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# House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. JONES of Ohio).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
*March 31, 2008.*

I hereby appoint the Honorable STEPHANIE TUBBS JONES to act as Speaker pro tempore on this day.

NANCY PELOSI,
*Speaker of the House of Representatives.*

## PRAYER

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

God ever faithful to Your promises, You invite us as a Nation to place our trust in You. Be present to all the Members of the House of Representatives as they gather for the spring session of the 110th Congress of the United States of America.

Spring blossoms, baseball, fair weather, and many more young visitors are signs of new life in the Nation's Capital. They bring surprising goodness and renewed energy; and we are grateful. May the work of this Congress protect and guide this Nation as it grows in stability, in integrity, and greatness.

Lord, we truly believe that by Your Word, You can breathe forth promise, and that the barren wood can bear fruit that will last 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 gentleman from Utah (Mr. BISHOP) come forward and lead the House in the Pledge of Allegiance.

Mr. BISHOP of Utah 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 concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 70. Concurrent Resolution setting forth the congressional budget for the United States government for fiscal year 2009 and including the appropriate budgetary levels for fiscal years 2008 and 2010 through 2013.

## GEORGIA SCHOOL FOR THE DEAF FOOTBALL TEAM

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

Mr. GINGREY. Madam Speaker, I rise today to congratulate the Georgia School for the Deaf's football team on winning the 2007 National Eight-Man Deaf Prep Football Championship. It's located in the heart of Cave Spring, Georgia, Floyd County, in my 11th District. The school has now won three national football titles since it was established in 1846, almost 160 years ago. This year's team finished the season with an outstanding 7 and 1 record, and they defeated schools from six other States.

Madam Speaker, the Tigers exhibited dedication, teamwork, and perseverance all season long, and it certainly paid off. I want to congratulate their Athletic Director and Head Football Coach, Erik Whitworth; his Assistant Coaches, Sidney Sharp, David Conti, Eugene Neal, B.B. Chubb, and Shawn Self, as well as the entire Tiger football team on a great season. Four of the team members, Patrick Bryant, Andy Sugg, Timothy Simmons, and Andrew Henderson were all selected as members of the All American Deaf Football Team.

Madam Speaker, all of these athletes have brought much pride to Georgia, to the School for the Deaf, and the entire State, and I ask you to join me in celebrating their accomplishment.

## 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 after 6:30 p.m. today.

## GULF OF THE FARALLONES AND CORDELL BANK NATIONAL MARINE SANCTUARIES BOUNDARY MODIFICATION AND PROTECTION ACT

Mr. KENNEDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1187) to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:



Printed on recycled paper.

H.R. 1187

*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 ''Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act''.*

***SEC. 2. FINDINGS.***

*The Congress finds the following:*

*(1) The Gulf of the Farallones extends approximately 100 miles along the coast of Marin and Sonoma counties of northern California. It includes approximately one-half of California's nesting seabirds, rich benthic marine life on hard-rock substrate, prolific fisheries, and substantial concentrations of resident and seasonally migratory marine mammals.*

*(2) Cordell Bank is adjacent to the Gulf of the Farallones and is a submerged island with spectacular, unique, and nationally significant marine environments.*

*(3) These marine environments have national and international significance, exceed the biological productivity of tropical rain forests, and support high levels of biological diversity.*

*(4) These biological communities are easily susceptible to damage from human activities, and must be properly conserved for themselves and to protect the economic viability of their contribution to national and regional economies.*

*(5) The Gulf of Farallones and Cordell Bank include some of the Nation's richest fishing grounds, supporting important commercial and recreational fisheries. These fisheries are regulated by State and Federal fishery agencies and are supported and fostered through protection of the waters and habitats of Gulf of the Farallones National Marine Sanctuary and Cordell Bank National Marine Sanctuary.*

*(6) The report of the Commission on Ocean Policy established by Public Law 106–256 calls for comprehensive protection for the most productive ocean environments and recommends that they be managed as ecosystems.*

*(7) New scientific discoveries by the National Marine Sanctuary Program support comprehensive protection for these marine environments by broadening the geographic scope of the existing Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary.*

*(8) Cordell Bank is at the nexus of an ocean upwelling system, which produces the highest biomass concentrations on the west coast of the United States.*

***SEC. 3. POLICY AND PURPOSE.***

*(a) POLICY.—It is the policy of the United States in this Act to protect and preserve living and other resources of the Gulf of the Farallones and Cordell Bank marine environments.*

*(b) PURPOSE.—The purposes of this Act are the following:*

*(1) To extend the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary to the areas described in section 5.*

*(2) To strengthen the protections that apply in the Sanctuaries.*

*(3) To educate and interpret for the public the ecological value and national importance of those marine environments.*

*(4) To manage human uses of the Sanctuaries under this Act and the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.).*

*(c) EFFECT ON FISHING ACTIVITIES.—Nothing in this Act is intended to alter any existing authorities regarding the conduct and location of fishing activities in the Sanctuaries.*

***SEC. 4. DEFINITIONS.***

*In this Act:*

*(1) MARICULTURE.—The term ''mariculture'' means the propagation or rearing of aquatic organisms in controlled or selected aquatic environments for any commercial, recreational, or public purpose.*

*(2) CORDELL BANK NMS.—The term ''Cordell Bank NMS'' means the Cordell Bank National Marine Sanctuary.*

*(3) FARALLONES NMS.—The term ''Farallones NMS'' means the Gulf of the Farallones National Marine Sanctuary.*

*(4) SANCTUARIES.—The term ''Sanctuaries'' means the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, as expanded by section 5.*

*(5) SECRETARY.—The term ''Secretary'' means the Secretary of Commerce.*

***SEC. 5. NATIONAL MARINE SANCTUARY BOUNDARY ADJUSTMENTS.***

*(a) GULF OF THE FARALLONES.—*

*(1) BOUNDARY ADJUSTMENT.—The areas described in paragraph (2) are added to the existing Gulf of the Farallones National Marine Sanctuary described in part 922.80 of title 15, Code of Federal Regulations.*

*(2) AREAS INCLUDED.—*

*(A) IN GENERAL.—The areas referred to in paragraph (1) consist of the following:*

*(i) All submerged lands and waters, including living marine and other resources within and on those lands and waters, from the mean high water line to the boundary described in subparagraph (B).*

*(ii) The submerged lands and waters, including living marine and other resources within those waters, within the approximately two-square-nautical-mile portion of the Cordell Bank NMS (as in effect immediately before the enactment of this Act) that is located south of the area that is added to Cordell Bank NMS by subsection (b)(2), which are transferred to the Farallones NMS from the Cordell Bank NMS.*

*(B) BOUNDARY DESCRIBED.—The boundary referred to in subparagraph (A)(i) commences from the mean high water line (MHWL) at 39.00000 degrees north in a westward direction approximately 29 nautical miles (nm) to 39.00000 north, 124.33333 west. The boundary then extends in a southeasterly direction to 38.30000 degrees north, 124.00000 degrees west, approximately 44 nm westward of Bodega Head. The boundary then extends eastward to the most northeastern corner of the expanded Cordell Bank NMS at 38.30000 north, 123.20000 degrees west, approximately 6 nm miles westward of Bodega Head. The boundary then extends in a southeasterly direction to 38.26500 degrees north, 123.18166 degrees west at the northwestern most point of the current Gulf of the Farallones Boundary. The boundary then follows the current northern Gulf of the Farallones NMS boundary in a northeasterly direction to the MHWL near Bodega Head. The boundary then follows the MHWL in a northeasterly direction to the commencement point at the intersection of the MHWL and 39.00000 north. Coordinates listed in this subparagraph are based on the North American Datum 1983 and the geographic projection.*

*(b) CORDELL BANK.—*

*(1) BOUNDARY ADJUSTMENT.—The area described in paragraph (2) is added to the existing Cordell Bank National Marine Sanctuary described in part 922.80 of title 15, Code of Federal Regulations.*

*(2) AREA INCLUDED.—*

*(A) IN GENERAL.—The area referred to in paragraph (1) consists of all submerged lands and waters, including living marine and other resources within those waters, within the boundary described in subparagraph (B).*

*(B) BOUNDARY.—The boundary referred to in subparagraph (A) commences at the most northeastern point of the current Cordell Bank NMS boundary at 38.26500 degrees north, 123.18166 degrees west and extends northwestward to 38.30000 degrees north, 123.20000 degrees west, approximately 6 nautical miles (nm) west of Bodega Head. The boundary then extends westward to 38.30000 degrees north, 124.00000 degrees west, approximately 44 nautical miles west of Bodega Head. The boundary then turns southeastward and continues approximately 34 nautical miles to 37.76687 degrees north, 123.75142 degrees west, and then approximately 15 nm eastward to 37.76687 north, 123.42694 west at an intersection with the current Cordell Bank NMS boundary. The boundary then follows the current Cordell Bank NMS, which is coterminous with the current Gulf of the Farallones boundary, in a northeasterly and the northwesterly direction to its commencement point at 38.26500 degrees north, 123.18166 degrees west. Coordinates listed in this subparagraph are based on NAD83 Datum and the geographic projection.*

*(c) INCLUSION IN THE SYSTEM.—The areas included in the Sanctuaries under subsections (a) and (b) shall be managed as part of the National Marine Sanctuary System, established by section 301(c) of the National Marine Sanctuaries Act (16 U.S.C. 1431(c)), in accordance with that Act.*

*(d) UPDATED NOAA CHARTS.—The Secretary shall—*

*(1) produce updated National Oceanic and Atmospheric Administration nautical charts for the areas in which the Sanctuaries are located; and*

*(2) include on those nautical charts the boundaries of the Sanctuaries, as revised by this Act.*

*(e) BOUNDARY ADJUSTMENTS.—In producing revised nautical charts as directed by subsection (d) and in describing the boundaries in regulations issued by the Secretary, the Secretary may make technical modifications to the boundaries described in this section for clarity and ease of identification, as appropriate.*

***SEC. 6. PROHIBITION OF OIL AND GAS LEASING AND PERMITTING.***

*No lease or permit may be issued that authorizes exploration, development, production, or transporting by pipeline of minerals or hydrocarbons within the Sanctuaries.*

***SEC. 7. MANAGEMENT PLANS AND REGULATIONS.***

*(a) INTERIM PLAN.—The Secretary shall complete an interim supplemental management plan for the Sanctuaries by not later than 24 months after the date of enactment of this Act, that focuses on management in the areas added to the Sanctuaries under this Act. The Secretary shall ensure that the supplemental plan does not weaken existing resource protections.*

*(b) REVISED PLANS.—The Secretary shall issue a revised comprehensive management plan for the Sanctuaries during the first management review initiated after the date of the enactment of this Act under section 304(e) of the National Marine Sanctuaries Act (16 U.S.C. 1434(e)) for the Sanctuaries, and issue such final regulations as may be necessary.*

*(c) APPLICATION OF EXISTING REGULATIONS.—The regulations for the Gulf of the Farallones National Marine Sanctuary (15 C.F.R. 922, subpart H) and the Cordell Bank National Marine Sanctuary (15 C.F.R. 922, subpart K), including any changes made as a result of a joint management plan review for the Sanctuaries conducted pursuant to section 304(e) of the National Marine Sanctuaries Act (16 U.S.C. 1434(e)), shall apply to the areas added to each Sanctuary, respectively, under section 5 until the Secretary modifies such regulations in accordance with subsection (d) of this section.*

*(d) REVISED REGULATIONS.—*

*(1) IN GENERAL.—The Secretary shall carry out an assessment of necessary revisions to the regulations for the Sanctuaries in a manner that ensures the protection of the resources of the Sanctuaries consistent with the purposes and policies of the National Marine Sanctuaries Act and the goals and objectives for the new areas added to each sanctuary under section 5 of this Act. The assessment and any corresponding regulatory changes shall be complete within 24 months of the date of enactment of this Act.*

*(2) REGULATION OF SPECIFIC ACTIVITIES.—In revising the regulations for the Sanctuaries pursuant to this subsection, the Secretary shall*

*consider appropriate regulations for the following activities:*

*(A) The deposit or release of introduced species.*

*(B) The alteration of stream and river drainage into the Sanctuaries.*

*(C) Mariculture operations in the Sanctuaries.*

*(3) CONSIDERATIONS.—In revising the regulations for the Sanctuaries pursuant to this subsection, the Secretary shall consider exempting from further regulation under the National Marine Sanctuaries Act and this Act discharges that are permitted under a National Pollution Discharge Elimination System permit in effect on the date of enactment of this Act, or under a new or renewed National Pollution Discharge Elimination System permit that does not increase pollution in the Sanctuaries and that originates—*

*(A) in the Russian River Watershed outside the boundaries of the Gulf of the Farallones National Marine Sanctuary; or*

*(B) from the Bodega Marine Laboratory.*

*(e) CONTENTS OF PLANS.—Revisions to each comprehensive management plan under this section shall, in addition to matters required under section 304(a)(2) of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1434(A)(2))—*

*(1) facilitate all appropriate public and private uses of the national marine sanctuary to which each respective plan applies consistent with the primary objective of sanctuary resource protection;*

*(2) establish temporal and geographical zoning if necessary to ensure protection of sanctuary resources;*

*(3) identify priority needs for research that will—*

*(A) improve management of the Sanctuaries;*

*(B) diminish threats to the health of the ecosystems in the Sanctuaries; or*

*(C) fulfill both of subparagraphs (A) and (B);*

*(4) establish a long-term ecological monitoring program and database, including the development and implementation of a resource information system to disseminate information on the Sanctuaries' ecosystem, history, culture, and management;*

*(5) identify alternative sources of funding needed to fully implement the plan's provisions and supplement appropriations under section 313 of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1444);*

*(6) ensure coordination and cooperation between sanctuary superintendents and other Federal, State, and local authorities with jurisdiction over areas within or adjacent to the Sanctuaries to deal with issues affecting the Sanctuaries, including surface water run-off, stream and river drainages, and navigation;*

*(7) in the case of revisions to the plan for the Farallones NMS, promote cooperation with farmers and ranchers operating in the watersheds adjacent to the Farallones NMS and establish voluntary best management practices programs;*

*(8) promote cooperative and educational programs with fishing vessel operators and crews operating in the waters of the Sanctuaries, and, whenever possible, include individuals who engage in fishing and their vessels in cooperative research, assessment, and monitoring programs and educational programs to promote sustainable fisheries, conservation of resources, and navigational safety; and*

*(9) promote education and public awareness, among users of the Sanctuaries, about the need for marine resource conservation and safe navigation and marine transportation.*

*(f) PUBLIC PARTICIPATION.—The Secretary shall provide for participation by the general public in the revision of the comprehensive management plans and relevant regulations under this section.*

***SEC. 8. AUTHORIZATION OF APPROPRIATIONS.***

*There are authorized to be appropriated to the Secretary—*

*(1) $3,000,000 to carry out this Act for each of fiscal years 2009 through 2013, other than for construction and acquisition projects; and*

*(2) $3,500,000 for fiscal year 2009 and such sums as may be necessary for each of fiscal years 2010 through 2013 for construction and acquisition projects related to the Sanctuaries.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Rhode Island.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 1187, the Gulf of Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act was introduced by our colleague from California (Ms. WOOLSEY) and is cosponsored by 51 additional Members. This bill would expand the Gulf of Farallones and Cordell Bank National Marine Sanctuaries to protect and preserve an additional 1,739 square nautical miles to the marine environment due north and west of the existing sanctuaries. These additions would protect virtually the entire upwelling region, which is critical to the ecosystem's productivity, particularly the health of many valuable commercial and recreational fisheries in the area.

I ask Members on both sides to support the passage of this important legislation.

I reserve the balance of my time.

Mr. BISHOP of Utah. I rise in opposition to this legislation. This legislation would double the size of two of the marine sanctuaries off the coast of California, adding approximately 1,200 square miles and almost 100 miles of coastline, and with little or absolutely no public comment. Moreover, this is happening at the very same time that the management plans for the two sanctuaries are being reviewed by the National Oceanic and Atmospheric Administration, or NOAA. NOAA could have considered this expansion during the ongoing process, but it did not because it considered the expansion to be complicated and something that would require effort, analysis, and public input. This legislation ignores the need for public comment on a very complicated expansion.

The entire intent of this legislation could be accomplished through public process that already exists. But, unfortunately, Congress can't wait to hear from the people. It is sad that the citizens of California, who are most affected by this legislation, will not have the opportunity to comment on this expansion in the normal statutory public comment process.

Again, I reluctantly oppose this legislation.

I reserve the balance of my time.

Mr. KENNEDY. Well, I think that we should hear really from the person most knowledgeable about this legislation, the author of this, Representative WOOLSEY, to whom I now yield the balance of our time.

Ms. WOOLSEY. Thank you, Mr. Chairman and Mr. Ranking Member.

I would like to respond quickly to the ''no public review.'' This bill has been subject to over 3 years of public review. It first faced public scrutiny at a public hearing that I hosted in August of 2004, in Sonoma County, was attended by the Director of the Marine Sanctuary Program, marine scientists, fishermen, and a standing room-only crowd of public who were interested.

It has been reviewed and endorsed by both the Sanctuary Advisory Committees, the bodies who initiate sanctuary regulations; the California Coastal Commission, the State Lands Commission, and the Supervisors of Marin, Sonoma, San Francisco, and Mendocino Counties, and many, many of our City Councils. All of these meetings were noticed, all of them were open to public comment.

The bill also received a hearing before the Oceans Subcommittee, and has gone through committee and subcommittee markup. So thank you for bringing that up so I could clarify that, Mr. Ranking Member.

Madam Speaker, my district, just across the Golden Gate Bridge, north of San Francisco, includes all of Marin and most of Sonoma Counties, where we are blessed with many environmental treasures. In fact, it is one of the most beautiful places on earth. I don't say that just because I am the Congresswoman from that area. It is beautiful.

One of the reasons for this source of beauty and our great pride is our pristine coastline and the Pacific Ocean that lies beyond it. An area this unique must be protected by the full power of our conservation laws.

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That is why I am pleased that H.R. 1187, the Gulf of the Farallones and Cordell Bank National Marine Sanctuaries Boundary Modification and Protection Act, is here before us today.

H.R. 1187 will expand the boundaries of two existing marine sanctuaries in order to more fully protect a unique upwelling system, which is one of only four in the world. This system provides a nutrient rich environment for fish and all other types of marine life.

Upwelling is a process where deep, cold, nutrient-rich waters rise into warmer waters, bringing with it an abundance of food to support a variety of marine life. Actually this area is so special and it is so productive that it

comprises only 1 percent of the ocean, but produces 20 percent of the world's fish. This in turn supports 36 species of marine mammals, including whales, elephant seals, sea lions and other seals.

But it is not only marine mammals who feast on the abundance of fish. The waters off the Sonoma and Mendocino County coasts support fleets of fishermen. That is why I worked so closely with the Pacific Coast Federation of Fishing Associations, the PCFFA, in carefully crafting this bill.

Fishermen have had a good relationship with the Gulf of the Farallones and the Cordell Bank National Marine Sanctuary for over 20 years because they respect that good stewardship of our oceans produces better catches. H.R. 1187 will serve to strengthen this partnership for years and years to come.

Madam Speaker, H.R. 1187 is a well thought out, carefully crafted bill that brings together diverse stakeholders, including the National Oceanic and Atmospheric Administration, NOAA, the fishing industry, State and local governments, conservation groups and marine scientists, all who agree that these proposed sanctuary areas are national treasures that absolutely deserve protection.

As a mother and a grandmother, I want to see these treasures protected for years to come so that my kids, so that my grandkids, and so that their children and your children and your grandchildren will be able to enjoy the same unspoiled coasts and clean waters that we enjoy today.

Madam Speaker, I would like to thank Chairman RAHALL, Ranking Member YOUNG and Chairwoman BORDALLO for bringing my bill to the floor today. I would like to thank Chairman KENNEDY and Ranking Member BISHOP, all who have been part of reviewing and bringing H.R. 1187 to the floor. I thank you all, and I urge my colleagues to support it.

Mr. BISHOP of Utah. Madam Speaker, it is certainly hopeful that with the passage of this bill we will have faith in NOAA to administer this territory, since we obviously with passage of this bill don't trust them to evaluate or make recommendations.

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

Mr. KENNEDY. Madam Speaker, we don't have any more speakers, but before closing I want to note that the chairwoman of the Subcommittee on Fisheries, Wildlife and Oceans, Chairwoman MADELEINE BORDALLO, is presently en route from Guam and wouldn't be able to be here for this, but she does support passage of this bill. I just wanted to make note of that.

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 Rhode Island (Mr. KENNEDY) that the House suspend the rules and pass the bill, H.R. 1187, as amended.

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

The title was amended so as to read: ''A bill to expand the boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary, and for other purposes.''.

A motion to reconsider was laid on the table.

## NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVATION ACT OF 2008

Mr. KENNEDY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2342) to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2342

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

***SECTION 1. ENHANCING CLIMATE CHANGE PREDICTIONS.***

*(a) SHORT TITLE.—This section may be cited as the ''National Integrated Coastal and Ocean Observation Act of 2008''.*

*(b) PURPOSES.—The purposes of this section are the following:*

*(1) Establish a National Integrated Coastal and Ocean Observation System comprised of Federal and non-Federal components, coordinated at the national level by the National Ocean Research Leadership Council and at the regional level by a network of Regional Information Coordination Entities, that includes in situ, remote, and other coastal and ocean observations, technologies, and data management and communication systems, to gather specific coastal and ocean data variables and to ensure the timely dissemination and availability of usable observation data—*

*(A) to support national defense, marine commerce, energy production, scientific research, ecosystem-based marine and coastal resource management, weather and marine forecasting, public safety and public outreach training and education; and*

*(B) to promote greater public awareness and stewardship of the Nation's ocean, coastal, and Great Lakes resources and the general public welfare.*

*(2) Improve the Nation's capability to measure, track, explain, and predict events related directly and indirectly to weather and climate change, natural climate variability, and interactions between the oceanic and atmospheric environments, including the Great Lakes.*

*(3) Authorize activities to promote basic and applied research to develop, test, and deploy innovations and improvements in coastal and ocean observation technologies, modeling systems, and other scientific and technological capabilities to improve our conceptual understanding of weather and climate, ocean atmosphere dynamics, global climate change, and physical, chemical, and biological dynamics of the ocean and coastal and Great Lakes environments.*

*(c) DEFINITIONS.—In this section:*

*(1) COUNCIL.—The term ''Council'' means the National Ocean Research Leadership Council referred to in section 7902 of title 10, United States Code.*

*(2) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the National Oceanic and Atmospheric Administration.*

*(3) FEDERAL ASSETS.—The term ''Federal assets'' means all relevant nonclassified civilian coastal and ocean observations, technologies, and related modeling, research, data management, basic and applied technology research and development, and public education and outreach programs, that are managed by member agencies of the Council.*

*(4) INTERAGENCY WORKING GROUP.—The term ''Interagency Working Group'' means the Interagency Working Group on Ocean Observations as established by the U.S. Ocean Policy Committee Subcommittee on Ocean Science and Technology pursuant to Executive Order 13366 signed December 17, 2004.*

*(5) NON-FEDERAL ASSETS.—The term ''non-Federal assets'' means all relevant coastal and ocean observations, technologies, related basic and applied technology research and development, and public education and outreach programs that are integrated into the System and are managed through States, regional organizations, universities, nongovernmental organizations, or the private sector.*

*(6) REGIONAL INFORMATION COORDINATION ENTITIES.—*

*(A) IN GENERAL.—The term ''Regional Information Coordination Entity'', subject to subparagraphs (B) and (C), means an organizational body that is certified or established by the lead Federal agency designated in subsection (d)(3)(C)(iii) and coordinating State, Federal, local, and private interests at a regional level with the responsibility of engaging the private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions.*

*(B) INCLUDED ASSOCIATIONS.—Such term includes Regional Associations as described by the System Plan.*

*(C) LIMITATION.—Nothing in this section shall be construed to invalidate existing certifications, contracts, or agreements between Regional Associations and other elements of the System.*

*(7) SYSTEM.—The term ''System'' means the National Integrated Coastal and Ocean Observation System established under subsection (d).*

*(8) SYSTEM PLAN.—The term ''System Plan'' means the plan contained in the document entitled ''Ocean.US Publication No. 9, The First Integrated Ocean Observing System (IOOS) Development Plan''.*

*(d) NATIONAL INTEGRATED COASTAL AND OCEAN OBSERVING SYSTEM.—*

*(1) ESTABLISHMENT.—The President, acting through the Council, shall establish a National Integrated Coastal and Ocean Observation System to fulfill the purposes set forth in subsection (b) and the System plan and to fulfill the Nation's international obligations to contribute to the global earth observation system of systems and the global ocean observing system.*

*(2) SUPPORT OF PURPOSES.—The head of each agency that is a member of the Interagency Working Group shall support the purposes of this section.*

*(3) AVAILABILITY OF DATA.—The head of each Federal agency that has administrative jurisdiction over a Federal asset shall make available data that are produced by that asset and that are not otherwise restricted for integration, management, and dissemination by the System.*

*(4) ENHANCING ADMINISTRATION AND MANAGEMENT.—The head of each Federal agency that has administrative jurisdiction over a Federal asset may take appropriate actions to enhance internal agency administration and management to better support, integrate, finance, and utilize observation data, products, and services developed under this section to further its own agency mission and responsibilities.*

*(5) PARTICIPATION IN REGIONAL INFORMATION COORDINATION ENTITY.—The head of each Federal agency that has administrative jurisdiction over a Federal asset may participate in regional information coordination entity activities.*

*(6) NON-FEDERAL ASSETS.—Non-Federal assets shall be coordinated by the Interagency Working Group or by Regional Information Coordination Entities.*

*(e) POLICY OVERSIGHT, ADMINISTRATION, AND REGIONAL COORDINATION.—*

*(1) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL.—The National Ocean Research Leadership Council shall be responsible for establishing broad coordination and long-term operations plans, policies, protocols, and standards for the System consistent with the policies, goals, and objectives contained in the System Plan, and coordination of the System with other earth observing activities.*

*(2) INTERAGENCY WORKING GROUP.—The Interagency Working Group shall, with respect to the System, be responsible for—*

*(A) implementation of operations plans and policies developed by the Council;*

*(B) development of and transmittal to Congress at the time of submission of the President's annual budget request an annual coordinated, comprehensive System budget;*

*(C) identification of gaps in observation coverage or needs for capital improvements of both Federal assets and non-Federal assets;*

*(D) establishment of data management and communication protocols and standards;*

*(E) establishment of required observation data variables;*

*(F) development of certification standards for all non-Federal assets or Regional Information Coordination Entities to be eligible for integration into the System;*

*(G) subject to the availability of appropriations, establish through one or more participating Federal agencies, in consultation with the System Advisory Committee established under paragraph (5), a competitive matching grant or other program to promote research and development of innovative observation technologies including testing and field trials; and*

*(H) periodically review and recommend to the Council revisions to the System Plan.*

*(3) LEAD FEDERAL AGENCY.—The Administrator shall function as the lead Federal agency for the System. The Administrator may establish an Interagency Program Coordinating Office to facilitate the Administrator's responsibilities as the lead Federal agency for System oversight and management. The Administrator shall—*

*(A) implement policies, protocols, and standards established by the Council and delegated by the Interagency Working Group;*

*(B) promulgate regulations to integrate the participation of non-Federal assets into the System and enter into and oversee contracts and agreements with Regional Information Coordination Entities to effect this purpose;*

*(C) implement a competitive funding process for the purpose of assigning contracts and agreements to Regional Information Coordination Entities;*

*(D) certify or establish Regional Information Coordination Entities to coordinate State, Federal, local, and private interests at a regional level with the responsibility of engaging private and public sectors in designing, operating, and improving regional coastal and ocean observing systems in order to ensure the provision of data and information that meet the needs of user groups from the respective regions;*

*(E) formulate a process by which gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System can be identified by the Regional Information Coordination Entities, the Administrator, or other members of the System and transmitted to the Interagency Working Group;*

*(F) be responsible for the coordination, storage, management, and dissemination of observation data gathered through the System to all end-user communities;*

*(G) implement a program of public education and outreach to improve public awareness of global climate change and effects on the ocean, coastal, and Great Lakes environment; and*

*(H) report annually to the Council through the Interagency Working Group on the accomplishments, operational needs, and performance of the System to achieve the purposes of this title and the System Plan.*

*(4) REGIONAL INFORMATION COORDINATION ENTITY.—To be certified or established under paragraph (3)(D), a Regional Information Coordination Entity must be certified or established by contract or agreement by the Administrator, and must agree to—*

*(A) gather required System observation data and other requirements specified under this section and the System plan;*

*(B) identify gaps in observation coverage or needs for capital improvements of Federal assets and non-Federal assets of the System, and transmit such information to the Interagency Working Group via the Administrator;*

*(C) demonstrate an organizational structure and strategic operational plan to ensure the efficient and effective administration of programs and assets to support daily data observations for integration into the System;*

*(D) comply with all financial oversight requirements established by the Administrator, including requirements relating to audits; and*

*(E) demonstrate a capability to work with other governmental and nongovernmental entities at all levels to identify and provide information products of the System for multiple users within the service area of the Regional Information Coordination Entities and otherwise.*

*(5) SYSTEM ADVISORY COMMITTEE.—*

*(A) IN GENERAL.—The Administrator shall establish a System Advisory Committee, which shall provide advice as may be requested by the Administrator or the Interagency Working Group.*

*(B) PURPOSE.—The purpose of the System Advisory Committee is to advise the Administrator and the Interagency Working Group on—*

*(i) administration, operation, management, and maintenance of the System, including integration of Federal and non-Federal assets and data management and communication aspects of the System, and fulfillment of the purposes specified under subsection (b);*

*(ii) expansion and periodic modernization and upgrade of technology components of the System;*

*(iii) identification of end-user communities, their needs for information provided by the System, and the System's effectiveness in disseminating information to end-user communities and the general public; and*

*(iv) any other purpose identified by the Administrator or the Interagency Working Group.*

*(C) MEMBERS.—*

*(i) IN GENERAL.—The System Advisory Committee shall be composed of members appointed by the Administrator. Members shall be qualified by education, training, and experience to evaluate scientific and technical information related to the design, operation, maintenance, or use of the System, or use of data products provided through the System.*

*(ii) TERMS OF SERVICE.—Members shall be appointed for 3-year terms, renewable once. A vacancy appointment shall be for the remainder of the unexpired term of the vacancy, and an individual so appointed may subsequently be appointed for 2 full 3-year terms if the remainder of the unexpired term is less than one year.*

*(iii) CHAIRPERSON.—The Administrator shall designate a chairperson from among the members of the System Advisory Committee.*

*(iv) APPOINTMENT.—Members of the System Advisory Committee shall be appointed as special Government employees for purposes of section 202(a) of title 18, United States Code.*

*(D) ADMINISTRATIVE PROVISIONS.—*

*(i) REPORTING.—The System Advisory Committee shall report to the Administrator and the Interagency Working Group, as appropriate.*

*(ii) ADMINISTRATIVE SUPPORT.—The Administrator shall provide administrative support to the System Advisory Committee.*

*(iii) MEETINGS.—The System Advisory Committee shall meet at least once each year, and at other times at the call of the Administrator, the Interagency Working Group, or the chairperson.*

*(iv) COMPENSATION AND EXPENSES.—Members of the System Advisory Committee shall not be compensated for service on that Committee, but may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.*

*(v) EXPIRATION.—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the System Advisory Committee.*

*(6) CIVIL LIABILITY.—For purposes of determining liability arising from the dissemination and use of observation data gathered pursuant to this section, any non-Federal asset or Regional Information Coordination Entity that is certified under paragraph (3)(D) and that is participating in the System shall be considered to be part of the National Oceanic and Atmospheric Administration. Any employee of such a non-Federal asset or Regional Information Coordination Entity, while operating within the scope of his or her employment in carrying out the purposes of this section, with respect to tort liability, is deemed to be an employee of the Federal Government.*

*(f) INTERAGENCY FINANCING, GRANTS, CONTRACTS, AND AGREEMENTS.—*

*(1) IN GENERAL.—The member departments and agencies of the Council, subject to the availability of appropriations, may participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member agency for the purposes of carrying out any administrative or programmatic project or activity to further the purposes of this section, including support for the Interagency Working Group, the Interagency Coordinating Program Office, a common infrastructure, and integration to expand or otherwise enhance the System.*

*(2) JOINT CENTERS AND AGREEMENTS.—Member Departments and agencies of the Council shall have the authority to create, support, and maintain joint centers, and to enter into and perform such contracts, leases, grants, and cooperative agreements as may be necessary to carry out the purposes of this section and fulfillment of the System Plan.*

*(g) APPLICATION WITH OTHER LAWS.—Nothing in this section supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.*

*(h) REPORT TO CONGRESS.—*

*(1) IN GENERAL.—Not later than two years after the date of enactment of this section, the Administrator through the Council shall submit to Congress a report that describes the status of the System and progress made to achieve the purposes of this section and the goals identified under the System Plan.*

*(2) CONTENTS.—The report shall include discussion of the following:*

*(A) Identification of Federal and non-Federal assets as determined by the Council that have been integrated into the System, including assets essential to the gathering of required observation data variables necessary to meet the respective missions of Council agencies.*

*(B) A review of procurements, planned or initiated, by each Council agency to enhance, expand, or modernize the observation capabilities and data products provided by the System, including data management and communication subsystems.*

*(C) An assessment regarding activities to integrate Federal and non-Federal assets, nationally and on the regional level, and discussion of the performance and effectiveness of Regional Information Coordination Entities to coordinate regional observation operations.*

*(D) An evaluation of progress made by the Council to achieve the purposes of this section and the goals identified under the System Plan.*

*(E) Recommendations for operational improvements to enhance the efficiency, accuracy, and overall capability of the System.*

*(3) BIENNIAL UPDATE.—Two years after the transmittal of the initial report prepared pursuant to this subsection and biennially thereafter, the Administrator, through the Council, shall submit to Congress an update of the initial report.*

*(i) PUBLIC-PRIVATE USE POLICY.—The Council shall develop a policy within 6 months after the date of the enactment of this section that defines processes for making decisions about the roles of the Federal Government, the States, Regional Information Coordination Entities, the academic community, and the private sector in providing to end-user communities environmental information, products, technologies, and services related to the System. The Council shall publish the policy in the Federal Register for public comment for a period not less than 60 days. Nothing in this subsection shall be construed to require changes in policy in effect on the date of the enactment of this Act.*

*(j) INDEPENDENT COST ESTIMATE.—The Interagency Working Group, through the Administrator and the Director of the National Science Foundation, shall obtain within one year after the date of the enactment of this section an independent cost estimate for operations and maintenance of existing Federal assets of the System, and planned or anticipated acquisition, operation, and maintenance of new Federal assets for the System, including operation facilities, observation equipment, modeling and software, data management and communication, and other essential components. The independent cost estimate shall be transmitted unabridged and without revision by the Administrator to Congress.*

*(k) INTENT OF CONGRESS.—It is the intent of Congress that funding provided to agencies of the Council to implement this section shall supplement, and not replace, existing sources of funding for other programs. It is the further intent of Congress that agencies of the Council shall not enter into contracts or agreements for the development or procurement of new Federal assets for the System that are estimated to be in excess of $250,000,000 in life-cycle costs without first providing adequate notice to Congress and opportunity for review and comment.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Rhode Island (Mr. KENNEDY) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Rhode Island.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 2342, the National Integrated Coastal and Ocean Observation Act of 2008, was introduced by our colleague from Maine (Mr. ALLEN). This bill establishes a National Integrated Coastal Ocean Observation System to gather real-time data on the ocean environment, to refine and enhance predictive capabilities, and to provide other immediate societal benefits, such as improved fisheries management and safer navigation.

Capitalizing on newer and better integrated technologies would help address huge information gaps and significantly advance our understanding of ocean processes. I would say coming from a State called The Ocean State, this is a particularly important piece of legislation, and representing a university that is a recipient of Sea Grants, we are very interested in passing this legislation.

Madam Speaker, I ask colleagues on both sides of the aisle to support passage of this noncontroversial bill.

Madam Speaker, on behalf of the Committee, I submit the following exchange of letters.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
*Washington, DC, March 27, 2008.*

Hon. NICK J. RAHALL II,
*Chairman, Committee on Natural Resources, House of Representatives, Washington, DC.*

DEAR CHAIRMAN RAHALL: I write to you regarding H.R. 2342, the ''National Integrated Coastal and Ocean Observation Act.'' This legislation was initially referred to both the Committee on Natural Resources and the Committee on Science and Technology.

H.R. 2342 was marked up by the Committee on Natural Resources on March 12, 2008. I recognize and appreciate your desire to bring this legislation before the House in an expeditious manner, and, accordingly, I will waive further consideration of this bill in Committee. However, agreeing to waive consideration of this bill should not be construed as the Committee on Science and Technology waiving its jurisdiction over H.R. 2342.

Further, I request your support for the appointment of Science and Technology Committee conferees during any House-Senate conference convened on this legislation. I also ask that a copy of this letter and your response be placed in the Congressional Record during consideration of this bill.

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

Sincerely,

BART GORDON,
*Chairman.*

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HOUSE OF REPRESENTATIVES, COMMITTEE ON NATURAL RESOURCES,
*Washington, DC, March 27, 2008.*

Hon. BART GORDON,
*Chairman, Committee on Science and Technology, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your willingness to allow floor consideration of H.R. 2342, the National Integrated Coastal and Ocean Observation Act, to proceed.

