United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, APRIL 23, 2008 *No. 65*

House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 23, 2008.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rabbi Akiva Males, Kesher Israel Congregation, Harrisburg, Pennsylvania, offered the following prayer:

Merciful Father in heaven, as a new day begins in this great Chamber, we thank You for the many blessings You have bestowed upon us.

Please strengthen these Representatives of the United States of America to act with justice, to love mercy, and to walk humbly with You.

Endow them with wisdom, understanding, and courage, as they address the diverse needs of the citizens of our great country.

Bless these Representatives with the patience and spirit of cooperation needed to solve the many challenges they face.

Grant to these hardworking men and women of the House of Representatives the wisdom and understanding needed to lead the United States of America with righteousness and integrity so that our great country will continue to be a beacon of light and inspiration unto the world.

May this be Your will, and let us all say, 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 Oregon (Mr. WALDEN) come forward and lead the House in the Pledge of Allegiance.

Mr. WALDEN of Oregon 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.

WELCOMING RABBI AKIVA MALES

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania (Mr. HOLDEN) is recognized for 1 minute.

There was no objection.

Mr. HOLDEN. Madam Speaker, I rise today to recognize and thank Rabbi Akiva Males for providing today's prayer and blessing for both the House and for our country.

Rabbi Males is a native of Cleveland, Ohio, which he left to pursue his ordainment by attending rabbinical schools in Milwaukee, Wisconsin; Jerusalem, Israel; and Queens, New York. He was eventually ordained as a rabbi by the Rabbinical Seminary of America in Queens, New York.

Rabbi Males is a member of the Rabbinical Council of America. He and his wife Lynn reside in Harrisburg, Pennsylvania, located in my congressional district. He is now assisting Rabbi Dr. Chaim Schertz at Kesher Israel Congregation, a synagogue comprised of close to 200 members that has been an enhancing force in Harrisburg for over 100 years.

Rabbi Males is a pillar of faith, service, and commitment in the Harrisburg community, and I welcome him and his family to our Nation's Capital.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

NATIONAL DAY OF SILENCE

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

Mr. FARR. Madam Speaker, I rise today in observance of a National Day of Silence, and in strong support of House Concurrent Resolution 328.

This Friday marks the 12th National Day of Silence, a day in which students remain silent for a day to highlight the discrimination some of their peers endure when they speak out about their sexual orientation and their personal gender identity.

Though the United States has made great progress toward ensuring civil rights for all of its citizens, lesbian, gay, bisexual and transgender individuals still face persecution, often violent, from teachers, school officials, and their classmates in our schools.

This year the National Day of Silence will be held in memory of Lawrence King, an 8th-grade student in California who was shot and killed by one of his classmates because of his sexual orientation.

Our country was founded on the ideal of equality for all, with the self-evident right of life, liberty, and the pursuit of happiness. We must always be mindful that our Nation's history is a chronicle of the blending of many formerly separate cultures and languages, ideas and lifestyles, into one American identity

Printed on recycled paper.

that celebrates its diversity. I look forward to a day when we can all be tolerant.

The National Day of Silence recognizes that diversity is a cornerstone of American democracy—that all people are individuals and have a right to be treated with dignity and respect.

I look forward to a time where anti-GLBT harassment is no longer a problem in our schools. But until that happens, I am pleased to celebrate those students who recognize and appreciate the diversity of their classmates. I urge my colleagues to do the same and support H. Con. Res. 328.

PUR DRINKING WATER

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

Mrs. SCHMIDT. Mr. Speaker, the World Health Organization estimates that more than 1 billion people across the globe do not have access to clean, safe drinking water. The lack of clean water means that more than 4,000 children die every day because of the diseases they acquire due to unsafe water. These deaths are preventable, and I am proud to call attention to the work that the Procter & Gamble Company, one of my constituents, is doing to prevent these deaths.

P&G teamed with over 30 partners to provide safe drinking water to 40 countries and has provided safe drinking water during the global crises such as the tsunami in Asia, hurricanes in the Caribbean, and floods in the Philippines and Bangladesh. On Monday, former P&G CEO John Pepper delivered the one billionth liter of safe drinking water at a rural clinic near Lagos, Nigeria.

The billionth liter of safe drinking water was delivered through PUR Purifier of Water. PUR is a powdered water clarification and disinfectant that comes in small, easy-to-use packets. One packet has the same ingredients as a municipal water system to remove pollutants and cysts and kill bacteria and viruses in a liter of polluted water.

Mr. Speaker, I am proud of what Procter & Gamble does. Their philanthropy extends far beyond this. They are committed to doing this for another 5 years and creating two more billion liters of safe drinking water.

NATIONAL DAY OF SILENCE

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

Ms. BALDWIN. Mr. Speaker, I rise today with my colleagues to honor the hundreds of thousands of American students across the country who will participate in the National Day of Silence this Friday to call attention to anti-LGBT name-calling, bullying, and harassment in their schools.

By taking a vow of silence, students from more than 5,000 middle and high schools will call attention to hate-motivated harassment faced by individuals in school and in work, and they will work toward improving their school climate.

This year's event will be held in memory of Lawrence King, an 8th-grade student who was shot and killed on February 12 by a classmate because of his sexual orientation and gender expression. Larry's death is an unnecessary reminder of what we already know: lesbian, gay, bisexual, and transgender students continue to face pervasive harassment and victimization in schools.

As students use their silence to demand schools are safe for all students, it is my hope we in Congress use our voices to ensure that it will be so.

DIPLOMATIC PRESENCE IN LHASA, TIBET

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

Mr. KIRK. Mr. Speaker, the United States has no permanent diplomatic presence in Tibet. Our closest consulate is located in Chengdu—1,500 miles away from Tibet's capital of Lhasa.

During the recent violence, the Chinese government sealed off the Tibetan Autonomous Region to U.S. diplomats and foreign journalists. America has no permanent office to monitor the situation and to assist U.S. citizens.

Last week, I authored appropriation language to establish a permanent diplomatic presence in Lhasa, Tibet. The language is supported by the Dalai Lama's special envoy, Lodi Gyari. The U.S. State Department has no opposition to it, and the Chinese ambassador to Washington has welcomed its discussion.

I urge my colleagues to support this initiative to demonstrate our bipartisan commitment to the people of Tibet and the expanding diplomatic presence of the United States.

HONORING PHILIP INGEGNERI

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

Mr. MICHAUD. Mr. Speaker, it is my privilege to speak in honor of the life of Philip Ingegneri, who was a dedicated public servant, a true friend of Maine, and a loving husband and father.

For over 30 years, Phil served his country as a special investigator for the IRS. When the opportunity arose in the 1950s, Phil moved his beloved wife, Rosslyn, and their two young children, Philip and Lois, to Bangor, Maine.

After a long and dedicated career serving his country, Phil was elected to the Maine House of Representatives where he dedicated his efforts to improving public education for all of Maine's citizens.

I am sad to announce that Phil passed away this past Saturday at the age of 97. It is a privilege to recognize on the floor of the House of Representatives his service and contribution to our Nation and the great State of Maine. His dedication and love for his family, community, and country is a fine example for all of us.

DRILL

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

Mr. POE. Mr. Speaker, gasoline prices keep going up, and Americans want some answers and some action.

One reason gasoline is rising is because the U.S. dollar continues to get weaker. The weaker it gets, the more it costs to buy that crude oil from the OPEC monopoly and the dictator of Venezuela.

Another reason is the U.S. is the only major nation that ignores its own natural resources. This stubborn, hardheaded Congress refuses to let American oil companies drill offshore. Plus, subsidizing the corn industry to make ethanol has driven world food prices to an all-time high; and now, African nations are even going hungry.

Mr. Speaker, we have crude oil in all of these red zones outside the United States. But environmental intimidation and fear tactics prevent drilling in this gold mine of crude.

We only drill off Texas, Louisiana, Mississippi and Alabama. The rest of these red zones don't have a problem taking that crude oil and gasoline, but they say ''No!'' to drilling off their shore.

Unless we drill offshore and in ANWR, we are all going to be walking to work, and come winter, freezing in the dark.

And that's just the way it is.

□ 1015

ONE VOICE FROM KENTUCKY'S THIRD DISTRICT

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

Mr. YARMUTH. Mr. Speaker, this story comes from Kathryn French in my hometown of Louisville, Kentucky:

''John, I am a 51-year-old female. I was released from my third job in the past 9 years 8 months ago. I have a business degree from U of L. I have held management and sales positions for over 25 years, making about $50,000 a year. I also have a husband of 25 years who, thankfully, has always worked hard, and we are getting by, but we have a mortgage and two sons in college at U of L, not to mention telephone, cell phones, cable, heating, air conditioning, car payments, insurance, et cetera. I'm not getting many interviews; too qualified, or too old. And it's hard to start over again. Then I hear Republicans say things like ''if you extend unemployment then they won't look for a job.'' I already had to

cash out my 401(k)—and suffer a 10 percent penalty on top of taxes and losses in the stock market. If I'm having a hard time, what are others doing without the support I have from family and friends?''

That was Kathryn French, one voice from Kentucky's Third District.

COUNTY TIMBER PAYMENTS: JACKSON COUNTY, OREGON

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

Mr. WALDEN of Oregon. Mr. Speaker, more than a year ago I warned this Congress in a series of speeches how its failure to reauthorize and fund county timber payments would hurt the counties of Oregon's Second Congressional District, and that even a 1-year extension in last year's emergency supplemental, while helpful, was not enough to stave off dramatic impacts.

Jackson County closed all of its libraries. Some of these libraries now have reopened, but with decreased operating hours at limited locations.

During an already difficult economic time, the County has eliminated 117 jobs in roads, parks, human services, public safety and planning. Real services have been cut.

Meanwhile, the Natural Resources and Agriculture Committees have discharged H.R. 3058, which is a 4-year reauthorization of county timber payments. But the Democratic leadership in this House has yet to schedule it for a vote. Why?

Since January 15, this bill has been eligible for a vote on the House floor. The leadership has found time to name Post Offices and roads and many other things, but not to schedule this important legislation for a vote and keep the Federal Government's commitment to timbered counties.

Today I, once again, call on the leadership to schedule a vote on H.R. 3058.

DEMOCRATS ARE WORKING TO REDUCE THE PRICE OF OIL AT THE PUMP BUT FACE RESISTANCE FROM PRESIDENT BUSH

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

Mr. BRALEY of Iowa. Mr. Speaker, American families and businesses are paying a heavy price for the Bush administration's failure to enact a comprehensive energy strategy. Families are now paying an all-time record high of $3.50 for regular gasoline, and that's more than double the cost when President Bush took office in 2001.

Last year Democrats worked in a bipartisan fashion to pass the Energy Independence and Security Act, which is expected to save American families between $700 and $1,000 per year at the pump. But there's still much more that needs to be done.

Last month the House passed legislation that would take billions in taxpayer subsidies to Big Oil and instead give them to renewable energy companies who are investing in the energy solutions of the future. This makes sense. After all, the big five oil companies continue to reap record profits. Why do they need handouts from this government?

Mr. Speaker, if President Bush and my friends across the aisle are serious about providing some relief to the American consumer, they should reconsider their opposition to this legislation.

LET'S TAKE ACTION ON ENERGY

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

Mrs. BLACKBURN. Mr. Speaker, truckers from Tennessee are visiting me this week, many of whom are operating at a net loss because of oil and gas prices. Gas prices are at historic highs. Residents of Clarksville, Tennessee are paying $51 for a 15-gallon tank of gas. That's a difference of $18.45 since January 2007 when Speaker PELOSI and the Democrat leadership gained control of Congress and began making promises.

They continue to wax eloquent about the future of energy. Their words sound promising, but the reality is, they're as empty as a lot of our gas tanks.

So what have they been doing? They have not encouraged domestic production, but have sought to remove exploration incentives that would promote energy independence.

Mr. Speaker, the American people are calling on this Congress for action. So let's take some action. Let's invest, explore and provide opportunities for American innovation to develop reliable, affordable energy for years to come.

COAST GUARD AUTHORIZATION ACT

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

Ms. BORDALLO. Mr. Speaker, as the House prepares to take up H.R. 2830, the Coast Guard Authorization Act, I call attention to Coast Guard policy affecting repairs of its vessels. There is a loophole in current law that I seek to close with an amendment that will come to the floor tomorrow.

The law does not recognize Guam as a U.S. port for the purposes of repairs, overhaul and maintenance of Coast Guard vessels. My amendment would correct this loophole and would not allow the Coast Guard to seek repairs of vessels home ported in Guam at foreign shipyards.

This amendment is needed to protect vital American jobs. Outsourcing repair, overhaul and maintenance of national security vessels is a dangerous proposition. The case in point, the Coast Guard wants to take the cutter *Sequoia*, home ported in Guam, and one of its newest in the fleet, to have its first major repairs done at a foreign shipyard by foreign workers. This move jeopardizes American jobs and critical ship repair capability on Guam.

It is in our national security interest to maintain a viable ship repair capability on Guam. The Coast Guard's actions are contrary to our national security. And this is even more serious because we have U.S. shipyard workers who are being laid off while the *Sequoia* leaves Guam.

DEMOCRATS' BROKEN PROMISES

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

Mr. GARRETT of New Jersey. Well, it's been reported in the press that the Democrats have horrifically failed as the majority in Congress of getting almost anything done. You know, they made promise after promise to try to help the American people and, to no surprise really, most of those promises are now broken.

This is evident by the fact that there's been a dramatic increase in the price of oil that we all have had to suffer and go through. Some people now call that the ''Pelosi Premium.''

Before taking the majority, the Democrats vowed that they would address this issue and, more importantly, that they had a plan. Well, here we are 16 months into this administration of this Congress, where's the plan?

Now I was on the floor just last week. At that time the cost of oil was about $115 a barrel. This week it's approaching $120 a barrel. $5 increase in just 1 week. Where is it going to be a week from now or a month from now or the summertime? I can only guess.

I can also guess as to when are the Democrats going to make the American people and their family budget a priority, as opposed to these other things we've been doing on the floor?

We really can't afford to keep on paying these skyrocketing energy prices and gas prices. If only the majority weren't so occupied with their special interest spending and earmarks, we would be able to focus on the energy problem.

PAYCHECK FAIRNESS ACT

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

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 1338, the Paycheck Fairness Act. The author has introduced this legislation for the last 10 years. It's time that we stand together for the fair payments act.

It is 2008, and yet our wives, daughters, sisters still face gender-based wage discrimination.

I am proud to advocate for equal pay because this is not a women's issue. This is an American issue. Discrimination on wages based on gender is unacceptable. Congress has a duty to tackle this issue.

The wage gap hurts families' ability to pay for basics like groceries, child care, health care. Today 41 percent of women are heads of households and are sole income earners. We're in a recession. People have lost their homes right now. The gap continues to be there. Gas prices continue to go up.

I urge my colleagues to support H.R. 1338, and allow for all women to receive fair treatment and equal opportunity.

DOMESTIC ENERGY PRODUCTION

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

Mr. LATTA. Mr. Speaker, the United States is at a crucial point in terms of domestic energy production. With estimates that China and India combined will consume more energy than the United States by 2015, we must take a serious look at our domestic energy production and continue to reduce our dependence on Middle Eastern oil.

China's increasing offshore energy production to reduce its own dependence on foreign oil, growing their production an average of 15.3 percent per year with plans to make offshore production China's largest source of oil by doubling production by 2010.

The current congressional leadership opposes domestic offshore energy exploration and production, making America the only developed nation in the world to restrict access to offshore energy supplies.

China has invested $24 billion in coal liquefaction technology, while current congressional leadership continues to exclude coal from their energy policy, even though it is the most abundant and efficient fuel source found in the United States.

Mr. Speaker, I could go on and on about our energy crisis, but it's time for this Congress to get serious about our domestic energy production.

PAYCHECK FAIRNESS ACT

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

Ms. DELAURO. Mr. Speaker, I rise today in support of every working woman who faces pay discrimination in the workplace. Last year the Supreme Court ruled 5–4 to drastically limit women's access to seek justice for pay discrimination based on gender, requiring workers to file a pay discriminate claim within a 6-month period only, regardless of how long the pay inequity goes on.

The House has passed legislation to right this wrong, and the other body will follow this week. While a weakening economy weighs heavily on women and families across America, and when women are still only earning 77 percent of what men earn, this is not the time to curtail women's access to fair pay.

That is why this Congress must pass into law the Paycheck Fairness Act. With the support of more than 227 cosponsors, my bill would help women confront discrimination in the workplace, give teeth to the Equal Pay Act by prohibiting employers from retaliating against employees who share salary information with their coworkers, allow women to sue for punitive damages and the recovery of back pay and create a new grant program to help strength the negotiation skills of girls and women.

I call on the House to pass the Paycheck Fairness Act because every woman deserves equal pay for equal work.

MEDICAID SAFETY NET ACT

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

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, I urge my colleagues today to support H.R. 5613, the Medicaid Safety Net Act. There's a lot of misinformation about what this bill does. Here are the facts.

When CMS put forth regulations to cut Medicaid service to save money, Mr. BARTON's and Mr. DINGELL's leadership not only prevented its cuts, but we actually saved more money than the cuts did.

We can't keep doing business in Washington the same way. Cutting services to save money the easy way, but not always the right way. We cannot cut programs for seniors on fixed incomes, for disabled children, for the medically needy.

Without this bill, North Carolina loses $2.5 billion, Missouri $1.4 billion, Florida $665 million. But with this bill we provide health care and cut waste, fraud and abuse.

I encourage the President to look past the rhetoric, withdraw his veto threat and encourage my colleagues to support this bill and support families in need.

NOVEMBER IS THE ANSWER

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

Mr. COHEN. Mr. Speaker, this morning I had a group of students from Hawkins Mill Elementary School in Memphis tour the Capitol, inner city young children. And I thought about what type of future they'll have and how Congress is affecting it.

I thought of the children's health plan that would give six million more children around this country health care, and the fact that the President vetoed their opportunity to have health care.

I thought about No Child Left Behind to help them in education. But that bill has been $50 billion underfunded, and basically teaches teachers to teach a test and not to teach these children.

I thought about the war in Iraq and JOHN MCCAIN's thought that it's going to be a hundred-year war, and how many of them might have to go to Iraq and maybe lose their lives and continue to suck moneys out of our economy and hinder their future with a budget that is out of balance and that they'll have to pay for.

Mr. Speaker, I'm concerned about the children at Hawkins Mill Elementary and all the other children and the future we leave them.

Mr. Speaker, November's the answer. We need to have a new Senate and a new President that think about the children and the future.

MICHIGAN STUDENTS FLEX INNOVATIVE MUSCLE

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

Mrs. MILLER of Michigan. Mr. Speaker, since the time of Thomas Edison and Henry Ford, the people from the great State of Michigan have been at the forefront of technical innovation, and that tradition continues today, this time led by the Thunder Chickens.

And you might ask, who are the Thunder Chickens? Well, they're a great group of students from the Utica Community Schools in my district who were part of a winning team at the First National Robotics Championship held this past weekend at the Georgia Dome in Atlanta.

Out of 340 competitors, the Thunder Chickens team built a robot that won a race, ran around a track, knocked plastic balls off a 6-foot overpass, picked the balls up and threw them back over an overpass. This was a robot that they designed.

The Thunder Chickens victory proves once again that the innovative spirit is in the State of Michigan. My congratulations to the mentor, the team's lead engineer, and to the entire team for a job well done. And I have no doubt that in the future we will see some of these Thunder Chickens grow up to be engineers who invent the fuel efficient vehicles of the future.

So when you think of Michigan innovators in the future, remember Henry Ford and Thomas Edison, and now think of the Thunder Chickens from Utica Community Schools.

□ 1030

REGULATING THE DISTRIBUTION OF HANDGUNS

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

Mr. DAVIS of Illinois. Mr. Speaker, there's entirely too much violence in our country perpetrated by the use of handguns. I come from a rather large city with about 3 million people, but I can tell you there were 22 shootings in Chicago over the weekend. Six individuals were actually killed because of the presence of handguns.

We must find a better way to regulate the distribution of handguns so that kids growing up can learn to practice peace and not war.

IN MEMORY OF KYLE WILKS

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

Mr. BOOZMAN. Mr. Speaker, I rise today to honor one of America's bravest, one of America's finest, Kyle Wilks from the Third District of Arkansas.

Kyle, a marine from Rogers, Arkansas, serving with the II Marine Expeditionary Force stationed at Camp Lejeune, North Carolina, died last week. He was in a convoy of 36 vehicles in the Kandahar province of Afghanistan when his vehicle was struck by an IED.

In 2004, Kyle entered the Marine Corps to help others. His devotion to his friends, his family, and his unit was selfless. The commitment Kyle showed his fellow soldiers and his country is something we can all be proud of.

Mr. Speaker, Kyle Wilks is a true American hero who made the ultimate sacrifice for his country. I ask my colleagues to keep the Wilks' family and his friends in their thoughts and prayers during this very difficult time.

WE NEED TO SUPPORT CHAIRMAN FRANK'S COMMITTEE

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

Mr. MORAN of Virginia. Mr. Speaker, I rise to recognize the Banking Committee under the leadership of Chairman BARNEY FRANK who, this week, will take us in the direction that this Congress needs to lead the country. They will mark up a bill that will establish a substantial pool of funds that will enable local governments to be able to purchase foreclosed properties and turn them into affordable housing for families desperately in need of housing they can afford in this economy. They will also help families that are on the cusp of losing their homes to be able to keep their homes. This is so important.

Mr. Speaker, as many as 7 million families will lose their homes by the end of this year. In fact, mortgage defaults are up by 72 percent. Local governments will lose $7 billion in property tax revenue that they desperately need for public safety and roads and all of the other municipal services that are so important.

We are on the cusp of a recession. We need to act quickly and comprehensively to do the right thing. Chairman FRANK's committee is doing the right thing. We need to support them.

WHAT ARE THE DEMOCRATS' SOLUTIONS TO HIGH GAS PRICES?

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

Mr. WESTMORELAND. Mr. Speaker, I want to read a few floor comments, if I could.

This one is made July 28, 2005, in a floor statement by Congressman JIM MCDERMOTT:

''Republicans have written a bill that favors corporate America over mainstream America. Sixty dollars for a barrel of oil that breaks the backs and the budgets of mainstream Americans is a scandal.''

Mr. Speaker, I wonder what Mr. MCDERMOTT thinks about $119 a barrel of oil.

Mr. Speaker, on April 20, 2005, in a floor statement, then minority leader NANCY PELOSI said this:

''The Republican energy bill is warmed-over stew of old provisions and outdated policies. Democrats have better ideas.''

Mr. Speaker, I challenge the Democrats to bring forth these better ideas because since the Democrats have taken control, gas prices are up over $1.25 a gallon.

Mr. Speaker, May 23, 2006, in a floor statement by Mr. FRANK PALLONE:

''As Americans prepare to travel this weekend for the Memorial Day holiday, they should know that Democrats are offering real solutions.''

Mr. PALLONE, we need to see those solutions.

TIME TO ACT ON THE HIGH PRICE OF OIL

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

Mr. KAGEN. Mr. Speaker, it's time for the President to act. Record high prices for gasoline and diesel fuels are crippling our economy and taking our hard-earned money and putting it into the bank accounts of Big Oil and market speculators. The President must take action today to provide relief for small businesses and ordinary people who are fighting just to keep their heads above water.

With the price of diesel fuel hitting $4 per gallon and the strategic petroleum reserve at 95 percent full, it's time for action. The petroleum reserve has 695 million gallons within it, approximately the same in August of 2005 when the President released, due to Katrina and due to Hurricane Rita, the oil supplies. According to independent analysts, if we suspend purchasing additional oil into the reserve, it will lower gas prices by 25 cents per gallon. Whose side is this administration on?

Times are tough, and the two things the President can do right now is to cut the cost of fuel at the pump and also to reduce health care costs. Today, I ask the President, again, to join me in working together to put more money in the pockets of ordinary taxpayers instead of Big Oil.

HONORING NORM ''JACK'' SNOW

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

Mr. KUHL of New York. Mr. Speaker, for the past 30 year, Norm ''Jack'' Snow has been a familiar face in the town of Milo, Yates County, New York, serving as councilman for 12 years before moving into the supervisor position for the last 18 years. Jack has offered his strength, his courage, his convictions to the town of Milo. He announced his retirement at the beginning of this year, much to the dismay of the people he represents.

A native of upstate New York, Jack grew up on a dairy farm walking one mile to a one-room schoolhouse, in which he jokes was ''uphill both ways.'' Jack didn't grow up dreaming of politics but decided he could make a difference in the community that he loved. Besides his 30 years of public service, Jack is an active member in the community serving as the President of the Shrine Club, which enables 700 school children from around the State to attend the Shrine Circus each year.

Jack cites that the reason he stayed in politics for 30 years was because of the terrific people he worked with every day. But it was us who were blessed to work with Jack, and more importantly, blessed to know him. I wish him the best of luck in his future endeavors.

RISING GAS PRICES ARE NOT THE SOLUTION AMERICANS WANT FROM THE DEMOCRATS

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

Mr. SHIMKUS. Mr. Speaker, in a press release on April 24, 2006, then Leader PELOSI, now Speaker PELOSI said, Democrats have a commonsense plan to help bring down the skyrocketing cost of gasoline. In an op-ed penned by my friend from Illinois (Mr. EMANUEL), he claimed that their success is because Democrats realize the anxiety of stagnating wages, the cost of health care, education, and even gasoline and vowed to address their concerns.

Well, they addressed their concerns. Gas prices are up. When the Democrats took over, gas prices were $2.33. Now they are $3.53. We call this the Pelosi Premium. Add the 50 cent gas tax for climate change, consumers would be paying $4.03. And when gas prices reach $4 this summer, add 50 cents for climate change; we will be paying $4.53 for a gallon of gas.

That's not the type of change that the suburbs in America bargained for when they allowed Democrats to get this Chamber.

CORRECTING THE ENGROSSMENT OF H.R. 2634, JUBILEE ACT FOR RESPONSIBLE LENDING AND EXPANDED DEBT CANCELLATION OF 2008

Mr. BACHUS. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2634 the Clerk be directed to execute the second instruction in the amendment conveyed by the motion to recommit as though it read ''all that follows on that line'' rather than ''all that follows.''

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

Mr. FRANK of Massachusetts. Mr. Speaker, reserving the right to object, it is important for the membership to understand what we have here, a need for the House to correct sloppy legislation, a use of the legislative process to score political points rather than to achieve public policy goals.

This is not a problem caused by the ranking member of the full committee, the gentleman Alabama. If you want to look at this as one big circus, today is the day that the gentleman from Alabama gets to clean up after the elephants. And I mean elephants.

What we have here, Members may have read this a week ago, there are people who specialize in writing recommittal motions that are not, in my judgment, constructive contributions to the legislative process but are ''gotchas.'' And what happens is we work in committee, as we did on this bill to provide debt relief to poor countries, the gentleman from Alabama has been a stand-out advocate for debt relief for poor countries when his party was in the majority and now.

We worked together and came up with a very good bill. In fact, a large number of the groups that support fair treatment for the poorest in the world are going to celebrate that bill tonight. Fortunately, because we were able to fix this, they have something to celebrate. We almost ruined their celebration.

Because what happened was after all of the collaborative efforts in the Committee on Financial Services, as we finished the legislative process, after we adopted several amendments, including a manager's amendment that was predominantly constructed for the Republicans' concern, a Republican amendment offered by the gentleman from California (Mr. ROHRABACHER), one offered by the gentleman from Florida (Mr. HASTINGS), we got a recommittal motion.

Now the way things have unfortunately worked around here, no one got to see, on our side, the recommittal motion until minutes before we had to debate it, and we have only 10 minutes. It was a policy statement that said no debt relief should go to anyone whose government has business interests with Iran.

