United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, MARCH 11, 2008 No. 41

House of Representatives

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
March 11, 2008.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

COLOMBIA FACT OF THE DAY: COLOMBIA IS STOPPING LABOR VIOLENCE

Mr. WELLER of Illinois. Thank you, Madam Speaker.

Ladies and gentlemen of the House, today I rise to urge the Speaker of the House to bring forward the U.S.-Colombia Trade Promotion Agreement. I also ask my colleagues to support this agreement. It's an agreement that's good for America, it's good for my State of Illinois, and it's good for Colombia. In fact, the State that I represent, Illinois, is a big winner under the U.S.-Colombia Trade Promotion Agreement.

The International Trade Commission did an economic analysis. They said if you're an Illinois worker, an Illinois manufacturer, an Illinois farmer, you're a winner under this trade agreement. Corn, soybeans, pork, beef, manufactured metal products, chemicals, machinery, exports will go up. Why? Because right now Colombian products enter the United States duty-free, tariff-free, tax-free, but our products face tariffs. Caterpillar, the biggest employer in my district, 8,000 workers, their heavy construction equipment faces a 12 percent tariff. For a million-dollar piece of equipment, that's a $100,000 tax which would be eliminated immediately, day one, when this trade agreement would go into effect.

The bottom line is Illinois will be a big winner.

Now who is Colombia? To begin with, the democracy we know as Colombia, the oldest democracy in all Latin America, today is the United States' most reliable and trusted partner in Latin America. Its President, President Uribe, is the most popular elected official in the hemisphere. And while this Congress suffers from 15 percent approval ratings, President Uribe in his own country enjoys 80 percent approval ratings. Why? Because he's made a difference in reducing violence and winning the war against the FARC and the narcoterrorists. Today, 71 percent of Colombians say they are more secure under President Uribe. Seventy-three percent of Colombians say Uribe respects human rights. Homicides are down. Kidnappings are down. Today the murder rate in Colombia is the lowest in 15 years. In fact, Medellin, once considered one of the most dangerous cities in the world, today has a lower murder rate than Washington, DC, or Baltimore.

Now there are those who oppose President Uribe. There are those who oppose the trade promotion agreement between the United States and Colombia. They argue that President Uribe just has not done enough on the issue of labor and protecting labor leaders from violence. Well, let's look at the facts. Under President Uribe, he's totally reformed the judiciary, the entire institution. For the general prosecutor, he's added 2,166 new positions, including 418 new prosecutors and 545 new investigators, and increased funding for the general prosecutor, the federal independent prosecutor, by 75 percent. Carlos Rodriguez, president of the United Workers Confederation of Colombia, said about this: ''Never in the history of Colombia have we achieved something so important.''

I would note that President Uribe has also created special programs today to protect labor leaders. In fact, they spent almost $39 million this past year for body guards and protection for labor union members. There are 1,500 labor union leaders and activists who receive special protection, the second largest protected group in the entire country, and this program has been successful. In fact, no labor leader has lost their life who's been under this protection program. In fact, the murder rate, which is a terrible thing, for labor and union activists is lower than the national rate for everyone else. So tremendous progress has been made.

The International Labor Organization has removed Colombia from its labor watch list. Colombia has agreed to a permanent ILO representative in Colombia, and 14 labor union leaders representing 14 labor unions in Colombia have endorsed this agreement.

Now we continue to hear from opponents and they are really the people who have always traditionally opposed trade and so they've got a different line today, but they always say that President Uribe still has not done enough, we need to demand more, but they never specifically say what more they

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want. Clearly, President Uribe has done a lot, a tremendous amount, and he has made real progress.

As we have seen this past week, there is a lot happening in Latin America. Colombia, of course, has been fighting the FARC and other terrorists and narcotrafficking groups over the last three and four decades and they've made tremendous progress under President Uribe. We know the FARC in particular are the biggest leftist, antigovernment narcotraffic and terrorist group. They fund themselves by the sales of narcotics. It was recently uncovered, we discovered the links between Hugo Chavez of Venezuela and the FARC, possibly $300 million in subsidies, long suspected but now proven.

The bottom line is the Colombia agreement is good for democracy, it's good for America, it's good for workers, and it's good for manufacturing. I urge this Congress to bring it up for a vote and let's pass it.

LIVABLE COMMUNITIES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning-hour debate for 5 minutes.

Mr. BLUMENAUER. Thank you, Madam Speaker.

In a couple of hours, the House of Representatives will be dealing on the suspension calendar with House Resolution 936, a commemoration of the 200th anniversary of the Gallatin plan. This historic effort was a plan commissioned by President Thomas Jefferson, led by his Secretary of the Treasury, Albert Gallatin, to design a system to knit together a ragtag group of 13 colonies into a transcontinental nation. It focused on transportation, on waterways, it planted the seeds for what would ultimately become the transcontinental railroad, and actually unleashed a pattern that carried through to the national park system, the hydro system and, indeed, the national interstate highway system signed into law by President Eisenhower.

Today's commemoration comes at a critical time, for just as Albert Gallatin did something important for the founding of our Nation, today America's infrastructure is falling apart. The American Society of Civil Engineers rates our infrastructure at a D-minus. It's one of the reasons our economy is in decline. We're losing the competition to Europe, to Asia. China is investing nine times as much of their national output as we are in infrastructure. And at a time of $110 a barrel oil, will $4 a gallon gasoline be far behind?

We live in a carbon-constrained, water-stressed environment with an imperative need to rebuild and renew America. It is time to celebrate this historic vision which helped build America for much of the first two centuries of our existence. It is critical that we remain true to that tradition, but today infrastructure means more than just roads, bridges, waterways and canals. We're talking about railroads, aviation, power transmission lines, pipelines, indeed the green infrastructure, the network of environmental, park and open space that means so much to the protection of the environment and clean air.

It is time for us to craft a new plan, a vision for this century, one that takes into account global warming, rising energy prices, the change in demographics and the knowledge that we know today about how to put the pieces together. Renewing and rebuilding America ought to be something that people on both sides of the aisle can agree with, that we can unite behind a vast coalition that includes the Garden Club, the Sierra Club, organized labor and business, the professions, local government and environmental activists to make sure that we're putting the pieces together appropriately today, that we have the resources, the vision, the partnership that will make livable communities for all of our families, where they will all be safer, healthier and more economically secure.

I look forward to the debate today on the Gallatin plan and the commitment of an infrastructure vision for this century.

VENEZUELA: A STATE SPONSOR OF TERRORISM

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. MACK) is recognized during morning-hour debate for 2 minutes.

Mr. MACK. Madam Speaker, last week our allies in Colombia struck a blow for freedom against the terrorist organization known as the FARC. As we all know, the FARC supports its war against our friends in Colombia through drug trafficking, kidnappings, and the murder of innocent civilians. While Venezuelan President Hugo Chavez has been vocal in his support of the FARC and his opposition to the United States and Colombia, it is now clear that Chavez is increasingly intertwined with the FARC and is now giving aid and comfort to terrorist organizations.

During last week's raid in Ecuador, the Colombian authorities recovered records that clearly show that Chavez has been giving the FARC millions of dollars, weapons, and safe passage in Venezuela. Last night, published reports indicate that the Bush administration has taken the first steps towards naming Venezuela as a state sponsor of terrorism because of its support of terrorist organizations just like the FARC.

I am pleased that the Bush administration has initiated the process of including Venezuela on the list with the likes of Iran, Cuba and North Korea. Madam Speaker, the time has come to once and for all take the steps that will cripple the ability of the Chavez regime to fund its terrorist friends and allies. By adding Venezuela to the list of official state sponsors of terrorism, we will help do just that. Furthermore, Congress must act now on the Colombian Free Trade Agreement to promote freedom and prosperity in the region. By passing the Colombian Free Trade Agreement, we will show our allies we stand with them and against the tyranny of Hugo Chavez.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 2008.

Hon. GEORGE W. BUSH,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to seek your support in standing against Venezuelan President Hugo Chavez and his support for terrorist groups in our hemisphere by designating Venezuela a state sponsor of terrorism.

Last weekend, our allies in Colombia struck a blow for freedom against the internationally-recognized terrorist organization known as the Revolutionary Armed Forces of Colombia (FARC). The FARC supports its war against our friends in Colombia through drug trafficking, kidnappings, and the murder of innocent civilians. And, as you are aware, the FARC has expanded their war in Colombia to specifically target the United States by their holding of three Americans as hostages. The attack last weekend which occurred in Ecuador, about a mile from the Colombia-Ecuador border, killed Raul Reyes who was a leader of the FARC terrorist organization.

While Venezuelan President Hugo Chavez has been quite vocal in his support of the FARC and his opposition to the United States and Colombia, it is now abundantly clear that Mr. Chavez is increasingly intertwined with the FARC and is now giving aid and comfort to international terrorist organizations. During last week's raid in Ecuador, the Colombian authorities recovered several laptop computers and records belonging to Mr. Reyes. Reports indicate that included in those laptops and papers is evidence that Mr. Chavez has given the FARC hundreds of millions of dollars, weapons, and safe passage and haven in Venezuela.

According to our State Department, ". . . state sponsors of terrorism provide critical support to non-state terrorist groups. Without state sponsors, terrorist groups would have much more difficulty obtaining the funds, weapons, materials, and secure areas they require to plan and conduct operations." While Venezuela previously has been certified by our Secretary of State as "not fully cooperating" with our counterterrorism efforts, it is increasingly evident that Venezuela now qualifies to be designated as a "state sponsor of terrorism."

Designating a country that repeatedly provides support for international terrorists, like the FARC, imposes certain United States government sanctions such as a ban on arms-related exports and sales and the imposition of economic and financial restrictions. Other countries which have been designated as state sponsors of terrorism and which are good friends of President Chavez include Cuba and Iran.

As you are aware, President Chavez has repeatedly threatened to cut off shipments of oil to the United States. As I have said to you before, we cannot be held as an economic hostage to the whims of tyrants, thugs, and dictators like President Chavez and his anti-American allies such as Iranian President Mahmoud Ahmadinejad. Designating Venezuela and the Chavez regime as a state sponsor of terrorism would likely mean an end to Venezuelan oil until there is regime

change there. However, now is the time for us to stand against President Chavez and for the United States government to firmly protect our nation and our economy against an oil war with Venezuela and its allies. That is why I have called for having proactive policies in place, such as increasing our Strategic Petroleum Reserve. I believe that it is in our national security interest to begin increasing our Strategic Petroleum Reserve in order to replace Venezuela's supply to the United States. By doing this, we will let the markets know that the United States government will protect the American people from those who sponsor terrorism and would use oil as an economic and political weapon against our nation.

The FARC is despised across Latin America and many Venezuelans are openly denouncing President Chavez for his alliance and open support of a terrorist organization. In President Chavez's effort to take the focus off of his failed domestic policies and his recent loss in the December referendum, Mr. Chavez is increasingly trying to create an international crisis with neighboring Colombia and he is seeking to destabilize all of Latin America. We must recognize this gathering storm and must stop Mr. Chavez in his tracks by designating Venezuela as a state sponsor of terrorism. By taking this prudent step, we will be standing against President Chavez and his menacing alliances and we will be defending the people of the region against a dangerous thug and dictator in Latin America.

Thank you for your consideration.

Sincerely,

CONNIE MACK,
Member of Congress.

RECOGNIZING CAL STATE FULLERTON ON ITS 50TH ANNIVERSARY

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from California (Mr. ROYCE) is recognized during morning-hour debate for 3 minutes.

Mr. ROYCE. Thank you, Madam Speaker.

I would like to take this opportunity to recognize my alma mater, California State University, Fullerton as it celebrates its 50th anniversary. In 1957, California State University, Fullerton was founded by an act of the California legislature. The enrollment at that time consisted of 452 students when those first classes were offered in leased quarters at Sunny Hills High School prior to the college moving to the temporary buildings that became a permanent site in 1960 in Fullerton. Half a century after its founding, more than 185,000 graduates have successfully developed careers in hundreds of industries.

Each year, more than 36,000 students attend classes at Cal State Fullerton, choosing from 105 different degree programs including 55 undergraduate, 49 graduate and a doctorate in education at eight distinct colleges: Arts, Business and Economics, Communications, Education, Engineering and Computer Science, Health and Human Development, Humanities and Social Sciences, and Natural Sciences and Mathematics, all of which provide an outstanding education to the students.

Its studies have led students to careers in teaching, nursing, business, the arts, communications, health care, engineering, sports, the sciences and more. Cal State Fullerton graduates have gone on to successful careers and their impact is felt not only in the State of California and the Nation but throughout the world. Among these graduates are Academy Award-winning actors and screenwriters, television news reporters, Pulitzer Prize-winning journalists, successful novelists, doctors, lawyers, judges, teachers, professional athletes, entrepreneurs, scientists and business leaders and even a NASA astronaut who served on the crew of the Space Shuttle Endeavor that launched into space in August of 2007.

Cal State Fullerton's student body also reflects the diversity of the State of California. As one of the most diverse campuses in the State and in this Nation, the university welcomes students of different ethnic groups, cultures and religions. In fact, many of these students are the first in their families to earn a university diploma.

The university received full accreditation from the Western College Association in 1961 and Cal State Fullerton now holds 14 national accreditations and associations. In addition, ''Titan Pride'' has been the rallying cry for 12 national team championships in seven different sports.

Finally, Cal State Fullerton is known for its distinguished faculty, many of whom have garnered international and national reputations in their respective fields.

It is with great pride that I recognize Cal State Fullerton for 50 wonderful years.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. SUTTON) at noon.

PRAYER

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

Lord God of the universe and eternal Creator, this morning, long before dawn, the space shuttle *Endeavor* lifted from the surface of the Earth to find orbit in space. This exploratory journey into the beyond to the international space station is designed to be the longest shuttle mission in history.

Lord, guide and protect the seven astronauts as they work to expand building in space and prepare for future scientific discoveries. Help the United States to remain a leader in encouraging the development of technology, space medicine, architecture, and understanding that will better human life on Earth and life in this universe.

May this global mission, with its Japanese component of the Kibo laboratory and the Canadian robotic device called Dextre become splendid additions to the international space station and inspire young people to study science and to build global harmony.

In You, O Lord, we build trust, and with You, O Lord, we uncover the mysteries of the universe, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. 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 pro tempore. Will the gentlewoman from New Mexico (Mrs. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mrs. WILSON of New Mexico 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 agreed to a bill of the following title in which the concurrence of the House is requested:

S. Con. Res. 66. Concurrent resolution commemorating the 175th anniversary of the commencement of the special relationship between the United States and the Kingdom of Thailand.

CONGRESS IS TAKING ACTION TO STRENGTHEN ECONOMY AND CREATE JOBS

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

Mr. WALZ of Minnesota. Madam Speaker, this Congress has finally understood and is realizing what the American people have known for so long, that after 6 years of mismanagement of our economy by the Bush administration that our economy has failed America's working class.

This Congress is working to change that, having already passed a bipartisan economic stimulus package that will help jump-start the economy and create up to half a million new American jobs. Later this spring, recovery rebate checks of hundreds of dollars will be in the hands of 130 million

Americans. Most will use it to pay bills, but hopefully some will help to spend it on the economy. Late last month we passed an energy bill that will help create hundreds of thousands of high-paying green collar jobs, lower energy prices, and reduce our dependence on foreign oil. And to address the housing crisis, we expanded affordable mortgage loan opportunities, strengthened consumer protection against risky loans, and raised loan limits to increase liquidity in the mortgage market.

Madam Speaker, this Democratic Congress is working to create more jobs, jump-start our economy that has clearly stalled. We are committed to addressing those issues that affect America's working class, not just the top 1 percent.

SUPPORT VICTORY IN IRAQ

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

Mr. WILSON of South Carolina. Madam Speaker, today I have introduced a resolution calling on Congress to recognize and embrace the success we have seen on the ground in Iraq and dedicate ourselves to support these efforts in achieving victory.

I have visited our troops in Iraq nine times. I have seen firsthand the success of the surge. While meeting with General David Petraeus last week in Baghdad, he reported an over-60 percent reduction in violence, with al Qaeda on the defense in Anbar province.

The success our military men and women and people of Iraq have achieved is real. The best way to protect American families is to stop terrorists overseas. The best way to end the war is through victory. We, as representatives of the American people, must put aside politics and recognize what is at stake in Iraq. As my resolution states: ''Congress must support the idea that the war in Iraq is not lost'' and that it ''will do all it can to ensure coalition victory.''

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

FISA

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

Mr. YARMUTH. Madam Speaker, House Democrats are fully committed to ensuring that the FISA law is focused on giving the intelligence community the tools it needs to protect our national security at the same time protecting the constitutional rights of innocent Americans.

We've already passed the RESTORE Act, which modernizes FISA, to address these two critical needs. Today, congressional leaders continue to negotiate differences between our bill and a bill passed by the Senate earlier this year. If congressional Republicans were really concerned about our Nation's national security, you would think they would be sitting at the negotiating table ensuring their concerns are addressed. They've been asked to join the talks, but to date they have refused.

And National Intelligence Director Mike McConnell says that the President is holding up the legislation in order to get blanket immunity for the telecommunications industry.

Madam Speaker, congressional Democrats are committed to strengthening our intelligence community to keep our country safe. And we urge Republicans to put aside partisan politics and work with us on this important piece of legislation.

FISA AND THE HOUSE DEMOCRATIC LEADERSHIP

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

Mrs. WILSON of New Mexico. Madam Speaker, my colleague from Kentucky has just raised an important point, which is that we need to revise the Foreign Intelligence Surveillance Act. But I think he's a little misinformed.

He says that there are bipartisan negotiations going on. The Speaker hasn't even appointed conferees. You can't even have negotiations with the Senate. The negotiations are going on between the Democrat leadership and the conservative Democrats that want to pass a bipartisan Senate bill and have written a letter to your leadership about it.

We are now on day 25 when we have had the Protect America Act expire. All we need to do is to be able to listen to foreigners in foreign countries without a warrant. The Senate bill has unprecedented protections for Americans' civil liberties, more than are in the 1978 law that all of us in this House support. But, instead, the liberal Democratic leadership is blocking the will of the majority of this House.

It is time for Democrats to stand up to your own leadership and demand that the protection of this country is more important than special interest groups that have a hold on the Democratic leadership.

Security must come first.

ECONOMIC UNCERTAINTY LEAVES AMERICAN FAMILIES STRUGGLING TO MAKE ENDS MEET

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

Mr. SIRES. Madam Speaker, during these uncertain economic times, American families are struggling to make ends meet.

Consider that oil and gas prices are at an all-time high. Health care costs continue to skyrocket out of control, leaving more Americans either uninsured or underinsured. Food prices recently experienced their biggest price increase in more than 3 years. If all that is not bad enough, the U.S. economy lost 63,000 jobs last month. The February jobs numbers are the latest sign that economic growth has virtually stalled.

President Bush has the dubious distinction of being tied with his father as the two Presidents with the worst jobs record since the Great Depression.

Madam Speaker, congressional Democrats are working hard to strengthen the American economy and create jobs. We worked in a bipartisan fashion on the economic stimulus package that will not only help hard-working Americans pay their bills but will also jump-start our economy and create 50,000 new jobs in America.

This was the only the beginning. Strengthening our economy remains a top priority for this Democratic Congress as we move through this year.

URGING PASSAGE OF THE SENATE FISA BILL BEFORE EASTER RECESS

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

Ms. GRANGER. Mr. Speaker, today is day 25 since the Democrat majority let the bipartisan Protect America Act expire, leaving our intelligence community without the full range of resources necessary to monitor foreign targets and leaving our country in danger.

It's truly disappointing that the strong bipartisan Senate bill might not be considered by the House before we go into a 2-week Easter recess period. Our intelligence community needs a long-term fix for the gaps in our intelligence laws, not short-term Band-Aids or political holdups.

Senator JOHN ROCKEFELLER, chairman of the Senate Intelligence Committee, after the bill passed the Senate a few weeks ago, said: ''This is the right way to go in terms of the security of our Nation.''

In the House, 21 Democrats have urged the Speaker to support the Senate-passed bill, and the House Republican conference supports the Senate bill. The support for the bipartisan Senate bill is strong and continuing to grow. Now is the time to act to provide our intelligence community all the tools necessary and to provide important retroactive liability protection that our telecommunications companies deserve when we ask for their help.

I urge the House to pass the Senate FISA bill before we leave this week. Anything short of passage is an unfortunate and dangerous risk.

DEMOCRATIC BUDGET IS FISCALLY RESPONSIBLE BUT ALSO FUNDS CRITICAL PRIORITIES

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

Mr. BUTTERFIELD. Mr. Speaker, this week the House will consider a Democratic budget that will strengthen our economy and make America safer. After years of devastating cuts by the Bush administration, our budget is fiscally responsible, while also ensuring that we invest in the American people's priorities.

At a time of economic uncertainty, the Democratic budget rejects President Bush's cuts to Medicare and Medicaid, while also adding $4.9 billion for veterans health care.

Despite the President's repeated vetoes of our legislation to ensure that 10 million children have access to health care, our budget accommodates the $50 billion that would be needed over the next 5 years to make this goal a reality. We're still hopeful that enough Republicans will join us in overriding the President's ill-advised and noncompassionate veto.

Mr. Speaker, the Democratic budget is able to address all of the health care needs while balancing the budget by 2012 without raising taxes.

EARMARKS

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

Mr. KIRK. Mr. Speaker, I am the first House appropriator to swear off earmarks and join 32 of my colleagues, including Senators FEINGOLD and MCCAIN, as well as Chairman WAXMAN and Leader BOEHNER. I'm told that Senators CLINTON and OBAMA are considering supporting this effort.

The Constitution put the spending power in the House, and I used this to support my district. But like other powers, this congressional power could be abused; and, increasingly, we approve low- or no-quality spending to win approval for our own community: you get yours, I get mine, and the kids get the bill.

No more for this appropriator. We should ask: Should the taxpayers pay for a $320 million bridge to connect a town of 8,000 to an island, population 50? No.

Should the taxpayers spend $243,000 on Chez Panisse to create a gourmet organic school lunch program featuring ''Comte cheese souffle with mache salad'' or ''Meyer lemon eclairs with huckleberry coulis''? No.

Common sense says we should put an end to such spending. I would urge the House to enact the Wolf-Kingston reforms with a moratorium on earmarks.

□ 1215

PRESS AND PUBLIC ARE NOT BUYING INTO SCARE TACTICS OF BUSH AND REPUBLICANS

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

Ms. WATSON. Mr. Speaker, it is clear that no one is buying into the scare tactics created by the President and some Republicans regarding the expiration of the President's Protect America Act. Newspapers around the country are rightfully asking Republicans that if this law were so crucial to national security, why did they oppose an extension of it last month?

The Saint Louis Post-Dispatch called this intimidation and ''fear mongering at its most craven.'' The Oregonian wasn't fooled by the President's political actions, writing: ''If the Protect America Act is as crucial as he says it is, then he is taking a terrible gamble with the safety of his country's citizens.'' The Palm Beach Post recognized that ''political distraction'' is more important to this administration than the law. They wrote, ''The law that Mr. Bush and some Republicans say is vital could have been extended for 3 weeks. Instead, they let it die.''

Mr. Speaker, House Democrats are serious about passing a strong FISA law that provides our intelligence community with the tools necessary to protect our national security, and we urge congressional Republicans and the White House to join us at the table.

FISA AMENDMENTS ACT

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

Mr. KUHL of New York. Mr. Speaker, I rise today in support of the FISA Amendments Act, a bipartisan piece of legislation to modernize the Foreign Intelligence Surveillance Act of 1978.

It is imperative that we provide our intelligence community with the tools it needs to conduct surveillance on foreign terrorists without getting tied up in the courts, and this bill would do just that. The Senate passed this bipartisan legislation almost a month ago, but the House leadership has irresponsibly refused to bring up this bill, which is critical to our Nation's security.

I have chosen to cosponsor the measure because I believe that in today's world, we cannot shortchange our ability to confront emerging and ongoing threats. Therefore, I urge the majority to bring this crucial legislation to a vote.

THE BUSH ADMINISTRATION NEEDS TO LISTEN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, if you ask Mr. and Mrs. America who are in the rural hamlets and the urban cities across America, they will tell you whether there is a recession or not. If you ask the automobile dealers, the home builders, if you ask the individuals who are attempting to put their children through college or even to make ends meet, they will tell you that bad news is already here; 63,000 jobs were lost last month.

I am glad the Democrats are taking the opportunity to strengthen our economy and create jobs. Democratic leaders last week held a second economic forum. The forum convened national experts and talked about how we can create jobs. The New Direction Congress has already passed a bipartisan economic stimulus of which thousands of Americans will be receiving a payment because of the leadership of our Democratic majority. We are helping to create 500,000 jobs. But it is well to recognize that this administration just last month lost 63,000 jobs.

What we need to do is bring our troops home, lower health care costs, and increase health care quality. We need to vote in the CHIP bill and stop the President's veto. We need to ensure that we lower energy prices through alternative fuels by creating hundreds of thousands of new green jobs. We have got to make college more affordable and K–12 classrooms more successful.

We can empower America with our own initiative and our own genius. But we cannot do it if we have an administration that doesn't listen. Sixty-three thousand jobs lost tells the story, and Mr. and Mrs. America say, ''wake up and provide an opportunity for Americans.'' They want the Democrats to lead and to be able to create the opportunity for the economic engine that will save jobs and create jobs.

NATIONAL MULTIPLE SCLEROSIS AWARENESS WEEK

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

Mr. BURGESS. Mr. Speaker, this week, March 10–17, is National Multiple Sclerosis Awareness Week. The goal of this annual event is to raise awareness of this disease for those individuals and their families who are impacted by it.

Every hour in the United States, someone new is diagnosed with MS. It is a chronic, often disabling disease that attacks the central nervous system. Many Americans know a person living with multiple sclerosis, a mother or father, a son or daughter, another family member or friend, or even a colleague.

For me, it was a member of my staff. This brave and strong woman inspired me to get more involved in the battle to live in a world free of multiple sclerosis. As a medical doctor prior to coming to Congress, I'm working here to find sensible solutions for the health care challenges that Americans face. As the cochair of the newly formed Congressional Multiple Sclerosis Caucus, I intend to bring the needs of those individuals into the larger discussion of quality health care.

Mr. Speaker, we must work together to improve access to quality health

services, to break down barriers, and to make MS therapies more affordable. I ask other Members of the House to join me in this noble cause. We must always remember that behind every statistic is the face of a family member or friend. We have a shared responsibility to offer help and hope. There is no better time than now to begin offering it.

THE PRESIDENT'S BUDGET IS INADEQUATE

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

Mr. PAYNE. Mr. Speaker, during the first 6 years of the Bush administration, the President and congressional Republicans squandered away large budget surpluses that were left to them by the Clinton administration; yet they failed to properly fund key national priorities. Again this year, the Bush administration proposed a budget that ignores the real needs of American people, particularly at a time of such economic uncertainty.

This week, congressional Democrats will bring a budget to the House floor that fully funds Medicare and Medicaid, the health care programs for the Nation's most vulnerable people, including our children and our seniors. Unlike the President's budget, our budget fully invests in environmental protection and low-income heating programs such as LIHEAP so that low-income families, including those in my district in New Jersey who are facing skyrocketing home heating bills this winter, will receive some much-needed assistance. We also fully invest in the COPS program so that we can better protect our streets against crime.

Mr. Speaker, we do all of this without raising taxes by one single penny. This is a well-crafted budget, and it deserves strong bipartisan support.

SUPPORT THE FISCALLY RESPONSIBLE REPUBLICAN BUDGET

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

Mr. DAVID DAVIS of Tennessee. With gas prices soaring to all-time high records, families in east Tennessee and all across America are struggling to make their ends meet. The Democratic budget resolution fails to meet the test of fiscal responsibility miserably. Instead of exercising fiscal restraint and lowering taxes, the Democrat budget raises taxes by over $683 billion over the course of 5 years. You heard me correctly, $683 billion over the next 5 years. This is the largest tax increase in American history, and it blows away the previous tax increase record in 1993 by $443 billion. Families in east Tennessee will be forced to pay over $2,611 in new taxes because of the Democrat budget.

I am supporting the Republican budget which addresses the bloated government in Washington, lowers taxes on struggling citizens and families, addresses the unfunded liabilities of Social Security and Medicare, and reins in the out-of-control spending here in Washington.

I ask my colleagues to join me in supporting the fiscally responsible Republican budget.

PRESIDENT VETOES INTELLIGENCE AUTHORIZATION BILL

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

Mr. MORAN of Virginia. Mr. Speaker, I would like to say a word about the President's veto of the congressional ban on torture. By vetoing this measure, he is essentially instructing America's torturers to act in a way that is illegal according to international law, to act in a way that is wholly inconsistent with the military's code of conduct who are required to abide by the Army Field Manual, to act in a way that does not consistently provide reliable information because people being tortured tell their torturer what they know they want to hear so as to stop the torture. They know it is not the most effective means of acquiring information.

He also must know that this puts our own soldiers and civilians in much greater jeopardy because our enemy will consider it license to do at least as much as we do to them. But, most importantly, it undermines our moral authority. How far we have strayed from the vision of our Founding Fathers that this Nation would serve as a moral guidepost to the rest of the world. We should override this misguided Presidential veto because it is both illegal and, most importantly, it is immoral and un-American.

TIME FOR HEALTH CARE INDUSTRY TO JOIN TECHNOLOGY REVOLUTION

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to congratulate Village Health Partners of Plano, Texas, for receiving the 2007 Davies Award of Excellence by the Health Care Information and Management System Society. Since 1994, the Davies Award has nationally recognized excellence in the use of health information technology. Dr. Christopher Crow and his partners decided to use technology to revolutionize how they practiced medicine. It took their office 3 short months to go from paper charts to completely paper-free. Using this technology has given these doctors the tools to track the quality of care they provide their patients. In just 1 year these physicians have seen the dramatic impact this technology has had on the lives of their patients.

As all of my colleagues know, our health care system is in need of some serious reform, and I believe that bringing every doctor's office, hospital, and medical record into the 21st century is a great start. Just look at the success that we have had in Plano.

As Congress continues to debate health care reform, I look forward to working with my colleagues on proposals that will encourage more of the health care industry to join the technology revolution. The time is now.

THE BUDGET

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

Mr. DEFAZIO. Well, we're hearing the howls from the Republican side. Their fat-cat supporters might be forced to pay a fair share of taxes in the future, millionaires and billionaires who today are paying taxes at a rate less than that of your average schoolteacher or an Army captain. They say that that's the secret for a strong economy. Those hedge fund managers on Wall Street are doing such a great job, the people who brought us the financial meltdown for the United States of America that's hurting average people while these people are still cruising in their yachts and building their seventh and eighth homes in exotic places around the world. They need those tax cuts. That's the nostrum for a failing economy: tax cuts, tax cuts, tax cuts for rich people.

No, how about tax fairness and how about dealing with a sea of red ink in this country. You can't do it without asking the wealthiest among us to pay their fair share. And restoring some programs that are important to the middle class. Yeah, that's right. The rich people don't need roads that are up to standard because they're in the back seat of a chauffeur-driven limousine. They don't care if they sit in traffic for a long time. They're in their private jet. They're in their walled community. What do they need for public safety? Their kids go to private schools. What do they care about public education? And, hey, they don't have to worry about the cost of health care. That's the Republican world. We're going to change that with this Democratic budget.

FISA

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

Mr. MCCAUL of Texas. Mr. Speaker, nearly 4 weeks have passed since the Protect America Act expired, and for 4 weeks our intelligence community has gone dark around the world. For 4 weeks, we are missing critical intelligence from foreign terrorists to better protect this Nation.

Mr. Speaker, this is a dereliction of duty. The most solemn obligation we have in the House is to protect the

American people; yet we have allowed this act to expire. A bipartisan bill has passed in the Senate; yet we in the House are denied democracy and the opportunity to have the people vote for this important legislation that will protect Americans.

I applied for FISA warrants in the Justice Department. This statute was never intended to apply to foreign terrorists in foreign countries. In fact, what we are doing is extending constitutional protections to foreign terrorists like Osama bin Laden. This turns the statute on its head; yet we have a majority leader who says there's no urgency. The chairman of Intelligence says we'll be just fine. It reminds me of an FBI agent who warned before 9/11, frustrated about the intelligence gap, ''Someday someone will die. The public will not understand why we were not more effective at throwing every resource we had at certain problems, especially since the biggest threat to us now is Osama bin Laden and he is getting the most protection.''

I urge this Congress, this House, and the Democratic leadership to pass the Senate bipartisan bill and make the Protect America Act permanent.

FISA

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

Mr. GOHMERT. Mr. Speaker, FISA is a major issue. Great nations in history have failed and been defeated by becoming soft from within. I see dangers of doing that here.

I know that my colleagues across the aisle, the 170 or so who did not support FISA being passed into law last August, are very compassionate people. I've seen the hurt in your eyes. I've seen how it troubles your soul when you see people hurting and killed and maimed. What we're asking here is to do the intelligence and allow the intelligence community to protect us so we don't have to experience the horror of seeing Americans killed and maimed.

We're losing valuable intelligence every day that we do not pass this important, valuable bill. The proposal was made, let's just keep extending it a week at a time. You cannot do extensive intelligence on a week-to-week basis. We cannot put our country at risk. This House has other things planned today other than this critical issue that could be a nation-saving measure.

MOTION TO ADJOURN

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. CAPUANO). The question is on the motion to adjourn.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 20, nays 364, not voting 44, as follows:

[Roll No. 111]

YEAS—20

Bishop (UT)
Calvert
Coble
Davis, David
Doolittle
Gohmert
Gordon
Johnson (IL)
King (IA)
Marchant
McCaul (TX)
Pearce
Radanovich
Reichert
Renzi
Shuster
Tancredo
Whitfield (KY)
Wilson (SC)
Young (AK)

NAYS—364

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
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, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (NY)
Kingston
Kirk
Klein (FL)
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
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Ramstad
Regula
Rehberg
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Weller
Westmoreland
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Wu
Yarmuth

NOT VOTING—44

Allen
Bean
Blackburn
Boustany
Brown-Waite, Ginny
Davis, Lincoln
Drake
Higgins
Hooley
Jones (OH)
Kilpatrick
Kline (MN)
LaHood
Mahoney (FL)
Markey
Marshall
Meek (FL)
Mitchell
Myrick
Neal (MA)
Oberstar
Obey
Pence
Peterson (PA)
Poe
Pryce (OH)
Rahall
Rangel
Rohrabacher
Ros-Lehtinen
Royce
Rush
Schiff
Smith (WA)
Souder
Stark
Thompson (MS)
Udall (CO)
Weiner
Weldon (FL)
Wexler
Woolsey
Wynn
Young (FL)

□ 1257

Messrs. ROSKAM, BROUN of Georgia, Mrs. EMERSON, Messrs. ISSA, CARTER, MATHESON, JORDAN of Ohio, McHUGH, NUNES, MELANCON, SULLIVAN, ROGERS of Kentucky, KINGSTON, SMITH of Texas, RUPPERSBERGER, GINGREY, WAMP, HASTINGS of Florida, AKIN, SHIMKUS, BARTLETT of Maryland, BURTON of Indiana, Ms. ESHOO, Messrs. FLAKE and TOM DAVIS of Virginia changed their vote from ''yea'' to ''nay.''

Mr. MARCHANT changed his vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Rollcall vote 111, on motion to adjourn, I would have voted ''nay.''

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

AUTHORIZING BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION TO CONSTRUCT A GREENHOUSE FACILITY

Ms. MATSUI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5492) to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5492

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

SECTION 1. CONSTRUCTION OF GREENHOUSE FACILITY.

The Board of Regents of the Smithsonian Institution is authorized to construct a greenhouse facility at its museum support facility in Suitland, Maryland, to maintain the horticultural operations of, and preserve the orchid collection held in trust by, the Smithsonian Institution.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $12,000,000 to carry out this Act. Such sums shall remain available until expended.

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

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. MATSUI. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, I rise in support of H.R. 5492, which is a bill to authorize appropriations for the Smithsonian for constructing of replacement greenhouses.

Mr. Speaker, the Smithsonian is widely renowned as a national treasure. Many of our constituents come from all over the country to visit its museums. There they can explore our culture, learn about our achievements, and view pieces of our history.

But the Smithsonian is much more than a keeper of artifacts. It has nine research facilities and is a leader in scientific research. The Horticulture Services Division provides a wide variety of services internally to Smithsonian museums, and more generally to the public through the Smithsonian's public gardens.

The Smithsonian has leased a 55,000-square-foot greenhouse complex for its horticultural operations since 1974. It is currently located on the property of the Armed Forces Retirement Home in Northwest Washington, DC.

The complex includes 12 greenhouses, an office for administrative and logistical functions, and a shade house. These greenhouses produce the institution's world-class orchid collection. They also provide space to grow a wide variety of plant materials for exhibits, gardens, and special events which would be costly or impossible to obtain commercially.

The greenhouses allow the Smithsonian resources equal to, if not surpassing, any other botanical institute in the world.

The greenhouse employees do this work with limited human resources. As true to most Smithsonian endeavors, the greenhouse staff is assisted in large part by a group of dedicated volunteer staff members. During fiscal year 2007, over 4,500 hours of time were donated by these individuals. Their commitment to the greenhouse facilities' programs is evident from their dedication, some of whom have donated over 25 years of service to the organization.

The current greenhouse site will be leased commercially, and the Smithsonian must begin work on replacement greenhouses at the Smithsonian Museum Support Facility in Suitland, Maryland. Moving the facilities is the most cost-effective way to preserve the greenhouses. The Smithsonian has also created a design that will help save money during construction.

Mr. Speaker, the important work being done every day by the Smithsonian horticulturists in the current facility is vital to the mission of the Smithsonian, the increase and diffusion of knowledge.

I appreciate Chairman OBERSTAR, Chairwoman NORTON, and Ranking Members MICA and GRAVES for recognizing the significance of this relocation. H.R. 5492 will ensure that the collections thrive and the important work that is done at these facilities continues. I urge my colleagues to support the bill.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 5492 authorizes the Smithsonian Institution to construct greenhouses at its facility in Suitland, Maryland. The bill authorizes $12 million to construct the greenhouses. The Transportation Committee has researched the proposed cost of and the need for this greenhouse facility. We have done our due diligence on this project.

This greenhouse facility will produce the plants for the entire Smithsonian Institution complex, which is the world's largest museum complex. In addition, the facility will house the orchid collection held in trust by the Smithsonian.

The Smithsonian currently conducts these activities at an aging facility located at the Armed Forces Retirement Home here in the District of Columbia. Because the retirement home is redeveloping the site, the Smithsonian will no longer be able to use the greenhouse facility located there.

These new greenhouses will enable the Smithsonian to continue producing its own plants after it loses access to the Armed Forces Retirement Home.

Satisfying the Smithsonian's requirements for plants on the open market doesn't make sense economically. Given the wide variety of plans required for the National Zoo and museums, it is more cost effective for the Smithsonian to grow its own plants rather than to purchase them.

The cost of this project is appropriate given the need for the greenhouse facility, as well as the work necessary to construct this particular type of greenhouse. I support the resolution. I urge my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 5492, which authorizes the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland.

The Smithsonian has leased a 55,000-square-foot greenhouse complex for its horticultural operations on the property of the Armed Forces Retirement Home ("AFRH") in northwest Washington, DC, since 1974. The complex includes 12 greenhouses, space for administrative and logistical functions, and a shade house. The complex houses the Institution's world-class orchid collection, and provides space to grow a wide variety of plant materials for exhibits, gardens, and special events that would be costly or impossible to obtain commercially.

The AFRH plans to lease the property where the greenhouse complex is currently located to real estate developers and could turn the site over to a developer as early as September 30, 2008, when the current Smithsonian lease expires, leaving the Smithsonian without a greenhouse facility.

This bill authorizes $12 million for the construction of a new greenhouse facility. This facility will support the Office of Facilities Engineering and Operations ("OFEO") of the Horticulture Services Division ("HSD"). This office provides services for the Smithsonian museums and units through planting for exhibits and special events, and through development and management of the Smithsonian public gardens.

I thank the gentlewoman from California (Ms. MATSUI) and the other congressional Regents of the Smithsonian Institution for introducing this bill. I urge my colleagues to join me in supporting H.R. 5492.

Mr. GRAVES. Mr. Speaker, I don't have any other requests for time, and I yield back the balance of my time.

Ms. MATSUI. Mr. Speaker, once again I urge my colleagues to support H.R. 5492, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. MATSUI) that the House suspend the rules and pass the bill, H.R. 5492.

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

A motion to reconsider was laid on the table.

HONORING 200TH ANNIVERSARY OF GALLATIN REPORT ON ROADS AND CANALS, AND RECOGNIZING THE VAST CONTRIBUTIONS NATIONAL PLANNING EFFORTS HAVE PROVIDED

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 936) honoring the 200th anniversary of the Gallatin Report on Roads and Canals, celebrating the national unity the Gallatin Report engendered, and recognizing the vast contributions that national planning efforts have provided to the United States, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 936

Whereas President Thomas Jefferson commissioned his Secretary of the Treasury, Albert Gallatin, to provide a new vision for transportation that would unite the young Republic;

Whereas 2008 marks the bicentennial of the national plan, known as the Gallatin Report on Roads and Canals (Gallatin Report), presented by Secretary Gallatin to President Jefferson;

Whereas the Gallatin Report proposed transportation improvements not as ends in themselves but as means to further national unity;

Whereas transportation improvements were part of the promise of the American Revolution, as James Madison, writing in The Federalist No. 14, emphasized, ''Let it be remarked . . . that the intercourse throughout the Union will be facilitated by new improvements. Roads will everywhere be shortened, and kept in better order; accommodations for travelers will be multiplied and meliorated; an interior navigation on our eastern side will be opened throughout, or nearly throughout, the whole extent of the thirteen States'';

Whereas Madison's words have served as a worthy reminder of the needs for transportation infrastructure since that time;

Whereas the Gallatin Report incorporated the improvements to the Postal Service that Benjamin Franklin bequeathed to the Nation, including Franklin's route surveys, his placement of milestones on principal roads, and his development of shorter transportation routes;

Whereas the Gallatin Report called for an inland waterway navigation canal from Massachusetts to North Carolina, which was the precursor to the modern day Intercostal Waterway system;

Whereas the United States, as a result of Gallatin's legacy, has a record of successful infrastructure developments, including—

(1) the Erie Canal, which vastly reduced transportation costs to the interior;

(2) the transcontinental railway, which united the Nation;

(3) transit projects across the Nation, which promote freedom and opportunity;

(4) the National Highway System, including the Dwight D. Eisenhower System of Interstate and Defense Highways, which fostered interstate commerce, national unity, and broke down barriers between the States; and

(5) the Tennessee Valley Authority, devised by President Franklin Delano Roosevelt as a ''corporation clothed with the power of government but possessed of the flexibility and initiative of a private enterprise'', which brought electricity, conservation planning, and opportunity for thousands in the Tennessee Valley and across the Nation;

Whereas to be regarded as a success, any national planning endeavor must address and reconcile the needs of different regions of the Nation;

Whereas the genius of the Gallatin Report was its alignment of the hopes of the Nation with the opportunities presented by access to new markets, populations, and territories;

Whereas the United States currently faces new challenges in financing the transportation infrastructure that is necessary for the future economic needs of the Nation; and

Whereas if the United States is to succeed in a world of increasing international competition, the United States must have a new national plan for transportation improvements to provide for the Nation's future: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the goals and ideals that formed the impetus for Albert Gallatin's national plan for transportation improvements 200 years ago;

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the citizens of the United States to mark this important anniversary by recalling the important legacy of public investment in infrastructure, which connects and enhances the economies, communications, and communities of the several States; and

(3) supports the creation of a new national plan for transportation improvements to align the demands for economic development with the resources of the Nation.

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

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 936.

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

There was no objection.

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

Mr. Speaker, I rise in strong support of this resolution reaffirming our national commitment to our national transportation infrastructure. Two hundred years ago, a farsighted President, Thomas Jefferson, commissioned Secretary Gallatin to provide a report and a vision for transportation in America, to knit together the then-young Nation and to better facilitate the movement of its people, its goods, its commerce and people, and to better compete in the international economy.

For 200 years, or nearly 200 years, that vision has been maintained and has been the prevailing view here in Washington, DC.

Unfortunately, we now have an occupant of the White House and a Secretary of Transportation who do not share that vision. A recent report detailing the extraordinary state of disrepair into which our transportation infrastructure has fallen from a commission created by this Congress in the SAFETEA–LU legislation pointed to the need for a massive increase in investment at all levels, Federal, State and local, because in order just to maintain the existing infrastructure, we would have to spend more than we are spending today. We are not even treading water. We are not even maintaining a deteriorating infrastructure; we are deteriorating towards Third World status. While our competitors around the world are leaping ahead with major investments in transit and roads, bridges and highways, and with major investments in ports and waterways, we are falling behind.

In response to that, unfortunately, the Secretary of Transportation joined with a minority in dissenting from the report and essentially proposed that we phase out any Federal role or investment in our national transportation infrastructure.

I can think of nothing more wrongheaded, shortsighted, or more destructive for the future of our country than to pull back from these extraordinary needs. So that's why I think it is so important that we look back, we look back over 200 years of history, we look back to the Gallatin Report, we look back to the successes that have followed upon that vision that we have been building upon for 200 years, and we set a course for the next 200 years so that we can again boast of having the state-of-the-art, most efficient, most energy-efficient transportation network in the world, which is far from the condition in which we find ourselves today.

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

Mr. DUNCAN. Mr. Speaker, I have agreed to reserve my time so the Speaker may be yielded to.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman, and I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank both gentlemen for yielding and for their support of this important resolution. I thank Mr. DUNCAN for his leadership and for supporting this resolution. Mr. DEFAZIO, of course, has been a champion on these issues for a long time. And in terms of building the infrastructure of America, Mr. BLUMENAUER has, through his relentless advocacy for building America's infrastructure in an environmentally sound way, has added to the vision of how we want to do this.

I learned about the Gallatin Report, which you talked about, Mr. DEFAZIO, from Mr. BLUMENAUER. Imagine 200 years ago, around the time of the Lewis and Clark expeditions and the Louisiana Purchase, a great President

realized that for commerce to flow and for people to move and our country to flourish, we needed to build the infrastructure of our country; and Mr. DEFAZIO described the immensity of that project by Albert Gallatin, the Secretary of the Treasury.

Secretary Gallatin said at the time his vision of roads and canals to unite our young Nation could not be left to individual exertion. Contrary to popular thinking at the time, Gallatin had the great foresight to see the long-term benefits of infrastructure investments far outweighed the cost. And because of that, public capital, not just private resources, were necessary.

From the beginning of our country, our Founders and the leaders of our country were entrepreneurs. They were risk-takers. They believed in public-private partnerships, and that is what this was.

At the beginning of the 19th century, it is important I think to note, there were barely 1,000 miles of canals in America. Sixty years later, in part because of the vision of Albert Gallatin, more than 4,200 miles of canals, ranging west to Illinois, north to Michigan, and south to Texas, facilitated trade and mobility across our country.

The Erie Canal, the transcontinental railway, and America's model of planning and investment stand today as legacies of Albert Gallatin's vision. A statue of Albert Gallatin stands today at the entrance to the Treasury Department building in recognition of his many accomplishments.

It is in the tradition of Albert Gallatin that 100 years later, again my teacher and mentor on the history of this vision for America, Mr. BLUMENAUER, informs me that Theodore Roosevelt launched a similar commitment by convening a White House conference on conservation to preserve America's natural beauty. That led to the creation of the National Park Service and helped a growing America remain a great America and continue on to be an even greater America.

In 2008, 100 years later, 200 years after Thomas Jefferson and Secretary Gallatin, 100 years after Theodore Roosevelt, in keeping with the tradition of visionary leaders like them, we are prepared to invest in America's strength. We again must invest in our infrastructure to do so.

Today that means green solutions such as mass transit and modern solutions such as expanding broadband across America.

□ 1315

Whether we're talking about roads or bridges or mass transit, whether we're talking about canals and waterways, sewage and water facilities, whether we're talking about broadband or we're talking about the grid to transmit electricity, whether it be talking about schools, an investment in infrastructure that serves the needs of our children and their education, all of this infrastructure needs a major, major infusion of capital, and we want to do that in a fiscally sound way.

Just as they did 200 years ago, these infrastructure investments offer our Nation job-creating opportunities to invigorate, reinvigorate America's economies. Anything we're talking about in terms of infrastructure means good-paying jobs right here at home in America. It's not only about creating those jobs; it's about growing our economy.

Today, because of the leadership of Mr. OBERSTAR, the distinguished Chair of the committee, Mr. DEFAZIO, who opened the debate here, Mr. DUNCAN, thank you as well, and the leadership of Congressman EARL BLUMENAUER, Congress has the opportunity to honor the genius of the Gallatin plan, as the resolution says, establishing a more perfect Union.

Mr. Speaker, I rise in recognition of Secretary Albert Gallatin who, with his plan, encouraged the prosperity and the national unity of America.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume. And I appreciate the remarks of our distinguished Speaker, and also Chairman DEFAZIO. And I would like to also add my voice to support for this House Resolution 936. This resolution was introduced by Representative BLUMENAUER and cosponsored by Chairman OBERSTAR, Highways and Transit Subcommittee Chairman DEFAZIO, the subcommittee of which I have the privilege of being the ranking member, and Representative PETRI, to honor the 200th anniversary of the Gallatin report on roads and canals, a first-of-its-kind assessment for Federal interests and investment in our Nation's transportation infrastructure.

In 1808, when he presented the report, Secretary of the Treasury Albert Gallatin urged the Federal Government to focus on three basic concepts.

The first concept was that it is appropriate for the Federal Government to finance transportation projects that transcend local needs. Second, only projects that yield a return on investment should be constructed. Third, a nationwide system of transportation is essential in the interest of national defense.

All of these concepts that Gallatin proposed 200 years ago are relevant to the challenges that our Nation faces today and in the future.

I also appreciate that the resolution has incorporated the need for a new national transportation plan. Ranking Member MICA has, for some time, advocated for a new national transportation plan that provides a long-term strategic approach to funding our Nation's transportation infrastructure system so that we can continue to be competitive in a worldwide economy.

I believe that Secretary Gallatin would have supported this type of vision for the future of our transportation system, and I certainly hope that my colleagues will as well.

I have said many times, Mr. Speaker, that the people in Tennessee use the roads in Ohio and California, and people in New York and Michigan use the roads in Tennessee. There is very much a significant and legitimate national interest in our transportation system in this country.

Also, I appreciated the Speaker's remarks about the need to invest in and improve our Nation's infrastructure. I heard someone say about the last stimulus package that what we were really doing was borrowing money from China so that the people could go out and buy Chinese products. If we spend money on our infrastructure, we will be spending that money here and the money will be going to American workers to do these projects. And many of them are very, very necessary.

Mr. Speaker, I think this resolution is very appropriate, and I urge my colleagues to support this.

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

Mr. DEFAZIO. Mr. Speaker, I yield 5 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy, and I appreciate the leadership from my friend from Oregon on this legislation; likewise, my friend and colleague from Tennessee, with whom I'd served on the Transportation and Infrastructure Committee so many years. They have adequately, I think, framed what we have here. This is not merely the commemoration of some obscure historical event. As was mentioned by the Speaker, this is the framework upon which America was built for over 200 years; the vision of President Jefferson and Albert Gallatin, the work of President Roosevelt, having a framework for taking a ragtag group of 13 colonies and making it into a transcontinental powerhouse. This farsighted leadership and Federal action helped make America what it is today.

But right now, on Capitol Hill today, there are literally thousands of people who are here urging that we deal with the infrastructure crisis in this country, people dealing with mass transit, firefighters, engineers. There are thousands of people who are concerned, right now, that it is time for us to take this resolution as a clarion call for a wake up.

The American Society of Civil Engineers has rated our infrastructure at D minus. We are being outcompeted internationally by the European Union and the Chinese.

This is history that is worth reviewing; how we built the partnerships that created the infrastructure, how we were able to tie communities together, to be able to enhance new technologies. When it was time for the transcontinental railroad, the framework was in place.

It is time for us to have a clear-eyed assessment of what the infrastructure needs are of today. My colleague, Mr. DEFAZIO, talked a little bit about this in his statement because, frankly, we've got the evidence at hand of what

the condition is. We know that there is time for us to move forward with a new plan for this century. It is time to build the constituency and the public awareness going from the Sierra Club to the Garden Club, the AFL–CIO to the Chamber of Commerce, the bicyclists and the truckers.

In 314 days, we start a new era here on Capitol Hill. There are people out and about who are starting work on this, the America 2050 program, a nonpartisan assessment under the leadership of the RPA, headquartered in New York, to other assemblage of professional and academic and business.

I hope this resolution helps focus the attention of people on this Chamber for what we all need to do to help our colleagues on the Transportation and Infrastructure Committee to move forward with an assessment of our needs now, a plan for this century, so that all of our communities can be more livable and our families safer, healthier, and more economically secure.

Mr. DUNCAN. Mr. Speaker, I have no other speakers, and once again I urge support for this resolution.

I will say this: We have had many, many hearings in the Transportation and Infrastructure Committee about the need to greatly improve our infrastructure in this country. We attempted, in the last highway bill, to put in some environmental streamlining. These projects are taking about three times as long and costing about three times as much because of environmental rules and regulations and red tape. We have got to speed up these infrastructure projects. The other developed nations are doing these projects in a third or half the time that we are, and that's going to really harm this country in the future if we don't speed these projects up.

Also, if we don't have more domestic energy production, we're going to make ourselves much more vulnerable to foreign energy producers, but we're not going to be able to afford the infrastructure projects that we really need to do in this country. So those are two thoughts that we need to take into consideration when we consider a resolution like this.

But I commend my colleagues, Chairman DEFAZIO and Mr. BLUMENAUER and Mr. PETRI, for this resolution, and I urge its support.

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

Mr. DEFAZIO. Mr. Speaker, I yield myself the balance of the time.

It's already been referenced earlier by the Speaker, and by Mr. BLUMENAUER, that one thing we could do for the ailing American economy to put people back to work, quite quickly this year, this construction year, would be investment in our infrastructure. These would be American jobs with American products. They can't be exported. The benefits are here at home. It will make our country more competitive in the international marketplace. They help businesses with just-in-time delivery. You're now seeing trucks detoured by 100, 200 miles because of failing and weight-limited bridges. There's a tremendous amount of work that needs to be done.

It would also make us more energy efficient by helping to obviate some of the congestion that we're currently suffering from, the detours that I already mentioned.

If we set a goal, for instance, of looking at our largest cities, having 10 percent of people take transit to work, we could save 40 percent from the oil that we currently import from the Middle East. That would be tremendous for national security, our balance of trade, and great for the American people and good for the environment.

Now, some might say that's too ambitious. Well, I just came back, or I took the committee on a trip to Europe. In London, more than 85 percent of the people ride transit to work. And in Barcelona, they're investing more money in one addition to their subway system, which is at capacity right now, than we're investing in all transit in the entire continent of the United States of America.

We are not pushing the margins here in terms of our investment. We can do better and we can learn from the past and, at the same time, look to a more transportation efficient future by observing this commemoration of Gallatin and beginning to construct our own version of a Gallatin report as we move to the reauthorization of the surface transportation and transit legislation in 2009.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H. Res. 936, which honors the 200th anniversary of the Gallatin Report on Roads and Canals, celebrates the national unity the Gallatin Report engendered, and recognizes the vast contributions that transportation improvements have provided to the United States.

With the acquisition of vast land area under the Louisiana Purchase in 1803, and with the persistent westward migration of early settlers, the United States in the early 19th century was a young and rapidly expanding Republic. To President Thomas Jefferson, the architect of the Louisiana Purchase, uniting the United States and its people was of paramount importance.

President Jefferson directed his Secretary of the Treasury, Albert Gallatin, to develop a national plan for transportation improvements to unite the country. Secretary Gallatin presented his report—the Gallatin Report on Roads and Canals, Gallatin Report—in 1808.

Mr. Speaker, Gallatin's national plan matched the Nation's hopes with the opportunities presented by a growing population, expanding territories, and widening markets. It recommended, for example, an inland waterway navigation canal from Massachusetts to North Carolina, which was the precursor to our present Intracoastal Waterway system.

As a result of Gallatin's national plan, the United States has achieved a number of important and significant transportation infrastructure improvements, including:

The Erie Canal that connected the east coast with the Great Lakes to reduce transportation costs to the interior of the country;

The transcontinental railway that linked the east and west coasts and united the country at a time of national discord;

The Tennessee Valley Authority that brought electric power, economic development, and employment opportunity to a region in need;

The National Highway System, including the Interstate System, that fostered transportation connectivity, promoted interstate commerce, and advanced national unity; and

Transit projects throughout the country that provided accessibility and choice.

This year marks the 200th anniversary of the Gallatin Report on Roads and Canals. H. Res. 936 honors the Gallatin Report and celebrates the national unity the Gallatin Report has engendered.

This resolution reaffirms the goals and ideals that prompted the development of the Gallatin Report 200 years ago. It commemorates the legacy of Gallatin's national plan for transportation improvements and the public investment in infrastructure the Gallatin Report helped bring forth.

Our Nation's surface transportation system is at a crossroads. As we continue the discussion of the future of the system, it is important to recognize the bold vision provided by Secretary Gallatin in his report.

The Gallatin Report should serve as a lasting reminder to this and future Congresses of the need for vision and leadership at the national level.

Mr. Speaker, I strongly support H. Res. 936 and urge my colleagues to join me in agreeing to the resolution.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and agree to the resolution, H. Res. 936, as amended.

The question was taken.

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

Mr. BLUMENAUER. 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.

ELECTING MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1034

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON ARMED SERVICES: Mr. Wittman of Virginia.

COMMITTEE ON HOMELAND SECURITY: Mrs. Miller of Michigan.

The resolution was agreed to.

A motion to reconsider was laid upon the table.

MOTION TO ADJOURN

Mr. WESTMORELAND. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 6, nays 387, not voting 35, as follows:

[Roll No. 112]

YEAS—6

Coble
Gohmert
Johnson (IL)
Myrick
Westmoreland
Young (AK)

NAYS—387

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
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, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
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
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
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
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Pearce
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—35

Aderholt
Barton (TX)
Blackburn
Boucher
Cardoza
Castor
Cubin
Davis, Lincoln
Garrett (NJ)
Granger
Hinchey
Holden
Hooley
Jones (OH)
Kilpatrick
Markey
McCrery
Meek (FL)
Mitchell
Neal (MA)
Oberstar
Pascrell
Pence
Perlmutter
Peterson (PA)
Pryce (OH)
Rangel
Renzi
Ros-Lehtinen
Rush
Souder
Thompson (MS)
Udall (CO)
Woolsey
Wynn

□ 1354

Messrs. McCAUL of Texas, SHADEGG, COHEN and SPRATT changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

RESIGNATION AS MEMBER OF COMMITTEE ON ARMED SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Armed Services:

HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2008.

Hon. NANCY PELOSI,
The Capitol,
Washington, DC.

DEAR MADAM SPEAKER: I hereby inform you that I respectfully resign my seat on the House Committee on Armed Services effective Tuesday, March 11, 2008.

Sincerely,

CANDICE S. MILLER.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON FOREIGN AFFAIRS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Foreign Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 10, 2008.

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

Hon. JOHN BOEHNER,
Republican Leader,
Washington, DC.

DEAR SPEAKER PELOSI AND LEADER BOEHNER: I am writing to resign from the Foreign Affairs Committee, effective March 11, 2008. I have enjoyed my brief time serving on this Committee.

With kind regards, I am

Sincerely,

ROB WITTMAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON FINANCIAL SERVICES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Financial Services:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 11, 2008.

Speaker NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR SPEAKER PELOSI, With my pending appointment to the House Transportation and Infrastructure Committee, I am writing to submit my resignation from the House Committee on Financial Services. It has been an honor and a privilege to serve on the Financial Services Committee since the beginning of the 110th Congress.

Sincerely,

ALBIO SIRES,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTING CERTAIN MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Madam Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1035

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Berman, Chairman.

(2) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Sires.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING GRATITUDE TO MEMBER STATES OF THE INTERNATIONAL COMMISSION OF THE INTERNATIONAL TRACING SERVICE

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 854) expressing gratitude to all of the member states of the International Commission of the International Tracing Service (ITS) on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting open access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 854

Whereas for the past 62 years, until their ultimate release on November 28, 2007, the International Tracing Service (''ITS'') archives located in Bad Arolsen, Germany remained the largest closed Holocaust-era archives in the world;

Whereas while Holocaust survivors and their descendants have had limited access to individual records at Bad Arolsen, reports suggest that they faced long delays, incomplete information, and even unresponsiveness;

Whereas until the archives' recent release, the materials remained inaccessible to researchers and research institutions;

Whereas the 1955 Bonn Accords established an International Commission of 11 member countries (Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, the United States) responsible for overseeing the administration of the ITS Holocaust archives which contain 17,500,000 individual names and 50,000,000 documents;

Whereas the new International Committee of the Red Cross (''ICRC'') and the Director of the ITS, who is an ICRC employee, oversee the daily operations of the ITS and report to the Commission at its annual meetings;

Whereas the new ICRC leadership at the ITS should be commended for their commitment to providing expedited and comprehensive responses to Holocaust survivor requests for information, and for their efforts to complete the digitization of all archives as soon as possible;

Whereas since the inception of the ITS, the German government has financed its operations;

Whereas beginning in the late 1990s, the U.S. Holocaust Memorial Museum (''Holocaust Museum''), Holocaust survivor organizations, and others began exerting pressure on International Commission members to allow unfettered access to the ITS archives;

Whereas following years of delay, in May 2006 in Luxemburg, the International Commission of the ITS agreed upon amendments to the Bonn Accords which would grant researchers access to the archives and would allow each Commission member country to receive a digitized copy of the archives and make the copy available to researchers under their own country's respective archival and privacy laws and practices;

Whereas the first 3 Commission member countries to ratify the amendments to the Bonn Accords were the United States, Israel, and Poland, all 3 home to hundreds of thousands of survivors of Nazi brutality;

Whereas the United States Holocaust Memorial Museum has worked to ensure the timely release of the Bad Arolsen archives to survivors, researchers, and the public;

Whereas the United States Department of State engaged in diplomatic efforts with other Commission member countries to provide open access to the archives;

Whereas the United States House of Representatives unanimously passed H. Res. 240 on April 25, 2007 and the United States Senate passed S. Res. 141 on May 1, 2007, urging all member countries of the International Commission of the ITS who have yet to ratify the May 2006 Amendments to the 1955 Bonn Accords Treaty, to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany;

Whereas on May 15, 2007, the International Commission voted in favor of a United States proposal to allow a transfer of a digital copy of archived materials to any of the 11 member States that have adopted the May 2006 amendments to the Bonn Accords; thereafter, transfer of materials to both the United States Holocaust Memorial Museum and Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority in Israel, was initiated;

Whereas while it is not possible to provide meaningful compensation to Holocaust survivors for the pain, suffering and loss of life they have experienced, it is a moral and justifiable imperative for Holocaust survivors and their families to be offered expedited open access to these archives;

Whereas with respect to the release of the materials, time is of the essence in order for Holocaust researchers to access the archives while Holocaust survivor eyewitnesses to the horrific atrocities of Nazi Germany are still alive;

Whereas opening the historic record is a vital contribution to the world's collective memory and understanding of the Holocaust and to ensure that unchecked anti-Semitism and complete disrespect for the value of human life, including the crimes committed against non-Jewish victims which made such horrors possible, is never again permitted to take hold;

Whereas despite overwhelming international recognition of the unconscionable horrors of the Holocaust and its devastating impact on World Jewry, there has been a sharp increase in global anti-Semitism and Holocaust denial in recent years; and

Whereas it is critical that the international community continue to heed the lessons of the Holocaust, one of the darkest periods in the history of humankind, and take immediate and decisive measures to combat the scourge of anti-Semitism: Now, therefore, be it

Resolved, That the House of Representatives—

(1) expresses its appreciation to all countries that ratified the amendments to the Bonn Accords allowing for open access to the Holocaust Archives located in Bad Arolsen, Germany;

(2) congratulates the dedication, commitment, and collaborative efforts of the United States Holocaust Memorial Museum, the Department of State, and the International Committee of the Red Cross to open the archives;

(3) encourages the United States Holocaust Memorial Museum and the International Committee of the Red Cross to act with all possible urgency to create appropriate conditions to ensure survivors, their families, and researchers have direct access to the archives, and are offered effective assistance in navigating and interpreting these archives;

(4) remembers and pays tribute to the murder of 6,000,000 innocent Jews and more than 5,000,000 other innocent victims during the Holocaust committed by Nazi perpetrators and their collaborators; and

(5) must remain vigilant in combating global anti-Semitism, intolerance, and bigotry.

The SPEAKER pro tempore (Mrs. TAUSCHER). Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, it is a pleasure to support this resolution which recognizes the long overdue ratification of an international agreement that will open access to records of the Holocaust and Nazi war crimes. And I would like to commend my good friend and distinguished colleague, Alcee Hastings of Florida, for introducing this measure before us today.

On January 27, designated by the United Nations as the International Holocaust Remembrance Day, the world paused to honor the victims of this terrible crime and to vow never again to allow such atrocities to happen.

For many victims and relatives of the Holocaust, 2008 may provide the first opportunity to obtain access to information about their own treatment as well as the fate of their loved ones in Nazi death camps.

In 1955, 11 member countries signed the Bonn Accords to establish an International Commission responsible for overseeing the administration by the

International Tracing Service of Holocaust archives.

The service is based in Bad Arolsen, Germany, and is directed by the International Committee of the Red Cross.

□ 1400

Madam Speaker, the archive holds over 85,000 feet of records, listing victims' names, transport details, medical records, and in some cases the only history of those who died at the hands of the Nazis. The records contain over 50 million reference cards for over 17.5 million people.

For over 60 years, ITS has limited access to its records to survivors of Nazi crimes and their descendants. Aging Holocaust survivors have criticized ITS for delayed responses or a complete failure to provide them with any information. By 2006 ITS had recorded a backlog of over 400,000 requests.

Following years of delay, the 11 parties to the Bonn Accords Treaty signed amendments in May 2006 to ensure the records were fully opened to survivors as well as researchers. This process was to be enhanced by the distribution of digitized records to member countries.

While the United States, Israel, Poland, and the Netherlands were the first signatories to ratify the amendments, Holocaust survivors were forced to wait still longer until the remaining countries completed their ratification procedures. In April 2007, this House passed H. Res. 240 calling on the remaining seven countries to ratify the amendments by the May 2007 deadline.

The resolution before us today expresses appreciation to all member countries for having ratified the amendments, allowing survivors the opportunity to find peace in the material contained in these archives. The resolution highlights the key roles played by the United States Holocaust Museum, the Department of State, and the International Community of the Red Cross in achieving this outcome. And it calls on the Holocaust Museum and the Red Cross to create the necessary conditions by which survivors and their families can promptly obtain long-sought-after information regarding Holocaust-era atrocities. While the ratification of these amendments is tragically too late for many victims, the hope is that it provides answers for many others.

I support this resolution, Madam Speaker, and I urge my colleagues to do the same.

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

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

I rise today in support of H. Res. 854 on the opening of Bad Arolsen Holocaust archives. I would like to thank the author of this resolution, Congressman HASTINGS, as well as Ranking Member ROS-LEHTINEN, Congressman WEXLER, and Congressman KIRK, who have fought for opening access to the Holocaust archives in Bad Arolsen, Germany.

The archives there have been the largest closed Holocaust-era collection of documents in the world, containing millions of records about the fates of over 17 million victims of Nazi Germany. The archive became open to the public in November of last year after 11 countries of its governing body ratified the agreement that allowed the collection to become open and for those documents to be transferred to the United States Holocaust Memorial Museum and Yad Vashem in Israel.

Open access to these records will provide many Holocaust survivors and their families with the information about their loved ones. Additionally, it will present researchers and scholars with materials necessary to enhance the public knowledge about the Holocaust.

Now that the archive is open and the U.S. Holocaust Museum is able to answer requests, it is very important that the survivors and their family members are aware of these services and are able to immediately submit requests for information about their loved ones.

In conclusion, I urge Members from both sides of the aisle to support H. Res. 854.

Madam Speaker, I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, at this time I wish to yield 5 minutes to my good friend, the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. I thank my very good friend and cosponsor of this resolution, Representative CROWLEY, for the time.

Madam Speaker, this resolution on the floor is the culmination of longstanding efforts I have made with Representative WEXLER, who is chairman of the Subcommittee on Europe; Representative ILEANA ROS-LEHTINEN, the ranking member of the House Foreign Affairs Committee; Representative MARK KIRK; and many others to open the largest closed Holocaust-era archive in the world and release critical Holocaust records.

As I stand today in support of a resolution making this significant event in Holocaust history, I cannot help but reflect on the longstanding life and career of a true champion of human rights and Holocaust issues, the former chairman of the House Foreign Affairs Committee and the first and only Holocaust survivor Member of Congress, Representative Tom Lantos.

These archives will forever contribute to the world's collective memory of the Holocaust atrocities experienced and the immense bravery exhibited by Representative Lantos and his wife and other survivors who are no longer with us today.

The opening of the Bad Arolsen archives will enable Holocaust survivors, their descendants, and future generations of researchers and the public access to some 50 million records on the fates of 17.5 million individual victims of Nazi brutality.

In our world today, filled with growing international intolerance, including anti-Semitism, hate, racial bigotry, xenophobia, and religious discrimination, it could not be more critical for us to ensure unfettered access to these Holocaust archives. The ultimate release of these documents serves to further delegitimize world leaders and other extremist factions who spew anti-Semitic propaganda and downplay or deny the significance of the Holocaust.

I am thankful for the collaborative efforts and leadership shown by the Holocaust Memorial Museum, new leadership of the International Committee of the Red Cross at the International Tracing Service, the State Department, survivor groups, and this body of Congress to pressure the member states of the ITS to throw open the doors of these archives.

Our success sends a robust message to the world that the horrors of the Holocaust shall forever remain at the forefront of our collective and individual memories. The ultimate release of these archives proves that the world recognizes the moral importance of combating the scourge of modern-day anti-Semitism.

May we never forget the atrocities of the Holocaust. May this historic event serve as a constant reminder to the world of what happens when humanity is silenced and evil permitted to wage war on the innocent.

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

Mr. CROWLEY. I want to thank the gentleman, the sponsor from Florida of this legislation, Mr. HASTINGS, for his comments.

Madam Speaker, at this time I would like to yield 2½ minutes to the gentlewoman from Las Vegas, Nevada (Ms. BERKLEY).

Ms. BERKLEY. I want to return the compliment to the gentleman from New York. This is an issue that has been in the forefront of his mind and actions since he came to Congress. And I thank the sponsor of the legislation, Mr. HASTINGS, for bringing it to us today.

Madam Speaker, I rise today in support of this resolution and in the hope that this archive will help the world remember the crimes committed in the Holocaust and ease the pain of those families who lost loved ones in the Holocaust but to this day have no idea what happened to their families and their family members.