I appreciate your willingness to waive your Committee's right to further consideration of H.R. 2342, even though your Committee shares jurisdiction over the bill and has received an additional referral. Of course, this waiver does not prejudice any further jurisdictional claims by your Committee over this legislation or similar language. Furthermore, I agree to support your request for appointment of conferees from the Committee on Science and Technology if a conference is held on this matter.

As is customary, I will insert our two letters in the Congressional Record as part of the consideration of H.R. 2342 on the House floor. Thank you for the cooperative spirit in which you have worked regarding this matter and others between our respective committees.

With warm regards, I am

Sincerely,

NICK J. RAHALL II,
*Chairman, Committee on Natural Resources.*

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, there are currently many Federal and State agencies, universities and private entities collecting ocean and coastal observation data. H.R. 2342 will coordinate these efforts and create a national integrated coastal and ocean observing system. The national system will provide many benefits to the Nation by support weather, marine forecasts, marine transportation, public safety, scientific research, and public outreach and education activities.

Madam Speaker, I reserve the balance of my time.

Mr. KENNEDY. I would just say once again, Madam Speaker, we are in the process as a Nation of taking an assessment of our coastal zones, and in particularly in light of our energy needs, for our wind needs, for the possibility of harnessing the oceans for purposes of energy in our oceans, and, of course, tabulating the effects of global warming. All of these things use data, and those data points can certainly be drawn from the passage of legislation like this that will integrate all of those data points through a coastal and ocean observatory system.

I think we owe a great debt of gratitude to the author of this legislation, Representative ALLEN, for the work that he put into authoring it.

At this time, I would like yield such time as he may consume to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding.

Madam Speaker, I rise to express my support for H.R. 2342, the National Integrated Coastal and Ocean Observation Act. I commend Chairman RAHALL and Chairwoman BORDALLO of the Natural Resources Committee for their leadership and foresight in supporting this legislation to give us the tools we need to manage and protect our marine resources and coastal communities. I also want to thank Mr. BROWN and Mr. YOUNG for their work on this bill.

My legislation establishes a nationwide integrated ocean and coastal observing system, based on the internationally acclaimed Gulf of Maine Ocean Observing System, GoMOOS. That is the acronym, GoMOOS. GoMOOS was developed by Maine oceanographers, and has improved safety for fishermen and boaters, increased understanding of ocean weather and helped forecast the effects of global climate change.

My legislation builds on the success of regional programs like GoMOOS and will greatly enhance our knowledge about our oceans and their resources and vastly improve our ability to manage them properly.

The U.S. Commission on Ocean Policy, Pew Oceans Commission, and the Joint Ocean Commission Initiative have all established creation of a comprehensive ocean observing system as a top priority. In fact, Admiral James Watkins, Chair of the U.S. Commission on Ocean Policy and Cochair of the Joint Oceans Commission Initiative, has testified that an oceans observing system, and I quote, ''is probably the most important single program. I think if it were to be implemented properly and funded to the extent we have recommended in our report, it will be one of the most important things we can do for future decision making.''

Implementation of the Integrated Ocean Observing System will have a myriad of positive impacts. Implementation will, one, improve predictions of climate change and weather and their effects on coastal communities, including impacts on water and energy management; two, improve the safety and efficiency of marine operations; three, improve national and homeland security, particularly within ports and the Nation's heavily populated coastal regions; and, fourth, enable the sustained use of ocean and coastal resources and better manage fisheries.

In addition to monitoring and forecasting climate change, the Ocean Observing System would protect coastal communities and economic interests of oceangoing industries like shipping and commercial fishing by improving warnings of tsunamis, hurricanes, coastal storms and other natural hazards.

The Integrated Ocean Observing System is not just another combination of data satellites and buoys. It has real-time and real life practical applications. In the past, regional ocean systems have provided early warnings of harmful algal blooms that can severely impact the shellfish industry. Scientists use the regional system to target testing areas, and managers use it to issue timely and necessary warnings to protect public health. The Coast Guard is another frequent user. They look to the system for critical information to aid in search and rescue operations.

Fishermen have used Maine's Ocean Observing System for years for real time information on sea conditions and weather. More observations provide more data and allow fishermen to make informed and safe decisions. I would just say in that context that I have had fishermen in Maine tell me that whereas they used to be gambling on what the weather might be 7 to 10 miles offshore, now they can look at their computer, they can get real-time data from a buoy 7 miles offshore and know whether or not it is safe to go out that distance.

Many elements of a national ocean observing system are already in place, but currently they operate independently. Legislation is needed to formally define the fiduciary, legal and oversight structure to enable the integration of the disparate components of the ocean, coastal and Great Lakes observing activities. Legislation authorizing an integrated system will ensure the coordination and integration among all the elements of a national system, both Federal and regional, and would provide legal authority for sharing funds across Federal agencies for implementing IOOS.

A national Integrated Ocean Observing system would enable managers at all levels, local, regional and National, to make informed and timely decisions to manage our ocean resources and protect our coastal communities.

To summarize, what we are talking about is being able to get information about our oceans in the same way and on the same scale that today we get information about the atmosphere, and because of the interconnection of what is happening in the atmosphere and what is happening in the oceans, this will dramatically increase and expand our understanding of both the atmosphere and the oceans. It is an important piece of legislation.

I urge my colleagues to support this measure.

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

Mr. KENNEDY. Madam Speaker, with no other speakers, I would just once again conclude that Rhode Island looks forward to hosting this ocean observatory system that the Representative from Maine has proposed, if not objected to by the gentleman from Hawaii, another sea-going State.

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 Rhode Island (Mr. KENNEDY) that the House suspend the rules and pass the bill, H.R. 2342, as amended.

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

A motion to reconsider was laid on the table.

□ 1430

## CAPTIVE WILDLIFE SAFETY TECHNICAL AMENDMENTS ACT OF 2008

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4933) to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4933

*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 ''Captive Wildlife Safety Technical Amendments Act of 2008''.

**SEC. 2. CAPTIVE WILDLIFE SAFETY AMENDMENTS.**

(a) PROHIBITED ACTS.—Section 3 of the Lacey Act Amendments of 1981 (16 U.S.C. 3372) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A), by inserting ''or'' after the semicolon;

(B) in subparagraph (B), by striking ''; or'' and inserting a semicolon; and

(C) by striking subparagraph (C); and

(2) in subsection (e)—

(A) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (3), (4), (5), and (6) respectively; and

(B) by striking ''(e)'' and all that follows through ''Subsection (a)(2)(C)'' in paragraph (1) and inserting the following:

''(e) CAPTIVE WILDLIFE OFFENSES.—

''(1) IN GENERAL.—It is unlawful for any person—

''(A) to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any live animal of any prohibited wildlife species; or

''(B) to attempt to commit any act described in subparagraph (A).

''(2) NONAPPLICABILITY.—This subsection'';

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by striking ''a'' before ''prohibited'' and inserting ''any'';

(ii) by striking ''(3)'' and inserting ''(4)''; and

(iii) by striking ''(2)'' and inserting ''(3)'';

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (C)—

(I) in clauses (ii) and (iii), by striking ''animals listed in section 2(g)'' each place it appears and inserting ''prohibited wildlife species''; and

(II) in clause (iv), by striking ''animals'' and inserting ''prohibited wildlife species''; and

(ii) in subparagraph (D)—

(I) by striking ''the animal'' the first place it appears and inserting ''an animal of any prohibited wildlife species''; and

(II) by striking ''the animal'' the second place it appears and inserting ''that animal'';

(E) in paragraph (4) (as redesignated by subparagraph (A)), by striking ''(2)'' and inserting ''(3)'';

(F) in paragraph (6) (as redesignated by subparagraph (A))—

(i) by striking ''subsection (a)(2)(C)'' and inserting ''this subsection''; and

(ii) by striking ''fiscal years 2004 through 2008'' and inserting ''fiscal years 2009 through 2013''; and

(G) by inserting after paragraph (6) (as redesignated by subparagraph (A)) the following:

''(7) APPLICATION.—This subsection shall apply beginning on the effective date of regulations promulgated under this subsection.''.

(b) CIVIL PENALTIES.—Section 4(a) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(a)) is amended—

(1) in paragraph (1), by striking ''subsections (b) and (d)'' and inserting ''subsections (b), (d), and (e)''; and

(2) in paragraph (1), by striking ''section 3(d)'' and inserting ''subsection (d) or (e) of section 3''.

(c) CRIMINAL PENALTIES.—Section 4(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3373(d)) is amended—

(1) in paragraphs (1)(A) and (1)(B) and in the first sentence of paragraph (2), by striking ''subsections (b) and (d)'' each place it appears and inserting ''subsections (b), (d), and (e)''; and

(2) in paragraph (3), by striking ''section 3(d)'' and inserting ''subsection (d) or (e) of section 3''.

(d) CORRECTION OF PRIOR AMENDMENT.—

(1) CORRECTION.—Section 102(c) of Public Law 100–653 (102 Stat. 3826) is amended by striking ''section 3(b)'' and inserting ''subsection 3(b)''.

(2) EFFECTIVE DATE.—This subsection shall take effect upon enactment of Public Law 100–653.

**SEC. 3. APPLICABILITY PROVISION AMENDMENT.**

Section 3 of the Captive Wildlife Safety Act (117 Stat. 2871; Public Law 108–191) is amended—

(1) in subsection (a), by striking ''(a) IN GENERAL.—Section 3'' and inserting ''Section 3''; and

(2) by striking subsection (b).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 4933, the Captive Wildlife Safety Technical Amendments Act of 2008, was introduced by my colleague from Guam (Ms. BORDALLO). As Mr. KENNEDY indicated, unfortunately, she cannot be here in person at the moment because she is on her way here from Guam, but hopefully will arrive before the end of the proceedings. Coming as I do, Madam Speaker, on a 5,000 mile one-way commute, I have a lot of empathy and sympathy for her journey. But the issue before us today is very, very important both to her and to Members of the House and, by extension, the Nation.

The Captive Wildlife Safety Act, Public Law 108–191, amended the Lacey Act Amendments of 1981, and that made it unlawful for any person to import, export, transport, sell, receive, acquire, or purchase in interstate or foreign commerce any prohibited wildlife species.

After the law was enacted, the Fish and Wildlife Service and the Department of Justice identified technical drafting problems that made full implementation and enforcement impossible. H.R. 4933 would make those technical changes to the law needed to allow the original intent of the legislation to be achieved.

Madam Speaker, on a personal note, I might add that, under Chairman Pombo, I had the privilege of traveling with him to Africa for the CITES, Convention on International Treaty on Endangered Species, so we could see with our own eyes what the consequences are by not having legislation like this correctly in place. The wildlife species are totally dependent upon human beings as the stewards of this planet and, most certainly, as the stewards of their welfare and for the salvation of endangered species, not just in our country, but overseas as well. Therefore, I ask Members on both sides to support passage of this noncontroversial bill.

May I say also, Madam Speaker, what a privilege it is to be on the floor with Mr. BISHOP of Utah. I have the honor of serving with him on the Resources Committee, and have always valued his insight and perspective.

I reserve the balance of my time.

Mr. BISHOP of Utah. I appreciate those kind words, and I will try to be as introspective as I possibly can here.

Public Law 108–191 made it illegal to buy, sell, or trade certain large exotic cats in interstate or foreign commerce. These include cheetahs, cougars, jaguars, leopards, lions, tigers, and bears, oh my. The measure did not ban the private ownership of these cats, and specific exemptions were provided for qualified aquariums, circuses, sanctuaries, and zoos.

In the 5 years that this law has been enacted, the U.S. Fish and Wildlife Service has been unable to prosecute anyone because of drafting deficiencies; so, I would urge an ''aye'' vote on H.R. 4933.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 4933, as amended.

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

A motion to reconsider was laid on the table.

## HYDROGRAPHIC SERVICES IMPROVEMENT ACT AMENDMENTS OF 2008

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3352) to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3352

*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 ''Hydrographic Services Improvement Act Amendments of 2008''.

**SEC. 2. DEFINITIONS.**

Section 302 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892) is amended—

(1) by amending paragraph (3) to read as follows:

''(3) HYDROGRAPHIC DATA.—The term 'hydrographic data' means information that—

''(A) is acquired through—

''(i) hydrographic, bathymetric, photogrammetric, lidar, radar, remote sensing, or shoreline and other ocean- and coastal-related surveying;

''(ii) geodetic, geospatial, or geomagnetic measurements;

''(iii) tide, water level, and current observations; or

''(iv) other methods; and

''(B) is used in providing hydrographic services.'';

(2) by amending paragraph (4)(A) to read as follows:

''(A) the management, maintenance, interpretation, certification, and dissemination of bathymetric, hydrographic, shoreline, geodetic, geospatial, geomagnetic, and tide, water level, and current information, including the production of nautical charts, nautical information databases, and other products derived from hydrographic data;''; and

(3) by striking paragraph (5).

**SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.**

Section 303 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892a) is amended—

(1) in subsection (a)—

(A) by striking ''the Act of 1947,'' and inserting ''the Coast and Geodetic Survey Act (33 U.S.C. 883a et seq.)''; and

(B) in paragraph (1) by striking ''data;'' and inserting ''data and provide hydrographic services;'';

(2) in subsection (b)—

(A) by striking ''the Act of 1947,'' and inserting ''the Coast and Geodetic Survey Act (33 U.S.C. 883a et seq.)'';

(B) in paragraph (3) by striking ''title IX of the Federal Property and Administrative Services Act of 1949; and'' and inserting ''subchapter VI of chapter 10 of title 40, United States Code;'';

(C) in paragraph (4) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(5) may create, support, and maintain a Joint Hydrographic Institute.''; and

(3) by striking subsection (c) and inserting the following:

''(c) ACQUISITION OF HYDROGRAPHIC DATA AND PROVIDE HYDROGRAPHIC SERVICES.—To the extent that it does not detract from the promotion of safe and efficient navigation, the Administrator may acquire hydrographic data and provide hydrographic services to—

''(1) support the conservation and management of coastal and ocean resources;

''(2) save and protect life and property;

''(3) support the resumption of commerce in response to emergencies, natural disasters, and man-made disasters, and

''(4) meet homeland security and maritime domain awareness needs, including carrying out mission assignments (as that term is defined in section 641 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741).''.

**SEC. 4. HYDROGRAPHIC SERVICES REVIEW PANEL.**

Section 305 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892c) is amended—

(1) in subsection (c)(1)(A) by striking ''Director'' and inserting ''Co-directors'';

(2) in subsections (c)(1)(C), (c)(3), and (e) by striking ''Secretary'' each place it appears and inserting ''Administrator''; and

(3) by amending subsection (d) to read as follows:

''(d) COMPENSATION.—Voting members of the panel shall be reimbursed for actual and reasonable expenses, including travel and per diem, incurred in the performance of duties for the panel.''.

**SEC. 5. AUTHORIZATION OF APPROPRIATIONS.**

Section 306 of the Hydrographic Services Improvement Act of 1998 (33 U.S.C. 892d) is amended to read as follows:

**''SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

''There are authorized to be appropriated to the Administrator the following:

''(1) To carry out nautical mapping and charting functions under sections 303 and 304, except for conducting hydrographic surveys—

''(A) $55,000,000 for fiscal year 2009;

''(B) $56,000,000 for fiscal year 2010;

''(C) $57,000,000 for fiscal year 2011; and

''(D) $58,000,000 for fiscal year 2012.

''(2) To contract for hydrographic surveys under section 303(b)(1), including the leasing or time chartering of vessels—

''(A) $32,130,000 for fiscal year 2009;

''(B) $32,760,000 for fiscal year 2010;

''(C) $33,390,000 for fiscal year 2011; and

''(D) $34,020,000 for fiscal year 2012.

''(3) To operate hydrographic survey vessels owned by the United States and operated by the Administration—

''(A) $25,900,000 for fiscal year 2009;

''(B) $26,400,000 for fiscal year 2010;

''(C) $26,900,000 for fiscal year 2011; and

''(D) $27,400,000 for fiscal year 2012.

''(4) To carry out geodetic functions under this title—

''(A) $32,640,000 for fiscal year 2009;

''(B) $32,280,000 for fiscal year 2010;

''(C) $33,920,000 for fiscal year 2011; and

''(D) $34,560,000 for fiscal year 2012.

''(5) To carry out tide and current measurement functions under this title—

''(A) $27,000,000 for fiscal year 2009;

''(B) $27,500,000 for fiscal year 2010;

''(C) $28,000,000 for fiscal year 2011; and

''(D) $28,500,000 for fiscal year 2012.

''(6) To acquire a replacement hydrographic survey vessel capable of staying at sea continuously for at least 30 days $75,000,000.''.

**SEC. 6. ADDITION OF SHORT TITLE TO EXISTING LAW.**

The Act of August 6, 1947 (chapter 504; 33 U.S.C. 883a et seq.) is amended by adding at the end the following:

**''SEC. 11. SHORT TITLE.**

''This Act may be cited as the 'Coast and Geodetic Survey Act'.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 3352 was introduced by my colleague and our good friend from Alaska (Mr. YOUNG), and it amends the Hydrographic Services Improvement Act to authorize the administrator of the National Oceanic and Atmospheric Administration to expand the use of hydrographic data and hydrographic services.

The Office of Coast Survey, which is within NOAA's National Ocean Service, conducts hydrographic surveys measuring the depth and bottom configuration of bodies of water. The Hydrographic Services Review Panel, a quality assurance program authorized in 2002, suggested several recommendations to improve NOAA's hydrographic services. Strengthening the emergency response and recovery capabilities were among the recommendations suggested. H.R. 3352 addresses these recommendations directly, and meets homeland security and maritime domain awareness needs.

I want to commend our friend Congressman DON YOUNG for introducing this bill, and urge all Members to support it.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I rise in support of H.R. 3352.

Hydrographic surveys and shoreline mapping activities provide data to produce accurate nautical charts. Many vessels from large container ships and oil tankers to the smaller commercial fishing vessels and recreational boaters rely on nautical charts to safely navigate U.S. waterways. There is currently a backlog in the survey work, making many nautical charts out of date. H.R. 3352 will reauthorize the program that supports hydrographic surveys and shoreline mapping activities, and continue the efforts to provide all users with accurate nautical charts. I urge an ''aye'' vote.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 3352, 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. WESTMORELAND. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## NATIONAL FISH AND WILDLIFE FOUNDATION ESTABLISHMENT ACT AMENDMENT OF 2008

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3891) to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3891

*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 ''National Fish and Wildlife Foundation Establishment Act Amendment of 2008''.

**SEC. 2. BOARD OF DIRECTORS OF THE FOUNDATION.**

Section 3(a) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(a)) is amended by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—The Foundation shall have a governing Board of Directors (referred to in this Act as the 'Board'), which shall consist of 30 Directors appointed in accordance with subsection (b), each of whom shall be a United States citizen.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 3891, introduced by my colleague from South Carolina (Mr. BROWN), expands the size of the Board of Directors of the National Fish and Wildlife Foundation from 25 to 30 members.

The National Fish and Wildlife Foundation was established by Congress in 1984 as a charitable nonprofit corporation. The foundation was formed to further the conservation and management of fish, wildlife, plants, and other natural resources by the United States Fish and Wildlife Service and the National Oceanic and Atmospheric Administration.

While the foundation and its conservation programs continue to grow and fundraising for these programs keeps pace, it is considerably more difficult to meet the increasing administrative expenses of the foundation. Expanding the size of the board of directors will improve the ability of the foundation to raise private funds, to cover its administrative expenses, and to improve the implementation of its conservation programs.

I commend Congressman HENRY BROWN, again, a good friend of many of us here in the Congress and a friend of the Natural Resources, for introducing this bill, and urge all Members to support it.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I rise in support of H.R. 3891. It does increase by five members the Board of Directors on the National Fish and Wildlife Foundation.

Since its inception, this foundation has financed more than 9,500 conservation projects to sustain, restore, and enhance fish wildlife population and their essential habitat. Under current law, the Secretary of the Interior may

appoint 25 individuals to serve on the Board of Directors. These members have expertise in fish, wildlife, natural resources, and conservation. They serve as conservation ambassadors, and they approve projects submitted to the foundation, and raise funds for the operation of this successful organization. The additional five members will help to enhance that job description. I urge my colleagues to vote favorably on H.R. 3891.

I yield back the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, before yielding back the balance of my time, and I will do so, I have a brief closing insert that I would like to read from Congresswoman BORDALLO who, as I indicated, finds it impossible to be here today at this time. She says as follows:

Madam Speaker, as Chairwoman on the Subcommittee on Fisheries, Wildlife, Oceans, I reiterate that the Natural Resources Committee supports this bill as a means to maximize community participation in the activities of the Fish and Wildlife Foundation.

It is our expectation, that is to say Congresswoman BORDALLO's expectation, that the foundation will view this expansion of its Board of Directors as an opportunity to increase the diversity of professional backgrounds and views that board members bring to the foundation, and also that the Secretary of the Interior will appoint qualified individuals, hopefully with conservation experience in the offshore territories.

Mr. BROWN of South Carolina. Madam Speaker, I rise today to speak on H.R. 3891, a bill I introduced with Fisheries, Oceans and Wildlife Subcommittee Chairwoman MADELEINE BORDALLO. The fundamental purpose of this legislation is to increase from 25 to 30 the number of members who may serve on the Board of Directors of the National Fish and Wildlife Foundation.

The National Fish and Wildlife Foundation was created by Congress in 1984. Since that time, it has financed more than 9,500 conservation projects throughout the United States and in other countries. By using a partnership and challenge grant approach, the Foundation has provided $1.3 billion in critical funding to accomplish its strategic goals of sustaining, restoring and enhancing fish, wildlife and plant populations and their essential habitat.

Under current law, the Secretary of the Interior may appoint up to 25 individuals to serve on the Foundation's Board of Directors. The members of this Board have expertise in fish, wildlife and natural resource conservation; they serve as conservation Ambassadors throughout the world; they review and approve projects submitted to the Foundation and they raise funds for the operation of this highly successful organization.

By increasing the size of the Board, we will greatly enhance the Foundation's ability to finance additional meritorious projects in the future.

I urge my colleagues to vote "yea" on H.R. 3891.

Mr. ABERCROMBIE. 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 Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 3891, as amended.

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

A motion to reconsider was laid on the table.

□ 1445

## HALE SCOUTS ACT

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2675) to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2675

*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 "Help to Access Land for the Education of Scouts" or "HALE Scouts Act".*

***SEC. 2. LAND CONVEYANCE, OUACHITA NATIONAL FOREST, OKLAHOMA.***

*(a) FINDING.—Congress finds that it is in the public interest to provide for the sale of certain federally owned land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, for market value consideration.*

*(b) CONVEYANCE REQUIRED.—Subject to valid existing rights, the Secretary of Agriculture shall convey, by quitclaim deed, to the Indian Nations Council, Inc., of the Boy Scouts of America (in this section referred to as the "Council") all right, title, and interest of the United States in and to certain National Forest System land in the Ouachita National Forest in the State of Oklahoma consisting of approximately 140 acres, depending on the final measurement of the road set back and the actual size of the affected sections, as more fully described in subsection (c). The conveyance may not include any land located within the Indian Nations National Scenic and Wildlife Area designated by section 10 of the Winding Stair Mountain National Recreation and Wilderness Area Act (16 U.S.C. 460vv–8).*

*(c) COVERED LANDS.—The National Forest System land to be conveyed under subsection (b) is depicted on the map entitled "Boy Scout Land Request–Ouachita NF". The map shall be on file and available for public inspection in the Forest Service Regional Office in Atlanta, Georgia.*

*(d) CONSIDERATION.—As consideration for the land conveyed under subsection (b), the Council shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary and done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).*

*(e) USE OF PROCEEDS.—The consideration received under subsection (d) shall be deposited in the fund established by Public Law 90–171 (commonly known as the "Sisk Act"; 16 U.S.C. 484a). The amount so deposited shall be available to the Secretary, without further appropriation, for expenditure for the acquisition of land and interests in land in the Ouachita National Forest.*

*(f) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be conveyed under subsection (b) shall be determined by a survey satisfactory to the Secretary. The Council shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.*

*(g) ACCESS.—Access to the land conveyed under subsection (b) shall be from the adjacent land of the Council or its successor. Notwithstanding section 1323(a) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3210(a)), the Secretary shall not be required to provide additional access to the conveyed land.*

*(h) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may prescribe such terms and conditions on the conveyance under subsection (b) as the Secretary considers in the public interest, including the reservation of access rights to the conveyed land for administrative purposes.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 2675 was introduced by my colleague and our friend on the Natural Resources Committee, Representative DAN BOREN.

The legislation directs the Secretary of Agriculture to convey 140 acres of public land in Oklahoma, administered by the United States Forest Service, to the Indian Nations Council of the Boy Scouts of America. The Boy Scouts will use this land to expand their existing camping. The Boy Scouts will pay a fair market value for the land.

Madam Speaker, I want to commend our colleague and friend, Representative BOREN, for his work on this bill. I support the passage of H.R. 2675, as amended.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2675, and we are pleased to support this legislation that will help the young men of Oklahoma by allowing the Boy Scouts of America to expand their summer camp within the forest to accommodate the fast-growing number of campers. This speaks volumes about the excellent organization that is the Boy Scouts of America, and we compliment Representative BOREN on his efforts. Hopefully this land conveyance will ease some of the pain the scouting community suffered when Congressman BOREN

left the Scouts shortly before attaining the rank of tenderfoot.

I want to thank Chairman RAHALL and the professional staff for moving this bill along expeditiously, and thank my friend from Hawaii for his efforts on this particular legislation, and thank the gentleman from Oklahoma for having a wonderful bill. I urge Members to support this particular legislation.

Mr. BOREN. Madam Speaker, I rise today in strong support for H.R. 2675, the HALE Scouts Act. This bill would grant the U.S. Forest Service authority to sell roughly 140 acres of land to the Indian Nations Council of Boy Scouts, which is adjacent to the Scout's summer camp, Camp Tom Hale located in Talihina, OK. The Council is a nonprofit organization providing educational programs for boys and young adults to build character, to train in the responsibilities of citizenship, and to develop personal fitness,

The camp first opened in June 1930 to serve Boy Scouts in the McAlester, Oklahoma area. It was originally located at what is now Robbers Cave State Park near Wilburton, Oklahoma. In 1963, the Boy Scout Council in McAlester worked with the State of Oklahoma and the U.S. Forest Service to exchange the camp at Robbers Cave for 480 acres of wilderness area in the Ouachita National Forest. This "new" Camp Hale has continued as a summer adventure camp serving thousands of scouts during the intervening 41 years. In 1997, the Council board developed a strategic plan for a $3.5 million expansion and renovation of the camp. Since then, the Council has spent in excess of $1 million continually updating and expanding facilities to meet the needs of scouts. As a result, a renewed emphasis on wilderness and the outdoors has flourished, with over 6,000 scouts and leaders from a five state area attending weekly sessions offered in June and July and enjoying the beautiful Ouachita Forest. Attendance has now exceeded the maximum number of available campsites and program areas, which is causing Camp Hale to begin turning away hundreds of scouts each summer.

It is now critical for camp growth that the boundaries be extended to include more area for camping and additional program and training services. Successful completion of this objective will allow the Boy Scouts to continue the expansion of outdoor and leadership training for thousands of youth living in the Central Southwest and bring additional usage and enjoyment of the Ouachita Forest to more families. I greatly appreciate this body's consideration of this measure, and urge my colleagues support.

Mr. BISHOP of Utah. Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, I can't spot any more tenderfeet on the floor, and so we will yield back our time as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 2675, 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. BISHOP of Utah. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

## UTAH NATIONAL GUARD READINESS ACT

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 3651) to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3651

*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 "Utah National Guard Readiness Act".*

***SEC. 2. LAND CONVEYANCE, CAMP WILLIAMS, UTAH.***

*(a) CONVEYANCE REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the Bureau of Land Management, shall convey, without consideration, to the State of Utah all right, title, and interest of the United States in and to certain lands comprising approximately 431 acres, as generally depicted on a map entitled "Proposed Camp Williams Land Transfer" and dated March 7, 2008, which are located within the boundaries of the public lands currently withdrawn for military use by the Utah National Guard and known as Camp Williams, Utah, for the purpose of permitting the Utah National Guard to use the conveyed land as provided in subsection (c).*

*(b) REVOCATION OF EXECUTIVE ORDER.—Executive Order 1922 of April 24, 1914, as amended by section 907 of the Camp W.G. Williams Land Exchange Act of 1989 (title IX of Public Law 101–628; 104 Stat. 4501), shall be revoked, only insofar as it affects the lands identified for conveyance to the State of Utah under subsection (a).*

*(c) REVERSIONARY INTEREST.—The lands conveyed to the State of Utah under subsection (a) shall revert to the United States if the Secretary of the Interior determines that the land, or any portion thereof, is sold or attempted to be sold, or that the land, or any portion thereof, is used for non-National Guard or non-national defense purposes. Any determination by the Secretary of the Interior under this subsection shall be made in consultation with the Secretary of Defense and the Governor of Utah and on the record after an opportunity for comment.*

*(d) HAZARDOUS MATERIALS.—With respect to any portion of the land conveyed under subsection (a) that the Secretary of the Interior determines is subject to reversion under subsection (c), if the Secretary of the Interior also determines that the portion of the conveyed land contains hazardous materials, the State of Utah shall pay the United States an amount equal to the fair market value of that portion of the land, and the reversionary interest shall not apply to that portion of the land.*

The SPEAKER pro tempore. Pursuant to the rule the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 3651 was introduced by the ranking member on the National Parks, Forests and Public Lands Subcommittee, Representative BISHOP. The legislation directs the Secretary of the Interior to convey certain identified public lands to the State of Utah for use by the Utah National Guard. The land would revert to the United States should it ever cease to be used by the National Guard.

Madam Speaker, I want to commend my colleague and friend, Representative BISHOP, for his leadership in this matter and his willingness to work with the committee to resolve issues raised in earlier consideration of the legislation. I am sure that I speak for Chairman RAHALL in that regard, and most certainly his fellow members on the Resources Committee. Therefore, I have no objection to the passage of H.R. 3651; and, in fact, enthusiastically endorse it.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

H.R. 3651, the Utah National Guard Readiness Act, was cosponsored by the entire Utah delegation. There are only three of us, but we all agreed. So Mr. MATHESON, Mr. CANNON, and I are sponsoring this bill, as requested by the Adjutant General of the Utah National Guard as well as the Governor of the State of Utah, in order to address the long-term growing pains of the National Guard at their Camp Williams headquarters.

The Utah National Guard has run out of State-controlled land on which to expand and build and support its vital national guard and national defense missions.

The lands transferred under this act are already withdrawn from military use by the Guard from the Bureau of Land Management. So placing the land in the State's name for use by the National Guard will allow for the consolidation of ownership patterns in the critical headquarters area, and allow the State of Utah to bond for future Guard facilities in a more streamlined and cost-effective manner.

I thank the chairman of our committee, Mr. RAHALL, and his staff, for working on this bill and moving it forward. I also thank the subcommittee chairman, Mr. GRIJALVA, for his assistance and that of the subcommittee professional staff.

In this day and age, we are asking the National Guardsmen to do more

and more heavy lifting for our Nation's defense and in deploying overseas in armed conflict. At the same time, we are asking them to also be on the frontlines in protect the homeland, and also to be there for our States and communities in times of emergency or natural disasters. We ask a lot of them, and they deliver.

This bill will allow our Utah National Guard to support its future mission growth in meeting these challenges. It is a small thing for us to be able to help them down the road in meeting their obligations. I thank my colleagues for consideration of this bill, and I strongly urge its adoption.

I reserve the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, as a member of the Armed Services Committee, and as chairman of the Air Land Subcommittee of that committee, I particularly want to commend Mr. BISHOP for his remarks regarding the National Guard deployments and our obligations to them. And in recognition of that, I would like his remarks to be incorporated as my own with regard to his bill. With his permission I would like to do that.

Mr. BISHOP of Utah. I think the gentleman from Hawaii could have done it much more artfully than I did, but I will be happy to allow him to do that.

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

Mr. BISHOP of Utah. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 3651, as amended.

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

A motion to reconsider was laid on the table.

## LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM ACT

Mr. ABERCROMBIE. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 2515) to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2515

*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 ''Lower Colorado River Multi-Species Conservation Program Act''.*

***SEC. 2. DEFINITIONS.***

*In this Act:*

*(1) LOWER COLORADO RIVER MULTI-SPECIES CONSERVATION PROGRAM.—The term ''Lower Colorado River Multi-Species Conservation Program'' or ''LCR MSCP'' means the cooperative effort on the Lower Colorado River between Federal and non-Federal entities in Arizona, California, and Nevada approved by the Secretary of the Interior on April 2, 2005.*

*(2) LOWER COLORADO RIVER.—The term ''Lower Colorado River'' means the Colorado River from Lake Mead to the Southerly International Boundary with Mexico, including its historic floodplain and its mainstem reservoirs to their full pool elevations.*

*(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.*

*(4) STATES.—The term ''States'' means each of the States of Arizona, California, and Nevada.*

***SEC. 3. IMPLEMENTATION AND WATER ACCOUNTING.***

*(a) IN GENERAL.—The Secretary is authorized to participate in the Lower Colorado River Multi-Species Conservation Program.*

*(b) WATER ACCOUNTING.—The Secretary is authorized to enter into an agreement with the States providing for the use of water from the Lower Colorado River for habitat creation and maintenance.*

***SEC. 4. AUTHORIZATION OF APPROPRIATIONS.***

*(a) IN GENERAL.—There is authorized to be appropriated to the Secretary such sums as may be necessary to participate in the Lower Colorado River Multi-Species Conservation Program, to remain available until expended.*

*(b) NONREIMBURSABLE AND NONRETURNABLE.—All amounts appropriated to and expended by the Secretary for the LCR MSCP shall be nonreimbursable and nonreturnable.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Utah (Mr. BISHOP) each will control 20 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

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

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

There was no objection.

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

Madam Speaker, H.R. 2515, as introduced by our colleague and friend, Representative Dean Heller, would authorize the Secretary of the Interior to participate in the multi-species habitat conservation plan on the lower 400 miles of the Colorado River. The States of Nevada, Arizona and California, along with several major water districts, are participants and funding partners in this program.

As amended, this legislation is not controversial and should be supported. And I might say, Madam Speaker, exhibits the multiple responsibilities of the Resources Committee and the really extraordinary complications and details that have to be considered when such legislation comes forward. It is a tribute to the staffs of the members on the committee, and most particularly the professional staff of the Resources Committee, that this legislation is able to be compiled, understood and comprehended by the members, and then brought forward to the body as a whole in a way that advances the public interest.

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

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

This particular bill helps solve the conundrum that we face in the protection and conservation of certain species: For example, the bony-tailed chub, the razorback sucker, and the humpback chub.

H.R. 2515, introduced by Dean Heller of Nevada and Harry Mitchell of Arizona, is an amended bipartisan measure aimed at protecting endangered species while keeping the waters running and the lights on for consumers in the Southwest.

As amended at the committee level, this bill has been scaled back, but still codifies a very popular multi-species habitat conservation plan on the Lower Colorado River. I note that some water and power supply organizations support key provisions taken out by the majority. However, in the interest of moving this bill forward, they support the passage of this bill with the hope that the final bill signed into law will better resemble the original legislation.

At a time when our water supply is being diminished due to a number of factors, this bill—although somewhat incomplete—is still a win-win for our water and power consumers.

I have no additional speakers, and I am prepared to yield back the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, I observed that Mr. BISHOP was looking directly at me when he recited, with a look that I can only determine as ''gleeful,'' he cited the razorback sucker and the bonytail chub. I am not sure whether I was being categorized by him in the sucker category or the chub category, or he was gazing at me metaphorically.

Do you suppose he might be able to answer that for me.

Mr. BISHOP of Utah. Will the gentleman yield?

Mr. ABERCROMBIE. I will yield.

Mr. BISHOP of UTAH. I have certainly never thought of the gentleman as either a razorback or a bonytail.

Mr. ABERCROMBIE. Thank you very much.

Madam Speaker, it is now clear for me.

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 Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 2515, as amended.

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

A motion to reconsider was laid on the table.

