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House of Representatives

The House met at 10 a.m.

Pastor Gary Strickland, Kingdom Place, Lumberton, North Carolina, offered the following prayer:

Our dear Heavenly Father, on this National Day of Prayer, we publicly acknowledge You to be the Lord of the universe, the author of creation, the arbiter in history, and the savior of man.

We bow before Your providence and celebrate Your goodness to our Nation. Thank You for blessing America.

Bless this Chamber of decision-makers, and let each of them seek Your guidance in every matter affecting our country.

Bless this Chamber of legislators, and let each of them vote always according to Your eternal standards, which transcend time and personal preference.

Bless this Chamber of social leaders, and let each of them model for us Your healing virtues of compassion and mercy, integrity, forgiveness and service.

We bow before Your power, celebrating Your goodness to us as a people. Thank You for blessing America.

In the name of Your son, Jesus Christ, we ask and pray for all these things.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Mrs. TAUSCHER) come forward and lead the House in the Pledge of Allegiance.

Mrs. TAUSCHER 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.

MESSAGE FROM THE SENATE

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

S. 1760. An act to amend the Public Health Service Act with respect to the Healthy Start Initiative.

The message also announced that pursuant to section 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group conference during the Second Session of the 110th Congress:

The Senator from Ohio (Mr. VOINOVICH).

The Senator from Alaska (Ms. MURKOWSKI).

INTRODUCTION OF REV. GARY STRICKLAND

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

Mr. MCINTYRE. Madam Speaker, I'm pleased today to introduce the Reverend Gary Strickland who just delivered the invocation for the U.S. House as we, as a Nation, begin this National Day of Prayer, a time when communities across America will be joining in prayer for our country today.

And what better person to begin this day than a man whose ministry has carried him across North Carolina, touching people from all walks of life, from the booming coastal city of Wilmington to rural communities like Pikeville, Wilson, and Little Washington, North Carolina, to the All-American cities of Fayetteville and Lumberton.

The former Christian Education Director for the North Carolina Conference of the International Pentecostal Holiness Church, Gary now pastors a vibrant, nondenominational, multicultural church named Kingdom Place that is growing exponentially and has a wide-ranging ministry that shares God's love and the redeeming power of Jesus Christ.

Born and reared in Southeastern North Carolina, he is married to my sister, Karon McIntyre Strickland, who's with us today, and they have two children, Joel and Amy; two grandsons, Bailey and Bentley; and a son-in-law, Steve.

Gary is a graduate of the University of North Carolina at Pembroke where he served as student body president. He received his master's in religious education at Duke and his master's of divinity from Southeastern Baptist Theological Seminary.

As my brother-in-law, I'm particularly honored to have had him open us today on the National Day of Prayer.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five further 1-minutes on each side.

PRESIDENT BUSH IS 0 FOR 2

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

Mr. EMANUEL. Madam Speaker, in 1993, when professional baseball owners were deciding how to rehabilitate the reputation of baseball after the players' strike, they debated whether to enact a wild-card rule to allow the second place team into the playoffs. Only one owner at the time voted against this, Texas Rangers general partner, George Bush.

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When the rule passed 27–1, at the time the President said, ''I made my arguments and went down in flames. History will prove me right.''

Since then, nearly a third of the World Series Champions have been wild-card teams, including the 2004 World Series Champion Boston Red Sox. The rule helped save baseball, as history has shown.

And just like his baseball predictions, President Bush sings a very similar tune about Iraq. He says, as recently as yesterday, ''History will prove whether I'm right, and I think I'll be right.''

Really? Five years today since his speech on ''Mission Accomplished.'' And let's take stock. More than 4,000 lives have been lost, tens of thousands of American men and women have been injured, we've spent over 475 billion taxpayer dollars in Iraq, with the price tag continually going up.

History will judge whether, once again, George Bush's record and America's reputation will go down in flames. At this rate, he's 0 for 2.

CONGRATULATING ISRAEL ON ITS 60TH ANNIVERSARY

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

Mr. KNOLLENBERG. Madam Speaker, I rise today in honor of one of this Nation's strongest allies and friends, Israel.

For 60 years now, Israel has been the pride of her people, and a beacon for those who believe in the transformational power of democracy. Our relationship with Israel is built on the bedrock principle that free people and freedom itself must be defended whenever and wherever it is threatened.

Israel itself faces constant threats to its freedom as her people suffer from the most consistent barrage of terrorist attacks the world over. But that does not stop, does not deter, does not prevent Israel from thriving and standing strong.

As a representative of one of the country's largest Jewish communities, I'm proud to rise today in support of Israel, and to congratulate the great State of Israel on its 60th anniversary. May she live strong and free for years to come.

WE NEED TO GET OUT OF IRAQ AND TAKE CARE OF THINGS HERE AT HOME

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

Mr. KUCINICH. Madam Speaker, my colleagues, yes, we're looking at an anniversary of Iraq here. But let's talk about things that the American people can relate to immediately. Cost of eggs going up 35 percent in the last year, cost of milk going up about 23 percent, bread going up about 16 percent.

Now we know that Americans going to the gas pump are paying near $4 a gallon in many areas.

What does this all have to do with Iraq?

Well, we're in Iraq for oil. The oil companies are running our domestic energy policy. It's having an impact on the price of food. It's causing a great transfer of wealth upwards away from the working people and the middle class of this country into the hands of a few wealthy oil company owners.

We need to get out of Iraq. We need to end the occupation, close the bases, bring the troops home. We need to set in motion an international security and peacekeeping force that can stabilize Iraq as our troops leave.

We need to start taking care of things here at home. Americans are losing their homes, they're losing their jobs, they're losing their health care, they're losing their retirement security. It's time we started to take care of things here at home and get out of Iraq.

□ 1015

SAN FRANCISCO ROLLS OUT THE RED CARPET FOR ILLEGALS

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

Mr. POE. Madam Speaker, San Francisco city officials are encouraging illegals to find their home in this California town. The city recently began an expensive public relations campaign reminding illegals that it is still a sanctuary city and that local law enforcement will not cooperate with Federal officials to enforce immigration laws.

This bold announcement comes at a good time. Many other American cities actually believe in enforcing the law and cooperating with the Feds to arrest international trespassers. This causes illegals that live in the shadows of those cities to be perplexed as to what to do. They certainly don't want to go home because they cannot receive free social services like health care, welfare, and education.

So to be completely compassionate and caring, San Francisco should expand its PR campaign to include those hardline, narrow-minded, nonsanctuary cities and encourage their illegals to go to San Francisco. The PR campaign should be ''The City by the Bay welcomes all, including those that violate the law.''

Meanwhile, Congress should prohibit all Federal money from going to sanctuary cities like San Francisco that laugh at the rule of law and pander to illegals.

And that's just the way it is.

HONORING CHRIS LOCKE

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

Mr. MCNERNEY. Madam Speaker, today it's my pleasure to extend my congratulations to Chris Locke, a walnut farmer from Lockeford, California, who recently earned an award from the Environmental Protection Agency for sustainable farming practices. He tends 580 acres of walnuts on a plot of land in a town that his great-great grandfather founded and which bears his family's name, Lockeford.

Chris utilizes pest control practices that reduce the need for chemical sprays. His methods include pheromone-based treatments as well as maintaining plants that attract beneficial insects and birds that control rodents.

Chris' motivation is an admirable example of sustainable farming and stands as a shining illustration of the increasing commitment of San Joaquin County farmers and growers to environmentally friendly agricultural techniques. As a pioneer in the field, Chris has generously offered to share his techniques with fellow farmers.

It is my honor to recognize Chris and to congratulate him for his well-deserved award.

HONORING THE JEANNETTE HIGH SCHOOL BASKETBALL TEAM

(Mr. TIM MURPHY of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, on Saturday, March 15, the Jeannette High School basketball team from my district won the State's Class AA championship. The Jeannette Jayhawks became the second high school in all of Pennsylvania history to reach the achievement of winning both the state basketball and state football championships. Led by players Terrelle Pryor, Shaw Sunder, and Jordan Hall, and Coach Jim Nesser, the Jayhawks won a game that will go down as one of the best in PIAA history and cap a remarkable season in which the team went 25–4.

This is a great accomplishment for a small school district in southwestern Pennsylvania which has excelled in the classroom. McKee Elementary was named a Blue Ribbon school, and all the district's schools received the Keystone Achievement Recognition this year, with the school district getting the bronze medal.

Congratulations to the entire Jeannette school district and to the entire Jeannette community.

HONORING MARINE LANCE CORPORAL JORDAN CHRISTIAN HAERTER

(Mr. BISHOP of New York asked and was given permission to address the House for 1 minute.)

Mr. BISHOP of New York. Madam Speaker, I rise with profound sadness to recognize a fallen marine from my district, Lance Corporal Jordan Christian Haerter who was only 19 years old when he was killed in Iraq last week.

Lance Corporal Haerter was from the small Peconic Bay community of Sag Harbor, New York, and is the village's first war casualty since World War II. He is the 30th of our brave troops from Long Island, and the eighth constituent of mine, who has fallen in Iraq and Afghanistan.

Lance Corporal Haerter had been in Iraq for only a month when he died a hero while defending a checkpoint in Ramadi. He was killed while firing at the driver of an enemy truck full of explosives that was running a barrier and about to crash into dozens of his fellow marines. His noble sacrifice was honored earlier this week when hundreds of Long Islanders paid their respects outside the Old Whalers Church in Sag Harbor. They remembered his youth, his love of the Marine Corps, and his determination to be the best marine he could be. He was always faithful.

On behalf of New York's First Congressional District, I extend our heartfelt condolences to his family. Their loss will never be forgotten, and we will always remember Jordan's noble sacrifice.

PASS THE ''RIPE'' ACT

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

Mr. FLAKE. Madam Speaker, recently I introduced a bill to repeal some of the legislative provisions that have led to an artificial demand for ethanol. H.R. 5911, the Remove Incentives for Producing Ethanol Act of 2008, or RIPE Act, repeals the renewable fuel standard, repeals tax credits for ethanol producers, and repeals tariffs and duties on imported ethanol. These incentives are giving ethanol producers a guaranteed market for their product.

Domestic corn, already a heavily subsidized commodity, has been the primary source of biofuel, and the mandate has encouraged farmers to focus agriculture production away from food production toward fuel production. The Department of Agriculture has said that the biofuel mandate has raised fuel prices as much as 20 percent.

In addition, ethanol's role as a supposed savior for our energy woes has been severely overstated. Ethanol as a fuel yields about 30 percent less energy per gallon than a gallon of gasoline. This is what happens when government picks winners and losers in the economy and the marketplace. Just 4 months ago, we were convinced we had a winner. It's turned out to be a big loser.

We need to remove the incentive. I urge support of H.R. 5911.

LET US SALUTE OUR VETERANS

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

Mr. CARSON of Indiana. Madam Speaker, I come to the House floor today to honor our Nation's veterans, particularly the thousands of Hoosiers who have risked their lives to protect our Nation and secure our liberty. All Americans owe a great debt to the veterans who have served and, in some cases, made the ultimate sacrifices for our Nation.

As a Member of Congress, I rely on the spirit of these brave men and women to guide me as we work in the Chamber to ensure our troops have the benefits they have earned and deserved when they come home.

This weekend in my hometown of Indianapolis, Indiana, our distinguished House Majority Leader STENY HOYER has graciously agreed to accompany me to meet with a group of our Nation's finest veterans at the American Legion on Guion Road. This visit will provide Leader HOYER and me with the opportunity to personally thank some of our veterans and learn more about how we can better meet the needs of these true American heroes.

I am honored to welcome the majority leader back to Indianapolis, and I look forward to working with him to ensure that we meet the needs of all of our Nation's veterans.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. TAUSCHER). Members are reminded not to traffic the well while another Member is under recognition.

REAUTHORIZE COUNTY PAYMENTS

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

Mr. WALDEN of Oregon. Madam Speaker, of all of the counties in the Second Congressional District, perhaps none has been more profoundly impacted by Congress' refusal to reauthorize county payments than Josephine County.

Nearly half of the county workforce has been cut in recent years. Public safety has been hardest hit. Overnight patrols by the Josephine County Sheriff's Office are down to one 10-hour shift split among six deputies who cover 1,640 square miles. That's six deputies patrolling an area the size of the State of Rhode Island.

Maybe you remember the frantic search after Thanksgiving of 2006 for the James Kim family in the Federal forests off southern Oregon. The search-and-rescue funds for that operation came from this very program that Congress has refused to reauthorize.

Why won't the Democrat leadership bring a vote on H.R. 3058? It's a bipartisan, 4-year reauthorization bill for county payments. It has been 3 months since the committees of jurisdiction have sent it to the full House, and yet no votes have been scheduled.

So I again call on the Democratic leadership to do the right thing. Keep the commitment to the timbered communities of this country and pass a reauthorization or attach it to a vehicle that's moving. Restore faith with rural counties all across America. Keep the Federal commitment to the people of timbered counties like Josephine.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1167 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1167

Resolved, That it shall be in order at any time on the legislative day of Thursday, May 1, 2008, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

(2) The bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

(3) A bill to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

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

I yield myself such time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1167.

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

There was no objection.

Ms. SLAUGHTER. Madam Speaker, as the Clerk just described, H. Res. 1167 authorizes the Speaker to entertain motions that the House suspend the rules at any time on the legislative day of Thursday, May 1, 2008, on legislation relating to the following three measures:

(1) H.R. 5715, to protect the Federal student loan program.

(2) H.R. 493, Genetic Information Nondiscrimination Act.

(3) a bill to provide for a temporary extension of the farm bill.

The rule is necessary because under clause 1(a) of rule XV, the Speaker may entertain motions to suspend the rules only on Monday, Tuesday, or Wednesday of each week. In order for suspensions to be considered on other days, the Rules Committee must authorize consideration of these motions.

This is not an unusual procedure. In fact, in the 109th Congress, my friends on the other side of the aisle reported

a number of rules that provided for additional suspension days.

This rule limits the suspension of rules to only these three time-sensitive measures. This will help us move these noncontroversial, yet important, legislative initiatives that have widespread bipartisan support.

I urge my colleagues to support this rule.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I want to thank the chairwoman of the Rules Committee, Ms. SLAUGHTER, for yielding me the customary 30 minutes.

I yield myself as much time as I may consume.

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

Mr. HASTINGS of Washington. Madam Speaker, on September 28, 2006, the Republicans were in the majority and the Democrats were in the minority. I was managing a rule on the floor similar to what we are considering here today to allow specific bills to be considered under suspensions under the rule on a day that suspensions are not permitted under House rules like today.

During debate on that day in September 2006, the then-ranking member of the Rules Committee, Ms. SLAUGHTER, stated, ''It isn't just what the Congress has done with its time that is so disappointing. It is also what the Congress has not done, all of the challenges it has not addressed.''

Madam Speaker, the same can be absolutely said today about the Democrat control of the House of Representatives. Earlier this year, House Democrats approved a budget that included a tax hike of $683 billion, the largest in American history. Americans cannot afford the Democrat plans to cut the child tax credit in half, to reinstate the marriage penalty, and raise taxes on every single taxpayer. Instead of record-breaking tax increases, this Congress should work to make those tax cuts permanent.

I'm also dismayed that the Democrat-controlled House of Representatives has not acted to extend the State and local sales tax deduction to States that don't have State income tax. That tax expired on January 1 of this year. The State and local sales tax deduction is important for those States that don't have a State income tax, such as my home State of Washington. Extending this deduction is a matter of fairness that Congress must act to renew as soon as possible.

The Democrat-controlled House of Representatives have also failed to act to give our intelligence community the tools they need to protect our country from new terrorist threats by modernizing the seventies-era FISA laws. For over 74 days now, America has been hobbled in the vital work to monitor terrorist communications and detect new plots despite the fact that the Senate has approved a bipartisan plan and sent it over to the House. House Democrat leaders have refused to allow the House to vote on the Senate plan and have refused to go to conference with the Senate.

Madam Speaker, why, I ask, why is an issue of this magnitude being placed on the back burner by Democrat leaders, despite repeated attempts by Republicans to allow the House to vote on this bipartisan plan?

Madam Speaker, the Democrat-controlled House has also failed to address perhaps the most pressing issue on the minds of Americans today, rising gas prices.

□ 1030

Democrat leaders may not like to hear it, but since they took control of Congress in January of 2007, the cost of a gallon of gas has gone up by over 50 percent. In fact, the cost of gas has gone up by more in 16 months than it had gone up in the prior 6 years.

Instead, they have spent hours giving speeches trying to blame the President and anyone but themselves for the fact that Congress has done nothing to address rising gas prices. But, Madam Speaker, facts are stubborn things.

And the facts are that gas prices have gone up over a dollar a gallon on the Democrat Congress' watch. The facts are that Democrat leaders promised the American people in 2006 that if they were to control Congress that they had a ''commonsense plan'' to ''lower the price at the pump.''

It's been 16 months of this Democrat Congress, and the promise is nowhere to be seen. This Congress has put forward no plan, has taken no action, and passed no bills to lower gas prices. They promised relief at the pump to lower gas prices, and they've done nothing.

Madam Speaker, at this time I would like to insert into the RECORD an article by Investor's Business Daily posted April 29, 2008, and it states, ''This Congress is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy.''

[From Investor's Business Daily, Apr. 29, 2008]

CONGRESS VS. YOU

Energy: President Bush let the Democrat-led Congress have it with both barrels Tuesday, lambasting lawmakers for fiddling while the energy crisis burns. It was a well-deserved takedown of do-nothing lawmakers.

We've said it before, but we'll say it again: This Congress is possibly the most irresponsible in modern history. This is especially true when it comes to America's dysfunctional energy policy.

The media won't call either the House or the Senate on its failures, for one very obvious reason: They mostly share an ideology with the Democrats that keeps them from understanding how free markets and supply and demand really work. Sad, but true.

So we were happy to hear the president do the job, calling out Congress for its inaction and ignorance in his wide-ranging press conference Tuesday.

''Many Americans are understandably anxious about issues affecting their pocketbook, from gas and food prices to mortgage and tuition bills,'' Bush said. ''They're looking to their elected leaders in Congress for action. Unfortunately, on many of these issues, all they're getting is delay.''

Best of all, Bush didn't let the issue sit with just generalities. He reeled off a bill of particulars of congressional energy inaction, including:

Failing to allow drilling in ANWR. We have, as Bush noted, estimated capacity of a million barrels of oil a day from this source alone—enough for 27 million gallons of gas and diesel. But Congress won't touch it, fearful of the clout of the environmental lobby. As a result, you pay at the pump so your representative can raise campaign cash.

Refusing to build new refineries. The U.S. hasn't built one since 1976, yet sanctions at least 15 unique ''boutique'' fuel blends around the nation. So even the slightest problem at a refinery causes enormous supply problems and price spikes. Congress has done nothing about this.

Turning its back on nuclear power. It's safe and, with advances in nuclear reprocessing technology, waste problems have been minimized. Still, we have just 104 nuclear plants—the same as a decade ago—producing just 19% of our total energy. (Many European nations produce 40% or more of their power with nuclear.) Granted, nuclear power plants are expensive—about $3 billion each. But they produce energy at $1.72/kilowatt-hour vs. $2.37 for coal and $6.35 for natural gas.

Raising taxes on energy producers. This is where a basic understanding of economics would help: Higher taxes and needless regulation lead to less production of a commodity. So by proposing ''windfall'' and other taxes on energy companies plus tough new rules, Congress makes our energy situation worse.

These are just a few of Congress' sins of omission—all while India, China, Eastern Europe and the Middle East add more than a million barrels of new demand each and every year. New Energy Department forecasts see world oil demand growing 40% by 2030, including a 28% increase in the U.S.

Americans who are worried about the direction of their country, including runaway energy and food prices, should keep in mind the upcoming election isn't just about choosing a new president. We'll also pick a new Congress.

The current Congress, led on the House side by a speaker who promised a ''common sense plan'' to cut energy prices two years ago, has shown itself to be incompetent and irresponsible. It doesn't deserve re-election.

Madam Speaker, we all know that we must work together, Democrats, Republicans, the House, the Senate and the President, to solve America's pain at the pump. Until this happens, however, we should not deny good ideas from being considered.

Therefore, I will be urging my colleagues to defeat the previous question so that I can amend the rule to make in order any bill that would ''have the effect of lowering the national average price per gallon of regular unleaded gas.'' Let's defeat the previous question and show America that Congress is serious about addressing the rising cost at the pump.

With that, I reserve my time.

Ms. SLAUGHTER. Madam Speaker, since I will be the last speaker on this side, I will reserve my time until the gentleman has closed.

Mr. HASTINGS of Washington. At this time, Madam Speaker, I yield myself the balance of the time.

Madam Speaker, Americans don't want a debate on the problems causing gas prices to dramatically increase. They want a debate on solutions.

Therefore, as I stated a moment ago, I will be asking my colleagues to vote ''no'' on the previous question so that Members can offer solutions that have the effect of lowering the national average price per gallon of regular unleaded gas.

As I mentioned, 2 years ago, then-minority leader, now-Speaker PELOSI promised Americans a Democrat plan to lower gas prices at the pump. They have controlled Congress for 16 months, but we still have not seen this plan. Meanwhile, the cost of gasoline is setting record highs. The time is now for the House to debate ideas and solutions for lowering gas prices, and it is time for the Democrats to reveal their plan that they promised 2 years ago.

So, Madam Speaker, by defeating the previous question, I will move to amend the rule to allow any bill to be offered and considered under suspensions of the rule that would have the effect of lowering the national average price per gallon of regular unleaded gas.

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

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

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I urge my colleagues to defeat the previous question so that we can have this debate, so that we can consider these vitally important issues that America's families, workers, truckers, small businesses, and our entire economy face with these rising prices of gasoline.

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

Ms. SLAUGHTER. Madam Speaker, while I had not planned to be here at this point to debate gas prices, I feel compelled to put a few things on the record.

Everybody knows that ExxonMobil announced first quarter profits totaling $11 billion, up 17 percent from last year and just shy of record profits last quarter. BP announced profits increased 63 percent; Royal Dutch-Shell 25 percent, and this increases the 5-year trend of record oil profits.

While my colleagues say we have done nothing, the fact is that we've done a great deal and they've almost consistently voted against it. For example, we have tried more than once to take away the Federal subsidies to these oil companies, to the big five, because they are awash in money, and we see no reason for them to get more from the taxpayers than they're already getting at the pump. That has been consistently fought by both the Republican Party and the President. The President calls for the same policies that he has done all along and sort of hopes for the best. For the last 7 years, congressional Republicans and President Bush doled out billions of dollars in subsidies to the big oil companies, instead of working for an energy independence plan for America which was rarely discussed even during their tenure.

We're committed to a new direction. Speaker PELOSI has called on President Bush to suspend purchases of oil for the Strategic Petroleum Reserve temporarily. That would go a long way toward helping us with this. We have done this before, but President Bush says he doesn't think it would affect the price.

On Friday, the New Direction Congress called on the Federal Trade Commission to enforce the law and to investigate record gas prices and possible market manipulation. Under the Energy Independence and Security Act of 2007, the FTC has the authority, but will not take it, to exercise the power to protect the consumer from skyrocketing energy costs. That is the Republican administration.

The Energy Independence and Security Act of 2007 also included landmark provisions to make cars and trucks more efficient and to promote the use of more affordable American biofuels. The new fuel standards will reduce our oil consumption by 1.1 million barrels per day by 2020, and it will save American families $700 to $1,000 per year at the pump. That is under the Democrats in Congress.

We've also passed legislation in this House to crack down on oil price gouging, to hold OPEC accountable for oil price fixing, and then, as I said, to repeal the subsidies for profit-rich Big Oil so we can invest in a renewable energy future. However, President Bush and the Republicans block these efforts every step of the way.

Cracking down on oil price gouging was opposed by 140 Republicans in the House, including all of the Republican leadership except Mr. MCCOTTER. Holding OPEC accountable was opposed by 67 Republicans, including most of the Republican leadership, Mr. BOEHNER, Mr. BLUNT, Mr. COLE, Mr. DREIER, and Ms. GRANGER. Repealing subsidies to the profit-rich oil companies and investing in renewable energy and energy efficiency was opposed by 174 Republicans, almost unanimously, including all of the Republican leadership. And in every case, the Bush administration threatened to veto the bills. Unfortunately, Republicans in the Senate refused to even let them become bills to go to the President.

We have a good and sufficient record here. We have planned to do more. We have done more than was done in the last 7 years to try to do that.

With that, I urge a ''yes'' vote on the previous question and on the rule.

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

AMENDMENT TO H. RES. 1167 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following new paragraph:

(4) Any bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools

for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

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

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

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

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 493, GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

Ms. SLAUGHTER. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 1156 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1156

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Education and Labor or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour, with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

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

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 1 hour.

Ms. SLAUGHTER. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

I yield myself as much time as I may consume and ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 1156.

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

There was no objection.

Ms. SLAUGHTER. Madam Speaker, H. Res. 1156 provides for consideration of the Senate amendment to H.R. 493, the Genetic Information Nondiscrimination Act. The rule provides 1 hour of general debate on the motion with 20 minutes each controlled by the Committee on Education and Labor, the Committee on Energy and Commerce, and the Committee on Ways and Means.

Madam Speaker, the story of humanity is defined by extraordinary achievements that centuries later are looked upon as having impacted the course of human history. Five years ago, we saw one of these distinguishing achievements: the mapping out of the human genome, a discovery that pries open the door of possibility and presents an opportunity to advance the human race.

This breakthrough in the field of genetics joins the ranks of momentous discoveries that have changed the face of medicine and science for centuries to come, like the discovery of the polio vaccine so many years ago.

Last week, Senator KENNEDY on the Senate floor noted that the mapping of the human genome ''may well affect the 21st century as profoundly as how the invention of the computer or the splitting of the atom affected the 20th century.''

However, Madam Speaker, such discoveries and achievements do not automatically lead to these extraordinary breakthroughs. In order for us to fully reap the benefits, we must ensure that our social policy keeps pace with the advancement of our science.

That is precisely why I rise today in support of the Genetic Information Nondiscrimination Act. It has been 13 years in the making, and I'm pleased that the House of Representatives is once again considering the bill today, hopefully for the last time, so we may send it to the President to sign into law.

While I'm pleased we're taking it up, I'm saddened that so much time has been lost and that the march toward progress and discovery has been slowed.

The Genetic Information Nondiscrimination Act is the culmination of a broad and bipartisan effort to prohibit the improper use of genetic information in workforce and health insurance decisions.

It prohibits group health plans and health insurers from denying coverage to healthy individuals or charging higher premiums based solely on a genetic predisposition to maybe develop a disease in the future.

Furthermore, it bars employers from using one's genetic information when making hiring, firing, job placement or job promotion decisions.

Madam Speaker, the bill has been described as the first civil rights legislation of the 21st century. I think that assessment is correct because, with the exception of trauma, everything that happens to a person's body has a genetic component. From the color of our eyes to our height, to the illnesses and disorders we are susceptible to, everything happens because of our genes.

No one, not a single living human being, has perfect genes. In fact, each one of us is estimated to be genetically predisposed to between 5 and 50 serious disorders.

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The good news is that since the sequencing of the human genome was completed in April, 2003, thanks to Dr. Francis Collins, who I am happy to say is in the gallery today, researchers have identified genetic markers for a variety of chronic health conditions and increased the potential for early treatment and the prevention of numerous genetic-based diseases. There are already genetic tests for over 1,000 diseases, and hundreds more are under development.

Let me mention just two of them. Just this week we heard from newspapers that in London and work being done in Pittsburgh, and I believe it's the University of Pennsylvania, has restored some eyesight to people who were disposed to a genetic disease that harmed their vision as children. To be able to restore eyesight is something none of us had ever dreamed of being able to do. But by injecting genetic material into the back of the eye behind the retina, they have received some sight. They believe that once they are able to do this in younger children and be able to increase the dose that the success rate will be extremely high, and that, in itself, is such good news.

Also yesterday the New York Times reported that the gene has been isolated for osteoporosis and for fragile bones. I remember when we were fighting for the Office of Women's Health, the statistic we used for osteoporosis was that we spent between $20 and $30 billion a year, and this was years ago, 10 or 15, all that much money to treat osteoporosis. At that point we had no treatment for it. We just tried to do the best we could. We have over time achieved some treatments for osteoporosis, but think what would happen if once we find that gene, we are able to manipulate that gene or change it and prevent osteoporosis altogether?

The great thing about this science is the limitless possibility to cure human conditions without long hospital stays, without invasive surgeries, and there are possibilities there for an entirely new way for us to provide health care.

Now, consider if these tests we know that can tell a woman if she has a family history of breast cancer, if she has a genetic predisposition. For at least the 10 years, I have been told by women

who are in that condition and also by their physicians that they have recommended to them that until a bill such as the one we are passing today becomes law in this country, they should not put at risk their health insurance, many of them who are the sole provider for health insurance for their families, or their jobs. We believe, the estimates are, that about 22 percent of Americans have already been discriminated against. We have numerous cases of people who have lost their jobs. So the most important thing to show what rank discrimination that has been is that having the gene is only predictive. It does not say that you are doomed to have it. Indeed, it could be 20 or 30 years away, if at all. To deny a person health insurance and employment on that kind of proposition is nothing but discrimination.

We know now that numbers of people are going to go out to get the tests that they need to be able to plan for the rest of their lives, constituents that we have all had with Alzheimer's who want to plan for their future. So in addition to improving health care for millions, it's going to give the scientists and our medical researchers invaluable insight on how to combat and even cure diseases in the future.

I don't think we're going to realize what a wonderful day this is for us until someone in your family is faced with this and that you can have a cure for them. It is totally remarkable. I honestly believe that, being here in Congress for 22 years, which has meant so much to me and for which I am so grateful to my constituents, that this piece of legislation and what we have done here is the most important thing that I shall ever do in my life and certainly in my time as a legislator.

I'm enormously grateful to everybody who has supported this and all the people who have worked on it all these many years, never getting discouraged, always working every 2 years, refiling the bill, getting all the cosponsors, and fighting for passage. That wonderful day now has come. I especially want to give my thanks to my colleague JUDY BIGGERT for all the wonderful work that she has done.

Madam Speaker, to give you an idea of the potential that exists, consider that genetic tests can tell a woman with a family history of breast cancer if she has the genetic mutation that causes it long before the cancer develops.

Armed with this information, this woman can make important health decisions on when to engage in preventative care and when to seek early treatment.

And in doing so, we can cut down on hospital stays and invasive surgeries while allowing medical treatments to be more personalized.

Madam Speaker, in addition to improving health care for millions of individuals, genetic testing gives our scientists and medical researchers invaluable insight into how to combat and, perhaps, even cure these diseases in the future.

However, for the potential of genetic research to be realized, we need to make genetic testing something that is commonplace, rather than something that is feared.

Unfortunately, because no one has perfect genes, no one is immune to genetic discrimination. And the threat of discrimination is holding men and women back from participating in clinical trials that will lead to the medical breakthroughs of the 21st Century.

Madam Speaker, their fears are not unfounded. Genetic discrimination is real and is happening today.

A 2001 survey of employer medical testing practices found that 1.3 percent of companies test employees for sickle cell anemia, 0.4 percent test for Huntington's Disease, and 20.1 percent ask about family medical history.

During the 1970s, many African Americans were denied jobs and health insurance based on their carrier status for sickle cell anemia.

More recently, many have heard about the 2002 Burlington Northern Santa Fe Corporation case where the company paid a $2.2 million settlement after it tested its employees for a genetic marker dubiously associated with carpel tunnel syndrome.

In North Carolina, a woman was fired after a genetic test revealed her risk for a lung disorder even though she had already begun the treatments that would keep her healthy.

There was even an instance of an adoption agency refusing to allow a woman at risk for Huntington's disease to adopt a child.

These abuses have only fed the public fear of genetic discrimination, leading many Americans to forgo genetic testing even if it may help avert premature death.

Sixty-six percent of Americans are concerned about how their genetic information would be stored and who would have access to it.

Seventy-two percent of the American public believes that the government should establish laws and regulations to protect the privacy of one's genetic information.

Madam Speaker, genetic discrimination is wrong on two fronts.

First, it is critical to remember that simply carrying a given genetic mutation does not guarantee that one will develop the disorder. It merely confers a level of risk upon the carrier.

Given that scientists cannot accurately predict when or whether a carrier will develop a genetic disorder, it is illogical to allow this information to be used by health insurers and employers for discriminatory purposes.

Secondly, and very importantly, if individuals do not participate in clinical trials, we will never be able to reap the real benefits of genetic science.

In a 2003 editorial, Dr. Francis Collins, head of the National Human Genome Research Institute, and James Watson made a persuasive argument in favor of non-discrimination legislation like GINA.

They wrote, and I quote: "Genetic discrimination has the potential to affect people's lives in terms of jobs and insurance, but there is another dimension as well: It can slow the pace of the scientific discovery that will yield crucial medical advances." End quote.

Madam Speaker, as I have mentioned, this legislation began 13 years ago and has had quite a ride going back and forth between the House and the Senate.

I would like to take a moment to speak briefly about the evolution of this bill and the agreements that we have made so that it could end up here today.

In order for us to move forward, we addressed some of the concerns about the legislation, specifically about the threat of frivolous lawsuits.

Several years back, we made sure that if an employer inadvertently receives a person's genetic information, they could not be sued unless they used that information to discriminate against the employee.

Within the past few weeks, we were able to work out a clarification regarding the so-called "firewall" issue.

This agreement makes both sides happy and still preserves 40 years of civil rights law by ensuring that employers are held accountable under civil rights remedies.

In addition, this bill requires that before an individual can go to court, the EEOC has to review their claim and determine if it has merit.

I am very pleased that we were able to work together to ensure the success of this critical legislation.

And, Madam Speaker, while there have been some opponents to this bill over the years, there have mostly been allies.

I hold here in my hand 514 letters of support from a wide spectrum of health, scientific, and medical-related organizations.

Here in Congress, we have over 220 cosponsors, both Democrats and Republicans.

Just over a year ago, this body passed GINA 420–3, and last week, the Senate once again passed this bill unanimously by a vote of 95–0.

Even the White House has come out in support of genetic nondiscrimination legislation.

Before I close, I want to take a moment to thank the lead Republican cosponsor of this bill, Congresswoman JUDY BIGGERT. Without her and her staffs hard work, today would simply not have been possible.

I also want to thank Congresswoman ANNA ESHOO for her strong advocacy on behalf of this bill over the years.

I want to thank Senators KENNEDY, SNOWE and ENZI for championing this bill through the Senate.

And I especially want to thank Dr. Francis Collins for his support. His testimony last year before three House Committees should have swayed even the firmest nonbelievers that genetics has the potential to change our health care system as we know it.

I am so proud to have played a role in making this legislation possible—legislation that not only will stamp out a form of discrimination, but will allow us to realize the tremendous potential of genetic research.

By passing this legislation today, we open the door to usher in a whole new era of health care and change the course of human history.

Millions of Americans have waited far too long for these protections, but I'm so pleased the wait is almost over.

I urge all my colleagues to support this bill once again.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I do want to thank my friend from New York, the gentlewoman and chairman of the Committee on Rules, for yielding me this time to discuss this proposed rule for consideration of H.R. 493, the Genetic Information Nondiscrimination Act.

Like my colleague, I too rise in support of this rule which would allow the

House to agree with the Senate compromise and pass H.R. 493, the Genetic Information Nondiscrimination Act of 2008, or GINA.

As the gentlewoman knows, this legislation has a long history. She's worked on it for a long, long time, as we heard in testimony given to the Rules Committee yesterday and the accolades that were given the gentlewoman for her support of this, as well as the gentlewoman from Illinois (Mrs. BIGGERT). First introduced in 1995, it has been cosponsored by 224 of our colleagues in this Congress. The House overwhelmingly passed this legislation last April, and with the Senate's recent approval and President Bush's pledged support, I look forward to seeing this legislation signed into law quickly.

Madam Speaker, genetics are extremely important to determining the health of every single individual. Each of us carries a handful of genetic anomalies, some of which might cause us to be affected by genetic conditions or affect the health of our children. There are currently 1,200 genetic tests that can diagnose thousands of health conditions. This number has grown exponentially from just around 100 genetic tests a short decade ago.

Every day scientists are learning more about the genetic causes of many devastating diseases. Stopping these debilitating illnesses will require the voluntary participation of hundreds of thousands of Americans in the clinical research area needed to identify, test, and approve effective treatments. This information is invaluable to managing our country's health and bringing down the overall cost of health care.

Currently, a few States provide protections for genetic information, but most provide none. This leaves Americans with little to no certainty about how their genetic rights are protected from State to State.

Additionally, genetic information is not properly covered under the current HIPAA regulations. It is necessary for Congress to provide legal protection for genetic information and clinical trials so Americans can get tested for health care concerns without fear of misuse or discrimination. This legislation ensures that all will be protected.

Currently, the fear of misuse of genetic information is preventing people from getting these important genetic tests done. The refusal to utilize effective genetic tests hurts individuals, researchers, and doctors alike. Lack of testing denies individuals important medical information that they could otherwise use to be proactively managing their health with their doctor. The information garnered by these tests also helps doctors to prescribe treatments and lifestyle changes with increased success. The same information can be used by researchers to effectively create targeted drugs and develop treatments.

Fear of discrimination has also caused a large number of people to opt out of clinical trials. With fewer participants in clinical trials, we will see slower development of treatments and beneficial drugs. In addition, clinical trials provide patients in late stages of the diseases with access to breakthrough treatments that might otherwise be unavailable.

This House has correctly recognized this issue by protecting those who obtain genetic tests in addition to those who volunteer to participate in clinical research for genetic diseases. I would like to commend my colleagues SUE MYRICK, KENNY HULSHOF, and Dr. TOM PRICE for leading the efforts to protect the importance of these clinical trials.

But none of this would be any good today, Madam Speaker, if the American public did not overwhelmingly support the Genetic Information Nondiscrimination Act. About 93 percent of Americans believe that if someone has a genetic test, their employer should not have the right to know the results. Republicans and Democrats want to see their genetic information protected.

I rise in support of this rule and the underlying bill and look forward to its passage.

I once again want to thank the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from New York, the chairman of the Rules Committee, for their hard work.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin, Dr. KAGEN.

Mr. KAGEN. Madam Speaker, before I begin my remarks, let me extend my heartfelt gratitude to Chairwoman SLAUGHTER for her years of struggle to bring about this day and let everyone know that on this day, May 1 of 2008, we're beginning to apply our constitutional rights to protect us against discrimination to health care so that one day very soon, equal protection may mean equal treatment.

I rise today in strong support of the rule for H.R. 493, the Genetic Information Nondiscrimination Act, and the underlying legislation.

As a physician and a geneticist, I fully understand the critical need to prohibit discrimination based on an individual's genetic profile. Specifically, this bipartisan, Republican-supported and Democrat-supported bill would prohibit employers from using genetic screening results in hiring, in assigning, and promoting people at work. It would also bar insurers from making coverage choices or setting premiums based on results of such genetic testing. By establishing these protections, H.R. 493 will allow every citizen and their physicians to benefit and participate in the progress that gene therapies provide for all of us in early treatment and prevention of countless afflictions, while maintaining their essential insurance coverage.

And perhaps in the near future, I will be able to rise here on the House floor and ask that we support legislation to bring an end to all forms of discrimination in health care. And after all, our constitutional rights to protect us against discrimination should be applied to the area of health care throughout the industry, not just to genetic information, not just to one's skin color or one's skin chemistry or the content and structure of one's bones, but to everything in the human condition and every preexisting condition. Let's begin to put discrimination where it belongs: in the past.

We are moving very quickly out of this information age into a time when physicians will be able to diagnose and even treat your condition before you feel it.

In closing, I urge my colleagues to support the rule and vote in favor of this important and tremendously progressive bill.

Mr. SESSIONS. Madam Speaker, at this time I would like to yield 10 minutes to the lead cosponsor from the Republican side, the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding to me.

And I thank you for being a cosponsor of this legislation and for all your hard work on it.

Madam Speaker, I rise in support of this rule and the bill that is made in order. And I just want to say that I'll be talking in general debate too, but it was so important for me to come down here today to speak during the rule also.

When the human genome project was completed in 2003, the House of Representatives recognized it as one of the most significant scientific accomplishments of the past 100 years. For the first time, individuals actually could know their genetic risk of developing diseases such as cancer, diabetes, heart disease, Alzheimer's, Parkinson's, and the list goes on. And knowing that, they could take preventative measures to decrease their risk of getting such a disease. Completion of the human genome project and genetic testing spawned the personalized medicine movement, focusing on catching diseases earlier, when they are cheaper and easier to treat, or, even better, preventing the onset of the disease in the first place.

But after investing $3.7 billion in taxpayer money to achieve this breakthrough, Congress walked away and left the job undone. We left people without any assurance that their genetic information wouldn't be used against them. So, understandably, so many avoided this great technology, never realizing the untold health benefits and savings.

This concern even spilled over to NIH, the National Institutes of Health, where fear of genetic discrimination is currently the most common reason for not participating in research on potentially lifesaving genetic testing for breast cancer and colon cancer.

□ 1100

Fully one-third of those eligible to participate decline to do this for this

reason, undermining the development of new treatments and cures.

Madam Speaker, today Congress is here to settle some unfinished business and provide Americans the protection against genetic discrimination in health insurance and employment that they need to utilize genetic testing without fear. It's just a great day that we are here now, and it has been a long, long road to this. When you have got three committees of jurisdiction on the House side and various committees on the Senate side, to get all of these committees together to come up with a bill, to craft a bill that everybody can agree on and everybody will benefit by it, it's just a great day.

I really came to the floor to speak on the rule at this time, to acknowledge my good friend and colleague, esteemed colleague and a true leader on this issue, the chairman of the Rules Committee, Ms. SLAUGHTER. As my colleagues may know, and you just heard from Mr. SESSIONS, Congresswoman SLAUGHTER first introduced a version of this bill in the 104th Congress. For the newest Members of this body, they might not know that was the nineties. In 1995, to be exact.

So that Ms. SLAUGHTER introduced this bill at this time, that far back, is a testament to the foresight of my friend from New York. Just think, the human genome project really was 2003. So she's had the background in this scientific area to really have had that foresight for so long ago. That she introduced it, still amazes me, and the hard work. There were a lot of things that we worked out as far as the path through these years. I first joined her I think it was in 2005 when we introduced the bill again and again and again to reach this day.

So I really applaud her for her dedication to this cause, and her perseverance. Working with her on this bill has been a real joy, and I value our partnership and the historic legislation that it has produced. I look forward to hand delivering this bill to the White House with her. I think that that will be sooner than later.

Let me just say I want to highlight a few things and reasons for why we should pass this rule and why we should pass this bill. Besides the fact that we invested the $3.7 billion in the human genome, the bill is needed to maintain high quality genetic research and clinical trials at NIH. I think we have all emphasized that, that that is so important. They don't have the whole body of people getting into the clinical trials, which will then I think find the cure for these diseases.

Ninety-three percent of Americans believe that insurers and employers should not be able to discriminate based on genetic information. This bill passed the House last year 420–3. It passed the Senate last week 95–0. The bill has received three strong SAPs from the administration. And last year, President Bush said, ''I really want to make it clear to the Congress that I hope they pass the legislation that makes genetic discrimination illegal.'' Newt Gingrich, who has been a strong, strong supporter of genetic nondiscrimination said, and I quote, ''To not have this bill is to cripple our ability to save lives.'' This legislation is supported by over 500 organizations, including BIO and AHIP.

With that, I would urge a ''yes'' vote on the rule.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Florida, a member of the Rules Committee, Ms. CASTOR.

Ms. CASTOR. Madam Speaker, I rise today in strong support of the Genetic Information Nondiscrimination Act, and I would like to thank the chairwoman of the Rules Committee, Chairwoman LOUISE SLAUGHTER, for her leadership, for her perseverance in moving this critical legislation. She has been fighting for the Genetic Information Nondiscrimination Act for over 13 years. So we will herald her leadership today on behalf of American families and all hardworking folks across this country.

I am fortunate to serve on the Committee on Rules under her leadership. The folks across this country should be very proud that we have such a dedicated chairwoman leading the committee in the people's House. I'd also like to salute Congresswoman JUDY BIGGERT for her participation and perseverance as well in moving this legislation and fighting for it for so many years.

Madam Speaker, this New Direction Congress already has done a great deal to strengthen antidiscrimination efforts for our Nation this year, such as legislation that outlaws inequities in medical coverage for mental health care. Today, we will end another form of discrimination in the workplace and by health insurance companies.

The Genetic Information Nondiscrimination Act protects our neighbors from being denied health coverage or being hired or keeping a job based upon their God-given personal genetic traits. In my district in Tampa, Florida, the University of South Florida Regional Genetics Program has been doing great work in genetics research. Now they can do so much more. People will be more willing to participate in genetics research. The testing, the genetic counseling for families with genetic conditions, now they will not be so afraid and hiding because they fear they would be discriminated against if someone learned that they might have an inclination for breast cancer or diabetes or some other disease.

The scientific research opportunities are endless, and under this bill people will be protected and employers will not be able to request or purchase genetic information about employees or their families. Any information found indirectly may not be used against an employee or disclosed. Further, this legislation would outlaw health insurance companies' ability to cancel, deny, or change the terms of individual plans based upon their genetic background.

This is a civil rights issue and a privacy issue, and this legislation is an absolute necessity to provide protection for Americans in the workplace and within their health coverage. The cost of health care in America is burdensome enough without an added concern that coverage may be unethically jeopardized based on genetic information.

Madam Speaker, I urge my colleagues to support this rule and the underlying bill and again salute the leadership of Chairwoman LOUISE SLAUGHTER and Congresswoman JUDY BIGGERT.

Mr. SESSIONS. Madam Speaker, I would like to notify the gentlewoman from New York that we do not have any additional speakers at this time, so we will continue to reserve our time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS) and thank him for his help.

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

Mr. ANDREWS. Madam Speaker, I'd like to thank and congratulate my dear friend from New York for a stellar achievement in her stellar work here in the Congress, and to thank Mrs. BIGGERT, who has fought with great vigor and enthusiasm for this bill.

Madam Speaker, here's what Ms. SLAUGHTER and Mrs. BIGGERT have achieved. Somewhere this morning, a family is going to get news that a biopsy came back with bad news, that someone they love has a tumor, and that family is going to go through the agony of the next couple of months or even years of wondering if that person they love so much is going to live or die.

Now the progress we have made in this country, thank God, has let many more of those people live. But the ultimate progress is to get to the genetic puzzle that makes that person susceptible to that tumor in the first place. The way we are going to find the solution to that puzzle is by gathering data by more and more people being willing to share their genetic information with the brightest men and women in this country.

Right now there's a justifiable fear that if you share your genetic information, someone may misuse it to deny you a job, deny you an insurance policy, or hurt you in some other way. This bill lifts that burden, lifts that fear, and will stimulate millions of Americans to voluntarily, privately and safely participate so they can be part of finding this puzzle.

What Chairwoman SLAUGHTER has accomplished today, Madam Speaker, is that some day is coming, and I hope it's soon, when people will get the right answer all the time to that question, when the cure will be here, the pain will be gone, and the hope will prevail. There's a lot of things we do in this

chamber that have transitory significance. What will happen in a few hours will benefit people around the world for years to come.

This is a singular achievement. I congratulate the chairwoman. And as a father and a husband, I thank her for what she's done.

Mr. SESSIONS. We will reserve our time.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California, a member of the Energy and Commerce Committee, as Mr. ANDREWS is, Ms. ESHOO, who saw me through many a bad moment on this bill, and to whom I am extremely grateful.

Ms. ESHOO. I want to first begin by saluting our colleague, LOUISE SLAUGHTER, and Mrs. BIGGERT, who has worked so hard on this. This is really all about the future, except we had to struggle for 13 years in order to recognize it. But today, we do. And it is a singular extraordinary achievement, not only on the watch of Chairwoman SLAUGHTER, but today for the full House to pass this legislation.

We know that in the makeup of our humanity is a genetic profile. Researchers and scientists have demonstrated what the potential is if in fact, not only through the human genome project, the sequencing, and the discovery of all that is hidden in it, what that portends for humanity. But there's another side of this, and that is a darker side. The darker side is entitled: Discrimination. That if that information, our genetic makeup is used by insurers to discriminate against people.

So today what we are doing is eliminating that block, that discrimination that stands in the way of the fullness of the potential of our genetic profile and how it can be not only accumulated but used to the benefit of humanity. That is what this legislation represents.

When we pass it and the President signs it into law, this legislation will not only end the discrimination and all that is attendant to it, but that from this day forward the principles of preventive medicine, the reduction of health care costs, the advancement of research, and the saving of lives will be the order of the day.