We, unfortunately, find ourselves in an age where the absurdity of the Holocaust denial is on the rise, when the leader of Iran seeks to recreate Hitler's acts, and when anti-Semitic conspiracy theories are finding fertile ground all over the Internet.

At the meeting of the Transatlantic Legislators' Dialogue last October in Las Vegas, Abraham Foxman, national director of the Anti-Defamation League, laid out for us the troubling resurgence of global anti-Semitism, not only in Europe and in the Middle

East but even here at home. Conspiracy theories flourish, claiming Jews control the media and the banking industry and Jewish lobbies have too much power, the same old canards that have existed for all too long. Mr. Foxman reminded us that these words and theories, often serious anti-Semitism disguised as ''anti-Zionism,'' are too often used by terrorists and hate groups to justify their actions.

I'm sorry to say in a newspaper article in the Rebel Yell at my alma mater, the University of Nevada, Las Vegas, just this week there was a horrible anti-Semitic and anti-Israel screed written by a misinformed student that has created shock waves across the Las Vegas community.

As chairman of the Transatlantic Dialogue, I believe that I speak for all TLD members when I say how grateful we are to our friends across the Atlantic who have worked so hard to open these archives.

It is my hope, as this resolution states, opening the historic record will be a ''vital contribution to the world's collective memory and understanding of the Holocaust.'' We must do everything we can to ensure that nothing like the Holocaust ever happens again, not in Europe, not in the Middle East, not in Africa, not anywhere.

And I thank the gentleman again.

Mr. MANZULLO. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. ROYCE), the ranking member of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. I thank the gentleman for yielding. I appreciate the opportunity.

Madam Speaker, opening these historical records on the Holocaust at this time, I think, is absolutely vital for the debate that is going on in the world today, when, ironically, you have a head of a state like President Ahmadinejad in Iran who simultaneously manages to say that the Holocaust never occurred and that we should have another Holocaust and that the Jewish people should be erased, that Jerusalem and Israel should be erased from the map. When you have the kinds of assertions that we read about, it is vital that those records be discussed by scholars, be surveyed by the families of those who lost loved ones, and that the debate be reengaged.

And the reason I say this is this weekend at Chapman University they had a program with 280 Holocaust survivors who had been interviewed by students and we heard the students' words about what they had learned about the Holocaust.

My father was present at that program, and he was also present and took photographs at Dachau when that camp was liberated and has since that time had to repeatedly engage those who deny the evidence of those eyewitnesses to history who recorded what had happened there. The words that he has written about this and the speeches that he has given in debate record the four ovens with the bodies stacked like cordwood next to the ovens and in the ovens and the thousands of human beings packed into railcars where they were left to starve to death. The fact that people today still engage us in this argument is why these archives must be turned over to researchers. As he said, when his generation is dead, the last eye-witnesses to this inhumanity will be gone and the Ahmadinejads and those who deny what happened in history will have a chance to try to repeat history.

One other point: the evidence uncovered here, the evidence exposed here, will help us better defend the Jewish people and to explain to some of our colleagues and to the world why it is the United States understands why the threats from people like Ahmadinejad are so dangerous.

□ 1415

Mr. CROWLEY. Madam Speaker, first, let me thank the gentleman from California for his contribution to the debate today. I think his remarks are right on target.

At this time, Madam Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWKSY. Madam Speaker, I thank the gentleman from New York for yielding, but also for his great leadership on this and so many issues that affect the Jewish community and that affect justice.

I rise in strong support of H. Res. 854 to congratulate the member states of the International Commission of the International Tracing Service for opening the Holocaust archives located in Bad Arolsen, Germany.

For 62 years after the end of the Second World War, the Holocaust archives located in Bad Arolsen remain the largest closed World War II era archives in the world. While Holocaust survivors and their families could request access to individual records, many reported facing significant delays, and these important archives remained inaccessible to researchers.

Fortunately, that has all changed. Each of the 11 member countries of the International Commission of the International Tracing Services has ratified the May 2006 amendments to the Bonn Accords, opening these treasured archives to researchers, including those at the United States Holocaust Memorial Museum.

Opening the historic record is a vital contribution to the world's collective memory and understanding of the Holocaust. Greater understanding of the materials contained in the Bad Arolsen archives will help ensure that unchecked anti-Semitism is not allowed to take hold in the world again.

Each year, the Congress recognizes Holocaust Remembrance Day, and I am pleased that today we are continuing our efforts to ''never forget.''

My district, the Ninth Congressional District of Illinois, is home to the largest concentration of survivors in the State of Illinois and perhaps the country, and the opening of the Bad Arolsen Archive holds deep meaning for those individuals in the entire community. Perhaps the records located there will help these families fill in the blanks of their lives that were shattered by Nazi Germany.

I am proud to be a cosponsor of H. Res. 854.

I urge all of my colleagues to lend it their support.

PERMISSION TO ADD MEMBER AS COSPONSOR OF H. RES. 854

Mr. MANZULLO. I would ask unanimous consent to add the gentleman from California (Mr. ROYCE) as a cosponsor to this bill.

The SPEAKER pro tempore. That would be the prerogative of the primary sponsor through the hopper.

Mrs. TAUSCHER. Madam Speaker, I rise today in support of House Resolution 854, which commends all countries that worked to ratify the amendments to the Bonn Accords to permit open access to the Holocaust Archives located in Bad Arolsen, Germany.

I want to thank my colleague from Florida, Congressman HASTINGS, for bringing this important resolution to the Floor.

For the last 62 years, records relating to more than 17 million Holocaust victims have been sealed inside the archives at Bad Arolsen, Germany—the largest WWII-era archives in the world. To carry forward the process of rectifying past wrongdoing and to prevent subsequent humanitarian crimes, it is critical that we throw open the doors of dark repositories like Bad Arolsen and allow the light of accountability to shine in.

To open the archives at Bad Arolsen, all 11 members of the International Commission of the International Tracing Service (ITS) were required to ratify the May 2006 amendments to the 1955 Bonn Accords. On November 28, 2007, the final state ratified the amendments, so that Holocaust survivors, their descendents, researchers, and the general public are finally allowed full access to the records housed at the facility.

At a time when anti-Semitism and Holocaust denial persist around the world, a vote for this resolution will serve as an indictment of secretive government practices that facilitated vast crimes, and it will reaffirm that the atrocities experienced by Holocaust victims will be remembered and mourned in perpetuity.

I commend Mr. HASTINGS for his leadership on this issue, and I urge my colleagues to join me in expressing gratitude to our international partners for ratifying the treaty to release Holocaust records and in congratulating the United States Holocaust Museum, the U.S. Department of State, and the International Red Commission of the Red Cross for their efforts to open the archives.

Mr. WEXLER. Madam Speaker, I rise today in support of House Resolution 854, highlighting the decision made by the member states of the International Commission of the International Tracing Service, ITS, to finally grant access to the vast Holocaust archives located in Bad Arolsen, Germany.

The recent decision to fully open the archives closed a frustrating chapter for Holocaust survivors whose requests for information, which numbered in the hundreds of thousands, were left unanswered.

As many of my colleagues are aware, for 63 years the most extensive collection of files documenting the horrors of the Holocaust were extensively closed to survivors, heirs, researchers and family members seeking to find out the true fate of their loved ones or to document the horrific atrocities committed by the Nazis.

The Bad Arolsen archives, with its 50 million documents chronicling the fate of over 17 million victims of the Holocaust, is a vital resource for the remaining Holocaust survivors and their families who are struggling to bring closure to this painful chapter of history.

Many Holocaust survivors have died without knowing the details of a family member's deportation, incarceration, or death. The opening of the Bad Arolsen archives will now enable survivors as well as second and third generation survivors to gain access to vital information about their family history.

There are many individuals and organizations that deserve credit for their efforts in fully opening Bad Arolsen. In Congress there was a strong bipartisan effort to raise awareness about the world's largest Holocaust archive that was for all intents and purposes closed. To that, I would like to thank my colleague from south Florida, Congressman ALCEE HASTINGS, for his tireless work on this issue, as well as the many sponsors of this resolution, many of whom were also involved in efforts to reach out to the parliaments of the member states of the International Commission of the ITS to ensure the timely ratification of the amendments to the Bonn Accords.

Now that this vital archive has been made public, information unjustly denied to survivors and their families for the past 63 years can be brought to light. I urge all of my colleagues to join me in supporting this resolution.

Mr. MANZULLO. I yield back the balance of my time.

Mr. CROWLEY. Madam Speaker, at this time, we have no further speakers on the subject, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 854, as amended.

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

The title of the resolution was amended so as to read: ''Expressing gratitude to all of the member states of the International Commission of the International Tracing Service on ratifying the May 2006 Agreement to amend the 1955 Bonn Accords granting access to vast Holocaust and other World War II related archives located in Bad Arolsen, Germany.''.

A motion to reconsider was laid on the table.

COMMEMORATING THE 175TH ANNIVERSARY OF THE SPECIAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE KINGDOM OF THAILAND

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 290) commemorating the 175th anniversary of the special relationship between the United States and the Kingdom of Thailand, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 290

Whereas the United States will celebrate the 175th anniversary of its relationship with the Kingdom of Thailand since the signing of the original Treaty of Amity and Commerce in 1833 during President Andrew Jackson's administration and the reign of King Rama III;

Whereas the Kingdom of Thailand was the United States' first treaty ally in the Asia-Pacific region and remains a steadfast friend with the Thai and American people sharing the values of freedom, democracy, and liberty;

Whereas Thailand was designated as a major non-NATO ally in December 2003, which improved the security of both nations, particularly through joint counterterrorism efforts;

Whereas for more than a quarter century Thailand has been the host country of Cobra Gold, the United States Pacific Command's annual multinational military training exercise designed to ensure regional peace and promote regional security cooperation;

Whereas the United States and Thailand launched joint relief operations in the wake of the tragic 2004 tsunami from Utapao, Thailand, thus strengthening the overall capacity of the forces involved in providing relief and setting the model for effective humanitarian operations throughout the entire region affected by the deadly tsunami;

Whereas Thailand is a key partner of the United States in Southeast Asia and has supported closer relations between the United States and the Association of Southeast Asian Nations (''ASEAN'');

Whereas Congress passed H. Con. Res. 409 in 2006 commemorating the 60th Anniversary of the Ascension to the Throne of His Majesty King Bhumibol Adulyadej of Thailand;

Whereas on December 5, 2007, the people of Thailand celebrated the 80th birthday of His Majesty King Bhumibol Adulyadej, the world's longest serving monarch, who is loved and respected by Thai for his lifelong dedication to the social and economic development of the Thai people;

Whereas on December 23, 2007, the Royal Thai Government held nationwide parliamentary elections that should help pave the way for a successful return of stable democracy to Thailand;

Whereas approximately 500,000 Americans of Thai descent are living in the United States and share in the mutual pursuit of the American Dream;

Whereas Thailand is America's 20th largest trading partner with bilateral trade totaling $30,600,000,000 per year; and

Whereas the bonds of friendship and mutual respect between the United States and Thailand are strong: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) commemorates the 175th anniversary of United States and Thailand relations;

(2) offers its sincere congratulations to the Kingdom of Thailand and the Thai people for their democratic, free, and fair election;

(3) commemorates the 80th birthday of His Majesty King Bhumibol Adulyadej of Thailand and offers its sincere congratulations and best wishes for the continued prosperity of the Kingdom of Thailand; and

(4) looks forward to continued, enduring ties of friendship between the Thai and American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. I ask unanimous consent that all Members have 5 legislative days to revise and extend remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution and yield myself such time as I may consume.

Madam Speaker, as the lead Democratic sponsor of this legislation, I want to thank my friend and distinguished colleague from Illinois, the ranking member of the Subcommittee on Asia, the Pacific, and the Global Environment, Mr. Don Manzullo, for introducing this resolution before us today.

In 1833, 2 years before the publication of Alexis de Tocqueville's ''Democracy in America'' and 3 years before the Battle of the Alamo, the United States and Kingdom of Thailand signed the Treaty of Amity and Commerce, making the Kingdom of Thailand the United States' first treaty ally in the Asia-Pacific region.

Now, 175 years later, Thailand remains our oldest Asia-Pacific ally.

During this time, the relationship between our two countries has strengthened as it has changed with the times, and the friendship between our two peoples has grown deep and enduring.

Our military partnership, which began when King Mongkut offered combat elephants to President Lincoln during the Civil War, is now one of the closest in Asia.

Thai soldiers fought alongside U.S. military personnel in World War I, the Korean War, and the Vietnam War. Today, Thailand is one of only a handful of our major non-NATO allies and is a crucial partner in our efforts to combat international terrorism. Thailand is also the host country of Cobra Gold, U.S. Pacific Command's annual multinational military training exercise.

Our economic relationship is similarly robust, with bilateral trade topping $30 billion annually.

On the political front, traditionally Thailand has been an anchor of stability and democracy in the volatile region of Southeast Asia. While it has been tested repeatedly by its own political upheavals, the Thai people have consistently responded by renewing their dedication to democracy.

The country has had 18 coup attempts since World War II, and Thailand's December elections only recently ended the latest coup government, which had come to power in 2006.

We all hope and believe that Thailand can move beyond the differences which led to the coup and return to its position as a democratic leader in Southeast Asia.

Key to resilience of the Thai political system is the strength and pride of the Thai people.

No one epitomizes the spirit of Thai people more than their beloved king, His Majesty King Bhumibol Adulyadej.

On December 5, 2006, the king turned 80 years old. We in Congress join the Thai people in celebrating this landmark birthday and wishing the king a continued long life.

This resolution commemorates the 175th anniversary of the special relationship between the United States and Thailand and congratulates Thailand on maintaining its commitment to democracy by holding national elections and returning to a civilian-led government.

I strongly support this resolution and encourage my colleagues to do the same.

And with that, Madam Speaker, I reserve the balance of my time.

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

I rise today to recognize the 175th anniversary of the strong and enduring relationship between the people of the United States and the people of Thailand. The United States has no older ally in the Asia-Pacific region than the Kingdom of Thailand.

It was in the early days of our Republic, during the administration of Andrew Jackson, that the Treaty of Amity and Commerce was signed with King Rama III. Thailand has been a staunch friend of the United States ever since.

Remarkably, during the dark days of our Civil War, the King of Thailand offered to send President Lincoln a herd of elephants to help lead the Union to victory. While Lincoln did not take up the offer, the gesture was greatly appreciated.

More recently, Thailand provided support for our military forces during the Vietnam War. It has also served for more than a quarter century as the host for our Pacific Command's annual multinational military training exercise known as ''Cobra Gold.''

Our two nations have worked closely together on humanitarian issues as well. Thailand was of great assistance as the host nation for many of the refugees who came out of Indochina after the war there. More recently, Thailand has provided a safe haven for Burmese and North Korean refugees. Thailand also came together with the United States in launching joint relief operations following the tragic tsunami which caused its devastation in 2004.

Thailand is America's 20th largest trading partner. A half million Americans are of Thai descent, including the remarkable Tiger Woods. These are indeed the ties that bind.

It is my strong hope that the Government of Thailand with build on last year's successful parliamentary elections by ensuring that all parties in Thailand are brought into the political process.

Thailand's rebirth of diplomacy is something which all Americans welcome. I therefore urge my colleagues to support this resolution which recognizes our oldest and one of our most loyal Asian allies.

I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, at this time I reserve the balance of my time.

Mr. MANZULLO. I yield such time as he may consume to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman, Madam Speaker. I rise also to support this resolution commemorating the 175th anniversary of the special relationship that we have with the Kingdom of Thailand. I am an original cosponsor of this resolution, but I think this resolution rightly points out the improving security relationship between our two countries.

What I would like to share with my colleagues here today is the growing cooperation in law enforcement that we are having with Thailand.

Madam Speaker, last week, Viktor Bout, the most notorious of international arms dealers, was brought into custody by Thai authorities. A criminal complaint was unsealed in New York detailing Viktor Bout's efforts to sell mass amounts of weapons to the FARC, a foreign terrorist organization that operates in Colombia.

He was arrested in the final stages of arranging a sale of millions of dollars of high-powered weapons, including 100 advanced shoulder-fired missiles capable of taking out airliners. With the cooperation of Thai authorities, the ''Merchant of Death,'' as Viktor Bout is known, is out of the game. He is being retired from the role he has played in the killings and maimings around the world. And this is good news to anyone who cares about checking strife in Africa, anyone who cares about stopping those who armed child soldiers, anyone who cares about checking support for transnational terrorists.

Because while many were attempting to stop conflicts across Africa, this is the individual who was pouring fuel on the fire. In U.N. report after U.N. report, Viktor Bout was cited as the chief sanctions buster, supplying arms to anyone who could pay. And I saw this up close when I chaired the Africa subcommittee and when I traveled across the continent. It is a bloody trail from Liberia and then across sub-Saharan Africa that he left.

Bout simultaneously, by the way, also managed to arm the Taliban while he was arming the Northern Alliance. As I said, he has had dealings with the FARC in Colombia, and he has been connected with Hezbollah. He is an international menace who needs to face justice, and we look forward to his expeditious extradition to the United States. And thank you to the Thai authorities, because they are the ones who took him into custody.

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

Mr. CROWLEY. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 290, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

RECOGNIZING THE 187TH ANNIVERSARY OF THE INDEPENDENCE OF GREECE AND CELEBRATING GREEK AND AMERICAN DEMOCRACY

Mr. CROWLEY. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1024) recognizing the 187th anniversary of the independence of Greece and celebrating Greek and American democracy, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1024

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821 that ''it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you'';

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete, which provided the Axis land war with its first major setback, setting off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece in holding onto our common values in their region was high, as hundreds of thousands of civilians were killed in Greece during World War II;

Whereas throughout the 20th century, Greece was one of a few countries that allied with the United States in every major international conflict;

Whereas President George W. Bush, in recognizing Greek Independence Day, said, ''Greece and America have been firm allies in the great struggles for liberty. Americans will always remember Greek heroism and Greek sacrifice for the sake of freedom . . . [and] as the 21st Century dawns, Greece and America once again stand united; this time in the fight against terrorism. The United States deeply appreciates the role Greece is playing in the war against terror. . . . America and Greece are strong allies, and we're strategic partners.'';

Whereas President Bush stated that Greece's successful ''law enforcement operations against a terrorist organization [November 17] responsible for three decades of terrorist attacks underscore the important contributions Greece is making to the global war on terrorism'';

Whereas Greece is a strategic partner and ally of the United States in bringing political stability and economic development to the volatile Balkan region, having invested over $20 billion in the countries of the region, thereby creating over 200,000 new jobs, and having contributed over $750 million in development aid for the region;

Whereas Greece was extraordinarily responsive to requests by the United States during the war in Iraq, as Greece immediately granted unlimited access to its airspace and the base in Souda Bay, and many ships of the United States that delivered troops, cargo, and supplies to Iraq were refueled in Greece;

Whereas Greece is a top contributor to the defense efforts of the North Atlantic Treaty Organization (NATO), spending an estimated 3 percent of its gross domestic product on defense, and is also an active participant in peacekeeping and peace-building operations conducted by international organizations, including the United Nations, NATO, the European Union (EU), and the Organization for Security and Cooperation in Europe (OSCE);

Whereas in August 2004, the Olympic games came home to Athens, Greece, the land of their ancient birthplace 2,500 years ago and the city of their modern revival in 1896;

Whereas Greece received worldwide praise for its extraordinary handling during the 2004 Olympics of over 14,000 athletes from 202 countries and over 2 million spectators and journalists, which it did efficiently, securely, and with its famous Greek hospitality;

Whereas the unprecedented security effort in Greece for the first summer Olympics after the attacks on the United States on September 11, 2001, included a record-setting expenditure of over $1,390,000,000 and assignment of over 70,000 security personnel, as well as the utilization of an eight-country Olympic Security Advisory Group that included the United States;

Whereas Greece, located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas the Government of Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey, as seen most recently with the January 2008 visit to Turkey by Greece's Prime Minister Kostas Karamanlis, the first official visit by a Greek Prime Minister in 49 years;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and similar ideals have forged a close bond between Greece and the United States and their peoples;

Whereas March 25, 2008, Greek Independence Day, marks the 187th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable for the United States to celebrate this anniversary with the Greek people and to reaffirm the democratic principles from which these two great nations were born: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends warm congratulations and best wishes to the people of Greece as they celebrate the 187th anniversary of the independence of Greece;

(2) expresses support for the principles of democratic governance to which the people of Greece are committed; and

(3) notes the important role that Greece has played in the wider European region and in the community of nations since gaining its independence 187 years ago.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. CROWLEY) and the gentleman from Illinois (Mr. MANZULLO) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. CROWLEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

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

There was no objection.

□ 1430

Mr. CROWLEY. Madam Speaker, I rise in strong support of this resolution, and yield myself such time as may consume.

Madam Speaker, I am delighted to support this resolution marking the 187th anniversary of Greek independence, and I would like to thank my good friend and ranking member of the Foreign Affairs Committee, Representative ROS-LEHTINEN, for her leadership in ensuring that the House mark this important date. The world owes the Greeks a debt of gratitude for having developed the concept of democracy, which has enabled so much of the world to live in peaceful prosperity.

The story of Greek independence remains a remarkable tale about the revival of an ancient and great people through deep commitment, personal sacrifice, and an abiding love of freedom. Indeed, Western Civilization is deeply indebted to the Greek nation for its immense contributions in the fields of science, medicine, philosophy and art, just to name a few.

In 2004, the world celebrated this rich history and heritage as the Summer Olympics came home to Greece. This beautiful Mediterranean country showcased the best of its culture and hospitality.

In modern times, Greece has remained one of the United States' most important and enduring allies. Greece is one of the relatively few nations that stood shoulder-to-shoulder with the United States in every major war of the 20th century. The close links between our countries increased after World War II as the Truman Doctrine helped save Greece from communism, while the Marshall Plan aided its economic regeneration.

When Greece joined NATO in 1952, it formalized the deep mutual commitment that it shared with the Western world to safeguard freedom. After becoming a member of the European Union in 1981, Greece further deepened its relations with its European neighbors. It also underwent a notable economic transformation with the exchange of the drachma for the euro in 2002, highlighting its economic prosperity.

Greece has remained a strategic partner in the post-Cold War world, notably helping to promote peace and stability in the Balkans. The January 2008 visit by Greece Prime Minister Kostas Karamanlis to Turkey, the first such official visit in 49 years, was a welcome development in these countries' efforts to resolve their differences.

Since the tragic attacks on the United States on 9/11, Greece has remained a steadfast ally in the fight against violent extremism. Plagued for many years by domestic acts of terror, Greece knows only too well the financial, mental, and physical toll that terrorism can wreak on a nation.

In closing, it is also important to highlight the rich contributions that Greek immigrants and their descendants have made to the United States; I know this firsthand, representing a great number in the County of Queens, New York. For over a century, they have traveled across the ocean, bringing their success to our shores, and in doing so serving as a bridge between our two nations. Today, some 5 million Americans claim Greek ancestry. We are grateful for the wisdom, energy, and talent they continue to bestow upon our great Nation.

Madam Speaker, I congratulate the Greek people on the 187th anniversary of their independence from Ottoman rule. I ask my colleagues to join me in congratulating them on their tremendous contributions to world civilization and in celebrating the enduring Greek-American friendship.

Madam Speaker, I reserve the balance of my time.

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

I rise in support of House Resolution 1024. The Republic of Greece is an important friend and ally of the United States. The links between Greece and the United States involve political philosophy, values, a concrete alliance, and important actions. Greece is the birthplace of Western Civilization and modern democracy, and it is from Greece that our Founding Fathers drew so many important principles of government, law, and freedom. Today, our two nations continue to share the values that we hold dear: liberty, freedom, and democracy.

Greece and the United States have also stood together resolutely throughout difficult times during the last century, particularly during the Second World War. Greece, in fact, is one of the few nations that has supported America in every major conflict over the past century.

After the end of World War II, Greece joined in a formal alliance with the United States, through NATO, and went on to broaden its commitment to

democracy, freedom, and human rights through its notable contributions to international peacekeeping and stability missions.

Today, as America faces a complex array of threats posed by extremism around the world, Greece indeed remains a valuable strategic partner. Most notably, Greece provided access to its airspace for American military aircraft en route to Iraq and allowed our U.S. Navy ships to refuel in its ports.

Through its substantial economic investment and aid to the Balkans, Greece has also sought to play an important role as an agent of stability in that important region, supplementing the efforts by the United States and the European Union to end the conflicts in that region. Recent efforts on the part of the Government of Greece to deal constructively with its neighbor Turkey on outstanding issues where they have differences show hope for ensuring future stability throughout the Aegean Sea region, an outcome the United States seeks as well.

Madam Speaker, this resolution notes that this year marks the 187th anniversary of the beginning of the revolution that led to the independence of Greece. There are approximately 1.3 million Americans of Greek descent living in the United States. A large number of Greek Americans live in northern Illinois, particularly the Chicago area. Greek Americans contribute significantly as community leaders, entrepreneurs, and mentors for young children. The Greek Orthodox Church in the United States and important Greek community organizations are positive forces and should be recognized also.

So I welcome the opportunity afforded by our consideration of this resolution to point out the friendship and shared interests of our two countries. I congratulate the country and people of Greece for the progress they have made over the past 187 years, and I urge the adoption of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CROWLEY. Madam Speaker, I ask unanimous consent that the gentlewoman from Nevada (Ms. BERKLEY) control the remaining portion of my time.

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

There was no objection.

Ms. BERKLEY. Madam Speaker, I yield myself 2 minutes.

I thank the gentleman for yielding and for giving me the opportunity to control the time on this issue. I rise today not only as a friend of Greece, but also as a daughter of Greece. My mother's family immigrated from Salonika, Greece, and I am very proud of my Greek-Jewish heritage.

Greece has been a strong ally of the United States, standing by us in our struggles against Nazism, and now in the struggle against Islamic extremism. Greece paid an extraordinarily high price for their opposition to the Nazis, and we are forever grateful to them.

Before World War II, half of the population of Salonika, Greece, around 80,000 people, were Jewish. After the Nazis finished with Greece, there were only 1,000 Jews left in Salonika. The reason 1,000 Jews survived is because their Greek neighbors protected them, saved them, hid them; and for that I am grateful as well.

Greece continues to be a top contributor to NATO and a leader in the Balkan region. The resolution before the House today extends our best wishes and congratulations to the people of Greece, whom we look to as our forebearers in democracy. I am proud to cosponsor this resolution, but I hope it is our first word on our friendship with Greece, and certainly not our last.

I urge this House and this administration to strengthen our relationship with Greece by including them in the Visa Waiver Program. By designating Greece as such, we will send not only a message of friendship, but a message of thanks to the Greek community, which is so deserving of our friendship and our gratitude. They have met the criteria to become a visa waiver country and only await our approval on their application.

On this anniversary, let us take concrete action to strengthen our bond with them and send a message of thanks to our friends in Greece.

I reserve the balance of my time.

Mr. MANZULLO. I yield such time as he may consume to the gentleman from Florida (Mr. BILIRAKIS).

Mr. BILIRAKIS. Madam Speaker, I thank the gentleman, and thank you, Representative BERKLEY, for those kind words on my grandparents' country. I am so proud of my Greek heritage.

Madam Speaker, I rise today with great pride and in strong support of House Resolution 1024, recognizing the 187th anniversary of Greek independence and celebrating Greek and American democracy.

Like the American revolutionaries who fought for independence and established this great Republic we call the land of the free and the home of the brave, Greek freedom fighters began an arduous struggle to win independence for Greece and its people 187 years ago. When the Greeks began this glorious revolution after four centuries of Ottoman oppression, they faced what appeared to be insurmountable odds. It was David versus Goliath.

On March 25, 1821, Archbishop Germanos of Patras raised the flag of freedom and was the first to declare Greece free. This day of rebellion was not chosen by chance. This holy day was dedicated to the Mother of God. To the Greeks of 1821, Theotokos was their champion, their savior, their protector. The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. It was proved to the world that a united people through sheer will and perseverance can prevail against tyranny.

The lessons the Greeks taught us then continue to provide strength to victims of persecution around the world today. By honoring the Greek struggle for independence, we reaffirm the values and ideas that make our Nation great. We also remember why freedom is so important.

In the history of the Greek war for independence, there were many acts of heroism. From Theodoros Kolokotronis, the leader of the Klephts, who refused to submit to Ottoman domination, to the fiercely patriotic women of Suli, who, left alone, learned that Turkish troops were fast approaching their village, they began to dance the Syrtos, a patriotic Greek dance. One by one, they committed suicide by throwing themselves and their children off a mountain top. They chose to die rather than surrender and face slavery.

There was also Athanasios Diakos, a legendary hero, a priest, a patriot, and a soldier. In full knowledge of their fatal fate, he led 500 of his men in a notable stand against 8,000 Ottoman soldiers. Diakos' men were wiped out and he fell into the enemy's hands, where he was tortured before his death. He is the image of a Greek that gave all for love of faith and homeland. Long live his memory.

Although many Greeks died, they were undeterred from their ultimate goal. ''Eleftheria I Thanatos,'' liberty or death, became their battle cry.

These legends underscore Greece's absolute commitment to independence. As we all know, the price of liberty can be very high, hundreds of thousands of lives. Socrates, Plato, Pericles and many other great minds throughout history warned that we maintain democracy only at a great cost.

Our Greek brothers earned their liberty with blood, as did our American forefathers. The freedom we enjoy today is due to the sacrifices made by men and women in the past. I take great pride in both, as I said, my Greek and American heritage. Each time I perform my constitutional duties, I am doing so in the legacy of the ancient Greeks and our American forefathers.

As Thomas Jefferson once said, ''To the ancient Greeks we are all indebted for the light which led ourselves, American colonists, out of gothic darkness.''

We celebrate Greek independence to reaffirm the common democratic heritage we share. And as Americans, we must continue to pursue this spirit of freedom and liberty that characterizes both of these great nations.

Ms. BERKLEY. Madam Speaker, it gives me great pleasure to yield 3 minutes to my friend and neighbor, the gentlewoman from New York (Mrs. MALONEY), the chairwoman of the Subcommittee on Financial Institutions.

Mrs. MALONEY of New York. I thank my colleague and friend for yielding and for her leadership.

As an original cosponsor of this legislation and co-Chair and founder of the Congressional Caucus on Hellenic issues, I rise to celebrate the 187th anniversary of Greece's declaration of independence from the Ottoman Empire.

Against incredibly difficult odds, the Greeks defeated one of the most powerful empires in history to win their independence. Following 400 years of Ottoman rule, in March 1821 Bishop Germanos raised the traditional Greek flag at the monastery of Agia Lavras, inciting his countrymen to rise up against the Ottoman army. Bishop Germanos' message to his people was clear: A new spirit was about to born in Greece. The following year, the Treaty of Constantinople established full independence of Greece.

New York City is home to the largest Hellenic population outside of Greece and Cyprus. Western Queens, which I have the honor of representing, is often called ''Little Athens'' because of the large Hellenic population in that neighborhood.

□ 1445

New Yorkers celebrate Greek Independence Day with a parade down Fifth Avenue, along with many cultural events.

These events, hosted by the Federation of Hellenic Societies and other Hellenic and philhellenic organizations and friends, remind us of the strong Hellenic American community's many strong contributions to our Nation's history and culture. Relations between the U.S. and Greece remain strong with a shared commitment to ensuring stability in southeastern Europe. I hope permanent solutions can be found for ending the division of Cyprus and finding a mutually agreeable name for the former Yugoslav Republic of Macedonia.

We have over 110 cosponsors of my legislation, and with the upcoming NATO summit, the time is more important than ever to find a solution to the name dispute.

Additionally, I strongly support the inclusion of Greece in the Visa Waiver Program, and I have legislation before this body on this issue. Greece is the only member of the original 15 European nations not to belong to the Visa Waiver Program, and I was pleased that the administration formally nominated Greece for the Visa Waiver Program this September, and we will continue to monitor Greece's progress.

I ask the Nation to join me in celebrating Greece's independence. Additionally, it is my sincere pleasure to pay tribute to New York's Hellenic American community for its many, many contributions to our city and our Nation. ''Zeto E Eleftheria,'' long live freedom.

May we join in celebrating Greece's independence and its many contributions to our democracy through its form of government and its history.

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

Ms. BERKLEY. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. SIRES).

Mr. SIRES. Madam Speaker, today I rise in strong support of House Resolution 1024, honoring the 187th anniversary of the independence of Greece. March 25 marks the day the Greek people were freed from the Ottoman Empire and asserted their rights to govern themselves.

The citizens of Greece and the United States share a long history of Democratic ideals. The philosophical and political ideas of the ancient Greeks were an inspiration to the Founders of our democracy. Showing our support for Greek independence reminds us how important it is to continue defending freedom around the world. We must also remember those individuals that have fought on behalf of the freedom we share.

Greece is a friend and ally, and when it comes to helping promote freedom and stability in their region and the global community, I am pleased to honor Greece today on its 187th anniversary, and I urge all my colleagues to support this resolution.

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

Ms. BERKLEY. Madam Speaker, I yield 1 minute to the gentlelady from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. Madam Speaker, I rise today in strong support of this resolution extending warm congratulations and best wishes to the people of Greece as they celebrate the 187th anniversary of their independence. In January, I joined a congressional delegation trip to Greece, Turkey, Kuwait, Iraq, and Afghanistan.

I had not been in Greece in over 25 years, and it was wonderful to see how far this most beautiful country has come in the last quarter century, as hosting the 2004 Summer Olympics in Athens, Greece, made a tremendous investment in their infrastructure and cultivated new developments which have greatly enhanced their prosperity.

My husband Paul's family emigrated from Greece to Lowell, Massachusetts, when Paul's father was 3 years old. His father is emblematic of a vibrant Greek American community in Massachusetts and across the country whose contributions have helped our Nation survive and thrive.

The United States and Greece have longstanding ties based on our common heritage, shared values and a mutual commitment to freedom and democracy.

This measure rightly expresses the House of Representatives' support for the important role that Greece has played in the wider region and in the community of nations since gaining its independence 187 years ago.

I urge my colleagues to support this resolution.

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

Ms. BERKLEY. Madam Speaker, I yield 1 minute to the outstanding freshman from Maryland (Mr. SARBANES).

Mr. SARBANES. Madam Speaker, it is my honor to rise today in recognition of the 187th anniversary of Greek independence. The Greek people have proven to be the greatest of allies to the United States over many decades.

Today we have new opportunities to demonstrate our support of Greece on key issues. Most immediate is the dispute over the name of the former Yugoslav Republic of Macedonia. I urge the administration to help us celebrate Greek Independence Day by supporting Greece's position on this important issue. Greece's position makes sense for NATO, it makes sense for the United States, and it makes sense for peaceful international relations.

Mr. WEXLER. Madam Speaker, I rise in strong support of H. Res. 1024, a resolution expressing support for the 187th anniversary of Greek independence.

Madam Speaker, it was one year to the day that I joined my colleagues on the House Floor in paying tribute to one of America's most important allies, Greece. It was my honor at that time as it is today to pay tribute once again to Greek Independence Day and to offer my unwavering support for US-Greece bilateral relations.

As someone who cares deeply about the issues of importance to the Greek American community, I believe this is an especially important day—one that is a reminder of America's long and historic partnership with Greece but also a day to celebrate the countless contributions of the Greek American community to this Nation.

From the Balkans to Afghanistan to the war on terrorism, Greece has been a staunch ally of the United States and a leading advocate for democracy and the rule of law globally. To that end, it is critical over the coming weeks that the United States works closely with our NATO ally Greece and with officials in Skopje to find a mutually-acceptable official name for the former Yugoslav Republic of Macedonia.

I also strongly encourage the Bush administration to work with our partners in Athens to resolve the longstanding division on Cyprus. It is in the interests of the United States, European Union, Greece, Turkey as well as Greek and Turkish Cypriots that we build on the recent election of President Christofias who boldly pledged to ''extend a hand of friendship and cooperation to the Turkish Cypriots and their political leadership,'' and to ''invite them to work together towards our common goal for the good of Cyprus and its people.''

Madam Speaker, Greece is known as the cradle of democracy. As Americans watch one of the most exciting elections in modern history, it is a reminder of what Greece gave to America and those nations seeking to perfect their democracy and civic society. These ideals crafted by Greek philosophers and put into practice both in Washington, Athens and globally have changed all of humankind.

As a member of Congress who proudly represents a large Greek American community, I am deeply pleased that we have this opportunity on the House Floor to discuss the contributions of millions of Greek Americans and to pass a resolution that rightfully recognizes five million extraordinary citizens.

Madam Speaker, I congratulate the Greek people on the 187th anniversary of their independence and strongly support this resolution.

Mr. VAN HOLLEN. Madam Speaker, I rise today in support of H. Res. 1024, which celebrates the 187th anniversary of the independence of Greece, one of our country's closest and oldest allies. A longstanding member of NATO, Greece has played a pivotal role in the stability and development of the Balkans and the eastern Mediterranean region. It has invested over $20 billion in the countries of the region, contributing to the increasing economic vitality of the area. Greece has also contributed to peacekeeping operations that have been sponsored by the United Nations, the European Union, and the Organization on Security and Cooperation in Europe. In addition, it has closely collaborated with the United States in opposing and fighting terrorists and terrorist networks.

Ancient Greece was the birthplace of democracy, and our country's Founding Fathers took much of their inspiration from reading the philosophers of that time and place as they created a fledgling new democracy here in the late 18th century. A century later, many Greek immigrants began to arrive at our shores, bringing with them a steadfast determination to succeed in realizing the American Dream. The Greek-American community, strengthened by new waves of immigration, has contributed to our society in numerous ways; many within the community have become leaders in the field of commerce, academia, the arts, and politics. They have also been instrumental in fostering close ties between the United States and Greece. As we celebrate the independence of Greece today, we also celebrate the accomplishments of the vibrant Greek-American community.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today to show my support for H. Res. 1024.

This resolution recognizes the 187th anniversary of the independence of Greece and celebrates Greek and American democracy.

On March 25, 1821, Greece declared its independence from the Ottoman Empire, and the United States and Greece have had a longstanding relationship ever since.

The Greek community is particularly active in our own country.

Greece shares our democratic values and principles and has been an important ally to the United States, particularly since World War I.

As the most senior EU and NATO country in their region, they serve as a great role model for democracy, stability, and security for other countries in their region.

I look forward to continued bilateral relations and friendship with Greece as we work together to address the issues in Southeast Europe.

Mr. GARRETT of New Jersey. Madam Speaker, as a member of the Congressional Caucus on Hellenic Affairs, I am proud to congratulate the nation of Greece on the celebration of the 187th anniversary of independence. Ancient Greece is commonly thought of as the foundation for Western civilization. The Roman Empire borrowed much from Greek culture, including politics, philosophy, art, architecture, and language; and subsequently spread these ideas throughout Europe.

However, the country often thought of as the "Cradle of Democracy" was conquered and governed by various empires for centuries. On March 25, 1821, the Greek people rose up against Ottoman oppression and declared their independence. The Greeks later became the first ethnic group under the Ottoman Empire to gain independent sovereign power.

America's early Founding Fathers adopted the concept of federalism, an idea influenced by the ancient Greek "city-state," a small region ruled locally, but within the framework of a larger cultural area. The United States has been proud to stand with the people of Greece as they confronted oppression, solidified their democracy, and became part of the vibrant European economy.

Both of our nations understand that even after independence is gained, it must be carefully guarded. Brave citizens must be willing to sacrifice their lives in order to protect liberty. Just as the U.S. and Greece have struggled to survive after the initial moment of independence was earned, we must continue to foster the causes of freedom and democracy.

Again, I congratulate the Greek people on this historic celebration. This anniversary is a time to remember the sacrifices of the past, to take pride in your nation, and to look ahead to a future of promise.

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

Ms. BERKLEY. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. CROWLEY) that the House suspend the rules and agree to the resolution, H. Res. 1024, as amended.

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

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON FOREIGN AFFAIRS TO FILE SUPPLEMENTAL REPORT ON H.R. 5501, TOM LANTOS AND HENRY J. HYDE UNITED STATES GLOBAL LEADERSHIP AGAINST HIV/AIDS, TUBERCULOSIS, AND MALARIA REAUTHORIZATION ACT OF 2008

Ms. BERKLEY. Madam Speaker, I ask unanimous consent that the Committee on Foreign Affairs be authorized to file a supplemental report on the bill H.R. 5501.

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

There was no objection.

MOTION TO ADJOURN

Mr. MANZULLO. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 5, nays 388, not voting 35, as follows:

[Roll No. 113]

YEAS—5

Baird
Cleaver
Gohmert
Johnson (IL)
Young (AK)

NAYS—388

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
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
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
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
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
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
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNulty
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)

Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Yarmuth
Young (FL)

NOT VOTING—35

Bean
Blackburn
Capito
Cooper
Davis (IL)
Davis, Lincoln
Garrett (NJ)
Gilchrest
Gingrey
Hinchey
Holden
Hooley
Kaptur
Kilpatrick
Larson (CT)
Markey
McCrery
McNerney
Meeks (NY)
Mitchell
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Ros-Lehtinen
Rush
Shea-Porter
Souder
Thompson (MS)
Udall (CO)
Velázquez
Weldon (FL)
Woolsey
Wynn

□ 1517

Mr. BRADY of Pennsylvania, Mrs. CUBIN and Messrs. LEWIS of Georgia, VISCLOSKY, MEEK of Florida, and MAHONEY of Florida changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

H. Con. Res. 313. Concurrent Resolution authorizing the use of the rotunda of the Capitol for a ceremony to honor the 5 years of service and sacrifice of our troops and their families in the war in Iraq and to remember those who are serving our Nation in Afghanistan and throughout the world.

GENERATIONS INVIGORATING VOLUNTEERISM AND EDUCATION ACT

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5563) to reauthorize and reform the national service laws.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5563

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Generations Invigorating Volunteerism and Education Act'' or the ''GIVE Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

Sec. 1001. References.

Subtitle A—Amendments to Subtitle A (General Provisions)

Sec. 1101. Purposes; sense of Congress.
Sec. 1102. Definitions.

Subtitle B—Amendments to Subtitle B (Service-Learning)

Sec. 1201. School-based allotments.
Sec. 1202. Higher education provisions.
Sec. 1203. Innovative programs and research.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

Sec. 1301. Prohibition on grants to Federal agencies; limits on Corporation costs.
Sec. 1302. E–Corps and technical amendments to types of programs.
Sec. 1303. Types of positions.
Sec. 1304. Conforming repeal relating to training and technical assistance.
Sec. 1305. Assistance to State Commissions; challenge grants.
Sec. 1306. Allocation of assistance to States and other eligible entities.
Sec. 1307. Additional authority.
Sec. 1308. State selection of programs.
Sec. 1308A. National service program assistance requirements.
Sec. 1309. Consideration of applications.
Sec. 1310. Description of participants.
Sec. 1311. Selection of national service participants.
Sec. 1312. Terms of service.
Sec. 1313. Adjustments to living allowance.

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

Sec. 1401. Availability of funds in the National Service Trust.
Sec. 1402. Individuals eligible to receive a national service educational award from the Trust.
Sec. 1403. Determination of the amount of national service educational awards.
Sec. 1404. Disbursement of educational awards.
Sec. 1405. Process of approval of national service positions.
Sec. 1406. Report on veterans serving in approved national service positions.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

Sec. 1501. Purpose.
Sec. 1502. Program components.
Sec. 1503. Eligible participants.
Sec. 1504. Summer national service program.
Sec. 1505. Team leaders.
Sec. 1506. Training.
Sec. 1507. Consultation with State Commissions.
Sec. 1508. Authorized benefits for Corps members.
Sec. 1509. Permanent cadre.
Sec. 1510. Contract and grant authority.
Sec. 1511. Other departments.
Sec. 1512. Advisory Board.
Sec. 1513. Annual evaluation.
Sec. 1514. Repeal of funding limitation.
Sec. 1515. Definitions.
Sec. 1516. Terminology.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

Sec. 1601. Family and medical leave.
Sec. 1602. Additional prohibitions on use of funds.
Sec. 1603. Notice, hearing, and grievance procedures.
Sec. 1604. Resolution of displacement complaints.
Sec. 1605. State Commissions on National and Community Service.
Sec. 1606. Evaluation and accountability.
Sec. 1607. Technical amendment.
Sec. 1608. Partnerships with schools.
Sec. 1609. Rights of access, examination, and copying.
Sec. 1610. Additional administrative provisions.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

Sec. 1701. Terms of office.
Sec. 1702. Board of Directors authorities and duties.
Sec. 1703. Authorities and duties of the Chief Executive Officer.
Sec. 1704. Nonvoting members; personal services contracts.
Sec. 1705. Donated services.
Sec. 1706. Office of Outreach and Recruitment.
Sec. 1707. Study to examine and increase service programs for veterans and veterans participation in programs under the national service laws and to develop pilot program.
Sec. 1708. Coordination with veterans organizations serving veterans with disabilities.
Sec. 1709. Study to examine and increase service programs for displaced workers in services corps and community service and to develop pilot program planning study.

Subtitle H—Amendments to Subtitle H

Sec. 1801. Technical amendments to subtitle H.
Sec. 1802. Repeals.
Sec. 1803. Innovative and model program support.
Sec. 1804. Clearinghouses.

Subtitle I—Energy Conservation Corps

Sec. 1811. General authority.
Sec. 1812. Application.
Sec. 1813. Focus of programs.
Sec. 1814. Training and education services.
Sec. 1815. Preference for certain projects.
Sec. 1816. Participants.
Sec. 1817. Use of volunteers.
Sec. 1818. Cooperation among States for emergency response.
Sec. 1819. Federal share.
Sec. 1820. Best practices.
Sec. 1820A. Authorization of appropriations.
Sec. 1820B. Learn and Serve America.
Sec. 1820C. National Senior Service Corps.

Subtitle J—Training and Technical Assistance

Sec. 1821. Training and technical assistance.

Subtitle K—Repeal of Title III (Points of Light Foundation)
Sec. 1831. Repeal.
Subtitle L—Amendments to Title V (Authorization of Appropriations)
Sec. 1841. Authorization of appropriations.
TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973
Sec. 2001. References.
Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)
Sec. 2101. Purpose.
Sec. 2102. Purpose of the VISTA program.
Sec. 2103. Applications.
Sec. 2104. VISTA programs of national significance.
Sec. 2105. Terms and periods of service.
Sec. 2106. Support Service.
Sec. 2107. Sections repealed.
Sec. 2108. Conforming amendment.
Sec. 2109. Financial assistance.
Subtitle B—Amendments to Title II (National Senior Volunteer Corps)
Sec. 2201. Change in name.
Sec. 2202. Purpose.
Sec. 2203. Grants and contracts for volunteer service projects.
Sec. 2204. Foster Grandparent Program grants.
Sec. 2205. Senior Companion Program grants.
Sec. 2206. Promotion of National Senior Service Corps.
Sec. 2207. Technical amendments.
Sec. 2208. Programs of national significance.
Sec. 2209. Additional provisions.
Sec. 2210. Authority of Director.
Subtitle C—Amendments to Title IV (Administration and Coordination)
Sec. 2301. Nondisplacement.
Sec. 2302. Notice and hearing procedures.
Sec. 2303. Definitions.
Sec. 2304. Protection against improper use.
Subtitle D—Amendments to Title V (Authorization of Appropriations)
Sec. 2401. Authorization of appropriations for VISTA and other purposes.
Sec. 2402. Authorization of appropriations for National Senior Service Corps.
Sec. 2403. Administration and coordination.
TITLE III—AMENDMENTS TO OTHER LAWS
Sec. 3101. Inspector General Act of 1978.
TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS
Sec. 4101. Table of contents for the National and Community Service Act of 1990.
Sec. 4102. Table of contents for the Domestic Volunteer Service Act of 1973.
TITLE V—EFFECTIVE DATE
Sec. 5101. Effective date.
Sec. 5102. Service assignments and agreements.
TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE
Sec. 6101. Short title.
Sec. 6102. Findings.
Sec. 6103. Establishment.
Sec. 6104. Duties.
Sec. 6105. Membership.
Sec. 6106. Director and Staff of Commission; Experts and Consultants.
Sec. 6107. Powers of Commission.
Sec. 6108. Reports.
Sec. 6109. Termination.
TITLE VII—SENSE OF CONGRESS
Sec. 7101. Sense of Congress.
TITLE VIII—SENSE OF CONGRESS
Sec. 8101. Sense of Congress.

TITLE I—AMENDMENTS TO NATIONAL AND COMMUNITY SERVICE ACT OF 1990

SEC. 1001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision, the reference shall be considered to be made to a provision of the National and Community Service Act of 1990 (42 U.S.C. 12501 et seq.).

Subtitle A—Amendments to Subtitle A (General Provisions)

SEC. 1101. PURPOSES; SENSE OF CONGRESS.

(a) PURPOSES.—Section 2(b) (42 U.S.C. 12501(b)) is amended—

(1) in paragraph (2), by striking ''community throughout'' and inserting ''community and service throughout the varied and diverse communities of'';

(2) in paragraph (4), by inserting after ''income,'' the following: ''geographic location,'';

(3) in paragraph (6), by inserting after ''existing'' the following: ''national'';

(4) in paragraph (7)—

(A) by striking ''programs and agencies'' and inserting ''programs, agencies, and communities''; and

(B) by striking ''and'' at the end;

(5) in paragraph (8), by striking the period and inserting a semicolon; and

(6) by adding at the end the following:

''(9) expand and strengthen service-learning programs through year-round opportunities, including during the summer months, to improve the education of children and youth and to maximize the benefits of national and community service, in order to renew the ethic of civic responsibility and the spirit of community to children and youth throughout the United States;

''(10) assist in coordinating and strengthening Federal and other citizen service opportunities, including opportunities for participation in emergency and disaster preparedness, relief, and recovery;

''(11) increase service opportunities for our Nation's retiring professionals, including such opportunities for those retiring from the science, technical, engineering, and mathematics professions to improve the education of our Nation's youth and keep America competitive in the global knowledge economy, and to further utilize the experience, knowledge, and skills of older Americans;

''(12) encourage the continued service of the alumni of the national service programs, including service in times of national need; and

''(13) encourage members of the Baby Boom generation to partake in service opportunities.''.

(b) SENSE OF CONGRESS.—The Act is amended by inserting after section 2 the following:

''SEC. 3. SENSE OF CONGRESS.

''It is the sense of Congress that the number of participants in the AmeriCorps programs, including the Volunteers in Service to America (VISTA) and the National Civilian Community Corps (NCCC), should grow to reach 100,000 participants by 2012.''.

SEC. 1102. DEFINITIONS.

Section 101 (42 U.S.C. 12511) is amended—

(1) by redesignating—

(A) paragraphs (21) through (29) as paragraphs (28) through (36), respectively;

(B) paragraphs (9) through (20) as paragraphs (15) through (26), respectively;

(C) paragraphs (7) and (8) as paragraphs (10) and (11), respectively; and

(D) paragraphs (3) through (6) as paragraphs (5) through (8), respectively;

(2) by inserting after paragraph (2) the following:

''(3) APPROVED SUMMER OF SERVICE POSITION.—The term 'approved summer of service position' means a position in a program described under section 118(c)(8) for which the Corporation has approved the provision of a summer of service educational award as one of the benefits to be provided for successful service in the position.

''(4) BABY BOOM GENERATION.—The term 'Baby Boom generation' means the generation that consists of individuals born during the period beginning with 1946 and ending with 1964.'';

(3) in paragraph (5) (as so redesignated), by striking ''described in section 122'';

(4) in paragraph (7) (as so redesignated), by striking ''church or other'';

(5) by inserting after paragraph (8) (as so redesignated) the following:

''(9) DISADVANTAGED YOUTH.—The term 'disadvantaged youth' includes those youth who are economically disadvantaged and one or more of the following:

''(A) Who are out-of-school youth, including out-of-school youth who are unemployed.

''(B) Who are in or aging out of foster care.

''(C) Who have limited English proficiency.

''(D) Who are homeless or who have run away from home.

''(E) Who are at-risk to leave school without a diploma.

''(F) Who are former juvenile offenders or at risk of delinquency.'';

(6) by inserting after paragraph (11) (as so redesignated) the following:

''(12) GRANTMAKING ENTITY.—The term 'grantmaking entity' means a public or private nonprofit organization that—

''(A) has experience with service-learning or with meeting unmet human, educational, environmental, or public safety needs;

''(B) was in existence at least one year before the date on which the organization submitted an application under the national service laws; and

''(C) meets other such criteria as the Chief Executive Officer may establish.

''(13) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

''(14) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically black college or university' means a part B institution, as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).'';

(7) in paragraph (19) (as so redesignated), by striking ''section 101(a) of the Higher Education Act of 1965'' and inserting ''sections 101(a) and 102(a)(1) of the Higher Education Act of 1965'';

(8) in paragraph (23)(B) (as so redesignated), by striking ''program in which the participant is enrolled'' and inserting ''organization receiving assistance under the national service laws through which the participant is enrolled in an approved national service position'';

(9) by inserting after paragraph (26) (as so redesignated) the following:

''(27) QUALIFIED ORGANIZATION.—The term 'qualified organization' means a public or private nonprofit organization with experience working with school-age youth that meets such criteria as the Chief Executive Officer may establish.'';

(10) in paragraph (28)(B) (as so redesignated)—

(A) by striking ''602'' and inserting ''602(3)''; and

(B) by striking ''1401'' and inserting ''1401(3)''; and

(11) by adding at the end the following:

''(37) TRIBALLY CONTROLLED COLLEGE OR UNIVERSITY.—The term 'tribally controlled college or university' has the meaning given in section 2 of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801).''.

Subtitle B—Amendments to Subtitle B (Service-Learning)

SEC. 1201. SCHOOL-BASED ALLOTMENTS.

Part I of subtitle B of title I (42 U.S.C. 12521 et seq.) is amended to read as follows:

"PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

"SEC. 111. ASSISTANCE TO STATES, TERRITORIES, AND INDIAN TRIBES.

''(a) ALLOTMENTS TO STATES, TERRITORIES, AND INDIAN TRIBES.—The Corporation, in consultation with the Secretary of Education, may make allotments to State educational agencies, Territories, and Indian tribes to pay for the Federal share of—

''(1) planning and building the capacity within the State, Territory, or Indian tribe to implement service-learning programs that are based principally in elementary and secondary schools, including—

''(A) providing training for teachers, supervisors, personnel from community-based agencies (particularly with regard to the recruitment, utilization, and management of participants), and trainers, to be conducted by qualified individuals or organizations that have experience with service-learning;

''(B) developing service-learning curricula, consistent with State or local academic content standards, to be integrated into academic programs, including an age-appropriate learning component that provides participants an opportunity to analyze and apply their service experiences;

''(C) forming local partnerships described in paragraph (2) or (4) to develop school-based service-learning programs in accordance with this part;

''(D) devising appropriate methods for research and evaluation of the educational value of service-learning and the effect of service-learning activities on communities;

''(E) establishing effective outreach and dissemination of information to ensure the broadest possible involvement of community-based agencies with demonstrated effectiveness in working with school-age youth in their communities; and

''(F) establishing effective outreach and dissemination of information to ensure the broadest possible participation of schools throughout the State, with particular attention to schools identified for school improvement under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

''(2) implementing, operating, or expanding school-based service-learning programs, which may include paying for the cost of the recruitment, training, supervision, placement, salaries, and benefits of service-learning coordinators, through distribution of Federal funds by State educational agencies, Territories, and Indian tribes made available under this part to projects operated by local partnerships among—

''(A) local educational agencies; and

''(B) 1 or more community partners that—

''(i) shall include a public or private nonprofit organization that—

''(I) has a demonstrated expertise in the provision of services to meet unmet human, education, environmental, or public safety needs;

''(II) will make projects available for participants, who shall be students; and

''(III) was in existence at least 1 year before the date on which the organization submitted an application under section 113; and

''(ii) may include a private for-profit business, private elementary or secondary school, or Indian tribe (except that an Indian tribe distributing funds to a project under this paragraph is not eligible to be part of the partnership operating that project);

''(3) planning of school-based service-learning programs, through distribution by State educational agencies, Territories, and Indian tribes of Federal funds made available under this part to local educational agencies and Indian tribes, which planning may include paying for the cost of—

''(A) the salaries and benefits of service-learning coordinators; or

''(B) the recruitment, training, supervision, and placement of service-learning coordinators who may be participants in a program under subtitle C or receive a national service educational award under subtitle D, who may be participants in a project under section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001), or who may participate in a Youthbuild program under section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a),

who will identify the community partners described in paragraph (2)(B) and assist in the design and implementation of a program described in paragraph (2); and

''(4) implementing, operating, or expanding school-based service-learning programs to utilize adult volunteers in service-learning to improve the education of students, through distribution by State educational agencies, Territories, and Indian tribes of Federal funds made available under this part to—

''(A) local educational agencies;

''(B) Indian tribes (except that an Indian tribe distributing funds under this paragraph is not eligible to be a recipient of those funds);

''(C) public or private nonprofit organizations; or

''(D) partnerships or combinations of local educational agencies and entities described in subparagraph (B) or (C).

''(b) PROGRAMS TO ENCOURAGE CIVIC ENGAGEMENT IN SERVICE LEARNING.—

''(1) IN GENERAL.—From funds appropriated under section 501(a)(1), and without regard to section 112(b), the Corporation shall reserve up to 3 percent for competitive grants to partnerships described in subsection (a)(2) for the development of service-learning programs that promote greater civic engagement among elementary and secondary school students.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection, a partnership shall submit an application at such time, in such manner, and containing such information as the Corporation may require.

''(3) ACTIVITIES.—Partnerships receiving grants under this subsection shall use funds to develop service-learning curricula that—

''(A) promote a better understanding of the principles of the Constitution of the United States, the heroes of American history (including military heroes), and the meaning of the Oath of Allegiance;

''(B) promote a better understanding of how the Nation's government functions; and

''(C) promote a better understanding of the importance of service in the Nation's character.

''(c) DUTIES OF SERVICE-LEARNING COORDINATOR.—A service-learning coordinator referred to in paragraph (2), (3), or (5) of subsection (a) shall provide services that may include—

''(1) providing technical assistance and information to, and facilitating the training of, teachers and assisting in the planning, development, execution, and evaluation of service-learning in their classrooms;

''(2) assisting local partnerships described in subsection (a) in the planning, development, and execution of service-learning projects, including summer of service programs; and

''(3) carrying out such other duties as the recipient of assistance under this part may determine to be appropriate.

''(d) RELATED EXPENSES.—An entity that receives financial assistance under this part may, in carrying out the activities described in subsection (a), use such assistance to pay for the Federal share of reasonable costs related to the supervision of participants, program administration, transportation, insurance, and evaluations and for other reasonable expenses related to the activities.

"SEC. 112. ALLOTMENTS.

''(a) INDIAN TRIBES AND TERRITORIES.—Of the amounts appropriated to carry out this part for any fiscal year, the Corporation shall reserve an amount of not less than 2 percent and not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be allotted in accordance with their respective needs.

''(b) ALLOTMENTS THROUGH STATES.—After reserving the amount under subsection (a), the Corporation shall use the remainder of the funds appropriated to carry out this part for any fiscal year as follows:

''(1) ALLOTMENTS.—

''(A) SCHOOL-AGE YOUTH.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the number of school-age youth in the State bears to the total number of school-age youth of all States.

''(B) ALLOCATION UNDER ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—From 50 percent of such remainder, the Corporation shall allot to each State an amount that bears the same ratio to 50 percent of such remainder as the allocation to the State for the previous fiscal year under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) or its successor authority bears to such allocations to all States.

''(2) DEFINITION.—Notwithstanding section 101, for purposes of this subsection, the term 'State' means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

''(c) REALLOTMENT.—If the Corporation determines that the allotment of a State, Territory, or Indian tribe under this section will not be required for a fiscal year because the State, Territory, or Indian tribe did not submit and receive approval of an application for the allotment under section 113, the Corporation shall make the allotment for such State, Territory, or Indian tribe available for grants to grantmaking entities to carry out service-learning programs as described in section 111(a) in such State, Territory, or Indian tribe. After grantmaking entities apply for the allotment with an application at such time and in such manner as the Corporation requires and receive approval, the remainder of such allotment shall be available for reallotment to such other States, Territories, or Indian tribes with approved applications submitted under section 113 as the Corporation may determine to be appropriate.

''(d) MINIMUM AMOUNT.—For any fiscal year for which amounts appropriated for this part exceed $43,000,000, the minimum allotment to each State (as defined in section 112(b)(2)) under this section shall be $65,000.

"SEC. 113. APPLICATIONS.

''(a) IN GENERAL.—To be eligible to receive an allotment under section 112, a State, acting through the State educational agency, Territory, or Indian tribe shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.

''(b) CONTENTS.—An application for an allotment under this part shall include—

''(1) a proposal for a 3-year plan promoting service-learning, which shall contain such

information as the Chief Executive Officer may reasonably require, including how the applicant will integrate service opportunities into the academic program of the participants;

''(2) information about the criteria the State educational agency, Territory, or Indian tribe will use to evaluate and grant approval to applications submitted under subsection (c), including an assurance that the State educational agency, Territory, or Indian tribe will comply with the requirement in section 114(a);

''(3) information about the applicant's efforts to—

''(A) ensure that students of different ages, races, sexes, ethnic groups, disabilities, and economic backgrounds have opportunities to serve together;

''(B) include any opportunities for students enrolled in schools or other programs of education providing elementary or secondary education to participate in service-learning programs and ensure that such service-learning programs include opportunities for such students to serve together;

''(C) involve participants in the design and operation of the program;

''(D) promote service-learning in areas of greatest need, including low-income or rural areas; and

''(E) otherwise integrate service opportunities into the academic program of the participants; and

''(4) assurances that the applicant will comply with the nonduplication and nondisplacement requirements of section 177 and the grievance procedures required by section 176.

''(c) APPLICATION TO STATE, TERRITORY, OR INDIAN TRIBE TO RECEIVE ASSISTANCE TO CARRY OUT SCHOOL-BASED SERVICE-LEARNING PROGRAMS.—

''(1) IN GENERAL.—Any—

''(A) qualified organization, Indian tribe, Territory, local educational agency, for-profit business, private elementary, middle, or secondary school, or institution of higher education that desires to receive financial assistance under this subpart from a State, Territory, or Indian tribe for an activity described in section 111(a)(1);

''(B) partnership described in section 111(a)(2) that desires to receive such assistance from a State, Territory, or Indian tribe or grantmaking entity described in section 111(a)(2);

''(C) entity described in section 111(a)(3) that desires to receive such assistance from a State, Territory, or Indian tribe for an activity described in such section;

''(D) partnership described in section 111(a)(4) that desires to receive such assistance from a State, Territory, or Indian tribe for an activity described in such section; and

''(E) agency or partnership described in section 118(c)(8) that desires to receive such assistance, or approved summer of service positions, from a State, Territory, or Indian tribe for an activity described in such section to be carried out through a service-learning program described in section 111,

shall prepare, submit to the State educational agency, Territory, grantmaking entity, or Indian tribe, and obtain approval of, an application for the program.

''(2) SUBMISSION.—Such application shall be submitted at such time and in such manner, and shall contain such information, as the agency, Territory, Indian tribe, or entity may reasonably require.

''SEC. 114. CONSIDERATION OF APPLICATIONS.

''(a) PRIORITY.—In considering competitive applications under this part, the Corporation shall give priority to innovation, sustainability, capacity building, involvement of disadvantaged youth, and quality of programs, as well as other criteria approved by the Chief Executive Officer.

''(b) REJECTION OF APPLICATIONS.—If the Corporation rejects an application submitted by a State, Territory, or Indian tribe under section 113 for an allotment, the Corporation shall promptly notify the State, Territory, or Indian tribe of the reasons for the rejection of the application. The Corporation shall provide the State, Territory, or Indian tribe with a reasonable opportunity to revise and resubmit the application and shall provide technical assistance, if needed, to the State, Territory, or Indian tribe as part of the resubmission process. The Corporation shall promptly reconsider such resubmitted application.

''SEC. 115. PARTICIPATION OF STUDENTS AND TEACHERS FROM PRIVATE SCHOOLS.

''(a) IN GENERAL.—To the extent consistent with the number of students in the State, Territory, or Indian tribe or in the school district of the local educational agency involved who are enrolled in private nonprofit elementary and secondary schools, such State, Territory, Indian tribe, or agency shall (after consultation with appropriate private school representatives) make provision—

''(1) for the inclusion of services and arrangements for the benefit of such students so as to allow for the equitable participation of such students in the programs implemented to carry out the objectives and provide the benefits described in this part; and

''(2) for the training of the teachers of such students so as to allow for the equitable participation of such teachers in the programs implemented to carry out the objectives and provide the benefits described in this part.

''(b) WAIVER.—If a State, Territory, Indian tribe, or local educational agency is prohibited by law from providing for the participation of students or teachers from private nonprofit schools as required by subsection (a), or if the Corporation determines that a State, Territory, Indian tribe, or local educational agency substantially fails or is unwilling to provide for such participation on an equitable basis, the Chief Executive Officer shall waive such requirements and shall arrange for the provision of services to such students and teachers. Such waivers shall be subject to the requirements of sections 9503 and 9504 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7883 and 7884).

''SEC. 116. FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.

''(a) FEDERAL SHARE.—

''(1) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part—

''(A) for new grants, may not exceed 80 percent of the total cost for the first year of the grant, 65 percent for the second year, and 50 percent for each remaining year; and

''(B) for continuing grants, may not exceed 50 percent of the total cost of the program.

''(2) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of assistance under this part—

''(A) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(B) may provide for such share through State sources or local sources, including private funds or donated services.

''(b) WAIVER.—The Chief Executive Officer may waive the requirements of subsection (a) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

''SEC. 117. LIMITATIONS ON USES OF FUNDS.

''Not more than 6 percent of the amount of assistance received by an applicant in a fiscal year may be used to pay, in accordance with such standards as the Corporation may issue, for administrative costs, incurred by—

''(1) the original recipient; or

''(2) the entity carrying out the service-learning program supported with the assistance.''.

SEC. 1202. HIGHER EDUCATION PROVISIONS.

Section 119 (42 U.S.C. 12561) is redesignated as section 117 and amended—

(1) in subsection (a), by inserting after ''community service programs'' the following: ''through service-learning'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''combination'' and inserting ''consortia'';

(B) in paragraph (1)—

(i) in subparagraph (A), by striking ''and'' at the end;

(ii) in subparagraph (B), by adding ''and'' at the end; and

(iii) by adding at the end the following:

''(C) may coordinate with service-learning curricula being offered in the academic curricula at the institution of higher education or at one or more members of the consortia;'';

(3) in subsection (b)(3)—

(A) in the matter preceding subparagraph (A), by striking ''teachers at the elementary, secondary, and postsecondary levels'' and inserting ''institutions of higher education and their faculty'';

(B) in subparagraph (A), by striking ''education of the institution; and'' and inserting ''curricula of the institution to strengthen the instructional capacity of service-learning at the elementary and secondary levels;'';

(C) by redesignating subparagraph (B) as subparagraph (E); and

(D) by inserting after subparagraph (A) the following:

''(B) including service-learning as a key component of the health professionals curricula, including nursing, pre-medicine, medicine, and dentistry curricula of the institution;

''(C) including service-learning as a key component of the criminal justice professionals curricula of the institution;

''(D) including service-learning as a key component of the public policy and public administration curricula of the institution; and'';

(4) by striking subsections (c), (d), (e), and (g);

(5) by redesignating subsection (f) as (i); and

(6) by inserting after subsection (b) the following:

''(c) SPECIAL CONSIDERATION.—To the extent practicable, the Corporation shall give special consideration to applications submitted by predominantly Black institutions, Historically Black Colleges and Universities, Hispanic-serving institutions, Tribal Colleges and Universities, and community colleges serving predominantly minority populations.

''(d) FEDERAL, STATE, AND LOCAL CONTRIBUTIONS.—

''(1) FEDERAL SHARE.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which assistance is provided under this part may not exceed 50 percent of the total cost of the program.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated,

including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(2) WAIVER.—The Chief Executive Officer may waive the requirements of paragraph (1) in whole or in part with respect to any such program for any fiscal year if the Corporation determines that such a waiver would be equitable due to a lack of available financial resources at the local level.

''(e) APPLICATION FOR GRANT.—

''(1) SUBMISSION.—To receive a grant or enter into a contract under this part, an applicant shall prepare, submit to the Corporation, and obtain approval of, an application at such time, in such manner, and containing such information and assurances as the Corporation may reasonably require. In requesting applications for assistance under this part, the Corporation shall specify such required information and assurances.

''(2) CONTENTS.—An application submitted under paragraph (1) shall contain, at a minimum—

''(A) assurances that—

''(i) prior to the placement of a participant, the applicant will consult with the appropriate local labor organization, if any, representing employees in the area who are engaged in the same or similar work as that proposed to be carried out by such program, to prevent the displacement and protect the rights of such employees; and

''(ii) the applicant will comply with the nonduplication and nondisplacement provisions of section 177 and the grievance procedures required by section 176; and

''(B) such other assurances as the Chief Executive Officer may reasonably require.

''(f) PRIORITY.—In making grants and entering into contracts under subsection (b), the Corporation shall give priority to applicants or institutions that submit applications containing proposals that—

''(1) demonstrate the commitment of the institution of higher education, other than by demonstrating the commitment of the students, to supporting the community service projects carried out under the program;

''(2) specify the manner in which the institution will promote faculty, administration, and staff participation in the community service projects;

''(3) specify the manner in which the institution will provide service to the community through organized programs, including, where appropriate, clinical programs for students in professional schools and colleges;

''(4) describe any partnership that will participate in the community service projects, such as a partnership comprised of—

''(A) the institution;

''(B)(i) a community-based agency;

''(ii) a local government agency; or

''(iii) a non-profit entity that serves or involves school-age youth, older adults, or low-income communities; and

''(C)(i) a student organization;

''(ii) a department of the institution; or

''(iii) a group of faculty comprised of different departments, schools, or colleges at the institution;

''(5) demonstrate community involvement in the development of the proposal;

''(6) describe research on effective strategies and methods to improve service utilized in the design of the project;

''(7) specify that the institution will use such assistance to strengthen the service infrastructure in institutions of higher education; or

''(8) with respect to projects involving delivery of services, specify projects that involve leadership development of school aged youth.

''(g) DEFINITION.—Notwithstanding section 101, as used in this part, the term 'student' means an individual who is enrolled in an institution of higher education on a full- or part-time basis.

''(h) FEDERAL WORK-STUDY.—To be eligible for assistance under this part, an institution of higher education must demonstrate that it meets the minimum requirements under section 443(b)(2)(B) of the Higher Education Act of 1965 (42 U.S.C. 2753(b)(2)(B)) relating to the participation of Federal Work-Study students in community service activities, or has received a waiver of those requirements from the Secretary of Education.''.

SEC. 1203. INNOVATIVE PROGRAMS AND RESEARCH.