□ 1500

## SUPPORTING THE OBSERVANCE OF COLORECTAL CANCER AWARENESS MONTH

Mr. WYNN. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 302) supporting the observance of Colorectal Cancer Awareness Month, and for other purposes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 302

Whereas colorectal cancer is the second most common cause of cancer deaths for men and women in the United States;

Whereas colorectal cancer affects men and women equally;

Whereas more than 148,810 people in the United States will be diagnosed with colon cancer this year;

Whereas over 49,960 people in the United States will die from colon cancer this year;

Whereas every 3.5 minutes, someone is diagnosed with colorectal cancer and every 9 minutes someone dies from colorectal cancer;

Whereas every 5 seconds someone who should be screened for colorectal cancer is not;

Whereas the vast majority of colon cancer deaths can be prevented through proper screening and early detection;

Whereas the survival rate of individuals who have colorectal cancer is 90 percent when detected in the early stages versus only a 10 percent survival rate when colorectal cancer is diagnosed after it has spread to distant organs;

Whereas only 39 percent of colorectal cancer patients have their cancers detected at an early stage;

Whereas uninsured Americans are more likely to be diagnosed with late stage colon cancer than patients with private insurance;

Whereas only 18.8 percent of those without health coverage in the United States have currently been properly screened for colorectal cancer;

Whereas if the majority of Americans age 50 or older were screened regularly for colorectal cancer, the death rate from this disease could plummet by up to 80 percent;

Whereas regular colorectal cancer screening has been ranked as one of the most cost effective screening interventions available, with the potential to save more than 30,000 lives a year;

Whereas treatment costs for colorectal cancer are extremely high, estimated at $8,400,000,000 for 2004;

Whereas increasing the number of people between the ages of 50 years and 64 years of age who are regularly screened in the United States, would provide significant savings in billions of dollars to the Medicare program from cancer prevention and treatment costs;

Whereas the Blue Star, developed by the Members of the National Colorectal Cancer Roundtable, the American Cancer Society, the Colon Cancer Alliance, and C3: Colorectal Cancer Coalition represents the collective fight against colon cancer, the eternal memory of the people whose lives have already been lost to the disease, and the shining hope for a future free of colon cancer;

Whereas Coaches vs. Cancer (a partnership between the American Cancer Society and the National Association of Basketball Coaches), the Colon Cancer Alliance, and Ethicon Endo-Surgery have created ''Earn a Blue Star Day'' as a means for individuals and corporations to raise awareness of the importance of screening for colon cancer;

Whereas greater awareness of this cancer and the means to prevent it will save the lives of tens of thousands of Americans each year; and

Whereas observing a Colorectal Cancer Awareness Month during the month of March would provide a special opportunity to offer education on the importance of early detection and screening: Now, therefore, be it

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

(1) supports the observance of Colorectal Cancer Awareness Month in order to provide a special opportunity to offer education on the importance of early detection and screening;

(2) recognizes and applauds the national and community organizations for their work in promoting awareness about colorectal cancer, providing information on the importance of prevention and early detection through regular screening, and facilitating access to treatment for its sufferers; and

(3) urges organizations and health practitioners to ''earn a Blue Star'' by using this opportunity to promote awareness about colorectal cancer and to support early identification and removal of pre-cancerous polyps, detectable only through colorectal cancer screenings.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. WYNN) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

GENERAL LEAVE

Mr. WYNN. 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 Maryland?

There was no objection.

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

I rise today in strong support of H. Con. Res. 302. This bill does three things: First, it calls for the designation of March as Colorectal Cancer Awareness Month. Second, it recognizes national and community organizations for their work in promoting the importance of prevention and early detection through regular colorectal screenings. Third, it urges organizations and health practitioners to ''earn a Blue Star'' by using this opportunity to increase awareness about colorectal cancer. And I will talk more about the blue star in just a minute.

But first let me note that colorectal cancer is the third most common type of cancer and the second most deadly. Approximately 148,000 Americans will be diagnosed with colorectal cancer this year, and 49,000 will die from the disease.

Every 3 minutes a loved one is diagnosed with colorectal cancer. Every 9 minutes a loved one dies from the disease. Every 5 seconds a loved one who should be screened for colorectal cancer is not.

Colorectal cancer is a silent killer which often causes no symptoms until it reaches the latest stages. Colorectal screenings save lives by catching the disease in its earlier stages. If detected at an early stage, the 5-year survival rate for colorectal cancer is 90 percent. If it is not detected until the later stage, the 5-year survival rate plummets to just 10 percent.

This tragedy disproportionately affects minorities, particularly African Americans, who are less likely to have access to health insurance or see a doctor on a regular basis. As a result, African Americans are diagnosed later and are 40 percent more likely to die from the disease. In 2007, 1,600 cases of colorectal cancer occurred among African Americans.

Hoping to repeat the success of the red ribbon in symbolizing AIDS and the pink ribbon in symbolizing breast cancer, the National Colorectal Cancer Roundtable has selected a blue star to symbolize the fight against colorectal cancer. The star serves a dual purpose; it recognizes the eternal memory of those people whose lives have already been lost to the disease, and it is a shining hope for a future free of colon cancer.

This resolution recognizes the important work that national and community organizations have already done in promoting awareness about colorectal cancer, including the creation of Earn a Blue Star day.

Additionally, the resolution encourages organizations and health care practitioners to earn a blue star by supporting early identification and removal of precancerous polyps.

Recognizing March as Colorectal Cancer Awareness Month provides us a special opportunity to focus on education about screening and early detection. As we continue to work to find a cure for colorectal cancer, it is vital that we work together to increase awareness about screening in order to prevent the disease from reaching its deadly conclusion.

Before I conclude, I want to thank my colleagues, Representative KAY GRANGER and Representative PATRICK KENNEDY, for their leadership on this issue. Although Representative GRANGER could not be here today, I know that she cares very deeply about this issue and has worked hard to bring this resolution to the floor.

I now want to urge my colleagues to join me in support of the adoption of this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. BURGESS. Madam Speaker, I yield myself so much time as I may consume.

Madam Speaker, colorectal cancer is the third most commonly diagnosed cancer. It's the second most common cause of cancer deaths in the United States; clearly a major player in our cancer burden here in this country. Every 3½ minutes someone is diagnosed with colorectal cancer. Every 9

minutes someone dies from colorectal cancer.

This is a disease that affects men and women equally. This year, almost 150,000 new cases will be diagnosed, and almost 50,000 deaths will be caused by colorectal cancer. The real tragedy is that many of these cancer cases and deaths do not have to happen. The vast majority of colorectal cancer deaths can be prevented through proper screening and early detection. This resolution recognizes March as Colorectal Cancer Awareness Month.

My good friend from Maryland talked about disparities; indeed, disparities do occur. And one of the things we can do to diminish those disparities is to talk. We can talk more about this disease. And the more we encourage our family and friends, our neighbors to get screened, the more lives we can, in fact, save.

But recognizing Colorectal Cancer Awareness Month is not enough. We do need to increase Federal funding for early detection and screening. So, along with Congressman WYNN, Representative GRANGER has introduced a bill that would authorize funding for early detection screenings and make preventive care a priority. Specifically, the Colorectal Cancer Prevention, Early Detection and Treatment Act, H.R. 738, would establish a national screening program for colorectal cancer for individuals over 50 years of age and/or who are at high risk. It would also authorize State funding for these screenings, and it would create a public awareness and education campaign for colorectal cancer.

Despite scientific evidence supporting the benefits of screenings, screenings remain low for this disease in the United States, and every 5 seconds someone who should be screened is not. When colorectal cancer is diagnosed late, the survival rate for cancer is only 10 percent, but if it's diagnosed early, before spread has occurred, the survival rate is in excess of 90 percent. Early detection and screening saves lives.

If everyone over 50 years of age were screened regularly for colon cancer, the death rate for this disease could plummet by 80 percent. In addition to saving lives, early detection and screening clearly would save money.

Treatment costs for colon cancer are extremely high and could be greatly reduced if mass screenings occurred. Colon cancer treatment costs totaled roughly $8.5 billion for new cases in 2007. Let me say that again, almost $8.5 billion for 2007. The costs of two-thirds of these cancer cases are borne by the Medicare program.

The Lewin Group recently conducted a comprehensive study of the potential cost savings to Medicare and found that every 10 years a colon cancer screening program will result in a savings of about 1½ years worth of Medicare expenditures. If screenings were increased among people 50 years of age and older in the United States, it would save billions of dollars in Medicare expenditures, not to mention the thousands of lives that would be spared.

The Colon Cancer Prevention, Early Detection and Treatment Act ensures that people who are screened will get the full continuum of cancer care, including the appropriate follow-up for abnormal tests, diagnostic and therapeutic services, and treatment for detected cancers.

Observing Colorectal Cancer Awareness Month provides us with the opportunity to discuss the importance of early detection and of screening. It also provides us the opportunity to thank the thousands of volunteers and the national and community organizations for their work in promoting awareness of this disease. Groups like the Prevent Cancer Foundation, the National Colorectal Cancer Society Roundtable, the American Cancer Society, the Colon Cancer Alliance, and C3: Colorectal Cancer Coalition, these groups have created the ''Earn a Blue Star Day'' as a way for individuals and corporations to raise awareness of the importance of screening for this cancer.

I encourage my colleagues in the House to ''earn a blue star'' by using this opportunity to promote awareness of colon cancer and to support early detection and screening.

Madam Speaker, I reserve the balance of my time.

Mr. WYNN. Madam Speaker, I am pleased to yield 5 minutes to the gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY. I would like to thank the gentleman from Maryland for his ambitious efforts on behalf of this issue. He has been tireless on behalf of spreading the word on the issue of prevention of colorectal cancer. I can recall for many years being invited to participate in events where he has been out there talking about prevention and prevention, prevention, prevention. I salute him for his efforts and thank him for his service to our country on behalf of this very important issue.

He said it as clear as anyone could say it, and that is that the most common reason people give for why they have not had a colorectal cancer screening is that it wasn't recommended to them. And the most common reason that people die of colorectal cancer is because they haven't been screened. So, what is the answer? The answer is we have to get people to recommend that they get a screening for colorectal cancer. If they get the recommendation that they get screened, then they have a 90 percent chance of survival. It's that simple.

Why are people dying of an illness that is so preventable? Because they're not being told, first, that the statistics are what they are, that this is preventable; and two, that the professions out there need to get about doing what they need to do to make those recommendations that people get the screening. If you're 50 and older, you need to get the screening. If you have it in your family, you need to get the screening. And these are the simple messages that we need to get out to the general public. And AL WYNN has been the leader in this Congress in making sure those messages get out to the public. And I want to thank KAY GRANGER for her efforts as well in sponsoring this bill.

But the fact of the matter is that we cannot sit idly by and think that this is something that simply is a matter of saving dollars. I want to thank my friend, Mr. BURGESS, for pointing out that we save lots of money if we screen early. He pointed out accurately that the Lewin Group said that we spent nearly $8.5 billion just this last year treating colorectal cancer. Two-thirds of that will be paid by the Federal Government; two-thirds will be paid by our taxpayers. And imagine if we had screening, we could avoid that cost. If we had screening, the cost of a screening could avoid all the heavy expenses of that treatment. But imagine all the lives that it will save? Imagine all the fathers and mothers and sons and daughters and brothers and sisters who would be spared the awful trauma of having to be treated with cancer.

This is the right thing to do. It's not only the right thing to do, you know, financially, which should be a no-brainer for us in Congress, we're looking for ways to save money, this is a money saver, but this is the right thing to do for our people in terms of saving them the heartache. So, what do we need to do? We need to cover people.

In my State of Rhode Island, we already mandate, our insurance coverage already requires it. But unfortunately, as the American Cancer Society is trying to do nationally, we have 47 million Americans without health insurance. And until we get more people covered with health insurance, there are going to continue to be people who fall off.

That's why this legislation is so important. It sets up grants to States so that we can target those who don't have health insurance so that they can get the screening. If we know that they have colorectal cancer polyps prescreening, then we know we can get in there and make sure that they get the treatment early so that we're not stuck as a society having to pay down the road for the most costly and expensive kinds of treatment through the Medicare and Medicaid programs.

So, my friends, this is something that we need to do. I salute all of those in the cancer community who have been trying to preach this message. This is a message that needs to be preached. And I think that every month ought to be Cancer Awareness Month. I'm just happy that we now finally are getting about focusing on an illness that has been too quiet, too quiet. When you compare it to breast cancer, cervical cancer, prostate cancer, colorectal cancer screenings are the lowest of all of them, the lowest,

because it has been the most stigmatized of all cancers.

□ 1515

But colorectal cancer can no longer remain that way because too many people are dying as a result.

Mr. BURGESS. Madam Speaker, at this time I will reserve my time.

Mr. WYNN. Madam Speaker, at this time I recognize the distinguished gentlelady from Illinois (Ms. SCHAKOWSKY) for 2 minutes.

Ms. SCHAKOWSKY. Madam Speaker, first, I want to thank Congressman WYNN for his effort to bring this critical resolution to the floor today. I'm glad to be here to speak out in strong support of H. Con. Res. 302, a resolution to recognize March as Colorectal Cancer Awareness Month.

My family and my life, like so many others, have been touched by someone with cancer. Two and a half years ago, after fighting courageously for a year, my amazing daughter-in-law, Fiona, died of colorectal cancer, leaving behind two young children, a husband and many loving family members and friends. At 38 years old, she died, not having a screening, and though, in retrospect, she had symptoms. Too many of us have either struggled with cancer ourselves or know of someone who has.

I recently saw a new study from the CDC saying that colorectal cancer testing has risen steadily since 2002, and this is very encouraging news. But another study that appeared in the Journal CANCER at the end of last year is extremely troubling to me. It shows a significant underuse of colorectal cancer screening procedures among Medicare beneficiaries. In fact, only 25 percent of Medicare beneficiaries received recommended screening.

Mr. WYNN. The gentlelady is granted an additional 30 seconds.

Ms. SCHAKOWSKY. In fact, only 25 percent of Medicare patients received recommended screening during the study period.

We have to do better. We must work to expand public education and understanding of the benefits of screening. Congress needs to make it a priority to reduce the amount of out-of-pocket-costs associated with cancer screening to ensure that those who may be at risk of developing colorectal cancer get screened. And as the richest country in the world, we need to act to make sure that everyone gets the medical care they need.

You've heard the statistics. If caught early the survival rate is 90 percent; if not, it's only 10 percent.

Through the establishment of Colorectal Cancer Awareness Month we will add to the over one million colorectal cancer survivors living in America today.

I urge my colleagues to support this wonderful resolution, and I thank the gentleman for introducing it.

Mr. BURGESS. Madam Speaker, I will yield myself 1 minute for the purpose of closing.

This is an important bill and I do encourage my colleagues to support this bill. Have the test, find the polyp, get the cure. It's really that simple.

One of the problems with serving in Congress is you recognize that we move so slowly on so many things. Madam Speaker, there are going to be new medicines, new tests. We're on the threshold of great things in all areas of medicine. The study of colon cancer is no small part of that.

But the reality is today there is a test, there is a test that can be easily done. A cure is just around the corner for someone who might suffer from this disease.

So I urge my colleagues to support this important legislation. I thank my friend from Maryland for bringing it forward, and I'll yield back the balance of my time.

Mr. WYNN. Madam Speaker, I'd just like to take a moment to thank Dr. BURGESS for his support of this legislation. He expounded on it quite well, and we appreciate his support. Also Ms. GRANGER, who I indicated could not be here.

I particularly want to thank my colleagues on the Democratic side of the aisle, Ms. SCHAKOWSKY, who obviously has a tremendous personal story to tell in support of this legislation, and also Mr. KENNEDY, with whom I've worked with, and has had a tremendous passion in support of this measure.

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of a resolution offered by a fellow Texan, Congresswoman GRANGER, recognizing the month of March as Colorectal Cancer Awareness Month.

There are few diagnoses that strike more fear into Americans than being diagnosed with cancer. More than 10 million Americans currently live with cancer. According to the American Cancer Society, more than 1.4 million new cancer cases will be diagnosed this year.

In the United States, colorectal cancer is the fourth most common cancer in men and women. If it is caught early, it is often curable. Regular colorectal cancer screening or testing is one of the best ways to prevent colorectal cancer.

Once abnormal cells start to grow, it takes approximately 10 to 15 years to develop into colorectal cancer. Regular colorectal cancer screening can prevent colorectal cancer altogether because some polyps and growths are identified and removed before they turn into cancer. Screening can also result in finding colorectal cancer early, when it is highly curable.

Houston's MD Anderson Cancer Center is located near my district so I have seen the effectiveness of research and treatments that have come from investment in cancer research programs. However, the easiest way to prevent, treat, and recover from cancer is to find it early.

That is why recognizing the month of March as Colorectal Cancer Awareness Month is important. Letting people know that they should be regularly tested for colorectal cancer is the first step in saving lives.

I want to thank my colleague, Representative GRANGER, and urge my colleagues to support this resolution.

Mr. WYNN. Madam Speaker, I have no further requests for time, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 302.

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

The yeas and nays were ordered.

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

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 20 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WELCH of Vermont) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 3352, by the yeas and nays;

H.R. 2675, by the yeas and nays;

H. Con. Res. 302, by the yeas and nays.

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

## HYDROGRAPHIC SERVICES IMPROVEMENT ACT AMENDMENTS OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3352, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 3352, as amended.

The vote was taken by electronic device, and there were—yeas 308, nays 60, not voting 62, as follows:

[Roll No. 147]

YEAS—308

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gillibrand
Gohmert
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Harman
Hastings (FL)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Petri
Platts
Porter
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stupak
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Wexler
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—60

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blackburn
Brady (TX)
Broun (GA)
Burton (IN)
Campbell (CA)
Carter
Chabot
Conaway
Culberson
Deal (GA)
Duncan
Everett
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Goode
Hastings (WA)
Hensarling
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jordan
King (IA)
Kline (MN)
Lamborn
Linder
Mack
Manzullo
Marchant
McCaul (TX)
McHenry
Miller (FL)
Moran (KS)
Myrick
Neugebauer
Paul
Pence
Pitts
Poe
Price (GA)
Royce
Ryan (WI)
Sali
Sensenbrenner
Sessions
Stearns
Sullivan
Tancredo
Tiberi
Wamp
Westmoreland
Wilson (SC)

NOT VOTING—62

Bachmann
Blunt
Boehner
Braley (IA)
Brown, Corrine
Cannon
Cantor
Coble
Conyers
Cubin
Davis (IL)
DeGette
Dicks
Dingell
Doolittle
Etheridge
Feeney
Fossella
Gilchrest
Gonzalez
Granger
Grijalva
Gutierrez
Hare
Hinchey
Hobson
Honda
Hulshof
Jefferson
Johnson (GA)
Kind
Kingston
Marshall
Mollohan
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Peterson (PA)
Pickering
Pomeroy
Pryce (OH)
Rangel
Reynolds
Rohrabacher
Rothman
Rush
Sanchez, Loretta
Sarbanes
Shadegg
Shuler
Stark
Sutton
Tauscher
Tiahrt
Udall (CO)
Udall (NM)
Upton
Waxman
Weldon (FL)
Weller
Whitfield (KY)

□ 1856

Messrs. WAMP, WILSON of South Carolina, TANCREDO, BRADY of Texas, and ISSA changed their vote from ''yea'' to ''nay.''

Messrs. HERGER and JONES of North Carolina changed their vote from ''nay'' to ''yea.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HALE SCOUTS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 2675, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Hawaii (Mr. ABERCROMBIE) that the House suspend the rules and pass the bill, H.R. 2675, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 2, not voting 58, as follows:

[Roll No. 148]

YEAS—370

Abercrombie
Ackerman
Aderholt
Akin
Alexander
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
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
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 (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
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
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schmidt

Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Frank (MA)
Woolsey

NOT VOTING—58

Bachmann
Braley (IA)
Brown, Corrine
Cannon
Coble
Cubin
Davis (IL)
DeGette
Dicks
Dingell
Doolittle
Etheridge
Fossella
Gilchrest
Gonzalez
Granger
Grijalva
Gutierrez
Hare
Hinchey
Hirono
Hobson
Honda
Hulshof
Jefferson
Johnson (GA)
Kind
Kingston
Marshall
Mollohan
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Peterson (PA)
Pickering
Pomeroy
Pryce (OH)
Rangel
Reynolds
Rohrabacher
Rothman
Rush
Sanchez, Loretta
Sarbanes
Shadegg
Shuler
Stark
Sutton
Tauscher
Tiahrt
Udall (CO)
Udall (NM)
Upton
Waxman
Weldon (FL)
Weller
Whitfield (KY)

□ 1906

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. HIRONO. Mr. Speaker, on rollcall No. 148, had I been present, I would have voted "yea."

## SUPPORTING THE OBSERVANCE OF COLORECTAL CANCER AWARENESS MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 302, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. WYNN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 302.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 59, as follows:

[Roll No. 149]

YEAS—371

Abercrombie
Ackerman
Aderholt
Akin
Alexander
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
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
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 (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Hall (NY)
Hall (TX)
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
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
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Weiner
Welch (VT)
Westmoreland
Wexler
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—59

Bachmann
Braley (IA)
Brown, Corrine
Cannon
Coble
Cubin
Davis (IL)
DeGette
Dicks
Dingell
Doolittle
Etheridge
Fossella
Gilchrest
Gonzalez
Granger
Grijalva
Gutierrez
Hare
Hinchey
Hobson
Honda
Hulshof
Jefferson
Johnson (GA)
Kind
Kingston
Lewis (GA)
Marshall
Mollohan
Moore (WI)
Moran (VA)
Murtha
Neal (MA)
Peterson (PA)
Pickering
Pomeroy
Pryce (OH)
Rangel
Reynolds
Rohrabacher
Rothman
Rush
Sanchez, Loretta
Sarbanes
Shadegg
Shuler
Stark
Sutton
Tauscher
Tiahrt
Udall (CO)
Udall (NM)
Upton
Waters
Waxman
Weldon (FL)
Weller
Whitfield (KY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1915

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## COMMUNICATION FROM THE HONORABLE MARION BERRY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MARION BERRY, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
*Washington, DC, March 14, 2008.*

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

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena, issued by the U.S. Court of Federal Claims, for documents and testimony.

After consultation with counsel, I have determined that compliance with the subpoena

is consistent with the precedents and privileges of the House.

Sincerely,

MARION BERRY,
*Member of Congress.*

## RECOGNIZING UNITED STATES ARMY SPECIALIST MONICA L. BROWN

(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, today I rise to introduce legislation with my colleague, RON PAUL of Texas, that honors the sacrifice and courage of a young Army soldier. This happens to be Women's History Month, and this happens to be in honor of the heroic deeds of U.S. Army Specialist, Monica L. Brown.

I believe this legislation is especially pertinent, given that March is Women's History Month. Specialist Brown is the first woman in Afghanistan, and only the second female soldier since World War II, to receive the Silver Star, the Nation's third highest medal for valor. This soldier from Lake Jackson, Texas is only 19 years old.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the HUMVEES. When Specialist Brown saw fellow soldiers were injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire, without regard to herself.

All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving fire.

The Pentagon says that they don't send women to the front lines, but in Afghanistan and in Iraq there are no front lines.

She happens to be only the second woman to receive the Silver Star since World War II. We honor her with this resolution, H. Con. Res. 320.

I ask my colleagues to join me in this resolution.

Mr. Speaker, I rise today to introduce legislation that honors the sacrifice and courage of a young Army soldier. My colleague and fellow Texan, Representative RON PAUL seeks to recognize the heroic deeds of U.S. Army Specialist Monica L. Brown.

I believe this legislation is especially pertinent given that March is Women's History Month. Spec. Brown is the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the nation's third-highest medal for valor. This solider from Lake Jackson, Texas is only 19 years old.

On April 25, 2007, Specialist Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the Humvees. When Spec. Brown saw her fellow soldiers were injured, she grabbed her aid bag and started running toward the burning vehicle as insurgents opened fire. All five wounded soldiers from her platoon scrambled out. Under this commotion, she assessed her patients and moved them to a safer location because they were still receiving incoming fire.

The Pentagon's official policy is to prohibit women from serving in front-line combat roles in the infantry, armor or artillery, but the nature of the wars in Afghanistan and Iraq, with no real front lines, has seen women soldiers take part in close-quarters combat more than previous conflicts.

According to the Army four Army nurses in World War II were the first women to receive the Silver Star, though three nurses serving in World War I were awarded the medal posthumously in 2007. Sgt. Leigh Ann Hester, of Nashville, Tenn., was the first to receive the Silver Star in 2005 along with two fellow male soldiers for her gallantry during an insurgent ambush on a convoy in Iraq.

The Army has stated that Spec. Brown's "bravery, unselfish actions and medical aid rendered under fire saved the lives of her comrades and represents the finest traditions of heroism in combat."

This legislation is not about condoning the wars in Afghanistan or in Iraq. This legislation is about us supporting and honoring our troops. It is about this Nation's children fighting for the rights of all of us in places we do not dare to go, under environments we cannot fully appreciate from this comfortable position.

Spec. Brown reminds us that our youth are fighting in this war, our mothers and daughters are fighting in this war, and they deserve to be recognized for their achievements. However, we not only recognize the sacrifice and courage of Spec. Brown, of even just the brave acts of her fellow soldiers, marines, and airmen. We must also recognize the families of our military. Spec. Brown's grandmother said she was the proudest Grandmother in all of Lake Jackson, Texas, when she learned of her granddaughter's heroism. We should all be as proud of our young men and women as Spec. Brown's grandmother. In being proud of them, we are not condoning the Administration, we are recognizing their efforts and their belief in what they have been tasked to do.

We sit in these chambers and discuss the idea of war, and the economic costs to the Nation. However, our men and women in Afghanistan and Iraq are dealing with the realities of war everyday.

I am proud of Specialist Monica L. Brown, Texas is proud of Monica L. Brown, and this country should be proud of Monica L. Brown. She thought first of her fellow soldiers and not of the harm that may come her way.

Mr. Speaker, I encourage my colleagues to join Representative RON PAUL and myself in recognizing a true hero, a solider, a daughter of Texas, with this legislation.

## THE RIGHT TO BEAR ARMS

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

Mr. POE. Mr. Speaker, the Bill of Rights confers liberties on individuals to protect us from government power. Nowhere is this more apparent than in the second amendment. It states, "A well-regulated militia, being necessary to a free state, the right of the people to keep and bear arms shall not be infringed."

The second amendment confers two rights; it allows individuals to bear arms, and it allows for a state militia, or the National Guard.

There are several reasons for the second amendment. But notice the phrase, "the right to bear arms." This is a military term. The colonists, who all owned firearms, were somewhat fearful of a strong Federal Government that would be oppressive and totalitarian. So it seems they wanted the right to protect themselves, individually and also collectively, through militias from not only outlaws but an outlaw Federal Government.

As the Supreme Court decides if the government can ban gun ownership, it would do well to adopt a lower court opinion which said, "The right to bear arms was premised on the private use of arms for activities such as hunting and self-defense; the latter being understood as a resistance to either private lawlessness or the depredation of a tyrannical government."

And that's just the way it is.

## CONGRATULATING THE UNIVERSITY OF MEMPHIS TIGERS

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

Mr. COHEN. Mr. Speaker, as most everybody in America knows, this is March Madness, and March Madness is a wonderful experience when people cheer for their basketball teams and watch great athletes compete for the national championship.

One of the teams competing in San Antonio for the national championship will be the University of Memphis Tigers, my home university and my alma mater. We are extremely proud of the University of Memphis. And in Tennessee, it was 173 years ago that a great group of Tennesseeans, including my predecessor from the Western District of Tennessee, Davy Crockett, went to the Alamo. This time, Mr. Speaker, it's going to be a different story. Tennesseeans will win, have a victory in San Antonio, and your Congressman who is in the House will come back to the House.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## CORPORAL SCOTT A. MCINTOSH—TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the youth of our Nation have always been willing to

volunteer and take care of the rest of us in times of war. Sometimes those young men and women give their lives for the rest of us. United States Army Corporal Scott A. McIntosh, of Humble, Texas, was one of those noble few. He was killed in Iraq on March 10, 2008 by a suicide bomber, and he was awarded the Purple Heart and the Bronze Star.

Not only was he a loyal and courageous soldier, but he was a beloved son, a caring brother and a friend to many.

His life was special not just because of how he died, but also because of how he lived. He was both the kid next door and a proud soldier defending this Nation.

He was born on February 4, 1982 in Humble, Texas, and he graduated from Cypress High School in 2001. After trying college for a little while he decided it wasn't ready for him, and he joined the United States Army. He was assigned to the 1st Battalion, 64th Armor Regiment, 2nd Brigade Combat Team, 3rd Infantry Division, in Fort Stewart, Georgia. He re-enlisted for three more years when his first tour of duty was over.

His parents, Alex and Gwenn McIntosh, did an excellent job raising such a fine son. His family described Scott as someone who loved people. His mission in life was to meet and make friends with every person he came in contact with. He shared his hearty laugh and always had a smile to give. Scott always had a positive outlook on life. He loved to hunt and fish in his spare time, but most of all he loved his family, the Army, the country he lived in and his life.

His smile matched his fun-loving personality, which carried over into everyday tasks, like work, with humorous results.

Eric McIntosh described his brother's comical attempt at being a golf caddy. When Scott went to work, he said, ''it was like a scene right out of the movie Caddy Shack. Scott barely showed up on time, still tucking his shirt in his pants and tying his shoes, and he would grab the golf bag and march down the fairway with all the clubs and balls falling out all over the place.''

Scott would have fun with everything that he did and his joyful, worry-free personality was contagious to those that knew him and everybody around him. Not only did he love to laugh, but he truly cared about others, especially his family in Texas.

Scott was always looking out for other people, and that's why he joined the United States Army. He wanted to protect and serve those he loved. And as the Good Book says in John 15:13, ''Greater love has no man than this, that he lay down his life for his friends.'' Scott's life was a shining example of this greater love which he demonstrated for family, friends and country.

Scott went off to war because he was a faithful son of America. Over Easter weekend this past weekend I had the opportunity to be in Iraq with our troops. And Mr. Speaker, there is no finer military in the long history of warfare than our troops that are in Iraq that proudly wear the uniform of the American fighting man. Scott McIntosh was among those elite fighting forces.

Scott's wonderful life is a huge loss to those that were close to him. His father said, ''My family is devastated by this loss, and it is something that we will have to carry with us for the rest of our lives. At the same time, however, we are bursting with pride for our son's service to this country. We understand the sacrifices required to keep this country free. And Scott was the best son anyone could ever have asked for. I will love and cherish him for the rest of my days.''

Mr. Speaker, this is a photograph of Scott McIntosh. He was a real person and he was proud to wear the uniform of the United States soldier.

In a moving speech at his brother's funeral, Eric told hundreds of friends and family that he loved his big brother. He thanked Scott for being such a good friend, a good son, a great person and the best brother anybody could ever have.

In a final act of sacrifice for others, his family has established the Scott McIntosh Memorial Fund. In the attack that took Scott's life, four other soldiers were also killed. Three of them were married and had small children. And the purpose of the fund will be to raise money for those kids who lost their fathers that were soldiers in Iraq. Even in death, the eternal spirit of Scott's love and care for others will continue.

We do not forget, as a Nation, Corporal Scott A. McIntosh and all those who sacrificed their lives on the altar of freedom. Scott's memory will live on in the hearts and minds of friends and family, while his life will always be an inspiration to Americans.

We can honor his sacrifice by following his example, to live life to the fullest and to take care of those people around us.

In 1940, a reporter, right before the great World War II, made this comment, he said, ''This nation will remain the land of the free only so long as it is the home of the brave.''

Our country, Mr. Speaker, will long survive and live free because of the likes of Scott McIntosh and his band of brothers.

And that's just the way it is.

□ 1930

## THE BIGGEST BURDEN OF THE IRAQ CONFLICT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I'm really glad to be back in the House. I've been away for over 6 weeks because of back surgery. I've been patched up, and I'm going to be just fine. I'm not worried about myself. But I'm worried, and I hope every Member of the House is worried about the hundreds of thousands of American soldiers and civilians who have been injured in the conflict in Iraq.

Nearly 30,000, probably many, many more of our brave troops have been wounded.

Many have injuries that will rack their bodies and their minds for the rest of their lives.

Yet Vice President CHENEY said last week that President Bush carries the biggest burden of this conflict. Tell that to the widows and widowers, Mr. Vice President. Tell that to the families who have been devastated by the injuries to their loved ones. Tell that to the children who see their mother or father in a hospital bed without a limb or with a terrible head wound. Tell that to the veterans who have not gotten the care they need and the care they deserve, the care we promised them.

One of our soldiers in Iraq, Lieutenant Sean Walsh, wrote a piece for Time magazine recently about the human costs of the occupation. He wrote that his fellow soldiers have become his family and that three of them have died. And he asked the question, ''What is worth the lives of three of your loved ones?'' It is a good question.

And so I would like to ask every Member of this House who supports the occupation the very same question: Is our occupation of Iraq worth the lives of three of your loved ones?

We must also remember the Iraq civilians who have been injured. We seem to forget them, and that is truly a disgrace. According to the best estimates, anywhere from 80,000 to 150,000 civilians have been injured. And the real number, the real number is certainly much, much higher.

What kind of health care are they, the Iraqi civilians, getting? The International Committee of the Red Cross reported last month that public hospitals in Iraq now provide 30,000 beds. Mr. Speaker, that is less than half of the 80,000 that are needed.

In addition, 2,200 doctors and nurses have been killed since the year 2003, and another 250 have been kidnapped. And the current conflict has worsened the impact of the previous war and the years of international sanctions. Of the 34,000 doctors registered in Iraq in 1990, 20,000 have fled the country, some by choice and others by force. What about their burden, Mr. Vice President?

Meanwhile, the administration continues to play its cynical game with troop levels. It is clear that the administration intends to keep 140,000 troops in Iraq until it leaves office in order to put an artificial lid on this violence. That way, the outgoing administration can say that it improved the security situation and that we are on the road to victory in Iraq.

But the truth is, all that has been achieved is a temporary military and

political stalemate, new explosions of violence coming as I stand here speaking on the floor of the House of Representatives.

And while we continue to be bogged down in a civil war in Iraq, a conflict that began centuries before 9/11, the real enemy, al Qaeda, grows stronger in its cozy, safe haven in Pakistan.

The administration is often criticized for not having an exit strategy in Iraq. But in my view, the reason the President never had an exit strategy is because he never intended to exit Iraq. Permanent occupation has always been his game plan.

So, Mr. Speaker, it's up to the Congress to implement the will of the American people and end the occupation with a responsible redeployment of our troops. The best way to honor those who have died or have been injured in this occupation is to ensure that more won't die and more won't be injured.

That is why I will continue to speak up for our brave troops and for the innocent Iraqis who are, despite what the Vice President may think, the ones who are carrying the biggest burden.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

(Mr. JONES of North Carolina addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## SUNSET MEMORIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. FRANKS) is recognized for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, I stand, once again, before this body with yet another Sunset Memorial. It is March 31, 2008, in the land of the free and the home of the brave. And before the sun sets today in America, almost 4,000 more defenseless, unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That is more than the number of innocent American lives that were lost on September 11 times 15,000, the total number that were lost on September 11.

It has now been exactly 12,852 days since the travesty called Roe v. Wade was handed down. Since then, the very foundation of this Nation has been stained by the blood of almost 50 million of our own children. Some of them, Mr. Speaker, died and cried and screamed as they died. But because it was amniotic fluid passing over the vocal cords rather than air, we couldn't hear them.

All of them had at least four things in common. They were each just little babies who had done nothing wrong to anyone. Each one of them died a nameless and lonely death. And each of their mothers, whether she realizes it or not, will never be the same. And all of the gifts that these children might have brought to humanity are lost forever.

Yet, even in the full glare of such tragedy, this generation clings to blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims to date: those yet unborn.

Mr. Speaker, perhaps it's important for those in this chamber to remind ourselves again of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.''

The phrase in the 14th amendment capsulizes our entire Constitution. It says: ''No state shall deprive any person of life, liberty or property without due process of law.''

Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here. It is our sworn oath.

The bedrock foundation of this Republic is that clarion declaration of the self-evident truth that all human beings are created equal and they are endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness.

Every conflict our Nation has ever faced can be traced to our commitment to this core, self-evident truth. It has made us the beacon of hope for the entire world. It is who we are. And yet, Mr. Speaker, another day has passed. And we in this body have failed again to honor that foundational commitment. We failed our sworn oath, and we failed our God-given responsibility as we broke faith with the nearly 4,000 more innocent American babies who died today without the protection that we should have given them. And it seems so sad, Mr. Speaker, to me that this Sunset Memorial may be the only remembrance that these children who died today will ever have in this Chamber.

And so just as small a gesture as it might be, I would ask those who are inclined for just a moment of silence at this time for these little, lost Americans.

Mr. Speaker, let me conclude in the hope that perhaps someone new who hears this Sunset Memorial tonight will finally realize that abortion really does kill little babies, that it hurts mothers in ways that we can never express and that 12,852 days spent killing nearly 15 million children in America is enough and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon, each of us will walk through these chambers for the very last time. And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of the innocent unborn. May that be the day when we finally find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect the least of these, our tiny American brothers and sisters, from this murderous scourge upon our Nation called abortion on demand.

Mr. Speaker, it is March 31, 2008, 12,852 days since Roe v. Wade first stained the foundation of this Nation with the blood of its own children. This, in the land of the free and the home of the brave.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## ECONOMIC PLIGHT OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the American people are desperately struggling to understand why our Federal Government is ignoring their economic plight. The average price of gasoline now sits at $3.28 and it is rising. Only a month ago, Americans paid $3.16. A year ago, they paid $2.67. Months away from the peak of the summer driving season, the American people can expect to see this trend get only worse.

In 1996, the United States began its plunge into nearly total dependence on imported petroleum. With 10 years of oil deficits continuing to plague our economy, we have spent too much time talking and not enough time acting. Our lack of energy independence translates into a true loss of liberty.

Since the Bush administration assumed office, our Nation is importing a billion more barrels of petroleum a year. A billion barrels more. By 2007, the trade deficit of oil imports had risen to $293 billion, accounting for a third, over a third, of the total $815 billion U.S. trade deficit.

This last statistic is truly sobering. But for this year of 2008, 51 percent of the total U.S. trade deficit, over half, is now the result of imported oil. Over half of our structural trade deficit flows directly from the increasing cost of oil.

Again, this equals dependence for America, not independence. It is an abrogation of our birthright as a Nation to allow us to continue in this position.

Based on 2007 numbers, the United States is adding $808 million a day to the trade deficit just from our imbalance in oil. The rising cost of oil added an estimated $50 billion to the Nation's trade deficit in 2006 and, on top of that, another $28 billion in 2007.

Our country imported 4.8 billion barrels of oil in total energy-related products in 2007 valued at $319 billion. Imagine if we would have been able to spend those dollars here at home what an injection that would be into this economy with the value of the dollar falling, so much related to imports, the economy tanking, the housing market in freefall and Americans feeling the true pinch of all of this. Our government here in Washington has not provided the leadership needed to end this plunge into national subservience.