I salute you, my colleague. Well done. You have earned your keep in the Congress.

Mr. SESSIONS. Madam Speaker, we will reserve our time.

Ms. SLAUGHTER. I have no further requests for time. Let me ask my colleague if he is prepared to close.

Mr. SESSIONS. Yes, ma'am, I am.

Madam Speaker, today I will be asking each of my colleagues to vote ''no'' on the previous question to this rule. If the previous question is defeated, I will amend the rule to make it in order for the House to consider any amendment that would actually do something to reduce our high gas prices that we have in this country, to help consumers, and to require the Speaker of the House to submit her secret plan to lower gas prices.

Back on April 24, 2006, over 2 years ago, Speaker PELOSI issued the following statement, which I quote, ''With skyrocketing gas prices, it is clear that the American people can no longer afford the Republican rubber stamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans this week are paying $2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price that it was when President Bush first came into office.''

□ 1115

Madam Speaker, most Americans would consider it a blessing if we were only paying $2.91 today for a gallon of gasoline and the only thing they really couldn't afford is this head-in-the-sand Democrat Congress that refuses to consider or to do anything to solve the problem.

In that same press release, Speaker PELOSI went on to claim, ''Democrats have a commonsense plan to bring down skyrocketing gas prices.''

Well, I am not sure what they are waiting for, because even after passing the no-energy energy bill through the House a number of times, the cost of the Pelosi premium price increase continues to rise, with the average cost of gasoline over $3.62, hitting consumers at the pump every time they go fill up their cars.

In fact, Madam Speaker, as yesterday's Politico article Gas Prices Fuel Effort to Jam GOP makes clear, rather than seizing the opportunity to create opportunities to do something about these high gas prices, to bring in commonsense, bipartisan, supply-side solutions to the problem that help consumers, the Democrats are using them as a wedge issue, as they see it, to score political points, which does nothing to bring down the high cost of gasoline and only contributes to the Congress' abysmal low ratings.

Madam Speaker, I would suggest to you that it really might secretly be this secret plan. This secret plan, even though Speaker PELOSI said it was to bring down gas prices, I think it is all about raising gas prices closer to $5 a gallon. Of course, we know what this does. This causes an American transfer of payments to overseas places, just like Dubai. It is American consumers that are paying for and building Dubai. And the reason why is because the Democratic policies have taken off-limits the opportunity for Americans to be self-independent, because we can't do our own drilling in this country, where billions of barrels of oil reside.

By voting ''no'' on this previous question, Members can take a stand; a stand against the statements that we have heard about trying to increase gasoline prices, but while only taxing oil companies.

We demand to see this ''private'' and ''secret'' plan to reduce gas prices that the Democrats have been hiding from the American people since taking office and control of Congress. I for one would love to see this plan. But I am afraid that, much like their other campaign promises to run the most open, honest and ethical Congress in history, it simply does not exist.

Madam Speaker, American consumers cannot handle the high prices at the pump. We are demanding to know what this secret plan is to reduce gasoline prices below the level of 2 years ago. We need help. Americans all across this country will stand behind those that vote ''no'' to do something now about the problems, rather than trying to blame it on somebody else. If it was Congress' problem 2 years ago, it certainly should be Congress' problem today.

Madam Speaker, I ask unanimous consent to have the text of the amendment and extraneous material placed in the RECORD just prior to the vote on the previous question.

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

There was no objection.

Mr. SESSIONS. I encourage a ''no'' vote on the previous question, and I yield back the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I really don't want to do this, because I don't understand this previous question on a bill of this importance, but I do need to say, just for the record, that Speaker PELOSI has brought to the floor three times bills to lower gas prices; to crack down on price gouging, on holding OPEC accountable, and repealing the subsidies for profit-rich Big Oil. Every time, almost unanimously, the Republicans in this House voted against it. She has called to stop filling the Strategic Petroleum Reserve, and she has asked for a study on price gouging.

Give us some help, for heaven's sake, so we can get this done. In the previous 7 years there was nothing here at all, except more and more subsidies to Big Oil.

I urge a ''yes'' vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

AMENDMENT TO H. RES. 1156

OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, insert the following:

SEC. 3. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the Senate amendment which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such

amendments are waived except those arising under clause 9 of rule XXI.

SEC. 4. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: ''A bill to provide a common sense plan to help bring down skyrocketing gas prices.'' Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause 1 of rule X.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent that Members have 5 legislative days to revise and extend their remarks and to insert extraneous material on H.R. 493.

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

There was no objection.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

Mr. GEORGE MILLER of California. Madam Speaker, pursuant to House Resolution 1156, I call up the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, with a Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

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 ''Genetic Information Nondiscrimination 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. Findings.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

Sec. 101. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 102. Amendments to the Public Health Service Act.
Sec. 103. Amendments to the Internal Revenue Code of 1986.
Sec. 104. Amendments to title XVIII of the Social Security Act relating to medigap.
Sec. 105. Privacy and confidentiality.
Sec. 106. Assuring coordination.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

Sec. 201. Definitions.
Sec. 202. Employer practices.
Sec. 203. Employment agency practices.
Sec. 204. Labor organization practices.
Sec. 205. Training programs.
Sec. 206. Confidentiality of genetic information.
Sec. 207. Remedies and enforcement.
Sec. 208. Disparate impact.
Sec. 209. Construction.
Sec. 210. Medical information that is not genetic information.
Sec. 211. Regulations.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Severability.
Sec. 302. Child labor protections.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Deciphering the sequence of the human genome and other advances in genetics open major new opportunities for medical progress. New knowledge about the genetic basis of illness will allow for earlier detection of illnesses, often before symptoms have begun. Genetic testing can allow individuals to take steps to reduce the likelihood that they will contract a particular disorder. New knowledge about genetics may allow for the development of better therapies that are more effective against disease or have fewer side effects than current treatments. These advances give rise to the potential misuse of genetic information to discriminate in health insurance and employment.

(2) The early science of genetics became the basis of State laws that provided for the sterilization of persons having presumed genetic ''defects'' such as mental retardation, mental disease, epilepsy, blindness, and hearing loss, among other conditions. The first sterilization law was enacted in the State of Indiana in 1907. By 1981, a majority of States adopted sterilization laws to ''correct'' apparent genetic traits or tendencies. Many of these State laws have since been repealed, and many have been modified to include essential constitutional requirements of due process and equal protection. However, the current explosion in the science of genetics, and the history of sterilization laws by the States based on early genetic science, compels Congressional action in this area.

(3) Although genes are facially neutral markers, many genetic conditions and disorders are associated with particular racial and ethnic groups and gender. Because some genetic traits are most prevalent in particular groups, members of a particular group may be stigmatized or discriminated against as a result of that genetic information. This form of discrimination was evident in the 1970s, which saw the advent of programs to screen and identify carriers of sickle cell anemia, a disease which afflicts African-Americans. Once again, State legislatures began to enact discriminatory laws in the area, and in the early 1970s began mandating genetic screening of all African Americans for sickle cell anemia, leading to discrimination and unnecessary fear. To alleviate some of this stigma, Congress in 1972 passed the National Sickle Cell Anemia Control Act, which withholds Federal funding from States unless sickle cell testing is voluntary.

(4) Congress has been informed of examples of genetic discrimination in the workplace. These include the use of pre-employment genetic screening at Lawrence Berkeley Laboratory, which led to a court decision in favor of the employees in that case Norman-Bloodsaw v. Lawrence Berkeley Laboratory (135 F.3d 1260, 1269 (9th Cir. 1998)). Congress clearly has a compelling public interest in relieving the fear of discrimination and in prohibiting its actual practice in employment and health insurance.

(5) Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination

law, these laws vary widely with respect to their approach, application, and level of protection. Congress has collected substantial evidence that the American public and the medical community find the existing patchwork of State and Federal laws to be confusing and inadequate to protect them from discrimination. Therefore Federal legislation establishing a national and uniform basic standard is necessary to fully protect the public from discrimination and allay their concerns about the potential for discrimination, thereby allowing individuals to take advantage of genetic testing, technologies, research, and new therapies.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

SEC. 101. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 702(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182(b)) is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: ''except as provided in paragraph (3)''; and

(2) by adding at the end the following:

''(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a health insurance issuer offering health insurance coverage in connection with a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.''.

(b) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 702 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1182) is amended by adding at the end the following:

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

''(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

''(A) The request is made, in writing, pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 733).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d), and subsection (b)(1) and section 701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 732(a).''.

(c) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(d) DEFINITIONS.—Section 733(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b(d)) is amended by adding at the end the following:

''(5) FAMILY MEMBER.—The term 'family member' means, with respect to an individual—

''(A) a dependent (as such term is used for purposes of section 701(f)(2)) of such individual, and

''(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

''(6) GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(i) such individual's genetic tests,

''(ii) the genetic tests of family members of such individual, and

''(iii) the manifestation of a disease or disorder in family members of such individual.

''(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

''(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(7) GENETIC TEST.—

''(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(B) EXCEPTIONS.—The term 'genetic test' does not mean—

''(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

''(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(8) GENETIC SERVICES.—The term 'genetic services' means—

''(A) a genetic test;

''(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(C) genetic education.

''(9) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

''(B) the computation of premium or contribution amounts under the plan or coverage;

''(C) the application of any pre-existing condition exclusion under the plan or coverage; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.''.

(e) ERISA ENFORCEMENT.—Section 502 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking ''(7), or (8)'' and inserting ''(7), (8), or (9)'';

(2) in subsection (b)(3), by striking ''The Secretary'' and inserting ''Except as provided in subsections (c)(9) and (a)(6) (with respect to collecting civil penalties under subsection (c)(9)), the Secretary''; and

(3) in subsection (c), by redesignating paragraph (9) as paragraph (10), and by inserting after paragraph (8) the following new paragraph:

''(9) SECRETARIAL ENFORCEMENT AUTHORITY RELATING TO USE OF GENETIC INFORMATION.—

''(A) GENERAL RULE.—The Secretary may impose a penalty against any plan sponsor of a group health plan, or any health insurance issuer offering health insurance coverage in

connection with the plan, for any failure by such sponsor or issuer to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information, in connection with the plan.

''(B) AMOUNT.—

''(i) IN GENERAL.—The amount of the penalty imposed by subparagraph (A) shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

''(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

''(I) beginning on the date such failure first occurs; and

''(II) ending on the date the failure is corrected.

''(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

''(i) IN GENERAL.—In the case of 1 or more failures with respect to a participant or beneficiary—

''(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

''(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such participant or beneficiary shall not be less than $2,500.

''(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

''(D) LIMITATIONS.—

''(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

''(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

''(I) such failure was due to reasonable cause and not to willful neglect; and

''(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

''(I) 10 percent of the aggregate amount paid or incurred by the plan sponsor (or predecessor plan sponsor) during the preceding taxable year for group health plans; or

''(II) $500,000.

''(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.

''(F) DEFINITIONS.—Terms used in this paragraph which are defined in section 733 shall have the meanings provided such terms in such section.''.

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of Labor shall issue final regulations not later than 12 months after the date of enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of enactment of this Act.

SEC. 102. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT.

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

(1) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Section 2702(b) of the Public Health Service Act (42 U.S.C. 300gg–1(b)) is amended—

(A) in paragraph (2)(A), by inserting before the semicolon the following: ''except as provided in paragraph (3)''; and

(B) by adding at the end the following:

''(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, a group health plan, and health insurance issuer offering group health insurance coverage in connection with a group health plan, may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a health insurance issuer offering health insurance coverage in connection with a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.''.

(2) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 2702 of the Public Health Service Act (42 U.S.C. 300gg–1) is amended by adding at the end the following:

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

''(B) LIMITATION.—For purposes of subparagraph (A), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

''(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The plan or issuer clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The plan or issuer notifies the Secretary in writing that the plan or issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The plan or issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a group health plan, shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a group health plan, or a health insurance issuer offering health insurance coverage in connection with a group health plan, obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c) , and (d) and subsection (b)(1) and section 2701 with respect to genetic information, shall apply to group health plans and health insurance issuers without regard to section 2721(a).''.

(3) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(4) DEFINITIONS.—Section 2791(d) of the Public Health Service Act (42 U.S.C. 300gg–91(d)) is amended by adding at the end the following:

''(15) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

''(A) a dependent (as such term is used for purposes of section 2701(f)(2)) of such individual; and

''(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

''(16) GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(i) such individual's genetic tests,

''(ii) the genetic tests of family members of such individual, and

''(iii) the manifestation of a disease or disorder in family members of such individual.

''(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

''(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(17) GENETIC TEST.—

''(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(B) EXCEPTIONS.—The term 'genetic test' does not mean—

''(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

''(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(18) GENETIC SERVICES.—The term 'genetic services' means—

''(A) a genetic test;

''(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(C) genetic education.

''(19) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

''(B) the computation of premium or contribution amounts under the plan or coverage;

''(C) the application of any pre-existing condition exclusion under the plan or coverage; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.''.

(5) REMEDIES AND ENFORCEMENT.—Section 2722(b) of the Public Health Service Act (42 U.S.C. 300gg–22(b)) is amended by adding at the end the following:

''(3) ENFORCEMENT AUTHORITY RELATING TO GENETIC DISCRIMINATION.—

''(A) GENERAL RULE.—In the cases described in paragraph (1), notwithstanding the provisions of paragraph (2)(C), the succeeding subparagraphs of this paragraph shall apply with respect to an action under this subsection by the Secretary with respect to any failure of a health insurance issuer in connection with a group health plan, to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 2702 or section 2701 or 2702(b)(1) with respect to genetic information in connection with the plan.

''(B) AMOUNT.—

''(i) IN GENERAL.—The amount of the penalty imposed under this paragraph shall be $100 for each day in the noncompliance period with respect to each participant or beneficiary to whom such failure relates.

''(ii) NONCOMPLIANCE PERIOD.—For purposes of this paragraph, the term 'noncompliance period' means, with respect to any failure, the period—

''(I) beginning on the date such failure first occurs; and

''(II) ending on the date the failure is corrected.

''(C) MINIMUM PENALTIES WHERE FAILURE DISCOVERED.—Notwithstanding clauses (i) and (ii) of subparagraph (D):

''(i) IN GENERAL.—In the case of 1 or more failures with respect to an individual—

''(I) which are not corrected before the date on which the plan receives a notice from the Secretary of such violation; and

''(II) which occurred or continued during the period involved;

the amount of penalty imposed by subparagraph (A) by reason of such failures with respect to such individual shall not be less than $2,500.

''(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

''(D) LIMITATIONS.—

''(i) PENALTY NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.—No penalty shall be imposed by subparagraph (A) on any failure during any period for which it is established to the satisfaction of the Secretary that the person otherwise liable for such penalty did not know, and exercising reasonable diligence would not have known, that such failure existed.

''(ii) PENALTY NOT TO APPLY TO FAILURES CORRECTED WITHIN CERTAIN PERIODS.—No penalty shall be imposed by subparagraph (A) on any failure if—

''(I) such failure was due to reasonable cause and not to willful neglect; and

''(II) such failure is corrected during the 30-day period beginning on the first date the person otherwise liable for such penalty knew, or exercising reasonable diligence would have known, that such failure existed.

''(iii) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—In the case of failures which are due to reasonable cause and not to willful neglect, the penalty imposed by subparagraph (A) for failures shall not exceed the amount equal to the lesser of—

''(I) 10 percent of the aggregate amount paid or incurred by the employer (or predecessor employer) during the preceding taxable year for group health plans; or

''(II) $500,000.

''(E) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the penalty imposed by subparagraph (A) to the extent that the payment of such penalty would be excessive relative to the failure involved.''.

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—

(1) IN GENERAL.—The first subpart 3 of part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–51 et seq.) (relating to other requirements) is amended—

(A) by redesignating such subpart as subpart 2; and

(B) by adding at the end the following:

''SEC. 2753. PROHIBITION OF HEALTH DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION.

''(a) PROHIBITION ON GENETIC INFORMATION AS A CONDITION OF ELIGIBILITY.—

''(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market may not establish rules for the eligibility (including continued eligibility) of any individual to enroll in individual health insurance coverage based on genetic information.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from establishing rules for eligibility for an individual to enroll in individual health insurance coverage based on the manifestation of a disease or disorder in that individual, or in a family member of such individual where such family member is covered under the policy that covers such individual.

''(b) PROHIBITION ON GENETIC INFORMATION IN SETTING PREMIUM RATES.—

''(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market shall not adjust premium or contribution amounts for an individual on the basis of genetic information concerning the individual or a family member of the individual.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from adjusting premium or contribution amounts for an individual on the basis of a manifestation of a disease or disorder in that individual, or in a family member of such individual where such family member is covered under the policy that covers such individual. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other individuals covered under the policy issued to such individual and to further increase premiums or contribution amounts.

''(c) PROHIBITION ON GENETIC INFORMATION AS PREEXISTING CONDITION.—

''(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market may not, on the basis of genetic information, impose any preexisting condition exclusion (as defined in section 2701(b)(1)(A)) with respect to such coverage.

''(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) or in paragraphs (1) and (2) of subsection (e) shall be construed to preclude a health insurance issuer from imposing any preexisting condition exclusion for an individual with respect to health insurance coverage on the basis of a manifestation of a disease or disorder in that individual.

''(d) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A health insurance issuer offering health insurance coverage in the individual market shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a health insurance issuer offering health insurance coverage in the individual market from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a) and (c).

''(B) LIMITATION.—For purposes of subparagraph (A), a health insurance issuer offering health insurance coverage in the individual market may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a health insurance issuer offering health insurance coverage in the individual market may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

''(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The issuer clearly indicates to each individual, or in the case of a minor child, to the

legal guardian of such child, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(e) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 2791).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A health insurance issuer offering health insurance coverage in the individual market shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a health insurance issuer offering health insurance coverage in the individual market obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this part to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(2) REMEDIES AND ENFORCEMENT.—Section 2761(b) of the Public Health Service Act (42 U.S.C. 300gg–61(b)) is amended to read as follows:

''(b) SECRETARIAL ENFORCEMENT AUTHORITY.—The Secretary shall have the same authority in relation to enforcement of the provisions of this part with respect to issuers of health insurance coverage in the individual market in a State as the Secretary has under section 2722(b)(2), and section 2722(b)(3) with respect to violations of genetic nondiscrimination provisions, in relation to the enforcement of the provisions of part A with respect to issuers of health insurance coverage in the small group market in the State.''.

(c) ELIMINATION OF OPTION OF NON-FEDERAL GOVERNMENTAL PLANS TO BE EXCEPTED FROM REQUIREMENTS CONCERNING GENETIC INFORMATION.—Section 2721(b)(2) of the Public Health Service Act (42 U.S.C. 300gg–21(b)(2)) is amended—

(1) in subparagraph (A), by striking ''If the plan sponsor'' and inserting ''Except as provided in subparagraph (D), if the plan sponsor''; and

(2) by adding at the end the following:

''(D) ELECTION NOT APPLICABLE TO REQUIREMENTS CONCERNING GENETIC INFORMATION.—The election described in subparagraph (A) shall not be available with respect to the provisions of subsections (a)(1)(F), (b)(3), (c), and (d) of section 2702 and the provisions of sections 2701 and 2702(b) to the extent that such provisions apply to genetic information.''.

(d) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply—

(A) with respect to group health plans, and health insurance coverage offered in connection with group health plans, for plan years beginning after the date that is 1 year after the date of enactment of this Act; and

(B) with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market after the date that is 1 year after the date of enactment of this Act.

SEC. 103. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) NO DISCRIMINATION IN GROUP PREMIUMS BASED ON GENETIC INFORMATION.—Subsection (b) of section 9802 of the Internal Revenue Code of 1986 is amended—

(1) in paragraph (2)(A), by inserting before the semicolon the following: ''except as provided in paragraph (3)''; and

(2) by adding at the end the following:

''(3) NO GROUP-BASED DISCRIMINATION ON BASIS OF GENETIC INFORMATION.—

''(A) IN GENERAL.—For purposes of this section, a group health plan may not adjust premium or contribution amounts for the group covered under such plan on the basis of genetic information.

''(B) RULE OF CONSTRUCTION.—Nothing in subparagraph (A) or in paragraphs (1) and (2) of subsection (d) shall be construed to limit the ability of a group health plan to increase the premium for an employer based on the manifestation of a disease or disorder of an individual who is enrolled in the plan. In such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer.''.

(b) LIMITATIONS ON GENETIC TESTING; PROHIBITION ON COLLECTION OF GENETIC INFORMATION; APPLICATION TO ALL PLANS.—Section 9802 of such Code is amended by redesignating subsection (c) as subsection (f) and by inserting after subsection (b) the following new subsections:

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan may not request or require an individual or a family member of such individual to undergo a genetic test.

''(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(3) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(A) IN GENERAL.—Nothing in paragraph (1) shall be construed to preclude a group health plan from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (a).

''(B) LIMITATION.—For purposes of subparagraph (A), a group health plan may request only the minimum amount of information necessary to accomplish the intended purpose.

''(4) RESEARCH EXCEPTION.—Notwithstanding paragraph (1), a group health plan may request, but not require, that a participant or beneficiary undergo a genetic test if each of the following conditions is met:

''(A) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(B) The plan clearly indicates to each participant or beneficiary, or in the case of a minor child, to the legal guardian of such beneficiary, to whom the request is made that—

''(i) compliance with the request is voluntary; and

''(ii) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(C) No genetic information collected or acquired under this paragraph shall be used for underwriting purposes.

''(D) The plan notifies the Secretary in writing that the plan is conducting activities pursuant to the exception provided for under this paragraph, including a description of the activities conducted.

''(E) The plan complies with such other conditions as the Secretary may by regulation require for activities conducted under this paragraph.

''(d) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(1) IN GENERAL.—A group health plan shall not request, require, or purchase genetic information for underwriting purposes (as defined in section 9832).

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—A group health plan shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the plan or in connection with such enrollment.

''(3) INCIDENTAL COLLECTION.—If a group health plan obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of paragraph (2) if such request, requirement, or purchase is not in violation of paragraph (1).

''(e) APPLICATION TO ALL PLANS.—The provisions of subsections (a)(1)(F), (b)(3), (c), and (d) and subsection (b)(1) and section 9801 with respect to genetic information, shall apply to group health plans without regard to section 9831(a)(2).''.

(c) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Such section is further amended by adding at the end the following:

''(f) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this chapter to genetic information concerning an individual or family member of an individual shall—

''(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(d) DEFINITIONS.—Subsection (d) of section 9832 of such Code is amended by adding at the end the following:

''(6) FAMILY MEMBER.—The term 'family member' means, with respect to any individual—

''(A) a dependent (as such term is used for purposes of section 9801(f)(2)) of such individual, and

''(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

''(7) GENETIC INFORMATION.—

''(A) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(i) such individual's genetic tests,

''(ii) the genetic tests of family members of such individual, and

''(iii) the manifestation of a disease or disorder in family members of such individual.

''(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

''(C) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(8) GENETIC TEST.—

''(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(B) EXCEPTIONS.—The term 'genetic test' does not mean—

''(i) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes, or

''(ii) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(9) GENETIC SERVICES.—The term 'genetic services' means—

''(A) a genetic test;

''(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(C) genetic education.

''(10) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to any group health plan, or health insurance coverage offered in connection with a group health plan—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the plan or coverage;

''(B) the computation of premium or contribution amounts under the plan or coverage;

''(C) the application of any pre-existing condition exclusion under the plan or coverage; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.''.

(e) ENFORCEMENT.—

(1) IN GENERAL.—Subchapter C of chapter 100 of the Internal Revenue Code of 1986 (relating to general provisions) is amended by adding at the end the following new section:

''SEC. 9834. ENFORCEMENT.

''For the imposition of tax on any failure of a group health plan to meet the requirements of this chapter, see section 4980D.''.

(2) CONFORMING AMENDMENT.—The table of sections for subchapter C of chapter 100 of such Code is amended by adding at the end the following new item:

''Sec. 9834. Enforcement.''.

(f) REGULATIONS AND EFFECTIVE DATE.—

(1) REGULATIONS.—The Secretary of the Treasury shall issue final regulations or other guidance not later than 12 months after the date of the enactment of this Act to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning after the date that is 1 year after the date of the enactment of this Act.

SEC. 104. AMENDMENTS TO TITLE XVIII OF THE SOCIAL SECURITY ACT RELATING TO MEDIGAP.

(a) NONDISCRIMINATION.—Section 1882(s)(2) of the Social Security Act (42 U.S.C. 1395ss(s)(2)) is amended by adding at the end the following:

''(E) An issuer of a medicare supplemental policy shall not deny or condition the issuance or effectiveness of the policy (including the imposition of any exclusion of benefits under the policy based on a pre-existing condition) and shall not discriminate in the pricing of the policy (including the adjustment of premium rates) of an individual on the basis of the genetic information with respect to such individual.

''(F) RULE OF CONSTRUCTION.—Nothing in subparagraph (E) or in subparagraphs (A) or (B) of subsection (x)(2) shall be construed to limit the ability of an issuer of a medicare supplemental policy from, to the extent otherwise permitted under this title—

''(i) denying or conditioning the issuance or effectiveness of the policy or increasing the premium for an employer based on the manifestation of a disease or disorder of an individual who is covered under the policy; or

''(ii) increasing the premium for any policy issued to an individual based on the manifestation of a disease or disorder of an individual who is covered under the policy (in such case, the manifestation of a disease or disorder in one individual cannot also be used as genetic information about other group members and to further increase the premium for the employer).''.

(b) LIMITATIONS ON GENETIC TESTING AND GENETIC INFORMATION.—

(1) IN GENERAL.—Section 1882 of the Social Security Act (42 U.S.C. 1395ss) is amended by adding at the end the following:

''(x) LIMITATIONS ON GENETIC TESTING AND INFORMATION.—

''(1) GENETIC TESTING.—

''(A) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—An issuer of a medicare supplemental policy shall not request or require an individual or a family member of such individual to undergo a genetic test.

''(B) RULE OF CONSTRUCTION.—Subparagraph (A) shall not be construed to limit the authority of a health care professional who is providing health care services to an individual to request that such individual undergo a genetic test.

''(C) RULE OF CONSTRUCTION REGARDING PAYMENT.—

''(i) IN GENERAL.—Nothing in subparagraph (A) shall be construed to preclude an issuer of a medicare supplemental policy from obtaining and using the results of a genetic test in making a determination regarding payment (as such term is defined for the purposes of applying the regulations promulgated by the Secretary under part C of title XI and section 264 of the Health Insurance Portability and Accountability Act of 1996, as may be revised from time to time) consistent with subsection (s)(2)(E).

''(ii) LIMITATION.—For purposes of clause (i), an issuer of a medicare supplemental policy may request only the minimum amount of information necessary to accomplish the intended purpose.

''(D) RESEARCH EXCEPTION.—Notwithstanding subparagraph (A), an issuer of a medicare supplemental policy may request, but not require, that an individual or a family member of such individual undergo a genetic test if each of the following conditions is met:

''(i) The request is made pursuant to research that complies with part 46 of title 45, Code of Federal Regulations, or equivalent Federal regulations, and any applicable State or local law or regulations for the protection of human subjects in research.

''(ii) The issuer clearly indicates to each individual, or in the case of a minor child, to the legal guardian of such child, to whom the request is made that—

''(I) compliance with the request is voluntary; and

''(II) non-compliance will have no effect on enrollment status or premium or contribution amounts.

''(iii) No genetic information collected or acquired under this subparagraph shall be used for underwriting, determination of eligibility to enroll or maintain enrollment status, premium rating, or the creation, renewal, or replacement of a plan, contract, or coverage for health insurance or health benefits.

''(iv) The issuer notifies the Secretary in writing that the issuer is conducting activities pursuant to the exception provided for under this subparagraph, including a description of the activities conducted.

''(v) The issuer complies with such other conditions as the Secretary may by regulation require for activities conducted under this subparagraph.

''(2) PROHIBITION ON COLLECTION OF GENETIC INFORMATION.—

''(A) IN GENERAL.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information for underwriting purposes (as defined in paragraph (3)).

''(B) PROHIBITION ON COLLECTION OF GENETIC INFORMATION PRIOR TO ENROLLMENT.—An issuer of a medicare supplemental policy shall not request, require, or purchase genetic information with respect to any individual prior to such individual's enrollment under the policy in connection with such enrollment.

''(C) INCIDENTAL COLLECTION.—If an issuer of a medicare supplemental policy obtains genetic information incidental to the requesting, requiring, or purchasing of other information concerning any individual, such request, requirement, or purchase shall not be considered a violation of subparagraph (B) if such request, requirement, or purchase is not in violation of subparagraph (A).

''(3) DEFINITIONS.—In this subsection:

''(A) FAMILY MEMBER.—The term 'family member' means with respect to an individual, any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual.

''(B) GENETIC INFORMATION.—

''(i) IN GENERAL.—The term 'genetic information' means, with respect to any individual, information about—

''(I) such individual's genetic tests,

''(II) the genetic tests of family members of such individual, and

''(III) subject to clause (iv), the manifestation of a disease or disorder in family members of such individual.

''(ii) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

''(iii) EXCLUSIONS.—The term 'genetic information' shall not include information about the sex or age of any individual.

''(C) GENETIC TEST.—

''(i) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

''(ii) EXCEPTIONS.—The term 'genetic test' does not mean—

''(I) an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes; or

''(II) an analysis of proteins or metabolites that is directly related to a manifested disease, disorder, or pathological condition that could reasonably be detected by a health care professional with appropriate training and expertise in the field of medicine involved.

''(D) GENETIC SERVICES.—The term 'genetic services' means—

''(i) a genetic test;

''(ii) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

''(iii) genetic education.

''(E) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a medicare supplemental policy—

''(i) rules for, or determination of, eligibility (including enrollment and continued eligibility) for benefits under the policy;

''(ii) the computation of premium or contribution amounts under the policy;

''(iii) the application of any pre-existing condition exclusion under the policy; and

''(iv) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

''(F) ISSUER OF A MEDICARE SUPPLEMENTAL POLICY.—The term 'issuer of a medicare supplemental policy' includes a third-party administrator or other person acting for or on behalf of such issuer.''.

(2) APPLICATION TO GENETIC INFORMATION OF A FETUS OR EMBRYO.—Section 1882(x) of such Act, as added by paragraph (1), is further amended by adding at the end the following:

''(4) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this section to genetic information concerning an individual or family member of an individual shall—

''(A) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

''(B) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.''.

(3) CONFORMING AMENDMENT.—Section 1882(o) of the Social Security Act (42 U.S.C. 1395ss(o)) is amended by adding at the end the following:

''(4) The issuer of the medicare supplemental policy complies with subsection (s)(2)(E) and subsection (x).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an issuer of a medicare supplemental policy for policy years beginning on or after the date that is 1 year after the date of enactment of this Act.

(d) TRANSITION PROVISIONS.—

(1) IN GENERAL.—If the Secretary of Health and Human Services identifies a State as requiring a change to its statutes or regulations to conform its regulatory program to the changes made by this section, the State regulatory program shall not be considered to be out of compliance with the requirements of section 1882 of the Social Security Act due solely to failure to make such change until the date specified in paragraph (4).

(2) NAIC STANDARDS.—If, not later than June 30, 2008, the National Association of Insurance Commissioners (in this subsection referred to as the ''NAIC'') modifies its NAIC Model Regulation relating to section 1882 of the Social Security Act (referred to in such section as the 1991 NAIC Model Regulation, as subsequently modified) to conform to the amendments made by this section, such revised regulation incorporating the modifications shall be considered to be the applicable NAIC model regulation (including the revised NAIC model regulation and the 1991 NAIC Model Regulation) for the purposes of such section.

(3) SECRETARY STANDARDS.—If the NAIC does not make the modifications described in paragraph (2) within the period specified in such paragraph, the Secretary of Health and Human Services shall, not later than October 1, 2008, make the modifications described in such paragraph and such revised regulation incorporating the modifications shall be considered to be the appropriate regulation for the purposes of such section.

(4) DATE SPECIFIED.—

(A) IN GENERAL.—Subject to subparagraph (B), the date specified in this paragraph for a State is the earlier of—

(i) the date the State changes its statutes or regulations to conform its regulatory program to the changes made by this section, or

(ii) October 1, 2008.

(B) ADDITIONAL LEGISLATIVE ACTION REQUIRED.—In the case of a State which the Secretary identifies as—

(i) requiring State legislation (other than legislation appropriating funds) to conform its regulatory program to the changes made in this section, but

(ii) having a legislature which is not scheduled to meet in 2008 in a legislative session in which such legislation may be considered, the date specified in this paragraph is the first day of the first calendar quarter beginning after the close of the first legislative session of the State legislature that begins on or after July 1, 2008. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 105. PRIVACY AND CONFIDENTIALITY.

(a) IN GENERAL.—Part C of title XI of the Social Security Act is amended by adding at the end the following new section:

''APPLICATION OF HIPAA REGULATIONS TO GENETIC INFORMATION

''SEC. 1180. (a) IN GENERAL.—The Secretary shall revise the HIPAA privacy regulation (as defined in subsection (b)) so it is consistent with the following:

''(1) Genetic information shall be treated as health information described in section 1171(4)(B).

''(2) The use or disclosure by a covered entity that is a group health plan, health insurance issuer that issues health insurance coverage, or issuer of a medicare supplemental policy of protected health information that is genetic information about an individual for underwriting purposes under the group health plan, health insurance coverage, or medicare supplemental policy shall not be a permitted use or disclosure.

''(b) DEFINITIONS.—For purposes of this section:

''(1) GENETIC INFORMATION; GENETIC TEST; FAMILY MEMBER.—The terms 'genetic information', 'genetic test', and 'family member' have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), as amended by the Genetic Information Nondiscrimination Act of 2007.

''(2) GROUP HEALTH PLAN; HEALTH INSURANCE COVERAGE; MEDICARE SUPPLEMENTAL POLICY.—The terms 'group health plan' and 'health insurance coverage' have the meanings given such terms under section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), and the term 'medicare supplemental policy' has the meaning given such term in section 1882(g).

''(3) HIPAA PRIVACY REGULATION.—The term 'HIPAA privacy regulation' means the regulations promulgated by the Secretary under this part and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note).

''(4) UNDERWRITING PURPOSES.—The term 'underwriting purposes' means, with respect to a group health plan, health insurance coverage, or a medicare supplemental policy—

''(A) rules for, or determination of, eligibility (including enrollment and continued eligibility) for, or determination of, benefits under the plan, coverage, or policy;

''(B) the computation of premium or contribution amounts under the plan, coverage, or policy;

''(C) the application of any pre-existing condition exclusion under the plan, coverage, or policy; and

''(D) other activities related to the creation, renewal, or replacement of a contract of health insurance or health benefits.

''(c) PROCEDURE.—The revisions under subsection (a) shall be made by notice in the Federal Register published not later than 60 days after the date of the enactment of this section and shall be effective upon publication, without opportunity for any prior public comment, but may be revised, consistent with this section, after opportunity for public comment.

''(d) ENFORCEMENT.—In addition to any other sanctions or remedies that may be available under law, a covered entity that is a group health plan, health insurance issuer, or issuer of a medicare supplemental policy and that violates the HIPAA privacy regulation (as revised under subsection (a) or otherwise) with respect to the use or disclosure of genetic information shall be subject to the penalties described in sections 1176 and 1177 in the same manner and to the same extent that such penalties apply to violations of this part.''.

(b) REGULATIONS; EFFECTIVE DATE.—

(1) REGULATIONS.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall issue final regulations to carry out the revision required by section 1180(a) of the Social Security Act, as added by subsection (a). The Secretary has the sole authority to promulgate such regulations, but shall promulgate such regulations in consultation with the Secretaries of Labor and the Treasury.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 1 year after the date of the enactment of this Act.

SEC. 106. ASSURING COORDINATION.

Except as provided in section 105(b)(1), the Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury shall ensure, through the execution of an interagency memorandum of understanding among such Secretaries, that—

(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which two or more such Secretaries have responsibility under this title (and the amendments made by this title) are administered so as to have the same effect at all times; and

(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.

TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION

SEC. 201. DEFINITIONS.

In this title:

(1) COMMISSION.—The term ''Commission'' means the Equal Employment Opportunity Commission as created by section 705 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4).

(2) EMPLOYEE; EMPLOYER; EMPLOYMENT AGENCY; LABOR ORGANIZATION; MEMBER.—

(A) IN GENERAL.—The term ''employee'' means—

(i) an employee (including an applicant), as defined in section 701(f) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(f));

(ii) a State employee (including an applicant) described in section 304(a) of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16c(a));

(iii) a covered employee (including an applicant), as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301);

(iv) a covered employee (including an applicant), as defined in section 411(c) of title 3, United States Code; or

(v) an employee or applicant to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies.

(B) EMPLOYER.—The term ''employer'' means—

(i) an employer (as defined in section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)));

(ii) an entity employing a State employee described in section 304(a) of the Government Employee Rights Act of 1991;

(iii) an employing office, as defined in section 101 of the Congressional Accountability Act of 1995;

(iv) an employing office, as defined in section 411(c) of title 3, United States Code; or

(v) an entity to which section 717(a) of the Civil Rights Act of 1964 applies.

(C) EMPLOYMENT AGENCY; LABOR ORGANIZATION.—The terms ''employment agency'' and ''labor organization'' have the meanings given

the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

(D) MEMBER.—The term ''member'', with respect to a labor organization, includes an applicant for membership in a labor organization.

(3) FAMILY MEMBER.—The term ''family member'' means, with respect to an individual—

(A) a dependent (as such term is used for purposes of section 701(f)(2) of the Employee Retirement Income Security Act of 1974) of such individual, and

(B) any other individual who is a first-degree, second-degree, third-degree, or fourth-degree relative of such individual or of an individual described in subparagraph (A).

(4) GENETIC INFORMATION.—

(A) IN GENERAL.—The term ''genetic information'' means, with respect to any individual, information about—

(i) such individual's genetic tests,

(ii) the genetic tests of family members of such individual, and

(iii) the manifestation of a disease or disorder in family members of such individual.

(B) INCLUSION OF GENETIC SERVICES AND PARTICIPATION IN GENETIC RESEARCH.—Such term includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research which includes genetic services, by such individual or any family member of such individual.

(C) EXCLUSIONS.—The term ''genetic information'' shall not include information about the sex or age of any individual.

(5) GENETIC MONITORING.—The term ''genetic monitoring'' means the periodic examination of employees to evaluate acquired modifications to their genetic material, such as chromosomal damage or evidence of increased occurrence of mutations, that may have developed in the course of employment due to exposure to toxic substances in the workplace, in order to identify, evaluate, and respond to the effects of or control adverse environmental exposures in the workplace.

(6) GENETIC SERVICES.—The term ''genetic services'' means—

(A) a genetic test;

(B) genetic counseling (including obtaining, interpreting, or assessing genetic information); or

(C) genetic education.

(7) GENETIC TEST.—

(A) IN GENERAL.—The term ''genetic test'' means an analysis of human DNA, RNA, chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

(B) EXCEPTIONS.—The term ''genetic test'' does not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes.

SEC. 202. EMPLOYER PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire, or to discharge, any employee, or otherwise to discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment of the employee, because of genetic information with respect to the employee; or

(2) to limit, segregate, or classify the employees of the employer in any way that would deprive or tend to deprive any employee of employment opportunities or otherwise adversely affect the status of the employee as an employee, because of genetic information with respect to the employee.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer to request, require, or purchase genetic information with respect to an employee or a family member of the employee except—

(1) where an employer inadvertently requests or requires family medical history of the employee or family member of the employee;

(2) where—

(A) health or genetic services are offered by the employer, including such services offered as part of a wellness program;

(B) the employee provides prior, knowing, voluntary, and written authorization;

(C) only the employee (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer except in aggregate terms that do not disclose the identity of specific employees;

(3) where an employer requests or requires family medical history from the employee to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employer purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer provides written notice of the genetic monitoring to the employee;

(B)(i) the employee provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the employee is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific employees; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, and such analysis is included in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's employees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1) or (2) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 203. EMPLOYMENT AGENCY PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency—

(1) to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of genetic information with respect to the individual;

(2) to limit, segregate, or classify individuals or fail or refuse to refer for employment any individual in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employment agency to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where an employment agency inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employment agency, including such services offered as part of a wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employment agency except in aggregate terms that do not disclose the identity of specific individuals;

(3) where an employment agency requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where an employment agency purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employment agency provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employment agency, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results

of the monitoring only in aggregate terms that do not disclose the identity of specific individuals.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 204. LABOR ORGANIZATION PRACTICES.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from the membership of the organization, or otherwise to discriminate against, any member because of genetic information with respect to the member;

(2) to limit, segregate, or classify the members of the organization, or fail or refuse to refer for employment any member, in any way that would deprive or tend to deprive any member of employment opportunities, or otherwise adversely affect the status of the member as an employee, because of genetic information with respect to the member; or

(3) to cause or attempt to cause an employer to discriminate against a member in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for a labor organization to request, require, or purchase genetic information with respect to a member or a family member of the member except—

(1) where a labor organization inadvertently requests or requires family medical history of the member or family member of the member;

(2) where—

(A) health or genetic services are offered by the labor organization, including such services offered as part of a wellness program;

(B) the member provides prior, knowing, voluntary, and written authorization;

(C) only the member (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the labor organization except in aggregate terms that do not disclose the identity of specific members;

(3) where a labor organization requests or requires family medical history from the members to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where a labor organization purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history; or

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the labor organization provides written notice of the genetic monitoring to the member;

(B)(i) the member provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the member is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the labor organization, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific members.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (5) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 205. TRAINING PROGRAMS.

(a) DISCRIMINATION BASED ON GENETIC INFORMATION.—It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs—

(1) to discriminate against any individual because of genetic information with respect to the individual in admission to, or employment in, any program established to provide apprenticeship or other training or retraining;

(2) to limit, segregate, or classify the applicants for or participants in such apprenticeship or other training or retraining, or fail or refuse to refer for employment any individual, in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the status of the individual as an employee, because of genetic information with respect to the individual; or

(3) to cause or attempt to cause an employer to discriminate against an applicant for or a participant in such apprenticeship or other training or retraining in violation of this title.

(b) ACQUISITION OF GENETIC INFORMATION.—It shall be an unlawful employment practice for an employer, labor organization, or joint labor-management committee described in subsection (a) to request, require, or purchase genetic information with respect to an individual or a family member of the individual except—

(1) where the employer, labor organization, or joint labor-management committee inadvertently requests or requires family medical history of the individual or family member of the individual;

(2) where—

(A) health or genetic services are offered by the employer, labor organization, or joint labor-management committee, including such services offered as part of a wellness program;

(B) the individual provides prior, knowing, voluntary, and written authorization;

(C) only the individual (or family member if the family member is receiving genetic services) and the licensed health care professional or board certified genetic counselor involved in providing such services receive individually identifiable information concerning the results of such services; and

(D) any individually identifiable genetic information provided under subparagraph (C) in connection with the services provided under subparagraph (A) is only available for purposes of such services and shall not be disclosed to the employer, labor organization, or joint labor-management committee except in aggregate terms that do not disclose the identity of specific individuals;

(3) where the employer, labor organization, or joint labor-management committee requests or requires family medical history from the individual to comply with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws;

(4) where the employer, labor organization, or joint labor-management committee purchases documents that are commercially and publicly available (including newspapers, magazines, periodicals, and books, but not including medical databases or court records) that include family medical history;

(5) where the information involved is to be used for genetic monitoring of the biological effects of toxic substances in the workplace, but only if—

(A) the employer, labor organization, or joint labor-management committee provides written notice of the genetic monitoring to the individual;

(B)(i) the individual provides prior, knowing, voluntary, and written authorization; or

(ii) the genetic monitoring is required by Federal or State law;

(C) the individual is informed of individual monitoring results;

(D) the monitoring is in compliance with—

(i) any Federal genetic monitoring regulations, including any such regulations that may be promulgated by the Secretary of Labor pursuant to the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.), the Federal Mine Safety and Health Act of 1977 (30 U.S.C. 801 et seq.), or the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.); or

(ii) State genetic monitoring regulations, in the case of a State that is implementing genetic monitoring regulations under the authority of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.); and

(E) the employer, labor organization, or joint labor-management committee, excluding any licensed health care professional or board certified genetic counselor that is involved in the genetic monitoring program, receives the results of the monitoring only in aggregate terms that do not disclose the identity of specific individuals; or

(6) where the employer conducts DNA analysis for law enforcement purposes as a forensic laboratory, and such analysis is included in the Combined DNA Index System pursuant to section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132), and requests or requires genetic information of such employer's apprentices or trainees, but only to the extent that such genetic information is used for analysis of DNA identification markers for quality control to detect sample contamination.

(c) PRESERVATION OF PROTECTIONS.—In the case of information to which any of paragraphs (1) through (6) of subsection (b) applies, such information may not be used in violation of paragraph (1), (2), or (3) of subsection (a) or treated or disclosed in a manner that violates section 206.

SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

(a) TREATMENT OF INFORMATION AS PART OF CONFIDENTIAL MEDICAL RECORD.—If an employer, employment agency, labor organization, or joint labor-management committee possesses genetic information about an employee or member, such information shall be maintained on separate forms and in separate medical files and be treated as a confidential medical record of the employee or member. An employer, employment agency, labor organization, or joint labor-management committee shall be considered to be in compliance with the maintenance of information requirements of this subsection with respect to genetic information subject to this subsection that is maintained with and treated as a confidential medical record under section 102(d)(3)(B) of the Americans With Disabilities Act (42 U.S.C. 12112(d)(3)(B)).

(b) LIMITATION ON DISCLOSURE.—An employer, employment agency, labor organization,

or joint labor-management committee shall not disclose genetic information concerning an employee or member except—

(1) to the employee or member of a labor organization (or family member if the family member is receiving the genetic services) at the written request of the employee or member of such organization;

(2) to an occupational or other health researcher if the research is conducted in compliance with the regulations and protections provided for under part 46 of title 45, Code of Federal Regulations;

(3) in response to an order of a court, except that—

(A) the employer, employment agency, labor organization, or joint labor-management committee may disclose only the genetic information expressly authorized by such order; and

(B) if the court order was secured without the knowledge of the employee or member to whom the information refers, the employer, employment agency, labor organization, or joint labor-management committee shall inform the employee or member of the court order and any genetic information that was disclosed pursuant to such order;

(4) to government officials who are investigating compliance with this title if the information is relevant to the investigation;

(5) to the extent that such disclosure is made in connection with the employee's compliance with the certification provisions of section 103 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2613) or such requirements under State family and medical leave laws; or

(6) to a Federal, State, or local public health agency only with regard to information that is described in section 201(4)(A)(iii) and that concerns a contagious disease that presents an imminent hazard of death or life-threatening illness, and that the employee whose family member or family members is or are the subject of a disclosure under this paragraph is notified of such disclosure.

(c) RELATIONSHIP TO HIPAA REGULATIONS.—With respect to the regulations promulgated by the Secretary of Health and Human Services under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and section 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d–2 note), this title does not prohibit a covered entity under such regulations from any use or disclosure of health information that is authorized for the covered entity under such regulations. The previous sentence does not affect the authority of such Secretary to modify such regulations.

SEC. 207. REMEDIES AND ENFORCEMENT.

(a) EMPLOYEES COVERED BY TITLE VII OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, procedures, and remedies provided in sections 705, 706, 707, 709, 710, and 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–4 et seq.) to the Commission, the Attorney General, or any person, alleging a violation of title VII of that Act (42 U.S.C. 2000e et seq.) shall be the powers, procedures, and remedies this title provides to the Commission, the Attorney General, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(i), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(b) EMPLOYEES COVERED BY GOVERNMENT EMPLOYEE RIGHTS ACT OF 1991.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in sections 302 and 304 of the Government Employee Rights Act of 1991 (42 U.S.C. 2000e–16b, 2000e–16c) to the Commission, or any person, alleging a violation of section 302(a)(1) of that Act (42 U.S.C. 2000e–16b(a)(1)) shall be the powers, remedies, and procedures this title provides to the Commission, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(ii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(c) EMPLOYEES COVERED BY CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as defined in section 101 of that Act (2 U.S.C. 1301)), or any person, alleging a violation of section 201(a)(1) of that Act (42 U.S.C. 1311(a)(1)) shall be the powers, remedies, and procedures this title provides to that Board, or any person, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iii), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to that Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person, alleging a violation of section 411(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iv), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee or applicant described in section 201(2)(A)(v), except as provided in paragraphs (2) and (3).

(2) COSTS AND FEES.—The powers, remedies, and procedures provided in subsections (b) and (c) of section 722 of the Revised Statutes of the United States (42 U.S.C. 1988), shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice.