Subtitle B of title I (42 U.S.C. 12521 et seq.) is further amended by adding after part II the following new part:

''PART III—INNOVATIVE SERVICE–LEARNING PROGRAMS AND RESEARCH

''SEC. 118. INNOVATIVE DEMONSTRATION SERVICE-LEARNING PROGRAMS AND RESEARCH.

''(a) IN GENERAL.—From the amounts appropriated to carry out this part for a fiscal year, the Corporation may make grants and fixed amount grants under subsection (f) with eligible entities for activities described in subsection (c).

''(b) ELIGIBLE ENTITIES DEFINED.—For purposes of this part, the term 'eligible entity' means a State education agency, a State commission, a Territory, an Indian tribe, an institution of higher education, or a public or private nonprofit organization (including grant-making entities), a public or private elementary or secondary school, a local educational agency, or a consortia of such entities, where a consortia of two or more such entities may also include a for-profit organization.

''(c) AUTHORIZED ACTIVITIES.—Funds under this part may be used to—

''(1) integrate service-learning programs into the science, technology, engineering, and mathematics (STEM) curricula at the elementary, secondary, or post-secondary, and post-baccalaureate levels in coordination with practicing or retired STEM professionals;

''(2) involve students in service-learning programs focusing on energy conservation in their community, including conducting educational outreach on energy conservation and working to improve energy efficiency in low income housing and in public spaces;

''(3) involve students in service-learning projects in emergency and disaster preparedness;

''(4) involve students in service-learning projects aimed at improving access to and obtaining the benefits from computers and other emerging technologies, including in low income or rural communities, in senior centers and communities, in schools, in libraries, and in other public spaces;

''(5) involve high school age youth in the mentoring of middle school youth while involving all participants in service-learning to seek to meet unmet human, educational, environmental, public safety, or emergency disaster preparedness needs in their community;

''(6) conduct research and evaluations on service-learning, including service-learning in middle schools, and disseminate such research and evaluations widely;

''(7) conduct innovative and creative activities as described in section 111(a);

''(8) establish or implement summer of service programs during the summer months, including the cost of recruitment, training, and placement of service-learning coordinators—

''(A) for youth who will be enrolled in any grade from grade 6 through grade 12 at the end of the summer concerned;

''(B) for community-based service-learning projects that—

''(i) shall—

''(I) meet unmet human, educational, environmental (including energy conservation and stewardship), emergency and disaster preparedness, and public service needs; and

''(II) be intensive, structured, supervised, and designed to produce identifiable improvements to the community; and

''(ii) may include the extension of academic year service-learning programs into the summer months;

''(C) under which any student who completes 100 hours of service in an approved summer of service position, as certified through a process determined by the Corporation through regulations consistent with section 138(f), shall be eligible for a summer of service educational award of not more than $500 (or, at the discretion of the Chief Executive Officer, not more than $1,000 in the case of a participant who is economically disadvantaged) from funds deposited in the National Service Trust and distributed by the Corporation as described in section 148; and

''(D) subject to the limitation that a student may not receive more than 2 summer of service educational awards from funds deposited in the National Service Trust; and

''(9) carry out any other innovative service-learning programs or research that the Corporation considers appropriate.

''(d) PRIORITY.—Priority shall be given to programs that—

''(1) involve students and community stakeholders in the design and implementation of the service-learning program;

''(2) implement service-learning programs in low-income or rural communities; and

''(3) utilize adult volunteers, including tapping the resource of retired and retiring adults, in the planning and implementation of the service-learning programs.

''(e) REQUIREMENTS.—

''(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

''(2) COLLABORATION ENCOURAGED.—Each program funded under this part is encouraged to collaborate with other Learn and Serve programs, AmeriCorps, VISTA, and the National Senior Service Corps.

''(3) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies and recommendations for improvement.

''(f) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''(3) MATCHING FUNDS.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant is made under this part may not exceed 75 percent of the total cost of the program in the first year of the grant and 50 percent of the total cost of the program in the remaining years of the grant, including if the grant is extended for a fourth year.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(g) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.''.

Subtitle C—Amendments to Subtitle C (National Service Trust Program)

SEC. 1301. PROHIBITION ON GRANTS TO FEDERAL AGENCIES; LIMITS ON CORPORATION COSTS.

Section 121 (42 U.S.C. 12571) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by inserting after ''subdivisions of States,'' the following: ''Territories,'';

(2) in subsection (b)—

(A) in the heading, by striking ''AGREEMENTS WITH FEDERAL AGENCIES'' and inserting ''RESTRICTIONS ON AGREEMENTS WITH FEDERAL AGENCIES'';

(B) in paragraph (1)—

(i) in the first sentence by striking ''by the agency.'' and inserting ''by the agency, including programs under the Public Lands Corps and Urban Youth Corps as described in section 122(a)(2).''; and

(ii) by striking the second sentence;

(C) by striking paragraph (2) and inserting the following:

''(2) PROHIBITION ON GRANTS.—The Corporation may not provide a grant under this section to a Federal agency.''; and

(D) in paragraph (3)—

(i) by striking ''receiving assistance under this subsection'' and inserting ''operating a national service program''; and

(ii) by striking ''using such assistance'';

(3) in subsection (c)(2)(B), by striking ''to be provided'' and inserting ''to be provided or otherwise approved'';

(4) in subsection (d)—

(A) in the subsection heading, by striking ''FIVE'' and inserting ''SIX''; and

(B) in paragraph (1), by striking ''5 percent'' and inserting ''6 percent''; and

(5) in subsection (e)—

(A) in paragraph (1)—

(i) by striking ''section 140'' and inserting ''paragraph (2)'';

(ii) by striking ''Federal share of the cost'' and inserting ''Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation and other necessary operation costs,'';

(iii) by striking ''may not exceed 75 percent of such cost.'' and inserting ''may not exceed—''; and

(iv) by adding at the end the following:

''(A) for the first three years in which the recipient receives such assistance, 76 percent of such cost;

''(B) for the fourth through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 percent and 50 percent, as established by the Corporation in regulation; and

''(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 50 percent of such cost.'';

(B) by striking paragraph (3);

(C) by redesignating paragraph (2) as paragraph (3); and

(D) by inserting after paragraph (1) the following:

''(2) ALTERNATIVE CORPORATION SHARE FOR PROGRAMS IN RURAL OR SEVERELY ECONOMICALLY DISTRESSED COMMUNITIES.—Upon approval by the Corporation, the Corporation share of the cost, including member living allowances, employment-related taxes, health care coverage, and worker's compensation, of carrying out a national service program that receives assistance under subsection (a) and that is located in a rural or severely economically distressed community may not exceed—

''(A) for the first six years in which the recipient receives such assistance, 76 percent of such cost;

''(B) for the seventh through ninth years in which the recipient receives such assistance, a decreasing share of such cost between 76 and 65 percent as established by the Corporation in regulation; and

''(C) for the tenth year (and each year thereafter) in which the recipient receives such assistance, 65 percent of such cost.'';

(E) in paragraph (3) (as so redesignated), in subparagraph (B), by inserting after ''other Federal sources'' the following: ''including funds authorized under Youthbuild (section 173A of the Workforce Investment Act of 1998 (29 U.S.C. 2918a))''; and

(F) by adding at the end the following:

''(5) OTHER FEDERAL FUNDS.—

''(A) RECIPIENT REPORT.—A recipient of assistance under section 121 shall report to the Corporation the amount and source of any Federal funds used to carry out the program other than those provided by the Corporation.

''(B) CORPORATION REPORT.—The Corporation shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate on an annual basis information regarding each recipient that uses Federal funds other than those provided by the Corporation to carry out the program, including amounts and sources of other Federal funds.''.

SEC. 1302. E–CORPS AND TECHNICAL AMENDMENTS TO TYPES OF PROGRAMS.

Section 122 (42 U.S.C. 12572) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''subsection (b)(1)'' and inserting ''subsection (c)(1)'';

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''including'' and all that follows through the semicolon at the end and inserting ''including projects involving urban renewal, sustaining natural resources, or improving human services;'';

(ii) in subparagraph (B), by striking ''including'' and inserting ''and at least 50 percent of whom are''; and

(iii) in subparagraph (C)(i), by inserting '', including mentoring'' before the semicolon;

(C) in paragraph (6)—

(i) in subparagraph (B), by striking ''; or'' and inserting a semicolon;

(ii) in subparagraph (C), by striking the period and inserting ''; or''; and

(iii) by adding at the end the following:

''(D) students participating in service-learning programs at an institution of higher education.'';

(D) in paragraph (7)(A), by inserting '', including elementary and secondary education, and other professions such as those in health care, criminal justice, environmental stewardship and conservation, or public safety'' before the semicolon;

(E) in paragraph (8)(C), by striking ''nonprofit'';

(F) in paragraph (9), by striking ''between the ages of 16 and 24'' and inserting ''between the ages of 16 and 25'';

(G) in paragraph (10), by striking ''gifted young adults'' and all that follows through the period at the end and inserting ''school-age youth and young adults of all backgrounds, including gifted youth, along with established successful entrepreneurs of all backgrounds and professions from the community in which the program exists to—

''(A) train the participants in utilizing problem-solving, entrepreneurship, and communication skills to design solutions to community problems; and

''(B) collaborate with stakeholders in the communities to implement the solutions devised by the participants in subparagraph (A).'';

(H) in paragraph (12)(A), by striking ''learning and recreation'' and inserting ''learning, recreation, and mentoring'';

(I) in paragraph (13), by striking ''and to combat rural poverty, including'' and inserting '', including the issues of rural poverty,'';

(J) by redesignating paragraph (15) as paragraph (19); and

(K) by inserting after paragraph (14) the following:

''(15) An E–Corps program that involves participants who provide services in a community by developing and assisting in carrying out technology programs which seek to increase access to technology and the benefits thereof in such community.

''(16) A program that engages citizens in public safety, public health, and emergency and disaster preparedness, and may include the recruitment and placing of qualified participants in positions to be trainees as law enforcement officers, firefighters, search and rescue personnel, and emergency medical service workers, and may engage Federal, State, and local stakeholders in collaboration to organize more effective responses to issues of public safety and public health, emergencies, and disasters.

''(17) A program, initiative, or partnership that seeks to expand the number of mentors for youths (including by recruiting high-school and college-aged individuals to enter into mentoring relationships), including mentors for disadvantaged youths, either through provision of direct mentoring services, provision of supportive services to direct mentoring service organizations (in the case of a partnership), or through the creative utilization of current and emerging technologies to connect youth with mentors.

''(18) A program that has the primary purpose of re-engaging court-involved youth and adults with the goal of reducing recidivism.'';

(2) by redesignating subsections (b) and (c) as (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

''(b) INNOVATIVE PROGRAMS TO MEET THE NEEDS OF VETERANS.—

''(1) IN GENERAL.—From funds appropriated under section 501(a)(2), the Corporation shall reserve up to 3 percent for competitive grants to eligible recipients under subsection (a) for the development, either directly or through subgrants to other entities, of innovative initiatives to address the unique needs of veterans.

''(2) APPLICATION.—To be eligible to receive a grant under this subsection, an entity described in paragraph (1) shall submit an application at such time, in such manner, and containing such information as the Corporation may require.

''(3) ACTIVITIES.—Entities receiving grants under this subsection shall use funds to develop initiatives that—

''(A) recruit veterans, particularly returning veterans, into service opportunities;

''(B) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(C) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment.'';

(4) in subsection (c) (as so redesignated), in paragraph (4), by inserting after ''out-of-school youths,'' the following: ''disadvantaged youths,'';

(5) in subsection (d) (as so redesignated), in paragraph (1)—

(A) in subparagraph (A), by striking ''subsection (b) or (d) of''; and

(B) by adding at the end the following new subparagraph:

''(C) PRIORITY FOR VETERANS.—Priorities established under subparagraphs (A) and (B) shall include priorities for programs that—

''(i) recruit veterans, particularly returning veterans, into service opportunities;

''(ii) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(iii) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment.''; and

(6) by adding at the end the following:

''(e) REQUIREMENTS FOR TUTORS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), the Corporation shall require that each recipient of assistance under the national service laws that operates a tutoring program involving elementary or secondary school students certifies that individuals serving in approved national service positions as tutors in such program have—

''(A) either—

''(i) obtained their high school diploma; or

''(ii) passed a proficiency test demonstrating that such individuals have the skills necessary to achieve program goals; and

''(B) have successfully completed pre- and in-service training for tutors.

''(2) EXCEPTION.—The requirements in paragraph (1) do not apply to an individual serving in an approved national service position who is enrolled in an elementary or secondary school and is providing tutoring services through a structured, school-managed cross-grade tutoring program.

''(f) REQUIREMENTS FOR TUTORING PROGRAMS.—Each tutoring program that receives assistance under the national service laws shall—

''(1) offer a curriculum that is high quality, research-based, and consistent with the State academic content standards required by section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) and the instructional program of the local educational agency; and

''(2) offer high quality, research-based pre- and in-service training for tutors.

''(g) CITIZENSHIP TRAINING.—The Corporation shall establish requirements for recipients of assistance under the national service laws relating to the promotion of citizenship and civic engagement, that are consistent with the principles on which citizenship programs administered by U.S. Citizenship and Immigration Services are based, among individuals enrolled in approved national service positions and approved summer of service positions.''.

SEC. 1303. TYPES OF POSITIONS.

Section 123 (42 U.S.C. 12573) is amended—

(1) in paragraph (2)(A) by inserting after ''subdivision of a State,'' the following: ''a Territory,''; and

(2) in paragraph (5) by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1304. CONFORMING REPEAL RELATING TO TRAINING AND TECHNICAL ASSISTANCE.

Section 125 (42 U.S.C. 1257) is repealed.

SEC. 1305. ASSISTANCE TO STATE COMMISSIONS; CHALLENGE GRANTS.

Section 126 (42 U.S.C. 12576) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''$125,000 and $750,000'' and inserting ''$200,000 and $825,000''; and

(B) by striking paragraph (2) and inserting the following:

''(2) MATCHING REQUIREMENT.—In making grants to a State under this subsection, the Corporation shall require the State to provide matching funds of $1 from non-Federal sources for every $1 provided by the Corporation.

''(3) ALTERNATIVE.—Notwithstanding paragraph (2), the Chief Executive Officer may permit a State that demonstrates hardship or a new State Commission to use an alternative match as follows:

''(A) FIRST $100,000.—For the first $100,000 of grant amounts provided by the Corporation, a State shall not be required to provide matching funds.

''(B) AMOUNTS GREATER THAN $100,000.—For grant amounts of more than $100,000 and not exceeding $200,000 provided by the Corporation, a State shall provide $1 from non-Federal sources for every $2 provided by the Corporation.

''(C) AMOUNTS GREATER THAN $200,000.—For grant amounts of more than $200,000 provided by the Corporation, a State shall provide $1 from non-Federal sources for every $1 provided by the Corporation.''; and

(2) in subsection (c)—

(A) in paragraph (1), by striking ''to national service programs that receive assistance under section 121'' and inserting ''to programs supported under the national service laws''; and

(B) by striking paragraph (3) and inserting the following:

''(3) AMOUNT OF ASSISTANCE.—A challenge grant under this subsection may provide, for an initial 3-year grant period, not more than $1 of assistance under this subsection for each $1 in cash raised from private sources by the program supported under the national service laws in excess of amounts required to be provided by the program to satisfy matching funds requirements. After an initial 3-year grant period, grants under this subsection may provide not more than $1 of assistance for each $2 in cash raised from private sources by the program in excess of amounts required to be provided by the program to satisfy matching funds requirements. The Corporation may permit the use of local or State funds as matching funds if the Corporation determines that such use would be equitable due to a lack of available private funds at the local level. The Corporation shall establish a ceiling on the amount of assistance that may be provided to a national service program under this subsection.''.

SEC. 1306. ALLOCATION OF ASSISTANCE TO STATES AND OTHER ELIGIBLE ENTITIES.

Section 129 (42 U.S.C. 12581) is amended to read as follows:

''SEC. 129. PROVISION OF ASSISTANCE AND APPROVED NATIONAL SERVICE POSITIONS.

''(a) 1-PERCENT ALLOTMENT FOR CERTAIN TERRITORIES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve 1 percent for grants to the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands upon approval by the Corporation of an application submitted under section 130. The amount allotted as a grant to each such Territory under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 1 percent of the allocated funds for that fiscal year as the population of the Territory bears to the total population of such Territories.

''(b) ALLOTMENT FOR INDIAN TRIBES.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year, the Corporation shall reserve at least 1 percent for grants to Indian tribes, to be allotted by the Corporation on a competitive basis.

''(c) ALLOTMENT FOR COMPETITIVE GRANTS.—Of the funds allocated by the Corporation for provision of assistance under section 121(a) for a fiscal year and subject to section 133(d)(3), the Corporation shall reserve up to 62.7 percent for grants awarded on a competitive basis to States for national service programs and to nonprofit organizations seeking to operate a national service program in 2 or more States.

''(d) ALLOTMENT TO CERTAIN STATES ON FORMULA BASIS.—

''(1) GRANTS.—Of the funds allocated by the Corporation for provision of assistance under subsection (a) of section 121 for a fiscal year, the Corporation shall make a grant to each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico that submits an application under section 130 that is approved by the Corporation.

''(2) ALLOTMENTS.—The amount allotted as a grant to each such State under this subsection for a fiscal year shall be equal to the amount that bears the same ratio to 35.3 percent of the allocated funds for that fiscal year as the population of the State bears to the total population of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, in compliance with paragraph (3).

''(3) MINIMUM AMOUNT.—Notwithstanding paragraph (2), the minimum grant made available to each State approved by the Corporation under paragraph (1) for each fiscal year must be at least $600,000, or 0.5 percent of the amount allocated for the State formula under this section, whichever is greater.

''(e) EFFECT OF FAILURE TO APPLY.—If a State or Territory fails to apply for, or fails to give notice to the Corporation of its intent to apply for an allotment under this section, or the Corporation does not approve the application consistent with section 133, the Corporation may use the amount that would have been allotted under this section to the State or Territory to—

''(1) make grants (and provide approved national service positions in connection with such grants) to other grantmaking entities under section 121 that propose to carry out national service programs in such State or Territory; and

''(2) make a reallotment to other States or Territories with approved applications submitted under section 130, to the extent grant-making entities do not apply as described in paragraph (1).

''(f) APPLICATION REQUIRED.—The allotment of assistance and approved national service positions to a recipient under this section shall be made by the Corporation

only pursuant to an application submitted by a State or other applicant under section 130.

''(g) APPROVAL OF POSITIONS SUBJECT TO AVAILABLE FUNDS.—The Corporation may not approve positions as approved national service positions under this subtitle for a fiscal year in excess of the number of such positions for which the Corporation has sufficient available funds in the National Service Trust for that fiscal year, taking into consideration funding needs for national service educational awards under subtitle D based on completed service. If appropriations are insufficient to provide the maximum allowable national service educational awards under subtitle D for all eligible participants, the Corporation is authorized to make necessary and reasonable adjustments to program rules.

''(h) SPONSORSHIP OF APPROVED NATIONAL SERVICE POSITIONS.—

''(1) SPONSORSHIP AUTHORIZED.—The Corporation may enter into agreements with persons or entities who offer to sponsor national service positions for which the person or entity will be responsible for supplying the funds necessary to provide a national service educational award. The distribution of these approved national service positions shall be made pursuant to the agreement, and the creation of these positions shall not be taken into consideration in determining the number of approved national service positions to be available for distribution under this section.

''(2) DEPOSIT OF CONTRIBUTION.—Funds provided pursuant to an agreement under paragraph (1) shall be deposited in the National Service Trust established in section 145 until such time as the funds are needed.

''(i) RESERVATION OF FUNDS FOR SPECIAL ASSISTANCE.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Corporation may reserve such amount as the Corporation considers to be appropriate for the purpose of making assistance available under section 126.

''(j) RESERVATION OF FUNDS TO INCREASE THE PARTICIPATION OF INDIVIDUALS WITH DISABILITIES.—From amounts appropriated for a fiscal year pursuant to the authorization of appropriations in section 501(a)(2) and subject to the limitation in such section, the Chief Executive Officer shall reserve an amount that is not less than 1 percent of such amount (except that the amount reserved may not exceed $10,000,000), in order to make grants to public or private nonprofit organizations to increase the participation of individuals with disabilities in national service and for demonstration activities in furtherance of this purpose.''.

SEC. 1307. ADDITIONAL AUTHORITY.

Part II of subtitle C of title I is amended by inserting after section 129 (42 U.S.C. 12581) the following:

''SEC. 129A. EDUCATION AWARDS ONLY PROGRAM.

''(a) IN GENERAL.—From amounts appropriated for a fiscal year to provide financial assistance under this subtitle and consistent with the restriction in subsection (b), the Corporation may, through fixed amount grants under subsection (d), provide operational assistance to programs that receive approved national service positions but do not receive funds under section 121(a).

''(b) LIMIT ON CORPORATION GRANT FUNDS.—Operational support under this section may not exceed $600 per individual enrolled in an approved national service position and may reach $800 per individual if the program supports at least 50 percent disadvantaged youth.

''(c) INAPPLICABLE PROVISIONS.—The following provisions shall not apply to programs funded under this section:

''(1) The limitation on administrative costs under section 121(d).

''(2) The matching funds requirements under section 121(e).

''(3) The living allowance and other benefits under sections 131(e) and section 140 (other than individualized support services for disabled members under section 140(f)).

''(d) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''SEC. 129B. PILOT AUTHORITY FOR MEMBER-SELECTED NATIONAL SERVICE POSITIONS.

''(a) AUTHORITY.—

''(1) IN GENERAL.—From the amounts appropriated for a fiscal year under this subtitle and consistent with the restriction in subsection (b), the Corporation may provide fixed amount grants on a competitive basis to up to 10 State Commissions to support member-selected approved national service positions.

''(2) LIMITATION.—The Corporation shall award grants under paragraph (1) to support not more than 500 approved national service positions among the participating States.

''(b) LIMITS ON CORPORATION GRANT FUNDS.—

''(1) IN GENERAL.—Grants awarded under subsection (a)(1) shall not exceed $600 per individual enrolled in an approved national service position under this section.

''(2) USE OF GRANT FUNDS.—Grants received by State Commissions under subsection (a)(1)—

''(A) shall not be distributed to organizations receiving participants with approved national service positions under this section; and

''(B) may—

''(i) be used for oversight activities and mechanisms for the service sites as determined by the State Commission or the Corporation, which may include site visits;

''(ii) be used for activities to augment the experience of AmeriCorps participants in approved national service positions under this section, including activities to engage such participants in networking opportunities with other AmeriCorps participants; and

''(iii) be used for recruitment or training activities for participants in approved national service positions under this section.

''(c) STATE COMMISSION APPLICATION.—

''(1) IN GENERAL.—A State Commission desiring to receive a grant under subsection (a)(1) shall submit an application to the Corporation at such time, in such manner, and containing such information as the Corporation shall determine appropriate.

''(2) APPROVAL.—The Corporation shall approve each application under paragraph (1) in accordance with section 130(d).

''(d) SELECTION OF PARTICIPANTS.—

''(1) APPLICANTS.—Participants desiring to receive an approved national service position under this section shall submit an application to the State Commission at such time and in such manner as the State Commission determines appropriate. The application shall contain—

''(A) a position description that includes—

''(i) the unmet human, educational, public safety, or environmental need or needs that will be met by the participant; and

''(ii) a description of the activities and responsibilities that will be carried out by the participant;

''(B) a description of the organization operating the service site where the applicant intends to complete the service described in subparagraph (A);

''(C) a description of the support that will be provided by the organization to the participant to complete the activities described in subparagraph (A);

''(D) the evidence of community support for the activities described in subparagraph (A);

''(E) a certification from the organization operating the service site that the organization is accepting the participant to perform the service outlined in subparagraph (A);

''(F) a certification from the organization operating the service site that the organization satisfies qualification criteria established by the Corporation or the State Commission, including standards relating to organizational capacity, financial management, and programmatic oversight; and

''(G) any other information that the Corporation and the State Commission deems necessary.

''(2) RESIDENCY.—A participant may apply for approved national service positions under this section in States other than the State in which the participant resides.

''(e) ORGANIZATION REQUIREMENTS.—The Corporation and the State Commissions shall ensure that the organizations receiving participants with approved national service positions under this section—

''(1) maintain not more than 5 full-time staff and not more than 5 part-time staff;

''(2) are not duplicating service provided by an existing AmeriCorps grantee in the same community;

''(3) are located in a community where no Intermediary AmeriCorps grants recipient is operating; and

''(4) have not applied to receive assistance under this subtitle.

''(f) FAILURE TO COMPLY.—If an organization receiving a participant with an approved national service position under this section fails to comply with terms and conditions established by the State Commission and the Corporation—

''(1) the organization shall not be eligible to receive such a participant, or receive an AmeriCorps grant under section 121, for not less than 5 years; and

''(2) the State Commission shall have the right to remove such a participant from the organization and relocate that individual to another site.

''(g) RECEIPT OF FINANCIAL ASSISTANCE.—An organization that receives participants with approved national service positions under this section shall not be considered a recipient of Federal financial assistance based on receiving such participants.

''(h) DEFINITION.—For the purpose of this section, the term 'Intermediary AmeriCorps grants recipient' means any organization that serves as a conduit between the Corporation and other unaffiliated organizations operating service sites.''.

SEC. 1308. STATE SELECTION OF PROGRAMS.

Section 130 (42 U.S.C. 12582) is amended—

(1) in subsection (a)—

(A) by inserting after ''State,'' the following: ''Territory,''; and

(B) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education'';

(2) in subsection (b)(9) by striking ''section 122(c)'' and inserting ''section 122(d)'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''jobs or positions'' and inserting ''proposed positions''; and

(ii) by striking '', including'' and all that follows through the period at the end and inserting a period;

(B) in paragraph (2) by inserting ''proposed'' before ''minimum''; and

(C) by adding at the end the following:

''(3) In the case of a nonprofit organization operating programs in 2 or more States, a description of the manner and extent to which the State Commissions of each State in which the nonprofit organization intends to operate were consulted and the nature of the consultation.'';

(4) in subsection (e)(2) by striking ''were selected'' and inserting ''were or will be selected'';

(5) in subsection (f)—

(A) in paragraph (1), by striking ''a program applicant'' and inserting ''an applicant''; and

(B) in paragraph (2)—

(i) in the heading, by striking ''PROGRAM APPLICANT'' and inserting ''APPLICANT'';

(ii) in the matter preceding subparagraph (A), by striking ''program applicant'' and inserting ''applicant'';

(iii) in subparagraph (A)—

(I) by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(iv) in subparagraph (B)—

(I) by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(II) by striking ''institution of higher education, or Federal agency'' and inserting ''or institution of higher education''; and

(6) in subsection (g), by striking the period and inserting ''or is already receiving financial assistance from the Corporation.''.

SEC. 1308A. NATIONAL SERVICE PROGRAM ASSISTANCE REQUIREMENTS.

Section 131(c)(3) (42 U.S.C. 12583(c)(3)) is amended to read as follows:

''(3) in the case of a program that is not funded through a State, including programs operated by nonprofit organizations seeking to operate a national service program in 2 or more States—

''(A) consult with and coordinate with the State Commission for the State in which the program operates; and

''(B) obtain written confirmation from the State Commission that the applicant seeking assistance under this Act has consulted with and coordinated with the State Commission when seeking to operate a program in that State.''.

SEC. 1309. CONSIDERATION OF APPLICATIONS.

Section 133 (42 U.S.C. 12585) is amended—

(1) in subsection (c)(6), insert after subparagraph (E) the following:

''(F) Areas that have a mortgage foreclosure rate greater than the national average mortgage foreclosure rate for the most recent 12 months for which satisfactory data are available.'';

(2) in subsection (b)(2)(B), by striking ''jobs or'';

(3) in subsection (c), by redesignating paragraph (8) as paragraph (9) and inserting after paragraph (7) the following:

''(8) The extent to which the program generates the involvement of volunteers.'';

(4) in subsection (d), in paragraph (2)—

(A) in the matter preceding subparagraph (A), strike ''the Corporation may include—'' and insert ''the Corporation—''; and

(B) by striking subparagraphs (A) through (G) and inserting the following:

''(A) shall include national service programs that—

''(i) recruit veterans, particularly returning veterans, into service opportunities;

''(ii) promote community-based efforts to meet the unique needs of military families while a member of the family is deployed; and

''(iii) promote community-based efforts to meet the unique needs of military families when a member of the family returns from a deployment; and

''(B) may include—

''(i) national service programs that conform to the national service priorities in effect under section 122(d);

''(ii) innovative national service programs;

''(iii) national service programs that are well established in one or more States at the time of the application and are proposed to be expanded to additional States using assistance provided under section 121;

''(iv) grant programs in support of other national service programs if the grant programs are to be conducted by nonprofit organizations with a demonstrated and extensive expertise in the provision of services to meet human, educational, environmental, or public safety needs; and

''(v) professional corps programs described in section 122(a)(8).''; and

(5) by amending subsection (d)(3) to read as follows:

''(3) ADDITIONAL PRIORITY.—In making a competitive distribution under section 129(c), the Corporation—

''(A) shall solicit and consider the view of a State Commission regarding any application for assistance to operate a national service program within the State; and

''(B) may give priority to a national service program that is—

''(i) proposed in an application submitted by a State Commission; and

''(ii) not one of the types proposed in paragraph (2),

if the State Commission provides an adequate explanation of the reasons why it should not be a priority of such State to carry out any of such types of programs in the State.''.

SEC. 1310. DESCRIPTION OF PARTICIPANTS.

Section 137 (42 U.S.C. 12591) is amended—

(1) in subsection (a)—

(A) by striking paragraph (3); and

(B) by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively;

(2) in subsection (b)—

(A) in paragraph (1), by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(B) in paragraph (2), by striking ''between the ages of 16 and 25'' and inserting ''a 16-year-old out of school youth or an individual between the ages of 17 and 25''; and

(3) in subsection (c), by striking ''(a)(5)'' and inserting ''(a)(4)''.

SEC. 1311. SELECTION OF NATIONAL SERVICE PARTICIPANTS.

Section 138 (42 U.S.C. 12592) is amended—

(1) in subsection (a) by striking ''conducted by the State'' and all that follows through ''or other entity'' and inserting ''conducted by the entity''; and

(2) in subsection (e)(2)(C) by inserting before the semicolon at the end the following: '', particularly those who were considered at the time of their service disadvantaged youth''.

SEC. 1312. TERMS OF SERVICE.

Section 139 (42 U.S.C. 12593) is amended—

(1) in subsection (b)(1), by striking ''not less than 9 months and'';

(2) in subsection (b)(2), by striking ''during a period of—'' and all that follows through the period at the end and inserting ''during a period of not more than 2 years.''; and

(3) in subsection (c)—

(A) in paragraph (1)(A), by striking ''as demonstrated by the participant'' and inserting ''as determined by the organization responsible for granting a release, if the participant has otherwise performed satisfactorily and has completed at least 15 percent of the original term of service'';

(B) in paragraph (2)(A), by striking ''provide to the participant that portion of the national service educational award'' and inserting ''certify the participant's eligibility for that portion of the national service educational award''; and

(C) in paragraph (2)(B), by striking ''to allow return to the program with which the individual was serving in order''.

SEC. 1313. ADJUSTMENTS TO LIVING ALLOWANCE.

Section 140 (42 U.S.C. 12594) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''paragraph (3)'' and inserting ''paragraphs (2) and (3)'';

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as (2);

(D) by inserting after paragraph (2) (as so redesignated) the following:

''(3) FEDERAL WORK-STUDY STUDENTS.—The living allowance that may be provided to an individual whose term of service includes hours for which the individual receives Federal work study wages shall be reduced by the amount of the individual's Federal work study award.''; and

(E) in paragraph (4), by striking ''a reduced term of service under section 139(b)(3)'' and inserting ''a term of service that is less than 12 months'';

(2) in subsection (b), by striking ''shall include an amount sufficient to cover 85 percent of such taxes'' and all that follows through the period at the end and inserting ''may be used to pay such taxes.'';

(3) in subsection (c)—

(A) in paragraph (1) by adding ''and'' at the end;

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as (2);

(4) in subsection (d)(1), by striking the second sentence; and

(5) by striking subsections (g) and (h).

Subtitle D—Amendments to Subtitle D (National Service Trust and Provision of National Service Educational Awards)

SEC. 1401. AVAILABILITY OF FUNDS IN THE NATIONAL SERVICE TRUST.

Section 145 (42 U.S.C. 12601) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(B), by striking ''section 148(e)'' and inserting ''section 148(f)''; and

(B) in paragraph (2), by striking ''pursuant to section 196(a)(2)'' and inserting ''pursuant to section 196(a)(2), if the terms of such donations direct that they be deposited in the National Service Trust''; and

(2) in subsection (c), by striking ''for payments of national service educational awards in accordance with section 148.'' and inserting ''for—

''(1) payments of summer of service educational awards and national service educational awards in accordance with section 148; and

''(2) payments of interest in accordance with section 148(f).''.

SEC. 1402. INDIVIDUALS ELIGIBLE TO RECEIVE A NATIONAL SERVICE EDUCATIONAL AWARD FROM THE TRUST.

Section 146 (42 U.S.C. 12602) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''if the individual'' and inserting

''if the organization responsible for an individual's supervision certifies that the individual'';

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

''(1) met the applicable eligibility requirements for the position; and

''(2)(A) successfully completed the required term of service described in subsection (b) in an approved national service position; or

''(B)(i) satisfactorily performed prior to being granted a release for compelling personal circumstances under section 139(c); and

''(ii) served at least 15 percent of the required term of service described in subsection (b); and''; and

(C) by redesignating paragraph (4) as paragraph (3);

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

''(c) LIMITATION ON RECEIPT OF NATIONAL SERVICE EDUCATIONAL AWARDS.—An individual may not receive, in national service educational awards, more than an amount equal to the aggregate value of 2 such awards for full-time service. The aggregate value of summer of service educational awards that an individual receives shall have no effect on the aggregate value of national service educational awards the individual may receive.'';

(3) in subsection (d)—

(A) in paragraph (1) by inserting after ''national service educational award'' the following: ''or a summer of service educational award''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), and in subparagraph (A), by inserting after ''national service educational award'' the following: ''or a summer of service educational award'';

(ii) in subparagraph (A) by striking ''or'' at the end;

(iii) in subparagraph (B) by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(C) in the case of a summer of service educational award, is enrolled at an eligible institution of higher education under section 148(c) or an educational institution described under section 148(a)(4) and failed to expend the full amount of that award during the original 7-year period.''; and

(4) in subsection (e)(1)—

(A) by inserting after ''qualifying under this section'' the following: ''or under section 118(c)(8)''; and

(B) by inserting after ''to receive a national service educational award'' the following: ''or a summer of service educational award''.

SEC. 1403. DETERMINATION OF THE AMOUNT OF NATIONAL SERVICE EDUCATIONAL AWARDS.

Section 147 (42 U.S.C. 12603) is amended—

(1) in subsection (a)—

(A) by striking ''a value, for each of not more than 2 of such terms of service, equal to 90 percent of—'' and inserting ''a value of—'' ; and

(B) by striking paragraphs (1) and (2) and inserting the following:

''(1) $4,825, for fiscal year 2008;

''(2) $4,925, for fiscal year 2009;

''(3) $5,025, for fiscal year 2010;

''(4) $5,125, for fiscal year 2011; and

''(5) $5,225, for fiscal year 2012 and each fiscal year thereafter.''; and

(2) in subsection (b), by inserting after ''for each of not more than 2 of such terms of service'' the following: ''in the period of one year''.

SEC. 1404. DISBURSEMENT OF EDUCATIONAL AWARDS.

Section 148 (42 U.S.C. 12604) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking ''cost of attendance'' and inserting ''cost of attendance or other educational expenses'';

(B) in paragraph (3), by striking ''and'';

(C) by redesignating paragraph (4) as paragraph (6);

(D) by inserting after paragraph (3) the following:

''(4) to pay expenses incurred in enrolling in an educational institution or training establishment that meets the requirements of chapter 36 of title 38, United States Code (38 U.S.C. 3451 et seq.);

''(5) for a recipient of a summer of service educational award under section 118(c)(8)(C), to pay expenses incurred in enrolling in a college preparatory program in accordance with subsection (e); and''; and

(E) in paragraph (6) (as so redesignated) by striking ''subsection (e)'' and inserting ''subsection (f)'';

(2) in subsection (b)(1) by inserting after ''the national service educational award of the individual'' the following: '', or an eligible individual under section 118(c)(8) who received a summer of service educational award for a project that began after the individual completed grade 10 and desires to apply that summer of service educational award,'';

(3) in subsection (b)(2) by inserting after ''the national service educational award'' the following: ''or the summer of service educational award, as applicable,'';

(4) in subsection (b)(5) by inserting after ''the national service educational award'' the following: ''or the summer of service educational award, as applicable'';

(5) in subsection (b)(7)—

(A) in subparagraph (A), by striking '', other than a loan to a parent of a student pursuant to section 428B of such Act (20 U.S.C. 1078–2); and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(C) any loan (other than a loan described in subparagraph (A) or (B)) determined by an institution of higher education to be necessary to cover a student's educational expenses and made, insured, or guaranteed by—

''(i) an eligible lender, as defined in section 435 of the Higher Education Act of 1965 (20 U.S.C. 1085);

''(ii) the direct student loan program under part D of title IV of such Act;

''(iii) a State agency; or

''(iv) a lender otherwise determined by the Corporation to be eligible to receive disbursements from the National Service Trust.'';

(6) in subsection (c)(1), by inserting after ''national service educational award'' the following: '', or an eligible individual under section 118(c)(8) who desires to apply the individual's summer of service educational award,'';

(7) in subsection (c)(2)(A), by inserting after ''national service educational award'' the following: ''or summer of service educational award, as applicable,'';

(8) in subsection (c)(2)(C)(iii), by inserting after ''national service educational awards received under this subtitle'' the following: ''or summer of service educational awards received under section 118(c)(8)'';

(9) in subsection (c)(3), by inserting after ''national service educational awards'' the following: ''and summer of service educational awards'';

(10) in subsection (c)(5)—

(A) by inserting after ''national service educational award'' the following: '', or summer of service educational award, as applicable,''; and

(B) by inserting after ''additional'' the following: ''summer of service educational awards and additional'';

(11) in subsection (c)(6), by inserting after ''national service educational award'' the following: ''and summer of service educational award'';

(12) in subsection (d), by inserting after ''national service educational awards'' the following: ''and summer of service educational awards'';

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

(14) by inserting after subsection (d) the following:

''(e) USE OF SUMMER OF SERVICE EDUCATIONAL AWARD TO PAY COLLEGE PREPARATORY EXPENSES.—

''(1) APPLICATION OF ELIGIBLE INDIVIDUALS.—An eligible individual under section 118(c)(8), or the parents or legal guardian of such an individual, who desires to apply the summer of service educational award of the individual to the payment of expenses incurred in enrolling in a college preparatory program shall, on a form prescribed by the Corporation, submit an application to the college preparatory program in which the individual will be enrolled that contains such information as the Corporation may require to verify the individual's eligibility.

''(2) SUBMISSION OF REQUESTS FOR PAYMENT BY PROGRAM.—A college preparatory program that receives one or more applications under paragraph (1) shall submit to the Corporation a statement, in a manner prescribed by the Corporation, that—

''(A) identifies each eligible individual filing an application under paragraph (1) for a disbursement of the individual's summer of service educational award under this subsection;

''(B) specifies the amounts for which such eligible individuals are qualified for disbursement; and

''(C) certifies that—

''(i) the college preparatory program is operated by a for-profit or non-profit organization with a track record of success in implementing college preparatory programs that collaborate with local educational agencies and adequately prepare secondary school students for admission to an institution of higher education without need for remediation;

''(ii) the college preparatory program has been in existence for at least one year prior to an eligible individual's submission of the application under paragraph (1); and

''(iii) individuals using summer of service educational awards received under section 118(c)(8) to pay the cost of enrolling in the college preparatory program do not comprise more than 15 percent of the total number of individuals enrolled in the program; and

''(D) contains such provisions concerning financial compliance and program quality as the Corporation may require.

''(3) DISBURSEMENT OF PAYMENTS.—Upon receipt of a statement from a college preparatory program that complies with paragraph (2), the Corporation shall, subject to paragraph (4), disburse the total amount of the summer of service educational awards for which eligible individuals who have submitted applications to that program under paragraph (1) are scheduled to receive. Such disbursement shall be made by check or other means that is payable to the program and requires the endorsement or other certification by the eligible individual.

''(4) MULTIPLE DISBURSEMENTS.—The total amount required to be disbursed to a college preparatory program under paragraph (3) for any period of enrollment may be disbursed by the Corporation in two or more installments consistent with appropriate divisions of such period of enrollment.

''(5) REFUND RULES.—The Corporation shall, by regulation, provide for the refund to the Corporation (and the crediting to the summer of service educational award of an eligible individual) of amounts disbursed to programs for the benefit of eligible individuals who withdraw or otherwise fail to complete the period of enrollment for which the assistance was provided. Amounts refunded to the Trust pursuant to this paragraph may be used by the Corporation to fund additional approved summer of service positions under section 118(c)(8).

''(6) MAXIMUM AWARD.—The portion of an eligible individual's total available summer of service educational award that may be disbursed under this subsection for any period of enrollment shall not exceed the cost of attendance.'';

(15) in subsection (f) (as so redesignated), by striking ''subsection (b)(6)'' and inserting ''subsection (b)(7)''; and

(16) in subsection (g) (as so redesignated), by striking ''Director'' and inserting ''Chief Executive Officer''.

SEC. 1405. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

(a) IN GENERAL.—Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

''SEC. 149. PROCESS OF APPROVAL OF NATIONAL SERVICE POSITIONS.

''(a) TIMING AND RECORDING REQUIREMENTS.—

''(1) IN GENERAL.—Notwithstanding subtitles C and D, and any other provision of law, in approving a position as an approved national service position, the Corporation—

''(A) shall approve the position at the time the Corporation—

''(i) enters into an enforceable agreement with an individual participant to serve in a program carried out under subtitle E of title I of this Act or under title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951 et seq.), or a summer of service educational award; or

''(ii) except as provided in clause (i), awards a grant to (or enters into a contract or cooperative agreement with) an entity to carry out a program for which such a position is approved under section 123; and

''(B) shall record as an obligation an estimate of the net present value of the national service educational award associated with the position, based on a formula that takes into consideration historical rates of enrollment in such a program, and of earning and using national service educational awards for such a program and remain available.

''(2) FORMULA.—In determining the formula described in paragraph (1)(B), the Corporation shall consult with the Director of the Congressional Budget Office.

''(3) CERTIFICATION REPORT.—The Chief Executive Officer of the Corporation shall annually prepare and submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report that contains a certification that the Corporation is in compliance with the requirements of paragraph (1).

''(4) APPROVAL.—The requirements of this subsection shall apply to each approved national service position that the Corporation approves—

''(A) during fiscal year 2008; and

''(B) during any subsequent fiscal year.

''(b) RESERVE ACCOUNT.—

''(1) ESTABLISHMENT AND CONTENTS.—

''(A) ESTABLISHMENT.—Notwithstanding subtitles C and D, and any other provision of law, within the National Service Trust established under section 145, the Corporation shall establish a reserve account.

''(B) CONTENTS.—To ensure the availability of adequate funds to support the awards of approved national service positions for each fiscal year, the Corporation shall place in the account—

''(i) during fiscal year 2008, a portion of the funds that were appropriated for fiscal year 2008 or a previous fiscal year under section 501(a)(2), were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 118(c)(8), and remain available; and

''(ii) during fiscal year 2009 or a subsequent fiscal year, a portion of the funds that were appropriated for that fiscal year under section 501(a)(2) and were made available to carry out subtitle C, D, or E of this title, subtitle A of title I of the Domestic Volunteer Service Act of 1973, or summer of service under section 111(a)(5), and remain available.

''(2) OBLIGATION.—The Corporation shall not obligate the funds in the reserve account until the Corporation—

''(A) determines that the funds will not be needed for the payment of national service educational awards associated with previously approved national service positions and summer of service educational awards; or

''(B) obligates the funds for the payment of national service educational awards for such previously approved national service positions or summer of service educational awards, as applicable.

''(c) AUDITS.—The accounts of the Corporation relating to the appropriated funds for approved national service positions, and the records demonstrating the manner in which the Corporation has recorded estimates described in subsection (a)(1)(B) as obligations, shall be audited annually by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States in accordance with generally accepted auditing standards. A report containing the results of each such independent audit shall be included in the annual report required by subsection (a)(3).

''(d) AVAILABILITY OF AMOUNTS.—Except as provided in subsection (b), all amounts included in the National Service Trust under paragraphs (1), (2), and (3) of section 145(a) shall be available for payments of national service educational awards or summer of service educational awards under section 148.''.

(b) CONFORMING REPEAL.—Section 2 of the Strengthen AmeriCorps Program Act (Public Law 108–145; 117 Stat. 844; 42 U.S.C. 12605) is repealed.

SEC. 1406. REPORT ON VETERANS SERVING IN APPROVED NATIONAL SERVICE POSITIONS.

Subtitle D of title I (42 U.S.C. 12601 et seq.) is further amended by adding at the end the following new section:

''SEC. 150. REPORT ON VETERANS SERVING IN APPROVED NATIONAL SERVICE POSITIONS.

''(a) IN GENERAL.—The Corporation shall report annually to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate the number and percentage of veterans serving in approved national service positions.

''(b) ANNUAL GOALS.—In the report described in subsection (a), the Corporation shall outline strategies and goals for increasing the number and percentage of veterans serving in approved national service positions each year, including strategies being undertaken to recruit veterans to serve in such positions, and include an evaluation of progress in meeting such goals.''.

Subtitle E—Amendments to Subtitle E (National Civilian Community Corps)

SEC. 1501. PURPOSE.

Section 151 (42 U.S.C. 12611) is amended to read as follows:

''SEC. 151. PURPOSE.

''It is the purpose of this subtitle to authorize the operation of, and support for, residential and other service programs that combine the best practices of civilian service with the best aspects of military service, including leadership and team building, to meet national and community needs. Such needs to be met under such programs include those related to—

''(1) natural and other disasters;

''(2) infrastructure improvement;

''(3) environmental stewardship and conservation;

''(4) energy conservation; and

''(5) urban and rural development.''.

SEC. 1502. PROGRAM COMPONENTS.

Section 152 (42 U.S.C. 12612) is amended—

(1) by amending the section heading to read as follows:

''SEC. 152. ESTABLISHMENT OF NATIONAL CIVILIAN COMMUNITY CORPS PROGRAM.''.

(2) in subsection (a), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(3) in subsection (b)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''a Civilian Community Corps'' and inserting ''a National Civilian Community Corps'';

(4) in the heading of subsection (c), by striking ''PROGRAMS'' and inserting ''COMPONENTS''; and

(5) in subsection (c), by striking ''program components are residential programs'' and all that follows and inserting ''programs referred to in subsection (b) may include a residential component.''.

SEC. 1503. ELIGIBLE PARTICIPANTS.

Section 153 (42 U.S.C. 12613) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps'';

(2) in subsection (b), by striking ''if the person'' and all that follows through the period at the end and inserting ''if the person will be at least 18 years of age on or before December 31 in the calendar year in which the individual enrolls in the program.'';

(3) in subsection (c)—

(A) by striking ''BACKROUNDS'' and inserting ''BACKGROUNDS''; and

(B) by adding at the end the following: ''The Director shall take appropriate steps, including through collaboration with the Office of Outreach and Recruitment, to increase the percentage of participants in the program who are disadvantaged youth toward 50 percent of all participants by year 2010. The Director shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate annually on such efforts, any challenges faced, and the annual participation rates of disadvantaged youth in the program.''; and

(4) by striking subsection (e).

SEC. 1504. SUMMER NATIONAL SERVICE PROGRAM.

Section 154 (42 U.S.C. 12614) is amended—

(1) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''on Civilian Community Corps'' and inserting ''on National Civilian Community Corps''; and

(2) in subsection (b), by striking ''shall be'' and all that follows through the period at the end and inserting ''shall be from economically and ethnically diverse backgrounds, including youth who are in foster care.''.

SEC. 1505. TEAM LEADERS.

Section 155 (42 U.S.C. 12615) is amended—

(1) by amending the section heading to read as follows:

''SEC. 155. NATIONAL CIVILIAN COMMUNITY CORPS.'';

(2) in subsection (a)—

(A) by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) by striking ''the Civilian Community Corps shall'' and inserting ''the National Civilian Community Corps shall'';

(3) in subsection (b)—

(A) by amending the subsection heading to read as follows:

''(b) MEMBERSHIP IN NATIONAL CIVILIAN COMMUNITY CORPS.—'';

(B) in paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(C) in paragraph (3)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' and inserting ''campus''; and

(D) by adding at the end the following:

''(4) TEAM LEADERS.—The Director may select from Corps members individuals with prior supervisory or service experience to be team leaders within units in the National Civilian Community Corps to perform service that includes leading and supervising teams of Corps members. Team leaders shall—

''(A) be selected without regard to the age limitation under section 153(b);

''(B) be members of the National Civilian Community Corps; and

''(C) be provided the rights and benefits applicable to Corps members, except that the limitation on the amount of living allowance shall not exceed 10 percent more than the amount established under section 158(b).'';

(4) in subsection (d)—

(A) by amending the subsection heading to read as follows:

''(d) CAMPUSES.—'';

(B) in paragraph (1)—

(i) by amending the paragraph heading to read as follows:

''(1) UNITS TO BE ASSIGNED TO CAMPUSES.—'';

(ii) by striking ''in camps'' and inserting ''in campuses'';

(iii) by striking ''camp'' and inserting ''campus''; and

(iv) by striking ''in the camps'' and inserting ''in the campuses'';

(C) by amending paragraph (2) to read as follows:

''(2) CAMPUS DIRECTOR.—There shall be a campus director for each campus. The campus director is the head of the campus.'';

(D) in paragraph (3)—

(i) by amending the paragraph heading to read as follows:

''(3) ELIGIBLE SITE FOR CAMPUS.—'';

(ii) by striking ''A camp may be located'' and inserting ''A campus must be cost-effective and may, upon the completion of a feasibility study, be located'';

(5) in subsection (e)—

(A) by amending the paragraph heading to read as follows:

''(e) DISTRIBUTION OF UNITS AND CAMPUSES.—'';

(B) by striking ''camps are distributed'' and inserting ''campuses are cost-effective and are distributed''; and

(C) by striking ''rural areas'' and all that follows through the period at the end and inserting ''rural areas such that each Corps unit in a region can be easily deployed for disaster and emergency response to such region.''; and

(6) in subsection (f)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''superintendent of a camp'' and inserting ''campus director of a campus'';

(ii) in subparagraph (A)—

(I) by striking ''superintendent'' and inserting ''campus director'';

(II) by striking ''superintendent's'' and inserting ''campus director's''; and

(III) by striking ''camp'' each place such term appears and inserting ''campus''; and

(iii) in subparagraph (B), by striking ''superintendent'' and inserting ''campus director''; and

(C) in paragraph (3), by striking ''camp superintendent'' and inserting ''campus director''.

SEC. 1506. TRAINING.

Section 156 (42 U.S.C. 12616) is amended—

(1) in subsection (a)—

(A) by inserting ''National'' before ''Civilian Community Corps''; and

(B) by adding at the end the following: ''The Director shall ensure that to the extent practicable, each member of the Corps is trained in CPR, first aid, and other skills related to disaster preparedness and response.'';

(2) in subsection (b)(1), by inserting before the period at the end the following: '', including a focus on energy conservation, environmental stewardship or conservation, infrastructure improvement, urban and rural development, or disaster preparedness needs''; and

(3) by amending subsection (c)(2) to read as follows:

''(2) COORDINATION WITH OTHER ENTITIES.—Members of the cadre may provide, either directly or through grants, contracts, or cooperative agreements, the advanced service training referred to in subsection (b)(1) in coordination with vocational or technical schools, other employment and training providers, existing youth service programs, other qualified individuals, or organizations with expertise in training youth, including disadvantaged youth, in the skill areas described in such subsection.''.

SEC. 1507. CONSULTATION WITH STATE COMMISSIONS.

Section 157 (42 U.S.C. 12617) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ''National'' before ''Civilian Community Corps'';

(B) in paragraph (1), by inserting before the semicolon the following: ''with specific emphasis on projects in support of infrastructure improvement, disaster relief and recovery, the environment, energy conservation, and urban and rural development''; and

(C) in paragraph (2) by striking ''service learning'' and inserting ''service-learning'';

(2) in subsection (b)—

(A) in paragraph (1)(A), by striking ''and the Secretary of Housing and Urban Development'' and inserting ''the Secretary of Housing and Urban Development, the Administrator of the Environmental Protection Agency, the Administrator of the Federal Emergency Management Agency, the Secretary of Energy, the Secretary of Transportation, and the Chief of the United States Forest Service'';

(B) in paragraph (1)(B)—

(i) by inserting ''community-based organizations and'' before ''representatives of local communities''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus''; and

(C) in paragraph (2), by inserting ''State Commissions,'' before ''and persons involved in other youth service programs.''; and

(3) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''superintendent'' both places such term appears and inserting ''campus director''; and

(ii) by striking ''camp'' both places such term appears and inserting ''campus''; and

(B) in paragraph (2), by striking ''camp superintendents'' and inserting ''campus directors''.

SEC. 1508. AUTHORIZED BENEFITS FOR CORPS MEMBERS.

Section 158 (42 U.S.C. 12618) is amended—

(1) in subsection (a) by inserting ''National'' before ''Civilian Community Corps''; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''National'' before ''Civilian Community Corps''; and

(ii) by inserting before the colon the following: '', as the Director determines appropriate'';

(B) in paragraph (6), by striking ''Clothing'' and inserting ''Uniforms''; and

(C) in paragraph (7), by striking ''Recreational services and supplies'' and inserting ''Supplies''.

SEC. 1509. PERMANENT CADRE.

Section 159 (42 U.S.C. 12619) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program''; and

(B) in paragraph (1)—

(i) by inserting ''including those'' before ''recommended''; and

(ii) by inserting ''National'' before ''Civilian Community Corps'';

(2) in subsection (b)(1), by inserting ''National'' before ''Civilian Community Corps'';

(3) in subsection (c)—

(A) in paragraph (1)(B)(i), by inserting ''National'' before ''Civilian Community Corps''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''The Director shall establish a permanent cadre of'' and inserting ''The Chief Executive Officer shall establish a permanent cadre that includes the Director and other appointed''; and

(II) by inserting ''National'' before ''Civilian Community Corps'';

(ii) in subparagraph (B), by striking ''The Director shall appoint the members'' and inserting ''The Chief Executive Officer shall consider the recommendations of the Director in appointing the other members'';

(iii) in subparagraph (C)—

(I) in the matter preceding clause (i), by striking ''the Director'' and inserting ''the Chief Executive Officer'';

(II) in clause (iii) by striking ''and'' at the end;

(III) by redesignating clause (iv) as (v); and

(IV) by inserting after clause (iii) the following:

''(iv) give consideration to retired and other former law enforcement, fire, rescue,

and emergency personnel, and other individuals with backgrounds in disaster preparedness, relief, and recovery; and''; and

(iv) in subparagraph (E)—

(I) by inserting after ''techniques'' the following: '', including techniques for working with and enhancing the development of disadvantaged youth,''; and

(II) by striking ''service learning'' and inserting ''service-learning''; and

(C) in the first sentence of paragraph (3), by striking ''the members'' and inserting ''other members''.

SEC. 1510. CONTRACT AND GRANT AUTHORITY.

Section 161 (42 U.S.C. 12621) is amended—

(1) in subsection (a), by striking ''perform any program function under this subtitle'' and inserting ''carry out the National Civilian Community Corps program''; and

(2) in subsection (b)(2), by inserting ''National'' before ''Civilian Community Corps''.

SEC. 1511. OTHER DEPARTMENTS.

Section 162 (42 U.S.C. 12622) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by inserting ''National'' before ''Civilian Community Corps''; and

(ii) in subparagraph (B)(i), by striking ''the registry established by'' and all that follows through the semicolon and inserting ''the registry established by section 1143a of title 10, United States Code;'';

(B) in paragraph (2)(A), by striking ''to be recommended for appointment'' and inserting ''from which individuals may be selected for appointment by the Director''; and

(C) in paragraph (3), by inserting ''National'' before ''Civilian Community Corps''; and

(2) by striking subsection (b).

SEC. 1512. ADVISORY BOARD.

Section 163 (42 U.S.C. 12623) is amended—

(1) in subsection (a)—

(A) by striking ''Upon the establishment of the Program, there shall also be'' and inserting ''There shall be'';

(B) by inserting ''National'' before ''Civilian Community Corps Advisory Board''; and

(C) by striking ''to assist'' and all that follows through the period at the end and inserting ''to assist the Corps in responding rapidly and efficiently in times of natural and other disasters. Consistent with the needs outlined in section 151, the Advisory Board members shall help coordinate activities with the Corps as appropriate, including the mobilization of volunteers and coordination of volunteer centers to help local communities recover from the effects of natural and other disasters.'';

(2) in subsection (b)—

(A) by redesignating paragraphs (8) and (9) as paragraphs (13) and (14), respectively;

(B) by inserting after paragraph (7) the following:

''(8) The Administrator of the Federal Emergency Management Agency.

''(9) The Secretary of Transportation.

''(10) The Chief of the United States Forest Service.

''(11) The Administrator of the Environmental Protection Agency.

''(12) The Secretary of Energy.''; and

(C) in paragraph (13), as so redesignated, by striking ''industry,'' and inserting ''public and private organizations,''.

SEC. 1513. ANNUAL EVALUATION.

Section 164 (42 U.S.C. 12624) is amended—

(1) by inserting ''National'' before ''Civilian Community Corps''; and

(2) by adding at the end the following: ''Upon completing each such evaluation, the Corporation shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on the evaluation.''.

SEC. 1514. REPEAL OF FUNDING LIMITATION.

Section 165 (42 U.S.C. 12625) is repealed.

SEC. 1515. DEFINITIONS.

Section 166 (42 U.S.C. 12626) is amended—

(1) by striking paragraphs (2), (3), and (9);

(2) by redesignating paragraphs (4) through (8) as paragraphs (5) through (9), respectively;

(3) by inserting after paragraph (1) the following:

''(2) CAMPUS DIRECTOR.—The term 'campus director', with respect to a Corps campus, means the head of the campus under section 155(d).

''(3) CORPS.—The term 'Corps' means the National Civilian Community Corps required under section 155 as part of the Civilian Community Corps Program.

''(4) CORPS CAMPUS.—The term 'Corps campus' means the facility or central location established as the operational headquarters and boarding place for particular Corps units.'';

(4) in paragraph (5) (as so redesignated), by striking ''Civilian Community Corps Demonstration Program'' and inserting ''National Civilian Community Corps Program'';

(5) in paragraph (6) (as so redesignated), by inserting ''National'' before ''Civilian Community Corps'';

(6) in paragraph (8) (as so redesignated), by striking ''The terms'' and all that follows through ''Demonstration Program'' and inserting ''The term 'Program' means the National Civilian Community Corps Program''; and

(7) in paragraph (9) (as so redesignated)—

(A) in the heading by striking ''SERVICE LEARNING'' and inserting ''SERVICE-LEARNING''; and

(B) in the matter preceding subparagraph (A) by striking ''service learning'' and inserting ''service-learning''.

SEC. 1516. TERMINOLOGY.

Subtitle E of title I (42 U.S.C. 12611 et seq.) is amended—

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

''Subtitle E—National Civilian Community Corps'';

and

(2) in section 160(a) (42 U.S.C. 12620(a)) by inserting ''National'' before ''Civilian Community Corps''.

Subtitle F—Amendments to Subtitle F (Administrative Provisions)

SEC. 1601. FAMILY AND MEDICAL LEAVE.

Section 171(a)(1) (42 U.S.C. 12631(a)(1)) is amended by striking ''with respect to a project'' and inserting ''with respect to a project authorized under the national service laws''.

SEC. 1602. ADDITIONAL PROHIBITIONS ON USE OF FUNDS.

Section 174 (42 U.S.C. 12634) is amended by adding at the end the following:

''(d) REFERRALS FOR FEDERAL ASSISTANCE.—A program may not receive assistance under the national service laws for the sole purpose of referring individuals to Federal assistance programs or State assistance programs funded in part by the Federal government.''.

SEC. 1603. NOTICE, HEARING, AND GRIEVANCE PROCEDURES.

Section 176 (42 U.S.C. 12636) is amended—

(1) in subsection (a)(2)(A), by striking ''30 days'' and inserting ''1 or more periods of 30 days not to exceed 90 days in total''; and

(2) in subsection (f)—

(A) in paragraph (1), by striking ''A State or local applicant'' and inserting ''An entity''; and

(B) in paragraph (6)—

(i) in subparagraph (C), by striking ''and'';

(ii) by redesignating subparagraph (D) as subparagraph (E); and

(iii) by inserting after subparagraph (C) the following:

''(D) in a grievance filed by an individual applicant or participant—

''(i) the applicant's selection or the participant's reinstatement, as the case may be; and

''(ii) other changes in the terms and conditions of service; and''.

SEC. 1604. RESOLUTION OF DISPLACEMENT COMPLAINTS.

Section 177 (42 U.S.C. 12637) is amended—

(1) in subsections (a) and (b), by striking ''under this title'' each place it appears and inserting ''under the national service laws'';

(2) in subsection (b)(1), by striking ''employee or position'' and inserting ''employee, position, or volunteer (other than a participant under the national service laws)''; and

(3) by adding at the end the following:

''(f) PARENTAL INVOLVEMENT.—

''(1) IN GENERAL.—Programs that receive assistance under the national service laws shall consult with the parents or legal guardians of children in developing and operating programs that include and serve children.

''(2) PARENTAL PERMISSION.—Programs that receive assistance under the national service laws shall, consistent with State law, before transporting minor children, provide the reason for and obtain written permission of the children's parents.''.

SEC. 1605. STATE COMMISSIONS ON NATIONAL AND COMMUNITY SERVICE.

Section 178 (42 U.S.C. 12638) is amended—

(1) in subsection (c)(1), by adding at the end the following:

''(J) A representative of the volunteer sector.'';

(2) in subsection (c)(3), by striking '', unless the State permits the representative to serve as a voting member of the State Commission or alternative administrative entity'';

(3) by striking subsection (e)(1) and inserting the following:

''(1) Preparation of a national service plan for the State that—

''(A) is developed through an open and public process (such as through regional forums, hearings, and other means) that provides for maximum participation and input from companies, organizations, and public agencies using service and volunteerism as a strategy to meet critical community needs, including programs funded under the national service laws;

''(B) covers a 3-year period, the beginning of which may be set by the State;

''(C) is subject to approval by the chief executive officer of the State;

''(D) includes measurable goals and outcomes for the State consistent with those for national service programs as described in section 179(a)(1)(A);

''(E) ensures outreach to diverse community-based agencies that serve underrepresented populations, by—

''(i) using established networks and registries at the State level, or establishing such networks and registries; and

''(ii) coordinating with the Corporation's Office of Outreach and Recruitment;

''(F) provides for effective coordination of funding applications submitted by the State and others within the State under the national service laws;

''(G) is updated annually, reflecting changes in practices and policies that will improve the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within the State; and

''(H) contains such information as the State Commission considers to be appropriate or as the Corporation may require.'';

(4) by redesignating subsections (f) through (j) as subsections (h) through (l), respectively;

(5) by inserting after subsection (e) the following:

''(f) RELIEF FROM ADMINISTRATIVE REQUIREMENTS.—Upon approval of a State plan submitted under subsection (e)(1), the Chief Executive Officer may waive, or specify alternatives to, administrative requirements (other than statutory provisions) otherwise applicable to grants made to States under the national service laws, including those requirements identified by a State as impeding the coordination and effectiveness of Federal, State, and local resources for service and volunteerism within a State.

''(g) STATE PLAN FOR BABY BOOMER AND OLDER ADULT VOLUNTEER AND PAID SERVICE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this section, to be eligible to receive a grant or allotment under subtitle B or C or to receive a distribution of approved national service positions under subtitle C, a State must work with appropriate State agencies and private entities to develop a comprehensive State plan for volunteer and paid service by members of the Baby Boom generation and older adults.

''(2) MATTERS INCLUDED.—The State plan shall include—

''(A) recommendations for public policy initiatives, including how to best tap the population of members of the Baby Boom generation and older adults as sources of social capital and as ways to address community needs;

''(B) recommendations to the State unit on aging on—

''(i) a marketing outreach plan to businesses;

''(ii) outreach to non-profit organizations;

''(iii) the State's Department of Education; and

''(iv) other State agencies; and

''(C) recommendations for civic engagement and multigenerational activities, such as—

''(i) early childhood education, family literacy, and after school programs;

''(ii) respite services for older adults and caregivers; and

''(iii) transitions for members of the Baby Boom generation and older adults to purposeful work in their post career lives.

''(3) KNOWLEDGE INCORPORATED.—The State plan shall incorporate the current knowledge base regarding—

''(A) the economic impact of older workers' roles in the economy;

''(B) the social impact of older workers' roles in the community; and

''(C) the health and social benefits of active engagement for members of the Baby Boom generation and older adults.

''(4) PUBLICATION.—The State plan must be made public and be transmitted to the Chief Executive Officer.''; and

(6) in subsection (k)(1) (as redesignated by this section), by striking the period at the end and inserting '', consistent with section 174(d).''.

SEC. 1606. EVALUATION AND ACCOUNTABILITY.

Section 179 (42 U.S.C. 12639) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—The Corporation shall provide, directly or through grants or contracts, for the continuing evaluation of programs that receive assistance under the national service laws, including evaluations that measure the impact of such programs, to determine—

''(1) the effectiveness of programs receiving assistance under the national service laws in achieving stated goals and the costs associated with such, including—

''(A) an evaluation of performance measures, as established by the Corporation in consultation with each grantee receiving assistance under the national service laws, which may include—

''(i) number of participants enrolled and completing terms of service compared to the stated goals of the program;

''(ii) number of volunteers recruited from the community in which the program was implemented;

''(iii) if applicable based on the program design, the number of individuals receiving or benefitting from the service conducted;

''(iv) number of disadvantaged and underrepresented youth participants;

''(v) sustainability of project or program, including measures to ascertain the level of community support for the project or program;

''(vi) measures to ascertain the change in attitude toward civic engagement among the participants and the beneficiaries of the service; and

''(vii) other quantitative and qualitative measures as determined to be appropriate by the recipient of assistance; and

''(B) review of the implementation plan for reaching such measures described in subparagraph (A); and

''(2) the effectiveness of the structure and mechanisms for delivery of services, such as the effective utilization of the participants' time, the management of the participants, and the ease with which recipients were able to receive services, to maximize the cost-effectiveness and the impact of such programs.'';

(2) in subsection (g)—

(A) in paragraph (3), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) in paragraph (9), by striking ''to public service'' and all that follows through the period at the end and inserting ''to engage in service that benefits the community.''; and

(3) by adding at the end the following:

''(j) RESERVED PROGRAM FUNDS FOR ACCOUNTABILITY.—In addition to amounts appropriated to carry out this section, the Corporation may reserve up to 1 percent of total program funds appropriated for a fiscal year under the national service laws to support program accountability activities under this section.

''(k) CORRECTIVE PLANS.—

''(1) IN GENERAL.—A grantee that fails to reach the performance measures in subsection (a)(1)(A) as determined by the Corporation, shall reach an agreement with the Corporation on a corrective action plan to achieve the agreed upon performance measures.

''(2) ASSISTANCE.—

''(A) NEW PROGRAM.—For a program that has received assistance for less than 3 years and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall—

''(i) provide technical assistance to the grantee to address targeted performance problems relating to the performance measures in subsection (a)(1)(A); and

''(ii) require quarterly reports from the grantee on the program's progress toward achieving the performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

''(B) ESTABLISHED PROGRAMS.—For a program that has received assistance for 3 years or more and is failing to achieve the performance measures agreed upon under subsection (a)(1)(A), the Corporation shall require quarterly reports from the grantee on the program's progress towards achieving performance measures in subsection (a)(1)(A) to the appropriate State, Territory, or Indian tribe and the Corporation.

''(l) FAILURE TO MEET PERFORMANCE LEVELS.—If, after a period for correction as approved by the Corporation, a grantee or subgrantee fails to achieve the established levels of performance, the Corporation shall—

''(1) reduce the annual amount of the grant award attributable to the underperforming grantee or subgrantee by at least 25 percent; or

''(2) terminate assistance to the underperforming grantee or subgrantee, consistent with section 176(a).

''(m) REPORTS.—The Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate not later than two years after the date of the enactment of this subsection, and annually thereafter, a report containing information on the number of—

''(1) grantees implementing corrective action plans;

''(2) grantees for which the Corporation offers technical assistance under subsection (k);

''(3) grantees for which the Corporation terminates assistance for a program under subsection (l); and

''(4) grantees meeting or exceeding their performance measures in subsection (a).''.

SEC. 1607. TECHNICAL AMENDMENT.

Section 181 (42 U.S.C. 12641) is amended by striking ''Section 414'' and inserting ''Section 422''.

SEC. 1608. PARTNERSHIPS WITH SCHOOLS.

Section 182(b) (42 U.S.C. 12642(b)) is amended to read as follows:

''(b) ANNUAL REPORT.—On an annual basis, the head of each Federal agency and department shall prepare and submit, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate, a report concerning the implementation of this section, including an evaluation of the performance goals and benchmarks of the partnership programs.''.

SEC. 1609. RIGHTS OF ACCESS, EXAMINATION, AND COPYING.

Section 183 (42 U.S.C. 12643) is amended—

(1) in each of subsections (a)(1) and (b)(1) by inserting after ''local government,'' the following: ''Territory,''; and

(2) by adding at the end the following:

''(c) INSPECTOR GENERAL.—The Inspector General of the Corporation shall have access to, and the right to examine and copy, any books, documents, papers, records, and other recorded information in any form—

''(1) within the possession or control of the Corporation or any State or local government, Territory, Indian tribe, or public or private nonprofit organization receiving assistance directly or indirectly under this Act; and

''(2) that relates to the duties of the Inspector General under the Inspector General Act of 1978.''.

SEC. 1610. ADDITIONAL ADMINISTRATIVE PROVISIONS.

Subtitle F of title I (42 U.S.C. 12631 et seq.) is amended by adding at the end the following:

''SEC. 185. CONSOLIDATED APPLICATION AND REPORTING REQUIREMENTS.

''(a) IN GENERAL.—To promote efficiency and eliminate duplicative requirements, the Corporation shall consolidate or modify application procedures and reporting requirements for programs and activities funded under the national service laws.