The solution is clear: energy independence now. First, we have to look to our natural resources and pass a good farm bill to unleash the power of the earth and nature as a key part of the solution. And while there has been plenty of talk from our President about energy independence, the insistence on vetoing a bill, that does not live within artificial budget limits that he has declared, is an absurdity that threatens to destroy our progress. A good farm bill invests in rural America, providing an investment in infrastructure and research, including the energy technologies of tomorrow.

Second, we must continue to rely on the advanced research technology organized by the National Renewable Energy Lab and give this lab the resources to define and help redefine our new energy future. We need no less a commitment than we envisioned when we created NASA and space exploration. With that came security, and now we need energy security. It is that high a priority. This Congress, this President should be working to that end.

And third, we must pass legislation to fund the energy bill that passed the House last year, and then again this year, and call on our brethren in the other body to take action.

Unless we commit to providing leadership to transform our economy, this discussion remains the rhetoric of the last century really leaving us with a confused and unfulfilled daydream that has repeated itself for the last three decades.

As the American people face $4 gasoline and see our wealth drained from us, we must take a new course. We are past the point of words. Real deeds are required. And we must stop our economic hemorrhaging and begin investing in our own Midwest, in our own country, not the Middle East, and pass on a free republic to our posterity worthy of the sacrifices of our founders and all those who gave their all in freedom's cause.

Liberty's call in this new century demands energy independence now.

□ 1945

## SALUTING JORDAN LEEN, NATIONAL CHAMPION

The SPEAKER pro tempore (Mr. WELCH of Vermont). Under a previous order of the House, the gentleman from Tennessee (Mr. WAMP) is recognized for 5 minutes.

Mr. WAMP. Mr. Speaker, I rise tonight because every now and then a person's story will so inspire us that the example is set for all young people to look up to, to follow in their footsteps. And that happened 9 days ago to a young man from East Tennessee whom so many people are so very proud of today.

His name is Jordan Leen. And 9 days ago, in the 157 pound weight class at Cornell University, Jordan Leen achieved his life's ambition of becoming a national champion. Among all universities from sea to shining sea, against some very difficult odds, this young man became a national champion.

He has moved up weight classes in his last couple of years at Cornell until he got comfortable and didn't have to lose weight to wrestle. So this is probably about his natural weight. He's what my son would call a ''beast.'' I've seen him in all ways of his life.

He beat the number one seed, even though he was seeded eighth going into the tournament in the quarter finals, and he beat the number two seed in the finals just 3–2 in the most hard-fought match you've ever seen. And it was glorious. It was electric. He was distinguished through his high school career. And I want to focus on three things that made Jordan Leen a champion so others can look up to him and know that these are some of the ingredients for success.

One is family. His father, Mark; his mother, Tammy; his sisters, Andrea and Tara, they're a unit. The scriptural principle is that a cord of three strands is not easily broken; and with the Leens, a cord of five strands is not broken. They're a unit. They're a team. I know this because this young champion grew up across the street from me. He and my son, Weston, are best friends. This was a glorious moment not just in my family's life but in all of these Tennesseeans' because this family was represented on the mat in front of the national ESPN audience a week ago Saturday, and we all took joy in this accomplishment from this fighter. He had been sick the week of the national championship, but he battled through that to become a national champion.

Ingredient number two, a foundation. He got it at the Baylor School with an outstanding wrestling program, an incredible tradition, and the foundation was there for him to become a collegiate athlete and a scholar athlete. He was the greatest wrestler in the history of the State of Tennessee by anyone's standard: a 4-year State champion; 215 victories; 9th, 10th, 11th, and 12th State champion all the way through high school at the Baylor School. He had the foundation from the program, and Baylor School is proud.

And, third, faithfulness. He was faithful through the years. He had a goal and he stuck with it. His work ethic was greater than anyone's. He worked out harder. He fought harder. He suffered more through injuries. He was faithful all the way through. His father in the account said that that whole week of the championship he knew something was different because Jordan had turned the week over to the Lord. He was faithful. He gave it to God and said, I'm here to do my best. I'm sick, but I am here to do my best. And he was honored. And he was faithful.

He's an incredible young man. He's an inspiration to all. He's an excellent student, making a 3.3 at Cornell in premed, and a national collegiate champion in the 157 pound weight class.

Jordan Leen, East Tennessee salutes you. You're one of the greatest athletes in the history of our region. You have reached the climax, but you're still the same guy. And we love you for the example you have set for young people.

Young people, if you want to be a student athlete, follow Jordan Leen. Follow Jordan Leen.

Thank you, Jordan. Your family loves you, and we salute you on the floor of the House tonight.

## STAFF SERGEANT MATTHEW MAUPIN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 5 minutes.

Mrs. SCHMIDT. Mr. Speaker, I rise tonight to offer my sincere condolences to the family of Staff Sergeant Keith Matthew Maupin. Yesterday, Keith and Carolyn Maupin learned that the United States Army had positively identified the remains found last week in Iraq as that of their son, Matt Maupin. After nearly 4 years of suffering the torment of not knowing the status of their missing son, I pray that this news may bring some closure to the Maupins and allow them to begin to mourn their loss and celebrate the life that Matt lived.

Keith Matthew Maupin was born in Batavia, Ohio, on July 13, 1983, and was a student at Glen Este High School in Union Township, Clermont County, Ohio, where he played football and was a rower on the county's high school crew team. Matt graduated in 2001 and enrolled in the University of Cincinnati's Aerospace Engineering Program. He joined the United States Army Reserve in 2002, attending basic training at Fort Jackson, South Carolina, and completed his advanced individual training at Fort Leonard Wood, Missouri, in the spring of 2003.

After completing his training, Matt continued his studies at the University of Cincinnati while fulfilling his obligations as an Army reservist. In November 2003, Matt received orders to transfer to the recently mobilized 724th Transportation Company based out of Bartonville, Illinois. Matt and the 724th arrived in Kuwait on February 20,

2004. The following month Matt's unit was moved to the Logistics Support Center Anaconda in Balad, Iraq, to begin missions delivering fuel to various coalition bases.

On April 9, 2004, Matt's convoy was ambushed near Baghdad International Airport. The convoy came under fire from small arms, RPGs, and mortar fire. When the convoy was able to move clear of the attack, it was found that nine people were unaccounted for. Later, five civilians and one soldier were found dead, presumed to have been killed during the ambush. One civilian driver had been taken hostage during the ambush but managed to escape his captors a few weeks later. Matt and one civilian contractor remained missing.

On April 16, 2004, Matt appeared in a videotaped broadcast aired on al Jazeera television surrounded by his armed captors. During the brief interview, Matt identified himself as Private First Class Keith Matthew Maupin. From that day forward, Matt's status was listed as a prisoner of war. And the men and women of the Armed Forces, as well as those from various Federal agencies, worked tirelessly to find Matt and secure his return.

The Army has a creed. And within that creed there are four stanzas referred to as the warrior's ethos. This ethos is the standard by which all soldiers conduct themselves. They read as follows:

I will always place the mission first. I will never accept defeat. I will never quit. I will never leave a fallen comrade.

I believe that it was these four stanzas that directed and guided the search for Matt. The mission was to find Matt and return him to his family. I thank Secretary Gates, Secretary Geren, General George Casey, General Petraeus, and all the leaders in the Multi National Forces-Iraq and Joint Special Forces Command for making the mission of finding Matt the number one priority in this Nation. I also think it's important that we thank all the soldiers, sailors, Marines, and airmen who patrolled the streets of Iraq every day refusing to accept defeat, refusing to quit, and refusing to leave behind our fallen Matt.

I would also like to thank General Jim Campbell, recently retired, who visited with the Maupins on numerous occasions, providing them with updates on the status of the search for Matt. I would also like to thank Major General Galen Jackman and Joe Guzowski for their efforts to keep me informed on the details of their search.

It has been almost 4 years since Matt went missing in Iraq, and through the joint efforts of all these extraordinary people, Matt can finally come home. As Matt's father told me, ''Matt is coming home. He has completed his mission.'' My thoughts and prayers are with his family and his friends. Their torment is replaced with a broken heart, and I ask this Nation to pray that that heart is healed.

May God bless Matt and Matt's family, and may Matt rest in peace.

## THE DEMOCRATS' ''MAGIC PLAN'' TO LOWER GAS PRICES HAS NOT WORKED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. WESTMORELAND) is recognized for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, this morning the price of a barrel of oil fell to $105 after hitting an all-time high of nearly $112 in the middle of March. Less than 2 years ago, the Democrats promised Americans that they had a magic plan for lowering gas prices, but since they have been in control of Congress, prices have simply gone higher and higher. But at the time, those prices were enough to alarm Americans when Republicans were in the majority.

On the floor of the House and on the campaign trail in districts throughout the Nation, the Democrats seized on those anxieties and pointedly blamed the Republican White House and Congress for rising gas prices. Time and time again, they said they had a magic formula for lowering the cost.

On April 16, 2006, the then-minority leader NANCY PELOSI said in a press release, ''The Republican rubber stamp Congress has passed two energy bills, costing taxpayers $12 billion for giveaways to big oil companies. But the Republican bills clearly have done nothing to lower gas prices, as the price of a barrel of oil has settled above $70 a barrel, the highest price in our history.'' The release went on to say, ''Democrats have a plan to lower gas prices.''

Then the next week another Pelosi release said, ''Democrats have a commonsense plan to help bring down skyrocketing gas prices . . . ''

When in 2006 the House considered the energy bill to increase domestic production, the Democrats took to this floor in outrage. A Democrat congressman from California said on the floor about the Republican energy bill of 2006, ''It is no wonder their initials are G-O-P: gas, oil, and petroleum . . . It is time House Republicans join us in providing some real relief to the American consumer.''

That same day a Democratic Member from Connecticut said, ''When it comes to solving the energy crisis, President Bush and his Republican Congress have no credibility. If they had only spent the last 5 years working to reduce demand,'' like the Democrats have proposed, ''by raising fuel standards, rolling back the billions of dollars in tax breaks and royalty relief to the big oil companies, and if they were about promoting alternative fuels, as the Democrats have proposed, we might today be on the road to energy independence instead of bracing ourselves for $4 gas prices.

Let me put this rhetoric into context, Mr. Speaker. When the Democrats took over both Houses of Congress in January of 2007, gas prices that month ranged from $50 to $60 a barrel for oil. But at the end of 2007, the Democrats' magic plan for lowering gas prices apparently hasn't worked out because today oil is closing at over $100 a barrel.

But wait, Mr. Speaker. It gets even crazier. A House Appropriations subcommittee this week will be looking at raising gas taxes 25 to 40 cents a gallon.

□ 2000

Seems to me that that makes prices go up 25 to 40 cents a gallon. But what do I know? I've never professed to understand the Democrats' magic formula for lowering gas prices.

On gas prices, as on earmarks, spending, and ethics, the Democrats ran as the Great Crusaders. But they've governed as the Great Pretenders. Democrats have proposed nothing that would do anything but raise gas prices at the pump. Just last month, the House Democrats passed another ''no-energy'' energy bill in the form of an $18 billion tax increase on American energy. This marks the fourth time the Democrats have held a vote to raise energy taxes. This sort of agenda will only slow the economy by discouraging domestic energy production and increasing our dependence on foreign nations for our energy.

Our Nation needs energy production to keep our competitive edge in the global marketplace. We all want to achieve breakthroughs in alternative energies that will have a growing importance in the future. But we can't pretend that oil isn't by far the most important fuel in our economy. We have to increase domestic production. We need to give American companies incentive to produce, rather than demonizing them for providing a commodity that our livelihoods depend on.

Let's put American ingenuity to work in the field. And let's put the Democrat's magic formula back on the shelf.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

(Mr. DREIER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LINDA T. SÁNCHEZ) is recognized for 5 minutes.

(Ms. LINDA T. SÁNCHEZ of California addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GEORGE MILLER) is recognized for 5 minutes.

(Mr. GEORGE MILLER of California addressed the House. His remarks will

appear hereafter in the Extensions of Remarks.)

## WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise tonight in honor of women's history month, and to pay tribute to the countless mothers and grandmothers, sisters and daughters, friends and neighbors that are active across our communities, cities, and our Nation. Women who inspire us, who are the conscience of our communities, and, most of all, women who are the unsung heroes of our shared historical past.

In the early days of our great Nation, women were relegated to second-class status. Women were considered sub-sets of their husbands, and after marriage they did not have the right to own property, maintain their wages, or sign a contract, much less vote. It was expected that women be obedient wives, never to hold a thought or opinion independent of their husbands. It was considered improper for women to travel alone or to speak in public.

The fight for women's suffrage was formally begun in 1848, and, in 1919, after years of petitioning, picketing, and protest parades, the Nineteenth Amendment was passed by both houses of Congress and in 1920 it became ratified under the presidency of Woodrow Wilson.

However, the right to vote did not give women equal rights, and subsequent decades saw an ongoing struggle for equality. A major success came in with Title IX of the Education Amendments of 1972, also known as the Patsy T. Mink Equal Opportunity in Education Act, in honor of its principal author. This law, enacted on June 23, 1972, states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance."

Title XI, introduced by Congresswoman Patsy Mink (also notable as the first Asian American woman elected to Congress), has opened the doors to countless educational activities, perhaps most prominently high school and collegiate athletics, to women. Congresswoman Mink's legacy lives on as, each year, hundreds of women across the Nation participate in NCAA athletics, learn teamwork and perseverance, earn scholarships enabling them to study at college, and enjoy equal footing with men in the academic arena.

Mr. Speaker, I am proud to pay tribute to the women, local heroes, of my district. Women like Ramona Tolliver, long time Fifth Ward resident, former Precinct Chair, founding board member of Fifth Ward Community Redevelopment Corporation, member of Our Mother of Mercy Catholic Church, and member of the Metropolitan Organization member, who is still actively advocating for her community. Women like Nellie Joyce Punch, long time Fifth Ward resident, retired educator at Phyllis Wheatley High School, former Precinct Chair, founding board member of Fifth Ward Community Redevelopment Corporation, member of Methodist Church, also still actively working on behalf of her community. Both Ms. Tolliver and Ms. Punch are active in Houston's Fifth Ward, where they act as the conscience for the community, calling for change and actively working to better our city.

Women like Dr. Charlesetta Deason, principal of Houston's DeBakey High School for Health Professions. Dr. Deason helms a school that offers students interested in science and health careers an alternative to the traditional high school experience, located in the renowned Texas Medical Center and boasting an ethnically diverse faculty and an excellent introductory study of medicine.

Or women like Harris County Commissioner Sylvia Garcia, the first Hispanic and first woman to be elected in her own right to the office. Commissioner Garcia is active in the Houston community, and she has served on more than 25 community boards and commissions, including the San Jacinto Girl Scouts, the Houston Hispanic Forum, the American Leadership Forum, the Texas Southern University Foundation and the Institute of Hispanic Culture.

As a Nation, we have come a long way toward recognizing the important role women play, not only in our local communities, but in our Nation as a whole. Since 1917, when Representative Jeannette Rankin of Montana became the first woman to serve in Congress, 243 more women have served as U.S. Representatives or Senators. In 1968, Shirley Chisholm became the first African American woman elected to Congress; I am now proud to be one of 13 African American women serving in this body.

In addition, we are now, for the first time, under the leadership of a woman Speaker of the House. Speaker PELOSI has led this Democratic Congress in a New Direction, listening to the will of the American people, as it was clearly expressed last November. We are also currently in the midst of a groundbreaking Presidential campaign, which, for the first time, sees a woman seriously vying for the nomination of one of the two major political parties.

Mr. Speaker, the great tragedy of women's history is that, many times, the history of women is not written down. Too often, throughout the course of history, the contributions of women have gone unrecorded, unheralded, and are now forgotten. And so, Madam Speaker, during Women's History Month, we do not stand here only to remember the Eleanor Roosevelts, Harriet Tubmans, Barbara Jordans, and Rosa Parks, women who are celebrated in our schools and history books, but also the millions of female unsung heroes who built this Nation, and who made it truly great.

I would like to pay special tribute to women, mothers, and grandmothers across the country. In particular, I would like to draw attention to the growing phenomenon of grandparents raising children. As of 1996, 4 million children were being raised by their grandparents, and statistics published the following year indicated that over one-tenth of all grandparents provided the primary care for their grandchildren for at least six months and typically much longer. These numbers continue to grow, and these grandparents, generally ineligible for financial or social support, often suffer greatly to provide a safe and loving home for these children.

In addition, Mr. Speaker, we pay tribute to the brave women who serve proudly in our Nation's military. We have come a long way since the first American woman soldier, Deborah Sampson of Massachusetts, who enlisted as a Continental Army soldier under the name of "Robert Shurtlief." Women served with distinction in World War II: 350,000 American women served during World War II, and 16 were killed in action. In total, they gained over 1,500 medals, citations and commendations. In December 1989, CPT Linda L. Bray, 29, became the first woman to command American soldiers in battle, during the invasion of Panama.

The war in Iraq marks the first time in American history that a substantial number of the combat wounded are women. 350,000 women are serving in the U.S. military—almost 15 percent of active duty personnel, and one in every seven troops in Iraq is a woman. Women play a role in nearly all types of military operation, and they have time and time again demonstrated extreme bravery, courage, and patriotism.

I would particularly like to honor one our heroic daughters: Army SPC Monica L. Brown. Brown is the first woman in Afghanistan and only the second female soldier since World War II to receive the Silver Star, the Nation's third-highest medal for valor. Army SPC Monica Brown was part of a four-vehicle convoy patrolling near Jani Kheil in the eastern province of Paktia on April 25, 2007, when a bomb struck one of the Humvees. After the explosion, in which five soldiers in her unit were wounded, Brown ran through insurgent gunfire and used her body to shield wounded comrades as mortars fell less than 100 yards away. Army Specialist Brown, a native Texan, represents the best of our Nation's fighting men and women, and she clearly demonstrates that the admirable qualities of patriotism, valor, and courage know no gender.

Mr. Speaker, Women's History Month is an opportunity for all Americans to reflect on the women who have built, strengthened, and maintained this great Nation. Women who have often gone unrecognized, unheralded, and unlauded for their great achievements, sacrifices, and contributions. I ask my colleagues to join me in paying tribute to the women in their communities, in their families, and in their lives.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## FISA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. MCCAUL) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCCAUL of Texas. Forty-five days ago, the Protect America Act expired. Forty-five days ago, we began to lose critical intelligence overseas that could help better protect this Nation. Forty-five days ago, al Qaeda began to have the upper hand in this war on terror. Forty-five days ago, we started to

go dark in parts of the world. Why? Because the Democratic leadership will not allow this body to vote to make the Protect America Act permanent, as the Senate did many months ago.

Mr. Speaker, this is a dangerous and reckless partisan play with the safety of the American people. It endangers the American people, both here at home and the warfighter abroad. We took an oath of office when we were sworn in to protect and defend the Constitution against all enemies, foreign and domestic. These are the foreign enemies. We are talking about foreign terrorists in a foreign country communicating foreign communications. This has nothing to do with the United States citizens. And yet, what the Democrats are allowing is to extend constitutional protections to people like Osama bin Laden and Khalil Sheikh Mohammad, al Qaeda leaders who are communicating about how they can perpetrate an act of evil like on September 11th.

Mr. Speaker, there is a reason why this has not occurred since 9/11. It is because we have had good intelligence. Good intelligence is the best weapon we have in this war on terror. Without good intelligence, we cannot protect this Nation. And this is what this debate is all about. We all remember where we were on this day. But many of us don't remember where we were when the London arrests were made to stop airplanes from being blown up over the United States. Many of us don't remember the countless acts of heroism our intelligence community has performed in protecting the American people from plots against the United States.

I, myself, when I worked at the Justice Department, worked on Foreign Intelligence Surveillance Act warrants. They had to do with agents of informed power in the United States. Through the use of good intelligence overseas, without having to go through the FISA Court, we were able to stop a terrorist plot to blow up 10 American cities on the 4th of July. The voice that was intercepted said, ''Roast the Americans on Independence Day.''

Mr. Speaker, this is real. This is a real-life threat to the American people. You don't have to take my word for it. I want to read for you a letter that was sent to the chairman of the Intelligence Committee, Mr. REYES, from the Attorney General and the Director of National Intelligence about the expiration of the Protect America Act. What he says, he says, ''Our experience since Congress allowed the Protect America Act to expire without passing a bipartisan Senate bill,'' the bipartisan bill that was passed overwhelmingly in the Senate, that Senator ROCKEFELLER supported, he says, ''demonstrates why the Nation is now more vulnerable to a terrorist attack and other foreign threats.''

He explained that both the Attorney General and the Director of National Intelligence say in this letter to Chairman REYES that the expiration of the authorities in the Protect America Act would plunge, would plunge critical intelligence programs into a state of uncertainty, which could cause us to delay the gathering of, or simply miss critical foreign intelligence information, and then underlined and highlighted in this letter, they warn the chairman, the Democratic chairman of the Intelligence Committee, that is exactly what has happened since the Protect America Act expired 6 days ago without enactment of the bipartisan Senate bill. We have lost intelligence information this past week as a direct result of the uncertainty created by Congress's, by Congress's failure to act.

What is the response from the Democrat leadership here in the House in response to a letter that says that we have failed to act in the Congress, a dereliction of duty, in my view, by Members of the House. STENY HOYER, the majority leader says, there really is no urgency. Let's all just calm down. Intelligence agencies have all the tools they need. Really? When the Director of National Intelligence says just the opposite.

Chairman SILVESTRE REYES says, you know, things will be just fine. Things will be just fine. Tell the American people that if we get hit again. Tell the three American soldiers who were kidnapped by insurgents in Iraq, and because we had to get ''lawyered up'' and go through a court in the United States because the time expired, one of those soldiers was killed and two we have not heard from since. You tell the families that there is no urgency and that things will be just fine.

Winning this war on terror, as the 9/11 Commission said, has everything to do with connecting the dots. But if we are not allowed to collect the dots, there is no way we can connect the dots. That is what this debate is all about. It's about being able to capture overseas foreign intelligence by terrorists, by people who wish to do us harm, who every day are hoping that this will happen again.

With that, I would like to yield to the gentlelady from New Mexico, who has really led the fight in the House on this issue, Congresswoman HEATHER WILSON from New Mexico. I would also be interested in your account of when this intelligence gap, if you will, this terrorist loophole first came to your attention.

With that, I yield.

Mrs. WILSON of New Mexico. I thank my colleague from Texas for yielding the time. It was actually a year ago in May when I became absolutely determined to get this fixed, and it was a result of a series of cases in what I saw as a growing problem in intelligence collection.

But so that people understand, in 1978 the Congress passed a law that governed intelligence collection here in the United States, and it was in response to a bunch of abuses that happened in the 1950s and the 1960s. Someone gave me a copy of a declassified memorandum signed by Robert Kennedy and J. Edgar Hoover authorizing the wiretapping of Martin Luther King. Intelligence agencies were involved in abuses and violating the civil liberties of Americans in the 1950s and 1960s, and this law in 1978 set up a special court called the Foreign Intelligence Surveillance Court. They meet in secret session. But in order to listen and to do a wiretap for the collection of foreign intelligence in the United States, you need to get a warrant from this court.

The problem is that the law was written specific to the technology of the time. 1978 was the year that I graduated from high school. The telephone was connected to the wall in the kitchen. The Internet did not exist. Cell phones were Buck Rogers stuff. At that time, almost all international calls went over the air. They bounced off satellites. And the law does not require a warrant to collect any of that information. Almost all local calls were on a wire. And the focus was if you touched a wire, you needed a warrant because that was presumed to be a local call.

Now, technology has completely changed. There are over 220 million cell phones in the United States. And now, almost all international calls go over a wire or a fiberoptic cable, not bounced off of satellites. So all of the foreign intelligence collection, foreign intelligence information which we used to collect over the air, without requiring any warrants at all, has migrated to wires; even more than that, because of global telecommunications.

Telecommunications flow on the path of least resistance. So somebody making a phone call from the Horn of Africa into Pakistan, let's say, that call has a significant probability of actually being routed through the United States. Even a call from northern Spain to southern Spain may actually end up getting routed through the United States.

Early last year, there was a series of court decisions that found that even if we are intending to listen to a foreigner in a foreign country, if the point of access required touching a wire in the United States, then you needed a warrant. This threw a complete monkey wrench into intelligence collection. By the summer of last year, the Director of National Intelligence has testified in open session that we had lost two-thirds of our intelligence collection on terrorism.

The problem was becoming critical, and as a result, we passed something called the Protect America Act in the first week of August that said very clearly if you were in the United States, you needed to get a warrant. If your target was outside of the United States, then you did not need to get a warrant. It went back to the original intention of the Foreign Intelligence Surveillance Act of 1978.

We worked through the backlog in the 6 months that that temporary act

was in place. Unfortunately, that act was allowed to expire on the 16th of February, and now we have gone back to the old system for all new tips and tips that are coming into the intelligence agencies. Anything that was already under a warrant, was covered for a year. But intelligence is a dynamic thing. There are new tips that come in every day. It's a little bit like law enforcement. You're going after the bad guys every day. There are things that happen and you get new tips and new leads, and all of those new leads have to be dealt with under an old and cumbersome system that does not allow America to keep pace with the terrorists we are trying to track.

The key here is to prevent another terrorism attack, and our strongest and most important tool in the war against terrorism is good intelligence. If we can figure out what they are doing, we can stop them. The key is to figure out what they are doing, and that means good and timely intelligence.

I yield back to my colleague.

Mr. MCCAUL of Texas. If I can ask the gentlelady that serves on the Intelligence Committee, we are talking, are we not, about foreign communications by a foreign target in a foreign country, but just because of the new technology, that it may touch a wire in the United States, it requires us to get attorneys to go before the FISA court to get a warrant. Is that correct?

Mrs. WILSON of New Mexico. That is correct. Under the law that we are trying to get passed, that passed the Senate by a bipartisan vote with 68 votes, it would not be required to get a warrant to listen to a foreigner in a foreign country. Unfortunately, the leadership here in the House will not allow that bill to come up for a vote.

Twenty-one Democrats, over 20 State Attorney Generals have asked the leadership of this House to allow that bill to be brought up for a vote.

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I think it would pass with an overwhelming, bipartisan majority.

So we have the liberal Democratic leadership thwarting the majority of this House and compromising the safety and security of this country, and I believe they are doing it largely at the behest of trial lawyers who are eager to sue telephone companies, who can't defend themselves in civil court without compromising the way we collect intelligence.

Mr. MCCAUL of Texas. I thank the gentlewoman. So the threat is not only to the safety of American lives, in my view it is a threat to democracy. If this bill was allowed to come to the floor, it would pass overwhelmingly, as it did in the Senate.

Briefly before I yield, the gentlewoman talked a lot about the Foreign Intelligence Surveillance Act. I practiced law under that.

Admiral Inman, who is a supporter of mine, a friend in Austin, Texas, was the Deputy Director of the CIA, Director of the NSA. He was one of the principal authors of the FISA statute. When we talked about the application of this, having to apply the FISA overseas to foreign terrorists, that we are extending constitutional protections to terrorists in foreign countries, what he said, and he wrote an op-ed with me, he said, ''To apply FISA to monitoring foreign communications of suspected terrorists operating overseas, such as Osama bin Laden and other key al Qaeda leaders, turns the original intent of the FISA statute on its head. Contrary to some of the rhetoric coming from the Democrats, it is the members of al Qaeda, not American citizens, who are the target of these intelligence gathering activities.''

As the gentlewoman mentioned, in my view the driving force behind this dereliction of duty, this stopping democracy, is driven by a narrow special interest, and that is the ACLU and the trial lawyers pushing their agenda in a dangerous way that will put the American people at grave risk.

With that, I would like to yield to my good friend, the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. I would like to thank the gentleman from Texas and the gentlewoman from New Mexico for their strong leadership and advocacy on this critical national security issue. I think the colloquy engaged in really does represent the essence of the issue.

Former Director Bobby Inman was just quoted saying that it seems that there is greater concern around this Congress by a minority, frankly, to grant constitutional protections to foreign terrorists, really at the expense of protecting Americans.

I think we all know that is wrong. I think the colloquy you both just engaged in, and I heard the frustration expressed in your voice, I think that is also the frustration we are hearing from the American people. The American people do believe that Washington is broken, and I have said this many times. They are angry because Congress is not getting things done on their behalf, and this issue is just proof positive of this terrible failure.

It has been pointed out that we have a bipartisan agreement in the Senate, 68 votes. We have more than a majority in this House to pass this critical legislation, the Protect America Act. It will pass, if only the Speaker will allow this legislation to come up for a vote. They simply want us to put the national interests ahead of the special interests.

As you pointed out, the most litigious among us in this society are driving this issue and preventing the protection of the American people. I think it is just wrong, and we all know it is wrong. The bipartisan solution on FISA has been reached. There really are no more excuses. It is time for this leadership of the House to take ''yes'' for an answer. It is time to get the job done.

It has been 45 days, 45 days, since the Protect America Act has expired. Senator ROCKEFELLER, the Chair of the Intelligence Committee in the Senate, the Democrat from West Virginia, has made a plea, and I am going to quote him. He said, ''What people have to understand around here is that the quality of the intelligence we are going to be receiving is going to be degraded. It is going to be degraded. It is already going to be degraded as telecommunication companies lose interest.'' That was Senator ROCKEFELLER, not me.

The gentleman from Texas pointed out earlier too the letter that was sent to the chairman of the House Intelligence Committee, SILVESTRE REYES, from the Director of National Intelligence, Mr. MCCONNELL, and Attorney General Mukasey, essentially saying something very, very similar. I will read a quote from them in that letter of February 27, 2008. I will be happy to submit that letter for the RECORD here this evening.

But I am going to quote what they said about the degradation of our intelligence capabilities, pretty much agreeing with what Senator ROCKEFELLER said, a Democrat. What they said is, ''That is exactly what has happened since the Protect America Act expired 6 days ago without enactment of the bipartisan Senate bill. We have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act.'' That was 6 days after the act. It is 45 days today.

They go on to say, ''Because of this uncertainty, some partners have reduced cooperation. In particular they have delayed or refused compliance with our requests to initiate new surveillances of terrorists and other foreign intelligence targets under existing directives issued pursuant to the Protect America Act.''

Mr. Speaker, I include the letter for the RECORD.

FEBRUARY 22, 2008.

Hon. SILVESTRE REYES,

*Chairman, House Permanent Select Committee on Intelligence, House of Representatives, Washington, DC.*

DEAER CHAIRMAN REYES, the President asked us to respond to your letter of February 14, 2008, concerning the urgent need to modernize the Foreign Intelligence Surveillance Act of 1978 (FISA). Your assertion that there is no harm in allowing the temporary authorities provided by the Protect America Act to expire without enacting the Senate's FISA reform bill is inaccurate and based on a number of misunderstandings concerning our intelligence capabilities. We address those misunderstandings below. We hope that you find this letter helpful and that you will reconsider your opposition to the bill passed last week by a strong bipartisan majority in the Senate and, when Congress returns from its recess, support immediately bringing the Senate bill to the floor, where it enjoys the support of a majority of your fellow members. It is critical to our national security that Congress acts as soon as possible to pass the Senate bill.

*Intelligence collection*

Our experience since Congress allowed the Protect America Act to expire without passing the bipartisan Senate bill demonstrates why the Nation is now more vulnerable to

terrorist attack and other foreign threats. In our letter to Senator Reid on February 5, 2008, we explained that: ''the expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty which could cause us to delay the gathering of, or simply miss, critical foreign intelligence information.'' That is exactly what has happened since the Protect America Act expired six days ago without enactment of the bipartisan Senate bill. We have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act. Because of this uncertainty, some partners have reduced cooperation. In particular, they have delayed or refused compliance with our requests to initiate new surveillances of terrorist and other foreign intelligence targets under existing directives issued pursuant to the Protect America Act. Although most partners intend to cooperate for the time being, they have expressed deep misgivings about doing so in light of the uncertainty and have indicated that they may well cease to cooperate if the uncertainty persists. We are working to mitigate these problems and are hopeful that our efforts will be successful. Nevertheless, the broader uncertainty caused by the Act's expiration will persist unless and until the bipartisan Senate bill is passed. This uncertainty may well continue to cause us to miss information that we otherwise would be collecting.

Thus, although it is correct that we can continue to conduct certain activities authorized by the Protect America Act for a period of one year from the time they were first authorized, the Act's expiration has and may well continue to adversely affect such activities. Any adverse effects will result in a weakening of critical tools necessary to protect the Nation. As we explained in our letter to Senator Reid, expiration would create uncertainty concerning:

The ability to modify certifications and procedures issued under the Protect America Act to reflect operational needs and the implementation of procedures to ensure that agencies are fully integrated protecting the Nation;

The continuing validity of liability protection for those who assist us according to the procedures under the Protect America Act;

The continuing validity of the judicial mechanism for compelling the assistance of private parties needed to protect our national security;

The ability to cover intelligence gaps created by new communication paths or technologies.

Our experience in the past few days since the expiration of the Act demonstrates that these concerns are neither speculative nor theoretical: allowing the Act to expire without passing the bipartisan Senate bill has had real and negative consequences for our national security. Indeed, this has led directly to a degraded intelligence capability.

It is imperative that our intelligence agencies retain the tools they need to collect vital intelligence information. As we have explained before, the core authorities provided by the Protect America Act have helped us to obtain exactly the type of information we need to keep America safe, and it is essential that Congress reauthorize the Act's core authorities while also extending liability protection to those companies who assisted our Nation following the attacks of September 11, 2001. Using the authorities provided in the Protect America Act, we have obtained information about efforts of an individual to become a suicide operative, efforts by terrorists to obtain guns and ammunition, and terrorists transferring money. Other information obtained using the authorities provided by the Protect America Act has led to the disruption of planned terrorist attacks. The bipartisan Senate bill would preserve these core authorities and improve on the Protect America Act in certain critical ways, including by providing liability protection to companies that assisted in defending the country after September 11.

In your letter, you assert that the Intelligence Community's ability to protect the Nation has not been weakened, because the Intelligence Community continues to have the ability to conduct surveillance abroad in accordance with Executive Order 12333. We respectfully disagree. Surveillance conducted under Executive Order 12333 in a manner that does not implicate FISA or the Protect America Act is not always as effective, efficient, or safe for our intelligence professionals as acquisitions conducted under the Protect America Act. And, in any event, surveillance under the Protect America Act served as an essential adjunct to our other intelligence tools. This is particularly true in light of the changes since 1978 in the manner in which communications are transmitted. As a result of these changes, the Government often has been required to obtain a FISA Court order prior to surveillance of foreign terrorists and other national security threats located outside the Untied States. This hampered our intelligence collection targeting these individuals overseas in a way that Congress never intended, and it is what led to the dangerous intelligence gaps last summer. Congress addressed this issue temporarily by passing the Protect America Act but long-term FISA reform is critical to the national security.

We have provided Congress with examples in which difficulties with collections under the Executive Order resulted in the Intelligence Community missing crucial information. For instance, one of the September 11th hijackers communicated with a known overseas terrorist facility while he was living in the Untied States. Because that collection was conducted under Executive Order 12333, the Intelligence Community could not identify the domestic end of the communication prior to September 11, 2001, when it could have stopped that attack. The failure to collect such communications was one of the central criticisms of the Congressional Joint Inquiry that looked into intelligence failures associated with the attacks of September 11. The bipartisan bill passed by the Senate would address such flaws in our capabilities that existed before the enactment of the Protect America Act and that are now resurfacing. We have provided Congress with additional and detailed examples of how the Protect America Act temporarily fixed this problem and have demonstrated the operational need to provide a long-term legislative foundation for these authorities by passing the bipartisan Senate bill.

In your letter, you also posit that our intelligence capabilities have not been weakened, because the Government can employ the outdated provisions of FISA as they existed before the Protect America Act. We respectfully disagree. It was that very framework that created dangerous intelligence gaps in the past and that led Congress to pass the Protect America Act last summer.

As we have explained in letters, briefings and hearings, FISA's requirements, unlike those of the Protect America Act and the bipartisan Senate bill, impair our ability to collect information on foreign intelligence targets located overseas. Most importantly, FISA was designed to govern foreign intelligence surveillance of persons in the United States and therefore requires a showing of ''probable cause'' before such surveillance can begin. This standard makes sense in the context of targeting persons in the United States for surveillance, where the Fourth Amendment itself often requires probable cause and where the civil liberties of Americans are most implicated. But it makes no sense to require a showing of probable cause for surveillance of overseas foreign targets who are not entitled to the Fourth Amendment protections guaranteed by our Constitution. Put simply, imposing this requirement in the context of surveillance of foreign targets located overseas results in the loss of potentially vital intelligence by, for example, delaying intelligence collection and thereby losing some intelligence forever. In addition, the requirement to make such a showing requires us to divert our linguists and analysts covering al-Qa'ida and other foreign threats from their core role—protecting the Nation—to the task of providing detailed facts for FISA Court applications related to surveillance of such foreign targets. Our intelligence professionals need to be able to obtain foreign intelligence from foreign targets with speed and agility. If we revert to a legal framework in which the Intelligence Community needs to make probable cause showings for foreign terrorists and other national security threats located overseas, we are certain to experience more intelligence gaps and miss collecting information.