(3) DAMAGES.—The powers, remedies, and procedures provided in section 1977A of the Revised Statutes of the United States (42 U.S.C. 1981a), including the limitations contained in subsection (b)(3) of such section 1977A, shall be powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging such a practice (not an employment practice specifically excluded from coverage under section 1977A(a)(1) of the Revised Statutes of the United States).

(f) PROHIBITION AGAINST RETALIATION.—No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this title or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title. The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) DEFINITION.—In this section, the term ''Commission'' means the Equal Employment Opportunity Commission.

SEC. 208. DISPARATE IMPACT.

(a) GENERAL RULE.—Notwithstanding any other provision of this Act, ''disparate impact'', as that term is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(k)), on the basis of genetic information does not establish a cause of action under this Act.

(b) COMMISSION.—On the date that is 6 years after the date of enactment of this Act, there shall be established a commission, to be known as the Genetic Nondiscrimination Study Commission (referred to in this section as the ''Commission'') to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 8 members, of which—

(A) 1 member shall be appointed by the Majority Leader of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate;

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and Labor of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and Labor of the House of Representatives.

(2) COMPENSATION AND EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed 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 in the performance of services for the Commission.

(d) ADMINISTRATIVE PROVISIONS.—

(1) LOCATION.—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) REPORT.—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

SEC. 209. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title, including the protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112)), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title; or

(B) provide for enforcement of, or penalties for violation of, any requirement or prohibition applicable to any employer, employment agency, labor organization, or joint labor-management committee subject to enforcement for a violation under—

(i) the amendments made by title I of this Act;

(ii)(I) subsection (a) of section 701 of the Employee Retirement Income Security Act of 1974 as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 702(a)(1)(F) of such Act; or

(III) section 702(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor;

(iii)(I) subsection (a) of section 2701 of the Public Health Service Act as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 2702(a)(1)(F) of such Act; or

(III) section 2702(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor; or

(iv)(I) subsection (a) of section 9801 of the Internal Revenue Code of 1986 as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 9802(a)(1)(F) of such Act; or

(III) section 9802(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor;

(3) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(4) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(5) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule);

(6) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations; or

(7) require any specific benefit for an employee or member or a family member of an employee or member under any group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan.

(b) GENETIC INFORMATION OF A FETUS OR EMBRYO.—Any reference in this title to genetic information concerning an individual or family member of an individual shall—

(1) with respect to such an individual or family member of an individual who is a pregnant woman, include genetic information of any fetus carried by such pregnant woman; and

(2) with respect to an individual or family member utilizing an assisted reproductive technology, include genetic information of any embryo legally held by the individual or family member.

(c) RELATION TO AUTHORITIES UNDER TITLE I.—With respect to a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, this title does not prohibit any activity of such plan or issuer that is authorized for the plan or issuer under any provision of law referred to in clauses (i) through (iv) of subsection (a)(2)(B).

SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

SEC. 211. REGULATIONS.

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations to carry out this title.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

SEC. 213. EFFECTIVE DATE.

This title takes effect on the date that is 18 months after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

SEC. 302. CHILD LABOR PROTECTIONS.

(a) IN GENERAL.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended to read as follows:

''(e)(1)(A) Any person who violates the provisions of sections 12 or 13(c), relating to child labor, or any regulation issued pursuant to such sections, shall be subject to a civil penalty not to exceed—

''(i) $11,000 for each employee who was the subject of such a violation; or

''(ii) $50,000 with regard to each such violation that causes the death or serious injury of any employee under the age of 18 years, which penalty may be doubled where the violation is a repeated or willful violation.

''(B) For purposes of subparagraph (A), the term 'serious injury' means—

''(i) permanent loss or substantial impairment of one of the senses (sight, hearing, taste, smell, tactile sensation);

''(ii) permanent loss or substantial impairment of the function of a bodily member, organ, or mental faculty, including the loss of all or part of an arm, leg, foot, hand or other body part; or

''(iii) permanent paralysis or substantial impairment that causes loss of movement or mobility of an arm, leg, foot, hand or other body part.

''(2) Any person who repeatedly or willfully violates section 6 or 7, relating to wages, shall be subject to a civil penalty not to exceed $1,100 for each such violation.

''(3) In determining the amount of any penalty under this subsection, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of any penalty under this subsection, when finally determined, may be—

''(A) deducted from any sums owing by the United States to the person charged;

''(B) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

''(C) ordered by the court, in an action brought for a violation of section 15(a)(4) or a repeated or willful violation of section 15(a)(2), to be paid to the Secretary.

''(4) Any administrative determination by the Secretary of the amount of any penalty under this subsection shall be final, unless within 15 days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred,

in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be promulgated by the Secretary.

''(5) Except for civil penalties collected for violations of section 12, sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provision of section 2 of the Act entitled 'An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof and for other purposes' (29 U.S.C. 9a). Civil penalties collected for violations of section 12 shall be deposited in the general fund of the Treasury.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

MOTION OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

Mr. GEORGE MILLER of California. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Motion offered by Mr. GEORGE MILLER of California:

Mr. George Miller of California moves that the House concur in the Senate amendment to H.R. 493.

The SPEAKER pro tempore. Pursuant to House Resolution 1156, the motion shall be debatable for 1 hour, with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor, 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The gentleman from California (Mr. GEORGE MILLER), the gentleman from California (Mr. MCKEON), the gentleman from Michigan (Mr. DINGELL), the gentleman from Michigan (Mr. UPTON), the gentleman from California (Mr. STARK), and the gentleman from Michigan (Mr. CAMP) each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Madam Speaker, I ask unanimous consent to yield my 10 minutes to the Chair of the Commerce Committee, Mr. DINGELL.

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

There was no objection.

Mr. DINGELL. Madam Speaker, I yield myself 2 minutes.

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

Mr. DINGELL. Madam Speaker, today we consider H.R. 493, the Genetic Information Nondiscrimination Act. I first wish to congratulate Representative SLAUGHTER for her leadership on this bill on which she has worked for better than 13 years. It has been a privilege to join her in that work, and I am delighted that it has brought us to today's vote.

Recent advances in research have made it possible to identify the genetic basis for human diseases. These breakthroughs, magnificent as they are, have opened the door to early detection and treatment of diseases and prevention strategies geared to a person's genetic makeup. At the same time, this information can also be used to unfairly discriminate against or stigmatize individuals when it comes to insurance and employment.

To protect individuals from insurance discrimination, H.R. 493 would prohibit health insurers, both in group and individual markets, from canceling, denying, refusing to renew or changing the terms or premiums of coverage based solely on genetic predispositions towards specific diseases.

Additionally, in order to protect individuals from employment discrimination, this bill would make it unlawful for employers or other hiring entities to use an individual's genetic information regarding hiring, firing, promotion or other terms and conditions of employment. The legislation requires that genetic information be treated as a part of the individual's confidential medical record and that employers maintain separate forms or files for any genetic information that they may obtain.

The House of Representatives passed this legislation a year ago with a strong bipartisan vote of 420–3. Unfortunately, the measure has been held up in the Senate, as usual. With these concerns now resolved, we are close to providing Americans the ability to undergo genetic testing that may indicate early treatment and prevention of diseases such as cancer, heart disease, diabetes and Alzheimer's, without fear of losing their health insurance or affecting adversely the conditions of their employment.

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

Mr. DINGELL. I yield myself 1 additional minute.

The bill currently before us includes clarifying language intended to ease the concerns of some of my colleagues and is identical to the version passed by the Senate last week. These changes include a firewall between title I and II of the bill. The modifications clarify that employers are not liable for health insurance violations under civil rights laws unless the employer has separately violated a provision of title II governing employers.

The changes also make it clear that while individuals are protected from discrimination based on genetic predisposition, the authority of insurance companies to base coverage and pricing on the actual presence of a disease is not affected.

These changes broaden the base of support for the bill and allow us to bring it to the House floor with the expectation that it will be signed into law by the President.

I thank my colleagues on both sides of the aisle for their hard work on this bill and for coming together to make this legislation a reality.

Madam Speaker, I ask unanimous consent to yield back the remainder of my time to my distinguished friend from California, the Honorable GEORGE MILLER, chairman of the Education and Labor Committee, and that he be permitted to yield that time in accordance with his whims.

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

There was no objection.

Mr. MCKEON. Madam Speaker, I rise in support of this legislation, and yield myself such time as I may consume.

Madam Speaker, while it is not a perfect bill, I do believe it contains a number of important improvements over prior versions of this legislation, including that which I supported a little over a year ago on the House floor. More importantly, it marks a commitment by this Congress to ensure that the laws of the United States protect American workers and health care consumers from discrimination on the basis of their genetic makeup. Because that goal is so critical, I will vote for this bill today, and urge my colleagues to do likewise.

Before I turn to the substance of my remarks, I would like to commend my colleague and fellow Member on the Committee on Education and Labor, Representative JUDY BIGGERT, for her years of work and dedication on this important issue. She has been persistent and effective on so many issues that have come before this committee and this Congress and she should be commended for adding this important bill to her list of legislative accomplishments. I also want to commend the gentlewoman from New York, the distinguished Chair of the Rules Committee, Ms. SLAUGHTER, who has been Mrs. BIGGERT's partner in this effort.

As I noted during our committee's consideration of this bill last year, I believe the title of the legislation before us, the Genetic Information Nondiscrimination Act, embodies a proposition that all Members of our committee and indeed our Congress would endorse. Simply put, no employee should face discrimination on the basis of his or her genetic makeup or on any other characteristic other than his or her ability to do the job. Similarly, no employee should risk his or her health insurance status simply because of the possibility that they might some day develop an illness.

This bill was drafted with those fundamental principles in mind, and I believe that through the legislative process, we have taken steps toward ensuring that the bill we send the President today ensures that those principles are fulfilled, while minimizing the potential for unintended consequences.

I would take this opportunity to point out a number of improvements in the bill that I think merit attention.

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Foremost, I am pleased that the bill we will send today to the White House for President Bush to sign embodies the same logic as a past executive order issued by President Clinton to ensure that this legislation would not inadvertently serve as a broad new Federal mandate requiring all insurance plans and employers to cover all treatments related to genetic-related conditions. That is exactly the type of unintended consequences we were seeking to avoid, and I am pleased we were able to work this out.

Second, I would highlight a provision in the legislation that ensures that employers who are currently subject to a number of confidentiality and recordkeeping requirements under law are not burdened by yet another redundant set of paperwork requirements. The bill before us today provides that, with respect to genetic information, if an employer maintains employee records and treats them as it does confidential medical records under the Americans With Disabilities Act, it is in compliance with this new genetics law.

Third, I applaud a significant improvement in the bill; namely, its extension of genetic nondiscrimination protection to all Americans.

One of the issues raised during our committee's consideration of the bill was concern that the bill's protections did not adequately extend to cover children in utero or at early stages of development, or in connection with in vitro fertilization and other technologies. I am very pleased that the final bill before us addresses this issue to the satisfaction of all Members on both sides of the aisle who worked in good faith to ensure the broadest protections possible.

The Senate amendment we consider today contains a number of other improvements over prior versions, including important provisions relating to those who participate in genetic clinical testing, providing for use of genetic information in matters of public health safety, and ensuring the most focused scheme of remedies possible. These changes represent issues we were able to work through over the past year and which demonstrate how the legislative process is meant to work. We were presented with well-intentioned legislation, heard meaningful testimony on it and its potential impact on employers and employees alike, raised and debated legitimate concerns, and worked through to bridge the gap between where we began and where we stand today.

I thank the staff from both sides of the aisle and in both chambers for making this a reality.

Before concluding my remarks, I would be remiss if I did not note for the record that I am still concerned that this bill is in some respects potentially overbroad. While we all agree with the goal of nondiscrimination I discussed earlier, the facts remain that we are poised today to adopt a sweeping new expansion to Federal Civil Rights scheme, the most expansive change since the adoption of the Americans With Disabilities Act of 1990.

As we send this bill to the President to sign into law, I would urge my colleagues to join me in remaining vigilant in the months to come in monitoring the administration of this new law to ensure that it addresses the problems it is intended to correct, and does not simply become yet another bureaucratic burden on employers or a lottery ticket for plaintiffs' lawyers.

In that same light, as courts and administrative agencies interpret and enforce these laws, I would urge them to heed the intent of Congress; namely, that this bill's most egregious penalties must be reserved for the most egregious violations of the law. If experience under this new law shows that this is not the case, I trust my colleagues will join me in supporting swift action to correct any mistakes we have made.

With that, I will conclude my comments. As I noted at the outset of my remarks, our actions today will ensure that the law of the United States protects American workers and health care consumers from discrimination on the basis of their genetic makeup, a goal I think is shared by every Member of this House. I urge my colleagues to support this legislation.

I yield the balance of my time to the gentlelady from Illinois (Mrs. BIGGERT) and ask unanimous consent that she be allowed to control the remainder of the time.

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

There was no objection.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from California, the subcommittee Chair of Ways and Means, Mr. STARK.

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

Mr. STARK. Madam Speaker, I would add my congratulations and praise to the gentlewoman from New York (Ms. SLAUGHTER) and the gentlewoman from Illinois (Mrs. BIGGERT) for the work that they have done to bring this bill finally to the floor for passage. It is a bill that has languished for over a decade. It is good to see that times have changed. We moved expeditiously last year through three committees and on to the floor, and it will leave this chamber today and head to the White House for the President's signature. It is a small but long overdue step toward approving our health care system and preventing employment discrimination, and ensures that our laws governing patients' rights are as current as the latest medical technology.

Simply stated, the legislation provides peace of mind, and encourages people to take advantage of the miracles of modern medicine without fear of reprisal or consequences at work or in health care or in qualifying for insurance.

GINA, as it is known, prohibits insurers and employees from using the genetic information to discriminate. Thus, a woman who has decided to find out whether she carries the breast cancer gene need not worry about losing her job or health insurance merely because she sought the test. Enactment of this law is critical to protect patients and is needed to encourage people to use robust genetic research and to encourage more research. Additional research will help us determine when we men will get colon cancer or prostate cancer, and not be afraid to go and receive those tests for fear of being discriminated against.

This legislation enjoys broad bipartisan support of more than 500 groups representing patients, employees, physicians, providers, and others who value the protection that this legislation provides. I urge strong support for this bill.

I ask unanimous consent that I be able to yield the balance of our time for the Ways and Means Committee to the gentleman from California (Mr. GEORGE MILLER), and that he control the balance of our time.

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

There was no objection.

Mr. UPTON. I yield myself such time as I may consume.

Madam Speaker, I rise in strong support of this legislation, and want to commend all those that were instrumental in getting its passage to the floor, particularly my good friend, JUDY BIGGERT from Illinois.

We have made some wonderful advances in health care research over the number of years. I can remember helping to lead the charge with my colleague, Mr. WAXMAN, on a bipartisan bill to double the money for the National Institutes of Health back in the nineties, and we had a similar effort in the Senate between JOHN MCCAIN, the Republican leader there of that same issue, and Paul Wellstone, a dear colleague who is no longer with us. But, together we passed that bipartisan legislation. And with those advances, of course we have to look at other things that are pertinent, too, and that is why this Genetic Information Nondiscrimination Act is so important.

I remember traveling to the University of Michigan and meeting with one of the researchers there that in fact had received an NIH grant; and he just weeks before, because of that grant, had identified the breast cancer gene that strikes one in eight women across America. He was excited. And it wouldn't have happened without that NIH money; but with that discovery, it is clear that we have to in fact protect that genetic information from being discriminated against by who knows who.

And I would say that, thanks to my colleagues, Mr. DEAL, the ranking member on the Health Subcommittee who is in a hearing right now, and JOE

BARTON, the ranking member, that we have all made advances and worked closely with Chairman DINGELL to mitigate what we believed were some significant problems with the legislation as it was introduced.

Among other items, we wanted to make sure that any use of information by certain entities regulated under the Health Insurance Portability and Accountability Act not also be regulated by the Equal Employment Opportunity Commission under title II of the bill. Such dual regulation of the use of information would have been highly disruptive and certainly inappropriate.

We also made numerous clarifications to make sure that the new regulatory scheme did not disrupt reasonable and needed activities by health plans to improve health care, coordinate benefits, process benefits, or educate beneficiaries. It is important for the Congress to be mindful that we are not writing on a blank slate each and every time that we launch one of these new regulatory and liability schemes. And I certainly join many here that are satisfied that these important improvements made by the Committee on Energy and Commerce are preserved in the bill. I want to commend the bipartisan and bicameral discussions that led to this compromise, and I would urge that we all support it when a roll call vote comes.

At this point, I would yield the balance of our time that our committee controls to my friend from Illinois (Mrs. BIGGERT).

The SPEAKER pro tempore. Without objection, the gentlewoman from Illinois will control the time.

There was no objection.

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentlewoman from Pennsylvania, Ms. ALLYSON SCHWARTZ.

Ms. SCHWARTZ. Today, Americans buy health coverage believing they are doing the right thing and expecting that they have secured access for needed health services for themselves and their family. But, unfortunately, this is simply not always true. Individuals, regardless of their age or circumstances, are denied health coverage every day due to the evidence or existence of preexisting conditions. This could be anything from asthma to heart disease, and it could affect anyone from our Nation's children to our grandparents to each of us.

For more than 10 years, the Health Insurance Portability and Accountability Act has provided protection for some individuals and families to ensure this information is not used to deny health coverage by either an employer or an insurer; but gaps still remain.

With the evolution of biomedical research, our Nation's scientists have discovered opportunities to use genetic information to prevent, diagnose, and more effectively treat some of the most devastating diseases of our lifetime. I am honored to represent some of these most brilliant researchers and scientists in Southeastern Pennsylvania.

In addition to the great medical potential they are exploring, genetic information also has the potential to reduce health care costs with better prevention and disease management. We must ensure that these new revelations do not come with a price: Discrimination by employers, insurers, schools, or others based on genetic information of those who are not even sick but are simply identified as being predisposed to a specific disease. If we do not reassure our fellow Americans that they are safe in taking full advantage of the opportunities provided by exploring the genetic information, then these advances in biomedical research could well be for naught.

For this reason, I applaud my colleague, Representative SLAUGHTER, for introducing the Genetic Information Nondiscrimination Act and for being its champion for so many years. I am proud to support its passage today. It is important for all Americans and their access to health coverage.

Mr. CAMP of Michigan. Madam Speaker, I yield myself such time as I may consume.

As many of my colleagues have stated, passing this bill is an important step forward in protecting the health of every American. We should be proud of our efforts to work on a bipartisan basis to craft this legislation, and I want to recognize the efforts of the gentlewoman from Illinois, Congresswoman BIGGERT. This bill should be a model for our efforts to reform health care.

We all agree that individuals should not be discriminated against on the basis of their genetic information. Employers and insurers should not be allowed to use genetic markers to deny employment or health coverage simply because they possess a particular gene. But genetic information can also be used to help patients. Health plans have an ability to interact with both patients and providers to highlight recommended tests and courses of action.

For example, a person that has a gene for a certain type of cancer would be recommended to receive more frequent cancer screenings. Knowing this, the health insurer would know to approve coverage for these additional screenings because they would be at a higher risk of developing that type of cancer.

We all preach about transforming medicine to provide more preventative care. Now, we are finally at a point where medical technology can be effectively used to deliver the preventative care that we envision.

I am certain that the use of genetic information is just the tip of the iceberg. As medicine develops, so must our laws and regulations; yet, we must be careful not to stifle these promising medical advances. I am confident that we can both protect patient privacy and improve the delivery of health care as this legislation does.

With that, I yield the remaining time from my committee to the gentlewoman from Illinois to control.

The SPEAKER pro tempore. Without objection, the gentlewoman from Illinois will control the time.

There was no objection.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the committee.

Ms. SHEA-PORTER. Madam Speaker, I rise today in support of H.R. 493, the Genetic Information Nondiscrimination Act.

As a member of the Education and Labor Committee, I knew that we had served the American people well when the committee passed this bill and then the House passed it almost unanimously in April 2007. Now, a year later, we are on the verge of sending this important legislation to the President with overwhelming bipartisan support in both Chambers.

□ 1145

Science and medicine have made great strides in recent years, especially with regard to genetic mapping and research. The potential for finding the answers we desperately seek for so many diseases and afflictions is greatly increased by the research being done. However, in order for these efforts to be successful, the public must be assured that these new discoveries will help and not hurt them.

Science will soon be able to tell us about many more diseases that individuals are genetically predisposed to develop. That information should be used only for the public good. It must not be used by companies to pick and choose who gets insurance or who gets discriminated against. They should not be allowed to charge higher insurance premiums because of somebody's individual genetic makeup.

This critical piece of legislation will protect individuals from discrimination. This is an important step that Congress is taking today, and I am very happy that we are doing this in a unified spirit. I commend Congresswomen Slaughter and Biggert for their efforts here. And I would also like to thank Chairman MILLER and my colleagues on the Education and Labor Committee for their work on this and so many other important issues. I urge my colleagues to vote ''yes.''

Mrs. BIGGERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of H.R. 493, the Genetic Information Nondiscrimination Act, which will prohibit health insurers and employers from discriminating on the basis of genetic information.

As many of my colleagues are aware, this legislation has been around for quite some time. I have been working on for it more than 7 years, and Congresswoman SLAUGHTER has been working on it for more than 12 years. It's been a long road, and there have been

many times I thought this day would never come; but it is here.

Over this period of time, I have heard stories from my constituents and other individuals across the country about how genetic information was affecting their lives. Quite simply, they are stories of how our laws have failed to keep pace with medical science.

A breast cancer survivor in Chicago told me that even though her doctor recommended she undergo a genetic test to see if she had a 60 percent chance of developing ovarian cancer, which was quite common in the type of breast cancer that they had, she refused the test. She said I can't, I will lose my job.

It isn't that she didn't want to know; quite the opposite. She desperately wanted to know, but she feared if she had an adverse result from the test, she would lose her job. She is not alone; studies show that 85 percent of Americans fear employers will use genetic information to discriminate.

And then there is the woman from Missouri whose sister had suffered from cancer was cautioned by her doctor that undergoing genetic testing would cause her to lose her health insurance. She too chose not to undergo a genetic test. She is not alone; studies show that 84 percent of Americans express concern that health insurance companies would deny coverage based on genetic information.

And then there is the man with a family history of PKD, decided to take a genetic test but chose to use an alias and pay cash rather than bill his insurance just to keep the test out of his medical file. And he also is not alone; 26 percent of genetic counselors themselves admit that they would use an alias and 68 percent said they would pay for the test out of their pocket to protect themselves from discrimination.

The dean of a prominent university in Massachusetts told me that the fear of genetic discrimination was hindering clinical trials, slowing the development of life-saving techniques. At NIH, fear of genetic discrimination is the most common reason people cite for not participating in clinical trials on breast and colon cancers.

Madam Speaker, I have heard these stories over and over again from individuals wanting to know their genetic risk of developing diseases as far ranging as cancer, heart disease, diabetes, Parkinson's, Alzheimer's, Tay-Sachs, and PKD.

The sad fact is that these individuals are avoiding genetic tests that would empower them with the information that could save their lives.

So I want to let all people know that when the House passes GINA today, we will be just one step away, and that would be the signing by the President, from realizing the medical benefits of genetic testing. One step away from ensuring that people will be able to take a genetic test without risking their jobs and health insurance. One step away from ensuring that patients can stop using aliases and paying out of pocket to keep their genetic tests secret. One step away from ensuring that individuals will be able to participate in genetic clinical trials without fear of discrimination.

And the last step is the President's signature, and I am happy to say that he is expected to sign this bill.

Madam Speaker, it is clear to me that by passing GINA and freeing people from fear of genetic discrimination, we can unlock the tremendous life-saving and cost-saving potential of genetic research. More Americans will participate in genetic clinical trials, and more Americans will use these technologies to improve their health.

And with these improvements comes the prospect of dramatically reducing the chronic care costs that cripple our health care system. We now have more than 500 different health advocacy and business organizations supporting this bill. Recent surveys shows that 93 percent of Americans believe that employers and insurers should not be able to use genetic information to discriminate.

With numbers like these, it should be no surprise that the House passed this bill last April 420–3, and the Senate passed it last week 95–0, and the President is expected to sign this measure into law.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), a subcommittee Chair in the Committee on Education and Labor.

Ms. WOOLSEY. Madam Speaker, we have been waiting for this day for over a decade. Finally we are here, and we are about to pass H.R. 493, the Genetic Information Nondiscrimination Act that we called GINA which was first introduced by Representative SLAUGHTER in 1995 and which was approved by the Senate last week.

It has been a long road, but the main sponsors of the legislation, Representative SLAUGHTER and Representative BIGGERT have persevered, and I congratulate them both.

I am proud to be an original cosponsor of GINA which will prohibit employers from using genetic information to discriminate against workers, and will also prohibit health insurers from using such information to raise premiums or to deny coverage.

We know that many States, including my home State of California, prohibits employers and health insurers from discriminating on the basis of genetic information, and that is good, but these laws vary widely.

So it is important for the Federal Government, as it has with title VII and the Americans with Disabilities Act, ADA, to step forward to establish a national policy, making it clear that discriminating against workers and others based on genetic information is unacceptable.

Madam Speaker, this bill also contains the provisions of H.R. 2637, the Child Labor Protection Act of 2007. It was a bill I introduced last year that passed the House in June of 2007.

The provisions in H.R. 2637 will increase civil penalties from $11,000 to $50,000 for violations that cause the death or serious injury of a child worker, as if there is any penalty high enough to make up for a child.

The legislation, though, provides that a penalty can be doubled when the violation causing death or injury is repeated or willful. The child labor bill was a narrowly drafted bipartisan effort. It is a good foundation for future action on child labor laws.

So I am delighted that part of GINA includes my legislation, legislation that can be used to offset the costs of GINA.

We are living, Madam Speaker, in an exciting age. We have just begun to tap the potential of genetic testing. This bill adds the protection that is needed so this research can go forward and be used wisely.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. I thank the chairman for yielding, and I rise in strong support of this legislation. I would like to thank all of those involved in bringing us to this point, Ms. SLAUGHTER, Mrs. BIGGERT, and I especially want to mention Mark Zuckerman, Brian Kennedy, Michelle Varnhagen, and Carlos Fenwick from our staff who worked so hard on making this a reality. Thank you very much for your good work.

This is about as basic as it gets. It is a fundamental principle in this country that when you walk in and apply for a job, you shouldn't be judged on the color of your skin, your gender, your sexual orientation, your ethnicity, your age, or your religion. To that today we are adding the notion of your genetic background.

I think most Americans would understand as a matter of simple common sense that if your grandmother had breast cancer, it should be irrelevant as to whether you get a job or not. If your grandfather was diabetic, it should be irrelevant as to whether you get health insurance or not, and under what terms.

This simple, powerful, commonsense idea that is embodied in this legislation will become embodied in the law very shortly because of the good work that is being done here.

Beyond the basic fairness, the basic principle that we should be judged by our abilities and not by our characteristics, is the point that we discussed earlier during the rule debate. Many Americans justifiably fear that if they share their genetic information with

researchers, that information may wind up hurting them. It may wind up depriving them of a job, depriving them of health insurance, or raising their health insurance premiums.

The very significant protections that are in this bill, soon to become law, will provide a level of assurance for Americans that when we participate in genetic research, as I have by donating my DNA sample to the Coriell Institute in Camden, New Jersey, that we will be protected against misuse of that information.

This unlocks an exhilarating potential for finding the cure for all kinds of diseases and afflictions that have hurt so many people for so long. So I believe this is a singular achievement. It is an honor to be a part of it, and I know that generations of Americans will benefit not only from the simple fairness that this law will impose in the workplace, but for the great potential that this law will unlock for the investors and inventors and researchers of this country.

No American should ever be denied a job or health insurance or a promotion because of their genetic characteristics. Because of our actions today, this will become the law.

I thank the chairman for his leadership. I thank Mrs. BIGGERT for her leadership and Chairwoman SLAUGHTER as well, and urge a ''yes'' vote in favor of this legislation.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from New York (Mr. ENGEL), a member of the Energy and Commerce Committee.

Mr. ENGEL. Madam Speaker, as a member of the Energy and Commerce Committee and a member of the Health Subcommittee, I thank my friend, the distinguished chairman of the Education and Labor Committee, for allowing me time under his leadership.

I am a proud cosponsor of this bill. I am pleased to see it moving forward after more than a decade of advocacy.

While researchers' ability to identify genetic markers for diseases has given hope and promise to millions of people regarding how to make more informed choices about their personal behavior, the promise of this breakthrough is hindered, as many of my colleagues have said, by well-founded fears of how information may be abused in the employment and insurance industries.

While many states, including my own home State of New York, have laws which prohibit discrimination in health insurance, and by employers based on genetic testing and information, it is clear that the laws are not fully comprehensive and that Federal action is necessary, certainly to make it more uniform across all 50 States.

□ 1200

Fear should not be a deterrent to knowledge. Disregarding available tests for fear of discrimination prevents citizens from making smarter, personalized choices about their own well-being. We know too much to subscribe to one-size-fits-all medicine. And once again, it should be our physicians, not our insurance companies, who influence our health care decisions.

This is a wonderful bill, very much overdue for enactment, years and years and years in the process. It's supported by hundreds of patient advocate groups, and will make a true impact on the health care of our Nation.

I urge all my colleagues to support the bill.

I yield back the balance of my time.

Mrs. BIGGERT. I have no further speakers, and I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentlewoman from California (Ms. LINDA T. SÁNCHEZ), a member of the Education Committee.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in strong support of the Genetic Information Non-Discrimination Act, and thank my colleague, Congresswoman SLAUGHTER, for her tireless work term after term to support this bill and ensure that it would eventually become law.

Over the past several years, genetic discoveries have progressed at a remarkable rate. Today, doctors and scientists have the ability to detect genes linked to common conditions like colon cancer and heart disease. Individuals who learn about their genetic risk factors can make lifestyle changes and begin treatments that prevent these conditions altogether.

But too many Americans don't take advantage of these amazing breakthroughs for a very practical reason. They fear that the information will be used to deny them health insurance or even a job.

While the best way to allay those fears would be to enact universal health care coverage for all, this bill is a fantastic first step.

By prohibiting discrimination on the basis of our genes, this bill will improve the chances that average Americans can benefit from cutting edge genetic science. It will promote better health care by helping Americans feel secure enough to learn about their genetic risk factors.

As the daughter of a father who suffers from Alzheimer's and a mother who suffers from arthritis, I personally understand the need to make genetic testing a positive step in understanding one's genetic predispositions and making health care choices. Genetic testing should not be a hindrance to getting or keeping one's job or health care benefits.

While this bill will accomplish many great things, I want to point out just two very important ones. Number 1, it will arm people with necessary and relevant information about their own health. And Number 2, it will ensure that people won't be penalized for seeking and using this valuable information.

I urge all my colleagues to support the Genetic Information Non-Discrimination Act.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield 2 minutes to the gentleman from Pennsylvania (Mr. SESTAK), a member of the Education and Labor Committee.

Mr. SESTAK. Mr. Speaker, the completion of the human genome project 5 years ago made it possible to identify specific genes that trigger diseases later in life. However, out of at fear of losing their jobs or their health insurance, studies have shown that many Americans forego the potential health benefits of genetic testing.

While involved in a course at the University of Pennsylvania on genetic discrimination, the position paper Dr. Ruth Cowan's students presented to me reemphasized that this concern of genetic discrimination risks stifling further scientific advances in genetic based research.

No genetic nondiscrimination laws in health care, such as in my State of Pennsylvania, may mean foregoing cures based upon genetic research. With a young daughter who underwent treatment for a malignant brain tumor recently, I understand why, as scientific technology advances, discrimination cannot grow with it, or we harm not only the quality of life, but life itself.

With State laws varying in how to maintain the privacy of genetic information, the Genetic Information Nondiscrimination Act will set a national standard and take the first step toward advancing the scientific and health benefits of genetic research and protecting the genetic privacy of Americans.

I urge all my colleagues to support this bill.

Mrs. BIGGERT. I reserve the balance of my time.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, today we are celebrating, or we will shortly with a vote on the Genetic Information Nondiscrimination Act, known as GINA. And today we celebrate it with a great sense of unanimity and agreement about this legislation. But that clearly was not always true over more than the past decade.

This legislation has been controversial to some. It has had a shifting body of opponents to it over those many years. There are many who tried to ascribe attributes to this legislation that either wasn't intended to address or didn't exist at all. But the opposition was formidable.

But when we celebrate the passage of this legislation today, we must also celebrate the spirit of two women in the House of Representatives that persevered through all of the political debate, as hot it was from time to time, through all of the controversy, through much of the ignorance and misinformation about the legislation, but who, throughout that entire decade, understood the promise of this legislation,

both to those who would not be discriminated against in the future, but also the promise in terms of medical research and information that would become available to promote, not only cures and treatment, but greater scientific understanding of the genome and our make-ups and its impact on our health.

And those two women were Congresswoman LOUISE SLAUGHTER from New York, and our colleague who is with us in the Chamber today, JUDY BIGGERT from Illinois.

It's one thing to stand here and say we all agree today. But that wasn't the case, and that was what they kept pushing against year after year to get the Congress to understand the importance of this legislation. We come to that understanding rather late, when you consider that many of the States have taken the steps, many Nations have taken this step, but it's terribly important that we do it so people will be assured that no worker will be discriminated against because of his or her genetic information.

As I mentioned, 41 States have already led the way in passing laws to prohibit discrimination to individual health insurance markets. 34 States have passed laws to prohibit employers from discriminating in the workplace. And the Federal Government has banned discrimination against Federal Government employees. Every American deserves this protection.

In the last two decades we've seen incredible scientific advances in the diagnosis and the treatment of once untreatable, undetectable conditions. Scientists now have the incredible ability to identify genetic markers for disease that could and may never occur. Genetic testing can also help prevent diseases by identifying them early.

Despite this amazing potential of genetic testing, advancements have been stifled out of fear of what some may do with the results of those tests. Many Americans forego testing because of that fear, the fear of losing their jobs, the fear of losing their health insurance.

We pit that against the knowledge, the discovery and the treatment that would have been possible to those individuals, but the fear prevented them from coming forward. And this is not an isolated fear.

A 2006 research study showed that 85 percent of the respondents believe that without protections, employers would use genetic information to discriminate. 64 percent believe that insurers would use the information to deny critical coverage.

The Genetic Information Nondiscrimination Act is clear. Title I of the bill prohibits group health plans and insurers from collecting or requesting genetic information with narrow exceptions. It also protects the privacy of this personal information.

Title II of the bill prohibits employers from collecting or using their employees' genetic information. It also prohibits employers from discriminating against employees in hiring, firing and other terms of conditions of employment based upon the genetic information.

This final bill makes it clear that, even though employers may not be held accountable for violations committed by health plans under title I, employers remain fully liable for any violations of title II, including violations involving health benefits.

It is well settled in this country's employment discrimination laws, such as title VII, the Age Discrimination Employment Act and the Americans with Disabilities Act, that it is unlawful for employers to discriminate against employees in their health benefits.

We intend for the courts to continue to interpret employer obligations under GINA similarly to all other civil rights laws. GINA will protect workers like David Escher, a former worker at the Burlington Northern Santa Fe Railroad, who discovered his employer was trying to prove his injury was caused by a genetic disorder rather than work-related injury. This is precisely the type of discrimination and misuse of genetic information that we seek to prohibit in this bill.

The protections provided by GINA are long overdue, and Representatives SLAUGHTER and BIGGERT have fought, over this last decade, for these important changes, these important provisions in the law. And I want to thank them for all of their hard work.

I also want to take a moment to thank the members of my staff, Michelle Varnhagen, Mark Zuckerman, Brian Kennedy, Jody Calemine and Michael Gaffin for all of their efforts.

From Congressman ANDREWS' staff, Carlos Fenwick.

Congresswoman SLAUGHTER's staff, Michelle Adams, Cindy Pelligrini.

From Congresswoman BIGGERT's staff, Brian Petersen, Jaime Vickery.

And from Congressman MCKEON's staff, Ed Gilroy and Jim Paretti.

From Congressman DINGELL's staff, Pete Goodloe, Jeanne Ireland, Jessica McNiece, Gregg Rothchild, and John Ford.

From Congressman FRANK PALLONE's staff, Bobby Clark.

From Congressman RANGEL's and STARK's staff, Cybele Bjorklund and Deb Mizeur for all of their assistance.

And in the Senate, from Senator KENNEDY's staff, Dave Bowen, Portia Wu and Lauren McFerren.

And from Senator SNOWE's staff, Bill Pewen.

And from Senator ENZI's staff, Ilyse Schuman and Keith Flannagan. And legislative counsel, Ed Grossman, Larry Johnson and Henry Christrup, for all of their assistance and all of the effort that they put in to making the changes and the distinctions between the actions in the House and the Senate, and all of the controversy that this brought with them.

With that, I'd like to reserve the balance of my time so that Ms. BIGGERT may make her closing remarks. And again, I want to thank her so much. Her membership on our committee makes us very proud. And her political toughness to see this through to the end, along with LOUISE SLAUGHTER, is a wonderful story that we celebrate also with the passage of this legislation.

I reserve the balance of my time.

Mrs. BIGGERT. I thank you, Mr. Chairman, for your kind words. And it's been a long road, but we're here, and with your help.

Just let me say that there's three benefits that are so important for this bill. Number one is that people will get a genetic test. And if it shows that they have a propensity for having some disease, they can then take preventive measures and take measures that are going to improve the quality of their life. And it's personalized medicine. People have got to take command of their medical lives.

Second of all, because people will take preventive measures, this is going to reduce the cost of health care. It's going to reduce the cost to businesses because their employees will be taking these preventive measures, and it's going to reduce the cost to health care providers because people, again, will be taking these measures.

And as I said before, through the clinical trials, it will increase the ability to find cures for so many diseases if people get into these.

So with that, I would really like to take a moment to thank Representative SLAUGHTER, Chairman SLAUGHTER of the Rules Committee one more time, GREG WALDEN of Oregon who has been a major sponsor of this bill, Congressman ANDREWS of New Jersey, who has been so helpful, and Mrs. ESHOO from California, who has been so involved. And then Senator SNOWE, Senator KENNEDY and Senator ENZI for all their hard work on this issue. It's truly been a pleasure to work with all of them.

I would also like to thank Mr. MCKEON and Mr. MILLER again, the chairman and ranking member of the Education and Labor Committee, for all their support. And then the other chairmen, Congressman DINGELL and Congressman BARTON of the Energy and Commerce Committee, and Mr. UPTON of Michigan for coming down and working on this today. And then Chairman RANGEL and ranking member MCCRERY of the Ways and Means Committee, and then Representative CAMP for being the spokesman for them. I applaud them for all their efforts.

I would also like to thank former Speaker Newt Gingrich, who has been so supportive of this legislation. And I would be remiss if I didn't mention Sharon Terry and the Coalition for Genetic Fairness, as well as all of our other organizational supporters, for all their persistence and their expertise on this issue.

And Dr. Francis Collins of NIH for his testimony before all three committees in the House.

□ 1215

Finally, I have to thank the staff, all of the staff, who worked so tirelessly for years now behind the scenes on our behalf and put in long, long hours on this legislation. And in particular, my thanks go to Michelle Varnhagen and Jim Paretti from the Education and Labor Committee staff, and then Michelle Adams from Ms. SLAUGHTER's staff, and Brian Peterson of my staff.

There's so many reasons why everybody should vote for this, and certainly having passed the House by 420–3 last April and the Senate 95–0, you say, This is a no-brainer; why didn't this happen a long time ago? And what's been alluded to is to get three committees in the House of Representatives to work on all of the issues, and they are so technical in how they relate to each other and how it relates to privacy and the other HIPAA and ADA and all of the things that had to be brought in here, I think everyone works so hard just to have a wonderful result. And it's no surprise that we're here, but it just took a long time.

With that, I would urge all my colleagues to vote for this measure.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I also would be remiss if I did not thank Dr. Francis Collins for all of his work and assistance and guidance to the Congress on this matter and for everything else he does in such a wonderful fashion.

Ms. PELOSI. Mr. Speaker, I rise today in strong support of the Genetic Information Nondiscrimination Act.

I would like to thank Congresswoman LOUISE SLAUGHTER for her outstanding leadership on this issue. For 13 years, she has worked to pass this bill protect Americans from genetic discrimination. She's both the powerful chair of the Rules Committee, and a microbiologist, so she knows what she is talking about.

The sequencing of the human genetic code is one of the great scientific accomplishments in the history of the world. It has the potential to treat and prevent disease. It is evidence of science's almost-biblical power to heal.

But with this scientific breakthrough comes a responsibility to protect Americans from the misuse of their genetic information. Today, the Congress will begin to fulfill that responsibility by passing this legislation.

This legislation prevents health insurers from adverse coverage or pricing decisions based on a person's genetic predisposition toward a disease. It ensures an employer cannot make adverse employment decisions based on what is in a person's genetic code. It also makes it illegal for an insurer or employer to request or demand a gene test.

Because of this legislation, Americans will be free to undergo genetic testing for diseases such as cancer, heart disease, diabetes, and Alzheimer's, without fearing for their job or health insurance. There is life-saving information in those tests. And for scientists, there is information that allows for huge breakthroughs.

This legislation is supported by the vast majority of the American people, 93 percent of whom do not want employers to have access to their genetic information.

This is such good policy that this legislation is supported by more than 500 organizations, including a broad coalition of civil rights and religious organizations. Health advocacy groups ranging from the American Academy of Pediatrics to the March of Dimes to the Susan G. Komen Breast Cancer Foundation have endorsed it.

In the Congress, it has broad bipartisan support. It also has the support of the President.

Let us not wait another day to pass this legislation so it can move to the President's desk for his signature and become law.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today in support of H.R. 493, the Genetic Non-Discrimination Act. This bill is the product of 10 years of hard work by my colleague Ms. SLAUGHTER and I applaud her for her efforts to pass this bill.

The sequencing of the human genome was an amazing scientific advancement, and has contributed to the rise of genetic testing to inform patients of their proclivity for disease.

Thanks to genetic testing, individuals with a risk of an illness can take precautionary steps ahead of time to ward off disease, which will contribute to lower health care costs over time.

However, it is critical that we protect individuals from any discrimination that could result from the information these tests reveal.

The results should not be used by health insurers to deny anyone coverage or increase their premiums because of a pre-disposition to a certain disease.

And the results should not be used by employers to discriminate against employees based on their predisposition to disease.

The passage of this bill will encourage individuals to seek genetic testing if they so desire without fear of losing their health insurance and give them the ability to seek early medical treatment.

One segment of the health care marketplace was excluded from the bill's protections—the long-term care insurance market. This bill was never intended to regulate the long-term care insurance market, and I understand that current statute treats long-term care insurance differently.

However, individuals that determine that they are at high-risk for developing Alzheimer's disease will undoubtedly begin planning for their long-term care and probably purchase long-term care insurance.

Despite all of the good intentions in this legislation, the bill would allow long-term care insurance underwriters to refuse to cover or charge individuals predisposed to such disease higher premiums for a disease they have yet to develop and may never develop.

As we move forward, Congress should ensure that future legislation extends the patient protections inherent in this bill to consumers who want to plan for their future and purchase long-term care.

With that, I am pleased to support this important legislation and send this bill to the President.

Mr. LANGEVIN. Mr. Speaker, I rise in strong support of H.R. 493, the Genetic Information Nondiscrimination Act, which extends crucial Federal protections against discrimination based on an individual's genetic information.

The new millennium has seen unprecedented scientific advances in genetic research that have brought a renewed hope of solving today's most difficult medical puzzles. Since the human genome was fully mapped in 2003, many in the scientific and medical communities have viewed genetic medicine as the next step toward finding better diagnoses, treatments and possible cures for a wide spectrum of diseases. These advances have also raised legitimate ethical concerns about the potential misuse of genetic information in workforce and insurance related decisions. Although current law already addresses certain aspects of this issue, the importance of protecting individuals from discrimination and safeguarding the right to privacy cannot be overstated.

This bill will guarantee more comprehensive protections from discrimination in health insurance and employment on the basis of genetic information. Specifically, it will prohibit group health plans and health insurers from denying coverage to a healthy individual or charging that person higher premiums based solely on a genetic predisposition to develop a disease in the future. Furthermore, it bars employers, employment agencies, labor organizations or training programs from using an individual's genetic information when making hiring, firing, job placement or promotion decisions.

Genetics is a field of study that offers tremendous promise for medical advancement, but we must give thoughtful consideration to the implications of these emerging discoveries on society. No individual should fear discrimination based on genetic technologies. H.R. 493 will allay concerns about the potential for discrimination, encourage individuals to participate in genetic research, and take advantage of genetic testing, new technologies, and new therapies. I thank Congresswoman SLAUGHTER for her leadership on this issue and urge my colleagues to support its passage.

Mr. STUPAK. Mr. Speaker, I rise in support of H.R. 493, the Genetic Information Nondiscrimination Act, GINA.

After 13 years—this bill will finally make its way to the President's desk, to help protect families from genetic discrimination.

Congratulations to the Congresswoman from New York, Ms. SLAUGHTER, for her work in drafting this bill and guiding it through the cumbersome referral to three committees.

Together, with Chairman DINGELL, Ms. DEGETTE and Mr. SMITH, we were able to include an important provision to protect families from unfair treatment on the basis of the genetic material of their fetuses or children in the process of adoption.

Without this bill, families may face genetic information discrimination from testing of embryos and fetuses, as well as children who are in the process of adoption.

As genetic testing becomes increasingly common, these provisions will ensure that genetic material gathered through pre-implementation genetic diagnoses, amniocentesis, or other future techniques is not used to limit families' access to health care.

Again, I thank Ms. SLAUGHTER for her commitment to reflect these changes throughout the bill in order to avoid any further confusion as to whether or not families can be discriminated against on the basis of the genetic material of their unborn child or child under consideration for adoption.

I was proud to work with many Members to include this provision.

I encourage my colleagues to vote for this important legislation.

Mr. KENNEDY. Mr. Speaker, I rise today in strong support of H.R. 493, the Genetic Information Nondiscrimination Act. I would like to thank my good friends and colleagues, Representative LOUISE SLAUGHTER and Representative JUDY BIGGERT, for their tireless advocacy to bring this bill to the House floor today and then on to the White House for President Bush's signature.

There is nothing more personal and more deserving of protection than the genetic makeup of each and every individual in our Nation. Advances in science and technology during the past decade have allowed us to map the human genome and opened the doors to treatment and diagnostic capabilities that we are only now beginning to realize. With this power comes great responsibility to protect individuals who learn that they may be more susceptible to diseases such as breast cancer or mental illness.

Just as our Nation does not allow discrimination based on race or disability, we must not allow discrimination based on our own genetic identity. The Genetic Information Nondiscrimination Act will prevent health insurers and employers from improperly using our genetic information to make coverage or employment decisions. I urge my colleagues to support this protection of our most basic human right by voting for H.R. 493.

Mr. VAN HOLLEN. Madam Speaker, I rise in strong support of the Senate amendment to H.R. 493, the Genetic Information Nondiscrimination Act.

This bipartisan legislation is long overdue. Recent scientific breakthroughs in sequencing the human genetic code have already transformed the battle against a broad range of medical conditions. Scientists have now identified genetic markers for a variety of chronic health conditions which will increase the potential for early treatment and prevention. However, as much as these advances will improve health care delivery in this country, it has increased the potential for employers and insurers to discriminate based on an individual's genetic makeup. Such a threat deters the public and science from taking full advantage of the life-saving and cost-saving potential of genetic research.

That why we need to pass this much-needed bill. Discriminating against someone because of their DNA is simply unacceptable. Mr. Speaker, I urge colleagues to support this bipartisan legislation so that Americans do not have to live in fear of losing their job or health insurance because of their genetic predisposition towards certain medical conditions.

Mr. CAPPS. Mr. Speaker, I rise in strong support of the Senate amendment to H.R. 493, the Genetic Information Nondiscrimination Act.

The identification of genetic markers for disease is one of the most remarkable scientific accomplishments we have made. And this ability to identify risks for certain conditions holds so much promise for our ability to identify and practice greater preventive health care in this country. I can never emphasize enough just how important preventive health care is to our well-being.

However, as with almost all great scientific advancements, we have also opened the door to a whole slew of unintended consequences. And I fear that preventive health care is put at risk when patients decline genetic testing for fear of insurance or employment discrimination.

This bill before us will put aside those fears by offering protection from employment discrimination and closes the loopholes that deter individuals from pursuing information that can save their lives and the lives of others. After all, the biomedical research community is in dire need of greater clinical trial participation. But many patients are wary because they worry that participation in a clinical trial will reveal a genetic predisposition that employers or insurers can use as a basis for discrimination.