''(b) REPORTS TO CONGRESS.—Not later than 1 year after the date of the enactment of this section, and annually thereafter, the Corporation shall submit to the Committee on

Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report containing information on the actions taken to modify the application procedures and reporting requirements for programs and activities funded under the national service laws, including a description of the consultation procedures with grantees, entities that expressed interest in applying for assistance under a national service law but did not apply, those entities whose application was rejected, and applications whose assistance was terminated due to failure to meet performance measures for the year covered by the report.

"SEC. 186. SUSTAINABILITY.

''(a) GOALS.—To ensure that recipients of assistance under the national service laws are carrying out sustainable projects or programs, the Corporation, after collaboration with State Commissions and consultation with recipients of assistance under the national service laws, may set sustainability goals supported by policies and procedures to—

''(1) build the capacity of the projects that receive assistance under the national service laws to meet community needs and lessen the dependence on Federal dollars to do so, taking into consideration challenges that programs in underserved rural or urban areas may face;

''(2) provide technical assistance to aid the recipients of assistance under the national service laws in acquiring and leveraging non-Federal funds for the projects; and

''(3) implement measures to ascertain whether the projects are generating sufficient community support.

''(b) ENFORCEMENT.—If a recipient does not meet the sustainability goals in subsection (a) for a project, the Corporation may take action as described in sections 176 and 179.

"SEC. 187. USE OF RECOVERED FUNDS.

''(a) FACTORS CONSIDERED IN APPROVING REPAYMENT.—After the date of enactment of this section, whenever the Corporation recovers funds paid to a recipient under a grant or cooperative agreement made under the national service laws because the recipient made an expenditure of funds that was not allowable, or otherwise failed to discharge its responsibility to account properly for funds, the Corporation may consider those funds to be additional funds available and may arrange to repay to the recipient affected by that action an amount not to exceed 75 percent of the recovered funds if the Corporation determines that—

''(1) the practices or procedures of the recipient that resulted in the recovery of funds have been corrected, and that the recipient is in all other respects in compliance with the requirements of the grant or cooperative agreement, if the recipient was notified of any noncompliance with such requirements and given a reasonable period of time to remedy such noncompliance;

''(2) the recipient has submitted to the Corporation a plan for the use of those funds consistent with the national service laws and, to the extent possible, for the benefit of the community affected by the recovery of funds; and

''(3) the use of those funds in accordance with that plan would serve to achieve the objectives of the grant or cooperative agreement under which the funds were originally paid.

''(b) TERMS AND CONDITIONS OF REPAYMENT.—Any payments by the Corporation under this section shall be subject to other terms and conditions as the Corporation considers necessary to accomplish the purposes of the grant or cooperative agreement, including—

''(1) the submission of periodic reports on the use of funds provided under this section; and

''(2) consultation by the recipient with members of the community that will benefit from the payments.

''(c) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, the funds made available under this section shall remain available for expenditure for a period of time considered reasonable by the Corporation, but in no case to exceed more than 3 fiscal years following the later of—

''(1) the fiscal year in which final agency action regarding the disallowance of funds is taken; or

''(2) if such recipient files a petition for judicial review regarding the disallowance of funds, the fiscal year in which final judicial action is taken on such a petition.

''(d) PUBLICATION IN FEDERAL REGISTER.—At least 60 days prior to entering into an arrangement under this section, the Corporation shall publish in the Federal Register a notice of intent to enter into such an arrangement and the terms and conditions under which payments will be made. Interested persons shall have an opportunity for at least 30 days to submit comments to the Corporation regarding the proposed arrangement.

"SEC. 188. EXPENSES OF ATTENDING MEETINGS.

''Notwithstanding section 1345 of title 31, United States Code, funds authorized under the national service laws shall be available for expenses of attendance of meetings that are concerned with the functions or activities for which the funds are appropriated or which will contribute to improved conduct, supervision, or management of those functions or activities.

"SEC. 189. GRANT PERIODS.

''Unless otherwise specifically provided, the Corporation has authority to make a grant under the national service laws for a period of 3 years.

"SEC. 189A. GENERATION OF VOLUNTEERS.

''In making decisions on applications for assistance or approved national service positions under the national service laws, the Corporation shall take into consideration the extent to which the applicant's proposal will increase the involvement of volunteers in meeting community needs.

"SEC. 189B. LIMITATION ON PROGRAM GRANT COSTS.

''(a) LIMITATION ON GRANT AMOUNTS.—Except as otherwise provided by this section, the amount of funds approved by the Corporation in a grant to operate a program authorized under the national service laws supporting individuals serving in approved national service positions may not exceed $16,000 per full-time equivalent position.

''(b) COSTS SUBJECT TO LIMITATION.—The limitation in subsection (a) applies to the Corporation's share of member support costs, staff costs, and other costs borne by the grantee or subgrantee to operate a program.

''(c) COSTS NOT SUBJECT TO LIMITATION.—The limitation in subsection (a) and (e)(1) shall not apply to expenses that are not included in the program operating grant award.

''(d) ADJUSTMENTS FOR INFLATION.—The amount specified in subsections (a) and (e)(1) shall be adjusted each year after 2008 for inflation as measured by the Consumer Price Index for All Urban Consumers published by the Secretary of Labor.

''(e) WAIVER AUTHORITY AND REPORTING REQUIREMENT.—

''(1) WAIVER.—The Chief Executive Officer may waive the requirements of this section, up to a maximum of $18,000, if necessary to meet the compelling needs of a particular program, such as exceptional training needs for a program serving disadvantaged youth, increased costs relating to the participation of individuals with disabilities, and start-up costs associated with a first-time grantee.

''(2) REPORTS.—The Chief Executive Officer shall report to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate annually on all waivers granted under this section, with an explanation of the compelling needs justifying such waivers.

"SEC. 189C. AUDITS AND REPORTS.

''The Corporation shall comply with applicable audit and reporting requirements as provided in the Chief Financial Officers Act of 1990 (31 U.S.C. 501 et seq.) and the Government Corporation Control Act of 1945 (31 U.S.C. 9101 et seq.). The Corporation shall report to the Congress any failure to comply with the requirements of such audits.

"SEC. 189D. CRIMINAL HISTORY CHECKS.

''(a) IN GENERAL.—Entities selecting individuals to serve in a position in which the individual receives a Corporation grant-funded living allowance, stipend, education award, salary, or other remuneration in a program receiving assistance under the national service laws, shall, subject to regulations and requirements established by the Corporation, conduct criminal history checks for such individuals.

''(b) REQUIREMENTS.—A criminal history check shall, except in cases approved for good cause by the Corporation, include a name-based search of the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.) and—

''(1) a search of the State criminal registry or repository in the State in which the program is operating and the State in which the individual resides at the time of application; or

''(2) a Federal Bureau of Investigation fingerprint check.

''(c) ELIGIBILITY PROHIBITION.—An individual shall be ineligible to serve in a position described under subsection (a) if such individual—

''(1) refuses to consent to the criminal history check described in subsection (b);

''(2) makes a false statement in connection with such criminal history check;

''(3) is registered, or is required to be registered, on a State sex offender registry or the National Sex Offender Registry established under the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16901 et seq.); or

''(4) has been convicted of murder, as described in section 1111 of title 18, United States Code.''.

Subtitle G—Amendments to Subtitle G (Corporation for National and Community Service)

SEC. 1701. TERMS OF OFFICE.

Section 192 (42 U.S.C. 12651a) is amended—

(1) by striking subsection (c) and inserting the following:

''(c) TERMS.—Subject to subsection (e), each appointed member shall serve for a term of 5 years.'';

(2) by adding at the end the following:

''(e) SERVICE UNTIL APPOINTMENT OF SUCCESSOR.—A voting member of the Board whose term has expired may continue to serve for one year beyond expiration of the term if no successor is appointed or until the date on which a successor has taken office.''.

SEC. 1702. BOARD OF DIRECTORS AUTHORITIES AND DUTIES.

Section 192A(g) (42 U.S.C. 12651b(g)) is amended—

(1) in the matter preceding paragraph (1) by striking ''shall—'' and inserting ''shall

have responsibility for setting overall policy for the Corporation and shall—'';

(2) in paragraph (1), by inserting before the semicolon at the end the following: '', and review the budget proposal in advance of submission to the Office of Management and Budget and to Congress'';

(3) in paragraph (5)—

(A) in subparagraph (A) by striking ''and'' at the end;

(B) in subparagraph (B) by inserting ''and'' at the end; and

(C) by adding at the end the following:

''(C) review the performance of the Chief Executive Officer annually and forward a report on that review to the President;'';

(4) in paragraph (9), by inserting ''and'' after ''Corporation;'';

(5) in paragraph (10), by striking ''program; and'' and inserting ''program under a cost share agreement, as determined by the Corporation, in which the funds advanced or received as reimbursement shall be credited directly to a current appropriation; and''; and

(6) in paragraph (11), by striking ''September 30, 1995'' and inserting ''January 1, 2011''.

SEC. 1703. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER.

Section 193A (42 U.S.C. 12651d) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting after ''a strategic plan'' the following: '', including a plan for achieving 50 percent full-time approved national service positions by 2010,'';

(B) by redesignating paragraphs (7) through (11) as paragraphs (8) through (12), respectively;

(C) by inserting after paragraph (6) the following:

''(7) prepare and submit to the Committee on Education and Labor in the United States House of Representatives and the Committee on Health, Education, Labor, and Pensions in the United States Senate, and the Board an annual report on actions taken to achieve the goal of 50 percent full-time approved national service positions as described in paragraph (1), including an assessment of the progress made toward achieving that goal and the actions to be taken in the coming year toward achieving that goal;''; and

(D) in paragraph (11) (as so redesignated)—

(i) in the matter preceding subparagraph (A), by striking ''June 30, 1995,'' and inserting ''June 30 of each even-numbered year,''; and

(ii) in subparagraph (A)(i), by striking ''section 122(c)(1)'' and inserting ''section 122(d)(1)'';

(2) in subsection (c)—

(A) in paragraph (9), by striking ''and'' at the end;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by inserting after paragraph (9) the following:

''(10) obtain the opinions of peer reviewers in evaluating applications to the Corporation for assistance under this title; and''; and

(3) by amending subsection (g) to read as follows:

''(g) RECRUITMENT AND PUBLIC AWARENESS FUNCTIONS.—The Chief Executive Officer shall assign or hire, as necessary, such additional national, regional, and State personnel to carry out such recruiting and public awareness functions of the Office of Outreach and Recruitment to ensure that such functions are carried out in a timely and effective manner. The Chief Executive Officer shall give priority in the hiring of such additional personnel to individuals who have formerly served as volunteers in the programs carried out under the national service laws or similar programs, and to individuals who have specialized experience in the recruitment of volunteers.''.

SEC. 1704. NONVOTING MEMBERS; PERSONAL SERVICES CONTRACTS.

Section 195 (42 U.S.C. 12651f) is amended—

(1) in subsection (c)—

(A) in paragraph (2)(B), by inserting after ''subdivision of a State,'' the following: ''Territory,''; and

(B) in paragraph (3)—

(i) in the heading, by striking ''MEMBER'' and inserting ''NON-VOTING MEMBER''; and

(ii) by inserting ''non-voting'' before ''member''; and

(2) by adding at the end the following new subsection:

''(g) PERSONAL SERVICES CONTRACTS.—The Corporation may enter into personal services contracts to carry out research, evaluation, and public awareness related to the national service laws.''.

SEC. 1705. DONATED SERVICES.

Section 196(a) (42 U.S.C. 12651g(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

''(A) ORGANIZATIONS AND INDIVIDUALS.—Notwithstanding section 1342 of title 31, United States Code, the Corporation may solicit and accept the services of organizations and individuals (other than participants) to assist the Corporation in carrying out the duties of the Corporation under the national service laws, and may provide to such individuals the travel expenses described in section 192A(d).'';

(B) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''Such a volunteer'' and inserting ''A person who is a member of an organization or is an individual covered by subparagraph (A)'';

(ii) in clause (i), by striking ''a volunteer'' and inserting ''such a person'';

(iii) in clause (ii), by striking ''volunteers'' and inserting ''such a person''; and

(iv) in clause (iii), by striking ''such a volunteer'' and inserting ''such a person''; and

(C) in subparagraph (C)(i), by striking ''Such a volunteer'' and inserting ''Such a person''; and

(2) by striking paragraph (3).

SEC. 1706. OFFICE OF OUTREACH AND RECRUITMENT.

Subtitle G of title I is further amended by adding at the end the following:

''SEC. 196B. OFFICE OF OUTREACH AND RECRUITMENT.

''(a) ESTABLISHMENT.—There is established in the Corporation an office to be known as the Office of Outreach and Recruitment (in this section referred to as the 'Office'), headed by a Director.

''(b) DUTIES.—The duties of the Office, carried out directly or through grants, contracts, or cooperative agreements, shall be—

''(1) to increase the public awareness of the wide range of service opportunities for citizens of all ages, regardless of socioeconomic status or geographic location, through a variety of methods, including—

''(A) print media;

''(B) the Internet and related emerging technologies;

''(C) television;

''(D) radio;

''(E) presentations at public or private forums;

''(F) other innovative methods of communication; and

''(G) outreach to offices of economic development, State employment security agencies, labor unions and trade associations, local education agencies, institutions of higher education, agencies and organizations serving veterans and people with disabilities, and other institutions or organizations from which participants for programs receiving assistance from the national service laws can be recruited;

''(2) to identify and implement methods of recruitment to increase the diversity of participants in the programs receiving assistance under the national service laws;

''(3) to collaborate with organizations with demonstrated expertise in supporting and accommodating individuals with disabilities, including institutions of higher education, to identify and implement methods of recruitment to increase the number of participants with disabilities in the programs receiving assistance under the national service laws;

''(4) to identify and implement recruitment strategies and training programs for bilingual volunteers in the National Senior Service Corps under title II of the Domestic Volunteer Service Act of 1973;

''(5) to identify and implement methods of recruitment to increase the diversity of service sponsors of programs desiring to receive assistance under the national service laws;

''(6) to collaborate with organizations which have established volunteer recruitment programs, including those on the Internet, to increase the recruitment capacity of the Corporation;

''(7) where practicable, to provide application materials in languages other than English for those with limited English proficiency who wish to participate in a national service program;

''(8) to coordinate with organizations of former participants of national service programs for service opportunities that may include capacity building, outreach, and recruitment for programs receiving assistance under the national service laws;

''(9) to collaborate with the training and technical assistance programs described in subtitle J and in appropriate paragraphs of section 198E(b);

''(10) to coordinate the clearinghouses described in section 198E; and

''(11) to coordinate with entities receiving funds under section 198E(b)(11) in establishing the Reserve Corps for alumni of the national service programs to serve in emergencies, disasters, and other times of national need.

''(c) COLLABORATION.—The duties described in subsection (b) shall be carried out in collaboration with the State Commissions.

''(d) AUTHORITY TO CONTRACT WITH A BUSINESS.—The Corporation may, through contracts or cooperative agreements, carry out the marketing duties described in subsection (b)(1), with priority given to those entities who have established expertise in the recruitment of disadvantaged youth, members of Indian tribes, and members of the Baby Boom generation.

''(e) CAMPAIGN TO SOLICIT FUNDS.—The Corporation, through the Director of the Office, may conduct a campaign to solicit funds for itself to conduct outreach and recruitment campaigns to recruit a diverse population of service sponsors of and participants in programs and projects receiving assistance under the national service laws.

''(f) REPORTING.—The Director of the Office shall complete a report annually to the Chief Executive Officer and the Board of Directors on its activities and results.''.

SEC. 1707. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN PROGRAMS UNDER THE NATIONAL SERVICE LAWS AND TO DEVELOP PILOT PROGRAM.

Subtitle G of title I is further amended by adding at the end the following:

"SEC. 196C. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR VETERANS AND VETERANS PARTICIPATION IN PROGRAMS UNDER THE NATIONAL SERVICE LAWS AND TO DEVELOP PILOT PROGRAM.

''(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

''(1) specific areas of need for veterans;

''(2) how existing programs and activities carried out under the national service laws could better serve veterans and veterans service organizations;

''(3) gaps in service to veterans;

''(4) prospects for better coordination of services;

''(5) prospects for better utilization of veterans as resources and volunteers; and

''(6) methods for ensuring the efficient financial organization of services directed towards veterans.

''(b) CONSULTATION.—The study shall be carried out in consultation with veterans' service organizations, the Department of Veterans Affairs, State veterans agencies, the Department of Defense, and other individuals and entities the Corporation considers appropriate.

''(c) REPORT.—Not later than 1 year after the date of the enactment of this section, the Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving veterans.

''(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.''.

SEC. 1708. COORDINATION WITH VETERANS ORGANIZATIONS SERVING VETERANS WITH DISABILITIES.

The Board of Directors of the Corporation for National and Community Service shall coordinate with veterans organizations serving veterans with disabilities to provide opportunities for young people enrolled in existing NACS programs to provide transportation services on a full-time, part-time, or as-needed basis.

SEC. 1709. STUDY TO EXAMINE AND INCREASE SERVICE PROGRAMS FOR DISPLACED WORKERS IN SERVICES CORPS AND COMMUNITY SERVICE AND TO DEVELOP PILOT PROGRAM PLANNING STUDY.

(a) PLANNING STUDY.—The Corporation for National and Community Service shall conduct a study to identify—

(1) specific areas of need for displaced workers;

(2) how existing programs and activities carried out under the national service laws could better serve displaced workers and communities that have been adversely affected by plant closings and job losses;

(3) prospects for better utilization of skilled workers as resources and volunteers; and

(4) methods for ensuring the efficient financial organization of services directed towards displaced workers.

(b) CONSULTATION.—The study shall be carried out in consultation with the Department of Labor, State labor agencies, and other individuals and entities the Corporation considers appropriate.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Corporation shall submit to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on the results of the planning study required by subsection (a), together with a plan for implementation of a pilot program using promising strategies and approaches for better targeting and serving displaced workers.

(d) PILOT PROGRAM.—From amounts made available to carry out this section, the Corporation shall develop and carry out a pilot program based on the findings in the report submitted under subsection (c).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2008 through 2012.

Subtitle H—Amendments to Subtitle H

SEC. 1801. TECHNICAL AMENDMENTS TO SUBTITLE H.

(a) ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE.—Subtitle H is amended by inserting after the subtitle heading and before section 198 the following:

"PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE".

(b) TECHNICAL AMENDMENTS.—Section 198 (42 U.S.C. 12653) is amended—

(1) in subsection (a), by striking ''subsection (r)'' and inserting ''subsection (g)'';

(2) in subsection (b), by striking ''national service programs, including service-learning programs, and to support innovative and model programs, including'' and inserting ''service-learning programs and national service programs, including'';

(3) by striking subsections (c), (d), (e), and (f);

(4) by redesignating subsection (g) as subsection (c);

(5) by striking subsections (h), (i), and (j);

(6) by redesignating subsection (k) as subsection (d);

(7) by striking subsections (l) and (m);

(8) by redesignating subsections (n) and (o) as subsections (e) and (f), respectively;

(9) by striking subsection (p); and

(10) by redesignating subsections (q), (r), and (s) as (g), (h), and (i), respectively.

SEC. 1802. REPEALS.

The following provisions are repealed:

(1) CLEARINGHOUSES.—Section 198A (42 U.S.C. 12653a).

(2) MILITARY INSTALLATION CONVERSION DEMONSTRATION PROGRAMS.—Section 198C (42 U.S.C. 12653c).

(3) SPECIAL DEMONSTRATION PROJECT.—Section 198D (42 U.S.C. 12653d).

SEC. 1803. INNOVATIVE AND MODEL PROGRAM SUPPORT.

Subtitle H is further amended by adding at the end the following:

"PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT

"SEC. 198D. INNOVATIVE AND MODEL PROGRAM SUPPORT.

''(a) METHODS OF CONDUCTING ACTIVITIES.—The Corporation may, through grants and fixed amount grants under subsection (c), carry out the following programs:

''(1) PROGRAMS FOR DISADVANTAGED YOUTH.—A program selected from among those listed in 122(a) where no less than 75 percent of the participants are disadvantaged youth.

''(A) COMPONENTS OF PROGRAMS.—Such programs may include life skills training, employment training, educational counseling, program to complete a high-school diploma or GED, counseling, or a mentoring relationship with an adult volunteer.

''(B) PRIORITY.—Priority shall be given to programs that engage retirees to serve as mentors.

''(2) PROGRAMS FOCUSED ON LEARNING AND THINKING SKILLS.—Service programs to solve community problems while engaging or developing 21st century learning and thinking skills (critical-thinking and problem solving, communication skills, creativity and innovation skills, collaboration skills, contextual learning skills, information and media literacy skills, and information and communications literacy) and life skills (leadership, ethics, accountability, adaptability, personal productivity, personal responsibility, people skills, self-direction, and social responsibility) for school-age youth and low income adults. This may be a summer of service program or a year-round service program. Priority shall be given to programs that collaborate with the RSVP program, the AmeriCorps programs, or the Learn and Serve programs.

''(3) PROGRAMS THAT ENGAGE YOUTH UNDER THE AGE OF 17.—Programs that engage youth under the age of 17 in service to the community to meet unmet human, educational, environmental, emergency and disaster preparedness, or public safety needs and may be a summer program or a year-round program. Priority shall be given to programs that collaborate with the RSVP Program and the AmeriCorps programs.

''(4) PROGRAMS THAT FOCUS ON HEALTH AND WELLNESS.—Service programs that focus on the health and wellness of the members of a low-income or rural community. Priority shall be given to service programs that work to—

''(A) involve the community in service to those who are at-risk to not receive or pursue health care through such activities as health and wellness education, prevention, and care;

''(B) include in the service program employment training, where applicable, for participants in the program and may extend this opportunity to members of the community; and

''(C) collaborate with local institutions of higher education to include, as a portion of the pre-professional training of health care professionals including nurses, doctors, physician assistants, dentists, and emergency medical technicians, a service component to meet unmet healthcare and wellness needs in the community in which the service program is being carried out.

''(5) SILVER SCHOLARSHIP PROGRAMS.—A Silver Scholarship program for citizens age 55 and older to complete no less than 600 hours of service in a year meeting unmet human, educational, public safety, or environmental needs and receive a $1000 education award, provided that—

''(A) the Corporation establishes criteria for the types of the service required to be performed to receive such award; and

''(B) the citizen uses such award in accordance with sections 146(c), 146(d), and 148(c).

''(6) PROGRAMS THAT REDUCE RECIDIVISM.—Programs that re-engage court-involved youth and adults with the goal of reducing recidivism. Priority shall be given to such programs that create support systems beginning in corrections facilities, and programs that have life skills training, employment training, an education program, including a program to complete a high-school diploma or GED, educational and career counseling, post program placement, and support services, which could begin in corrections facilities. The program may include health and wellness programs, including but not limited to drug and alcohol treatment, mental health counseling, and smoking cessation.

''(7) PROGRAMS THAT RECRUIT CERTAIN INDIVIDUALS.—Demonstration projects for programs that have as one of their primary purposes the recruitment and acceptance of court-involved youth and adults as participants, volunteers, or members. Such a program may serve any purpose otherwise permitted under this Act.

''(8) OTHER INNOVATIVE AND MODEL PROGRAMS.—Any other innovative and model programs that the Corporation considers appropriate.

''(b) REQUIREMENTS.—

''(1) THREE-YEAR TERM.—Each program funded under this part shall be carried out over a period of three years, including one planning year and two additional grant years, with a 1-year extension possible, if the program meets performance measures developed in accordance with section 179(a) and any other criteria determined by the Corporation.

''(2) MATCHING FUNDS.—

''(A) IN GENERAL.—The Federal share of the cost of carrying out a program for which a grant is made under this part may not exceed 76 percent of the total cost of the program in the first year and may not exceed 50 percent of the total cost of the program for the remaining years of the grant, including if the grant is extended for 1 year.

''(B) NON-FEDERAL CONTRIBUTION.—In providing for the remaining share of the cost of carrying out such a program, each recipient of a grant under this part—

''(i) shall provide for such share through a payment in cash or in kind, fairly evaluated, including facilities, equipment, or services; and

''(ii) may provide for such share through State sources or local sources, including private funds or donated services.

''(3) COLLABORATION ENCOURAGED.—Each program funded under this part is encouraged to collaborate with Learn and Serve, AmeriCorps, VISTA, and the National Senior Service Corps.

''(4) EVALUATION.—Upon completion of the program, the Corporation shall conduct an independent evaluation of the program and widely disseminate the results to the service community through multiple channels, including the Corporation's Resource Center or a clearinghouse of effective strategies, and recommendations for improvement.

''(c) FIXED AMOUNT GRANTS.—

''(1) GENERAL.—For purposes of subsection (a), and subject to the limitations in this subsection, the Corporation may, upon making a determination described in paragraph (2), approve a fixed amount grant that is not subject to the Office of Management and Budget cost principles and related financial recordkeeping requirements.

''(2) DETERMINATION.—Before approving a fixed amount grant, the Corporation must determine that—

''(A) the reasonable and necessary costs of carrying out the terms of the grant significantly exceed the amount of assistance provided by the Corporation; or

''(B) based on the nature or design of the grant, any assistance provided by the Corporation can be reasonably presumed to be expended on reasonable and necessary costs.

''(d) APPLICATIONS.—To be eligible to carry out a program under this part, an entity shall prepare, submit to the Corporation, and obtain approval of, an application at such time and in such manner as the Chief Executive Officer may reasonably require.''.

SEC. 1804. CLEARINGHOUSES.

Subtitle H is further amended by adding at the end the following:

''PART III—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE

''SEC. 198E. NATIONAL SERVICE PROGRAMS CLEARINGHOUSE.

''(a) IN GENERAL.—The Corporation shall provide assistance, either by grant, contract, or cooperative agreement, to entities with expertise in the dissemination of information through clearinghouses to establish one or more clearinghouses for the national service laws.

''(b) FUNCTION OF CLEARINGHOUSE.—Such a clearinghouse may—

''(1) assist entities carrying out State or local service-learning and national service programs with needs assessments and planning;

''(2) conduct research and evaluations concerning service-learning or programs receiving assistance under the national service laws unless the recipient is receiving funds for such purpose under part III of subtitle B and under subtitle H;

''(3)(A) provide leadership development and training to State and local service-learning program administrators, supervisors, service sponsors, and participants; and

''(B) provide training to persons who can provide the leadership development and training described in subparagraph (A);

''(4) facilitate communication among entities carrying out service-learning programs and programs offered under the national service laws and participants in such programs;

''(5) provide and disseminate information and curriculum materials relating to planning and operating service-learning programs and programs offered under the national service laws, to States, Territories, Indian tribes, and local entities eligible to receive financial assistance under the national service laws;

''(6) provide and disseminate information regarding methods to make service-learning programs and programs offered under the national service laws accessible to individuals with disabilities;

''(7) disseminate applications in languages other than English;

''(8)(A) gather and disseminate information on successful service-learning programs and programs offered under the national service laws, components of such successful programs, innovative curricula related to service-learning, and service-learning projects; and

''(B) coordinate the activities of the Clearinghouse with appropriate entities to avoid duplication of effort;

''(9) make recommendations to State and local entities on quality controls to improve the quality of service-learning programs and programs offered under the national service laws;

''(10) assist organizations in recruiting, screening, and placing a diverse population of service-learning coordinators and program sponsors;

''(11) collaborate with the Office of Outreach and Recruitment on an alumni network for those former participants in an approved national service position, to facilitate communication and collaboration between alumni and to leverage their skills, knowledge, and experiences to improve service across our Nation and also serve in a Reserve Corps, who are ready to serve in times of national need;

''(12) disseminate effective strategies for working with disadvantaged youth in national service programs as determined by organizations with an established expertise working with such youth; and

''(13) carry out such other activities as the Chief Executive Officer determines to be appropriate.''.

Subtitle I—Energy Conservation Corps

SEC. 1811. GENERAL AUTHORITY.

The Corporation for National and Community Service (in this subtitle referred to as the ''Corporation'') shall make grants to States for the creation or expansion of full-time or part-time Energy Conservation Corps programs. Notwithstanding provisions identified in this subtitle, the Corporation shall apply the provisions of subtitle C of this subchapter in making grants under this section as necessary.

SEC. 1812. APPLICATION.

(a) IN GENERAL.—To be eligible to receive a grant under this subtitle, a State shall invite applications from within the State to receive an Energy Conservation Corps grant.

(b) PROCESS.—The State shall then prepare and submit a State application to the Corporation at such time, in such manner, and containing such information as the Corporation may reasonably require. The Corporation shall consult with state and local Conservation Corps in the development of the application guidelines.

(c) DISADVANTAGED YOUTH.—To acknowledge the focused enrollment of disadvantaged youth and young adults in the Energy Conservation Corps, the Corporation shall—

(1) allow a higher cost-per-member to enable Energy Conservation Corps programs to provide the necessary supportive services to ensure the success of the participants; and

(2) allow for greater flexibility in retention rates.

(d) CONSIDERATION OF RESIDENTIAL CORPS.—The Corporation shall allow for equal consideration of residential Corps program opportunities since residential Corps thrive in rural areas that commonly lack opportunities for young adults, enable the participation for emancipated foster youth, gang involved youth, and others lacking a safe and stable home environment, allow for more structured time for work, training, education and counseling, and provide disaster response-ready crews immediately upon request.

(e) EQUITABLE TREATMENT.—In the consideration of applications, the Corporation shall ensure the equitable treatment of both urban and rural areas.

SEC. 1813. FOCUS OF PROGRAMS.

(a) IN GENERAL.—Programs that receive assistance under this subtitle may carry out activities that—

(1) meet an identifiable public need with specific emphasis on projects in support of energy conservation, infrastructure and transportation improvement, and emergency operations, including—

(A) improving the energy efficiency of housing for elderly and low-income people;

(B) building energy-efficient ''green'' housing for elderly and low-income people;

(C) environmental education and energy conservation education for elementary and secondary school students and the public;

(D) reusing and recycling including deconstruction;

(E) the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals;

(F) transportation enhancements;

(G) recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(H) transformation of military bases affected by the Base Realignment and Closing process (BRAC) to green the space;

(I) tree planting and reforestation;

(J) renewable resource enhancement; and

(K) assisting in emergency operations, such as disaster prevention and relief; and

(2) provide opportunities for youth and young adults, especially disadvantaged

youth, to be trained for careers related to the activities listed in paragraph (1), including those that will be part of the emerging field of ''green collar'' jobs.

(b) GOALS OF THE ENERGY CONSERVATION CORPS.—The goals of the Energy Conservation Corps are to—

(1) promote clean energy use and preserve, protect, and sustain the environment;

(2) provide young adults with opportunities to become better citizens, students and workers through meaningful service to their communities and the nation;

(3) mobilize youth and young adults, especially disadvantaged youth, to promote energy conservation and mitigate threats to the environment; and

(4) provide a pathway to responsible adulthood and productive, unsubsidized employment in the private sector.

SEC. 1814. TRAINING AND EDUCATION SERVICES.

All applicants must describe how they intend to—

(1) assess the skills of Corpsmembers;

(2) provide life skills and work skills training;

(3) provide training and education;

(4) develop agreements for academic study with—

(A) local education agencies;

(B) community colleges;

(C) 4-year colleges;

(D) area charter high schools and vocational-technical schools; and

(E) community-based organizations;

(5) provide career and educational guidance; and

(6) Recruit participants without high school diplomas.

SEC. 1815. PREFERENCE FOR CERTAIN PROJECTS.

In the consideration of applications the Corporation shall give preference to programs that are discrete and—

(1) meet an identifiable public need;

(2) instill a work ethic and a sense of public service in the participants;

(3) involve youth operating in crews or a team-based structure; and

(4) enhance skills development and educational level and opportunities for the participants.

SEC. 1816. PARTICIPANTS.

(a) IN GENERAL.—Age enrollment in programs that receive assistance under this subtitle shall be limited to individuals who, at the time of enrollment, are not less than 18 years nor more than 25 years of age, except that summer programs may include individuals not less than 14 years or more than 21 years of age at the time of the enrollment of such individuals.

(b) PARTICIPATION OF DISADVANTAGED YOUTH.—Programs that receive assistance under this subtitle shall ensure that at least 50 percent of the participants are economically disadvantaged youth.

(c) SPECIAL CORPSMEMBERS.—Notwithstanding subsection (a) of this section, program agencies may enroll a limited number of special Corpsmembers over age 25 so that the Energy Conservation Corps may draw on their special skills to fulfill the purposes of this subtitle.

SEC. 1817. USE OF VOLUNTEERS.

The use of volunteer services under this section shall be subject to the condition that such use does not result in the displacement of any participant.

SEC. 1818. COOPERATION AMONG STATES FOR EMERGENCY RESPONSE.

(a) AGREEMENTS BETWEEN STATES.—States operating an Energy Conservation Corps may enter into a compact with participating states to provide for mutual cooperation to manage any emergency or disaster that is duly declared by the affected state.

(b) PARTICIPATING STATE RESPONSIBILITIES.—

(1) The authorized representative of a participating state may request assistance of another party by contracting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives.

(2) There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

SEC. 1819. FEDERAL SHARE.

The federal share of the cost of carrying out an Energy Conservation Corps program for which a grant is made under this subtitle is 76 percent of the total cost of the program.

SEC. 1820. BEST PRACTICES.

(a) TRAINING AND TECHNICAL ASSISTANCE.—The Corporation shall provide technical assistance to grantees that request assistance and shall disseminate best practices that emerge from the Energy Conservation Corps.

(b) CONTRACT.—In providing training and technical assistance, the Corporation shall contract with a national organization with a proven track record of developing and sustaining Corps, working with the Conservation Corps model, and engaging young people from disadvantaged backgrounds.

SEC. 1820A. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as may be necessary for fiscal years 2008 through 2010 to achieve the purposes of this subtitle.

(b) ALLOCATION.—Of the amounts appropriated to carry out this subtitle for each fiscal year—

(1) 90 percent shall be for grants to eligible entities;

(2) 5 percent shall be technical assistance, and dissemination of best practices; and

(3) 5 percent shall be for evaluation.

SEC. 1820B. LEARN AND SERVE AMERICA.

(a) IN GENERAL.—To promote Learn and Serve programs that have the potential to reach every student in our public education network and private schools through school-based green service-learning, the Corporation shall establish a competitive grant program for the creation or expansion of such service learning programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State Education Agency, Local education Agency, or nonprofit organization shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION OF APPROPRIATIONS.—For this purpose, there are authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

SEC. 1820C. NATIONAL SENIOR SERVICE CORPS.

(a) IN GENERAL.—To promote National Senior Service Corps programs that have the potential to both involve seniors in providing meaningful volunteer opportunities the Corporation shall establish a competitive grant program for the creation or expansion of National Senior Service Corps programs that—

(1) make effective use of the talents and experience of seniors, particularly baby boomers, in programs and projects involving seniors in the improvement of the energy efficiency of housing for elderly and low-income people;

(2) building or helping to supervise energy-efficient ''green'' housing for elderly and low-income people; the repair, renovation, or rehabilitation of an existing infrastructure facility including, but not limited to, rail, mass transportation, ports, inland navigation, schools and hospitals; transportation enhancements; recreational trails improvements, including those that enable alternative means of transportation and ensure safe use;

(3) volunteering in schools to teach or other support environmental education and energy conservation education for elementary and secondary school students and the public; and

(4) assisting in such other activities as the National Senior Service Corps may identify.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, a program in the National Senior Service Corps shall submit an application with such information and in such time as the Corporation may require.

(c) AUTHORIZATION.—For this purpose, there is authorized to be appropriated $10,000,000 for fiscal year 2009 and such sums as may be necessary thereafter.

Subtitle II—Training and Technical Assistance

SEC. 1821. TRAINING AND TECHNICAL ASSISTANCE.

Title I is further amended by adding at the end the following new subtitle:

''Subtitle J—Training and Technical Assistance

''SEC. 199N. TRAINING AND TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Corporation shall conduct, either directly or through grants, contracts, or cooperative agreements, including through State Commissions on National and Community Service, appropriate training and technical assistance to—

''(1) programs receiving assistance under the national service laws; and

''(2) entities (particularly those in rural areas and underserved communities)—

''(A) that desire to carry out or establish national service programs;

''(B) that desire to apply for assistance under the national service laws; or

''(C) that desire to apply for a subgrant under the national service laws.

''(b) ACTIVITIES INCLUDED.—Such training and technical assistance activities may include—

''(1) providing technical assistance to those applying to carry out national service programs or those carrying out national service programs;

''(2) promoting leadership development in national service programs;

''(3) improving the instructional and programmatic quality of national service programs;

''(4) developing the management and budgetary skills of those operating or overseeing national service programs, including to increase the cost effectiveness of the programs under the national service laws;

''(5) providing for or improving the training provided to the participants in programs under the national service laws;

''(6) facilitating the education of national service programs in risk management procedures, including the training of participants in appropriate risk management practices;

''(7) training of those operating or overseeing national service programs in volunteer recruitment, management, and retention to improve the abilities of such individuals to use participants and other volunteers in an effective manner which results in high quality service and the desire of participants or volunteers to continue to serve in other capacities after the program is completed;

''(8) training of those operating or overseeing national service programs in program evaluation and performance measures to inform practices to augment the capacity and sustainability of the program;

''(9) training of those operating or overseeing national service programs to effectively accommodate people with disabilities to increase the participation of people with disabilities in national service programs. Such activities may utilize funding from the reservation of funds to increase the participation of individuals with disabilities as described in section 129(k);

''(10) establishing networks and collaboration among employers, educators, and other key stakeholders in the community to further leverage resources to increase local participation and to coordinate community-wide planning and service;

''(11) providing training and technical assistance for the National Senior Service Corps, including providing such training and technical assistance to programs receiving assistance under section 201 of the Domestic Volunteer Service Act of 1973; and

''(12) carrying out such other activities as the Chief Executive Officer determines to be appropriate.

''(c) PRIORITY.—The Corporation shall give priority to programs under the national service laws and those entities wishing to establish programs under the national service laws seeking training or technical assistance that—

''(1) seek to carry out (as defined in section 101) high quality programs where the services are needed most;

''(2) seek to carry out (as defined in section 101) high quality programs where national service programs do not currently exist or where the programs are too limited to meet community needs;

''(3) seek to carry out (as defined in section 101) high quality programs that focus on and provide service opportunities for underserved rural and urban areas and populations; and

''(4) assist programs in developing a service component that combines students, out-of-school youths, and older adults as participants to provide needed community services.''.

Subtitle III—Repeal of Title III (Points of Light Foundation)

SEC. 1831. REPEAL.

Title III (42 U.S.C. 12661 et seq.) is repealed.

Subtitle IV—Amendments to Title V (Authorization of Appropriations)

SEC. 1841. AUTHORIZATION OF APPROPRIATIONS.

Section 501 (42 U.S.C. 12681) is amended to read as follows:

''SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

''(a) TITLE I.—

''(1) SUBTITLE B.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitle B of title I—

''(i) $65,000,000 for fiscal year 2008; and

''(ii) such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year—

''(i) not more than 60 percent shall be available to provide financial assistance under part I of subtitle B of title I;

''(ii) not more than 25 percent shall be available to provide financial assistance under part II of such subtitle; and

''(iii) not less than 15 percent shall be available to provide financial assistance under part III of such subtitle.

''(C) SUMMER OF SERVICE.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to $10,000,000 shall be for summer of service grants and up to $10,000,000 shall be deposited in the National Service Trust to support summer of service educational awards, consistent with section 118(c)(8).

''(2) SUBTITLES C, D, AND H.—

''(A) IN GENERAL.—There are authorized to be appropriated to provide financial assistance under subtitles C and H of title I, to administer the National Service Trust and disburse national service educational awards and scholarships under subtitle D of title I, and to carry out such audits and evaluations as the Chief Executive Officer or the Inspector General of the Corporation may determine to be necessary, $485,000,000 for fiscal year 2008, and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) PROGRAMS.—Of the amount appropriated under subparagraph (A) for a fiscal year, up to 15 percent shall be made available to provide financial assistance under subsections (b) and (c) of section 126, and under subtitle H of title I.

''(C) SUBTITLE C.—Of the amount appropriated under subparagraph (A), the following amounts shall be made available to provide financial assistance under section 121 of subtitle C of title I:

''(i) For fiscal year 2008, not more than $324,000,000.

''(ii) For fiscal year 2009, not more than $357,000,000.

''(iii) For fiscal year 2010, not more than $397,000,000.

''(iv) For each of fiscal years 2011 through 2012, such sums as may be necessary.

''(D) PRIORITY.—Notwithstanding any other provision of this Act, in obligating the amounts made available pursuant to the authorization of appropriations in subparagraph (C), priority shall be given to programs carried out in areas for which the President has declared the existence of a major disaster, in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), as a consequence of Hurricanes Katrina and Rita.

''(3) SUBTITLE E.—There are authorized to be appropriated to operate the National Civilian Community Corps and provide financial assistance under subtitle E of title I, $25,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(4) ADMINISTRATION.—

''(A) IN GENERAL.—There are authorized to be appropriated for the administration of this Act, including financial assistance under sections 126(a) and 196B, $51,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(B) CORPORATION.—Of the amounts appropriated under subparagraph (A) for a fiscal year—

''(i) up to 69 percent shall be made available to the Corporation for the administration of this Act, including to provide financial assistance under section 196B; and

''(ii) the remainder shall be available to provide financial assistance under section 126(a).

''(5) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated for a fiscal year under subtitles B, C, and H of title I of this Act and under titles I and II of the Domestic Volunteer Service Act of 1973, the Corporation shall reserve up to 2.5 percent to carry out subtitle J of this Act. Notwithstanding subsection (b), amounts so reserved shall be available only for the fiscal year for which they are reserved.

''(b) AVAILABILITY OF APPROPRIATIONS.—Funds appropriated under this section shall remain available until expended.''.

TITLE II—AMENDMENTS TO THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973

SEC. 2001. REFERENCES.

Except as otherwise specifically provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of a provision, the reference shall be considered to be made to a provision of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 et seq.).

Subtitle A—Amendments to Title I (National Volunteer Antipoverty Programs)

SEC. 2101. PURPOSE.

Section 2 (42 U.S.C. 4950) is amended—

(1) in subsection (a), by striking ''both young and older citizens'' and inserting ''citizens of all ages and backgrounds''; and

(2) in subsection (b), by striking ''local agencies'' and all that follows through the period at the end and inserting ''local agencies, expand relationships with, and support for, the efforts of civic, community, and educational organizations, and utilize the energy, innovative spirit, experience, and skills of all Americans.''.

SEC. 2102. PURPOSE OF THE VISTA PROGRAM.

Section 101 (42 U.S.C. 4951) is amended—

(1) in the second sentence, by striking ''afflicted with'' and inserting ''affected by''; and

(2) in the third sentence, by striking ''local level'' and all that follows through the period at the end and inserting ''local level, to support efforts by local agencies and organizations to achieve long-term sustainability of projects, consistent with section 186 of the National and Community Service Act of 1990, initiated or expanded under the VISTA program activities, and to strengthen local agencies and community organizations to carry out the purpose of this part.''.

SEC. 2103. APPLICATIONS.

Section 103 (42 U.S.C. 4953) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,''; and

(B) in paragraph (2)—

(i) by striking ''handicapped'' and inserting ''disabled''; and

(ii) by striking ''handicaps'' and inserting ''disabilities'';

(C) in paragraph (3), by striking ''jobless, the hungry, and low-income'' and inserting ''unemployed, the hungry, and low-income'';

(D) in paragraph (4), by striking ''prevention, education,'' and inserting ''through prevention, education, rehabilitation, and treatment,'';

(E) in paragraph (5), by inserting '', mental illness,'' after ''including'';

(F) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(G) in paragraph (7), by striking the period and inserting a semicolon; and

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

''(8) in the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling;

''(9) in developing and carrying out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education;

''(10) in initiating and supporting before-school and after-school programs servicing children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills, or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children;

''(11) in establishing and supporting community economic development initiatives, including micro-enterprises, with a priority

on such programs in rural areas and other areas where such programs are needed most;

''(12) in assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services; and

''(13) in addressing the health and wellness of low-income and underserved communities, including programs to increase access to preventive services, insurance, and health care.'';

(2) in subsection (b)—

(A) in paragraph (1), by striking ''recruitment and placement procedures'' and inserting ''placement procedures that involve sponsoring organizations and'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) strike ''related to the recruitment and'' and insert ''related to the'';

(II) strike ''in conjunction with the recruitment and'' and insert ''in conjunction with the''; and

(III) strike ''1993. Upon'' and all that follows through the period at the end and insert ''1993.'';

(ii) in subparagraph (B), by striking ''central information system that shall, on request, promptly provide'' and inserting ''database that provides''; and

(iii) in subparagraph (C)—

(I) by striking ''timely and effective'' and inserting ''timely and cost-effective''; and

(II) by striking ''the recruitment of volunteers'' and inserting ''recruitment and management of volunteers''; and

(C) in paragraph (3), by adding at the end the following: ''The Director shall give priority to—

''(A) disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) and low-income adults; and

''(B) retired adults of any profession, but with an emphasis on those professions whose services and training are most needed in a community, such as the health care professions, teaching, counseling, and engineering and other professions requiring a high level of technical and project management skills, to utilize their experience, including professional skills, in the VISTA program.'';

(D) in paragraph (5)(B), by striking ''information system'' and inserting ''database'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''personnel described in subsection (b)(2)(C)'' and inserting ''personnel described in subsection (b)(2)(C), sponsoring organizations, and the Office of Outreach and Recruitment'';

(ii) in subparagraph (A), by inserting ''the Internet and related technologies,'' after ''television,'';

(iii) in subparagraph (B), by inserting ''Internet and related technologies,'' after ''through the'';

(iv) in subparagraph (C), by inserting after ''senior citizens organizations,'' the following: ''offices of economic development, State employment security agencies, employment offices,'';

(v) in subparagraph (F), by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''; and

(vi) in subparagraph (G), by striking '', on request,'';

(B) in paragraph (3), by striking ''this subsection'' and inserting ''this subsection and related public awareness and recruitment activities under the national service laws and through the Office of Outreach and Recruitment''; and

(C) in paragraph (4)—

(i) by striking ''Beginning'' and all that follows through ''for the purpose'' and inserting ''For the purpose''; and

(ii) by striking ''1.5 percent'' and inserting ''2 percent'';

(4) by amending the second sentence of subsection (d) to read as follows: ''Whenever feasible, such efforts shall be coordinated with an appropriate local workforce investment board established under section 117 of the Workforce Investment Act of 1998.'';

(5) in subsection (g) by striking ''and has been submitted to the Governor'' and all that follows and inserting a period; and

(6) by adding at the end the following:

''(i) The Director may enter into agreements under which public and private nonprofit organizations, with sufficient financial capacity and size, pay for all or a portion of the costs of supporting the service of volunteers under this title, consistent with the provisions of section 186 of the National and Community Service Act of 1990.''.

SEC. 2104. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

Part A of title I is amended by inserting after section 103 (42 U.S.C. 4953) the following:

''SEC. 103A. VISTA PROGRAMS OF NATIONAL SIGNIFICANCE.

''(a) IN GENERAL.—With not less than one-third of the funds made available under subsection (d) in each fiscal year, the Director shall make grants for VISTA positions to support programs of national significance. Each program for which a grant is received under this subsection shall be carried out in accordance with the requirements applicable to that program.

''(b) ACTIVITIES SUPPORTED.—The Director shall make grants under subsection (a) to support one or more of the following programs to address problems that concern low-income and rural communities in the Nation:

''(1) In the re-entry and re-integration of formerly incarcerated youth and adults into society, including life skills training, employment training, counseling, educational training, and educational counseling.

''(2) In developing and carrying-out financial literacy, financial planning, budgeting, savings, and reputable credit accessibility programs in low-income communities, including those programs which educate on financing home ownership and higher education.

''(3) In initiating and supporting before-school and after-school programs in low-income communities that may include such activities as establishing mentoring relationships, physical education, tutoring, instruction in 21st century thinking skills, life skills, and study skills, community service, service-learning, nutrition and health education, and other activities aimed at keeping children, safe, educated, and healthy, which serve the children in such community.

''(4) In establishing and supporting community economic development initiatives, including micro-enterprises, with a priority on such programs in rural areas and areas where such programs are needed most.

''(5) In assisting veterans and their families through establishing or augmenting programs which assist such persons with access to legal assistance, health care (including mental health), employment counseling or training, education counseling or training, affordable housing, and other support services.

''(6) In addressing the health and wellness of low-income and underserved communities across our Nation, including programs to fight childhood obesity through nutrition, physical fitness, and other associated life skills education programs and programs to increase access to preventive services, insurance, and health care.

''(c) REQUIREMENTS.—

''(1) ELIGIBILITY.—In order to receive a grant under subsection (a), an applicant shall submit an application to the Director at such time and in such manner as the Director requires and receive approval of the application. Such application shall, at a minimum, demonstrate to the Director a level of expertise in carrying out such a program.

''(2) SUPPLEMENT NOT SUPPLANT.—Funds made available under subsection (d) shall be used to supplement and not supplant the number of VISTA volunteers engaged in programs addressing the problem for which such funds are awarded unless such sums are an extension of funds previously provided under this title.

''(d) FUNDING.—

''(1) IN GENERAL.—From the amounts appropriate under section 501 for each fiscal year there shall be available to the Director such sums as may be necessary to make grants under subsection (a).

''(2) LIMITATION.—No funds shall be made available to the Director to make grants under subsection (a) unless the amounts appropriated under section 501 available for such fiscal year to carry out part A are sufficient to maintain the number of projects and volunteers funded under part A in the preceding fiscal year.

''(e) INFORMATION.—The Director shall widely disseminate information on grants that may be made under this section, including through the Office of Outreach and Recruitment and other volunteer recruitment programs being carried out by public or private non-profit organizations.''.

SEC. 2105. TERMS AND PERIODS OF SERVICE.

Section 104(d) (42 U.S.C. 4954(d)) is amended—

(1) in the first sentence, by striking ''with the terms and conditions of their service.'' and inserting ''with the terms and conditions of their service or any adverse action, such as termination, proposed by the sponsoring organization. The procedure shall provide for an appeal to the Director of any proposed termination.''; and

(2) in the third sentence (as amended by this section), by striking ''and the terms and conditions of their service''.

SEC. 2106. SUPPORT SERVICE.

Section 105(a)(1)(B) (42 U.S.C. 4955(a)(1)(B)) is amended by striking ''Such stipend'' and all that follows through ''in the case of persons'' and inserting ''Such stipend shall be set at a minimum of $125 per month and a maximum of $150 per month, subject to the availability of funds to accomplish such a maximum. The Director may provide a stipend of $250 per month in the case of persons''.

SEC. 2107. SECTIONS REPEALED.

The following provisions are repealed:

(1) VISTA LITERACY CORPS.—Section 109 (42 U.S.C. 4959).

(2) UNIVERSITY YEAR FOR VISTA.—Part B of title I (42 U.S.C. 4971 et seq.).

(3) LITERACY CHALLENGE GRANTS.—Section 124 (42 U.S.C. 4995).

SEC. 2108. CONFORMING AMENDMENT.

Section 121 (42 U.S.C. 4991) is amended in the second sentence by striking ''situations'' and inserting ''organizations''.

SEC. 2109. FINANCIAL ASSISTANCE.

Section 123 (42 U.S.C. 4993) is amended—

(1) in the section heading by striking ''technical and''; and

(2) by striking ''technical and''.

Subtitle B—Amendments to Title II (National Senior Volunteer Corps)

SEC. 2201. CHANGE IN NAME.

Title II (42 U.S.C. 5000 et seq.) is amended in the title heading by striking ''**NATIONAL SENIOR VOLUNTEER CORPS**'' and inserting ''**NATIONAL SENIOR SERVICE CORPS**''.

SEC. 2202. PURPOSE.

Section 200 (42 U.S.C. 5000) is amended to read as follows:

''SEC. 200. STATEMENT OF PURPOSE.

''It is the purpose of this title to provide—

''(1) opportunities for senior service to meet unmet local, State, and national needs in the areas of education, public safety, emergency and disaster preparedness, relief, and recovery, health and human needs, and the environment;

''(2) for the National Senior Service Corps, comprised of the Retired and Senior Volunteer Program, the Foster Grandparent Program, and the Senior Companion Program, and demonstration and other programs to empower people 55 years of age or older to contribute to their communities through service, enhance the lives of those who serve and those whom they serve, and provide communities with valuable services;

''(3) opportunities for people 55 years of age or older, through the Retired and Senior Volunteer Program, to share their knowledge, experiences, abilities, and skills for the betterment of their communities and themselves;

''(4) opportunities for low-income people 55 years of age or older, through the Foster Grandparents Program, to have a positive impact on the lives of children in need;

''(5) opportunities for low-income people 55 years of age or older, through the Senior Companion Program, to provide critical support services and companionship to adults at risk of institutionalization and who are struggling to maintain a dignified independent life; and

''(6) for research, training, demonstration, and other program activities to increase and improve opportunities for people 55 years of age or older to meet unmet needs, including those related to public safety, public health, and emergency and disaster preparedness, relief, and recovery, in their communities.''.

SEC. 2203. GRANTS AND CONTRACTS FOR VOLUNTEER SERVICE PROJECTS.

Section 201 (42 U.S.C. 5001) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking ''avail themselves of opportunities for volunteer service in their community'' and inserting ''share their experiences, abilities, and skills for the betterment of their communities and themselves through service'';

(B) in paragraph (2), by striking '', and individuals 60 years of age or older will be given priority for enrollment,'';

(C) in paragraph (3) by inserting ''either prior to or during the volunteer service'' after ''may be necessary''; and—

(D) by striking paragraph (4) and inserting the following:

''(4) the project is being designed and implemented with the advice of experts in the field of service to be delivered as well as with those who have expertise in the recruitment and management of volunteers, particularly those of the Baby Boom generation.'';

(2) by amending subsection (c) to read as follows:

''(c) The Director shall give priority to projects—

''(1) utilizing retired scientists, technicians, engineers, and mathematicians (the STEM professionals) to improve Science, Technology, Engineering, and Mathematics (STEM) education through activities such as assisting teachers in classroom demonstrations or laboratory experiences, running after-school, weekend, or summer programs designed to engage disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or low-income, minority youth in the STEM fields and to improve mastery of the STEM content, providing field trips to businesses, institutions of higher education, museums, and other locations where the STEM professions are practiced or illuminated;

''(2) utilizing retired health care professionals to improve the health and wellness of low income or rural communities;

''(3) utilizing retired criminal justice professionals for programs designed to prevent disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) from joining gangs or committing crimes;

''(4) utilizing retired military and emergency professionals for programs to improve public safety, emergency and disaster preparedness, relief, and recovery, search and rescue, and homeland security efforts; and

''(5) utilizing retired computer science professionals, technicians of related technologies, business professionals, and others with relevant knowledge to increase, for low income individuals and families, access to and obtaining the benefits from computers and other existing and emerging technologies.''; and

(3) by adding at the end the following:

''(e) COMPETITIVE GRANT AWARDS REQUIRED.—

''(1) IN GENERAL.—Effective for fiscal year 2013 and each fiscal year thereafter, each grant or contract awarded under this section in such a year shall be—

''(A) awarded for a period of 3 years; and

''(B) awarded through a competitive process.

''(2) ELEMENTS OF COMPETITIVE PROCESS.—The competitive process required by paragraph (1)(B)—

''(A) shall include the use of a peer review panel, including members with expertise in senior service and aging;

''(B) shall ensure that—

''(i) the resulting grants (or contracts) support no less than the volunteer service years of the previous grant (or contract) cycle in a given geographic service area;

''(ii) the resulting grants (or contracts) maintain a similar program distribution; and

''(iii) every effort is made to minimize the disruption to volunteers; and

''(C) shall include the performance measures, outcomes, and other criteria established under subsection (f).

''(3) ESTABLISHMENT OF COMPETITIVE PROCESS.—The Corporation shall establish and make available the competitive process required by paragraph (1)(B) no later than 18 months after the date of the enactment of this subsection. The Corporation shall consult with the program directors of the Retired Senior Volunteer Program during development and implementation of the competitive process.

''(f) EVALUATION PROCESS REQUIRED.—

''(1) IN GENERAL.—Notwithstanding section 412, and effective beginning 180 days after the date of the enactment of this subsection, each grant or contract under this section that expires in fiscal year 2010, 2011, and 2012 shall be subject to an evaluation process. The evaluation process shall be carried out, to the maximum extent practicable, in fiscal year 2009, 2010, and 2011, respectively.

''(2) ELEMENTS OF EVALUATION PROCESS.—The evaluation process required by paragraph (1)—

''(A) shall include performance measures, outcomes, and other criteria; and

''(B) shall evaluate the extent to which the recipient of the grant or contract meets or exceeds such performance measures, outcomes, and other criteria.

''(3) ESTABLISHMENT OF EVALUATION PROCESS.—The Corporation shall, in collaboration and consultation with program directors of the Retired Senior Volunteer Program, establish and make available the evaluation process required by paragraph (1), including the performance measures, outcomes, and other criteria required by paragraph (2)(A), with particular attention to the different needs of rural and urban programs. The processes shall be established and made available, including notification of the available training and technical assistance, no later than 180 days after the date of the enactment of this subsection.

''(4) EFFECT OF FAILING TO MEET PERFORMANCE MEASURES.—If the evaluation process determines that the recipient has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection, the grant or contract shall not be renewed. Any successor grant or contract shall be awarded through the competitive process described in subsection (e)(1).

''(5) SPECIAL RULE.—The Corporation may continue to fund a program which has failed to meet or exceed the performance measures, outcomes, and other criteria established under this subsection for up to 12 months if competition does not result in a successor grant or contract for such program, in order to minimize the disruption to volunteers and disruption of services. In such a case, outreach shall be conducted and a new competition shall be established. The previous recipient shall remain eligible for the new competition.

''(6) PERFORMANCE MEASURES.—

''(A) IN GENERAL.—The performance measures, outcomes, and other criteria established under this subsection may be updated or modified as necessary, in consultation with program directors for the Retired Senior Volunteer Program, but no earlier than fiscal year 2013.

''(B) OPERATIONAL PROBLEMS.—Effective for fiscal years before fiscal year 2013, the Corporation may, after consulting with program directors of the Retired Senior Volunteer Program, determine that a performance measure, outcome, or criterion established under this subsection is operationally problematic, and may, in consultation with program directors of the Retired Senior Volunteer Program and after notifying the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate—

''(i) eliminate the use of that performance measure, outcome, or criterion; or

''(ii) modify that performance measure, outcome, or criterion as necessary to render it no longer operationally problematic.

''(g) ONLINE RESOURCE GUIDE.—The Corporation shall develop and disseminate an online resource guide for the Retired Senior Volunteer Program within 180 days after the date of the enactment of this subsection, which shall include, but not be limited to—

''(1) examples of high performing programs;

''(2) corrective actions for underperforming programs; and

''(3) examples of meaningful outcome-based performance measures that capture a program's mission and priorities.

''(h) REPORT TO CONGRESS.—The Corporation shall submit, by 2012, to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate a report on—

''(1) the number of programs that did not meet or exceed the established performance

measures, outcomes, and other criteria established under subsection (f);

''(2) the number of new grants awarded;

''(3) the challenges to the implementation of evaluation and competition, including but not limited to geographic distribution and the minimization of disruption to volunteers; and

''(4) how the current program geographic distribution affects recruitment for the Retired Senior Volunteer Program.''.

SEC. 2204. FOSTER GRANDPARENT PROGRAM GRANTS.

Section 211 (42 U.S.C. 5011) is amended—

(1) in subsection (a), by striking ''low-income persons aged sixty or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—'' and inserting ''may determine—'';

(ii) in subparagraph (A), by striking ''and'';

(iii) in subparagraph (B), by striking the period and inserting ''; and''; and

(iv) by adding after subparagraph (B) the following:

''(C) whether it is in the best interests of a child receiving, and of a particular foster grandparent providing, services in such a project, to continue such relationship after the child reaches the age of 21, if such child was receiving such services prior to attaining the age of 21.'';

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2);

(3) in paragraph (2) (as redesignated by this section), by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)'';

(4) by adding after paragraph (2) (as redesignated by this section) the following:

''(3) If an assignment of a foster grandparent is suspended or discontinued, the replacement of that foster grandparent shall be determined through the mutual agreement of all parties involved in the provision of services to the child.'';

(5) in subsection (d), in the second sentence, by striking ''Any stipend'' and all that follows through ''inflation,'' and inserting ''Any stipend or allowance provided under this part shall not exceed 75 percent of the minimum wage under section 6 the Fair Labor Standards Act of 1938 (29 U.S.C. 206), and the Federal share shall not be less than $2.65 per hour, provided that the Director shall adjust the Federal share once prior to December 31, 2012, to account for inflation,'';

(6) in subsection (e)—

(A) in paragraph (1), by striking ''125'' and inserting ''200''; and

(B) in paragraph (2), by striking '', as so adjusted'' and all that follows through ''local situations'';

(7) by striking subsection (f) and inserting:

''(f)(1) Subject to the restrictions in paragraph (3), individuals who are not low-income persons may serve as volunteers under this part. The regulations issued by the Director to carry out this part (other than regulations relating to stipends or allowances to individuals authorized by subsection (d)) shall apply to all volunteers under this part, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

''(2) Except as provided under paragraph (1), each recipient of a grant or contract to carry out a project under this part shall give equal treatment to all volunteers who participate in such project, without regard to whether such volunteers are eligible to receive a stipend or allowance under subsection (d).

''(3) An individual who is not a low-income person may not become a volunteer under this part if allowing that individual to become a volunteer under this part would prevent a low-income person from becoming a volunteer under this part or would displace a low-income person from being a volunteer under this part.

''(4) The Office of Outreach and Recruitment shall conduct outreach to ensure the inclusion of low-income persons in programs and activities authorized under this title.''; and

(8) by adding at the end the following new subsections:

''(g) The Director may also provide a stipend or allowance in an amount not to exceed 10 percent more than the amount established under subsection (d) to leaders who, on the basis of past experience as volunteers, special skills, and demonstrated leadership abilities, may coordinate activities, including training, and otherwise support the service of volunteers under this part.

''(h) The program may accept up to 15 percent of volunteers serving in a project under this part for a fiscal year who do not meet the definition of 'low-income' under subsection (e), upon certification by the recipient of a grant or contract that it is unable to effectively recruit and place low-income volunteers in the number of placements approved for the project.''.

SEC. 2205. SENIOR COMPANION PROGRAM GRANTS.

Section 213 (42 U.S.C. 5013) is amended—

(1) in subsection (a), by striking ''low-income persons aged 60 or over'' and inserting ''low-income and other persons aged 55 or over'';

(2) in subsection (b), by striking ''Subsections (d), (e), and (f)'' and inserting ''Subsections (d) through (h)''; and

(3) by striking subsection (c)(2)(B) and inserting the following:

''(B) Senior companion volunteer trainers and leaders may receive a stipend or allowance consistent with subsection (g) authorized under subsection (d) of section 211, as approved by the Director.''.

SEC. 2206. PROMOTION OF NATIONAL SENIOR SERVICE CORPS.

Section 221 (42 U.S.C. 5021) is amended—

(1) in the section heading, by striking ''VOLUNTEER'' and inserting ''SERVICE''; and

(2) in subsection (b)(2), by inserting ''of all ages and backgrounds living in rural, suburban, and urban localities'' after ''greater participation of volunteers''.

SEC. 2207. TECHNICAL AMENDMENTS.

(a) CHANGE IN AGE ELIGIBILITY.—Section 223 (42 U.S.C. 5023) is amended by striking ''sixty years and older from minority groups'' and inserting ''55 years and older from minority and underserved populations''.

(b) NAME CHANGE.—Section 224 (42 U.S.C. 5024) is amended in the heading by striking ''VOLUNTEER'' and inserting ''SERVICE''.

SEC. 2208. PROGRAMS OF NATIONAL SIGNIFICANCE.

Section 225 (42 U.S.C. 5025) is amended—

(1) in subsection (a)—

(A) by amending paragraph (2) to read as follows:

''(2) Applicants for grants under paragraph (1) shall determine which program under part A, B, or C the program shall be carried out and submit an application as required for programs under part A, B, or C.''; and

(B) by adding at the end the following:

''(4) The Director shall ensure that at least 50 percent of the grants made under this section are from applicants currently not receiving assistance from the Corporation and when possible in locations where there are no current programs under part A, B, C in existence.'';

(2) in subsection (b)—

(A) in paragraph (1), by inserting before the period at the end the following: ''or Alzheimer's disease, with an intent of allowing those served to age in place'';

(B) in paragraph (2), by inserting before the period at the end the following: ''through education, prevention, treatment, and rehabilitation'';

(C) in paragraph (3), by inserting before the period at the end the following: '', including programs that teach parenting skills, life skills, and family management skills'';

(D) by amending paragraph (4) to read as follows:

''(4) Programs that establish and support mentoring programs for disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990), including those mentoring programs that match youth with volunteer mentors leading to apprenticeship programs and employment training.'';

(E) in paragraph (5), by inserting before the period at the end the following: '', including those programs that serve youth and adults with limited English proficiency'';

(F) in paragraph (6), by striking ''and'' and all that follows through the period and insert ''and for individuals and children with disabilities or chronic illnesses living at home.'';

(G) in paragraph (7), by striking ''after-school activities'' and all that follows through the period at the end and inserting ''after-school programs serving children in low-income communities that may engage participants in mentoring relationships, tutoring, life skills or study skills programs, service-learning, physical, nutrition, and health education programs, including programs aimed at fighting childhood obesity, and other activities addressing the needs of the community's children, including those of working parents.'';

(H) by striking paragraphs (8), (9), (12), (13), (14), (15), (16), and (18);

(I) by redesignating paragraphs (10) and (11) as paragraphs (8) and (9), respectively;

(J) by inserting after paragraph (9) (as so redesignated) the following:

''(10) Programs that engage older adults with children and youth to complete service in energy conservation, environmental stewardship, or other environmental needs of a community.

''(11) Programs that collaborate with criminal justice professionals and organizations in prevention programs aimed at disadvantaged youth (as defined in section 101 of the National and Community Service Act of 1990) or youth re-entering society after incarceration and their families, which may include mentoring and counseling, which many include employment counseling.'';

(K) by redesignating paragraph (17) as paragraph (12); and

(L) by adding at the end the following:

''(13) Programs that strengthen community efforts in support of homeland security.'';

(3) in subsection (c)(1), by striking ''shall demonstrate to the Director'' and all that follows through the period at the end and inserting ''shall demonstrate to the Director a level of expertise in carrying out such a program.''; and

(4) in subsection (e)—

(A) by inserting ''widely'' before ''disseminate''; and

(B) by striking ''to field personnel'' and all that follows through the period at the end and inserting '', including through the Office of Outreach and Recruitment and other volunteer recruitment programs being carried out by public or private non-profit organizations.''.

SEC. 2209. ADDITIONAL PROVISIONS.

Part D of title II (42 U.S.C. 5000 et seq.) is amended by adding after section 227 the following:

"SEC. 228. CONTINUITY OF SERVICE.

''To ensure the continued service of individuals in communities served by the Retired and Senior Volunteer Program prior to enactment of this section, in making grants under this title the Corporation shall take actions it considers necessary to maintain service assignments for such seniors and to ensure continuity of service for communities.

"SEC. 229. ACCEPTANCE OF DONATIONS.

''(a) IN GENERAL.—Except as provided in subsection (b), a program receiving assistance under this title may accept donations, including donations in cash or in kind.

''(b) EXCEPTION.—Notwithstanding subsection (a), a program receiving assistance under this title shall not accept donations from the beneficiaries of the program.''.

SEC. 2210. AUTHORITY OF DIRECTOR.

Section 231 (42 U.S.C. 5028) is amended—

(1) by amending subsection (a) to read as follows:

''(a) IN GENERAL.—

''(1) ACTIVITIES AUTHORIZED.—The Director is authorized to—

''(A) make grants to or enter into contracts with public or nonprofit organizations, including organizations funded under part A, B, or C, for the purposes of demonstrating innovative activities involving older Americans as volunteers; and

''(B) make incentive grants under subsection (d).

''(2) SUPPORT OF VOLUNTEERS.—The Director may support under this part both volunteers receiving stipends and volunteers not receiving stipends.'';

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''subsection (a)'' and inserting ''subsection (a)(1)(A)'';

(B) in paragraph (1), by striking ''activities;'' and inserting ''activities described in section 225(b) and carried out through programs described in parts A, B, and C;''; and

(C) by striking paragraphs (2) and (3) and inserting the following:

''(2) programs that support older Americans in aging in place while augmenting the capacity of members of a community to serve each other through reciprocal service centers, service credit banking, community economic scripts, barter services, timebanking, and other similar programs where services are exchanged and not paid for; or

''(3) grants to non-profit organizations to establish sites or programs to—

''(A) assist retiring or retired individuals in locating opportunities for—

''(i) public service roles, including through paid or volunteer service;

''(ii) participating in life-planning programs, including financial planning and issues revolving around health and wellness; and

''(iii) continuing education, including leadership development, health and wellness, and technological literacy; and

''(B) connect retiring or retired individuals with members of the community to serve as leaders and mentors in life planning, relationships, employment counseling, education counseling, and other areas of expertise as developed by the retiring or retired adults.''; and

(3) by adding at the end the following:

''(c) PRIORITY.—For purposes of subsection (b)(2), priority shall be given to—

''(1) programs with established experience in carrying out such a program and engaging the entire community in service exchange;

''(2) programs with the capacity to connect to similar programs throughout a city or region to augment the available services to older Americans and for members of the community to serve each other;

''(3) programs seeking to establish in an area where needs of older Americans are left unmet and older Americans are unable to consider aging in place without such service exchange in place; and

''(4) programs that integrate participants in or collaborate with service-learning programs, AmeriCorps State and National programs, the VISTA program, the Retired and Senior Volunteer Program, Foster Grandparents program, and the Senior Companion programs, and programs described in section 411 of the Older Americans Act of 1965 (42 U.S.C. 3032).

''(d) INCENTIVE GRANTS.—The incentive grants referred to in subsection (a)(1)(B) are incentive grants to programs receiving assistance under this title, subject to the following:

''(1) Such grants (which may be fixed-amount grants) shall be grants in an amount equal to $300 per volunteer enrolled in the program, except that such amount shall be reduced as necessary to meet the goals of this section.

''(2) Such a grant shall be awarded to a program only if the program—

''(A) exceeds performance measures established under section 179 of the National and Community Service Act of 1990;

''(B) provides non-Federal matching funds in an amount that is not less than 50 percent of the amount received by the program under this title;

''(C) enrolls more than 50 percent of the volunteers in outcome-based service programs with measurable objectives meeting community needs, as determined by the Corporation; and

''(D) enrolls more volunteers from among members of the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, than were enrolled in the program during the previous fiscal year.

''(3) For each such grant, the Corporation shall require the recipient to provide matching funds of 70 cents from non-Federal sources for every $1 provided under the grant.