You imply that the emergency authorization process under FISA is an adequate substitute for the legislative authorities that have lapsed. This assertion reflects a basic misunderstanding about FISA's emergency authorization provisions. Specifically, you assert that the National Security Agency (NSA) or the Federal Bureau of Investigation (FBI) ''may begin surveillance immediately'' in an emergency situation. FISA requires far more, and it would be illegal to proceed as you suggest. Before surveillance begins the Attorney General must determine that there is probable cause that the target of the surveillance is a foreign power or an agent of a foreign power and that FISA's other requirements are met. As explained above, the process of compiling the facts necessary for such a determination and preparing applications for emergency authorizations takes time and results in delays. Again, it makes no sense to impose this requirement in the context of foreign intelligence surveillance of targets located overseas. Because of the hurdles under FISA's emergency authorization provisions and the requirement to go to the FISA Court within 72 hours, our resource constraints limit our use of emergency authorizations to certain high-priority circumstances and cannot simply be employed for every foreign intelligence target.

It is also inaccurate to state that because Congress has amended FISA several times, there is no need to modernize FISA. This statement runs counter to the very basis for Congress's passage last August of the Protect America Act. It was not until the passage of this Act that Congress amended those provisions of FISA that had become outdated due to the communications revolution we have experienced sine 1978. As we explained, those outdated provisions resulted in dangerous intelligence gaps by causing constitutional protections to be extended to foreign terrorists overseas. It is critical that Congress enact long-term FISA modernization to ensure that the Intelligence Community can collect effectively the foreign intelligence information it needs to protect the Nation. The bill passed by the Senate would achieve this goal, while safeguarding the privacy interests of Americans.

*Liability protection*

Your assertion that the failure to provide liability protection for those private-sector firms that helped defend the Nation after the September 11 attacks does not affect our intelligence collection capability is inaccurate

and contrary to the experience of intelligence professionals and to the conclusions the Senate Select Committee on Intelligence reached after careful study of the matter. It also ignores that providing liability protection to those companies sued for answering their country's call for assistance in the aftermath of September 11 is simply the right thing to do. Through briefings and documents, we have provided the members of your committee with access to thei nformation that shows that immunity is the fair and just result.

Private party assistance is necessary and critical to ensuring that the Intelligence Community can collect the information needed to protect our country from attack. In its report on S. 2248, the Intelligence Committee stated that ''the intelligence community cannot obtain the intelligence it needs without assistance'' from electronic communication service providers. The Committee also concluded that ''without retroactive immunity, the private sector might be unwilling to cooperate with lawful Government requests in the future without unnecessary court involvement and protracted litigation. The possible recution in intelligence that might result from this delay is simply unacceptable for the safety of our Nation.'' Senior intelligence officials also have testified regarding the importance of providing liability protection to such companies for this very reason.

Even prior to the expiration of the Protest America Act, we expereinced significant difficulties in working with the private sector because of the continued failure to provide liability protection for such companies. These difficultures have only grown since expiration of the Act without passage of the bipartisan Senate bill, which would provide fair and just liability protection. Exposing the private sector to the continued risk of billion-dollar class action suites for assisting in efforts to defend the country understandably makes the private sector much more reluctant to cooperate. Without their cooperation, our efforts to protect the country cannot succeed.

*Pending legislation*

Finally, as you note, the House passed a bill in November to amend FiSA, but we immediately made clear that the bill is unworkable and unaceptable. Over three months ago, the Administration issued a Statement of Administration Policy (SAP) that stated that the House bill ''falls far short of providing the Intelligence Community with the tools it needs to collect effecively the foreign intelligence information vital for the security of the Nation'' and that ''the Director of National Intelligence and the President's other senior advises would recommend that the President veto the bill.'' We adhere to that view today.

The House bill has several grave deficiencies. First, although numerous senior intelligence officials have testified regarding the improtance of affording liability protection for companies that assisted the Government in the aftermath of September 11, the House bill does not address the critical issue of liability protection. Second, the House bill contains certains provisions and serious technical flaws that would fatally undermine our ability to collect effectively the intelligence needed to protect the Nation. In contrast, the Senate bill deals with the issue of liability protection in a way that is fair and that protects the national security. In addition, the Senate bill is carefully drafted and has been amended toa void technical flaws similar to the ones in the House bill. We note that the privacy protections for Americans in the Senate bill exceed the protections contained in both the Protect America Act and the House bill.

The Department of Justice and the Intelligence Community are taking the steps we can to try to keep the country safe during this current period of uncertainty. These measures are remedial at best, however, and do not provide the tools our intelligence professionals need to protect the Nation or the certainty needed by our intelligence professionals and our private partners. The Senate passed a strong and balanced bill by an overwhelming and bipartisan margin. That bill would modernize FISA, ensure the future cooperation of the private sector, and guard the civil liberties we value. We hope that you will support giving your fellow members the chance to vote on this bill.

Sincerely,

MICHAEL B. MUKASEY,
*Attorney General.*
J.M. MCCONNELL,
*Director of National Intelligence.*

Mr. DENT. I think that really says it all. Everybody agrees, both Republican and Democrat alike agree that the intelligence product is being degraded. This really isn't a partisan issue. It should not even be an ideological issue. This is simply an issue of common sense, doing what is right for the American people, putting their interests ahead of the special interests.

With that, I would be happy to yield back to the gentleman from Texas, because I know there are others who would like to participate in this colloquy.

Mr. MCCAUL of Texas. I appreciate the gentleman's comments. Yet when it comes to national security, it should be bipartisan. We are Americans first, before we are Republican or Democrat, yet there is a special interest driving this agenda, as the gentleman mentioned. The trial lawyers have filed a lawsuit in San Francisco against the telecommunication companies, and I would like for the gentleman from Pennsylvania maybe to expand a little bit on that.

I think most Americans don't quite understand how trial lawyers could drive the agenda with the Democratic leadership such that they will be placing the American people at grave risk and jeopardizing the safety of Americans.

Mr. DENT. What I would respond is that the telecommunication companies at the request of their government were asked to cooperate and help us pursue terrorists. Obviously they have much of the infrastructure that we need to pursue these terrorists.

I would have to put this whole issue under the category of ''no good deed goes unpunished,'' where people who are acting in good faith to help their government are now being sued for their efforts, again to protect the most litigious elements of our society.

Because of that, because of the failure to provide a retroactive immunity as contained in the Protect America Act, when we do not provide that retroactive immunity, we know that these telecommunications can no longer be good partners. Even though they want to be helpful, they can't be. They have to protect themselves from lawsuits. They have a fiduciary responsibility to their shareholders to protect themselves and their organizations. I think that is really what is driving us.

I would yield back to you, because you have been a distinguished member of the bar, you are a former U.S. Attorney, so you understand these issues probably better than just about anybody in this building.

Mr. MCCAUL of Texas. I think we should be thanking these companies for their patriotic service in a time of war, not slapping lawsuits on them or putting the trial lawyers' interests above the warnings of the Director of National Intelligence and the Attorney General. Not just the U.S. Attorney General, but 25 State Attorneys General have signed a letter calling upon this Congress to act and pass the Protect America Act and make it permanent. So I would put more stock in the top law enforcement leaders in 25 of our States and the U.S. Attorney General over the special interests.

Mr. DENT. If the gentleman would yield briefly on that point, in fact my own Attorney General of the Commonwealth of Pennsylvania, Tom Corbett, came down to Washington to meet me and expressly asked me to support the Protect America Act. He too, like you, was a U.S. Attorney, and he was emphatic in his support for this legislation, and seemed a bit incredulous that Congress would not provide these necessary tools to our law enforcement and intelligence officials.

Mr. MCCAUL of Texas. With that, I would like to yield to the gentlewoman from Tennessee (Mrs. BLACKBURN) who sits on the Energy and Commerce Committee, which has jurisdiction and deals with a lot of the issues regarding telecommunications companies.

Mrs. BLACKBURN. I thank the gentleman from Texas for his leadership on this issue, as well as the leadership that has come from the gentlewoman from New Mexico and also the gentleman from Pennsylvania. It is an issue that does need to be addressed. I would remind our constituents who are watching that we are talking about the Foreign Intelligence Surveillance Act, FISA. That is what it stands for.

As the gentlewoman from New Mexico said, the changes in technology may mean that someone in the Horn of Africa who is calling in to a Middle Eastern country, their call ends up being routed through this country. What we are talking about is foreign intelligence and talking about getting information, gathering that intelligence that will keep Americans safe. As the gentleman from Pennsylvania said, our constituents are wanting to know, are we in danger? Are we in danger? Where is the next threat? Are you making certain that in our communities, in our homes, in our neighborhoods, in our schools, that we are going to be safe?

We were just discussing a bit about the trial bar and their part in this issue, if you will. In mid-March I noticed an editorial in Investors Business

Daily and it was titled ''FISA Fix For Lawyers.'' Not my words, Investors Business Daily from a mid-March issue, ''FISA Fix For Lawyers.''

Mr. Speaker, that kind of peaked my curiosity, so I read a bit about it. Basically what it goes on to say is that pretty much this bill could be considered an earmark for the trial bar.

Well, I did a little bit of investigating on that issue, once I read that article, Mr. Speaker, and it seems that $72,440,904 had been given to the Democrats by the trial bar this cycle so far. That was through mid-March. So we will see what else happens with that figure.

But it appears, as we have just discussed the lawsuits that are filed with the Ninth Circuit in San Francisco, that that may have a little bit to do, Mr. Speaker, with why Investors Business Daily would write an article and look at FISA as a fix for lawyers. Certainly something we do not want to do is have the integrity and the security of every single community in this great land of ours compromised in any way, shape or form because of that.

Now, the gentleman from Texas mentioned that 45 days has passed since the Protect America Act expired, and that does cause some question from our constituents. As the gentleman from Pennsylvania mentioned, Attorneys General from 25 different States support the bipartisan Protect America Act, and independent intelligence reports support this.

Mr. Speaker, I think there is indeed a reason. It is because we all know that protecting this Nation and our Nation's interests should rise above partisan debate on this floor. Of course, the bill that was brought to this floor before we departed for our Easter recess was a bill that the leadership knew was not going to go anywhere, but they felt like they had to do something.

Mrs. WILSON mentioned that intelligence is dynamic. I think that is an important part of the debate that we have before us as we talk about FISA. It is indeed dynamic, because it doesn't stay the same. The individuals who are seeking to do us harm do not stay in the same places, nor are their camps nor are their cells stationary or stagnant. Because of that, we have to look at electronic surveillance as going about this a different way.

The gentleman from Texas mentioned the situation that occurred last year with three American soldiers that were kidnapped in Iraq and the wrangling that had to go on to get through the courts, as he said, to get ''lawyered up,'' to get in there and to get a warrant. By that time, 9 hours had passed, and by that time we had one individual who was dead and we still have two who are missing as of this point in time.

So, looking at 21st century technology, understanding how that technology works on a global basis, and understanding that if we are to stay ahead of the game on this, Mr. Speaker, it is imperative, it is imperative, that we realize that our enemies are using satellite phones. They are not using rotary phones. They are using text messages. They are not sending telegrams.

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They are moving constantly; they are not in the same place. And it is imperative that we adjust our laws so that we have the ability to stay ahead of them, and ahead of their desire to do harm to us, our constituents, and our great Nation.

Mr. MCCAUL of Texas. I thank the gentlelady. And I couldn't agree more that real-time intelligence is the best weapon we have. We can get the intelligence; but if it is not in real-time, it endangers our ability to protect the American people, as the gentlelady pointed out with the three American soldiers from the 10th Mountain Division who, unfortunately, one now is no longer alive and two are missing.

But I think it is important to give this an historical context and maybe take you back to a gentleman named Ramsey Yusef who came into the United States in 1992. He was detained; but because there wasn't enough detention space at the time, they let him go. And, from there, he conspired with the first al Qaeda cell in New York to take down the Twin Towers. And the idea of the plot was that one tower would fall, toppling over the other, and bring down the symbol of the economic superpower. They got a Ryder van, they loaded it up with explosives, went into the underground parking garage, and blew it up. Fortunately, the Towers survived that day. Although several people were killed, they didn't achieve that goal. That day would come later.

Ramsey Yusef escaped afterwards, went to Islamabad where he was in Pakistan, the Philippines. Then he hooked up with his uncle Khalid Sheikh Mohammed. It is all in the family. Khalid Sheikh Mohammed, we would find out, would be the mastermind of September 11th. When they talked about in the mid-1990s flying airplanes into buildings, wouldn't it have been good to have that real-time intelligence? They talked about that. They talked about how they could take down the United States of America. And when Ramsey Yusef was finally arrested, he was arrested in a hotel room in Islamabad, they found something very eery. And I have worked with the FBI agents who arrested him, and it always left a very chilling sort of view in my mind, and that was, they found about a dozen baby dolls and these baby dolls were stuffed with chemical explosives. Mr. Yusef gives you great insight into the mind of the terrorists: Simple, brilliant, but evil genius. The same evil geniuses that perpetrated 9/11. He was planning to take those baby dolls on airplanes and blow them up. Of course, with the London arrests, later we would find they were back to their same game of using chemical explosives to blow up airplanes. Fortunately, our intelligence stopped that plot against the United States.

But we all know what happened on September 11th. We also know there was a secret meeting that took place overseas, and that the CIA was possibly aware of two of these people entering our country. And at that time, the left hand didn't know what the right hand was doing all the time because the criminal division couldn't talk to the foreign counterintelligence division in the FBI. And I will never forget a quote from an FBI agent, because his words prior to 9/11 about his frustration apply the situation that I find and I think we find ourselves here in the House.

He wrote to FBI Headquarters, which was a gutsy move for a line FBI agent, and he said, ''Someday, someone will die, and 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, Osama bin Laden, is getting the most protection.''

We are not throwing every resource that we can now at this problem. We are turning a blind eye to this problem. And if American blood is spilled while our watch is down, while we have allowed this Act to expire, that blood will be on the heads of Members of Congress who did not allow this to go to the floor for a vote. And, yes, the foreign terrorists now are getting protection. They are getting constitutional protection that the FISA statute never intended for them to get in the first place.

With that, I would like to yield to the gentlelady from New Mexico who is on the Intelligence Committee, Ms. Heather Wilson.

Mrs. WILSON of New Mexico. I thank my colleague from Texas.

One of the things that I think is important for people to understand is the importance of intelligence in keeping this country safe. In any war, I think intelligence is underestimated; and the reason is that we see the old newspaper headlines of the victory of the Navy at Midway, but you don't learn until years after that it was the breaking of the Japanese code that allowed our ships to be in the right place in the first place. We see the tremendous success of the Battle of Normandy, but we never knew until years later when it was finally declassified that we had broken the German code.

So intelligence is often underrated. But in the war on terror, trying to prevent the next terrorist attack, intelligence is even more important than it ever was in the Cold War.

I served in the Air Force during the Cold War, and the great thing about the Soviets was that they were certainly easy to find. They were easy to find, or as the military would say, they would have been hard to fix, easy to find. They had the same exercises at the same time of year using the same barracks and the same rail lines and

the same radio frequencies. We knew where they were. They would have been extremely difficult to defeat had they ever attacked the West, but we knew where they were.

When we are fighting against terrorism, the problem is completely reversed. If we can find them, we can stop them. The difficult part is finding them. It is more like a Where's Waldo problem, you know, the cartoon books where you get all of these pictures and you are trying to find the little guy hidden in among all the rest of the clutter. Terrorists generally use commercial communications. They have no territory. They are hiding in the civil population, hiding in plain sight as it were. So, the intelligence problem is the most important and most difficult problem.

All of us remember where we were the morning of 9/11. We remember who we were with, what we were wearing, who we called first, what we had for breakfast. But very few Americans remember where they were the day the British Government arrested 16 people who were within 48 hours of walking onto airliners at Heathrow and blowing them up over the Atlantic. If they had succeeded, more people would have died that day than died the morning of 9/11; but you don't remember it because it didn't happen, and it didn't happen because British, American, and Pakistani intelligence were able to uncover the plot and arrest those who were going to carry it out before they had an opportunity to.

Good intelligence allows us to prevent another terrorist attack, and electronic surveillance is one of our strongest intelligence tools. The Protect America Act just allowed Americans to listen to foreigners in foreign countries without a warrant. If we don't have that authority, it is sometimes impossible to get to the standard required to get a warrant. It is almost a waste of time. It is an incredible frustration for our people who are working in intelligence.

I mean, you think about this. If you are going to get a warrant on somebody who is a narcotics trafficker in Chicago, you can send the FBI out to talk to their neighbors; you can go to their place that they are working; you can talk to their landlady. You can develop probable cause for a warrant. But if you think you have got somebody on the Horn of Africa who is affiliated with al Qaeda, you can't send the FBI to talk to their neighbors. Sometimes you can't reach that standard of probable cause. So, intelligence doesn't get collected against people who are foreigners in foreign countries who have no rights at all under the Constitution of the United States, and the people who are hurt by that are the American citizens we are failing to protect.

The majority of this House wants to pass a bipartisan bill that has already cleared the Senate that would make the provisions of the Protect America Act permanent, and the Democratic leadership of this House is blocking consideration of that bill, to the detriment of the people of this country.

I yield back to the gentleman from Texas.

Mr. MCCAUL of Texas. I thank the gentlelady for her eloquence on this issue. And I think it is worth repeating again that we are talking about foreign targets in foreign countries overseas. I think the American people want us to be listening to what al Qaeda has to say. In fact, I think they expect that, and I think they would be shocked if they learned that our capabilities were put in jeopardy because of partisan politics and special interests. It is irresponsible. And, as the gentleman from Pennsylvania has often said, it is a dereliction of our duties here in the House to protect and defend the American people from enemies overseas.

The gentlelady talked about the war with the Soviets. In some ways it was a more predictable enemy, and the concept of mutually assured destruction applied to the Soviets because they valued their own life. The concept of mutually assured destruction does not apply to the Islamic jihadists, because they won't think twice about blowing themselves up if it means they can take other lives, particularly American lives. They won't think twice about flying airplanes into buildings and killing almost 3,000 people, including themselves, because, in their extreme fanatical view, that means the rewards in heaven are greater. That is the mindset of the enemy that we are working with.

Satellite imagery was very important in the Cold War. But in this war, this war on terror, intelligence is the best weapon that we have. And if that is taken away from the intelligence community, as the Democratic leadership is trying to do, if they take that capability away, as they did when they allowed the Protect America Act to expire, they are tying the hands of our intelligence community to better protect the United States of America. And I believe that is treasonness.

With that, I yield to the gentleman from Pennsylvania.

Mr. DENT. I want to thank both of you for your eloquence on this critical issue. And with all these references to 9/11, I really believe it is important that we take seriously what this Congress did after 9/11. It created a commission, the 9/11 Commission, to make recommendations about how we can improve upon our Nation's homeland security and our national security. They made many recommendations; we are familiar with many. And, indeed, when the 110th Congress was first organized a little over 1 year ago, we were told by the new leadership under Speaker PELOSI that fulfilling those 9/11 Commission recommendations was a top priority. As it should be. And it is time that we equate those words with action. As you and I have both said, failure to do that is a dereliction of duty.

I believe that we have it within our means now to do what that 9/11 Commission wanted us to do, and I believe passing the Protect America Act is entirely consistent and compatible with what those folks who wrote the 9/11 Commission want us to do. And I believe that, again, failure to pass the Protect America Act really contravenes and contradicts what the 9/11 Commission stands for.

We also talked about this issue of liability and who is getting protected. One thing I guess I find particularly appalling is that, because of this approach to homeland security and national security to intelligence, many of our intelligence officials and officers have been forced to buy personal liability insurance to protect themselves from lawsuits from us, from Congress, from others who may choose to sue them. The phone companies are getting sued. Why not sue the intelligence officials? So what is happening is they are worried about being sued, and that is why they have had to find this type of insurance.

Mr. MCCAUL made a very interesting observation. He read an interesting quote a few minutes ago by that FBI agent, and I would like to put that quote into some context. In fact, at the time of the PATRIOT Act reauthorization a little over 2 years ago, there was an article written in the Wall Street Journal by a woman named Debra Burlingame. Who is Debra Burlingame? I guess she is best known because of her brother, Chic Burlingame, who was the pilot of one of the planes that crashed that day on 9/11, 2001 into the Pentagon. She had written this in the Wall Street Journal on January 30, 2006: Critics contend that the PATRIOT Act was rushed into law in a moment of panic. And there is relevant to our PAA here. The truth is, the policies and guidelines it corrected had a long troubled history, and everybody who had to deal with them knew it. The wall was a torturous set of rules promulgated by the Justice Department lawyers in 1995 and imagined into law by the Foreign Intelligence Surveillance Act Court, or the FISA Court, conceived as an added protection for civil liberties provisions already built into the statute that was the wall and its real world ramifications that hardened the failure to share culture between agencies, allowing early information about 9/11 hijackers Khalid al-Midhar and Nawaf al Hashmi to fall through the cracks. More perversely, even after the significance of these terrorists and their presence in the country was known by the FBI's intelligence division, the wall prevented it from talking to its own criminal division in order to hunt them down.

□ 2045

In other words, the FBI criminal division and the FBI intelligence division couldn't communicate because of what was going on pre-9/11.

''Furthermore,'' she writes, ''it was the impenetrable FISA guidelines and

fear of provoking the FISA court's wrath if they were transgressed that discouraged risk-averse FBI supervisors from applying for a FISA search warrant in the Zacarias Moussaoui case.'' And we all remember him.

''The search, finally conducted on the afternoon of 9/11, produced names and phone numbers of people in the thick of the 9/11 plot, so many fertile clues that investigators believe that at least one airplane, if not all four, could have been saved.''

That is what Debra Burlingame wrote.

Further on in that article where Mr. MCCAUL began, and this is the woman whose brother was the pilot who crashed into the Pentagon on 9/11, she concludes by saying: ''Three weeks before 9/11, an FBI agent with the bin Laden case squad in New York learned that al-Mihdhar and al-Hazmi were in this country. He pleaded with the national security gatekeepers in Washington to launch a nationwide manhunt and was summarily told to stand down. When the FISA Court of Review tore down the wall in 2002, it included in its ruling the agent's August 29, 2001, e-mail to FBI headquarters,'' and I am going to restate what you just stated a few moments ago. The quote was from this FBI agent: ''Whatever has happened to this—someday someone will die—and wall or not—the public will not understand why we were not more effective in throwing every resource we had at certain problems. Let's hope that the National Security Law Unit will stand behind their decisions then, especially since the biggest threat to us now, bin Laden, is getting the most protection.''

Not my words, and how can anybody not be moved by this? How can anybody somehow think that our own FBI is a greater threat to the American people than is al Qaeda or Osama bin Laden?

Mr. MCCAUL, you are an attorney. You understand this issue well. We want to protect everyone's civil liberties, and at the same time we have legitimate security threats we must deal with.

Mrs. WILSON of New Mexico. I think my colleague from Pennsylvania raises a good point. What are the protections for America's civil liberties, and there has been a lot of misinformation out there about the protections in the Protect America Act for American civil liberties. In fact, in the Senate bill that we would like to have a vote on here in the House, the civil liberties protections for Americans are more than exist under current law, under the current FISA law.

What are those protections? First, you have to have a warrant to target anyone in the United States, American or foreigner. So you must have a warrant if someone is reasonably believed to be in the United States.

It is a felony to do what some have called reverse targeting. In other words, you think somebody may be affiliated with a terrorist group. They are in the United States and they have a brother in Lebanon. So gee, let's wiretap their brother in Lebanon and maybe we can pick up some of their conversations back to the guy in the United States. That is a felony. You can't do that. You have to have a warrant if your target is reasonably believed to be in the United States, and you cannot do reverse targeting.

It also extends the protection of the Constitution to Americans traveling overseas. This is something that doesn't exist in current law. If I am an American stationed overseas, which I was in a past life, and I in some way bump into American intelligence collection overseas, their procedures in regulations is to ''minimize'' or ''screen out'' that information, to destroy information that is of no intelligence value. But the act that has now passed the Senate actually goes further than that. If you are an American overseas, the American government would also have to get a warrant in order to target your communications.

These provisions apply irrespective of the communications technology used. So to collect foreign intelligence over the air on a wire, it doesn't matter. All that matters is whether somebody is reasonably believed to be in the United States or is an American citizen. If they are, you have to go to court and get a warrant. If you do not, if they are a foreigner in a foreign country, we do not extend the protections of the Constitution to them.

Mr. MCCAUL of Texas. The gentlelady is correct. The Constitution applies to persons in the United States. The Constitution doesn't apply to foreign terrorists in a foreign country. I think that is the central heart of this debate that we are having here tonight.

As the gentleman from Pennsylvania pointed out, Mr. Moussaoui retained information on his computer that could have helped prevent this from happening. He is a person in the United States; and as such, properly the FBI and the Department of Justice went through the FISA court. The initial FISA application was turned down by the Office of Intelligence Policy Review. We lost critical time in processing that application. My point being, the FISA court is very document intensive, cumbersome and time-consuming.

We should not apply FISA court standards to foreign terrorists in a foreign country when real-time intelligence can stop something like this from happening here in the United States.

You know, when the wall was in place, one intelligence community was aware of these two individuals in the U.S., yet the FBI was not made aware and they could not track them down.

The FISA Court of Review issued an opinion about the wall when it finally struck it down and said that effective counterintelligence, we have learned, requires the whole-hearted cooperation of all of government's personnel who can be brought to the task. A standard which punishes such cooperation could well be thought dangerous to national security. So a lack of coordination and cooperation is dangerous to national security.

And if we can't work with the private sector, and in fact we cannot obtain this intelligence without the private sector; and if we will subject them to liability and to lawsuits for doing their American patriotism, we indeed will lose the private sector as a partner.

Mrs. WILSON of New Mexico. Would the gentleman yield?

Mr. MCCAUL of Texas. I would be happy to yield to the gentlelady.

Mrs. WILSON of New Mexico. Is it true that we depend on telephone companies not only for their cooperation for foreign intelligence, but also in the case of crimes like kidnappings here in the United States? Do we depend on their cooperation there?

Mr. MCCAUL of Texas. The gentlelady is correct. What is at grave risk is not only in the war on terror capturing intelligence overseas, but if the private sector would be subject to liability and lawsuits, and they say to the government, ''I am not going to cooperate with you anymore,'' they don't have to. Then we place at jeopardy domestic investigations that could include child predators, organized crime, and a whole myriad of criminal activity in the United States. So this is setting a very dangerous precedent.

Mrs. WILSON of New Mexico. If the gentleman would yield, you are an attorney and have dealt with these things and I haven't. Is it true that a district attorney can go in an emergency situation and say to the telephone company, this is an emergency, we have a kidnapped child, we think we know who did it, will you cooperate with us and we will followup with the paperwork later? Can that happen?

Mr. MCCAUL of Texas. The gentlelady is correct. Then you have real-time information that is relevant to a case to stop a criminal act from occurring.

What the Democrat leadership has done in this case is prevented us from obtaining intelligence critical to the safety of the United States overseas in a foreign country.

Mrs. WILSON of New Mexico. Is it reasonable to expect that if these telephone companies get sued for voluntary cooperation, that they will just stop doing voluntary cooperation no matter what the issue is?

Mr. MCCAUL of Texas. The grave risk is that they will not cooperate on any investigation, whether it be overseas or domestically, because there is no incentive for them to cooperate with the FBI here or with our intelligence community abroad if we are going to subject them to liability and to lawsuits.

If there is wrongdoing on the part of the government, that is one issue. But

when the telecommunication companies are told that they need to cooperate in the interest of the national security, I don't think we should be slapping them with a lawsuit, we should be thanking them for protecting this Nation.

I want to go back to the gentleman's comments about the 9/11 Commission. After this occurred, we all were scrambling to do everything within our power to prevent this from happening again. The President met with his advisors, and the 9/11 Commission met. And they made recommendations and they talked about connecting the dots. The problem is that we cannot connect the dots, and we are not putting this information together.

What is at risk here tonight, as every hour passes that the Protect America Act has expired, is we cannot collect the dots to connect them.

I would like to draw on a quote, a letter from Attorney General Muskasey and the Director of National Intelligence McConnell to Chairman REYES. He says, ''Our experience in the past few days since the expiration of the act demonstrates that these concerns are neither speculative nor theoretical. Allowing the act to expire without passing the bipartisan Senate bill has had real and negative consequences for our national security. Indeed, this has led directly to a degraded intelligence capability.''

I don't know about you, but when I read that language from the experts in the intelligence community and our top law enforcement officer, it sends a chill up my spine. We need to pass this bill, and we need to do it now.

Mr. DENT. Again, a powerful quote, the degradation and degrading of our intelligence capacities, stated by a Republican Attorney General and a Republican Director of National Intelligence, but also stated by the Democratic chairman of the Senate Intelligence Committee, that the intelligence product will be degraded as a result of our failure to enact the Protect America Act.

I can't help but note, the gentleman from Texas having served in law enforcement, many of the arguments I just heard you talking about in your colloquy with Mrs. WILSON were also some of the arguments that I heard at the time of the PATRIOT Act reauthorization.

Remember it was being said that somehow our library records were going to be looked into. Several of the 9/11 terrorists made their airplane reservations on public library computers, and they confirmed those reservations on public library computers.

I am not aware that anybody has ever sought a library record under the law. But I also remember, too, after meeting with some folks from the Attorney General's Office, and this is not a classified issue, I remember them telling me that a terrorist, when interrogated, they asked: Why were you constantly on the New York Public Library computers? His response was they clean their hard drives at the end of the day. Interesting point.

Another issue we heard at the time of the PATRIOT Act had to do with roving wiretaps, a tool I believe you, as a prosecutor, used over the years, and that we use in drug cases against organized criminals. We use that type of method. When we talk about using it for counterterrorism purposes, it seems as if we were creating some new structure. Do you want to address that.

Mr. MCCAUL of Texas. Reclaiming my time, this issue goes well beyond what the gentleman is referring to. This issue goes to our capability to intercept communications from foreign terrorists in foreign countries. Again, I think the American people would like to know what al Qaeda is saying when they conspire to perpetrate something like this. They would like to know what Osama bin Laden is saying, and what his lieutenants are saying.

I know my time is starting to run out.

Mr. DENT. Quickly, the bottom line is we should be listening to this foreign-to-foreign communication of people who are not American citizens who are suspected terrorists because you want to prevent what happened on 9/11 of 2001. For some of us, it was quite personal.

You mentioned what happened in 1993. My cousin spent the whole day on the top of that building, the South Tower, spent the entire day on the roof after what exploded in the basement, the garage of that building.

□ 2100

You know, he was there, also, on September 11, 2001. I remember that, too. He was on the 91st floor of the north tower when the plane entered the 93rd floor. Everybody above him was killed.

And for many of us it's personal. But if we have information, actionable intelligence, I would certainly hope that our counter terrorism officials, that our intelligence officials would do everything in their power to prevent such terrible events like 9/11 from ever occurring.

And again, I just want to state one more time that enacting the Protect America Act will help improve our intelligence capabilities, will protect Americans, and it's time that we get the job done. We have a bipartisan consensus to do it. Let's do it. The time for games is over. It's time to get the job done.

I yield back to my friend.

Mr. MCCAUL of Texas. I thank the gentleman.

Before we passed the Protect America Act, the Director of National Intelligence came to us and he said, ''I'm losing two-thirds of the intelligence out there.'' Well, now with the expiration of the Protect America Act, we can only imagine going back to that scenario. We were going dark in parts of the world. We were losing critical foreign intelligence from our enemy to better protect this Nation from another terrorist attack.

And to put to you, I think, one of the best quotes I've read, it really puts you in the mindset of who is the enemy and what is the real threat to the United States, I'd like to leave you tonight with the following words. And this is in their words, not mine.

''The confrontation that we are calling for with the apostate regimes does not know Socratic debates, Plutonic ideals, nor Aristotle's diplomacy. But it does know the dialogue of bullets, the ideals of assassination, bombing and destruction, and the diplomacy of the cannon and the machine gun.

The Islamic governments have never and will never be established through peaceful solutions and cooperate councils. They are established, as they always have been, through pen and gun, by word and bullet, and by tongue and teeth.''

The words that I just read to you are the words found in the preface of the al Qaeda training manual. They are the words of the enemy. That is what the enemy is telling us. We need to win in this war on terror and stop this enemy and protect the United States from this ever happening on American soil again. It is time to pass a bipartisan Senate bill.

## CONGRESSIONAL BLACK CAUCUS MESSAGE HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Mr. Speaker, it gives me great pleasure this evening to have an opportunity to stand in the well of this wonderful House of Representatives on behalf of the Congressional Black Caucus and our Chair, CAROLYN CHEEKS KILPATRICK.

This evening I will be joined by several of my colleagues to talk about the black community, the African American community, and the economy and the impact that this downturn in the economy has had on the African American community.

Before I go to that subject matter, I just want to take a moment. One of the things that we have an opportunity, as Members of Congress, to do is to travel all around the United States, meeting people who say, oh, we watch you on television, we've seen you on television. And the fact is this weekend I had the opportunity to be in Orlando, Florida, on behalf of my sorority, Delta Sigma Theta. And I met one of the finest families in Orlando, headed by Janet McDowell-Travis and her husband, Michael Travis, son Jordan, who is 10 years old, who drew me this really, really nice card, Janet's mother, Vergnoustene, my soror as well, and Janet's aunt, Aunt Romelda. So, I just want to take a moment this evening, Mr. Speaker, to have an opportunity to

say hello to that McDowell-Travis family and say to them, thank you so much for making my weekend in Orlando so great. And hopefully I'll have another chance to see you in July, when I come back to Florida for our national convention. Hi, everybody. Hope you're doing well.

Back to the reason that I'm here on floor to talk about the Congressional Black Caucus message hour, the declining economy and its impact on the African American community.

GENERAL LEAVE

Mrs. JONES of Ohio. Madam Speaker, let me begin by seeking unanimous consent that my colleagues have 5 days in which to revise and extend their remarks, to allow other Members to have the opportunity to submit their remarks in writing. In fact, I have in my hand a signed statement by my colleague and good friend from the great State of Texas, EDDIE BERNICE JOHNSON, which I will choose to submit for the RECORD.

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

There was no objection.

Mrs. JONES of Ohio. Let me begin with a quote. ''At the bottom of education, at the bottom of politics, even at the bottom of religion, there must be economic independence.'' Booker T. Washington from 1903. These words, spoken more than a century ago by one of our foremost African American thinkers and educators, perhaps might be more relevant today than they were in 1903.

For far too long, the current administration has danced around this issue, hoping that it would go away. But it is time that we state the truth. Our economy is in decline. Today, hardworking African American families are struggling to make ends meet in this slowing economy. Wages are flat, prices are high, and for many, jobs are hard to come by.

These problems are even greater in the African American community. Unemployment rates for African Americans are consistently almost double for white Americans. The median family earnings of full-time African American workers is consistently over $130 less than white workers who are similarly educated and situated.

The poverty rate for African Americans is almost double the national poverty rate, 24 percent versus 12.5 percent. And more than triple, 33 percent versus 9.8 percent, for children under the age of 18.

Home ownership for African Americans is 48 percent compared to 72 percent for white Americans. And African Americans are more than two times more likely to have been denied a mortgage, and more than two times more likely to receive predatory loans.

In this most recent research around foreclosures, it has been shown that African Americans who, in fact, qualified for prime mortgages were, in fact, steered to subprime mortgages, predatory loans because the advantage for the lender was greater, they could make more money on the predatory subprime loan than they could on a prime loan.

Minority-owned businesses received only 57 cents of each dollar they would be expected to receive based on the percentage of ''ready, willing and able'' businesses that are minority owned.

The Congressional Black Caucus remains committed to economic empowerment in the African American community. This includes, but it is not limited to:

One, eradicated employment discrimination and ensuring the employment of a diverse workforce by employers in the private sector and in government, including staff of committees and Members of Congress.

Two, protecting the rights and working conditions of all employees.

Three, providing support to enable people to work, such as child care, transportation, health care, job retraining and a living wage.

Four, promoting the advancement of African Americans into management, executive and director positions.

Five, providing equal access to capital for individuals and businesses, and the elimination of redlining and predatory lending practices.

Six, expanding affordable rental and ownership of housing.

Seven, achieving aggressive minority business goals and participation in government and private contracting.

So, tonight you will hear from various members of the Congressional Black Caucus as we discuss the many economic problems facing the African American community, as well as our plans to address those issues.

If I can go back to my experience in Orlando this weekend. I had an opportunity to participate in this wonderful ceremony involving 10 young African American men and women that were juniors and seniors in high school. And the experiences and backgrounds of these young men and women were just fantastic. And one of the things I reminded them of was, no deposit, no return. I talked to them about, we used the expression, birds of a feather flock together, and that eagles do not fly with sparrows. And I suggested to them that they needed to be eagles so that they could fly far above and do more. But even in the midst of all of flying higher, doing more, in an economy like we are experiencing today it would be difficult for these young men and women to be successful.

So, I'm going to take a break for a moment and yield to my colleague and good friend from the great State of California, the honorable gentlewoman from California, Congresswoman BARBARA LEE, such time as she may consume.

Ms. LEE. Let me thank the gentlelady for her leadership and for yielding and for organizing these very important special orders, also, really, for reminding us tonight of much of this unfinished business of our great country, and laying out the glaring disparities that we're witnessing in the African American community; but also, what our economic empowerment agenda is of the Congressional Black Caucus. So, thank you, Congresswoman TUBBS JONES.

Millions of Americans are one paycheck, that is, if they have a paycheck, away from poverty. Now, the numbers speak for themselves. Gas prices are at record levels, averaging, in my district, $3.73 a gallon, even as oil is traded at over $100 a barrel and big oil companies are reaping in record profits. Foreclosures have skyrocketed, putting hundreds of thousands of people out on the street. The American dream of homeownership is quickly turning into a nightmare for many hardworking individuals and families in our country.