By the way, Condoleezza Rice just came back from meeting with the Gulf Council, in which she was urging them to give debt relief to Iraq; and they don't want to give debt relief to Iraq apparently for a number of reasons, but one of them, you can read it in today's Washington Post and yesterday's New York Times, is Iraq has too many dealings with Iran. Now they weren't technically covered by our bill, but if you are going to set forward the principle for the United States Congress that you don't give debt relief to people who do business with Iran and other people apply that principle, you won't get debt relief for Iraq because they have those relations given their proximity, the religious commonality, et cetera.

But to go back to this request and the need for it, the recommittal motion was so badly drafted that it knocked out many parts of the bill. In fact, the House took three votes last week: Two to adopt the Republican amendments and then one to adopt a Republican recommittal that killed the two Republican amendments.

I thought, well, maybe they didn't notice that we had amendments, but as the Parliamentarian had pointed out to us, this amendment was so sloppily drafted in the urge to score political points and not consult with anybody, I think, on either side in terms of committees, that it also killed some parts of the bill. It didn't simply do the amendment. You might say, well, they drafted to the bill and didn't look at the amendments. It killed parts of the bill.

I am going to withdraw my reservation, Mr. Speaker, because this is an important bill. But will no one learn from this? Can we not stop this process of ambush and last-minute recommittal motions that are not part of a constructive legislative process but are drafted purely to make political points and drafted badly and drafted not in consultation with any substantive knowledge?

So we are here today to undo much of the effects of a recommittal motion. We are here today because of ''gotcha'' politics that the minority leadership played, not the committee leadership, but the minority leadership.

□ 1045

And so I would hope that they might have learned from this. And let me be clear, Mr. Speaker, my original intention was not to agree to this because I thought they just killed the Republican amendments. Luckily for them, they were even more incompetent in proposing that than I had thought they were, and they killed vital parts of this bill that we both need. So I am constrained to help them undo their own mistake.

And I would express the hope, probably in vain, that instead of continuing to use the recommittal motion in a way that has no constructive legislative purpose, but is truly to try and advance partisan agendas, that we can get a collaborative effort. That doesn't mean the recommittal motion shouldn't really put issues into play, of course they should; that's partly what it's for. There's no need to hold it until the last minute. If we had had an hour's notice, we could have found that error. I found the error, but by the time I found it it was too late, we had already wrote it. So I hope out of this—I don't have a lot of hope, but I do hope—that those who have sort of taken the legislative process hostage by their need to politicize recommittal will learn from this. And I hope this is the last time we have to come here and correct this.

And I will just as I close predict again, it wasn't just badly drafted in the technical sense, I will predict that we will hear that if the United States Congress adopts as a principle that no debt relief goes to a country that has business with Iran, it will undercut Secretary Rice's efforts to get the Gulf Cooperation Council to give debt relief to Iraq. And I believe that we will not only have to correct this procedurally, we will have to correct it substantively.

Mr. Speaker, I withdraw my reservation.

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

There was no objection.

Mr. BACHUS. Mr. Speaker, in closing, let me thank the chairman for his willingness to allow this unanimous consent request.

The SPEAKER pro tempore. Without objection, the gentleman from Alabama is recognized.

There was no objection.

Mr. BACHUS. Mr. Speaker, as I said, in closing, I want to thank Chairman FRANK of the full committee for his willingness to allow this unanimous consent request to be adopted. And as he would agree, this allows this very important piece of legislation to go to the Senate.

He and I and this body are joined, I think, in a bipartisan way to see that these 24 countries, heavily indebted poor countries, that hopefully this legislation will make its way through the Senate to the President, where he will sign it.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. BACHUS. I would yield.

Mr. FRANK of Massachusetts. Well, I hope that's the case. The gentleman mentioned the 24 countries. But if any of those countries emulates Iraq and perhaps buys oil from Iran, they won't get the debt relief under this recommittal. So I hope we can also correct that error.

Mr. BACHUS. Absolutely. And as the chairman knows, if this becomes legislation, then the Treasury Department would negotiate with these countries individually and come back to the Congress on an individual basis for approval. But it has, in the past, these efforts by the Congress, our legislation has had tremendously beneficial effects in alleviating poverty and suffering in these very poor countries. And I know

that is the goal that both the chairman and I share.

Mr. FRANK of Massachusetts. If the gentleman would yield one more time. And I appreciate, as I said, we had a bipartisan approach at the committee level. Partisanship took over at the recommittal process. I was glad to cooperate with the gentleman in correcting that. And I would just say to the gentleman, in the words of the song, ''It's his party and he can cry if he wants to.''

Mr. BACHUS. Well, I'm a great believer in quoting Psalms.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken later.

ALONZO WOODRUFF POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5479) to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5479

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

SECTION 1. ALONZO WOODRUFF POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, shall be known and designated as the ''Alonzo Woodruff Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Alonzo Woodruff Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I stand for the purpose to move H.R. 5479, which seeks to pay tribute to a Civil War veteran and hero, Mr. Alonzo Woodruff, by designating the North Kidd Street Post Office Building in Ionia, Michigan, after this forgotten soldier.

H.R. 5479's introduction came on February 25, 2008, introduced by Representative VERNON EHLERS of the great State of Michigan and is cosponsored by the State's entire congressional delegation. The measure was considered and approved by the Oversight and Government Reform committee on March 13, 2008, which brings us to this morning's discussion on the measure.

History reveals that Alonzo Woodruff was a Union soldier during our country's Civil War and received the Medal of Honor for his courageous acts of service at the 1864 Civil War Battle of Hatcher's Run in Virginia.

Mr. Woodruff's story of heroism and service provides an interesting glimpse into 19th century history. According to legend, Alonzo Woodruff was only 22 years old and recently married when the Michigan farmer joined the Union cause at the end of 1861. Two years later, Woodruff risked his life in hand-to-hand combat when he charged into Confederate lines to rescue a fellow soldier.

Mr. Speaker, in honor of Mr. Woodruff's heroism and dedication to preserving the United States, I would urge that we pass H.R. 5479 without reservation.

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

Mr. DAVIS of Virginia. Mr. Speaker, I would recognize the author of this resolution, the gentleman from Michigan (Mr. EHLERS), for as much time as he may consume.

Mr. EHLERS. I thank the gentleman for yielding.

Perhaps the best part about this particular bill and our action on it is to inform us once again how important it is to remember those who have served this country well and have passed on, and to not forget them, because in this case, an entire community, after a period of 145 years, forgot the significance of this individual.

I rise today in support of this bill to designate the Ionia, Michigan, Post Office, located in my district, as the ''Alonzo Woodruff Post Office Building.''

Earlier this year, students from Ms. Maureen Powell's eighth grade American social studies class at Ionia Middle School heard about Alonzo Woodruff and the fact that the community had neglected him. They raised private funds, with the assistance of VFW member Commander Denny Craycraft, to place a monument honoring Alonzo Woodruff in front of the Ionia Courthouse. I attended that ceremony and learned a great deal about Alonzo Woodruff, a sergeant on the Union side during the Civil War, who was an amazing man and did much for his country.

A Michigan native, Sergeant Woodruff was born near Detroit in 1839 and was married to Harriet Hill in 1859 in Ionia County. Alonzo Woodruff was 22 years old when he joined the Union cause in 1861. At the Battle of Hatcher's Run in Virginia, Sergeant Woodruff fought, in hand-to-hand battle, to save and free a fellow soldier. He did this again on the same day by charging Confederate lines single-handedly to rescue another comrade held by a Confederate soldier. Sergeant Woodruff even made the Confederate soldier his prisoner. For these actions, he was awarded the Congressional Medal of Honor.

Both Patricia Provot and Sandra Provot Elmer, great-great-granddaughters of Alonzo Woodruff, support this initiative, as does Mayor Dan Belice of the city of Ionia.

It is most appropriate to honor Sergeant Woodruff by naming this post office building in his honor. We must remember the sacrifices made not only during the Civil War, but in every war, by prominently displaying Sergeant Woodruff's name in the Ionia Post Office. It is my hope that more people will remember and honor the bravery of all our young men and women who are fighting for our country.

I urge all Members to support this bill.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of this bill to designate the facility of the U.S. Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the ''Alonzo Woodruff Post Office Building.''

Born near Detroit in March of 1839, Alonzo Woodruff was a simple man. He was a farmer by trade, but the recently married Woodruff decided to join the Union Army when tensions flared between the North and the South. He was 22 years of age at the time. In March of 1862, he was assigned to the 1st U.S. Regiment of Sharpshooters.

In October of 1864, Union forces continued their advance on Confederate lines at Hatcher's Run, Virginia. It was on October 27, 1864 that this simple farmer earned a place as an American hero. Posted on the extreme left of the Union line, Sergeant Woodruff and his comrade in arms, Corporal John Howard, encountered Confederate forces flanking their position. After discharging their weapons and being unable to reload, Corporal Howard engaged the Confederate leader in hand-to-hand combat, only to be overwhelmed and severely wounded in both legs. Unloaded rifle in hand, Sergeant Woodruff fell upon the Confederate soldiers and through desperate hand-to-hand combat rescued Corporal Howard and facilitated their escape.

Additional accounts claim that later that same day, upon witnessing a

wounded private from his company being marched away as a prisoner by a rebel soldier, Woodruff again took decisive and brave action. Though he was severely wounded in the struggle, Woodruff succeeded in freeing his comrade, and in turn made the Confederate soldier his prisoner.

On January 29, 1896, Sergeant Alonzo Woodruff was awarded the Medal of Honor. His citation reads, ''Went to the assistance of a wounded and overpowered comrade, and in a hand-to-hand encounter effected his rescue.''

After the war, Woodruff settled in Lake County, Michigan, where he and his wife raised their three children. Alonzo Woodruff passed away in 1917, a true American hero.

I would urge my colleagues to support this bill honoring the life and actions of a simple man who answered the call to fight for the sound future of his country. In a violent and difficult time, his bravery embodies a commitment not only to his comrades, but also to his country.

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

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5479.

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

A motion to reconsider was laid on the table.

ROCKY MARCIANO POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5528) to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5528

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

SECTION 1. ROCKY MARCIANO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, shall be known and designated as the ''Rocky Marciano Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Rocky Marciano Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure to yield such time as he might consume to the gentleman who introduced this legislation, Representative LYNCH from Massachusetts.

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

Mr. LYNCH. Thank you, Chairman DAVIS, for yielding me this time.

Mr. Speaker, H.R. 5528 will designate the United States Postal Service facility located at 120 Commercial Street in the city of Brockton, Massachusetts, as the ''Rocky Marciano Post Office Building.''

At the outset, I would like to thank the members of the Marciano family and the public officials and the residents in the city of Brockton for their dedication in honoring Rocky Marciano, who was a remarkable champion and citizen, through the naming of this Commercial Street post office.

In particular, I would like to note the contributions made by Rocky Marciano's younger brother, Peter Marciano, Sr., also Brockton Mayor Jim Harrington, my good friend, his staff assistant, Donna Daily, Senator Bob Creedon, Representative Tom Kennedy, Chris Canavan and Gerry Creedon, as well as the city council, led by City Councilman Mike Brady.

□ 1100

In addition, I would like to note the support of the Brockton High School's legendary football coach, Armond Columbo; Brockton resident Mark Casieri, who owns Rocky Marciano's boyhood home on Dover Street; Goody Petronelli, the iconic fight trainer and owner of downtown Brockton's renowned Petronelli Brothers Gym; and last but not least, Charlie Tartaglia, who is the owner of the historic George's Cafe on Belmont Street and whose walls and whose institution there serves as a pictorial shrine to the sport of boxing and also to the life of Rocky Marciano and the city of Brockton.

Mr. Speaker, Rocco Francis Marchegiano, better known as Rocky Marciano, was born and raised in a working class family in the city of Brockton, Massachusetts. He attended Brockton High School, and from his induction in 1943 to his discharge in 1946, he served this country proudly as a United States Army private with the 150th Combat Engineers. It was during his Army service that Rocky Marciano first discovered his love for boxing.

And as noted in Mr. Marciano's official biography, ''There were those who didn't think much would become of the 190 pound heavyweight from Brockton in the early days.'' Nevertheless, during his subsequent professional heavyweight boxing career, Rocky Marciano, nicknamed the ''Brockton Blockbuster,'' amassed a professional record of 49 wins, no draws, and no losses, with 43 knockouts. Rocky Marciano held boxing's heavyweight title from 1952 until 1956, and, notably, he remains the only heavyweight champion in boxing history to retire undefeated.

However, Rocky Marciano's legacy extends beyond the boxing ring. His achievements, his skill, and relentless work ethic and determination made Rocky Marciano the personification of what is best and proudest in the city of Brockton and in this country.

As noted by sportswriter Ed Fitzgerald in a January, 1953, SPORT magazine article, ''All Brockton came to love him and always will . . . He put the city on the map; he gave its citizens a new interest in life.''

In his honor Brockton is commonly referred to as the ''City of Champions,'' and in his footsteps, the city has borne other great champions, including former boxing middleweight champion Marvin Hagler and also the celebrated Brockton High School Boxers football team, who won back-to-back State championships in 2004 and 2005.

Mr. Speaker, I would like to thank Chairman DAVIS and his subcommittee staff, as well as Denise Wilson of the full committee, for their assistance with this bill.

I urge my colleagues to join me in supporting H.R. 5528.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5528, Representative LYNCH's legislation to name a post office in Brockton, Massachusetts, on behalf its favorite son, Rocky Marciano.

Mr. Speaker, the men who occupied the opposite corner for Rocky Marciano's 49 professional fights probably would agree on only one thing about him: that he was a magnificent fighter. In a career that lasted a little more than 8 years, he won all 49 of his pro fights. He still to this day is the only heavyweight to finish undefeated. He won 43 by knockouts, 9 of those in the first round. None of his first 16 fights lasted even five rounds. Only once did he win on a split decision, and only once did he have to go the full 15 rounds to subdue an opponent.

His nose looked like a piece of cork, his eyes like black stilettos angrily firing out at his foes. His hands were like hammers, pounding relentlessly on the hapless men who opposed him. At 5′10″, 185 pounds, he was smaller and slower than most heavyweights. But what he lacked in size and speed, he made up for in his desire and toughness. And that's why the crowd loved him.

It was said that a Marciano knockout blow packed as much punch as an armor-piercing bullet; that it equaled

the force required to lift a 1,000 pound block 1 foot off the ground. It was enough, literally, to turn heads.

But what is not well known is that this hardscrabble Italian, who fought just twice outside the Eastern seaboard, was a genuinely good guy. He served in the Army, lent much of his winnings to friends, and worked for charitable endeavors. Ultimately, he died in the plane crash en route to give a speech for the son of a friend.

Rocky Marciano was a self-made man. He grew strong on homemade weightlifting equipment and tough on a heavy bag made out of an old mail sack that hung from a tree in his backyard. As his plaque says at the International Boxing Hall of Fame: To define Rocky Marciano's career, one only needs to know 49–0, 49 fights, 49 wins.

With that, Mr. Speaker, I urge passage of this legislation.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to present for consideration H.R. 5528, which seeks to commemorate the life of Rocky Marciano, the undefeated boxer from Brockton, Massachusetts, by naming a United States Post Office in his honor.

Rocky Marciano's story serves as a testament to the American Dream and the endless possibilities that line every street in our great country. His accomplishments remind us of the fact that the United States of America is a place where a poor and disadvantaged young man growing up in the rough neighborhoods of Brockton, Massachusetts, can aspire and achieve greatness.

H.R. 5528 was introduced by Representative STEPHEN LYNCH of Massachusetts on March 4, 2008, and was considered by and reported from the Oversight Committee on March 13, 2008, by voice vote. The measure has the support of the nine members of the Massachusetts congressional delegation and upon passage will pay tribute to a man who demonstrated the limitless potential that lies within each human being. The obstacles Rocky Marciano had to overcome in life, whether they were physical, financial, or spiritual, provide inspiration to us all.

Rocco Francis Marchegiano was born in Brockton, Massachusetts, on September 1, 1923. Weighing 12 pounds and sporting a robust frame, it was obvious, even as a newborn, that Rocky Marciano was not a pushover. Yet his luck was not as healthy as his physique. At 18 months Rocky contracted pneumonia and would have perished were it not for his remarkably strong constitution. Thus starting from a tender age, Rocky learned how to fight back to overcome daunting odds.

His first introduction to boxing came when he and some friends set up a stuffed mail sack in Marchegiano's backyard to serve as a boxing bag. Now, as chairman of the Federal Workforce, D.C., and Postal Service Subcommittee, I wouldn't normally approve of using mail sacks in such an abusive way. But in Rocky's case, I must say that his resourcefulness is quite admirable.

At age 20 Rocky was drafted into the U.S. Army to fight overseas in the European theater. After only 8 months, he was flown back to the States where he awaited transfer to the Pacific in Fort Lewis, Washington. While stationed at Fort Lewis, he volunteered to represent his unit in a ring of amateur fights and eventually won the boxing tournament in 1946. From that point onward, sports history would be forever changed and Rocky Marciano would begin his long career as world champion until he announced retirement in April of 1956.

On the eve of his 46th birthday in 1969, Marciano was aboard a small private plane that went down on its way to Des Moines, Iowa. In memory of Rocky Marciano and in honor of his accomplishment, I urge swift passage of H.R. 5528.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5528.

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

A motion to reconsider was laid on the table.

PRIVATE FIRST CLASS DAVID H. SHARRETT II POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5483) to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the ''Private First Class David H. Sharrett II Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5483

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

SECTION 1. PRIVATE FIRST CLASS DAVID H. SHARRETT II POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, shall be known and designated as the ''Private First Class David H. Sharrett II Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Private First Class David H. Sharrett II Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I join my colleagues in consideration of H.R. 5483, which renames a post office building in Oakton, Virginia, after one of our country's fallen soldiers: Private First Class David H. Sharrett II.

H.R. 5483 was introduced on February 25, 2008, by Congressman TOM DAVIS, our committee's ranking member, and has the support of the entire Virginia delegation, which is only fitting as the measure honors one of the State's native sons and heroes. H.R. 5483 was considered by the Oversight and Government Reform Committee on March 13, 2008, where it was passed without objection by voice vote.

A longtime resident of the Northern Virginia community of Fairfax, Private First Class David H. Sharrett II was tragically killed on Wednesday, January 16, 2008, along with two other soldiers from his command, when they were attacked by grenade and small-arms fire during a combat operation in Balad, Iraq.

Known throughout the area as a star defensive end for the Oakton High School football team, Private Sharrett elected to enlist in the U.S. military in the summer of 2006 and was assigned to the 101st Airborne Division in Fort Campbell, Kentucky. According to Private Sharrett's father, David's tour of duty in Iraq was scheduled to end in October of 2009 and he planned to return to Northern Virginia to earn a degree in education and possibly become a history teacher, which I must say is another noble and honorable profession. Although Private Sharrett's dream must now go unaccomplished, let the record show that his valiant service to our country and the world will undoubtedly live on for generations to come.

So, Mr. Speaker, I ask that we join with Representative TOM DAVIS, our colleague from Virginia, in acknowledging the life and sacrifices of Private First Class David H. Sharrett II and pass H.R. 5483.

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

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 5483, a bill to rename the post

office located at 10449 White Granite Drive in Oakton, Virginia, after an American hero: Private First Class David Sharrett II, a proud son of Fairfax County, Virginia.

PFC Sharrett grew up in Oakton, Virginia, where he attended Oakton Elementary School, Cooper Intermediate School, and Oakton High School, where he starred as a defensive end on the Cougars' regional championship football team. His high school football coach, Peter Bendorff, said, ''He wasn't the biggest kid, but he was fearless. He was a kid that sticks out in your mind.''

So it was not surprising when in 2006 he decided to enlist in the Army, where he was assigned to the 1st Squadron, 32nd Calvary Regiment of the 101st Airborne Division, 1st Brigade Combat Team, based in Fort Campbell, Kentucky. Before long he was deployed to Iraq.

During his time overseas, PFC Sharrett missed his family and called home often. His father, David Sharrett Sr., a teacher in Northern Virginia, said during those calls, his son downplayed the dangers he encountered and talked mainly about the pride of serving his country.

But one day, while Mr. Sharrett was teaching, he got the call no parent should ever receive. His son had been killed in action on January 16 of this year in a grenade attack in Baghdad. He was 27 years old.

Private Sharrett left behind a proud family and friends, who will always remember his bravery on behalf of his country. They will look to his decorations, which include the National Defense Medal, the Global War on Terrorism Medal, the Army Service Ribbon, and the Expert Weapons Qualification Badge. They will comfort his family, his father; his wife; and his mother, Kimberly Drummond. And they will know that we owe PFC Sharrett and his family a debt of gratitude we can never repay.

This small token of our appreciation, the renaming of a post office in the town he called home, is an appropriate tribute. Therefore, I ask that my colleagues join me in doing what we can to honor this brave man and support H.R. 5483. Further, I ask that we continue to honor all of our men and women in uniform who serve this great Nation with distinction.

□ 1115

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

Mr. DAVIS of Illinois. Mr. Speaker, I urge passage of H.R. 5483, and yield back the balance of our time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 5483.

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

A motion to reconsider was laid on the table.

MARISOL HEREDIA POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4185) to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the ''Marisol Heredia Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4185

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

SECTION 1. MARISOL HEREDIA POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, shall be known and designated as the ''Marisol Heredia Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Marisol Heredia Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I am pleased to join my colleagues from the State of California in the consideration of H.R. 4185, which names the postal facility in El Monte after Specialist Marisol Heredia, a distinguished and heroic American servicewoman.

H.R. 4185, which was introduced by Representative SOLIS of California on November 11, 2007, was considered by and reported from the Oversight Committee on March 13, 2008, by a voice vote. The measure has the support of the California delegation, and provides us with yet another opportunity to pay tribute to a member of our country's Armed Services.

Specialist Marisol Heredia was only 19 years old when, on September 7, 2007, she died at Brooke Army Medical Center in San Antonio as a result of complications suffered from a noncombat-related injury she received on July 18 in Baghdad, Iraq. Specialist Heredia was assigned to the 15th Brigade Support Battalion, 2nd Brigade Combat Team, 1st Cavalry Division, Fort Hood, Texas.

Described as a strong-willed and perceptive young woman, Specialist Heredia held the rank of Specialist 4, and had served for months in war-torn Iraq before being badly burned on July 18 while refilling a generator. Although this special young lady was only 19 years old when she lost her life, her service and faithful commitment to preserving the liberties and freedoms for which our Nation is built upon are sure to live on forever.

And so, Mr. Speaker, let us remember and pay tribute to the ultimate sacrifice made by Specialist Marisol Heredia and pass this measure at hand.

I urge passage and reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to urge passage of H.R. 4185, to designate the facility of the United States Postal Service located in El Monte, California, as the Marisol Heredia Post Office Building.

Mr. Speaker, Army Specialist Marisol Heredia of the 15th Brigade Support Battalion, 2nd Brigade Combat Team, 1st Calvary Division, Fort Hood, Texas, was a young woman with a promising future. Specialist Heredia's life was tragically taken from her at the age of 19, while dutifully serving in the United States Army. She was deployed in Baghdad, Iraq, where she sustained noncombat-related injuries, which eventually led to her passing. Her injuries were sustained on July 18, 2007, during the performance of a routine duty, the refueling of a generator. After a long and hard-fought battle, she ultimately succumbed to those injuries on September 7.

Before enlisting, this young lady was a gifted student, who graduated from Mountain View High School with a GPA in the 3.5 range. During her time in high school, she developed an affinity for the French language and culture, becoming the vice-president of the school's French club. Joining the Army shortly after her high school graduation, she wanted to follow in her sister Claudia's footsteps.

Enlisting to serve our great Nation is a selfless and brave vocational choice. Specialist Heredia served as an example of how military service is inherently dangerous and that those dangers are not limited solely to those in the battlefield. She's survived by her sisters, Claudia and Carolina; her mother, Rosa Heredia; her stepfather, Jose Dominguez; and her fiance, Travis Beaumont, a fellow United States Army soldier.

With gratitude for her bravery and sacrifice to her country, I ask all Members to join me in supporting H.R. 4185, which will rename the post office in El Monte, California, in her honor.

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

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of our time, and urge passage of this legislation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 4185.

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

A motion to reconsider was laid on the table.

WILLIAM F. BUCKLEY, JR.

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1016) expressing the condolences of the House of Representatives on the death of William F. Buckley, Jr., as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1016

Whereas William F. Buckley, Jr., was born on November 24, 1925, in New York City, the sixth of 10 children in a devoutly Catholic family;

Whereas William Buckley studied at the University of Mexico before serving his country in the Army and then later graduating with a Bachelor of Arts (in political science, economics, and history) with honors from Yale University in 1950;

Whereas William Buckley worked briefly for the Central Intelligence Agency;

Whereas at the young age of 25, William Buckley published his first popular book, entitled ''God and Man at Yale'';

Whereas William Buckley went on to write more than 55 books and edit 5 more, including ''Let Us Talk of Many Things: the Collected Speeches''; the novel, ''Elvis in the Morning''; and his literary autobiography, ''Miles Gone By'';

Whereas William Buckley wrote more than 4,500,000 words in his more than 5,600 biweekly newspaper columns, entitled ''On the Right'';

Whereas William Buckley founded the popular and influential National Review magazine in 1955, a respected journal of conservative thought and opinion;

Whereas William Buckley wrote in the first issue of National Review that, in founding the magazine, it ''stands athwart history, yelling Stop, at a time when no one is inclined to do so, or to have much patience with those who so urge it'';

Whereas William Buckley served as editor of National Review for 35 years, from its founding in 1955 until his announced retirement in 1990, and as editor-at-large until his death;

Whereas in 1965, William Buckley ran for mayor of New York City and received 13.4 percent of the votes on the Conservative Party ticket;

Whereas William Buckley was host of the Emmy Award-winning and long-running ''Firing Line'', a weekly television debate program with such notable guests as Barry Goldwater, Margaret Thatcher, Jimmy Carter, Ronald Reagan, and George H.W. Bush;

Whereas the New York Times noted that ''Mr. Buckley's greatest achievement was making conservatism—not just electoral Republicanism, but conservatism as a system of ideas—respectable in liberal post-World War II America. He mobilized the young enthusiasts who helped nominate Barry Goldwater in 1964, and saw his dreams fulfilled when Reagan and the Bushes captured the Oval Office'';

Whereas as well-known columnist George Will once said, ''before there was Ronald Reagan there was Barry Goldwater, before there was Goldwater there was National Review, and before there was National Review there was William F. Buckley'';

Whereas William Buckley's consistent efforts facilitated the rise of Senator Barry Goldwater and, ultimately, the presidency of Ronald Reagan;

Whereas William Buckley received the Presidential Medal of Freedom in 1991;

Whereas William Buckley received numerous other awards, including Best Columnist of the Year, 1967; Television Emmy for Outstanding Achievement, 1969; the American Book Award for Best Mystery (paperback) for ''Stained Glass'', 1980; the Lowell Thomas Travel Journalism Award, 1989; the Adam Smith Award, Hillsdale College, 1996; and the Heritage Foundation's Clare Booth Luce Award, 1999;

Whereas William Buckley spent over 56 years married to the former Patricia Alden Austin Taylor, a devoted homemaker, mother, wife, and philanthropist, before her passing in April 2007;

Whereas William Buckley passed away on February 27, 2008, and is survived by his son, Christopher, of Washington, DC; his sisters, Priscilla L. Buckley, of Sharon, Connecticut, Patricia Buckley Bozell, of Washington, DC, and Carol Buckley, of Columbia, South Carolina; his brothers, James L. Buckley, of Sharon, Connecticut, and F. Reid Buckley, of Camden, South Carolina; and a granddaughter and a grandson;

Whereas William Buckley, by virtue of his distinct personality, talents, good humor, and goodwill, led in a manner that earned the respect and friendship even of his adversaries; and

Whereas William Buckley was recognized as a towering intellect, a man who, in the words of Ronald Reagan, ''gave the world something different'', and, most of all, a true gentleman who encountered everything he did with grace, dignity, optimism, and good humor: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors the life of William F. Buckley, Jr., for his lifetime commitment to journalism, his devotion to the free exchange of ideas, and his gentlemanly and well-respected contributions to political discourse; and

(2) mourns the loss of William F. Buckley, Jr., and expresses its condolences to his family, his friends, and his colleagues.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand to present H. Res. 1016, which was introduced by Representative TOM FEENEY of Florida on March 4 of this year, and enjoys the cosponsorship of over 90 Members of Congress. The measure was considered by and voted out of the Oversight and Government Reform Committee on March 13, 2008, after having been amended.

