted by the Charlotte County Homeless Coalition and the Charlotte County Veterans Service Office. The stand down will attempt to increase the community's awareness of homeless veterans and bring a variety of social service providers together to help these veterans. During the stand down, showers, haircuts, food and clothing will be provided for homeless veterans, as well as medical and counseling services.

A Purple Heart Memorial Dedication Ceremony to honor all branches of service on Tamiami Trail and Cochran Blvd in Port Charlotte, Florida. This ceremony will take place on November 2nd, 2008.

A Veterans Day Parade on Saturday, November 8th, 2008 in Punta Gorda, Florida.

Veterans Day Celebrations throughout the community on November 11th, 2008.

An Army/Navy youth football game at Franz Ross Park on November 16th, 2008.

A Veterans Appreciation Dinner hosted by the Disabled American Veterans on November 17th, 2008 in Punta Gorda, Florida.

Without the service of our great Veterans, we would not be able to enjoy the freedoms we do today. On behalf of Florida's 16th Congressional District, I applaud Charlotte County in their efforts to honor these men and women who so bravely served our country.

## PLANNED PARENTHOOD'S SEX ED WEEK OF ACTION

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Ms. ZOE LOFGREN of California. Madam Speaker, I rise today at a time when our country is facing grave concerns over the economy, yet this administration has supported $1.3 billion on ineffective abstinence-only programs.

The CDC has just reported that more than 1 in 4 girls are infected with a sexually transmitted infection. It is clear that teens do not have access to full information about how to lead safe and healthy lives. This reaffirms what people in my home state of California already know: abstinence-only programs do not work.

I am proud to be from the first state that has rejected wasteful Title V abstinence-only funding. California leads the Nation in its effort to prevent unintended pregnancy through access to family planning, comprehensive sex education, public funding of family planning services and laws and policies protecting access to reproductive health care.

We must expand access to these services. This is why I support the outreach and community programs of the Planned Parenthood of Mar Monte. They provide comprehensive sex education programs through community outreach to high school students, parenting

and pregnant teen mothers and train young males in responsible decision making.

This week, Planned Parenthood affiliates around the country are sponsoring grassroots events to raise awareness about the need for comprehensive sex education. A majority of voters strongly support comprehensive sex education and want public schools to teach it to keep our youth healthy and safe.

These parents are just looking to Congress to eliminate funding for dangerous abstinence only programs and instead fund comprehensive sex education programs.

## A TRIBUTE TO THE LATINO COMMUNITY IN HONOR OF HISPANIC HERITAGE MONTH

### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Ms. ROYBAL-ALLARD. Madam Speaker, in observance of Hispanic Heritage Month, I rise today to pay tribute to the growing, enterprising and dynamic Latino community.

Today, you need only look at recent statistics to recognize the growing influence of the Latino community.

This year, the Latino population has grown to more than 45 million people in the United States. By 2050, the Latino population is projected to go up to 132 million, constituting 30 percent of the Nation's population.

Economically, Latinos own more than 1.6 million businesses in the country, generating $222 billion in revenue at a growth rate that is triple the national average. In addition, by 2010, the purchasing power of the Latino community is projected to skyrocket from 600 billion to a trillion dollars. Clearly, this proven work ethic and an entrepreneurial spirit will enable Latino businesses and workers to play an even bigger role in sustaining and strengthening our Nation's economy in years to come.

Politically, Latinos are making significant gains, especially as representation in elected offices at all levels of government continues to increase. Currently, according to the National Association of Latino Elected and Appointed Officials, more than 6,000 Latinos are providing leadership in elected and appointed offices throughout the country.

While I am very proud of the many Latino leaders who are standing up for their communities by assuming important positions of leadership, we must keep working to increase our representation. According to a new report compiled by the University of Denver, the number of Latinos holding public office is disproportionately low given that the Latino population is the largest minority group. The report states, ''Very few Latinos have ever been appointed to serve in high-ranking posts or cabinet positions. No Latino has ever been appointed to the Supreme Court. Only during the last twenty years have Latino leaders begun to occupy cabinet positions . . . A handful of Latinos have held such positions . . . Still, the participation of Latinos in the administration is below what should be expected relative to the population.''

Without question, the commitment of Latino leaders to equity in this country has inspired all of us to do the work that we do with heart and compassion. I am inspired by the words of the late Chicana author, Gloria Anzaldua, who wrote, ''The possibilities are numerous once we decide to act and not react.''

On May 1, 2006, Latinos came out by the millions and took to the streets stating, ''Today we march, tomorrow we vote.'' They kept their promise and in the November 2006 election, the country saw the largest turnout of Latino voters for a midterm election. This November, with the growing population and increased numbers of registered voters, the Latino community will have a vital role in selecting the new president of the United States. According to the University of Denver report, 93 percent of Latino registered voters plan to vote in the upcoming election.

With increasing political clout in the halls of State legislatures and in the voting booth, Latinos will continue to be agents of social and political change in this country.

For example, since the start of the 110th Congress under the leadership of the new Democratic majority, Congress has passed key legislation that directly benefits the Latino community. Congress authorized Recovery Rebates that went out to 130 American households—including many Latino households—to help revitalize the economy. Congress increased in the minimum wage, directly benefiting 2.3 million Latinos over the next several years. Congress increased unemployment benefits at a crucial time when the Latino unemployment rate was at 8 percent. More recently, Congress reauthorized the Higher Education Act, an important piece of legislation that will help many Latino students pursue a higher education.

Under Democratic leadership, Congress has made strides in addressing the needs of Latino families. But we must not rest. This election cycle provides all of us in the Latino community with a critical opportunity to move our agenda forward. With responsive representation in all levels of government including the Executive Branch, the Latino community can better use its leverage to make progress on key priorities. These priorities include increased access to high quality education, greater access to quality health care and comprehensive immigration reform.

As we observe Hispanic Heritage Month, I ask my colleagues to please join me in recognizing the growing political empowerment and activism in the Latino community. Now more than ever, we must work together, organize, and, above all, vote, to make our voices heard this November.

## TRIBUTE TO ST. BONIFACE CATHOLIC CHURCH

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. LATHAM. Madam Speaker, I rise today to congratulate St. Boniface Catholic Church of Garner, Iowa, on celebrating their 125th anniversary as a congregation.

The history of Catholicism in the Garner community dates back to the time neighboring priests of Charles City, Mason City, and Algona would come together once a month to celebrate Mass and administer the Sacraments in homes and in the public school. On December 21, 1883 the deed for the land, which was purchased for $100 in 1882, was recorded. Father Hanley was appointed pastor of Clarion, Hampton, and Garner and had the church erected. It was the first Catholic Church in Garner and Mass was celebrated in the church in August of 1883.

In 1924, a purchase of two more lots gave St. Boniface ownership of the entire block and the rectory was moved to this location. In 1940, a new church was constructed for an estimated cost of $37,000. While growing as a congregation, St. Boniface Church saw many liturgical changes take place over the years but the community always came together and remained steadfast and united.

St. Boniface Catholic Church is dedicated to benefitting the lives of those in Garner, and for this I offer my utmost congratulations and thanks on a prosperous history. It is an honor to represent all the parishioners of St. Boniface Catholic Church and the current pastor Reverend Henry Huber in the United States Congress, and I wish them continued success, grace, peace and celebration as a community.

## IN HONOR OF VOCALESSENCE SEPTEMBER 26, 2008

### HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Ms. McCOLLUM of Minnesota. Madam Speaker, I rise today to honor VocalEssence in honor of its 40th season. On September 14, 2008, VocalEssence kicked off its anniversary year with a community concert celebration featuring Garrison Keillor.

During its distinguished history under the direction of the internationally renowned director Philip Brunelle, VocalEssence has become one of the largest and most prestigious choral organizations in the country. Founded by Brunelle in 1969 as the Plymouth Music Series, the choral organization became VocalEssence in 1992, and has steadily grown in reputation along with Mr. Brunelle. Mr. Brunelle himself is an institution in the choral music community, and an outstanding artist. VocalEssence has earned praise for its innovation among the music community by working to spotlight lesser known compositions from all time periods, as well as the work of contemporary composers. By 1991 the organization enjoyed international recording success, as well as international recognition as a leader in choral music performance.

VocalEssence has been actively involved in community engagement in the Twin Cities through programs such as WITNESS, an initiative that honors and celebrates the contributions of African Americans to our cultural heritage. Through concerts and recordings featuring African American composers and artists and educational outreach designed to inform students of the historical role of African Americans in our culture, WITNESS has enriched our community and the musical world, reaching more than 115,000 students in more than 55 schools in the Twin Cities area.

VocalEssence has brought great distinction to the Twin Cities arts community, earning numerous recognition and awards from the American Society of Composers, Authors, and Publishers, as well as the Margaret Hillis Achievement Award for Choral Excellence, an

outstanding achievement and an unparalleled honor in the choral music community.