H.R. 493 will provide individuals the security of knowing that they can take advantage of genetic testing and participate in research without the fear that their employment or insurance status be put at risk.

I commend my colleagues LOUISE SLAUGHTER, JUDY BIGGERT and ANNA ESHOO for their tireless work on this bill over the last 13 years. I urge all of my colleagues to vote in favor of H.R. 493.

Ms. SPEIER. Mr. Speaker, Congress today is making an important first step toward protecting Americans from discrimination based on their genetic information. I support this bill and the premise that a predisposition to disease should never be a factor in access to employment or insurance coverage.

However, this is only a first step. I am compelled to remind this House, and all Americans, that this bill does not guarantee genetic information will not be abused by employers or insurers. The passage of this legislation should not give consumers a false sense of security.

Until access to health care is available regardless of current or future health conditions, the potential for genetic discrimination will remain. And until we completely limit access to employee health records, there will be the potential for discrimination by employers.

Mr. Speaker, passage of the Genetic Information Non-Discrimination Act today is a strong step toward protecting sensitive genetic information, but no journey is completed in just one step. I look forward to addressing the underlying problems not fixed by this bill so we can truly protect Americans' privacy and guard against discrimination based on preexisting health conditions.

Ms. BALDWIN. Mr. Speaker, I rise today in strong support of the Genetic Information Nondiscrimination Act.

The scientific advancement that has been made in sequencing the human genome is groundbreaking. We have only just begun to understand how we can harness the vast amount of information that is included in our genetic code to benefit human health and longevity. The ability to predict disease will greatly increase our opportunities for early treatment and prevention efforts and this can have a real impact on people's lives.

So I am proud to support the Genetic Information Nondiscrimination Act. This bill will provide strong protections to prevent employers and insurers from denying health coverage or job opportunities on the basis of predictive genetic information. Providing this protection will ensure that Americans are not unfairly penalized, either by health insurers or by employers, for something that is a part of their genetic makeup. In addition, these protections will encourage individuals to participate in genetic research, which will lead to new technologies and new therapies.

This important nondiscrimination protection is necessitated by the advancements in science, like the mapping of the human genome. And Congress is responsible for making sure that our laws keep up with these scientific advancements, so that we can fully realize the value of these discoveries.

Mr. Speaker, I am proud to support the Genetic Nondiscrimination Act, and I urge my colleagues to join me in voting in favor of it.

Mr. GEORGE MILLER of California. I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PASTOR). All time for debate has expired.

Pursuant to House Resolution 1156, the previous question is ordered.

The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. 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, this 15-minute vote on the motion to concur will be followed by 5-minute votes on ordering the previous question on House Resolution 1167; adopting House Resolution 1165, if ordered; and suspending the rules and adopting House Concurrent Resolution 308.

The vote was taken by electronic device, and there were—yeas 414, nays 1, not voting 16, as follows:

[Roll No. 234]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
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
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva

Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
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
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
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
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—16

Barrow
Blackburn
Burgess
Cubin
Deal (GA)
Doggett
Forbes
Fossella
Gohmert
Honda
Israel
Jones (OH)
LaHood
Payne
Rush
Wilson (NM)

□ 1240

Ms. FOXX and Mr. BURTON of Indiana changed their vote from ''nay'' to ''yea.''

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1167, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 190, not voting 15, as follows:

[Roll No. 235]

YEAS—226

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

NAYS—190

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

NOT VOTING—15

Barton (TX)
Blackburn
Cubin
Deal (GA)
Doggett
Forbes
Fossella
Gohmert
Honda
Israel
LaHood
Payne
Rush
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1248

Mr. MARCHANT changed his vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

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

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

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

The yeas and nays were ordered.

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

The vote was taken by electronic device, and there were—yeas 228, nays 189, not voting 14, as follows:

[Roll No. 236]

YEAS—228

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

NAYS—189

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

NOT VOTING—14

Bilbray
Blackburn
Cubin
Deal (GA)
Doggett
Forbes
Fossella
Honda
Israel
LaHood
Payne
Rush
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1257

Mr. GOHMERT changed his vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was placed on the table.

AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE NATIONAL PEACE OFFICERS' MEMORIAL SERVICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 308, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. CARNEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 308.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 19, as follows:

[Roll No. 237]

YEAS—412

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)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
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
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Foster
Foxx
Frank (MA)
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)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk

Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
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
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
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
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Blackburn
Burgess
Cubin
Deal (GA)
Doggett
Ellison
Forbes
Fossella
Herger
Honda
Hulshof
Israel
LaHood
Pallone
Payne
Rush
Slaughter
Wilson (NM)
Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain in this vote.

□ 1304

So the concurrent resolution was agreed to.

The vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HERGER. Mr. Speaker, on rollcall No. 237, I was unavoidably detained. Had I been present, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 992

Ms. FALLIN. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of House Resolution 992.

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

There was no objection.

CORRECTING ENROLLMENT OF H.R. 493

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 340) to make technical corrections in the enrollment of the bill H.R. 493.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 340

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill H.R. 493 (to prohibit discrimination on the basis of genetic information with respect to health insurance and employment) the Clerk of the House of Representatives shall make the following technical corrections:

(1) In section 104(d)—

(A) in paragraph (2), strike ''June 30, 2008'' and insert ''October 31, 2008'';

(B) in paragraph (3), strike ''October 1, 2008'' and insert ''July 1, 2009''; and

(C) in paragraph (4)—

(i) in subparagraph (A)(ii), strike ''October 1, 2008'' and insert ''July 1, 2009''; and

(ii) in subparagraph (B)(ii)—

(I) strike ''in 2008'' and insert ''in 2009''; and

(II) strike ''July 1, 2008'' and insert ''July 1, 2009''.

(2) In section 202(b)(6), strike ''law enforcement'' and all that follows through ''and requests'' and insert ''law enforcement purposes as a forensic laboratory or for purposes of human remains identification, and requests''.

(3) In section 205(b)(6), strike ''law enforcement'' and all that follows through ''and requests'' and insert ''law enforcement purposes as a forensic laboratory or for purposes of human remains identification, and requests''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days during which Members may insert extraneous material on House Concurrent Resolution 340 into the RECORD.

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

There was no objection.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. This concurrent resolution makes two technical corrections to the GINA legislation just passed. First, with respect to the Department of Defense Labs, in our current bill, section 202(b)(6) and section 205(b)(6) of H.R. 493 provides an exclusion for an employer to conduct DNA analysis for law enforcement purposes as a forensic laboratory, which submits analyses to the Combined DNA Index System, known as CODIS, if the employer only uses that analysis of DNA identification markers for quality control to detect sample contamination.

However, we recently learned that the Armed Forces DNA Identification Laboratory, AFDIL, of the Armed Forces Medical Examiner System, which identifies soldiers' remains, would not be included in this exclusion because it does not submit DNA to the CODIS system.

It was not our intent to prevent the Armed Forces, AFDIL, from using DNA analysis for human remains identification. This technical change would allow them to continue their mission.

With respect to NAIC, the other change is a very minor one. Section 104 of the bill, dealing with Medigap, requires the National Association of Insurance Commissioners to modify their regulations to conform to GINA. The deadline for NAIC to make these modifications is June 30, 2008. If NAIC does not make these modifications by this timeframe, HHS would be required to make the modifications by October 1, 2008.

When this bill moved through the House last April, these deadlines were not a problem. However, with today being May 1, NAIC will not be able to meet the June deadline. Thus, the other change to this bill pushes back the NAIC and HHS deadlines until October 30, 2008, and July 1, 2009.

I reserve the balance of my time.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 340. This resolution makes technical corrections to the Genetic Information Nondiscrimination Act, commonly known as GINA, the act that we just passed. Specifically, this resolution will clarify the use of genetic information at forensic laboratories used by law enforcement agencies. This technical correction ensures the Department of Defense will be able to use genetic information to identify the remains of American servicemen and women.

The recent DNA identification of Staff Sergeant Matt Maupin, missing since his capture in Iraq in 2004, offers us a painful reminder of why genetic information may be needed to identify the heroic men and women who give their lives in service to this Nation.

This is a simple, yet necessary change to a bill that enjoys the support of a vast majority of this body. Adoption of this resolution will allow this legislation to move forward.

The GINA bill marks a commitment by this Congress to ensure that the law protects American workers and health care consumers from discrimination on the basis of their genetic makeup. Because that goal is so critical, I support this resolution today, and urge my colleagues to do likewise.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. 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. GEORGE MILLER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 340.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 5715) to ensure continued availability of access to the Federal student loan program for students and families.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

(1) On page 2, line 5, strike ''**AND GRADUATE**''

(2) On page 7, line 11, strike ''issued'' and insert: ''first disbursed''.

(3) On page 9, line 12, strike ''issued'' and insert: ''first disbursed''.

(4) On page 9, line 24 through page 10 line 11 strike and insert:

''(B)(i) EXTENUATING CIRCUMSTANCES.—An eligible lender may determine that extenuating circumstances exist under the regulations promulgated pursuant to paragraph (1)(A) if, during the period beginning January 1, 2007, and ending December 31, 2009, an applicant for a loan under this section—

''(I) is or has been delinquent for 180 days or fewer on mortgage loan payments or on medical bill payments during such period; and

''(II) is not and has not been more than 89 days delinquent on the repayment of any other debt during such period.

''(ii) DEFINITION OF MORTGAGE LOAN.—In this subparagraph, the term 'mortgage loan' means an extension of credit to a borrower that is secured by the primary residence of the borrower.

''(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to limit an eligible lender's authority under the regulations promulgated pursuant to paragraph (1)(A) to determine that extenuating circumstances exist.''.

(5) On page 10, after line 24 insert:

(1) in paragraph (1), by inserting after the second sentence the following: ''No loan under section 428, 428B, or 428H that is made pursuant to this subsection shall be made with interest rates, origination or default fees, or other terms and conditions that are more favorable to the borrower than the maximum interest rates, origination or default fees, or other terms and conditions applicable to that type of loan under this part.'';

(6) On page 12, line 14, strike ''lenders willing to make loans'' and insert: ''eligible lenders willing to make loans under this part''.

(7) On page 13, after line 2 insert:

''(6) EXPIRATION OF AUTHORITY.—The Secretary's authority under paragraph (4) to designate institutions of higher education for participation in the program under this subsection shall expire on June 30, 2009.

''(7) EXPIRATION OF DESIGNATION.—The eligibility of an institution of higher education, or borrowers from such institution, to participate in the program under this subsection pursuant to a designation of the institution by the Secretary under paragraph (4) shall expire on June 30, 2009. After such date, borrowers from an institution designated under paragraph (4) shall be eligible to participate in the program under this subsection as such program existed on the day before the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008.

''(8) PROHIBITION ON INDUCEMENTS AND MARKETING.—Each guaranty agency or eligible lender that serves as a lender-of-last-resort under this subsection—

''(A) shall be subject to the prohibitions on inducements contained in subsection (b)(3) and the requirements of section 435(d)(5); and

''(B) shall not advertise, market, or otherwise promote loans under this subsection, except that nothing in this paragraph shall prohibit a guaranty agency from fulfilling its responsibilities under paragraph (2)(C).

''(9) DISSEMINATION AND REPORTING.—

''(A) IN GENERAL.—The Secretary shall—

''(i) broadly disseminate information regarding the availability of loans made under this subsection;

''(ii) during the period beginning July 1, 2008 and ending June 30, 2010, provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives and make available to the public—

''(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection;

''(II) quarterly reports on—

''(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and

''(bb) any related payments by the Department, a guaranty agency, or an eligible lender; and

''(III) a budget estimate of the costs to the Federal Government (including subsidy and administrative costs) for each 100 dollars loaned, of loans made pursuant to this subsection between the date of enactment of the Ensuring Continued Access to Student Loans Act of 2008 and June 30, 2009, disaggregated by type of loan, compared to such costs to the Federal Government during such time period of comparable loans under this part and part D, disaggregated by part and by type of loan; and

''(iii) beginning July 1, 2010, provide to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives and make available to the public—

''(I) copies of any new or revised plans or agreements made by guaranty agencies or the Department related to the authorities under this subsection; and

''(II) annual reports on—

''(aa) the number and amounts of loans originated or approved pursuant to this subsection by each guaranty agency and eligible lender; and

''(bb) any related payments by the Department, a guaranty agency, or an eligible lender.

''(B) SEPARATE REPORTING.—The information required to be reported under subparagraph (A)(ii)(II) shall be reported separately for loans originated or approved pursuant to paragraph (4), or payments related to such loans, for the time period in which the Secretary is authorized to make designations under paragraph (4).''.

(8) On page 13, line 12, strike ''agency's'' and insert: ''agencies''.

(9) On page 14, line 3, strike ''adding at the end'' and insert: ''inserting before the matter following paragraph (5)''.

(10) On page 15, line 19, strike ''loans originated'' and insert: ''loans first disbursed''.

(11) On page 15, line 21, after ''October 1, 2003,'' insert: ''and before July 1, 2009,''.

(12) On page 16, line 1, after ''Federal Government'' insert: ''(including the cost of servicing the loans purchased)''.

(13) On page 16, strike lines 5 through 23, and insert the following:

''(2) FEDERAL REGISTER NOTICE.—The Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, shall jointly publish a notice in the Federal Register prior to any purchase of loans under this section that—

''(A) establishes the terms and conditions governing the purchases authorized by paragraph (1);

''(B) includes an outline of the methodology and factors that the Secretary, the Secretary of the Treasury, and the Director of the Office of Management and Budget, will jointly consider in evaluating the price at which to purchase loans made under section 428, 428B, or 428H; and

''(C) describes how the use of such methodology and consideration of such factors used to determine purchase price will ensure that loan purchases do not result in any net cost to the Federal Government (including the cost of servicing the loans purchased).''.

(14) On page 20, after line 9 insert the following:

SEC. 10. ACADEMIC COMPETITIVENESS GRANTS.

(a) AMENDMENTS.—Section 401A of the Higher Education Act of 1965 (20 U.S.C. 1070a–1) is amended—

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

''(a) ACADEMIC COMPETITIVENESS GRANT PROGRAM AUTHORIZED.—The Secretary shall award grants, in the amounts specified in subsection (d)(1), to eligible students to assist the eligible students in paying their college education expenses.'';

(2) in subsection (b)—

(A) by striking ''academic year'' each place it appears and inserting ''year''; and

(B) in paragraph (2), by striking ''third or fourth'' and inserting ''third, fourth, or fifth'';

(3) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''full–time'';

(ii) by striking ''academic'' and inserting ''award''; and

(iii) by striking ''is made'' and inserting ''is made for a grant under this section'';

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) is eligible for a Federal Pell Grant;

''(2) is enrolled or accepted for enrollment in an institution of higher education on not less than a half-time basis; and''; and

(C) in paragraph (3)—

(i) by striking ''academic'' each place the term appears;

(ii) in subparagraph (A)—

(I) by striking the matter preceding clause (i) and inserting the following:

''(A) the first year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than one year for which the institution awards a certificate)—'';

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

''(i) has successfully completed, after January 1, 2006, a rigorous secondary school program of study that prepares students for college and is recognized as such by the State official designated for such recognition, or with respect to any private or home school, the school official designated for such recognition for such school, consistent with State law, which recognized program shall be reported to the Secretary; and''; and

(III) in clause (ii), by inserting '', except as part of a secondary school program of study'' before the semicolon;

(iii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''year of'' and all that follows through ''higher education'' and inserting ''year of a program of undergraduate education at a two- or four-year degree-granting institution of higher education (including a program of not less than two years for which the institution awards a certificate)''; and

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(iv) in subparagraph (C)—

(I) in the matter preceding subclause (I) of clause (i), by inserting ''certified by the institution to be'' after ''is'';

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

''(II) a critical foreign language; and''; and

(III) in clause (ii), by striking the period at the end and inserting a semicolon; and

(v) by adding at the end the following:

''(D) the third or fourth year of a program of undergraduate education at an institution of higher education (as defined in section 101(a)), is attending an institution that demonstrates, to the satisfaction of the Secretary, that the institution—

''(i) offers a single liberal arts curriculum leading to a baccalaureate degree, under which students are not permitted by the institution to declare a major in a particular subject area, and the student—

''(I)(aa) studies, in such years, a subject described in subparagraph (C)(i) that is at least equal to the requirements for an academic major at an institution of higher education that offers a baccalaureate degree in such subject, as certified by an appropriate official from the institution; and

''(bb) has obtained a cumulative grade point average of at least 3.0 (or the equivalent as determined under regulations prescribed by the Secretary) in the relevant coursework; or

''(II) is required, as part of the student's degree program, to undertake a rigorous course of study in mathematics, biology, chemistry, and physics, which consists of at least—

''(aa) 4 years of study in mathematics; and

''(bb) 3 years of study in the sciences, with a laboratory component in each of those years; and

''(ii) offered such curriculum prior to February 8, 2006; or

''(E) the fifth year of a program of undergraduate education that requires 5 full years of coursework, as certified by the appropriate official of the degree-granting institution of higher education, for which a baccalaureate degree is awarded by a degree-granting institution of higher education—

''(i) is certified by the institution of higher education to be pursuing a major in—

''(I) the physical, life, or computer sciences, mathematics, technology, or engineering (as determined by the Secretary pursuant to regulations); or

''(II) a critical foreign language; and

''(ii) has obtained a cumulative grade point average of at least 3.0 (or the equivalent, as determined under regulations prescribed by the Secretary) in the coursework required for the major described in clause (i).'';

(4) in subsection (d)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''The'' and inserting ''IN GENERAL.—The'';

(II) in clause (ii), by striking ''or'' after the semicolon at the end;

(III) in clause (iii), by striking ''subsection (c)(3)(C).'' and inserting ''subparagraph (C) or (D) of subsection (c)(3), for each of the two years described in such subparagraphs; or''; and

(IV) by adding at the end the following:

''(iv) $4,000 for an eligible student under subsection (c)(3)(E).''; and

(ii) in subparagraph (B)—

(I) by striking ''Notwithstanding'' and inserting ''LIMITATION; RATABLE REDUCTION.—Notwithstanding'';

(II) by redesignating clauses (i), (ii), and (iii), as clauses (ii), (iii), and (iv), respectively; and

(III) by inserting before clause (ii), as redesignated under subclause (II), the following:

''(i) in any case in which a student attends an institution of higher education on less than a full-time basis, the amount of the grant that such student may receive shall be reduced in the same manner as a Federal Pell Grant is reduced under section 401(b)(2)(B);'';

(B) by striking paragraph (2) and inserting the following:

''(2) LIMITATIONS.—

''(A) NO GRANTS FOR PREVIOUS CREDIT.—The Secretary may not award a grant under this section to any student for any year of a program of undergraduate education for which the student received credit before the date of enactment of the Higher Education Reconciliation Act of 2005.

''(B) NUMBER OF GRANTS.—The Secretary may not award more than one grant to a student described in subsection (c)(3) for each year of study described in such subsection.''; and

(C) by adding at the end the following: and

''(3) CALCULATION OF GRANT PAYMENTS.—An institution of higher education shall make payments of a grant awarded under this section in the same manner, using the same payment periods, as such institution makes payments for Federal Pell Grants under section 401.'';

(5) by striking subsection (e)(2) and inserting the following:

''(2) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) for a fiscal year shall remain available for the succeeding fiscal year.'';

(6) in subsection (f)—

(A) by striking ''at least one'' and inserting ''not less than one''; and

(B) by striking ''subsection (c)(3)(A) and (B)'' and inserting ''subparagraphs (A) and (B) of subsection (c)(3)''; and

(7) in subsection (g), by striking ''academic'' and inserting ''award''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2009.

SEC. 11. INAPPLICABILITY OF MASTER CALENDAR AND NEGOTIATED RULEMAKING REQUIREMENTS.

Sections 482 and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089, 1098a) shall not apply to amendments made by sections 2 through 9 of this Act, or to any regulations promulgated under such amendments.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. MCKEON) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I request 5 legislative days in which Members may insert extraneous material on H.R. 5715 into the RECORD.

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

There was no objection.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008, as amended by the Senate. Earlier this month the House acted swiftly to pass this bipartisan legislation to ensure that students and families will be able to continue to access Federal loans they need to pay for college, regardless of what happens in the Nation's credit markets.

Over the past few weeks, the President has also voiced his support for this legislation. I am glad that the President has recognized the importance of this legislation, and am very pleased that with today's vote, we will have an opportunity to send to him this bill for his signature.

The bill we are considering today now includes some of the amendments added by the Senate to strengthen the purpose of the legislation. I want to thank Senator KENNEDY and Senator ENZI for all of their support for this legislation and all of their efforts to get it through the Senate on a timely basis.

Because today's vote is timely, the sooner we get this legislation to the President's desk, the sooner it can be implemented by the Department of Education. This week, many incoming freshmen will be reviewing their financial aid packages and making decisions on where they plan to attend college this fall. For many of these students, their families are already worried about paying bills in today's economy. They shouldn't also have to worry about whether Federal aid they depend on to pay for college will actually be there this fall when they need it.

Over the past few months, we have been closely monitoring what has been happening in the financial markets, and we have heard from stakeholders across the political and economic spectrum: The Department of Education, college financial aid officers, lenders, financial analysts, and students. Not surprising, we have heard varying predictions. Some believe that the lenders will continue to face trouble accessing capital for loans, and others believe that the markets will ease up.

Fortunately so far, the credit crunch has not prevented any student parent from getting the Federal loans for which they are eligible. But we believe that it is only prudent to prepare for the possibility that the ongoing stress in the Nation's financial markets could jeopardize access to student loans.

In addition to the provisions already passed overwhelmingly by the House

earlier this month, the legislation before us today includes additional measures approved by the Senate amendments. This amended legislation assures that loans made through the lender-of-last-resort program are made with similar terms and conditions as other FFELP loans.

It makes the Secretary's authority to designate entire institutions as a lender-of-last-resort program temporary. It ensures that guaranty agencies and lenders operating under the lender-of-last-resort program are subject to the same rules regarding inducements and conflicts of interest that other FFELP lenders are subject to.

□ 1315

It safeguards the lender-of-last-resort program from abuses by requiring guaranty agencies and lenders acting as lenders of last resort to report on loans made through the program. It protects taxpayers by requiring reporting on the cost of the lender-of-last-resort program as compared to the current loan program. Finally, the amended legislation reduces low-income students' reliance on Federal student loans by directing all loans generated by this legislation into the Academic Competitiveness and SMART grants.

I believe that these additions will enhance this bill by providing further protection for parent borrowers, boosting aid to low-income students, increasing accountability in the lender-of-last-resort program.

Now more than ever, families deserve every assurance that we are doing all that we can to make sure that they will continue to be able to finance their children's education. I am confident that our efforts, coupled with proper planning in the Department of Education, will help ensure that students are able to get the financial assistance they need to attend college this fall.

I would like to thank Mr. MCKEON, our committee's senior Republican, Mr. HINOJOSA, the subcommittee Chair, Mr. KELLER, the senior Republican on the subcommittee, and all of their staff and all my colleagues on both sides of the aisle for their commitment to acting promptly on behalf of America's students and families. Again, thank you to Senator KENNEDY and Senator ENZI for their support.

I urge my colleagues to join us in swiftly passing this legislation.

I reserve the balance of my time.

Mr. MCKEON. Mr. Speaker, I rise in support of H.R. 5715, and yield myself such time as I may consume.

I am pleased to be here just 2 weeks after the House voted overwhelmingly in support of this effort to restore confidence in our student loan program. Today we will give final approval to this measure and send it to the President for his signature. It is not often that Congress acts so nimbly to respond to a current market challenge, and I welcome this show of bipartisan cooperation. I hope it is a sign of things to come.

When we debated this bill on the floor 2 weeks ago, I noted that while it is a good start, it is not a complete solution. That continues to be true today. I am particularly interested in exploring a more market-oriented solution to what is obviously a market-based problem. I am hopeful that the administration will pursue steps such as an intervention by the Federal Financing Bank, along with the other proposals that have been offered to restore balance. Still, the steps taken under this bill are important preliminary measures, and I look forward to their swift enactment.

The original bill passed by the House focused on restoring stability to an uncertain market and offering reassurances to students and their families. We did that by establishing the U.S. Department of Education as a temporary backstop to purchase loans and inject modest amounts of liquidity into the market in order to ensure lenders can make new loans in the coming school year. We also offered new loan availability and flexibility, and we called on the Federal financial authorities to exercise their authority to stabilize the market.

I appreciate that the other Chamber chose to move quickly on our bill, rather than taking up a competing bill that would have slowed down this important assistance to students and families. However, some important improvements were made as this bill moved through the other body, and I want to highlight those here today.

In early 2005 and early 2006, Congress approved a budget reconciliation measure that created two new grant programs to help low-income students pursuing a college education. Those two new programs are the Academic Competitiveness Grant and the SMART Grant. These grant programs are meant to promote student academic achievement, particularly in fields that are vital to our continued competitiveness in a changing world.

During the committee deliberations on a comprehensive renewal of the Higher Education Act, Representative ROB BISHOP took a leadership role in clarifying the role of States and not the Federal Government in establishing rigorous high school curricula. The purpose of the Academic Competitiveness Grant was to encourage students to pursue challenging course work to prepare for college, but it was never intended to usurp State and local responsibility for establishing curricula. I am pleased we were able to incorporate his proposed changes into the bill that is moving today.

Mr. Speaker, I support this bill, but I would be remiss if I did not highlight what I believe to be the root causes of the current difficulties in our financial markets. Last year, Federal support for the loan program was slashed, forcing loan providers to scale back on benefits and reevaluate their future participation in the program. This year, disruption in the capital markets have reduced liquidity and shaken investor and consumer confidence.

I appreciate the steps taken in this bill to begin to stabilize a program that has been badly shaken. I am especially pleased that this bill contains no net cost to the American taxpayer and that it does not force colleges and universities to embrace the government-run Direct Loan Program that the vast majority have already rejected. I will remain vigilant in protecting against any efforts to capitalize on the current situation by imposing a big government monopoly on student loans. In fact, it is because I did not support a big government intervention that I favor the bill before us. The fact is that if we fail to act now, we may be forced to take on much greater government role in the future.

We made a commitment more than four decades ago that there are national benefits to an affordable, accessible, higher education system. What we are doing today is restating that commitment and sending a signal to students and families that we continue to believe in this program that has opened the door of higher education to so many millions of aspiring young Americans.

Mr. Speaker, this is a good bill that deserves our support. I want to thank Chairman MILLER, along with the chairman and ranking member of the subcommittee, Representatives HINOJOSA and KELLER, for their leadership on this issue. I would also like to recognize the staff for their hard work as well. I urge all my colleagues to join me in support of this measure.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HINOJOSA), the chairman of the subcommittee.

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of H.R. 5715, the Ensuring Continued Access to Student Loans Act. I especially want to thank Chairman GEORGE MILLER and ranking member BUCK MCKEON and all the others who have worked with us to be able to resolve the challenge of access and affordability to higher education to all those who wish to go to that level of education.

This is urgent legislation, and I thank the leadership in both the House and the Senate for ensuring its swift passage. We are all united in our commitment to provide every assurance to students and families that there will be no disruption in the Federal student loan programs, regardless of what is happening in the financial markets in our country.

As of today, no student has been unable to find a lender for a Federal student loan. However, we are not going to wait until students and families are denied loans before putting safeguards in place. Today is the day that many incoming freshman students must decide which college they will attend in

the fall. Financial aid is a critical consideration for that decision process. We can leave no doubt in the minds of students, families or campuses about the availability of that aid. That is why we must send this legislation to the President for his signature without delay.

Mr. Speaker, this legislation will provide much-needed liquidity to the student loan marketplace by authorizing the Secretary of Education on a temporary basis to purchase student loans so that lenders have the funds to make new loans. The legislation clarifies the lender-of-last-resort option so that, if called upon, guaranty agencies will be able to fulfill their role as lender of last resort as required under the Higher Education Act.

The legislation will reduce the reliance on private loans to fill the gap between Federal student aid and the cost of college by increasing the amount a student can borrow in the unsubsidized loan program.

This contingency plan for the student loan marketplace will come at no cost to the taxpayers. In fact, any savings that may be generated will be directed to the Academic Competitiveness and SMART grants that are available to needy students who complete a rigorous program of study in high school and those students who are pursuing majors in high-need fields, such as science, engineering, technology and foreign languages.

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

Mr. GEORGE MILLER of California. I yield the gentleman 30 more seconds.

Mr. HINOJOSA. Finally, with H.R. 5715 we are signaling that we will bring all of our tools to the task of guaranteeing access to student loans. This legislation also calls upon Treasury and our Federal financial institutions to do their share to ensure that there is sufficient capital in the Federal student loan marketplace.

I urge all my colleagues to vote ''yes'' on this critical stopgap legislation.

Mr. MCKEON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. KELLER), the ranking member of the Subcommittee on Higher Education.

Mr. KELLER of Florida. I thank the gentleman for yielding.

I rise today in support of the Ensuring Continued Access to Student Loans Act. As the ranking member on the Higher Education Subcommittee and founder and chairman of the Pell Grant Caucus, I am honored to be a cosponsor of this important legislation.

How did we get here? The troubles that began in the subprime mortgage market have had a ripple effect on our economy, impacting all types of consumer credit. Unfortunately, that includes student loans. As a result of these disruptions in the financial markets, students and families all across the country are worrying about how they will pay for college this fall. Through no fault of their own, middle class families are worrying that their children may have a difficult time getting the financing they need for college. At least when it comes to Federal loans, there are steps we can take now to prevent that from happening. That is why I support this bill before us.

This bill will increase loan limits by $2,000 to undergraduate students, it will give students more flexibility in their loan payment options, and it includes provisions that will help generate more low-interest loans. Additionally, the savings achieved in this bill will provide more aid to full- and part-time eligible students through national SMART grants.

This is how SMART grants work. If you are eligible for a traditional Pell Grant and you major in math, science or foreign languages that are critical and you have a B average, you will be able to get an additional $4,000 above and beyond the maximum award of $4,800. This bill expands that to allow full- and part-time students to partake. That means we will be helping a total of approximately 100,000 students who are majoring in math and science and critical languages, and also helping ourselves, because we desperately need more math and science majors.

I have a chart here regarding our strong support for Pell grants on a bipartisan basis to put this bill in perspective. Since I came to Congress in 2000, I have noted that we have increased Pell Grant funding by 149 percent, from $7.6 billion to $18.9 billion.

□ 1330

We have increased the maximum award from $3,300 to $4,800, an increase of 45 percent. Now, with this new expanded legislation for more part-time students to get these SMART Grants, those particular students in math and science will get, as I said earlier, $8,800 in eligible grants.

And, finally, and particularly significantly, we have made it possible for an additional 1.9 million students to go to college, an increase of 49 percent from 3.9 million students getting Pell Grants in 2000 to 5.8 million today.

Making sure that college is affordable has been a bipartisan priority of this Congress. This bill will help ensure access to college for many worthy students and provide much needed stability to the student loan market at a time when it is most important to our college students.

I want to thank Chairman GEORGE MILLER, Chairman HINOJOSA, and Ranking Member MCKEON for their speedy and bipartisan work on this bill. I want to thank my colleagues in the Senate for turning this legislation around so quickly and adding some key provisions dealing with the SMART Grants. I also want to thank the White House for indicating its strong support of this legislation and their willingness to sign it upon arrival.

For these reasons, I urge my colleagues to vote ''yes'' on H.R. 5715, and let's make college more affordable for all young people.

Mr. GEORGE MILLER of California. I recognize the gentleman from Connecticut, a member of the committee, for 2 minutes.

Mr. COURTNEY. Mr. Speaker, what a difference 6 weeks makes. On March 14, under Mr. MILLER's leadership, the Education and Labor Committee held a hearing on the question of student loan availability. And at that time, Secretary Spellings from the Department of Education came in and said that the administration was merely ''monitoring the situation,'' and expressed some diffidence and confusion about whether or not in fact the Federal Government really had a role to play in terms of being lender of last resort.

During the last 6 weeks, what we have seen is the collapse of Bear Stearns, we have seen lenders withdrawing from the student loan market, and a clear signal that the subprime mortgage crisis is in fact extending to the student loan market. In Connecticut, the Connecticut Commissioner of Higher Education Mike Meotti and the Director of Financial Aid at University of Connecticut, who I met with, confirmed the fact that they were seeing some withdrawal from the market and a need to step up their activity in terms of giving students more help as they enter a very challenging year, again, because of what is happening in the financial markets.

This legislation, which now the administration has come around in support of, will in fact strengthen the Direct Student Loan program and will confirm that the Federal Government will in fact be a lender of last resort so that it will make sure that, in August and September, students and families will not be running into difficulty and will in fact be able to go to college in the fall.

The Federal Government acted swiftly to help Bear Stearns, an investment bank which frankly morally and ethically didn't deserve the help. Millions of students, however, do. And this legislation, which will clearly confirm that the Federal Government has a role to play going into the summer months as students reach out to get financial assistance, that in fact the doors of colleges and universities will remain open.

I applaud Mr. MILLER for his leadership going back to last March 14 and ensuring that passage of this bill will occur on a bipartisan basis.

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

Mr. GEORGE MILLER of California. I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I rise in strong support of this bill that I joined with Chairman MILLER in introducing to ensure the current credit crunch does not prevent students from attending college.

Recent decisions to suspend the issuing of student loans by the Pennsylvania Higher Education Assistance Agency and other lenders around the

country clearly demonstrate the need for this legislation.

This bill is a model for bipartisan cooperation. Problems in the credit market began affecting the student loan market only 2 months ago, and since that time Congress has quickly moved to identify the problem, craft a responsible solution to that problem, and quickly move that solution through the legislative process. And, today, we are sending this bill to the President for his signature.

Congress can be proud of taking this proactive step to prevent a crisis and I am proud of what we did today, and encourage my colleagues to support this bill.

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

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New York (Mr. BISHOP), a member of the committee.

Mr. BISHOP of New York. Mr. Speaker, I thank the chairman for yielding, and I thank the chairman and the ranking member of the full committee and also of the subcommittee for working together so quickly and so cooperatively to bring this legislation to the floor. It is very badly needed, and the passage of it will allow us to expand upon the gains that this Congress has made in the dual goals of access and affordability. And let me just quickly reflect on those.

We have significantly reduced student loan interest rates. We have significantly increased the Pell Grant maximum. We have overridden the administration's recommendation to eliminate the SCOG program. We have overridden the administration's recommendation to eliminate the Perkins Loan program. We have done all of this on a bipartisan basis, and we have done all of this with a focus on keeping student need and student interests uppermost in our mind.

There are several very positive features of this bill. Let me talk just about three of them. The first is seeing to it that we maintain liquidity in the student loan market, a situation that is forced upon us by factors that have nothing to do with the Student Loan program. The second is the increase in loan limits on an annual basis. The most important element of this is that it will reduce student reliance on private lending, and that certainly is a goal of ours, to see to it that students have access to government regulated loans as opposed to private loans. And, lastly, the easing of the repayment requirements for the parent loan will be enormously helpful to needy families and the students of those families.

So I again want to commend leadership on both sides of the aisle and both sides of the Capitol for working so quickly on this. I want to commend the Education Department and the administration for their willingness to be supportive, and I urge speedy passage.

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

Mr. GEORGE MILLER of California. I yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

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

Mr. ANDREWS. Mr. Speaker, I congratulate Mr. MILLER and Mr. MCKEON for skillfully navigating this legislation to the floor, and I strongly support it.

Our country's economy has been severely affected by a lack of liquidity crisis. In plain language, people who need to borrow money to do good things who are creditworthy are having a very difficult time borrowing that money.

The early tremors are present in the education field that young men and women who need money to go to school are beginning to have trouble borrowing that money; and we are, frankly, concerned that an earthquake may follow those tremors.

Rather than wait for that disaster to occur, Chairman MILLER and Mr. MCKEON are taking preventive, action along with the Secretary of Education, to try to prevent such a calamity from occurring.

This legislation is commendable on any number of grounds. First, it strengthens the lender of last resort program so that guarantee agencies around the country will be equipped to quickly move capital to students and schools who find it difficult or impossible to get that capital from the banking institutions. Second, it increases the limits that students can borrow money that is guaranteed under the Federal guaranteed loan programs.

This is especially important, because so many of our students need what are called gap loans. This is the person who has an aid package of $28,000, but who needs 31,000 to go to school. In the past, the way families and students have dealt with this problem is to find a private lender to make a loan to fill that gap. There is increasing evidence that achieving that loan is increasingly difficult. By raising the loan limits in a fiscally responsible way, this bill alleviates that problem.

And, finally, by encouraging the growth of technological progress in the education sector, this bill ramps up the infrastructure that will be necessary to move loans to more students around the country as the time has come.

There is a lot of cynicism, Mr. Speaker, in this country about government, and some of it is quite justified. But I would hope that the cynics would watch the process that has occurred here where two leaders, one Democrat, one Republican, have come together, listened to the Secretary of Education, carefully analyzed the problem, and worked together to produce a piece of legislation that I believe will solve that problem. I commend them for their leadership.

I am proud to support this legislation, and I would urge Republicans and Democrats to vote ''yes.''

Mr. MCKEON. Mr. Speaker, I would like to echo the words of others that have spoken here today, and thank Chairman MILLER, thank Mr. HINOJOSA again, Mr. KELLER, and especially Mr. KENNEDY and Mr. RENZI on the other side for working very closely and deciding to take up our bill, because this could have been delayed. They moved expeditiously, and now we will be able to get this to the President's desk. And, hopefully, the concerns that I have felt for several months now will never come to bear; that we will go through this year, and students will be able to get their loans and we will do this without any hiccups. But, if not, this will be a big help as we move forward.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. I associate myself with the remarks of the gentleman.

Mr. SOUDER. Mr. Speaker, I support H.R. 5715, and voted for it when it was first considered on the House floor. Although I have some reservations, I believe it is a reasonable compromise that will provide the student loan market added flexibility and stability going forward. Had I been present, however, I would have voted "aye."

Mr. GEORGE MILLER of California. 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. GEORGE MILLER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5715.

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. GEORGE MILLER of California. 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.

FURTHER MESSAGE FROM THE SENATE

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

S. 2954. An act to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

TEMPORARY EXTENSION OF FARM PROGRAMS

Mr. HOLDEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2954) to amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2954

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

SECTION 1. ADDITIONAL TEMPORARY EXTENSION OF AGRICULTURAL PROGRAMS AND SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITIES.

Effective April 25, 2008, section 1 of Public Law 110–196 (122 Stat. 653) (as amended by Public Law 110–200 (122 Stat. 695) and Public Law 110–205 (122 Stat. 713)) is amended—

(1) in subsection (a), by striking ''May 2, 2008'' and inserting ''May 16, 2008''; and

(2) in subsection (d), by striking ''May 2, 2008'' and inserting ''May 16, 2008''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. HOLDEN) and the gentleman from Oklahoma (Mr. LUCAS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. HOLDEN. Mr. Speaker, I rise in support of this 2-week extension of the current farm bill. The conferees have been working hard, particularly Chairman PETERSON and Ranking Member GOODLATTE, and the chairman and ranking member in the other body. And we can see the light at the end of the tunnel, but we still need some additional time to dot all the I's and cross all the T's, as we try to prepare the American people for a sound farm policy over the next several years. I think that we are going to present a farm bill to this body and to the American people that will do just that. I think this will gain overwhelming support in both bodies and will be signed by the President of the United States.

In the commodity title, we will not only sustain our safety net, but we will see significant reform. In the conservation title, where I have the privilege of chairing the subcommittee, along with Mr. LUCAS who is the ranking member, we will see significantly more investment of about $4 billion into our conservation programs. And, in nutrition, which has been so important to our leadership, we will see an additional $10 billion in investment in nutrition programs.

And, finally on the energy title; we hear so much talk about our need to be less dependent upon foreign energy, we need to step up to the plate and do something. We should have done it years ago. But we cannot let this farm bill go without having a significant investment in energy. And we are proud of the work that we have been able to do on the energy title, particularly in the area of cellulosic ethanol. We think that we are going to have a program that is going to allow us to begin to wean ourselves off the dependency upon foreign energy.

So, Mr. Speaker, I believe that the conferees are working hard, they are making significant progress, but we need a little bit more time to accomplish our product.

I urge support.

I reserve the balance of my time.

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

I rise in support of the temporary farm bill extension that will extend some of the provisions of the 2002 farm bill so that the conferees can attempt to finalize this bill. I share my colleague's perspective over there. I think progress has been made, and we need to bring this to a conclusion.

With that, I urge my colleagues to support this farm bill extension so that that work can be accomplished.

□ 1345

I yield back the balance of my time.

Mr. HOLDEN. 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 Pennsylvania (Mr. HOLDEN) that the House suspend the rules and pass the Senate bill, S. 2954.

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.

GENERAL LEAVE

Mr. HOLDEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on S. 2954.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

Motion to instruct on H.R. 2419, by the yeas and nays; motion to suspend the rules relating to H.R. 5715, by the yeas and nays.

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

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to instruct on H.R. 2419 offered by the gentleman from Arizona (Mr. FLAKE) on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct.

The vote was taken by electronic device, and there were—yeas 157, nays 259, not voting 15, as follows:

[Roll No. 238]

YEAS—157

Allen
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bishop (NY)
Bishop (UT)
Blumenauer
Boehner
Bono Mack
Boucher
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Burgess
Calvert
Campbell (CA)
Cannon
Cantor
Capito
Castle
Castor
Chabot
Chandler
Conyers
Cooper
Crenshaw
Cubin
Culberson
Davis (CA)
Davis, David
Davis, Tom
DeFazio
Dent
Dreier
Duncan
Ehlers
Ellison
English (PA)
Eshoo
Feeney
Ferguson
Filner
Flake
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Goode
Hall (TX)
Harman
Heller
Hensarling
Hobson
Hodes
Hoekstra
Holt
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
Kind
Kirk
Kline (MN)
Knollenberg
Lamborn
Lampson
Langevin
Latta
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lungren, Daniel E.
Mack
Markey
Matheson
McDermott
McGovern
McKeon
Mica
Michaud
Miller (FL)
Miller, Gary
Mitchell
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Pallone
Pascrell
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Price (GA)
Pryce (OH)
Radanovich
Ramstad
Reichert
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sánchez, Linda T.
Saxton
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Smith (NE)
Smith (NJ)
Smith (WA)
Speier
Stark
Stearns
Tancredo
Terry
Tiberi
Tierney
Van Hollen
Wamp
Waters
Welch (VT)
Westmoreland
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Young (AK)
Young (FL)

NAYS—259

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Baldwin
Barrow
Becerra
Berry
Bilirakis
Bishop (GA)
Blunt
Bonner
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Camp (MI)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Edwards
Ellsworth
Emanuel
Emerson
Engel
Etheridge
Everett
Fallin
Farr
Fattah
Foster
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Hastings (FL)
Hastings (WA)
Hayes
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Holden
Hooley
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski

Kaptur
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Klein (FL)
Kucinich
Kuhl (NY)
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Loebsack
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pastor
Pearce
Perlmutter
Peterson (MN)
Poe
Pomeroy
Porter
Price (NC)
Putnam
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sarbanes
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wu
Wynn
Yarmuth

NOT VOTING—15

Blackburn
Deal (GA)
Doggett
Forbes
Fossella
Honda
Israel
LaHood
Lewis (KY)
Payne
Rush
Sanchez, Loretta
Slaughter
Weldon (FL)
Wilson (NM)

□ 1410

Messrs. CAMP of Michigan, BONNER, SOUDER, COSTA, OBERSTAR and JONES of North Carolina, Ms. HOOLEY and Mrs. MYRICK changed their vote from ''yea'' to ''nay.''

Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Ms. WOOLSEY, Ms. LINDA T. SÁNCHEZ of California, Ms. GIFFORDS and Messrs. SHAYS, BERMAN, FRANKS of Arizona, LATTA, MORAN of Virginia, CONYERS and LAMPSON changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ENSURING CONTINUED ACCESS TO STUDENT LOANS ACT OF 2008

The SPEAKER pro tempore (Mr. SERRANO). The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill, H.R. 5715, 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. GEORGE MILLER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 5715.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 21, not voting 22, as follows:

[Roll No. 239]

YEAS—388

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)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larson (CT)
LaTourette
Latta
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
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 (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—21

Brady (TX)
Broun (GA)
Campbell (CA)
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Hensarling
Johnson, Sam
Jordan
King (IA)
Kingston
Lamborn
Miller (FL)
Paul
Poe
Price (GA)
Tancredo
Westmoreland

NOT VOTING—22

Blackburn
Boucher
Deal (GA)
Doggett
Forbes
Fossella
Gutierrez
Higgins
Honda
Israel
LaHood
Larsen (WA)
Latham
Lee
Lewis (KY)
Payne
Rush
Sanchez, Loretta
Slaughter
Souder
Weldon (FL)
Wilson (NM)

□ 1417

Mr. GINGREY changed his vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 239, I was detained in Senate on district business. Had I been present, I would have voted "yea."

Ms. LEE. Mr. Speaker, earlier today I missed rollcall vote No. 239 on approving the Senate amendments to H.R. 5715, the Ensuring Continued Access to Student Loans Act of 2008. Had I been present, I would have voted "yea."

Mr. SOUDER. Had I been present on rollcall 239, I would have voted "aye."

Mr. LATHAM. Mr. Speaker, on rollcall No. 239, I inadvertently missed the vote today on H.R. 5715 due to an unforeseeable conflict. Had I been present, I would have voted "yea."

LEGISLATIVE PROGRAM

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

Mr. BLUNT. Mr. Speaker, I yield to my friend, the majority leader, to give us some information about the schedule for next week.

Mr. HOYER. I thank the Republican whip for yielding.

On Monday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business with votes postponed until 6:30 p.m. On Tuesday, the House will meet at 10:30 a.m. for morning hour and 12 p.m. for legislative business. On Wednesday and Thursday, the House will meet at 10 a.m. for legislative business. On Friday, no votes are expected, and I underline ''expected,'' in the House.

We will consider several bills under suspension of the rules. The final list of suspension bills will be announced, as is our practice, by the close of business tomorrow. We will consider legislation to address the housing crisis, including bills reported out of the Financial Services Committee regarding the Federal Housing Administration and H.R. 5818, the Neighborhood Stabilization Act of 2008. We also hope to consider the farm bill conference report.

Mr. BLUNT. On the housing question, you mentioned one bill. Is there a chance there will be two bills coming out of Financial Services that may be incorporated there in some way?

Mr. HOYER. That is possible that they would be considered separately. I have not conferred with Mr. FRANK, the chairman, so I can't definitively say that. I'm not absolutely sure, but the answer to your question is it's possible.

Mr. BLUNT. I thank the gentleman for that.

The gentleman also mentioned we had a possibility, or at least your hope that we would consider the farm bill conference report. I know there are some other conference reports out there, the budget, higher education, consumer product safety. We've got 11 working days left before we take the District Work Period at Memorial Day.

I wonder if the gentleman has the sense of the likelihood that any specific one of those might also be available during that period of time.

Mr. HOYER. If I had my druthers and I could make it happen, all of them would be within the context of that 11 days to which you refer. The chairman of the Budget Committee is on the floor. I know he's been working very, very hard, and I believe that we are close on the budget conference. I think that may well be a possibility.

There may well be other conference reports available as well. I cannot tell you now specifically that there are bills that I am absolutely assured will be ready for that time frame, but I do believe that there will be significant pieces ready.

The DOD authorization bill will, of course, be considered on the week of the 18th, I believe. That's the week of the 18th. The supplemental is obviously on our radar screen, and we hope to pass the supplemental before we leave as well. I was hoping for next week. That still is a possibility, but I'm not assured that they will be in place, ''they'' being Mr. OBEY in our discussions. I'm not sure what his plans will be, whether he can move it ahead that quickly.

The budget conference, of course the farm bill conference, the supplemental, and the DOD authorization are major pieces of legislation I want to see passed before we leave.

Mr. BLUNT. I have a couple of questions about that.

First of all, on the one you didn't mention, the higher education conference, I think the higher education, the current bill, expired last evening. Will we extend that? Would that be the gentleman's intention that we extend the current bill next week as well as the other work that's been listed?

Mr. HOYER. That is an option as well as in the best of all possible worlds, the conference would be completed and we could pass the bill itself. If that does not happen, we will contemplate an extension.

Mr. BLUNT. On the supplemental, you mentioned Mr. OBEY. Is there now a possibility that the supplemental might be marked up in conference? I know during the 5 weeks now that we've talked about this, you had announced a hope that we would have the supplemental on the floor either in the last week in April or you every time have said, ''No later than the first week in May.'' So we're not there yet but we get there next week.