William F. Buckley was born on November 24, 1925, in New York City, and even as a young child he displayed a remarkable level of intelligence and awareness. Along with English, Mr. Buckley was fluent in Spanish and French, and was an avid musician and outdoorsman.

After attending the National Autonomous University in Mexico in 1943, Buckley was commissioned as a Second Lieutenant in the United States Army. During his tenure, he served as a member of Franklin Roosevelt's Honor Guard until the President passed away. After his military service, Buckley went on to attend Yale, where he was a member of the Skull and Bones Society, a master debater, and editor in chief of the Yale Daily News. He studied political science, history, and economics, graduating with honors in 1950.

In 1950, Buckley married Patricia Alden Austin Taylor, and as a major proponent of marriage, Mr. Buckley practiced what he preached, having been married himself for 57 years. In 1951, he was recruited by the CIA while publishing his first book, God and Man at Yale. He would later go on to write a volume of novels, over 50 more, featuring topics ranging from history to sailing. Most everyone knows him for his hosting of the PBS show, Firing Line, where he displayed a scholarly, light-hearted style.

In February of 2008, Bill Buckley was found dead at his home in Stamford, Connecticut. Let us remember him for his great oratory skills, his admirable journalism, and his overall commitment to social activism. Mr. Buckley is known for a number of views, ranging from drug legalization to opposition of the Iraq war, and whether you agreed or disagreed with him, you must recognize him for being a spirited man, well thought in his opinions, and loyal to his country.

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

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 1016, to honor the life of William F. Buckley, Jr. Where do you start? By the age of 25, Buckley had written God and Man at Yale, a stinging critique of the onslaught of secularism in a great American university. By the age of 30, he had founded National Review, a safe harbor for conservative intellectuals at a time most of the world thought those terms were mutually exclusive. His fascination with the written word continued literally until the moment he died, at his typewriter, in February at his home in Connecticut.

He spoke three languages. English came third to him, after Spanish and

French. He played the harpsichord and the piano. He hosted more than 1,400 episodes of his political talk show, Firing Line, and banged out a twice-weekly column. He claimed he could do this in 20 minutes, as long as he lived. He sailed, he skied, he hunted, he rode horses, he loved the Catholic Church, and Johann Sebastian Bach, in that order, barely.

The world was his couch, as anyone who saw Buckley on his TV shows knows. He sat perpetually at a 45-degree angle as he sparred with the thinkers and newsmakers of his day in an accent just British enough to sound patrician. He was, mostly for our purposes, a true public intellectual.

On his television program, which ran for nearly 30 years, as well as on other programs, in writing and elsewhere, he tested his ideas in a uniquely public sphere. The Cold War was, for him, America's defining struggle, and he tolerated nothing less than the profligate use of all weapons at our disposal. His writings gave rise to what we now know as the modern American conservative movement. He not only helped to birth it, he helped to raise it to maturity.

His was not the reflexive and unreflective rhetoric that government could do nothing competent. His was a message that government, even so-called Big Government, was not only here to stay, but indispensable to a society that wished to protect itself from the malevolent forces beyond and within its borders. The role of conservatives, he said, was not to propose programs that expanded government's reach; it was to propose the rules for those programs to ensure that they work with minimal government intrusion.

As rapidly as ideas burbled to the surface of Buckley's mind, it should come as no surprise that some required rethinking, which he did with unflinching grace and determination. National Review opposed the civil rights legislation in the mid sixties. But less than 5 years later, he was opposing the presidential candidacy of segregationist George Wallace and growing to admire the Reverend Martin Luther King, Jr. Later, he would advocate for making King's birthday a national holiday.

He was an inspiration to millions of young conservatives. I remember being a young college student at Amherst College in the late sixties, eagerly awaiting each new edition of National Review, as kind of an antidote to the liberal orthodoxy that was taught in the classrooms.

Through politics, he became friends with the conservative giants of our age: Ronald Reagan, Milton Friedman, Henry Kissinger, and Barry Goldwater, before and above them all. But through his magazine and other pursuits, he built another network of friends. The lowliest staffer at National Review was as likely a member of this network as the most powerful cabinet secretary or Member of Congress.

William F. Buckley, Jr., spent a lifetime engaging minds, expressing his, and trying to make his world better. Many of us have much to thank him for. All of us can admire this active mind, this kindly, life-loving man, his formidable legacy.

I would urge adoption of this resolution.

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

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve.

Mr. DAVIS of Virginia. I would yield such time as he may consume to the gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. I thank my former chairman for yielding, and now ranking member of the Government Oversight Committee.

I wanted to speak today because I have tremendous admiration for William Buckley, Jr. He lived in many places. He had a wonderful home in New York City, he had a wonderful home on the water in Stamford, Connecticut, in the Fourth Congressional District, and a family compound in Sharon, Connecticut, as well.

Bill Buckley was an absolute delight to interact with. On occasion, not often, I would be invited to have dinner at his home, and he would have people of great notoriety. I would participate in the dialog, but a lot of the time I felt it was best to listen more than talk. I loved the twinkle in Bill Buckley's eyes as he debated people, and me, on occasion.

There was nothing mean or angry ever in the way he spoke to people. He had strong views, but he clearly liked the interaction that took place. He loved debating ideas, he loved drawing you out. But I never once ever heard him be nasty about anyone. He was a conservative with strong views but he listened kindly to those with other views.

I would like to place in the RECORD, A Eulogy for My Father, St. Patrick's Cathedral, April 4, 2008, and that is by his only son, Christopher Buckley. I will just read a slight part of it. This was delivered on the occasion of the memorial mass for his dad at St. Patrick's Cathedral.

Christopher began by saying, ''We talked about this day, he and I, a few years ago. He said to me, 'If I'm still famous, try to convince the cardinal to do the service at St. Patrick's. If I'm not, just tuck me away in Stamford.' '' Then Christopher went on to say, ''Well, Pup, I guess you're famous.''

Further on he said, ''Pope Benedict will be saying mass here in 2 weeks. I was told that the music at this mass for my father would in effect be the dress rehearsal for the Pope's. I think that would have pleased him, though doubtless he would have preferred it to be the other way around.''

It was a magnificent service. It was a service where great joy and admiration was expressed and with people from all political persuasions, from the most liberal, to the most conservative. We were saluting a man, the likes of which we may never see again, sadly.

With that, let me say thank goodness for William Buckley, for his magnificent family, and for the grace which embodied everything he did.

EULOGY FOR MY FATHER

Delivered on the Occasion of the Memorial Mass for the Repose of the Soul of William F. Buckley Jr. on April 4, 2008, at St. Patrick's Cathedral

(By Christopher Buckley)

We talked about this day, he and I, a few years ago. He said to me, ''If I'm still famous, try to convince the Cardinal to do the service at St. Patrick's. If I'm not, just tuck me away in Stamford.''

Well, Pup, I guess you're still famous.

I'd like to thank Cardinal Egan and Msgr. Ritchie of the archdiocese for their celestial hospitality, and Fr. Rutter for his typically gracious words. I'd also like to thank Dr. Jennifer Pascual, musical director of St. Patrick's, as well as the St. Patrick's Cathedral Choir, and organists Donald Dumler and Rick Tripodi for such beautiful music.

Pope Benedict will be saying Mass here in two weeks. I was told that the music at this Mass for my father would, in effect, be the dress rehearsal for the Pope's. I think that would have pleased him, though doubtless he'd have preferred it to be the other way around.

I do know he'd have been pleased, amidst the many obituaries and tributes, by the number of editorial cartoons that depicted him at the Pearly Gates. One showed St. Peter groaning, ''I'm going to need a bigger dictionary.'' If I disposed of the cartoonist's skills, I might draw one showing a weary St. Peter greeting the Fed Ex man, ''Let me guess—another cover story on Mr. Buckley?''

My mother is no longer with us, so we can only speculate as to how she might react to these depictions of her husband of 56 years arriving in Paradise so briskly. My sense is that she would be vastly amused. On the day he retired from Firing Line after a 33-year-long run, Nightline (no relation) did a show to mark the occasion. At the end, Ted Koppel said, ''Bill, we have one minute left. Would you care to sum up your 33-years in television?'' To which my father replied, ''No.''

Taking his cue, I won't attempt to sum him up in my few minutes here. A great deal has been written and said about him in the month since he died, at his desk, in his study in Stamford. After I'd absorbed the news, I sat down to compose an e-mail. My inner English major ineluctably asserted itself and I found myself quoting (misquoting, slightly) a line from Hamlet, He was a man, Horatio, take him for all in all, I shall not look upon his like again.

One of my first memories of him was of driving up to Sharon, Connecticut for Thanksgiving. It would have been about 1957. He had on the seat between us an enormous reel-to-reel tape recorder. For a conservative, my old man was always on the cutting edge of the latest gadgetry—despite the fact that at his death, he was almost certainly the only human being left on the planet who still used Word Star.

It was a recording of MacBeth. My five-year-old brain couldn't make much sense of it. I asked him finally, ''What's eating the queen?'' He explained about the out-out-damned spot business. I replied, ''Why doesn't she try Palmolive?'' So began my tutelage with the world's coolest mentor. It was on those drives to Sharon that we had some of our best talks. This afternoon, I'll make one last drive up there to bury him,

alongside with his sisters in the little cemetery by the brook. When we held the wake for him some days after he died, I placed inside his casket a few items to see him across the River Styx: his favorite rosary, the TV remote control—private joke—a jar of peanut butter, and my mother's ashes. I can hear her saying, ''Bill—what is that disgusting substance leaking all over me?'' No pharaoh went off to the afterlife better equipped than he does.

The last time I was with him in Sharon was last October. It was a fundraiser for the local library, billed as ''A Bevy of Buckleys''—my dad, Uncle Jim, Aunt Pitts, Aunt Carol, me—reading from the aggregate Buckley oeuvre—a word I first heard from his lips many years ago, along with other exotic, multi-lingual bon mots: mutatis mutandis; pari passu; quod licet Jove, non licet bovi.

An article had appeared in the local paper a few days before, alerting the community to this gala event. As I perused the clipping, my eyes alighted on the sentence: ''The Buckleys are a well-known American family, William F. Buckley being arguably the best known.''

I kept my amusement to myself, and handed Pup the clipping and waited silently for the reaction I knew would come. Sure enough, within seconds, he looked up with what I would describe as only faintly bemused indignation and said, ''Ar-guably?''

He was—inarguably—a great man. This is, from a son's perspective, a mixed blessing, because it means having to share him with the wide world. It was often a very mixed blessing when you were out sailing with him. Great men always have too much canvas up. And great men set out from port in conditions that keep lesser men—such as myself—safe and snug on shore. One October day in 1997, I arrived from Washington in Stamford for a long-planned overnight sail. As the train pulled into the station, I looked out and saw people hanging onto lampposts at 90-degree angles, trying not to be blown away by the northeast gale that was raging. Indeed, it resembled a scene from The Wizard of Oz. When the train doors opened, I was blown back into the carriage by the 50-mile-an-hour wind. I managed to crawl out onto the platform, practically on all fours, whereupon my father greeted me with a chipper, ''We'll have a brisk sail.''

I looked up at him incredulously and said, ''We're going out in this?'' Indeed we did go out in it. We always went out in it. Some of my earliest memories are of my mother, shrieking at him as the water broke over the cockpit and the boat pitched furiously in boiling seas, ''Bill—Bill! Why are you trying to kill us?''

But the cries of timorous souls never phased him. He had been going out in it for years, ever since he published his first book, God and Man At Yale. Nor did he need a sailboat to roil the waters. His Royal typewriter—and later, Word Star—would do.

How many words flowed from those keyboards. I went up to Yale recently to inspect his archive of papers. They total 550 linear feet. To put it in perspective, the spire of St. Patrick's rises 300 feet above us. By some scholarly estimates, he may have written more letters than any other American in history. Add to that prodigal output: 6,000 columns, 1,500 Firing Line episodes, countless articles, over 50 books. He was working on one the day he died.

Jose Martí famously said that a man must do three things in life: write a book, plant a tree, have a son. I don't know that my father ever planted a tree. Surely whole forests, whole eco-systems, were put to the axe on his account. But he did plant a lot of seeds and many of them, grown to fruition, are here today. Quite a harvest, that.

It's not easy coming up with an epitaph for such a man. I was tempted by something Mark Twain once said, ''Homer's dead, Shakespeare's dead, and I myself am not feeling at all well.''

Years ago, he gave an interview to Playboy Magazine. Asked why he did this, he couldn't resist saying, ''In order to communicate with my 16-year-old son.'' At the end of the interview, he was asked what he would like for an epitaph and he replied, '' 'I know that my Redeemer liveth.' '' Only Pup could manage to work the Book of Job into a Hugh Hefner publication. I finally settled on one, and I'll say the words over his grave at sunset today in Sharon, as we lay him to rest. They're from a poem he knew well—Robert Louis Stevenson's Requiem—each line of which, indeed, seemed to have been written just for him:

Under the wide and starry sky
Dig the grave and let me lie.
Glad did I live, and gladly die.
And I lay me down with a will.
This be the verse you grave for me:
Here he lies where he longed to be.
Home is the sailor, home from sea,
And the hunter home from the hill.

Mr. DAVIS of Virginia. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Virginia has 12 minutes remaining.

Mr. DAVIS of Virginia. I would yield such time as he may consume to the gentleman from Indiana (Mr. PENCE).

□ 1130

Mr. PENCE. I thank the gentleman for yielding and for the privilege of having the opportunity to speak in favor of this important resolution expressing the condolences of the House of Representatives on the death of William F. Buckley, Jr. I also want to thank the Democratic leadership of the Congress for scheduling this bill and giving this Congress and this country an opportunity to express appreciation for an extraordinary American life.

This resolution was introduced by Congressman TOM FEENEY. I am proud to be an original cosponsor of the bill. I want to thank Congressman TOM FEENEY for his leadership and his compassionate attentiveness in bringing this legislation before the Congress. Congressman FEENEY cannot be with us today. He is on a congressional delegation trip to China. But I know that were he here, he would regale this floor and those watching in with his deep affection and appreciation for the life and work of William F. Buckley, Jr.

As this resolution attests, William F. Buckley, Jr., was an American hero and an intellectual leader of the conservative movement for more than five decades. As the previous speaker just alluded, he led in a manner that earned both the respect and the friendship of his political adversaries.

William F. Buckley, from his many years on television, the program, Firing Line, which was the longest running political television program in the history of American television, he demonstrated that wit and sharpness and civility can all go together, and it is a lesson that I suspect many of us on an ongoing basis can continue to learn and apply in the institutions of our government.

By virtue of his distinct personality, his talents, his humor and his goodwill, William F. Buckley has been recognized as the premier conservative intellectual in post-World War II America. He once commented that he would ''rather live in a society governed by the first 2,000 names in the Boston phone directory than in one governed by the 2,000 members of the Harvard faculty.'' It was that kind of rapier wit, beginning with the publication of his book ''God and Man at Yale,'' that ended up resulting in the publication of thousands of books, thousands of columns, and thousands of debates that turned him into a force of nature in the American public debate.

We also recognize him as a man who played a critical role in helping this Nation understand the great calling of his generation, which inasmuch as the calling of the greatest generation, was to confront Nazism and fascism.

William F. Buckley and his intellect and his capacity for elocution managed to help focus the Nation on the threat of Soviet communism and the realities of the Soviet Union, and I believe that history will record that it was William F. Buckley, Jr., perhaps more than any other American, who outside of government influenced the leadership in the 1980s that led to the collapse of Soviet communism and the Soviet Union.

Upon the election of Ronald Reagan, it was reported to me once that William F. Buckley was asked what position he would like to have in the new Reagan Administration, to which he apparently put his hand in his jacket pocket and replied with a twinkle in his eye, ''ventriloquist.'' And in many respects William F. Buckley was a ventriloquist for so many of us in public life, reading his columns, reading his books, having from time to time the privilege of watching him long distance or in person as he made the case for limited government. He made the case for traditional values. He made the case for the American ideal of freedom, here at home and on a global basis. We, all of us, were happy to have that extraordinary intellect and heart filled with goodwill pull the strings on our careers and guide us and direct us.

So, I join my colleagues, and especially Congressman TOM FEENEY, in taking this moment to give honor and thanks to William F. Buckley, Jr., for all he did to advance the vision for America and a capitalist democratic vision for the world and to express the profound sorrow this Nation feels upon his death.

The Bible says if you owe debts, pay debts; if honor, then honor; if respect, then respect. Today, thanks to the leadership in the minority and the generosity of the majority, Congress and the American people will have the opportunity once more to pay a debt of gratitude to this great American, who was William F. Buckley, Jr.

Mr. DAVIS of Illinois. Mr. Speaker, I continue to reserve my time.

Mr. DAVIS of Virginia. Mr. Speaker, let me just thank Chairman WAXMAN and Chairman DAVIS for allowing this bill to come to the floor. I urge its adoption.

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

Mr. DAVIS of Illinois. Mr. Speaker, I would urge adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 1016, as amended.

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

A motion to reconsider was laid on the table.

MARINE GUNNERY SGT. JOHN D. FRY POST OFFICE BUILDING

Mr. DAVIS of Illinois. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3721) to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the ''Marine Gunnery Sgt. John D. Fry Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3721

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

SECTION 1. MARINE GUNNERY SGT. JOHN D. FRY POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, shall be known and designated as the ''Marine Gunnery Sgt. John D. Fry Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Marine Gunnery Sgt. John D. Fry Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative dates in which to revise and extend their remarks.

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

There was no objection.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I join with Representative CHET EDWARDS and his fellow colleagues from the State of Texas in considering H.R. 3721, which renames the postal facility in Lorena, Texas, after Marine Gunnery Sergeant John D. Fry.

As stated, the measure at hand was first introduced by Congressman CHET EDWARDS on October 2, 2007, and is cosponsored by all members of the Texas congressional delegation. The measure was referred to the Committee on Oversight and Government Reform, where it was passed by voice vote on December 12, 2007.

H.R. 3721 would help to remember the life, service and legacy of Marine Gunnery Sergeant John D. Fry by renaming the Lorena Post Office on Lorena Road in his honor. Assigned to the 8th Engineer Support Battalion, 2nd Marine Logistics Group from Camp Lejeune, North Carolina, Marine Gunnery Sergeant Fry was working to disarm an improvised explosive device in the Anbar Province of Iraq when he was killed at the young age of 28.

A graduate of Waco Christian Academy, Sergeant Fry will always be remembered by his family, friends, fellow marines, and, of course, by his country, for his bravery and unselfish service in Iraq.

Mr. Speaker, I ask that we pay tribute to the sacrifice made by this great American hero and pass H.R. 3721.

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

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Marine Gunnery Sergeant John D. Fry was a proud and loyal American who served his country in fighting the war on terror. He made the ultimate sacrifice defending freedom when he lost his life on March 8, 2006, in Iraq.

Only 7 days before returning home to his family, Sergeant Fry volunteered for a mission to defuse bombs along a road in Al Anbar. After successfully defusing three bombs, a fourth, hidden under the third bomb, exploded, ultimately resulting in his death. Sergeant Fry was aware of this incredibly risky procedure, but with his dedication to making a difference in life, he felt it was his duty to undertake this mission.

He was remarkably generous and had a passion for helping others in Iraq, not just fellow marines, but Iraqi citizens as well. Throughout his deployment overseas he disarmed 73 explosives, including one of the biggest car bombs in Fallujah, and saved the life of an Iraqi boy who had been beaten and chained to the wall with explosives strapped to his chest. In this and many other instances, Sergeant Fry proved that he truly could make a difference.

Not only was Sergeant Fry a hero to his country, but he was a husband, a father and a son. He was proud to serve his Nation, and with gratitude and bravery for his sacrifice, I ask all Members to support H.R. 3721.

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

Mr. DAVIS of Illinois. Mr. Speaker, it is my pleasure now to yield such time as he may consume to the sponsor of this resolution, the distinguished gentleman from Texas, Representative CHET EDWARDS.

Mr. EDWARDS. Mr. Speaker, I want to begin by thanking Mr. DAVIS of Illinois and Mr. DAVIS of Virginia for their very eloquent comments in respect to a great American who gave his all for the American family.

I rise today in support of H.R. 3721, which salutes the service and sacrifice of Marine Gunnery Sergeant John David Fry by naming a Post Office in my district in Lorena, Texas, in his honor.

For generations to come, Mr. Speaker, citizens in his hometown of Lorena will be reminded that Sergeant Fry gave, in the words of Lincoln, his ''last full measure of devotion'' to country. In doing so, Sergeant Fry joined the heroes who, throughout our Nation's history, have given their lives to our country.

John David Fry was born in Lorena, Texas, in 1977. He joined the Marines in 1995 and became an explosive ordnance disposal technician, EOD. As an EOD, he was stationed in Japan from 2002 to 2005 and was deployed to Iraq in September of 2005 with the 8th Engineer Support Battalion, 2nd Marine Logistics Group, 2nd Marine Expeditionary Force out of Camp Lejeune.

While in Iraq, Sergeant Fry saved countless lives by rendering safe hundreds of bombs, including one of the largest car bombs found in Fallujah. He once went into a home, as Mr. DAVIS of Virginia mentioned, to find a bomb strapped to a mentally retarded young Iraqi boy who had been beaten and chained to a wall. Sergeant Fry disarmed the bomb and saved that child's life.

Sergeant Fry turned down a Bronze Star and a ticket out of Iraq after a serious wound. Why did this great American do it? He said because he just wanted to do what he was supposed to do. He was proud to be a marine and proud to be serving his country.

□ 1145

Mr. Speaker, sometimes I wonder where we Americans find such magnificent citizens with such spirit and soul.

Seven short days before this 28-year-old marine with a wife and young children was to be sent back home, he volunteered, he volunteered when he didn't have to, to defuse one more explosive device, this time in Al Anbar province. Sergeant Fry found three bombs that night and defused all of them. But the insurgents had hidden a fourth bomb under that third bomb. It blew up and killed him. This brave Marine, who had saved hundreds of lives, finally gave his own life.

He leaves behind his mother, Beth, his wife Malia, and their three young children, Kathryn, Gideon, and C.L. As the father of two young sons, Mr. Speaker, I would like to say to the Sergeant Fry children that when my two young sons, who are now 10 and 12, grow up some day, if they had a right to be one-tenth of proud as me as these

children have a right to be proud of their father, this great American, I would consider my life a success.

Sergeant Fry earned the Purple Heart and many other decorations for his outstanding military service. With full military honors, he was buried at Rosemound Cemetery in Waco, Texas, on March 23, 2006. I want to thank President Bush for coming to the Veterans Day ceremony this past year in Waco, Texas, to honor the Fry family.

While Sergeant Fry's final resting place may be in a cemetery in Waco, I have faith that his spirit will touch the lives of others who will be inspired by this young man's devotion to country.

John David Fry is an American hero who gave his life defending our country in Iraq. We humbly recognize that we can never fully repay this citizen or his family for their deep loss, but I hope and pray that honoring him in this way here in Congress and at the post office back in his hometown of Lorena will celebrate his dedicated service and always preserve his memory.

Mr. Speaker, with honor and respect to the life of John David Fry, I urge my colleagues to support H.R. 3721.

Mr. DAVIS of Illinois. Mr. Speaker, I commend Representative EDWARDS for the introduction of this resolution and for his eloquent, passionate statement. I am pleased to join with him in urging passage.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the bill, H.R. 3721.

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

A motion to reconsider was laid on the table.

CONTRACTORS AND FEDERAL SPENDING ACCOUNTABILITY ACT OF 2008

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3033) to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3033

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 ''Contractors and Federal Spending Accountability Act of 2008''.

SEC. 2. DATABASE FOR CONTRACTING OFFICERS AND SUSPENSION AND DEBARMENT OFFICIALS.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Director of the Office of Management and Budget, the Administrator of General Services shall establish and maintain a database of information regarding integrity and performance of persons awarded Federal contracts and grants for use by Federal officials having authority over contracts and grants.

(b) PERSONS COVERED.—The database shall cover any person awarded a Federal contract or grant if any information described in subsection (c) exists with respect to such person.

(c) INFORMATION INCLUDED.—With respect to a person awarded a Federal contract or grant, the database shall include information (in the form of a brief description) for at least the most recent 5-year period regarding—

(1) any civil or criminal proceeding, or any administrative proceeding to the extent that such proceeding results in both a finding of fault on the part of the person and the payment of restitution to a government of $5,000 or more, concluded by the Federal Government or any State government against the person, and any amount paid by the person to the Federal Government or a State government;

(2) all Federal contracts and grants awarded to the person that were terminated in such period due to default;

(3) all Federal suspensions and debarments of the person in that period;

(4) all Federal administrative agreements entered into by the person and the Federal Government in that period to resolve a suspension or debarment proceeding and, to the maximum extent practicable, agreements involving a suspension or debarment proceeding entered into by the person and a State government in that period; and

(5) all final findings by a Federal official in that period that the person has been determined not to be a responsible source under either subparagraph (C) or (D) of section 4(7) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(7)).

(d) REQUIREMENTS RELATING TO INFORMATION IN DATABASE.—

(1) DIRECT INPUT AND UPDATE.—The Administrator shall design and maintain the database in a manner that allows the appropriate officials of each Federal agency to directly input and update in the database information relating to actions it has taken with regard to contractors or grant recipients.

(2) TIMELINESS AND ACCURACY.—The Administrator shall develop policies to require—

(A) the timely and accurate input of information into the database;

(B) notification of any covered person when information relevant to the person is entered into the database; and

(C) an opportunity for any covered person to append comments to information about such person in the database.

(e) AVAILABILITY.—

(1) AVAILABILITY TO ALL FEDERAL AGENCIES.—The Administrator shall make the database available to all Federal agencies.

(2) AVAILABILITY TO THE PUBLIC.—The Administrator shall make the database available to the public by posting the database on the General Services Administration website.

(3) LIMITATION.—This subsection does not require the public availability of information that is exempt from public disclosure under section 552(b) of title 5, United States Code.

SEC. 3. REVIEW OF DATABASE.

(a) REQUIREMENT TO REVIEW DATABASE.—Prior to the award of a contract or grant, an official responsible for awarding a contract or grant shall review the database established under section 2.

(b) REQUIREMENT TO DOCUMENT PRESENT RESPONSIBILITY.—In the case of a prospective awardee of a contract or grant against which a judgment or conviction has been rendered more than once within any 3-year period for the same or similar offences, if each judgment or conviction is a cause for debarment, the official responsible for awarding the contract or grant shall document why the prospective awardee is considered presently responsible.

SEC. 4. DISCLOSURE IN APPLICATIONS.

(a) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, Federal regulations shall be amended to require that in applying for any Federal grant or submitting a proposal or bid for any Federal contract a person shall disclose in writing information described in section 2(c).

(b) COVERED CONTRACTS AND GRANTS.—This section shall apply only to contracts and grants in an amount greater than the simplified acquisition threshold, as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 401(11)).

SEC. 5. ROLE OF INTERAGENCY COMMITTEE.