In my district, in Alameda County, we are projected to lose nearly 4,700 homes to foreclosures due to the subprime mortgage crisis, eliminating $3.2 billion in home equity value. That's equal to a drop in home equity by almost $8,500 for each homeowner in my district. Meanwhile, food prices have risen, squeezing recipients of food stamps even as the number of people expected to enroll in the program will reach a record 28 million people in the next fiscal year.

Health care costs are going through the roof, even as this administration is posing massive cuts in funding for Medicare and Medicaid, and African Americans continue to be the hardest hit. As of February 2008, the unemployment rate for African Americans was over 8.3 percent, nearly double the national average of 4.3 percent. Among the African American community, poverty rates are 2.5 times higher than the national average. Even more disturbing, almost 40 percent of African American children under 5 years of age live in poverty. And all the while, African Americans continue to be the target for, as we talked about earlier, subprime loans.

African Americans are three times more likely to have a subprime loan than whites, accounting for 52 percent of all subprime loans. And as the housing market has collapsed, estimates indicate that African Americans alone will lose between 164 to $213 billion in home equity value during this recession.

It's long past time for Congress to address the burden of this economic downturn on the African American community and other communities of color and address the ongoing lack of opportunity in minority communities in America. Even in the face of this massive housing crisis and impending recession, growing unemployment and the highest number of applicants for food stamps since the program's inception, the Bush administration wants to cut funding, mind you, cut funding for the most vital programs so that he can continue to fund his failed occupation in Iraq. This is partly due to Iraq, billions of dollars that have been spent,

this economic downturn. I personally call this ''The Iraq Recession.''

At nearly half a trillion dollars, the occupation of Iraq and the resulting Iraq recession has wasted too much of American treasure, drained too much of our American resources, and most importantly, claimed too many American lives. And we cannot dismiss the toll that this occupation has had on the economic security of our Nation and on the average American family who will feel the impact of these expenses for years to come.

The Joint Economic Committee estimates the total bill for the war through 2008 will cost the typical family of four a full $16,500. Can you imagine what a family of four can do with $16,500? This conflict has claimed the lives of more than 4,000 brave members of our Armed Forces and has resulted in injuries to more than 28,000 others.

Five years after the invasion and occupation of Iraq, 47 million Americans are living without health insurance, 47 million. And more than 36 million people continue to live in poverty, at least 2 million of which have fallen into poverty since 2003.

Five years later, it is projected that more than 2 million American families will lose their homes to foreclosure, primarily over the next 2 years. And worse, as the demand is increasing for programs serving children, the elderly and the poor, and those facing the loss of their income, more than half of our States face serious budget shortfalls that will force them to cut back or even eliminate programs that serve the most vulnerable of our populations.

□ 2115

So, Mr. Speaker, we must address the needs and the will of our country by bringing an end to this occupation and to the immeasurable costs that will continue to be exacted on the physical and economic security of the American people for generations to come.

Forty-one years ago, Dr. Martin Luther King was, as he said, ''compelled to see the war as the enemy of the poor and attack it as such.'' Of course Dr. King was referring to the Vietnam War. But his understanding of the relationship between the vast sums spent dropping bombs in a foreign country, and the resulting lack of funding for programs that relieve hunger and poverty are just as true today as they were back then, especially now with this economic downturn.

A recent survey revealed that 68 percent of Americans believe that ending the war and occupation in Iraq is an important step the United States Government must take to respond to the current economic recession. So we must put an end to this occupation, and we must fund a real economic stimulus plan that expands unemployment assistance and food stamp benefits, provides housing assistance and foreclosure relief for homeowners, and expands Medicaid payments to States through the Federal medical assistance percentage.

We need to pass a real bankruptcy reform bill. I believe this one that we're working on now is H.R. 3609. It's called the Emergency Home Ownership and Mortgage Equity Protection Act of 2007, that will give struggling homeowners a fighting chance to stay in their homes.

We've got to reauthorize and realize that HOPE VI is an important, important housing initiative, and pass H.R. 3524, to finally stop putting an end to predatory lending. And instead of spending billions to bail out Bear Stearns, we should really be investing that money to train our workforce and to expand green jobs and eradicate poverty.

So as we remember 3 years ago, Hurricane Katrina served as a real rude wake up call to the Nation and the continuing inequality that plagues minority communities, especially the African communities in America. Katrina opened the eyes of many Americans about the continuing burden of poverty that often isolates and traps generations of Americans of color, African Americans, in a cycle of poverty and disenfranchisement. So we cannot ignore the legacy of Katrina, nor can we ignore the legacy of Dr. King's words.

So this week, as we approach the 40th anniversary of Dr. King's assassination, let us all make a commitment to honor his vision and his life's work. We must end this occupation of Iraq, and we must enact a real economic stimulus plan, so that the American people can move forward, take care of their families, come out of this downturn and really begin to live the type of life, the quality of life that they so deserve in the wealthiest and most powerful country in the world.

Thank you, Congresswoman STEPHANIE TUBBS JONES, for giving us the opportunity tonight to talk about the real suffering that people are feeling; but giving people some hope that there are many here in Washington, D.C. on the battlefield trying to turn this around.

Mrs. JONES of Ohio. I want to thank my colleague, Congresswoman BARBARA LEE, for her leadership, and hope that she will decide to hang around a little while with me as we go through a few more issues. If you can't, I absolutely understand.

I want to go back to the housing crisis for a moment. The loss of a home is both devastating for the family and the community. For a family, owning a home is often their only piece of the ''American Pie.'' The equity from owning their home is often the only means to secure funding for a new business, college tuition or retirement. For the community, increased foreclosures often turn neighborhoods that once were vibrant into neglected, blighted areas which ultimately raise costs for local governments.

In the State of Ohio alone, 90,000 homes are in foreclosure. In fact, one of the things that we often talk about is that working class families usually pass their biggest asset from 1 generation to the next, and that is a house. So not only are we devastating the income and wealth of this generation, we may well be devastating the income and wealth of future generations.

Predatory lending is the leading cause of the foreclosures across this country. And I need not go on and on about the issue, but let me just point out a few statistics.

The Nonprofit Center for Responsible Lending projects that as this year ends, 2.2 million households in the subprime market will either have lost their homes to foreclosure or hold subprime mortgages that will fail over the next several years. The real dilemma that many of the families face is the amount of mortgage that they own on the home far exceeds the real value of the home.

Additionally, only about 1.4 million of 15.1 million loans analyzed from 1998 through 2006 were for first-time home buyers. Most were refinancing. And all of us got those calls from people calling up, Mrs. Jones, you have a unique opportunity right in your community to refinance your home, and this program is just for your neighborhood. And a lot of people got fooled by those calls. To date, more than 500,000 of those subprime borrowers have lost their homes to foreclosure. An additional 1.8 million are likely to follow as the market deteriorates. That's nearly 2.4 million lost homes.

And predatory lending has expanded its reach beyond mortgage lending. Predatory practices are becoming increasingly prevalent in refund anticipation, auto and payday loans. There were over 12 million Refund Anticipation Loan borrowers in 2003. In other words, anticipating what your income tax checks would be, people borrowed on those tax checks.

Tax preparers and lenders strip about $1.57 billion in fees each year from the earned income tax credits paid to working parents, according to the 2005 study by the National Consumer Law Center.

And imagine what the new programs are going to be as we come up with these rebates that the President has proposed for working families in order for us to shore up Wal-Mart or Target or one of these other stores. In fact, I think it is pretty scary that we are now going to try and shore up the economy by taking the money of people who have worked hard for it.

I bet that many people are going to pay attention; they're not going to stick it back in the economy. They, in fact, may in fact put it in a savings account or try to make some money on behalf of their families, or pay off an existing debt.

In December, the Congress enacted the Mortgage Forgiveness Debt Relief Act which, for 3 years, stops the tax on phantom income when a lender forgives some part of the family's mortgage in foreclosure. Under prior law, the debt forgiven following mortgage foreclosure or renegotiation was considered

income for tax purposes, resulting in a tax liability for individuals and families meaning, at a time when people were down and out, they were then required to pay tax on something that was forgiven by a lender. It was crazy, and thank God this whole Congress understood the impact, and we passed that legislation.

In December, the Congress included $180 million for housing counseling in the Fiscal Year 2008 Omnibus Appropriations Bill to assist many distressed homeowners who are trapped in unaffordable loans in avoiding foreclosure on their homes.

The Economic Stimulus Bill, which the President will sign this week, increases the FHA loan limits up to $729,750 to expand affordable mortgage loan opportunities through the FHA for families in danger of losing their homes. This was done because in areas like the area in which Congresswoman BARBARA LEE lives in, housing, middle income housing costs as much as $800,000 to $1 million. In Cleveland, an $800,000 home would buy you a lot of house, but not California.

Both the House and Senate have passed an FHA reform bill which would enable FHA to serve more subprime borrowers at affordable rates and terms to attract borrowers that have been turned to predatory lenders in recent years.

The House has passed a mortgage lending reform bill which cracks down on predatory lending, making sure that consumers get mortgages they can repay, strengthening consumer protections against reckless and abusive lending practices, and giving consumers the ability to seek redress.

I have to say that in 2001 I introduced the Predatory Lending Reduction Act, and this act was focused on mortgage brokers. And the reason I focused on mortgage brokers was because mortgage brokers were not licensed, they were not required to be registered. They were not required to give notice to a purchaser or a borrower that they were not representing that borrower; they weren't their agent. They were not required to tell the borrower that they were going to get a percentage or a commission on the loans that they made. So you had a lot of mortgage brokers operating out here without any licensing, without any registration, without being required to give notices to, like banking persons, to borrowers. So it was very important for us, and that was included in the Mortgage Lending Reform Act, number 3915.

In October, the House passed the National Affordable Housing Trust Fund Bill, 2895, which establishes a trust fund, at no cost to the taxpayer, to build or preserve 1.5 million affordable homes or apartments over the next 10 years. The trust fund is financed by fees paid by Fannie Mae and Freddie Mac and by increased FHA loans.

The fact is that we have needed a national affordable housing trust fund for many, many years and finally, in 2007, 2008, we have one that's available.

At this time, if my colleague is interested, I'd like to yield to her for some additional commentary, Congresswoman BARBARA LEE.

Ms. LEE. Thank you. And you know, as I was listening to your very clear presentation, Congresswoman TUBBS JONES, I kept thinking of all of the people who really believe in the American dream, who want to send their kids to college, who perhaps may want to start a small business and who know and recognize that the path to wealth in our country is through home ownership. And now, given that the equity has just about eroded, their dreams being shattered.

You know, most Americans don't play in the stock market. You know, the only way they can acquire wealth is through home ownership. The only way they can live the American dream is through leveraging the equity in their homes to realize some of their dreams. And now, given this fiasco that we're experiencing, so many people will not realize their dreams. And so the legislation that you mentioned and more that are being talked about and introduced, will, in many ways help stop the hemorrhaging.

But, you know, we have to look at this not only in the short-term perspective, but also the long term has to be addressed. And some of this has to do with the deregulation of the financial services industry. And we really need to look at some regulatory reform also in the long haul to make sure that this never happens again. It's almost been the ''Wild West'' in terms of the financial industry.

Mrs. JONES of Ohio. I'd like to thank my colleague. There are just a few more things that I'd like to point out and point to, and if there is another person coming behind me with some, a special order, I would suggest that we should probably be finished in about 15 minutes.

I, first of all, would like to focus in on some of the legislation I've been working on around wealth building, because one of the most difficult things for families in the downturn of an economy is to try and put aside savings. And one of the things that we see happening right now in our country are a number of companies that are closing down, and people are placed in a situation where they are now being required to retire and they're being given lump sum benefits in order to lessen the weight or the impact that the retirement has on them.

And as a proponent of wealth building, I've been working on a couple of pieces of legislation in that area. One of them is the Retirement Security for Life Act.

Last year I, along with Congressman PHILIP ENGLISH, a Republican from Pennsylvania, reintroduced the bipartisan tax legislation that would encourage Americans to select life annuities and ensure requirement security. The Retirement Security for Life Act provides a tax incentive available to all retirees when they elect to receive a guaranteed stream of income for life from their annuity. The bill will exclude Federal taxes on half of the income generated by the annuity, up to a maximum of $20,000 annually. For the typical retiree, it would provide a tax break of up to $5,000.

The bill is designed to help Americans who have savings maintain their pre-retirement standard of living. Research indicates that many future retirees, including an estimated 77 million baby boomers, will have difficulty maintaining an adequate standard of living. By providing incentives, the Retirement for Security for Life Act will encourage Americans to invest in their own retirement.

□ 2130

The periodic payments from a life annuity would guarantee income throughout retirement as a complement to Social Security and pension benefits. A life annuity provides beneficiaries with guaranteed lifelong monthly payments. After-tax dollars, such as the proceeds from the sale of a house or small business, can be used to purchase the annuity. Income from employers' sponsored plans that already enjoy a tax advantage, such as IRAs and 401(k)s, are not eligible. This bipartisan legislation encourages Americans to select lifetime annuity payments, thereby generating a steady income for life and helping them manage their savings.

One of the limits that happens when people receive a lump sum is it seems like a lot of money at the time when you receive it, but it very easily wanes away by the time you lend your cousin $2,000, your son $5,000, your aunt or uncle a couple of dollars, and that $50,000 is gone very quickly. And that is one of the reasons that I'm encouraging our Retirement for Security for Life Act.

Another piece of legislation is called Savings for Working Families Act. This legislation was introduced, and it's H.R. 1514. It provides a tax credit to financial institutions that match the savings of low-income families through individual development accounts, or IDAs. The individual savings in an IDA are matched on a one-to-one basis, up to $500 per person per year; although, personal contributions into an IDA are not limited. The match only goes up to $500. It is a unique way and a great way that we could have low-income families begin to understand the importance of saving and receive a match for their dollars.

Thousands of working families across the country currently take advantage of IDA matched savings and asset accumulation. They are run by community-based organizations in partnership with a qualified financial institution that holds the deposits. IDA funds can be used for college and post-secondary education, purchasing a home or starting a small business. Those who save in IDAs also receive financial planning

education. Nationally, 500,000 Americans are presently enrolled in 500 IDA programs. In the State of Ohio, nearly 5,000 benefit from 15 IDA programs.

The goal of the Savings for Working Families Act is to encourage low-income families to save.

Cleveland's Save program, which is a program in the City of Cleveland where I live, is a national social marketing campaign that encourages individuals, particularly low and moderate income, to save. It was launched in 2001 in the City of Cleveland. America Saves now has 53 local and State national campaigns which include locations in Philadelphia, Pennsylvania; San Diego, California; and New York State. More than 1,000 nonprofit organizations participate. They recently celebrated American Saves Week, which is a new and expanded effort which is aimed at reaching more institutions.

Let me now give any further time to my colleague and friend, Congresswoman BARBARA LEE.

Ms. LEE. Let me applaud you for laying out these very important and very thoughtful bills. Hopefully, people who are listening to the Special Order tonight will understand the importance of them and ask their Members of Congress to support them because they actually should be passed and signed into law.

Also, I think it's important that we recognize tonight we are talking also with regard to the Congressional Black Caucus' economic empowerment agenda, and what you have laid out is central to an economic empowerment agenda of the African American community throughout our country, but also, in addition, we have talked a lot about the disparities and why we have to have this economic empowerment agenda because we are still faced with many, many disparities in health care and education and economic development.

And when you look at the African American business community and the lack of capital, when you look at the small business administration and the type of problems and difficulties we have had over the years, you can see that, in many ways, many of the initiatives that have begun over the years that would have helped during this economic recession have been just about cut out. So it is about time we go back to the drawing board and regroup and not only resurrect some of the strategies that actually work but come forth with new legislation such as we are talking about tonight.

So, in closing, I just want to thank the Congressional Black Caucus, again under Congresswoman KILPATRICK's leadership, for making sure that the overall agenda of the CBC is put forth every Monday night under Congresswoman TUBBS JONES' leadership, because this is so important. In fact, we were in recess over the last couple of weeks, and I ran into many, many people who thanked us for getting the word out, sounding the alarm, providing the information with regard to what we are doing here because so often, the American people, the public, our communities, have no idea what type of legislation is being proposed to help with some of the burdens that they are forced to bear at this point in our history.

The $16,500 I mentioned earlier that this Iraq occupation is costing the American people, just think of what they could do with $16,500. And so I have to say, part of what we have to continue to do is to try to end this occupation, end this $3 trillion that's being projected with regard to the war in Iraq and make sure that immediately the American people though can realize some benefits from their tax dollars and also make sure that we can expand unemployment compensation and food stamps and just help them survive through this until we can do something big and something that makes their lives much better.

Thank you again.

Mrs. JONES of Ohio. I want to associate myself with the comments of my colleague with regard to ending the war in Iraq and the devastation that it has had not only on more than 4,000 families but as well as the economy of America and the infrastructure of America. All you need to do is pick up a paper any day and see that in any city there is a bridge that's fallen down, there's a sewer that's blowing up, there's streets that are in trouble, et cetera, et cetera, et cetera. And I want to close on this particular note.

It is so important to the improvement of this economy and the status of America that we make sure there are good-paying jobs that come back to America. I keep hearing these discussions about, well, there are jobs, and there are not people in America who want to do these jobs. That is not correct. There are good, hardworking people. The people of America work harder than people in any other country. They have less vacation, less time off, and they work very, very hard.

The dilemma that's faced is the offering of jobs that do not pay good salaries; that do not, in fact, provide appropriate benefits. And the people of America are going to want go to work, and the innovation agenda that was passed last fall in this Congress and signed into law by the President speaks to some of those issues.

And it is so important that we do things to improve the education of our young people so they are better qualified to work on jobs, and that was done through the College Opportunity and Affordability Act of 2008.

It is also important that we encourage young men and women to go into the sciences. The statistics show that, in 2000, only 4 percent of the science and engineering jobs in the United States were held by African Americans. Nearly 40 percent of Americans under the age of 18 are African Americans or other minorities. So we need to do more and more and more to encourage young people to go to college to be able to get the kind of degrees where they can get a great job such as we talked about with the children in Orlando in the Eminence Program.

And finally, we need to support and strengthen small businesses. Two-thirds of American jobs are supported, are given by small business, and we need to encourage small business to continue.

African Americans own an estimated 1.2 billion small businesses with annual revenues of more than $88 billion. Legislation enacted in 2007 included provisions cutting taxes for small business by $4 billion over the next 10 years. And the economic stimulus package also speaks to those issues as well.

I want to close with this. The Congressional Black Caucus is tirelessly working on issues that are important to the African American community but as to the greater community as well, and the economy is the issue that's in the forefront of everybody's mind right now, regardless of their color, regardless of their background. And this evening, it was our job to point out to America, those of you listening here on C–SPAN, to the issues that are facing the African American community and the economy and to help people understand that, if it hits the greater community in one way, it doubly impacts the African American community.

And on behalf of my colleagues at the Congressional Black Caucus and our Chairwoman, CAROLYN C. KILPATRICK, I'm pleased to close this message hour out and thank the Speaker, NANCY PELOSI, for the opportunity to present.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, for millions of American families it is becoming more and more difficult to make ends meet. Our economic outlook is grim in light of the recent housing crisis, fluctuating interest rates, and increasing prices. Working Americans are feeling a serious squeeze on their family finances, because for too long, Republicans and this administration ran up big deficits and ignored priorities here at home.

With the economy continuing to decline, African American households are suffering disproportionately. In 2006, African Americans were two times more likely to get high-cost subprime loans. In my district, more than half of loans given to working Americans were subprime; of these loans, 80 percent were African American. One in six resulted in foreclosure; this is unacceptable.

In 2007, the Democratic led Congress passed an increase to the minimum wage, but this does not help Americans who cannot find jobs. The African American unemployment rate has climbed from 8 percent this fall to 9.2 percent in January, with 1.6 million African Americans currently looking for work.

I applaud the Congressional Democrat Leadership for their rapid agreement on an economic stimulus package to aid families across America. While I feel that this stimulus package is a step in the right direction, I am disappointed that there was no aggressive plan for job training programs such as: adult education and literacy, welfare-to-work, and vocational education.

As a senior member of the House Science Committee, I feel it is important to invest in our children's futures. This Congress has led the fight to address access to higher education, enrichment programs in STEM fields, advancement in educational programs for minorities, and spur critical research and development to meet the needs of the country. Education is the foundation to building a better and brighter future for all Americans.

Mr. Speaker, honest, hard-working men and women are struggling to make a decent living as they go about their daily routines. The economic disparities of African American and other minorities are truly hurting this country. I am hopeful that the President will join this Congress to help find long-term, comprehensive measures as opposed to a temporary bandaid to our economic problems.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRALEY of Iowa (at the request of Mr. HOYER) for today on account of travel delays.

Mr. HONDA (at the request of Mr. HOYER) for today on account of official business in district.

Mr. KIND (at the request of Mr. HOYER) for today on account of travel delays.

Ms. GRANGER (at the request of Mr. BOEHNER) for today through April 11, 2008, on account of medical reasons.

Mr. WHITFIELD of Kentucky (at the request of Mr. BOEHNER) for today on account of unforeseen travel difficulties.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. LINDA T. SÁNCHEZ of California, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WAMP) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today, April 1, 2, and 3.

Mr. JONES of North Carolina, for 5 minutes, today, April 1, 2, and 3.

Mr. FRANKS of Arizona, for 5 minutes, today, April 1, 2, and 3.

Mr. DREIER, for 5 minutes, today, April 1, 2, and 3.

Mr. WAMP, for 5 minutes, today.

Mrs. SCHMIDT, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, April 1, 2, and 3.

## ADJOURNMENT

Mrs. JONES of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 1, 2008, at 10 a.m., for morning-hour debate.

## EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the fourth quarter of 2007 and the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PATRICK J. ALWINE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 31 AND FEB. 3, 2008

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Patrick J. Alwine | 1/31 | 2/1 | Turkey | | 140.00 | | | | 46.00 | | 186.00 |
| | 2/1 | 2/2 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 2/2 | 2/3 | Austria | | 209.00 | | | | 295.29 | | 504.29 |
| Committee total | | | | | | | | | | | 765.29 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

PATRICK J. ALWINE, Mar. 3, 2008.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, KENNETH A. KRAFT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 31 AND FEB. 3, 2008

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Kenneth A. Kraft | 1/31 | 2/1 | Turkey | | 140.00 | | | | 46.00 | | 186.00 |
| | 2/1 | 2/2 | Afghanistan | | 75.00 | | | | | | 75.00 |
| | 2/2 | 2/3 | Austria | | 209.00 | | | | 295.29 | | 504.29 |
| Committee total | | | | | | | | | | | 765.29 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

KENNETH A. KRAFT, Mar. 3, 2008.

### (AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DANIEL MURPHY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 21, 2008

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Daniel Murphy | 2/16 | 2/21 | Cape Verde | | 1,600,000 | | 6,845.60 | | | | 8,445.60 |
| Committee total | | | | | 1,600.00 | | 6,845.60 | | | | 8,445.60 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL MURPHY, Mar. 10, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DANIEL MURPHY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 AND FEB. 21, 2008

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Daniel Murphy | 2/16 | 2/16 | Portugal | | 1,600.00 | | 6,845.60 | | | | 8,445.60 |
| | 2/16 | 2/21 | Cape Verde | | | | | | | | |
| Committee total | | | | | 1,600.00 | | 6,845.60 | | | | 8,445.60 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DANIEL MURPHY, Mar. 10, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 1 AND DEC. 31, 2007

| Name of Member or employee | Date | | Country | Per diem [1] | | Transportation | | Other purposes | | Total | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Arrival | Departure | | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] | Foreign currency | U.S. dollar equivalent or U.S. currency [2] |
| Hon. Ed Perlmutter | 11/30 | 12/2 | Jordan | | 139.65 | | 6815.13 | | 174.00 | | 7128.78 |
| | 12/2 | 12/4 | Iraq | | 9.63 | | 4432.90 | | 5.00 | | 4447.53 |
| Hon. Yvette Clarke | 11/24 | 12/26 | Italy | | 954.00 | | (3) | | | | 954.00 |
| | 11/27 | 11/27 | Chad | | 286.00 | | (3) | | | | 286.00 |
| | 11/28 | 11/30 | Ethiopia | | 610.00 | | (3) | | | | 610.00 |
| | 12/1 | 12/2 | Belgium | | 452.00 | | (3) | | | | 452.00 |
| Committee total | | | | | 2,451.28 | | 11,248.03 | | 179.00 | | 13,878.31 |

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BENNIE G. THOMPSON, Chairman.

## OFFICE OF COMPLIANCE NOTICE OF ADOPTION OF SUBSTANTIVE REGULATIONS AND SUBMISSION FOR CONGRESSIONAL APPROVAL

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
*Washington, DC, March 21, 2008.*

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

DEAR MADAM SPEAKER: On March 14, 2008, The Board of Directors of the Office of Compliance sent to your office the Text of Adopted Veterans' Employment Opportunities Regulations and a Notice of Adoption of Substantive Regulations and Submission for Congressional Approval. We have been advised that there are a few typographical errors in the Text of the Regulations and in the Notice and Submission. Please accept the attached documents and disc as the corrected versions of both the Text of the Regulations and the Notice and Submission.

The Notice and Submission has been corrected to show that it is in Section 1.118(c), rather than Section 1.117(c) that the Board has clarified that an applicant's request for information must be made in writing. In addition, the Notice and Submission has been corrected to show that it is Section 1.118(d), rather than Section 1.118(e) that has been revised to provide that employing offices are expected to answer applicant questions concerning the employing office's veterans' preference policies and practices only if such questions are ''relevant and non-confidential.''

The Text of the Regulations has also been corrected to be consistent with the Notice and Submission and modifies Section 1.108(b) to require employing offices to consider veterans' preference as ''an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants.''

The Board requests that the accompanying corrected Notice be published in both the House and Senate versions of the Congressional Record on the first day on which both Houses are in session following receipt of this transmittal. The Board also requests that Congress approve the proposed Regulations, as corrected and further specified in the accompanying Notice.

An inquiries regarding the accompanying Notice should be addressed to Tamara E. Chrisler, Executive Director of the Office of Compliance, 110 2nd Street, SE., Room LA–200, Washington, DC. 20540; 202–724–9250, TDD 202–426–1912.

Sincerely,

SUSAN S. ROBFOGEL,
*Chair.*

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ADOPTION OF THE OFFICE OF COMPLIANCE REGULATIONS IMPLEMENTING CERTAIN SUBSTANTIVE EMPLOYMENT RIGHTS AND PROTECTIONS FOR VETERANS, AS REQUIRED BY 2 U.S.C. 1316a, THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED (CAA)

PROCEDURAL SUMMARY

*Issuance of the board's initial notice of proposed rulemaking*

On February 28, 2000, and March 9, 2000, the Office of Compliance published an Advanced Notice of Proposed Rulemaking (''ANPR'') in the Congressional Record (144 Cong. Rec. S862 (daily ed., Feb. 28, 2000), H916 (daily ed., March 9, 2000)). On December 6, 2001, upon consideration of the comments to the ANPR, the Office published a Notice of Proposed Rulemaking (''NPR'') in the Congressional Record (147 Cong. Rec. S12539 (daily ed. Dec. 6, 2001), H9065 (daily ed. Dec. 6, 2001)). The Board took no action on those earlier Notices and instead, after extensive consultation with stakeholders, issued a subsequent Notice on December 1, 2001.

Why did the Board propose these new Regulations? Section 4(c) of the CAA, 2 U.S.C. 1316a (4), requires that the Board of Directors propose substantive regulations implementing the rights and protections relating to veterans' employment which are ''the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions . . . except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.''

What procedure followed the Board's December 1, 2001 Notice of Proposed Rulemaking? The December 1, 2001 Notice of Proposed Rulemaking included a thirty day comment period, which began on December 2, 2001. A number of comments to the proposed substantive regulations were received by the Office of Compliance from interested parties. The Board of Directors has reviewed the comments from interested parties, engaged in extensive discussions with stakeholders to obtain input and suggestions into the drafting of the regulations, made a number of changes to the proposed substantive regulations in response to comments, and has adopted the amended regulations.

What is the effect of the Board's ''adoption'' of these proposed substantive regulations? Adoption of these substantive regulations by the Board of Directors does not complete the promulgation process. Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for promulgating such substantive regulations requires that:

(1) the Board of Directors issue proposed substantive regulations and publish a general notice of proposed rulemaking in the Congressional Record (the December 1 Notice);

(2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; and

(3) after consideration of comments by the Board of Directors, that the Board adopt regulations and transmit notice of such action together with the regulations and a recommendation regarding the method for Congressional approval of the regulations to the Speaker of the House and President pro tempore of the Senate for publication in the Congressional Record.

This Notice of Adoption of Substantive Regulations and Submission for Congressional Approval completes the third step described above.

What are the next steps in the process of promulgation of these regulations? Pursuant to section 304(b)(4) of the CAA, 2 U.S.C. 1384(b)(4), the Board of Directors is required to ''include a recommendation in the general notice of proposed rulemaking and in the regulations as to whether the regulations should be approved by resolution of the Senate, by resolution of the House of Representatives, by concurrent resolution, or by joint resolution.'' The Board of Directors recommends that the House of Representatives

adopt the ''H'' version of the regulations by resolution; that the Senate adopt the ''S'' version of the regulations by resolution; and that the House and Senate adopt the ''C'' version of the regulations applied to the other employing offices by a concurrent resolution.

Are there regulations covering veterans' rights currently in force under the CAA? No.

ADDITIONAL GENERAL INFORMATION

Why are there substantive differences in the proposed regulations for the House of Representatives, the Senate, and the other employing offices? Because the Board of Directors has identified ''good cause'' to modify the executive branch regulations to implement more effectively the rights and protections for veterans, there are some differences in other parts of the proposed regulations applicable to the Senate, the House of Representatives, and the other employing offices.

Are these proposed regulations also recommended by the Office of Compliance's Executive Director, the Deputy Executive Director for the Senate, and the Deputy Executive Director for the House of Representatives? Yes, as required by section 304(b)(1) of the CAA, 2 U.S.C. 1384(b)(1), the substance of these regulations have also been recommended by the Executive Director and Deputy Executive Directors of the Office of Compliance.

Are these proposed CAA regulations available to persons with disabilities in an alternate format? This Notice of Adoption of Substantive Regulations, and Submission for Congressional Approval is available on the Office of Compliance web site, www.compliance.gov, which is compliant with section 508 of the Rehabilitation Act of 1973 as amended, 29 U.S.C. 794d. This Notice can also be made available in large print or Braille. Requests for this Notice in an alternative format should be made to: Annie Leftwood, Executive Assistant, Office of Compliance, 110 2nd Street, S.E., Room LA–200, Washington, DC 20540; 202–724–9250; TDD: 202–426–1912; FAX: 202–426–1913.

Supplementary Information: The Congressional Accountability Act of 1995 (CAA), PL 104–1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 12 federal labor and employment statutes to covered employees and employing offices within the Legislative Branch of Government. Section 301 of the CAA (2 U.S.C. 1381) establishes the Office of Compliance as an independent office within the Legislative Branch.

THE BOARD'S RESPONSES TO COMMENTS

*Summary of major comments*

*Covered employees*

Section 1.102 sets forth general definitions that apply throughout the Board's veterans' preference regulations. The Committee on House Administration expressed the concern that readers might find the definitions that determine coverage of the regulations confusing. The definition of ''covered employee'' in Section 1.102(f) traces the definition of the same term in the Congressional Accountability Act, and then applies the differently worded and potentially more limited exception to that term as provided in the VEOA. Because these two aspects of the definition in Section 1.102(f) are based on statutory language, we have not revised the definition itself. However, the final regulations include a new Section 1.101(c) entitled ''Scope of Regulations'' that contains a clear statement that the regulations shall not apply to an employing office that only employs individuals excluded from the definition of ''covered employee'' under the VEOA, including employees whose appointment is made by a member of Congress or by a Committee or Subcommittee of either House of Congress or a Joint Committee of the House of Representatives and the Senate.

In view of the selection process for certain Senate employees, the words ''or directed'' have been added to the definition of ''covered employee'' to include any employee who is hired at the direction of a Senator, but whose appointment form is signed by an officer of either House of Congress. Including the words ''or directed'' in the definition has the effect of excluding such employees from the definition of ''covered employee'' for purposes of the veterans' preference provisions in the regulations to be made applicable to the Senate. A reference to 2 U.S.C. §43d(a) also has been added to the definition of ''covered employee''. Including the reference to 2 U.S.C. §43d(a) has the effect of excluding employees whose appointment is allowed under that statutory provision from the definition of ''covered employee'' in the regulations to be made applicable to the Senate. These changes will give full effect to the exclusion in 2 U.S.C. §1316(5)(B).

Similar additions were not made in the definition of ''covered employee'' that appears in the regulations to be made applicable to the House of Representatives. It appears that this language would be overreaching for the House. As the House has different methods of making appointments and selections, this language appears to be unnecessary and may create confusion given the practices of the House. Employees of members' offices are excluded from coverage, and section 1.101(c) of the draft regulations provides a number of additional exceptions to coverage that otherwise are applicable to the House:

(1) whose appointment is made by the President with the advice and consent of the Senate;

(2) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or

(3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of Section 3132(a)(2) of title 5, United States Code).

We believe the exceptions to coverage listed above will exclude from coverage all employees of the House who by statute were not meant to be covered under the VEOA provisions, without creating unintended exceptions due to the selection procedures under HEPCA.

The ''or directed'' language has not been made to the definition of ''covered employee'' in the regulations to be made applicable to the other employing offices. Employees of those other employing offices are included in the definition of ''covered employee'' even if their appointment form is signed or subject to final approval by a Member or Members of Congress.

*Definition of ''appointment''*

Section 1.102(d) defines the term ''appointment''. As initially proposed the term excluded ''inservice placement actions such as promotions''. This exclusion was derived from OMB regulations applicable in the executive branch. See 5 CFR 211.102(c). Senate stakeholders noted that the term ''inservice placement actions'' is not commonly used in the legislative branch and questioned whether the veterans' preference would apply in any post-employment decisions other than reductions in force as that term is defined in these regulations. In the executive branch, the preference afforded to preference eligibles in the appointment process only applies to original appointments in the competitive service. See 5 U.S.C. §3309. It is possible, therefore, for an executive branch employee who has initially been employed in a position that is not within the competitive service to later seek appointment to a position in the competitive service. The employing offices within the legislative branch do not have a ''competitive service'' and therefore do not recognize the notion that an initial appointment to the competitive service could be made by an employee holding a position that is not in the competitive service. For these reasons, the Board agreed that use of the phrase ''inservice placement actions'' was confusing and possibly misleading. In the final regulations, the definition of ''appointment'' has been modified to exclude ''any personnel action that an employing office takes with regard to an existing employee of the employing office''.

*Definition of employing office*

In addition to the changes discussed above, technical corrections were made to the definition of ''employing office'', to clarify that the term includes the Capitol Police Board.

*Veterans' preference in appointments to restricted positions*

Section 1.107 addresses the application of veterans' preference in appointments to the restricted positions of custodian, elevator operator, guard and messenger. As proposed, Section 1.107 provided that, for these positions, the employing office ''shall restrict competition to preference eligibles as long as preference eligibles are available.'' The Committee on House Administration suggested that the requirement of an absolute preference for veterans (and other preference eligibles) to fill guard positions without regard to experience, quality of work or employment references would undermine the efforts of various congressional entities to provide the most secure environment possible for the employees of and visitors to the Congressional office buildings. For this reason, the Committee requested that the Board find ''good cause'' for deviating from the executive branch regulations and exclude the position of guard from Section 1.107.

Section 1.107 derives from statutory language made applicable to the legislative branch by the VEOA. Removing one of the four restricted positions from the regulations would represent a significant deviation from the VEOA's goal of applying the veterans' preference principles currently applicable in the executive branch in the legislative branch. However, the Board agrees that employing offices should not be required to appoint individuals who are not qualified to perform the role of a guard, particularly where unique security concerns are present, simply because the individual is preference eligible. Accordingly, the final regulation clarifies that with respect to the four statutory restricted positions, the employing office ''shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available.'' This reference to ''qualified ... applicants'' is intended to refer to the definition of ''qualified applicant'' in Section 1.102(q). Section 1.102(q) defines the term as an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Employing offices are provided flexibility in devising the minimum job-related requirements for a particular covered position. The unique security concerns on Capitol Hill may result in additional or more stringent requirements for the position of guard. Accordingly, we have revised Section 1.107 to clarify that preference eligibles must be qualified to be considered for any restricted position, be it that of custodian, elevator operator, guard, or messenger.

Senate Employment Counsel noted that the definitions of three of the four listed restricted positions include the limiting words ''primary duty,'' and suggested that the definition of ''guard'' also include the primary duty limitation. We agree that this is important given that the definition of guard includes those who ''make observations for detection of fire, trespass, unauthorized removal of public property or hazards to federal personnel or property'' and any manager responsible for insuring a safe work environment may engage in these activities. Accordingly, we have included the limiting words ''primary duty'' in the definition of guard.

*Veterans' preference in appointments to nonrestricted covered positions*

Section 1.108(a) requires employing offices who use numerical examination or rating systems to add points to the ratings of preference eligibles in a manner that is comparable to the points added in accordance with the provisions of 5 U.S.C. §3309. Comments submitted by the Committee on House Administration express the concern that a ''numerical examination or rating system'' may be interpreted to apply whenever one interviewer ''rates'' or gives numerical ''grades'' to interviewees even though other interviewers and decision makers are not using a similar system. To address this concern, Section 1.108(a) has been revised to provide that the addition of veterans' preference points is required only when the employing office has ''duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions. . . .''