''(4) Such a grant shall be awarded to a program only if the program submits, at such time and in such manner as the Corporation may reasonably require, an application that contains—

''(A) a demonstration that the program has met the requirements of paragraph (2);

''(B) if applicable, a plan for innovative programs as described in paragraph (6)(B)(ii);

''(C) a sustainability plan that describes how the program will maintain the activities described in paragraph (6) when the grant terminates; and

''(D) other information that the Corporation may require.

''(5) Such grants shall be awarded for a period of 3 years, except that the grant shall be reviewed by the Corporation at the end of the first and second fiscal years and revoked if the Corporation finds that the program has failed to continue to meet the requirements of paragraph (2) for those fiscal years.

''(6) Such grants—

''(A) shall be used to increase the number of volunteers in outcome-based service with measurable objectives meeting community needs as determined by the Corporation; and

''(B) may be used—

''(i) for activities for which the program is authorized to receive assistance under this title; and

''(ii) for innovative programs focused on the Baby Boom generation, as defined in section 101 of the National and Community Service Act of 1990, that have been accepted by the Corporation through the application process in paragraph (4) and are outcome-based programs with measurable objectives meeting community needs as determined by the Corporation.

''(7) The Director shall, in making such grants, give high priority to programs receiving assistance under section 201.''.

Subtitle C—Amendments to Title IV (Administration and Coordination)

SEC. 2301. NONDISPLACEMENT.

Section 404(a) (42 U.S.C. 5044(a)) is amended by striking ''displacement of employed workers'' and inserting ''displacement of employed workers or volunteers (other than participants under the national service laws)''.

SEC. 2302. NOTICE AND HEARING PROCEDURES.

Section 412(a) (42 U.S.C. 5052(a)) is amended—

(1) in paragraph (2)—

(A) by striking ''75'' and inserting ''60''; and

(B) by adding ''and'' at the end;

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as (3).

SEC. 2303. DEFINITIONS.

Section 421 (42 U.S.C. 5061) is amended—

(1) in paragraph (2), by inserting '', the Commonwealth of the Northern Mariana Islands,'' after ''American Samoa,'';

(2) in paragraph (13), by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(3) in paragraph (14)—

(A) by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''; and

(B) by striking ''parts A, B, C, and E of'';

SEC. 2304. PROTECTION AGAINST IMPROPER USE.

Section 425 (42 U.S.C. 5065) is amended by striking ''National Senior Volunteer Corps'' and inserting ''National Senior Service Corps''.

Subtitle D—Amendments to Title V (Authorization of Appropriations)

SEC. 2401. AUTHORIZATION OF APPROPRIATIONS FOR VISTA AND OTHER PURPOSES.

Section 501 (42 U.S.C. 5081) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking '', excluding section 109'' and all that follows and inserting ''$100,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.'';

(B) by striking paragraphs (2) and (4) and redesignating paragraphs (3) and (5) as paragraphs (2) and (3); and

(C) in paragraph (2) (as redesignated by this section), by striking '', excluding section 125'' and all that follows and inserting ''such sums as may be necessary for each of fiscal years 2008 through 2012.''; and

(2) by striking subsection (e).

SEC. 2402. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SENIOR SERVICE CORPS.

Section 502 (42 U.S.C. 5082) is amended to read as follows:

"SEC. 502. NATIONAL SENIOR SERVICE CORPS.

''(a) RETIRED AND SENIOR VOLUNTEER PROGRAM.—There are authorized to be appropriated to carry out part A of title II, $67,500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(b) FOSTER GRANDPARENT PROGRAM.—There are authorized to be appropriated to carry out part B of title II, $115,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(c) SENIOR COMPANION PROGRAM.—There are authorized to be appropriated to carry

out part C of title II, $52,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.

''(d) DEMONSTRATION PROGRAMS.—There are authorized to be appropriated to carry out part E of title II, $500,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

SEC. 2403. ADMINISTRATION AND COORDINATION.

Section 504 (42 U.S.C. 5084) is amended to read as follows:

''SEC. 504. ADMINISTRATION AND COORDINATION.

''There are authorized to be appropriated for the administration of this Act $35,000,000 for fiscal year 2008 and such sums as may be necessary for each of fiscal years 2009 through 2012.''.

TITLE III—AMENDMENTS TO OTHER LAWS

SEC. 3101. INSPECTOR GENERAL ACT OF 1978.

Section 8F(a)(1) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''National and Community Service Trust Act of 1993'' and inserting ''National and Community Service Act of 1990''.

TITLE IV—TECHNICAL AMENDMENTS TO TABLES OF CONTENTS

SEC. 4101. TABLE OF CONTENTS FOR THE NATIONAL AND COMMUNITY SERVICE ACT OF 1990.

Section 1(b) of the National and Community Service Act of 1990 (42 U.S.C. 12501 note) is amended to read as follows:

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

''Sec. 1. Short title and table of contents.
''Sec. 2. Findings and purpose.
''Sec. 3. Sense of Congress.

''TITLE I—NATIONAL AND COMMUNITY SERVICE STATE GRANT PROGRAM

''Subtitle A—General Provisions

''Sec. 101. Definitions.

''Subtitle B—School-Based and Community-Based Service-Learning Programs

''PART I—PROGRAMS FOR ELEMENTARY AND SECONDARY STUDENTS

''Sec. 111. Assistance to States, Territories, and Indian tribes.
''Sec. 112. Allotments.
''Sec. 113. Applications.
''Sec. 114. Consideration of applications.
''Sec. 115. Participation of students and teachers from private schools.
''Sec. 116. Federal, State, and local contributions.
''Sec. 116A. Limitations on uses of funds.

''PART II—HIGHER EDUCATION INNOVATIVE PROGRAMS FOR COMMUNITY SERVICE

''Sec. 117. Higher education innovative programs for community service.

''PART III—INNOVATIVE SERVICE-LEARNING PROGRAMS AND RESEARCH

''Sec. 118. Innovative demonstration service-learning programs and research.

''Subtitle C—National Service Trust Program

''PART I—INVESTMENT IN NATIONAL SERVICE

''Sec. 121. Authority to provide assistance and approved national service positions.
''Sec. 122. Types of national service programs eligible for program assistance.
''Sec. 123. Types of national service positions eligible for approval for national service educational awards.
''Sec. 124. Types of program assistance.
''Sec. 126. Other special assistance.

''PART II—APPLICATION AND APPROVAL PROCESS

''Sec. 129. Provision of assistance and approved national service positions.
''Sec. 129A. Education awards only research.
''Sec. 130. Application for assistance and approved national service positions.
''Sec. 131. National service program assistance requirements.
''Sec. 132. Ineligible service categories.
''Sec. 133. Consideration of applications.

''PART III—NATIONAL SERVICE PARTICIPANTS

''Sec. 137. Description of participants.
''Sec. 138. Selection of national service participants.
''Sec. 139. Terms of service.
''Sec. 140. Living allowances for national service participants.
''Sec. 141. National service educational awards.

''Subtitle D—National Service Trust and Provision of National Service Educational Awards

''Sec. 145. Establishment of the National Service Trust.
''Sec. 146. Individuals eligible to receive a national service educational award from the Trust.
''Sec. 147. Determination of the amount of the national service educational award.
''Sec. 148. Disbursement of national service educational awards.
''Sec. 149. Process of approval of national service positions.

''Subtitle E—National Civilian Community Corps

''Sec. 151. Purpose.
''Sec. 152. Establishment of National Civilian Community Corps Program.
''Sec. 153. National service program.
''Sec. 154. Summer national service program.
''Sec. 155. National Civilian Community Corps.
''Sec. 156. Training.
''Sec. 157. Service projects.
''Sec. 158. Authorized benefits for Corps members.
''Sec. 159. Administrative provisions.
''Sec. 160. Status of Corps members and Corps personnel under Federal law.
''Sec. 161. Contract and grant authority.
''Sec. 162. Responsibilities of other departments.
''Sec. 163. Advisory board.
''Sec. 164. Annual evaluation.
''Sec. 166. Definitions.

''Subtitle F—Administrative Provisions

''Sec. 171. Family and medical leave.
''Sec. 172. Reports.
''Sec. 173. Supplementation.
''Sec. 174. Prohibition on use of funds.
''Sec. 175. Nondiscrimination.
''Sec. 176. Notice, hearing, and grievance procedures.
''Sec. 177. Nonduplication and nondisplacement.
''Sec. 178. State Commissions on National and Community Service.
''Sec. 179. Evaluation.
''Sec. 180. Engagement of participants.
''Sec. 181. Contingent extension.
''Sec. 182. Partnerships with schools.
''Sec. 183. Rights of access, examination, and copying.
''Sec. 184. Drug-free workplace requirements.
''Sec. 185. Consolidated application and reporting requirements.
''Sec. 186. Sustainability.
''Sec. 187. Use of recovered funds.
''Sec. 188. Expenses of attending meetings.
''Sec. 189. Grant periods.
''Sec. 189A. Generation of volunteers.
''Sec. 189B. Limitation on program grant costs.
''Sec. 189C. Audits and reports.

''Subtitle G—Corporation for National and Community Service

''Sec. 191. Corporation for National and Community Service.
''Sec. 192. Board of Directors.
''Sec. 192A. Authorities and duties of the Board of Directors.
''Sec. 193. Chief Executive Officer.
''Sec. 193A. Authorities and duties of the Chief Executive Officer.
''Sec. 194. Officers.
''Sec. 195. Employees, consultants, and other personnel.
''Sec. 196. Administration.
''Sec. 196A. Corporation State offices.
''Sec. 196B. Office of Outreach and Recruitment.

''Subtitle H—Investment for Quality and Innovation

''PART I—ADDITIONAL CORPORATION ACTIVITIES TO SUPPORT NATIONAL SERVICE

''Sec. 198. Additional corporation activities to support national service.
''Sec. 198B. Presidential awards for service.

''PART II—INNOVATIVE AND MODEL PROGRAM SUPPORT

''Sec. 198D. Innovative and model program support.

''PART III—NATIONAL SERVICE PROGRAMS CLEARINGHOUSE

''Sec. 198E. National service programs clearinghouse.

''Subtitle I—American Conservation and Youth Corps

''Sec. 199. Short title.
''Sec. 199A. General authority.
''Sec. 199B. Limitation on purchase of capital equipment.
''Sec. 199C. State application.
''Sec. 199D. Focus of programs.
''Sec. 199E. Related programs.
''Sec. 199F. Public lands or Indian lands.
''Sec. 199G. Training and education services.
''Sec. 199H. Preference for certain projects.
''Sec. 199I. Age and citizenship criteria for enrollment.
''Sec. 199J. Use of volunteers.
''Sec. 199K. Living allowance.
''Sec. 199L. Joint programs.
''Sec. 199M. Federal and State employee status.

''Subtitle J—Training and Technical Assistance

''Sec. 199N. Training and technical assistance.

''TITLE II—MODIFICATIONS OF EXISTING PROGRAMS

''Subtitle A—Publication

''Sec. 201. Information for students.
''Sec. 202. Exit counseling for borrowers.
''Sec. 203. Department information on deferments and cancellations.
''Sec. 204. Data on deferments and cancellations.

''Subtitle B—Youthbuild Projects

''Sec. 211. Youthbuild projects.

''Subtitle C—Amendments to Student Literacy Corps

''Sec. 221. Amendments to Student Literacy Corps.

''TITLE IV—PROJECTS HONORING VICTIMS OF TERRORIST ATTACKS

''Sec. 401. Projects.

''TITLE V—AUTHORIZATION OF APPROPRIATIONS

''Sec. 501. Authorization of appropriations.

''TITLE VI—MISCELLANEOUS PROVISIONS

''Sec. 601. Amtrak waste disposal.
''Sec. 602. Exchange program with countries in transition from totalitarianism to Democracy.''.

SEC. 4102. TABLE OF CONTENTS FOR THE DOMESTIC VOLUNTEER SERVICE ACT OF 1973.

Section 1(b) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4950 note) is amended to read as follows:

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

''Sec. 1. Short title; table of contents.
''Sec. 2. Volunteerism policy.

''TITLE I—NATIONAL VOLUNTEER ANTIPOVERTY PROGRAMS

''PART A—VOLUNTEERS IN SERVICE TO AMERICA

''Sec. 101. Statement of purpose.
''Sec. 102. Authority to operate VISTA program.
''Sec. 103. Selection and assignment of volunteers.
''Sec. 103A. VISTA programs of national significance.
''Sec. 104. Terms and periods of service.
''Sec. 105. Support service.
''Sec. 106. Participation of beneficiaries.
''Sec. 107. Participation of younger and older persons.
''Sec. 108. Limitation.
''Sec. 110. Applications for assistance.

''PART C—SPECIAL VOLUNTEER PROGRAMS

''Sec. 121. Statement of purpose.
''Sec. 122. Authority to establish and operate special volunteer and demonstration programs.
''Sec. 123. Financial assistance.

''TITLE II—NATIONAL SENIOR SERVICE CORPS

''Sec. 200. Statement of purpose.

''PART A—RETIRED AND SENIOR VOLUNTEER PROGRAM

''Sec. 201. Grants and contracts for volunteer service projects.

''PART B—FOSTER GRANDPARENT PROGRAM

''Sec. 211. Grants and contracts for volunteer service projects.

''PART C—SENIOR COMPANION PROGRAM

''Sec. 213. Grants and contracts for volunteer service projects.

''PART D—GENERAL PROVISIONS

''Sec. 221. Promotion of National Senior Service Corps.
''Sec. 222. Payments.
''Sec. 223. Minority group participation.
''Sec. 224. Use of locally generated contributions in National Senior Service Corps.
''Sec. 225. Programs of national significance.
''Sec. 226. Adjustments to Federal financial assistance.
''Sec. 227. Multiyear grants or contracts.
''Sec. 228. Continuity of service.
''Sec. 229. Acceptance of donations.

''PART E—DEMONSTRATION PROGRAMS

''Sec. 231. Authority of Director.

''TITLE IV—ADMINISTRATION AND COORDINATION

''Sec. 403. Political activities.
''Sec. 404. Special limitations.
''Sec. 406. Labor standards.
''Sec. 408. Joint funding.
''Sec. 409. Prohibition of Federal control.
''Sec. 410. Coordination with other programs.
''Sec. 411. Prohibition.
''Sec. 414. Distribution of benefits between rural and urban areas.
''Sec. 415. Application of Federal law.
''Sec. 416. Evaluation.
''Sec. 417. Nondiscrimination provisions.
''Sec. 418. Eligibility for other benefits.
''Sec. 419. Legal expenses.
''Sec. 421. Definitions.
''Sec. 422. Audit.
''Sec. 423. Reduction of paperwork.
''Sec. 424. Review of project renewals.
''Sec. 425. Protection against improper use.
''Sec. 426. Center for Research and Training.

''TITLE V—AUTHORIZATION OF APPROPRIATIONS

''Sec. 501. National volunteer antipoverty programs.
''Sec. 502. National Senior Service Corps.
''Sec. 504. Administration and coordination.
''Sec. 505. Availability of appropriations.

''TITLE VI—AMENDMENTS TO OTHER LAWS AND REPEALERS

''Sec. 601. Supersedence of Reorganization Plan No. 1 of July 1, 1971.
''Sec. 602. Creditable service for civil service retirement.
''Sec. 603. Repeal of title VIII of the Economic Opportunity Act.
''Sec. 604. Repeal of title VI of the Older Americans Act.''.

TITLE V—EFFECTIVE DATE

SEC. 5101. EFFECTIVE DATE.

Unless specifically provided otherwise, the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 5102. SERVICE ASSIGNMENTS AND AGREEMENTS.

(a) SERVICE ASSIGNMENTS.—Changes pursuant to this Act in the terms and conditions of terms of service and other service assignments under the national service laws (including the amount of the education award) shall apply only to individuals who enroll or otherwise begin service assignments after 90 days after the date of enactment of this Act, except when agreed upon by all interested parties.

(b) AGREEMENTS.—Changes pursuant to this Act in the terms and conditions of grants, contracts, or other agreements under the national service laws shall apply only to such agreements entered into after 90 days after the date of enactment of this Act, except when agreed upon by the parties to such agreements.

(c) EXCEPTION.—Subsections (a) and (b) do not apply to the amendments made by this Act to section 201 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5001). Any changes pursuant to those amendments apply as specified in those amendments.

TITLE VI—CONGRESSIONAL COMMISSION ON CIVIC SERVICE

SEC. 6101. SHORT TITLE.

This title may be cited as the ''Congressional Commission on Civic Service Act''.

SEC. 6102. FINDINGS.

Congress finds the following:

(1) The social fabric of the United States is stronger if individuals in the United States are committed to protecting and serving our Nation by utilizing national service and volunteerism to overcome our civic challenges.

(2) A more engaged civic society will strengthen the Nation by bringing together people from diverse backgrounds and experiences to work on solutions to some of our Nation's major challenges.

(3) Despite declines in civic health in the past 30 years, national service and volunteerism among the Nation's youth are increasing, and existing national service and volunteer programs greatly enhance opportunities for youth to engage in civic activity.

(4) In addition to the benefits received by nonprofit organizations and society as a whole, volunteering and national service provide a variety of personal benefits and satisfaction and can lead to new paths of civic engagement, responsibility, and upward mobility.

SEC. 6103. ESTABLISHMENT.

There is established in the legislative branch a commission to be known as the ''Congressional Commission on Civic Service'' (in this title referred to as the ''Commission'').

SEC. 6104. DUTIES.

(a) GENERAL PURPOSE.—The purpose of the Commission is to gather and analyze information in order to make recommendations to Congress to—

(1) improve the ability of individuals in the United States to serve others and, by doing so, to enhance our Nation and the global community;

(2) train leaders in public service organizations to better utilize individuals committed to national service and volunteerism as they manage human and fiscal resources;

(3) identify and offer solutions to the barriers that make it difficult for some individuals in the United States to volunteer or perform national service; and

(4) build on the foundation of service and volunteer opportunities that are currently available.

(b) SPECIFIC TOPICS.—In carrying out its general purpose under subsection (a), the Commission shall address and analyze the following specific topics:

(1) The level of understanding about the current Federal, State, and local volunteer programs and opportunities for service among individuals in the United States.

(2) The issues that deter volunteerism and national service, particularly among young people, and how the identified issues can be overcome.

(3) Whether there is an appropriate role for Federal, State, and local governments in overcoming the issues that deter volunteerism and national service and, if appropriate, how to expand the relationships and partnerships between different levels of government in promoting volunteerism and national service.

(4) Whether existing databases are effective in matching community needs to would-be volunteers and service providers.

(5) The effect on the Nation, on those who serve, and on the families of those who serve, if all individuals in the United States were expected to perform national service or were required to perform a certain amount of national service.

(6) Whether a workable, fair, and reasonable mandatory service requirement for all able young people could be developed, and how such a requirement could be implemented in a manner that would strengthen the social fabric of the Nation and overcome civic challenges by bringing together people from diverse economic, ethnic, and educational backgrounds.

(7) The need for a public service academy, a 4-year institution that offers a federally funded undergraduate education with a focus on training future public sector leaders.

(8) The means to develop awareness of national service and volunteer opportunities at a young age by creating, expanding, and promoting service options for primary and secondary school students and by raising awareness of existing incentives.

(9) The effectiveness of establishing a training program on college campuses to recruit and educate college students for national service.

(10) The effect on United States diplomacy and foreign policy interests of expanding service opportunities abroad, such as the Peace Corps, and the degree of need and capacity abroad for an expansion.

(11) The constraints that service providers, nonprofit organizations, and State and local agencies face in utilizing federally funded volunteer programs, and how these constraints can be overcome.

(12) Whether current Federal volunteer programs are suited to address the special

skills and needs of senior volunteers, and if not, how these programs can be improved such that the Federal Government can effectively promote service among the ''baby boomer'' generation.

(c) METHODOLOGY.—

(1) PUBLIC HEARINGS.—The Commission shall conduct public hearings in various locations around the United States.

(2) REGULAR AND FREQUENT CONSULTATION.—The Commission shall regularly and frequently consult with an advisory panel of Members of Congress appointed for such purpose by the Speaker of the House of Representatives and the majority leader of the Senate.

SEC. 6105. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 8 members appointed as follows:

(A) 2 members appointed by the Speaker of the House of Representatives.

(B) 2 members appointed by the minority leader of the House of Representatives.

(C) 2 members appointed by the majority leader of the Senate.

(D) 2 members appointed by the minority leader of the Senate.

(2) QUALIFICATIONS.—The members of the Commission shall consist of individuals who are of recognized standing and distinction in the areas of international public service, national public service, service-learning, local service, business, or academia.

(3) DEADLINE FOR APPOINTMENT.—The members of the Commission shall be appointed not later than 90 days after the date of the enactment of this title.

(4) CHAIRPERSON.—The Chairperson of the Commission shall be designated by the Speaker of the House of Representatives at the time of the appointment.

(b) TERMS.—

(1) IN GENERAL.—The members of the Commission shall serve for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall not affect the power of the remaining members to execute the duties of the Commission but any such vacancy shall be filled in the same manner in which the original appointment was made.

(c) COMPENSATION.—

(1) RATES OF PAY; TRAVEL EXPENSES.—Each member shall serve without pay, except that each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Notwithstanding paragraph (1), any member of the Commission who is a full-time officer or employee of the United States may not receive additional pay, allowances, or benefits because of service on the Commission.

(d) MEETING REQUIREMENTS.—

(1) FREQUENCY.—

(A) QUARTERLY MEETINGS.—The Commission shall meet at least quarterly.

(B) ADDITIONAL MEETINGS.—In addition to quarterly meetings, the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) QUORUM.—5 members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(3) MEETING BY TELEPHONE OR OTHER APPROPRIATE TECHNOLOGY.—Members of the Commission are permitted to meet using telephones or other suitable telecommunications technologies provided that all members of the Commission can fully communicate with all other members simultaneously.

SEC. 6106. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) APPOINTMENT.—The Commission shall have a Director who shall be appointed by the Chairperson with the approval of the Commission.

(2) CREDENTIALS.—The Director shall have credentials related to international public service, national public service, service-learning, or local service.

(3) SALARY.—The Director shall be paid at a rate determined by the Chairperson with the approval of the Commission, except that the rate may not exceed the rate of basic pay for GS–15 of the General Schedule.

(b) STAFF.—With the approval of the Chairperson, the Director may appoint and fix the pay of additional qualified personnel as the Director considers appropriate.

(c) EXPERTS AND CONSULTANTS.—With the approval of the Commission, the Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay for GS–15 of the General Schedule.

(d) STAFF OF FEDERAL AGENCIES.—Upon request of the Commission, Chairperson, or Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 6107. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold public hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

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

(c) OBTAINING OFFICIAL DATA.—Upon request of the Chairperson, the head of any department or agency shall furnish information to the Commission that the Commission deems necessary to enable it to carry out this title.

(d) PHYSICAL FACILITIES AND EQUIPMENT.—The Architect of the Capitol, in consultation with the appropriate entities in the legislative branch, shall locate and provide suitable facilities and equipment for the operation of the Commission on a nonreimbursable basis.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Architect of the Capitol and the Administrator of General Services shall provide to the Commission on a nonreimbursable basis such administrative support services as the Commission may request in order for the Commission to carry out its responsibilities under this title.

SEC. 6108. REPORTS.

(a) INTERIM REPORT.—The Commission shall submit an interim report on its activities to Congress not later than 20 months after the date of the enactment of this title.

(b) FINAL REPORT.—

(1) DEADLINE.—The Commission shall submit a final report on its activities to Congress not later than 120 days after the submission of the interim report under subsection (a).

(2) CONTENTS.—The final report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for proposed legislation.

SEC. 6109. TERMINATION.

The Commission shall terminate not later than 30 days after submitting its final report under section 6108(b)(1).

TITLE VII—SENSE OF CONGRESS

SEC. 7101. SENSE OF CONGRESS.

It is the Sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate the recruiting and assignment procedures of their various programs to allow senior citizens and their grandchildren to share volunteer opportunities and/or be assigned to the same geographic areas during their period of service.

TITLE VIII—SENSE OF CONGRESS

SEC. 8101. SENSE OF CONGRESS.

It is the Sense of Congress that the Corporation for National and Community Service should make the maximum effort possible to coordinate with the National Endowment for the Humanities to provide opportunities for young people enrolled in NACS programs to collect oral histories form senior citizens in the communities where they serve.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in strong support of H.R. 5563, the Generations Invigorating Volunteerism and Education Act, the first reauthorization of the national and community service laws and program since 1993.

The legislation we are considering today includes all of the amendments approved last week by voice vote. It also includes the provision on background checks from the Republican motion to recommit. This bill is a bipartisan product.

Through volunteer and community service programs, tens of millions of Americans of different generations have become inspired to build stronger, more vibrant communities to help children succeed in school and rebuild cities in times of disaster.

In 2006, more than 61 million Americans gave back to their communities through service. The GIVE Act recognizes this growing service movement that is taking place across the Nation. It builds upon the successful work being done by members of AmeriCorps, of Vista, of Senior Corps, and Learn and Serve America.

The GIVE Act would put us on a path to increasing the number of AmeriCorps members from 75,000 to 100,000 by 2012, with a focus on engaging low-income, disadvantaged, and at-risk young people.

The GIVE Act would also help AmeriCorps members pay for college by increasing the scholarship they earn in exchange for their service from $4,725 to $5,255 by 2012.

This bill would introduce young people to community service by creating a new Summer of Service initiative that will offer middle school and high school students the opportunity to spend a summer working to improve the communities while earning $500 toward college or college preparation.

Alumni of service programs remain a valuable resource to our communities. After Hurricane Katrina devastated the gulf coast communities, AmeriCorps alumni played a key role in relief, recovery, and rebuilding efforts on the gulf coast.

To help tap into these resources in times of emergency, this bill would create an Alumni Reserve Corps to service alumni with previous disaster relief experience.

Each year, nearly a half a million older Americans participate in the Senior Corps programs, mentoring children of prisoners, providing independent living services to seniors, assisting victims of natural disaster, and mobilizing other volunteers.

The GIVE Act would expand the purpose of the Senior Corps programs by adding an emphasis on recruiting retired science, technology, health care, law enforcement, and military professionals to help with education, after-school, public safety, and technology needs.

I want to thank the many Members on both sides of the aisle who have worked on this bill, in particular, Representative MCCARTHY on our side of the aisle, Representative MCKEON and Mr. PLATTS on the other side, who is handling the bill today for their leadership, as well as the Service Caucus for its support.

Let me also thank the Voices of Service and its member organizations which have been invaluable in helping us develop this legislation.

Service and volunteerism have played an important role in our Nation's history and will continue to help us meet the challenges and the needs of our communities. This legislation reflects the important role and builds upon it.

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

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

Mr. Speaker, I rise in support of H.R. 5563, the Generations Invigorating Volunteerism and Education Act, the GIVE Act, which will strengthen our Nation's national and community service programs. As you know, we debated this legislation for hours last week and adopted some very positive amendments. I'm pleased that the majority has included these amendments in the bill, as well as the Republican motion to recommit, which will ensure that adequate criminal history checks will be performed on anyone seeking a federally funded national service position, and that individuals who are registered sex offenders or convicted murderers will not be selected for such positions.

While it was my hope that the duplicative Energy Conservation Corps is struck from the bill during the conference because the bill already addresses that through other sections of this legislation, I'm proud to be part of this effort to provide more flexibility for existing community service programs to ensure that the most innovative and effective grantees continue to receive funding and to increase the accountability within the corporation.

Programs such as Foster Grandparents and Learn and Serve truly impact the lives of America's most needy. AmeriCorps and NCCC participants engage often disadvantaged youth and provide them with a sense of pride and civic responsibility. These programs are truly win/win and provide a tremendous return on the Federal investment.

Again, I want to thank Chairman MILLER, Ranking Member MCKEON, and Chairwoman MCCARTHY for working with me, and for all the staff who have made this effort a success.

I urge a ''yes'' vote and hope that my colleagues will support these commonsense reforms to our national service programs and to support the GIVE Act.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MCCARTHY), a major champion of this legislation.

Mrs. MCCARTHY of New York. Mr. Speaker, I thank my chairman, GEORGE MILLER, for the great work that he has done.

This is a great day for national service. It's been 15 years since we have reauthorized our national service laws.

As chairwoman of the Healthy Families and Communities Subcommittee, I am pleased to speak in support of H.R. 5563, the Generations Invigorating Volunteerism and Education Act, the GIVE Act. Unfortunately, this legislation hit a procedural hurdle last week, but I am glad the House will today have a chance once again to pass this important piece of legislation.

The bill before us today incorporates the amendments that were accepted on the floor last week, including my manager's amendment, and amendments offered by Representative MCKEON, MATSUI and SHAYS, INSLEE, SARBANES, MCDERMOTT, three amendments from Representative ENGLISH and two amendments from Representative SUTTON. It also includes the language from the Republican motion to recommit.

The administration and the service community support the GIVE Act.

I would like to thank Chairman MILLER again for his continued support and work on this reauthorization. I would also like to extend my thanks to the ranking member of our committee, Mr. MCKEON, for his hard work. And finally, I would like to thank the ranking member of my subcommittee, Mr. PLATTS, for his work on the reauthorization.

I would also like to thank again the staff on both sides of the aisle for their work on this important piece of legislation.

National service has a distinguished and strong history in our Nation. The benefits of service cannot be duplicated. Evidence shows that service and volunteering lowers school dropouts and crime rates, lowers costs associated with the aging population, and improves the health among the elderly.

Volunteering is a cost effective way of working to solve the challenges facing our Nation. That is why the passage of the GIVE Act is necessary.

One of the most effective volunteer organizations in this Nation is AmeriCorps. AmeriCorps volunteers offer a range of services focused on low-income and disadvantaged communities. Our legislation recognizes their invaluable work and increases the number of participants to 100,000.

The GIVE Act also encourages programs to recruit underrepresented populations to serve, including scientists and engineers, young people in and/or aging out of foster care, children at risk for delinquency, and other disadvantaged young people. I truly believe that expanding national service, particularly to disadvantaged youth, is an effective way to combat things like gangs and violence, and the evidence bears that out.

If we are serious about reducing gang violence in this Nation, we must take the first step and offer our children an alternative. This legislation creates the Summer of Service program which gives middle school and high school students an opportunity to become engaged in a positive way within their community. Through the Summer of Service program, our Nation's young people will have a chance to serve with others of their own age while improving their community.

Research shows that if students are engaged in service at an early age, they will continue to serve throughout their lifetime.

We are strengthening the mission of the first responder volunteer program, the National Civilian Community Corps, by requiring more intense disaster and emergency relief training during down periods in order to be better prepared for the future.

□ 1530

We are all aware of what our Nation faced in the wake of Hurricane Katrina, and the NCCC was there to respond and continues to recover today.

The GIVE Act will help our Nation become better prepared for future disasters by training and preparing more emergency volunteers. The GIVE Act creates cooperation and an Office of Outreach in recruitment. This new office, among other duties, will establish a reserve corps made of those who have gone through the program and are alumni. The reserve corps alumni will be called upon during emergencies and disasters or other times of national needs.

We heard people asking over and over again during our hearings why aren't we using our former members. The new outreach office will work to connect the over-500,000 former volunteers who can be a resource for the recruitment. The GIVE Act lowers the age of participation in the national senior service to 55 years of age. By lowering the age, we are encouraging retiring Americans to participate in national service and giving older Americans the opportunity to lead us into the future.

Our Nation's retiring and retired adults are a rich resource that no one

can duplicate, nor should they be overlooked. Every American, old and young, has skills that can improve the day-to-day functions of our society. The GIVE Act encourages individuals to get involved, creates a deeper commitment to service, and makes our Nation more like what it should be.

I, again, want to thank Chairman MILLER for his deep commitment to national service and Ranking Member MCKEON and Congressman PLATTS for their work with us on this bipartisan activity. I do urge all of my colleagues to support this much-needed legislation.

Mr. PLATTS. Mr. Speaker, I yield the distinguished gentleman from Arizona (Mr. FLAKE) as much time as he may consume.

Mr. FLAKE. Mr. Speaker, I stand in opposition to the GIVE Act. I think that it has as its premise that we won't have volunteerism in America unless we pay for it somehow or unless this body comes up with it. The volunteerism represented by AmeriCorps and the other programs here represent, I would venture, about one hundredth of 1 percent of all of the voluntary activity that goes on out there. But here we act as if it won't happen unless we create it and pay for it.

Paid volunteerism is not a very good principle, in my view. We have to remember we are running a deficit. Our Federal Government is running a deficit. So any money we pay here, any increase in any programs, any new authorization, which I think over the 5-year reauthorization is about $4.1 billion more than we were paying before, that's money that has to be borrowed from the Treasury and, in effect, borrowed from our kids.

And I think it's prudent to ask what this is going to be used for. I think that most people would be surprised to learn that this legislation would expand and reauthorize programs that the Office of Management and Budget has rated as inefficient and ineffective. For example, the Learn and Serve Program was rated as not performing and results not demonstrated by the OMB. The AmeriCorps National Civilian Community Corps was rated as not performing and ineffective.

It's bad enough that we are continuing funding, but under the Learn and Serve Program, that was rated again by the OMB as not performing and results not demonstrated, we are actually creating a new program within that and funding it with 20 million more dollars. That simply is not a prudent use of taxpayer dollars.

We have to remember we are taking money from people who are working and giving it to others who are supposedly volunteering to work. When you are providing a financial incentive, be it defrayment of tuition costs or anything else, you are paying people to volunteer.

I would urge my colleagues to reject this legislation and return to fiscal sanity and a little more fiscal discipline in this House.

Mr. PLATTS. Mr. Speaker, I continue to reserve my time.

Mr. GEORGE MILLER of California. I yield myself 30 seconds.

Mr. Speaker, I would just say in the two programs the gentleman from Arizona raised, it's exactly why we have the reauthorization so we can go back through those programs and, in fact, as a result of those reviews, the administration has insisted upon substantial changes in those programs which have been carried out and that is why the administration now supports this legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. SARBANES), a member of the committee.

Mr. SARBANES. Mr. Speaker, I want to commend Chairman MILLER, Chairwoman MCCARTHY, and others for putting together the GIVE Act, which reauthorizes the National Community Service Act of 1990 and the Domestic Volunteer Service Act of 1973. This act supports the Nation's priorities in a number of important areas.

Mr. Speaker, Americans are hungry to serve. Last year, 62 million Americans contributed 8.2 billion hours of volunteer service. And the question is, are we ready to absorb that energy? Do we have a way of capturing it and channeling it?

What the GIVE Act does is it creates that infrastructure; and that's why we need it, because if we don't have an infrastructure to respond to that volunteer energy, then people will go away even more disillusioned. So the GIVE Act steps up and does exactly the right thing.

And here are some of the things that it does: it sets a goal of 100,000 AmeriCorps volunteers by 2012 putting 25,000 additional volunteers into our communities; it engages youth through a summer of service; and it creates a new energy conservation corps. That corps will focus our service corps apparatus on some of the Nation's most pressing problems: energy efficiency and conservation training for green jobs and rehabilitation of our Nation's critical infrastructure. It will enlist both seniors and young people in that enterprise.

The act will also do right by our veterans. I was pleased to work with Mr. MILLER and Mrs. MCCARTHY to include language in this bill that would require the Corporation for National and Community Service to initiate a national conversation by commissioning a study to develop and test a service corps program that both targets veterans as recipients of community service and utilizes their service as participants and volunteers. This national conversation would provide a framework for better targeting the needs of veterans in the community.

Mr. Speaker, I commend the committee on its work on these important issues. It is said that the pulse and time of a Nation are best reflected in its service to others. The GIVE Act launches a new era of service and, in so doing, will showcase the best of what America has to offer.

Mr. PLATTS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. KUHL).

Mr. KUHL of New York. Mr. Speaker, I rise today in support of H.R. 5563 and to thank Chairman MILLER and Chairwoman MCCARTHY for their efforts, including a motion to recommit that I offered to H.R. 2857, the Generations Invigorating Volunteerism and Education Act.

Last week on March 6, I offered the motion to recommit to strengthen H.R. 2857 and the national service laws. Recently, the corporation for national community service completed a rulemaking process to institute background checks for any individual seeking Federal-funded national service positions within the Senior Companion and Foster Grandparents program and within AmeriCorps programs in which individuals have recurring access to children, the elderly or, individuals with disabilities. That rule-making process also prohibited individuals from serving in those positions if they were and are registered sex offenders.

While the motion to recommit will codify the corporation's regulations, it will also expand on the corporation's effort by requiring criminal history checks for any individual seeking a federally funded national service position and not just those within the foster grandparents and senior companion programs or just those AmeriCorps programs dealing with specific populations.

Further, in addition to prohibiting registered sex offenders from serving in federally funded national service positions, the motion to recommit includes those individuals convicted of murder as well.

Again, I applaud Chairman MILLER and appreciate his courtesies last week on the floor and Chairwoman MCCARTHY for including the motion to recommit which expresses a loud and clear message, that this House of Representatives believes that those in need who are served by programs supported with assistance under these laws should be assured that they will not be placed in harm's way when approaching these programs for help.

Although I am pleased that the motion to recommit was included in the bill, I'm disappointed that the House majority has chosen not to take up the FISA amendments. The FISA amendments, which we've been hearing about all day, act to provide our intelligence community with the critical tools it needs to conduct surveillance on foreign terrorists without getting tied up in court.

The Senate, as we all know, passed this bipartisan legislation almost a month ago. So I urge the majority to bring this crucial bill up for a vote; and, again, I urge my colleagues to support this bill today before this House.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 3 minutes to the

gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman, and I rise in support of this legislation. I'm pleased to have been a co-sponsor of this bill, because the service programs and the new initiatives will help to address some of our Nation's toughest problems about poverty to natural disasters and will help improve the lives of millions of our most valuable citizens. The bill will increase the number of AmeriCorps volunteers by a third and will significantly increase the stipends for those volunteers.

I particularly want to highlight a section that I am proud of. It is a section that will create opportunities for professionals in the sciences and technical fields to keep America competitive. It engages scientists and engineers in volunteerism and encourages their efforts to address unmet education and human needs. It will use scientists, technicians, engineers and mathematicians, for example, to close the digital divide that creates such a chasm between low-income communities and the more privileged communities.

The bill also creates a national civilian conservation corps that, as a residential program, will be deployed in times of national need, such as emergencies and disasters. When not deployed in such circumstance, they will build infrastructure, protect the environment, conserve our resources, and help with urban and rural development.

Mr. Speaker, this is outstanding legislation. We really should commend Mrs. MCCARTHY as well as Chairman MILLER, Mr. MCKEON, and Mr. PLATTS for their work on this legislation.

I urge passage.

Mr. PLATTS. Mr. Speaker, I yield to the distinguished gentleman from Illinois (Mr. MANZULLO) as much time as he may consume.

Mr. MANZULLO. Mr. Speaker, I am really just distressed over the manner in which this bill has come to the floor. When the Republicans were in the majority, any bill that was in excess of $100 million had to go through the regular process, was subject to amendments on the floor, et cetera; and now we are bringing on the Suspension Calendar, which is for naming post offices and minor things like that, a bill that would spend $6.2 billion over the next 5 years.

According to the Congressional Budget Office, the estimated current outlay in fiscal year 2008 for existing Federal community service and volunteer programs is already $607 million a year. Spending under this bill would go up $884 million in fiscal year 2008, $942 million in 2009, $1.058 billion in fiscal year 2010, $1.154 billion in fiscal year 2011, and $1.235 billion in fiscal year 2012 for a total new spending for volunteers of $4.1 billion over 5 years.

That's outrageous to pay for volunteer programs to have the bill not subject to any amendment on the floor such as an amendment to pare down the size of the spending.

And I think in a time when we have a fiscal crisis on our hands, where the stock market is tanking and people are losing their homes and people are not sure of having a job, for this Congress to come in and use this extraordinary procedure to waive all the rules, including a way to amend the bill and spend an additional $4.1 billion over 5 years, that really cracks the back of fiscal responsibility.

□ 1545

The majority has shown unequivocally here that it is not the party of fiscal responsibility, and I would therefore encourage my colleagues to vote ''no'' on this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, it is a little hard to sit here and be lectured to by somebody from the other party that ran up an $8 trillion deficit in a matter of 8 years, about $1 trillion a year they succeeded in running up the deficit. But more importantly, I don't know if the gentleman from Illinois was absent last week or he doesn't remember, I don't know which, but we were here last Thursday considering this bill under the rules of the House, under essentially an open rule where every Republican amendment and every Democratic amendment that was requested, I believe, was offered.

The new programs were subjected to a vote of the House because we thought that was fair. They prevailed. We finished the business of this bill last week, and then people decided they wanted to play some games on the motions to recommit, and so that forced us to bring the bill up again this week.

We cannot go back to committee; that would be even more expensive, more time-consuming, and bring back the bill, so we have chosen to do it under suspension. But that's after all of the amendments have been given full consideration. That's why the administration supported the legislation. That's why it has bipartisan support, because it was bipartisan in the committee. I think it was 44–0 that it came out of the committee. It was bipartisan in the Rules Committee. It was bipartisan on the floor until the gentleman's party decided at the last minute that they wanted to try to somehow incorporate the FISA discussion into national service. That was out of order. That was not allowed.

And then Mr. KUHL decided to offer an amendment, which we asked unanimous consent to accept at that time and we were not allowed to accept it. So, we're back here today. And we're trying to do it in the most expeditious fashion because it costs something to run the House. We shouldn't be back here today. But that's the history, in case the gentleman was absent last week.

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

Mr. PLATTS. Mr. Speaker, I would just, again, urge a ''yes'' vote in support of the GIVE Act.

I yield back the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

I just want to, before we close debate, thank Mr. PLATTS and Mrs. MCCARTHY for all of their hard work. They were really the engines behind this legislation and getting it through the subcommittees and the committees for our consideration here on the floor. I want to thank them very much for that effort.

A couple of speakers suggested that somehow Americans volunteer, so we don't need this act. The fact of the matter is this act builds much more than just volunteers. I volunteer for the Habitat for Humanity. I volunteer in the schools in my district. I volunteer in Coastal Cleanup. I volunteer in community Weed and Seed programs. I volunteer in a lot of efforts. This is also about taking people who would never think of volunteering, young people who come from neighborhoods where that's not an opportunity that they may have necessarily. And it not only gets them into volunteering, but also builds skills. What people really like to have volunteer are people with skills come and volunteer.

It also builds leadership skills, so that those young people can either incorporate their skills in additional volunteering or organize other people to volunteer as they leave these programs. Many of these young people graduate and go into public service. In California, we will find people who will go from one of these programs to the California Conservation Corps to maybe the national parks program, where they end up working and rebuilding the infrastructure of our national parks or public lands or coastal areas of these States.

And when you ask the young people, when you run across them, where did they get their start, they got their start in AmeriCorps or the VISTA program or something like that. They end up maybe later, after they go to school, they come back and they work in the community. That's why one of the things that this legislation does is try to reach out to the alumni of this program, because we now realize how valuable they are to our communities and we want them to continue to participate and continue to organize people who have been the beneficiaries of this program and those who have participated in it as leaders and as participants so that we can build that core.

It's very interesting now, there's a number of people discussing the national defense level of this country, that one of the things we failed to do after 9/11 was build in a resiliency of this country in the event of other another attack. Tragically, after 9/11 the President told the country they didn't have to do anything, if they would just go shopping.

But now what we see is we still don't have the basic infrastructure in our communities to deal with natural disasters, to deal with possible terrorist attacks, to deal with regional-wide problems, whether they be fires, earthquakes, terrorist attacks, or any of that. In fact, what we need is we need volunteers and people with volunteer experience, people with organizing volunteers to start to come together to think about how a community would respond, whether it's a chemical spill, whether it's a chemical plant explosion, whether it's an earthquake or a fire, to respond to help those people, to help those first responders. We've never organized that. But we would like to start thinking about organizing that, and I'm sure when we do, we will be calling upon the professionals that were in VISTA, that were in AmeriCorps, that were in the Senior Corps, that have connections through their business connections, through their community involvement.

So, this program pays many dividends way beyond the idea that this is just about volunteering on a Saturday morning or a Sunday morning with your church. We all do that. But there has to be more. And there has to be avenues for people who aren't encouraged to volunteer, that we can provide that encouragement and we can encourage people to participate with populations that need that kind of assistance. That's the importance of this legislation.

It's unfortunate it has taken so long for us to reauthorize this bill. But what we know is Americans all across this country in every region of this country want to see a greater sense of people giving back to their communities, people volunteering in their communities, organizing people to volunteer, to provide services to their communities. That's what this legislation responds to.

It's been incredibly successful, when you meet the graduates of these programs, when you meet the alumni of these programs. They don't stop there. It becomes part of the ethic of their life. And they continue it in their business, in their professions. They continue that kind of activity because they see the value of it, they've participated in it. And I would hope that my colleagues would give this legislation overwhelming bipartisan support.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H.R. 5563, the "Generations Invigorating Volunteerism and Education Act' or the 'GIVE Act'." I would like to thank my colleague, Congresswoman MCCARTHY, for introducing this important legislation, as well as the Chairman of the Committee on Education and Labor, Congressman GEORGE MILLER, for his leadership in bringing the bill to the floor today.

Mr. Speaker, this legislation came to the floor last week as H.R. 2857. It was a good bill then but now it is an even better piece of legislation.

The ten amendments that were incorporated into the current bill before this chamber provide:

(1) greater integration of funding, (2) strengthens the Retired Senior Volunteer Program (RSVP), and (3) more support for our military families and veterans.

This legislation will make vital strides toward expanding and improving key community service programs, including AmeriCorps, VISTA, Senior Corps, and Learn and Serve America. The GIVE Act works to ensure that volunteers, and the organizations that support them, will receive the resources that they need to continue their vital work in our communities.

Today's legislation embodies the altruistic spirit that has made our nation great. Great numbers of Americans donate their time and their unique skills and gifts to our cities and communities, without any expectation of compensation or material reward. According to a 2005 study, 29 percent of the American public, or about 65.4 million people, had volunteered in the past year.

This legislation engages our youth and fosters a sense of civic duty. Which is why I was so pleased to see Section 1202 of this legislation, which gives special consideration to Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities. I want to thank Representative MCCARTHY and Representative MILLER for allowing me to add to this great bill. By adding predominately minority community colleges to the list of those to receive special consideration, we help so many more students who have a commitment to service.

Our community colleges are growing as many of our returning veterans, single parents, and senior desire to make a change in their live circumstances and simply cannot afford traditional higher education. A sense of civic engagement is not fostered only among students at Harvard and Berkeley; it is also found among students at community colleges like Houston Community College and North Harris College. I thank the Chairman for recognizing this needed addition and incorporating it into the Manager's Amendment.

The GIVE Act would:

(1) increase the number of AmeriCorps volunteers from 75,000 to 100,000 by 2012; (2) increase stipends for AmeriCorps volunteers from $4,725 to $5,225 by 2012; and (3) promote recruitment of disadvantaged youth, baby-boomers, and veterans into national and community service opportunities; (4) create an AmeriCorps Alumni Reserves Network aimed at tapping into the skills and experience of alumni volunteers, with a particular focus on assisting during emergencies or natural disasters; and (5) constructs an Energy Conservation Corps, which will address our nation's energy and transportation infrastructure needs while providing work and service opportunities.

I am disappointed that our colleagues on the other side of the aisle have chosen to be obstructionists to legislation that engages our youth, strengthens disaster and emergency preparedness, and invests in our volunteer and service organizations with appropriate funding. This Bipartisan effort needs to be supported.

I am proud to cosponsor legislation that will add service before self to our leaders of tomorrow. I urge my colleagues to join me in supporting this legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ALTMIRE). The question is on the motion offered by the gentleman from California (Mr. GEORGE MILLER) that the House suspend the rules and pass the bill, H.R. 5563.

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.

GENERAL LEAVE

Mr. GEORGE MILLER of California. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and to insert extraneous materials in the RECORD on H.R. 5563 and on S. 2733.

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

There was no objection.

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.

HIGHER EDUCATION EXTENSION ACT OF 2008

Mr. GEORGE MILLER of California. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2733) to temporarily extend the programs under the Higher Education Act of 1965.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2733

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Higher Education Extension Act of 2008''.

SEC. 2. EXTENSION OF PROGRAMS.

Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''March 31, 2008'' and inserting ''April 30, 2008''.

SEC. 3. RULE OF CONSTRUCTION.

Nothing in this Act, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GEORGE MILLER) and

the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2733, a bill to temporarily extend the programs under the Higher Education Act of 1965.

Last month, we took the next step toward reauthorizing the Higher Education Act by passing H.R. 4137, the College Opportunity and Affordability Act, in the House with overwhelming bipartisan support. That bill builds on the law Congress enacted last year that put $20 billion in Federal student aid in the hands of those in most need, low- and middle-income students and families working hard to pay for the cost of college.

Now, as we work with the Senate towards the conference report to reauthorize the Higher Education Act, we are close to providing students and families with additional reforms needed to truly ensure that the doors of college remain open to all qualified students.

It is our goal to ensure that the final bill include vital provisions of H.R. 4137 that address the major obstacle families face in the path to college, from skyrocketing college tuition prices, to the needlessly complicated student aid application process, to predatory tactics by student lenders.

It has been nearly 10 years since the Higher Education Act last reauthorized, and I believe that Members on both sides of the aisle and in both Chambers are eager to complete the work on a compromise bill this Congress.

This bipartisan reauthorization presents the best opportunity that we had to bring our higher education system into the 21st century.

The bill under consideration today, S. 2733, will extend the programs under the current Higher Education Act until April 30, 2008, to allow sufficient time for further deliberations to continue on the two bills passed in the House and Senate. And while that process of reauthorizing the Higher Education Act may be coming to a close, I would like to underscore that it does not mean that we will complete work on higher education altogether. The Education and Labor Committee will continue our efforts to ensure our higher education programs operate in the best interests of students and families, which include overseeing the proper implementation of the College Cost Reduction and Access Act and other provisions of the Higher Education Act. We will also examine how we can best ensure the availability of Federal student loans in the midst of volatility in our Nation's credit markets.

I look forward to completing this work with the respective Members so that we can continue to make college more affordable and accessible for our Nation's students and families.

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

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

Mr. Speaker, I rise in support of S. 2733, the Higher Education Extension Act of 2008.

While this is the first extension of the Higher Education Act for this year, we have passed over a dozen extensions of this law since it first expired.

S. 2733 will ensure that vital Federal college access and student aid programs continue to serve those students who depend upon them for an additional month. Earlier this year, the House passed H.R. 4137, the College Opportunity and Affordability Act of 2008, by a vote of 354–58. Unlike last year when the Senate failed to act when the House passed its bill, the Senate passed their Higher Education Act reauthorization bill as well. We are now the closest we have been in recent years to passing a reauthorization bill.

I stand in support of this extension of the Higher Education Act through April 30 of this year because I hope that we can move forward in developing a conference agreement in a bipartisan and thoughtful manner. If it takes 1 more month or 2 more months, I think others would agree that we would rather see a thoughtful product rather than something that was rushed through the process to meet an artificial deadline.

I join with my colleagues in fully supporting efforts to extend the Higher Education Act today and hope that we can work together to develop a conference agreement that will fundamentally reform the programs included in the Higher Education Act.

I urge my colleagues to vote ''yes'' in support of this extension.

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

Mr. GEORGE MILLER of California. I join Mr. PLATTS in urging a ''yes'' vote.

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 pass the Senate bill, S. 2733.

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. PLATTS. 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.

MOTION TO ADJOURN

Mr. PLATTS. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to adjourn will be followed by 5-minute votes on motions to suspend the rules with respect to House Resolution 924 and House Resolution 948.

The vote was taken by electronic device, and there were—yeas 4, nays 396, not voting 28, as follows:

[Roll No. 114]

YEAS—4

Gohmert
Johnson (IL)
Westmoreland
Young (AK)

NAYS—396

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Cardoza
Carnahan
Carney
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 (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
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
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)

Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
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
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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 (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
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—28

Berman
Blackburn
Blumenauer
Blunt
Boehner
Capito
Capuano
Davis (IL)
Davis, Lincoln
Frank (MA)
Gingrey
Hooley
Kilpatrick
McNerney
Mitchell
Oberstar
Pence
Pryce (OH)
Rangel
Renzi
Ros-Lehtinen
Rush
Scott (GA)
Souder
Tancredo
Thompson (MS)
Udall (CO)
Woolsey

□ 1623

Messrs. VAN HOLLEN, GUTIERREZ, MCDERMOTT, ELLISON, LARSON of Connecticut and Mrs. CUBIN changed their vote from ''yea'' to ''nay.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

CONGRATULATING IOWA STATE UNIVERSITY FOR 150 YEARS OF LEADERSHIP AND SERVICE

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 924, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 924, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 23, as follows:

[Roll No. 115]

YEAS—405

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
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
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 (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
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
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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 (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
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
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 (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—23

Blackburn
Capito
Davis (IL)
Davis, Lincoln
Frank (MA)
Hall (NY)
Hill
Hooley
Kilpatrick
Mitchell
Oberstar
Paul
Pence
Pryce (OH)
Rangel
Renzi
Ros-Lehtinen
Rush
Scott (GA)
Souder
Tancredo
Thompson (MS)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1635

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 10. 2008.

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

DEAR MADAM SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Mr. Daniel White, Executive Director, Illinois State Board of Elections, indicating that, according to the unofficial returns of the Special Election held March 8, 2008, the Honorable Bill Foster was elected Representative to Congress for the Fourteenth Congressional District, State of Illinois.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk.

Enclosure.

STATE OF ILLINOIS,
STATE BOARD OF ELECTIONS,
Springfield, IL, March 10, 2008.

Hon. LORRAINE C. MILLER,
Office of the Clerk, House of Representatives,
Washington, DC.

DEAR MS. MILLER: Although it is not the normal practice of the Illinois State Board of Elections to release unofficial election results, in response to your February 21, 2008 request, we are hereby transmitting UNOFFICIAL election results for the March 8, 2008 Special General Election in the Fourteenth Congressional Election in the State of Illinois.

Sincerely,

DANIEL W. WHITE,
Executive Director.

Enclosure.

UNOFFICIAL RESULTS, MARCH 8, 2008, SPECIAL GENERAL ELECTION: REPRESENTATIVE IN CONGRESS, FOURTEENTH CONGRESSIONAL DISTRICT

[For an unexpired term]

Jurisdiction	Democratic Bill Foster	Republican Jim Oberweis	Unreturned Absentees	Provisionals
Bureau	45	51	2	0
DeKalb	5,937	4,640	146	0
DuPage	3,294	3,216	91	14
Henry	1,046	1,678	31	0
Kane	25,661	24,365	495	58
Kendall	6,396	6,305	88	3
Lee	1,959	2,449	80	0
Whiteside	519	425	10	0
Aurora Board	7,153	3,859	218	12
Totals	52,010	46,988	**1,161	87

**As of March 8, 2008.

SWEARING IN OF THE HONORABLE BILL FOSTER, OF ILLINOIS, AS A MEMBER OF THE HOUSE

Mr. COSTELLO. Madam Speaker, I ask unanimous consent that the gentleman from Illinois, the Honorable BILL FOSTER, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER. Will the Representative-elect and the members of the Illinois delegation present themselves in the well.

Mr. Foster appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations. You are now a Member of the 110th Congress.

WELCOMING THE HONORABLE BILL FOSTER TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Illinois (Mr. COSTELLO) is recognized for 1 minute.

There was no objection.

Mr. COSTELLO. Madam Speaker, on behalf of the Illinois delegation, I am pleased to introduce the newest member of our delegation in the House, Congressman BILL FOSTER, from the 14th District of Illinois. BILL resides in Geneva, Illinois, and has lived in the Fox Valley for almost 25 years.

BILL has a diverse background in both business and science. He started a very successful theater lighting business with his younger brother when he was only 19 years old, and he went on to receive his Ph.D. in physics from Harvard. BILL worked at Fermilab for 22 years, where he designed research projects and built the latest round of the particle accelerators.

BILL comes from a family with a strong history of working for the public good, and we look forward to working with him on behalf of his constituents and the Nation.

Madam Speaker and Members of the House, please welcome our newest colleague, Congressman BILL FOSTER from the 14th District of Illinois.

Mr. FOSTER. Thank you, Madam Speaker. It is an honor to stand here in the well of this body as the Representative of the Illinois 14th District. My predecessor in this role is a friend to many here and led this House and represented the people of my district honorably for over 20 years. I know that my colleagues will join me in once again thanking Speaker Dennis Hastert for his service.

Madam Speaker, fellow Members of Congress, I am a scientist, not a politician. When it comes to the issues that we face in this Nation, I plan on approaching them as a scientist, and that means examining the facts, listening to both sides, and doing what is right for the people of Illinois and America.

During my campaign, many people told me that Congress should be acting differently. At a time of crisis around the world and economic trouble at home, Americans want us to end the divisions between us and work together to solve the problems we face. I believe that there are huge opportunities to change this country for the better if we can make the right decisions, and real risks if we keep squabbling and making the wrong ones.

And now, as you can probably already tell, we scientists aren't known for our fiery rhetoric. But as I stand before you today, it is my solemn hope that with less bickering and word twisting in Washington, that there will be more problem solving. We need to work together for energy independence, for tax cuts for middle-class families, to expand health care for more children, for a return to fiscal discipline, and, as importantly as anything, for a new direction in Iraq.

Together we can fulfill our pledge to the next generation to leave Washington and this Nation better on the day that we leave it than it was on the day that we came into it.

I look forward to meeting my new colleagues, Democrats and Republicans, and to getting right to work on behalf of the families we represent.

Thank you to my colleagues in the Illinois delegation, and thank you, Madam Speaker. This is truly an honor.

Mr. COSTELLO. Madam Speaker, I yield to our colleague from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Madam Speaker, as the dean of the Illinois Republican delegation, I want to take this opportunity to extend to our newest colleague from Illinois, with whom I share two counties, welcome to the big city. I look forward to working with you. I have always wanted a scientific mind, and maybe I can learn from yours. Thank you and welcome to Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from Illinois, the whole number of the House is 430.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE OF REPRESENTATIVES

Mr. PRICE of Georgia. Mr. Speaker, pursuant to clause 2(a)1 of rule IX, I hereby notify the House of my intention to offer a resolution as a question of the privileges of the House.

The form of my resolution is as follows:

H. RES.—

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, ''There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that's important . . . And I know people are concerned about that, but I do believe that's the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;'';

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to House of Representatives leaders in support of the Senate bill's passage, stating in part ''A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;'';

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and ''the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;'';

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that ''the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled'' by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that ''electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful;'';

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate Intelligence Chairman Jay Rockefeller (D-WV) and Kent Conrad (D-ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D-ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, ''The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . . [The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;'';

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, ''we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;'';

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as ''indeed causing a potentially dangerous gap in the nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''; and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 has brought discredit to the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

□ 1645

The SPEAKER pro tempore. The gentleman may offer his resolution.

Mr. PRICE of Georgia. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution just noticed.

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

The Clerk read as follows:

H. RES.—

Whereas in an interview published by National Journal Magazine on March 7, 2008, John Brennan, a foreign policy adviser to Sen. Barack Obama (D-IL) and former CIA official who once served as head of the National Counterterrorism Center, stated, ''There is this great debate over whether or not the telecom companies should in fact be given immunity for their agreement to provide support and cooperate with the government after 9/11 . . . I do believe strongly that they should be granted that immunity, because they were told to do so by the appropriate authorities that were operating in a legal context, and so I think that's important . . . And I know people are concerned about that, but I do believe that's the right thing to do . . . I do believe the Senate version of the FISA bill addresses the issues appropriately;'';

Whereas a bipartisan group of 25 state attorneys general recently wrote a letter to House of Representatives leaders in support of the Senate bill's passage, stating in part ''A bipartisan majority of the United States Senate recently approved S. 2248 . . . But until it is also passed by the House of Representatives, intelligence officials must obtain FISA warrants every time they attempt to monitor suspected terrorists in overseas countries. Passing S. 2248 would ensure our intelligence experts are once again able to conduct real-time surveillance. . . . With S. 2248 still pending in the House of Representatives, our national security is in jeopardy;'';

Whereas Ret. Admiral Bobby R. Inman, former director of the National Security Agency and deputy director of the CIA told the Austin-American Statesman last month that Americans are more vulnerable without the Protect America Act and ''the only way for the country to prevent future terrorists attacks is to increase its ability to eavesdrop on their communication;'';

Whereas Glenn Sulmasy, a Harvard national security expert, wrote in the February 15 edition of The Tampa Tribune that ''the global technologies of cell phones, computers, the internet, and other such means of communication—which were not, and could not have been, envisioned by the drafters of FISA in the 1970s—have changed the way information moves around the world. . . . Herein lie the gaps meant to be filled'' by the Protect America Act of 2007;

Whereas in its bipartisan findings the Senate Select Committee on Intelligence concluded in Oct. 2007 that ''electronic communication service providers acted on a good faith belief that the President's program, and their assistance, was lawful;'';

Whereas 20 Senate Democrats supported final passage of S. 2248, including Senate Intelligence Chairman Jay Rockefeller (D–WV) and Kent Conrad (D–ND), Chairman of the Senate Budget Committee;

Whereas on February 12, 2008, after passage of S. 2248, the Senate amended the bill H.R. 3773 with the text of S. 2248 and sent the amended bill back to the House of Representatives for its consideration;

Whereas Sen. Kent Conrad (D–ND) wrote in a Feb. 28 letter to the editor of The Fargo Forum, ''The FISA law needed reform to account for modern information technology, current patterns of communication and the nature of the threats facing our country. . . . [The bipartisan Senate bill] does include strong privacy safeguards and considerable judicial oversight to ensure that our fundamental freedoms are protected. . . . Leaving [telecommunications companies] completely subject to civil litigation could cause problems in vital intelligence collection in the future;'';

Whereas 21 House of Representatives Democrats expressed support for the bipartisan Senate FISA bill in a Jan. 28 letter to Speaker Pelosi stating that, ''we have it within our ability to replace the expiring Protect America Act by passing strong, bipartisan FISA modernization legislation that can be signed into law and we should do so—the consequences of not passing such a measure could place our national security at undue risk;'';

Whereas in an editorial published by the Charleston Post and Courier on February 29, 2008, House of Representatives Democrat leadership was described as ''indeed causing a potentially dangerous gap in the nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''; and

Whereas the failure of the House of Representatives to expeditiously consider the bipartisan Senate-passed Foreign Intelligence Surveillance Act of 1978 Amendments Act of

2008 has brought discredit to the House of Representatives: Now, therefore, be it

Resolved, That the House of Representatives should immediately consider a motion to concur in the Senate amendment to the bill, H.R. 3773.

The SPEAKER pro tempore. Does the gentleman from Georgia wish to be heard on whether or not the resolution constitutes a question of the privileges of the House?

Mr. PRICE of Georgia. I do.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. PRICE of Georgia. Mr. Speaker, we are now 25 days into a unilateral disarmament, a disarmament that doesn't make any sense to our constituents in each and every district across this Nation.

The Senate voted 68–29, 68–29.

Mr. HOYER. Mr. Speaker, the issue that the gentleman needs to address himself to is why this is a privilege of the House. I suggest that the Speaker make sure he is talking to that point.

The SPEAKER pro tempore. The gentleman from Maryland is correct. The gentleman from Georgia may only address the rule IX issue.

Mr. PRICE of Georgia. Mr. Speaker, I would draw my colleague's attention to the context in the stated ''whereas'' that on at least one occasion, if not countless others across this Nation, in the Charleston Post and Courier, it was written that the House of Representatives' Democrat leadership was described as ''indeed causing a potentially dangerous gap in the Nation's defenses'' and ''creating an unnecessary cloud of uncertainty in a critical area of intelligence operations where there should be great clarity.''

There have been multiple articles and multiple references across this Nation as to why this House of Representatives is bringing discredit to the House and also not fulfilling its responsibility, in fact, abrogating its responsibility and its duty. An abrogation of duty by this House of Representatives brings discredit to the House, and, therefore, this is a question of privilege.

The SPEAKER pro tempore. The Chair is prepared to rule.

Under the precedents recorded in section 702 of the House Rules and Manual, the resolution addresses a legislative sentiment and not a question of the privileges of the House.

Mr. PRICE of Georgia. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

RECORDED VOTE

Mr. PRICE of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 192, answered ''present'' 1, not voting 18, as follows:

[Roll No. 116]

AYES—218

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
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
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
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)
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
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
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NOES—192

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
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
Pearce
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—18

Bishop (UT)
Capito
Ellsworth
Hooley
Kilpatrick
Miller, George
Mitchell
Oberstar
Pence
Peterson (PA)
Pryce (OH)
Rangel
Ros-Lehtinen
Rush
Souder
Tancredo
Thompson (MS)
Woolsey

□ 1718

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2008 VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 2082) to authorize appropriations for fiscal year 2008 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, will the House, on reconsideration, pass the bill, the objections

of the President to the contrary notwithstanding?

(For veto message, see proceedings of the House of March 10, 2008, at page H1419)

The SPEAKER pro tempore. The gentleman from Texas (Mr. REYES) is recognized for 1 hour.

Mr. REYES. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA). Pending that, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of overriding the President's veto. This year, for the first time in 3 years, the Congress passed an intelligence authorization act and presented it to the President. This was something that had proved impossible for a Republican-controlled House and a Republican-controlled Senate. In recent years, while the bill passed the House, it never even got to conference. When I took over as chairman of the Intelligence Committee, I made passing an authorization all the way through conference a high priority. It wasn't easy, but I thought it was crucial that we revitalize the oversight process, and I committed to getting an authorization bill not only passed through the House but sent to the President.

The intelligence community, by its very nature, presents a very difficult oversight challenge for Congress. This is why the intelligence authorization bill is so critical. It is the culmination of the committee's oversight activities conducted over the previous year. Intelligence funding is one of the few areas where the law requires funds to be both appropriated and authorized. Our constituents, of course, are demanding that we weigh in on all the important intelligence-related challenges that our Nation is facing.

This legislation goes a long way towards strengthening oversight of the intelligence community, which the President seems to consistently want to fight. That's why the President vetoed it. He wants the authority to do whatever he wants, in secret, with no oversight or authorization or without any checks and balances.

Well, Mr. Speaker, I don't agree. The Constitution gives us a role in this process. We do have a say, in the name of the United States of America, in what the intelligence community does. That's why we need to override this veto.

This legislation enhances oversight in several ways. It requires quarterly reports to Congress on the nuclear weapons programs of Iran and North Korea. We learned a lesson from the experience in Iraq. Congress must be careful and must be part of the process and a consumer of intelligence to avoid being sold a bill of goods.

The act requires the CIA inspector general to audit covert activities at least once every 3 years. Covert activities are historically where our intelligence community runs into legal and policy trouble. An independent CIA audit is one way to prevent problems that have embarrassed our Nation and have eroded our moral authority.

The authorization act also requires detailed accounting to Congress on the use of intelligence contractors. The use of contractors has grown exponentially, and no one is asking critical management questions about whether this is a good use of taxpayer money.

An important substantive provision of the legislation also requires the CIA and the rest of the intelligence community to abide by the same regulations that DOD follows in the context of interrogations. If it's not permissible for soldiers in Iraq, where they face a life-or-death threat daily, it shouldn't be permissible for a CIA officer or contractor.

Mr. Speaker, if this veto stands, all of these important oversight provisions will disappear. If we believe in strong oversight, we need to override this veto.

In addition to addressing long ignored oversight issues, the legislation is fundamentally the mechanism for authorizing funds for the intelligence community. This legislation authorizes funds for the full range of critical intelligence activities. It authorizes funds to support counterterrorism operations to keep Americans safe today, and it authorizes funds for the strategic intelligence investments to keep Americans safe in the future.

Mr. Speaker, if we fail to override this veto, the Intelligence Committee will be silent on these important authorization issues. Once more, we'll have no authorization bill.

The bill also addresses some persistent management problems in the intelligence community. It requires steps towards a multi-level security clearance system to recruit more native speakers of critical languages into our intelligence community. It takes important steps towards creating a more diverse workforce to strengthen our ability to collect intelligence all over the world.

Mr. Speaker, if we fail to override this veto, it's business as usual. No new solutions, just the same old intelligence problems.

I have visited the patriotic men and women of the intelligence community in the far corners and in the far reaches all over the globe. They deserve our support. They are brave, they are competent, and, in most cases, they are humbled to be doing the job to keep us safe. Many serve our Nation behind the scenes and at great risk, without any expectation of recognition or congratulations. For them, and for all Americans, this is important legislation.

The intelligence community came to us for money, they came to us for tools, and they came to us for new authorities. We gave them what they asked for. The President, with his veto, is denying them those very things simply because he wants no limits on his Presidential power.

So today, Mr. Speaker, I urge my colleagues to vote to override the President's veto.

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

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

Mr. Speaker, this bill is just the latest example of the complete and utter failure of the Democratic leadership in the House to give the intelligence community the tools that it needs to protect the American people and our allies from radical jihadists who have sworn to wage holy war against freedom in order to impose a radical religious tyranny. I urge my colleagues to oppose this override of the President's veto.

My colleagues on the other side of the aisle are finding out how tough it is to pass legislation in the intelligence area. But the lesson they need to learn, this is about national security, and national security issues need to be done on a bipartisan basis, can not be done on a purely partisan basis.

The debate on this authorization bill is not about a single issue, as some would have you believe. It is about the need to ensure that we give the right tools to our intelligence professionals in this time of enhanced threat. What we should be talking about today is improving this bill so that it can have broad bipartisan support.

But we also ought to be talking about FISA, FISA modernization. That is the vote that this House should be considering. That is the tool that our intelligence community has said that they need to keep America safe. That is the tool that, on a broad bipartisan basis, the model for how we should be doing legislation in this area. It's how they did it in the Senate, 68 Senators on a bipartisan basis saying we need to do FISA reform. We need to do it to keep America safe, to keep our homeland safe, to keep our troops safe, to keep our embassies and our personnel overseas safe, and to make sure that we also have the tools in place that so many of our allies rely on to keep them safe.

But no, once again, this House moves in a partisan basis. It's been almost 25 days now that the leadership on the other side of the aisle has refused to even bring up for a vote FISA modernization. Each and every day, our capabilities in this area erode. One of the most important and one of the most successful tools that we have used to keep America safe over the last 7 years is slowly eroding. My colleagues on the other side of the aisle will not even allow it to come up for a vote.

The United States continues to employ tough antiterrorist programs because the radical jihadist threat did not end with 9/11. One only has to listen to the statements by bin Laden, his deputy, Zawahiri, to understand the seriousness of this threat, its global implications, and the determination of radical jihadists to strike the American homeland.

But instead of doing a bipartisan, national security issue, we continue to move down the path of partisan politics. The majority leadership of this House refuses to see or hear the continuing threat from radical jihadists. Even more troubling, the majority refuses to recognize that tough antiterrorist tools employed since 2001 have protected this country from terrorist attacks.

□ 1730

Instead, some have distorted antiterrorist programs as threats to the American people rather than tools that our intelligence agencies are using to protect us from threats of radical jihadist terrorism. Instead of helping to strengthen anti-terrorist tools, my colleagues on the other side of the aisle have established a clear patent of trying to undermine and erode them, undermining and eroding the very type of people that we should be trying to help with this bill, the men and women who risk their lives each and every day in the intelligence community to keep America safe.