(a) REQUIREMENT.—The Interagency Committee on Debarment and Suspension shall—

(1) resolve issues regarding which of several Federal agencies is the lead agency having responsibility to initiate suspension or debarment proceedings;

(2) coordinate actions among interested agencies with respect to such action;

(3) encourage and assist Federal agencies in entering into cooperative efforts to pool resources and achieve operational efficiencies in the Governmentwide suspension and debarment system;

(4) recommend to the Office of Management and Budget changes to Government suspension and debarment system and its rules, if such recommendations are approved by a majority of the Interagency Committee;

(5) authorize the Office of Management and Budget to issue guidelines that implement those recommendations;

(6) authorize the chair of the Committee to establish subcommittees as appropriate to best enable the Interagency Committee to carry out its functions; and

(7) submit to the Congress an annual report on—

(A) the progress and efforts to improve the suspension and debarment system;

(B) member agencies' active participation in the committee's work; and

(C) a summary of each agency's activities and accomplishments in the Government-wide debarment system.

(b) DEFINITION.—The term ''Interagency Committee on Debarment and Suspension'' means such committee constituted under sections 4 and 5 and of Executive Order 12549.

SEC. 6. AUTHORIZATION OF INDEPENDENT AGENCIES.

Any agency, commission, or organization of the Federal Government to which Executive Order 12549 does not apply is authorized to participate in the Governmentwide suspension and debarment system and may recognize the suspension or debarment issued by an executive branch agency in its own procurement or assistance activities.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of General Services such funds as may be necessary to establish the database described in section 2.

SEC. 8. REPORT TO CONGRESS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to Congress a report.

(b) CONTENTS OF REPORT.—The report shall contain the following:

(1) A list of all databases that include information about Federal contracting and Federal grants.

(2) Recommendations for further legislation or administrative action that the Administrator considers appropriate to create a centralized, comprehensive Federal contracting and Federal grant database.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

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

There was no objection.

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

Mr. Speaker, H.R. 3033, the Contractors and Federal Spending Accountability Act of 2008, will help give Federal contracting officials the information they need to award contracts to most deserving companies. The Federal Government must spend taxpayer dollars as efficiently and responsibly as possible, and it is our job to make sure that happens. This bill will help Federal officials to decide whether or not a company bidding for a contract is responsible enough to get it.

If someone has to spend a lot of money on something, like a car, the responsible thing to do is to make sure that the person or dealership you will be doing business with is responsible and won't rip you off. You would want to find all the information that you can about how they do business.

The Federal Government must spend taxpayer dollars as efficiently and responsibly as possible, and it is our job to make sure that happens. This bill will help Federal officials to decide whether or not a company bidding for a contract is responsible enough to get it.

H.R. 3033 mandates the creation of a database that will record legal proceedings brought by the Federal Government and State governments against contractors. It will also record suspensions and debarments, whether previous contracts have been terminated for cause, and any previous finding by contracting officials that a company does not have a satisfactory record of integrity and business ethics. All Federal officials who award contracts will have access to this data, and it will go a long way to help them make informed decisions about the companies they are considering.

The bill also requires that if the database shows that someone is a repeat offender, two or more serious convictions or judgments for the same issue within 3 years, then the contracting officer has to explain in writing why they believe the contractor is currently responsible before a new contract can be awarded. This is another commonsense idea that will save money for the taxpayers.

I want to thank my friend and colleague from New York, CAROLYN MALONEY, for sponsoring this bill and for putting so much work into it. When she was on the New York City Council, she passed a similar law. The New York City database, called Vendex, has been a great success, and it is the model of the Federal database that this bill creates.

I also want to thank the chairman of our full committee, Congressman WAXMAN. Of course, I want to thank Ranking Member DAVIS, and I want to thank the ranking member of the subcommittee, Mr. BILBRAY, for his support as well.

Mr. Speaker, H.R. 3033 will be an important tool to help Federal officials make the best use of taxpayer dollars when awarding contracts. I am proud to be a cosponsor of the bill, and I urge my colleagues to support it.

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

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we rise to take up H.R. 3033, the Contractors and Federal Spending Accountability Act. This legislation would provide Federal contracting officials with information about contractors' performance and ethics.

Maintaining an ethical contractor base is critical to the integrity of the procurement system and to our Nation's governance. This bill would make a number of changes to the procurement laws in an attempt to ensure that government only contracts with responsible firms. It will require the General Services Administration to establish a publicly accessible Web site database containing information on contractors' performance and ethics.

Specifically the database would be required to include civil, criminal and administrative proceedings concluded by Federal and State Governments against Federal contractors or grant assistance recipients which result both in a finding of fault and a payment of $5,000 or more to the government within the most recent 5-year period.

The database would also include Federal suspensions and debarments against a contractor and related administrative agreements, contract terminations for default by the contractor, and final determinations that a prospective contractor is not a ''responsible'' source because of performance, integrity, or ethics concerns.

Further, the bill would require the contracting or grant official to review the database to determine if, during any 3-year period, a potential awardee has had, more than once, a judgment or conviction for an offense which would constitute a cause for debarment. And if so, the official must document why a prospective awardee is eligible for award—why the prospective awardee is ''presently responsible.''

Additionally, the bill would require any entity seeking a Federal contract or grant to disclose all of the information required to be included in the database. Since H.R. 3033 was introduced, it has been much improved. The original version would have created a draconian enforcement measure, establishing a ''blacklist'' which would defame and degrade firms merely accused of wrongdoing, not necessarily convicted or adjudicated but simply accused.

The Chamber of Commerce sent out a letter to Members dated April 22 opposing this legislation. They urged Members to oppose H.R. 3033. While I appreciate the Chamber's efforts on these issues, and I agree with the concerns that they raise, the version of the bill discussed in their letter is the version that was reported by the committee, a bill which I also did not support. But it is precisely for the reason described in the Chamber's letter that the bill was modified before we agreed to bring this bill to the House floor on suspension today. I want to note for the RECORD that the issues that we raised, the minority raised in committee and raised by the Chamber, have been fully addressed. I fully support this legislation now.

It was unclear to me what beneficial purpose would have been served by the collection of the information originally. But the chairman and the sponsor were open to our suggestions to revise the bill to include only concluded proceedings as opposed to mere allegations.

However, the most problematic section of H.R. 3033, as introduced, was the ''two strikes and you're out'' provision. That section would have mandated the automatic initiation of debarment proceedings against firms convicted of two offenses which otherwise would be a cause for debarment. It is appropriate to use the debarment process to prevent bad actors from getting Federal contracts, but there is no need to limit the discretion of the government's debarment officials in bringing these actions at the appropriate time. It smacks of punishment, and punishment is not what has long been and should remain the intent of the suspension debarment process. That process is to protect the government, not to punish wrongdoers.

I appreciate the opportunity to work with Chairman WAXMAN and the author of this legislation, Mrs. MALONEY, to delete what I felt was a misguided concept and replace it with the provisions in the bill we are considering today, which requires officials to take a careful look at firms with multiple convictions to determine their present responsibility.

As I pointed out during the markup of the bill, under the original ''two strikes and you're out'' provision, many contractors relied upon by the government, for example the Boeing company, would have debarment proceedings initiated against them. In the relevant time period, for example, Boeing had been involved in the following

incidents which could have resulted in the initiation of debarment proceedings:

In 2007, a $1.1 million settlement for alleged over billing for aircraft parts.

In 2006, a $30 million payment to settle claims that the nearly 100 neighbors of the Santa Susana Field nuclear research facility were sickened by decades of radioactive and toxic contamination. The settlement, which ended an 8-year legal battle, was supposed to remain confidential, but one of the plaintiffs divulged the terms to the local media.

In 2004, a $615 million settlement to resolve the Darleen Druyun scandal and other pending investigations.

In 2003, an $18 million settlement for alleged violations of the Arms Export Control Act and the International Traffic in Arms Regulation, a settlement to the Boeing company.

In 2003, a $6 million settlement for violations of the Arms Export Control Act, involving further transfer of data to China.

In 2003, a $4 million fine for violations of the Arms Export Control Act and the International Traffic in Arms Regulation.

In 2003, a $2.5 million settlement for alleged defective pricing.

In 2003, a $490,000 settlement for a qui tam action for alleged false claims.

Additionally, Boeing business units were suspended from receiving new Federal contracts from July 24, 2003, to March 4, 2005. The suspensions were based on a pending criminal investigation into Boeing's unlawful possession and use of a competitor's proprietary documents in connection with the competition for a U.S. Air Force contract. Under the bill as introduced, this involvement would have resulted in automatic debarment proceedings.

I was certain my colleagues would not have wanted that, and after I pointed this out, they realized it was not realistic. But not only would Boeing be affected, other Federal contractors with comparable records of involvement with the legal and administrative remedies available to the government would have been similarly impacted. This is not a sign contractors are all corrupt, it is a sign the system is working and bad behavior is being rooted out.

It is difficult to argue against contracting officers having available to them information concerning concluded State and Federal civil, criminal and administrative proceedings resulting in findings of fault and fines as well as Federal suspensions, debarments, and default terminations. The value of placing such information on a public Web site isn't clear unless it would be to punish or intimidate firms, so I continue to believe our time would have been better spent on legislation to improve our acquisition system.

This bill, while much improved, and while I support it, will do little to improve the government's ability to get the best value goods and services it needs at fair and reasonable prices.

With that said, I thank Chairman WAXMAN, Mrs. MALONEY and the staff for their willingness to work with us and the Armed Services Committee to make this a better bill.

I reserve the balance of my time.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY) who is the person who sponsored the bill and has done some tremendous work.

□ 1200

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for his hard work on so many important issues to the great city of New York and our country.

I rise in strong support of H.R. 3033, the Contractor and Federal Spending Accountability Act, legislation I have authored to help bring integrity and accountability to the Federal procurement system. I want to thank Chairman WAXMAN and Ranking Member DAVIS, Chairman TOWNS and their staffs, and my own staff, for working so hard on this legislation.

The bill before us today has been modified from the version reported out by the committee to address concerns raised by some Members, including Ranking Member DAVIS. I want to thank him for his positive efforts on this bill, and for many positive efforts he has given to this committee in working in a collaborative way, and express my regret that he is retiring this year from this body.

Also, the concerns of the Chamber of Commerce have been addressed in the underlying bill. H.R. 3033, as amended, will fortify the current Federal suspension and debarment system by establishing a centralized and comprehensive database on actions taken against Federal contractors and assist participants requiring a description of each of these actions.

While the government has several separate information systems, currently there is no centralized comprehensive database for contracting officers to review prior performance and to review information on contractors before making an award or an additional contract award to contractors.

It requires the contracting officer to document why a prospective awardee is deemed responsible if that awardee has two or more offenses which would be cause for debarment within a 3-year period. H.R. 3033, as amended, specifies and clarifies that a ''concluded'' proceeding is one in which there is a finding of fault on the part of the person and the payment of restitution to a Federal or State government of $5,000 or more.

Additionally, it improves and clarifies the role of the Interagency Committee on Debarments and Suspension, and requires the administrator of General Services to report to Congress within 180 days with recommendations for further action to create the database.

This legislation has been strongly and consistently supported by the Campaign for Quality Construction and the Project on Government Oversight.

Currently the Federal Government's watchdogs, the Federal suspension and debarment officials, lack the information that they need to protect our business interests and taxpayers' dollars.

This system will give government procurement officers who are making these decisions more information about the qualifications and track records of the contractors. Beyond a listing of currently debarred or suspended persons, officials are now limited to their individual agency's knowledge of an entity's track record. This bill will make it easier for these procurement officers to prevent them giving contracts to those who repeatedly violate Federal laws or have poor performance, and it will prevent them from receiving future dollars from the Federal Government.

As a New York City councilwoman, I successfully led an effort to reform the contracting system of New York City. Included in that effort was a Vendex system which checked the backgrounds and the work of the contractors before awarding contracts. It has been credited with saving the city of New York hundreds of millions of dollars.

The United States is the largest purchaser of goods and services in the world, spending more than $419 billion on procurement awards in 2006, and over $440 billion on grants in 2005. It is Congress's responsibility to ensure that taxpayer dollars are used wisely and not wasted, certainly not wasted in our contracting system, and we should not be giving awards to contractors who have poor performance records.

I believe by improving the system for awarding contracts, I believe that this is critical for boosting the public's faith in our government and it will save taxpayers' dollars. I urge my colleagues to support this reform bill.

Mr. DAVIS of Virginia. I reserve the balance of my time.

Mr. TOWNS. I yield 5 minutes to the chairman of the full committee, the Honorable HENRY WAXMAN from the great State of California.

Mr. WAXMAN. I thank the gentleman from the great State of New York, the able chairman of the subcommittee, for yielding to me.

H.R. 3033, as amended, would create a centralized governmentwide database of information to more effectively monitor the award of Federal tax dollars. It would include not only information on companies and grantees that have been debarred by the Federal Government, but also information on civil, criminal, and administrative proceedings that have been concluded against contractors and grant recipients.

No such comprehensive database currently exists, and creating one would allow more efficient monitoring of Federal procurement and assistance programs.

This is a commonsense initiative that would allow the Federal Government to track fraudulent contractors and grantees and stop them from moving from agency to agency if they are debarred.

The bill was introduced by Representative MALONEY, and it is modeled on legislation that she passed for the city of New York when she was a city council member. That law has been very effective for the city.

The ranking member of the Oversight Committee, Representative TOM DAVIS, raised a number of concerns with the bill as originally drafted, and we worked with Representative DAVIS and his staff to try to address these concerns, and I thank him for his willingness to work with us on this matter.

We have also made changes reflected in the bill before us today to address concerns raised by other committees with certain provisions in the bill. As I understand it, some letters have been sent out in opposition to the bill without knowing that those changes have been made to address the concerns that were raised. The result that we have before us today is a measure that enjoys bipartisan support. I urge Members to support H.R. 3033, as amended.

Mr. DAVIS of Virginia. Let me just say again to Chairman WAXMAN and to the gentlelady from New York, we appreciate you working with us. We have a bill now that enhances the system, and we have met the objections of some of the groups like the U.S. Chamber and that had been raised on our side of the aisle. I appreciate it, and urge its adoption.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 3033, the ''Contractors and Federal Spending Accountability Act of 2008.'' H.R. 3033 mandates the establishment of a database that includes detailed information on civil, criminal, and administrative proceedings concluded against contractors and grant recipients by State and Federal governments; a listing, by contractor or grant recipient, of all contracts or grants that were terminated; any suspensions or debarments, or any agreement to resolve a suspension or debarment; any findings that the contractor or recipient is not a ''responsible'' source for Federal contracts.

As the great justice Louis Brandeis famously wrote, ''sunlight is said to be the best of disinfectants.'' H.R. 3033 will shed some sunlight on the contracting world.

This database will have myriad uses. Governments at all levels can turn to it when considering whether to award a contract or grant. Citizens can look to see how their tax dollars are being spent—and what steps are being taken to prevent waste, fraud, and abuse. Job seekers can look up prospective employers to find out what kind of company they might work for. Companies can do a little due diligence about prospective customers or vendors. In this information age, there is simply no reason information such as this should not be available to all of us.

My committee oversees the Department of Homeland Security. It is still young, as are many of its contracting professionals. But even the ''old pros'' of the Department are new to homeland security contracting—because homeland security contracting itself is new. A database like this—that allows these officials to quickly examine the history of prospective, contractors—might have helped the Department avoid some of the contracting fiascos that have plagued it to date. I am hopeful it will help the Department pick the best contractors in the future.

I encourage all of my colleagues to support this important legislation.

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

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

The SPEAKER pro tempore (Mr. SERRANO). The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 3033, 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.

CLOSE THE CONTRACTOR FRAUD LOOPHOLE ACT

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5712) to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5712

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 ''Close the Contractor Fraud Loophole Act''.

SEC. 2. REVISION OF THE FEDERAL ACQUISITION REGULATION.

The Federal Acquisition Regulation shall be amended within 180 days after the date of the enactment of this Act pursuant to FAR Case 2007–006 (as published at 72 Fed Reg. 64019, November 14, 2007) or any follow-on FAR case to include provisions that require timely notification by Federal contractors of violations of Federal criminal law or overpayments in connection with the award or performance of covered contracts or subcontracts, including those performed outside the United States and those for commercial items.

SEC. 3. DEFINITION.

In this Act, the term ''covered contract'' means any contract in an amount greater than $5,000,000 and more than 120 days in duration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

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

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

There was no objection.

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

H.R. 5712, the Close the Contractor Fraud Loophole Act, is a commonsense solution to a problem that we never should have had in the first place. When the administration wrote a new rule requiring Federal contractors to report fraud and over billing on government contracts, for some reason contracts performed overseas and commercial item contracts were exempted from that requirement.

That didn't make sense to my colleague on the Subcommittee on Government Management, Congressman WELCH, because so much contract fraud and waste has been seen on contracts in Iraq and Afghanistan. He introduced this bill which will close these loopholes, and I salute him for that.

The Justice Department believes the new rule is necessary because few government contractors voluntarily disclose suspected instances of fraud. But the exemptions in the rule as written would leave out contractors like those in Iraq and Afghanistan, where we have spent billions on reconstruction contracts over the past 5 years. Over that period, the Justice Department has uncovered at least $14 million in contract bribes in those two countries alone. Contractors must be held to the same standards no matter where they perform their work.

Since Congressman WELCH brought attention to this loophole, introduced this bill, and called for the hearing our subcommittee held last week, the administration has said it is leaning toward including overseas and commercial item contracts in the final fraud reporting rule. I am happy to hear that, but we cannot get them to guarantee that these loopholes would be closed. That is why Mr. WELCH's bill is necessary, to make sure that loopholes are closed for good. Another way to put it, this legislation will help them deal with a problem that should not have occurred.

I want to thank Congressman WELCH for bringing this problem to the attention of the subcommittee. I would also like to thank the chairman of our full committee, Congressman WAXMAN, and also thank the ranking member of the full committee, Congressman DAVIS. And I would like to thank the ranking member of the subcommittee, Congressman BILBRAY, for helping us bring this bill to the floor.

Mr. Speaker, at a time when our national security is of paramount concern, criminals who cheat the government must be identified, stopped and punished. H.R. 5712 will help make sure that taxpayer dollars are used for their intended purpose, and not to line the pockets of corrupt individuals or companies. So I urge my colleagues to support this bill.

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

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

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to the Honorable HENRY WAXMAN, the chairman of the full committee.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H.R. 5712, the Close the Contractor Fraud Loophole Act. This bill would create a mandatory requirement for Federal contractors to disclose violations of Federal criminal law or significant overcharges discovered with relationship to a Federal contract. It would replace our current system of voluntary disclosure.

Moving to mandatory disclosure has been recommended by the Justice Department for good reason, the voluntary disclosure system is simply not working. In fiscal year 2007, only three contractors participated in the Defense Department's voluntary disclosure program.

□ 1215

Congressman WELCH introduced this bill after the administration exempted contracts performed in Iraq and Afghanistan from a proposal to make fraud reporting mandatory. This exemption made no sense. As this committee's oversight has shown, fraud and over-billing are widespread in Iraq.

The administration testified at a hearing before the Government Management Subcommittee that these exemptions were included inadvertently, and they said they made a mistake. This is a mistake that needs to be corrected, and that's why I commend Congressman WELCH for pressing this issue and introducing this legislation. If we pass this bill, the real winners will be the Federal taxpayers.

Prior to our committee markup on the bill, we worked with Ranking Member DAVIS to address certain concerns he raised with the way the bill was originally drafted. And I want to thank Mr. DAVIS for working with us in a constructive manner to ensure passage of this bill.

The bill before us, H.R. 5712, as amended, would preserve Representative WELCH's original intent while at the same time preserving the legitimate role of the regulatory process. The bill requires that the Federal Acquisition Regulation be amended within 180 days to require disclosure of fraud for both domestic and overseas contracts, and for commercial item contracts.

I urge Members to support H.R. 5712, as amended. It has been approved by a bipartisan vote in our committee, and it ought to be overwhelmingly approved in the House as well.

Mr. DAVIS of Virginia. I yield myself such time as I may consume.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, I had serious concerns about this legislation when it was originally introduced. The original version would have required a Federal contractor to self-report to the agency's IG if the contractor had reasonable grounds to suspect a violation of criminal law or if a significant overpayment occurred on a contract held by the contractor. A knowing failure to make such a report would have been a cause for debarment or a suspension for all firms, including those holding contracts performed overseas and contracts for commercial items.

This original version, in my judgment, was an ill-considered attempt to strengthen an ethics compliance program that's currently being developed by the administration.

The concept of mandatory self-reporting by contractors of possible criminal violations, based on reasonable grounds, would have been unprecedented and obviously controversial. The rule proposed in the Federal Register was the subject of more than 70 comments. As expected, many of the firms subject to the rule expressed serious legitimate concerns about the proposal.

In actuality, the bill as introduced didn't make as significant change as intended to the substance of the proposed revisions. The problem was the bill leapfrogged the statutorily designated process for writing acquisition regulations, and would have encased in statute draft language establishing a new reporting scheme yet to be thoroughly vetted.

The subcommittee received testimony that the so-called loophole which was alleged to have been snuck in at the 11th hour, was really an inadvertent administrative error made by an overworked acquisition policy staff.

None of the agencies providing testimony to the subcommittee, including the Department of Justice, nor the contractor community, supported this bill as it was introduced.

But I will say this to the author of the legislation and the subcommittee chairman, we ended up working together, and the language before us today was offered in his amendment at mark-up by Chairman WAXMAN and myself. This will ensure that the Federal acquisition regulation is revised to include a requirement that Federal contractors notify the government of violations of Federal, criminal law or overpayments in connection with the award or performance of contracts or subcontracts.

In doing so, it will ensure the regulation is applicable to all contracts, including those performed overseas and those for commercial items.

The stated purpose was ultimately accomplished by this language but accomplished through a more appropriate statutory acquisition rulemaking process.

Again, as with the other contractor bills we're considering today, I think that we would be better served if we would address some of the underlying problems in the acquisition system, and that is getting in good acquisition officials; whether they're contract managers, contracting officers, contracting officers technical representatives, trying to get more into government, educating them, training them and making sure they have the tools appropriate to get the best value for the tax dollars. That's where the real waste of government lies with having good acquisition officials.

I think this version of the bill today is an adequate solution. I want to thank again Chairman WAXMAN and Mr. WELCH for working with us to revise the language. I urge its adoption.

Mr. Speaker, today we rise to take up H.R. 5712, the Close the Contractor Fraud Loophole Act. This legislation would revise an administration-proposed contractor ethics and reporting program.

I had serious concerns about this legislation as it was originally introduced. The original version of the bill would have required a Federal contractor to self-report to the agency's Inspector General if the contractor had ''reasonable grounds'' to suspect a violation of criminal law or if a significant overpayment occurred on a contract held by the contractor. A knowing failure to make such a report would have been a cause for debarment or suspension for all firms, including those holding contracts performed overseas and contracts for commercial items.

This original version of the legislation was an ill-considered attempt to ''strengthen'' an ethics compliance program currently under development by the administration.

The concept of mandatory self-reporting by contractors of possible criminal violations based on ''reasonable grounds'' is unprecedented and controversial. The rule proposed in the Federal Register was the subject of more than 70 comments. As expected, many of the firms subject to the rule expressed serious and legitimate concerns about the proposal.

In actuality, the bill as introduced did not make as significant a change as intended to the substance of the proposed revisions to the acquisition regulations. The problem was the bill leapfrogged the statutorily designated process for writing acquisition regulations and would have encased in statute draft language establishing a new reporting scheme yet to be thoroughly vetted.

The Subcommittee on Government Management, Organization and Procurement received testimony that the so-called ''loophole''—which was alleged to have been ''snuck in at the eleventh hour''—was really an inadvertent administrative error made by an overworked acquisition policy workforce.

None of the agencies providing testimony to the Subcommittee, including the Department of Justice, nor the contractor community, supported H.R. 5712 as introduced. Instead, the stakeholders suggested the well-established regulatory drafting process should be allowed to continue to completion. They favored this rulemaking approach because it would allow all interested parties the opportunity to submit comments and have those comments considered in the deliberative process.

Nevertheless, the Committee moved forward with the legislation. Fortunately, Chairman WAXMAN, the bill's sponsor and I were able to work out language which addressed some of the concerns raised at the one hearing on the bill.

The language before us today, offered as an amendment at markup by Chairman WAXMAN and me, would ensure the Federal Acquisition Regulation is revised to include a requirement that Federal contractors notify the Government of violations of Federal criminal law or overpayments in connection with the award or performance of contracts or subcontracts. In doing so, it would ensure the regulation is applicable to all contracts, including those performed overseas and those for commercial items.

The stated purposes of the introduced version of H.R. 5712 are ultimately accomplished by this language, but accomplished through the more appropriate statutory acquisition rulemaking process.

Again, as with the other so-called ''contractor bills'' we are considering today, I continue to believe all would be better served if we had spent our time trying to improve the operation of our acquisition system—in order to better acquire the best value goods and services our Government so desperately needs.

And in this case, I am certain we would have been be better off had we allowed the regulatory process to go forward without any interference at all from us.

Nonetheless, under the circumstances, I believe this version of the bill we are considering today is an adequate solution, and I thank Chairman WAXMAN and Mr. WELCH for working with me on the revised language.

Mr. TOWNS. Mr. Speaker, I would like to yield 5 minutes to the author of this legislation, a person that has worked real hard and has done a magnificent job, the gentleman from Vermont, Congressman WELCH.

Mr. WELCH of Vermont. Mr. Speaker, one of the fundamental responsibilities that this Congress has is to protect taxpayer dollars. That has become an enormous challenge, as many of the taxpayer dollars that are appropriated are paid to private contractors.

The growth in contracting in the past 6 or 7 years has exploded. Procurement spending in 2000 was $213 billion. Procurement spending is when we enter into a contract with a private company to deliver goods or services. That amount exploded last year to $412 billion. Much of that is going to Iraq and Afghanistan. Much of this is being subject to waste, fraud and abuse.

The Oversight Committee under Mr. WAXMAN and Mr. DAVIS has done vigorous oversight and identified in 2006 that there were 118 contracts valued at $745 billion that were found by government auditors to include a significant component of fraud, abuse and mismanagement. And, in fact, it got worse.

In 2008, that report identified 187 contracts valued at $1.1 trillion, where they were plagued by waste, fraud and abuse.

The bottom line is, will we, as a Congress, Republicans and Democrats, be vigilant in protecting taxpayer dollars? We have to do that, especially when there is documented evidence of rip-offs, wicked rip-offs that have occurred with taxpayer dollars in Afghanistan and in Iraq.

There's two goals that we have. The first that we widely share is that every taxpayer dollar will be accounted for, and that the taxpayers who were working hard to support this government and our troops will see that their money is spent on proper things that are in the contract. We have to protect the taxpayer.

The second is we've got to protect the troops. If we are spending money in Iraq and Afghanistan for the intended purpose of bringing our troops home and improving our national security, any dollar that's wasted that results in any additional injury, or one day prolonged in the conflicts, is a dollar that is improperly wasted. We cannot do that.

So I believe that this loophole, however it got there, by mistake or by sleight of hand, however it got there, it's got to be closed. Obviously, if you have a regulation, as it was written, that says we will report fraud when it is a rip-off on a domestic contract, but we won't when it's on a foreign contract, we're sending a very unambiguous message. There's a green light to rip off taxpayers if the money is being spent abroad. That's not a defensible position. And that's why we're closing this loophole to make it absolutely clear that's unacceptable.

Now I think it does make sense. What Congressman DAVIS proposed as a new way of proceeding is fine with me. And here's why. The bottom line is protecting the taxpayers and protecting our troops. And if we can accomplish that better by finding a way that has bipartisan support, we can all have more confidence that we'll be successful.

So I'm glad to work with Chairman DAVIS in order to have this get done in a bipartisan way. I want to thank very much Chairman WAXMAN and the great work of my chairman of the subcommittee, Mr. TOWNS, for bringing this forward so quickly and so effectively.