As proposed, Section 1.108(b) would have required employing offices to consider veterans' preference eligibility as an affirmative factor that would be ''given weight in a manner proportionately comparable to the points prescribed in 5 U.S.C. §3309 in the employing office's determination of who will be appointed from among qualified applicants.'' Several commenters expressed concern with respect to the manner in which Section 1.108(b)'s requirements would be administered. For example, some expressed the concern that application of a factor ''proportionately comparable'' to a point system would, in itself, require the adoption of a point system to ensure compliance. Others expressed concern with respect to when the preference should be afforded to qualified applicants, and suggested that Section 1.108(b) simply require that the preference be the deciding factor if all other factors among the applicants considered most qualified were equal. After careful consideration, the Board has modified Section 1.108(b) to require employing offices to consider veterans' preference eligibility as ''an affirmative factor in the employing office's determination of who will be appointed''. This change has been adopted to confirm that these regulations are not intended to require employing offices that do not use point-based rating systems to adopt them simply to be able to comply with their VEOA obligations. The Board reiterates that, because Section 1.108(b) is derived from the statutory provisions in 5 U.S.C. §3309, veterans' preference will not be the only factor, and, depending upon the relative merits of the candidates, may not be the most important factor in the employing office's appointment decision. Section 3309 affords preference eligibles 5 or 10 points when a 100-point rating scale is used, and employing offices are not required to afford any greater weight to veterans' preference in their appointment decisions. The Board notes that all preference eligibles who are found by the employing office to be ''qualified applicants'' must be afforded the preference. The Board expects that in cases where all other factors are relatively equal, consideration of the preference as an affirmative factor may result in the preference eligible being appointed. In other cases, consideration of the preference as an affirmative factor may boost the applicant further along in the appointment process but ultimately not be sufficient to overcome the other favorable attributes of the final candidate or even of the others within a final pool of candidates.

*Waiver of physical requirements in appointments to covered positions*

As proposed, Section 1.110(b) required an employing office to notify an otherwise qualified preference eligible applicant who has a compensable service-connected disability of 30% or more if the employing office determines that the applicant is not able to fulfill the physical requirements of the position. The employing office must inform the applicant of the reasons for the employing office's determination and allow the applicant 15 days to respond and submit additional information to the employing office. Thereafter, the ''highest level'' of the employing office must consider any response and additional information supplied by the applicant and notify the applicant of its findings regarding the applicant's ability to perform the duties of the position.

The Committee on House Administration inquired whether an employing office must engage in the prescribed dialogue if the applicant is clearly not the most qualified applicant for the position. A concern regarding the timing of the required dialogue was also raised in the comments received from the Senate Employment Counsel. In those comments, Counsel raised the concern that engaging in the required dialogue before a conditional offer of employment is made would conflict with the provisions of the Americans with Disabilities Act regarding pre-employment disability-related inquiries. Section 1.110 does not require or allow employing offices to engage in any inquiries that would be unlawful under the Americans with Disabilities Act. In accordance with 5 U.S.C §3312, Section 1.110(a)(2) requires an employing office to waive physical requirements on the basis of ''the evidence before it'', including any recommendation of an accredited physician submitted by the preference eligible applicant. It is presumed that such evidence will come before the employing office through means allowed under the Americans with Disabilities Act, whether this occurs through an applicant's request for accommodation or through lawful pre-employment inquiries. Similarly, Section 1.110(b) does not require an employing office to make a determination regarding preference eligible applicants' physical ability to perform the duties of the position, but only describes the procedures that must be followed if and when such a determination is made.

The Committee on House Administration also expressed the concern that a 15-day response period would impair an employing office's operations if there is a need to fill a particular covered position quickly. To respond to this concern, the final regulation includes the statement, ''The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately.''

The Committee on House Administration inquired about the definition of the ''highest level'' within the employing office. Consistent with the Committee's suggestions, the final regulation refers to the ''highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office.''

Comments submitted by the Capitol Police inquired about the definition of ''accredited physician'' as used in Section 1.110(a)(2). The final regulations contain a definition of this term at Section 1.102(a).

*Definitions applicable in reductions in force*

Senate Employment Counsel raised a concern with respect to the proposed Section 1.111(b) provision that the ''minimum competitive area'' be a department or subdivision of the employing office ''under separate administration.'' Counsel raised the concern that this definition could be interpreted in a manner inconsistent with the definition of ''competitive area'' as ''that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention.'' Counsel notes that certain employing offices, such as the Sergeant-At-Arms and the Secretary of the Senate, have multiple departments that are headed by different individuals, but some personnel decisions may be centralized with the executive office of the employing office. To address this concern, the final regulation deletes the reference to ''separate administration'' such that the minimum competitive area is a ''department or subdivision of the employing office within the local commuting area.''

In addition, Senate Employment Counsel suggested that the definition of ''reduction in force'' in Section 1.111(e) is broader in scope than the regulations applicable to the executive branch. In this respect, Counsel suggested that the executive branch regulations in 5 C.F.R. §351.201(a)(2) exclude any layoff or other personnel action that might otherwise be considered a ''reduction in force'' if at least 180 days prior notice is given. However, the executive branch regulations apply the 180-day exception only to ''the reclassification of an employee's position due to erosion of duties when such action will take effect after an agency has formally announced a reduction in force in the employee's competitive area and when the reduction in force will take effect within 180 days.'' As a result, the Board does not consider Section 1.111(e) to be broader in scope than the executive branch regulations.

The Board also considered the application of a veterans' preference in connection with terminations and other reductions attributable to a change in party leadership or majority party status within the House of Congress in which a covered employee is employed. The Board has determined that positions affected by such changes are subject to the same considerations applicable to positions in which appointment is made or directed by a Member of Congress. The Board therefore has excluded terminations and reductions attributable to such changes from the definition of reduction in force in Section 1.111(e) in the regulations applicable to the House and Senate, in order to give full effect to the exclusion in 2 U.S.C. §1316(5)(B). These changes have not been made to the definition of ''reduction in force'' contained in the regulations applicable to the other employing offices.

The Committee on House Administration suggested that the requirement of ''objectively quantifiable evidence'' be stricken from the definition of ''undue interruption'' in Section 1.111(f). The concept of ''undue interruption'' is used in Section 1.111(c) in determining whether various covered positions must be included within a particular position classification or job classification. Section 1.111(c) states that position classifications or job classifications ''shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of

employment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.'' The Committee noted that the definition of ''undue interruption'' in Section 1.111(f) allows an employing office to consider quality of work when assessing whether an employee transferred into the position would need more than 90 days to complete required work, and expressed concern with the requirement in the proposed regulation that an employing office prove ''undue interruption'' by ''objectively quantifiable evidence.'' In this respect, the Committee noted that quality of work is often a subjective determination which, by its nature, cannot always be proven by ''objectively quantifiable evidence.'' The Board agrees that the proposed ''objectively quantifiable evidence'' requirement could create unnecessary confusion with respect to the burden of proof applicable in a claim brought under the VEOA and has, therefore, deleted the reference to ''objectively quantifiable evidence'' in the final regulations.

The Committee also questioned Section 1.111(f)'s reference to ''work programs.'' Although the Committee requested that the Board provide a definition of ''work program,'' the Board considered it more prudent to make this provision consistent with other references in Section 1.111(f) to ''work'' as opposed to ''work programs.''

The Committee on House Administration also inquired whether the definition of reduction in force in Section 1.111(e) applies to temporary employees. The final regulation clarifies that the term ''reduction in force'' does not encompass a termination or other personnel action ''involving an employee who is employed by the employing office on a temporary basis.''

*Application of preference in reductions in force*

Section 1.112 makes veterans' preference the controlling factor in retention decisions if the preference eligible's performance has not been rated unacceptable. As noted by Senate Employment Counsel, the Board's proposed regulation is based upon 5 U.S.C. §3502(c), which provides that an employee is entitled to such preference if the employee's ''performance has not been rated unacceptable under a performance appraisal system implemented under Chapter 43 of this Title. . . .'' The Supreme Court has interpreted analogous language in the predecessor legislation to mean that preference eligible veterans have preference over all non-preference eligible employees, without regard to tenure, length of service, or efficiency of performance. Hilton v. Sullivan, 334 U.S. 323, 335 (1948). Counsel notes that the Senate is not subject to the performance appraisal system set forth in Chapter 43 of Title 5 and asserts that it is improper to use 5 U.S.C. 3502(c) as the basis for a regulation requiring the retention of veterans over non-veterans in all cases. Counsel suggests that the regulation should be based on 5 U.S.C. §3502(a), which requires that any implementing regulation give ''due effect'' to tenure of employment, military preference (subject to §3501(a)(3)), length of service and efficiency or performance ratings. The Board has carefully considered these comments and continues to believe that because the VEOA makes 5 U.S.C. §3502(c) applicable to the legislative branch, the absolute veterans' preference embodied in that section also must be made applicable to the legislative branch. The Board notes that the Supreme Court's finding in Hilton was not based on the unique elements and attributes of the performance appraisal system implemented under Chapter 43 of Title 5, but on its understanding that ''Congress passed the bill with full knowledge that the long standing absolute retention preference of veterans would be embodied in the Act.'' Hilton, 334 U.S. at 339. The Board considers its task in devising these regulations to implement veterans' preference in the legislative branch in a manner that mirrors, as closely as possible, the veterans' preference principles applicable in the executive branch. Accordingly, the final regulation retains Section 1.112 in substantially the form proposed, because the primary purpose of 5 U.S.C. §3502(c) is to make veteran's preference the controlling factor in retention decisions. An additional concern was expressed that use of the term ''rated'' in Section 1.112 suggests that employing offices must adopt formal rating systems in order to comply with the regulation. The Board agrees that the term may lead to confusion and has modified the provisions in Section 1.112 so that the veterans' preference will apply only if the preference eligible employee's performance has not been ''determined to be'' unacceptable.

*Good cause for requirements in subpart E*

The regulations in Subpart E contain various informational requirements. Section 1.116 requires an employing office with covered employees to adopt a written veterans' preference policy. Section 1.117 requires employers to retain certain information regarding their veterans' preference decisions for specified periods of time. Sections 1.118 and 1.119 address the dissemination of information to applicants for covered positions. Section 1.120 addresses the dissemination of information to covered employees generally, and Section 1.121 describes the notice that must be given before a reduction in force.

Senate Employment Counsel and the Capitol Police note that no corresponding executive branch regulation would require either the adoption of a written policy or the other informational and record keeping requirements in Subpart E. These commenters express the concern that the regulations in Subpart E are not consistent with the directive in Section 4(c)(4)(B) of the VEOA, which states in relevant part, ''The regulations issued ... shall be the same as the most relevant substantive regulations (applicable with respect to the executive branch) promulgated to implement the statutory provisions . . . except insofar as the Board may determine for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under this section.''

The Board has carefully considered these concerns and reaffirms its previous determination that there is good cause for adopting the requirements described in Subpart E of the regulations. We note first that the very structure of the statutory provisions made applicable to the legislative branch by the VEOA presumes that uniformly applicable policies and procedures will be used in applying veterans' preference in hiring and retention decisions. We also continue to believe that the requirements in Subpart E of the regulations are a necessary counterpart to the approach reflected in the veterans' preference regulations, which affords employing offices with significant discretion and flexibility in implementing their own veterans' preference policies and procedures. For example, the regulations do not mandate a particular policy or practice in implementing veterans' preference, such that applicants cannot turn to published regulations to fully determine their rights. Further, since the regulations do not mandate the maintenance of retention registers, covered employees will not be able to inspect such registers to determine their retention status vis-à-vis other employees. Because OPM-like regulations will not be adopted, the Board has determined that the creation of a policy, dissemination of information and record keeping are necessary to insure the effective implementation of the rights and protections provided under the VEOA. This approach meets the requirements of Section 4(c)(4)(B) of the VEOA and is also consistent with the purposes of the Congressional Accountability Act (see Section 301(h) of the Act, 2 U.S.C. §1381(h), which charges the Office of Compliance with carrying out a program of education ''. . . to inform individuals of their rights under laws made applicable to the legislative branch of the Federal Government'').

*Adoption of Veterans' Preference Policy*

Senate Employment Counsel and other commenters suggest that, as proposed, Section 1.116 was overbroad to the extent that it would require employing offices to make their veterans' preference policies available to the public upon request. Senate Employment Counsel notes that ''unlike executive branch agencies, Senate employing offices are not subject to the Freedom of Information Act and therefore have no duty to make available to the public any records regarding their employment practices.'' (Citing 5 U.S.C. §551, which defines ''agency'' as excluding the Congress.) The Board agrees that effective implementation of the rights and protections under the VEOA only requires dissemination of information regarding an employing office's veterans' preference policies to covered employees and applicants for covered positions. Accordingly, the final Section 1.116 has deleted the requirement that these policies be made available to the public upon request.

*Record keeping*

Senate Employment Counsel suggests that the record retention period described in Section 1.117 be shortened from one year to nine months or perhaps 275 days, given the deadlines by which an employee must request counseling and mediation under Sections 402 and 403 of the Congressional Accountability Act, 2 U.S.C. §1402 and §1403. In this respect, Counsel suggests that an employing office will always be informed about a possible claim within 8 months or approximately 240 days after notice of hiring or a reduction in force is provided to the employee. Counsel has not suggested that the requirement that applicable records be retained for one year, or 90 to 120 days longer than may be required given the CAA deadlines, will work a significant hardship on employing offices, and the Board finds it prudent to allow additional time from the date on which the employing office is formally notified of a claim for that notice to reach the individual representatives of the employing office who have maintained records relative to the claim.

*Dissemination of veterans' preference policies to applicants for covered positions*

As proposed, Section 1.118 required that employing offices disseminate their veterans' preference policies and procedures to ''all qualified applicants'' for a covered position. Several of the commenters expressed concern with the burden and cost attendant to such a requirement. The final regulation, in Section 1.118(c), requires that the described information be provided ''upon request'' from an applicant for a covered position, and does note require dissemination to ''all qualified applicants.'' In Section 1.118(c) of the final regulations, the Board has also clarified that an applicant's request for information must be made in writing. To ensure that preference eligible applicants will know that they may request information from an employing office, we have added

Section 1.118(b)(3), which requires that invitations to self-identify oneself as veterans' preference eligible applicants ''state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions and . . . describe the employing office's procedures for making such requests.''

The Committee on House Administration also suggested that Section 1.118(d) be modified to provide that employing offices are expected to answer applicant questions concerning the employing office's veterans' preference policies and practices only if such questions are ''relevant and non-confidential.'' The Board agrees and has revised Section 1.118(d) as suggested.

*Dissemination of veterans' preference policies to covered employees*

Several comments were received regarding Sections 1.119 (dissemination of veterans' preference policies to covered employees), 1.120 (written notice prior to a reduction in force), and 1.121 (informational requirements regarding veterans' preference determinations). In the final regulations, these provisions have been modified in several ways. Requirements regarding information that must be provided to preference eligible applicants as a result of appointment determinations have been moved from Section 1.121(a) and now appear in Section 1.119.

Section 1.119 of the final regulations addresses requests for information by applicants for a covered position. The requirements of this Section have been limited to providing the employing office's veterans' preference policy or a summary of the policy as it relates to appointments to covered positions, a statement of whether the applicant is preference eligible and, if the applicant is not preference eligible, the reasons for the employing office's determination that the applicant is not preference eligible. After further consideration, the Board removed from the final regulations the requirements that the employing office provide additional information about its appointment decision. As noted previously, these regulations are intended to implement veterans' preference in the legislative branch in a manner that mirrors as closely as possible the veterans' preference principles applicable in the executive branch. The Board has removed the additional informational requirements because they exceeded OPM requirements and were not deemed critical to the implementation and enforcement of the veterans' preference principles made applicable to the legislative branch by the VEOA.

Section 1.120 of the final regulations addresses the dissemination of veterans' preference policies to covered employees. For the reasons addressed above, Section 1.120(c) limits an employing office's responsibility to answer questions from covered employees to those questions that are ''relevant and non-confidential'' concerning the employing office's veterans' preference policies and practices.

Section 1.121 of the final regulations addresses the written notice required prior to a reduction in force. Under Section 1.121(b)(6)(A) and (B) of the final regulations, the written notice must include a list of all covered employees in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and a list of all covered employees in the covered employee's position classification or job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible. Along with the information required under Section 1.121(b)(4) (the covered employee's competitive area) and Section 1.121(b)(5) (the covered employee's eligibility for the veterans' preference in retention and how that status was determined) of the final regulations, these lists are intended to replace the provisions in 5 U.S.C. §3502(d)(2)(D), which require that the notice include ''the employee's ranking relative to other competing employees, and how that ranking was determined.'' Because this information will be provided in the notice required before a reduction in force, the Board has determined that it is unnecessary to require that additional information be provided to employees affected by a reduction in force, as had been contemplated by Section 1.121(b) of the proposed regulations.

The changes in Sections 1.118, 1.119, 1.120 and 1.121 of the final regulations are intended to reduce the burden and cost to employing offices in providing information to applicants for covered positions, and to reduce the burden and cost to employing offices in providing information to covered employees in the event of a reduction in force.

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TEXT OF ADOPTED VETERANS' EMPLOYMENT OPPORTUNITIES REGULATIONS

When approved by the House of Representatives for the House of Representatives, these regulations will have the prefix ''H.'' When approved by the Senate for the Senate, these regulations will have the prefix ''S.'' When approved by Congress for the other employing offices covered by the CAA, these regulations will have the prefix ''C.''

In this draft, ''H&S Regs'' denotes the provisions that would be included in the regulations applicable to be made applicable to the House and Senate, and ''C Reg'' denotes the provisions that would be included in the regulations to be made applicable to other employing offices.

PART 1—Extension of Rights and Protections Relating to Veterans' Preference Under Title 5, United States Code, to Covered Employees of the Legislative Branch (section 4(c) of the Veterans Employment Opportunities Act of 1998)

**Subpart A—Matters of General Applicability to All Regulations Promulgated under Section 4 of the VEOA**

Sec.
1.101 Purpose and scope.
1.102 Definitions.
1.103 Adoption of regulations.
1.104 Coordination with section 225 of the Congressional Accountability Act.

**SEC. 1.101. PURPOSE AND SCOPE.**

(a) Section 4(c) of the VEOA. The Veterans Employment Opportunities Act (VEOA) applies the rights and protections of sections 2108, 3309 through 3312, and subchapter I of chapter 35 of title 5 U.S.C., to certain covered employees within the Legislative branch.

(b) Purpose of regulations. The regulations set forth herein are the substantive regulations that the Board of Directors of the Office of Compliance has promulgated pursuant to section 4(c)(4) of the VEOA, in accordance with the rulemaking procedure set forth in section 304 of the CAA (2 U.S.C. §1384). The purpose of subparts B, C and D of these regulations is to define veterans' preference and the administration of veterans' preference as applicable to Federal employment in the Legislative branch. (5 U.S.C. §2108, as applied by the VEOA). The purpose of subpart E of these regulations is to ensure that the principles of the veterans' preference laws are integrated into the existing employment and retention policies and processes of those employing offices with employees covered by the VEOA, and to provide for transparency in the application of veterans' preference in covered appointment and retention decisions. Provided, nothing in these regulations shall be construed so as to require an employing office to reduce any existing veterans' preference rights and protections that it may afford to preference eligible individuals.

H Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congress within an employing office, as defined by Sec. 101 (9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

S Regs: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made or directed by a Member of Congress within an employing office, as defined by Sec. 101(9)(A–C) of the CAA, 2 U.S.C. §1301 (9)(A–C) or; (3) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (4) who is appointed pursuant to 2 U.S.C. §43d(a); or (5) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

C Reg: (c) Scope of Regulations. The definition of ''covered employee'' in Section 4(c) of the VEOA limits the scope of the statute's applicability within the Legislative branch. The term ''covered employee'' excludes any employee: (1) whose appointment is made by the President with the advice and consent of the Senate; (2) whose appointment is made by a Member of Congres or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (3) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). Accordingly, these regulations shall not apply to any employing office that only employs individuals excluded from the definition of covered employee.

**SEC. 1.102. DEFINITIONS.**

Except as otherwise provided in these regulations, as used in these regulations:

(a) Accredited physician means a doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices. The phrase ''authorized to practice by the State'' as used in this section means that the provider must be authorized to diagnose and

treat physical or mental health conditions without supervision by a doctor or other health care provider.

(b) Act or CAA means the Congressional Accountability Act of 1995, as amended (Pub. L. 104–1, §§109 Stat. 3, 2 U.S.C. §§1301–1438).

(c) Active duty or active military duty means full-time duty with military pay and allowances in the armed forces, except (1) for training or for determining physical fitness and (2) for service in the Reserves or National Guard.

(d) Appointment means an individual's appointment to employment in a covered position, but does not include any personnel action that an employing office takes with regard to an existing employee of the employing office.

(e) Armed forces means the United States Army, Navy, Air Force, Marine Corps, and Coast Guard.

(f) Board means the Board of Directors of the Office of Compliance.

H Regs: (g) Covered employee means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (dd) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

S. Regs: (g) Covered employee means any employee of (1) the House of Representatives; and (2) the Senate; (3) the Capitol Guide Board; (4) the Capitol Police Board; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; and (8) the Office of Compliance, but does not include an employee (aa) whose appointment is made by the President with the advice and consent of the Senate; (bb) whose appointment is made or directed by a Member of Congress; (cc) whose appointment is made by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; (dd) who is appointed pursuant to 2 U.S.C. §43d(a); or (ee) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

C Reg: (g) Covered employee means any employee of (1) the Capitol Guide Service; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; or (6) the Office of Compliance, but does not include an employee: (aa) whose appointment is made by the President with the advice and consent of the Senate; or (bb) whose appointment is made by a Member of Congress or by a committee or subcommittee of either House of Congress or a joint committee of the House of Representatives and the Senate; or (cc) who is appointed to a position, the duties of which are equivalent to those of a Senior Executive Service position (within the meaning of section 3132(a)(2) of title 5, United States Code). The term covered employee includes an applicant for employment in a covered position and a former covered employee.

(h) Covered position means any position that is or will be held by a covered employee.

(i) Disabled veteran means a person who was separated under honorable conditions from active duty in the armed forces performed at any time and who has established the present existence of a service-connected disability or is receiving compensation, disability retirement benefits, or pensions because of a public statute administered by the Department of Veterans Affairs or a military department.

(j) Employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(k) Employee of the Capitol Police Board includes any member or officer of the Capitol Police.

(l) Employee of the House of Representatives includes an individual occupying a position the pay of which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (dd) of paragraph (g) above.

(m) Employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (g) above nor any individual described in subparagraphs (aa) through (ee) of paragraph (g) above.

H Regs: (n) Employing office means: (1) the personal office of a Member of the House of Representatives; (2) a committee of the House of Representatives or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

S Regs: (n) Employing office means: (1) the personal office of a Senator; (2) a committee of the Senate or a joint committee of the House of Representatives and the Senate; or (3) any other office headed by a person with the final authority to appoint, or be directed by a Member of Congress to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate.

C Reg: (n) Employing office means: the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Compliance.

(o) Office means the Office of Compliance.

(p) Preference eligible means veterans, spouses, widows, widowers or mothers who meet the definition of ''preference eligible'' in 5 U.S.C. §2108(3)(A)–(G).

(q) Qualified applicant means an applicant for a covered position whom an employing office deems to satisfy the requisite minimum job-related requirements of the position. Where the employing office uses an entrance examination or evaluation for a covered position that is numerically scored, the term ''qualified applicant'' shall mean that the applicant has received a passing score on the examination or evaluation.

(r) Separated under honorable conditions means either an honorable or a general discharge from the armed forces. The Department of Defense is responsible for administering and defining military discharges.

(s) Uniformed services means the armed forces, the commissioned corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(t) VEOA means the Veterans Employment Opportunities Act of 1998 (Pub. L. 105–339, 112 Stat. 3182).

(u) Veterans means persons as defined in 5 U.S.C. §2108(1), or any superseding legislation.

**SEC. 1.103. ADOPTION OF REGULATIONS.**

(a) Adoption of regulations. Section 4(c)(4)(A) of the VEOA generally authorizes the Board to issue regulations to implement section 4(c). In addition, section 4(c)(4)(B) of the VEOA directs the Board to promulgate regulations that are ''the same as the most relevant substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of the VEOA. Those statutory provisions are section 2108, sections 3309 through 3312, and subchapter I of chapter 35, of title 5, United States Code. The regulations issued by the Board herein are on all matters for which section 4(c)(4)(B) of the VEOA requires a regulation to be issued. Specifically, it is the Board's considered judgment based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other ''substantive regulations (applicable with respect to the Executive branch) promulgated to implement the statutory provisions referred to in paragraph (2)'' of section 4(c) of the VEOA that need be adopted.

(b) Modification of substantive regulations. As a qualification to the statutory obligation to issue regulations that are ''the same as the most substantive regulations (applicable with respect to the Executive branch)'', section 4(c)(4)(B) of the VEOA authorizes the Board to ''determine, for good cause shown and stated together with the regulation, that a modification of such regulations would be more effective for the implementation of the rights and protections under'' section 4(c) of the VEOA.

(c) Rationale for Departure from the Most Relevant Executive Branch Regulations. The Board concludes that it must promulgate regulations accommodating the human resource systems existing in the Legislative branch; and that such regulations must take into account the fact that the Board does not possess the statutory and Executive Order based government-wide policy making authority underlying OPM's counterpart VEOA regulations governing the Executive branch. OPM's regulations are designed for the competitive service (defined in 5 U.S.C. §2102(a)(2)), which does not exist in the employing offices subject to this regulation. Therefore, to follow the OPM regulations would create detailed and complex rules and procedures for a workforce that does not exist in the Legislative branch, while providing no VEOA protections to the covered Legislative branch employees. We have chosen to propose specially tailored regulations, rather than simply to adopt those promulgated by OPM, so that we may effectuate Congress' intent in extending the principles of the veterans' preference laws to the Legislative branch through the VEOA.

**SEC. 1.104. COORDINATION WITH SECTION 225 OF THE CONGRESSIONAL ACCOUNTABILITY ACT.**

Statutory directive. Section 4(c)(4)(C) of the VEOA requires that promulgated regulations must be consistent with section 225 of

the CAA. Among the relevant provisions of section 225 are subsection (f)(1), which prescribes as a rule of construction that definitions and exemptions in the laws made applicable by the CAA shall apply under the CAA, and subsection (f)(3), which states that the CAA shall not be considered to authorize enforcement of the CAA by the Executive branch.

**Subpart B—Veterans' Preference—General Provisions**

Sec.
1.105 Responsibility for administration of veterans' preference.
1.106 Procedures for bringing claims under the VEOA.

**SEC. 1.105. RESPONSIBILITY FOR ADMINISTRATION OF VETERANS' PREFERENCE.**

Subject to section 1.106, employing offices with covered employees or covered positions are responsible for making all veterans' preference determinations, consistent with the VEOA.

**SEC. 1.106. PROCEDURES FOR BRINGING CLAIMS UNDER THE VEOA.**

Applicants for appointment to a covered position and covered employees may contest adverse veterans' preference determinations, including any determination that a preference eligible applicant is not a qualified applicant, pursuant to sections 401–416 of the CAA, 2 U.S.C. §§1401–1416, and provisions of law referred to therein; 206a(3) of the CAA, 2 U.S.C. §§1401, 1316a(3); and the Office's Procedural Rules.

**Subpart C—Veterans' Preference in Appointments**

Sec.
1.107 Veterans' preference in appointments to restricted covered positions.
1.108 Veterans' preference in appointments to non-restricted covered positions.
1.109 Crediting experience in appointments to covered positions.
1.110 Waiver of physical requirements in appointments to covered positions.

**SEC. 1.107. VETERANS' PREFERENCE IN APPOINTMENTS TO RESTRICTED POSITIONS.**

In each appointment action for the positions of custodian, elevator operator, guard, and messenger (as defined below and collectively referred to in these regulations as restricted covered positions) employing offices shall restrict competition to preference eligible applicants as long as qualified preference eligible applicants are available. The provisions of sections 1.109 and 1.110 below shall apply to the appointment of a preference eligible applicant to a restricted covered position. The provisions of section 1.108 shall apply to the appointment of a preference eligible applicant to a restricted covered position, in the event that there is more than one preference eligible applicant for the position.

Custodian—One whose primary duty is the performance of cleaning or other ordinary routine maintenance duties in or about a government building or a building under Federal control, park, monument, or other Federal reservation.

Elevator operator—One whose primary duty is the running of freight or passenger elevators. The work includes opening and closing elevator gates and doors, working elevator controls, loading and unloading the elevator, giving information and directions to passengers such as on the location of offices, and reporting problems in running the elevator.

Guard—One whose primary duty is the assignment to a station, beat, or patrol area in a Federal building or a building under Federal control to prevent illegal entry of persons or property; or required to stand watch at or to patrol a Federal reservation, industrial area, or other area designated by Federal authority, in order to protect life and property; make observations for detection of fire, trespass, unauthorized removal of public property or hazards to Federal personnel or property. The term guard does not include law enforcement officer positions of the Capitol Police Board.

Messenger—One whose primary duty is the supervision or performance of general messenger work (such as running errands, delivering messages, and answering call bells).

**SEC. 1.108. VETERANS' PREFERENCE IN APPOINTMENTS TO NON-RESTRICTED COVERED POSITIONS.**

(a) Where an employing office has duly adopted a policy requiring the numerical scoring or rating of applicants for covered positions, the employing office shall add points to the earned ratings of those preference eligible applicants who receive passing scores in an entrance examination, in a manner that is proportionately comparable to the points prescribed in 5 U.S.C. 3309. For example, five preference points shall be granted to preference eligible applicants in a 100–point system, one point shall be granted in a 20-point system, and so on.

(b) In all other situations involving appointment to a covered position, employing offices shall consider veterans' preference eligibility as an affirmative factor in the employing office's determination of who will be appointed from among qualified applicants.

**SEC. 1.109. CREDITING EXPERIENCE IN APPOINTMENTS TO COVERED POSITIONS.**

When considering applicants for covered positions in which experience is an element of qualification, employing offices shall provide preference eligible applicants with credit:

(a) for time spent in the military service (1) as an extension of time spent in the position in which the applicant was employed immediately before his/her entrance into the military service, or (2) on the basis of actual duties performed in the military service, or (3) as a combination of both methods. Employing offices shall credit time spent in the military service according to the method that will be of most benefit to the preference eligible applicant.

(b) for all experience material to the position for which the applicant is being considered, including experience gained in religious, civic, welfare, service, and organizational activities, regardless of whether he/she received pay therefor.

**SEC. 1.110. WAIVER OF PHYSICAL REQUIREMENTS IN APPOINTMENTS TO COVERED POSITIONS.**

(a) Subject to (c) below, in determining qualifications of a preference eligible for appointment, an employing office shall waive:

(1) with respect to a preference eligible applicant, requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) with respect to a preference eligible applicant to whom it has made a conditional offer of employment, physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, the preference eligible applicant is physically able to perform efficiently the duties of the position;

(b) Subject to (c) below, if an employing office determines, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the preference eligible applicant, that an applicant to whom it has made a conditional offer of employment is preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and who has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible applicant of the reasons for the determination and of the right to respond and to submit additional information to the employing office, within 15 days of the date of the notification. The director of the employing office may, by providing written notice to the preference eligible applicant, shorten the period for submitting a response with respect to an appointment to a particular covered position, if necessary because of a need to fill the covered position immediately. Should the preference eligible applicant make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office shall render a final determination of the physical ability of the preference eligible applicant to perform the duties of the position, taking into account the response and any additional information provided by the preference eligible applicant. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible applicant.

(c) Nothing in this section shall relieve an employing office of any obligations it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the Act, 2 U.S.C. §1302(a)(3).

**Subpart D—Veterans' preference in reductions in force**

Sec.
1.111 Definitions applicable in reductions in force.
1.112 Application of preference in reductions in force.
1.113 Crediting experience in reductions in force.
1.114 Waiver of physical requirements in reductions in force.
1.115 Transfer of functions.

**SEC. 1.111. DEFINITIONS APPLICABLE IN REDUCTIONS IN FORCE.**

(a) Competing covered employees are the covered employees within a particular position or job classification, at or within a particular competitive area, as those terms are defined below.

(b) Competitive area is that portion of the employing office's organizational structure, as determined by the employing office, in which covered employees compete for retention. A competitive area must be defined solely in terms of the employing office's organizational unit(s) and geographical location, and it must include all employees within the competitive area so defined. A competitive area may consist of all or part of an employing office. The minimum competitive area is a department or subdivision of the employing office within the local commuting area.

(c) Position classifications or job classifications are determined by the employing office, and shall refer to all covered positions within a competitive area that are in the same grade, occupational level or classification, and which are similar enough in duties, qualification requirements, pay schedules, tenure (type of appointment) and working conditions so that an employing office may reassign the incumbent of one position to any of the other positions in the position classification without undue interruption.

(d) Preference Eligibles. For the purpose of applying veterans' preference in reductions in force, except with respect to the application of section 1.114 of these regulations regarding the waiver of physical requirements, the following shall apply:

(1) ''active service'' has the meaning given it by section 101 of title 37;

(2) ''a retired member of a uniformed service'' means a member or former member of a uniformed service who is entitled, under statute, to retired, retirement, or retainer pay on account of his/her service as such a member; and

(3) a preference eligible covered employee who is a retired member of a uniformed service is considered a preference eligible only if (A) his/her retirement was based on disability—

(I) resulting from injury or disease received in line of duty as a direct result of armed conflict; or

(ii) caused by an instrumentality of war and incurred in the line of duty during a period of war as defined by sections 101 and 1101 of title 38;

(B) his/her service does not include twenty or more years of full-time active service, regardless of when performed but not including periods of active duty for training; or

(C) on November 30, 1964, he/she was employed in a position to which this subchapter applies and thereafter he/she continued to be so employed without a break in service of more than 30 days.

The definition of ''preference eligible'' as set forth in 5 U.S.C 2108 and section 1.102(o) of these regulations shall apply to waivers of physical requirements in determining an employee's qualifications for retention under section 1.114 of these regulations.

H&S Regs: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term ''reduction in force'' does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis, or (3) attributable to a change in party leadership or majority party status within the House of Congress where the employee is employed.

C Reg: (e) Reduction in force is any termination of a covered employee's employment or the reduction in pay and/or position grade of a covered employee for more than 30 days and that may be required for budgetary or workload reasons, changes resulting from reorganization, or the need to make room for an employee with reemployment or restoration rights. The term ''reduction in force'' does not encompass a termination or other personnel action: (1) predicated upon performance, conduct or other grounds attributable to an employee, or (2) involving an employee who is employed by the employing office on a temporary basis.

(f) Undue interruption is a degree of interruption that would prevent the completion of required work by a covered employee 90 days after the employee has been placed in a different position under this part. The 90-day standard should be considered within the allowable limits of time and quality, taking into account the pressures of priorities, deadlines, and other demands. However, work generally would not be considered to be unduly interrupted if a covered employee needs more than 90 days after the reduction in force to perform the optimum quality or quantity of work. The 90-day standard may be extended if placement is made under this part to a program accorded low priority by the employing office, or to a vacant position.

**SEC. 1.112. APPLICATION OF PREFERENCE IN REDUCTIONS IN FORCE.**

Prior to carrying out a reduction in force that will affect covered employees, employing offices shall determine which, if any, covered employees within a particular group of competing covered employees are entitled to veterans' preference eligibility status in accordance with these regulations. In determining which covered employees will be retained, employing offices will treat veterans' preference as the controlling factor in retention decisions among such competing covered employees, regardless of length of service or performance, provided that the preference eligible employee's performance has not been determined to be unacceptable. Provided, a preference eligible employee who is a ''disabled veteran'' under section 1.102(h) above who has a compensable service-connected disability of 30 percent or more and whose performance has not been determined to be unacceptable by an employing office is entitled to be retained in preference to other preference eligible employees. Provided, this section does not relieve an employing office of any greater obligation it may be subject to pursuant to the Worker Adjustment and Retraining Notification Act (29 U.S.C. §2101 et seq.) as applied by section 102(a)(9) of the CAA, 2 U.S.C. §1302(a)(9).

**SEC. 1.113. CREDITING EXPERIENCE IN REDUCTIONS IN FORCE.**

In computing length of service in connection with a reduction in force, the employing office shall provide credit to preference eligible covered employees as follows:

(a) a preference eligible covered employee who is not a retired member of a uniformed service is entitled to credit for the total length of time in active service in the armed forces;

(b) a preference eligible covered employee who is a retired member of a uniformed service is entitled to credit for:

(1) the length of time in active service in the armed forces during a war, or in a campaign or expedition for which a campaign badge has been authorized; or

(2) the total length of time in active service in the armed forces if he is included under 5 U.S.C. §3501(a)(3)(A), (B), or (C); and

(c) a preference eligible covered employee is entitled to credit for:

(1) service rendered as an employee of a county committee established pursuant to section 8(b) of the Soil Conservation and Allotment Act or of a committee or association of producers described in section 10(b) of the Agricultural Adjustment Act; and

(2) service rendered as an employee described in 5 U.S.C. §2105(c) if such employee moves or has moved, on or after January 1, 1966, without a break in service of more than 3 days, from a position in a nonappropriated fund instrumentality of the Department of Defense or the Coast Guard to a position in the Department of Defense or the Coast Guard, respectively, that is not described in 5 U.S.C. §2105(c).