You now would not anticipate that on the floor, is one question. The other is, where are we on the question whether the committee will mark that supplemental up or it will come to the floor in some other way.

Mr. HOYER. I think that's, candidly, still up in the air. I know that's of concern to you. I understand that concern, but I will tell you again, I think it's still up in the air.

Mr. OBEY has been discussing with the Senate how they think we can best move forward as expeditiously as possible and so that we can try to achieve the end.

As you know, there is substantial discussion about what is in the supplemental. The President, as you know, has indicated that and Mr. Nussel has indicated that if anything above the dollars asked essentially for Iraq and Afghanistan are included for investment here in this country on various different items, perhaps dealing with unemployment insurance, perhaps dealing with energy credits so that we can ensure the expansion of alternative enterprises for alternative fuels, those are all being discussed to see whether they are possibilities in terms of passage and, hopefully, signature by the President.

We think that there are a number of items that are critically important to pass now that we think this bill is appropriate for but we don't have agreement on at this point in time. But Mr. OBEY is working today and hopefully tomorrow, and we have a number of meetings today to see if we can move that forward.

So I regret I do not have a more definitive answer for you, but that is the candid answer.

Mr. BLUNT. I thank my friend for the candidness of that answer.

I also remember and remind him that last week on the topic of the expanded GI benefits, the supplemental, under the rules we've been working with, would be considered, at least the wartime part of that, an emergency spending and not under the PAYGO rules. The GI benefits that have been talked about both here and on the other side of the building, I think last week you suggested that those were related to the Iraq-Afghanistan expenditures in a way that you thought that the majority might waive PAYGO and include those in the supplemental.

I'm wondering if any of those other items that you discussed, like unemployment insurance, might also meet that criteria where if they were in the supplemental, they wouldn't have to comply with the PAYGO provisions of the current rules of the House.

I would yield.

□ 1430

Mr. HOYER. I thank the gentleman for yielding.

As it relates to the first item, the GI Bill, there is a comprehensive GI Bill, as you know, sponsored by Mr. WEBB. Also Ms. HERSETH over here and others have legislation which tries to respond to the critical need that our veterans returning from Afghanistan and Iraq now have because they have substantially less generous benefits and, therefore, less opportunity to reintegrate themselves into the community and stabilize themselves and their families. We believe that is a cost of the war.

I don't believe that under the current suggestion, and I'm not suggesting that it's in or out at this point in time, I'm not suggesting there is anything in or out in terms of proposal, but it is my belief that that would not require a waiver of the PAYGO given the context in which it may be considered. What I mean by that, and not to be too esoteric, is that we may respond to the need this coming year as opposed to a longer term.

Mr. BLUNT. Again, would that apply if we look at it as an economic provision to the bill to the unemployment insurance and other things as well?

Mr. HOYER. Will the gentleman yield?

Mr. BLUNT. I would.

Mr. HOYER. As you know, we came together and we agreed on the passage of a stimulus package. We passed a stimulus package because we thought our economy was either about to go in recession or was in recession—not at the time when we passed it, but that

seems to be the case now—and the stimulus package was designed to either keep us out or to bring us out of a recession and to try to help our people who are at risk. As you know, we did that on an emergency basis. The reason we did that on an emergency basis, we felt, in terms of stimulating the economy, you didn't want to stimulate and depress at the same time. So the answer to your question, for instance, on unemployment insurance, that may well fall in the same category from our perspective.

Mr. BLUNT. I thank the gentleman for that.

I would suggest if that was the criteria, that on the expired research and development credits or the expired deductibility of sales tax from income tax in those States that had that deductibility for a few years ending on December 31, or even on the alternative minimum tax protection for people who don't pay that tax now, it seems to me they would meet that same criteria of having negative economic impact as we let those research and development credits expire or as we no longer allow people in Florida and Texas and other States to deduct their sales tax before they pay their income tax or if we let the AMT patch extend to a number of people. I don't know if there is a way to handle those issues under that same umbrella of economic impact or not, but I would yield.

Mr. HOYER. I thank the gentleman for his observations. I think he and I have a difference on the perception of some of the items that he mentioned as being analogous to some of the other items that we have discussed.

On the AMT, for instance, there is a disagreement on that alternative minimum tax. The alternative minimum tax was not intended, I don't think by any of us, to impact the people that it is now impacting. I believe strongly that we ought to fix the AMT, not just for this coming year, but permanently, and we ought to pay for that. And the reason I think that we ought to do that is, A, it clearly falls within the ambit of PAYGO, and secondly, because I think that our generation incurred this liability and we ought to pay for that liability.

But some of the things that we have already mentioned I think are more analogous, not to tax extenders, giving additional tax relief or fixing the AMT, but are, as the UI is, unemployment insurance, directed to an emergency that confronts us as a result of a substantial downturn in the economy, which is analogous, I think, to the stimulus package, which is why we didn't consider that to be a PAYGO issue and were prepared not to address it in a PAYGO way.

Mr. BLUNT. I hear that answer and I respect it, but I also believe that when we've let these tax policies expire, they have some of the same economic consequences. I suppose that can be debated when we get to that point in the debate. But sort of selective waiving of PAYGO, I hope we have developed some principles here that can maybe apply to some other things as well. I think we've discussed that and I appreciate the fact that we've had a difference on this for some time.

I mentioned a couple of States that are particularly impacted by the credit situation that we face right now on the sales tax deductibility. That's just another burden on taxpayers that may be dealing with another problem that's part of the overall economic challenge we face right now. And just like the stimulus package waived PAYGO to try to help solve this problem, I'd suggest that there may be items beyond unemployment insurance that equally are related and may be even more contributory to the problem than unemployment insurance.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

You mentioned the States. One of the things that we're very concerned about is the very substantial fiscal adverse impact to the States that will be caused by the change in the Medicaid regulations proposed by the administration. That is one of the items under consideration because that change, as I understand it from Mr. WAXMAN—as a matter of fact, we just talked about it—will have a very great adverse financial impact on the States. I'm sure you received a letter similar to the one that I received from both Democratic and Republican Governors asking us to address that.

So there clearly are some items which have impact on the States. Very frankly the discussion is, how many of those do we try to address, if any, in the supplemental? How many do we address in the stimulus package? Or how many do we address in separate legislation?

One of the positive aspects of the stimulus package, as you will recall because you and I were in the room, was that Secretary Paulson, on behalf of the administration, the Speaker, you and I and Mr. BOEHNER sat down together and talked about how we can get from where we were to where we wanted to get, and we came to agreement. We have been unable to do that, as you know, on some of these things that we think are of serious concern, and the Medicaid regulations are an example of that.

Mr. BLUNT. I appreciate that. And I do recall those discussions.

Also, the tax policies that encourage purchases that create jobs are in place. And as all of us on the floor here know, the initial checks that go out as part of the stimulus package are going out in the next few days over the next couple of months. And that, hopefully, will be helpful.

On the supplemental, anything that we can do, that I can do, that our side can do to encourage going through the committee in the regular process, we would like to do that. In the last 20 years, under both Democrats and Republicans, there have been 36 supplementals. All but seven of them went through the committee. And those seven did not go through the committee based on a bipartisan decision that Katrina or 9/11 or some other event had occurred where Members on both sides of the aisle essentially said we know what needs to be done here, we're in agreement with it, let's take a bill to the floor. In the other 29 instances where there was not bipartisan agreement, every supplemental went through the committee.

In the 12 years that we were in the majority, there were 20 supplementals. None of them had a closed rule, all of them except the ones I mentioned by bipartisan agreement went through the committee, and 10 of them had an absolutely open rule where we brought the supplemental to the floor and the rule essentially said bring on every amendment that you want to and we'll debate it until the amendments are exhausted. That's a time-honored process not just under the Democrat majority, but under the Republican majority. I'd like to again encourage that we do whatever we can do to further that discussion that you suggested may be going on now that would have the committee option as one of the options.

Mr. HOYER. I thank the gentleman for his observation. He has made it before. I will say that other Members, for whom I have a great deal of respect, on your side of the aisle have discussed this with me. I think your point is well taken, and that is under discussion.

Mr. BLUNT. I have one other question that wasn't on a list and not on an immediate schedule, but one of our Members from Oregon (Mr. WALDEN) had asked me if I would bring up with you the topic of H.R. 3058. It's a bill sponsored by Mr. DEFAZIO from Oregon on public lands, communities transition. It was introduced last July, voted out of Resources in December. The Agriculture Committee has now discharged the bill. This involves schools in western lands, very important to our western Members on both sides.

Mr. WALDEN has asked me to ask you, first of all, is there any information about when that might be scheduled? And secondly, to make the request that that bill be scheduled.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

I don't have information now about the status of that bill, where it is. Obviously it's a bipartisan bill, Mr. DEFAZIO and Mr. WALDEN and others. It is a bill that, very frankly, has been brought up in the context of whether it might be included in some other pieces of legislation, so that it obviously has bipartisan support. I will look at it and discuss it with Mr. DEFAZIO and let you know where we are on it.

Mr. BLUNT. I thank the gentleman for the time.

I do know the gentleman mentioned this week that in the 11 days left before this next work period at home, we

might have a flurry of activity. And I would suggest, you've seen lots of interest on our side, that hopefully part of that flurry of activity could be an energy bill. I think now we're in the 18th or 19th straight day of highest gasoline prices ever. Tomorrow may be the 19th or 20th straight day of that. That would be one of the things that we would certainly like to see Members of the House address before we leave here for the Memorial Day break.

I would yield.

Mr. HOYER. I thank the gentleman for yielding.

Without going into the polemics of the politics that we exchange on this of what legislation we have passed through here, which was, we think, directed at trying to address the short-term problems, dealing with OPEC, dealing with manipulation of prices, dealing with price gouging, which many, if not all of you, on your side voted against. Suffice it to say I think all of us are concerned about the high prices of gasoline. Suffice it to say that all of us, if we're honest, know that in the short term it's going to be very difficult to impact on that. Thirdly, that the solution longer term is obviously moving towards alternative sources of energy and renewable sources of energy.

We passed a major piece of legislation last year. Happily we passed it in somewhat of a bipartisan fashion, not totally, I don't mean everybody unanimously voted for it. But the President did sign it. The President said it was a step forward. For the first time in a very long period of time it said our automobiles need to be more efficient. For the first time in a very long time it required the use of alternative fuels. So that we addressed initially, and there's much more that needs to be done, longer term solutions.

Short-term solutions are tough. There is discussion about the SPR. There are discussions about taxes, gasoline taxes, as you know. There are other discussions. If you have ideas, we would be glad to have them in terms of what can be done in the short term.

Mr. BLUNT. I thank the gentleman.

I think we've brought some ideas in the last couple of weeks to the floor on bills that didn't necessarily relate to this and we will probably have more that we will be talking about.

I yield back.

ADJOURNMENT TO MONDAY, MAY 5, 2008

Mr. HOYER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning-hour debate.

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

There was no objection.

□ 1445

ON THE RETIREMENT OF MARK O'SULLIVAN

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

Mr. HOYER. Ladies and gentlemen of the House, many of you have heard me, and Mr. DREIER as well, over the years speak to how extraordinarily advantaged we are in the House of Representatives, and the American people are, by the quality and commitment of the staff that serves this institution.

It doesn't serve Republicans or Democrats, but it serves the purposes of assuring that this institution runs in a way that gets the business of the American people done in a way that's productive and positive for them and for our country.

Regretfully, I am going to observe the retirement of one of those people. Happily, I can extol his virtues. I've known him for a very long period of time. I've seen his work, conscientious, able, and a very positive impact on this institution.

Mark O'Sullivan, who is sitting just to my left on the second-level rostrum, has been with us 31 years in the House, and he commutes from Baltimore every day. I don't know whose district he is in, maybe Mr. CUMMINGS' or Mr. RUPPERSBERGER's. I'm not sure whose district he is in, but I'm sure they are happy that he is living there, although he's totally bipartisan, I'm sure.

He has done an outstanding job. I have always found him to be in even humor, even in the toughest of times. Even in the times when the body sometimes gets more loud and uproarious than at other times, he maintains an even demeanor. And, as I say, the competency and the talent and the commitment and the character he has brought to his job has advantaged our country and the House of Representatives.

Mark, we thank you. Congratulations to you. We wish you the very best, and we look forward to seeing you back here in the near future and repeating it.

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. RYAN of Wisconsin. Mr. Speaker, I offer a motion to instruct conferees.

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

The Clerk read as follows:

Mr. Ryan of Wisconsin moves that the managers on the part of the House on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 be instructed, within the scope of the conference, to use the most recent baseline estimates supplied by the Congressional Budget Office when evaluating the costs of the provisions of the report.

Mr. RYAN of Wisconsin (during the reading). Mr. Speaker, I ask unanimous consent that the text of the motion be considered as read.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and a Member opposed each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Speaker, it's not my intention to consume the full amount of time, as we had discussed earlier.

At the beginning of this Congress, the Speaker of the House said the following: ''After years of deficit spending, this new Congress will commit itself to a higher standard: pay-as-you-go, no new deficit spending.''

Well, the majority did follow through on half of their promise. One of the first things they did when they took control of this place was put in a new pay-as-you-go rule.

But things haven't quite worked out as well on the deficit. This year's deficit is projected to double as spending is projected to rise by over $200 billion. But at least they did put in the rule. And one of the things that makes this rule interesting, that requires this rule, is that the House must use the most recent CBO baseline when determining whether a bill complies with PAYGO. Let me read this rule word for word to be clear:

''The effect of a measure on the deficit or surplus shall be determined on the basis of estimates by the Committee on Budget relative to the most recent baseline supplied by the Congressional Budget Office.''

It sounds pretty straightforward, Mr. Speaker. You've got to use the current baseline when you apply PAYGO, no questions asked.

But despite this, everyone I have talked to about this issue, everything I've heard, everything I've read in the newspapers had told me that the farm bill isn't going to use the updated 2008 baseline but instead is going to use the 2007 baseline, an outdated baseline from over a year ago. Now, I hope that this is not the case. I hope that this does not happen. But it sounds like that's the direction they are headed. And that is what this motion is all about.

This motion is very simple. All it would do is require that the House will follow its own rules and use the current CBO baseline when determining whether or not the farm bill complies with PAYGO.

Why should we care? Why does this seemingly technical issue make a difference?

First of all, economic conditions have changed in the past year. Agricultural profits are way up. Food prices are soaring. And it's simply not accurate to use an estimate that's over a year old.

Second, there's a strong possibility that using the old baseline could hide

billions and billions of dollars in new spending. We don't have all the details yet, and we don't know exactly how CBO is going to score it, but based on what we've heard, based on rising food prices and other factors, we think it's quite likely that this bill is going to appear to cost billions of dollars less under the old baseline than it really does under the current one.

Now, isn't that convenient? I'm sure that a lot of taxpayers would love to have this type of choice. I'm sure that when they were filling out their taxes a few weeks ago, a lot of people thought it would surely be nice to have the option of paying taxes on either last year's income or this year's income. They could just pick the year where they made less money and save a couple bucks.

But the taxpayers don't have that choice. They are required to play by the rules. They have got to pay taxes on their current income whether they like it or not. And if the majority follows the rules, it doesn't have this choice either. They must use the 2008 baseline, or they will be in clear violation of their PAYGO rules.

Now, the majority has dodged PAYGO before. The farm bill they passed last year had over $5 billion in timing shifts and other gimmicks in it, and I wouldn't be surprised if you saw some of those in the conference report again this year. But if they use an old baseline, this would take it to a whole new level, Mr. Speaker. This would be the first time the majority actually used baseline shopping to violate the PAYGO requirement.

You see things like this, and it's no wonder people think Washington is broken. These types of games are exactly what make people cynical about Congress. And I agree. This just isn't the way the House should operate. The American people deserve better than having the House play games with its own rules and then go home and claim they have entered a new era of fiscal discipline.

You know, some people might find it odd for me to be down here talking about PAYGO, and I will be the first to admit that I have been critical of this rule and don't think it's the best way to proceed with respect to fiscal discipline. But let's put those concerns aside for a minute. Budgetary rules are only as good as the integrity of the numbers that you use to enforce them. So let's enforce those rules with updated CBO estimates. Let's have a strong bipartisan vote for this motion and say that these games have got to end. Let's not manipulate the rules and pick and choose whichever baseline is more convenient.

With that I urge my colleagues to support this motion.

Mr. Speaker, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I rise in strong support of this motion.

My friend has outlined very clearly exactly where we are. And I will tell you from the perspective of the House Rules Committee, while we have not been enthusiastic supporters of this PAYGO procedure, I will say that while my friend used the tax analogy, as I listened to the exchange between the distinguished Republican whip and the majority leader, I couldn't help but think about the gasoline price issue. It would be tantamount to one of our constituents or any of us being able to go up to a gas pump and say, ''You know what? I'd like to pay the price of gasoline as it was 6 months ago as opposed to where it is today.'' This is not the way this should be done.

I urge my colleagues, Democrats and Republicans alike, to come together in support of this motion.

I rise in support of this motion. We don't actually know what's in the Farm Bill Conference Report, because the Conference Report has yet to be finalized, which is precisely why we are here seeking to instruct the conferees on the part of the House. But if press reports are accurate, the Conference Report could be in violation of clause 10 of Rule XXI of the Rules of the House of Representatives, known as the PAYGO rule. Now, I am not a supporter of the PAYGO rule. Ostensibly it is intended to impose fiscal discipline—a worthy goal that I share. But in reality it does nothing more than mandate tax increases. If the Democratic Leadership were to recognize this reality and propose a rule change to eliminate PAYGO, I'd support it. So far, they have not yet recognized the error of their ways, and PAYGO is a rule of the House.

At issue here is the number that is used as the baseline for determining deficit neutrality. The rules of the House are unambiguous. The most current baseline estimate must be used. Clause 10 of Rule XXI provides: "the effect of a measure on the deficit or surplus shall be determined on the basis of estimates made by the Committee on the Budget relative to the most recent baseline supplied by the Congressional Budget Office."

This does, after all, make perfect sense. If out-of-date and irrelevant numbers can be used, the rule would be a complete farce, even to those who support it in principle. In the case of the Farm Bill, the most up-to-date estimate was released on March 3, 2008. And yet it has been rumored that the Farm Bill's authors may choose to use the fiscal year 2007 numbers.

This would be akin to pulling up to the gas station and rather than having to pay the current 2008 price of $3.62 per gallon, you tell the gas station attendant that that price doesn't apply to you, and you get to pay the 2007 price of $2.97.

If Democrats insist on following this path, their bill will be in violation of PAYGO. And if the Rules Committee chooses to waive PAYGO, I suspect they would have trouble garnering enough support to pass such a rule within their own caucus. While the Democratic Leadership has proven they have no qualms about breaking House rules, or circumventing them altogether, a number of their Members are committed to the current incarnation of PAYGO. The Democratic Leadership knows that failure to comply with this rule is a nonstarter for a large bloc of their caucus.

So if their solution was to simply cook the books, pretend their bill was PAYGO compliant, and hope no one noticed, then I'm sorry to say, we noticed. To all of my colleagues who support PAYGO, and to all of my colleagues who oppose PAYGO but also oppose budget gimmickry and backroom deals to thwart the rules of the House, I urge you to join me in supporting this motion. Let's send the Farm Bill conferees a strong message that a budgetary shell game will not get them their 218 votes. And let's send a message to the Democratic Leadership that they can't piously claim to follow the rules, while perpetrating an end-run around them.

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

Mr. POMEROY. Mr. Speaker, I rise to oppose the motion to instruct.

The SPEAKER pro tempore. The gentleman from North Dakota is recognized for 30 minutes.

Mr. POMEROY. I thank the Speaker.

We agree that under normal circumstances a farm bill considered at this time ought to be scored on the March, 2008, baseline. But let me emphatically emphasize there has been nothing normal about the development of this farm bill.

We're moving into our 17th month of intensive work on this farm bill. I'm telling you we have encountered every barrier you can possibly imagine, and we are almost done. We have almost got this to conference committee and to the floor. As the majority leader indicated, we are hopeful it will be on the floor next week.

During the period of time we have been working on this bill, the House passed this farm bill July 27, 2007, and it took nearly 5 months in addition before the Senate passed its bill, December 14, 2007. If they would have gotten their bill done earlier, we probably could have concluded this. This wouldn't even have come up. We would have had the farm bill out of here by now. The Senate-passed bill, however, is 1,876 pages long; the House bill, 160 pages long. That alone will tell you we had an awful lot of work to reconcile these two bills.

The Senate uses a different rule relative to determining baseline, a rule used by the House in the construction of the 1996 farm bill as well as the 2002 farm bill. This principle is pretty simple: If you have done most of the work on the legislation under the old baseline, you can conclude the work. It would undo everything to suddenly have the new scoring requirement. And if the Senate didn't go along, you would have the crazy situation of trying to do one baseline for the House, another baseline for the Senate, trying to meld those in conference committee, and you will never get this thing done.

So the gentleman's motion to instruct has an intellectual basis for it, but the reality of this farm bill is we have worked now 17 months building the bill, most of that time under the 2007 farm bill. When we passed the bill in the House, we had no idea what the 2008 baseline would be; so it's not like

we were forum shopping or trying to pick the most lenient number. It was just the only way we could proceed. And if we would at this point in time do a baseline shift, I'm telling you this project, so close to home, gets put back to square one.

I have asked my friend and colleague Chairman John SPRATT to join me in this discussion because, obviously, when it comes to budget matters, he has broad respect across both sides of the aisle and I believe he can advance a more detailed discussion on some of the rules at issue as we respond in opposition to the motion.

Mr. SPRATT. Will the gentleman yield?

Mr. POMEROY. I yield to the gentleman from South Carolina.

Mr. SPRATT. I thank the gentleman for yielding.

Mr. Speaker, more than a year ago, in meetings with Chairman PETERSON and the Ag Committee staff, the Budget Committee made it clear that the new farm bill had to stay within the CBO baseline for the current farm bill. Policies could be added or altered, but the aggregate cost could not exceed CBO's current baseline. We based that position on the so-called ''pay-as-you-go'' rule. Pay-as-you-go requires that any new legislation, in the form of mandatory spending, be fully offset, that it not exceed the current baseline.

In this instance, with the new farm bill, which about to come from conference, it appears that the farm bill will be complied with the fiscal year 2007 baseline but perhaps not fully complied with the fiscal year 2008 baseline. I have not seen the numbers yet.

CBO produces many baselines, and for a time the House PAYGO rule was ambiguous about the proper time for switching to a newer, updated baseline. Over time the House Budget Committee, in consultation with the Parliamentarian, came to an agreement to use longstanding scoring principles. These principles or guidelines allowed the Budget Committee discretion so that we could choose the appropriate baseline. This principle evolved over many years as a rule of practicality. It was founded on the rationale that we should not change the rules in the middle of the game or the middle of the legislative process or, in this case, in the middle of a complex conference. This rule was applied in 1996 to the farm bill passed then and again in 2002 to the farm bill which was passed then. Once again, the underlying idea is to avoid changing the rules in the middle of a contested process that is complex and protracted enough already.

The House PAYGO rule, the rule which we adopted in January of 2007, does set a limit to it. It does say that the latest baseline can and should be used until such time as the Budget Committee reports a budget resolution. The Senate has a different rule. The Senate PAYGO rule also sets a limit. It proposes that the last baseline be used until a conference report on the budget is adopted.

□ 1500

So there is a significant disagreement in the position between the two rules in the two bodies. As part of the resolution of all the differences in the conference, this too has to be resolved.

Much of the farm bill about to come before us was hammered out in 2007. The bill passed the House and passed the Senate and the conferees on all sides believed that the final package would emerge certainly no later than March of this year. The Budget Committee determined and informed the conferees that any farm bill would have to be scored against the FY07 baseline up until the Budget Committee reported a budget resolution for fiscal year 2009.

The budget resolution was passed on March 7. Our committee staff informed the conferees that the baseline for measuring compliance with PAYGO would now be the fiscal year 08 baseline. In rendering that advice, we didn't resolve or really consider the pertinent problem. As I said earlier, the rules require that the conferees use the March 07 baseline until the Senate adopts the conference report on the budget for fiscal year 2009. This makes sense because then you will have something done definitively by concurrent budget resolution passed in both Houses. And the purpose of a conference is to resolve disagreements between the two Houses.

Here, we have such a disagreement, as I said earlier. Either we use the FY07 baseline or we use the FY08 baseline. We can't use base because there is a significant difference between the two. It seems fair and reasonable to me to use the FY07 baseline since so much of this conference agreement was written with the FY07 baseline as the yardstick, and to revert to FY08 would require more protracted negotiations and maybe no conference report at all.

I have to say to you I could argue you this either way. But I believe on balance that this is a good application, a proper allocation of the baseline rule, and certainly the rule of practicality in this instance.

Mr. POMEROY. Reclaiming the time——

Mr. RYAN of Wisconsin. If the gentleman is willing to yield back his time, I will just have a 1-minute speaker and then I will close—fast.

Mr. POMEROY. I would just like to point out one quick thing. This is what PAYGO accomplishes. In 2002, pay-as-you-go budget discipline was allowed to expire. The farm bill, when it was passed, added to the baseline $73.5 billion. I believe the gentleman from Wisconsin voted for that farm bill. I did.

Now we have an important restoration of pay-as-you-go discipline, and under the 2007 baseline we have accounted for every dollar of spending in this farm bill. No deficit added, no deepening of the deficit, as figured on the 2007 baseline, compared to a very, very different situation in the 2002 farm bill.

So the gentleman's motion involves, in my view, pointing out that this might not technically jibe with the House rule. I believe that we have learned a lesson from the gentleman's motion. We ought to have our rule like the old rule where the baseline on a discretionary call by the Budget Chair can continue to be the baseline under which you drafted the legislation, because otherwise all of this work could be lost. We need to get this bill done. And we are this close to getting it done.

So with respect to my friend, Mr. RYAN, I would urge that we reject the motion. I will let this statement serve as the close. Let the Ag Committee finish its work; let's pass the farm bill. Let's reject this motion to instruct.

I yield back.

Mr. RYAN of Wisconsin. I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank my friend for yielding.

He and I and others have tried to introduce the concept of more reform in this next farm bill. But I didn't intend to speak on this motion; I just want to point out a little bit of irony in what this motion would do.

It's my understanding that by using the 2008 numbers, it would result in a lower baseline for the commodity subsidy programs by about $11 billion, which I don't have a problem with because we have introduced a 10-point option plan to find over $10 billion of reasonable savings under these commodity programs already. So it's consistent with that.

But it would also call for an increase of the baseline under the conservation title of close to $2 billion and under the nutrition title of close to $35 billion because of increased food costs and eligibility under these nutrition programs. If the nutrition groups knew what the practical effect of this motion to instruct would be, they will be doing cartwheels all over this town for the next week.

I just wanted to point out the irony of today's baseline versus last year's baseline.

Mr. RYAN of Wisconsin. I am curious, does the gentleman want time from me or time from them?

Four quick points. The war supplemental, been working on it for a year. That is going to be done under the new baseline. Number two, CBO can score this on time. They have already told us they are going to give us simultaneous scores under the 2008 baseline.

Number three, you have had plenty of time to do this. The CBO baseline has been out for 2 months. But number four, and lastly, this isn't an option, this isn't a choice. You don't have discretion. It's the rules. This is your PAYGO rules.

So the question is: Are you going to violate your rules or not?

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. RYAN).

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

Mr. RYAN of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. KIND. Mr. Speaker, I have a motion to instruct at the desk.

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

The Clerk read as follows:

Mr. Kind moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to—

(1) insist on the amendment contained in section 2401(d) of the House bill (relating to funding for the environmental quality incentive program);

(2) insist on the amendments contained in section 2104 of the House bill (relating to the grassland reserve program) and reject the amendment contained in section 2401(2) of the Senate amendment (relating to funding for the grassland reserve program);

(3) insist on the amendments contained in section 2102 of the House bill (relating to the wetland reserve program); and

(4) insist on the amendments contained in section 2608 of the Senate bill (relating to crop insurance ineligibility relating to crop production on native sod).

Mr. KIND (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. KIND) and a Member opposed will be recognized for 30 minutes each.

The Chair recognizes the gentleman from Wisconsin.

Mr. KIND. I yield myself such time as I may consume.

Mr. Speaker, this is a very simple motion. I understand we are in the waning, perhaps minutes of conclusion of the farm bill. But, nevertheless, I think it's important that we get the policies right. We do need a farm bill. We need it as soon as possible. It's planting season back home. Our farmers need some predictability. They need to know what rules they are being to be operating under, one way or another. But we need a good farm bill, not a bad farm bill; one that tries to get the policy right, not the wrong way.

I still believe there's more room for reform under the commodity programs in light of record high commodity prices. It's tough to justify to the average taxpayer that what is still being considered under the current farm bill is close to $25 billion of direct payments to go out over the next 5 years, bearing no relationship to price or production. It's not a safety net. These are entitlement funding, automatic payments that go to large producers, primarily merely due to their existence and not because of market.

But there's another important feature of this farm bill and that is the conservation title. This farm bill offers this Nation the greatest public investment in private land ownership in regards to anything else we do around here. For a very long time, we have had important land and water conservation programs set up on a voluntary and incentive basis to help our producers be good stewards of the land; good manure management practices so they are not running off and polluting our rivers and streams and lakes and tributaries, making sure we have got buffer strips in place, making sure we have got the ability to absorb more CO_2 from the atmosphere so we don't lose ground on the global warming battle that we are confronting.

This is something that also benefits the American farmer, family farmers in every region. But it also benefits the community at large through enhanced water quality programs, through habitat protection, and wildlife, which is also vital to our own local and regional economies. Yet what is being considered right now in the conference is a dramatic reduction in the level of funding that came out of the House.

The House had an historic passage of conservation funding last year, calling for another over $5 billion in these conservation programs. This, I think, in part, is to address the backlog of demand because today, under current funding, close to two out of every three farmers applying for conversation funding assistance are turned because of the inadequacy of funds. So the demand is there.

But what makes these programs especially attractive is their so-called ''green box payments.'' They are nonmarket, nontrade-distorting, still a way to help our family farmers manage their own land, but in a way that doesn't distort the marketplace. What's being considered now is a dramatic reduction in the level of funding that came out of the House originally.

Our motion to instruct today would merely ask the conferees to try to get back to that House level of funding rather than going even below where the Senate took it. The Senate was proposing a $4.2 billion increase. We were over $5 billion. It's my understanding, and I haven't been privy to the ongoing negotiations, but they are talking about just a $4 billion increase under conservation, substantially below where the House went.

More specifically, this motion would instruct conferees to maintain the House funding for the Environmental Quality Incentive Program. That is the main program that helps with manure management projects throughout the Nation, especially beneficial to large animal feedlots that have to control that and prevent the spillage into the environment.

It would also maintain the allotment for the Grassland Reserve Program. There is more pressure being put on these highly sensitive and highly erodible lands because of the increase in commodity prices. It would also maintain House funding for the Wetlands Reserve Program. That, of course, is a great filter that exists throughout our communities to enhance quality water supplies but also crucial to water fowl populations in North America.

It would also accept the Senate Sod Saver Provision so that the Federal Government doesn't incentivize the conversion of sensitive virgin prairie land back into crop production. Again, given the pressure that exists with these historically high commodity prices, it's a real concern that more of this virgin prairie land that has been vital for conservation efforts, especially in the Great Plains, are going to be brought back into production with the consequent adverse environmental and conservation effects that would result.

So that is merely what this motion to instruct would do; get back to what the House passed last year under conservation, give the farmers throughout the country the tools they need to be good stewards of the land, and do it in a nonmarket, nontrade-distorting fashion, especially in the tremendous increase in commodity prices today and the pressure that producers are under to bring the land that has been conserved for many years back into production and resulting with a lot more sediment and nutrient runoffs that will be a consequence of that action.

With that, I reserve the balance of my time.

Mr. LUCAS. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Oklahoma is recognized for 30 minutes.

Mr. LUCAS. Mr. Speaker, I would like to now yield half of that time to my colleague, Chairman HOLDEN.

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. HOLDEN) will be recognized for 15 minutes.

There was no objection.

Mr. HOLDEN. I thank the gentleman from Oklahoma for yielding me the time.

Mr. Speaker, I say to my friend from Wisconsin and my friend from Oregon that we appreciate their support for the funding for conservation at the House level. I have got to say honestly, though, we wish we would have had your support last July. I also say to my friends, and I mean my friends, that we

wish that we could work the will of the House and pass legislation here and send it over to the other body and have them rubber stamp it and send it down to the President and have him sign it, as we have done our work here. But in reality, that is not the way we can operate.

I say to my friend from Wisconsin, who served on the Agriculture Committee, and you know this, to my friend, we do not have partisan disagreements on this committee. My friend from Oklahoma will agree with that. We have regional differences. We have to balance those regional differences and try to figure out a way that those of us on the committee who care strongly about the commodity title are satisfied with the safety net but also realize that there has to be a reform. And those of us who care strongly about the conservation title realize that we need to have increased investment in conservation. You can pair that with energy and nutrition, everything else, but we are here to talk about conservation this afternoon.

I'd say to my friend, sure, we would like to have more money. My father used to always say to me that everybody wants to go to heaven but nobody wants to die. We have to put this together and we have to realize what is possible.

When we debated and discussed this bill in the House of Representatives, we had $13.6 billion in addition to baseline. When we are negotiating in the conference committee, we have $10 billion. So you can see the difference. So everyone had to give and take.

Again, I think when the conferees have done their work, we are going to see significant reform in the commodity title and you're going to see reform in the conservation title. The chairman asked me to make one thing perfectly clear in this motion to instruct. We have consistently said reform would apply to all titles, and we would spread scarce dollars out to more producers.

The conference agreement will do that, and we will fully fund conservation. We believe we have an obligation to do that. But we have limited resources. So we are going to do the best we can, hopefully tonight and tomorrow, to have a fully invested, robust title for conversation.

With that, I reserve the balance of my time.

□ 1515

Mr. KIND. Mr. Speaker, let me be clear. I do appreciate the hard work that our friends from Pennsylvania and Oklahoma have done and the strong support they have shown throughout the years under these important conservation programs under the conservation title, and now that we are getting into closure of this farm bill, I hope that voice of advocacy will rise again in defense of these programs, especially in light of the pressure that exists to bring this land back into production.

Mr. Speaker, I yield 5 minutes to my friend and colleague from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy. I appreciate his continued leadership and advocacy in this bill.

I would remind my good friend from Pennsylvania that earlier in this debate, Mr. KIND and I, Mr. RYAN and Mr. FLAKE, we advanced proposals that would have provided more than enough money to fully fund the conservation, would have provided more than enough money to deal for the areas of agriculture that are dramatically underserved.

This does a terrific job for the large corporate enterprises, for the richest of farmers. Lowering the limits to $900,000 may in the minds of some be a draconian reform. But when we know that the average farmer makes twice what the average homeowner makes, the average citizen makes, and I was actually campaigning in Pennsylvania for a campaign in the presidential effort here a couple weeks back, and I was in some very rural parts of Pennsylvania engaged in the discussion there, and I found that Pennsylvania is much like Oregon. We are short-changed dramatically in the farm bill.

Earlier we had my good friend from North Dakota, a State that produces less agricultural value than the State of Oregon and gets one-sixth the subsidy. Pennsylvania is a massive farming effort. Twenty-seven percent of the land area is devoted to farms. But Pennsylvania farmers get one-half of their share of the subsidy nationally, 62 percent of the applications for conservation are not paid for, and the average farmer in Pennsylvania, 83 percent make less than $100,000 a year. So these are small farmers. They are hard pressed. They want conservation, and they don't have the money for the application. It is just like in my State.

I would suggest that we look hard, because I agree with my friend from Pennsylvania and my friend from Oklahoma. This is not necessarily partisan. There are areas that agriculture policy divides, not necessarily partisan, but sometimes it is urban and rural. Sometimes it is east, west, south, midwest. It is more likely the type of agriculture that is practiced, because the vast majority of farmers in this country would have been well served by the reforms that we advocated from here, limiting the payments to $250,000, for instance, like have been advocated by the Bush administration and by many people here.

But we don't even have to get to that point. My friend Mr. KIND's motion to recommit should bring us together, because farmers all across the country, in States large and small, east and west, are for environmental protection. This is the most important environmental bill that the 110th Congress will address. We should not miss this golden opportunity.

It is frustrating to me that the conferees are talking about cutting what we approved at $5.7 to as low as $4 billion. And who knows what it might end up? There are lots of missing pieces. We need to go on record here strongly supporting maintaining at least a $5 billion level.

I will tell you, farmers in my State regularly identify conservation programs as their top need. They have to comply with all sorts of difficult environmental regulations, and we need to ensure that they get the payments they deserve for environmental protection that they provide.

It is the farm community, the ranchers, that are the source of the cheapest, most cost-effective water quality and water quantity improvement. This money supports programs that protect our most sensitive and ecologically important lands. It keeps pollution out of the lakes, rivers, streams and wetlands. It represents the largest Federal investment in private land, and it should be an investment that our farmers and ranchers can count upon year after year.

It is not just the clean water. It is maintaining abundant wildlife populations. It is storing carbon. Agriculture is one of the largest sources of greenhouse gas emissions, the largest internationally. With the increased pressure on lands from biofuel mandates and high food prices, these programs matter more now than ever before.

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

Mr. KIND. I yield the gentleman 1 additional minute.

Mr. BLUMENAUER. Thank you.

Too often I have watched in the farm legislation that I have seen work through here that conservation ends up being the piggy bank for the farm bill. This is an area that is shortchanged to deal with more powerful political interests.

Well, if the American public knew what was at stake, there would be no more powerful interest than protecting the environment. Two-thirds of the farmers who apply are turned down. This is not right. Increased conservation programs help balance out some of the inequities in the farm program and provide benefits to everybody.

I urge you to support family farmers, the environment and sportsmen, and support a good farm bill by supporting Mr. KIND's motion to instruct.

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

Mr. Speaker, I do rise in opposition to this motion. I think my good and dear friends are well intended. I think they believe that they are sincerely trying to do something positive.

But I would say to you, this process that we are working through is a complicated, challenging process. Ultimately, the final goal of any farm bill is to take the limited resources that we have and use them in a way to achieve the maximum benefit for our fellow Americans, whether that is enhancing the quality of the environment through

the conservation programs, or making sure that the world's safest and yet most affordable food supply continues to be available to everyone.

Let's think for a moment about what farm bills represent. The first comprehensive Federal farm bill was not passed until 1933 in the depths of the great economic depression, and, in my region of the country, the great droughts of the 1930s. It was an effort to prevent rural America from disintegrating. It was an effort to make sure that food and fiber remained available to all American consumers at a price that they could afford. We have worked through many policy concepts. We have had many different ways of addressing those needs since 1933.

With time, the focus of the farm bill has shifted. In the 1960s it went from being a farmer's farm bill, as the coffee shop folks back home might think of, to being a major player in meeting the nutritional needs of this program. President Kennedy's pilot program on ultimately what became food stamps adopted by President Johnson and this Congress in the 1960s became a major element. But it was an element of the farm bill. In the 1980s, the focus added conservation to that, CRP, EQIP, all of the things that enable farmers, ranchers and property owners to maximize the positive environmental impacts on their property.

The farm bill evolved. Where are we right now? We have a bill that is the result of one of the most challenging set of circumstances in decades. We were given the baseline last year to write a farm bill, and for those of you who might not remember what the baseline is, that is simply saying you have the money you had 5 years ago, and not a penny more. And, oh, by the way, inflation has chewed a good bit of that up. Go try and write a bill. Then we were told, shift $4 billion of that from wherever in the bill you want, wherever you can, to the food stamp program, the social nutrition program, the feeding programs.

Okay. We worked for months. But as things have gone along, the process has changed. Now, instead of $4 billion, then it was $6 billion, then it was $8 billion. Now I understand we are at $10.6 billion in new social nutrition spending.

I don't disagree with that. But when you are not given any new money to start with, when you are placed under a $10 billion mandate, it makes it hard to do all of the things that need to be done with the few precious resources you have.

Now we have worked in the most creative way to come up with additional revenue, to reallocate resources to meet that $10 billion mandate from senior leadership in the majority. And along the way we have come up with $4 billion extra for conservation, half of that money going to EQIP, the basic cost share program that everyone has an opportunity to apply for to try and justify the benefits that will be generated from it to have the resources to meet those needs.

My friends, I know my colleagues are well-intended. I sincerely believe that. But a farm bill, first and foremost, should be about making sure that every American has access to the safest, highest quality, yes, most affordable food and fiber in the world. Then we can target all of these other programs. Then we can meet all these other needs.

Let's don't lose sight of why we have farm bills. Let's not lose sight of who they help, and that is every American that eats, and a good part of the world that depends on us for their food suppliers also.

The budget times are tough. The circumstances are difficult. It has been a long and arduous conference. We have yet to produce a final report, which we will all then be able to debate and discuss. But don't direct us in a way that makes the process more complicated when it comes to meeting all of those needs. Don't tie our hands in a fashion that will lead, I am afraid, to a net reduction in the ultimate benefit of those taxpayer dollars, so hard for the taxpayers to come by, that need to be spent so carefully to maximize their return.

Let us pursue the agenda of meeting our needs.

Witht that, Mr. Speaker, I reserve what time I might have left.

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

Mr. Speaker, I certainly appreciate the comments of my good friend from Oklahoma and the hard work that he has done. But these are two individuals who serve on the Agriculture Committee. In fact, my friend from Pennsylvania is the Chair of the subcommittee in charge of this conservation title. My friend from Oklahoma is the ranking member of the subcommittee in charge of the conservation title.

All we are asking them and the conferees from the House to do is to protect their programs and to protect their funding level, that which was contained in the House-passed version of the farm bill last year. That is a simple request, and it received good support in the House when it left last year.

But there is an additional wrinkle that was just introduced, to my knowledge, within the last 24 hours, and that is the consideration to start capping payments under the conservation title. I think that would result in bad policy. I think it is going to result in a lot of unintended consequences, because these conservation practices aren't marketable, unlike the subsidies going to commodity crop producers, where they grow something and they can sell it in the marketplace.

To get a farmer to have a good manure management system in place or to have buffer strips and that, they can't take that outside then and sell it to the private marketplace. So these incentives are important to partner with the individual landowner to get them to do the right thing on their own land. And they want to do the right thing on their own land.

That is why two out of every three of them are being denied funding right now, because of the inadequacy of funds. The demand is exceeding the supply. We are saying let's try to catch up to that demand right now, which brings huge societal benefits at the same time, to enhance quality water supply throughout our country. And I still believe that is going to be one of the major challenges we face, not only in this country, but throughout the world in this century. How are we going to maintain a quality water supply? And if we can't partner to the level they expect in farm country, it is going to make that challenge all the more difficult.

So I would hope the conferees in their discussion and last minute deliberations of where they are going to find a nickel or dime in order to pay for things don't go down that road of trying to cap these conservation payments, like many of us have been proposing under the commodity title.

□ 1530

I think we can pay for what we are requesting in this motion through some more commonsense reasonable reforms under the title I commodity program, starting at another look at these so-called direct payments. They are slated to go for another $25 billion over the next 5 years alone. In fact, unfortunately Mr. FLAKE's motion to instruct failed a little bit earlier, but all he was asking is, let's just keeping those direct payments at the current funding level, a maximum of $40,000 instead of increasing it at a time of high commodity prices. Not an unreasonable request.

But what is being considered now going from $40,000 up to $50,000 for these direct payments and having dual entities on the same farm to qualify for it.

I also believe it is reasonable to take another look, as the President and the administration is asking, for us to have a stricter means test under the commodity programs. Let's face it, a $950,000 adjusted gross income cutoff is in the stratosphere for most individuals in this country. We are talking adjusted gross now, not just gross income. This is after you back out your expenses and all the costs of operating that farm. That is close to $1 million of profit we are talking about that an individual would receive, and still receive these commodity subsidy payments under what is being proposed in the conference.

So I think there is plenty of savings that can still be had without cutting the legs off of our producers while maintaining an important safety net in case things do turn bad in farm country. And Lord knows we have seen that cycle come and go in the past. But let's

do it in a more fiscally responsible manner and maximize the scarce resources that we have for the benefit of the community at large, and that includes funding under the conservation title.

A few groups have already weighed in on this motion to instruct and have expressed their support, from the Environmental Defense Fund, National Wildlife Federation, the World Wildlife Fund, Defenders of Wildlife, Environmental Working Group, American Rivers, those who have been actively engaged in participating and trying to shape this next farm bill. We still have an opportunity because the conference has not closed, no report has been filed yet. There is going to be some last-minute negotiations. But ultimately, at the end of the day, if my colleagues are serious about having a farm bill concluded and implemented into law, the President has to be comfortable in doing it, and clearly he is not there yet, the administration is not there. And they are pressing the conference to do more in reforming these commodity programs.

We can choose to ignore that, but at the end of the day the President has got to sign something into law, or we have to try to override a veto, which I think is going to be very, very difficult. So I think there is still a way of working with the administration, trying to produce a product that they feel comfortable with, that the President feels comfortable with. And one of the ways to do it is more reform under commodity, and have a strong conservation title at the end of the day. The President has consistently expressed his support for a strong conservation title. I don't think they would object to the requests that we are making here in this motion to instruct.

And let's remind ourselves, this is another way of providing help and assistance to those who are working the land in our country. This isn't separate from the help in other areas that we try to provide to family farmers; it is in addition to it, it is a supplement. And it is something that benefits every farmer in every region, and including all people throughout the country, instead of the concentrated payments that we see under the current title I commodity program.

With that, I reserve the balance of my time.

For my colleagues' information, I have no further speakers. I believe I have the right to close. I am prepared to do that if they are ready to close, too.

The SPEAKER pro tempore. The gentleman is correct.

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

My friend from Oregon has left the Chamber, but I appreciate him looking out after the farmers in Pennsylvania. But I would just like to remind him that Pennsylvania leads the country in farmland preservation, and we have doubled the investment for farmland preservation in this conference report as we are working it through.

I also would like to remind my friend that not only have we preserved the dairy safety net, and dairy being the number one agriculture industry in Pennsylvania, that is very important; we have a new program that we are working on in the conference to have a feed cost adjustment as the cost of feed goes up, and that will be a great benefit to the farmers in Pennsylvania and in Wisconsin for that as the cost of feed goes up.

Also, we have for specialty crops, the first time, a $1.3 billion investment that will help farmers all across the country, but they will help them in Pennsylvania as well. So I appreciate my friend trying to help me out.

And I would just say to my friend from Wisconsin again, and repeating ourselves, that we are restrained. We were working with $13.6 billion; we now are working with $10 billion. The commodity title has been cut by tens of billions of dollars from the last farm bill. There is significant reform that we are going to accomplish. And the gentleman knows, because he served on the committee, that we have regional differences, and it is difficult to get consensus because of the geographical makeup of the committee.

So we are going to get there and we are going to fund conservation, but I would like to make one last point to the gentleman's comments about capping on conservation programs. We have noticed and discovered recently that there have been significant abuses in the conservation title, where wealthy people have purchased farms with no intention of farming and have become eligible to the tune of millions of dollars for conservation programs. That was not the intent, I don't believe, in any farm bill I ever voted for or the gentleman from Wisconsin voted for or the gentleman from Oklahoma. We never intended that. So the way to get around that is to have caps on that. And not only will you stop the abuses if you put caps on it from millionaires taking advantage of it, you will have more dollars to spread around to more people who are on those waiting lists right now.

My friend, we all wish we could do more. The gentleman from Oklahoma chaired the subcommittee when we began having hearings on it. With the last election, I became the chairman and he is now the ranking member. We are working very closely together. But we have limited resources. We are going to do the best we can, but we need a bill that we can get out of committee, get passed on this floor, passed in the Senate, and sent down to the President. And we are working very hard on that. I believe we are going to get a product that will get the majority of support significantly in this body.

I yield back the balance of my time.

Mr. LUCAS. Mr. Speaker, might I inquire how much time, if any, I have left.

The SPEAKER pro tempore. The gentleman from Oklahoma has 9½ minutes remaining.

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

I would simply note, one of the challenges of any farm bill, certainly every farm bill since the 1960s, has been the payment limitation issue. Every farm bill we tighten the definition, every farm bill we attempt to reflect the will of this body. We will do that again this time.

The question about payment limitations on the conservation programs, that is an inevitable outcome, simply the fact that there will never, ever be enough money to do everything we all want to do. And in a year and a bill when we put 10 billion additional dollars in the nutritional program, no doubt justified, but that was a decision made on high, that makes funding for all these other programs even more challenging. $4 billion in additional conservation spending is an impressive accomplishment in the circumstances we work, but those payment limitations are a necessary thing, just as in conservation as in every other part of the bill to make sure that everyone has a fair and equitable chance at those resources.