Mr. DAVIS of Virginia. Well, let me thank my friend for calling me Chairman DAVIS. It's with nostalgia that I use the terminology, but I guess once a chairman, always a chairman. But I now recognize Mr. WAXMAN as my chairman and a counterpart in a number of these issues.

I again enjoyed working with you on this legislation to bring it. I would urge its adoption.

I yield back the balance of my time.

Mr. TOWNS. Mr. Speaker, I want to thank Chairman WAXMAN; I want to thank Ranking Member DAVIS; and, of course, Ranking Member BILBRAY for his work; and, of course, Congressman WELCH. This legislation is really needed, and I was happy that we were able to move it to the floor very quickly, because any time we can save money, and I think that this is what this does, it saves the taxpayers money, and I just think we need to salute Congressman WELCH for his insight in being able to do just that.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in support of H.R. 5712, the ''Close the Contractor Fraud Loophole Act.''

The name of this bill really says it all. Today, as I speak, there is a loophole in Government procurement regulations that allows some contractors to avoid reporting violations of Federal law or overpayments.

The privilege—and, yes, it's a privilege—of earning Federal dollars carries with it certain responsibilities. One of those responsibilities is to do your utmost to avoid fraud, violations of law, and overpayments. Now, I understand that many large contractors have thousands of employees, and sometimes there can be a bad apple. But when a contractor learns of such a bad apple, it is its responsibility to report what it learns to the Government, and to make the Government whole for any loss.

Today, most contractors working in the United States are required by regulation to do just this. But contractors working overseas, and a few here in the U.S., fall outside this simple, commonsense reporting requirement.

This is not right—contractors accepting Federal dollars should be treated the same, whether they are performing the work in the United States or overseas, and regardless of whether they are selling ''commercial items.''

I want to commend Mr. WELCH and Chairman WAXMAN for recognizing this problem, and for doing something about it. Now that they have acted, the administration says that this loophole was a ''bureaucratic mistake'' and should be closed. Yet, before Congress moved, the administration was curiously slow to do anything to address this ''mistake.''

My committee has devoted a lot of time and energy to examining the Department of Homeland Security's contracting practices. What we have found is not always pretty. The Department is young, and has made some poor contracting decisions. But poor decisionmaking and the occasional inexperienced contracting officer is not a license for abuse, and it is incumbent on any contractor who discovers such abuse to report it.

I hope the administration makes good on its word and closes this loophole, but I'm mindful that it took congressional oversight and action to stir them into action. This is oversight at it best, and make no mistake, our oversight—of both the Government and the contractors themselves—will continue. I encourage all of my colleagues to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 5712, 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.

GOVERNMENT FUNDING TRANSPARENCY ACT OF 2008

Mr. TOWNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3928) to require certain large government contractors that receive more than 80 percent of their annual gross

revenue from Federal contracts to disclose the names and salaries of their most highly compensated officers, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3928

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 ''Government Funding Transparency Act of 2008''.

SEC. 2. FINANCIAL DISCLOSURE REQUIREMENTS FOR CERTAIN RECIPIENTS OF FEDERAL AWARDS.

(a) DISCLOSURE REQUIREMENTS.—Section 2(b)(1) of the Federal Funding Accountability and Transparency Act (Public Law 109–282; 31 U.S.C. 6101 note) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by redesignating subparagraph (F) as subparagraph (G); and

(3) by inserting after subparagraph (E) the following new subparagraph:

''(F) the names and total compensation of the five most highly compensated officers of the entity if—

''(i) the entity in the preceding fiscal year received—

''(I) 80 percent or more of its annual gross revenues in Federal awards; and

''(II) $25,000,000 or more in annual gross revenues from Federal awards; and

''(ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986.''.

(b) REGULATIONS REQUIRED.—The Director of the Office of Management and Budget shall promulgate regulations to implement the amendment made by this Act. Such regulations shall include a definition of ''total compensation'' that is consistent with regulations of the Securities and Exchange Commission at section 402 of part 229 of title 17 of the Code of Federal Regulations (or any subsequent regulation).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. TOWNS) and the gentleman from Virginia (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to Chairman WAXMAN, the gentleman from California.

Mr. WAXMAN. Mr. Speaker, my colleagues, this is the third of the three bills we had before us out of the Oversight and Government Reform Committee dealing with contracting issues. And I rise in strong support of this bill, H.R. 3928, the Government Funding Transparency Act. This bill requires contractors and other entities that are dependent on taxpayers funds for more than 80 percent of their annual gross revenue to disclose the names and salaries of their most highly compensated officials.

This requirement is similar to requirements that already apply to publicly traded companies under the rules of the Security and Exchange Commission and to nonprofit organizations through the Tax Code. It is based on a very simple principle. If you receive the vast amount of your revenue from the public, then the public has a right to know how that money is being spent.

The need for this bill became evident when the head of Blackwater, the private security military company, refused to tell Congress how much it earns, how much he earns. Blackwater gets almost all of its revenue from contracts with the Federal Government, yet Eric Prince, the head of the company, refused to answer Congressman MURPHY when Mr. MURPHY asked how much he earned.

As originally introduced by Representative MURPHY last October, H.R. 3928 would have applied only to government contractors. Some felt that this approach unfairly singled out those entities, and we worked with the ranking member of the committee, Representative TOM DAVIS, to address this concern. And I believe that the result is a much stronger bill.

The measure before us today applies to any entity that receives government funding, whether through a contract, grant, cooperative agreement, subsidy or any other form of Federal funding. The measure will bring much needed sunshine to how tax dollars are spent, including on contracts. Under the bill, companies that are privately held that receive the vast majority of their revenues from taxpayers' dollars would be required to disclose the salaries of their top officers.

I want to congratulate and express my appreciation to Congressman MURPHY for introducing this commonsense bill. American taxpayers have a right to know where their hard earned dollars are going.

I commend the sponsor and those who have worked on this bill on both sides of the aisle. And I urge my colleagues to support this bipartisan piece of legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Let me thank Chairman WAXMAN and the author of this bill, Mr. MURPHY of Connecticut, for reaching out. I think we have a pretty good work product at the end of this. I think what started as a germination of one idea going in one direction, as we sat and discussed and talked about it, we have a more inclusive bill that I think gets the gentleman the information that he thought should be public. But I think is even more encompassing and shines even more sunshine on government. And I'm happy to get up here today and speak for this legislation.

□ 1230

Specifically, H.R. 3928 will require any nonpublic company receiving more than $25 million from the Federal sources, whether it is grants, loans, cooperative agreements, contracts, and other forms of financial assistance and earning 80 percent of its revenue from those sources, to disclose the names and total compensation of the organization's five most highly compensated officers. The mandatory disclosure of this type of information on a public Web site is what will ensue.

As introduced, the bill would have accomplished, I think, a much more limited scope, but in working with the author of this bill, we now expand the Federal Funding Accountability and Transparency Act that was authored last year by myself and Mr. BLUNT and in the Senate by Mr. COBURN and Mr. OBAMA, to include compensation disclosures for all entities receiving more than $25 million a year.

This isn't a contracting reform bill in the strictest sense of the word, but it is a disclosure bill that I think will shed much sunlight on government. And transparency in government is very fundamental. Sunshine is the best disinfectant.

I want to again thank Chairman WAXMAN and Mr. MURPHY and their staff for a willingness to work to make an open-government bill, one that I think will have good ramifications in the years ahead.

Today we rise to take up H.R. 3928, the Government Funding Transparency Act. This legislation would expand the Federal spending database created by the Federal Funding Accountability and Transparency Act of 2006 to include information about the compensation of management officials of private entities receiving most of their revenues from the Federal Government.

Specifically, H.R. 3928 would require any non-public company receiving more than $25 million from Federal sources—such as grants, loans, cooperative agreements, contracts, and other forms of financial assistance, and earning 80 percent of its revenue from those sources—to disclose the names and total compensation of the organization's five most highly compensated officers.

As introduced, the bill would have set the threshold at $5 million from Federal sources instead of the $25 million threshold in the bill we are considering today; focused exclusively on ''contracts'' rather than all recipients of Federal funds; required a contract certification regarding the percentage of revenues received from the Federal Government; and placed the salary information on the Federal Procurement Data System, which is only for information on Government acquisitions.

The mandatory disclosure of this type of information—on a public Web site—would have had no useful purpose for contracting officials.

Information regarding salaries of top company officials can be useful under certain cost-type contracts where the Government reimburses a firm for its reasonable and allowable costs plus a fee. Under current acquisition regulations governing such contracts, this information is already available to Government contracting officials. In fact, procurement regulations place a ceiling on executive compensation costs which can be reimbursed under such cost-type contracts.

Moreover, this information is also available to contracting officials—to the extent it is relevant—during the negotiations leading up to the award of a fixed-priced contract.

As introduced, H.R. 3928 would have accomplished nothing other than to discourage the participation of privately held firms in the Government market—which would decrease competition and, ultimately, increase Government costs.

I am pleased to say I have been able to work with Chairman WAXMAN and the bill's sponsor, Mr. MURPHY of Connecticut, to bring to the floor today a bill which has matured into an "open government" bill.

The bill now expands the Federal Funding Accountability and Transparency Act of 2006, authored by Mr. BLUNT and me last Congress, to include compensation disclosure for all entities receiving more than $25 million a year in Government funds from such sources as contracts, grants, loans, cooperative agreements and other forms of financial assistance—as long as these Federal funds make up 80 percent or more of their income.

But again I must say, this bill, while much improved, is not a "contracting reform" bill and will do little to improve the ability of the Federal Government to get the best value goods and services it needs at fair and reasonable prices.

But, transparency in Government is fundamental—as I've always said, "Sunshine is the best disinfectant." So I thank Chairman WAXMAN and Mr. MURPHY and the staff for their willingness to work with us to make this an "open government" bill.

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

Mr. TOWNS. Mr. Speaker, I yield 5 minutes to Congressman MURPHY who is the author of the bill who has done a fantastic job. I think the people in this country should be very proud of him and his work.

Mr. MURPHY of Connecticut. Mr. Speaker, I rise today to speak in support of this very important commonsense legislation, the Government Funding Transparency Act 2008. I would like to thank, of course, Chairman TOWNS for his work on the subcommittee, Chairman WAXMAN for his early and active support on this legislation, and especially to the ranking member, former chairman, Mr. DAVIS, who we were able to work directly together with over the past days and weeks to make this, as he states, I think a much stronger bill and one that answers many of the concerns that were raised by Mr. DAVIS, his office, and members of the minority of the committee.

Mr. Speaker, as described, the Government Funding Transparency Act will require that companies who receive more than 80 percent of their income in annual gross revenue from the Federal Government and more than $25 million worth of Federal work in any given fiscal year disclose the salaries of their most highly compensated employees.

This disclosure would be, as Representative DAVIS noted, posted on an existing OMB Web site, www.USAspending.gov, which was authorized as part of the Federal Funding, Accountability, and Transparency Act, a bipartisan measure passed by the 109th Congress.

As pointed out in a recent GAO report, buying services accounted for 60 percent of the total 2006 procurement dollars. And expenditures on security services, due to our engagement in the wars in Iraq and Afghanistan, have forced those service expenditures to increase substantially.

In addition, according to that same Web site, we have seen an increasing number of contracts that weren't competed at all. In fact, in 2000, the amount of contracts not competed was $48 billion, just north of there; and in 2007, 7 years later, that number had ballooned to $112 billion.

And yet with such a substantial increase in government funding going to companies through no-bid processes, these companies are virtually subsidiaries of the United States government taking in 80 to 90, perhaps 100 percent of their revenues from U.S. taxpayers. We don't know enough about these tax companies. We don't know their management practices, their financial statements, or their employment policies. They are often highly and tightly held secrets not subject to public scrutiny.

So it is not surprising, as Chairman WAXMAN mentioned in October 2007 when the full Oversight and Government Reform Committee brought the CEO of Blackwater before us, one of the largest government contractors, taking in nearly 90 percent of their revenue contracts from Federal contracts, the CEO of that company, Eric Prince, refused to disclose to Congress the amount of profit that company makes or the amount of salary that he took in; yet despite the fact that 90 percent of that salary, 90 percent of the company's revenues, come from the United States' taxpayers.

It's our money. We deserve to know how it's being used. Regardless of your position on this war or any other war, we deserve to know whether or not public funds are being used to unjustly enrich government contractors.

But this principle, as Representative DAVIS and others pointed out, shouldn't just be applied to these types of private security or service contracts. It should be required of all entities that make the vast amount of their earnings, over 80 percent, from U.S. taxpayer dollars. And I would especially like to thank Representative DAVIS and Representative FOXX for their advocacy for this principle.

Importantly, it's important to note that this bill will actually only affect a limited number of companies, only those entities that subsist almost entirely on Federal money and only those that are not publicly traded, since public companies who do the lion's share, frankly, of Federal contracting, already disclose executive compensation information.

Mr. Speaker, profit is clearly a powerful motive, and this legislation does nothing to remove this incentive from our Federal contracting structure. But when it comes to private companies like Blackwater and others that would not exist if it wasn't for United States taxpayer dollars, the taxpayers and this Congress should have the information necessary to decide whether we've gone too far in padding the personal pockets of those who feed at the government trough.

As the late Supreme Court Justice Brandeis said, sunlight is the best disinfectant. I believe this legislation will apply a little bit more sunlight to the Federal funding process.

Again, I thank the chairman and the ranking member for their assistance on this legislation. And I know that this body will agree that as stewards of the people's treasure, we must do everything in our power to make sure it's being spent justly and responsibly. Again, I thank the chairman.

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

Mr. TOWNS. Mr. Speaker, I yield 1 minute to Congressman WELCH.

Mr. WELCH of Vermont. As a cosponsor, I strongly support this legislation.

It was pretty shocking what we heard when this came up. Mr. Eric Prince of Blackwater was in before our committee, and the question was, how did your contracting go from $75 million to over $1 billion. And then in the course of it, what was your salary. He admitted to about $1 million in salary but then also disclosed there's about a 10 percent profit, which would mean, just by doing plain math, $100 million just in the bottom-line profit to the sole owner. We don't know exactly whether that's the case, but that's certainly the way it looks.

Mr. MURPHY's legislation will let the taxpayers know how much they are spending that goes to the bottom-line profit of an individual in this war when our soldiers are working so hard in such danger and getting so little pay for it.

GENERAL LEAVE

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

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

There was no objection.

Mr. TOWNS. Mr. Speaker, H.R. 3928, the Government Funding Transparency Act of 2008, will provide more information about executive pay at large organizations that get almost all of their revenue from Federal taxpayers' dollars. It closes a loophole in the current law.

Right now, the salaries of most people who are paid from Federal funds are public information. The salaries of every Member of Congress is public information. However, large private companies that draw most of their revenue from Federal funds have no such requirements. As a result, nobody knows

if the taxpayers are funding enormous executive pay packages.

This bill is intended to apply the same standards of transparency to these large companies that apply to other people and groups that benefit from Federal expenditures. For example, each year the Federal Government spends hundreds of billions of dollars on contracts. In 2006 alone, the Federal Government spent over $400 billion.

This increase in spending has enriched Federal contractors by way of record-breaking profits and escalating executive compensation. Yet, although the government spends billions of dollars on private contractors, the American taxpayers and Congress know very little about the financial and compensation policies of these firms.

This bill is very narrowly targeted. It requires disclosure of executive pay only from private companies that bring in more than $25 million a year in Federal funds and only if those Federal funds are more than 80 percent of the company's revenue.

The executives of companies falling into that category are basically being paid by the taxpayers, and the taxpayers have a right to know where their money is going. I don't have a problem with people making money. That's okay. That is not what this bill is about. It is about getting the information needed to see if taxpayers' dollars are being well spent. That is important.

If a company whose revenue is primarily from government funds can pay its executives millions of dollars, it raises questions about whether the government is getting a good bargain. It suggests the government could spend its money more efficiently through more competition or more different requirements. Enormous taxpayer-funded pay packages should be a trigger for more oversight of the programs involved.

The sponsor of this bill, Mr. MURPHY from Connecticut, has put in a lot of work on this bill because he recognizes the importance of greater transparency and the need of safeguarding tax bill dollars from waste, fraud, and abuse.

Mr. Speaker, this bill is an important step towards our goal of improving accountability and transparency in Federal spending. We should know whether taxpayers are footing the bill for high salaries paid to executives. I fully support its passage, and I urge my colleagues to do the same.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. TOWNS) that the House suspend the rules and pass the bill, H.R. 3928, as amended.

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

The title was amended so as to read: ''A bill to amend the Federal Funding Accountability and Transparency Act of 2006 to require certain recipients of Federal funds to disclose the names and total compensation of their most highly compensated officers, and for other purpose.''

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 5819, SBIR/STTR REAUTHORIZATION ACT

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1125

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 5819 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

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

Mr. WELCH of Vermont. Thank you, Mr. Speaker.

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

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

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

There was no objection.

□ 1245

Mr. WELCH of Vermont. Mr. Speaker, House Resolution 1125 provides for the consideration of H.R. 5819, the Small Business Innovation Research Program and the Small Business Technology Transfer Program Reauthorization Act, under a structured rule.

The rule provides for 1 hour of general debate, with 40 minutes controlled by the Committee on Small Business and 20 minutes controlled by the Committee on Science and Technology. The rule makes in order 17 amendments printed in the Rules Committee report. The amendments are each debatable for 10 minutes. The rule also provides one motion to recommit with or without instructions.

Since its inception in 1982, SBIR has assisted small businesses to compete for Federal research and development awards. It does that by reserving a percentage of the Federal R&D funds for qualifying small firms which would not otherwise be able to compete in the Nation's R&D arena with larger companies.

SBIR is a unique collaboration that allows Federal agencies to fund projects to meet specific agency needs while expanding opportunities for small businesses, including women and minority-owned businesses. SBIR has enhanced the role of innovative small businesses and higher education research institutions in federally funded research and development while fostering competition and productivity in economic growth.

SBIR, Mr. Speaker, targets the entrepreneurial sector because that's where the innovators thrive. The risk and expense of conducting serious R&D efforts are often beyond the means of small businesses, so SBIR funds are a critical start-up in development stages, encourage the commercialization of technology, product or service, which

in turn obviously helps the United States economy.

And the results, by the way, speak for themselves. Not only are 85 percent of the businesses competing in SBIR small firms employing 20 or fewer persons, but the program has generated 50,000 patents over 25 years. SBIR has helped thousands of small businesses drive enhancements in our Nation's defense, new protections for our environment, and advances in health care.

The National Research Council and the National Academies' report, in assessment of the Small Business Innovation Research Program, states, ''The SBIR program is sound in concept and effective in practice. The SBIR program has created a competitive entrepreneurial environment upon which small, independently owned businesses can compete to strengthen America's high technology economy. Many consider SBIR to be one of our most successful technology development programs.''

This rule allows for consideration of a welcomed reauthorization of the SBIR and STTR programs. Just very briefly, what it's going to do is increase the existing set-aside for SBIR to 3 percent, and for STTR to sixtenths of a percent, increase SBIR and STTR grant award levels, increase congressional oversight and evaluation of programs, make changes to shorten the application review periods, and create an outreach development program for underrepresented States, regions, types of businesses, and numbers in the workforce.

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

Mr. HASTINGS of Washington. Mr. Speaker, I want to thank my friend, the gentleman from Vermont (Mr. WELCH), for yielding me the customary 30 minutes.

I yield myself such time as I may consume.

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

Mr. HASTINGS of Washington. Mr. Speaker, the small business programs covered by this bill are almost totally without their critics; they enjoy widespread bipartisan support. But, Mr. Speaker, there is controversy and opposition to this legislation because of the manner in which Democrats have chosen to conduct the business of this House.

First, there are concerns expressed about the increased set-aside for these two programs, which will come at the cost of other important research. Concern and opposition of this bill has come from the head of the Small Business Administration, from the White House, and from the Association of American Universities, among others, which represents 60 leading research universities across the country.

Typically, there would be an opportunity to address these types of concerns through committee action before any bill comes to the House floor. But the Democrats have chosen to skip past a hearing of the full House Science Committee on this scientific research legislation. They're just bypassing that step and sending it here to the House floor, where the Democrat-controlled Rules Committee decided to further restrict action on the legislation by limiting the number of House Members who can offer amendments, and they just limited it, Mr. Speaker, to just 17 out of 432 Members in the House.

Now it is true that my Democrat friends on the Rules Committee have allowed some amendments to be offered on this bill, but they have certainly treated themselves very well. Under this rule, Democrat members of the Rules Committee get to offer one-third of the amendments allowed to the entire House. Out of the 17 amendments that would be made in order under this rule, the Rules Committee Democrats get six of them. But under the rules that the Rules Committee wrote, 415 Members will not be allowed to offer even one amendment.

Restricting debate on the House floor is really becoming an old habit for the new Democrat majority, the new Democrat majority that pledged to run a more open, bipartisan House when they won the election in 2006. The Democrat majority has not kept their promise to the American people and have instead passed more closed rules denying all amendments on the House floor than any Congress in history, and they did it in record time.

Despite this record of shutting down debate in the House, the new majority has failed to complete its work and address matters critical to American families, small businesses and the economy. They failed to meet last week's April 5 deadline to write a budget for the next fiscal year, for example. The current farm bill ended last September, and our farmers are still waiting for that bill to be finished.

House Democrats have refused to pass the Senate's bipartisan bill to modernize FISA and to protect our country. Vital tax relief is set to expire while Democrats propose the largest tax increase in American history. Families, workers and small businesses don't need a record tax increase, Mr. Speaker, and they can't afford the plans to cut the child tax credit in half, reinstate the marriage penalty, and raise rates on every single taxpayer.

While Democrats plot these record-breaking tax increases, they sit by while the price of gasoline rises to record levels. Since Democrats took control of Congress in January of last year, the cost of a gallon of unleaded gas has gone up by 50 percent. According to the AAA, the national average for regular unleaded gasoline has gone up $1.18. The cost of gas has gone up more in 15 months, Mr. Speaker, than it had gone up in the prior 6 years.

Two years ago tomorrow, on April 24, 2006, House Speaker NANCY PELOSI, then the Democrat minority leader, issued a press release claiming that House Democrats ''have a commonsense plan to bring down skyrocketing gas prices.'' This was 2 years ago tomorrow, Mr. Speaker. Two weeks after that press release, then minority leader Pelosi said that Democrats have ''real solutions'' that would ''lower the price at the pump.'' That was 2 years ago, Mr. Speaker, just less than 2 years ago. But now they've controlled the House for over a year, yet the ''real solutions'' and the ''commonsense plan'' promised by Democrats are nowhere to be seen. They pledged to lower gas prices, and they've done nothing; gas prices keep climbing.

Mr. Speaker, I think it's time for Speaker PELOSI to reveal the Democrat plan and for this House to be allowed to consider ways to address the rising price of gasoline. Therefore, Mr. Speaker, I will be asking my colleagues to defeat the previous question so that I can amend the rule to make in order any amendment to the underlying bill that would ''have the effect of lowering national average gas price per gallon of regular unleaded gas.'' This House can then debate the rising cost of gas and we can have that debate, Mr. Speaker, by defeating the previous question.

Mr. Speaker, at this time I will insert into the RECORD both Speaker PELOSI's 2006 press release and a letter sent yesterday from Republican leaders to Speaker PELOSI asking for the Democrats to put forward the commonsense plan that they had promised.

PELOSI: 'WITH SKYROCKETING GAS PRICES, AMERICANS CAN NO LONGER AFFORD RUBBER STAMP CONGRESS'

WASHINGTON, DC.—House Democratic Leader Nancy Pelosi released the following statement today on President Bush's, Speaker Hastert's, and the Republican Congress' empty rhetoric on gas prices. Key facts on the Majority's failure to address gas prices follows Pelosi's statement.

With skyrocketing gas prices, it is clear that the American people can no longer afford the Republican Rubber Stamp Congress and its failure to stand up to Republican big oil and gas company cronies. Americans this week are paying $2.91 a gallon on average for regular gasoline—33 cents higher than last month, and double the price than when President Bush first came to office.

''With record gas prices, record CEO pay packages, and record oil company profits, Speaker Hastert and the Majority Congress continue to give the American people empty rhetoric rather than join Democrats who are working to lower gas prices now.

''Democrats have a commonsense plan to help bring down skyrocketing gas prices by cracking down on price gouging, rolling back the billions of dollars in taxpayer subsidies, tax breaks and royalty relief given to big oil and gas companies, and increasing production of alternative fuels.''

Key Facts on the Majority's Failure to Address Gas Prices:

President Bush, Speaker Hastert and the Majority Congress wrote and passed a Republican energy bill that President Bush's own Energy Department said would raise gas prices on American consumers. Big oil and gas companies wrote the Republican energy bill, and the American people paid the price.

The Majority rejected imposing tough penalties on price gouging companies three times in the past year, since that time, gas prices increased by another 11 cents a gallon.

Speaker Hastert and the Majority have been blocking action on Congressman Stupak's Federal Response to Energy Emergencies Act (H.R. 3936) since last September, which would protect American consumers from high gas prices by empowering the FTC and the DOJ to investigate and prosecute oil companies engaged in price gouging at each stage of the energy production and distribution chain and outlaws market manipulation.

___

CONGRESS OF THE UNITED STATES,
Washington, DC, April 22, 2008.

Hon. NANCY PELOSI,
Speaker of the House, U.S. Capitol, Washington, DC.

DEAR SPEAKER PELOSI: Two years ago this week, you stated that House Democrats had a ''commonsense plan'' to ''lower gas prices.'' In light of the skyrocketing gasoline prices affecting working families and every sector of our struggling economy, we are writing today to respectfully request that you reveal this ''commonsense plan'' so we can begin work on responsible solutions to help ease this strain.

Today, the national average for regular unleaded now stands at $3.51 per gallon, according to AAA, which is $1.18 higher than it was at the start of the 110th Congress—a more than 50 percent increase. In fact, gas prices rose more in the last 15 months than they did in the six years prior to Democrats taking control of both Houses of Congress in January 2007.

In the midst of a slowing economy, falling home values and soaring costs of living, this is a heavy premium for working families to bear.

Americans, particularly those in suburban and rural communities, are paying more simply to commute to work each day. America's truckers, faced with the prospect of paying $1,200 to fill up a tank that just a few years ago cost $600, must now consider taking less work or going out of business altogether. We have seen reports of school districts where filling up buses is already costing as much as $70,000 more than originally budgeted.

Once a nightmare scenario, $4 gasoline is now a very real possibility of becoming a summer staple. In some cities, including San Francisco and Chicago, it is already a startling reality.

We noted with great interest, then, that on several occasions you have announced the existence of a Democratic plan to lower gas prices. In fact, it was two years ago this week, on April 24, 2006, when you pledged that ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.'' Just two weeks after that, you stated that Democrats had ''real solutions'' that would ''lower the price at the pump.''

Yet 15 months into the 110th Congress, you have yet to reveal this ''commonsense plan.''

House Republicans stand ready to work with you and our Democratic colleagues in a bipartisan fashion to address America's energy crisis. As part of that effort, we respectfully request that you reveal the ''commonsense plan'' to lower gas prices you promised two years ago. The ability to fully consider its provisions, details and costs—including any proposed new taxes on gasoline or energy as we have seen in the past—is critical if we are to effectively serve our constituents facing ever-increasing prices at the pump.

We appreciate your timely reply to this request.

Sincerely,

JOHN BOEHNER, Republican Leader; ROY BLUNT, Republican Whip; ADAM PUTNAM, Conference Chairman; THADDEUS MCCOTTER, Policy Committee Chairman; KAY GRANGER, Conference Vice-Chair; JOHN CARTER, Conference Secretary; TOM COLE, Chairman, National Republican Congressional Committee; ERIC CANTOR, Chief Deputy Whip; DAVID DREIER, Rules Committee Ranking Republican.