There is no better example than the outright refusal of the majority leadership to allow a straight up-or-down vote on bipartisan FISA modernization legislation.

Again, this is a bill that passed the Senate overwhelmingly, clearly supported by a majority of this House. There's ample reason to be concerned about this abuse of the majority's powers. I'm far more concerned at the impact that these actions are continuing to have and the capabilities of our intelligence professionals to protect our country, our people, and our allies from attack.

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

Mr. REYES. Mr. Speaker, I want to bring us back on point by yielding 3 minutes to my good friend from Missouri (Mr. SKELTON), the chairman of the Armed Service Committee.

Mr. SKELTON. Mr. Speaker, I thank the gentleman from Texas, the chairman of the Select Committee on Intelligence, and a very valuable senior member of our committee, the Armed Services Committee.

I rise in strong support of H.R. 2082. This bill makes us safer from terrorists and other adversaries in a number of ways: the bill makes critical investments in human intelligence, counterterrorism operations, counter-proliferation, counter-intelligence, analysis and language skills.

In addition, Chairman REYES' conference report includes a provision which requires that all interrogations conducted by intelligence agents and contractors comply with the Army Field Manual on Interrogation. Our military already has raised its standards.

Since September 2006, all interrogations which are conducted by the men and women in uniform are conducted by non-military personnel on a detainee who is otherwise in custody of the U.S. military and must provide and must abide by the Army Field Manual. The manual specifically prohibits eight interrogation techniques, including waterboarding. Waterboarding is the technique which originated during the Spanish Inquisition and makes the person who is being interrogated feel as though he is drowning.

One of the wisest of our Founding Fathers, Ben Franklin, once told us: ''Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.'' But that's where we find ourselves on this issue.

All of the very senior civilians in the administration continue to waffle on whether waterboarding continues and constitutes torture or cruel and inhumane or degrading treatment. Our military has stood up against this widely condemned practice. Our military understands the impact of the Golden Rule: do unto others as you would have them do unto you.

Our military also appreciates that approved interrogation techniques that are not cruel and inhumane or degrading have provided valuable intelligence which has helped captured terrorist kingpins and foiled terrorist attacks against our country as well as our allies. The sooner that we reclaim our moral authority in the world by clearly articulating which techniques we find to be abhorrent, regardless of the nationality of the interrogator, the sooner we can better protect our homeland and our folks in uniform who are in harm's way.

I strongly encourage all of my colleagues in this body on both sides of the aisle to strengthen our national security by supporting this very fine bill.

Mr. HOEKSTRA. Mr. Speaker, I would like to yield 4 minutes to a member of the committee from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Speaker, I rise in opposition to this bill and in opposition to overriding the President's veto. I think it's fine for us to stand up here on the floor and make all of the speeches we want about what the administration has or has not done that we like; there are some of those criticisms of the administration that I might well agree with about what they've done in the past. But I think it is a far different thing to stand up here and argue that we should put into law a measure that ties the hands of the professionals we expect to keep us safe.

This bill ties the hands of our national security professionals in a number of ways. One way is that it does not update the FISA law, which may well be the most important single thing the intelligence community does today that helps keep us safe. And, in fact, as the gentleman from Michigan noted, we are nearly 30 days beyond the expiration date of the Protect America Act; and every day that goes by makes us more vulnerable to a terrorist attack.

A bipartisan compromise in the other body garnered 68 votes, and yet we can't even have the leadership of this House bring it up for a vote to be considered so that each individual Member can exercise his judgment or his or her judgment or conscience in how they vote. If that measure had been rejected by the House, it would be one thing; but to never allow it to come up means that the leadership of this House insists on tying our hands, preventing our national security professionals from having the tools they need to do the job. I think that's inexcusable.

This measure before us also ties the hands of our national security professionals by limiting the interrogation techniques they can use, and even more than that, by broadcasting to the world the only interrogation techniques which can be used. It's like giving al Qaeda the training manual that they need to prepare their people for. And I know that the chairman of the Armed Services Committee just spoke. I wonder if he would be in support of just sending our battle plans out to any potential adversary saying this is what we are planning on doing. You all go ahead and get ready for it. We will tell you in advance what our intentions are. That's essentially what this bill does.

And I note, Mr. Speaker, a writer, Stuart Taylor of National Journal, last December put the scenario pretty well. He says, Imagine we get Osama bin Laden or some high-level lieutenant with the intelligence reports that a massive new al Qaeda attack may be eminent. Here are the questions all Members ought to answer when considering how they're going to vote: Should it be illegal for CIA interrogators to try to scare the person into talking by yelling at them? Should it be illegal to threaten to slap them in some way? Should it be illegal to pretend to be an interrogator from a different country? Should it be illegal to turn up the air-conditioning so they are uncomfortably cold? Should it be illegal to deny them hot food while giving them all of the cold food that they want?

Because all of those things would be illegal under the provision that's in this bill. It is not about waterboarding. It is about having a guarantee of hot food, comfortable temperature, no sort of deception, having no one raise their voice against you. Those are the protections for the terrorists that are in this bill.

I think that's a mistake. I think it is a mistake to tell them what we are going to do, and I think it is a mistake to take options off the table like turning up the air-conditioning.

These provisions, not having the FISA modernization, limiting their interrogation methods, treat our American professionals as the problem, and that's the problem with this bill. It should be rejected.

Mr. REYES. Mr. Speaker, continuing on this parallel universe, I now yield 3 minutes to the gentlewoman from California (Ms. ESHOO), who chairs one of

our subcommittees, the Subcommittee on Intelligence Community Management.

Ms. ESHOO. Mr. Speaker, I thank our very distinguished, wonderful chairman of the House Intelligence Committee.

We are here this evening for one reason and one reason only: it is to override the President's veto of the House authorization for the intelligence community. And the reason, the stated reason, and the President said so, the reason he vetoed the bill is because he is for torture. T-o-r-t-u-r-e. It's what the President said.

This is a very sad, dark moment for our country that a President of the United States would remove all of the tools that we've provided for the intelligence community in a post-9/11 world and say, Because you don't allow torture, I'm not for the bill.

Now, the President's position is entirely inconsistent with our Nation's history. The United States of America has long accepted that torture is beneath the standard of a civil nation. In 1947, the United States prosecuted a Japanese military officer for carrying out a form of water torture on a U.S. civilian. The military has frequently prosecuted American military personnel for subjecting prisoners to torture since the Spanish-American War.

Our Nation was able to win two world wars and defeat a rising tide of communism with a torture prohibition in place. And I think that we can defeat America's enemies today without lowering ourselves, without allowing ourselves to become the organizers against us. That's what we have done. And we have not only degraded ourselves but helped to chip away at the magnificent credibility of our great Nation that people before us provided, and now we stand on their shoulders. And a President of the United States vetoes a bill because he stands for torture. We should slam that door shut.

And the way we do it is by overriding this President's veto. There isn't any room in our country for this. And for anyone to describe these things as being sissies because you stand against torture, that is really shameful. That's really shameful, with all due respect.

This is a tough position. It's the right position.

So I urge my colleagues to vote to override the President's veto because that veto was about torture.

Mr. HOEKSTRA. At this point in time, I would like to yield 4 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I would like to bring another aspect for sustaining the President's veto that hasn't been talked about yet.

When this bill was brought to the floor initially, there were some 26 earmarks in the legislation. First we were told there are no earmarks. Then we had kind of a wild goose chase up in the intelligence room to find if there were. We found out there actually were. Then we finally got a list, belatedly. We got the list of earmarks, I think, about 5 hours after the deadline for us to submit a list of earmarks that we wanted to challenge. How convenient was that?

And we were told, No, it is just procedural, but too late. You won't be able to offer any amendments. We were told at the beginning of the process this year that every earmark that was offered in a piece of legislation in a conference report, in a committee report would be able to be challenged on the House floor. That wasn't the case here. We had 20-some earmarks worth about $80 million that were never challenged that still, to this day, cannot, have not, will not be challenged by this House.

So that, for the process alone, we shouldn't go forward with this piece of legislation.

These weren't just any earmarks. One, $80 million worth; and, two, there were big earmarks like $23 million for the National Drug Intelligence Center. This is a center that the President has been trying to shut down for years because it doesn't coordinate efforts as it should. It gets, I think, about $39 million in the underlying bill and another $21 million in earmarked money in this piece of legislation. That's $23 million in taxpayer dollars in this piece of legislation. That's $62 million in taxpayer funding for an entity that the President and the executive branch want to close down, but it happens to be in the district of a particular powerful Member, so it stays. Again, we weren't able to challenge that.

That led, as we all know, to an altercation on the House floor between a few Members, a privileged resolution that was offered, but still, that earmark remains. All of these earmarks that still haven't been able to be challenged by the House remain in this piece of legislation.

Mr. Speaker, if there was ever, ever a case study in why we need an earmark moratorium, it is this piece of legislation that we are dealing with right now. No matter what you do, the earmarks remain. We even had a motion to instruct offered by my colleague from Michigan to take the earmarks in this bill out, remove them because they haven't been challenged, and they weren't brought to the floor in the proper manner.

□ 1745

That motion to instruct passed with a vote of 249 votes in favor. A sufficient number of Republicans and a significant number of Democrats voted for that motion to instruct to take the earmarks out, but here we are with this piece of legislation here again today, and every one of those earmarks still remains. You can't take them out.

We have to have a moratorium on earmarks so we can address this process. You can have good rules. And I commended the Democrats when they put the rules in place in January of this year. I mentioned that I thought that they were, in fact, a little stronger than what we, as Republicans, had put there. Having said that, rules are only as good as your willingness to enforce them, and the rules were not enforced here.

Again, this legislation came to the floor with earmarks that we were never able to challenge, that came after the deadline when we were to submit the list to challenge. And then the House acted, we acted to address, and with a clear, sufficient majority said, let's take the earmarks out. But still they remained.

I urge us all to sustain the President's veto of this legislation.

Mr. REYES. Mr. Speaker, I would tell the gentleman from Arizona that this veto is not about earmarks; it's about torture.

With that, I now yield 3 minutes to the gentleman from New Jersey (Mr. HOLT), who serves as the chairman of the Select Intelligence Oversight Panel.

Mr. HOLT. Mr. Speaker, I thank the chairman of the committee.

When Congress passed this bill last year, I lauded several of its features, provisions aimed at attracting and retaining people with good foreign language capability and understanding of foreign cultures, a provision bringing speed to security clearance processes for new hires, the provision directing the Director of National Intelligence to establish a multilevel security clearance process, a provision requiring the inspector general to review all covert action programs, and a number of other things. Getting these things right is critically important because intelligence is among the most important functions of our government.

A good intelligence system can save lives by preventing war, or, should war come, by helping to win the war as quickly as possible. But a flawed intelligence system can be dangerous, as when intelligence is manipulated so as to take America to war under false pretenses, or when fearsome powers of the government are turned on its own citizens without checks and balances. Indeed, it's because this President opposes checks and balances on our intelligence system that we are forced to have this veto override today.

Let's be clear, American personnel, civilian or military, should never engage in interrogation practices that amount to torture. The provision the President objects to would simply put the entire U.S. Government under one standard for interrogating detainees, the Army Field Manual. The heads of the Defense Intelligence Agency and the FBI have testified that the nontorture guidelines in this bill are adequate for their people to follow in interrogation of dangerous people.

If the President were serious about restoring our reputation in the world and about providing moral and legal clarity for all government employees involved in the handling or interrogation of detainees, he would never have

vetoed this bill. Providing that moral and legal clarity is our constitutional obligation. And to that end, I urge my colleagues to join me in voting to override the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield 2 minutes to my colleague from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I am four for five on veto overrides of our President, but this is not one of them.

This bill limits our intelligence professionals at a time when we need more people in the Office of the Director of National Intelligence. The bill fails to provide tools to monitor foreign terrorist communications when we should be monitoring more of them. And it also provides less resources to our own intelligence community, not more.

The bill also does have earmarks in which the committee delayed publication. Senators MCCAIN and CLINTON and OBAMA all now support a complete moratorium on earmarks this year, but this legislation does not do that.

We not only hamstring our intelligence community by this bill, we waste millions of dollars on no or low quality earmarks that have little utility to the intelligence community. We should bring back this bill without any spy pork.

Mr. Speaker, I still serve in the intelligence community. We all know that torture is illegal, and we all read the papers and know that all Republican and Democratic candidates for President are against waterboarding. So, in January of this year, that will be over, but the rest of the issues in this bill will not.

Does this bill hamstring our community? It does. Does it fund 26 items of spy pork? It does. And for these reasons, we should not pass this flawed piece of legislation.

Mr. REYES. Mr. Speaker, again I would remind the gentleman that this is not about spy pork; it's about torture.

With that, I now yield 3 minutes to the gentlelady from Illinois, a valued member of our committee, Ms. SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank our chairman for yielding me this time and for his great leadership on this issue, and for making it clear that this veto was about torture.

In December, I said that restrictions on the use of torture represented a battle for the soul of our country. Because the President chose to veto this critically important piece of legislation, that battle continues today.

The way we treat our prisoners is a fundamental measure of our character. It is what separates great nations with moral authority to lead from other lesser nations.

The President's national security team has now publicly confirmed that the CIA waterboarded detainees. Incredibly, President Bush and his advisers insist that they have the legal authority to do so again and that they don't consider it torture. These claims have damaged our Nation's moral authority and credibility around the world.

There is a simple way to restore some of our moral authority. It is in this bill in the form of a provision mandating that all intelligence agencies and those under contract or subcontract with our intelligence agencies comply with the U.S. Army Field Manual on interrogation guidelines.

The interrogation rules in the Army Field Manual have served us well, but don't just take my word for it. Generals, intelligence professionals, diplomats, religious leaders, and foreign leaders, many of them our closest allies, have all spoken out against the use of coercive techniques such as waterboarding.

Consider the words of Navy Rear Admiral Mark Buzby, Commander of Joint Task Force Guantanamo, which is already required to comply with the Army Field Manual, who recently stated that ''we get so much dependable information from just sitting down and having a conversation and treating them like human beings in a business-like manner.'' Or what about the advice of the Republican Presidential nominee, Senator JOHN MCCAIN, who, before changing his mind and joining with President Bush to oppose this bill and with it Congress' effort to ban torture, stated that the issue of interrogation was ''a defining issue'' and that interrogation should be ''humane and yet effective.'' And that an Army general in Iraq had told him that ''the techniques under the Army Field Manual are working and working effectively, and he didn't think they need to do anything else.''

In December, Congress made its voice known and passed this critically important bill. With one flick of his pen, the President tried to take our voice way. I believe it is time to say once and for all ''no'' to techniques like waterboarding, ''no'' to torture, and ''no'' to this President's attempt to legitimize his administration's political legacy at the cost of this Nation's moral authority.

I urge all my colleagues to join with me in voting to override the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 3 minutes.

Mr. Chairman, it's interesting that this debate is about something that hasn't been done for 5 years. What we need to be talking about is what we haven't been able to do for the last 30 days.

My colleagues on the other side of the aisle are talking about a technique and a procedure that hasn't been used for 5 years, but they're unwilling to talk about the technique that enables us to identify what terrorists may have planned for the United States.

They don't want to address giving the tools to Americans who work in the intelligence community that have proven to be effective. They're willing to give our playbook to al Qaeda, but at the same time they've taken away our most effective tool, to try to determine exactly what al Qaeda may be up to. It is probably the most glaring deficiency in this bill, but there are many others.

It fails to provide adequate resources for human intelligence. The earmarks we've heard about. It fails to constrain the size of the intelligence bureaucracy. It fails to rationalize how we're going to put the intelligence community together. And then, interestingly enough, it continues the misplaced priorities.

We are unwilling to deal with FISA. We are unwilling to give that tool to our intelligence community, but we feel that it's more than appropriate to tell our intelligence community to go out and conduct a formal assessment of ''national security,'' the national security aspects of global warming.

Our intelligence professionals in the field need to be really wondering what's going on in the House, where they've now watched us for 30 days avoiding dealing with the tough issue that has proven to be so effective in keeping America safe, and at the same time we're arguing here, and the majority is arguing that, forget about surveilling al Qaeda and radical jihadists, take your resources and study national security aspects of global warming, although there's many other agencies that already work on that.

So, shelve FISA. As a matter of fact, don't even talk about FISA. Don't even bring it to the floor. Don't do any work on it. Don't put any proposals out there. Have no bipartisan discussions on where we go with FISA. Leave that on the shelf. Let our capabilities erode. Go out and study global warming.

What are the priorities of this House? How are we going to keep America safe when we, on one hand, handcuff our intelligence community, and on the other hand, we're telling them go out and study the national security aspects of global warming?

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

Mr. REYES. Mr. Speaker, on this side, we believe that our very capable and dedicated men and women of the intelligence community can keep us safe without torture.

I now yield 3 minutes to the newest member of our Intelligence Committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman.

Mr. Speaker, the fight against terror is, at one level, a military struggle, but it is also, at its roots, a battle over hearts and minds.

On Sunday, we suffered a major setback in that battle when the President of the United States vetoed legislation that would unequivocally state to the world that we do not condone torture in any form, in any place, under any circumstance. Instead, by appearing to abandon the rule of law by appearing to step away from the Geneva Conventions, by failing to renounce the use of

torture in the clearest of terms, we are only undermining our standing in the world and endangering the lives of our very own men and women.

When the Attorney General of the United States recently testified before the Judiciary Committee, he could not tell us if and when waterboarding constituted torture. He even suggested that a determination whether something constitutes torture depends on who is being subjected to the technique and the desirability of the information that is being sought. His testimony was murky. It was ambiguous. It failed to establish any bright line for our personnel or for the rest of the world. He could only say that if it were done to him, well, then that would be torture.

Instead, the bright line standard, if there was one to be found in his testimony, and the one that he asked us to hold up to the rest of the world, was whether or not a harsh interrogation technique is part of a program authorized by an attorney in the obscure Office of Legal Counsel. I am deeply concerned about what this says to our own personnel and about what it says to the rest of the world.

This is, indeed, no intangible loss, for the effects of this failure of moral leadership may tragically be visited on those brave men and women serving in our Armed Forces.

Who among us can fail to recall the opening ways of the Iraq war when American troops had been captured and were paraded in front of the cameras? We were disgusted with their treatment, and rightfully so. If we hesitate, equivocate, or otherwise fail to ban the use of waterboarding, how can we have any confidence that when American troops are captured they will not be subjected to this form of torture? How can we make the case that other nations or other enemies must not torture because we don't torture? How can we win the battle for hearts and minds if we surrender our most powerful weapon, the power of our good example?

□ 1800

Mr. Speaker, I urge the override of the President's veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

Again, the debate is about a bill that the President has outlined in his veto statement is deeply flawed, deeply flawed in the content of what is in the bill as to what it directs the President to do and the limitations that it places on the executive branch in being able to conduct the war against radical jihadists effectively.

But it's also clear that the message clearly outlines the deficiencies of what is not in the bill: the inability and unwillingness of the Democratic leadership to bring to the House the Senate-passed FISA modernization bill; a bill that reflects the values of the Speaker of the House; a bill that reflects the values of the current Speaker of the House when she was on the Intelligence Committee in 2001 when these discussions were under way that talked about what do we need to do to give our intelligence community the tools that they need to keep America safe so that we can better understand the plans, the intentions, and the capabilities of al Qaeda and other radical jihadists.

That is where the Terrorist Surveillance Program took root. Bipartisan, the President, the leadership of the House and the Senate, the leadership of the Intelligence Committees, and all of them united in saying we need to give this tool, this Terrorist Surveillance Program, to our intelligence community because it will allow us to collect the information, the data, that we can use to keep America safe. And that program was in place for over 5 years. It was in place and it proved to be very successful. And now for 30 days, almost 30 days, we've been unable to use that tool.

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

Mr. REYES. Mr. Speaker, I now yield 3 minutes to the gentleman from Austin, Texas (Mr. DOGGETT), who was just asking me, As I traveled around the world, have any of our fine men and women in the intelligence community ever asked to be given the tool of torture? and I said, No.

Mr. DOGGETT. I thank the gentleman for yielding.

Mr. Speaker, with this veto, President Bush has once again failed to safeguard our families.

And what is this ''waterboarding'' that the President so readily embraces? It sounds a little like a cousin of skateboarding or snowboarding. But, in fact, it is a new name for an old water torture in which a human being is drowned. The drowning is controlled to force a response, but waterboarding is simply a euphemism for torture by drowning.

Now, President Bush is not the first Texan to think of this and to believe that horrific wrongs can justify drowning of the culprit. An earlier Texas waterboarder is not in the White House; he was sent to the Big House. A Texas judge said that this waterboarding Texas sheriff put law enforcement ''in the hands of a bunch of thugs'' that would ''embarrass a dictator.'' The sheriff was sentenced to 10 years. That judge was right, and this administration is so very wrong.

America seems to have been sentenced to 8 years of DICK CHENEY, who claims that such water torture is a ''no brainer.'' ''No brainer''—that sounds like a good way to describe how so many of this Administration's policies have been made.

Torture is no proper tool in the arsenal of democracy. Torture is foreign to our values, foreign to our history, foreign to our religions, foreign to our laws, and it is foreign to our international commitments. There can be no compromise, no middle ground. We must have zero tolerance for torture.

If we abandon our American values, we lose who we are. We lose our identity. We lose our pride as the greatest Nation in the world. And if the Administration and its apologists continue forcing America to abandon the rule of law and our long commitment to human dignity, we will lose the war.

The use of torture, which President Bush's veto endorses, is not only un-American; it is ineffective. That is one reason why the Army Field Manual prohibits its use even when our military is in harm's way. As General David Petraeus, our commander in Iraq, wrote to his troops last year: ''Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary.''

I say follow our generals, not the Cheney ideologues, not the apologists. Override this veto.

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

I applaud my colleagues for speaking with such passion. I wish they had the same passion for addressing the tools that the leadership in the intelligence community have said that they have needed, that our intelligence professionals who are in the field have said that they have needed to keep America safe. And this leadership has been unwilling to bring it up for almost 30 days.

The tool that they want, the tool that they need, and the tool that has proven to be so effective is the Terrorist Surveillance Program, which is an updated version of FISA legislation. It takes the FISA legislation, it moves it forward, and it updates it. But for almost 30 days, that tool has been eroding, putting our troops at risk, putting our homeland at greater risk, putting other U.S. personnel who are oversees at greater risk, and putting our allies who depend so often on the work of our intelligence community, putting them at greater risk. As al Qaeda in Iraq has said they want to attack Jerusalem, as Hezbollah has said that they intend to retaliate for the death of Mughniyah 3 or 4 weeks ago, as the radicals seek to destabilize the regimes in the Middle East of modern Islamic countries, people that are working with us in the war and the threat against radical jihadists, our answer to them is we're going to curtail our intelligence activities, and as a result, you will be at greater risk because we are going to be of less assistance. We are not going to be able to give you the intelligence that you've been receiving for the last 5 years because our techniques are limited.

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

Mr. REYES. Mr. Speaker, I now yield 2 minutes to the chairwoman of the Homeland Security Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding.

Mr. Speaker, for the last several years, Congress has been unable to pass an intelligence authorization bill. This means that the Intelligence Committee, entrusted with major responsibilities, a committee on which I was proud to serve for 8 years, 4 of those as ranking member, has been prevented from setting the direction for our intelligence community.

Finally this year, Mr. Speaker, the House and Senate agreed on a responsible bill and included in that responsible bill language to end the so-called ''CIA loophole'' on interrogations. The President has vetoed that bill and continues to insist irresponsibly, in my view, that Congress shall not impose a legal framework around interrogation policy. I strongly disagree and rise to override his veto.

Interrogations are a crucial tool in the effort to prevent and disrupt attacks against America, and Congress should not abdicate our obligation to legislate. Aside from stating the case, the Bush administration has never offered proof that extreme interrogation techniques like waterboarding are effective. I believe Senator JOHN MCCAIN who says that waterboarding is torture, that such techniques do not work.

Article I, section 8 of our Constitution requires Congress to ''regulate captures on land and water.'' This is our responsibility. We have seen the erosion of respect for America that comes from scandals like Abu Ghraib and incarceration without end at Guantanamo Bay. The military and FBI conduct interrogations under clear rules. So why can't the CIA?

Mr. Speaker, my message to the White House is this: Congress is a coequal branch of government. The Constitution plainly gives us the power to legislate interrogation policy, and we must use it.

Vote ''aye.''

Mr. HOEKSTRA. Mr. Speaker, I yield myself 2 minutes.

The Detainee Treatment Act, 2005, prohibits cruel, inhumane, and degrading treatment, the standard found in the convention against torture. It applies to anyone held by U.S. authorities. We have dealt with that issue. We dealt with it in 2005.

What my colleagues don't want to talk about is they don't want to talk about the other weaknesses in this bill. And it's clear, by what their actions have been for the last 4 weeks, they don't want to talk about FISA.

As my former ranking member has indicated, it is tough to pass an authorization bill. It is tough to pass legislation. She and I worked together and passed, with our colleagues in the Senate, an Intelligence Reform Act, which in many ways has worked and in some ways we need to go back and take a look at. But one of the things that we learned through that process is to make it work, you need to do it on a bipartisan basis.

The problem with this bill is that it is a partisan bill. It passed the Senate with a very narrow majority. It passed the House on a partisan vote. That's not how you're going to get it done. You're going to do it the same way that the Senate has done the FISA bill.

But the interesting thing is the model for getting something done, which is a bipartisan bill, which is what we did on intelligence reform, we had Republicans and Democrats who came together to make it a majority; and we also had Republicans and Democrats who opposed us, and it was sometimes very painful. Now, when the Senate has gone through that process and passed a bipartisan bill on FISA, the model, 27 Democrats, 41 Republicans coming together and modernizing FISA, the end result is this leadership on the House side refuses to deal with it. It's on every intelligence issue that we've dealt with in this Congress.

When it comes to national security, when it comes to intelligence, there is not an ounce of compromise. It's all about getting everything, and that's why the President vetoed this bill, because it is not a bipartisan bill. There are many weaknesses in it.

All the focus on their side is torture. Talk about FISA, which makes a real difference to our men and women in the intelligence community today.

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

Mr. REYES. Mr. Speaker, could I inquire as to the time on both sides.

The SPEAKER pro tempore (Mr. SALAZAR). The gentleman from Texas has 5 minutes. The gentleman from Michigan has 6½ minutes.

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

Mr. HOEKSTRA. Mr. Speaker, I will yield myself 1½ minutes.

Mr. Speaker, it's interesting, as we go through this process and we talk about what's in the bill, the provision that we are talking about, or at least the other side is talking about, is a provision that was dropped in in conference. It came from the Senate. It didn't come from the House. We ought to follow that model. Follow the leadership.

It's interesting, we follow the leadership here when it's a partisan vote coming from the Senate; but when it's a bipartisan effort from the Senate, the leadership on the Democratic side will not respond and will not follow.

□ 1815

On this bill, we are going to sustain the veto. It is a flawed bill through and through. It would be interesting for this House to do the right thing, to have a vote on a national security issue, the modernization of FISA, to bring that vote. I am very much afraid that we are going to go home Thursday or Friday of this week and we are going to go on a 2-week recess and, once again, we will not have dealt with the modernization of FISA.

That means that we will go through a period of 6, 7, 8 weeks of eroding capabilities, each and every day becoming more vulnerable to radical jihadists and other groups who want to harm America.

With that, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, I say to the gentleman from Michigan, it won't be interesting if this veto is sustained. It will be a sad day for this country because it will be sustaining torture.

With that, I now yield 2 minutes to the gentleman from New York, the valued member of the Judiciary Committee, Mr. NADLER.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, a few weeks ago, I joined my colleagues in writing to the President urging him to sign this conference report. This conference report contains a provision that mirrors legislation which I authored with Congressman DELAHUNT, the American Anti-Torture Act, that would ensure a single, uniform baseline standard for all interrogations conducted by the U.S. intelligence community. I applaud the leadership of Senator FEINSTEIN and the other conferees for including this measure in the report.

Since news of the mistreatment, and possible torture, of detainees in U.S. custody first surfaced, Congress has debated, and legislated, on the subject of the legal, and moral, limits on interrogation. Torture is unworthy of the United States and its people. It places every American, especially every American in uniform around the world, at grave risk.

The United States has historically been a leader in the effort to establish and enforce the laws of war and the conventions against torture. The Army Field Manual is an outstanding example of how our modern military effectively gathers intelligence and observes international norms of conduct.

We all understand the critical role that intelligence plays in helping us achieve these goals. But torture and cruel, inhuman, or degrading treatment, besides being contrary to our values, have proven not to be effective in obtaining actionable intelligence. Current and former members of the military have made it clear that torture doesn't work.

That includes General Petraeus, who wrote an open letter that the standards in the Army Field Manual ''work effectively and humanely in eliciting information from detainees.'' Lieutenant General Kimmons, the Deputy Chief of Staff for Intelligence, similarly stated that ''No good intelligence is going to come from abusive practices. Any piece of intelligence which is obtained under duress, under, through the use of abusive techniques would be of questionable credibility.''

Mr. Speaker, the President and this administration have repeatedly said that America does not torture. But most intelligent people know the word of this administration cannot be trusted. And to prove the point, when asked to place those assurances into law, the

President refuses. Now Congress must act to override the President's veto and hold him to his word.

And later this week, we will deal with FISA. And all the nonsense spewed by the other side will be dealt with because we will again, as we did last November, pass a bill which will give every tool the administration says they need to them but will place it under judicial and congressional supervision to protect our liberties as well as our safety.

I urge support of this veto override to outlaw torture once and for all.

Mr. HOEKSTRA. I yield myself 2 minutes.

It is interesting to talk about waterboarding. It hasn't been done for 5 years. It is interesting to talk about we are going to get rid of cruel, inhumane, and degrading treatment. We did that in the Detainee Treatment Act of 2005. It is prohibited, prohibited on any person that is held in U.S. custody. So it is easy to talk about those things.

It is time that the House start doing the hard stuff and the heavy lifting. That heavy lifting has now been put off for almost 4 weeks. And my fear is that we will leave without having resolved the issue between the House and the Senate, and we will go away for 2 more weeks because the House and the Democratic leadership refuses to do the heavy lifting and refuses to do the hard stuff. They are willing to go back and do the stuff that was done in 2005 and address issues that haven't occurred for over 5 years. But when it comes to keeping America safe and doing what is necessary and giving the tools to the intelligence community to keep us safe, leadership of this House is unwilling to act and is unwilling to do what is necessary.

With that, I reserve the balance of my time

Mr. REYES. Mr. Speaker, I now yield 1 minute to the distinguished gentleman from Maryland, a member of the leadership of this House, the majority leader, and one that is proud to stand up against torture and for the American people, Mr. HOYER.

Mr. HOYER. I thank my friend for yielding.

In response to the distinguished ranking member of the committee, let me read a statement from the President's veto message of March 8, 2008:

''My disagreement over section 327 is not over any particular interrogation technique; for instance, it is not over waterboarding, which is not part of the current CIA program.'' He doesn't say that it will not be a part of the CIA program. He has very carefully worded, ''It is not part of the current program.''

That is why I tell my friend this legislation is relevant. That is why, in my opinion, his Presidential candidate, although he seems to have changed his mind, passed his own bill, which the President, of course, signed and then had a signing statement that he wasn't sure that he had to follow it, that torture was not the policy of the United States of America. I agree with that. It's not. It should not be. But we need to make a very clear statement that it is not. Why? Because the rest of the world is looking at us and wondering what are the values that this great Nation we respect so much values?

Mr. Speaker, on Saturday, the President could have made a clear, unequivocal statement that this great Nation does not and will not torture those in our custody. He should have signed this important intelligence authorization conference report into law. But instead, he vetoed it, because it requires all American intelligence agencies to comply with the U.S. Army Field Manual on Interrogations.

Let us be clear: This veto was unfortunate and misguided. It threatens to further degrade America's moral standing as others have said, including Colin Powell, the former Secretary of State in this administration. It threatens to undermine our credibility in the international community and to expose our own military and intelligence personnel to the very same tactics and treatment.

Mr. Speaker, every Member here believes that our Nation must take decisive action to detect, disrupt, and, yes, eliminate terrorists who have no compunction about planning and participating in the mass killings of innocent men, women, and children in an effort to advance their twisted, demented aims. We can, we will, and we must prevail in the war on terror. However, in the pursuit of those who seek to harm us, we must not sacrifice the very ideals that distinguish us from those who preach death and destruction and say that their ends justify whatever means they may use.

During the current administration, we have seen the line blurred between legitimate, sanctioned interrogation tactics and torture. And there is no doubt, our international reputation has suffered and been stained as a result. The excesses at Abu Ghraib and Guantanamo are well known, as well as the administration's belief that the Geneva Convention against torture is, and I quote, quaint. Let me repeat that for my colleagues. The administration's advice that it got from counsel was that the Geneva Conventions against torture is, quote, quaint, close quote. I would suggest to you it is as relevant today as it was when it was signed.

These incidents and others sully our great Nation's good reputation and allow our enemies to foment fear and stoke hatred. Requiring all intelligence agencies to comply with the Army Field Manual on interrogation is an attempt by this Congress, passed by majorities in both Houses, to repair the damage that has already been done. Furthermore, the techniques permitted by the Army Field Manual have been endorsed by a wide array of civilian and military officials as both effective and consistent with our values.

Here, in fact, is what General David Petraeus wrote to members of the Armed Forces in Iraq last May. I believe it has been quoted, but it bears repeating:

''Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary.''

General Petraeus went on to say:

''Our experience in applying interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.''

Mr. Speaker, this is not a question of whether we must combat and defeat terrorists. We must. However, we must never let it be said that when this generation of Americans was forced to confront evil that we succumbed to the tactics of the tyrant.

I urge my colleagues on both sides of the aisle, vote to override this unjustified and deeply misguided veto.

Mr. HOEKSTRA. I yield myself 1 minute.

The Detainee Treatment Act outlaws cruel, inhumane, and degrading treatment. There seems to be a sense of urgency to do what we have done and do it again. It is too bad that there is no sense of urgency to give our individuals in the intelligence community the tools that they need to keep us safe.

The Senate has passed FISA. We should do the same thing. And we should do it before we go home. We need to start doing national security issues in a bipartisan basis. The longer we continue going down this path of making national security and intelligence issues purely partisan, some might call them purely political issues, we risk the security and the safety of the American people.

With that, I reserve the balance of my time.

Mr. REYES. Mr. Speaker, could I inquire as to the time.

The SPEAKER pro tempore. The gentleman from Texas has 2 minutes remaining. The gentleman from Michigan has 2½ minutes remaining.

Mr. REYES. Mr. Speaker, with that, I will yield 1 minute to the gentlewoman from California, the Speaker of the House of Representatives.

Ms. PELOSI. Mr. Speaker, I thank the distinguished chairman of the Intelligence Committee for his leadership on protecting the American people. In addition to being Chair of the Intelligence Committee, he has served for many years on the Armed Services Committee. He brings to his position on Intelligence the commitment that we all have, to protecting the American people, to building a strong military second to none to do that, to protect the American people. He knows that force protection is one of the main priorities of intelligence, to protect our forces, and when they are in harm's way, to make sure they have the intelligence to prevail.

Mr. Speaker, the New Direction Congress has made strengthening national security and improving America's intelligence capabilities a top priority. It is our major responsibility, to protect the American people.

Our very first piece of legislation, H.R. 1, took the bipartisan 9/11 Commission recommendations off the shelf, as they had been in the Republican Congress, and put them into law to better protect the American people. We then began our efforts to strengthen America's military, the readiness of which has been greatly depleted by the President's failed Iraq policy.

To restore our military strength, we have expanded the size of the Army and Marine Corps, passed legislation insisting that only fully mission-capable forces be deployed, and funded essential equipment, including armored Humvees.

Mr. Speaker, America's security depends on the strength of our military as we all know, but also the quality of information gathered and analysis provided by the 16 intelligence agencies that make up our Nation's intelligence community. As someone who has served on the House Intelligence Committee now as a member and ex officio for 16 years, longer than anyone in the Congress, I understand that policymakers in Congress and in the executive branch must be able to rely on accurate, timely, and actionable intelligence. That is why this intelligence authorization bill invests in human intelligence, counterterrorism operations, and analysis. It is a critical step in protecting our Nation. And the President should have signed it into law.

□ 1830

Regrettably, President Bush vetoed these critical investments in our intelligence capabilities because this legislation extended the Army Field Manual's prohibition on torture to intelligence community personnel.

The prohibition on torture that the President vetoed protected our values, protected American military and diplomatic personnel, and protected Americans by ensuring accurate intelligence. Our Nation is on a stronger ground ethically and morally when our practices for holding and interrogating captives are consistent with the Geneva Conventions, when we do not torture.

We all have our views here about intelligence gathering, analysis and dissemination; and, again, much of the focus is on force protection. So I look to the words of those who have served in the military for their view on this subject.

In the words of Retired RADM Donald Guter, a former Navy Judge Advocate General, he says: ''There is no disconnect between human rights and national security. They are synergistic. One doesn't work without the other for very long.''

Failing to legally prohibit the use of waterboarding and other harsh torture techniques also risks the safety of our soldiers and other Americans serving overseas. In a letter to the congressional Intelligence Committee chairmen, 30 retired generals and admirals, including General Joseph Hoar, the former head of the U.S. Central Command, the command that oversees our military activities in the Iraq region, the Middle East and greater Middle East area, those 30 retired generals and admirals, looking again to the voices of those who have led in the military, stated: ''We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans.''

Many military officials and intelligence professionals have also stated that torture is ineffective; it is unlikely to produce the kind of timely and reliable information needed to disrupt terrorist plots.

I want to reinforce the message of my colleague, the majority leader, STENY HOYER, in quoting the words of General David Petraeus. As Mr. HOYER just stated, but I think it bears repeating, the words of General David Petraeus: ''Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. That would be wrong,'' General Petraeus said. He went on: ''Beyond the basic fact that such actions are illegal, history shows that they are frequently neither useful nor necessary.''

These leading military men and women and those of us who support this legislation's ban on torture believe that we can and we must protect America while preserving our country's deeply held principles.

In the final analysis, our ability to lead the world will depend not only on our military might but also on our moral authority. Today, we can begin to reassert that moral authority by overriding the President's veto.

Thank you again, Mr. Chairman, for your leadership.

Mr. HOEKSTRA. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ISSA).

Mr. ISSA. Mr. Speaker, I am astounded that you can use the words ''torture'' and ''waterboarding'' as though you were not on the committee of jurisdiction knowing about it as an ex-officio at the time it is to have occurred. I am shocked that this is going to be all about a procedure or procedures that in fact the Speaker of the House had the ability to know about and condoned for years. I am shocked that the Speaker of the House would speak about David Petraeus, when in fact David Petraeus has said publicly and privately: ''You know, on the battlefield of Iraq, I can kill the enemy, but I can't listen to him if he calls America.''

This today should be about what we haven't done. We haven't taken up the Senate's FISA bill. We haven't dealt with the fact that we are in danger every day, and as a member of the intelligence community, I know just how damaging the absence of action has been.

This bill has become a partisan bill, and wrongly so. I call on my colleagues on both sides of the aisle to fix it and move on, rather than complaining about something that the Speaker is well aware of.

Mr. REYES. Mr. Speaker, could I inquire of the time.

The SPEAKER pro tempore. The gentleman from Texas has 1 minute and the gentleman from Michigan has 1½ minutes.

Mr. REYES. Thank you.

I would advise the gentleman from Michigan I have one additional speaker.

With that, I now yield 45 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, there are five compelling reasons why we should override the President's veto of this bill and sustain the congressional ban on torture:

First of all, it creates a double standard between the military and our intelligence personnel. The rest of the world won't recognize the difference, and neither should we.

Secondly, it gives us faulty information. Somebody being tortured will tell you whatever is necessary in order to stop the torture.

Thirdly, it jeopardizes our own personnel, because the enemy will consider it a license to torture American prisoners.

Fourth, it is illegal, according to the Geneva Conventions.

Fifth, it is immoral, and thus it is un-American.

Our Founding Fathers believed that this Nation would be united by a common set of values, that we would stand as a moral guidepost to the rest of the world. This undermines that moral high ground, and that is why this veto should be overridden.

Mr. HOEKSTRA. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I encourage my colleagues today to sustain the President's veto. This is an ill-advised bill. This goes back to what we did in the 1990s, ''bugs and bunnies,'' telling our intelligence folks that it is time to focus your resources and your skills on studying the national security implications of global warming.

There are many problems with this bill. But the sense of urgency that we have in the intelligence community today is, as my colleague from California pointed out today, we are going to tell al Qaeda exactly what may happen. We are going to give them our playbook. And at the same time we have limited our ability to listen to radical jihadists.

It is now 26, 27, 28 days since FISA, or the Protect America Act, has expired. How many more days will my colleagues on the other side of the aisle

wait before they take up this legislation from the Senate? Will it be one more day? Will it be three more days? Will it be two more weeks? Will it be two more months? How much greater do you want to increase the risk to the homeland, to our allies, to our troops, before you act?

The Speaker of the House shortly after 9/11 agreed that we needed to act. It is beyond me why she doesn't want to act now and why we don't have that sense of urgency. It is time to bring FISA to the floor, and it is time to sustain the President's veto.

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

Mr. REYES. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is a critical bill for the intelligence community. If you vote to sustain this veto, you are voting for torture with the President. I believe we should stand with the men and women of the community and override the President's veto.

Mr. VAN HOLLEN. Mr. Speaker, I rise today to cast my vote to override the President's veto of the ban on torture. This bill would have prevented the CIA from engaging in acts of torture. The President vetoed this bill over the provision that specifically extends to U.S. intelligence agencies and personnel the current prohibitions in the Army Field Manual against waterboarding and other torture.

The human rights violations perpetrated by the Bush Administration against people detained by the United States have done more to compromise this nation's security than to protect it. We can protect our nation from acts of terrorism without compromising our values or the Constitution.

The use of torture by U.S. intelligence agencies to gain intelligence is repugnant on moral grounds. In addition, many experts agree that information extracted through torture is often unreliable and misleading. Moreover, as the former Chairman of the Joint Chiefs of staff, Colin Powell, has testified, torture will put our own troops at greater risk of torture.

In 2007, General David Petraeus stated that torture is wrong and that the Army Field Manual works. In an open letter to service members in May 2007, General Petraeus stated, ''Some may argue that we would be more effective if we sanctioned torture or other expedient methods to obtain information from the enemy. They would be wrong. Beyond the basic fact that such actions are illegal, history shows that they also are frequently neither useful nor necessary. Certainly, extreme physical action can make someone 'talk;' however, what the individual says may be of questionable value. In fact, our experience in applying the interrogation standards laid out in the Army Field Manual . . . shows that the techniques in the manual work effectively and humanely in eliciting information from detainees.''

At a February 29th news briefing to oppose the President's anticipated veto, retired Lt. Gen. Harry Soyster, former Director of the Defense Intelligence Agency, stated, ''Experience shows that the Army Field Manual's approaches to interrogation work. The Army Field Manual is comprehensive and sophisticated. It contains all the techniques any good interrogator needs to get accurate, reliable information, including out of the toughest customers. . . If [individuals] think these [harsh interrogation] methods work, they're woefully misinformed. Torture is counterproductive on all fronts. It produces bad intelligence. It ruins the [interrogation] subject, makes them useless for further interrogation. And it damages our credibility around the world.''

Moreover, 30 retired military leaders have pointed out that failing to prohibit harsh interrogation techniques endangers our men and women in uniform. In a December 2007 letter, 30 retired military leaders wrote, ''We believe it is vital to the safety of our men and women in uniform that the United States not sanction the use of interrogation methods it would find unacceptable if inflicted by the enemy against captured Americans. . . . The current situation, in which the military operates under one set of interrogation rules that are public and the CIA operates under a separate, secret set of rules, is unwise and unpractical . . . What sets us apart from our enemies in this fight . . . is how we behave. In everything we do, we must observe the standards and values that dictate that we treat noncombatants and detainees with dignity and respect.''

Many retired military leaders have also pointed out that waterboarding is clearly torture and is illegal. For example, Retired Admiral Donald Guter, Judge Advocate General, wrote in a November 2007 letter, ''Waterboarding is inhumane, it is torture, and it is illegal. . . This is a critically important issue—but it is not, and never has been, a complex issue, and even to suggest otherwise does a terrible disservice to this nation. . . . Waterboarding detainees amounts to illegal torture in all circumstances. to suggest otherwise—or even to give credence to such a suggestion—represents both an affront to the law and to the core values of our nation.''

Finally, the use of torture has weakened our national security by eroding our moral standing and has cost us our ability to enlist the cooperation and support of other nations in our fight against terrorism, and places our military and diplomatic personnel at risk. This practice must be stopped. Overturning this veto would be a crucial first important step to restore our moral standing in the world. It is imperative that Congress tells the world in no uncertain terms: Americans do not engage in torture.

Mr. CASTLE. Mr. Speaker, I rise in opposition to overriding the President's veto of H.R. 2082, the conference agreement on the Fiscal Year 2008 Intelligence Authorization Act.

As a former Member of the House Select Committee on Intelligence, I believe it is vital that we provide the United States intelligence agencies with the tools and resources necessary to ensure our security. Therefore, I strongly support funding in this bill for human intelligence activities, intelligence analysis, and counterterrorism operations. Furthermore, I support language in the agreement prohibiting the use of interrogation techniques not authorized by the U.S. Army Field Manual on Human Intelligence Collector Operations. Our soldiers and interrogators need to know exactly where the line is when engaging prisoners and there should be absolutely no question about what is acceptable behavior and what is not. In fact, I have cosponsored legislation to require the anti-torture provisions included in this conference agreement.

Nevertheless, I will oppose this bill because it fails to implement the 9/11 Commission's recommendations for reforming congressional oversight of intelligence funding. In its final report, the 9/11 Commission concluded that: ''Of all our recommendations, strengthening congressional oversight may be among the most difficult and important. So long as oversight is governed by the current congressional rules and resolutions, we believe the American people will not get the security they want and need.''

Last year, the Democratic leadership attempted to apply a ''Band-Aide'' to this problem by creating a powerless Intelligence Oversight Panel that has very little control over actual funding decisions. This is clearly not what the 9/11 Commission recommended. In fact, its report plainly states that ''tinkering with the existing committee structure is not sufficient.'' In May of 2007, I offered a simple amendment to the bill before us, calling for Congress to implement these crucial recommendations—but it was prevented from being considered for inclusion in this legislation.

Mr. Speaker, the American people have insisted that we implement all of the 9/11 Commission recommendations—even those that are difficult. We will be doing this country a disservice until we put in place an effective committee structure capable of giving our national intelligence agencies the oversight, support, and leadership they need.

Mr. PAUL. Mr. Speaker, I rise in somewhat reluctant support of this vote to override the President's veto of H.R. 2062, the Intelligence Authorization Act of 2008. Although I voted against this authorization when it first came to the floor, the main issue has now become whether we as a Congress are to condone torture as official U.S. policy or whether we will speak out against it. This bill was vetoed by the President because of a measure added extending the prohibition of the use of any interrogation treatment or technique not authorized by the United States Army Field Manual on Human Intelligence Collector Operations to the U.S. intelligence community. Opposing this prohibition is tantamount to endorsing the use of torture against those in United States Government custody.

Mr. Speaker, we have all read the disturbing reports of individuals apprehended and taken to secret prisons maintained by the United States Government across the globe, tortured for months or even years, and later released without charge. Khaled al-Masri, for example, a German citizen, has recounted the story of his incarceration and torture by U.S. intelligence in a secret facility in Afghanistan. His horror was said to be simply a case of mistaken identity. We do not know how many more similar cases there may be, but clearly it is not in the interest of the United States to act in a manner so contrary to the values upon which we pride ourselves.

My vote to override the President's veto is a vote to send a clear message that I do not think the United States should be in the business of torture. It is anti-American, immoral and counterproductive.

Mr. UDALL of Colorado. Mr. Speaker, the President's veto of this legislation was not a surprise but still very disappointing.

It was not a surprise because the President had clearly signaled his intention to reject the bill's requirement that all intelligence agencies follow the rules governing interrogation techniques followed by our military, even though the bill also authorizes supplemental funding for counterterrorism as well as funding for advanced research and development funding to

help maintain our technical capacity for intelligence, to repair and replace aging and inadequate power infrastructure, and to improve training and education of linguists, analysts, and human intelligence collectors.

But it was disappointing that President Bush refuses to agree to that simple requirement, because the result is to signal to the world that he refuses to recognize that the result will be to place every American, especially those in uniform around the world, at grave risk.

The United States historically has led in the effort to establish and enforce the laws of war and conventions against torture. Indeed, the Army Field Manual is an outstanding example of how our modern military effectively gathers intelligence and observes international norms of conduct.

The importance of that leadership and the appropriateness of the guidelines in the field manual were clearly recognized by Congress when we voted to approve the conference report's provision extending the field manual to the entire intelligence community—the provision to which the President objects and which has prompted him to veto the legislation. By extending the field manual to the intelligence community, the legislation would effectively outlaw waterboarding and similar coercive techniques. I support that because waterboarding is widely and rightly viewed as a form of torture and the refusal to renounce its use will result in greater damage to our national interests than the possible benefits of its possible use in the future.

I think the case for overriding the President's veto was well made by the Colorado Springs Gazette in a recent editorial pointing out that "the use of torture blurs the line between civilized societies and ruthless barbarians." As the editorial notes,

In the larger struggle with jihadist terrorism and those tempted to support or harbor them, the perception that the United States has a certain moral authority is invaluable. Moral authority was a key factor in the long, twilight struggle with aggressive communism we call the Cold War. Using torture undermines that moral authority.

It is telling that the firmest opponents of the use of torture tend to be military and former military people who understand the dangers to captured military personnel if it is widely believed that the U.S. engages in torture. Instead of spinning unlikely scenarios in which torture might be justified, the government should announce that America doesn't do that any more—and mean it.

I agree, and that is why I will vote today to override the President's unwise veto of this important legislation. For the benefit of our colleagues, I am attaching the complete text of the editorial:

[From the Colorado Springs Gazette, Feb. 14, 2008]

THE HIGH ROAD—FORSWEARING TORTURE GIVES U.S. MORAL STANDING

So it's out in the open now. Central Intelligence Agency Director Gen. Michael Hayden admitted to the Senate Intelligence Committee last week that the CIA used the coercive interrogation technique known as waterboarding, a form of simulated drowning, on three al-Qaida operatives in 2002 and 2003. The technique is widely viewed as torture, which is prohibited by U.S. law and international treaties. Hayden said it has not been used since 2003 but that the CIA could use it again if approved by both the attorney general and the president.

The Justice Department is currently investigating the destruction of videotapes of the interrogations of two detainees held in Thailand who were reportedly subjected to waterboarding and other coercive interrogation techniques to determine whether destroying the tapes amounted to obstruction of justice.

Public disclosure of these incidents should lead to a firm U.S. policy preventing government operatives from using torture in the future. Perhaps the best thing about the emergence of Sen. John McCain as the Republican presidential frontrunner is that McCain, who was tortured by the North Vietnamese while a POW during the Vietnam War, has expressed his firm opposition to the use of torture by the U.S. He has said that one thing that helped him endure his imprisonment was the knowledge that our side doesn't engage in such barbarity.

Torture is sometimes justified as the only way to extract information from detainees when an attack is deemed imminent, and Hayden said in 2002 and 2003 that everybody expected an attack on the U.S. following the 9/11 terrorist attacks. But most experienced interrogators say torture seldom if ever produces reliable intelligence, that while other techniques may take longer, they generally produce better information.

At a more fundamental level, the use of torture blurs the line between civilized societies and ruthless barbarians. In the larger struggle with jihadist terrorism and those tempted to support or harbor them, the perception that the United States has a certain moral authority is invaluable. Moral authority was a key factor in the long, twilight struggle with aggressive communism we call the Cold War. Using torture undermines that moral authority.

It is dismaying, therefore, that a day later White House spokesman Tony Fratto was still saying that waterboarding might be used justifiably in the future. It would have been better to acknowledge that in the wake of 9/11 the U.S. used coercive techniques, that one could understand the temptation considering the circumstances and the lack of knowledge about al-Qaida, but that we had renounced the practice.

It is telling that the firmest opponents of the use of torture tend to be military and former military people who understand the dangers to captured military personnel if it is widely believed that the U.S. engages in torture. Instead of spinning unlikely scenarios in which torture might be justified, the government should announce that America doesn't do that any more—and mean it.

Mr. REYES. Mr. Speaker, I am proud to move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, the vote must be by the yeas and nays.

Pursuant to clause 8 of rule XX, this 15-minute vote on the passage of the bill on reconsideration will be followed by 5-minute votes on suspending the rules and adopting House Resolution 948 and House Resolution 493.

The vote was taken by electronic device, and there were—yeas 225, nays 188, not voting 17, as follows:

[Roll No. 117]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
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
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
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Foster
Frank (MA)
Giffords
Gilchrest
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
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
Klein (FL)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
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
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin

Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
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
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Capito
Coble
Davis (KY)
Dent
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rush
Schwartz
Tancredo
Thompson (MS)
Woolsey

□ 1901

Mr. FEENEY changed his vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 117, I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. COBLE. Mr. Speaker, on rollcall No. 117, I was detained at a firefighters ceremony. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, during rollcall vote No. 117 on H.R. 2082, I mistakenly recorded my vote as ''no'' when I should have voted ''yes.''

The SPEAKER pro tempore. The veto message and the bill will be referred to the Permanent Select Committee on Intelligence.

The Clerk will notify the Senate of the action of the House.

CONGRATULATING THE UNIVERSITY OF KANSAS FOOTBALL TEAM FOR WINNING THE 2008 FEDEX ORANGE BOWL

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 948, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 948, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 0, answered ''present'' 12, not voting 21, as follows:

[Roll No. 118]

YEAS—396

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
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
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
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
Honda
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
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
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
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
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
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
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
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tauscher
Taylor
Terry
Thompson (CA)
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 (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—12

Akin
Blunt
Boucher
Carnahan
Clay
Cleaver
Emerson
Graves
Hulshof
Larsen (WA)
Skelton
Smith (NE)

NOT VOTING—21

Alexander
Butterfield
Capito
Davis, Tom
Dent
Dingell
Hooley
Kilpatrick
McCrery
Mitchell
Moran (VA)
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rush
Tancredo
Tanner
Thompson (MS)
Woolsey

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONGRATULATING THE WOMEN'S WATER POLO TEAM OF UCLA FOR WINNING THE 2007 NATIONAL CHAMPIONSHIP

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 493, as amended,

on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LOEBSACK) that the House suspend the rules and agree to the resolution, H. Res. 493, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 29, as follows:

[Roll No. 119]

YEAS—400

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capps
Capuano
Cardoza
Carnahan
Carney
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
Deal (GA)
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
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
Forbes
Fortenberry
Fossella
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
Herger
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (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
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Ross
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
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—29

Alexander
Bachmann
Boren
Butterfield
Capito
Davis, Tom
DeLauro
Dent
Dingell
Hill
Hooley
Kilpatrick
Lewis (GA)
McCrery
Melancon
Mitchell
Moran (VA)
Oberstar
Pryce (OH)
Radanovich
Rangel
Ros-Lehtinen
Rothman
Rush
Tancredo
Thompson (MS)
Tiahrt
Wasserman Schultz
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1917

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on rollcall No. 119, I was unavoidably delayed. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. DENT. Mr. Speaker, on rollcall Nos. 117, 118 and 119, I was detained at a meeting with firefighters and missed the votes. Had I been present, I would have voted "no" on rollcall No. 117, "yes" on rollcall No. 118, and "yes" on rollcall No. 119.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 312, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Ms. SUTTON, from the Committee on Rules, submitted a privileged report (Rept. No. 110–548) on the resolution (H. Res. 1036) providing for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013, which was referred to the House Calendar and ordered to be printed.

ESTABLISHING AN OFFICE OF CONGRESSIONAL ETHICS

Ms. SUTTON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1031 and ask for its immediate consideration

The Clerk read the resolution, as follows:

H. RES. 1031

Resolved, That House Resolution 895, amended by the amendment printed in the report of the Committee on Rules accompanying this resolution, is hereby adopted.

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

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

GENERAL LEAVE

Ms. SUTTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to insert extraneous materials into the RECORD.

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

There was no objection.

PARLIAMENTARY INQUIRIES

Mr. ABERCROMBIE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. ABERCROMBIE. Will time be allowed on the Democratic side of the aisle in opposition?

The SPEAKER pro tempore. Each of the managers controls 30 minutes.

Mr. ABERCROMBIE. Will time be allotted on the Democratic side of the aisle for opposition?

The SPEAKER pro tempore. The time is not allocated on the basis of the attitude of Members towards the measure. The gentlewoman from Ohio

will control the time on her side of the aisle.

Mr. ABERCROMBIE. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. ABERCROMBIE. Can the Speaker inquire of the gentlelady whether time will be given in opposition on the Democratic side of the aisle?

The SPEAKER pro tempore. The gentleman may ask the manager for time.

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

Mr. ABERCROMBIE. Mr. Speaker, I am under the impression that a question has been directed to the gentlelady.

The SPEAKER pro tempore. Does the gentlewoman yield for a parliamentary inquiry?

Ms. SUTTON. If there is time available, we will entertain that.

Mr. ABERCROMBIE. That's my question, Mr. Speaker.

The SPEAKER pro tempore. Will the gentlewoman yield for a parliamentary inquiry to the Chair?

Ms. SUTTON. Yes.

Mr. ABERCROMBIE. Will time be made available on the Democratic side in opposition?

Ms. SUTTON. If there is time remaining that hasn't already been assigned or requested, we will certainly not preclude opposition.

Mr. ABERCROMBIE. Does any time remain?

Ms. SUTTON. We're working on the list.

Mr. ABERCROMBIE. Mr. Speaker, that's nonresponsive. Mr. Speaker, I have permission to ask, and I'm trying to get an answer. That's certainly fair. Will there be time or not?

Ms. SUTTON. Mr. Speaker, I can't guarantee the time.

Mr. ABERCROMBIE. And this is about ethics.

Ms. SUTTON. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore. The gentlewoman from Ohio has the time.

Mr. ABERCROMBIE. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. ABERCROMBIE. I want to make sure I understand.

The SPEAKER pro tempore. Pardon the Chair, The gentleman is not recognized. The gentlewoman has reclaimed her time and does not yield for a parliamentary inquiry.

Mr. ABERCROMBIE. Will the gentlelady yield?

Ms. SUTTON. Mr. Speaker, I reclaim my time.

The SPEAKER pro tempore. The gentlewoman does not yield. The gentlewoman is recognized.

Ms. SUTTON. Mr. Speaker, H. Res. 1031 provides for the adoption of H. Res. 895, which establishes an Office of Congressional Ethics in the House of Representatives. I rise in support of this important rule that will allow us to enact one of the most important ethics reforms this House has ever seen.

Mr. Speaker, the issue of ethics and accountability has long been on the minds of the people that I represent. During my campaign to become a Member of this esteemed body, everywhere I went, people asked about it. They believed and, Mr. Speaker, they were absolutely right, that the corruption and unfair influence that existed in past Congresses was having an effect on our policies, deflecting us from making progress on issues important to them and families across this great Nation.

So last year, Mr. Speaker, on my first day in office representing the people of Ohio's 13th District, I was very proud to stand on the floor of the House of Representatives to support the new ethics and lobbying reforms which have now become law. We ended the K Street Project and cut off the gifts and the perks used far too often by lobbyists to woo lawmakers. The historic rules package we passed was extraordinary in its scope and breadth. But it was only the beginning of actions necessary to restore the public trust and to cut off the abuses of recent years.

Mr. Speaker, trust is a fragile thing. It's difficult to win and easy to lose. It finds its hold on promises kept and honesty sustained and unquestionable integrity.

Many of us, Mr. Speaker, came to this new Congress as new Members dedicated to acting to change the way business was being conducted. In May of last year, I stood side by side with my freshman Democratic colleagues, some of whom we'll hear from today, calling for the creation of a nonpartisan and independent body that could initiate and examine ethics investigations. And today, we are acting to make this change happen.

With this bill, we continue the mission of pushing back against corruption. We are forging ahead to restore trust and confidence in this great institution.

Mr. Speaker, House Resolution 895 will help end the culture and abuses that have hurt the American people, both in policy and in spirit. This legislation is the culmination of hard work of Representative CAPUANO and the special task force on ethics enforcement. He deserves our appreciation.

Speaker PELOSI and Majority Leader HOYER also deserve praise for their tireless efforts to move this issue forward, sometimes in contentious times. The independent ethics panel will help cure many of the inherent structural flaws that restrain our present ethics structure by eliminating the conflicts of interest that can be found in our current system. The formation of this office is the next step in our mission to repair the damage to the public trust caused by corruption and to ensure that any potential abuses in the future will be identified and addressed.

And it's important to emphasize, Mr. Speaker, that our bill establishes an independent, bipartisan office of congressional ethics. The words ''independent'' and ''bipartisan'' are worth stressing.

We may hear today about the desire of some who want to delay action on this important measure, but the American people have waited and waited, and this bill has been a long time in the making. This bill was made necessary by abuses of the past that have robbed the public of their faith and trust in this institution, and this new bill was made possible by the commitment of this new Congress to ensure that we will do what it takes to prevent the excesses and abuses of the past and hold those who violate the rules accountable.

Safeguarding the trust of the American people is not a part-time job. The integrity of this institution and the trust of the American people must be paramount. And make no mistake, we take this step not only to restore the public trust, we must take this step to ensure that we will be an institution worthy of that trust. That's why we're acting today. The American people are waiting. I urge my colleagues on both sides of the aisle to join in support of this resolution.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me the customary 30 minutes, and with that, I yield myself such time as I might consume.

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

Mr. DREIER. Mr. Speaker, as legislators there can be no issue of more fundamental importance than the strength and the integrity of our institution. None of our work here, none of our legislative or political priorities matter if we don't have the integrity and the trust of the people that are necessary to be an effective body.

The Founders of our Republic, the authors of our Constitution, were well aware of the inherent challenges in making government fully accountable. They understood human nature and the pitfalls that go with investing power in individuals.

□ 1930

After all, Madison famously wrote in Federalist 51: ''But what is government itself but the greatest of all reflections on human nature? If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself.'' Those were the brilliant words of the Father of our Constitution.

Our Founders recognized, Mr. Speaker, these challenges and knew the answer was to empower institutions rather than individuals. They knew that

the House of Representatives, like all government institutions, must have the authority and the imperative to preserve its integrity and to punish those individual Members who would tarnish its reputation, diminish its stature, and erode its ability to serve as the representative of the people.

They gave explicit constitutional authority to do so. As we all know, Article II, section V, clause 2 of the Constitution directs Congress to ''determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.''

Ultimately, Mr. Speaker, they knew that the most important guarantor of accountable and trustworthy government is democracy itself. No individual Member of Congress ever acts with impunity because we are judged every 2 years by the people who sent us here. And, of course, no one is above the law.

As we speak, there are former colleagues of ours serving time in jail for their abuses of the offices that we hold. Outside watchdog groups, the media, individual voters and our criminal justice system are all working, and working quite effectively, to shed some light on this body and ensure Members are held accountable.

Externally, Mr. Speaker, the pressure is on. The problem is how to deal with accountability internally; how do we fulfill our constitutional imperative to police ourselves and preserve the integrity of this body. Our current process is broken. It's hamstrung by two key problems: partisan deadlock and a lack of transparency. This a serious challenge. It is so serious that some Members of this body apparently feel that we are not up to the job.

A task force was established to consider the question of whether we should just throw up our hands, concede that we are not capable of fulfilling our constitutional duty to police ourselves and set up another body to do it for us.

This was a dubious task to begin with, but I believe that it was tackled with all sincerity and commitment. Mr. CAPUANO and Mr. SMITH took on the role assigned to them and very carefully considered the question. But the breakdown came when it was time to make its recommendation.

The proposal put forth by Mr. CAPUANO, which ignores the real problem of a broken, internal ethics process, and in fact exacerbates the problem by adding a new partisan outside body, was not endorsed by his Republican counterpart. It met immediate criticism on both sides of the aisle. The Democratic leadership had no choice but to pull it.

Now, Mr. SMITH offered a very thoughtful alternative, and we were told that consideration of Mr. CAPUANO's proposal was being postponed in order to work with Mr. SMITH and consider his suggestion. That bipartisan negotiation, to my knowledge, Mr. Speaker, never took place. Mr. WAMP and Mr. HILL also submitted a proposal, a bipartisan proposal; but it was disregarded as well. Instead, we are back here confronting essentially the same deeply flawed proposal that was yanked from the schedule a couple of weeks ago.

They may have put lipstick on that pig, but it is still a pig, Mr. Speaker. This proposal still sets the stage for partisan witch hunts. It may take bipartisan support to initiate investigations, but they can be advanced purely on partisan lines. So at the very beginning, when little information is known, bipartisanship is called for. But once the process begins, the flood gates for partisan attacks are wide open. The minor modifications made to the original proposal do nothing more than attempt to obfuscate the utterly partisan nature of the proposed Office of Congressional Ethics.

As we have seen countless times under the Democratic leadership, a bad proposal demands a draconian process to get it through. And the worse the proposal is, the worse the process needs to be. We've seen an explosion of closed rules in this Congress. And what does a closed rule do? It severely restricts debate and shuts out all amendments. This has become the go-to rule for this new majority. And that's as bad as it could possibly get. Right? There is nothing worse that they could do than to shut out all amendments and alternatives. Right?

I used to think so until this point, until we saw this rule. This one absolutely takes the cake, Mr. Speaker. In case you missed it when the Clerk read it, and allow me to repeat it, pay attention or you will miss it again: ''Resolved, that House Resolution 895, as amended by the amendment printed in the report of the Committee on Rules accompanying this resolution, is hereby adopted.'' That's what the resolution says. This rule actually provides for passage of the underlying proposal without so much as one single word of debate on this proposal. They simply declare it into existence. No debate, no vote. A closed rule may shut out dissent, but this rule eliminates deliberation altogether.

Before this Congress even began, our distinguished Speaker, my fellow Californian, committed to ''the most honest and open government,'' has managed to stoop to unprecedented lows in closed, inaccessible government that operates purely on back-room deals with no place for open, honest debate. And for what purpose? To ram through a policy so bad it has been widely and heavily criticized by both Democrats and Republicans. A policy to turn our ethics process into nothing more than cheap partisan games and a policy of abandoning our constitutional imperative to police ourselves and ensure the integrity of this great institution. This is terrible policy, brought to us by a singularly terrible rule.

I urge my colleagues to reject the rule and demand real ethics reform that actually addresses the root problems in our current system and accepts responsibility, as the Constitution directs us to, for our own ethics process.

With that, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I would like to state again, as I did a few moments ago, that we are going to hear, evidently today, about the desire of some to delay action on this important measure. And I just restate that the American people have waited and waited. And this bill has been a long time in the making.

I yield 6 minutes to the distinguished gentleman from Massachusetts (Mr. CAPUANO), the chairman of the Special Task Force on Ethics Enforcement.

Mr. CAPUANO. Mr. Speaker, I actually find very little in Mr. DREIER's comments I disagree with. I agree with almost everything he has said, and I commend him for that very thoughtful speech.

Mr. Speaker, before I comment on the specifics, I'd also like to thank the members of the task force, especially Mr. SMITH, who was the ranking member for Republicans. It was a great opportunity to become a friend of another Member. We did disagree in the end, but I found it to be a very thoughtful, fruitful, and enjoyable experience.

I also want to thank other members of the committee: Mr. PRICE, Mr. SCOTT, Ms. MCCOLLUM, Mr. Meehan before he left, Mr. HOBSON, Mr. CAMP, and Mr. TIAHRT. I thought we had some great meetings, and it was a pleasure to me to engage in this endeavor.

I also want to thank the Members of the freshman class of 2006. They're the ones who really kept the pressure on us to try to fix our ethics rules. They came here on the backs of public discontent with our actions, and they have kept our feet to the fire. I thank them for that.

I also want to thank the many people that helped us walk through this. There are many people whom I will list in my extension of remarks at a later time because there are too many of them. I do want to point out one staff member, in particular my own, Christina Tsafoulias, who worked countless hours trying to get through this. I want to thank her publicly for that.

On the specifics, again I think I agree with most everything Mr. DREIER said. This is really all about public trust, but the point that seems to be missed is the public does not trust us on ethics issues at this point. Maybe that's fair. Maybe that's unfair. Maybe it's based on reality. Maybe it's based on perception. But it is a fact. They do not trust us. They don't trust us for many different reasons. As I see it, I can point to two different issues in particular: the perception of the good-ol'-boy network. Now, maybe that's not fair, but it's certainly what our constituents think. They think we are all here protecting each other. They think that we operate beyond closed doors and smoke-filled rooms to make sure that

no bad things get said about our colleagues. I don't think that is true, but that's certainly the perception. When people don't have trust in the system, they don't have trust in us, and I think that's an important thing to address.

The other part of it, as was already pointed out, is transparency, or the lack thereof. That encourages people to think that the good-ol'-boy network is all that we rely on. As far as partisanship, I totally agree. Any system that results in partisanship on ethics matters is unsuccessful. But partisanship has two points: yes, there is partisanship to initiate witch hunts, and that is a concern, I believe, this proposal addresses that by requiring joint appointments and by requiring one Democratic appointment and one Republican appointment to initiate a review. It totally undermines any legitimate concerns about partisanship witch hunts.

But the other side of the coin that nobody here wants to talk about is the potential for partisan stonewalling, which we have suffered in this House in the past where one party simply says, You cannot look at our Member. Period. End of discussion. And if you do, we will remove Members from the Ethics Committee who look at that Member, which has happened in this House, and everybody knows it.

And to think that partisanship is only a one-sided witch hunt is a mistake. Partisanship is also stonewalling. It's also protecting our fellow colleagues who may or may not have done something wrong simply because they come from the same party as we do. That's just as wrong as partisan witch hunts, and I believe this proposal addresses that as well.

I also want to comment on the two proposals that were dropped on us lately. One of them had been in one form or another for a while; but both of them, in their final form, were dropped on us lately. I will simply tell you that, yes, we did look at them; and I have an opinion here which I will submit to the RECORD from the Congressional Research Service and one from the House counsel that states by bringing non-Members into a Member-oriented item to have official votes on matters in this House is likely to be unconstitutional.

Now, I know that some people don't want to hear it, and certainly it won't be definitive until the Supreme Court were ever to act on it, but there is all of these constitutional questions on everything we do. I, for one, am a lawyer. I try to figure out how unconstitutional an issue might be; and if the answer is it's more likely to be unconstitutional than not, I won't do it. If the answer is I think it's constitutional, you try it. If it gets knocked down in court later on, so be it.

So these two proposals, according to two independent agencies we could get direct answers on quickly, believe that it's unconstitutional.