Madam Speaker, it is my great pleasure to honor VocalEssence, and to celebrate the 40 years it has enriched the culture of the Twin Cities.

## IN RECOGNITION OF FRANK W. BUCKLES

### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. WILSON of South Carolina. Madam Speaker, I rise to recognize Frank W. Buckles. Mr. Buckles, at the age of 107, is the last known remaining veteran of World War I.

Having joined the Army at the age of 16, Mr. Buckles fought bravely for his Nation in World War I. During the Second World War, as a civilian he was imprisoned by the Japanese and spent 39 months in captivity.

The freedoms we enjoy today and the prosperity our nation has enjoyed throughout its history are due in large part to the sacrifice and courage of men and women like Mr. Buckles. As the son of a World War II veteran and a former member of the National Guard and Reserve myself, I know firsthand and am grateful for the tremendous legacy of patriotism shared by our military. I am the proud to be the father of four sons who serve in our nation's military, including two sons who served in Iraq.

In honor of his sacrifice and dedication to his country, Frank Buckles was recognized by President George W. Bush earlier this year during a ceremony honoring World War I veterans. On September 24th, the Ancient and Accepted Scottish Rite of Freemasonry, Southern Jurisdiction honored Mr. Buckles by bestowing upon him the Scottish Rite honor and rank of Knight Commander of the Court of Honour. As a fellow mason, I am proud of the tradition of brotherhood and dedication to freedom that masons embody.

I congratulate and thank Frank Buckles for his service to our Nation.

## TRIBUTE TO THE TEXAS AIR NATIONAL GUARD 147TH RECONNAISSANCE WING

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. LAMPSON. Madam Speaker, I am privileged to recognize the men and women of the Texas Air National Guard 147th Reconnaissance Wing of Houston, Texas for their outstanding service to the community in helping 5,943 constituents in the aftermath of Hurricane Ike.

Forty-two members of the Texas Air National Guard 147th Reconnaissance Wing were tasked with providing support for the congressional mobile office in a variety of ways; including traffic control, translation assistance, security, technical support, parking and bus operations. Commander Col. McNeely and Vice Commander Col. Horn provided excellent leadership in the recovery efforts along with Lt. Col. Cooper, Lt. Col. Allinson, and Lt. Col. Garner.

In addition to supporting the operation and function of the congressional mobile office, these service members immediately transitioned into supporting units for the FEMA Disaster Recovery Center at Ellington Field where they have continued to serve thousands of individuals.

It is my distinct honor to recognize the remarkable efforts of the Texas Air National Guard 147th Reconnaissance Wing for their outstanding service to their community and country. Southeast Texas is grateful for the efforts and leadership provided by the commanders, senior enlisted leaders, and guard members, and I am proud of their noble service to the victims of Hurricane Ike.

The following members of the 147th Reconnaissance Wing joined in the recovery efforts: SMSgt Glenn Boutte, SMSgt Richard Williamson, MSgt Mali Cornitius, MSgt Howard Williams, MSgt Rodolfo Robles, MSgt Patrick Hurley, TSgt Andres Cabrera, TSgt Leanne Bates, TSgt Terry Matheson, TSgt Joel Agtang, TSgt Burdette Deyo, TSgt Lex Paxton, TSgt Hugo Torres, TSgt Nathan Kelley, TSgt Sonya Bond, SSgt Klaus Riel, SSgt Nakeia Mitchell, SSgt Stacie Sandoval, SSgt Kevin White, SSgt Lindsey-Lumpkin, SSgt Erin Calhoun, SSgt Kevin Dupree, SSgt Marshall Nettles, SSgt Vanessa Chase, SSgt Carlton Newkirk, SSgt Efren Almario, SrA Carlos Suazo, SrA Jana Phillips, SrA Tameka McCray, SrA James Kyaw, SrA Juan Rosales, SrA Winnett Knox, SrA Clifton Smith, SrA Jessica Mosley, SrA Justin Gaskill, SrA Francisco Mendez, A1C David Hartmann, A1C Isaac Saldivar, A1C Bronson Woods, A1C Shuan Guthrie and A1C Michael Tran.

## CONGRATULATING LOVING CHOICES PREGNANCY CENTERS OF NORTHWEST ARKANSAS

### HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. BOOZMAN. Madam Speaker, I would like to congratulate Loving Choices Pregnancy Centers of Northwest Arkansas. The centers provide critical services for women who are faced with life changing decisions.

Employees in the Rogers and Fayetteville centers have a difficult task counseling and educating one thousand women annually on the choices they have. Their job is made easier with the help of 30 volunteers who collectively spend more than one thousand hours serving the needs of women in a reproductive health crisis. Offering a listening ear, helping expectant mothers prepare for their baby and using their sewing skills are just a handful of services volunteers provide.

In recognition of their efforts, Loving Choices Pregnancy Centers of Northwest Arkansas received the 'President's Volunteer Services Award.' This honor is given to Americans who demonstrate their commitment to volunteerism and inspire others to do follow their example.

I am thankful Northwest Arkansas residents are so willing to help their neighbors in need and share their time and resources to benefit the greater good of the community. Volunteers are a critical component of ensuring the continued success of Loving Choices Pregnancy Centers of Northwest Arkansas.

## TRIBUTE TO RAYL ROBBINS

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. LATHAM. Madam Speaker, I rise today to recognize Rayl Robbins of Huxley, Iowa for his service at the Wesley Community Hospice.

Rayl is the hospice chaplain at Wesley Community Hospice, where he is able to incorporate his love for music at work. A self-taught musician, he sometimes plays on his guitar and sings hymns to some of the clients. He hopes to help others find peace in the midst of the chaos in their lives. Rayl's commitment to his job and his clients has earned him admiration, trust and friendship from the staff and from those residing in the hospice. Great service goes a long way, and I am honored to see fellow Iowans like Rayl providing service second to none.

I know that my colleagues in the United States Congress join me in commending Rayl Robbins for his service at Wesley Community Hospice. I consider it an honor to represent him Congress, and I wish him the best.

## TRIBUTE TO MRS. URSULA VILLERE

### HON. STEVE SCALISE

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SCALISE. Madam Speaker, I rise today in recognition of Mrs. Ursula Villere who will be 90 years old on November 30, 2008. She was born and raised in New Orleans, Louisiana, and has lived in Metairie, Louisiana, since 1955. Mrs. Villere had seven children: five boys and two girls. Six out of the seven still live in Louisiana and one daughter moved to Texas after Hurricane Katrina. She also has 14 grandchildren: 12 boys and two girls; and six great-grandchildren: two boys and four girls. Mrs. Villere graduated from Dominican High School and Dominican College with a B.S. in education. Mrs. Villere taught school both in New Orleans and Jefferson Parish. She retired from Jefferson Parish School System in 1980. She is still an active member of KKI Sorority, Lakeshore Golden Age Club at Lakeshore playground, and is a parishioner of St. Angela Merci Church.

## IN HONOR OF REPRESENTATIVE JOSEPH E. MIRO AND JOANNE MIRO

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Delaware State Representative Joseph E. Miro and his wife, Joanne. On October 17, the

Delaware Latin American Community Center will honor Joe and Joanne for their contributions to the Delaware community at their Annual Grand Ball, Una Noche en España.

Joe's life in public service began following his 1970 graduation from Lincoln University when he accepted a position teaching in the Wilmington School District in Wilmington, Delaware. He continued teaching in the Christina School District until his retirement in 2001. In 1975, he earned a masters degree from West Chester University and completed postgraduate degree work at the University of Delaware. Joe's career in politics began in 1992 when he was elected to the New Castle County Council, serving until his election to the Delaware House of Representatives in 1998. As a member of Delaware's General Assembly, Joe has been a strong advocate of an increased focus on improving education statewide and nationwide, joining such associations as the Delaware State Education Association and the Association of Teachers of Foreign Language.

Likewise, Joanne has dedicated herself toward improving education for our youth in Delaware and across America. Her undergraduate and graduate degrees from the University of Delaware and background in education and school counseling have served her well in numerous influential leadership positions, including serving as vice president of the College of Education, Human Services and Public Policy at the University of Delaware and as president of the Delaware School Counselors Association and the Delaware Counseling Association. Joanne also served as a board member of the National Association for the Education of Homeless Children and Youth. Joanne currently serves as an education associate for school improvement with the Delaware Department of Education.

In addition, Joe and Joanne have been very active members in the Hispanic community. Joe currently serves as the President of the National Hispanic Caucus of State Legislators and as a member of the Governor's Advisory Council on Hispanic Affairs. From 1994 to 2002, Joe was a board member of the Latin American Community Center in Delaware. Joanne continues to lend her support to Joe's efforts in representing the interests of Latinos in Delaware and throughout the United States.

I acknowledge and thank Representative Joe and Joanne Miro for their service to the State of Delaware and our country. I am confident that they will remain active and enthusiastic advocates for these causes that are so dear to their hearts.