When you apply for an EQIP program, you have to demonstrate the benefits of that program. And the more beneficial your efforts are, the greater your chances are, the farther up the list you are to be funded. It is a competitive kind of a process. And that is good. But those payment limitations will make sure that more people have an opportunity to step into the process to utilize those funds. We are dealing with the money that has been given to us. We are working under the circumstances that have been laid out, and we are doing the best we can.

I urge my colleagues to reject the motion to instruct.

I yield back the balance of my time.

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

Just to wrap up my remarks, let me just reiterate. I truly do appreciate the hard work my colleagues here today on the Agriculture Committee have been doing to try to craft a farm bill that can get accomplished yet this year. It is one of the most difficult things that Members are asked to do in any Congress, is to piece together the parochial and the different interests that span this great country to find an acceptable farm bill that can get signed into law. But we still have a little ways to go.

And I say to my friend from Pennsylvania, as far as the feed factor with dairy production, there is no question that fixed costs are going up right now in agricultural production driven by a variety of factors, not the least of which is the energy debacle that we find ourselves in right now.

But I think once we start going down to that feed route, we are going to get a lot of other groups now chiming in saying: What about us? What about us? How come dairy is being taken care of? What about poultry? What about beef? What about the others that are experiencing the same type of cost increases? And then you are really talking about blowing the lid off of some of these other programs.

But all that I and others who are in support of this motion to instruct are asking is for the members of the committee to defend their work, defend the programs that passed the House last year, defend the funding level that came out of the House last year because of the vital importance that these programs have, not only to the individual land producers, but to the resources that are so precious to all of us in this country.

Now we see disturbing trends; because of the high commodity prices, great pressure to bring more highly erodible sensitive land back into production. And there will be adverse consequences from that, unless we can maintain a viable incentive based system with these conservation programs to deal with that additional pressure that producers are facing throughout the Nation.

I think there is a better way of dealing with the abuses that my friend from Pennsylvania highlighted under the conservation program. Certainly we can do more oversight and get more information with regards to whether individuals are milking the system. No one is in support of that. We want to clamp down on it. But let's work with USDA and NRCS and those agencies in charge of implementing it, rather than calling for a blanket payment limitation cap with crucial conservation funding. Because, again, I am afraid that without these incentives in place, I don't care how wealthy you are, there won't be much incentive for you to engage in these type of programs, which just doesn't benefit the landowner but the community and the watershed area and the wildlife at large. So we need to be careful what road we are going to go down.

And, hopefully, this isn't just a response to some of us who have been asking for meaningful payment limitations and means testing under the commodity program just to get back at those who have been very supportive of conservation funding.

I think there are reasonable means tests we can apply to the commodity title. The fact that LDP and countercyclical payments aren't going up today I think is a good thing. That means farm income is up and commodity prices are up.

Back home in Wisconsin, in the agriculture district that I represent, farmers for years have come up to me and said: You know, I'm not a big fan of these subsidy programs, but I just wish the market would give us a decent price so we wouldn't have to rely on them. Well, that day has come. Now today I have got producers in corn and soybean coming up to me and saying: RON, why are we still receiving these direct subsidy payments when we are getting such a good price in the marketplace? And they are right. Farmers know how these programs are working.

I think we can be a little bolder and more courageous in the reforms that some of us have been advocating, find those savings, so we can deal with conservation, nutrition, world development, speciality crops, and having a good energy title to this farm bill, too. This can happen, and it can happen in a way that the President feels comfortable in signing. And that will truly be a good bipartisan day then in the United States Congress. I encourage my friends to support this motion to instruct the conferees.

Mr. REICHERT. Mr. Speaker, I rise today in support of the Kind motion to instruct conferees and the need for increased conservation funding in the farm bill.

Our farmers are eager to share in the cost of protecting our environment, but currently two out of three farmers are turned away by the USDA due to insufficient funding when they apply to participate in conservation programs. As a result, we continue to lose thousands of acres of valuable farmland, grasslands, wetlands, and private forest lands. We also fall further behind schedule in our efforts to clean up rivers, lakes and streams.

We cannot and should not ask farmers to choose between their bottom line and smart, sensible preservation of the land they protect. The House-passed version of the farm bill contained a landmark increase of $5.7 billion in authorized conservation funding. This money supports programs that protect our most sensitive and ecologically important lands, keeps soil and nutrient pollution out of our rivers, lakes and streams, and safeguards wetlands.

Since the conference committee is weighing various priorities as they try to bring the farm bill process to a close, it is important they know that Members of this House feel that conservation should be at the top of the priority list and that we maintain what the House has already passed.

I strongly encourage my colleagues to support this motion and to support the inclusion of the necessary conservation funding in this farm bill.

Mr. KIND. I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. KIND).

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

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

The yeas and nays were ordered.

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

APPOINTMENT OF HON. STENY HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH MAY 5, 2008

The SPEAKER pro tempore (Mr. CUELLAR) laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 1, 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 May 5, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

BLOCKING PROPERTY AND PROHIBITING CERTAIN TRANSACTIONS RELATED TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 110–107)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the ''order'') that takes additional steps with respect to the national emergency declared in Executive Order 13047 of May 20, 1997, and expanded in Executive Order 13448 of October 18, 2007.

In 1997, the United States put in place a prohibition on new investment in Burma in response to the Government of Burma's large scale repression of the democratic opposition in that country. On July 28, 2003, those sanctions were expanded by steps taken in Executive Order 13310, which contained prohibitions implementing sections 3 and 4 of the Burmese Freedom and Democracy Act of 2003 (Public Law 108–61) (the ''Act'') and supplemented that Act with additional restrictions. On October 18, 2007, I determined that the Government of Burma's continued repression of the democratic opposition in Burma, manifested at the time in the violent response to peaceful demonstrations, the commission of human rights abuses related to political repression, and engagement in public corruption, including by diverting or misusing Burmese public assets or by misusing public authority, warranted an expansion of the then-existing sanctions. Executive Order 13448, issued on that date, incorporated existing designation criteria set forth in Executive

Order 13310, blocked the property and interests in property of persons listed in the Annex to that Executive Order, and provided additional criteria for designations of certain other persons.

The order supplements the existing designation criteria set forth in Executive Order 13310, as incorporated in and expanded by Executive Order 13448. The order blocks the property and interests in property in the United States of persons listed in the Annex to the order and provides additional criteria for designations of persons determined by the Secretary of the Treasury, after consultation with the Secretary of State, to be owned or controlled by, directly or indirectly, the Government of Burma or an official or officials of the Government of Burma; to have materially assisted, sponsored, or provided financial, material, logistical, or technical support for, or goods or services in support of, the Government of Burma, the State Peace and Development Council of Burma, the Union Solidarity and Development Association of Burma, any successor entity to any of the foregoing, any senior official of any of the foregoing, or any person whose property and interests in property are blocked pursuant to Executive Order 13310, Executive Order 13448, or the order; or to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to Executive Order 13310, Executive Order 13448, or the order.

The order leaves in place the existing prohibitions on new investment, the exportation or reexportation to Burma of financial services, and the importation of any article that is a product of Burma, which were put into effect in Executive Order 13047 and Executive Order 13310.

The order authorizes the Secretary of the Treasury, after consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA and section 4 of the Burmese Freedom and Democracy Act of 2003 as may be necessary to carry out the purposes of the order.

I am enclosing a copy of the Executive Order I have issued.

GEORGE W. BUSH.

THE WHITE HOUSE, *April 30, 2008*.

□ 1545

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.

U.S. MILITARY READINESS HANGS BY A THREAD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, in matters of national security, experienced leaders never forget that the unexpected is always just around the corner and that danger is never far away. The Roman orator Cicero immortalized these ideas in his story about the Sword of Damocles.

Damocles, a citizen of the ancient Greek city of Syracuse, wanted to be king for a day. The king agreed to this request, and Damocles feasted and reveled with wine and fine meals. Only after his merrymaking did Damocles discover that a razor-sharp sword, suspended by a single thread, hung over his head all day. Damocles was immediately cured of his desire to rule.

When I consider the challenges confronting the U.S. national security today, I see not one but two swords of Damocles dangling above us. The first danger concerns the strain current operations place on U.S. military readiness, and the second concerns the deterioration of security and stability in Afghanistan.

Military readiness ratings measure how prepared U.S. forces are to perform their assigned combat missions. Unfortunately, but not surprisingly, more than 6 years of war have resulted in serious readiness shortfalls, with our Army and Marine Corps ground forces experiencing the most acute problems. In spite of efforts to fill the gaps in equipment, training and personnel, readiness deficiencies serious enough to cause alarm last year have only continued to expand.

Today, two-thirds of the Army's combat brigades in the United States are not ready for duty. Units in the U.S. are suffering from shortages of personnel, and units are preparing for deployment without having all of their assigned personnel or equipment during training. To fill shortfalls in Army personnel, the Navy and Air Force are supplying over 20,000 troops to conduct ground force tasks such as convoy security and logistics support.

While U.S. military forces are getting by, painfully, and performing today's missions despite readiness shortfalls, we are simply not prepared for the emergence of a new conflict. Experience tells me that we cannot assume another crisis won't come our way. In my 31 years in Congress, the U.S. has been involved in 12 significant military conflicts, none of which were predicted beforehand. Because we can't know with complete certainty what dangers lurk around the corner or when they might strike, we need the insurance policy military readiness provides for America's security.

Our current readiness situation demands a massive investment in time, effort and money to restore our full capability. Of course, devoting the resources required to solve our readiness problems will force us to make painful tradeoffs with some elements of modernization, which is tomorrow's readiness. But with current readiness levels, this is a predicament our Nation cannot avoid. It is simply a cost we must bear.

The second danger I worry about is the deterioration of security and stability in Afghanistan. For too long, the war in Iraq has overshadowed the real war against terrorism in Afghanistan. While the military effort there is actually a qualified success, the political effort at this point is not, and the benefits of economic progress are far too uneven. Too many Afghan citizens do not yet see tangible improvements in their daily lives. The effort in Afghanistan is not really reconstruction, but the creation of a stable, secure, and unified nation which has never existed.

The recent decision to send an additional 3,200 marines to Afghanistan is a necessary and positive step in the right direction, but that alone will not be sufficient. This undertaking is gargantuan and requires a far more significant effort than the United States or our allies have been willing to commit. History will judge us very harshly if our focus and effort in Afghanistan is insufficient to the task. A failure of the mission there would not only damage our security, it would also seriously damage NATO.

So how do we deal with these twin challenges? To start, we must focus our Nation's strategic priorities to find the right balance between the near-term needs and the long-term health of our military. We must address the imbalance in our deployment and use of troops overseas, because our readiness problems cannot be resolved as long as we continue to deploy in excess of 100,000 troops in Iraq. A responsible redeployment of a large percentage of that force is a strategic necessity.

In addition, we must do first things first by focusing on Afghanistan, just as in World War II we focused more of our resources on Germany and the war in Europe until that war was won. Finally, we must substantially increase the use of our soft power, our diplomatic, economic development, and strategic communications efforts in Afghanistan and around the world.

We can and should receive much more help from our allies. Together, the U.S. and the international community must make the war in Afghanistan a top priority and provide the leadership, strategy, and resources necessary to ensure that Al Qaeda and the Taliban are destroyed for good and that Afghanistan never again becomes a safe harbor for terrorists.

To his great credit, Secretary of Defense Gates has been arguing for several of these solutions. The truth is, though, that the U.S. has as much or more to lose in Afghanistan as any other nation, and the same would be true of whatever new conflicts emerge. Until our country is prepared to lead and act decisively, these problems will fester, and the threads holding up those twin swords will stretch ever thinner.

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.)

TRAGIC ANNIVERSARY OF ''MISSION ACCOMPLISHED''

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today marks a tragic anniversary. Five years ago President Bush delivered his infamous ''Mission Accomplished'' speech aboard the USS *Abraham Lincoln*.

Across this country, Americans are holding rallies and vigils to mark this occasion. And members of the International Longshoremen and Warehouse Unions are giving up a day's pay and they are marching in the streets to show their opposition to the failed policies of the Bush administration and of the cost of those policies.

We all remember that the President put on a green flight suit and white helmet and arrived in the copilot seat of a Navy Viking jet. Then he stood at a podium beneath a big ''Mission Accomplished'' banner and he spoke.

He said the search for weapons of mass destruction had already begun, and he declared that ''major combat operations in Iraq have ended.''

Obviously, the American people didn't get the real facts that day, Mr. Speaker. So here's what should have been said. He should have said: ''My fellow Americans, our soldiers have performed with great skill and courage. But, frankly, the administration doesn't have a clue what to do next.''

It didn't have a plan for the occupation. It didn't have an exit strategy. And the people who actually understand the history and culture of Iraq were warning us that there were going to be insurgencies and civil war. He should have said: ''Major combat operations have not ended—they have just begun.''

Today I joined with my Out-of-Iraq Caucus colleagues, MAXINE WATERS and BARBARA LEE, to send a Dear Colleague Letter that describes the terrible human cost of the bungling in Iraq. It shows that over 96 percent of all American deaths in Iraq and over 98 percent of all casualties have taken place since the ''Mission Accomplished'' speech.

But you don't have to look, Mr. Speaker, at the cumulative devastation of the past 5 years to know that the occupation is a disaster. Just look at what happened in April, April of 2008, last month: Fifty American soldiers died, the highest number in 7 months. Thousands of innocent civilians were killed or injured in the bloody battle at Sadr City which continues to rage. The Pentagon was forced to extend the ''stop-loss'' policy because our military is stretched to its limits.

And as the administration acknowledged that al Qaeda is growing stronger in its safe havens in Pakistan, the drumbeat for war against Iran grew louder.

Here at home, the occupation continues to be a factor in driving gas prices higher. The Iraq recession continues in full swing. And every week, billions of dollars continue to be spent on military operations in Iraq that are desperately needed for domestic programs right here.

Sheer incompetence has surely been one reason for this. But the most important reason for our failure in Iraq is the fatally flawed national security policy. It has been a policy marked by arrogance, by the belief that America can go it alone and has the right to strike anywhere and anytime it pleases. And by the idea that military power alone can assure our security.

I hope we will use this ''Mission Accomplished'' anniversary date in a positive way so we can learn the lessons of the past 5 years and dedicate ourselves to a new foreign policy that will serve us much better. This new policy must be based on diplomacy; international cooperation; the rule of law; rejection of the doctrine of preemption and the use of torture; and, a commitment to helping other nations of the world to build a better life for their citizens.

Finally, Mr. Speaker, on this ''Mission Accomplished'' day, we must ask ourselves: What is America's mission? The American people believe that our mission is to stand up for the values of democracy, for human rights, and for peace. Those are the values that the dock workers are standing up for today. Those are the values that have been ignored and predictably resulted in disastrous results.

□ 1600

The SPEAKER pro tempore (Mr. JOHNSON of Georgia).

Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

(Mr. GARRETT of New Jersey addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is May 1, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,883 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th amendment capsulizes our entire Constitution, it says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,883 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is May 1, 2008, 12,883 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

(Mr. TIM MURPHY of Pennsylvania addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

OUR WORSENING HEALTH CARE CRISIS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. CONYERS) is recognized for 60 minutes as the designee of the majority leader.

Mr. CONYERS. Mr. Speaker, we are in the midst of the ''Cover the Uninsured Week,'' and I rise to remind the Chamber of the worsening health care crisis that we face as a Nation, and propose a solution to one of the biggest challenges of the 21st Century facing us.

Lack of health insurance often denies necessary medical care. Forty seven million Americans are uninsured. This problem is not limited to the poor or the unemployed. Researchers have estimated that about four-fifths of the uninsured are either employed or members of a family with an employed adult.

As well, there are an additional 50 million Americans who are underinsured; that is, they have coverage that would not protect them from catastrophic medical expenses. Simply put, an increasing number of Americans lack adequate health insurance because they and their employers simply cannot afford it.

Despite the challenges of the war in Iraq and the slumping economy, we all agree that the uninsured need to be covered. Even the health insurance companies have their own plan for covering the uninsured. I'm glad that we're on the same page, after all these years.

The real question we face is, how do we go about covering the uninsured? And how do we ensure that every American has access to quality medical care when they need it?

I strongly believe in a single-payer national health insurance, an approach that has been too often marginalized in debates on this issue, even though it has been successfully employed in almost every industrial nation except our own.

Mr. Speaker, it's time for Congress to consider single-payer, not only as a viable option to cover the uninsured, but as the preferred solution to fix our broken health care system. And make no mistake about it, it is in very bad shape.

According to a January 2007 article in the Journal of Health Affairs, France, Japan and Australia rated best, and the United States worst in new rankings focusing on preventable deaths due to treatable conditions, in 19 leading industrialized nations.

The article revealed that if the United States health care system performed as well as those top three countries, there'd be 101,000 fewer deaths in the United States each year.

Equally disturbing, the Institute of Medicine reports that 20,000 Americans die each year as a direct result of having no health insurance. How can we, in the Congress, who receive fairly decent health care, tell 47 million uninsured Americans that they cannot have access to health care?

With the knowledge that 20,000 Americans die each year without health insurance, how can we, in Congress, who do have health insurance, not place universal health care as a front burner issue in this chamber?

This is a moral challenge that we all must pick up. And incrementalism will not work. Expanding a broken system or fixing parts of it will not work. We must approach the health care solution the same way a physician approaches the treatment of disease. Doctors do not employ treatments only because they are easy or feasible. They choose evidence-based solutions based upon peer-reviewed research in order to employ the most state-of-the-art care available. And so I propose we take the same approach to crafting a universal health care plan.

So today, I ask the following question: What further disaster must befall us before we face the crisis of the uninsured and the underinsured?

How many more people must die due to the inability to receive care in the world's healthiest Nation before we, in Congress, take action and create a truly universal health care system?

For those who believe that we are not ready to have a universal health care system, and must delay the formation of a comprehensive, national health insurance program, I ask you to consider the following evidence that demonstrates why we can ill afford delaying action on a universal health care system.

Health care horror stories are cases in which the result is so tragic that it shocks the conscience. We hear about them almost every day, in the newspapers, magazines, the Internet, television, radio, personal encounters with our friends and neighbors.

In the movie ''Sicko'' we, as a Nation, saw firsthand how even those with health insurance suffer under the current, for profit, employer-based private health insurance system.

In my office, I receive scores of health care horror stories each month, and have binders in my office of health care tragedies that we have collected over the last 8 years. In fact, when Michael Moore was doing research for ''Sicko'' he received 25,000 health care horror stories himself, after he made an appeal for those horror stories on his website.

I'd like to read a health care horror story sent to us by Adrienne Campbell from Michigan, a story, that, unfortunately, millions of Americans who are underinsured or uninsured can relate to. Here's her story.

My sister, who is 22 years old right now, was diagnosed with cervical cancer, the same cancer I had at the same age. She graduated from college back in December, so she is off my dad's insurance.

Jobs are hard to find here in Michigan, so she's working two part-time jobs, and neither of them provide insurance for part-time workers.

She has to go through what I did, but instead of actually being able to get medical treatment right away, then having to pay for it, she has to put off until she and the hospital can work out a payment plan. They told her the soonest they might be able to perform the surgery will be in April.

We've been calling around seeking other options. She's at Stage 4. I was at Stage 2, when I went through my ordeal, so she's in much worse condition than I was; which worries me.

This is unacceptable. It's like I am living my horror all over again, only this is my sister. This is why we have

to fight. We have to shake things up this election year.

There's nothing you can do for my sister at this point, except keep her in your prayers, and I hope that she can get surgery soon. But, for those women who may get cervical cancer down the road, let's fight for universal health care so they don't have to go through the money worries.

I love my sister, Victoria, or as my daughter calls her, Aunt Gickie, because she can't say Vickie.

Please, just keep her in your prayers and thoughts. Thanks for letting me vent. I love her too much to see this happen to her.

Mr. Speaker, we do not have a health care system in this country. What exists is a fragmented, nonsystem of health care. It's a wasteful and inefficient patchwork of different plans and schemes that allow too many people to fall between the cracks.

The complexity of this nonsystem is what makes it unsustainable. Private health insurers are in the business to make a profit. Make no mistake about it. In fact, the real problem is that insurance companies are not as much in the business to provide care as they are in the business to deny care. They keep profits up by avoiding high risk patients, limiting the coverage of those they do insure, and passing costs back to patients through copayments and deductibles.

They deny coverage based on pre-existing conditions, including such costly diseases as athletes foot and yeast infections.

They employ an army of adjusters who go through mountains of paperwork, all mostly working to figure out a way to deny a claim. We have the story of insurance company whistleblower, Dr. Linda Pino, who tells us she was paid a bonus on how many claims that she could deny, and threatened with demotion if she authorized payment on more claims than her peers.

These practices are harmful. They're expensive. All those adjusters and paperwork cost a lot of money. Add to that insurance costs the insurance company's spending on advertising, huge executive salaries, and profits for shareholders, and the result is an average overhead of 15 cents on the dollar. Compare that with Medicare's overhead which is between 2 and 3 cents.

The complexity of this nonsystem not only leads to gaps in coverage and navigating nightmares, but it's underscored by the duplicity and waste created by the multitude of health insurance companies.

Mr. Speaker, I'm pleased now to recognize the gentleman from Ohio, who's been on this plan for—several Congresses ago he was and is the original co-founder and original signer with me to this bill. He's worked relentlessly in the Congress and across the country in making it clear that we're working on a system that some day is going to bring so much joy and benefit to the millions of Americans in this country. He's a fearless, dedicated, articulate leader, and I would now yield to my colleague, DENNIS KUCINICH.

□ 1615

Mr. KUCINICH. Mr. Speaker, I'm so grateful to have the opportunity to work with Mr. CONYERS on this important bill. Years ago, when we were having those meetings where the legislation was being crafted, we both knew what an important moment it would be for the people of the United States to be able to have a health care system they could call their own. So I want to take this opportunity, as I begin my remarks, to salute the work of you, Chairman CONYERS, and all that you have done and your dedication in working to make sure that the American people have a national health care system, a not-for-profit system. That's been your dedication. It has been an honor to work alongside of you in this endeavor.

As we speak today about covering the uninsured, we speak to the American people who are worried about whether loved ones are going to be able to get the care that they need. There is nothing that is more troubling to a family than to have a family member who is ill and yet cannot get the medical care that would be necessary to bring them back to health. There are 50 million Americans who are uninsured. This means that when they see others able to get the care they need, they recognize in their own families that they cannot sustain the health of loved ones or themselves.

Why is it that people are uninsured? Well, there are many reasons, but the principal reason is they simply cannot afford health insurance.

You know and I know, Mr. Chairman, that there are so many families that are called upon to spend $1,000 or more a month for health insurance. The price of gasoline going up to more than $4 a gallon, the cost of bread going up, milk, eggs, meat, all basic staples of an American diet, costs going up, up, up. People are finding that the costs of health insurance is becoming prohibitive. And so they simply can't afford it. So they remain uninsured, thereby leaving their entire family health open to a challenge.

How many of us would be able to survive financially being uninsured? Very few, because what happens is that if you're uninsured and you have health care bills, you're going to have to pay those bills. And you know that the greatest cause of bankruptcy in the United States relates to people not being able to pay their hospital or their doctor bills. That's a fact of life. There is no other issue which touches the American family and touches all of us so uniquely as this issue of health insurance. People can't afford it.

This is a tragic problem, and it's getting worse. About 22,000 people die every year because they're not insured; this, according to the updated Institute of Medicine Statistic. But we cannot talk about the uninsured without talking about the underinsured as well.

There are another 50 million Americans who are underinsured. Now think about it. 50 million uninsured, 50 million underinsured. 100 million Americans. One out of every three Americans is touched by this dilemma, and that means virtually every American family is either uninsured or underinsured. If you're underinsured, premiums are expensive, you may not be able to pay the premium to get the coverage you need, Co-pays and deductibles go higher and higher and higher. The American family is owned by the health insurance companies.

What kind of a country are we becoming where the people of this country can't get the care they need because almost $1 out of every $3 is taken off the top by the for-profit insurance companies for advertising, marketing, the cost of paperwork, corporate profits, stock options, executive salaries, all of those necessary things that Mr. CONYERS has talked about in the past. $700 billion a year goes for expenses that are totally unrelated to the cost of health care. $700 billion a year. Meanwhile, you have 50 million uninsured and another 50 million underinsured. The insurance companies own us. We don't own our own health care system.

And the insurance industry is the reason for the underinsurance problem and all that goes with it. Half of all bankruptcies are tied to medical bills. And of those medical bankruptcies, listen to this, three-quarters of those had insurance before they got sick. So even with insurance, people are going bankrupt because they can't handle the copays and the deductibles.

Of all of the medical bankruptcies in the United States, three of every four people had some kind of insurance before they got sick. They fell victim to insurance companies whose only way to make money is to deny care. How do these insurance companies make so much money? They make money by not providing health care. They make money telling people, We're not going to pay that claim. You're not going to be covered. The more people they can exclude, the more money they will make. It is a racket. Health care is a racket. Health insurance, rather, is a racket.

It is time we took America in a new direction, which is what the Conyers' bill, that I am proud to be a co-author of, is all about. H.R. 676 is to provide for a universal, single payer, not-for-profit health care system. It finally puts health care back in the hands of the doctors and the patients. It eliminates the insurance companies as middle persons, middlemen, who are able to skim almost $1 out of $3 off the top while 50 million Americans are uninsured and another 50 are underinsured.

We need to make a clear distinction between ''health care'' and ''health insurance.'' The two are very different.

Doctors and nurses are not the same as health insurance CEOs. Doctors and nurses provide care. Insurance companies' CEOs, they deny it. There's a difference between health care and health insurance. If you have insurance, it doesn't mean you have health care. There are increasingly creative and complex ways to deny health care: copays, deductibles, premiums, limits on daily coverage, caps on annual amount spent, failing to cover certain medical conditions, failing to cover certain accidents, failing to cover certain drugs, failing to cover certain total spending amounts, like the privatized Medicare Part D donut hole, failing to cover hospital stays, or minimizing the coverage.

What has this hunt for profitability in health insurance cost us? Well, it's cost us a lot of money. It's driving up health care costs beyond the reach of most Americans. Listen to this statistic: between 1970 and 1998, the number of doctors and other clinical personnel increased by 2.5-fold. During the same time, the number of health administrators increased more than 24-fold. There's an explosion of the number of people in the health care system who do not provide care. They instead are told to deny care.

It boils down to this: The insurance industry is the problem. It is not the solution. The only way to truly cover everyone is to guarantee access, not to force working men and women to subsidize the insurance industry whose very presence forces people to pay out of pocket to keep the industry alive. We need health care run by doctors and their patients, not insurance companies. Health care is a basic human right.

So Mr. CONYERS, I just want to express to you my appreciation for the work that you have done to bring this issue before the American people. To have had the opportunity over many of the last few Congresses to work with you on this has really been an honor.

And when we remember when we go back home, you to Detroit and me to Cleveland, and we see people who need care, our hearts break when we realize that they can't get it because insurance has just ended up being a big business and they don't care about people anymore. It's all about making money. All about profit.

So Mr. CONYERS and I know that H.R. 676 stands alone in an increasingly crowded field of ideas that are going to provide health care for people. And this proposal addresses the accessibility problem.

Employer-based insurance requires people to continue to work in order to keep their insurance even if it worsens their health. Now, I know Mr. CONYERS worked with the UAW for years and years before coming into Congress. What happens if you lose your job? People end up, after their COBRA benefits are gone, they lose their health insurance. Our proposal says if you lose your job, you're still insured. If you don't have money, you're still insured. If you have a pre-existing condition, you're still insured. This covers dental care, vision care, mental health, long-term care, prescription drugs. It's all covered.

Mr. CONYERS, thank you. Thank you for your dedication to the American people. Thank you for your willingness to lead the way, and I'm just so grateful that I have the opportunity to work with you.

Mr. CONYERS. Mr. Speaker, may I say to my colleague that I am so flattered that he remembers the days when we started out with just a few Members. We're up somewhere about 90 now and growing every week, every month. More and more people are joining us. And in addition, there are growing numbers of medical professionals, doctors, researchers, health care experts, who are all recognizing how important what you have said is in terms of how we move out of the situation that we're in.

Your description of the pain and suffering of so many of our citizens because of the lack of health care leads to situations so horrible that they truly shock the conscious.

Mr. KUCINICH. Mr. Speaker, if the gentleman will yield, you mentioned, Mr. CONYERS, that many doctors support this. When I first ran for Congress in 1972, doctors generally opposed this idea. But there is a new survey that just came out published in the Annals of Internal Medicine that states that of the physicians that were contacted in this survey, thousands of them, 59 percent of the physicians now support a national health care plan, which is why I believe when you have the physicians supporting it, the patients support it, all we need is to keep adding to the numbers in the House of Representatives; and with Mr. CONYERS' leadership, we're on our way to creating a national health care system.

Once again, I want to thank the gentleman for the opportunity to share some time with you here. And again, the people of the United States owe you a debt of gratitude for your relentlessness and your dedication on this, and I intend to keep working at your side as we move forward to create a universal, single-payer, not-for-profit health care system. H.R. 676, the Conyers bill, is the way to go.

Thank you.

Mr. CONYERS. Thank you, Congressman KUCINICH.

And as our numbers grow in the Congress, you know that the American people have already indicated in policy after policy that they want a universal health care plan. Many are willing to even pay more to get it, but they don't have to. And this is a labor of love which I am so proud that nearly 100 of our colleagues are now working with us.

And I yield again to the gentleman.

Mr. KUCINICH. As the Chairman is always able to do, you bring up another point that I think would be helpful to amplify, and that is that people will say, Well, how are you going to pay for this? Well, guess what? We're already paying for a universal standard of care; we're just not getting it. $2.3 trillion a year goes for health care in the United States. $2.3 trillion.

And when you consider the fact that the for-profit insurance companies take almost $1 out of every $3 or almost $700 billion a year, you take that $700 billion—am I right, Mr. Chairman—you put that money into care and you suddenly have enough money to cover all Americans, the underinsured and the uninsured are covered. So how we pay for it is using the money that's already in the system, and that's how much profit is in health care insurance or health insurance these days.

□ 1630

Mr. Speaker, once again, thank you for bringing out that point about the fact that it is able to be covered without any current change in our system, although we have a funding formula that you've helped to develop that will guarantee that all Americans will be covered far into the future.

So again, Mr. Chairman, I'm grateful the people of Detroit are fortunate to have you representing them in the United States Congress.

Mr. CONYERS. In addition, we are creating a system of preventive health care. We are creating a system in which people, when they initially get sick, can go to a doctor instead of being forced to go to emergency rooms where they get temporary treatment, and then they're back at home or on the streets again. We will make the country healthier. And national health care is an ambition that is very much related to national security. So I'm pleased that all of these things can occur with the consideration of House Resolution 676.

In the last 10 years, the cost of health care to businesses has increased 140 percent. We need an efficient universal health care system that protects American businesses from skyrocketing health care costs so that, as a Nation, we can remain competitive in the global marketplace.

The rising cost of health care in this country has played a significant role in the current economic climate, specifically with regard to the outsourcing of labor to foreign countries. Between 2000 and 2007, United States health premiums have risen 98 percent, while wages have only increased by 23 percent. The average family health insurance plan now costs more than the earnings of a full-time minimum wage worker.

Our fractured non-system of health care is crippling our economy. But don't take my word for it, just ask the United Automobile Workers and the AFL–CIO, or even the automobile makers themselves. Health care has become such a central issue for General Motors that Economists magazine only partly

in jest called the company a pension hedge fund wand health insurance business that happens to make cars.

Ford and General Motors pay nearly $1,500 in health care costs for each vehicle they produce, while BMW pays $450 in Germany, and Honda only $150 per vehicle in Japan.

A General Motors executive told former Senator Tom Daschle, a proponent of universal health care, that the high cost of health care is the single largest impediment to creating more jobs in the United States. An IBM executive, Senior Vice President for Human Resources Mr. J. Randall McDonald, recently predicted that 5 years from now this problem will have to be cured or the competitiveness of the United States will be drastically impacted.

Small business employees are one of the fastest growing segments of the uninsured and now comprise about one-fifth of the total uninsured population. Kansas Governor Kathleen Sebelius told the New York Times, ''Affordable coverage for small business owners and self-employed individuals is probably the biggest challenge that we have in Kansas and most states.''

Incredibly, one-fifth of working age Americans, both insured and uninsured, have medical debt that they are paying off over time. More than two-fifths of these people owe $2,000 or more. Medical bills are the leading cause of bankruptcy in the United States, accounting for half of the personal bankruptcies. If unpaid medical bills are the leading cause of bankruptcy in this country, then how can we in good conscience delay any longer in Congress to create a truly universal health care system?

High deductibles in private health insurance plans are another barrier to consistent care. Eleven million people with health insurance have per-person deductibles of $1,000 or more. One recent study found that 44 percent of adults with deductibles of $1,000 or more did not fill a prescription, declined to see a specialist, skipped a recommended test or treatment, or didn't see a doctor when they had a serious medical problem.

There are additional sums spent by hospitals and doctor's offices to deal with each insurance company's rules, regulations, and forms to fill out. After a number of our satellite industries take a cut, we're looking at up to 50 cents on the dollar being spent on administration, marketing and profits. All this is money we could be spending on health care.

Drug prices in this country are about 60 percent higher than prices in Canada or Britain, and this is not because Big Pharma is doing so much research and development. In fact, data from the pharmaceutical companies' own annual reports show that they spend almost three times as much working on marketing and administrative costs as they do on research and development.

It is not because American companies are carrying the burden of doing research and development for the rest of the world. Drug companies in the European Union put out about the same number of new products each year that American companies do. And our drug industry's research and development gets huge taxpayer subsidies from government-supported research done by the National Institutes of Health and American universities. In fact, only a very small percentage of the new drugs produced in America are in fact innovative developments. Most are varieties of old drugs developed simply to extend patent protections so that they can keep on charging those high, excessive prices.

The reason drugs cost more in America than anywhere else boils down to a single factor: Profit. The drug companies have the highest profit margins of all American corporations. Their profits as a percent of sales run about 19 percent, compared to a median of about 5 percent for Fortune 500 companies.

Mr. Speaker, the American people are concerned about the direction in which our economy is heading. As we spiral headlong toward a recession, if we're not already in one, both large corporations and small businesses have to make difficult decisions to keep their business afloat. For most Americans, the loss of employment means the loss of health insurance.

The bottom line: If we can streamline the operations of the health care system by decreasing wasteful overhead and appropriately allocating funds, we can not only ensure the coverage of everybody in the United States, but we can provide for true health care. And that is an important point; coverage does not equal care.

My plan, H.R. 676, is simple. And its simplicity is the very thing that will allow it to succeed where others will fail. Many of the plans generally add an individual mandate and even more insurance options. Others suggest financial mechanisms like tax credits or savings accounts. These other plans will not guarantee coverage that is universal, affordable or comprehensive. They fail to do anything to decrease administrative costs or complexity, in fact, they add to it. They can't control costs, and so ultimately they will be unsustainable.

Now, I began from the premise that health care is a basic human right, not a privilege, a basic human right. This is the consensus opinion of the international community, as enshrined in the Universal Declaration of Human Rights and other documents.

I also believe that government has a fundamental role to play in guaranteeing this right to each and all of its citizens. This is the view of the other industrialized nations, all of which have single payer health care systems that cover all their people, cost far less than ours and, sadly, get more and better results in terms of health outcomes.

I believe that health care must not be a market commodity. The market dictates that one's ability to consume a particular product is constrained by one's ability to pay for it. This approach may be feasible when one is talking about buying hamburgers or tennis shoes, but it is unacceptable when it comes to health care. Our access to health services should be determined by only one thing, what our doctor thinks we need. Profit should not be a factor.

Let me clarify: I do not advocate socialized or government-run health care, such as the National Health Service in Great Britain. I propose a plan that is publicly financed, but privately delivered, like those in Germany or France or Taiwan.

The role of the government in the H.R. 676 proposal is limited to collecting revenues and disbursing payments to providers. Doctors, hospitals and clinics will continue to be run privately. I believe they will be required to operate as not-for-profit organizations.

In a single payer system, we could do just that. We will do just that. Revenues would flow into the system through an automatic payroll tax, very little paperwork required. Doctors would bill the government electronically and they would be reimbursed electronically, cutting out the middle man, and the savings would be tremendous.

Studies by the Congressional Budget Office, the Government Accountability Office and consultancies such as the Lewin Group consistently find that the savings under a single payer plan would be more than enough to cover all of the uninsured. So, in fact, it's possible to cover all Americans under a comprehensive health plan without spending any more money than we do now. We would just be more efficient with it.

The two other major drivers of health inflation are the increasing use of expensive prescription drugs and the proliferation of new and expensive medical technologies. A single payer system would address both these costs.

By leveraging the buying power of the Federal Government, we can negotiate huge discounts both for drugs and for other major drivers of health inflation such as medical technology. We can bring down the cost of medical technology by allocating it more efficiently. As it is, we have no organizing structure to manage the distribution of health care resources. The result is that we have a glut of medical imaging machines, specialists, and other medical services which are seen as generating the most potential profit for their owners; hospital A has one MRI machine, hospital B then feels it must have two MRI machines, and so on. To end up with MRI machines all over town standing vacant while we continue to spend enormous sums on acquiring more is unwise and impractical and should be ended.

Under a single payer system, we can distribute resources more efficiently so

that we are buying MRI machines based on the need for them, not based on how much profit they can generate for a particular hospital.

□1645

A regional board could determine, with the input of doctors and other providers, what number of machines would be appropriate for the population based on demographics and other factors.

Allow an explanation of how a single-payer system under H.R. 676 would work. Existing public health care spending, including government spending for Medicare and Medicaid, would continue, but it would flow into a single trust fund. We would add a payroll tax of about 3.3 percent each to workers and employers. In addition to the 1.45 percent Medicare tax, the total health care tax would be 4.75 percent. This is cheaper than what the private health insurance companies charge; so families and businesses will be spending less than what they are spending now if they have insurance.

We also get revenue from other sources like one quarter of 1 percent tax on certain stock and bond transactions. All these revenue sources add up to more than enough to cover current spending. But just in case there are additional expenses in a particular year, we also authorize an annual appropriation.

Revenue flows from the Federal trust fund into the accounts of the currently existing Medicare regions. Reimbursement is then negotiated with doctors and other providers at the regional level, with current levels being the starting point. Doctors are paid on a fee-for-service basis, while hospitals and other large institutions are paid with monthly lump sums known as global budgets based on current expenditures. Global budgets are cost-control mechanisms that are very effective in other single-payer systems.

Every American would receive a national health insurance card at birth or would be able to apply for one at the post office or other government facility. The application form is limited to 2 pages. Everyone living in the United States would be eligible. All medical necessary services would be covered, including inpatient and outpatient care, mental health care, dental care, and prescription drugs. Patients can go to the doctor or health care provider of their choice.

Private insurance companies are prohibited from duplicating the coverage provided under the plan. They may still offer coverage for nonmedically necessary services, such as cosmetic surgery. They are not prohibited from being hired by the government to do billing services, but overhead costs would be strictly regulated.

This plan relies on the existing Medicare infrastructure for administration. There is no ''new government bureaucracy.'' In fact, there will be far less bureaucracy in health care after the role of the insurance companies has been limited.

Just to let you know, there are nationally recognized health economists and physicians who believe that if we spent more efficiently the money we are already currently spending on health care, then we would cover every American with quality and affordable health insurance right now through a privately delivered, public financed, single-payer system.

Mr. Speaker, I thank you for your cooperation.

Ms. LEE. Mr. Speaker, I rise today in support of Cover the Uninsured Week, to highlight the deplorable fact that over 47 million Americans—including 9 million children, lack health insurance in our country.

Mr. Speaker, I strongly believe that health care is a basic human right. Yet far too many people have no access to even the most basic health services. Contrary to popular belief, 8 out of 10 Americans who lack health insurance come from working families who just can't afford the high cost. Minority communities also disproportionately suffer from a lack of health coverage. More than one-third of the Hispanic population in our country and more than one-quarter of Native Americans live without health insurance. Nearly 22 percent of African Americans and 20 percent of Asian Americans also lack health insurance. These statistics are just plain shameful.

What's worse is that because these individuals lack health coverage they are more likely to wait to seek treatment until they are really sick, which in turn further drives up health care costs and creates a vicious cycle of uninsurance.

Mr. Speaker, the sad truth is that over the last 8 years of this administration, the number of uninsured Americans has been steadily rising. Instead of supporting proposals to expand access to health care, however, this administration has continually supported policies that have driven more people into poverty, placing affordable health care even further out of reach.

Perhaps the clearest example is this President's veto of the SCHIP bill and his refusal to provide health coverage to 10 million children. That is just unconscionable.

As the only industrialized nation in the world that does not guarantee health care for all our people, I believe we must move toward a system of universal health coverage. That is why I have introduced H.R. 3000, the Josephine Butler United States Health Service Act, to make the United States Health Service its own independent executive branch and establish an Office of the Inspector General for Health Services.

My bill would require the Health Service to ensure that everyone has the right and the ability to access the highest quality health care available regardless of cost. Mr. Speaker, providing universal health care is the right thing to do and it is consistent with our values as a nation and the goals of Cover the Uninsured Week.

Mr. WEXLER. Mr. Speaker, I rise to acknowledge ''Cover the Uninsured Week.'' We must recognize the tragic reality that 47 million Americans, including 9 million children, are uninsured in America. In my home State of Florida, the figures are even more striking, with 20 percent of Floridians lacking health insurance. Millions of hard-working Americans with full-time jobs lack affordable health care options.

For example, a woman in my district, Florianne, has worked as a housekeeper for a local hospital for 3 years and is uninsured. She cannot afford to pay for health insurance for her children despite having a full-time job. In 2004, when Florianne worked directly for the hospital, she received health benefits. Today, the hospital subcontracts its housekeeping operations, causing her to lose her health insurance. With rent, food, gas, and utilities eating up her $692 biweekly paycheck, there is not a dollar to spare for her son's glasses or basic checkups, let alone a $768 monthly premium.

I wish Florianne's predicament was unique. All across Palm Beach County, the State of Florida and throughout the United States, children like Florianne's miss doctor's appointments, forego needed prescriptions, and are denied adequate health care. Their parents work hard but still cannot afford health care for their families. This is totally unacceptable in the wealthiest nation on Earth.

In Congress, I have sponsored legislation to fund insurance for millions of children across the country, introduced legislation to make Medicare more affordable for seniors, and voted to increase funding for community health centers willing to treat uninsured individuals. I am also a sponsor of the U.S. National Health Insurance Act (H.R. 676), which would reform our health care system and provide health insurance for every man, woman, and child. Unfortunately, many of these proposals have been shot down by the Bush administration.

''Cover the Uninsured Week'' reminds us all that America desperately needs leadership in the White House and in Congress to work together to achieve the affordable health care that all Americans deserve.

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 subject of my Special Order.

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

There was no objection.

PEAK OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, I came early to our office yesterday morning, and I opened the door and took the newspapers inside and put them out on the reading table. And as I took them out, seven of them, four newspapers and three of the kind of inside-the-beltway papers, I noted the lead story above the fold. In the Sun there were two stories: ''Demand Eats Supply, swiftly rising food prices are undoing progress in fighting hunger globally''; and another above the fold headline: ''Energy Bill Aid Payouts on Rise.'' Then I picked up the Washington Times and noticed an above the

fold headline, ''Bush Lays Gas Blame on Congress.'' And then I picked up the Washington Post, a major headline above the fold: ''Syphoning Off Corn to Fuel Our Cars.'' And then the Wall Street Journal, the biggest headline above the fold, with a graphic and picture above it: ''Grain Companies' Profit Soar As Global Food Crisis Mounts.''

And then I took the three inside-the-beltway newspapers to put them on the reading table, and I looked at the headlines there, on the front page: ''Gas Prices Fuel Effort to Jam GOP.'' ''Alexander Eyes Energy Agenda.'' The first of those was Politico; the second was Roll Call. And the third, The Hill: ''Politics at the Pump.''

So, Mr. Speaker, the seven papers that our office gets, every one of them yesterday had as their leading story above the fold something about energy prices and food prices, which, of course, are related.

Also appearing today, and I wanted to make sure that we didn't miss this New York Times column by Thomas Friedman, a very well-known author and commentator, which describes America's energy problems as the ''predictable consequences of an energy strategy that would be exacerbated by the most popular proposed changes to maximize demand, minimize supply, and buy the rest from the people who hate us most.'' In a little bit, I will read some other excerpts from this very interesting op ed piece by Thomas Friedman.

I have here a little book which came across my desk, signed by one of the authors to Representative ROSCOE BARTLETT: ''You are a political voice in the dark. Please continue trying to shed light on this critical issue.'' And the critical issue he's talking about is explained in the title of his book, ''A Very Unpleasant Truth . . . Peak Oil Production and Its Global Consequences.'' And I turned to the little page that talked about who the authors are, about the authors: W.D. Lyle, Jr. holds a Ph.D. in engineering from Purdue University. L. Scott Allen holds a Ph.D. in physics from SMU. Both are retired scientists from the Exploration and Producing Technical Center of a large international oil company. They have been awarded over 40 patents and coauthored or authored more than 50 technical papers with contributions appearing in a variety of journals such as Science, Geophysics, Nuclear Science and Engineering, and the Journal of Petroleum Technology. Both authors, it says, live in the Dallas area. So those are obviously well-respected authorities in their fields.

And I turned to chapter 6: ''What About Alternative Energy Sources and What Should We Do Now?'' And it begins by saying, ''What must we do now to prepare for and respond to the inevitable and impending energy crisis?''

And, Mr. Speaker, the seven papers that I just referred to and the headlines on all of them about energy and food would indicate that maybe, just maybe, we're on the cusp of this crisis.

And then he says, ''The first and most important thing that needs to be done is to educate and convince the public that a problem even exists.''

Long before I got this book, more than 3 years before I got this book, I thought also that that was the most important thing that needed to be done. And so, Mr. Speaker, I think this is the 43rd time I have come to the floor to spend an hour talking about the challenge. Really it was to explain to the American people the challenge that we face, to educate and convince the public that a problem even exists. Well, I think these seven headlines indicate that at least the editors of those papers thought that a problem existed because they were all talking about the high price of energy and its consequences on food prices.

But education is not the only thing that I have been doing. I have been personally involved in at least four activities, which I think will help to advance America on the path that we need to be treading. I'm sponsoring, in conjunction with the SMART Organization, a Smart Green Showcase on July 18 of this year in Frederick, Maryland, that will offer smart energy solutions for homeowners and small business owners. There is a lot of information out there. There's a lot of new technology that just isn't widely known. Practical ways you can use less energy, save money, and help our country transition to domestic, cleaner, and renewable energy sources. The conference will provide educational and networking opportunities for homeowners and representatives of large and small businesses, academic and nonprofit organizations.

This Smart Green Showcase has its own Web site, and I would encourage you to go to that Web site, *www.smartgreenconference.com*, for a fuller explanation of what will be shown at this Smart Green Showcase.

In the next few days, I will submit a bill that is a companion bill to a Senate bill, S. 2821, that was introduced in the Senate on the 3rd day of last month by Senator MARIA CANTWELL and Senator JOHN ENSIGN, and almost half of the Senators have already signed onto this bill.

□ 1700

I have a brief summary of the bill, and because what it does is so important to where I think we need to be going, I am going to take just a moment to read this brief summary. This Clean Energy Tax Stimulus Act of 2008 amends the Internal Revenue Code to extend certain tax incentives for energy production and conservation. It extends through 2009 the tax credit for production of electricity from renewable sources. For example, biomass, geothermal energy, landfill gas, and trash combustion.

It includes marine and hydrokinetic renewable energy as a resource eligible for such credit. It allows sales of electricity produced from renewable resources to regulated public utilities. This one is really very important to encourage everybody, even every homeowner, to produce electricity. If they are not using it, sell it back to the power company.

It extends the Energy Investment Tax Credit for solar energy through 2016 for fuel cell and microturbine property through 2017. It repeals the dollar per kilowatt limitation for fuel cell property under the Energy Investment Tax Credit. It allows public electric utilities to qualify for such credit.

It extends through 2009 the tax credit for residential energy-efficient property expenditures. It repeals the 2000 limitation on the tax credit for solar electric property. It allows an offset against the alternative minimum tax of tax credit amounts. It extends through 2009 the tax credit for investment in clean, renewable energy bonds, increases the national limitation amount for such bonds.

It extends through 2009 deferral provisions relating to the recognition of gain by certain electric utilities, and extends to 2009 the tax credit for nonbusiness energy property. It includes residential biomass fuel stoves, that is pellet stoves, as eligible energy property for purposes of such credit.