As far as the rule goes, I have had a year's worth of debate, and I would have welcomed anybody to come to any of our meetings and participated at any time they wanted to have the hours-on-hours of discussion. At the same time, this is a pretty simple proposal. I know some people don't like the concept of an independent entity having something to do with our ethics process. I respect that opinion. I disagree with it, but I respect it. It is a fair concern. At the same time, that's what this is.

An up-or-down vote on that, I think, is a fair thing for the American people to let them know how we feel about this concept.

The material I referred to previously I will insert into the RECORD at this point.

CONGRESSIONAL RESEARCH SERVICE,
Washington, DC, March 4, 2008.

MEMORANDUM

Subject: Permissibility of Non-Members Being Appointed to a Committee of the House of Representatives.

From: Jack Maskell, Legislative Attorney, American Law Division.

This memorandum responds to requests from congressional offices for a brief overview of the permissibility and constitutionality of allowing the House to appoint non-Members, that is, persons who are not current Members, Delegates, or Resident Commissioner, to a committee of the House of Representatives, with full voting privileges in committee. Although the House of Representatives has extensive authority and discretion concerning its own internal proceedings and rules, the Constitution requires that Members of the House be elected every two years by the people of the several states, and thus a rule which would allow persons who are not elected to the House to carry out the constitutional functions of the House of Representatives through full voting membership on one of its committees would raise constitutional questions.

Each House of Congress generally has broad authority to determine its own internal, procedural rules, and to establish those procedures and internal structures within the body to assist in implementing the institution's constitutional duties. Under Article I, Section 5, cl. 2 of the Constitution, which grants to each House the express authority to "determine the Rules of its Proceedings * * *," the institution of the House, within the framework of express constitutional requirements, has broad discretion concerning its own internal operations and functionings as befits a legislative assembly which is an independent, co-equal branch of government under our tripartite governmental system of separated powers. Under this authority, the courts have traditionally given deference to the explication, application, and definition of internal procedural matters in both Houses of Congress. As noted by the Supreme Court in United States v. Ballin: "The question, therefore, is as to the validity of this rule, and not what methods the Speaker may of his own motion resort to * * * Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power. The Constitution empowers each house to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be attained. But within these limitations all matters of method are open to the determination of the house, and it is no impeachment of the rule to say that some other way would be better, more accurate or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the house, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

When there are interpretative and definitional "gaps" in language of constitutional provisions, for example, the courts have allowed each House to fill in the details of such constitutional provisions regarding its internal procedures. As noted by the Supreme Court in the case regarding the procedure that the Senate adopted to carry out its constitutional duties to "try" impeachment cases: "As a rule the Constitution speaks in general terms, leaving Congress to deal with subsidiary matters of detail as the public interests and changing conditions may require * * *." The Supreme Court in Nixon v. United States, thus deferred to the institution of the Senate in its determination under its own rules of proceeding as to the method that the Senate uses to "try," as required by the Constitution, an impeachment of a federal judge. Specifically, the Court deferred to the judgment of the Senate to use only a small portion of the entire membership of the Senate body, in the form of a committee, to actually hear and take the evidentiary testimony (and then to report to the full Senate which votes to convict or not on the impeachment), since there was a "textual commitment to a coordinate political department" of the matter in the Constitution.

The courts have thus recognized the authority of committees, and have allowed the committees broad investigative and oversight authority, for example, because committees of the House act as the House for those purposes that are expressly delegated to those committees by the Rules of the House (and have only those authorities and powers that are in fact delegated from the full institution). The Supreme Court has recognized the House's "utilization of its committees" to carry out a "legislative function belonging to it under the Constitution." Since the committees act as and on behalf of the House pursuant to its Rules, are creatures of the House, and are in legal and actual essence a division or sub-entity of the entire institution (carrying out and exercising the constitutional functions of that institution delegated to them), there is a very strong indication that such committees exercising such functions may generally be composed only of Members of the House.

Article I, Section 2 of the Constitution provides that Members of the House must be elected every two years by the people of the several States. Membership in the House, and by extension on committees acting for the House, would thus appear to require that a Member be elected by the people of the several states. In a brief review of legal sources, we have not discovered any precedent where non-Members of the House have been members of a House committee with full privileges and votes similar to any Member of the House, and thus we have found no judicial decisions and rulings on its permissibility, other than in the case of the elected delegates or resident commissioners in the House. In Michel v. Anderson, the United States Court of Appeals, District of Columbia Circuit, found that there exists what one might describe as an "historical exception" to the general constitutional proposition that the House must only be made up of Members elected from the several states, and that exception, recognized in law from the

very first Congress (1 Stat. 50, 52 (1789)), was that people in territories and districts under the jurisdiction of the United States could have a non-voting delegate or commissioner in the House (that is, that such delegate may not vote on legislation on the floor) to ''represent'' them: ''The territorial delegates, representing those persons in geographic areas not admitted as states, then, always have been perceived as would-be congressmen who could be authorized to take part in the internal affairs of the House without being thought to encroach on the privileges of membership.''

Such non-voting representatives, in the form of elected delegates from the territories and districts not admitted as states, have in practice sat on House committees, and could, according to the court, if authorized by the House, vote in the ''Committee of the Whole'' (but only if their vote was not the determinative vote), but could not vote on legislation on the floor.

However, the court in Michel v. Anderson expressly noted that this historical exception for territorial delegates was limited, and noted, in dicta, that such exception and permission for territorial delegates to participate in certain internal matters in the House could not be extended or applied to allow the House to adopt a rule putting other non-Members on House committees: ''The appellees, for their part, forthrightly concede that the House could not permit persons other than the traditional delegates to perform the role currently played by the delegates. It would, thus, not be open to the House to authorize by rule, say, the mayors of the 100 largest cities to serve and vote on House committees.''

In the case of allowing persons not elected as Members of the House to be full voting members of a committee of the House, such as in certain proposals concerning the House Committee on Standards of Official Conduct, the precedent of allowing territorial delegates to participate in certain internal processes of the House, including voting in committee, may be distinguished on three basic grounds. First, there is historical precedent recognized from the first Congress for the people of territories and districts, not recognized as states, to have some limited, non-voting representation in the House. In the proposals seeking to add non-Members to the standing House Committee on Standards of Official Conduct, no such purpose of representation of persons in geographic regions under the jurisdiction of the United States is provided, intended, or accomplished. Secondly, as discussed above, the court noted in its opinion that this historical permission for territorial delegates, provided by law, to participate in certain House proceedings, was a limited exception, and would not open the House to ''authorize by rule'' the addition of other persons (such as mayors of cities) ''to serve and vote on House committees.'' Finally, the court noted that the voting of a territorial delegate, even in a House committee or in the ''Committee of the Whole'' (with the revote provision), is ''largely symbolic'' because the vote could not immediately affect legislation, such as a vote on legislation on the House floor would. The duties and authority of the House Committee on Standards of Official Conduct to both recommend the discipline of a Member directly to the House, and to issue a ''letter of reproval'' on its own accord, upon the requisite number of the votes of its members, may be seen as part of the express constitutional authority of the House under Article I, Section 5, cl. 2, to ''punish its Members for disorderly Behaviour.'' As such, these activities might be considered part of the direct and express constitutional function of the House, delegated to and exercised in some part by one of its committees made up of its own Members, and thus something more than merely the ''symbolic act'' which was the subject of the Michel v. Anderson case.

A committee of the House, such as the House Committee on Standards of Official Conduct, could clearly employ staff to assist the committee in carrying out its functions, and could use an ''outside counsel,'' an advisory committee, or ''task force'' made up of non-Members (and even including on its membership some sitting House Members) to assist the committee in its investigative work, fact-finding, and even recommending to the Committee that it take certain action on matters. However, it may be argued that under existing decisions and precedent, allowing persons who are not elected as Members (or as delegates representing persons under the jurisdiction of the United States in geographic regions that are not states) to be full voting members of a House committee exercising the constitutional functions of the House delegated to it could, in the words of the U.S. Court of Appeals, ''encroach on the privileges of membership.''

JACK MASKELL
Legislative Attorney.

From: John Filamor.
Sent: March 5, 2008.
To: Christina Tsafoulias
Subject: H. Res. 1003

CHRISTINA: You asked whether H. Res. 1003 (110th Cong.)—which would, among other things, alter the House Rules to give four former Members of the House voting rights on the Committee on Standards of Official Conduct—raises any constitutional concerns. While we cannot give you a definitive answer as to the constitutionality of H. Res. 1003, the proposal to vest former Members of the House with full voting rights on a standing committee of the House that is responsible in the first instance for carrying out the authority vested in the House by article I, section 5, clause 2—the Discipline Clause—certainly raises very substantial constitutional questions for all the reasons set forth in Jack Maskell's March 4, 2008 memorandum (''Permissibility of Non-Members Being Appointed to a Committee of the House of Representatives'') We think those constitutional questions are heightened somewhat by the fact the Standards Committee has, in addition to its authority to investigate and recommend disciplinary action to the full House, the authority under current committee rule 24(c) to, on its own, issue a ''Letter of Reproval or take other appropriate committee action.'' However, we do not believe that the elimination of that particular authority from committee rule 24(c) would eliminate the constitutional questions that H. Res. 1003 raises. Mr. Maskell notes in his memo that ''[s]ince the committees act as and on behalf of the House pursuant to its Rules . . . there is a very strong indication that such committees exercising such functions may generally be composed only of Members of the House.''

JOHN FILAMOR,
Office of the General Counsel,
House of Representatives.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to a hard-working member of this so-called bipartisan task force on ethics reform, my friend from Michigan (Mr. CAMP).

Mr. CAMP of Michigan. Mr. Speaker, I rise in strong opposition to the Democrats' flawed ethics proposal. This bill would actually weaken ethics enforcement in the House by adding an unnecessary and even unconstitutional layer of bureaucracy to an already failing ethics process.

During our work on the special task force on ethics enforcement, Republican Members consistently voiced our opposition to creating an ineffective, redundant, and duplicative committee. The Constitution explicitly states that the House is solely responsible for punishing its Members for disorderly behavior. Creating an Office of Congressional Ethics calls into question our constitutional duties to discipline our own Members.

Let me take a minute to point out some of the absurd provisions in the Democrat proposals.

□ 1945

First, board members of the so-called Office of Congressional Ethics would be appointed to 4-year terms, yet the House reassembles itself every 2 years and must renew its internal rules on a biennial basis.

Second, reviews by the board would advance on tie votes. This is undemocratic and runs contrary to our entire system of majority government.

Third, when board reviews are concluded, the findings are referred to the Ethics Committee for further action. This puts us right back to the failed system in which we find ourselves today.

Quite frankly, the most glaring failure of the Democrats' proposal is that it does nothing to address the problems inherent to the Ethics Committee. Rather than adding a layer of bureaucracy, ethics reform should address the problems plaguing the Ethics Committee. I support measures that reform the Ethics Committee by creating greater bipartisanship, transparency, and accountability in the investigations process.

We should require that all Members appointed to the Ethics Committee be chosen jointly by the Speaker and minority leader to end partisan gridlock. We should also mandate monthly status reports by the committee on pending investigations. The Republican proposal would implement these and other important changes, but the Rules Committee blocked consideration of our proposals.

My fellow Members, we must reform the House ethics process and restore a sense of public confidence and accountability in this institution. The Democrats' bill does neither. I hope you will join me in voting down this flawed partisan proposal.

Ms. SUTTON. Mr. Speaker, at this time, it is my pleasure to yield 2 minutes to the distinguished gentleman, my colleague from Ohio (Mr. SPACE).

Mr. SPACE. I thank my colleague from Ohio for yielding time.

I would like to thank my colleague from Massachusetts (Mr. CAPUANO) for his diligent work under very difficult circumstances for months on end. It was difficult for Mr. CAPUANO because many Members of this House did not believe that this resolution is necessary, despite what Mr. CAPUANO has referred to tonight as a problem with

public perception and a lack of transparency. The Members of this House, many of them, still do not get it.

Our current ethics process is filled with flaws: the conflicts of interest exist; only Members can file complaints; the public is left in the dark regarding investigations. We haven't been very good at policing ourselves. This resolution is necessary because, as Mr. CAPUANO mentions, the American public has lost faith in the institution of Congress, and we ignore that loss of faith at our own peril.

I come from one of those districts that has been referenced as one that sent a freshman here on the backs of public discontent. The people that I represent back in Ohio's 18th understand all too well the perils of public betrayal.

We have an obligation to restore the public trust. We started that last January with ethics legislation that helped sever the link between lobbyists and legislators. We need to continue with that movement today by looking at ourselves, by looking inward and creating a system that is nonpartisan, but is independent, and that will vet, initiate, and conduct investigations. This resolution does that. It represents a good start. I am proud to have worked on it with my fellow freshman colleagues, Mr. HODES as well as Mr. MURPHY, who will be offering support today, as well as many others.

Quite simply, Mr. Speaker, the public is fed up with the status quo. They want Members who break the rules to be investigated and brought to justice. My esteemed colleague from California today referenced that none of what we do matters if we do not have the trust of the public. This resolution helps restore that trust. I urge its support.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 4 minutes to my friend from Pasco, the former chairman of the Committee on Standards of Official Conduct, the present ranking member, Mr. HASTINGS.

Mr. HASTINGS of Washington. I thank my friend from California for yielding.

Mr. Speaker, while I am constrained by confidentiality rules in speaking about the current work and past actions of the Ethics Committee, I want to clearly state today that I believe the current rules and structure of the ethics process should and need to be improved.

The procedures of the Ethics Committee are not perfect, and I firmly believe this House should make modifications to those procedures to better protect the integrity of the House and the faith of the American people. However, Mr. Speaker, this House must act carefully and deliberately in making any improvements, and it must be done in a bipartisan way. Mr. Speaker, that is not happening.

No consideration of a bipartisan reform proposal is permitted on the floor tonight. The House floor is shut down to any debate. No alternative is allowed to be considered. No amendment may be offered. No respect, Mr. Speaker, is offered to the concerns expressed by both Democrat and Republican Members of this House.

Mr. Speaker, in 2005, at the beginning of the 109th Congress, Democrat leaders decried House rule changes that were written only by Republican leaders. Democrats demanded bipartisanship and a fair say in the rules that governs the ethics of House Members. Democrats weren't given any say then, and those one-way changes to the rules were ultimately reversed during the 109th Congress. It is now 3 years later, and the same Democrat leaders have abandoned their calls for bipartisanship and are refusing to work across the aisle to make bipartisan improvements to the ethics process.

Mr. Speaker, Republicans were wrong to do it in 2005 and Democrats are wrong doing it today. In fact, since the new Democrat majority took office a little over a year ago, this House has already had to go back twice and correct poorly written rules that Democrats passed without any input from Republicans. In both instances, Mr. Speaker, Democrat-written rules that the House had to go back and fix were ethics rules.

The House should learn from the mistakes of the past several years and not doom ourselves to repeat history by failing to insist that ethics changes be done in a bipartisan way. For the ethics process to work, bipartisanship is vital. Without bipartisanship, the process will fail.

Bipartisanship is not always easy, but it is absolutely necessary for the legitimacy of the entire ethics process. Without bipartisanship, the process degenerates into politically motivated actions, or witch hunts.

This proposal is not a good proposal, and no one, Mr. Speaker, is more disappointed than I. Because Members of the Ethics Committee are asked to do an unwelcomed job. We do it by the rules of the House. And by the rules of the House, we must remain silent, even when subjected to relentless and often inaccurate criticism and attacks on our actions.

So, Mr. Speaker, improve the ethics process. Improve the ethics ability to police its Members. Improve our ability to provide timely information to the American people. Improve the bipartisanship that is central to the ability of the ethics process to function. But, Mr. Speaker, for the sake of this institution and for ensuring an ethics process that will function properly, do not act in a partisan way by supporting a proposal written solely by one party. Oppose this proposal and demand bipartisan improvements to the entire ethics process.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Connecticut, my freshman colleague, Mr. MURPHY.

Mr. MURPHY of Connecticut. Thank you very much, Representative SUTTON.

Mr. Speaker, I think we're on the precipice of an historic step forward in restoring the people's faith in this institution, but I understand how difficult this is to talk about. And giving the minority the benefit of the doubt, maybe that's why this House sat idly by for 12 years with no real major reforms to a very broken process.

But it's tough to talk about because it's not just about a broken process, it's about human nature. It's tough to talk about the failure of our ethics process because we're talking about the fallibility of all of us. It is against human nature, frankly, to rat out your friends, to investigate them, to punish your colleagues. And so that's why you can't just change people's perception of this place. You just can't fix the ethics process by tweaking the process that exists now. You have to admit the inherent fallibility of the ability for all of us to police ourselves and give that power to an independent body.

The cat is out of the bag, people figured this out long ago. There are too many Members that have violated the public trust, and they've watched too many other Members sit idly by.

Now, I, frankly, agree with my colleague Representative SPACE that this proposal could have been even a little bit stronger with the addition of subpoena power, but this is a major step forward and we should all support it. There is a generation of young people out there who stand on the precipice of losing all complete faith in government and in this institution. Tonight we have the chance to do right by them by correcting the mistakes of the past.

I thank Mr. CAPUANO and the task force for their hard work here, and I urge passage of the rule.

Mr. DREIER. Mr. Speaker, I'm happy to yield 5 minutes to my very good friend, the gentleman from San Antonio, the Republican leader of this important task force, Mr. SMITH.

Mr. SMITH of Texas. I want to thank my friend from California, the ranking member of the Rules Committee, for yielding me time.

Mr. Speaker, at the outset I want to recognize the dedication and focus that Representative CAPUANO, the chairman of the Ethics Task Force, has demonstrated throughout this process. We know the best of intentions underly his desire and the desire of all Ethics Task Force members to enhance the integrity of the House of Representatives.

While this proposal is marginally improved over the first proposal, it still contains flaws that make it defective. The fundamental flaw of the proposal is that it fails to reform the House Ethics Committee itself. The creation of another ethics entity would be an admission of the failure of the Ethics Committee.

Americans rightly feel the ethics process simply does not work. They do not know when ethics investigations are started; they do not know the status of those investigations, and they do not know whether a partisan deadlock

has resulted in stalling an investigation forever. Americans need this knowledge, and that can only come through reforms to the Ethics Committee itself that will produce more bipartisanship and greater transparency. But the proposal before us simply adds another layer of bureaucracy on top of an already broken system. It creates an entirely new entity that invites yet more partisanship under clearly undemocratic procedures.

This country and the House of Representatives is founded on the principle of rule by majority; yet this proposal allows ethics inquiries to be initiated upon the request of only two out of the six board members. Furthermore, the proposal requires ethics investigations to go forward even when majority support among the board members cannot be obtained. This is undemocratic.

The resolution before us today is different from the original resolution and includes several changes. One amendment to the resolution now provides that the Speaker and minority leader will each nominate three members of the board with the concurrence of the other. Even under such a system, three board members will have been selected by the leader of a partisan political party.

Another amendment would provide that an investigation be terminated unless three board members affirmatively voted to proceed with an investigation. But if one board member nominated by the Speaker and one board member nominated by the minority leader agreed to initiate an investigation, but upon further review either board member decides the matter should be dismissed, the investigation can still proceed with the support of only those board members nominated either by the Speaker or the minority leader.

Not only does this resolution retain the undemocratic nature of the resolution, it also allows investigations to go forward on a purely partisan 3–3 vote. This is an open invitation to a partisan free-for-all. As a recent editorial in Roll Call stated bluntly, ''We don't deny it's a gamble.''

Under this proposal, many Members who deserve better could have their reputations unfairly diminished. A recent editorial in The Hill newspaper entitled ''Leaking Ethics'' focused on this point. It said, ''All it takes is one source to say the Ethics Committee may launch a probe into a Member and that lawmaker's reputation will be forever damaged whether he or she is guilty or innocent.''

Whether this resolution passes or not, Congress will survive. But if it passes, Members should know there is an obvious danger the ethics process will become even more partisan and that innocent Members will be hurt.

I urge my colleagues to oppose the rule on the resolution which invites partisanship, undermines democracy, and poses unacceptable risk.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. HILL).

Mr. HILL. I thank the gentlelady from Ohio for yielding this time.

Mr. Speaker, I rise not to make a recommendation to Members on how to vote on this bill; I rise to remind Members that if they decide to vote this bill down, that does not mean that there is no alternative that they can vote for.

A great deal of talk tonight has been made about bipartisanship, and I think that's very important. We need to have a bipartisan bill, and we had one. I introduced legislation last year that would create a new Ethics Committee consisting of former Members of Congress.

□ 2000

Just a few weeks ago, my good friend from Tennessee (Mr. WAMP) made a similar recommendation with a few differences. His recommendation was to have six members who were former Members and six members who are current Members. I joined with Mr. WAMP, and now we have huge bipartisan support for a concept that merits a vote.

Now, when I campaigned on this particular issue back in 2006, this gained a great deal of support in my district when I outlined the specifics. This is a good bill, and I think if you go back to the Ninth District in Indiana, they will confirm that this is a good bill. And it is a bipartisan bill. Let's for once in this body act in a bipartisan way.

As I said, I make no recommendation as to how you should vote on this bill. But if you decide that you want to defeat this bill, there is an alternative. It is bipartisan. It is substantive, and it has subpoena powers. In many ways this bill is a better bill because it is a stronger bill.

I urge Members to consider what I have said, that there is an alternative out there. It's not the end of the day. The game is not over. The game can go on. We can pass a good bill with bipartisan support.

Mr. DREIER. Mr. Speaker, at this time I am happy to yield 2 minutes to the distinguished Republican whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Speaker, 3 years ago at the beginning of the 109th Congress, the minority leader, today the Speaker, said that the rules of the House should never be changed without bipartisan cooperation. I think that did not mean without a bipartisan meeting. It meant without a bipartisan effort to reach a conclusion that both sides believed would improve the ethics process in the House.

During this Congress, the Ethics Committee has not worked. I don't think anybody is going to rise to debate the other side of that. This outside commission, if it does become part of the rules tonight, through this rule, it would have no vote, no amendment, no alternative. If it does become part of the rules, almost assures that the Ethics Committee will not work for the remainder of this Congress. This new outside group will become the reason to wait. It will take 45 or 60 days to reach agreements on people who can serve, if that can be done that quickly. It will take them another 60 days to get a staff together. Already we're clearly outside the ethics process working in this Congress.

The bill that Mr. HILL just mentioned, the bill that Mr. SMITH just mentioned would both be focused on making the process work and work now. They both would be focused on ensuring that this process does what it's supposed to do.

This rule not only rushes without any real alternative or debate, but also Members were informed today that last November the bipartisan staff of the Ethics Committee asked to evaluate the concepts behind this bill gave reason after reason after reason why they thought those concepts were flawed, concepts that have not been improved by the changes that were made in the last few days. They gave reason after reason after reason why they thought this commission would make the Ethics Committee less likely to be able to do its job effectively. And we still rushed, Mr. Speaker, to try to force this on the Congress when that information, we now know, has been available since November. We got it today.

I think we ought to give the time for the people who work on ethics every day to be able to publicly evaluate this concept.

Ms. SUTTON. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from New Hampshire (Mr. HODES).

Mr. HODES. I thank the gentlewoman for yielding. I also thank Mr. CAPUANO for his leadership on this matter.

Mr. Speaker, I rise in support of this bill and in strong support of accountability and transparency in all public service.

For years the former congressional leadership eroded the faith of the American people through corruption, dishonesty, and abuse of power. I came into office pledging to restore the people's trust; and as stewards of the public trust, we must hold Congress to the highest standard and end the abuses of the past.

This legislation before us is an important step in restoring the trust of the people we serve in this body. It puts ethics violations in the hands of an independent, nonpartisan board; and that is the right way to give the American people the confidence that any corruption will be investigated fairly and thoroughly.

I have also stood with my colleagues Mr. MURPHY of Connecticut and Mr. SPACE of Ohio to cosponsor an amendment that would allow this body to have subpoena power in order to give the board the real teeth an outside investigative body should have. In my

judgment, I would have preferred that the leadership and the Rules Committee had allowed this amendment to reach the floor for consideration. In the fullness of time, I believe we will see the wisdom of giving this new independent ethics body all the tools it needs to investigate alleged violation. However, even without this added power, I will support this bill because the perfect must not be the enemy of the good.

Let there be no mistake, Mr. Speaker. This bill has had bipartisan input, and the bill was even pulled from the floor to make sure that on a bipartisan basis suggestions for improvement were heard, reviewed, and incorporated.

I was sent to Congress by the people of New Hampshire to clean up Washington. This legislation may not go all the way, but it goes a long way towards helping restore trust in the people's House.

Mr. DREIER. Mr. Speaker, I would just say in response to my friend that bipartisan input has, unfortunately, not taken place. The gentleman is totally incorrect.

And to confirm that, Mr. Speaker, I am happy to yield 3 minutes to a hard-working member of the task force, my friend from Goddard, Kansas (Mr. TIAHRT).

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

Mr. TIAHRT. I thank the gentleman from California for yielding.

Mr. Speaker, I was very excited to be part of this ethics task force. And led by the able leadership of Chairman MIKE CAPUANO and Ranking Member LAMAR SMITH, I was very hopeful that we could work in a bipartisan fashion to come up with a good, solid ethics bill.

We held over 30 hearings. We worked very hard. And I believed we were on track until about last August. And sometime during last August, the outside special interest groups got to the Democrat leadership, and this whole effort was derailed.

And what came out of this was terrible and I will just give you one specific example. This whole thing puts all of us in a vulnerable situation, but in this one specific instance there are six members appointed to the Office of Congressional Ethics, the OCE, and there are supposed to be joint appointments with the Speaker of the House and the Minority Leader. But there is a caveat. If you cannot get an agreement, and just hold off for 90 days and get your respective appointee in this position as one of the six members of the OCE.

Now, why should we be concerned that this was hijacked by the outside groups? These outside special interest groups exist to chastise and press charges against Members of Congress. That's how they raise their money. That's why they exist. And they're on both sides of the political spectrum; so all of us are vulnerable. These groups take sides in political battles, and use any scrap of evidence they can find to try to press charges against Members of Congress.

In fact, if you have ever amended your FEC report, there are examples of how they've used that as alleged unethical charges against Members of Congress. And nothing disqualifies these members of outside groups from sitting on the OCE as one of six members.

So we're all vulnerable by these politically motivated people being incorporated into this whole process to make sure that all of us have a chance to face charges, whether justified or not.

Now, just think of your worst critic. They're out there in the blogs. They're in the call-in for your newspapers. These are the types of folks that you will be confronted with if we allow these outside groups to inject themselves in this process.

And how will you respond? Well, the first thing you will have to do is go out and hire a lawyer, and those lawyers are about $1,000 an hour; and a minimum investigation, even when you're innocent, is going to a quarter of a million dollars. Now, some people don't mind that. Some have plenty of money to burn. But I think a majority of Members here in this Congress realize that even a false charge can bankrupt them and force them into a position where they have no financial substance. That will happen in this ethics bill.

This is just the tip of the iceberg of how this process got hijacked and how this ethics bill is not fair to Members of Congress. It's unconstitutional. And I think this rule ought to be defeated. And if you have a single ounce of self-preservation, you will vote ''no'' for this rule and vote ''no'' against this unconstitutional bill.

Mr. Speaker, rise today with reluctance and regret that I am unable to support the House rule change before us today.

Exactly 12 months ago I was both honored and excited to receive the appointment from my leader to serve on the Speaker's Special Task Force on Ethics Enforcement. At the time, like my Republican colleagues, I was excited about the possibility of forging together a bipartisan piece of legislation that would address the fundamental issues that are currently plaguing our ethics system in Congress. Under the capable and civil leadership of Chairman MIKE CAPUANO and Ranking Member LAMAR SMITH, I was hopeful of what we could achieve.

For the past 13 years I have observed the House ethics process and came to the conclusion early on that our system was not transparent enough, not efficient enough, and simply not effective. In a word, our system was broken. Sadly, today, I am forced to accept that the Speaker's Task Force has failed its mission and has produced a partisan, undemocratic, and unconstitutional bill that I am convinced will only compound our current problems—and further frustrate the wishes of the American people for this House to clean up its act.

While the Democrat proposal is flawed in several substantial ways, its biggest and most glaring failure is that it turns a democratic ethics process into an undemocratic and partisan one where justice can be easily denied. Under the proposal before us today, an investigation can he initiated by the action of only two of the six members of the new independent Office of Congressional Ethics, OCE.

The legislation also mandates that names of the two members remain secret and kept from the American public and the accused Member of Congress. An earlier version of this legislation required a majority vote of the new committee before proceeding to a second-phase review of the pending matter. However, under the version we are debating today, a full-fledged review and investigation may occur without a majority vote of the OCE. This proposal jettisons the basic and fundamental right of democracy and fair play.

Mr. Speaker, in addition to being undemocratic, this proposal also contains several provisions which are most likely unconstitutional and therefore unenforceable. The most egregious provision is the creation of the OCE.

In its 200+ years of existence, Congress has never seriously contemplated handing over one of its most important responsibilities—that of regulating and disciplining its own Members—to an outside entity that is unaccountable to the American people unlike elected Members of Congress.

The legislation before us today would do just that. However, instead of abdicating our constitutional responsibility as specified in article I, section 5 of the United States Constitution, I propose that our task force goes back to work—and finds a solution which bridges our partisan differences while adhering to our constitutional obligations.

Our Ethics Committee is broken—so why not focus on and fix the problem instead of creating a whole new set of problems that will only serve to further undermine our ethics process? If Members of Congress are truly interested in repairing our ethics process—if Members of Congress are truly committed to restoring honor and integrity to this House—it's essential that we come together in a bipartisan spirit and develop a package that both sides can agree upon and support. Unfortunately, today's legislation falls way short of hitting that mark.

Mr. Speaker, in addition to abolishing basic rights of democracy and fair play—this proposal promises to undermine ongoing Ethic's Committee investigations and will likely impede Department of Justice investigations. In just one example, this legislation imposes an unreasonable period of time to investigate unethical conduct.

Quick and incomplete investigations can lead to unjust results—including charging the innocent and letting the guilty off free. It's imperative that our processes of maintaining the highest standards of ethical behavior supports and complements the House Ethic's Committee—regrettably, this bill will only undermine its ability to do its job.

On September 26, 2007, David H. Laufman, a former Investigative Counsel for the House Ethics Committee from 1996–2000 and a former federal prosecutor opined the following in Roll Call:

''[T]he creation of an outside ethics panel will not solve the core problems that currently afflict the House. Real ethics reform

in the House begins with willingness on the part of both party leaderships to refrain from political intervention in the ethics process and give the ethics committee the independent, professional resources it needs to do its work. . . . Creating an outside panel, moreover, would simply create another layer of ethics bureaucracy that further slows down a process already characterized by sluggishness.''

At this time I would like to submit Mr. Laufman's entire Op-Ed into the RECORD.

Mr. Speaker, instead of maintaining and fostering the cause of justice and ethical behavior in Congress, this piece of legislation may actually thwart the efforts of the Ethics Committee and Justice Department to investigate unethical behavior and punish Members appropriately. Again, if the Ethics Committee is broken lets fix or replace it—but why in the world would we want to ignore the problem by creating an additional layer of legislative red-tape—which will only serve to work against the purposes of the Ethics Committee—instead of enhancing its ability to get its job done fairly and expeditiously.

Mr. Speaker, it was an honor to serve on this Task Force and work with my 7 distinguished colleagues. Over the past 12 months I participated in over 30 hearings, listening to testimony from a wide variety of interests on this important matter before us today.

While various organizations expressed their support for the concept of creating an independent body—and their endorsements have been promoted today in this debate—it would be unfair to not recognize that several witnesses expressed their misgivings and concerns with the direction this legislation would take the House ethics process. Witnesses I suggest were more qualified then others to testify to the pros and cons of creating a new independent body.

Last March the task force met in private with former Congressmen Bob Livingston, R–LA, and Louis Stokes, D–OH, regarding their experiences from serving as cochairs of the last House Ethics Task Force in 1997. Both men had served on the House Ethics Committee and were highly esteemed by their colleagues. Congressman Stokes was a former chairman of the House Ethics Committee and shared the following statement with our task force members:

I strongly believe the current Ethics Committee structure should be preserved. I think Congress has a constitutional obligation to police its members. The mechanism exists to hire outside counsel whenever necessary, as the Committee did in the Abscam cases and also in the sex and drug investigations. In both cases the House received accolades for its work. A dangerous aspect of investigations by either a House Committee or an outside panel is interference with Justice Department investigations.

At this time I would like to submit Mr. Stokes entire written statement into the RECORD.

Mr. Speaker, I would like to raise one additional point that warrants discussion. Regardless of the outcome of today's vote, I believe it is important that this House give serious consideration to providing attorney's fees for Members of Congress that may become the subject of an OCE or Ethics Committee review in the future—but are subsequently cleared of any baseless charges. Under the OCE structure set up in this rule, it will be very easy for any two members to initiate an investigation—for any reason—without any real evidence—which in turn will force any discerning Member to hire a DC attorney to make sure their rights are protected and their name is not damaged in the process.

Colleagues do not be fooled—this will become inevitable if this rule is enacted today.

I want to thank Chairman CAPUANO for highlighting the issue of attorney's fees in his Report and also commend him again for his leadership and hard work with the task force. While I am unable to support its outcome today, I know that every member of the task force is sincere in their desire and efforts to help fix what's wrong with our current ethics process. Unfortunately, today's rule change falls way short of our goal.

Mr. Speaker, let me acknowledge that we started out on a great glide path of bipartisanship—but eventually the Democrat leadership was influenced by various outside organizations that refused to accept any compromise that involved maintaining the current democratic rules of justice and fair play. For example, the task force members—both Democrat and Republican—had agreed in principal to allow outside entities the right to submit ethics complaints to the OCE.

In fact, this provision was requested by these various organizations and highly promoted as a vehicle to bring much needed credibility to the current ethics process. And, while I had some reservations about it I was willing to support this provision.

Unfortunately, these same organizations were not willing to be subjected to the same level of scrutiny and transparency they wished to impose upon Members of Congress—namely the disclosure of their largest donors who may or may not have an ax to grind with a Member of Congress. One official quoted in an article on the issue stated: "you can. imagine how upsetting this [provision] is to the donor community.''

Indeed.

And that was the end of that.

In closing Mr. Speaker, let me also thank Ranking Member LAMAR SMITH for his leadership, experience, expertise, and tireless efforts that he brought to this important effort.

Let me also thank the capable staff that assisted us throughout this process, including: Paul Taylor, Chief Republican Counsel to the House Judiciary Subcommittee on the Constitution; Ed Cassidy, Senior Advisor and Floor Assistant to the Republican Leader, and my Chief of Staff, Jeff Kahrs.

Before I end I can't help but note the irony in spending well over 100 hours of my time hearing testimony and discussing the significant ramifications of each provision within this legislation—the most sweeping ethics legislation in over 10 years—and the Democrat leadership decision to bring this bill to the floor—under the cover of darkness—and under a closed partisan rule which only allows 30 minutes of debate on each side—that's less than 30 seconds for each Member of this House to be heard on this topic.

Mr. Speaker, I hope that Members will not be fooled by the lack of an open and full debate on this important issue. I strongly oppose this rule change and respectfully urge all Members—Democrats and Republicans—to reject this proposal. It's time for the Ethics Task Force to get back to work and find a bipartisan solution to our failed ethics process that is supported by a majority of both Republican and Democrat Members. Anything less then a bipartisan solution will result in partisan failure.

[From Roll Call, Sept. 26, 2007]

OUTSIDE PANEL WON'T RESOLVE CORE ETHICS PROBLEMS

(By David H. Laufman)

Now that President Bush has signed into law S. 1, the Honest Leadership and Open Government Act of 2007, it is fair to ask what sort of enforcement regime for the new rules Members of Congress can expect from the Senate Ethics Committee and the House Committee on Standards of Official Conduct, also known as the House ethics committee. As in so much of life, the answer is: It depends.

The Senate Ethics Committee has long functioned quietly and methodically to evaluate ethics complaints and allegations of misconduct in a professional, nonpartisan manner. That track record reflects the relative collegiality of the Senate and the inclination of the respective party leaderships to leave ethics matters ''to the professionals'' for sorting out. There is every reason to expect that the Senate committee will bring the same balanced enforcement to the new rules that has characterized its operations in the past.

The House ethics committee, however, is a different matter. Although the committee has undertaken some tough investigations in recent years—most notably, its inquiries regarding former Majority Leader Tom DeLay (R–Texas) and former Rep. Bud Shuster (R–Pa.)—it has been cleaved by partisan turmoil and deadlock for much of the period since the conclusion of the cases against former Speaker Newt Gingrich (R–Ga.) in 1997. The nadir of this devolution occurred in 2005, when two seasoned attorneys on the committee's nonpartisan staff were fired in apparent retribution for their work on the DeLay investigation, and two committee members believed to be ''politically unreliable'' by their party leadership were summarily jettisoned.

Now, there is potential for even further disequilibrium in the House ethics process. At issue is the pending determination by the Special Task Force on Ethics Enforcement as to whether an outside panel should be established to conduct preliminary review of ethics complaints and make recommendations to the House ethics committee on whether investigative action should be undertaken.

As a former investigative counsel to the House ethics committee who investigated both Democrats and Republicans—and as a former federal prosecutor—I fully appreciate the importance of conducting thorough, independent investigations. I also appreciate that the establishment of an outside ethics panel might enhance public confidence in the integrity of the House ethics process. But the creation of an outside ethics panel will not solve the core problems that currently affect the House.

Real ethics reform in the House begins with a willingness on the part of both party leaderships to refrain from political intervention in the ethics process and give the ethics committee the independent, professional resources it needs to do its work. All the new ethics laws and rules in the world will amount to nothing unless the party leadership on both sides refrain from politicizing the ethics process, the committee members ultimately charged with implementing them are committed to consistent, nonpartisan enforcement, and committee members do not have to worry about retaliation from their party leadership or fellow members.

Establishing an outside ethics panel also would constitute a historic abdication of the House's constitutional responsibility for self-regulation. Article I, Section 5, Clause 2 of the U.S. Constitution states that ''Each House [of Congress] may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and with the Concurrence of two thirds, expel a Member.'' Although the drafters of the Constitution chose the permissive ''may'' rather than ''shall,'' it is clear that they intended to create a system of peer review where Members of Congress shoulder the responsibility for weighing allegations of other Members' misconduct. The establishment of an outside panel to evaluate ethics complaints would be an unprecedented deviation from more than 200 years of self-regulation. Moreover, it would be tantamount to an admission that the House is now unable to fully govern itself and needs protection against its own improper impulses.

Nor, if established, would an outside panel likely improve the House ethics process. First, none of the publicly reported proposals under consideration to establish an outside panel divests the House ethics committee of ultimate decision-making discretion as to whether ethics violations occurred or what sanctions to impose if a violation is found. Creating an outside panel, moreover, would simply create another layer of ethics bureaucracy that further slows down a process already characterized by sluggishness. Second, making informed assessments of allegations of misconduct requires more than the mere application of law or rules to facts: It also requires a nuanced understanding of the institutional context in which the alleged misconduct occurred. Arguably, the need for such a nuanced understanding is particularly great in the case of a political institution that has its own unique cultural attributes. It is possible that retired Members of Congress could bring the necessary perspective to bear if appointed to an outside ethics panel. It is less likely that retired jurists, academicians or individuals from other professions would be equally capable of making the necessary contextual judgments.

That the committee would retain autonomy to reject the recommendations of an outside panel ignores political realities surrounding ethics scandals. If, for example, the outside panel recommended that the committee initiate an investigation—a recommendation that almost certainly would become publicly known—the pressure on the committee from interest groups and the news media to accept the panel's recommendation would be formidable.

Clause 1 of House Rule 23, which comprises the Code of Official Conduct, states that ''A Member, officer, or employee of the House of Representatives shall conduct himself at all times in a manner which shall reflect creditably on the House of Representatives.'' The special task force would bring credit on the House by rejecting the idea of an outside ethics panel and recommitting the House to ethics enforcement marked by bipartisanship and consensus.

CONGRESSMAN LOUIS STOKES' STATEMENT ON ETHICS REFORM

I strongly believe the current Ethics Committee structure should be preserved. I think Congress has a constitutional obligation to police its members. The mechanism exists to hire outside council whenever necessary, as the Committee did in the Abscam cases and also in the sex and drug investigations. In both cases the House received accolades for its work. A dangerous aspect of investigations by either a House Committee or an outside panel is interference with Justice Department investigations. I think this danger may be better contained by a House Committee. Also, the House has a great educational process for members along with an approval process to keep members from going astray. Neither a House Committee nor an outside Panel or Commission can stop a member who uses his position in Congress to obtain a Rolls Royce, a yacht, a million dollar home, and other illegal gifts. The current system worked when I had men like Floyd Spence and Jim Hansen as my ranking member because we approached the business of the Committee on a bi-partisan basis. We handled the tough cases and never had a dissenting vote.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. I'm sorry, the time is incorrect. The time is 2 minutes.

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. POMEROY). The gentlewoman from Ohio is controlling the time. She has yielded 1 minute to the gentleman from Hawaii.

MOTION TO ADJOURN

Mr. ABERCROMBIE. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 177, nays 196, answered ''present'' 1, not voting 55, as follows:

[Roll No. 120]

YEAS—177

Abercrombie
Aderholt
Akin
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Berry
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Cubin
Cuellar
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Doolittle
Drake
Dreier
Duncan
Ehlers
English (PA)
Fallin
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Goode
Goodlatte
Gordon
Granger
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hulshof
Hunter
Inglis (SC)
Issa
Jefferson
Johnson, Sam
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pence
Petri
Pickering
Pitts
Porter
Price (GA)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Young (AK)
Young (FL)

NAYS—196

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Clarke
Cleaver
Clyburn
Conyers
Cooper
Costello
Courtney
Cramer
Crowley
Cummings
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Green, Al
Green, Gene
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Kennedy
Kildee
Kind
Kucinich
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Platts
Poe
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Space
Spratt
Sutton
Tanner
Tauscher
Thompson (CA)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)

Wasserman Schultz
Waxman
Weiner
Welch (VT)
Wexler
Watson

ANSWERED ''PRESENT''—1

Johnson (IL)

NOT VOTING—55

Alexander
Bachus
Boucher
Butterfield
Capito
Clay
Costa
Culberson
Davis (AL)
DeLauro
Dingell
Emerson
Everett
Feeney
Franks (AZ)
Gingrey
Gohmert
Graves
Grijalva
Gutierrez
Hinchey
Hoekstra
Hooley
Jones (OH)
Kilpatrick
Klein (FL)
Lewis (GA)
Lewis (KY)
McCaul (TX)
McCrery
Miller (NC)
Miller, George
Mitchell
Oberstar
Peterson (MN)
Peterson (PA)
Pryce (OH)
Radanovich
Rangel
Renzi
Rogers (KY)
Ros-Lehtinen
Rush
Solis
Stark
Tancredo
Thompson (MS)
Udall (CO)
Walsh (NY)
Waters
Watt
Wilson (OH)
Woolsey
Wynn
Yarmuth

□ 2040

Ms. BERKLEY and Ms. WATSON and Messrs. BERMAN, MARSHALL, McCOTTER, DELAHUNT, MORAN of Virginia and VISCLOSKY changed their vote from ''yea'' to ''nay.''

Mrs. WILSON of New Mexico, Mrs. CUBIN and Mrs. BONO MACK and Messrs. BARTLETT of Maryland, GILCHREST, GOODE, ADERHOLT, CALVERT, SAXTON, GALLEGLY, DEAL of Georgia, BRADY of Texas, MANZULLO, FOSSELLA, BUYER, WALDEN of Oregon, KELLER of Florida, ISSA, SESSIONS, PUTNAM, BURGESS, BARRETT of South Carolina, DAVIS of Kentucky, GARRETT of New Jersey, INGLIS of South Carolina, LoBIONDO, LATOURETTE, PORTER, WHITFIELD of Kentucky, STEARNS, MICA, HALL of Texas, WOLF, BILBRAY and BROWN of South Carolina changed their vote from ''nay'' to ''yea.''

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

ESTABLISHING AN OFFICE OF CONGRESSIONAL ETHICS—Continued

The SPEAKER pro tempore. The Chair understands that the gentleman from Hawaii has been yielded 1 minute from the gentlewoman from Ohio.

The gentleman is recognized for 1 minute.

Mr. ABERCROMBIE. Mr. Speaker, may I ask the gentlewoman whether she would yield an additional minute.

Ms. SUTTON. Mr. Speaker, if the gentleman needs an additional minute, I am going to give him mine.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for 2 minutes.

Mr. ABERCROMBIE. Thank you.

Mr. Speaker, we have got a new grand jury in the House, the Office of Congressional Ethics, and we have the House Ethics Committee. We have two identical, competing committees by design. Now, I defy anybody in this House to go to your next Rotary Club meeting and try to explain what that is all about.

Any referral to the Office of Congressional Ethics will be seen as tantamount to a guilty verdict. Any other conclusion by the House Ethics Committee will be seen as a coverup. Mark my words, that is exactly what is going to happen.

This is about ethics, not criminal prosecution. I have heard words like ''corruption'' used around here as if we are some sinkhole of depravity. If a criminal matter is at issue, it should be in the hands of the Federal Attorney, not appointees of the Speaker or the majority leader.

I can't figure out where the ethics complaints come from. Are they dropped off at the door? What criteria will be applied by the OCE? This is about the House, and its membership should decide whether any Member has failed to meet its standards, not appointees who have not served or are not currently Members of the House.

An ethics investigation is by definition peer review. Any appointee to the Office of Congressional Ethics who has not served in the House has no credibility in terms of judging Members or the conduct of House standards.

And does anybody believe that complaints won't be in the media immediately, regardless of validity? The press irritation with the House Ethics Committee is because it has actually practiced confidentiality.

This is an invitation to ideological mischief and character assassination. We say this is about our ability to police ourselves. The effect will be just the opposite. The House Ethics Committee no longer has any discernable function other than to affirm whatever has been referred to it.

All this makes me sad, and it makes me angry. I have devoted every bit of energy in my life for nine terms to this House. I revere the opportunity for service in the people's House. With this proposal we are indicting ourselves. We are retreating before those who would tear this House down.

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

Mr. DREIER. Mr. Speaker, I would like to yield my friend an additional minute.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for an additional minute.

Mr. ABERCROMBIE. We are retreating before those who would tear this House down, who denigrate our commitment and make us out to be little more than crooks and knaves and hustlers.

We are the guardians of the Nation's liberty. We are the defenders of its constitutional imperatives. We are the people's House. We should be proud to stand up for this House, its institution and its legacy. Instead, we cringe before our critics and turn over our obligation to govern ourselves to others.

If we have no respect for ourselves, how can we expect it from anybody else? I have faith and trust in my constituents. I have faith and trust in you, my colleagues of the House. We need to have faith and trust in each other.

The regard and affection I have for every Member of this House is deep and abiding, the affection I started when I was the last man to be sworn in by Tip O'Neill before he retired when Bob Michel was here. In that spirit, I love the House of Representatives. It defines my life. It should define yours.

This proposal is not worthy of the House and our responsibility to it. Turn it down.

□ 2045

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Maryland, the majority leader, Mr. HOYER.

Mr. HOYER. Mr. Speaker, I take a back seat to no one in this House on loving this institution.

The issue, my friends, is not whether we have respect for one another. Too often, it is demonstrable on this floor that we don't.

The issue is, Will the American people have respect for us? That is the issue. That is the critical issue that confronts us this evening. Not because any of us are pointing fingers at anybody else in this House.

But unless you were sound asleep prior to the last election, unless you were living in another country in another land in another time, you know what the people thought about this, the people's House that we love. That, my friends, is why we are in the majority, because the people thought changes were necessary in this House.

The people asked for change. They asked for accountability. There have been some things said on this House floor that are not accurate. Mr. TIAHRT said that Ms. PELOSI, the Speaker, and Mr. BOEHNER, the minority leader, would make independent appointments to this.

Mr. CAPUANO changed that as a result of the suggestions of these Members. It was a good change because it meant that Mr. BOEHNER and Ms. PELOSI are going to have to agree on six people.

It has been said on this House just now that this replaces the Ethics Committee. It absolutely does not. Does it complement it? I think it does, but it does not replace it. Nor does it substitute its judgment for the Ethics Committee.

The Ethics Committee can continue to operate as it does now and can initiate, it does not need to wait on this committee. It can initiate the defense of the ethics of this House, 435 of us elected by our neighbors and friends. We are all sad when one of us comes short of the expectations of our constituents, as we should, because we know only too well, those of us who have served for significant periods of time in the public's fear, that the acts of each of us is often attributed to the rest of us.

There needs to be a confidence level among the American people in the people's House. How are they going to

have that confidence? I suggest to you that it is my belief, as one who is not for many of the things that the so-called groups are for, who think that it is going to change, it will not change, many times, the substance of what we deal with.

I happen to have come to the conclusion that this proposal that Mr. CAPUANO and others have made, and I regret the fact that this is not a bipartisan proposal. One of my best friends in life, not just that served here in this House, is Senator BEN CARDIN. Many of you know how close he and I are. He and Bob Livingston worked on the last major ethics reform together and came together in a bipartisan fashion.

I am one who works in a bipartisan fashion. Ask Bob Ney and the Help America Vote Act. Ask Steve Bartlett on the Americans with Disabilities Act. I believe in operating that way. I wish this were a bipartisan product.

If we had the vote on the Republican alternative, I would vote against it. Why would I vote against it? Because it has within its framework submitting to the Justice Department after 45 days a complaint that the Ethics Committee has not dealt with. I don't think that is appropriate for a violation of the rules. It should be within the bosom of this body. This proposal copies it there.

This does not give subpoena power to people to go on fishing expeditions. It gives to six people, selected jointly by Mr. BOEHNER and Speaker PELOSI, who I hope and believe that they will agree upon people of very high integrity and good common sense. Because when they say, and somebody comes along and says in a press conference, STENY HOYER has violated the rules, none of us can protect ourselves against that. That's the business we are in. We are all targets and we are all vulnerable.

But it is my belief that this body will be composed of the kinds of people that I think Speaker PELOSI and Mr. BOEHNER will appoint, and not Members.

I am a lawyer. I will tell you, the public is not too convinced that lawyers are good at self-regulation. Some of you are doctors. The public is not particularly convinced that doctors are good self-regulators, or CPAs or other professions.

That's what we are talking about. We are talking about to the American public we do act properly, we do keep the faith. We are honest, and we are prepared to answer for our conduct and give confidence to you, the American people, that it is the people's House, not our House, the people's House.

I suggest to you, my friends, that whatever can happen, whatever could happen, whatever scenario you fear can happen right now with the existing process, all this does, it adds a complementary body, hopefully, and I believe, of citizens of very high repute who will, in turn, be able to say to the American public, yes, this group of Americans is honest, hardworking, and serving you well.

Are there, from time to time, exceptions? There are. But let us have the confidence to tell to the American people our conduct is, and we want it to be, above reproach, and we do not fear the oversight and accountability that this proposal suggests. I urge my colleagues, have confidence in those that Mr. BOEHNER and Ms. PELOSI will appoint. Have confidence in yourselves and in your colleagues, and let us this night give confidence to our constituents and the American people.

Vote for this proposal.

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

The SPEAKER pro tempore. The gentleman from California has 6 minutes remaining. The gentlewoman from Ohio has 8 minutes remaining.

Mr. DREIER. Mr. Speaker, my friend from Maryland has just advocated vigorously bipartisanship in this process.

I am now happy to yield 2 minutes to the coauthor of a bipartisan proposal, my friend from Chattanooga, Tennessee (Mr. WAMP).

Mr. WAMP. I thank the gentleman for yielding.

Mr. Speaker, I stood right here a few years ago against my party in favor of reform. I got scars on my back from standing for reform. But I heard JOHN TANNER say when I got to Congress that neither party has an exclusive on integrity and ideas, and I believe that is true.

I want to tell you tonight, on the same platform I stood a few years ago when I joined then minority in this reform, there is good reform and there is bad reform. This is bad reform. I don't care what you say about it, how kind you are about it, this is bad reform. It is not good for the institution. It is not workable.

Mr. Speaker, I submit for the RECORD a four-page document by Ken Kellner, the senior counsel for your majority Ethics Committee, explaining all the problems.

REVIEW OF TASK FORCE PROPOSAL

BILL: I looked over the draft resolution forwarded by Rep. Smith. I suggest you review it closely as well. Review of the draft was not to critique the need for or merits of the proposal, but to identify areas in which the proposal would interfere with the operations of the Committee. We cannot anticipate all plausible areas of concern prior to actual implementation, but I did the best I could.

1. The new ''Office'' or ''Board'' is expressly authorized to take up matters on its own initiative and to conduct interviews and obtain testimony in its ''review'' of such matters. See Section 1(c)(1)(A). This raises several concerns, listed below:

As the Committee noted in its earlier feedback to the task force, the interview of witnesses by both the new entity and the Committee might result in conflicting statements that would undermine the value of testimony from that witness.

Statements from witnesses would also likely be obtained prematurely due to the time deadlines imposed on the new entity. Sometimes there are valid investigative reasons not to reveal the existence of an investigation to a witness until other witnesses are interviewed or other evidence obtained. In the course of its proceedings, the new entity might reveal critical evidence or information to key witnesses. The failure of those witnesses to keep this information confidential may be very harmful to the integrity of any future Committee inquiry.

The ''self-initiation'' discretion could undermine current rules that limit complaints to those filed by Members. An agent could provide information to the new entity that would trigger review under its rules. There is no accountability as to the source of information, unlike with respect to ''complainants,'' who must certify that the ''information is submitted in good faith and warrants the review and consideration of the Committee,'' and who must provide a copy of the complaint and all attachments to the respondent. See Committee Rules (d) and (e).

2. The new entity must ''transmit to the individual who is the subject of the second-phase review the written report and findings of the board[.]'' See Section 1(c)(2)(C)(ii). In addition, the report will include ''findings of fact,'' ''a description of any relevant information that it was unable to obtain or witnesses whom it was unable to interview [] and the reasons therefore,'' and a recommendation for the issuance of subpoenas where appropriate.''

It is a bad idea for the Committee's purposes that the ''written report and findings of the board'' be transmitted both to the Committee and to the individual under review. This will provide information to a potential respondent at an inappropriate stage, including alerting the respondent as to witnesses who have been identified as potential recipients of subpoenas. At a minimum, this would provide opportunities for the coordination (or appearance of coordination) of testimony. Potential respondents would also be alerted as to difficulties encountered in obtaining information from certain witnesses. This could discourage negotiated outcomes if a respondent knows that certain individuals are not cooperating witnesses.

This process is not sensitive to the need for confidentiality of witness information at the early stages of an investigation. Members, staff, and private individuals should be able to provide information in confidence, at least at the initial stages. The new rules may have an anti-whistleblower effect and possibly employment ramifications for individuals as well. For example, what if it is revealed that a current employee is providing or refusing to provide information about his or her employing Member? A previous ethics task force was ''mindful'' of the need to ''protect the confidentiality of a witness prior to publicly disclosing'' a statement of alleged violation. Report of the Ethics Reform Task Force on H. Res. 168, 105th Cong., 1st Sess. at 25 (June 17, 1997).

The proposal is also inconsistent with Committee rules and practices that keep investigative information confidential. Under Committee Rule 26(f), evidence gathered by an Investigative Subcommittee that would potentially be used to prove a violation ''shall be made available to the respondent and his or her counsel only after each agrees, in writing, that no document, information, or other materials . . . shall be made public until'' a Statement of Alleged Violation is made public by the Committee or an adjudicatory hearing is commenced.

There is no rule or precedent in effect for the new entity for dealing with concerns of the Department of Justice in cases of concurrent jurisdiction. As noted, under the proposed process, there is considerable potential for the making of inconsistent statements by witnesses and for the release of confidential information. It this occurs, it could easily undermine active criminal investigations.

The Board may make ''findings of fact'' as part of their submission. This is generally a

function for a trier of fact after an opportunity for a defendant/respondent to cross-examine witnesses or challenge the evidence. What if the findings differ from those reached by the Committee?

3. There appears to be a requirement that the Committee publicly disclose Board submissions to the Committee. See Section 3(2). This would occur if the Committee declines to empanel an Investigative Subcommittee or if one year has passed from the date of the referral from the new entity.

This means that the Committee must release the Board's findings, even if the Committee has already determined to handle the matter non-publicly. This is inconsistent with the discretion now with the Committee (and investigative bodies generally) to exercise judgment as to what matters to address in a non-public fashion. With the possibility of review by the new entity and public disclosure of conduct, there will be greatly reduced incentive for witnesses and investigated parties to cooperate with the Committee or to do so with complete cooperation and candor.

This procedure also may place artificial pressure on an Investigative Subcommittee to complete its work in well less than a year, regardless of the impact on the investigation. While such a time period may be sufficient, neither the Department of Justice nor other law enforcement entities and regulatory bodies, are subject to such limitations as they would generally impact adversely on the completeness of an inquiry.

4. A provision in the proposal provides that the Office will cease its review of a matter on the request of the Committee ''because of the ongoing investigation of such matter by the Committee.'' See Section 1(d).

This rule should be clarified to make clear that it includes informal fact-finding efforts by the Chair and Ranking Member of the Committee. Otherwise, this important rule may only have effect in the unusual case of empanelled subcommittees. New language could be ''because of the ongoing review of this matter by the Committee in accordance with the Committee's rules.'' Section 1(d) and Section 3(3) should be revised.

5. If the new entity ceases such review at the request of the Committee it will ''so notify any individual who is the subject of the review.'' See Section 1(d).

There are valid circumstances under which the Committee would not want to notify an individual that it is undertaking review of a matter until it is ready to do so for valid investigative and privacy reasons. In general, it is not the routine practice of law enforcement entities to notify individuals. Such disclosures could trigger protective behaviors that might undermine an investigation, as well as lead individuals to hire of attorneys (perhaps unnecessarily and at considerable expense). [By analogy, would it be appropriate in all cases to notify a respondent that the Committee has referred evidence of criminal conduct to the Department of Justice? In many cases, it is in the interests of criminal law enforcement that such referrals be made in confidence.]

6. The new entity must adopt a ''rule requiring that there be no ex parte communications between any member of the board and any individual who is the subject of any review by the board.'' See Section 1(c)(2)(E)(iv).

This provision should be revised to prohibit communications from any interested persons and any member of the board, as well as make explicit that ex parte contacts include those made by counsel. A useful provision to examine in considering ex parte prohibitions is the provision contained in Federal Election Commission regulations pertaining to contacts with any Commissioner. See 11 C.F.R. §201.2.

KENNETH E. KELLNER,
Senior Counsel, Committee on Standards of Official Conduct.

They kept a lid on it till today, and the bill is up tonight, and here it is. It is bad reform.

If you think that the steroid and baseball hearings are a distraction over the business of the people of this country, wait until tomorrow when this goes into effect, when outsiders are firing political shots at each other, listening to people back home want us to quit bickering and sniping and firing shots at each other and get these important things done for them.

The gentlelady said she yields the customary time. This is not a customary process. The rule was shut down. There are no substitutes, there is no recommit, there are no alternatives, and there is no consideration of a bipartisan alternative by two people with integrity who have been working together for weeks to have a day to say, no, this is a better approach.

Have former Members, first time ever that outsiders are part of this process, but they are former Members. They have no ax to grind. They will call it like it is. Let's take a logical step.

But let me tell you, if this is based on trying to hold the House, that's a false strategy. When we put our reelection as a majority above the people's business and honor and integrity we lost, and we should have, and you are doing the same thing.

Don't do this, House. It's not good for this country, and it's not good for us.

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia, a member of the bipartisan Ethics Task Force, Mr. SCOTT.

Mr. SCOTT of Virginia. Mr. Speaker, it is the unfortunate reality that the House of Representatives has seen its share of unethical behavior on the part of public officials elected to represent and serve their constituents. Moreover, this problem is not one confined to Democrats or Republicans. Rather, it is a problem that we all need to recognize and take steps to address.

For these reasons, and with the interest of the American people in mind, we need a fair and just manner to investigate any allegations of unethical behavior by a Member of the House. With this goal in mind, the gentleman from Massachusetts (Mr. CAPUANO) introduced H. Res. 895, and I support his efforts.

H. Res. 895 takes every possible step to ensure equality, fairness, and nonpartisanship in addressing questions of ethics. It establishes a new independent Office of Congressional Ethics within the House of Representatives to be governed by a board that will be comprised of six members jointly appointed by the Speaker of the House and the minority leader.

To further ensure fairness and prevent preferential treatment, current Members of the House of Representatives and lobbyists are not eligible to serve as board members. Moreover, removal of a board member may only occur with the approval of both the Speaker and the House minority leader.

The Office of Congressional Ethics could include former Members of the House, but all of the members of the board would be qualified by virtue of their exceptional public standing. This office has the potential to clean up politics and, in turn, restore the public's faith in politics in the political process.

This has the support of Common Cause, U.S. PIRG, and two very well-respected scholars in government and politics, Thomas Mann of the Brookings Institute and Norm Ornstein of the American Enterprise Institute.

I support H. Res. 895 and urge my colleagues to vote in favor of this reform.

Mr. DREIER. Mr. Speaker, may I inquire of my friend from Ohio how many speakers she has remaining.

Ms. SUTTON. We have several more speakers.

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

Ms. SUTTON. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina, a member of the bipartisan Ethics Task Force, Mr. PRICE.

Mr. PRICE of North Carolina. Mr. Speaker, as a member of the Ethics Task Force, I rise today to support the establishment of the Independent Office of Congressional Ethics for the House of Representatives.

The 110th Congress, under new leadership, has already adopted a comprehensive package of rules, lobbying, and earmark reforms. Today we can take another positive step by creating the Office of Congressional Ethics. The proposal before us is the result of a year-long effort by the Ethics Task Force ably and fairly led by our distinguished colleague, Mr. CAPUANO.

Some have argued tonight that this proposal takes reform too far, others not far enough. I believe that the office would improve on the current ethics enforcement process in two important ways.

First, it will provide a mechanism for a quick and impartial review of potential ethics violations, bypassing the bipartisan conflicts that have bogged down enforcement.

Secondly, it will ensure accountability and transparency by requiring reasonable reporting and public disclosure of the activities of the office and the Ethics Committee.

□ 2100

A number of changes have been made to strengthen the proposal and address Member concerns. The proposal is not perfect, but it is a move in the right direction. I support H. Res. 895, and I urge my colleagues to do so as well.

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

Ms. SUTTON. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM), a member of the ethics task force.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, the American people deserve elected Members of the House of Representatives who will perform their duties with the highest standards of decorum and ethical conduct.

When a Member of this body fails to follow the rules of the House, violates ethical standards, or brings dishonor upon this House, it is our duty and our responsibility to act. The people we serve expect no less. The ethics process needs improvement, so let us act to ensure the integrity of this House.

I was appointed by Speaker PELOSI to serve as a member of the Special Task Force on Ethics Enforcement, and I would like to commend Chairman CAPUANO for his forthright leadership, his patience, and his respect for this institution. It was also a pleasure working with Ranking Member LAMAR SMITH and all my Democratic and Republican colleagues on the task force.

Today I rise in strong support of this resolution to establish an Office of Congressional Ethics. I commend Speaker PELOSI for her courage to take on this challenge for the well-being of this House.

With the passage of this resolution, we will create an independent Office of Congressional Ethics. This office will be separate from the Ethics Committee. It will have an appointed board comprised of distinguished Americans who are not Members of this House.

This independent board will review ethics complaints and make formal recommendations to the Ethics Committee for dismissal or for further investigation. This resolution leaves the power of all final decisions to the Ethics Committee. The resolution also establishes time lines for the Ethics Committee to act on referred investigations and requires that the committee make public statements about actions or inactions on these matters. I believe that improving this process will benefit the Members and reassure the public that ethics is a priority of this Congress.

Clearly this proposal is not perfect. It is a compromise, and it commences an ongoing effort to ensure that ethics remain at the forefront of this Congress. Even while preparing for floor action, Speaker PELOSI and Chairman CAPUANO made significant changes in order to address this concern.

I support the resolution and urge my colleagues to do so as well.

Mr. DREIER. Mr. Speaker, I say to my friend we have a couple of speakers remaining, and if she has more than that, we will continue to reserve the balance of our time.

Ms. SUTTON. We have two and myself to close.

Mr. DREIER. At this time I am very happy to yield 2 minutes to our hard-working friend from Stillwater, Minnesota (Mrs. BACHMANN).

Mrs. BACHMANN. Mr. Speaker, this rule finds a way to create an ethics resolution that could encourage unethical behavior. This rule could create a place where potentially artificially manufactured scandal could be given a show trial by partisan inquisitors for the purpose of creating doubt about the character of Members of this Congress, all under the color of respectability, credibility, and authority.

Mr. Speaker, it is ingenious because partisans remove themselves as the original accusers. Incredibly, after a 90-day period of show trials, the unreformed Ethics Committee in Congress will again take up the case, returning us to where we were before all this started, with no reform.

In effect, the bill creates a bureaucracy of smear and witch hunt. It institutionalizes the politics of personal destruction with a potential of creating show trials with a public expense account.

Mr. Speaker, this is a deeply ironic proposal that instead of combating corruption could reward it, and I urge all Members of this body to vigorously oppose this rule.

Ms. SUTTON. Mr. Speaker, at this time I yield 1 minute to the gentleman from Massachusetts, the chairman of the ethics task force, Mr. CAPUANO.

Mr. CAPUANO. Mr. Speaker, I just want to point out a couple of things that have been said. I think the general attitudes have all been mentioned, but there are a couple of points.

Relative to this memo that came out today dated November 9, just in case people don't notice, the draft didn't come out until December 19. Almost every point made in that memo was addressed in the draft that was submitted December 19. There were a few things we couldn't address because they go to the basic point of whether you can have an independent entity or not. I can list it, and I will list it, but I didn't have time to do it between the time we got it and the time of the debate, but you will have a memo on your desk within the next few days addressing every single point made in that memo that was addressed in the proposal.

As far as bipartisanship, I think people need to know I have a list of at least 10 items that were taken up specifically as Republican proposals, starting with term limits for the OCE board members and joint appointments of the OCE board members. Those are Republican proposals we adopted. There are several others we will go into at a later time.

Finally, people have to understand that this is not something brand new. It might be new to Congress, but more than 25 States already have independent commissions that review their legislators. If it is okay by them, why are you so afraid of it here?

Mr. DREIER. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, bipartisanship is something that everyone has said we need to have as we deal with this issue. The distinguished Speaker, my fellow Californian, Ms. PELOSI, said when she was minority leader that ethics reform must be done in a bipartisan way.

The majority leader, Mr. HOYER, stood in the well when this bill was pulled 2 weeks ago and said he wanted to see this work done in a bipartisan way. Mr. WAMP and Mr. HILL have worked in a bipartisan way. We need to have bipartisanship.

I am going to urge my colleagues to vote ''no'' on the previous question so in fact we can do what the American people want us to do, work in a bipartisan way because the integrity of this institution is absolutely essential if we are going to succeed in governing.

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

Ms. SUTTON. Mr. Speaker, it is my honor to yield 1 minute to the gentlewoman from California (Ms. PELOSI), the distinguished Speaker of the House.

Ms. PELOSI. Mr. Speaker, I thank the gentlelady from Ohio, Congresswoman SUTTON, for yielding and for managing this very challenging bill this evening with such dignity.

This is an important time for us, my colleagues, because we are sending a message to the American people as to who we are. We know each other to be honorable individuals who come here with the best motivation. Our title ''Representative'' is our job description, to represent the people of our districts. We gain respect for each other as we work on issues across the aisle, across the region, across generations in every way, representing the beautiful diversity of our country.

Unfortunately, the American people do not share our view of ourselves here in the Congress and our reputation has received tarnish. Part of that tarnish came from a culture of corruption that preceded the Democratic takeover of this Congress. When I became Speaker of the House, I said it was necessary to drain the swamp that is Washington, D.C. so that the people will understand that we are here for the people's interest and not the special interests.

And so this legislation that is before us today represents what I believe is necessary for us to convey to the American people what we owe them: our best effort to have this Congress live up to the highest ethical standard.

And I know of what I speak because I had the responsibility to serve on the Ethics Committee for 6 years when we took up some terrible issues. The bank scandal, remember that? Many of you weren't here yet, but it was a horrible time. The Newt Gingrich case, it was a horrible time. During that time, as divided as we were, Democrat and Republican, I would pray at night that something exculpatory would come along, something that would say we don't need to continue this case because there is evidence that these charges are not true. It is hard, it is hard to pass judgment on your colleagues. It is very difficult.

And I say that in the most bipartisan way, and we worked together on that committee in a very bipartisan way during some very difficult times.

After 6 years, I thought my service was over; and I had to spend another year on what Mr. HOYER referenced as the Livingston-Cardin Committee to rewrite the rules. We thought we did a really good job; but, obviously, a review of them some years later said we have to do more.

But that has been the story of ethics in the Congress. Since the Ethics Committee was first created in 1967, the House has set increasingly higher standards of conduct to guide Members because public service is a public trust. As I said, in recent years that trust has been eroded, and we have come here to drain the swamp.

Just last year on the first day of the Congress, the New Direction Congress, the House implemented new and sweeping changes to the gift and travel restrictions. Last September we passed the historic Honest Leadership and Open Government Act, historic lobbying and ethics reform that is now the law of the land.

Today, the New Direction Congress will, for the first time, open the ethics process up to the participation of our fellow citizens, which will make this institution more accountable to the people who sent us here, the American people. I welcome their assistance.

I want to say a word about Mr. CAPUANO. I want to thank him for his service to our country. In recognizing him, I want to recognize the participation of all of the members, Democrats and Republicans, on the task force, for their service to this House; and I believe there was a good-faith effort made to keep this process as bipartisan as possible. And that is the best you can do. If at the end of the day there is not a willingness to make the reforms necessary to restore the confidence of the American people in the Congress of the United States, then you cannot be held back because some do not want to act.

Mr. CAPUANO, I believe, led this effort in a way that was bipartisan and sensitive to the institution's history and traditions. And I must say that I received, early on, compliments from his co-Chair, the Republican co-Chair of the committee, about working with Mr. CAPUANO. He said something like, I am sorry you appointed him because he is very good to work with. That was supposed to be a joke.

In any event, I would like to extend special thanks to him for undertaking this very difficult task, not only in trying to make something that is important work, but also to convince our colleagues that this is the route to take.

Now as I said, I served on the committee under the old rules and I helped write the new rules, and there is always a time to revisit all of it. And there will be a time to revisit these rules as well.

A special thanks to my friend, Mr. DAVID HOBSON, for his work on the task force and for his many years of distinguished service in the Congress. We will miss his thoughtful deliberations and his contributions to our country. Thank you, DAVID HOBSON.

As I mentioned, I served on the Ethics Committee during some very, very difficult times; and I want to extend my deep respect and appreciation to those who serve on this committee now and who have served past and present. Until you have undergone that, until you have undergone that, you cannot really understand how difficult it is. And how happy you are when your term of office ends. But I want to salute them, all of them, past and present, for their important work.