## HONORING SHERIFF RICHARD ROTH

### HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to offer my highest commendations to Sheriff Richard Roth and to thank him for the nearly twenty years of service that he has selflessly dedicated to Monroe County.

It is a testament to the greatness of our nation that a native of Minneapolis, Minnesota can find his calling in the Law Enforcement community of Florida and work his way up from a radio dispatcher to the Sheriff of Monroe County.

Sherriff Roth has committed himself wholly and unwaveringly to the safety of our community. Throughout his career, he has sought to further his expertise in law enforcement with a degree in Police Administration from Florida Keys Community College, as well as successfully completing courses at the National Sheriff's Academy and the prestigious FBI National Academy for police executives all so that he may better serve our community.

As Sheriff, his efforts to boost community involvement have resulted in nearly 140 Crime Watch groups in Monroe County and recognition at the State and National level for its accomplishments; not the least of which is reducing crime in Monroe County by fifty percent during his tenure as Sheriff.

His service to his country in the United States Navy and to his community in the Monroe County Sheriff's Department have benefited us all, and I know that I sleep soundly at night knowing that Sheriff Richard Roth is watching over all of our neighbors.

## IN HONOR OF COMMISSIONER CYNTHIA WHITE

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. BURGESS. Madam Speaker, I rise today to honor Denton County Commissioner Cynthia White and her years of service to Denton County and the North Texas region.

Cynthia White began her career in public service as a Constituent Liaison for U.S. Congressman Dick Armey. She then began a distinguished career in local government serving on the City of Lewisville Planning and Zoning Commission as well as the Board of Adjustment. In 1992 Commissioner White was elected to the Lewisville City Council where she served as Mayor Pro-Tem from 1994 to 1995. She was elected Commissioner in Denton County in 2000 where she has since worked hard for the people of Precinct 1 and beyond.

Commissioner White has become known as a leader on transportation issues for her region. Her dedication has helped pave the way for numerous projects in Precinct 1 from safety improvements along Highway 377 to providing needed funding for FM 423 to partnering with local cities to secure funding for improvements on FM 2181. When the Lewisville Lake Bridge/FM 720 concept stalled, Commissioner White brought concerned parties back to the table to get the project moving again. Thanks to her efforts, that bridge is now being constructed and will soon help provide needed relief to traffic congestion. The Commissioner has served as the Chair of the Regional Transportation Council, a board member of the Dallas Regional Mobility Coalition, and has spoken on transportation to audiences throughout the state, including the Texas Senate.

Commissioner White's public service goes far beyond government. She has volunteered with organizations such as the United Way, the Boys and Girls Club, the Denton Benefit League, the American Heart Association, and the Salvation Army of Denton Advisory Board. In addition to this, she remains an active member of her church, a certified personal trainer and promoter for health and fitness issues, and often performs as a musician in the community.

It is with great honor that I recognize Commissioner Cynthia White for her years of hard work and dedication given to the citizens of Denton County and North Texas region. I am proud to represent her in Washington. Her service sets a standard of devotion and true leadership, one that will never be forgotten.

## TRIBUTE TO HONOR FLIGHT

### HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SHAYS. Madam Speaker, I pay tribute today to Honor Flight for its dedication to our World War II Veterans.

In Connecticut, we have been blessed by the vision of Christopher Coutu, Founder of American Warrior. This organization is dedicated to bringing World War II Veterans from Connecticut to Washington, DC to see their monument erected for their service to our country during its darkest hour. Mr. Coutu created American Warrior with the ideas of Honor Flight in mind and has helped many Veterans see this important memorial for the first time.

Honor Flight has done this for many Veterans around the country. Their dedication has given so much back to the generation that defended us and sacrificed so much to keep their fellow Americans safe.

We cannot do enough for our Veterans in exchange for what they gave us, but we can honor them and give them opportunities to be thanked by a grateful nation. I stand in awe of Honor Flight, American Warrior for giving our World War II Veterans the opportunity to see their memorial erected in their honor.

## RECOGNIZING THE CAREER AND SERVICE OF REPRESENTATIVE RAY LAHOOD

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Ms. SCHAKOWSKY. Madam Speaker, I rise today to acknowledge my friend and colleague Representative RAY LAHOOD, who is retiring from the House after 14 years of service to the 18th District of Illinois.

I have had the pleasure of working with RAY LAHOOD on many issues of importance to our State. We have not always agreed on every policy issue, but we have always been able to discuss our differences with respect and good will and we have always been able to work together to promote the interests of Illinois. His common sense and sense of fairness are recognized and valued not just within the Illinois delegation, but within the entire House of Representatives.

A member of the House Appropriations Committee, RAY LAHOOD has been a strong advocate of Illinois farmers and rural communities. When the Republicans were in the majority, he was often called on to chair the

House, not only because of his knowledge of procedures but because of his ability to maintain order in a calm and fair fashion.

Representative LAHOOD has a long and distinguished record of serving his district, from his leadership in establishing the Abraham Lincoln President Library and Museum in Springfield to his work to spur economic growth while protecting the environment. A teacher by training, he has worked to preserve and improve the Library of Congress—our Nation's preeminent library.

I will miss RAY LAHOOD and, like his constituents, I wish him all the best and thank him for his years of public service.

## AN ALTERNATIVE TO THE PAULSON PLAN

### HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Ms. FOXX. Madam Speaker, I submit the following for the RECORD:

BRANCH BANKING & TRUST CO.,
*Winston-Salem, NC, September 26, 2008.*

Hon. VIRGINIA FOXX,
*House of Representatives, Cannon House Office Building, Washington DC.*

DEAR REPRESENTATIVE FOXX: Unfortunately, while under normal circumstances there would be a free market solution, given the publicity and psychological mindset which has been created. Congress not acting is extraordinarily risky. Therefore, an alternative to the Paulson Plan must be developed. A much more effective, far less expensive solution to the financial crisis than the Treasury Secretary presented is outlined below.

It is important to recognize that the fundamental problem is in the real estate market. We have built too many houses, built too expensive houses, built houses in the wrong places, etc. We have an excess of housing inventory. Problems in the mortgage market which are causing the problems in capitals markets are being created by the problems in the real estate market. House prices in many areas have been out of line with peoples income and rental alternatives. In the long term, the price of houses is determined by production costs, people's incomes (affordability) and the relative cost of rental alternatives. Based on these factors, the price of houses in the United States on average need to fall approximately 30% from the peak of the market to sell the unsold inventory. (The numbers used here are rough approximations and vary significantly by individual market, but they make the point.) We have effectively wasted $600 billion on housing which should have been put to more productive uses such as technological investment, education, agricultural advancement, etc. Without Freddie Mac and Fannie Mae and the affordable housing program (sub prime), we could never have made a misallocation of capital of this magnitude.

However, the mistakes have been made and we have to live with them. Housing prices nationally have already fallen approximately 20%. The good/bad news is approximately $500 billion of the projected $600 billion in losses have already been taken by financial institutions, and substantial capital raised to cover some of the losses. House prices need to fall another 10% or approximately $100 billion to clear the market. Ironically, if the market knew that housing prices were going to fall exactly 10%, the market would stabilize. Uncertainty about the bottom of the market is what is creating the disruption in the capital markets.

The goal is to cut the effective economic cost to the buyer without cutting the price to the seller which will solve the problem in the housing market. Congress can approve a house purchase income tax credit equal to 10% of the cost of the house with some maximum (such as $40,000). This will cut the effective economic cost to the buyer without cutting the price to the seller. The tax credit would be available to anybody and would be a true tax credit in the sense that you would still get the interest deduction. The government would be sponsoring a ''fire sale'' of houses. The tax credit would only apply to existing house inventory, i.e. new houses which were completed or under construction as of September 1, 2008 and existing houses which could be proven to be on the market as of September 1, 2008. The tax credit would be available for a limited time, for example until June 30, 2009. In order to motivate rapid sales activity. Congress would approve a fixed amount of tax credit and make it available on a first come, first serve basis. For example, the amount of the tax credit could be $100 billion to the first purchasers of houses. This would force individuals to act quickly. The goal is to entice people to make real estate investments who otherwise would not and clear the housing inventory.

Let me give you some concrete examples. There is a house on the road which I travel to work that has been on the market for $200,000. I am not interested in purchasing at that price. However, a 10% tax credit of $20,000 makes the effective cost of the house to me $180,000. At that cost, I would be willing to purchase the house. In addition, the tax credit makes it an even better deal since I personally hate to pay taxes.

Tom, who owns the home, wants to sell his house so he can buy a new home that is a few blocks away. If he can sell his house for $200,000. he would have enough equity to buy his new house. (He sells for $200,000 and yet the house cost me $180,000.)