Mr. Speaker, I will be asking my colleagues to defeat the previous question at the appropriate time so we can consider ideas for lowering prices at the pump.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), chairman of the Appropriations Committee.

Mr. OBEY. Mr. Speaker, I thank the gentleman for the time.

Let me simply say this bill is intended to increase the small business set-aside for these research programs. That does no harm for a large agency whose budget has been rising, such as the Department of Defense, but it can do immeasurable harm to the crown jewel of our research agencies in this country, the National Institutes of Health.

If we were to do what this bill does to NIH, it would result in $187 million less being available for traditional medical research grants at medical research centers and universities. I think that that is not a good idea. The President's budget has already reduced the number of grants that NIH will be able to provide by almost 500 grants. This will add about another 500 grant reduction to the President's budget. That would mean that we would be supporting a grant level for the traditional NIH grants at about 1,100 grants fewer than was the case in 2007. I think that is a very bad idea. Therefore, when the bill comes before us, I would urge support of the Ehlers amendment, which will correct the problem with respect to the National Institutes of Health.

I know that some people will say, ''Well, we're not reducing the number of grants, we're simply shifting the nature of grants from traditional grants to small business grants.'' But the fact is that the success rate for small business grants under this bill is expected to rise to 52 percent whereas the success rate for applications for traditional NIH grants is expected to decline to 18 percent. That is a disparity that the scientific community and the country at large simply cannot afford.

NIH believes that there will not be sufficient high-quality grants under the small business set-aside to pass peer review over time, and that means they would simply have to lapse back precious research money that could be used for heart disease, for Parkinson's, for cancer, things like that.

So I would strongly urge, when this bill comes before us, to vote for the Ehlers amendment as a way to address that balance.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished ranking member of the Rules Committee, Mr. DREIER of California.

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

Mr. DREIER. I thank my friend for yielding.

''A commonsense plan to bring down skyrocketing gasoline prices.'' That's what my friend from Pasco just quoted my California colleague, our distinguished Speaker, as having said 2 years ago tomorrow.

Mr. Speaker, if we look at what has taken place over that 2-year period of time, we know, and I will tell you that as a driver and a representative of people who drive the freeways of southern California, we've seen gas prices skyrocket over the past 2 years.

□ 1300

There's no plan put forward.

We're very proud of the fact that we have a plan. I just had the privilege of talking to my friend from Illinois (Mr. SHIMKUS) about some of the challenges that we face. Obviously, I believe that environmentally sound exploration in ANWR, the Arctic National Wildlife Reserve, is the responsible thing for us to do. The Outer Continental Shelf is what we need to pursue. There's this potential of a great new shale find in North Dakota.

And then one of the interesting things that Mr. SHIMKUS and I were just discussing is the fact that it, of course, has been three decades, three decades, since we have seen the construction of any new refinery in this country and, of course, three decades since we have seen the construction of any nuclear power facility. We all know that nuclear power is the cleanest, safest, most cost-effective energy source around.

These are the kinds of responsible things that we are proposing, Mr. Speaker. Unfortunately, our colleagues on the other side of the aisle have consistently stood in the way of every single one of those very responsible measures.

And pursuing alternative sources is something else that we strongly support. Coal to liquid, those are the kinds of things that we need to be doing.

Now, what is it that we are doing here with this rule? We are, of course, talking about small business issues, but we know the overwhelming concern of our constituents today is this problem of skyrocketing gasoline prices.

So when we move to defeat the previous question, Mr. HASTINGS, my friend from Pasco, is going to seek to offer an amendment to this rule. The amendment will simply say that any Member, any Member, who has a proposal that will deal with providing a commonsense plan to address the problem of skyrocketing gas prices will be able to offer that amendment here on the House floor. So all we're asking our colleagues to do is to amend this rule by defeating the previous question so that we will be able to deal with one of the most pressing concerns that our constituents are asking us to address.

I urge my colleagues to vote ''no'' on the previous question so that we will allow our Members to step up to the plate and offer these very, very thoughtful solutions or anything that our friends on the other side of the aisle might seek to offer as an amendment that would, in fact, allow this to happen.

I thank, again, my friend for yielding.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. WU), the Chair of the Subcommittee on Research.

Mr. WU. I thank the gentleman for yielding.

Mr. Speaker, I don't know how we got on the subject of gasoline prices because we're here to talk about SBIR and STTR. But if we want to talk about the price of gasoline, I think that the reason why we have $4-a-gallon gasoline is because this administration got us into an unnecessary war in Iraq and that drove up the price of gasoline at least $2 a gallon. So if you want to talk about gasoline, let's talk about the war in Iraq.

Now let's return to the subject of SBIR and STTR. The last time that we authorized either one of these problems, the SBIR program, was in the 106th Congress. The bill was marked up by the Small Business Committee and discharged by the Science Committee. I would note that the bill was not even referred to a subcommittee of the Science Committee. The bill then proceeded to the floor under a suspension of the rules. And we all know that as a suspension bill, there was absolutely no opportunity to offer an amendment to the underlying legislation.

Again, the last time that we authorized STTR, which was in the 107th Congress, the bill was marked up by the full Small Business Committee and discharged by both the Subcommittee on Environment, Technology, and Standards and by the full Science Committee without any Science Committee markup. The bill then proceeded to the floor under a suspension of the rules, and again there was absolutely no opportunity to amend the bill.

What do we have today? We have 17 amendments on the floor. We have 17 amendments made in order by the Rules Committee here on the floor.

Who's running an open process?

Mr. HASTINGS of Washington. Mr. Speaker, will the gentleman yield?

Mr. WU. I would be happy to yield.

Mr. HASTINGS of Washington. I appreciate the gentleman for yielding.

Two points: 415 Members of this House are denied an opportunity to offer an amendment because this is a structured rule, number one.

Number two, I would hope that my friend from Oregon would join me in voting to defeat the previous question because he has a view on why gas prices are high. If we have an open debate on that, he'll have his opportunity to make that argument and perhaps offer legislation that would lower the price of gasoline. That is precisely what I'm going to be asking my colleagues to do in defeating the previous question so they'll have that opportunity. I hope the gentleman will join with me in that regard.

Mr. WU. Reclaiming my time, Mr. Speaker, with 17 amendments made in order under this structured rule, which I support, I think the gentleman and I will have plenty of time to share on the floor today.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. WU. I would be happy to yield.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

But my point is that when the gentleman was talking about the rising price of gas, he has an opinion as to why gasoline prices have risen. We haven't had a debate on this.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 1 additional minute on this issue.

Mr. Speaker, I just simply want to say that we haven't had a debate, and this is an opportunity to debate this issue. And I hope the gentleman will join with me in voting to defeat the previous question so we can have his ideas on what would lower the price of gasoline, along with other ideas being debated.

That would not take away, would not take away at all, the ability to debate only those 17 amendments that you said were made in order. But the fact still remains 415 Members of this body do not have a chance to perfect this bill as they see fit.

Mr. WU. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Washington. I am happy to yield to my friend.

Mr. WU. Seventeen amendments is obviously 17 times any one amendment to the SBIR bill. Now last time there were zero amendments; so it's infinitely better than what happened last time.

Mr. HASTINGS of Washington. Reclaiming my time, Mr. Speaker, under suspension of the rules, there is generally agreement between both the minority and the majority. If the gentleman was upset then, he could have very easily have defeated the bill and brought it up under a special rule.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Seventeen amendments were ruled in order. But I can tell you one that wasn't: It was one that I offered. It would have been simple to do it. If we are going to make seventeen amendments in order, why not make this one?

I offered an amendment that would simply have prevented any funds appropriated to the Federal agencies that must participate in these grant programs from being used for earmarks.

Now last week we had a bill called the Beach bill. It came under an open rule; so I couldn't be blocked from offering a similar amendment saying no funds authorized in this bill could be used for earmarks. I offered that amendment and it received overwhelming support. It passed by a 2–1 margin. I believe more than half of the Democrats voted for it and an overwhelming number of Republicans. Why wouldn't we allow that amendment to be offered here?

We have programs here, grant programs, and it's conceivable there could be 5,000 or 6,000 grants offered under this program. The temptation is going to be, as it is with all of the other accounts that we have earmarked in this place, to earmark it, for Members to simply set it aside and say I want this grant to go to one of my constituents or somebody else. And for those who say we haven't traditionally done that with this program, well, we didn't traditionally do it with the Homeland Security bill either. For the first 3 years that it came to the floor, some $32 billion, none of it was earmarked. But last year about $750 million was earmarked, more than 600 earmarks, nearly all of them air-dropped in at the last moment. So we have a habit around here of discovering a pot of money that can be earmarked for our own political purposes.

I know that the overwhelming majority of rank-and-file Members in this body don't want this to happen because it's typically those Members in a leadership position or a committee Chair position or some Member of seniority that typically benefits more than other Members. But I was denied that ability to bring that amendment to the floor today, and I would submit that the more we allow bills like this to come to the floor without amendments being offered like this, the more we're going to suffer.

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

Mr. HASTINGS of Washington. I yield 1 additional minute to the gentleman.

Mr. FLAKE. I thank the gentleman.

Mr. Speaker, as we allow authorization bills to come to the floor and we don't have a prohibition about the money being appropriated later from being earmarked, we are going to see them earmarked. That has been the trend around this place in recent years. That trend is not just continuing; it is accelerating, with the Homeland Security bill, as I mentioned.

So I would appeal to everyone to vote down this rule. Let's bring back a rule that allows a broader scope of amendments, ones that will actually preclude all of the grants authorized in this bill from being earmarked for political purposes.

And with that, I would urge a ''no'' vote on the rule.

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

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

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

Mr. SHIMKUS. Mr. Speaker, this is a small business bill. Let me tell you why this is relevant. The biggest challenge to small businesses in America today is the high cost of energy. Let me say that again. The biggest challenge to America's small businesses today is the high cost of energy.

Here's an article from a paper: ''Independent Truckers,'' they're small businessmen, ''Join Strike.'' Why? Over $4 a barrel for diesel, $4 a gallon for diesel fuel. They can't operate. You wonder why food prices are going up? Gas prices are too high.

What has the Democrat majority done? Nothing.

This is a great opportunity to bring all our collective ideas, put legislation in front of the American people, and say let's vote on bills that will affect and lower the cost of gasoline.

Now, the Democrats should be happy about this because Speaker PELOSI promised in April of 2006 that the Democrats have a commonsense plan to help bring down skyrocketing gas prices. In 2006. We're still waiting for the plan.

In fact, there is a plan. The plan is this: The plan is for the barrel of crude oil to go up. When the Democrats took the majority, it was $58 a barrel. What is it today? It's $117.36. When you have no plan, you plan to fail.

You want to help small businesses? Bring an energy bill to the floor that brings on more supply.

Look at what it has done at the gas pump. You've heard the terminology: ''Pelosi premium.'' The price of a gallon of gasoline when the Democrats took over: $2.33. What is it today? It's $3.53. Add to that climate change legislation, Chairman DINGELL wants to bring to the floor 50 cents in additional cost to a gallon of gas. Right now that would be $4 a gallon. And we know when we get to the summer driving season, it's going to be $4. Add 50 cents: $4.50 a gallon. What do the Democrats bring to the floor? They bring nothing to the floor. Nothing.

Do we have plans? Actually, we have a bipartisan majority if the leadership would bring a bill to the floor. We have a bipartisan majority, most of the Republicans would vote for it, we'd get 40 or 50 Democrats, to move more supply, more supply like opening up the Outer Continental Shelf, more supply like coal-to-liquid technology, more supply like expanding nuclear power, more supply by going after the oil shale, more supply by going after our marginal oil wells. We can bring more supply.

We're the only industrialized nation in the world that doesn't use its resources. That's why we import all this crude oil. We don't use our resources. Coal to liquid, in Illinois alone, 250 years worth of fossil fuel. We could turn that into liquid fuel.

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

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

Mr. SHIMKUS. I know the liberal left and the environmentalists don't like coal. I know that. And they tout Kyoto. I know that. They tout our European friends.

The New York Times today: ''Europe Turns to Coal Again.'' Europe turns to coal.

When is this body going to turn to coal to solve our energy prices?

□ 1315

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

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding, and I certainly come to the floor today in support of the Small Business Innovative Research Act, and if some of the amendments, particularly the one offered by my friend on the other side, Mr. WELCH, is approved, and maybe a couple of other amendments, I definitely plan to support this bill.

But in regard to this rule, Mr. Speaker, I am fully supportive of my colleague from Pasco, my former colleague on the Rules Committee, that says we want to defeat this previous question to give Members an opportunity to come to this floor and talk about something that indeed is more of a crisis than what we do with our Small Business Innovative Research Grants, although that is important. So that is the reason why I will vote in favor of defeating the previous question.

Mr. Speaker, the promises that were made, and I just want to show, if my colleagues will look at this chart, the day George Bush was sworn into office as President, the price of regular gasoline was $1.49. Two years ago, about 2 years ago, the day that NANCY PELOSI was sworn in as Speaker, the price of a gallon of regular gasoline was $2.33, and today, 15 months into her leadership, gas prices have spiked at $3.50 a gallon for regular, a $1.30 increase in my home State of Georgia.

Mr. Speaker, this is really unacceptable, it's downright deplorable, especially when the new Democratic majority and the new Speaker of the House campaigned and made a pledge that they would bring down the price of gasoline. Instead of bringing it down, Mr. Speaker, look what has happened. This is not a linear growth, this is an unbelievable exponential growth.

So as part of this changing of the rule if we defeat the previous question, it would require, Madam Speaker, within 5 days, she's had 15 months, but it would require her within 5 days to bring a bill to provide a commonsense plan to help bring down skyrocketing gas prices.

The previous gentleman from Illinois had some great ideas; the gentleman from Pennsylvania (Mr. PETERSON) had some great ideas. There are so many Members that could come to this floor on both sides of the aisle and give some amendments and some ideas that would truly bring down our dependence on foreign oil. Right now, 60 percent of our usage comes from either the Middle East or from Venezuela.

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

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. GINGREY. I thank the gentleman for yielding. My good friend, my subcommittee Chair on the Science Committee, made a comment. He said, the reason for the skyrocketing price of gasoline is because of what is going on in the Middle East; this war that we are waging in Iraq.

Well, I would like to point out to him that the production of oil from Iraq today is exactly what it was prior to the war 5 years ago commencing. And that is about 2.5 million gallons a day from Iraq. So the price of oil has nothing to do with that. It absolutely has nothing to do with it. We are going to control this with some of the ideas, the coal-to-liquid idea that Mr. SHIMKUS, the gentleman from Illinois, just talked about. We are going to help solve this problem by licensing some new nuclear power plants.

As the former chairman of the Rules Committee, Mr. DREIER, the gentleman from California, talked about, yes, we are going to look at solar, we are going to look at wind. We certainly, as our minority party, now former majority party, have tried so hard to get us to explore for more oil and gas in this country. ANWR could produce another 1.5 million barrels of oil a day, and drilling on the Outer Continental Shelf, why are those things blocked?

It's time for us to do something about it, and I am glad that the gentleman from Washington is going to ask all Members to vote against the previous question and let's give an opportunity for Members to come down and give their ideas.

Mr. WELCH of Vermont. I reserve the balance of my time.

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

The SPEAKER pro tempore. The gentleman has 9 minutes. The gentleman from Vermont has 22 minutes.

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

Mr. EHLERS. I thank the gentleman for yielding.

I rise to raise an issue about Small Business Innovation Research funding and also Small Business Technology Transfer Research funding. This bill which is coming up before us increases SBIR by 20 percent and increases STTR by 100 percent. These increases seem totally out of line to me, particularly since that money comes out of the research budgets of the other agencies of the Federal Government. I have offered an amendment, which I am very grateful to the Rules Committee for making in order, which would remove those increases.

Let me explain why it is important to remove those increases. It is because the money for those is taken away from the current fundamental research programs of the Federal Government. In fact, these increases will remove $650 million from the other research funds at various agencies. Just to give an example that we are talking about real money here, note that just for NIH alone, at a time when agency funding increases are below inflation level and we are simply not putting enough money into health research, this particular change in SBIR and STTR will reduce the NIH budget by $185 million.

Now we would not think if a proposal came to the floor to directly reduce NIH and NSF funding, we would not even think about bringing it to the floor or even bringing it up for a vote. Yet this particular provision was put in the Small Business bill without the full consent of the Science Committee. It was presented to us in such a short time span, we couldn't even have a meeting of or mark-up by the full Science Committee, which happens to have jurisdiction over this particular payment. We managed to have a hearing before a subcommittee, and that was the extent of the Science Committee's involvement.

I think this was done without full thought and I don't believe any of my colleagues are interested in reducing the funding for the National Science Foundation, or the Department of Defense, or the NIH at a time like this.

So I thank the Rules Committee again for putting this motion in order. I also wanted to say my amendment is supported by the Association of American Universities, the American Association of Medical Colleges, the Federation of American Societies for Experimental Biology, the National Association of State Land-Grant Colleges, and also the National Academy of Sciences. I urge my colleagues to support my amendment.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I believe it's April Fools Day here on the floor of the House. To hear the members of the GOP, the Grand Old Oil Party, talking about how they are there for the consumers, they want to do something to help American consumers, the same party that benefits disproportionately from massive campaign contributions from the oil and gas and coal industries, the same party that holds the White House, with two oil men in the White House, the same party that on the Senate side defeated our energy provisions because they would have, God forbid, made the oil and gas companies pay taxes like other members of the corporate community. It would have taken away subsidies.

They are crying crocodile tears about the massive profits their buddies are making. They are campaign contributors, they are sponsors, and the President, the oil man, the Vice-President, the oil man supply services company.

Now there's a few things we could do. The President is a big free trader. He is trying to push us into more free trade agreements. He says they work great. He wants rules-based trade. Well, we are in the WTO. They have rules. The rules say you cannot restrict the supply of a commodity simply to drive up the price. That is what OPEC is doing. Now five members of OPEC are in the WTO.

Will this President, the oil man, the friend of the Saudis and the others, will he file a complaint with the World Trade Organization against OPEC? No. I wrote to him 3 years ago asking him to do that. The answer was no. The Saudis and the OPEC countries want to get together to collude and drive up the price of oil. That is just fine with George Bush. He is all for free trade and rules-based trade, except when the rules might hurt some of his buddies, and then the oil industry just piggybacks on top of that.

Now there is another thing they could do. They could help us with the provision we put in the farm bill, which is stalled in the Senate, which would close the Enron loophole. Remember Enron? Ken boy, the President's favorite guy. He just died before he went to jail. Well, the Enron boys convinced the Republican Congress to give them a special loophole, to deregulate energy commodities to allow for massive speculation. And there is widespread agreement in the financial community that about 50 cents of the price that is being paid at the pump today is being paid purely because of speculation brought about by the Enron loophole.

You really want to do something about the high price of oil? Help us close the Enron loophole. Get your President to file a complaint against OPEC for colluding to drive up the price of oil. Help strip out the taxpayer subsidies to the oil, coal, and gas industry. You're taking it out of their wallets while you take it out of their pockets at the pump.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas, a member of the Rules Committee, Mr. SESSIONS.

Mr. SESSIONS. Mr. Speaker, we just heard an argument. That is okay. I can understand that people want to blame President Bush for things. But the fact of the matter is that the pressure on this issue comes directly to the Democratic Party, the Democratic Party that absolutely cuts America off from being energy independent. They are the people, not OPEC, that have caused America to have to go to OPEC to get our oil. And in the time when there is competition for this oil because we don't produce our own here in the United States, of course you're going to pay more money.

To blame this on George Bush, when in fact it is the Democratic Party that has shut off America from energy independence, from the ability that it has to go, just one case, to the Arctic Wildlife Reserve to be able to get millions and millions of barrels of oil that reside within our own United States. We are the ones, as a result of the Democratic Party, that have to go to OPEC to buy the fuel we need.

It is an absolutely ridiculous argument to blame George Bush when in fact it was Bill Clinton as President who vetoed the bill which would have given us millions of barrels of oil back in 1995, available to consumers today. It is the Democratic Party and the ability from the Speaker, the current Speaker of the House, Ms. PELOSI, to follow what we have with their public policy to make sure that Americans are paying more at the pump today. But you can't blame George Bush.

Let's put the blame where it really is, and that is America is not energy independent. We have to go to other places, we have to get oil, and the world wants the same thing from that marketplace. So rather than throwing insults at each other, why don't we do something about it.

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

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

Mr. SESSIONS. I thank the gentleman.

What we need to do is have a real live debate on this floor where we figure out that America should become energy independent. That means we would be able to not only produce the oil and the energy from this country, but we would be able to have the jobs that come from that.

I believe the charge that is equally fair today is to say that it is Ms. PELOSI's public policy that built Dubai. We should quit building Dubai.

□ 1330

Mr. WELCH of Vermont. Mr. Speaker, I recognize the gentleman from Massachusetts (Mr. MARKEY) for 3 minutes.

Mr. MARKEY. I thank the gentleman from Vermont very much.

We welcome this debate. We welcome a debate on the Bush-Republican energy policy. Let's begin with a brief review of where the price of oil was back when President Bush was sworn in as President. It was $27 a barrel. That is what President Clinton, that is what

Vice President Gore, handed over to President Bush, $27 a barrel oil. Now let's look at what the price of a barrel of oil was yesterday: $119 a barrel for oil. So President Bush and Vice President CHENEY, they might not know a lot about other issues, but you would think oil policy they would understand.

Well, this is what you get after 8 years of a Bush-Cheney Presidency, abetted and aided for 6 of those years by a Republican Congress.

Let's even take it further. Let's take it to the next step. Let's look at oil company profits. Let's just take the big five oil companies in the United States, led by ExxonMobil. Well, the cumulative profits of all five companies in 2001 was $37 billion. All five of the big oil companies cumulatively made $37 billion.

Now let's look at last year. Last year, those five oil companies made $123 billion in profits. And ExxonMobil alone made $42 billion, the largest profit of any corporation in American history, exceeding the total amount of all of those oil companies' profits in 2001.

So what has happened after 8 years of the Bush-Cheney administration is that they have allowed Big Oil and OPEC to take the American consumer and tip him upside down at the gasoline pump every single day, shaking money out of their pockets.

And looking over at this strategic asset that was built by the American people, the Strategic Petroleum Reserve, which now has 700 million barrels of oil in it, as the American people say to the President, please deploy this weapon which the American people have to protect the American economy and the American consumer.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 additional minutes to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman.

The Bush administration continues to purchase 70,000 barrels of oil a day from Big Oil and OPEC. They are doing it today, buying it at $119 a barrel, buying it today, even though it makes no economic sense. We shouldn't be contributing to this speculation, which is driving up the price of oil. Instead, what the Bush administration should be doing is taking some of that Strategic Petroleum Reserve, the 700 million barrel asset, and beginning to deploy it as a weapon against the speculators who are driving the price of oil up and driving our economy into the ground.

The Bush administration won't do either. They won't stop buying oil at $119 a barrel and they won't at the same time use this asset now that is supposed to be there to protect the health of the American economy and deploying it in a way which, I will tell you, it will prick the speculative bubble almost immediately and begin to drive down the price of oil. That is only something that the President can do, if he determines that there is an economic emergency in our country, if he believes that our country is being adversely affected by high energy prices. That is a decision that can only be made in the Oval Office.

Obviously, the Bush administration, having seen the price rise from $27 a barrel to $119 a barrel, still does not believe that we are absent any energy policy, still believes that it is a free market and that OPEC and big oil are operating in a free market and that is just the natural price of oil.

But here is the interesting testimony before the Select Committee on Energy Independence last week.

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

Mr. WELCH of Vermont. I yield 1 additional minute to the gentleman from Massachusetts.

Mr. MARKEY. When I asked the number two executive at ExxonMobil what he was doing with his $42 billion worth of profits last year in terms of investing in renewable energy resources, the CEO said that he was going to invest $10 million in renewable energy resources. $42 billion worth of profit, $10 million going into renewable energy resources.

When I said to him, you know, the Bush administration and the Republican Congress gave you $18 billion worth of additional tax breaks 3 years ago and now at $119 a barrel you don't need them anymore, can we take those and give them as tax breaks for renewable energy resources, all of the oil executives said, no, we want the tax breaks. We don't want that to go over to renewables. And, secondly, we love our profits, and we are not going to invest them in renewables.

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

Mr. WELCH of Vermont. I yield 30 additional seconds to the gentleman from Massachusetts.

Mr. MARKEY. That is a recipe for continued abject subservience to this oil industry and to OPEC. The President has to get aggressive on deploying the Strategic Petroleum Reserve, stopping his policy of buying $119 barrel oil, 70,000 barrels a day from OPEC and Big Oil. Secondly, we need a new policy on getting aggressive on renewable energy, which the Republican majority for 12 years and the Bush White House has turned a blind eye to. And that is why we are in the mess that we are in today.

The SPEAKER pro tempore. The Chair will note that the gentleman from Washington has 3½ minutes remaining and the gentleman from Vermont has 12½ minutes remaining.

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

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. I thank the gentleman from Vermont.

I am here as a new Member of Congress because my constituents, like millions of others around the country, figured out what was happening here in the United States Congress for the last 12 years, that the priority was to pad the pockets of the oil companies at the detriment of American consumers.

They have also figured out what has been happening here on the floor of the House of Representatives for the last year-and-a-half. As this Democratic majority has passed legislation cracking down on price gougers, as this Democratic majority has passed legislation going after the multinational oil cartels, as this Democratic Congress has passed legislation repealing the billions of dollars in subsidies for the oil companies and turning them around into ordinary subsidies for ordinary Americans to try to put renewable resources and energy in their home, we have done it all without help from the President, we have done it all without almost any help from the Republicans.

That is why there are so many new Members of Congress ready to set a new direction on energy policy, and that is why it is time for the Republican minority to join the Democrat in setting a new energy policy for this country.

Mr. HASTINGS of Washington. Mr. Speaker I yield myself 30 seconds.

Mr. Speaker, I find this debate of the last three Members absolutely incredible. All we have heard from the last three speakers is the problems, but we have heard no solutions.

So I want to repeat, Mr. Speaker, by defeating the previous question, we can debate solutions on the floor of this House. I would hope that all of those, especially the last three speakers on the other side, would join me in voting ''no'' on the previous question so they can offer their solutions so we can debate them on the floor of the House. That is the sum and total of defeating the previous question.

Mr. WELCH of Vermont. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. I want to thank the gentleman for yielding.

I am proud to come to the floor to talk about solutions that the Democratic Party has put forth and this House has tackled in the last year. But let's not try to rewrite history, as we see being done on the other side.

Let's remember when President Bush came to office in 2001, crude oil sold at $25.88 a barrel. When the Iraq war began, that terrible, misguided war, crude oil was $35 a barrel. Gas was approximately $1.56. In my district today, gas is $3.56. Crude oil is over $119. That is what the Republican policies have brought us, a bad war and gas and oil that we cannot afford.

The Energy Information Agency says gas will be $4 this summer. Diesel is already $4. So what have the GOP and this President said they are going to

do? Remember? He is going to jawbone his friends the Saudis to produce more oil so we would have it here in this country.

Oh, he jawboned all right. He jawboned all the way up to record prices, record profits, where ExxonMobil can pay its CEO a $400 million pension with $44 billion in profits last year. Oh, boy, they jawboned all right. Their jawbone is chewing on our pocketbook and is hurting the middle class in this country.

What have we done? The energy price gouging bill, H.R. 1252, which we passed last May 284–141. One hundred forty-one on the other side wouldn't even vote for us to stop the gouging of prices that we see day in and day out. This legislation would have provided the Federal Trade Commission with the authority to investigate and prosecute those who engage in price gouging, predatory pricing and other unfair practices.

I don't know about you, but I am tired of seeing gas go up 30 cents like it did earlier this month in my district. One day, 30 cents. Now, if that is not excessive pricing, predatory price gouging, I don't know what it is.