I have deep respect for what Mr. CAPUANO, striving to work in a bipartisan way, has tried to achieve. Adopting the Capuano Task Force recommendations will provide the public and the House with the assurance that credible, credible allegations of wrongdoing will be addressed by the Ethics Committee in a timely fashion. I emphasize the word ''credible'' because I have no doubt that the main target of this, and who do you think the main target of any outside groups to this group will be? You're looking at her. You are looking at her.

But I am willing to take that risk because I also trust, yes, I also trust, my polite colleagues, I also trust that this group will rid itself of frivolous, baseless complaints and send a message to those who would file repeated frivolous complaints that is their price to pay to do this. I consider this a protection.

It will bring an additional measure of transparency to the ethics enforcement process. It creates this transparency, I think it is important to note, without compromising the House's constitutional prerogatives to discipline its Members without interfering with the work of the Ethics Committee and without altering the substantive rules governing the conduct of the committee's deliberations.

I fully realize that bringing non-Members to this enforcement mechanism is not only a step forward; it is a departure. It is a departure from the traditions of the House.

To those who have those concerns, I pledge that I will work closely with my friend, the Republican leader, Mr. BOEHNER, to jointly appoint the members of this new Office of Congressional Ethics, fair men and women who understand the importance of nonpartisan behavior and the compelling need to act fairly to protect the interests of the public, the House, and especially the Members.

□ 2115

Finally, Mr. Speaker, I pledge that the House leadership, and I know I heard, listened with great interest to what Mr. HOYER had to say about this, and thank you, Mr. HOYER, for your extraordinary leadership on making Congress more accountable and live up to a high ethical standard. Our leadership will closely monitor the work of the new Office of Congressional Ethics and continually review all reasonable proposals intended to guarantee the highest ethical conduct and a more transparent and effective ethics process. Whether they relate to the new panel or the Ethics Committee itself, if additional changes are required, we will propose them.

And since I mentioned Mr. HOYER's name, I want to associate myself with one of the remarks he made. I thought it was 30 days. Mr. HOYER said 45 days. But in a very short period of time, according to the proposal that the Republicans are putting forth, in a very short period of time if the Ethics Committee had not disposed of those charges, they would go to the Justice Department. They would go to the Justice Department.

Well, the Ethics Committee is about the rules of the House, about conducting ourselves in a way that brings honor to the House. Many of those issues are not matters for the Justice Department. The Justice Department knows when its jurisdiction should weigh in.

This is about the facts, the rules of the House, and sometimes the law of the land. It's not about hearsay, rumor, suspicion, I thought so, somebody told me. It's about the facts, the rules and the law of the land. That is all that matters. That is all that matters.

I think that this evening this Congress has an opportunity to send a message to the American people, and as we do, each and every one of us does as well. Our votes will speak for themselves. We are willing to take a chance to make a vote on something we might have written differently. And I don't know one bill I've ever voted for that I wouldn't have, something you might have written differently, but something that can strive to remove the doubt that is in the minds of the American people about the integrity of this body.

I hope that you will all join in voting for this. It is worthy of your support. I know that, with my vote, I will be able to say I did everything I could, respecting the work of those who undertook this for practically 1 year to come up with a proposal that was fair, that was effective, and that helped us drain the swamp and say to our bosses, the people who sent us here, we honor you with our service, and we pledge to you that we will always serve in a Congress that upholds the highest ethical standard.

This is an important vote. I urge our colleagues to vote ''aye.'' And I thank Mr. CAPUANO once again for his extraordinary leadership.

Mr. DREIER. Mr. Speaker, we can attain the bipartisanship that the distinguished Speaker and the majority leader would like us to have. We can do so by defeating the previous question so that we can make that in order.

I am happy to yield the balance of our time to my friend from Westchester, Ohio, the distinguished Republican leader, Mr. BOEHNER.

Mr. BOEHNER. My colleagues, rebuilding the bonds of trust between those of us who serve in this institution and the American people should be our highest priority. And I think the American people have every right to expect the highest ethical standards of every Member of this institution, and I think it is our obligation to deliver on that commitment to the American people.

Clearly, the Speaker believes that we need to establish this Office of Congressional Ethics because the Ethics Committee process is broken. Let me say, I agree with her. It is broken. It didn't work under Republican control here for at least the last 5 or 6 years that we had the majority in this House, and the lack of evidence that I've seen over the last 15 months, it's not worked well under the Democratic majority either.

In December of 2006, as the Speaker was waiting to take her position, she and I sat down and we talked about this. I expressed to her at the time my serious reservations about some outside, independent group that was responsible to no one. And I mentioned to the Speaker at the time that I thought that our obligations, as the leaders of this institution, were to stand up to make sure that this process really did work.

I think every Member of this institution wants the Ethics Committee process to work fairly, to work honestly, and to work in a bipartisan fashion, because it is our obligation to the American people and the obligation of each and every one of us, for the future of this institution, to make sure that this process works fairly, honestly, and in a bipartisan way.

I was here in 1991. Some of you were. Most of you weren't. I was standing right on the back wall when I and some of my colleagues had information that we read in USA Today about Members of Congress bouncing 8,300-some-odd checks the year before at the House bank. Some of us wanted to know why or how, what was going on at the House bank. And before we could get to the microphones with our privileged resolution, the Speaker of the House was down here in the well of the House. The majority leader was down here in the well of the House. Even the Republican leader was here in the well of the House, and all three of them basically said the same thing: We didn't do anything wrong, and we won't do it again.

So, for those of you that have concerns about the habits of this institution to sweep these issues under the rug, I saw it, and I've seen it since on both sides of the aisle.

When we will not rise up to meet our responsibility as Members, to judge each other and to hold ourselves to a higher ethical standard, I know that tendency. And for those new Members that are here who want to bring this process and make it more transparent and make it more open, trust me, there's no one who will work more closely with you to make it happen. The Ethics Committee process, again, I'm going to say it again, needs to work fairly, it needs to work honestly, and it needs to work in a bipartisan fashion.

In 2005 and 2006, the then minority leader, Ms. PELOSI, the minority whip, Mr. HOYER, castigated the majority to no end over the issue of, it might have been in 2004 and 2005, over the issue of making changes to the ethics process and the ethics rules in a partisan manner. And I agreed with them. And those changes were later rescinded by a vote in this House.

But over the last 15 months, three times we've had bipartisan, I mean partisan changes to the rules brought to the floor of this House and forced down Members' throats. Three times. Tonight is the fourth time, the fourth time that we've gone down the same path that people decried and decried. And I think all of us on both sides of the aisle know that if this process is going to work fairly and honestly and in a bipartisan manner, it needs to be written in a bipartisan manner. No other way around it.

The members of the task force, MIKE CAPUANO, the gentleman from Massachusetts, the other three Democrat members, LAMAR SMITH and the other three Republican members really did hard work and really tried to come to some agreement. But when you start to create this outside entity, as an excuse, as a way of saying we're doing something, instead of actually fixing the problem, that's where we could never come to an agreement.

I look around this House and I know that there are a majority of the Members of this House who are opposed to the creation of this Office of Congressional Ethics. I see you. I know who you are. You all know it.

We've been through this process. The 18 years that I've been here, we've been through this process of self-flagellating ourselves and introducing new ethics packages, passing them on the floor of the House, all of it, all of it under some rules of public pressure.

But what we really have never done is to create an ethics process that does work fairly and honestly in a bipartisan manner. I don't know what goes on down there, and I understand there's a reason for some secrecy, but to have some idea that something is moving in the ethics process would be helpful, to know that they are investigating case number whatever it is and that it will move.

But I do think that the proposal that we have tonight before us is partisan. I don't think it'll work. And I don't think it's in the best interest of the American people or this institution.

The current Ethics Committee is made up of five members appointed by the Speaker and five members appointed by the minority leader. It's bipartisan. The problem we have is that the process itself has not worked. And it's been frankly 10 years since it's worked very well. Now, there's a lot of ways to make it work. I think more transparency and more accountability. And I think Members could come to an agreement on making that process work, although I do believe the most important thing that will make it work is a commitment by the leaders on both sides of the aisle to say, we expect the Ethics Committee to work; we expect them to do our job. And the two leaders need to stand there and uphold those Members and the work that they do on behalf of this entire House. It can happen.

But the new proposal is three Members appointed by the Speaker and three Members appointed by myself and we have to come to an agreement. We have six Members that we could, six Members on this outside organization that we could agree on.

Now, the Speaker and I have come to some agreements here over the last couple of weeks, and it's been a very nice and wonderful experience. But to think that we can come to an agreement on six people to serve on this outside panel strikes me as a stretch. I can't imagine who in their right mind would want to serve on this outside panel because of the fighting that's going to occur, not by Members, but by partisan groups on both sides who are going to want to be filing frivolous complaints. And the problem with this outside process is that it does not have the secrecy and accountability that's necessary to ensure that Members' reputations aren't drug through the mud by some partisan charge that may have no basis in fact at all. None.

Now, if the bipartisan process that we have called the Ethics Committee doesn't work, why would we think that this bipartisan outside Ethics Committee is going to work any better?

I just want to say that this institution means a lot to me. It means a lot to, I think, all of us who serve. And before I came to the floor, I was watching the proceedings from my office, and I saw the new Member, the gentleman from Illinois, sitting here, probably was scratching his head wondering on his first day in Congress he's in the middle of this big partisan fight. It's not usually this way. But I've got to tell you that it really isn't usually this way.

What we're about to undertake here is something that will never be undone, if we do it. And if we do it wrong, which I believe it is being done wrong, it will be something that this institution and its Members will live with for a long, long time to come.

□ 2130

And I think there's only one real answer, and I want all of my colleagues to really seriously consider doing the right thing tonight. I think that we ought to defeat the previous question. I think that we ought to send this back to a committee that can, in a bipartisan way, find a way to make the Ethics Committee process work in the fair,

honest and bipartisan manner in which we all want it to work. Let's not paper over the problem. Let us go fix the problem, and the problem is the Ethics Committee process itself.

And so I would ask my colleagues to thank the great work of the bipartisan group of Members who tried to put this together, thank them for their job and the job they did for this institution. But let's also reject this proposal, agree that we will work together in a bipartisan way to do the right thing for our Members, our colleagues, this institution and for the American people.

Defeat the previous question.

Ms. SUTTON. Mr. Speaker, I insert a March 11 letter from the Ethics Committee chairwoman, Stephanie Tubbs Jones, into the RECORD at this point.

HOUSE OF REPRESENTATIVES, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT,

Washington, DC, March 11, 2008.

DEAR COLLEAGUES: Today, I am disappointed that the Ranking Member of the Ethics Committee, Representative Doc Hastings, would violate the Ethics Committee's confidentiality rules by releasing a confidential communication between two attorneys who work for the Committee.

Both Representative Hastings and I agreed that the Ethics Committee could not and should not give advice to the committee charged by House Leadership with reviewing the ethics process itself. In his letter, Representative Hastings said ''Upon receipt of his letter, I shared Rep. Smith's request with Chairwoman Tubbs Jones and urged her to join me in submitting official comments to Rep. Capuano's task force on behalf of our Committee—a request to which she did not agree''. That is not true. We did however agree to send a letter outlining the functions of the ethics committee process which is signed by both Representative Hastings and myself. (This letter is available upon request). We also agreed to allow our counsel to attend some of the meetings of the outside ethics committee and to address some of the concerns we raised. Some of these concerns are reflected in the Office of Congressional Ethics' final product.

Indeed the Oath of Office, Rule 7(a), proscribes this conduct when we declare ''I do solemnly swear (or affirm) that I will not disclose, to any person or entity outside the Committee on Standards of Official Conduct, any information received in the course of my service with the Committee, except as authorized by the Committee or in accordance with its rules.''

Rule 7(d) provides that Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including but not limited to: (i) the fact of nature of any complaints; (ii) executive session proceedings; (iii) Committee or subcommittee report, study or other document which purports to express the views, findings, conclusions or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer or employee, of the House.

Today, Representative Hastings stated he had no desire to release ''the memo'' if this matter had not come to the floor. If Representative Hastings was as altruistic as he claims to be having had this memo since November 2007, he would have initiated a process whereby our counsel could have time to prepare a response that might have been available for public review after being approved by the Chair and Ranking Member. This ''memo'' was actually an internal email communication between lawyers of the Committee and not approved for release by the Chair or Ranking Member. By releasing the said internal communication, Representative Hastings could in fact reduce the confidence that the nonpartisan counsel has in communicating with members uncertain that their work product would be kept confidential.

Representative Hastings' reliance on Rule 7(g) which states, ''Unless otherwise determined by a vote of the Committee, only the Chairman or Ranking Minority Member of the Committee, after consultation with each other, may make public statements regarding matters before the Committee of any subcommittee, does not relieve him of the obligation to comply with the rules of confidentiality.

As Chair of the Ethics Committee, I have taken great strides not to give an opinion on the proposed Office of Congressional Ethics and I had hoped that my ranking member could place himself above the fray and not act for a partisan purpose. I see now that he cannot.

I do not seek to have sanctions brought against Representative Hastings at this time in hope that we can continue the work of this bipartisan committee. I do however want to make it clear that if he continues to release confidential communication, I will seek to have him sanctioned for violations of the Code of Official Conduct.

Sincerely,

STEPHANIE TUBBS JONES,
Chairwoman.

Mr. Speaker, when the laws and congressional rules are violated, the American people suffer. They suffer in policy and they suffer in spirit. They're cheated out of their right to proper representation. When Americans went to the polls in the last election, they sent a clear message that they are concerned about the state of our government. The American people want to know that we are here for them, not for the lobbyists, not for special interests and not for self-interest. They deserve nothing less. That is what this is about.

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

Mr. DINGELL. Mr. Speaker, I have a number of concerns about the resolution before us today. First, I am concerned that granting the power and authority to investigate Members of Congress to an independent, outside entity cedes away too much of the power granted to the legislative branch by the Constitution of the United States. We need to be clear about what it is we are doing today; we are altering the scheme created by Framers of the Constitution in a way that weakens this body.

The Constitution grants Members of Congress important protections that allow us to carry out our official duties free from the threat of investigation by an outside entity. Among other things, the immunity provided by the speech and debate clause allows us too vigorously pursue our oversight responsibilities without fear of retribution. Rather than allow some outside body to decide the standards that should be used to judge whether a Member of Congress is capable and responsible enough to carry out his or her duties, the Constitution vests that power in the voters, and with Congress itself.

I understand the problem that this resolution is attempting to address: People in this country are losing faith in the institutions of government. I believe that delegating the authority for investigating Members of Congress to an outside entity only confirms these fears. I believe that rather than giving into the skepticism and cynicism inherent in this view, we need to show people that government is responsible and that it can work.

If the Committee on Standards and Conduct is no longer capable of carrying out this responsibility, by all means we should find a way to reform it, empower it, and give it the tools it needs to uphold the integrity of this body. However, it seems to me that it would be unwise and unnecessary for us to tell the American people that we are no longer capable of policing our own.

Regardless of what we do here today, it will remain up to the voters to decide who represents them in this body. As the dean of the House, I have had the privilege to serve in this body and represent the people of my District for many years. During my time in the House I have witnessed politicians be indicted, be forced to resign because of public pressure, and be investigated and reprimanded by the House. I have also seen politicians accused of wrongdoing, or tarnished by the mere appearance of wrongdoing, who have been given the opportunity to make their case before the voters and return to this body.

In today's world, where the Internet and 24 hour cable news amplify and repeat almost any charge, regardless of its veracity, it seems unlikely that many Members of Congress will be able to avoid public scrutiny if they commit illegal or unethical acts. The question before us is not whether we want those who commit such acts to go unpunished, but what is the best way to ensure that they are held accountable. While I respect the views of those who believe an independent office is necessary, I cannot bring myself to agree. Ultimately, I will place my faith in the voters and in this body to ensure that the House of Representatives remains a strong and honorable institution.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 895, establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes, introduced by my distinguished colleague from Massachusetts, Representative CAPUANO. This important legislation will establish an independent Office of Congressional Ethics in the House of Representatives that will address concerns about House transparency and accountability.

Ethics and legal scandals plagued the Republican Congress. The cozy relationship between Congress and special interests we saw during the 109th Congress resulted in serious lobbying scandals, such as those involving Jack Abramoff.

But that is not all. Under the previous Republican leadership of the House, lobbyists were permitted to write legislation, 15-minute votes were held open for hours, and entirely new legislation was sneaked into signed conference reports in the dead of night.

The American people registered their disgust at this sordid way of running the Congress last November and voted for reform. Democrats picked up 30 seats held by Republicans and exits polls indicated that 74 percent of voters cited corruption as an extremely important or a very important issue in their choice at the polls.

Ending the culture of corruption and delivering ethics reform is one of the top priorities of the new direction Congress. That is why as our first responsibility in fulfilling the mandate of this critical election, Democrats offered and passed last year an aggressive ethics reform package. Today, we are here to pass yet another piece of ethics legislation, illuminating that this Democratic Congress has nothing to hide. We are committed to accountability and financial transparency and as such will continue to pass ethics legislation until we are satisfied that any and all ethics concerns have been addressed. We seek to end the excesses we witnessed under the Republican leadership and to restore the public's trust in the Congress of the United States.

This important legislation amends Rule XXVI, Financial Disclosure, of the Rules of the House by requiring members of the board of the Office of Congressional Ethics to file annual financial disclosure reports with the Clerk of the House. It furthermore Amends Rule XI, Procedures of Committees and Unfinished Business, to permit the Committee on Standards of Official Conduct to undertake an investigation upon receipt of a report regarding a referral from the Office of Congressional Ethics and sets forth provisions concerning the public disclosure of board findings. The rules outlined within this legislation state that the board is directed to address any joint allegation within 7 calendar days, ensuring that any and all allegations are expediently handled. Through the creation of the Office of Congressional Ethics, the House will significantly increase the transparency and accountability of its ethics enforcement process through greater timely reporting by a body of individuals who are independent from the House.

Mr. Speaker, it is wholly fitting and proper that the Members of this House, along with all of the American people, paid fitting tribute to the late President Gerald R. "Jerry" Ford, a former leader in this House, who did so much to heal our Nation in the aftermath of Watergate. Upon assuming the Presidency, President Ford assured the Nation: "My fellow Americans, our long National nightmare is over." By his words and deeds, President Ford helped turn the country back on the right track. He will be forever remembered for his integrity, good character, and commitment to the national interest.

This House today faces a similar challenge. To restore public confidence in this institution, we must commit ourselves to being the most honest, most ethical, most responsive Congress in history. We can end the nightmare of the last 6 years by putting the needs of the American people before those of the lobbyists and special interests. To do that, we must establish an independent Office of Congressional Ethics, and as such I offer my whole-hearted support to this legislation.

Mr. Speaker, I am proud to support H. Res. 895 and I urge my colleagues to join me in supporting this important legislation.

Ms. SUTTON. Mr. 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 ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 15-minute vote on the previous question will be followed by 5-minute votes on any question arising without intervening business.

The vote was taken by electronic device, and there were—yeas 207, nays 206, not voting 17, as follows:

[Roll No. 121]

YEAS—207

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyda (KS)
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Clarke
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Foster
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kind
Klein (FL)
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)
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
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
Sires
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wu
Yarmuth

NAYS—206

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Chandler
Clay
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
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
Meeks (NY)
Melancon
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)
Putnam
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—17

Boucher
Capito
Davis, Lincoln
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Renzi
Ros-Lehtinen
Rush
Tancredo
Thompson (MS)
Woolsey
Wynn

□ 2159

Messrs. JOHNSON of Illinois, HINCHEY, BUTTERFIELD, STUPAK, BISHOP of Georgia, and CLEAVER changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRIES

Mr. BLUNT. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized.

Mr. BLUNT. Am I right that the rules of the House read, "A Record vote by electronic device shall not be held open for the sole purpose of reversing the outcome of such vote?"

The SPEAKER pro tempore. The gentleman is correct.

Mr. BLUNT. Mr. Speaker, am I correct that that was a rule change that was made this Congress this year?

The SPEAKER pro tempore. At the start of this Congress, that is correct.

Mr. BLUNT. Mr. Speaker, parliamentary inquiry. Am I right in inquiring that the majority has said that any vote that doesn't change for 3 minutes and then changes is a vote being changed for the purpose of changing votes?

The SPEAKER pro tempore. Has the gentleman asked the chair to interpret what the majority has said?

Mr. BLUNT. May I restate my parliamentary inquiry, Mr. Speaker?

The SPEAKER pro tempore. The gentleman may restate the parliamentary inquiry.

Mr. BLUNT. Parliamentary inquiry. Mr. Speaker, if the rule is violated that the majority put in the rules package this year, does that eviscerate the vote?

The SPEAKER pro tempore. An alleged violation of 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker. Does this rule have any impact at all?

□ 2200

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. DREIER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California is recognized.

Mr. DREIER. Mr. Speaker, I would like to inquire of the Chair, what is the procedure to move ahead to ensure that we have enforcement of rule IX?

The SPEAKER pro tempore. As previously stated, an alleged violation of clause 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is recognized.

Mr. BLUNT. If the vote is necessary for another vote to occur, what's the parliamentary way to challenge that vote before the subsequent vote occurs?

The SPEAKER pro tempore. The challenge would occur collaterally—that is, after the fact.

Mr. FRANK of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. FRANK of Massachusetts. Mr. Speaker, is blatant hypocrisy a violation of the rules of the House?

The SPEAKER pro tempore. That is not a proper parliamentary inquiry.

Mr. BLUNT. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Missouri is recognized for purposes of parliamentary inquiry.

Mr. BLUNT. What is the proper motion to ask that that vote be reconsidered?

The SPEAKER pro tempore. Any Member on the prevailing side may move to reconsider.

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Ohio is recognized.

Mr. BOEHNER. Mr. Speaker, did I understand that to challenge the vote on the previous question that it would rise to a question of the privileges of the House? Is that correct?

The SPEAKER pro tempore. Such a matter could qualify as a question of privilege.

Mr. BOEHNER. Mr. Speaker, I believe that the privileges of the House have been dishonored, that the rules have been violated.

The SPEAKER pro tempore. Does the gentleman have a parliamentary inquiry? The gentleman is recognized for purposes of parliamentary inquiry.

Mr. BOEHNER. Mr. Speaker, when could I introduce a privileged motion?

The SPEAKER pro tempore. A privileged resolution may be entertained after the conclusion of the pending rule.

Mr. BOEHNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman is recognized for purposes of parliamentary inquiry.

Mr. BOEHNER. If I can't offer a privileged resolution until this business has been completed, there will have been a vote taken on final passage of this rule, which basically takes my remedy away from me. I believe that under the rule as written by the majority that a vote cannot be held open solely for the purpose of trying to change the outcome. It was violated.

The SPEAKER pro tempore. The Chair has described the challenge as collateral.

An alleged violation of clause 2(a) of rule XX may give rise to collateral challenge in the form of a question of the privileges of the House pursuant to rule IX.

The question is on the resolution.

Mr. BOEHNER. Mr. Speaker, I move to adjourn.

The SPEAKER pro tempore. The motion to adjourn is not in order.

Mrs. CUBIN. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman from Wyoming is recognized for purposes of a parliamentary inquiry.

Ms. CUBIN. Mr. Speaker, I'm under the impression that the delegates from the territories' vote cannot be counted when it makes a difference in the outcome of the vote. So could you tell me when those votes can be considered and when they can't be considered?

The SPEAKER pro tempore. The rule to which the gentlewoman refers is applicable to the Committee of the Whole only.

The question is on the resolution.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on adoption will be followed by 5-minute votes on any question arising without intervening business; and the motion to suspend the rules on H. Res. 936.

The vote was taken by electronic device, and there were—yeas 229, nays 182, answered ''present'' 4, not voting 15, as follows:

[Roll No. 122]

YEAS—229

Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyda (KS)
Brady (PA)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Clarke
Clyburn
Cohen
Conyers
Cooper
Costa
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Fossella
Foster
Frank (MA)
Gerlach
Giffords
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kind
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Reynolds
Richardson
Rodriguez
Ross
Rothman
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Wittman (VA)
Wu
Yarmuth

NAYS—182

Abercrombie
Aderholt
Akin
Alexander
Bachmann
Bachus
Baird
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boustany
Boyd (FL)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chandler
Clay
Cleaver
Coble
Cole (OK)
Conaway
Costello
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dingell
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
Everett
Fallin
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Hensarling
Herger
Hinchey
Hobson
Hoekstra
Hunter
Inglis (SC)
Issa
Jackson-Lee (TX)
Johnson, Sam
Jordan
Kaptur
King (IA)
King (NY)
Kingston
Kline (MN)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller, Gary
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pastor
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Regula
Rehberg
Reichert
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sanchez, Loretta
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Stark
Stearns
Sullivan
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Waters
Weldon (FL)
Weller
Westmoreland
Whitfield (KY)
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—4

Delahunt
Doyle
Jones (OH)
Roybal-Allard

NOT VOTING—15

Capito
Hooley
Kilpatrick
Mitchell
Oberstar
Pryce (OH)
Radanovich
Rangel
Renzi
Ros-Lehtinen
Rush
Tancredo
Thompson (MS)
Woolsey
Wynn

□ 2227

Mr. GILCHREST changed his vote from ''yea'' to ''nay.''

Messrs. MEEKS of New York, MCHUGH, WITTMAN of Virginia, ORTIZ, HINOJOSA, REYNOLDS, HILL, and ENGLISH of Pennsylvania changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. WEINER). By the adoption of House Resolution 1031, House Resolution 895, as amended, stands adopted.

The text of House Resolution 895, as amended, is as follows:

H. RES. 895

Resolved,

SECTION 1. ESTABLISHMENT OF THE OFFICE OF CONGRESSIONAL ETHICS.

(a) ESTABLISHMENT.—For the purpose of assisting the House in carrying out its responsibilities under article I, section 5, clause 2 of the Constitution (commonly referred to as the ''Discipline Clause''), there is established in the House an independent office to be known as the Office of Congressional Ethics (hereinafter in this section referred to as the ''Office'').

(b) BOARD.—(1) The Office shall be governed by a board consisting of six individuals of whom three shall be nominated by the Speaker subject to the concurrence of the minority leader and three shall be nominated by the minority leader subject to the concurrence of the Speaker. The Speaker shall nominate at least one alternate board member subject to the concurrence of the minority leader and the minority leader shall nominate at least one alternate board member subject to the concurrence of the Speaker. If any vacancy occurs in the board, then the most senior alternate board member nominated by the same individual who nominated the member who left the board shall serve on the board until a permanent replacement is selected. If a permanent appointment is not made within 90 days, the alternate member shall be deemed to have been appointed for the remainder of the term of the member who left the board and the Speaker or the minority leader, as applicable, shall nominate a new alternate subject to the concurrence of the other leader.

(2) The Speaker and the minority leader each shall appoint individuals of exceptional public standing who are specifically qualified to serve on the board by virtue of their education, training, or experience in one or more of the following fields: legislative, judicial, regulatory, professional ethics, business, legal, and academic.

(3) The Speaker shall designate one member of the board as chairman. The minority leader shall designate one member of the board as cochairman. The cochairman shall act as chairman in the absence of the chairman.

(4)(A) Selection and appointment of members of the board shall be without regard to political affiliation and solely on the basis of fitness to perform their duties.

(B)(i) No individual shall be eligible for appointment to, or service on, the board who—

(I) is a lobbyist registered under the Lobbying Disclosure Act of 1995;

(II) has been so registered at any time during the year before the date of appointment;

(III) engages in, or is otherwise employed in, lobbying of the Congress;

(IV) is an agent of a foreign principal registered under the Foreign Agents Registration Act;

(V) is a Member; or

(VI) is an officer or employee of the Federal Government.

(ii) No individual who has been a Member, officer, employee of the House may be appointed to the board sooner than one year after ceasing to be a Member, officer, or employee of the House.

(5) A vacancy on the board shall be filled for the unexpired portion of the term, utilizing the process set forth in paragraph (1).

(6)(A) Except as provided by subparagraph (B), terms on the board shall be for two Congresses. A member of the board may not serve during more than four consecutive Congresses.

(B) Of the individuals appointed in the 110th Congress to serve on the board, 4 shall be designated at the time of appointment to serve only for the remainder of that Congress. Any such individual may be reappointed for an additional term of two Congresses.

(C) Any member of the board may be removed from office for cause by the Speaker and the minority leader, acting jointly, but not by either, acting alone.

(7) A member of the board shall not be considered to be an officer or employee of the House, but shall receive a per diem equal to the daily equivalent of the minimum rate of basic pay payable for GS–15 of the General Schedule for each day (including travel time) during which such member is engaged in the performance of the duties of the board.

(8) A majority of the members of the board shall constitute a quorum.

(9) The board shall meet at the call of the chairman or a majority of its members pursuant to its rules.

(c) POWERS.—The board is authorized and directed to:

(1)(A) Within 7 calendar days (excluding Saturdays, Sundays, and public holidays) after receipt of a joint written request from 2 members of the board (one of whom was nominated by the Speaker and one by the minority leader) to all board members to undertake a preliminary review of any alleged violation by a Member, officer, or employee of the House of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities, along with a brief description of the specific matter, initiate a preliminary review and notify in writing—

(i) the Committee on Standards of Official Conduct of that preliminary review and provide a statement of the nature of the review; and

(ii) any individual who is the subject of the preliminary review and provide such individual with a statement of the nature of the review.

(B) Within 30 calendar days or 5 legislative days, whichever is later, after receipt of a request under subparagraph (A), complete a preliminary review.

(C) Before the end of the applicable time period, vote on whether to commence a second-phase review of the matter under consideration. An affirmative vote of at least 3 members of the board is required to commence a second-phase review. If no such vote to commence a second-phase review has succeeded by the end of the applicable time period, the matter is terminated. At any point before the end of the applicable time period, the board may vote to terminate a preliminary review by the affirmative vote of not less than 4 members. The board shall notify, in writing, the individual who was the subject of the preliminary review and the Committee on Standards of Official Conduct of its decision to either terminate the preliminary review or commence a second-phase review of the matter. If the board votes to terminate the preliminary review, then it may send a report and any findings to such committee.

(2)(A)(i) Except as provided by item (ii), complete a second-phase review within 45 calendar days or 5 legislative days, whichever is later, after the board commences such review.

(ii) Extend the period described in subparagraph (A) for one additional period of 14 calendar days upon the affirmative vote of a majority of its members, a quorum being present.

(B) Transmit to the Committee on Standards of Official Conduct a recommendation that a matter requires further review only upon the affirmative vote of not less than 4 members of the board.

(C) Upon the completion of any second-phase review undertaken—

(i) transmit to the Committee on Standards of Official Conduct the following—

(I) a written report composed solely of—

(aa) a recommendation that the committee should dismiss the matter that was the subject of such review;

(bb) a statement that the matter requires further review; or

(cc) a statement that the matter is unresolved because of a tie vote; and

the number of members voting in the affirmative and in the negative and a statement of the nature of the review and the individual who is the subject of the review;

(II) its findings, if any, composed solely of—

(aa) any findings of fact;

(bb) a description of any relevant information that it was unable to obtain or witnesses whom it was unable to interview, and the reasons therefor;

(cc) a recommendation for the issuance of subpoenas where appropriate, if any; and

(dd) a citation of any relevant law, rule, regulation, or standard of conduct;

but not the names of any cooperative witnesses or any conclusions regarding the validity of the allegations upon which it is based or the guilt or innocence of the individual who is the subject of the review; and

(III) any supporting documentation; and

(ii) transmit to the individual who is the subject of the second-phase review the written report of the board described in clause (i).

(D) Hold such hearings as are necessary and sit and act only in executive session at such times and places and solicit such testimony and receive such relevant evidence as may be necessary to carry out its duties.

(E) Pay witnesses appearing before the Office in the same manner as prescribed by clause 5 of rule XI of the Rules of the House of Representatives.

(F) Adopt rules to carry out its duties, which shall include each of the following:

(i) A rule providing that—

(I) the board may vote to terminate a preliminary review on any ground, including that the matter under review is de minimis in nature; and

(II) the board may vote to recommend to the Committee on Standards of Official Conduct that the committee should dismiss a matter that was the subject of a second-phase review on any ground, including that the matter under review is de minimis in nature.

(ii) A rule requiring that all witnesses sign a statement acknowledging their understanding that the text of section 1001 of title 18, United States Code (popularly known as the False Statements Act) applies to their testimony and to any documents they provide.

(iii) A rule requiring that there be no ex parte communications between any member of the board or staff of the Office and any individual who is the subject of any review by the board or between any member and any interested party, and that no Member, officer, or employee of the House may communicate with any member of the board or staff of the Office regarding any matter under review by the board except as authorized by the board.

(iv) A rule that establishes a code of conduct to govern the behavior of its members and staff, which shall include the avoidance of conflicts of interest.

(d) REQUESTS FROM COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—(1) Notwithstanding any other provision of this section, upon receipt of a written request from the Committee on Standards of Official Conduct that the board cease its review of any matter and refer such matter to the committee because of the ongoing investigation of such matter by the committee, the board shall refer such matter to the committee and cease its preliminary or second-phase review, as applicable, of that matter and so notify any individual who is the subject of the review. In any such case, the board shall send a written report to the committee containing a statement that, upon the request of that committee, the matter is referred to it for its consideration, but not any findings.

(2) If the Committee on Standards of Official Conduct notifies the board in writing that it is unable to resolve any matter described in paragraph (1), the board shall immediately begin or continue, as the case may be, a second-phase review of the matter.

(e) LIMITATIONS ON REVIEW.—No review shall be undertaken by the board of any alleged violation of law, rule, regulation or standard of conduct not in effect at the time of the alleged violation; nor shall any review be undertaken by the board of any alleged violation that occurred before the date of adoption of this resolution.

(f) PROHIBITION ON PUBLIC DISCLOSURE.—(1)(A) When an individual becomes a member of the board or staff of the Office, that individual shall execute the following oath or affirmation in writing: ''I do solemnly swear (or affirm) that I will not disclose to any person or entity outside of the Office any information received in the course of my service with the Office, except as authorized by the board as necessary to conduct official business or pursuant to its rules.''. Copies of the executed oath shall be provided to the Clerk of the House as part of the records of the House.

(B) No testimony received or any other information obtained as a member of the board or staff of the Office shall be publicly disclosed by any such individual to any person or entity outside the Office. Any communication to any person or entity outside the Office may occur only as authorized by the board as necessary to conduct official business or pursuant to its rules.

(C) The Office shall establish procedures necessary to prevent the unauthorized disclosure of any information received by the Office. Any breaches of confidentiality shall be investigated by the board and appropriate action shall be taken.

(2) Paragraph (1) shall not preclude presenting its report or findings or testifying before the Committee on Standards of Official Conduct by any member of the board or staff of the Office if requested by such committee pursuant to its rules.

(3) Before the board votes on a recommendation or statement to be transmitted to the Committee on Standards of Official Conduct relating to official conduct of any Member, officer, or employee of the House, it shall provide that individual the opportunity to present, orally or in writing (at the discretion of the board), a statement to the board.

(g) PRESENTATION OF REPORTS TO COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Whenever the board transmits any report to the Committee on Standards of Official Conduct relating to official conduct of any Member, officer, or employee of the House, it shall designate a member of the board or staff to present the report to such committee if requested by such committee.

(h) COMPENSATION OF STAFF.—Upon the affirmative vote of at least 4 of its members, the board may appoint and fix the compensation of such professional, non-partisan staff as it considers necessary to perform its duties.

(i) TERMINATION OF STAFF.—Members of the staff may be terminated during a Congress solely by the affirmative vote of at least 4 members of the board.

(j) REIMBURSEMENTS.—The board may reimburse its members and staff for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties in the same manner as is permissible for such expenses of other employees of the House.

(k) AGREEMENTS; RETENTION OF DOCUMENTS BY THE CLERK.—(1) Before any individual who is appointed to serve on the board (including an individual who is an alternate) or before any individual is hired to be a staff member of the Office may do so, the individual shall execute a signed document containing the following statement: ''I agree not to be a candidate for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress for purposes of the Federal Election Campaign Act of 1971 until at least 3 years after I am no longer a member of the board or staff of the Office of Congressional Ethics.''

(2) Copies of the signed and executed document shall be retained by the Clerk as part of the records of the House. The Clerk shall make the signatures a matter of public record, causing the names of each individual who has signed the document to be published in a portion of the Congressional Record designed for that purpose, and make cumulative lists of such names available on the web site of the Clerk.

(3) The following rules shall be applicable to the staff of the Office:

(A) The staff is to be assembled and retained as a professional, nonpartisan staff.

(B) Each member of the staff shall be professional and demonstrably qualified for the position for which he is hired.

(C) The staff as a whole and each member of the staff shall perform all official duties in a non-partisan manner.

(D) No member of the staff shall engage in any partisan political activity directly affecting any congressional or presidential election.

(E) No member of the staff may accept public speaking engagements or write for publication on any subject that is in any way related to his or her employment or duties with the Office without specific prior approval from the chairman and cochairman.

(l) FUNDING.—There shall be paid out of the applicable accounts of the House such sums as may be necessary for the expenses of the Office. Such payments shall be made on vouchers signed by the chairman of the board and approved in the manner directed by the Committee on House Administration. Amounts made available under this section shall be expended in accordance with regulations prescribed by the Committee on House Administration.

(m) DEFINITION.—As used in this section, the term ''Member'' means any Representative in, or Delegate or Resident Commissioner to, the Congress.

SEC. 2. FINANCIAL DISCLOSURE REPORTS.

Rule XXVI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

''3. Members of the board of the Office of Congressional Ethics shall file annual financial disclosure reports with the Clerk of the House on or before May 15 of each calendar year after any year in which they perform the duties of that position. Such reports shall be on a form prepared by the Clerk that is substantially similar to form 450 of the Office of Government Ethics. The Clerk shall send a copy of each such report filed with the Clerk within the seven-day period beginning on the date on which the report is filed to the Committee on Standards of Official Conduct and shall have them printed as a House document and made available to the public pursuant to clause 1.''.

SEC. 3. CONFORMING AMENDMENTS TO THE RULES OF THE HOUSE.

Clause 3 of rule XI of the Rules of the House of Representatives is amended as follows:

(1) In paragraph (b)(2), strike ''or'' at the end of subparagraph (A), strike the period and insert ''; or'' at the end of subparagraph (B), and add at the end the following new subparagraph:

''(C) upon receipt of a report regarding a referral from the board of the Office of Congressional Ethics.''

(2) At the end of paragraph (b), add the following new subparagraph:

''(8)(A) Except as provided by subdivisions (B), (C), and (D), not later than 45 calendar days or 5 legislative days, whichever is later, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the chairman of the Committee on Standards of Official Conduct shall make public the written report and findings of the board unless the chairman and ranking member, acting jointly, decide or the committee votes to withhold such information for not more than one additional period of the same duration, in which case the chairman shall—

''(i) upon the termination of such additional period, make public the written report and findings; and

''(ii) upon the day of such decision or vote, make a public statement that the committee has voted to extend the matter relating to the referral made by the board of the Office of Congressional Ethics regarding the Member, officer, or employee of the House who is the subject of the applicable referral.

At least one calendar day before the committee makes public any written report and findings of the board, the chairman shall notify such board and the applicable Member, officer, or employee of that fact and transmit to such individual a copy of the statement on the committee's disposition of, and any committee report on, the matter.

''(B)(i) Notwithstanding subdivision (A)(i), if the committee votes to dismiss a matter which is the subject of a referral from the board of the Office of Congressional Ethics, the committee is not required to make public the written report and findings described in such subdivision unless the committee's vote is inconsistent with the recommendation of the board. For purposes of the previous sentence, a vote by the committee to dismiss a matter is not inconsistent with a report from the board respecting the matter as unresolved due to a tie vote.

''(ii) Notwithstanding subdivision (A)(ii), if the board transmits a report respecting any matter with a recommendation to dismiss or as unresolved due to a tie vote, and the committee votes to extend the matter for an additional period as provided in subdivision (A), the committee is not required to make a public statement that the committee has voted to extend the matter.

''(iii) Except as provided by subdivision (E), if the committee establishes an investigative subcommittee respecting any such matter, then the report and findings of the board shall not be made public until the conclusion of the investigative subcommittee process and the committee shall issue a public statement of the establishment of an investigative subcommittee, which statement shall include the name of the applicable Member, officer, or employee, and shall set forth the alleged violation. If any such investigative subcommittee does not conclude its review within one year after the board transmits a report respecting any matter, then the committee shall make public the report and upon the expiration of the Congress in which the report is made public, the committee shall make public any findings.

''(C)(i) If, after receipt of a written report and any findings and supporting documentation regarding a referral from the board of the Office of Congressional Ethics or of a referral of the matter from the board pursuant to a request under paragraph (r), the committee agrees to a request from an appropriate law enforcement or regulatory authority to defer taking action on the matter—

''(I) notwithstanding subdivision (A)(i), the committee is not required to make public the written report and findings described in such subdivision, except that if the recommendation of the board with respect to the report is that the matter requires further review, the committee shall make public the written report but not the findings; and

''(II) before the end of the first day (excluding Saturdays, Sundays, and public holidays) after the day that the committee agrees to the request, the committee shall make a public statement that it is deferring taking action on the matter at the request of such authority.

''(ii) If, upon the expiration of the one-year period that begins on the date the committee makes the public statement described in item (i)(II), the committee has not acted on the matter, the committee shall make a new public statement that it is still deferring taking action on the matter, and shall make a new statement upon the expiration of each succeeding one-year period during which the committee has not acted on the matter.

''(D) The committee may not receive any referral from the board of the Office of Congressional Ethics within 60 days before a Federal, State, or local election in which the subject of the referral is a candidate. The committee may delay any reporting requirement under this subparagraph that falls within that 60-day period until the end of such period and in that case, for purposes of subdivision (A), days within the 60-day period shall not be counted.

''(E) If, at the close of any applicable period for a reporting requirement under this subparagraph with respect to a referral from the board of the Office of Congressional Ethics, the vote of the committee is a tie or the committee fails to act, the report and the findings of the board shall be made public by the committee, along with a public statement by the chairman explaining the status of the matter.''.

(3) At the end, add the following new paragraph:

''(r) Upon receipt of any written notification from the board of the Office of Congressional Ethics that the board is undertaking a review of any alleged conduct of any Member, officer, or employee of the House and if the committee is investigating such matter, the committee may at any time so notify the board and request that the board cease its review and refer the matter to the committee for its consideration. If at the end of the applicable time period (including any permissible extension) the committee has not reached a final resolution of the matter or has not referred the matter to the appropriate Federal or State authorities, the committee shall so notify the board of the Office of Congressional Ethics in writing. The committee may not request the same matter from the board more than one time.''.

SEC. 4. EFFECTIVE DATE.

This resolution and the amendments made by it shall take effect on the date of its adoption, except that the Office of Congressional Ethics shall not undertake any review of any alleged violation by a Member, officer, or employee of the House of any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his duties or the discharge of his responsibilities before 120 days after the date of adoption of this resolution.

ADJOURNMENT

Ms. SUTTON. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 186, not voting 27, as follows:

[Roll No. 123]

YEAS—216

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cooper
Costa
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doolittle
Doyle
Edwards
Ellison
Emanuel
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Feeney
Filner
Frank (MA)
Gillibrand
Gonzalez
Gordon
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kind
King (IA)
Klein (FL)
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCollum (MN)
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Obey
Olver
Ortiz
Pallone
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Pickering
Pomeroy
Price (NC)
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
Stark
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Tierney
Towns
Tsongas
Udall (CO)
Van Hollen

Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (OH)
Wu
Yarmuth

NAYS—186

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono Mack
Boozman
Boucher
Boustany
Brady (TX)
Broun (GA)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Castle
Chabot
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Drake
Dreier
Duncan
Ehlers
Ellsworth
English (PA)
Everett
Fallin
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gingrey
Gohmert
Goode
Goodlatte
Granger
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jordan
Keller
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McDermott
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mollohan
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Rahall
Ramstad
Regula
Rehberg
Reichert
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stupak
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Watt
Westmoreland
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NOT VOTING—27

Capito
Conyers
Cramer
Foster
Holden
Hooley
Johnson, Sam
Kilpatrick
McCarthy (NY)
Melancon
Mitchell
Murtha
Oberstar
Pascrell
Pryce (OH)
Radanovich
Rangel
Renzi
Ros-Lehtinen
Rush
Saxton
Spratt
Tancredo
Thompson (MS)
Weller
Woolsey
Wynn

□ 2243

Mr. ALTIMIRE changed his vote from ''yea'' to ''nay.''

Ms. MOORE of Wisconsin changed her vote from ''nay'' to ''yea.''

So the motion to adjourn was agreed to.

The result of the vote was announced as above recorded.

Accordingly (at 10 o'clock and 44 minutes p.m.) the House adjourned until tomorrow, Wednesday, March 12, 2008, at 10 a.m.

OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> ''I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.''

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 110th Congress, pursuant to the provisions of 2 U.S.C. 25:

BILL FOSTER, Illinois, Fourteenth.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5674. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Add Mauritius to the List of Regions Where African Swine Fever Exists [Docket No. APHIS-2007-0151] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5675. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Mediterranean Fruit Fly; Add Portion of Los Angeles County, CA, to the List of Quarantined Areas [Docket No. APHIS-2008-0004] received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5676. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Codification and Modification of Berry Amendment [DFARS Case 2002-D002] (RIN: 0750-AD76) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5677. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's report on the Community Services Block Grant Discretionary Activities: Community Economic Development and Rural Community Facilities Funded During Fiscal Year 2003; to the Committee on Education and Labor.

5678. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled, ''Radiation Source Use and Replacement,'' pursuant to Public Law 109-58, section 651(d); to the Committee on Energy and Commerce.

5679. A letter from the Acting Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Expanded Authorization for Temporary Exports and Reexports of Tools of Trade to Sudan [Docket No. 071129776-7777-01] (RIN: 0694-AE20) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5680. A letter from the Chief Counsel (Foreign Assets Control), Department of the Treasury, transmitting the Department's final rule — Iranian Assets Control Regulations, Narcotices Trafficking Sanctions Regulations, Burmese Sanctions Regulations, Sudanese Sanctions Regulations, Weapons of Mass Destruction Trade Control Regulations — received February 20, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

5681. A letter from the Director, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule Designating the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and Removing This Distinct Population Segment From the Federal List of Endangered and Threatened Wildlife [[FWS-R6-ES-2008-008] [92220-1113-0000; ABC Code: C6]] (RIN: 1018-AU53) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5682. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries (RIN: 0648-XF39) received February 28, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

5683. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's 2004 Clean Watersheds Needs Survey, as required by Section 516(b)(1)(B) of the Clean Water Act; to the Committee on Transportation and Infrastructure.

5684. A letter from the Assistant Secretary for Import Administration, Department of Commerce, transmitting the annual report on the activities of the Foreign-Trade Zones Board for fiscal year 2006, pursuant to 19 U.S.C. 81p(c); to the Committee on Ways and Means.

5685. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Substitute for Return [TD 9380] (RIN: 1545-BC45) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5686. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting the Department's report entitled, ''The Federal Agency Data Mining Reporting Act of 2007,'' pursuant to Section 804 of the Implementing Recommendations of the 9/11 Commission Act of 2007; to the Committee on Homeland Security.

5687. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Pub. L. 101–576, and the Government Performance and Results Act of 1993, the Corporation's 2007 Annual Report; jointly to the Committees on Financial Services and Oversight and Government Reform.

5688. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Prior Determination for Certain Items and Services [CMS-6024-F] (RIN: 0938-AN10) received February 25, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to

the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BERMAN: Committee on Foreign Affairs. Supplemental report on H.R. 5501. A bill to authorize appropriations for fiscal years 2009 through 2013 to provide assistance to foreign countries to combat HIV/AIDS, tuberculosis, and malaria, and for other purposes (Rept. 110–546, Pt. 2).

Mr. MCGOVERN: Committee on Rules. House Resolution 1036. Resolution Providing for consideration of the concurrent resolution (H. Con. Res. 312) revising the congressional budget for the United States Government for fiscal year 2008, establishing the congressional budget for the United States Government for fiscal year 2009, and setting forth appropriate budgetary levels for fiscal years 2010 through 2013. (Rept. 110–548). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WAXMAN (for himself and Mr. MARKEY):

H.R. 5575. A bill to require new coal-fired electric generating units to use state-of-the-art control technology to capture and permanently sequester carbon dioxide emissions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BUYER (for himself and Mr. LAMBORN):

H.R. 5576. A bill to amend title 38, United States Code, to make certain improvements in the claims processing of the Department of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. THOMPSON of Mississippi (for himself, Ms. JACKSON-LEE of Texas, Mr. MARKEY, Ms. LORETTA SANCHEZ of California, Mr. DICKS, Ms. HARMAN, Mr. DEFAZIO, Mrs. LOWEY, Ms. NORTON, Ms. ZOE LOFGREN of California, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. CUELLAR, Mr. CARNEY, Ms. CLARKE, Mr. AL GREEN of Texas, Mr. PERLMUTTER, and Mr. PASCRELL):

H.R. 5577. A bill to amend the Homeland Security Act of 2002 to extend, modify, and recodify the authority of the Secretary of Homeland Security to enhance security and protect against acts of terrorism against chemical facilities, and for other purposes; to the Committee on Homeland Security, 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. PETERSON of Minnesota (for himself and Mr. GOODLATTE):

H.R. 5578. A bill to extend agricultural programs beyond March 15, 2008, to suspend permanent price support authorities beyond that date, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself and Mr. KANJORSKI):

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; to the Committee on Financial Services.

By Ms. SCHAKOWSKY (for herself, Mr. WAXMAN, Mr. ELLISON, and Ms. HIRONO):

H.R. 5580. A bill to amend the Toxic Substances Control Act to phase out the use of mercury in the manufacture of chlorine and caustic soda, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CAMPBELL of California:

H.R. 5581. A bill to require the Secretary of the Interior to notify units of local government when a Native American group files a petition to become a federally recognized Indian tribe and before the decision on the petition is made, and for other purposes; to the Committee on Natural Resources.

By Mr. CLAY (for himself and Mr. LARSON of Connecticut):

H.R. 5582. A bill to authorize appropriations for the National Historical Publications and Records Commission through fiscal year 2014; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA:

H.R. 5583. A bill to withdraw the Tusayan Ranger District and Federal land managed by the Bureau of Land Management in the vicinity of Kanab Creek and in House Rock Valley from location, entry, and patent under the mining laws, and for other purposes; to the Committee on Natural Resources.

By Mr. GRIJALVA:

H.R. 5584. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a western passage of the CANAMEX Corridor in Arizona, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ISRAEL:

H.R. 5585. A bill to amend title XVIII of the Social Security Act to provide comprehensive cancer patient treatment education under the Medicare Program and to provide for research to improve cancer symptom management; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5586. A bill to amend the Internal Revenue Code of 1986 to expand the availability of the Internal Revenue Service's Taxpayer Assistance Centers; to the Committee on Ways and Means.

By Mr. LEWIS of Georgia (for himself, Mr. JOHNSON of Georgia, and Mr. SCOTT of Georgia):

H.R. 5587. A bill to direct the Secretary of the Army to conduct a comprehensive study of long-term water management in the southeastern United States; to the Committee on Transportation and Infrastructure.

By Mr. MARKEY (for himself, Mr. INSLEE, Mr. HINCHEY, and Mr. LARSON of Connecticut):

H.R. 5588. A bill to prohibit the Secretary of the Interior from offering for oil and gas leasing or any related activity any tract in the Lease Sale 193 Area of the Alaska Outer Continental Shelf Region until the Secretary determines whether to list the polar bear as a threatened species or an endangered species under the Endangered Species Act of 1973, and for other purposes; to the Committee on Natural Resources.

By Mr. MELANCON:

H.R. 5589. A bill to modify the project for navigation, Atchafalaya River and Bayous Chene, Boeuf, and Black, Louisiana, to include an additional area, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself and Mr. CANTOR):

H.R. 5590. A bill to amend title XVIII of the Social Security Act to permit physical therapy services to be furnished under the Medicare Program to individuals under the care of a dentist; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H.R. 5591. A bill to amend the Internal Revenue Code of 1986 to allow nontaxable employer matching contributions to section 529 college savings plans; to the Committee on Ways and Means.

By Mr. REYES (for himself, Mr. GRIJALVA, Mr. CUELLAR, Mr. RODRIGUEZ, Mr. ORTIZ, and Mr. HINOJOSA):

H.R. 5592. A bill to establish grant programs to improve the health of border area residents and for bioterrorism preparedness in the border area, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Mr. SMITH of Texas, and Mr. CANNON):

H.R. 5593. A bill to amend title 5, United States Code, to make technical amendments to certain provisions of title 5, United States Code, enacted by the Congressional Review Act; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska (for himself and Mr. LOBIONDO):

H.R. 5594. A bill to require the Commandant of the Coast Guard to conduct an evaluation and review of certain vessel discharges; to the Committee on Transportation and Infrastructure.

By Mr. HENSARLING (for himself and Mr. CAMPBELL of California):

H. Con. Res. 314. Concurrent resolution establishing a Joint Select Committee on Earmark Reform; to the Committee on Rules.

By Mr. WILSON of South Carolina (for himself, Mr. HENSARLING, Mr. AKIN, Mr. BACHUS, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mrs. BLACKBURN, Mr. BOEHNER, Mr. BRADY of Texas, Mr. BROUN of Georgia, Mr. BURTON of Indiana, Mr. CAMPBELL of California, Mr. CANTOR, Mr. CARTER, Mr. CHABOT, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. DAVID DAVIS of Tennessee, Ms. FALLIN, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GINGREY, Mr. GOHMERT, Ms. GRANGER, Mr. HERGER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE of Minnesota, Mr. LAMBORN, Mr. LATTA, Mr. LEWIS of Kentucky, Mr. LUCAS, Mr. MACK, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. MCHENRY, Mr. MCKEON, Mr. MILLER of Florida, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PENCE, Mr. PITTS, Mr. PLATTS, Mr. POE, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. SALI, Mr. SESSIONS, Mr. SHADEGG, Mr. SMITH of Nebraska, Mr. SMITH of Texas, and Mr. WALBERG):

H. Con. Res. 315. Concurrent resolution supporting the idea that coalition victory in Iraq is possible; to the Committee on Armed Services.

By Mr. PUTNAM:

H. Res. 1034. A resolution electing Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. EMANUEL:

H. Res. 1035. A resolution electing certain Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. KAGEN:

H. Res. 1037. A resolution expressing the need for enhanced public awareness of Hidradenitis Suppurativa, and for the support of the designation of a National Hidradenitis Suppurativa Awareness Month; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself and Mr. KING of New York):

H. Res. 1038. A resolution recognizing the fifth anniversary of the Department of Homeland Security and honoring the Department's employees for their extraordinary efforts and contributions to protect and secure our Nation; to the Committee on Homeland Security.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 248: Mr. CAMPBELL of California.
H.R. 303: Mr. ELLISON.
H.R. 406: Mr. JEFFERSON, Mrs. CAPPS, Mr. ELLISON, Mr. STARK, Mr. PERLMUTTER, Mr. TAYLOR, and Mr. UDALL of Colorado.
H.R. 581: Mr. ENGLISH of Pennsylvania.
H.R. 583: Ms. BEAN and Mr. DAVIS of Illinois.
H.R. 594: Mr. ROSS.
H.R. 618: Mr. BARTON of Texas.
H.R. 631: Mr. KLINE of Minnesota.
H.R. 648: Mr. PASTOR, Mr. TIM MURPHY of Pennsylvania, and Mrs. JONES of Ohio.
H.R. 741: Mr. BOYD of Florida.
H.R. 808: Ms. CLARKE.
H.R. 882: Mr. ANDREWS.
H.R. 1017: Mr. LOEBSACK.
H.R. 1092: Mr. FORTUÑO.
H.R. 1110: Mr. LAMPSON.
H.R. 1188: Mr. TOWNS and Mr. DAVID DAVIS of Tennessee.
H.R. 1213: Mr. PLATTS.
H.R. 1222: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1228: Mr. UPTON.
H.R. 1237: Ms. DELAURO, Mr. PORTER, and Mr. MURPHY of Connecticut.
H.R. 1295: Mr. TAYLOR.
H.R. 1386: Mr. ALTMIRE and Mr. HINCHEY.
H.R. 1390: Mr. BILIRAKIS.
H.R. 1436: Ms. HERSETH SANDLIN.
H.R. 1464: Ms. SHEA-PORTER.
H.R. 1524: Mr. SIMPSON and Mrs. CAPPS.
H.R. 1540: Mr. EMANUEL, Mr. FATTAH, Mr. WYNN, and Mr. UDALL of Colorado.
H.R. 1584: Mr. CLEAVER, Mr. SMITH of New Jersey, Mr. CONAWAY, Mr. COSTA, Mr. MURTHA, Mr. CHABOT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BOEHNER, Mr. THORNBERRY, Mr. FRELINGHUYSEN, Mr. SESSIONS, Mr. UDALL of New Mexico, Mrs. SCHMIDT, Mr. FRANKS of Arizona, Mr. PUTNAM, Mr. LOBIONDO, Mr. AKIN, Mr. BUCHANAN, Mr. MCHENRY, Ms. BERKLEY, Mr. BRADY of Pennsylvania, Mr. TURNER, Mr. TAYLOR, Mr. PERLMUTTER, and Mr. CASTLE.
H.R. 1609: Mr. SCHIFF.
H.R. 1665: Ms. KILPATRICK.
H.R. 1738: Mr. COSTELLO.
H.R. 1791: Mr. TIM MURPHY of Pennsylvania.
H.R. 1881: Ms. GRANGER.
H.R. 1884: Mr. MILLER of North Carolina.
H.R. 1967: Ms. BEAN.
H.R. 1975: Ms. KAPTUR, Mr. HOLDEN, Mr. GORDON, and Ms. BORDALLO.
H.R. 1992: Mr. BUTTERFIELD.
H.R. 2060: Ms. HERSETH SANDLIN.
H.R. 2125: Mr. ELLISON.
H.R. 2164: Mr. HOEKSTRA.
H.R. 2297: Mr. FRANKS of Arizona.
H.R. 2303: Ms. HERSETH SANDLIN.
H.R. 2407: Mr. BONNER.
H.R. 2464: Mrs. BONO MACK.
H.R. 2526: Mr. TERRY.
H.R. 2593: Mr. TOWNS and Mr. ELLISON.
H.R. 2734: Mr. MARCHANT.
H.R. 2818: Mr. SHAYS and Mr. MCCOTTER.
H.R. 2894: Mr. FOSSELLA and Mr. HENSARLING.
H.R. 2948: Mr. MILLER of Florida.
H.R. 2990: Mr. MICHAUD, Mr. VAN HOLLEN, Mr. PRICE of North Carolina, Mr. WELDON of Florida, Mr. MORAN of Virginia, Mr. FORTENBERRY, Mr. PEARCE, and Mrs. CUBIN.
H.R. 3001: Mr. LOEBSACK.
H.R. 3025: Ms. WOOLSEY.
H.R. 3037: Mr. INSLEE.
H.R. 3061: Ms. WOOLSEY.
H.R. 3175: Mr. LEWIS of Georgia.
H.R. 3339: Mr. WEXLER.
H.R. 3406: Mr. PAYNE.
H.R. 3457: Mr. WAXMAN and Mr. SCHIFF.
H.R. 3543: Ms. SCHAKOWSKY.
H.R. 3609: Mr. MEEKS of New York and Mr. PAYNE.
H.R. 3681: Mr. ENGLISH of Pennsylvania.
H.R. 3682: Mr. TOWNS.
H.R. 3689: Mr. UDALL of Colorado.
H.R. 3820: Mr. WATT.
H.R. 3828: Mrs. LOWEY, Mr. GRIJALVA, Mr. MEEKS of New York, Mr. THOMPSON of Mississippi, Ms. VELÁZQUEZ, Mrs. CHRISTENSEN, Mr. BLUMENAUER, and Mr. FILNER.
H.R. 3852: Mr. BOOZMAN.
H.R. 3892: Mr. FRANK of Massachusetts.
H.R. 3981: Mr. ELLISON, Mr. DOYLE, Mr. WAXMAN, and Mr. GONZALEZ.
H.R. 4044: Mr. NADLER, Mrs. MALONEY of New York, and Mrs. CHRISTENSEN.
H.R. 4054: Mr. JOHNSON of Georgia, Ms. JACKSON-LEE of Texas, and Mr. RUSH.
H.R. 4061: Mr. KLINE of Minnesota and Mrs. SCHMIDT.
H.R. 4088: Mr. WILSON of South Carolina, Mr. FRELINGHUYSEN, Mrs. BACHMANN, and Mr. CARTER.
H.R. 4176: Mr. LATTA.
H.R. 4179: Mr. HIGGINS, Mr. GONZALEZ, Ms. ZOE LOFGREN of California, Mrs. LOWEY, and Ms. LINDA T. SÁNCHEZ of California.
H.R. 4236: Mr. BRALEY of Iowa.
H.R. 4318: Mrs. CUBIN and Ms. GRANGER.
H.R. 4335: Mr. FILNER and Mr. FALEOMAVAEGA.
H.R. 4545: Mr. FILNER, Mr. GONZALEZ, and Mr. CLAY.
H.R. 4651: Mr. PASTOR and Mr. PLATTS.
H.R. 4838: Ms. DEGETTE, Mr. DAVIS of Illinois, and Mr. LEWIS of Georgia.
H.R. 4900: Mr. BOEHNER, Mr. PITTS, Mr. FEENEY, and Mr. KLINE of Minnesota.
H.R. 4926: Mr. FRANK of Massachusetts.
H.R. 4930: Mr. GONZALEZ.
H.R. 4934: Mr. PAYNE.
H.R. 4959: Mr. ELLISON.
H.R. 5058: Mr. SCHIFF.
H.R. 5086: Mr. JOHNSON of Georgia.
H.R. 5124: Mrs. CAPITO.
H.R. 5130: Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mr. HINCHEY, Mr. BRADY of Pennsylvania, Mr. PAYNE, and Mr. CLAY.
H.R. 5131: Mr. EDWARDS.
H.R. 5148: Mrs. MCCARTHY of New York.
H.R. 5173: Mr. HINOJOSA, Mr. PATRICK MURPHY of Pennsylvania, Mr. LATOURETTE, Ms. KAPTUR, and Mr. BOUCHER.
H.R. 5244: Mr. MILLER of North Carolina, Ms. ZOE LOFGREN of California, and Mr. FARR.
H.R. 5268: Mr. ALLEN.
H.R. 5434: Mr. PETERSON of Pennsylvania, Mr. LAMBORN, Mrs. MUSGRAVE, Mr. FRANKS of Arizona, Mr. JONES of North Carolina, Mr. HERGER, Mr. POE, Mr. MILLER of Florida, Mr. YOUNG of Alaska, Mrs. CUBIN, Mr. BROUN of Georgia, Mr. WITTMAN of Virginia, and Mr. SAM JOHNSON of Texas.
H.R. 5440: Mr. CAMP of Michigan, Mr. SESSIONS, Ms. GINNY BROWN-WAITE of Florida, Mr. POE, Mrs. CUBIN, Mr. BURGESS, Mr. WITTMAN of Virginia, Mr. MILLER of Florida, Mr. RADANOVICH, Mr. BLUNT, Mr. BROUN of Georgia, Mrs. BIGGERT, Mr. JORDAN, Mr. LOBIONDO, Mr. BUYER, Mr. BARTON of Texas, Mr. HALL of Texas, Mrs. MYRICK, Mr. MCCARTHY of California, Mr. MARCHANT, Mr. SHADEGG, and Mrs. SCHMIDT.
H.R. 5464: Mr. LANGEVIN.
H.R. 5466: Mr. AL GREEN of Texas, Mr. HINOJOSA, Mr. ABERCROMBIE, and Mr. CONYERS.
H.R. 5483: Mr. GOODLATTE and Mr. SCOTT of Virginia.
H.R. 5489: Mr. SKELTON, Mr. RAHAL, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MARSHALL, Mr. ENGLISH of Pennsylvania, and Mr. LINDER.
H.R. 5496: Mr. ELLISON.
H.R. 5505: Ms. SCHAKOWSKY.
H.R. 5510: Mr. HIGGINS.
H.R. 5513: Mr. WESTMORELAND.
H.R. 5522: Ms. WOOLSEY, Mr. BISHOP of New York, Mrs. DAVIS of California, Mr. HARE, Mr. HINOJOSA, Mr. HOLT, Mr. KILDEE, Mr. KUCINICH, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. DELAURO, Mr. BRALEY of Iowa, Mr. BISHOP of Georgia, Mrs. MCCARTHY of New York, Mr. SARBANES, Mr. COURTNEY, and Ms. SHEA-PORTER.
H.R. 5534: Ms. SCHAKOWSKY.
H.R. 5561: Mr. ROHRABACHER, Mr. BUCHANAN, and Mr. BILIRAKIS.
H.R. 5563: Mr. ALTMIRE, Mr. SARBANES, Mr. HINOJOSA, Mr. DAVIS of Illinois, Mr. YARMUTH, Mr. KILDEE, Mr. HARE, Mr. PRICE of North Carolina, Mr. GRIJALVA, Ms. CLARKE, Ms. HIRONO, Mr. ANDREWS, Ms. LINDA T. SÁNCHEZ of California, Mr. LOEBSACK, Mr. MEEKS of New York, and Mr. BISHOP of New York.
H. J. Res. 68: Mr. WITTMAN of Virginia, Mr. DUNCAN, and Mr. KILDEE.
H. Con. Res. 91: Mr. TOM DAVIS of Virginia, Ms. CORRINE BROWN of Florida, Mr. ALTMIRE, Mr. SHAYS, Mr. HAYES, Mr. LEWIS of Georgia, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Mr. WAMP, Mr. KUHL of New York, Mr. SIRES, Mr. GRIJALVA, and Ms. GIFFORDS.
H. Con. Res. 163: Mr. AL GREEN of Texas, Mr. CANTOR, Mr. BAIRD, Mr. FERGUSON, Mr. TERRY, and Mr. GORDON.
H. Con. Res. 244: Ms. HERSETH SANDLIN, Mr. BUYER, Mr. KLINE of Minnesota, and Mr. RYAN of Wisconsin.
H. Con. Res. 263: Mr. TURNER.
H. Con. Res. 266: Mr. MCGOVERN.
H. Con. Res. 290: Mr. MCCOTTER.
H. Con. Res. 302: Mr. GORDON, Mr. HENSARLING, Ms. NORTON, Mr. CARNEY, and Ms. ROS-LEHTINEN.
H. Res. 111: Mr. GRIJALVA.
H. Res. 146: Mr. HINCHEY and Mr. DOYLE.
H. Res. 672: Mr. SHERMAN.
H. Res. 795: Mr. COSTA.
H. Res. 821: Mr. SENSENBRENNER.
H. Res. 838: Mr. KUHL of New York, Mr. WALBERG, Mr. MCGOVERN, Mr. YOUNG of Alaska, Mr. HULSHOF, and Mr. LAHOOD.
H. Res. 865: Mr. SHERMAN.
H. Res. 900: Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. HINOJOSA.
H. Res. 959: Mr. LOBIONDO.
H. Res. 977: Mr. DAVIS of Illinois.
H. Res. 981: Mr. HINOJOSA, Mr. TERRY, Mr. CAPUANO, Mrs. MCCARTHY of New York, Mr. PORTER, Mr. HINCHEY, and Mr. GERLACH.
H. Res. 985: Mr. SMITH of Nebraska and Mr. GORDON.

H. Res. 988: Mr. ENGLISH of Pennsylvania and Mr. TOM DAVIS of Virginia.

H. Res. 991: Mr. COHEN, Mr. ELLSWORTH, Mr. MEEK of Florida, Mr. MCHUGH, Mr. COOPER, and Mrs. DAVIS of California.

H. Res. 992: Mr. MCGOVERN and Ms. EDDIE BERNICE JOHNSON of Texas.

H. Res. 994: Mr. MARIO DIAZ-BALART of Florida, Mr. GOODE, Mr. BRADY of Texas, Mr. LAMBORN, Mr. KINGSTON, Mr. MARCHANT, Mr. AKIN, Mr. GALLEGLY, Mr. COBLE, Mr. BURTON of Indiana, Mr. SAXTON, Mr. REGULA, Mr. CARTER, Mr. LUCAS, Mrs. BONO MACK, Ms. FALLIN, Mr. FERGUSON, Mr. COLE of Oklahoma, Mrs. CAPITO, Mr. REHBERG, Mr. ALEXANDER, Mr. HOEKSTRA, Mr. JONES of North Carolina, Mr. BARTLETT of Maryland, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. CARNAHAN, Mrs. BOYDA of Kansas, Mr. REYNOLDS, Mr. SALI, Mr. MCCARTHY of California, Mr. GOHMERT, Mr. GORDON, Mr. DENT, Mr. SHUSTER, Mr. ENGLISH of Pennsylvania, Mr. DANIEL E. LUNGREN of California, Mr. TIM MURPHY of Pennsylvania, Mr. KING of Iowa, Mr. EHLERS, and Ms. HARMAN.

H. Res. 997: Mr. SMITH of New Jersey, Mr. DREIER, Mr. ANDREWS, Ms. KAPTUR, Mr. HOLT, Mrs. CAPPS, Mr. COOPER, Mr. MCNULTY, Mr. CROWLEY, Mr. ISSA, Mr. ROTHMAN, Ms. JACKSON-LEE of Texas, Mr. FARR, and Mrs. TAUSCHER.

H. Res. 1008: Ms. ROS-LEHTINEN, Mr. HIGGINS, and Mr. BISHOP of New York.

H. Res. 1011: Mr. CHABOT, Mr. DOYLE, Ms. SCHAKOWSKY, Mr. OLVER, Mr. TOWNS, Mr. FATTAH, Mr. MCGOVERN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. BISHOP of Georgia, Mr. MCNULTY, Mr. PITTS, Mr. GEORGE MILLER of California, and Mrs. MYRICK.

H. Res. 1018: Mr. PLATTS and Mr. LOEBSACK.

H. Res. 1019: Mr. FATTAH and Mr. LEWIS of Georgia.

H. Res. 1024: Mr. FERGUSON, Mr. JACKSON of Illinois, Mr. INGLIS of South Carolina, Mrs. MYRICK, Ms. JACKSON-LEE of Texas, Mr. WU, Mr. ENGEL, Ms. TSONGAS, Mr. SIRES, Ms. BERKLEY, and Mr. TIM MURPHY of Pennsylvania.

H. Res. 1025: Mr. GILCHREST.

H. Res. 1026: Mr. SKELTON, Mr. HALL of Texas, Mr. ENGLISH of Pennsylvania, Mr. SCOTT of Georgia, and Mr. DONNELLY.

H. Res. 1029: Mr. NEAL of Massachusetts, Mrs. BONO MACK, Ms. WATERS, Mr. PASTOR, Mrs. SCHMIDT, Mr. SESTAK, Mr. MCHUGH, and Ms. SOLIS.

H. Res. 1033: Mr. SHUSTER.