I already have a house and do not need to have a second house to live in, so this house would be an investment for me because I think house prices will ultimately appreciate, particularly off of the 10% reduced cost base. I would be motivated to rent the house because having an empty house is not productive. I would rent it based on the $180,000 price or less because any rental income would be better than none. I may rent it to Fred and his family who are moving out of a falling-down mobile home which would improve the quality of their life. Tom would have a better house for himself and his family. Fred would have a better house for himself and his family, and I would have a good investment. The realtor who sold both houses would have more income to pay for her house and the builder would be out from under a financial bind. The bank that financed the new house would have less risk and more capital. Having an empty house is not only a waste of capital, it reduces the standard of living,

Here is another concrete example. Janet and Jim who live in the northeast have long coveted a vacation/retirement house in Florida. With this once in a life time buying opportunity covered by the housing tax credit, and given that house prices in Florida have already fallen significantly, Janet and Jim would be motivated to buy that dream vacation/retirement home in Florida and they can afford to do it at this reduced price. Because they are not ready to retire, they may put the house they have purchased up for rent for vacationers and/or for individuals living in Florida at a lower rental rate based on the cost and the fact that any rental income is better than no income. Again, this would be a good situation in that Janet and Jim would be happy, the builder would be better off financially, the bank that financed the house would be better off financially, the realtor in Florida who sold the house would be able to make her house payments and the renters or vacationers would have a better quality of life.

This program can all be accomplished for $100 to $150 billion and solves the real estate problem and with it the capital markets problem. While expensive, this program is dramatically less expensive than Paulson's $700 billion dollar program.

Our program would be a huge economic stimulus far more effective than sending people $100 checks so that they can eat out an extra meal. Rich people would benefit from the tax credit (this is not an egalitarian measure), but the country as a whole would tremendously benefit. All homeowners would benefit because this would stabilize housing values nationally. The interesting fact is that there are less than a million extra houses for 300 million people in American. The incentive does not have to impact the decision making of many families to have a significant impact on the U.S. economy.

To understand the problem in a broader context, it is appropriate to reflect on it from a very basic perspective. My early career in the bank was devoted to financing farmers. An interesting thing happens in agricultural markets, farmers have to guess what to produce based on what they expect the price to be in the fall. Hedging helps but production can not be totally hedged. In the spring, many farmers think that soybean prices will be high in the fall so they grow a lot of soybeans. The weather is very good and soybeans production is good and soybean prices fall because there are so many soybeans. This is an economic miscalculation, and it is an unavoidable calculation because as human beings we are not omniscient. The fact that farmers would have been better off growing more sun flower seeds and fewer soybeans is not known before the process starts. The soybean market corrects almost immediately. The reason this happens is that soybean farmers have an interesting dilemma; they have soybeans which they have to do something with because they can not eat them all themselves. They can sell the soybeans or store them. If they choose to store them they have the cost of storage, the risk of physical damage and the risk that the price will be even lower in the spring. That is a risk some farmers assume and others don't, but the market quickly clears all the soybeans that are for sale, and the people that store them are making a rational economic decision based on the facts. They are at risk if the decision is wrong so they are more likely to sell.

In theory the housing market should work in the same way, i.e., housing prices should have quickly fallen 30% and we should be through the market correction, particularly given that the housing market has been in a correction for over 2 years. Unfortunately. we have factors that prevent the natural free market correction process from working effectively in the housing market. One factor is human psychology in that people tend to make less rational decisions in regards to their home because of the emotional attachment (which farmers do not have for soybeans). There is probably not much we can do about this fact.

The other factor is structural and it reflects on who is taking the risk. Let me give you an example. You make a loan to James who is someone you know, but not a close friend. James is buying a $200,000 house and he is willing to put $10,000 down and you loan

him $190,000. You think you are safe with your investment because you think house prices always go up.

Then some unfortunate events occur. James develops a drinking problem, loses his job and can not pay his mortgage home payment. Simultaneously, to your and James' surprise, the price of houses have fallen and the home that James owns that you have financed is now only worth $180,000. James has lost his total investment and has nothing else to loose at this point. You have lost $10,000 but you are highly motivated to get the house sold or rented. Since James can not lose any more, he immediately appeals to the legal system and declares bankruptcy and puts the house in foreclosure. In many states like Florida, James can delay the liquidation of his house for 12 months, and effectively live in the house free, while continuing to drink and not go back to work. The combination of the judicial system and ''do-gooders'' keep the housing market from correcting thereby causing additional losses. However. this means that Alfred, who is hardworking and honest, and would like to rent or buy the house from you, continues to live with his family in a mobile home at risk of a hurricane, while James, the alcoholic, gets to live in a nice house. In other words, the legal system acts as an impediment to normal market correction process which happens every few minutes in agricultural commodity markets. The commodity prices are constantly adjusting reflecting expectations for the values of different products and services based on imperfect human knowledge.

By the way, the reason Bernanke and Paulson can not see the solution is they are making a fundamental epistelogical (thinking) error. Bernanke is thinking from economic theory and Paulson is thinking from a capital market theoretical perspective. To solve the problem, we have to deal with the real physical world, i.e., the fact that there is a physical inventory of houses that needs to be cleared and we must grasp what motivates real individuals (not theoretical collectives) to act.

A carefully designed housing tax credit and ending Fair Value accounting (as currently implemented) will fix the real estate markets, capital markets and the economy. This program will likely actually increase tax revenue by stimulating the economy by increasing taxable income. There is likely to be a net gain to the government.

I hope you will give this issue serious consideration.

Sincerely,

JOHN ALLISON.

## IN HONOR OF MARY CARPENTER

### HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Mary Carpenter for her 50 years of support to the Pilot School in Wilmington, Delaware. As the principal founder of the Pilot School, Mary has seen her dream blossom into a reality: an innovative, individualized learning facility that has impacted the lives of countless children and their parents in the Delaware Valley area.

The Pilot School serves to provide a learning environment for children who need individualized, therapeutic attention to build basic academic and social skills. In 1957, the Pilot School began as a class of five young boys and two teachers who met at the Christ Church Sunday School in Greenville, Delaware. One of these students was Keith Carpenter, Mary's fourth child. Mary's vision for a school that could meet her son's learning needs inspired four other parents, who supported Mary in realizing this vision. The groundbreaking teaching of these instructors proved so successful, the teachers, parents, and Mary recognized that this ''pilot'' program must become an established, ongoing school. Pilot has grown into a teacher-designed facility with 50 staff members educating approximately 160 students ages 5 to 14 each year.

Today, Mary serves on the Board of Trustees to the Pilot School, helping to set school policy, manage finances, raise financial support for tuition aid, and oversee maintenance to the school's facility. As such, she serves on the Financial Aid Committee and the Executive Committee. While she remains heavily involved in the overall workings of Pilot, Mary still reaches out to the teachers and parents of Pilot students as a person who understands the challenges that face those who seek to properly intervene for children with language-based learning difficulties. If she hears of a need, Mary meets that need, often sending supplies, materials, and thoughtful gifts to teachers for their classrooms.

I acknowledge and thank Mary Carpenter for her many years of service and numerous contributions to the Pilot School and education in the State of Delaware. I am confident that she will remain an influential part of the Pilot School for many years to come.

## EARMARK DECLARATION

### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. GERLACH. Madam Speaker, pursuant to the Republican caucus standards on earmarks, I am submitting the following information for publication in the CONGRESSIONAL RECORD regarding earmarks included at my request in H.R. 2638, Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009.

Department of Defense Appropriations.

Account: Operation and Maintenance.

Defense Wide: Collegiate Consortium for Workforce and Economic Development, 4747 South Broad Street, Philadelphia, Pennsylvania—$800,000 for the Delaware Valley Continuing Education Initiative for National Guard and Reserve. The funding would be used to provide job-skills training and continuing education to Veterans, National Guard and Reserve personnel returning from Iraq and Afghanistan. Military and civilian personnel displaced by the closure of the Willow Grove Naval Air Station will also be eligible for education and job-training services.

Bentley Systems, Inc., 685 Stockton Drive, Exton, Pennsylvania—$1 million for U.S. Navy Mobile Condition Assessment System Pilot for Commander, Navy Region Mid-Atlantic (CNRMA). The funding would be used to develop and test the U.S. Navy Mobile Condition Assessment System Pilot; a mobile condition assessment system that could quickly assess damage and infrastructure recovery needs to improve response time to natural disaster or terrorist attack.

Account: Research Development Test and Evaluation.

Defense Wide: Morphotek Inc., 210 Welsh Pool Road, Exton, Pennsylvania—$1.6 million for Mismatch Repair Derived Antibody Medicines to Treat Staphylococcus-derived bio-weapons. The funding would be used to develop antidotes against staphylococcus-based bio-weapons. Previous work has resulted in the discovery of potent lead drugs that, with supplemental funding, will advance to pre-clinical studies required as part of a package required to file an Investigational New Drug (IND) application for proof-of-concept in human trials.