Let's take a look at the PUMP Act, a piece of legislation we have been working on since April of 2006, and we have plenty of cosponsors. We had a hearing last December, December 12. What did they say? Pass the PUMP Act to prevent the unfair manipulation of prices. Professor Greenberg said we could save $30 a barrel. For every barrel of oil that comes into this country, we can save $30 by getting the speculators out of the market.

Why do we continue to allow speculators to run this country? They sure did a good job with mortgages, didn't they, with the subprime mortgages. That is why the values of our properties have gone down. Now the speculators are in the oil field, in the energy field. And why is that? Because of a little thing when the Republicans were in charge called the Enron loophole. The Enron loophole in 2005 allowed the speculators to come into the energy field, and therefore they have run up the price. What did the hearings show?

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

Mr. WELCH of Vermont. I yield 1 additional minute to the gentleman from Michigan.

Mr. STUPAK. Ninety-five to 98 percent of those playing in this market have no intentions of taking possession of oil or providing a product. They are there for one reason, to rake all the profits off the American people that they can through their excessive speculations.

This Democratic Congress has also passed a Renewable Energy Tax Act to help lessen our dependence on foreign energy sources.

Look. Since this war started in Iraq, everything has doubled and tripled. We have heard nothing from the other side. This Democratic Congress continues to do things to try to curb the abuses we find in the energy field, that we find in manipulation of prices and speculation. We will continue to work towards that.

To come down here and somehow try to rewrite history, it is just not going to work. It is important to note that tax breaks that are eliminated in the Renewable Energy Tax Act are equivalent to less than 1 percent of the oil companies' net income, but yet they complain.

□ 1345

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, my friend from Michigan just made the case for me one more time to defeat the previous question so that the gentleman could offer some solutions.

I just want to remind everybody, Mr. Speaker. Two years ago tomorrow, then Democrat minority leader NANCY PELOSI said: We have a commonsense plan to help bring down skyrocketing gas prices. We have real solutions to lower the price at the pump.

When the Democrats took over, the price at the pump was $2.33. Now, it is $3.51.

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

Mr. HASTINGS of Washington. I yield myself another 15 seconds.

Mr. Speaker, by defeating the previous question we can discuss and debate those solutions. That is all I am asking Members to do. I am not taking sides, I am not saying their ideas are bad. I am just saying we have an opportunity to debate those solutions.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2½ minutes to the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I just had a meeting I think is relevant to this conversation. I just met with the leaders of the Phoenix Motor Car Company of Ontario, California. They hope to bring out an all-electric car that will go 120 miles on one charge. You can charge your car for $3 and not use a drop of gasoline.

Now they could use a little assistance from Uncle Sam to bring these products to market as quickly as possible, and we on this side of the aisle proposed some bills to do that because we wanted to take the 21 billions of dollars that this side of the aisle wants to give to the oil and gas companies in tax breaks and give those tax breaks to consumers and companies so that we can get all-electric cars, so we can break our addiction to Middle Eastern oil. That is a solution. You want solutions? You can't handle solutions. We gave you a solution: Let's get electric cars on the road. We have a bill to do that. And if we can get some help there from the other side of the aisle, then the President will make this happen.

I will give you another company, the Astro Solar Energy Company. They can produce electricity just by solar thermal power. We wanted to give them some help to do that, this side of the aisle blocked it because they wanted to help some friends in the oil and gas industry.

So those are the long-term solutions. But I wanted to mention a short-term solution. Tell me why on this green earth we do not have the oil and gas industry futures market protected and governed by the Commodities Futures Trading Commission? We want them to put them under the regulation of that, have transparency. We regulate the orange, wheat, and soybean futures market; this market ought to be regulated as well. This side of the aisle stands to do that; 36 Democrats are on the bill to do that, Mr. STUPAK's bill. We have only got two Republicans. We welcome Republicans to get in the solutions business. Help us pass this bill.

I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I appreciate my friend for yielding. I just simply want to say, and you make my case. If you have these solutions, defeat the previous question and we can have a debate on that.

Mr. INSLEE. We have solutions. What we don't have is a President in the White House who will sign these bills or the Republicans who will break a filibuster in the Senate. You have got a Presidential candidate running this year who didn't vote to break the filibuster to give these tax breaks to these all-electric and solar thermal companies. That is what we need and we will get this job done.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. INSLEE. I don't have any more time. I will yield on your time if you like, Mr. HASTINGS. I will be happy to yield on your time.

Mr. HASTINGS of Washington. Mr. Speaker, I took all of my time because I was advised there were no speakers on the other side, so I can't yield time right now.

Mr. INSLEE. Thank you.

Mr. HASTINGS of Washington. Mr. Speaker, I inquire once again of my friend from Vermont if he has any more speakers.

Mr. WELCH of Vermont. I am the last speaker.

The SPEAKER pro tempore. The gentleman from Vermont has 5 minutes. The gentleman from Washington has 2¼ minutes.

Mr. HASTINGS of Washington. Thank you for being so precise, Mr. Speaker. I do appreciate that.

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

Mr. Speaker, I just want to reiterate, we have had a debate on the problems. We haven't had a debate on the solutions. My motion then would allow that to happen. So let me repeat, Mr. Speaker.

Two years ago, Speaker PELOSI promised Americans a Democrat plan to lower gas prices at the pump. They

have controlled Congress for 15 months, but we still have not seen this plan. Meanwhile, the cost of gas is setting record highs.

Under their leadership, the national average price of gas has increased by $1.18. It is time for the House to debate ideas for lowering gas prices. It is time for the Democrats to reveal their plans.

Mr. Speaker, by defeating the previous question, I will move to amend the rule to allow any amendment be made in order on the underlying bill that would, quote, have the effect of lowering the national average price per gallon of regular unleaded gas.

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

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

There was no objection.

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

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

Mr. WELCH of Vermont. Mr. Speaker, I have mainly listened as this debate has unfolded, and I have an observation. This is a sad spectacle. The Congress of the United States has before it now a bill that is intended to address an urgent need to provide research funding for our small businesses.

Small business is the backbone of our economy, it is where most jobs are created, it is where some of the best innovations occur, and where our small businesses need some assistance to put together the financing package required to explore innovative research and development ideas. Our small businesses don't have the funds that are available oftentimes through big venture capital operations. And what we are hearing in this debate is a complete and utter disregard for the content of this bill and, instead, turning it into a political debate that veers wildly away from any truth about what the history of this whole gas crisis is.

Number one, the basic question before us is, are we going to help the research and development needs of our small businesses? We believe it is urgent that we do so, and we won't be deterred by what is now a political argument.

Second, since our friends on the other side have made an accusation that there has been Democratic culpability, almost a conspiracy, in raising gas prices, I want to respond to the absurdity of that.

We have heard from our speakers how the price of a barrel of oil when President Bush took over was $25, it is now $119. We know that the war in Iraq, when it started, that catastrophic war, the price was $35, it is now $119. But what we also know is that under the leadership of the Republican Congress, we turned a blind eye on the Government's responsibility to look out for the middle class. Why? We destroyed regulatory oversight that is necessary to help folks pulling up with their pickup truck to fill up their gas tank.

This Enron loophole, snuck in, in the middle of the night with the complicity of a Republican Congress is, Mr. Speaker, and I say this intentionally, unconscionable, unconscionable to meeting the needs of average Americans who are trying to work hard and pay their bills. Fifty cents at least in the price of a gallon of gasoline is because the speculators, the hedge fund managers, are singing every day as they make wire transfers to their bank accounts at the expense of everyday Americans.

And my question is, why will not those who are expressing concern about the cost of gasoline and how that impacts small business and impacts our families, why will they not get behind Congressman STUPAK and support The PUMP Act, get rid of the Enron loophole? Why will they not join with many of us who have sent letters to the President imploring him to release the strategic petroleum reserve or at least stop buying. One action would reduce, according to Goldman Sachs, the cost of a gallon of gasoline by 25 cents. And then there is the legislation that we passed that the Republicans voted against.

So what we have is an accusation made by people who every time they have had an opportunity to take a concrete specific action that would help, have said no, have said no to the Enron loophole reform, have said no to The PUMP Act, have said no to stop buying in the strategic petroleum reserves.

So it leaves me with a question. Is what we are hearing about politics, or is it about policy? I have come to my own conclusion. But we are here on a bill that is going to help small business. That is our job. And our job in this rule should be to make that bill a better bill, not to hijack what is a good bill and turn it into a political food fight.

We have got two issues here that have been injected. One is, are we going to help small business or not? There is broad bipartisan support. The two committees of jurisdiction have done an excellent job.

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

Mr. WELCH of Vermont. I urge a ''yes'' vote on the rule.

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

AMENDMENT TO H. RES. 1125 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution or the option of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall he considered as read, shall he debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

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

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business.''

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

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

Mr. WELCH of Vermont. Mr. Speaker, I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

Mr. ARCURI. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1126 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1126

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments in the nature of a substitute recommended by the Committees on Transportation and Infrastructure, Homeland Security, and the Judiciary now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. In the engrossment of H.R. 2830, the Clerk shall—

(a) add the text of H.R. 2399, as passed by the House, as new matter at the end of H.R. 2830;

(b) conform the title of H.R. 2830 to reflect the addition to the engrossment of H.R. 2399;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 3. During consideration in the House of H.R. 2830 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

SEC. 4. The chairman of the Committee on the Judiciary is authorized, on behalf of the Committee, to file a supplemental report to accompany H.R. 2830.

□ 1400

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

Mr. ARCURI. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

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

There was no objection.

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

Mr. Speaker, House Resolution 1126 provides for consideration of H.R. 2830, the Coast Guard Authorization Act of 2008, under a structured rule. The rule provides 1 hour of general debate, with 40 minutes controlled by the Committee on Transportation and Infrastructure and 20 minutes controlled by the Committee on Homeland Security. The rule makes in order 15 of the amendments that were submitted to the Rules Committee.

This rule also takes steps to prevent terrorist acts against our Nation by allowing for the text of H.R. 2399, the Alien Smuggling and Terrorism Prevention Act, to be added upon House passage of the Coast Guard Reauthorization Act, and for the whole package to be sent over to our colleagues in the Senate. The Alien Smuggling and Terrorism Prevention Act, which passed the House on May 22, 2007, by an overwhelming, bipartisan vote of 412–0, provides strong new enforcement tools at the border, including increased criminal penalties for alien smuggling, human trafficking and slavery, drug trafficking, and terrorism or espionage.

It also subjects smugglers and traffickers to even higher penalties for transporting persons under inhumane conditions, such as in an engine or storage compartment, or for causing serious bodily injury.

It directs the Department of Homeland Security to check against all available terrorist watch lists, alien smugglers, and smuggled individuals who are interdicted at the U.S. land, air and sea borders.

And it tightens proof requirements for distinguishing covert transportation of family members or others for humanitarian reasons for which the penalties are less severe.

Since the September 11, 2001, terrorists attacks, the Coast Guard has served as the primary agency responsible for our Nation's maritime security. The fact that the Coast Guard has risen to meet this heightened responsibility, while at the same time continuing to fulfill its nonsecurity missions, is a testament to the commitment and honor to the service men and women of the Coast Guard.

The bill that this rule provides for consideration will ensure that the Coast Guard can continue to perform all facets of its mission in an uncompromising way. H.R. 2830 provides the necessary resources by authorizing 1,500 additional Coast Guard personnel and increasing the funding to the Coast Guard by $8.4 billion, $200 billion over the President's request.

The underlying legislation sets requirements for security around vessels that transport, and facilities that process, liquefied natural gas, giving the Coast Guard the responsibility for enforcing security zones and requiring it to certify that State or local governments have the necessary resources before they can assist in security patrols around facilities. It also directs the Department of Homeland Security to analyze the threat of a terrorist attack on gasoline and chemical shipments and report to Congress.

H.R. 2830 will bolster port security and immigration enforcement by establishing an Assistant Commandant for Port and Waterways Security, authorizing additional maritime security teams and by establishing the Waterway Watch Program whereby civilian boaters can notify the Coast Guard of suspicious activity.

The Coast Guard Authorization Act enhances safety standards in one of America's most dangerous occupations—the one portrayed on the popular television series ''The Deadliest Catch''—by increasing safety equipment requirements on fishing vessels, requiring training for vessel operations, and by changing the appeals process for suspending and revoking a mariner's license.

The bill also addresses one of the Coast Guard's Integrated Deepwater Systems Program, which has been beleaguered by several well-publicized delays, cost overruns, and problems with the designs of certain replacement assets. The bill increases accountability for the Deepwater Program by addressing systemic contract management problems and establishing a civilian chief acquisition officer reporting directly to the Coast Guard commandant.

H.R. 2830 also requires ships to begin installing water treatment systems to reduce the spread of invasive species in ballast water carried by the ships. These requirements are a step in the right direction because they will protect the waterways of every State and territory of the United States, and the industries and communities that rely upon them, from aquatic invasive species that enter the waters of the United States via the ballast water systems of commercial vessels. The bill also addresses other environmental concerns by requiring double hulls for U.S. ships carrying over 600 cubic meters of oil and providing for implementation of an international agreement on maritime pollution.

Mr. Speaker, the legislation this rule provides for consideration is the product of extensive hearings and consideration by the Transportation and Infrastructure Committee, Homeland Security Committee and the Judiciary Committee. I commend the chairmen and ranking members of those committees for their commitment to addressing the needs of the Coast Guard and our Nation's maritime security.

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

Mr. SESSIONS. Mr. Speaker, I want to thank my friend from New York for yielding me the time for this important proposed rule for consideration of H.R. 2830, the Coast Guard Reauthorization Act of 2008.

Unlike my colleague, I rise in opposition to the structured rule, and I would like to quote a colleague whose opinions on these matters I respect to explain why.

On September 15, 2005, my Democrat Rules Committee colleague from Florida, Congressman ALCEE HASTINGS, correctly stated that the modified open rule under which the Coast Guard was last reauthorized was insufficient in living up to how this House should be run.

While that Republican rule permitted Members who preprinted their amendments in the CONGRESSIONAL RECORD to offer those amendments, he noted his disappointment ''that the preprinting of amendments was even required. Despite the majority's claim, this legislative process which they call open is actually restricted. It is not an open rule because every Member is not permitted to offer any germane amendment.''

Mr. Speaker, as imperfect and insufficient as that rule may have been to Mr. HASTINGS in 2005 and his minority Democrat colleagues, today's rule pales and fails in comparison—despite the often-repeated Democrat promises to run the most open, honest and ethical House in history.

This rule, which is even more restrictive, makes in order a majority of Democrat amendments and strips every Member with a new, good and germane idea of how to improve this legislation of the ability to come to the floor and even to offer it.

While the Democrats on the Rules Committee may have been following the wishes of their committee chairman by reporting out this rule, they have once again directly contradicted their campaign promises of their own leadership to run an open House of Representatives, instead choosing to become the most closed Congress in history.

Mr. Speaker, while this rule and this standard of recurring policy of closing down the legislative process is bad for the House, the effect of this legislation is even worse for American consumers. It continues the same flawed ''no-energy energy policy'' that Democrats have followed blindly for the last 17 months.

A provision included in this legislation would essentially shut down the development of new LNG plants which seem counterintuitive given today's energy crisis. Natural gas is one of the most clean-burning fossil fuels, and passing this provision would only further reduce our energy supply while moving us further from energy independence for which Republicans have consistently advocated.

Time and time again this Democrat leadership has consistently promised to deliver a ''commonsense'' energy plan to reduce the cost of gasoline. However, since my friends on the other side of the aisle have taken control of Congress, the average price of a gallon of gasoline has risen more than a dollar, from $2.33 in January 2007 to just over $3.51 this week.

I have supported a number of this Congress's bipartisan efforts to reduce demand—like legislation to increase CAFE standards. But Americans literally cannot afford for Congress to continue to ignore the supply-side issues and problems associated with this overall issue. Specifically, that this Democrat majority continues to pursue a national energy policy that does absolutely nothing to increase our ability to produce more energy. Without a supply-side response, prices will continue to rise.

It is a fact that enough oil exists in deep waters off America's coasts and in our Federal lands to power 60 million cars for 60 years. Yet these domestic resources remain off-limits to exploration because of the Democrat policies that pervade this House.

In 1995, the Clinton administration vetoed the bill that would have allowed environmentally sound domestic exploration in Alaska. During this debate, opponents of the legislation argued that the benefits would be at least 10 years away and would not be worth it. Well, it is now more than 10 years later and the cost of crude oil has gone from just under $20 a barrel to nearly $120 a barrel and we are no closer to energy independence than we were 13 years ago.

Mr. Speaker, I hope for the sake of American consumers, and for the sake of their paychecks, that it does not take this Democrat majority another 10 years to realize that now is the time that we should focus on ways to utilize our own energy resources. It is called energy independence.

For prices to fall, Congress should be considering legislation that increases supply and reduces demand, not legislation like today's, that simply reduces the supply of one of the planet's cleanest fossil fuels.

These are basic commonsense economic principles that should be part of a commonsense plan. I encourage all of my colleagues to recognize that now is the time to stop ignoring our untapped domestic supply. I oppose this rule.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Mr. Speaker, I would like to compliment my friend from Dallas for his very thoughtful statement. He has made the case that we want to defeat the previous question on this so that any Member, Democrat or Republican alike, would have the opportunity to offer their thoughtful proposals as to how we would deal with this issue of skyrocketing gasoline prices.

I represent Southern California, and I will tell you that it is a major concern of my constituents. And I know my colleagues on both sides of the aisle, as we have seen this dramatic increase take place over the past year plus, year and a half, agree it is very, very troubling.

□ 1415

And I was struck. I've had the benefit of looking at the advance copy of Mr. SESSIONS' closing remarks. His thoughtful staff has coined actually a

very, very apropos phrase here in describing what we have as the Pelosi Petroleum Price Increase—PPPI. And I think that really does coin it very well, because we know that 2 years ago tomorrow, Speaker PELOSI made this statement: ''The Democrats have a commonsense plan to deal with skyrocketing gasoline prices.''

Now since that period of time, and I just was struck, I saw a cartoon in today's USA Today in which they go through this litany of proposals. We're telling Big Oil to make sure that they bring prices down, and proposals are thrown out in this cartoon, saying, Why don't we deal with the question of nuclear energy? Absolutely not.

Why don't we look at clean coal? Absolutely not.

Why don't we look at possibly responsible, environmentally sound exploration in ANWR? Absolutely not.

Why don't we look at using the cleanest, safest, most cost effective energy source, that being nuclear? We haven't built a nuclear power plant in 30 years. Absolutely not.

Why don't we increase our refinery capacity? There has not been a single new refinery built in 30 years.

Now, Mr. Speaker, these are the kinds of proposals that we very much hope we will be allowed to offer. The way to do that is to defeat the previous question on this rule so that we can say to our constituents, we are going to take firm, bold, dramatic steps to decrease the cost of the gasoline that they are putting in their cars every single day.

I thank my colleague for yielding. I thank him for his very thoughtful comments.

Mr. SESSIONS. I thank the gentleman. I believe that what the gentleman from California is saying is this: Is that we need supply-side answers to a problem when America needs the energy the most right now. And supply-side answers is what we would get if we defeat this rule.

We reserve the balance of our time.

Mr. ARCURI. I thank my friend from Texas for his comments.

I would just like to make two points in that regard. The first point is that he mentioned that this bill doesn't deal with the LNG issue. And I would beg to differ. This bill ensures that the Coast Guard will be there to ensure and protect the safety of our liquefied natural gas facilities that are built out in the deep water or out in the ocean. It's critical. Security is absolutely critical to these facilities, and that's exactly what this bill insures.

Secondly, my friend mentions that we have not done anything about energy. Well, I would respectfully say that anyone who says that, I would have to ask them where have they been for the past 16 months. We have done a great deal with respect to energy. The difference is that we haven't done anything to help large oil companies because we believe that they are part of the problem. We have done things to help develop alternative energy, because that is the future of America. It's about making America less dependent on foreign oil and less dependent on the large oil companies. That's what we have done. That's what Democrats believe in, and that's what we will continue to do.

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

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 4 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding, and I would like to associate myself with his opening comments in regards to both the previous question as well as the rule. However, I'd like to speak to the underlying bill.

Mr. Speaker, I rise today in support of H.R. 2830, the Coast Guard Authorization Act. I believe this legislation is of tremendous importance for our magnificent Great Lakes actually because of title V which at long last provides for Federal regulations of ballast water in the lakes.

And why is this important? Because since the Great Lakes were opened to international shipping in the fifties and the sixties, many invasive species have entered the lakes through the untreated ballast water of the oceangoing freighters, also known as salties.

Let me just share with you some of these species and the problems that they have caused on the very delicate ecosystem of our Great Lakes.

The round goby was introduced to the Great Lakes in the late eighties through untreated ballast water. This fish is an aggressive and voracious feeder that can forage in total darkness. They can take over prime spawning grounds for native fish and upset the ecosystem. These unwanted invaders are flourishing in the Great Lakes and they are causing great damage, Mr. Speaker.

The ruffe entered the lakes in 1986 through untreated ballast water from Eurasia. This spiny perch is capable of explosive population growth that threatens native fish like walleye and pike, and their spiny gills make them very difficult for native predators to eat.

Another species, the spiny water flea, also entered the lakes around 1986 from its home in Great Britain and Northern Europe from untreated ballast water. These are actually not insects, but they're tiny crustaceans that have resource managers very worried because they compete for food directly with young native perch and other small fish. It also makes it very difficult for small fish to consume, so only larger fish can actually feed on them, again leading to explosive growth of this invasive species.

Another species, the zebra mussel, which was first discovered in 1988 and introduced into Lake St. Clair actually by the Caspian Sea, again from untreated ballast water. These species have had a tremendously negative impact on recreational watercraft and drinking water intake pipes throughout Southeast Michigan, and now have spread throughout the entire Great Lakes.

In addition, they have filtered the water to such a degree that when combined with the historic low lake levels that we are currently experiencing, and increased nutrients in the water, it's led to very destructive and dangerous algae blooms throughout the lakes, which are causing beach closures and all kinds of other problems.

These unwanted species have cost State and local governments tens if not hundreds of millions of dollars to combat the damage that they have caused. And all of this is why I have been fighting for ballast water regulation since I came to the Congress, and why I worked very hard to see that it was included in this important legislation.

The passage of this legislation will place new requirements on oceangoing vessels entering the Great Lakes. Vessels operating in United States waters will be required to operate ballast water treatment systems that meet interim standards beginning next year, and more stringent standards will take effect in the year 2012.

Until ballast water treatment systems are installed, vessels bound for United States ports must exchange their ballast water and perform salt water flushing.

And States like my State of Michigan, which have grown tired of waiting for Federal action, and have actually initiated their own ballast requirements, will be able to operate our own programs until the final Federal standards do take effect.

I certainly want to thank Chairman OBERSTAR and Ranking Member MICA for their leadership on this issue. Again, I oppose this rule; however, I do support the underlying legislation. I think it is long past time to act on this issue. I urge my colleagues to support the Coast Guard Authorization piece of legislation that will greatly assist in protection of a great national treasure, our magnificent Great Lakes.

Mr. ARCURI. Mr. Speaker, I yield 2 minutes to the gentleman from New York, a member of the Transportation and Infrastructure Committee, Mr. HALL.

Mr. HALL of New York. Mr. Speaker, I would like to agree with and concur with the comments of my colleague, the gentlelady from Michigan, regarding the merits of the bill. I'm pleased to serve on Transportation and Infrastructure, and I'm happy to say that Chairman OBERSTAR always goes the extra mile to incorporate everybody's opinions from both sides. And I believe this is a good bill that deserves all of our support.

Regarding the allegations or the comments that are being made about this Congress not being interested in or producing bills that will produce energy, I beg to differ.

H.R. 2264, holding OPEC accountable for oil price fixing, we call it the NOPEC Act, which was passed on May 27 of last year, with 220 Democrats voting for it, and 125 Republicans voting against it.

Cracking down on gas price gouging, H.R. 1252, passed May 23 of last year, opposed by 140 Republicans, including all of the Republican leadership, 228 Democrats voting in favor of it.

Repealing those subsidies that were given to profit-rich big oil companies. We're talking about ExxonMobil and the other big oil companies that have made the biggest profits of the history of any industry in the world. And, by the way, the five CEOs of the five biggest oil companies testified a couple of weeks ago before the Select Committee on Energy Independence and Global Warming. I sat there while all five of them talked about how they couldn't help it they were making so much money. One of my colleagues from the Republican side during his 5 minutes of questioning, Representative WALDEN, said, ''I'm a small businessman''—and if I can paraphrase because I don't know if this is an exact quote—''I'm a capitalist,'' said Representative WALDEN. ''And when I had a very good year where my profit is so high that it's better than I even could have imagined, I start to ask whether I can lower the prices to my consumers.''

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The time of the gentleman has expired.

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

Mr. HALL of New York. ''I start to think,'' said Representative WALDEN to the oil company executives, ''about whether I might be able to lower the price at the pump and lower the price to my consumers. Have you ever thought about doing that, now that you're making such a big profit?''

And one by one, all five of them said, ''Oh, we don't control the price at the pump.''

I think that's as good a case as one needs to hear for government regulation and possible legislation to make sure that there are not excess profits or gouging going on in this current state of the economy, and especially the oil economy.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the ranking member, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Speaker, I thank the gentleman from Texas for yielding.

It's unfortunate that we're here today to consider an important piece of legislation, our Coast Guard reauthorization, and it's also unfortunate we're discussing the rule under which that legislation will be brought to the floor, and that's a closed rule.

Unfortunately, this is the first time in at least 20 years that this Coast Guard reauthorization has been considered under a closed rule, not an open rule. I think it's particularly unfortunate that this year, when the Democrat leadership has chosen to restrict debate on this important legislation that has a number of important provisions, including a provision to provide a transportation worker identification card and straighten out some of the problems we've had in trying to get a single transportation worker identification card at our ports and other facilities that we can use.

I had an amendment that would have allowed my State of Florida, and other States, a simpler method of obtaining an FBI background check on port workers than is currently available. It would also have saved port workers the cost of paying for the same background check twice.

I brought here the TWIC card. We've been waiting since 2002 for this TWIC card, Federal card. We still don't have this card. In fact, the irony of this is they allowed several amendments; one to allow any identification, there's going to be an amendment that's put in order. I can use my driver's license in the interim.

Then there's another amendment that they allowed to allow them to enroll for a TWIC card 24/7. The ironies of not allowing something to have a State, again, work with the Federal Government and even go beyond the requirements like Florida does in trying to look at the background, the criminal background of the individual. So that's been eliminated, and my opportunity to present that, from this rule and consideration of this legislation.

Also, I'm going to take great exception with this bill because of some other restrictions they put on. Bringing in liquefied natural gas. Natural gas prices are soaring. Prices are high, and this bill creates more red tape, more impediments, and actually will reduce the supply and increase the cost to the consumer out there who's trying to pay those expensive bills for energy.

So this bill does nothing for energy. And it takes a trusted port worker, transportation worker card and makes a continual farce out of the whole process, and not allowing a reasonable relationship between the State and Federal Government.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi, the chairman of the Homeland Security Committee, Mr. THOMPSON.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of this rule. Every day the valiant men and women of the United States Coast Guard save lives and protect the welfare of our great country. And every day the Coast Guard lives its motto and stands always ready to help those in need.

□ 1430

Since the devastating attacks of September 11, 2001, the Coast Guard has taken on the enhancement role in homeland security. Yet the President has consistently submitted budgets that fail to give the Coast Guard adequate resources to execute all its missions. Now it's our turn to help them.

The legislation to be considered today, H.R. 2830, funds the Coast Guard at $8.4 billion, $200 million over the President's budget. It also increases the Coast Guard in strength to 47,000 by adding 1,500 new members. The bill authorizes additional maritime security response teams to provide anti-terrorism protection for strategic shipping, high-interest vessels, and other critical infrastructure. These teams are the Coast Guard's quick response force. They can be deployed rapidly anywhere in the Nation via air, ground, or sea to respond to changing threat conditions.