It extends through 2010 the tax credit for energy-efficient new homes. It extends through 2009 the tax deduction for energy-efficient commercial buildings, and increases the allowable amount of such deductions. Finally, it extends the tax credit for energy-efficient appliances, to include appliances produced in 2008, 2009, and 2010, and it revises and updates energy efficiency standards for such appliances in accordance with the Energy Independence and Security Act of 2007.

As shown on the first chart here, I also have a Self-Powered Farm Energy Bill, H.R. 80. This is really a very significant approach to addressing our energy problems because we are going to have to turn more and more to our farmers for energy and products that are produced by energy, that in the future will have to be produced with less energy. This bill would support Federal research, development, demonstration, and commercial application activities to enable the development of self-powered farms that are net producers of both food and energy. They should be capable of independence from offsite sources of energy. A farm standing all alone.

Mr. Speaker, if our farms can't be energy independent, we really, really have a huge challenge for the future. I think this is very doable, and this bill will offer awards, rewards to those who do that. Offsite sources of energy, fuel and raw materials for fuel. A community resource for food and energy or raw materials for fuel would minimize or eliminate ongoing operating expenditures to offsite entities for fossil fuel-derived energy, employ sustainable farming practices for long-term soil fertility. We mustn't forget that what

we do to make our farms energy independent and to get energy from our farms, that we must be really concerned about sustainability. It would be easy for a few years to mine the soil, that is take out of the soil more than you're putting back. But if it is not sustainable, it will not be useful for the long term.

Employ sustainable farming practices for long-term soil fertility and produces at least two times as much energy, including fuel or raw materials, or fuel, as it consumes both onsite and in the transfer of farm products to market.

The next chart shows an additional bill, H.R. 670, that I have introduced, American Energy for America's Future, the bipartisan DRIVE Act, Dependence Reduction through Innovation in Vehicles and Energy Act. What this does is to encourage transition from depending so much on liquid fuels from oil for transportation and move to electricity for transportation.

And the reason for this, Mr. Speaker, is pretty obvious, if you stop to think about it. We use two kinds of energy largely in our lives today; electricity for many, many things, but not much for transportation. Most of our transportation comes from fossil fuels, from oil, and some gas. You see city buses advertising that they are running on clean natural gas.

We have lots of opportunities to produce more electricity. We can do more solar. France produces 75, 80 percent of their electricity from solar. We have enormous opportunities to grow wind and solar. They are now growing at something like 30 percent a year. That is incredible growth rate. But they started very small. So even with that big growth rate, they are still producing a very minimal amount of energy to the grand mix of energy.

We can get a lot more energy in those parts of our country where you're close enough to the molten core of the Earth to get true geothermal energy. You go to Iceland, I have been there, and I did not see a single chimney in Iceland. They may have one. I didn't see it. They get essentially all of their energy there from geothermal energy. That is tapping the molten core of the Earth, which will heat water, and you can do lots and lots of things with it, and hot water.

Then, of course we have lots of opportunities for microhydro, without the kind of impact on the environment that our macro hydro has had with these huge dams and we try to compensate with fish ladders and so forth, compensate for the damage we have done to the environment with fish ladders and so forth so the fish who are spawning can get around to them. So we have lots of opportunities for producing electricity.

Our options for producing more liquid fuels are far more limited. So this is a very important bill. We are going to be talking for the rest of our few moments together today about these opportunities for producing more liquid fuels. You will see that they really are limited. We really do have a challenge there.

So to the extent that we can move transportation dependency from oil to electricity, we will have done a great deal to minimize our dependence on oil and free ourselves from dependence on oil, as the President appropriately said in his State of the Union Message, from people who don't even like us.

I wanted to just spend a couple of moments reading some additional comments from Thomas Friedman's article. I don't read this because I necessarily agree with everything he says, but I read it because I think that it's very important, as this little book said, that the American people understand the seriousness of the challenge that faces us.

So let me read a few more excerpts from his article that appeared today in the New York Times. The title of his little op-ed piece is called: Dumb as We Wanna Be. ''Here's what's scary: Our problem is so much worse than you think. We have no energy strategy. If you are going to use tax policy to shape energy strategy, then you want to raise taxes on the things that you want to discourage, gasoline consumption and gas-guzzling cars, and you want to lower taxes on the things you want to encourage, new renewable energy technologies. We are doing, he says, ''just the opposite.''

''The McCain-Clinton gas holiday proposal is a perfect example of what energy expert Peter Schwartz of Global Business Network describes as the true American energy policy today.'' Then I quote again, ''Maximize demand, minimize supply, and buy the rest from the people who hate us the most.''

Then additional excerpts from the article go on to say, ''This is not an energy policy. This is money laundering. We borrow money from China and ship it to Saudi Arabia and take a little cut for ourselves as it goes through our gas tanks. No, no, no. We'll just get the money by taxing Big Oil. Even if you could do that,'' he says, ''what a terrible way to spend precious tax dollars.

''For almost a year now, Congress has been bickering over whether and how to renew the investment tax credit to stimulate investment in solar energy and the production of tax credit to encourage investment in wind energy. The Democrats wanted the wind and solar credits to be paid for by taking away tax credits from the oil industry. President Bush said he would veto that. Neither side would back down. Stalemate.''

You know, as I said, I read this not because I necessarily agree with everything he says, but I read it because it is a very important voice that is saying what I have been trying to say for more than 3 years now, Hey, we face a problem. We have really got to do something about that problem.

The next chart, this is a little cartoon which I think tells the story that many people don't believe. Just why is gas so expensive, over $3.50 a gallon now? Just why is gas so expensive? The cartoon says it with just two words, a tiny little supply and a huge big demand.

Now there are many people who believe that gas is very expensive at the pump because the major oil companies are gouging us. Many people think that gas is high at the pump because the oil from which we refine it is very expensive because the Arab world is holding back and not producing as much oil as they could produce, or somehow gouging us.

The reality is that neither one of these commonly believed reasons for our high gas prices are probably true. There may be a little gouging here and there by stations and so forth. The price of oil is not determined by our big oil companies, ExxonMobil and Shell and Royal Dutch. The price of oil is determined, as this cartoon indicates, by how much there is and how much we would like to use.

The Arabs don't determine the price of oil. They can affect the price of oil. If they could produce more oil, they could drive down the price of oil by increasing the supply so it would be more consistent with the demand, and that would reduce the price of oil. There is increasing evidence that they could not do this. That is they could not increase their supply.

Russia, a couple of weeks ago, announced that they had peaked in oil production. That they could no longer increase their production. Just last week, Saudi Arabia indicated that they had reached a maximum oil production. They have the granddaddy of all oil fields, the Ghawar, a huge field, producing 5 million barrels a day. They want to bring online a new field. I read a lot about the technicality of that field. It's very interesting, what they have done. This is the field that has a lot of potential oil in it. Khurais, I think. It's hard for me to pronounce words with k-h.

□ 1715

They have hired Halliburton to drill a large number of wells, and what they plan to do, what they hope to do, is to flood that field where the oil will not flow. If you drill down in that field, you will not get any oil, although there is a great deal there, and they hope to make this oil flow by pumping water in at the periphery of the field under considerable pressure.

But this is a very delicate operation, because if they pump at too high a pressure and too large a volume and the water overflows the oil, it could seal off the little interstices through which the oil would flow and it might kill the field, so there would be no oil from the field. But hopefully they won't do this. They are very good at this technology. And if they are able to develop this field, they will get, they hope, 1.2 million barrels a day. This, they hope, will make up for the oil that

they are not getting as the present fields they are pumping tail off. They have reached a maximum production of oil.

The next chart is a chart whose history begins in 1956 with a talk which I think will go down as the most famous speech given in the last century by M. King Hubbert to a group of oil engineers and business people at San Antonio, Texas, in 1956, 52 years ago, on the 8th day of March. This was 1956. Here we are, 1956 right here.

He told them that in 1970, this point here. This part of this chart was not available. All they had was this, rapidly increasing oil production. We were the largest producer of oil in the world, the largest consumer of oil in the world, and I think the largest exporter of oil in the world. He said in 14 years, in 1970, the United States will reach its maximum oil production. Shell Oil Company asked him, please don't give that talk. You will make us look silly and make you look silly. He gave the talk, and for a long while was an object of derision. Then, right on schedule, in 1970 we reached our maximum oil production.

Now, they didn't know that in 1970. You only know you have reached a maximum when you look back and see, gee, we were pumping more oil then than we are now. But this was clearly, clearly known by 1980, because you can see by 1980 here we are well down the other side of Hubbert's Peak.

There are a couple of things in this chart that he did not include in his analysis. He couldn't have known that we were going to get so much natural gas liquids, and he looked at only the lower 48. He didn't look at Alaska, and he didn't look at the Gulf of Mexico, where we have found huge amounts of oil.

I have been to Alaska, to Dead Horse, to Prudhoe Bay, and I have seen the very beginning of that 4-foot pipeline through which for a number of years now about one-fourth, about one-fourth of our total domestic production has been flowing.

Well, you can see that even when you add the oil which he did not include in his analysis, the oil that we got from the find in Alaska and from the Gulf of Mexico, that that was just a blip on the slide down the other side of Hubbert's Peak.

Now, we have done a number of things to try and reverse this, because we are not at all comfortable in this country having only 2 percent of the world's oil and using 25 percent of the world's oil. We have very good scientists and engineers, and we have used a lot of enhanced oil recovery. We have used discovery techniques, 3–D, seismic and computer modeling to go out and find more oil, and we have drilled more oil wells than all the rest of the world put together.

In spite of better discovery, of aggressive pumping of these fields with this enhanced oil recovery, in spite of drilling more oil wells than all the rest of the world put together, and in spite of finding oil in Alaska and the Gulf of Mexico, we today are producing about half as much oil as we produced in 1970.

I spent a few moments looking at this chart. I think it is very important to understand what M. King Hubbert predicted and what happened and the reality that no matter what we have done, we have not been able to reverse what he said would happen, and that was in 1970 we would reach our maximum oil production, and that after that, no matter what we did, oil production would fall off.

The next chart, if I can have the next chart, the next chart is a quote from one of four different reports that our government has paid for and not totally ignored, but largely ignored. They all say the same thing, by the way. This is from the first of those four reports done by SAIC, a very large, prestigious international engineering science organization. Dr. Robert Hirsch was the principal author of that, so it is frequently called the Hirsch Report. He says here on page 64, ''World oil peaking is going to happen.''

Now, the same person that predicted that we would peak in 1970, in 1979 predicted that the world would be peaking about now. I have asked myself a question so many times and asked the question to others, if M. King Hubbert was so right about the United States and if he predicted that the world would be peaking about now, wouldn't it have been appropriate to have a plan B, a plan B which recognized that that might happen, and, gee, you better have some contingency plans preparing for it? When I say ''we,'' I mean the world. That is not what we have done.

There is no indication, as evidenced by the behavior of any company or any country, that any of these entities have been doing anything to address the huge challenge that we would have if in fact the world followed the course that the United States so predictably followed, that the world would peak about now. ''World oil peaking is going to happen,'' this report said. ''World production of conventional oil will reach a maximum and decline thereafter. That maximum is called the peak. Oil peaking presents a unique challenge,'' this report says. ''The world has never faced a problem like this. There is no precedent in history to guide us,'' is what this report says. There is no lesson from the past that you can use to guide you as to what you need to be doing to get you through this challenge.

The next chart, this is a chart of data which is compiled by the two leading entities in the world that track the production and consumption of oil. Now, we store a little, very little, in our strategic reserves in this country and some other countries, but, by and large, all the oil we produce is consumed.

''Peak Oil: Are We There Yet?'' These two agencies are the IEA, the International Energy Agency, a part of the UN, and the EIA, the Energy Information Administration, a part of our own Department of Energy.

The IEA, the international one, says that for the last 18 months or so we have reached a plateau in oil production. As a matter of fact, just at the end of the line they have drawn through there up and down, because it is not a constant thing, up today and down tomorrow and so forth, it is actually tipping over just slightly. The EIA, the green line, shows that from their data we have been constant and actually a little lower now, but relatively constant in oil production for the last 3 years.

Now, if in fact the world's production of oil has been flat in the last 3 years, and these are the two best recognized entities in the world for tracking this, if in fact it has been flat for the last 3 years and demand has continued to go up, what would naturally happen to oil prices?

Well, oil prices were, what, when they started, $50-some dollars a barrel. Now, they are off the chart now, about $110 today. It has dropped off a little from the $120 of last week. I think that dropoff, Mr. Speaker, is because $120 oil is just plain too costly for a lot of the world and they haven't been able to use it. They just make do with less. So we have some higher reserves than we thought, and the speculators now are speculating that the price of oil will come down for the moment because of these reserves. Of course, $110 oil, the price is off the chart here.

M. King Hubbert predicted in 1979 that the world would be peaking about now. All four of these studies, the first one I mentioned, the SAIC study, the second one, the Corps of Engineers study, the third one, the Government Accountability study, and the fourth one, one done by the National Petroleum Council, and all four of those say essentially the same thing: Peaking of oil is inevitable, absolutely inevitable; that it is either present or imminent, with potentially devastating consequences.

Now, I say again, if M. King Hubbert was right about the United States, and we spent quite some little while looking at that chart, and in spite of everything that we have done, better oil discovery, aggressive pumping of the oil, enhanced oil recovery, and although we drill more wells than the rest of the world put together, M. King Hubbert 's prediction is still true. Today we are producing about half the oil we produced in 1970. He predicted that the world would be peaking in oil production about now. These four studies all said that peaking of oil is inevitable. They didn't know when it would occur.

These data from the EIA and the IEA would lead you to believe, unless this is just a little plateau and it will take off again, and the next chart we will look at, if we can have the next chart now, the next chart will tell us how likely it is that this is just a little plateau and then it is going to take off again.

If you had only one chart to look at, only one chart to use for informing yourself and talking about this subject, this would be the chart. This chart shows in the bars here going back as far as 1930 the discoveries of oil, and, boy, it was up and down. We found some big fields in some of these years, so we got some huge spikes. But notice the general trend of this. Since about 1970 it has been down, down, down, down, and that is in spite of evermore aggressive and better techniques for finding the oil.

Now, if this peak is just a plateau and is going to take off again, then you need to believe that one of two things is going to happen: Either we are going to find very quickly better ways of teasing out from the reserves we are now pumping more oil, or we are going to find more reserves of oil, more big reserves of oil.

□ 1730

The solid black line here indicates the oil that we have used. And the world was in a very happy position up until about 1980. Every year until 1980, we found more oil, sometimes a lot more oil, than we used that year. If you integrate under this curve, you will get the total volume of oil that we have used. So this area represents the volume of oil that we have used.

Now, ever since about 1980, of course, we have been finding less oil than we use, so now this area here has been filled in by reserves back here. They are still there. We know they are underground. We know we can pump them.

Now, how much more will we find in the future? Most of the experts believe that we have probably found, of conventional oil—we will talk in a few minutes about unconventional oil. Most experts believe that for conventional oil we have probably found 90 percent, 95 percent of all the oil we will find in the future. Those who made this chart suggest that future discoveries will follow a descending curve, ever less and less, as we go further and further into the future, because once you found some oil, then additional oil is more and more difficult to find. Now, this clearly won't be that smooth, it will be up and down, but they are suggesting it will follow a curve much like that.

Now, what will the future look like? What the future will look like will depend upon your perception of several things: How much more oil you think we will find; it will depend upon how aggressive you think we can be in pumping oil. But one thing is certain: You cannot pump oil you have not found.

Now, the way this chart is drawn, it doesn't go clear out until the end, of course; it goes out another 150 years. Every year, and this has been the experience in the United States, less and less oil, harder and harder to get. And now, with the world situation, not true in our country because nobody else made up the deficit for the oil we didn't pump; and so for a long while, even when our oil production was dropping off, oil was still $10 a barrel because other countries could produce it quickly and easily, and they did, so that made up for our shortfall. But that is not going to happen in the future because, as indicated by a prior chart, as indicated by all four of these studies, paid for by your government, delivered to your government, oil is going to peak.

And if the United States is a microcosm of the world, you would reasonably judge that, no matter how aggressive we become, and we have been really aggressive in our country, like drilling more oil wells than all the rest of the world put together, you still are not going to reverse that decline.

So what the future looks like, and you see the oil that you are using here above the amount of oil that you found is going to have to be filled in by reserves from here. You can use your eye and transfer these reserves there and see reasonably what that curve will look like.

The next chart presents a little schematic. Now, I will point out what is quite obvious: That this peak can be made very sharp if I compress the abscissa and expand that ordinate, that will become a very sharp curve. Here, I have spread it out so it is a very gradual curve. This is a 2 percent growth curve. That is about the rate at which the world has been increasing its use of oil. By the way, 2 percent growth doubles in 35 years; it is four times bigger in 70 years; it is eight times bigger in 105 years; it is 16 times bigger in 140 years.

This led Albert Einstein to answer a question asked by someone after we had discovered nuclear energy: What will be the next big energy force in the universe? And his response was: The most powerful force in the universe is the power of compound interest. And, of course, compound interest is compound growth.

This chart shows a 35-year growth period, the yellow. I think we are about here, and peaking is either present or imminent. And most people are looking at avoiding any problems in the future by filling the gap. If this is what you have available and this is what you would like to use, this yellow area represents the gap.

There are a lot of things out there that we can exploit to get some liquid fuels from. In their totality, most of the experts that are really seriously looking at this, in their totality, most people believe that it will be extremely difficult to produce as much liquid fuel as we now are using, let alone filling the gap. I will say that that will not bring us to any calamitous end. We have enormous opportunities for conservation and efficiency.

The other morning as I came into work, I noticed in one of the lanes in front of me a big SUV with one person in it. In the lane right next to them was a Prius with two people in it. Now, the Prius, I have one, we get about 48 miles per gallon. That is at least three times that SUV. Isn't it? So the Prius gets three times the miles per gallon of the SUV; and there were two people in it; so that means that miles per gallon per person was six times better in the Prius with two people in it than it was in the SUV with one person in it. And the Prius is a very comfortable vehicle, and riding with someone else makes the trip to work more enjoyable. So, we have lots and lots of opportunities to increase our efficiency.

The next chart is an interesting one, because there are a lot of people who believe that somehow we are going to find a huge amount of more oil out there. In a few moments we are going to talk about some of these potentials. And there may be a lot out there. But what I am saying is that we really need to have a plan B, because there is nothing that we have done in our country which has avoided the inevitable slide down the other side of Hubbert's Peak that M. King Hubbert predicted in 1956.

This is a chart again from Robert Hirsch, and he gets this from EIA, Energy Information Administration, and they are predicting here in this chart that we will find as much more oil as all the reserves we now know to be able to be pumped.

Most experts believe that the ultimate amount of oil, the total amount that we will pump in the world from the beginning to the end of the age of oil will be about 2 trillion barrels. Here it is 2.2. They are suggesting here that we will find another nearly 1 trillion, because this curve is based on what they call the main or expected value of 3 trillion barrels. Now, that means that they think we are going to find just about as much more oil as all the oil which we now have in reserves which can be pumped.

Now, even if that curve occurs—and this is because of that exponential growth. Even if this occurs, the peak is pushed out from here to 2016. The dotted line, by the way, and I don't know if it is even doable. The dotted line shows what would happen if you would have an aggressive, enhanced recovery and pump it more quickly. It pushes the peak out a little bit, and then you fall off a cliff after that.

This black curve, by the way, you will recognize from the big black curve on the oil chart, remember, with all the bars going up. This is the recession in the 1970s. If it weren't for that—the old saying, it is an ill wind that brings no good. And that ill wind of those Arab oil price spike hikes and the worldwide recession that followed that, that is this dip here, we actually were using less energy for a while, we really looked at our efficiency. And your air conditioner now is probably three times as efficient as it was then. Your freezer, the same thing. If we had not done that, look at this curve, look where it would be, off the chart.

There was a stunning statistic during the Carter years, and that was that

every decade we used as much oil as had been used in all of previous history. That is really different now. This slope you can see is very much less than this slope. So this was kind of a blessing in disguise, because it woke us up, and we now have a much lesser challenge than we would have had if we not had those oil price spikes and that little recession in the 1970s and this call to arms that resulted in a lot of equipment that is now a whole lot more efficient.

The next chart is a fairly recent statement by Shell Oil Company CEO van der Veer. By the year 2100, he says, the world's energy system will be radically different from today's. The world's current predicament limits our maneuvering room. We are experiencing a step change in the growth rate of energy demand. And Shell estimates that, after 2015, supplies of easy-to-access oil and gas will no longer keep up with demand. It may be a little sooner than that, as indicated by these curves from the IEA and the EIA. As a result, he says, society has no choice but to add other energy sources.

The next chart is one that kind of puts this in perspective. This looks at the industrial age.

By the way, there is a fascinating speech that was given. If M. King Hubbert's speech was the most important speech of the last century, I think the most insightful speech of the last century would be the speech given by the father of our nuclear submarine, Hyman Rickover, given 51 years ago the 14th day of this month to a group of physicians in St. Paul, Minnesota. If you do a Google search for ''Rickover'' and ''energy speech,'' it will pop up.

He noted then that we were about 100 years into the age of oil, which—and he uses just beautiful expressions, which he referred to as the golden age. And truly it has been a golden age. And he had no idea how long the age of oil will last; now we have a much better idea. But he made a very important statement. He said that, how long the age of oil lasted was important in only one regard: That the longer it lasted, the more time that we have to plan for an orderly transition to nonfossil fuels.

About 17 months ago, I was privileged to lead a codel of nine Members of Congress to China to talk about energy. Interestingly, they began their discussion of energy by talking about post-oil. Wow, I thought, these people think in terms of generations and centuries.

We are a great country, and a part of our affluence and our greatness is that we have a near-term focus, essential for our business, but I think it would be nice if we had a little longer term view, too. It is hard for our businesses to see beyond the next quarterly report; hard for elected officials to see beyond the next election. But they were talking about post-oil, and what they would be doing and what the world should be doing now and would be doing in a post-oil world.

Well, Hyman Rickover talked about 8,000 years of recorded history, and he said that the age of oil would be but a blip in the history of man. I only have here about 400 years of that 8,000 years; but if you went back to the rest of the 8,000 years, it would be flat because we use very little energy. Here is the industrial revolution beginning with wood; and then we have coal; and, boy, did it take off when we found gas and oil.

This is the same curve that you have seen before, by the way. This is the dip in the 1970s in the lesser slope now. Here, we have compressed abscissa and expanded the ordinate, so now we have a very sharp curb compared to the very gradual one we have been looking in the past.

If I superimposed on this a graph of population growth, it would explode from roughly ½ billion here, following this up almost exactly to the nearly 7 billion people we have in the world today.

This reality, as the next chart shows us, introduces us to a very challenging geopolitical reality. We have 2 percent of the world's reserves; we use 25 percent of the world's oil; we import almost ⅔ of what we use. We pump four times faster than the rest of the world. We produce, from our 2 percent, 8 percent of the world's oil production. So, we are pumping and our more wells than all the rest of the world put together are working. We are pumping down our reserves faster. We represent a bit less than 5 percent of the world's population, one person in 22, and we use ¼ of the world's energy.

The next chart speaks a little more to this geopolitical challenge that we face. If you look at the top ten owners of oil, that is the bar on the right here, it is mostly countries that own it: Saudi Aramco, National Iranian Oil, Iraqi National Oil, and so forth.

□ 1745

And Luke Oil which is kind of private in Russia has only 2 percent. These are the top ten.

If you now look at the top ten producers of oil, they are really big guys: ExxonMobil, Royal Dutch, BP. They produce only 22 percent of the oil. Most of the oil is produced by countries rather than companies.

The next chart speaks further to this geopolitical challenge that we face. This shows what China is doing around the world. The dollar signs indicate where we own some oil. You don't see very many of them here. This symbol indicates where China owns oil, a lot of it in Russia. Notice they have bought up oil all over the world.

The next chart speaks again to this geopolitical challenge that we have. This is what the world would look like if the size of the country was relative to the amount of oil they have. Very interesting. Saudi Arabia dominates the landscape. They should, they have 22 percent, more than a fifth of all of the oil in the world. Iraq, Kuwait, and you have to get a magnifying glass to see the United Arab Emirates on a map. Russia, not a giant compared to the others, but they are an aggressive pumper of oil. I think they are now the number two producer of oil in the world.

Venezuela, it dwarfs our part of the world. Bigger than everybody else in this part of the world, but notice we get most of our oil from Canada. Our third largest producer of oil is Mexico. Together they have about as much oil as we have. Canada doesn't have very many people, and they are too poor in Mexico to use the oil and so they can export the oil. But this speaks again to the geopolitical challenge that we face.

The last chart, I just wanted to look at the sources from which we are going to get liquid fuels. I have argued that because we face this huge challenge in the future, and because it is going to be very difficult to produce as rapidly as we would like to, the liquid fuels to replace what won't be there as we slide down the other side of the world, Hubbert's peak, that it would be nice to have in reserve a little bit of the oil we know that is out there which is why I have not been enthusiastic about drilling in ANWR or offshore or on our public lands.

Maybe it is because I have 10 kids and 16 grandkids and two great-grandkids. And I came to Congress because I was afraid that my kids and grandkids weren't going to live in the same kind of country that I grew up in. I thought we had too much government, it taxed too much, it regulated too much, and it spent way too much. I would just like for my kids and my grandkids and great-grandkids to have the same opportunity I have had, and energy is so important in our world. So I have been resistant to immediately drilling in ANWR and offshore and on our public lands because it is like money in the bank that is yielding huge interest rates. I don't think you ought to rush to the bank and pull it out and spend it. It will be even more valuable later.

We will get a little of this and a little of that. There is no magic bullet out there. I am sure everybody is familiar with what happened with corn ethanol. We are using so much corn for ethanol, it has raised the price of food around the world. Farmers have diverted land from wheat and soybeans to corn. Rice harvests are down. Costco, I understand, will sell you only one bag of rice now.

Mr. Speaker, let me close by saying I am kind of exhilarated by this. There is no exhilaration like meeting and overcoming a big challenge, and I think America is up to this. With leadership, I think we can once again become an exporting country. We have the technology and the know-how. We are the most innovative, creative society in the world. I think when America understands this challenge, they will be up to the challenge, and America will lead the world in moving from fossil fuels to renewables.

I think I will be here a week from today, and what I want to do at that time is spend most of the time talking about realistic expectations from all of these alternative sources of liquid fuels.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Ohio (Mr. RYAN) is recognized for 60 minutes.

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the opportunity to once again start our 30-Something hour. We will be joined later by Congressman MEEK from Florida to talk about the issues of the day and how what has been happening here in Congress affects what is going on to young people, but not limited to just young people in the 30-something bracket, but also to young people in college, young people in their 20s, young people trying to figure out how they are going to make their way in the American economy in the 21st century.

As we know, Mr. Speaker, we have been given many challenges over the past few years here in Congress dealing with many of the issues that face Americans.

Since Speaker PELOSI took over a short time ago, we have been committed, since this Congress was taken over by the Democratic Party, we have been committed to push initiatives that are consistent with the values that we hold dear in the United States of America. We hear a lot of rhetoric about values in this country, but if the policy initiatives that come out of this beautiful building in Washington, DC do not reflect our values, then we are in the wrong business.

And I am proud to say that since we have taken over here, we have shifted course from policies that many Americans believe have taken us in the wrong direction. And many of us still believe, even those of us here think we have made a shift in policy, but it has been difficult with the President to try to get a complete pivot out of the months and months and months and years and years and years of bad policy.

So I think it is important before we talk a little bit about what we have done is to go back and think about what we are trying to come out of, some of the challenges that this country faces. I think it is important to recognize politically that from 2000 until 2006, the Republican Party controlled the House, controlled the Senate, and controlled the White House. They had an opportunity to implement their policy—the neoconservative foreign policy, the conservative domestic policy, the conservative energy policy, the conservative higher-ed policy in America, the conservative ''compassionate conservative'' agenda on poverty and inequality—has all been implemented.

So when we talk about what will it look like if the conservative agenda is implemented, I think that is a false analysis of what will it look like. I think we know. I think what we are living with here today is the implementation of the conservative Republican agenda. They controlled the House, they controlled the Senate and the White House. The Bush tax policy, the Bush energy policy, all of these things that I have already mentioned have been implemented.

And if you want to know what it looks like, all you really need to do is go to the gas tank. You need to get your health care bill and see what your premium and the costs look like. You need to pull out the stub of your child's tuition. All of these things are the end result of the Republican domestic agenda being implemented here in the United States of America. You may not like it. I know a lot of Republicans, Mr. Speaker, who don't like it, but that is where we are.

And if you look at the financial situation that this country has been put in, the straightjacket that we have been put in that a lot of the changes that the Democratic Congress wants to make that we are at this point unable to make because of the financial position that we have been put in as a country and as a Nation, the fact of the matter is this: President Bush, Mr. Speaker, and the Republican Congresses that were under his watch borrowed more money from foreign interests than every President and Congress before President Bush combined.

Now think about that. In just those few years, President Bush and the Republican Congress borrowed more money from foreign interests than every President and Congress before them combined. The Republican-controlled Congress and President Bush raised the debt limit five times and borrowed $3 trillion primarily from Japan, China, and OPEC countries.

Now you want to talk about a scam going on and a shell game, we have a situation where we are borrowing money from oil-producing countries to basically give us money to go out and buy their oil, or to borrow money from oil-producing countries and from China so we can fund a war at $12 billion a month and put it on the credit card. Now that seems to me the definition of insanity, Mr. Speaker. Three trillion dollars, and this is as simple as your house payment or your car payment. You borrow money and you have to pay interest on it.

So countries like China will get the interest that the United States is paying on the money that we have borrowed, and the Chinese will take that money and they will sink it into developing and industrializing their own economy. And they are putting up nuclear plants so they have nuclear energy. And they are building roads, bridges and industrial parks. And they are funding their military and their navy. That is what they are doing with money that the United States is borrowing from them. And we take the money and we get ourselves into this war in Iraq at $12 billion a month, that is soon approaching a trillion dollars for the cost of the war, and some economists are saying at the end of the war, the grand total will be $3 trillion.

Now from Youngstown, Ohio, and Niles, Ohio, and Akron, Ohio, the folks that I represent are not really comfortable with the United States taking their tax dollars and paying interest on money they are borrowing from the Chinese so that the Chinese can build manufacturing facilities and manipulate their currency and ship the products back to the United States and put American workers out of work.

□ 1800

Now, there's something ironic about what's happening there. And there's really something sick, Mr. Speaker, about what's happening here. And when you look at the polls and you hear people say that 70 percent of Americans think that we're going in the wrong direction, the President has an approval rating of 28 percent, and the other 72 percent do not approve of the job that he is doing, you have to ask yourself, what is wrong? What is wrong? What is going on to have this dramatic breach in the American body politic?

And so, when Speaker PELOSI, and when we ran our elections in 2006 to come and take over Congress in 2007, it became imperative for us to try to pivot and shift this thing in another direction. So one of the issues is make sure that we pay for programs that we have here in the United States. No deficit spending.

Now, we've had problems, especially with the war, because we're committed over there. And it's been very difficult. We've tried to get out.

The President has vetoed every attempt we've ever tried to make. But we're trying to establish public policy in the United States of America that represent our values.

And if you look at what we have pushed coming out of this body, I think most Americans would agree, these are some pretty basic steps that we want to take. First thing we did when we got in is raise the minimum wage. For the first time since 1997, the American worker got a pay raise. It wasn't much. It should be a lot more. But we did what we could. And we said, this is a priority for us. 10 years without an increase in the minimum wage, but health care and energy and all of these other costs are going up for folks. Let's try to lift some people up, reward work. And we did that.

We have switched and tried to repeal the oil subsidies, corporate welfare, many of us know it as corporate welfare. Everyone hates welfare if we're giving it to poor people. They should go to work. They should work. This is America. We should not give welfare. That's the rhetoric that you hear.

But behind the scenes, our friends on the other side and President Bush are

very happy to give the oil companies 14 or $15 billion in oil subsidies, in energy subsidies.

Now, can you imagine, and today when you go to the gas pump and you pay $3.50, $3.75, $4 for a gallon of gas. You think you're frosted just filling up the tank. Think about the fact that President Bush said that he will veto any bill that comes out of this House that repeals the $15 billion that's going in corporate welfare to the oil companies.

Now, can you imagine, in this day and age, where Exxon's profits are through the roof, that the President of the United States says he will veto a bill that strips the corporate welfare out?

They're making tremendous profits. And what we have tried to do on the Democratic side, and Speaker PELOSI has tried to do, is to take that 14 or $15 billion away from the oil companies, away from the energy companies, and invest that money into alternative energy research; into wind, into biomass, into solar.

Now, we all know that these alternative energy forms, there's not one silver bullet. There's not one project or product that's going to come out and save us all and be a panacea for the entire United States of America and the world. We know that.

But Americans invent things. Americans make things better. Americans take a challenge and a problem and they fix it, and they solve it. They put the best and the brightest people that we have in this country, and they set a goal.

I'm not going to go do the research. President Bush certainly isn't going to go do the research. We've got a couple of rocket scientists that belong in this body that have been elected by their constituents here that may be able to actually do some of the research. But, for the most part, our job here is to set the public policy and provide the resources and the leadership for the country. And that's what we're trying to do is to say, invest into the Department of Energy, partner with energy companies.

We know you're not going to get rid of oil overnight. Many of us believe nuclear has a major role in what's going to happen here. But the bottom line is, let's make an investment into the United States, into the people, into the human resources that we have here to figure out what we're going to do, and then get the private sector and private enterprise to partner with us to get this thing kicked off.

It is crucial for us to reduce our dependency on foreign oil, crucial because we can extract ourselves from a lot of these political situations that we find ourselves in. In a lot of the global politics that we see and read, if you read between the lines and you think for yourself, you will see that there is some kind of energy component behind this, behind the politics that are going on, the geopolitics that are going on. And if we can become dependent on the Midwest instead of the Mideast, I think this country will remove itself from a lot of the problems that we have had, and we could help move this country forward. And that's what we are committed to doing here in the United States.

And just today, or yesterday, out of the Education Committee, GEORGE MILLER, who's the Chair of the committee, they passed an authorization, I think, of $6 billion, if I remember correctly, to help schools, new schools. There'll be a formula to make sure that the school is green. So now, you're providing some leadership for the companies that will provide the products for a school or a building to become green. There'll be a little bit of a stimulation.

And I want to tell one quick story that I found interesting. We have a gentleman here in Congress, his name is JIM OBERSTAR, and he's the Chair of the Transportation Committee. He's been here since the late 1970s.

And I may miss a few of the facts here, but the point can be made that in the late 1970s, when he was a Member of Congress, and President Carter was in, he was trying to—the solar panel, there was some money put into the Department of Energy to research and develop alternative energy sources. And something popped out of that, it was called the solar panel.

And Mr. OBERSTAR had a piece of legislation that said we need to retrofit all Federal office buildings in the United States with solar panels. And by the Federal Government coming in and buying the solar panels, it will stimulate the solar panel market because the Federal Government is such a big consumer, and just like buying pens and everything else, and it will drive the cost down of the solar panels. So that was in 1977, 1978.

In 1980, when President Reagan came in, he completely eliminated that part of the Department of Energy that was providing that research and, basically, nothing happened. And he has now went from a rank and file member; Mr. OBERSTAR is now the Chair of the Transportation and Infrastructure Committee. So he now has this bill that he reintroduced, told his staff to go back and get his notes from 30 years ago about what he wanted to do with solar panels.

Now, can you imagine how far behind the 8-ball we are? When you look at production of solar panels, it used to be an industry that the United States excelled in and that we had a great share of the solar panel market in the early 1990s. But now, we have been surpassed because we have not made the investments.

And I'm not here, Mr. Speaker, Mr. MEEK, to say that government somehow has all the answers. But we do have a role to play in stimulating the economy, Mr. MEEK. And when we do that, we will allow the private sector to come in.

So we need to do what we need to do with alternative energy research. We need to do what we need to do with high speed rail. We need to do what we need to do with broadband access. These are the things that government has a role in, infrastructure, education, health care. These are the things that we need to invest in. And that's what we've been trying to do in the area of health care.

One of the things that, I mean, you can't really find a better example or illustration of a difference in values from Speaker PELOSI and President Bush on this one issue. It's the issue of state, the State Children's Health Insurance Program. When we came in, one of Speaker PELOSI's priorities was to provide leadership and resources for the State Children's Health Insurance Program.

This is a program that would provide health care, Mr. MEEK, for 10 million children of modest income, didn't quite qualify for Medicaid, middle class kids, middle class families struggling to provide health care. This was to fill that gap. Bipartisan support here in the House, and in the Senate, tremendous support.

So it passed the House, passed the Senate, President Bush vetoed it. Now, can you imagine where your priorities are when you're willing to spend $12 billion a month in Iraq, and you won't sign a children's health care bill to provide health care for middle class citizens at $35 billion over 5 years?

But you'll spend 12 billion a month in Iraq and not even ask a question as to where the money's going. There's billions of dollars that are lost in Iraq, nobody knows where they are, Mr. Speaker. Nobody knows where that money is.

And we struggle to find $35 billion to provide health care for modest income families. That investment that, at the end of the day, will probably save us billions of dollars because these kids won't go right to the emergency room. They'll have some preventative care. That will save us money in the long run. And the President vetoed it. And he vetoed it.

And in the Senate, 80 Senators overrode the veto. But in the House, we could not override the veto because a handful of Republicans on the other side were committed to support the President in his position.

Now, can you imagine that? In the wealthiest country in the world, the dominant super power, we can't scrape up $35 billion over 5 years to provide health care for middle class kids?

And the President thinks he's taken a stand on this issue and saying he's fiscally responsible, after running up $3 trillion in debt, borrowing it from Japan and China and OPEC countries?

When you're deciding on where your philosophies are, what your values are, this is the issue. This is the defining issue. Health care for kids, $12 billion a month in Iraq. Tax cuts for people who make billions of dollars a year, health care for kids?

This is clear. And our job, as representatives of the people, Mr. MEEK, and I'll kick it to you here in a second, is to make sure that we bring some equity into this system.

And I will say this. The investments that we have made, or tried to make on SCHIP, the minimum wage, alternative energy, the fact that we did pass, and the President did sign a $1,000 increase in Pell Grants over 5 years, for students, and we cut the student loan interest rate in half, from 6.8 percent to 3.4 percent. So if you are going out trying to borrow for your kids, your interest rate is cut in half.

Those are the priorities that we push every day here on this House floor. Those are the priorities that are going to lead to an expansion of our economy.

We only have 300 million people in this country, Mr. MEEK. There's 1.2 or 1.3 billion in China, 1.2 or 1.3 billion in India. We only have 300 million. And the philosophy of our party is to make sure that we invest into those 300 million people, to make sure they're educated and they're healthy. And I feel like if we make sure our kids are educated and healthy, that most everything else will take care of itself.

□ 1815

That's where we are. That's the agenda we're pushing.

Mr. MEEK, I appreciate the fact that you're taking time away from your busy schedule and family to come down here, and I would like to yield to my very good friend from Florida.

Mr. MEEK of Florida. Well, Mr. RYAN, I want to thank you for sharing not only thoughts about the Members, but also reminding them of the work that has been done and work that needs to be done here on this house floor.

I can tell you, Mr. RYAN, that it's very frustrating at times to hear and see some of the finger pointing that goes on not only here under the Capitol dome, but here in Washington, D.C. The work that this 110th Congress has done overshadows the work of the 109th Congress as it relates to accomplishing things on behalf of the American people. And I am very concerned about the fact that Members seem to get a little amnesia on how we got to where we are now.

Last week, I had a chart on the floor here. I don't know what happened to it. I'm not accusing anybody of anything. But I was driving the point home of the colleagues on the other side about gas prices and writing the Speaker a letter saying, What are you going to do? You promised a year ago that you would do something about it. What are you going to do? What are the Democrats going to do? The Republican leadership wrote, We stand firm to be with you as it relates to doing something about energy prices or gas prices.

And it's interesting because these are the individuals who, especially on the Republican side, were a part of supporting and standing up the 2001 plan and the meeting that took place in the White House with Mr. CHENEY and a number of energy companies, which I think was one of the most profitable meetings for the oil industry because they have just hand-over-fist made money since that meeting. And even today I think it was projected or it was announced that it's another record-breaking quarter for oil companies while Americans pay through the nose and small businesses pay through the nose for fuel.

I couldn't help but be on I–75 in Florida on my way back to Miami from St. Petersburg about 3 weeks ago and stopped at a Pilot gas station. And I was driving my uncle's truck, and the guy asked for my ID and credit card and all of those things. And I said, Goodness. I had to give my ID. I was paying with cash. I said, This is interesting. I am paying with cash and I have to show you my ID.

He said, Well, sir, we have had an uptick in truckers in filling up and pulling out without paying. I said, Wow. That's interesting. I mean with all of the tags and identifying markers identifying the company or the private-owned companies. And he said, I can tell you something—of course, he saw me and didn't think that I was anything like a congressman or anything—but he said, Times are hard out there. I mean, these guys, they can't afford to fill up their truck and make a profit and be able to support their family. Not justifying it, but he said, The higher gas goes, the more protection that soon we're going to have to have someone out there getting tags or doing some sort of check to make sure that they actually put in the amount that they paid for.

Saying all of that, that's the reason why, during the self-service days: Pay first, then pump.

I'm saying all of that to make the point that times are hard out there. We know. Bread is $3 a loaf. We know this. The fact that rice, even if you go to Costco now you can't buy a 50-pound bag of rice. I mean, it's like being rationed, in a way. And just the price of food all over the world has really exploded.

Saying all of that, Mr. RYAN, I think that when we start looking at our work here in Congress, now more than ever, Members, we have to hold first the American people and their will, we have to hold that as our number one priority.

Now, let me just mention just a few things, Mr. RYAN, because I'm not going to try to get excited on this issue today because if I do, I may miss something. And I don't want to miss anything because the points have to be made.

And I think it's important, Mr. RYAN, as we look at this, and Members, Mr. Speaker, that when we look at the work that has been done in this Congress this week, sending four key bills to the President for his signature, and we really don't have a lot of time to wait and see if he's going to do something because when you look at it, you have to look at the highway bill, the bill that allows competition for important highway and transit projects outlined in the 2005 highway bill which will help promote 40,000 new good-paying American jobs in transportation and construction. I think it's important that people understand that this bill will help stimulate the economy versus slow it down. It's important that the President signs this.

When you look at the other pieces of legislation that have passed, these are bills that are key bills, ensuring continuing access to student loans, the Student Loan Act. This is a critical bill that provides students and families with continued uninterrupted access to Federal guaranteed student loans. We're talking about not only this generation but the next generation and working families being able to afford higher education.

Traumatic Brain Injury Act of 2008. It comes down to many of our men and women that are in uniform over in Iraq and Afghanistan with explosions that take place and the fact that many of them are affected by the blasts that take place with these IEDs. They will join some 5.3 million Americans that are affected here at home by the same thing. And the Congress has passed this to provide the kind of funding that's needed so they can get the treatment that they deserve. We look forward to the President signing it.

But as we look at issues such as energy and fuel, I think it's important that we talk about some of the things, Mr. RYAN and Mr. Speaker, and I know you mentioned something about this whole gas thing because this is hitting home for many of us.

The Speaker, last week, called on the President to suspend the purchase of oil for the Strategic Petroleum Reserve temporarily. When you look at this issue, you have to look at it from the standpoint of bringing gas down. What the Speaker has asked for would actually bring the gas prices down to 5 to 24 cents a gallon. This is a critical first step, Mr. Speaker, towards bringing gas prices down so the American people can hopefully afford to put gas in their tanks and small businesses.

I met with some independent franchise owners of KFC and Taco Bell establishments, and they were talking about the cost of food and ingredients. One gentleman told us about the fact that his sales are down because American people cannot afford to go into, what you may call these restaurants where you can get a meal under $10, they can't afford to do it as often as they have done it before. Hopefully, the checks and the stimulus package will be able to assist. Not only we're not talking about going out and buying a meal but to be able to provide for their families will help stimulate this economy to help drive down the cost of food and the costs that many small businesses need to survive.

Now, I think it's also important, Members, that we look at it from another standpoint, a standpoint of what farmers are having to look at.

We had a hearing here on Capitol Hill today that talked about food versus fuel, and the price of food costs, how are we going to bring a balance between biofuels and how we're going to feed the American people in the world through our crops that are here. And that's going to be an interesting discussion, especially as we start looking at shifting from the Middle East and investing in Middle Eastern countries as it relates to energy versus the midwest. And we talked about that, Mr. RYAN and I talked about that a lot the previous two Congresses.

But when we started looking at legislation and ideas that will give American people relief now, I think it's important that we look at the letter that the Speaker sent regarding the Strategic Oil Reserve that will bring the price of gas down 5 to 24 cents.

I think it's also important to look at measures that we have passed here in Congress and that many of our friends on the other side of the aisle seem to be standing up in the middle, which we call the ''policy door,'' not allowing us to be able to send good pieces of legislation to the President without the President knowing that he has enough Republicans on this floor to withstand an override.

Now, there were four bills, and I'm going to turn it back over to you, Mr. RYAN, which was an OPEC bill that we passed that was dealing with—well, a NOPEC bill was dealing with not allowing OPEC oil companies to be able to price gouge Americans, and it allowed the Justice Department to carry out even more enforcement efforts against these, what we call, cartels.

Price gouging, also renewable energy and the Energy Security Act, a number of our Republican colleagues on the other side, as you can see this piece of paper here, voted ''no.'' And I think it's important, especially amongst the leadership, it's important that we no longer have that kind of activity going on when the American people are looking for some relief and looking for some enforcement.

Something is not right. Something is not clean in the milk. Something doesn't smell right when it comes down to why gas continues to go up and up and up.

And it's amazing. There's an uproar about gas, and then it will go down for a minute, then it will be back up some 20 to 15 cents a gallon on top of what it used to cost.

So I think, Mr. Speaker and Members, we need to pay very close attention to what is happening on this energy issue but also pay attention to what is getting done. And we're doing a lot here. We've seen a lot.

We've sent a lot of good legislation to the President. We hope the President will sign the legislation versus vetoing to make a point that is pointless when it comes down to the forward progress of the American people.

Mr. RYAN of Ohio. When you look at what the Speaker has been asking the President to do now for weeks, possibly months, to suspend filling the Strategic Petroleum Reserve, we have this reserve in the United States that a certain amount of barrels of oil go in a day. And this is to make sure that in case of a crisis, we have oil for national defense purposes and so forth. This is oil that's going in every day.

The Speaker, based on the history and what the experts and the economists are telling us, is that if you divert that oil that's going in to the petroleum reserve and you allow that oil to be purchased on the market, that it will drive down the cost of oil.

□ 1830

And this will lead to a savings at the pump of about 25 cents per gallon because there will be an increase in the supply of oil in the market and it will drive the cost down.

Now, we're not sitting here saying that this is the magic wand we're going to waive and everything's going to be fine. But what we are saying is, when you implement this and you take some of the pressure off, you can save almost $6 a barrel and 25 cents at the pump. So if you are a truck driver, Mr. MEEK, 25 cents, when you're putting 20 or 30 gallons in, adds up when you're spending your life driving. And throwing the kids in the back of the mini van or filling up the truck and going back and forth, this is a significant savings. And the Speaker has been pressing the President to make this move and put this oil back into the market, Mr. MEEK, but hasn't had any success at all.

I yield to my friend.

Mr. MEEK of Florida. Mr. RYAN, I agree with everything you just said, outside of throwing the kids in the back of the mini van; us parents, we don't do that.

But let me just say real quickly that we look at common sense and we look at the needs of the American people. They want to know what's happening. Every time they look at that gas price board that's in front of the gas station they're thinking about, who's running the government? They're thinking about, who's overseeing this? Who's in a magic room somewhere pushing up these gas prices? And I think it's important that we understand that it's bigger than a debate, that this is really dealing with folks having to park their car. This is dealing with folks who are going through some real hard times. And we have to make sure that we stand up for them.

Now, the President may wait a little while and say, well, I'm not going to do what the Speaker asked to do, suspending filling the Strategic Reserve, I'm not going to do it. Maybe he may do it now, I don't know. The first quarter report has come out on the oil revenues. Maybe that may happen, I don't know. I'm not saying that that's the motivation, I'm just saying that the American people need some relief and they need it now. And hopefully they will be able to get it sooner than later because we're having folks, from rising food costs, rising energy costs, finding themselves in a situation where they can't even afford to drive to work or to get their children to school.