Army: Global Seating Systems LLC, 150 Gordon Drive, Exton, Pennsylvania—$3 million for the Next Generation Protective Seat. The funding would be used to continue improving military seating systems to protect U.S. troops on the battlefield. Focus would be on improving mine blast/IED blast mitigation technology, occupant crash protection, weight reduction, platform integration, troop seat development, gunner seat development and improved fire protection.

Thomas Jefferson University Hospital, 925 Chestnut Street, Philadelphia, Pennsylvania—$1.6 million for the Center of Cardiac Surgery Robotic Computerized Telemanipulation as part of a comprehensive approach to advanced heart care. The funding would be used to add a new Program for Advanced Heart Care at Thomas Jefferson University Hospital. The center would concentrate on use of robotics in open-heart procedures through the implementation of a DaVinci Robot System, and improvements in patient care, length of hospital stay and overall cost.

Rajant Corporation, 400 East King Street, Malvern, Pennsylvania—$4 million for Portable Emergency Broadband System. The funding would be used on developing the second generation system with an effort to quadruple the data communications capabilities of the current system, add options for military and public-service radio frequencies, and transparently bridge to existing public, private and government communication systems.

Air Force: Johnson—Matthey Fuel Cells, Inc., 435 Devon Park Drive, Wayne, Pennsylvania—$1 million for Affordable Lightweight Power Supply Development. The funding would be used to complete the development and testing of a lyotropic LCP micro-composite fuel cell membrane. This would allow the Air Force to have a membrane electrode assembly for its fuel cells that will operate at temperatures up to 120 C.

Analytical Graphics Inc., Valley Creek Corporate Center, Building 220, Suite 100, Exton, Pennsylvania—$2.8 million for COTS Technology for Situational Space Awareness. The funding would be used to develop responses to threats to our space-based assets—these include Anti-Satellite (ASAT) weapons and the risks to U.S. satellites from space debris as a result of ASAT deployments.

## RECOGNIZING THE LIFE OF CONGRESSWOMAN STEPHANIE TUBBS JONES

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. SESSIONS. Madam Speaker, today I rise to recognize the life of my good friend and co-chair of the Capital Fraternal Caucus, Stephanie Tubbs Jones. Stephanie and I shared a passion to help ensure a secure future for fraternities and sororities on campuses all across the country. Together, we worked to form and mature the Capital Fraternal Caucus to be an organization to celebrate Greek Life both as an undergraduate and throughout post-collegiate years.

Stephanie dedicated her life to ensuring that every young person had the opportunity for a college education. As a member of the Delta Sigma Theta Sorority, Stephanie understood first-hand the life-long friendships that fraternities and sororities foster in young people during their undergraduate years. It was these friendships which fostered mutual respect and collaboration of ideas. I am so honored to have shared this friendship with Stephanie and to have enjoyed our bonds of Greek Life as co-chairs of the Capital Fraternal Caucus.

As the first African-American Chairman of the Capital Fraternal Caucus, Stephanie used her position to champion the Greek cause and quickly became a favorite member of interns working on Capital Hill who are affiliated with Greek organizations. While always lending a helping hand to students in Washington, Stephanie never forgot about the hundreds of thousands of students on every college campus. Through her dedicated work, she helped to pass the College Housing and Infrastructure Act. This leadership was recognized by the North-American Interfraternity Conference who presented her with the NIC's Silver Medal. This is one of the Conference's highest honors which recognizes significant leadership for causes that advance the highest ideals of fraternalism.

In honor of her dedication and enthusiastic work, the North-American Interfraternity Conference is naming a summer program for young people in Washington DC after her. The ''Stephanie Tubbs Jones Memorial Legislative Fellowship'' will afford outstanding student leaders from fraternity and sorority chapters throughout the country to work with legislative leaders on Capitol Hill to help preserve the rich undergraduate traditions represented by the communities on campuses across the Nation. I look forward to meeting the next generation of leaders which Stephanie's legacy will bring to Washington.

A wonderful example of the type of person our public school system produces, Stephanie went on to attend Case Western Reserve University in Cleveland, Ohio. Following her graduation from college she began her career in public service by earning a degree in Social Work. This passion for helping others led her to pursue a law degree from Case Western Reserve School of Law in 1974. Ultimately, Stephanie was elected to the U.S. House of Representatives in 1998 and served the 11th Congressional District of Ohio until her untimely and unfortunate death in August of this year.

During her time as a Congresswoman, Stephanie never lost her zeal for public service nor her passion to help young people. She constantly sought to improve public schools and ensure that every American student had the best possible education. Stephanie was a well-respected member of this Congress and her presence will surely be missed.

## PAYING TRIBUTE TO BETHANY JENEA PUPELLO SMITH

### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Bethany Jenea Pupello Smith, by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today, I pay tribute to the life and memory of Bethany Jenea Pupello Smith who passed away on Saturday, September 20, 2008.

Bethany was raised in Boulder City, Nevada and was a bright and compassionate young girl. She was a senior at Boulder City High School and was a gifted student and athlete. At Boulder City High School, Bethany excelled and had a 3.5 GPA and was in line to receive an Advanced Diploma and Millennium Scholarship. Bethany was also a gifted writer, whose dream was to become a journalist and whose other interests included business, advertising and marketing.

Bethany also had a number of extra-curricular activities. She participated in Girl Scouts as well as figure skating and gymnastics. Bethany was active in the Distributive Education Clubs of America (DECA) as well as the Future Business Leaders of America (FBLA). She was also a founding member of the Young Women's Republican Club of Boulder City and a proud American.

Madam Speaker, I am proud to honor Bethany Jenea Pupello Smith. Her exemplary academic record and commitment to her community and country are inspiring. My thoughts and prayers are with her and her family, but I commend them on raising an impressive young woman who chose to dedicate herself to making our community a better place.

## THOMASVILLE FIRE DEPARTMENT CELEBRATES 100 YEARS OF SERVICE

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 26, 2008*

Mr. COBLE. Madam Speaker, on behalf of the citizens of the Sixth District of North Carolina, we wish to recognize and commend the Thomasville Fire Department as it prepares for its 100th anniversary, which is to be celebrated on October 4, 2008. This celebration will honor every firefighter, current and retired, who has served at the department.

Among those being honored include the oldest retiree, Ronald Rayman Meyers, who worked from August 5,1967, to December 31, 2005, and the youngest firefighter, Bradley Crafford, who joined in May of 2008. The October 4 celebration will be a commencement to Fire Prevention Week from October 5–11, 2008.

Established after a damaging fire in 1890 that wiped out nearly every business on East Main Street, the first department was officially organized in 1908, naming C.C. Hooks as the first Fire Chief. The first permanent station was established in 1922 on East Guilford Street.

Today there are a total of four stations (Pilot, Hasty, Thomasville, and Fairgrove), two engine companies, two ladder companies, and one squad unit, and a workforce of 61 employees who remain committed to protecting and educating the people throughout the community.

It is quite an achievement to render 100 years of service in any endeavor, and for the Thomasville Fire Department to do it while protecting and serving its community is all the more impressive. Again, on behalf of the citizens of the Sixth District, we are proud to recognize this great accomplishment.

# *Daily Digest*

## HIGHLIGHTS

**Senate completed action on H.R. 2638, Department of Defense Appropriations Act/Consolidated Security, Disaster Continuing Resolution.**

# Senate

## *Chamber Action*

***Routine Proceedings, pages S9891–S10023***

**Measures Introduced:** Seven bills and one resolution were introduced, as follows: S. 3641–3647, and S. Res. 690. **Page S10004**

**Measures Passed:**

***Capitol Visitor Center Act:*** Senate passed H.R. 5159, to establish the Office of the Capitol Visitor Center within the Office of the Architect of the Capitol, headed by the Chief Executive Officer for Visitor Services, to provide for the effective management and administration of the Capitol Visitor Center, after agreeing to the following amendment proposed thereto: **Pages S9881–83**

Reid (for Feinstein/Bennett) Amendment No. 5674, in the nature of a substitute. **Page S9883**

***Operation and Administration of Federal Courts:*** Committee on the Judiciary was discharged from further consideration of S. 3569, to make improvements in the operation and administration of the Federal courts, and the bill was then passed. **Pages S9879–99**

***Victims of Crime Act:*** Senate passed S. 3641, to authorize funding for the National Crime Victim Law Institute to provide support for victims of crime under Crime Victims Legal Assistance Programs as a part of the Victims of Crime Act of 1984. **Pages S9899–S9900**

***National Infantry Museum and Soldier Center Commemorative Coin Act:*** Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 3229, to require the Secretary of the Treasury to mint coins in commemoration of the legacy of the United States Army Infantry and the establishment of the National Infantry Museum and Soldier Center, and the bill was then passed, clearing the measure for the President. **Pages S9900–01**

***Boy Scouts of America Centennial Commemorative Coin Act:*** Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of H.R. 5872, to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the Boy Scouts of America, and the bill was then passed, clearing the measure for the President. **Page S9901**