**SEC. 1.114. WAIVER OF PHYSICAL REQUIREMENTS IN REDUCTIONS IN FORCE.**

(a) If an employing office determines, on the basis of evidence before it, that a covered employee is preference eligible, the employing office shall waive, in determining the covered employee's retention status in a reduction in force:

(1) requirements as to age, height, and weight, unless the requirement is essential to the performance of the duties of the position; and

(2) physical requirements if, in the opinion of the employing office, on the basis of evidence before it, including any recommendation of an accredited physician submitted by the employee, the preference eligible covered employee is physically able to perform efficiently the duties of the position.

(b) If an employing office determines that a covered employee who is a preference eligible as a disabled veteran as described in 5 U.S.C. §2108(3)(c) and has a compensable service-connected disability of 30 percent or more is not able to fulfill the physical requirements of the covered position, the employing office shall notify the preference eligible covered employee of the reasons for the determination and of the right to respond and to submit additional information to the employing office within 15 days of the date of the notification. Should the preference eligible covered employee make a timely response, the highest ranking individual or group of individuals with authority to make employment decisions on behalf of the employing office, shall render a final determination of the physical ability of the preference eligible covered employee to perform the duties of the covered position, taking into account the evidence before it, including the response and any additional information provided by the preference eligible. When the employing office has completed its review of the proposed disqualification on the basis of physical disability, it shall send its findings to the preference eligible covered employee.

(c) Nothing in this section shall relieve an employing office of any obligation it may have pursuant to the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

**SEC. 1.115. TRANSFER OF FUNCTIONS.**

(a) When a function is transferred from one employing office to another employing office, each covered employee in the affected position classifications or job classifications in the function that is to be transferred shall be transferred to the receiving employing office for employment in a covered position for which he/she is qualified before the receiving employing office may make an appointment from another source to that position.

(b) When one employing office is replaced by another employing office, each covered employee in the affected position classifications or job classifications in the employing office to be replaced shall be transferred to the replacing employing office for employment in a covered position for which he/she is qualified before the replacing employing office may make an appointment from another source to that position.

**Subpart E—Adoption of Veterans' preference policies, recordkeeping & informational requirements.**

Sec.
1.116 Adoption of veterans' preference policy.
1.117 Preservation of records made or kept.
1.118 Dissemination of veterans' preference policies to applicants for covered positions.
1.119 Information regarding veterans' preference determinations in appointments.
1.120 Dissemination of veterans' preference policies to covered employees.
1.121 Written notice prior to a reduction in force.

**SEC. §1.116. ADOPTION OF VETERANS' PREFERENCE POLICY.**

No later than 120 calendar days following Congressional approval of this regulation, each employing office that employs one or more covered employees or that seeks applicants for a covered position shall adopt its written policy specifying how it has integrated the veterans' preference requirements of the Veterans Employment Opportunities Act of 1998 and these regulations into its employment and retention processes. Upon timely request and the demonstration of good cause, the Executive Director, in his/her discretion, may grant such an employing office additional time for preparing its policy. Each such employing office will make

its policies available to applicants for appointment to a covered position and to covered employees in accordance with these regulations. The act of adopting a veterans' preference policy shall not relieve any employing office of any other responsibility or requirement of the Veterans Employment Opportunity Act of 1998 or these regulations. An employing office may amend or replace its veterans' preference policies as it deems necessary or appropriate, so long as the resulting policies are consistent with the VEOA and these regulations.

**SEC. 1.117. PRESERVATION OF RECORDS MADE OR KEPT.**

An employing office that employs one or more covered employees or that seeks applicants for a covered position shall maintain any records relating to the application of its veterans' preference policy to applicants for covered positions and to workforce adjustment decisions affecting covered employees for a period of at least one year from the date of the making of the record or the date of the personnel action involved or, if later, one year from the date on which the applicant or covered employee is notified of the personnel action. Where a claim has been brought under section 401 of the CAA against an employing office under the VEOA, the respondent employing office shall preserve all personnel records relevant to the claim until final disposition of the claim. The term ''personnel records relevant to the claim'', for example, would include records relating to the veterans' preference determination regarding the person bringing the claim and records relating to any veterans' preference determinations regarding other applicants for the covered position the person sought, or records relating to the veterans' preference determinations regarding other covered employees in the person's position or job classification. The date of final disposition of the charge or the action means the latest of the date of expiration of the statutory period within which the aggrieved person may file a complaint with the Office or in a U.S. District Court or, where an action is brought against an employing office by the aggrieved person, the date on which such litigation is terminated.

**SEC. 1.118. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO APPLICANTS FOR COVERED POSITIONS.**

(a) An employing office shall state in any announcements and advertisements it makes concerning vacancies in covered positions that the staffing action is governed by the VEOA.

(b) An employing office shall invite applicants for a covered position to identify themselves as veterans' preference eligible applicants, provided that in doing so:

(1) the employing office shall state clearly on any written application or questionnaire used for this purpose or make clear orally, if a written application or questionnaire is not used, that the requested information is intended for use solely in connection with the employing office's obligations and efforts to provide veterans' preference to preference eligible applicants in accordance with the VEOA; and

(2) the employing office shall state clearly that disabled veteran status is requested on a voluntary basis, that it will be kept confidential in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3), that refusal to provide it will not subject the individual to any adverse treatment except the possibility of an adverse determination regarding the individual's status as a preference eligible applicant as a disabled veteran under the VEOA, and that any information obtained in accordance with this section concerning the medical condition or history of an individual will be collected, maintained and used only in accordance with the Americans with Disabilities Act (42 U.S.C. §12101 et seq.) as applied by section 102(a)(3) of the CAA, 2 U.S.C. §1302(a)(3).

(3) the employing office shall state clearly that applicants may request information about the employing office's veterans' preference policies as they relate to appointments to covered positions, and shall describe the employing office's procedures for making such requests.

(c) Upon written request by an applicant for a covered position, an employing office shall provide the following information in writing:

(1) the VEOA definition of veterans' ''preference eligible'' as set forth in 5 U.S.C. 2108 or any superseding legislation, providing the actual, current definition in a manner designed to be understood by applicants, along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions, including any procedures the employing office shall use to identify preference eligible employees;

(3) the employing office may provide other information to applicants regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(d) Employing offices are also expected to answer questions from applicants for covered positions that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

**SEC. 1.119. INFORMATION REGARDING VETERANS' PREFERENCE DETERMINATIONS IN APPOINTMENTS.**

Upon written request by an applicant for a covered position, the employing office shall promptly provide a written explanation of the manner in which veterans' preference was applied in the employing office's appointment decision regarding that applicant. Such explanation shall include at a minimum:

(a) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to appointments to covered positions; and

(b) a statement as to whether the applicant is preference eligible and, if not, a brief statement of the reasons for the employing office's determination that the applicant is not preference eligible.

**SEC. 1.120. DISSEMINATION OF VETERANS' PREFERENCE POLICIES TO COVERED EMPLOYEES.**

(a) If an employing office that employs one or more covered employees provides any written guidance to such employees concerning employee rights generally or reductions in force more specifically, such as in a written employee policy, manual or handbook, such guidance must include information concerning veterans' preference under the VEOA, as set forth in subsection (b) of this regulation.

(b) Written guidances described in subsection (a) above shall include, at a minimum:

(1) the VEOA definition of veterans' ''preference eligible'' as set forth in 5 U.S.C. 2108 or any superseding legislation, providing the actual, current definition along with the statutory citation;

(2) the employing office's veterans' preference policy or a summary description of the employing office's veterans' preference policy as it relates to reductions in force, including the procedures the employing office shall take to identify preference eligible employees.

(3) the employing office may provide other information in its guidances regarding its veterans' preference policies and practices, but is not required to do so by these regulations.

(c) Employing offices are also expected to answer questions from covered employees that are relevant and non-confidential concerning the employing office's veterans' preference policies and practices.

**SEC. 1.121. WRITTEN NOTICE PRIOR TO A REDUCTION IN FORCE.**

(a) Except as provided under subsection (c), a covered employee may not be released due to a reduction in force, unless the covered employee and the covered employee's exclusive representative for collective-bargaining purposes (if any) are given written notice, in conformance with the requirements of paragraph (b), at least 60 days before the covered employee is so released.

(b) Any notice under paragraph (a) shall include -

(1) the personnel action to be taken with respect to the covered employee involved;

(2) the effective date of the action;

(3) a description of the procedures applicable in identifying employees for release;

(4) the covered employee's competitive area;

(5) the covered employee's eligibility for veterans' preference in retention and how that preference eligibility was determined;

(6) the retention status and preference eligibility of the other employees in the affected position classifications or job classifications within the covered employee's competitive area, by providing:

(A) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible, and

(B) a list of all covered employee(s) in the covered employee's position classification or job classification and competitive area who will not be retained by the employing office, identifying those employees by job title only and stating whether each such employee is preference eligible.

(7) a description of any appeal or other rights which may be available.

(c) The director of the employing office may, in writing, shorten the period of advance notice required under subsection (a), with respect to a particular reduction in force, if necessary because of circumstances not reasonably foreseeable.

(d) No notice period may be shortened to less than 30 days under this subsection.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5728. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-09, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5729. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-08, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

5730. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 07-06, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5731. A letter from the Secretary, Department of Homeland Security, transmitting a report of a violation of the Antideficiency Act in the Treasury Appropriation Fund, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5732. A letter from the Director, Selective Service System, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5733. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2006, through September 30, 2007, pursuant to 37 U.S.C. 402(a) Public Law 106-398, section 604(a); to the Committee on Armed Services.

5734. A letter from the Under Secretary for Acquisition, Technology and Logistics, Department of Defense, transmitting the Department's Commercial Activities Report for 2007, pursuant to 10 U.S.C. 2462(b); to the Committee on Armed Services.

5735. A letter from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting the eighteenth annual report on the Pentagon Renovation and Construction Program Office (PENREN), pursuant to 10 U.S.C. 2674; to the Committee on Armed Services.

5736. A letter from the Director, Army National Guard, Department of Defense, transmitting a report on the Army National Guard's Annual Financial Statement for FY 2007; to the Committee on Armed Services.

5737. A letter from the District of Columbia Auditor, Office of the District of Columbia Auditor, transmitting a copy of a report entitled ''Fiscal Year 2007 Annual Report on Advisory Neighborhood Commissions,'' pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

5738. A letter from the Federal Co-Chairman, Delta Regional Authority, transmitting in compliance with the Accountability for Tax Dollars Act of 2002 (ATDA), a copy of the Authority's Audited Financial Statements for FY 2007, pursuant to Public Law 106-554, section 382L; to the Committee on Oversight and Government Reform.

5739. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's annual report on the implementation of Pub. L. 106-107, the Federal Financial Assistance Management Improvement Act of 1999; to the Committee on Oversight and Government Reform.

5740. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5741. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5742. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5743. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5744. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5745. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5746. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5747. A letter from the Principal Deputy Assistant Attorney General, Department of Justice, transmitting the Department's Federal Information Security Management Act and Agency Privacy Management Report, pursuant to Public Law 107-296; to the Committee on Oversight and Government Reform.

5748. A letter from the Assistant Secretary for Administration and Mgmt., Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5749. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

5750. A letter from the Assistant Secretary for Policy and Planning, Department of Veterans Affairs, transmitting in accordance with Pub. L. 105-270, the Federal Activities Inventory Reform Act of 1998 (FAIR Act), the Department's inventory of commercial activities for calendar year 2006; to the Committee on Oversight and Government Reform.

5751. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the Corporation's 2008 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5752. A letter from the Chairman, Federal Election Commission, transmitting the Commission's Strategic Plan for Fiscal Years 2008 through 2013, pursuant to 5 U.S.C. 306; to the Committee on Oversight and Government Reform.

5753. A letter from the Chief Operating Officer/President, Financing Corporation, transmitting a copy of the Financing Corporation's Statement on Internal Controls and the 2007 Audited Financial Statements, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Oversight and Government Reform.

5754. A letter from the Administrator, General Services Administration, transmitting notification of the new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel, pursuant to 5 U.S.C. 5707(b)(1)(A); to the Committee on Oversight and Government Reform.

5755. A letter from the Chairman, Merit Systems Protection Board, transmitting the Board's report entitled, ''Attracting the Next Generation: A Look at Federal Entry-Level New Hires,'' pursuant to 5 U.S.C. 1204(a)(3); to the Committee on Oversight and Government Reform.

5756. A letter from the General Counsel, National Labor Relations Board, transmitting the Board's report on the amount of acquisitions made from entities that manufacture the articles, materials, or supplies outside the United States in Fiscal Year 2007; to the Committee on Oversight and Government Reform.

5757. A letter from the Chief Executive Officer, Neighborhood Reinvestment Corporation, transmitting the Corporation's 2007 Annual Performance Plan, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

5758. A letter from the President and CEO, Overseas Private Investment Corporation, transmitting the Corporation's report on the use of the Category Rating System during fiscal year 2007, pursuant to 5 U.S.C. 3319(d); to the Committee on Oversight and Government Reform.

5759. A letter from the Chief Operating Officer/President, Resolution Funding Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on Internal Controls and the 2007 Audited Financial Statements, pursuant to Public Law 101-73, section 511(a) (103 Stat. 404); to the Committee on Oversight and Government Reform.

5760. A letter from the Chair, Office of Compliance, transmitting the Office's report on the adoption of regulations implementing employment rights and protection for Veterans, as required by the Congressional Accountability Act of 1995, pursuant to 2 U.S.C. 1316a; jointly to the Committees on Education and Labor and House Administration.

## 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. RAHALL: Committee on Natural Resources. H.R. 4933. A bill to amend the Lacey Act Amendments of 1981 to protect captive wildlife and to make technical corrections, and for other purposes (Rept. 110–551). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3891. A bill to amend the National Fish and Wildlife Foundation Establishment Act to increase the number of Directors on the Board of Directors of the National Fish and Wildlife Foundation (Rept. 110–552). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2675. A bill to provide for the conveyance of approximately 140 acres of land in the Ouachita National Forest in Oklahoma to the Indian Nations Council, Inc., of the Boy Scouts of America, and for other purposes; with an amendment (Rept. 110–553). Referred to the Committee of the Whole House of the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3651. A bill to require the conveyance of certain public land within the boundaries of Camp Williams, Utah, to support the training and readiness of the Utah National Guard; with an amendment (Rept. 110–554). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2515. A bill to authorize appropriations for the Bureau of Reclamation to carry out the Lower Colorado River Multi-Species Conservation Program in the States of Arizona, California, and Nevada, and for other purposes; with an amendment (Rept. 110–555). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3352. A bill to reauthorize and amend the Hydrographic Services Improvement Act, and for other purposes; with an amendment (Rept. 110–556). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1187. A bill to expand the

boundaries of the Gulf of the Farallones National Marine Sanctuary and the Cordell Bank National Marine Sanctuary; with amendments (Rept. 110–557). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 2342. A bill to direct the President to establish a National Integrated Coastal and Ocean Observation System, and for other purposes; with an amendment (Rept. 110–558, Pt. 1). Ordered to be printed.

Mr. GORDON: Committee on Science and Technology. H.R. 4847. A bill to reauthorize the United States Fire Administration, and for other purposes; with an amendment (Rept. 110–559). Referred to the Committee of the Whole House on the State of the Union.

Mr. WAXMAN: Committee on Oversight and Government Reform. H.R. 5551. A bill to amend title 11, District of Columbia Official Code, to implement the increase provided under the District of Columbia Appropriations Act, 2008, in the amount of funds made available for the compensation of attorneys representing indigent defendants in the District of Columbia courts, and for other purposes (Rept. 110–560). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Science and Technology discharged from further consideration. H.R. 2342 referred to the Committee of the Whole House on the State of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 948. Referral to the Committee on Ways and Means extended for a period ending not later than May 2, 2008.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HENSARLING (for himself and Mr. CONAWAY):

H.R. 5656. A bill to repeal a requirement with respect to the procurement and acquisition of alternative fuels; to the Committee on Oversight and Government Reform.

By Mr. COHEN:

H.R. 5657. A bill to clarify the authority of States to use funds as the non-Federal share of Medicaid expenditures for certain regional medical centers; to the Committee on Energy and Commerce.

By Mr. SKELTON (for himself and Mr. HUNTER) (both by request):

H.R. 5658. A bill to authorize appropriations for fiscal year 2009 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2009, and for other purposes; to the Committee on Armed Services.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. SESSIONS, Mr. WALSH of New York, Mr. CHABOT, Mr. WILSON of South Carolina, and Mr. SENSENBRENNER):

H.R. 5659. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for recycling or remanufacturing equipment; to the Committee on Ways and Means.

By Mr. MEEK of Florida:

H.R. 5660. A bill to amend the Internal Revenue Code of 1986 to allow a nonrefundable credit for mentoring and housing young adults; to the Committee on Ways and Means.

By Mr. PEARCE:

H.R. 5661. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to clarify that uncertified States and Indian tribes have the authority to use certain payments for certain noncoal reclamation projects; to the Committee on Natural Resources.

By Mr. REYES:

H.R. 5662. A bill to enhance the safety of ports of entry in the United States, and for other purposes; to the Committee on Homeland Security, and in addition to the Committees on Ways and Means, Agriculture, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RODRIGUEZ:

H.R. 5663. A bill to amend title 38, United States Code, to provide for an increase in the rates of basic educational assistance payable under the laws administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. RODRIGUEZ:

H.R. 5664. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to update at least once every six years the plans and specifications for specially adapted housing furnished to veterans by the Secretary; to the Committee on Veterans' Affairs.

By Mr. TURNER:

H.R. 5665. A bill to impose limitations on investment and certain operations by foreign entities in the United States; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and 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 Ms. VELÁZQUEZ:

H.R. 5666. A bill to amend the Internal Revenue Code of 1986 to increase the earned income tax credit to taxpayers who exceed 40 hours of wage work per week; to the Committee on Ways and Means.

By Ms. JACKSON-LEE of Texas (for herself, Mr. PAUL, Mr. MCCAUL of Texas, Mr. POE, Mr. ORTIZ, Mr. HENSARLING, Ms. GRANGER, Mr. REYES, Mr. CUELLAR, Mr. BURGESS, Mr. EDWARDS, Mr. GENE GREEN of Texas, Mr. CONAWAY, Mr. CULBERSON, Mr. HINOJOSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HALL of Texas, Mr. GONZALEZ, Mr. SESSIONS, Mr. LAMPSON, Mr. NEUGEBAUER, and Mr. AL GREEN of Texas):

H. Con. Res. 320. Concurrent resolution honoring Army Specialist Monica L. Brown, extending gratitude to her and her family, and pledging continuing support for the men and women of the United States Armed Forces; to the Committee on Armed Services.

By Mr. LEWIS of Georgia (for himself, Mr. CONYERS, Mr. SMITH of Texas, Mr. NADLER, Mr. SCOTT of Virginia, Mr. COHEN, Mr. ELLISON, Ms. ZOE LOFGREN of California, Mr. CUMMINGS, Mr. RANGEL, Mr. SCOTT of Georgia, Mr. CLAY, Ms. NORTON, Mr. RUSH, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VAN HOLLEN, Mr. CLEAVER, Mr. BISHOP of Georgia, Ms. MCCOLLUM of Minnesota, and Mr. DONNELLY):

H. Res. 1061. A resolution commemorating the 40th anniversary of the assassination of Dr. Martin Luther King, Jr., and encouraging people of the United States to pause and remember the life and legacy of Dr. Martin Luther King, Jr., and for other purposes; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York:

H. Res. 1062. A resolution expressing support for National Facial Protection Month; to the Committee on Energy and Commerce.

By Mr. WU (for himself, Mr. PETRI, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. WEXLER, Mr. GALLEGLY, and Mr. CHANDLER):

H. Res. 1063. A resolution marking the 225th anniversary of the Treaty of Paris of 1783, which ended the Revolutionary War with the Kingdom of Great Britain and recognized the independence of the United States of America, and acknowledging the shared values and close friendship between the peoples and governments of the United States and the United Kingdom of Great Britain and Northern Ireland; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Ms. SHEA-PORTER introduced a bill (H.R. 5667) to provide for the liquidation or reliquidation of certain entries of newspaper printing presses and components thereof; which was referred to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 211: Mr. SARBANES.

H.R. 333: Mr. MURPHY of Connecticut.

H.R. 406: Mrs. GILLIBRAND, Mr. PRICE of North Carolina, Mr. MCINTYRE, Mr. RANGEL, Mr. MCCOTTER, Mr. RUSH, Mr. YOUNG of Alaska, Mr. RUPPERSBERGER, Mr. MACK, and Mr. TANNER.

H.R. 549: Mr. WAMP and Mr. BOSWELL.

H.R. 579: Mr. BURGESS, Mr. PAYNE, Mr. ELLISON, and Mr. MICA.

H.R. 601: Mr. JOHNSON of Georgia.

H.R. 734: Mr. BARROW.

H.R. 769: Mr. HERGER.

H.R. 780: Mr. SHAYS.

H.R. 864: Mr. SMITH of Nebraska.

H.R. 1023: Mr. MICHAUD.

H.R. 1032: Mr. BOREN and Mr. MEEK of Florida.

H.R. 1043: Mr. HOLDEN, Mr. WILSON of Ohio, Mr. GUTIERREZ, and Mr. RYAN of Ohio.

H.R. 1072: Mr. TOWNS.

H.R. 1073: Mr. SARBANES.

H.R. 1076: Mr. WILSON of Ohio and Mr. BISHOP of Georgia.

H.R. 1078: Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1110: Mr. MCHENRY, Mr. CUELLAR, Ms. CASTOR, and Mr. GONZALEZ.

H.R. 1142: Mr. GORDON, Mr. BUCHANAN, Mr. ROTHMAN, and Mr. CUELLAR.

H.R. 1188: Mr. ROTHMAN.

H.R. 1192: Mr. GONZALEZ, Mr. COHEN, Mr. ROGERS of Alabama, Mr. JOHNSON of Georgia, and Mr. BOUSTANY.

H.R. 1228: Mr. DEFAZIO and Mr. KUHL of New York.

H.R. 1237: Mr. LATOURETTE, Mr. EHLERS, Ms. TSONGAS, Mr. HOEKSTRA, Mr. BOREN, Mr. FEENEY, and Ms. SHEA-PORTER.

H.R. 1273: Mr. WEINER.

H.R. 1282: Mr. MOORE of Kansas.

H.R. 1283: Mr. CHABOT, Mr. EMANUEL, Mr. HOEKSTRA, Mr. INSLEE, Mr. LAMPSON, Mr. MCCOTTER, Mr. RODRIGUEZ, and Mr. STUPAK.

H.R. 1359: Mr. JONES of North Carolina.
H.R. 1422: Mrs. MUSGRAVE.
H.R. 1514: Ms. RICHARDSON and Ms. SOLIS.
H.R. 1553: Mrs. BIGGERT and Mr. EMANUEL.
H.R. 1576: Mr. MARIO DIAZ-BALART of Florida.
H.R. 1589: Mr. HOLDEN.
H.R. 1606: Mr. GONZALEZ.
H.R. 1609: Mr. VISCLOSKY.
H.R. 1621: Mr. GERLACH.
H.R. 1653: Mr. MCGOVERN, Ms. CASTOR, Mr. GUTIERREZ, and Ms. GIFFORDS.
H.R. 1707: Mr. HARE and Ms. CLARKE.
H.R. 1738: Mr. BUTTERFIELD and Mr. GORDON.
H.R. 1783: Mr. BOSWELL.
H.R. 1791: Mr. REHBERG.
H.R. 1823: Mr. ENGLISH of Pennsylvania and Mr. LAMBORN.
H.R. 1843: Mr. FORTUÑO.
H.R. 1846: Mr. GORDON.
H.R. 1964: Mr. ENGEL.
H.R. 1968: Mr. BERMAN.
H.R. 1973: Ms. JACKSON-LEE of Texas.
H.R. 1975: Mr. CAPUANO.
H.R. 1992: Mrs. CAPPS, Mr. MURPHY of Connecticut, and Mr. KENNEDY.
H.R. 2091: Mr. PERLMUTTER and Ms. FOXX.
H.R. 2116: Mr. DAVIS of Alabama, Mr. DUNCAN, Mr. MICA, and Mr. PITTS.
H.R. 2138: Mr. BERMAN.
H.R. 2160: Mr. SHULER.
H.R. 2188: Mr. FRANK of Massachusetts.
H.R. 2205: Mr. COHEN.
H.R. 2236: Ms. SLAUGHTER and Mr. ALLEN.
H.R. 2266: Ms. SHEA-PORTER, Mr. LAHOOD, and Mr. FARR.
H.R. 2391: Mr. JONES of North Carolina.
H.R. 2392: Mr. ABERCROMBIE.
H.R. 2421: Mrs. JONES of Ohio.
H.R. 2452: Mr. KLEIN of Florida and Mr. ISRAEL.
H.R. 2458: Mr. YOUNG of Alaska.
H.R. 2470: Mr. JOHNSON of Georgia and Mr. SHIMKUS.
H.R. 2475: Mr. JONES of North Carolina.
H.R. 2593: Mr. BLUMENAUER and Mr. FARR.
H.R. 2676: Mr. GORDON.
H.R. 2694: Mr. FILNER.
H.R. 2702: Mr. WALDEN of Oregon, Mr. PORTER, and Mr. MCCOTTER.
H.R. 2744: Ms. ESHOO, Mr. SHERMAN, and Mr. ORTIZ.
H.R. 2770: Mr. ALTMIRE.
H.R. 2792: Mr. BERMAN and Mr. EMANUEL.
H.R. 2800: Mr. FORTUÑO.
H.R. 2818: Mr. SOUDER, Mr. LEWIS of Georgia, and Mr. BURGESS.
H.R. 2878: Mr. MCCOTTER.
H.R. 3089: Mr. BURGESS.
H.R. 3109: Mr. SHADEGG.
H.R. 3114: Mr. TOWNS, Mr. AL GREEN of Texas, Mr. HINOJOSA, and Mr. STARK.
H.R. 3158: Mr. VAN HOLLEN.
H.R. 3175: Mr. VAN HOLLEN, Ms. LEE, Mr. COHEN, and Mr. GONZALEZ.
H.R. 3212: Mr. GORDON, Ms. MOORE of Wisconsin, Mr. GONZALEZ, and Mr. ROTHMAN.
H.R. 3282: Mr. PETERSON of Minnesota and Mr. HOEKSTRA.
H.R. 3309: Mr. CUMMINGS and Mr. SARBANES.
H.R. 3366: Mr. KUCINICH.
H.R. 3429: Mr. PLATTS.
H.R. 3453: Mr. YOUNG of Alaska.
H.R. 3457: Mr. HOLDEN, Mr. BARROW, and Mr. JONES of North Carolina.
H.R. 3533: Mr. CRENSHAW, Mr. AKIN, Mr. ORTIZ, and Mr. EHLERS.
H.R. 3543: Mr. SESTAK and Mr. ETHERIDGE.
H.R. 3544: Mr. WALZ of Minnesota and Mr. HOLDEN.
H.R. 3559: Mr. GORDON.
H.R. 3622: Mr. GARRETT of New Jersey and Mr. WALZ of Minnesota.
H.R. 3646: Mr. FALEOMAVAEGA.
H.R. 3658: Mr. SERRANO, Ms. JACKSON-LEE of Texas, Ms. WATSON, Mr. MACK, and Mr. PENCE.
H.R. 3660: Mr. DENT.
H.R. 3726: Mrs. BIGGERT.
H.R. 3769: Mr. PERLMUTTER.
H.R. 3799: Mr. VAN HOLLEN, Ms. MCCOLLUM of Minnesota, Mr. PASTOR, Mr. GRIJALVA, Mr. KUCINICH, and Mr. BERMAN.
H.R. 3842: Mr. PASTOR.
H.R. 3846: Mr. LEWIS of Georgia, Ms. LEE, Mr. CLEAVER, Ms. SUTTON, and Mr. RANGEL.
H.R. 3892: Ms. MCCOLLUM of Minnesota, Mr. PASTOR, and Mr. GONZALEZ.
H.R. 3934: Ms. NORTON and Mr. HOBSON.
H.R. 3980: Mr. PASTOR.
H.R. 4008: Mr. BOREN, Mr. SAM JOHNSON of Texas, Ms. BALDWIN, and Mr. KANJORSKI.
H.R. 4052: Mr. MCHUGH, Mr. ARCURI, and Mr. MCCOTTER.
H.R. 4053: Mr. CARNAHAN and Mr. WAXMAN.
H.R. 4055: Mr. TOWNS, Ms. LEE, and Mr. BERMAN.
H.R. 4105: Mr. BOYD of Florida and Mr. MEEK of Florida.
H.R. 4109: Ms. LEE and Mr. LEWIS of Georgia.
H.R. 4139: Mr. LINCOLN DAVIS of Tennessee.
H.R. 4176: Mr. CANTOR.
H.R. 4188: Ms. SCHAKOWSKY.
H.R. 4236: Mr. PAYNE, Ms. CASTOR, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Mr. PERLMUTTER, Mr. MICHAUD, Mr. ALLEN, and Mr. KAGEN.
H.R. 4280: Mr. PEARCE.
H.R. 4283: Mr. LEWIS of Georgia.
H.R. 4449: Mr. GRIJALVA.
H.R. 4450: Ms. ZOE LOFGREN of California and Mr. ROTHMAN.
H.R. 4790: Mr. GRIJALVA.
H.R. 4838: Ms. GIFFORDS, Mr. ROTHMAN, and Mr. WEINER.
H.R. 4847: Mr. GORDON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, Mrs. BIGGERT, Mr. HALL of New York, Mr. LIPINSKI, Mr. ETHERIDGE, Mr. CHANDLER, Mr. WILSON of Ohio, Mr. UDALL of Colorado, Mr. EHLERS, Mr. BILBRAY, Mr. MATHESON, Mr. BARTLETT of Maryland, Mr. GERLACH, Ms. SUTTON, Mr. GALLEGLY, and Mr. MICHAUD.
H.R. 4900: Mr. LAMBORN, Mr. LATOURETTE, Mr. WILSON of South Carolina, Mr. PETERSON of Minnesota, Mr. LAMPSON, Mr. DEAL of Georgia, Mrs. MILLER of Michigan, and Mr. MORAN of Kansas.
H.R. 5028: Mrs. GILLIBRAND.
H.R. 5036: Mr. BOUCHER, Mr. UDALL of Colorado, Ms. LEE, Mr. MURTHA, and Mr. SNYDER.
H.R. 5128: Mr. ELLISON.
H.R. 5155: Mr. FILNER.
H.R. 5157: Mr. DOYLE and Mr. ANDREWS.
H.R. 5173: Mr. WILSON of South Carolina and Ms. ZOE LOFGREN of California.
H.R. 5180: Mrs. MCCARTHY of New York, Mr. SPACE, Mr. HINCHEY, and Mr. THOMPSON of California.
H.R. 5193: Mr. ABERCROMBIE.
H.R. 5223: Mr. GORDON of Tennessee and Mr. COHEN.
H.R. 5229: Mr. PLATTS.
H.R. 5244: Mr. HONDA, Ms. SUTTON, Mr. SARBANES, Ms. ROYBAL-ALLARD, Ms. BALDWIN, and Ms. ESHOO.
H.R. 5265: Mr. INSLEE, Mr. BISHOP of New York, Mr. CAPUANO, and Mr. RUPPERSBERGER.
H.R. 5315: Mr. HALL of Texas.
H.R. 5435: Mr. FILNER.
H.R. 5440: Mr. CANTOR.
H.R. 5442: Mr. WAXMAN.
H.R. 5443: Mr. MCKEON.
H.R. 5447: Mr. ELLISON, Mr. ROSS, Ms. JACKSON-LEE of Texas, Mr. ROTHMAN, Mr. ALLEN, and Mr. FILNER.
H.R. 5454: Mr. CLAY.
H.R. 5461: Mr. GEORGE MILLER of California.
H.R. 5465: Ms. ZOE LOFGREN of California, Mr. SIRES, Mr. WYNN, Ms. SUTTON, and Mr. HINCHEY.
H.R. 5469: Mr. FATTAH and Mr. RYAN of Ohio.
H.R. 5472: Mr. CARSON.
H.R. 5510: Mr. ENGLISH of Pennsylvania, Mr. SCOTT of Georgia, and Mr. SIRES.
H.R. 5513: Ms. WATSON and Mr. PITTS.
H.R. 5554: Ms. BORDALLO and Mr. LEVIN.
H.R. 5560: Mr. PRICE of North Carolina, Ms. DEGETTE, Mrs. LOWEY, and Ms. LORETTA SANCHEZ of California.
H.R. 5561: Mrs. BOYDA of Kansas and Mr. FORTUÑO.
H.R. 5567: Mr. SHAYS.
H.R. 5573: Mr. PLATTS, Ms. WATERS, Mr. REYES, Mr. ANDREWS, Mr. GORDON of Tennessee, Mr. GONZALEZ, and Mr. ROTHMAN.
H.R. 5591: Mr. GERLACH and Mr. MICHAUD.
H.R. 5609: Mr. SAM JOHNSON of Texas, Mr. LAMPSON, Mr. CARNAHAN, and Mr. HINOJOSA.
H.R. 5641: Ms. GINNY BROWN-WAITE of Florida and Mr. BURGESS.
H. J. Res. 68: Mr. PAYNE.
H. J. Res. 70: Mr. BARTLETT of Maryland.
H. Con. Res. 13: Mr. PETERSON of Minnesota, Mr. GORDON, and Mr. BOYD of Florida.
H. Con. Res. 81: Mr. EHLERS.
H. Con. Res. 163: Mr. CLEAVER.
H. Con. Res. 195: Mr. YOUNG of Florida.
H. Con. Res. 223: Mr. JOHNSON of Illinois and Mr. LARSON of Connecticut.
H. Con. Res. 276: Mr. TOWNS.
H. Con. Res. 299: Mr. MELANCON, Mr. COSTELLO, Mr. KUHL of New York, Mrs. SCHMIDT, Mr. ALLEN, Mr. DOOLITTLE, Mr. COBLE, Mr. DENT, Mr. GRIJALVA, Mr. UPTON, Mr. KING of New York, Mr. GOODLATTE, Mr. RODRIGUEZ, and Mr. GENE GREEN of Texas.
H. Con. Res. 314: Mr. MARCHANT.
H. Con. Res. 318: Mr. DELAHUNT, Ms. WATSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. HINCHEY, and Mr. BUTTERFIELD.
H. Res. 49: Ms. KILPATRICK, Mr. UPTON, Mr. MCCOTTER, and Mr. LEWIS of Kentucky.
H. Res. 102: Mr. GONZALEZ and Mrs. BACHMANN.
H. Res. 259: Mr. LEWIS of Georgia.
H. Res. 543: Mr. BOREN.
H. Res. 896: Ms. WATERS, Ms. KILPATRICK, Ms. NORTON, Mr. FATTAH, Mr. RANGEL, Mr. JEFFERSON, Mr. COHEN, Mr. SCOTT of Virginia, Mr. LEWIS of Georgia, Mr. SERRANO, Mr. MCGOVERN, and Ms. BERKLEY.
H. Res. 911: Mr. KAGEN, Mr. HILL, and Mr. JOHNSON of Georgia.
H. Res. 939: Mr. MCCOTTER and Mr. GARRETT of New Jersey.
H. Res. 968: Mr. LAMPSON.
H. Res. 981: Mr. ALTMIRE, Mr. KIRK, Mr. JOHNSON of Georgia, Mr. SARBANES, Mrs. DAVIS of California, Ms. SCHAKOWSKY, Ms. HIRONO, Mr. SERRANO, Ms. ESHOO, Mr. ORTIZ, Mr. MORAN of Virginia, Mr. RANGEL, Mr. WEXLER, Mr. OLVER, Ms. SUTTON, Mr. LATTA, Mr. BOSWELL, Mr. COHEN, Mr. CUMMINGS, Mr. HALL of Texas, Mr. FALEOMAVAEGA, and Mr. BARTLETT of Maryland.
H. Res. 985: Mr. ROGERS of Michigan and Mr. MCDERMOTT.
H. Res. 997: Mr. PRICE of North Carolina.
H. Res. 1019: Mr. TOWNS, Mr. RANGEL, Mr. OBERSTAR, and Mr. JEFFERSON.
H. Res. 1021: Ms. GRANGER and Mr. VAN HOLLEN.
H. Res. 1022: Mr. NADLER, Ms. ZOE LOFGREN of California, and Mr. SCOTT of Virginia.
H. Res. 1026: Mr. YOUNG of Alaska and Mrs. EMERSON.
H. Res. 1028: Mr. MCDERMOTT and Mr. ELLISON.
H. Res. 1044: Mr. PASCRELL and Mr. COBLE.
H. Res. 1048: Mr. LAMPSON.
H. Res. 1053: Mr. HOLDEN, Mr. WYNN, Mr. CHABOT, Mr. SHADEGG, Mr. MOORE of Kansas, Mr. MCCAUL of Texas, Mr. GENE GREEN of Texas, Mr. REICHERT, Ms. MATSUI, Ms. JACKSON-LEE of Texas, Mr. MCCOTTER, and Mr. MORAN of Virginia.
H. Res. 1054: Mr. SKELTON, Ms. CORRINE BROWN of Florida, Mr. FILNER, Ms. SUTTON,

Ms. MCCOLLUM of Minnesota, Mrs. NAPOLITANO, Ms. KAPTUR, and Mr. MORAN of Virginia.

H. Res. 1056: Ms. WASSERMAN SCHULTZ, Mr. GRIJALVA, and Mr. TOWNS.

## CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative Berman of California or a designee to H.R. 5501, the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act of 2008, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.