Also, Mr. RYAN, as I spoke before about our friends on the other side of the aisle, our Republican leadership, we definitely want them to work with us as it relates to driving these energy costs down and then going after the individuals that may have something to do with jacking up the price on the American people. Last week, I talked about the fact that a gallon of gas in Iraq costs, I believe it was between $1.30 and $1.55. Here in the United States, it costs a lot more. And we all know what those costs are, people are reminded every day when they have to go to the pump. I have constituents that are putting something on it every day. When I say ''putting something on it,'' they can't afford to fill their whole tank up. They're putting in $5, $6, whatever the case may be, and just getting less than a gallon and a half of gas because that's all they can afford. And especially for those individuals that have stepped over their budget, taking the credit card out, filling it up with a credit card. That soon adds up because it's not within their budget to pay the $24 or the $50 they have to pay on these credit cards.

But I go back to say that fuel in Iraq is a lot cheaper than it is here in the United States. And the U.S. military is spending in the neighborhood of $3 and change in filling a gallon of gas in the same country. So when we start looking out how we're helping Iraq and how Iraq is assisting and appreciating our help, we also have to look at the difference and the disparity in the cost of gas between what our troops and civilian personnel have to pay for a gallon of gas there and what everyday Iraqis pay.

So when we look at it from the big picture, Mr. RYAN, we have to look at it from the executive branch level. And I think it's important that the President looks at all of this and takes it all into consideration. But we do need some action.

We talk about a commonsense approach—I said it earlier, I'll say it again—on the No Oil Producing and Exploiting Cartels Act, I think it's important that we see the passage of H.R. 2264 that has passed this House. And the Republican leadership has voted against. When you look at the Energy Price Gouging Act, you have to look at it for what it's worth. And this legislation will reduce the burden of rising gas prices on American families by providing immediate relief to consumers by giving the Federal Trade Commission authority to investigate and punish those who artificially inflate gas prices. I mean, I want that, I want it

bad to be honest with you, because I think it's important that if we have these commissions and we have those enforcement agencies, give them what they need.

Right now, as far as I'm concerned, the Federal Trade Commission is like a police officer in a high-crime area without a weapon. And I can tell you, there will be no real enforcement there if they don't have the tools that they need to be able to enforce the law when it comes down to it.

Renewable Energy and Energy Conservation Act of 2008, H.R. 5351, very important piece of legislation. The bill has ended unnecessary subsidies to oil companies in which we're investing in clean and renewable energy. And I think it's important that Americans understand, and also, Mr. RYAN, that every Member of Congress understand, that none of the legislation that I've mentioned thus far would have seen the light of day if it wasn't for the 110th Congress and it wasn't for Democrats allowing it to come to the floor.

Mr. RYAN of Ohio. Absolutely. And I think you've made some great points, Mr. MEEK.

I just would like to say that, if you listen to some of our friends on the other side talk about gas prices, here is a party, Mr. Speaker, and an administration for 6 years—and the President and the Vice President being oil men—not doing a thing on energy, dependence on foreign oil, so on and so forth, to somehow accuse the Democrats of not addressing the issue, and completely oblivious to the fact that we're the ones passing legislation to crack down on price gouging, Mr. MEEK. We're the ones that are passing legislation to hold OPEC accountable for price fixing. It's the Democratic Party that's repealing the subsidies to Big Oil so that we can take that money and invest it into alternative energy sources. It's Speaker PELOSI that's calling on the President to take the barrels of oil that are going into the Strategic Petroleum Reserve and put those in the market to drive down gas by a quarter, that's something easy we can do. But it is the President and the Republican Congress, Mr. Speaker, that have consistently vetoed these bills or put the kibosh on them in the Senate, blocking lower prices every step of the way.

And if you look at what we have done here, pushed by the Speaker, to have fuel efficiency standards being raised for cars and trucks, we will reduce oil consumption by 1.1 million barrels per day in 2020. This is forward-looking. This is something that will save consumers between $700 and $1,000 at the pump in 2020. Now, we know that's not addressing the issues today. We're talking about the Strategic Petroleum Reserve. We're talking about cracking down on OPEC. We're talking about cracking down on price gouging that may be going on in the United States and our local communities. These are the short-term issues. And each one has been opposed by the Republicans and has been opposed by the President of the United States.

So when you ask the folks at home, Mr. Speaker, what the Congress has done, the answers are here. And if anybody wants to know what they are, they can go to the Speaker's Web site. Trying to stop price gouging at the pump, price manipulation from OPEC, divert the oil that's going into the Strategic Petroleum Reserve, that's what we're trying to do here. Repeal the subsidies for Big Oil and put that money and invest it in alternative research. Mr. Speaker, these are the policies of the Democratic Congress. And each one of those has been opposed by the Republican Party and opposed by the President of the United States, period, dot, Mr. MEEK; period, dot.

So let there be no mistake, when common sense tells you we have a couple of oil barons running the executive branch, Mr. Speaker, and the Democrats are trying to push these initiatives to provide some relief for the common good and the common folks that we represent and it's opposed by the Republicans and opposed by this administration, it's important for us to set this record straight, Mr. MEEK.

So as we begin to wrap up here, Mr. MEEK, I would like to yield to you.

Mr. MEEK of Florida. Well, Mr. RYAN, I look forward to next week. I look forward to the hearings that will take place under the Dome. Again, democracy will reign. We will be able to continue to move in this new direction that the American people want us to move in.

Mr. RYAN of Ohio. What's wrong with that?

Mr. MEEK of Florida. Nothing wrong with that at all.

And I also believe, Mr. RYAN, that through the hard work of not only the staff here that provide us with not only the information that we use to fight on behalf of the American people, but also when we go back to our districts, what we hear from our constituents, we give them voice, we are them. We are representatives of the various parts of the country that we're from, and it's important that we bring that level of frustration here.

Speaking of small business men and women, they own a pick-up truck or an SUV, we hear from them, Congressman, it cost me $105 to fill my truck up. And they're still trying to sell their products for the same price, just a little bit more. Everything is going up, up, up, and they're getting priced out. And I think it's important, even from my neck of the woods in Florida, where you have bagel shops, some of them have gone so high up on bagels because of the cost and folks can't afford them.

So when you look at it, this is a major, major issue and every American is being touched by it, especially for those middle class families and for those individuals that are what we call our working poor. And so, Mr. RYAN, every day we come to the floor I think it's important we give light to that.

I also want to give the numbers on Iraq, as I always do. As of today, May 1, in Iraq, the total deaths are 4,064. The total number wounded in action and returned to duty, 16,567. And total number wounded in action not returning to duty is 13,344. Mr. RYAN, you know, every time I come to the floor I like to read that into the RECORD so that Members will understand our responsibility of trying to bring the super majority of our men and women home.

One last point, Mr. RYAN. I think that when we look at this issue called public service, and I'm speaking to all of the Members, we have to look at it from the standpoint that we're only here for a short period of time. Less than 11,000 Americans have actually had an opportunity to serve in this U.S. Congress. And every day Members should take the responsibility to treat it as though it is their last day to serve and not put something off for another day or another week or another month, because there are people out there that are counting on us and depending on us, as it relates to bringing about health care to their children, bringing down these fuel costs and energy costs, and also making sure that we're able to stimulate this economy in the right way.

So with that, I would yield back to Mr. RYAN.

Mr. RYAN of Ohio. Well, I appreciate that. And you brought up those who are serving here. And I think it's worth noting that the veterans measure, another initiative that the Democrats have tried to push for a new G.I. Bill, for free college for our vets, opposed by Defense Secretary Gates, opposed by the administration. This is an opportunity for us to thank those men and women who are serving our country to say, when you get out, you're going to have free college tuition anywhere in the country. And I think that's a small gesture.

□ 1845

And once again, I think the President and our friends on the other side are out of step with what the American people think we should be doing. It's one thing to wave the flag, and it's another thing to put your money where your mouth is.

So, Mr. MEEK, I want to thank you for the opportunity to join you here on this beautiful Thursday evening in Washington, D.C., and I look forward to coming down here with you next week and continuing to make the case for the programs that Speaker PELOSI and Majority Leader HOYER and Mr. CLYBURN and RAHM EMANUEL and JOHN LARSON are pushing in our caucus. These are the issues that we care about and we're going to continue to push.

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 Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. SKELTON, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Mr. SCHIFF, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1760. An act to amend the Public Health Service Act with respect to the Healthy Start Initiative; to the Committee on Energy and Commerce.

SENATE ENROLLED BILL SIGNED

The Speaker announced her signature to an enrolled bill of the Senate of the following title:

S. 2954. To amend Public Law 110–196 to provide for a temporary extension of programs authorized by the Farm Security and Rural Investment Act of 2002 beyond May 2, 2008.

ADJOURNMENT

Mr. MEEK of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 46 minutes p.m.), under its previous order, the House adjourned until Monday, May 5, 2008, at 12:30 p.m., for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6360. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-359, ''Electronic Mail Public Record Clarification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6361. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-359, ''Electronic Mail Public Record Clarification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6362. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-360, ''Compliance Unit Establishment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6363. A letter from the General Counsel, Federal Retirement Thrift Investment Board, transmitting the Board's final rule — Participants' Choices of TSP Funds — received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6364. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — HUMAN RESOURCES MANAGEMENT IN AGENCIES (RIN: 3206-AJ92) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6365. A letter from the Assistant Secretary —— Fish, Wildlife & Parks, Department of the Interior, transmitting the Department's final rule — Public Access, Use, and Recreation Regulations for the Upper Mississippi River National Wildlife and Fish Refuge (RIN: 1018-AV43) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6366. 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; Pacific Cod by American Fisheries Act Catcher Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG86) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6367. 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; Atka Mackerel by Vessels in the Amendment 80 Limited Access Fishery in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XH07) received April 30, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6368. 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-XH13) received April 29, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6369. 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; Pacific Ocean Perch for Vessels in the Bering Sea and Aleutian Islands Trawl Limited Access Fishery in the Eastern Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG59) received April 7, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6370. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation [Docket No. 071030628-8482-02] (RIN: 0648-AV84) received April 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5579. A bill to remove an impediment to troubled debt restructuring on the part of holders of residential mortgage loans, and for other purposes; with an amendment (Rept. 110–615). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK of Massachusetts: Committee on Financial Services. H.R. 5818. A bill to authorize the Secretary of Housing and Urban Development to make loans to States to acquire foreclosed housing and to make grants to States for related costs; with an amendment (Rept. 110–616). Referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[Omitted from the Record of April 30, 2008]

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than May 22, 2008.

[Submitted May 1, 2008]

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than June 6, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOWNS (for himself, Mr. KING of New York, Mr. FRANK of Massachusetts, Ms. WATERS, and Ms. VELÁZQUEZ):

H.R. 5937. A bill to facilitate the preservation of certain affordable housing dwelling units; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Mr. SMITH of Texas, Mr. SCOTT of Virginia, and Mr. GOHMERT):

H.R. 5938. A bill to amend title 18, United States Code, to provide secret service protection to former Vice Presidents, and for other purposes; to the Committee on the Judiciary.

By Mr. CARSON:

H.R. 5939. A bill to amend title 38, United States Code, to extend the time limitation for the use of entitlement to educational assistance under the Montgomery GI Bill for certain persons actively pursuing a qualifying educational degree or certificate; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GORDON (for himself, Mr. HALL of Texas, Mr. BAIRD, Mr. EHLERS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SENSENBRENNER, Mr. UDALL of Colorado, Mr. SMITH of Texas, Mr. WU, Mr. BARTLETT of Maryland, Mr. MILLER of North Carolina, Mr. LUCAS, Mr. LIPINSKI, Mrs. BIGGERT, Ms. GIFFORDS, Mr. AKIN, Ms. HOOLEY, Mr. NEUGEBAUER, Mr. ROTHMAN, Mr. INGLIS of South Carolina, Mr. WILSON of Ohio, Mr. MCCAUL of Texas, Mr. MARIO DIAZ-BALART of Florida, Mr. GINGREY, and Mr. BILBRAY):

H.R. 5940. A bill to authorize activities for support of nanotechnology research and development, and for other purposes; to the Committee on Science and Technology.

By Mr. FOSTER:

H.R. 5941. A bill to amend title 10, United States Code, to authorize taxpayers to designate a portion of their income tax payments to a National Military Family Relief Fund to be used by the Secretary of Defense

to assist the families of members of the Armed Forces who are serving in, or have served in, Iraq or Afghanistan; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. BURGESS, Mr. WAXMAN, and Mrs. BLACKBURN):

H.R. 5942. A bill to ensure the continued and future availability of lifesaving trauma health care in the United States and to prevent further trauma center closures and downgrades by assisting trauma centers with uncompensated care costs, core mission services, emergency needs, and information technology; to the Committee on Energy and Commerce.

By Mr. BURGESS:

H.R. 5943. A bill to authorize the Secretary of Energy to establish monetary prizes for achievements in designing and proposing nuclear energy used fuel alternatives; to the Committee on Science and Technology.

By Mr. PUTNAM (for himself, Mr. WILSON of South Carolina, Mrs. DRAKE, Mr. KLINE of Minnesota, and Mr. ENGLISH of Pennsylvania):

H.R. 5944. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPITO:

H.R. 5945. A bill to direct the Secretary of the Interior to conduct a special resource study to determine the suitability and feasibility of including the Washington Family Legacy Lands of Jefferson County, West Virginia, as part of Harpers Ferry National Historical Park or designating the lands as a separate unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. ELLISON (for himself, Ms. MCCOLLUM of Minnesota, Mr. WALZ of Minnesota, Mr. OBERSTAR, Mr. CUMMINGS, Mr. FILNER, Mr. JEFFERSON, Mr. WATT, Ms. WATSON, Ms. WOOLSEY, Mr. MCDERMOTT, Mr. MEEK of Florida, Mr. PRICE of North Carolina, Ms. BALDWIN, and Mr. KAGEN):

H.R. 5946. A bill to amend the Help America Vote Act of 2002 to require States to provide for election day registration; to the Committee on House Administration.

By Mr. KING of New York (for himself, Mrs. MCCARTHY of New York, Mr. FOSSELLA, Mr. REYNOLDS, and Mr. KUHL of New York):

H.R. 5947. A bill to amend title 38, United States Code, to establish a returning soldiers' bill of rights; to the Committee on Veterans' Affairs.

By Mr. LAMPSON:

H.R. 5948. A bill to amend section 274 of the Immigration and Nationality Act to increase penalties for unlawfully bringing in and harboring aliens with prior felony convictions under Federal law; to the Committee on the Judiciary.

By Mr. LATOURETTE (for himself and Mrs. MILLER of Michigan):

H.R. 5949. A bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel; to the Committee on Transportation and Infrastructure.

By Ms. ZOE LOFGREN of California:

H.R. 5950. A bill to require the Secretary of Homeland Security to establish procedures for the timely and effective delivery of medical and mental health care to all immigration detainees in custody, and for other purposes; to the Committee on the Judiciary.

By Ms. MATSUI:

H.R. 5951. A bill to implement a safe and complete streets program; to the Committee on Transportation and Infrastructure.

By Ms. SCHWARTZ:

H.R. 5952. A bill to amend the Internal Revenue Code of 1986 to authorize tax credit bonds for capital improvements for police and fire departments; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Washington (for himself, Mr. DICKS, Mr. MCDERMOTT, Mr. INSLEE, Mr. BAIRD, and Mr. LARSEN of Washington):

H.R. 5953. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Ways and Means, 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. THOMPSON of California (for himself and Mr. REHBERG):

H.R. 5954. A bill to amend title 38, United States Code, to provide veterans for presumptions of service connection for purposes of benefits under laws administered by Secretary of Veterans Affairs for diseases associated with service in the Armed Forces and exposure to biological, chemical, or other toxic agents as part of Project 112, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WALBERG (for himself, Mr. FRANKS of Arizona, Mr. FEENEY, Mr. KLINE of Minnesota, Mr. TIAHRT, Mr. CHABOT, and Mr. BARTLETT of Maryland):

H.R. 5955. A bill to provide for comprehensive health reform; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, 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 Mr. WEINER:

H.R. 5956. A bill to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, 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. BUTTERFIELD:

H. Con. Res. 339. Concurrent resolution expressing the sense of Congress regarding the necessity to improve public awareness in the United States among older individuals and their families and caregivers about the impending Digital Television Transition through the establishment of a Federal interagency taskforce between the Federal Communications Commission, the Administration on Aging, the National Telecommunications and Information Administration, and the outside advice of appropriate members of the aging network and industry groups; to the Committee on Energy and Commerce.

By Mr. GEORGE MILLER of California:

H. Con. Res. 340. Concurrent resolution to make technical corrections in the enrollment of the bill H. R. 493; considered and agreed to.

By Mr. BOUSTANY:

H. Res. 1168. A resolution congratulating charter schools and their students, parents, teachers, and administrators across the United States for their ongoing contributions to education, and for other purposes; to the Committee on Education and Labor.

By Mr. LEWIS of Georgia (for himself, Mr. TOWNS, Mr. MEEK of Florida, Mrs. MALONEY of New York, Mr. HINCHEY, Ms. LEE, Ms. JACKSON-LEE of Texas, Mr. ELLISON, Mr. HONDA, Mrs. CHRISTENSEN, Mr. RANGEL, Ms. SUTTON, Mr. PAYNE, Mr. COHEN, Mr. JACKSON of Illinois, Mr. CONYERS, Ms. BORDALLO, Mr. KUCINICH, Mr. JEFFERSON, Mr. MICHAUD, Ms. KILPATRICK, Mr. BUTTERFIELD, Mr. DAVIS of Alabama, Mr. WYNN, Mr. HASTINGS of Florida, Mr. FATTAH, Ms. WATSON, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. MILLER of North Carolina, Mr. MCGOVERN, Mr. FRANK of Massachusetts, Mr. GUTIERREZ, Mr. RUSH, Mr. BACA, Mr. CLYBURN, Ms. ZOE LOFGREN of California, Ms. SCHAKOWSKY, Mr. WATT, and Mr. JOHNSON of Georgia):

H. Res. 1169. A resolution expressing the sense of the House of Representatives that the United States should become an international human rights leader by ratifying and implementing certain core international conventions; to the Committee on Foreign 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. EHLERS:

H. Res. 1170. A resolution commending Indiana Secretary of State Todd Rokita for his leadership and dedication to protecting the integrity of the election process and increasing voter confidence in all of our elections; to the Committee on House Administration.

By Mr. KING of Iowa (for himself and Ms. HERSETH SANDLIN):

H. Res. 1171. A resolution congratulating the on-premises sign industry for its contributions to the success of small businesses on the occasion of its 62nd Annual International Sign Expo; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. HASTINGS of Florida, Ms. JACKSON-LEE of Texas, Mr. KING of New York, Mr. HINCHEY, Ms. SUTTON, Mr. ISRAEL, Mr. BISHOP of New York, and Mr. MICHAUD):

H. Res. 1172. A resolution recognizing and honoring the Firefighter Cancer Support Network; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

260. The SPEAKER presented a memorial of the House of Representatives of the State

of Rhode Island, relative to House Resolution No. 8049 urging the Congress of the United States to appoint an independent counsel to investigate the prisoner of war-missing in action issue; to the Committee on Armed Services.

261. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 24 memorializing the Congress of the United States to enact legislation requiring annual publication of a list disclosing companies planning or currently in the practice of outsourcing U.S. jobs to other countries; to the Committee on Education and Labor.

262. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 7 urging the Congress of the United States to take action to help stop children and employees from accessing Internet pornography and to request that legislation be enacted to facilitate a technology-based solution that allows parents and employers to subscribe to Internet access services that exclude adult content; to the Committee on Energy and Commerce.

263. Also, a memorial of the Legislature of the State of Idaho, relative to House Joint Memorial No. 6 urging the Congress of the United States and the Department of Health and Human Services to allow resident advocate groups in Idaho and industry representatives to negotiate on how to improve the survey process in skilled nursing facilities in Idaho; to the Committee on Energy and Commerce.

264. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 38 memorializing the Congress of the United States to take such actions as are necessary to call a convention for the purpose of proposing an amendment to the United States Constitution to include the Posse Comitatus Act as a consitutional prohibition; to the Committee on the Judiciary.

265. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 165 memorializing the Congress of the United States to reverse cuts to the Edward Byrne Memorial Justice Assistance Grant Program; to the Committee on the Judiciary.

266. Also, a memorial of the Senate of the State of Rhode Island, relative to Senate Resolution No. 2899 urging the Congress of the United States to appoint an independent counsel to investigate the prisoner of war-missing in action issue; to the Committee on the Judiciary.

267. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 39 memorializing the Congress of the United States and Louisiana's congressional delegation to take such action as are necessary to provide the state of Louisiana with one-hundred-year flood protection; to the Committee on Transportation and Infrastructure.

268. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 22 memorializing the Congress of the United States and Louisiana's congressional delegation to take such actions as are necessary to ensure that sufficient funds are appropriated to provide a one hundred percent federal share of the costs necessary to construct one-hundred-year flood protection for southeast Louisiana; to the Committee on Transportation and Infrastructure.

269. Also, a memorial of the Senate of the State of New Jersey, relative to Senate Resolution No. 13 requesting the Government of the United States establish a funding program to defray the safety equipment and engineering costs incurred by local communities to establish ''quiet zones'' along light rail lines operating on railroad freight tracks; to the Committee on Transportation and Infrastructure.

270. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 1009 urging the Congress of the United States and the Department of Energy to make any changes necessary to reverse the decision that resulted in the dismantling and abandonment of FutureGen; to the Committee on Science and Technology.

271. Also, a memorial of the Legislature of the State of Louisiana, relative to House Concurrent Resolution No. 23 urging the Congress of the United States ensure adequate funding for veterans' health care and to express gratitude to veterans for sacrifices made while serving in the United States Armed Forces; to the Committee on Veterans' Affairs.

272. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 11 memorializing the Congress of the United States and the Commissioner of the Internal Revenue Service to take action to provide that refundable credits received by Louisiana homeowners to offset Louisiana Citizens Property Insurance Assessments on their homeowner's insurance premiums because of the unprecedented damage and destruction of homes in the recent hurricanes shall not be considered as income for federal tax purposes; to the Committee on Ways and Means.

273. Also, a memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 25 urging the Congress of the United States to support the Korea-United States Free Trade Agreement; to the Committee on Ways and Means.

274. Also, a memorial of the House of Representatives of the State of Alaska, relative to House Resolution No. 7 urging the Congress of the United States to support, work to pass, and vote for the immediate and permanent repeal of the federal estate tax; to the Committee on Ways and Means.

275. Also, a memorial of the Legislature of the State of Mississippi, relative to Senate Concurrent Resolution No. 556 urging the President of the United States and the Congress of the United States to support passage of the Secure Rural Schools and Community Self-Determination Act; jointly to the Committees on Agriculture and Natural Resources.

276. Also, a memorial of the Legislature of the State of New York, relative to a Legislative Resolution urging the New York State Congressional delegation oppose S. 40/H.R. 3200; jointly to the Committees on Financial Services and the Judiciary.

277. Also, a memorial of the House of Representatives of the State of Mississippi, relative to House Resolution No. 66 urging the Federal Government to withdraw water from the Gulf of Mexico for the Strategic Petroleum Reserve; jointly to the Committees on Energy and Commerce and Natural Resources.

278. Also, a memorial of the House of Representatives of the Commonwealth of Puerto Rico, relative to a Resolution expressing the most forceful and firmest repudiation of the House of Representatives of Puerto Rico to the highly discriminatory expressions of Congresswoman Virginia ''Ginny'' Brown-Waite from the 5th District of Florida regarding the inclusion of the U.S. Citizens residing in Puerto Rico in the bill for economic stimulus that is presently being considered by the United States Congress; jointly to the Committees on Ways and Means and Financial Services.

279. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 306 memorializing the Congress of the United States to pass and the President of the United States to sign the Foreclosure Prevention Act of 2008; jointly to the Committees on Ways and Means, Financial Services, and the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. PLATTS.
H.R. 154: Mr. CARSON.
H.R. 405: Mr. CARSON.
H.R. 506: Mr. CARSON.
H.R. 583: Mr. MURTHA.
H.R. 686: Mr. CARSON.
H.R. 724: Mr. BROUN of Georgia.
H.R. 748: Mr. MCGOVERN, Mr. CARSON, Mr. JEFFERSON, Mr. PASCRELL, Mrs. CAPITO, and Mr. BERMAN.
H.R. 895: Mr. KNOLLENBERG.
H.R. 948: Mr. CARSON.
H.R. 971: Mr. SOUDER.
H.R. 1000: Mr. SKELTON, Mr. STUPAK, Mr. CRAMER, Mr. MARSHALL, Mr. MCNULTY, and Mr. HOYER.
H.R. 1014: Mr. CARSON and Mr. LEWIS of Georgia.
H.R. 1023: Mr. SARBANES, Mr. MILLER of North Carolina, Mr. ROSS, Mr. ELLSWORTH, and Mr. JOHNSON of Illinois.
H.R. 1032: Mr. GUTIERREZ.
H.R. 1063: Mr. WHITFIELD of Kentucky and Mr. EVERETT.
H.R. 1072: Mr. CARSON.
H.R. 1076: Mr. ELLSWORTH.
H.R. 1078: Mr. CARSON.
H.R. 1103: Mr. ANDREWS.
H.R. 1108: Mr. CARSON.
H.R. 1172: Mr. WOLF.
H.R. 1185: Ms. WASSERMAN SCHULTZ, Mr. CANTOR, and Mr. LEWIS of Georgia.
H.R. 1192: Mr. CARSON and Mr. KLEIN of Florida.
H.R. 1232: Mr. SHAYS.
H.R. 1238: Mr. CARSON.
H.R. 1282: Mr. CARSON.
H.R. 1343: Mr. CARSON.
H.R. 1346: Mr. CARSON.
H.R. 1419: Mr. ELLSWORTH and Ms. BALDWIN.
H.R. 1422: Ms. GIFFORDS.
H.R. 1428: Mr. ALLEN.
H.R. 1431: Mr. RANGEL, Mr. TERRY, Mr. CARSON, and Mrs. MYRICK.
H.R. 1439: Mr. KAGEN.
H.R. 1440: Mr. CARNEY.
H.R. 1475: Mr. UDALL of Colorado and Mr. BISHOP of New York.
H.R. 1501: Mr. CARSON.
H.R. 1532: Mr. CARSON.
H.R. 1552: Mr. CARSON.
H.R. 1553: Mr. PETRI and Mr. CARSON.
H.R. 1560: Mr. YARMUTH and Mr. CARSON.
H.R. 1576: Ms. BALDWIN and Mr. CARSON.
H.R. 1584: Mrs. MYRICK.
H.R. 1586: Mr. TIM MURPHY of Pennsylvania.
H.R. 1589: Mr. SHAYS, Mr. ALTMIRE, Mr. POE, and Mr. BARTLETT of Maryland.
H.R. 1610: Mr. LAMPSON, Mr. KAGEN, Mr. RODRIGUEZ, and Ms. FALLIN.
H.R. 1621: Mr. CARNEY, Mr. PORTER, Mr. OLVER, Mr. CARSON, Ms. CLARKE, Mr. SESTAK, Mr. TIAHRT, and Ms. VELÁZQUEZ.
H.R. 1629: Mr. BOUSTANY.
H.R. 1643: Mr. MILLER of North Carolina.
H.R. 1647: Mr. CARSON, Mr. JACKSON of Illinois, Mr. LUCAS, Mr. BOUSTANY, and Mrs. MILLER of Michigan.
H.R. 1655: Mr. CARSON and Ms. SUTTON.
H.R. 1671: Mr. CARSON and Mr. ENGLISH of Pennsylvania.
H.R. 1688: Mr. NADLER.

H.R. 1742: Ms. BALDWIN.
H.R. 1783: Mr. KIND and Mr. NADLER.
H.R. 1871: Mr. CARSON.
H.R. 1881: Mr. CARSON, Mr. HINCHEY, and Ms. KAPTUR.
H.R. 1953: Mr. JEFFERSON, Mr. MICHAUD, Mr. BOUCHER, Ms. RICHARDSON, and Mr. GRIJALVA.
H.R. 1968: Mr. CARSON.
H.R. 2012: Mr. SALI.
H.R. 2020: Mr. PUTNAM.
H.R. 2032: Mr. NADLER and Mr. PAYNE.
H.R. 2116: Mr. ROSS Mr. ELLSWORTH, Mr. ALTMIRE, and Mrs. MYRICK.
H.R. 2131: Mr. SHAYS.
H.R. 2138: Mr. DOOLITTLE.
H.R. 2188: Ms. LINDA T. SÁNCHEZ of California, and Mr. WILSON of Ohio.
H.R. 2210: Mr. CARSON and Ms. BERKLEY.
H.R. 2236: Mr. COHEN and Ms. KAPTUR.
H.R. 2268: Mr. KELLER, Ms. BORDALLO, Mr. HALL of Texas, Mr. WALSH of New York, Mr. LAMPSON, Mr. HARE, Ms. SUTTON, Mr. BURTON of Indiana, Mr. AKIN, Ms. BERKLEY, Mr. JOHNSON of Illinois, Mr. WITTMAN of Virginia, Mr. CASTLE, Mr. COHEN, Mr. WILSON of Ohio, Mr. GOODLATTE, Mrs. BONO MACK, Mr. MANZULLO, Mr. PRICE of North Carolina, Mr. JORDAN, Mr. ROSKAM, Mr. RADANOVICH, Mr. BONNER, Mr. EHLERS, Mr. SHAYS, Mr. WILSON of South Carolina, and Mr. HOEKSTRA.
H.R. 2332: Mr. SMITH of Texas, Mr. BROUN of Georgia, Mr. SHUSTER, and Mr. ROGERS of Michigan.
H.R. 2395: Mr. CARSON.
H.R. 2448: Mrs. GILLIBRAND.
H.R. 2495: Mr. CAPUANO.
H.R. 2512: Mr. CARSON.
H.R. 2550: Mr. KELLER, Mr. BOOZMAN, Ms. KAPTUR, Mr. BUTTERFIELD, and Mr. CAMPBELL of California.
H.R. 2552: Mr. MCNULTY.
H.R. 2723: Mr. CARSON.
H.R. 2734: Mr. BUYER.
H.R. 2762: Mr. CARSON and Mr. FALEOMAVAEGA.
H.R. 2802: Mr. CLEAVER and Ms. HARMAN.
H.R. 2818: Mr. CARSON.
H.R. 2821: Mrs. BOYDA of Kansas.
H.R. 2892: Mr. PRICE of North Carolina.
H.R. 2922: Mr. CARNEY.
H.R. 2928: Ms. CLARKE and Mr. EMANUEL.
H.R. 2955: Mr. EMANUEL.
H.R. 3001: Mr. SPACE.
H.R. 3014: Mr. CAPUANO, Ms. WOOLSEY, Mr. CARSON, and Mr. SESTAK.
H.R. 3063: Mr. BISHOP of New York, Mr. KUHL of New York, and Mr. RANGEL.
H.R. 3089: Mr. TIBERI, Mr. PLATTS, Mr. GOODLATTE, Mr. MCHENRY, Mr. SMITH of Nebraska, Mr. CULBERSON, Mr. LAMBORN, Mr. BUYER, Mr. CONAWAY, and Mr. SHUSTER.
H.R. 3094: Ms. ROS-LEHTINEN.
H.R. 3164: Mr. COLE of Oklahoma.
H.R. 3175: Mrs. MCCARTHY of New York and Mr. UDALL of Colorado.
H.R. 3186: Mr. SPACE, Mr. PRICE of North Carolina, Mr. PICKERING, and Mr. BUTTERFIELD.
H.R. 3191: Ms. MCCOLLUM of Minnesota.
H.R. 3202: Mr. JEFFERSON.
H.R. 3232: Mr. DAVID DAVIS of Tennessee, Mr. SKELTON, and Mr. CARSON.
H.R. 3257: Mr. PETERSON of Minnesota and Mr. LAMPSON.
H.R. 3267: Mr. ORTIZ and Mr. CAPUANO.
H.R. 3282: Mr. CARSON.
H.R. 3326: Ms. VELÁZQUEZ.
H.R. 3334: Ms. BALDWIN.
H.R. 3363: Mr. CARSON.
H.R. 3396: Ms. HERSETH SANDLIN.
H.R. 3453: Mr. KING of New York and Ms. ZOE LOFGREN of California.
H.R. 3471: Ms. MCCOLLUM of Minnesota.
H.R. 3544: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. MILLER of North Carolina.
H.R. 3670: Mr. CAMPBELL of California.
H.R. 3700: Mr. CARSON.
H.R. 3817: Mr. KIND.
H.R. 3819: Ms. BERKLEY.
H.R. 3904: Mr. PRICE of North Carolina.
H.R. 4008: Ms. GINNY BROWN-WAITE of Florida.
H.R. 4026: Ms. LINDA T. SÁNCHEZ of California and Mr. CUMMINGS.
H.R. 4044: Ms. MCCOLLUM of Minnesota.
H.R. 4102: Mrs. MALONEY of New York.
H.R. 4109: Mr. PASTOR.
H.R. 4133: Mrs. MYRICK.
H.R. 4138: Mr. CARSON.
H.R. 4141: Mr. FEENEY, Mr. KING of Iowa, and Mr. POE.
H.R. 4204: Mr. UDALL of Colorado, Mr. PERLMUTTER, and Ms. BALDWIN.
H.R. 4218: Mr. CARSON.
H.R. 4237: Mr. AL GREEN of Texas.
H.R. 4464: Mr. BROUN of Georgia, Mr. PICKERING, and Mr. DAVIS of Kentucky.
H.R. 4544: Mr. BUYER.
H.R. 4652: Mr. WATT, Ms. MCCOLLUM of Minnesota, and Ms. SUTTON.
H.R. 4688: Ms. HOOLEY.
H.R. 4775: Mrs. DAVIS of California and Ms. ESHOO.
H.R. 4987: Mr. WITTMAN of Virginia.
H.R. 5032: Mr. INGLIS of South Carolina, Mr. MILLER of Florida, and Mr. DANIEL E. LUNGREN of California.
H.R. 5143: Mr. CARSON.
H.R. 5148: Mr. KLINE of Minnesota.
H.R. 5157: Mr. CARSON.
H.R. 5161: Mr. KAGEN.
H.R. 5174: Mr. SNYDER.
H.R. 5223: Mr. UDALL of Colorado, Ms. MCCOLLUM of Minnesota, and Ms. BALDWIN.
H.R. 5244: Mr. LEVIN.
H.R. 5265: Mr. WALSH of New York, Mr. GONZALEZ, Mr. MCCOTTER, and Mr. HULSHOF.
H.R. 5268: Mrs. DAVIS of California, Mr. FARR, Mrs. NAPOLITANO, Mr. BERMAN, Mr. CARSON, Mr. VAN HOLLEN, and Mr. RYAN of Ohio.
H.R. 5353: Ms. ESHOO, Ms. HARMAN, Mr. WALZ of Minnesota, Mr. GEORGE MILLER of California, Mr. FRANK of Massachusetts, Mr. ELLISON, Mr. SESTAK, Ms. ZOE LOFGREN of California, Mr. INSLEE, and Ms. SCHAKOWSKY.
H.R. 5426: Mr. CARSON and Mr. LATTA.
H.R. 5435: Mr. REYES.
H.R. 5441: Mr. HINCHEY.
H.R. 5515: Mr. MITCHELL.
H.R. 5534: Mr. MOORE OF KANSAS and Mr. LIPINSKI.
H.R. 5541: Mr. HONDA, Mrs. CUBIN, and Mr. RUPPERSBERGER.
H.R. 5573: Ms. BERKLEY and Mr. YOUNG of Florida.
H.R. 5580: Ms. MATSUI.
H.R. 5627: Mr. PATRICK MURPHY of Pennsylvania.
H.R. 5662: Mr. ORTIZ, Mr. ROTHMAN, Mr. GENE GREEN of Texas, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. BACA, Mr. LANGEVIN, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. GONZALEZ, Mr. HOLT, Mr. PASTOR, Mr. DOGGETT, Mr. SIRES, Mrs. NAPOLITANO, Mr. HONDA, Mr. MCINTYRE, Mr. RUPPERSBERGER, Mrs. DAVIS of California, Mr. BLUMENAUER, Mr. BILBRAY, and Mr. KLEIN of Florida.
H.R. 5669: Mr. YARMUTH, Mr. FORTENBERRY, Mr. REGULA, Mr. MCCRERY, and Mr. CAPUANO.
H.R. 5673: Mr. YOUNG of Florida, Mr. WITTMAN of Virginia, Mr. ROGERS of Kentucky, and Mr. CALVERT.
H.R. 5674: Ms. JACKSON-LEE of Texas and Mr. HASTINGS of Florida.
H.R. 5684: Mr. BUYER.
H.R. 5686: Mr. GONZALEZ and Mr. PAYNE.
H.R. 5695: Mr. GARY G. MILLER of California.
H.R. 5700: Mr. RYAN of Ohio.
H.R. 5740: Mr. GALLEGLY, Mr. HOEKSTRA, Mr. SCOTT of Georgia, and Mr. UPTON.
H.R. 5748: Mr. RAMSTAD and Mr. RAHALL.
H.R. 5755: Mr. WEINER.
H.R. 5759: Mr. LUCAS.
H.R. 5761: Mr. PITTS.
H.R. 5775: Mrs. MYRICK.
H.R. 5784: Mr. MARCHANT, Mrs. MYRICK, and Mr. KING of New York.
H.R. 5793: Mr. STEARNS, Mr. FERGUSON, and Mrs. BLACKBURN.
H.R. 5794: Mr. CAMP of Michigan.
H.R. 5797: Mr. WALBERG.
H.R. 5802: Mr. CARSON, Mr. STARK, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. CONYERS, and Mr. AL GREEN of Texas.
H.R. 5805: Mr. WITTMAN of Virginia.
H.R. 5806: Mr. JEFFERSON, Mr. CARSON, and Mr. ETHERIDGE.
H.R. 5818: Mr. MEEK of Florida, Mr. COHEN, Ms. LEE, and Ms. MCCOLLUM of Minnesota.
H.R. 5824: Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. HARE, and Mr. SKELTON.
H.R. 5830: Mr. BACA and Mr. SHERMAN.
H.R. 5833: Mr. BLUMENAUER.
H.R. 5837: Mr. PITTS and Mr. COOPER.
H.R. 5842: Mr. DEFAZIO.
H.R. 5847: Mr. KINGSTON, Mr. GINGREY, Mr. WOLF, and Mr. MARIO DIAZ-BALART of Florida.
H.R. 5854: Mr. MCDERMOTT and Mr. GOODE.
H.R. 5857: Mrs. BONO MACK.
H.R. 5868: Ms. FOXX.
H.R. 5881: Ms. MCCOLLUM of Minnesota and Ms. SCHAKOWSKY.
H.R. 5886: Mr. WITTMAN of Virginia and Mr. MARIO DIAZ-BALART of Florida.
H.R. 5892: Mrs. BOYDA of Kansas.
H.R. 5895: Mrs. MALONEY of New York and Mr. CARSON.
H.R. 5898: Ms. CORRINE BROWN of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. BUCHANAN, Mr. CARNEY, Ms. CASTOR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. MICA, Mr. MILLER of Florida, Mr. REICHERT, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mr. YOUNG of Florida.
H.R. 5906: Mr. KUHL of New York.
H.R. 5907: Mr. PLATTS, Mr. ALEXANDER, and Mr. ENGLISH of Pennsylvania.
H.R. 5911: Ms. FOXX.
H.R. 5913: Mr. WATT, Ms. SUTTON, and Mr. JOHNSON of Georgia.
H.R. 5914: Mr. ORTIZ, Mr. SESTAK, Mr. HINOJOSA, and Ms. LEE.
H.R. 5925: Ms. JACKSON-LEE of Texas.
H. Con. Res. 284: Mr. TAYLOR, Mr. HAYES, and Mrs. MUSGRAVE.
H. Con. Res. 285: Ms. SCHWARTZ, Mr. DOYLE, Mr. LEWIS of Kentucky, Mr. SKELTON, Mr. WHITFIELD of Kentucky, Mr. MATHESON, and Mr. ENGLISH of Pennsylvania.
H. Con. Res. 303: Mr. FORTENBERRY.
H. Con. Res. 305: Mr. PLATTS.
H. Con. Res. 328: Ms. ROS-LEHTINEN and Mr. ANDREWS.
H. Con. Res. 331: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALTMIRE, Mr. ARCURI, Mr. BACA, Ms. BEAN, Mr. BISHOP of New York, Mr. BOSWELL, Mr. BRALEY of Iowa, Mr. CHANDLER, Ms. CLARKE, Mr. CLYBURN, Mr. COBLE, Mr. COHEN, Mr. CONYERS, Mr. COOPER, Mrs. CUBIN, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DINGELL, Mr. ELLISON, Mr. ELLSWORTH, Mr. ENGEL, Mr. FALEOMAVAEGA, Mrs. GILLIBRAND, Mr. HALL of New York, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. JACKSON of Illinois, Mr. JEFFERSON, Mr. JOHNSON of Georgia, Mr. KAGEN, Ms. KAPTUR, Ms. LEE, Mr. LEWIS of Georgia, Mr. LOEBSACK, Mr. LYNCH, Mr. MCNERNEY, Mr. MAHONEY of Florida, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. NADLER, Mrs. NAPOLITANO, Mr. ORTIZ, Mr. PERLMUTTER, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Ms. LORETTA SANCHEZ of California, Mrs. SCHMIDT, Mr. SHULER, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SHERMAN, Mr. SIRES, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. TSONGAS, Ms. WATSON,

Mr. WATT, Mr. WEINER, Mr. WEXLER, and Ms. WOOLSEY.

H. Con. Res. 334: Mrs. MYRICK, Mr. BOOZMAN, Mr. BOYD of Florida, and Mr. BUCHANAN.

H. Con. Res. 336: Mr. SPACE, Mr. TOWNS, Mr. HINCHEY, Mr. MEEK of Florida, Mr. HOLDEN, Ms. SHEA-PORTER, Ms. SUTTON, Mr. HALL of New York, Mr. LEWIS of Georgia, Mr. DOYLE, Mr. COHEN, Mr. WALZ of Minnesota, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. POE, Ms. KAPTUR, Mr. ALLEN, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. HARE, Ms. BERKLEY, Mr. PAYNE, Mr. HINOJOSA, and Mr. CALVERT.

H. Con. Res. 337: Mr. TIERNEY and Ms. SCHAKOWSKY.

H. Con. Res. 338: Mr. CLEAVER, Mr. BRADY of Pennsylvania, and Mr. COHEN.

H. Res. 339: Mr. WALBERG.

H. Res. 374: Mr. TOWNS and Mr. GRIJALVA.

H. Res. 389: Mr. GENE GREEN of Texas.

H. Res. 620: Mr. GENE GREEN of Texas.

H. Res. 679: Mr. GENE GREEN of Texas.

H. Res. 937: Mr. COURTNEY.

H. Res. 1002: Mrs. CAPPS, Mr. PRICE of North Carolina, and Ms. HERSETH SANDLIN.

H. Res. 1011: Mr. GOODLATTE.

H. Res. 1012: Mr. BRALEY of Iowa.

H. Res. 1017: Mr. TOWNS.

H. Res. 1022: Mr. KENNEDY, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. JEFFERSON, Mr. BISHOP of Georgia, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. SCOTT of Georgia, Ms. KILPATRICK, Mr. PAYNE, Mr. BRALEY of Iowa, and Mr. JOHNSON of Georgia.

H. Res. 1056: Mr. KIRK.

H. Res. 1067: Mr. CUMMINGS.

H. Res. 1081: Mr. ISRAEL.

H. Res. 1085: Mr. MEEKS of New York, Mr. FATTAH, Mr. DAVIS of Illinois, Ms. Speier, Ms. CLARKE, Ms. LEE, Ms. WATSON, Mr. THOMPSON of Mississippi, Mr. WYNN, Mr. SCOTT of Virginia, Mr. BISHOP of Georgia, Mr. TERRY, Mrs. LOWEY, Mr. HASTINGS of Florida, Mr. NADLER, Ms. JACKSON-LEE of Texas, Ms. RICHARDSON, Mr. MCHUGH, Mr. FILNER, Ms. HIRONO, Mr. JOHNSON of Georgia, Mr. SCOTT of Georgia, Mr. ELLISON, Mr. BUTTERFIELD, and Ms. WATERS.

H. Res. 1106: Mr. MACK, Mrs. BONO MACK, Mr. LATOURETTE, Mr. BLUNT, Mr. TOM DAVIS of Virginia, Mr. TIBERI, Mr. HAYES, Mr. WELDON of Florida, Mr. YOUNG of Florida, Mr. SOUDER, Mr. MORAN of Kansas, Mr. MCHENRY, Mr. TIM MURPHY of Pennsylvania, Mr. MARIO DIAZ-BALART of Florida, Mr. SAXTON, Mr. CALVERT, Mrs. MUSGRAVE, Mr. LEWIS of Georgia, Mr. MCCOTTER, Mr. YOUNG of Alaska, Mr. HINOJOSA, Mr. LEWIS of Kentucky, Mr. PORTER, Mr. ROSKAM, Mr. CARTER, Mrs. Wilson of New Mexico, Mr. COBLE, Mr. TURNER, Mrs. MILLER of Michigan, Ms. ROS-LEHTINEN, Mr. WOLF, Mr. ALTMIRE, Mr. PLATTS, Mr. BACHUS, Mr. KING of New York, Mr. BUCHANAN, Ms. GINNY BROWN-WAITE of Florida, and Mr. GILCHREST.

H. Res. 1122: Mrs. MYRICK.

H. Res. 1124: Ms. SOLIS, Mrs. CAPPS, Mr. ENGEL, Mr. ALLEN, Mr. WAXMAN, Ms. WOOLSEY, Mr. BUTTERFIELD, and Mr. DOYLE.

H. Res. 1132: Mr. VISCLOSKY.

H. Res. 1133: Ms. CLARKE and Mr. LOEBSACK.

H. Res. 1143: Mrs. GILLIBRAND.

H. Res. 1146: Mr. KUHL of New York.

H. Res. 1147: Mrs. SCHMIDT, Mr. ROSKAM, Mr. BOUSTANY, Mrs. MYRICK, Mr. COOPER, Mrs. DAVIS of California, Mr. REICHERT, Mr. BACHUS, Mr. LATOURETTE, Mr. JONES of North Carolina, Mr. SAXTON, Mr. FEENEY, Mr. SHAYS, Mr. MCCARTHY of California, Mr. GERLACH, Mr. SHIMKUS, Mr. BUTTERFIELD, Mr. TURNER, Mr. PEARCE, Mr. THORNBERRY, Mr. HALL of Texas, Mr. CULBERSON, Mr. PLATTS, Mr. MCHENRY, Mr. BARRETT of South Carolina, and Mr. COBLE.

H. Res. 1153: Ms. WATSON, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCNULTY, Mr. HINOJOSA, Mr. CONYERS, Mrs. NAPOLITANO, Mr. YARMUTH, Mr. KAGEN, Mr. HOYER, Mr. DEFAZIO, Mr. CROWLEY, Mr. TOWNS, Ms. Lee, Mr. CARDOZA, Mr. SIRES, Mr. RANGEL, Mr. FRANK of Massachusetts, Mr. BRALEY of Iowa, of Massachusetts, Mr. BRALEY of Iowa, Ms. KAPTUR, Mr. HOLT, Mr. MURTHA, Mr. MICHAUD, Mr. FARR, Mr. COURTNEY, Mr. HARE, Mr. HINCHEY, Mr. WELCH of Vermont, Mr. THOMPSON of California, Mr. PRICE of North Carolina, Mr. BOSWELL, Mr. PASTOR, Mr. MITCHELL, Ms. CORRINE BROWN of Florida, Mr. SPACE, Ms. BALDWIN, Ms. TSONGAS, Mr. WAXMAN, Mr. RUPPERSBERGER, Mr. RAHALL, Mr. CARNEY, Ms. SUTTON, Mr. SARBANES, and Ms. SCHAKOWSKY.

H. Res. 1155: Mr. BOOZMAN, Mr. SNYDER, and Mr. BERRY.

H. Res. 1166: Mr. MCGOVERN, and Ms. JACKSON-LEE of Texas.

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. Res. 992: Ms. FALLIN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 7, by Mr. BOUSTANY on H.R. 5440: Jeff Flake, Marsha Blackburn, Rodney Alexander, John Campbell, Jerry Weller, Mike Rogers, John J. Duncan, Jr., Ginny Brown-Waite, Ray LaHood, Tim Murphy, Tom Feeney, Robert B. Aderhold, Kenny C. Hulshof, and Connie Mack.

Petition 5, by Mrs. DRAKE on H.R. 4088: Bill Sali.