***PRICE of Homeland Security Act:*** Senate passed H.R. 6098, to amend the Homeland Security Act of 2002 to improve the financial assistance provided to State, local, and tribal governments for information sharing activities, after agreeing to the committee amendment in the nature of a substitute. **Page S9901**

***Breast Cancer and Environmental Research Act:*** Senate passed H.R. 1157, to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer, clearing the measure for the President. **Page S10018**

***Comprehensive Tuberculosis Elimination Act:*** Senate passed H.R. 1532, to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, clearing the measure for the President. **Pages S10018–19**

***NET 911 Improvement Act:*** Senate passed H.R. 6946, to make a technical correction in the NET 911 Improvement Act of 2008, clearing the measure for the President. **Page S10019**

***Arms Sales to Sudan:*** Committee on Foreign Relations was discharged from further consideration of S. Res. 660, condemning ongoing sales of arms to belligerents in Sudan, including the Government of Sudan, and calling for both a cessation of such sales and an expansion of the United Nations embargo on arms sales to Sudan, and the resolution was then

agreed to, after agreeing to the following amendment proposed thereto: **Page S10019**

Landrieu (for Nelson (FL)/Inhofe) Amendment No. 5675, to improve the resolution. **Page S10019**

***National Dysphagia Awareness Month:*** Committee on Health, Education, Labor, and Pensions was discharged from further consideration of H. Con. Res. 195, expressing the sense of the Congress that a National Dysphagia Awareness Month should be established, and the resolution was then agreed to. **Page S10020**

***Conflict Between Russia and Georgia:*** Senate agreed to S. Res. 690, expressing the sense of the Senate concerning the conflict between Russia and Georgia. **Page S10020**

***Feed America Day:*** Senate agreed to S. Res. 691, designating Thursday, November 20, 2008, as "Feed America Day". **Page S10020**

***National Veterans Awareness Week:*** Senate agreed to S. Res. 692, designating the week of November 9 through November 15, 2008, as "National Veterans Awareness Week" to emphasize the need to develop educational programs regarding the contributions of veterans to the country. **Page S10020**

***National Homeless Youth Awareness Month:*** Senate agreed to S. Res. 693, recognizing the month of November 2008 as "National Homeless Youth Awareness Month". **Pages S10020–21**

***National Character Counts Week:*** Senate agreed to S. Res. 694, designating the week beginning October 19, 2008, as "National Character Counts Week". **Page S10021**

**House Messages:**

**Department of Homeland Security Appropriations Act/Consolidated Security, Disaster Continuing Resolution:** By 78 yeas to 12 nays (Vote No. 208), Senate concurred in the amendment of the House of Representatives to the amendment of the Senate to H.R. 2638, making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2008, after taking action on the following motion and amendments proposed thereto: **Pages S9883–97, S9901–66**

During consideration of this measure today, Senate also took the following action:

By 83 yeas to 12 nays (Vote No. 207), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to concur in the House amendment to the Senate amendment to the bill. **Page S9883**

Under the previous order, the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill with the Whitehouse (for Reid) Amendment No. 5670 to change the enactment date, fell when cloture was invoked on the motion to concur in the House amendment to the Senate amendment to the bill. **Page S9886**

Under the previous order, Whitehouse (for Reid) Amendment No. 5671 (to Amendment No. 5670), of a perfecting nature, fell when Whitehouse (for Reid) Amendment No. 5670 (listed above) fell. **Page S9886**

**National Defense Authorization Act:** Senate concurred in the amendment of the House of Representatives to S. 3001, to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, clearing the measure for the President. **Pages S9977–81**

**Veterans' Benefits Improvement Act:** Senate concurred in the amendment of the House of Representatives to S. 3023, to amend title 38, United States Code, to improve and enhance compensation and pension, housing, labor and education, and insurance benefits for veterans, clearing the measure for the President. **Pages S10016–17**

**Veterans' Mental Health and Other Care Improvements Act:** Senate concurred in the amendment of the House of Representatives to S. 2162, to improve the treatment and services provided by the Department of Veterans Affairs to veterans with post-traumatic stress disorder and substance use disorders, clearing the measure for the President. **Pages S10017–18**

**Federal Railroad Safety Improvement Act:** Senate began consideration of the amendment of the House of Representatives to the amendment of the Senate to H.R. 2095, to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, taking action on the following motion and amendments proposed thereto: **Pages S10019–20**

Senator Reid entered a motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill. **Page S10019**

Reid Amendment No. 5677 (to the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill), to establish the enactment date. **Page S10019**

Reid Amendment No. 5678 (to Amendment No. 5677), of a perfecting nature. **Page S10019**

A motion was entered to close further debate on the motion to concur in the amendment of the

House of Representatives to the amendment of the Senate to the bill and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, and pursuant to the unanimous-consent agreement of September 27, 2008, a vote on cloture will occur at 12:30 p.m. on Monday, September 29, 2008. **Page S10019**

A unanimous-consent time agreement was reached providing that at 12:00 noon on Monday, September 29, 2008, Senate resume consideration of the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to the bill; that the time from 12:00 noon until 12:15 p.m. be controlled by the Republican Leader, or his designee, and the time from 12:15 p.m. until 12:30 p.m. be controlled by the Majority Leader; that at 12:30 p.m. Senate vote on the motion to invoke cloture on the motion to concur; and that no motion to refer be in order during the pendency of the amendment of the House. **Page S10023**

**Tributes—Agreement:** A unanimous-consent agreement was reached providing that the tributes to retiring Senators, that appear in the Congressional Record, be printed as a Senate document and that Senators be permitted to submit such tributes for inclusion until Friday, November 21, 2008. **Page S10022**

**Messages from the House:** **Pages S10001–02**

**Measures Read the First Time:** **Page S10002**

**Executive Communications:** **Pages S10002–04**

**Additional Cosponsors:** **Page S10004**

**Statements on Introduced Bills/Resolutions:** **Pages S10004–11**

**Additional Statements:** **Pages S9998–S10001**

**Amendments Submitted:** **Pages S10011–16**

**Notices of Intent:** **Page S10016**

**Privileges of the Floor:** **Page S10016**

**Record Votes:** Two record votes were taken today. (Total—208) **Pages S9883, S9965**

**Recess:** Senate convened at 9:30 a.m. and recessed at 5:28 p.m., until 11 a.m. on Monday, September 29, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S10023.)

## *Committee Meetings*

*(Committees not listed did not meet)*

No committee meetings were held.

# House of Representatives

## *Chamber Action*

**Public Bills and Resolutions Introduced:** 23 public bills, H.R. 7174–7196; and 5 Resolutions, H. Con. Res. 437–438; and H. es. 1512–1513, 1515, were introduced. **Pages H10299–H10300**

**Additional Cosponsors:** **Page H10299**

**Reports Filed:** Reports were filed today as follows:

H.R. 4131, to designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway" (H. Rept. 110–895);

H.R. 6589, to provide financial support for the operation of the law library of the Library of Congress, with an amendment (H. Rept. 110–896, Pt. 1); and

H. Res. 1514, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules (H. Rept. 110–897). **Page H10299**

**Suspensions:** The House agreed to suspend the rules and pass the following measures:

***Federal Protective Service Guard Contracting Reform Act of 2008:*** Agreed to the Senate amendment to H.R. 3068, to prohibit the award of contracts to provide guard services under the contract security guard program of the Federal Protective Service to a business concern that is owned, controlled, or operated by an individual who has been convicted of a felony—clearing the measure for the President; **Pages H10140–41**

***Repealing the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida:*** S. 2482, to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida—clearing the measure for the President; **Pages H10141–42**

***Integrated Deepwater Program Reform Act of 2008:*** H.R. 6999, amended, to restructure the Coast Guard Integrated Deepwater Program;

**Pages H10145–54**

***QI Program Supplemental Funding Act of 2008:*** S. 3560, to amend title XIX of the Social Security Act to provide additional funds for the qualifying individual (QI) program—clearing the measure for the President; **Pages H10170–76**

***National Aeronautics and Space Administration Authorization Act of 2008:*** Agreed to the Senate amendment to H.R. 6063, to authorize the programs of the National Aeronautics and Space Administration—clearing the measure for the President;

**Pages H10181–95**

***Charity Enhancement Act of 2008:*** H.R. 7083, to amend the Internal Revenue Code of 1986 to enhance charitable giving and improve disclosure and tax administration; **Pages H10196–98**

***Inmate Tax Fraud Prevention Act of 2008:*** H.R. 7082, amended, to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain prisoner return information to the Federal Bureau of Prisons;

**Pages H10199–H10200**

Agreed to amend the title so as to read: ''To amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to disclose certain prisoner return information to the Federal Bureau of Prisons, and for other purposes.''. **Page H10200**

***Presidential Historical Records Preservation Act of 2008:*** S. 3477, to amend title 44, United States Code, to authorize grants for Presidential Centers of Historical Excellence—clearing the measure for the President; **Pages H10202–05**

***Native American Housing Assistance and Self-Determination Reauthorization Act of 2008:*** Agreed to the Senate amendment to H.R. 2786, to reauthorize the programs for housing assistance for Native Americans—clearing the measure for the President; **Pages H10216–22**

***Combating Child Exploitation Act of 2008:*** S. 1738, to require the Department of Justice to develop and implement a National Strategy Child Exploitation Prevention and Interdiction, to improve the Internet Crimes Against Children Task Force, to increase resources for regional computer forensic labs, and to make other improvements to increase the ability of law enforcement agencies to investigate and prosecute child predators—clearing the measure for the President; **Pages H10241–51**

***Debbie Smith Reauthorization Act of 2008:*** Agreed to the Senate amendment to H.R. 5057, to reauthorize the Debbie Smith DNA Backlog Grant Program—clearing the measure for the President;

**Pages H10255–57**

***Amending title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments:*** H.R. 6146, amended, to amend title 28, United States Code, to prohibit recognition and enforcement of foreign defamation judgments;

**Pages H10258–63**

***Equal Justice for Our Military Act:*** H.R. 3174, to amend titles 28 and 10, United States Code, to allow for certiorari review of certain cases denied relief or review by the United States Court of Appeals for the Armed Forces; **Pages H10263–64**

***Need-Based Educational Aid Act of 2008:*** Agreed to the Senate amendment to H.R. 1777, to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws—clearing the measure for the President;

**Pages H10264–65**

***Special Immigrant Nonminister Religious Worker Program Act:*** S. 3606, to extend the special immigrant nonminister religious worker program—clearing the measure for the President;

**Pages H10265–66**

***Extending for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates:*** Agreed to the Senate amendment to H.R. 5571, to extend for 5 years the program relating to waiver of the foreign country residence requirement with respect to international medical graduates—clearing the measure for the President;

**Pages H10266–67**

***Center to Advance, Monitor, and Preserve University Security Safety Act of 2008:*** H.R. 6838, to establish and operate a National Center for Campus Public Safety; **Page H10267–68**

***Making improvements in the operation and administration of the Federal courts:*** S. 3569, to make improvements in the operation and administration of the Federal courts—clearing the measure for the President; **Pages H10270–72**

***Providing that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009:*** S. 3597, to provide that funds allocated for community food projects for fiscal year 2008 shall remain available until September 30, 2009—clearing the measure for the President; **Pages H10272–73**

***Providing for the appointment of the Chief Human Capital Officer of the Department of***

***Homeland Security by the Secretary of Homeland Security:*** S. 2816, to provide for the appointment of the Chief Human Capital Officer of the Department of Homeland Security by the Secretary of Homeland Security—clearing the measure for the President;

**Pages H10273–74**

***Expressing the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism:*** H. Res. 1429, to express the sense of the House of Representatives that the employees of the Department of Homeland Security, their partners at all levels of government, and the millions of emergency response providers and law enforcement agents nationwide should be commended for their dedicated service on the Nation's front lines in the war against acts of terrorism;

**Pages H10274–76**

***Naval Vessel Transfer Act of 2008:*** H.R. 7177, to authorize the transfer of naval vessels to certain foreign recipients; and **Pages H10276–78**

***Amending section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters:*** H.R. 7084, to amend section 114 of title 17, United States Code, to provide for agreements for the reproduction and performance of sound recordings by webcasters. **Pages H10278–81**

**Suspensions—Proceedings Postponed:** The House debated the following measures under suspension of the rules. Further proceedings were postponed:

***Commending the Tennessee Valley Authority on its 75th anniversary:*** H. Res. 1224, to commend the Tennessee Valley Authority on its 75th anniversary; **Pages H10137–40**

***Juanita Millender-McDonald Highway Designation Act:*** H.R. 4131, to designate a portion of California State Route 91 located in Los Angeles County, California, as the "Juanita Millender-McDonald Highway"; **Pages H10142–45**

***Great Lakes Legacy Reauthorization Act of 2008:*** Agreed to the Senate amendment to H.R. 6460, to amend the Federal Water Pollution Control Act to provide for the remediation of sediment contamination in areas of concern; **Pages H10155–58**

***Mercury Export Ban Act of 2008:*** S. 906, to prohibit the sale, distribution, transfer, and export of elemental mercury; **Pages H10177–81**

***Medicare Identity Theft Prevention Act of 2008:*** H.R. 6600, amended, to amend title II of the Social Security Act to prohibit the inclusion of Social Security account numbers on Medicare cards;

**Pages H10200–02**

***Providing that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances:*** H.R. 6669, to provide that claims of the United States to certain documents relating to Franklin Delano Roosevelt shall be treated as waived and relinquished in certain circumstances; **Pages H10205–06**

***Air Carriage of International Mail Act:*** S. 3536, to amend section 5402 of title 39, United States Code and to modify the authority relating to United States Postal Service air transportation contracts;

**Pages H10206–08**

***Small Business Financing Improvements Act of 2008:*** H.R. 7175, to amend the Small Business Act to improve the section 7(a) lending program;

**Pages H10224–28**

***Enforcement of Intellectual Property Rights Act of 2008:*** S. 3325, to enhance remedies for violations of intellectual property laws; **Pages H10229–38**

***Drug Trafficking Vessel Interdiction Act of 2008:*** S. 3598, to amend titles 46 and 18, United States Code, with respect to the operation of submersible vessels and semi-submersible vessels without nationality; **Pages H10251–54**

***Extending the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice:*** S. 3296, to extend the authority of the United States Supreme Court Police to protect court officials off the Supreme Court Grounds and change the title of the Administrative Assistant to the Chief Justice;

**Pages H10254–55**

***Military Personnel Citizenship Processing Act:*** S. 2840, to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications; and **Pages H10257–58**

***Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008:*** S. 2304, to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide grants for the improved mental health treatment and services provided to offenders with mental illnesses. **Pages H10268–70**

**Speaker Pro Tempore:** Read a letter from the Speaker wherein she appointed Representative Hoyer and Representative Van Hollen to act as Speaker pro tempore to sign enrolled bills and joint resolutions through the remainder of the second session of the One Hundred Tenth Congress. **Page H10164**

**Printing of the Rules and Manual of the House for the 111th Congress:** The House agreed to H. Res. 1513, providing for the printing of a revised edition of the Rules and Manual of the House of Representatives for the One Hundred Eleventh Congress. **Pages H10164–65**

**Extension of Remarks:** Agreed that the chairman and ranking minority member of each standing committee and each subcommittee be permitted to extend their remarks in the Congressional Record, up to and including the Record's last publication, and to include a summary of the work of that committee or subcommittee. **Page H10165**

Also agreed that members may have until publication of the last edition of the Congressional Record authorized for the Second Session of the One Hundred Tenth Congress by the Joint Committee on Printing to revise and extend their remarks and to include brief, related extraneous material on any matter occurring before the adjournment of the Second Session sine die. **Page H10165**

**Arthritis Prevention, Control, and Cure Act of 2008:** The House agreed to discharge from committee and pass H.R. 1283, as amended, to amend the Public Health Service Act to provide for arthritis research and public health. **Pages H10165–69**

**Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008:** The House agreed by unanimous consent to agree to the Senate amendment to H.R. 5265, to amend the Public Health Service Act to provide for research with respect to various forms of muscular dystrophy, including Becker, congenital, distal, Duchenne, Emery-Dreifuss facioscapulohumeral, limb-girdle, myotonic, and oculopharyngeal, muscular dystrophies—clearing the measure for the President. **Pages H10176–77**

**Expressing support for designation of the month of October as "American Pharmacists Month":** The House agreed to discharge from committee and agree to H. Res. 1437, to express support for designation of the month of October as "American Pharmacists Month" and to express the sense of the House of Representatives that all people in the United States should join in celebrating our Nation's pharmacists for their contributions to the health and well-being of our citizens. **Page H10177**

**Honoring and supporting the Hadley School for the Blind:** The House agreed to discharge from committee and agree to H. Res. 875, as amended, to honor and support the Hadley School for the Blind. **Page H10195**

**Expressing support for designation of the month of October as "National Work and Family Month":** The House agreed to discharge from committee and agree to H. Res. 1440, as amended, to express support for designation of the month of October as "National Work and Family Month". **Pages H10195–96**

**Leo J. Ryan Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6982, to designate the facility of the United States Postal Service located at 210 South Ellsworth Avenue in San Mateo, California, as the "Leo J. Ryan Post Office Building". **Page H10208**

**Congratulating the Waipio Little League baseball team for winning the 2008 Little League World Championship:** The House agreed to discharge from committee and agree to H. Res. 1436, to congratulate the Waipio Little League baseball team for winning the 2008 Little League World Championship. **Pages H10208–09**

**Gordon N. Chan Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6558, to designate the facility of the United States Postal Service located at 1750 Lundy Avenue in San Jose, California, as the "Gordon N. Chan Post Office Building". **Page H10209**

**CWO Richard R. Lee Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6834, to designate the facility of the United States Postal Service located at 4 South Main Street in Wallingford, Connecticut, as the "CWO Richard R. Lee Post Office Building". **Page H10209**

**Dr. Walter Carl Gordon, Jr. Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6859, to designate the facility of the United States Postal Service located at 1501 South Slappey Boulevard in Albany, Georgia, as the "Dr. Walter Carl Gordon, Jr. Post Office Building". **Page H10209**

**Supporting the goals and ideals of "National Life Insurance Awareness Month":** The House agreed to discharge from committee and agree to H. Res. 1392, to support the goals and ideals of "National Life Insurance Awareness Month". **Page H10209**

**Reverend Earl Abel Post Office Building Designation Act:** The House agreed to discharge from committee and pass S. 3082, to designate the facility

of the United States Postal Service located at 1700 Cleveland Avenue in Kansas City, Missouri, as the "Reverend Earl Abel Post Office Building"—clearing the measure for the President. **Pages H10209–10**

**Honoring the memory of Robert Mondavi:** The House agreed to discharge from committee and agree to S. Con. Res. 84, to honor the memory of Robert Mondavi. **Page H10210**

**Congratulating the 2007–2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season:** The House agreed to discharge from committee and agree to H. Con. Res. 376, to congratulate the 2007–2008 National Basketball Association World Champions, the Boston Celtics, on an outstanding and historic season. **Pages H10210–11**

**Designating the third week of October as "National Estate Planning Awareness Week":** The House agreed to discharge from committee and agree to H. Res. 1499, to designate the third week of October as "National Estate Planning Awareness Week". **Page H10211**

**Harry Lee Post Office Building Designation Act:** The House agreed to discharge from committee and pass 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". **Page H10211**

**Recognizing the important social and economic contributions and accomplishments of the New Deal:** The House agreed to discharge from committee and agree to H. Con. Res. 360, to recognize the important social and economic contributions and accomplishments of the New Deal to our Nation on the 75th anniversary of legislation establishing the initial New Deal social and public works programs. **Pages H10211–12**

**Supporting the goals and ideals of Malaria Awareness Day:** The House agreed to discharge from committee and agree to H. Res. 389, to support the goals and ideals of Malaria Awareness Day. **Page H10212**

**Judie Hammerstad Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6489, to designate the facility of the United States Postal Service located at 501 4th Street in Lake Oswego, Oregon, as the "Judie Hammerstad Post Office Building". **Page H10212**

**Helen Berg Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6585, to designate the facility of the United States Postal Service located at 311 Southwest 2nd Street in Corvallis, Oregon, as the "Helen Berg Post Office Building". **Pages H10212–13**

**Recognizing the 100th anniversary of The Christian Science Monitor newspaper:** The House agreed to discharge from committee and agree to H. Res. 1494, to recognize the 100th anniversary of The Christian Science Monitor newspaper. **Page H10213**

**Staff Sergeant Nicholas Ray Carnes Post Office Designation Act:** The House agreed to discharge from committee and pass H.R. 6902, to designate the facility of the United States Postal Service located at 513 6th Avenue in Dayton, Kentucky, as the "Staff Sergeant Nicholas Ray Carnes Post Office". **Page H10213**

**Dr. Bernard Daly Post Office Building Designation Act:** The House agreed to discharge from committee and pass S. 3015, to designate the facility of the United States Postal Service located at 18 S. G Street, Lakeview, Oregon, as the "Dr. Bernard Daly Post Office Building"—clearing the measure for the President. **Pages H10213–14**

**Recognizing and supporting the goals and ideals of National Runaway Prevention Month:** The House agreed to discharge from committee and agree to H. Res. 1375, to recognize and support the goals and ideals of National Runaway Prevention Month. **Page H10214**

**Pickwick Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6197, to designate the facility of the United States Postal Service located at 7095 Highway 57 in Counce, Tennessee, as the "Pickwick Post Office Building". **Page H10214**

**Recognizing the importance of the United States wine industry to the American economy:** The House agreed to discharge from committee and agree to H. Con. Res. 429, to recognize the importance of the United States wine industry to the American economy. **Page H10214**

**Expressing support for designation of September 6, 2008, as Louisa Swain Day:** The House agreed to discharge from committee and agree to H. Con. Res. 378, to express support for designation of September 6, 2008, as Louisa Swain Day. **Pages H10214–15**

**Private First Class Irving Joseph Schwartz Post Office Building Designation Act:** The House agreed to discharge from committee and pass H.R. 6837, to designate the facility of the United States Postal Service located at 7925 West Russell Road in Las Vegas, Nevada, as the "Private First Class Irving Joseph Schwartz Post Office Building". **Page H10215**

**Recognizing the religious and historical significance of the festival of Diwali:** The House agreed to discharge from committee and agree to H. Res. 245, to recognize the religious and historical significance of the festival of Diwali. **Page H10215**

**Expressing the sense of the House of Representatives that the Secretary of Commerce should use all reasonable measures to ensure that every person is counted in the 2010 decennial census:** The House agreed to discharge from committee and agree to H. Res. 1262, to express 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. **Page H10215**

**Recognizing Armed Forces Day:** The House agreed to discharge from committee and agree to H. Res. 1122, to recognize Armed Forces Day. **Pages H10215–16**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated on Thursday, September 25th:

***Improving Government Accountability Act:*** Agreed to the Senate amendment to H.R. 928, to amend the Inspector General Act of 1978 to enhance the independence of the Inspectors General and to create a Council of the Inspectors General on Integrity and Efficiency, by a ⅔ recorded vote of 414 ayes with none voting ''no'', Roll No. 661—clearing the measure for the President. **Pages H10222–23**

**Suspension—Proceedings Resumed:** The House agreed to suspend the rules and pass the following measure which was debated on Friday, September 26th:

***Approving the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy:*** H.R. 7081, to approve the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, by a ⅔ yea-and-nay vote of 298 yeas to 117 nays with 1 voting ''present'', Roll No. 662. **Pages H10223**

**Suspension—Failed:** The House failed to agree to suspend the rules and pass the following measure:

***Taking Responsible Action for Community Safety Act:*** H.R. 6707, amended, to require Surface Transportation Board consideration of the impacts of certain railroad transactions on local communities, by a ⅔ yea-and-nay vote of 243 yeas to 175 nays, Roll No. 663. **Pages H10158–64, H10223–24**

**Recognizing the 10th anniversary of the establishment of the Minority AIDS Initiative:** The House agreed to discharge from committee and agree to H. Con. Res. 426, as amended, to recognize the 10th anniversary of the establishment of the Minority AIDS Initiative. **Pages H10228–29**

**Keeping the Internet Devoid of Sexual Predators Act of 2008:** The House agreed by unanimous consent to S. 431, as amended, to require convicted sex offenders to register online identifiers. **Pages H10238–41**

**Criminal History Background Checks Pilot Extension Act of 2008:** The House agreed to discharge from committee and pass S. 3605, to extend the pilot program for volunteer groups to obtain criminal history background checks—clearing the measure for the President. **Page H10241**

**Senate Messages:** Messages received from the Senate today appear on pages H10140, H10155, H10202, H10228, and H10264.

**Senate Referrals:** S. 3192 was referred to the Committee on Natural Resources; S. 3109 and S. 1492 were referred to the Committee on Energy and Commerce; S. 3477 and S. 3536 were referred to the Committee on Oversight and Government Reform; S. 2913 and S. 3641 were referred to the Committee on the Judiciary; and S. 906, S. 1582, and S. 3569 were held at the desk. **Page H10295**

**Quorum Calls—Votes:** Two yea-and-nay votes and one recorded vote developed during the proceedings of today and appear on pages H10222, H10223, and H10223–24. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 10:29 p.m.

# *Committee Meetings*

## WAIVING A REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

*Committee on Rules:* Granted, by a non-record vote, a rule waiving clause 6(a) of rule XIII (requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee) against certain resolutions reported from the Rules Committee. The rule applies the waiver to any resolution reported by the Rules Committee on the legislative day of September 28, 2008 or September 29, 2008.

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## COMMITTEE MEETINGS FOR MONDAY, SEPTEMBER 29, 2008

*(Committee meetings are open unless otherwise indicated)*

### Senate

No meetings/hearings scheduled.

### House

No committee meetings are scheduled.

*Next Meeting of the* SENATE

11 a.m., Monday, September 29

Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 12:00 noon), Senate will resume consideration of the motion to concur in the amendment of the House of Representatives to the amendment of the Senate to H.R. 2095, Federal Railroad Safety Improvement Act, and after a period of debate, vote on the motion to invoke cloture thereon at 12:30 p.m.

*Next Meeting of the* HOUSE OF REPRESENTATIVES

1 p.m., Sunday, September 28

House Chamber

**Program for Sunday:** To be announced.

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