H.R. 2830, Mr. Speaker, also authorizes additional K–9 detection teams to detect explosives, drugs, and smuggled persons.

Additionally, this bill authorizes the Waterway Watch program, a nationwide initiative modeled after Neighborhood Watch programs, to allow fishermen, recreational boaters, and others who work or play on American waterways to notify the Coast Guard of suspicious activities.

Since 9/11, the Coast Guard has struggled to develop much-needed port security regulations, including those mandated by the Safe Ports Act, such as long-range vessel tracking and enhanced crew member identification. H.R. 2830 address this critical gap and others by creating a dedicated assistant commandant for port and waterway security to oversee port security measures.

With respect to liquefied gas terminals, the bill requires the Coast Guard to protect and enforce the security zones around all existing LNG facilities. Admiral Allen himself has acknowledged, Mr. Speaker, to Congress that when it comes to the proliferation of LNG facilities, he doesn't have the resources necessary to fulfill the Coast Guard's port security responsibilities.

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

Mr. ARCURI. I yield the gentleman an additional 30 seconds.

Mr. THOMPSON of Mississippi. That allows, Mr. Speaker, the Coast Guard to partner with the State and local entities to protect the security zones around LNG facilities.

Last, and certainly not least, Mr. Speaker, the improvements that the bill makes in the Deepwater program. In the future, there will be contract managers at the Coast Guard that know their job and never again will the Coast Guard be in the absurd position of accepting boats that don't float.

I urge a ''yes'' on the rule and on the underlying bill.

Mr. SESSIONS. Mr. Speaker, I would like to yield 3 minutes to the gentleman from Michigan, the ranking member, Mr. EHLERS.

Mr. EHLERS. Mr. Speaker, as an environmentalist and a protector of our Great Lakes, I rise today in strong support of H.R. 2830's ballast water management requirements and its stated goal of eliminating aquatic invasive species from our waters.

Ballast water management and the broader issue of aquatic invasive species is a matter that has received far too little attention, given its dramatic impact on the economy and the environment.

For several years, I have strongly supported a comprehensive approach to stopping the influx of aquatic invasive species, and this bill provides a very, very good start.

Although aquatic invasive species enter into ecosystems through many different pathways, such as natural migration, attaching themselves to ships, and aquaculture, the most common pathway is through ballast water. Ballast water is pumped on board a ship to control its stability at sea. Ships often take on ballast water at an initial port and discharge it at their destination port. When a ship pumps harbor water into its ballast tanks, it usually also sucks up aquatic species from that harbor. When those ballast tanks are emptied, those aquatic species are introduced into a new ecosystem and they become invasive species.

Since some ships are capable of holding millions of gallons of ballast water, the potential for spreading invasive species is large. Once an invasive species takes hold in a new environment, it has the ability to disrupt the balance of an ecosystem and cause significant environmental and economic harm.

In the United States, invasive species cost tens of billion of dollars each year. For example, Zebra mussels have cost the various entities in the Great Lake's basin an estimated $5 billion for expenses relating to cleaning water intake pipes, purchasing filtration equipment and so forth. Sea lamprey control measures in the Great Lakes cost approximately $10 million to $15 million annually. And on top of these expenses, there is the cost of lost fisheries due to these invaders. For these reasons, combating aquatic invasive species is a central element of the Great Lakes Regional Collaboration strategy to protect and restore the Great Lakes.

However, invasive species are not just a problem in the Great Lakes. Invasive species also affect coastal regions throughout the United States. From the Chinese mitten crabs in the North Pacific, to Asian sea squirts in New England, to New Zealand boring pill bugs in the Pacific Northwest, to Asian carp in the Mississippi River, to Zebra mussels across the United States, these foreign invaders cause significant economic and ecological damage throughout North America.

If we do not pass this bill into law, we are just opening the door for many more invasive species to arrive via ballast water. The goal of H.R. 2830 is to eliminate invasive species in ballast water by 2015. To meet this goal, the bill requires vessels operating in U.S. waters to be outfitted with ballast water treatment systems that meet interim standards starting in 2009, with more stringent standards starting in 2012.

This is an excellent bill. I urge everyone to support it and vote for it.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Maryland, the chairman of the Coast Guard Subcommittee, Mr. CUMMINGS.

Mr. CUMMINGS. I want to thank the gentleman for yielding.

Mr. Speaker, as chairman of the Coast Guard Subcommittee, I rise today in strong support of H. Res. 1126 which provides a rule for the consideration of H.R. 2830 and makes in order an amendment in the nature of a substitute.

The base text of H.R. 2830, which was ordered to be reported by the Committee on Transportation and Infrastructure in June 2007, already includes many significant provisions to strengthen the Coast Guard and respond to challenges we face in maritime transportation. For example, the bill, as reported, includes standards to prevent the continued introduction of invasive species in U.S. waters through ballast water. The bill creates an ombudsman in each Coast Guard district to serve as a liaison between the Coast Guard and the port community. And the bill introduces critical measures to improve the safety of the United States fishing industry, one of our Nation's deadliest professions.

The amendment in the nature of a substitute adds critical titles that address specific issues considered by the Committee on Transportation and the Coast Guard Subcommittee after the bill was reported. Specifically, the amendment includes titles that strengthen both the Coast Guard's homeland security functions and its maritime safety missions. The amendment in the nature of a substitute also transfers the appeals of cases in which the Coast Guard decides to spend or revoke a mariner's credential to a neutral agency, the National Transportation Safety Board.

Further, the amendment includes the text of H.R. 2722, the Integrated Deepwater Program Reform Act which previously passed the House by a vote of 426–0 and which would strengthen the Coast Guard's ability to manage the $24 billion, 25-year Deepwater procurements.

Similarly, the amendment includes the text of the Maritime Pollution Prevent Act to reduce emissions from ships. This measure also previously passed the House. Adoption of H. Res. 1126 would enable the House to consider long-overdue legislation to authorize the Coast Guard and to strengthen our U.S. maritime industry, and I urge its adoption.

Mr. SESSIONS. Mr. Speaker, at this time I would like to yield 3 minutes to the favorite son from North Carolina, the gentleman, Mr. COBLE.

Mr. COBLE. I thank my friend from Texas.

Mr. Speaker, I rise in opposition to the rule and the underlying bill. We in the Congress cannot lose sight of the purpose of Deepwater, which is to provide the men and women of the Coast Guard with the necessary tools to protect our homeland. I applaud actions undertaken to move this program in the right direction and support this language. I remain concerned, however, that some provisions in H.R. 2830 may create undue burdens and delays, which will, in turn, delay the desperately needed modernization and may ultimately add to the overall costs.

The marine safety components of the underlying bill also cause me concern. Previously, the Commandant announced a number of changes he had directed the Coast Guard to implement regarding marine safety. Under his leadership, his able leadership, I might add, the men and women of the Coast Guard continue to examine and improve upon the Coast Guard's marine safety role.

Having served in the Coast Guard and the Coast Guard Reserve, I know this armed service is unique because of its structure and flexibility. On a daily basis, Coast Guard men and women focus on drug interdiction, environmental protection, migrant interdiction, port security, search and rescue, homeland security, maritime safety, and aids to navigation. The list is almost endless. Each of these roles complements the other.

I continue to support efforts to provide stakeholders an opportunity to voice their concerns, provide constructive feedback, and work together to improve the marine safety aspect of the Coast Guard. At the same time, however, I firmly believe that we should give the Coast Guard the time, opportunity, and resources to improve and expand on its marine safety efforts prior to congressional intervention.

I'm equally concerned regarding the underlying bill which lacks provisions that would provide the Coast Guard the authority to protect seafarers who facilitate the government's ability to investigate and prosecute environmental crimes. This is another example where current law impedes our ability to prosecute criminals.

I would also like to express my concern with section 720 of the underlying bill which addresses security at liquefied natural gas facilities. Consistently, I have cast votes in favor of legislation which I believe will help to make our Nation energy independent. While there has not been focused attention on LNG, it remains a viable energy alternative. Therefore, I'm concerned by provisions that would designate the Coast Guard as the sole agency responsible for LNG security.

Mr. Speaker, I reluctantly rise in opposition to H.R. 2830, the Coast Guard Authorization Act of 2007.

I'd like to first comment on provisions in the underlying bill which affect the Deepwater program. We in Congress cannot lose sight of the purpose of Deepwater, which is to provide the men and women of the Coast Guard with the necessary tools to protect our homeland. I applaud actions undertaken to move this program in the right direction and support this

language. I remain concerned, however, that some provisions in H.R. 2830 may create undue burdens and delays which in turn will delay this desperately needed modernization and may ultimately add to the overall costs.

The marine safety components of the underlying bill also cause me concern. Previously, the Commandant announced a number of changes he had directed the Coast Guard to implement regarding marine safety. Under his leadership, the men and women of the Coast Guard continue to examine and improve upon the Coast Guard's marine safety role.

Having served in the Coast Guard and Reserve, I know the armed service is unique because of its structure and flexibility. On a daily basis, Coast Guard men and women focus on drug interdiction, environmental protection, migrant interdiction, port security, search and rescue, homeland security, and maritime safety. Each of these roles, in my opinion, complements the others.

I continue to support efforts to provide stakeholders an opportunity to voice their concerns, provide constructive feedback, and work together to improve the marine safety aspect of the Coast Guard. At the same time, I firmly believe that we should give the Coast Guard the time, opportunity, and resources to improve and expand upon its marine safety efforts prior to congressional intervention.

I am equally concerned the underlying bill lacks provisions that would provide the Coast Guard the authority to protect seafarers who facilitate the Government's ability to investigate and prosecute environmental crimes. This is another example where current law impedes our ability to prosecute criminals.

I'd also like to express my concern with section 720 of the underlying bill which addresses security at liquefied natural gas facilities. Consistently, I have cast votes in favor of legislation which I believe will help to make our Nation energy independent. While there has not been focused attention on LNG, it remains a viable energy alternative. Therefore, I'm concerned by provisions that would designate the Coast Guard as the sole agency responsible for LNG security. In my opinion, this is neither reasonable nor practicable for the Coast Guard or the communities where these facilities currently exist. In my opinion, this provision will act as a barrier to entry for future facilities and result in higher energy prices for consumers. Later today or tomorrow, I hope my colleagues will join me in supporting an amendment made in order which would strike this dangerous provision.

Finally, I'd like to address the inclusion of H.R. 2399, the Alien Smuggling and Terrorism Prevention Act. It is my understanding that upon engrossment of H.R. 2830, this language will be included in the underlying bill. I support this action as maritime alien smuggling has become a business where smugglers game the system and have little to lose under the current law. The Coast Guard confronts smugglers on a routine basis who know they can use a lack of authority to their advantage. These kinds of cases are dangerous to our Coast Guard men and women and dangerous to the smuggled aliens and occur at increasing frequency.

This measure is necessary because it provides a tool for the Coast Guard and Department of Justice to ensure the integrity of our maritime borders. Currently, there are enormous procedural and jurisdictional hurdles that protect and actually embolden alien smugglers. It will begin to deter unsafe and inhumane sea-based smuggling by delivering enhanced consequences to those who flee from or lie to our Federal law enforcement officers. Later today or tomorrow, the ranking member of the Judiciary Committee, Representative LAMAR SMITH, will offer an amendment to clarify this authority. While I support the underlying measure, I believe the Smith amendment augments this provision and merits adoption.

It is my hope that during the amendment process some of my concerns in the underlying bill will be alleviated, but as we speak I cannot support passage of H.R. 2830. That said, I look forward to working with my colleagues as this process moves forward.

Mr. ARCURI. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts, chairman of the Subcommittee on Energy Independence, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman.

Mr. Speaker, from 1995 until 2006, the Republican Party controlled the House of Representatives, and since January of 2001, they've controlled the White House as well. During this period, the leadership of the Republican Party in the Congress and in the White House have pumped literally billions of dollars of unnecessary subsidies into the pockets of Big Oil, tens of billions of dollars.

They voted for royalty-free drilling for the biggest oil companies on offshore public lands. They've opposed all efforts to repeal billions in tax breaks for Big Oil. And in the 12 years they controlled the Congress up until the beginning of last year, they opposed high fuel economy standards for the vehicles which we drive in America so we could back out that oil that we import from the Persian Gulf.

GOP used to stand for ''Grand Old Party,'' but now it stands for ''Gas and Oil Party.''

□ 1445

Here's what the President said about giving incentives to Big Oil in 2005. He said, ''I will tell you, with $55 oil, we don't need incentives for the oil and gas companies to explore. There are plenty of incentives for the oil industry.'' That's George Bush, April 2005 at $55 a barrel. Today, it's at $119 a barrel. But the Republicans, you know, they just can't kick a bad habit. Offering subsidies to Big Oil to drill is like subsidizing fish to swim, you just don't need to do it. They have all the incentives which they need right now. So the Democratic Party, assuming office just a year ago, under the leadership of NANCY PELOSI, she said, we're going to put a stop-payment order on these unnecessary subsidies to Big Oil.

Last December, we passed the first increase in fuel efficiency standards in 35 years, increasing it to 35 miles per gallon by 2020. We increased the renewable fuel standard to 36 billion gallons, but the Republican opposition made it impossible for us to take the $18 billion in excessive and unnecessary tax breaks away from the oil company and to transfer it to the solar and to the wind and to the renewable energy industry. So we're taking that bill up again this year. The Republicans oppose it. They're saying, keep the tax breaks for Big Oil. Keep them away from the wind and the solar industry.

They have no solutions for the 21st century. They have no plan to wean America off of this increased oil dependency. We have gone up from 27 percent dependency to 61 percent dependency upon imported oil in just the last 20 years. This Republican policy is going to make us less secure, more financially dependent upon the Middle East, and it is going to cause an economic and national security catastrophe for our country.

The SPEAKER pro tempore. The gentleman from New York has 11½ minutes remaining. The gentleman from Texas has 8 minutes remaining.

Mr. SESSIONS. Mr. Speaker, I think the gentleman made his point: Since the Democrat Party has taken over, prices at the pump have skyrocketed.

Mr. Speaker, at this time I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. This has been an interesting discussion. Oil prices record high, $119, gas prices, $11. And is Congress acting? What is on the table here to help Americans for affordable energy? Very little, folks. We're about restricting supply.

Consumers are paying the highest prices. The people in my district, and I'm sure in yours, are struggling to drive long distances. I come from a rural district. People are paying $20 and $30 a day to drive to work. They can't afford that. They're struggling now to catch up with their winter heating bills, which were unreasonably high.

Well, who's the bad guy? Who's causing this price rise? Mr. MARKEY from Massachusetts said it's Big Oil because they just charge too much. He also says it's because we're putting 70,000 barrels a day in the SPR. Well, why are oil prices high, folks? It's because this Congress, three decades ago, locked up supply. Look at the red on the map. That's the Outer Continental Shelf. We're the only country in the world who doesn't produce gas and oil there. The only country in the world. There are huge reserves in the Midwest.

This body and the Democrat Party have been talking about locking up the shale rock, there's been legislation to do that, the Roan Plateau, the best gas reserve in the Midwest, locking them up.

They talk about us not being dependent on foreign energy, but everything they're doing makes us dependent on foreign energy, where we have no control. Yes, prices for energy are set on Wall Street. Right or wrong, that's the system. They set the prices. When you lock up supply, if we stopped growing as much corn, prices go up. If you stop making as much steel in this country,

if you limit, steel prices are going to go up. We're limiting the production of energy.

Are we against wind and solar? Absolutely not. Look at the chart here. Here's the renewables. They think that's going to be an instant answer. I want all the wind we can get, all the solar we can get, all the geothermal. We're promoting biofuels. On the biofuels issue, we mandated 35.5 billion gallons a year by 2030. We had 6.5 billion gallons last year.

Corn prices have tripled. Wheat prices have tripled. Food prices are getting so people now are struggling to go to the grocery store after they've been to the gas station. If we have a bad crop failure down the road, not only are food prices going to go crazy, but ethanol prices. Folks, I think we better be very careful about the biofuels. I'm not opposing them, I never have, but I would be surprised if biofuels can increase the use of gasoline we need in growth. Energy prices, folks, are dependent on supply. If we double wind and solar tomorrow, we're at less than three-quarters of 1 percent of our energy supply. I hope we can do it.

Folks, we need to produce energy so Americans can afford to live.

Mr. ARCURI. Mr. Speaker, one point that I would like to make at this time is that the gentleman talks about oil and talks about energy, but the thing that he fails to point out is that gas and oil are limited, they are not going to be there forever. We need to stop our reliance upon fossil fuels, upon gas and oil, and start to focus on renewable alternative energy and become less dependent on foreign oil, less reliant upon fossil fuels.

I yield 3 minutes to the gentleman from Michigan, a member of the Energy and Commerce Committee, Mr. STUPAK.

Mr. STUPAK. I thank the gentleman for yielding.

First of all, I would like to associate myself with the comments of Mrs. MILLER and Mr. EHLERS from the other side as they talked about this very important Coast Guard bill. I am from the Great Lakes State. In fact, I have more shoreline than any other congressional district in the continental United States. I have over 1,600 miles of shoreline on the Great Lakes. It is critically important that we pass this Coast Guard bill.

But on this point, my colleagues on the other side use a very important bill like the Coast Guard bill to talk about energy, that somehow Democrats are not doing enough and somehow the Speaker is responsible for high oil prices. If you take a look, the Republicans have been in charge, until last year, for the last 12 years. What was their policy? Their policy has been no policy, do nothing, let the oil companies get away with it, record profits, record pensions to their CEO. Remember the $400 million pension for ExxonMobil?

I guess I agree with Mr. PETERSON, the last speaker, maybe we ought to lock them up. We ought to lock them up when you see oil prices, when President Bush comes in, at $27 a barrel, we're up to $119. And where is it going to stop? Why do you see this rapid increase? Well, an ill-advised war where everybody said when you get involved in a war in the Middle East, the longer you're there, the prices are going to go up. When you have no policy, sure oil prices are going to go up. When you pass, as the Republican Party did, the Enron loophole which allowed speculators to come into the market and drive up the price of oil, you're going to get these criminal record prices we're paying. So Mr. PETERSON is right, we should lock them up. We should lock them all up.

What have the Democrats done? Well, we've passed price gouging legislation, not once, but twice. And most of my friends on this side of the aisle, like Mr. SESSIONS and others who spoke here today, voted against it. How about the PUMP Act, Prevent the Unfair Manipulation of Prices. We have that legislation, all sponsored mostly by Democrats. I think we had two brave Republicans who came forward to help sponsor it.

So what do we have here? You talk about refinery capacity. I'm chairman of Oversight and Investigations. A 1995 memo from the American Petroleum Institute to all the big oil companies was to say, shut down the refineries. You want record prices? Shut down the refineries. We have those memos. They're part of the CONGRESSIONAL RECORD. And what did they do? Between 1995 and 2002 they shut down over 30 refineries, including one just outside my district in Alma, Michigan, which used to refine 51,000 barrels a day, that's over 1 million gallons of gas, because there's 33 gallons of gas in every barrel of oil, they shut it down to increase the price so they could have their record profits, so they can pay their CEO a $400 million pension plan, so they can have $40 billion in profits, as we saw with ExxonMobil just last year.

Democrats have been in charge now for, what, 16 months? What have we done?

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

Mr. ARCURI. I yield the gentleman 1 additional minute.

Mr. STUPAK. We've passed energy price gouging legislation. We have a PUMP Act to take the speculators and close the Enron loophole. We've passed the renewable portfolio standard.

We are moving forward. And we ask our friends on this side of the aisle to join us, not use a good bill like the Coast Guard bill to somehow say the Speaker is responsible. It was the President of the United States who said he would jawbone the Saudis to produce more oil to bring down our prices. He jawboned them all right, they jawboned right through to our pocketbook, with record prices at the pump, record prices of oil coming into this country.

Pass the PUMP Act. We can reduce the price of oil by $30 a barrel, as testified on December 12, 2007 by experts before our committee, the Energy and Commerce Committee. Stop the unfair manipulation of prices. Lower the price of oil. Give the American taxpayers relief. And pass the Coast Guard bill to clean up our environment.

Mr. SESSIONS. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Tennessee (Mr. DAVID DAVIS).

Mr. DAVID DAVIS of Tennessee. I would like to thank my friend from Texas for recognizing me.

I would like to thank my colleague down on the floor, who is just taking the chart down now. His chart actually makes a very good point, the price of oil has doubled in the last year. I hope they use that chart often.

The issue that's facing the American people right now is our dependence on foreign oil and our gas prices. Energy is the foundation and the lifeblood of the American economy, creating the conditions that help us support good-paying jobs here in the United States and allowing our industrial base to compete with the rest of the world.

We all know that middle class families, such as those that I represent in northeast Tennessee, are feeling significant pain at the pump. But the American family isn't the only place where the strains of spiking fuel prices can be felt. According to the recent news reports, local schools, law enforcement agencies and other community services are paying the price of these record-high oil prices.

Unfortunately, Democrats in the House have been consistent in offering so-called energy legislation that weakens our ability to compete with emerging titans such as China, India and Russia. In the United States today, we're 63 percent dependent on foreign sources of oil, and that percentage is growing ever year. Gasoline prices have increased more than $1 per gallon since the majority took control of the House last year, as the last chart indicated, increasing from a nationwide average of $2.33 per gallon on the first day of the 110th Congress to now well over $3.50 per gallon.

Not only has the majority party failed to end our reliance on Middle Eastern oil for essential energy, they have actually helped grow our independence to historic and dangerous new levels all because of their refusal to allow for responsible energy production here at home. We need to use American energy.

What we need is no more excuses. We need an energy policy that allows for the use of American energy now. We need to drill for oil in ANWR and off the Outer Continental Shelf. We need to use our abundant coal supplies through clean coal technology. We

need to create safe nuclear power plants. We need to build new refineries. And we need to expand green energy, yes, green energy initiatives, like switch grass, wind power, solar power, hydroelectric power.

We cannot tax and regulate ourselves into prosperity, and that's exactly the energy policies that have come out of this Congress. You cannot tax and regulate yourself into prosperity. We have to have an energy policy that actually has energy.

The American middle class deserves better. They deserve an energy policy that is dependent on American energy, not foreign energy. Therefore, I recommend a ''no'' vote on the rule on the floor today so we can continue to talk about what is important to the American people, lowering the cost of energy.

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

Mr. SESSIONS. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the gentleman from Texas.

While I associate myself positively with the remarks on energy, I rise for a different reason in opposition to this rule.

We have been battling with the Coast Guard and their budget submissions from OMB as to why narcotics are not considered part of their terrorism mission. We have made some progress with that, but I had an amendment submitted to reflect that drug interdiction is a homeland security mission as required under the Homeland Security Act. I do not understand why jurisdictional disputes would have stopped this. Both committees, Transportation and Homeland Security, should agree that it's part of terrorism, and both committees need to work on narcotics and make sure, because smugglers are smugglers, whether they're smuggling people or whether they're smuggling contraband. And if we get this mission separated, since every single person in the Coast Guard says their first concern is homeland security, what we wind up is neglecting the narcotics mission.

My friend from Maryland (Mr. CUMMINGS) and I have worked on the narcotics issue for a long time. And I would hope that petty jurisdictions in the House wouldn't stop us from moving ahead in a bipartisan way to make sure that narcotics are part of the terrorism mission. I hope this is fixed in any conference report.

□ 1500

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

Mr. SESSIONS. Mr. Speaker, it is my understanding that the gentleman from New York does not have any additional speakers at this time. We have no further speakers on our side.

Mr. ARCURI. That is correct. I do not have any additional speakers.

The SPEAKER pro tempore. The gentleman from Texas has 1 minute remaining. The gentleman from New York has 7 minutes remaining.

MOTION TO ADJOURN

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

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

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

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 57, nays 345, not voting 29, as follows:

[Roll No. 208]

YEAS—57

Akin
Bartlett (MD)
Barton (TX)
Berry
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Brady (TX)
Broun (GA)
Cardoza
Chandler
Conaway
Cubin
Davis, David
Davis, Lincoln
Deal (GA)
Doolittle
Duncan
Emerson
Fallin
Gingrey
Goode
Hobson
Hoekstra
Johnson (IL)
Johnson, Sam
Keller
King (IA)
LaHood
Lamborn
Linder
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McIntyre
Mica
Miller, Gary
Murphy, Patrick
Pearce
Petri
Regula
Rehberg
Renzi
Schwartz
Sensenbrenner
Sessions
Souder
Stearns
Sullivan
Tancredo
Tiahrt
Walberg
Weldon (FL)
Westmoreland
Young (AK)

NAYS—345

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Biggert
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Capito
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chabot
Clarke
Clay
Cleaver
Coble
Cohen
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Everett
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Reichert
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—29

Andrews
Blunt
Boehner
Brown-Waite, Ginny
Campbell (CA)
Cantor
Carter
Clyburn
Cole (OK)
Cooper
Cramer
Doggett
Etheridge
Farr
Feeney
Granger
Hall (TX)
Hulshof
Jones (OH)
Lewis (GA)
McCotter
McCrery
McHenry
Nadler
Putnam
Rush
Shimkus
Walsh (NY)
Weller

□ 1524

Ms. BALDWIN, Ms. MCCOLLUM of Minnesota, Ms. DELAURO, Messrs. HASTINGS of Florida, BARROW, CLEAVER, BONNER, HILL, ELLSWORTH, SMITH of Washington, TERRY, CARSON of Indiana, GEORGE MILLER of California, JOHNSON of Georgia, BOYD of Florida, and HINOJOSA changed their vote from ''yea'' to ''nay.''

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

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The gentleman from New York (Mr. ARCURI) has 7 minutes remaining. The gentleman from Texas (Mr. SESSIONS) has 1 minute remaining.

The Chair recognizes the gentleman from New York.

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

Mr. SESSIONS. Mr. Speaker, back on April 24, 2006, almost 2 years ago to the day, now Speaker PELOSI released a statement, which I quote, ''Americans this week are paying $2.91 a gallon on average for regular gasoline, 33 cents higher than last month, and double the price when President Bush first came into office.''

Speaker PELOSI went on to claim, and I quote again, that ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.''

□ 1530

Mr. Speaker, the Pelosi petroleum price increase continues to rise, with the average price over $3.50, hitting consumers at the pump every time they fill up their car.

By voting ''no'' on the previous question, Members can take a stand against these high prices and demand to see the secret plan that Speaker PELOSI has to reduce gas prices that Democrats have been hiding from the American people since taking control of Congress 17 months ago. I for one would love to see it, but I am afraid that, much like their promises to run the most honest, open and ethical Congress in history, it simply does not exist.

I submit for the RECORD the Statement of Administration Policy on H.R. 2830.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2830—COAST GUARD AUTHORIZATION ACT OF 2008

The Administration strongly opposes House passage of H.R. 2830 in its current form because it would adversely affect homeland security, protection of the marine environment, and maritime safety and would unreasonably intrude upon the Commandant's authority and discretion to command and control the Coast Guard. Cumulatively, these provisions would compromise the organizational efficiency and operational effectiveness of the Coast Guard; ultimately, they could diminish its effectiveness in carrying out its safety, security, and stewardship missions. Notwithstanding the other provisions of the measure that would enhance Coast Guard operations, the Administration strongly opposes House passage of H.R. 2830.

The Administration urges the House to modify the problematic parts of the bill, including the following:

First, the section of the bill that would require the Coast Guard to provide security around liquefied natural gas terminals and vessels should be eliminated because it provides an unwarranted and unnecessary subsidy to the owners of private infrastructure that is contrary to the existing assistance framework and would divert finite Coast Guard assets from other high-priority missions, as determined by the Commandant. If H.R. 2830 were presented to the President with this provision, his senior advisors would recommend that he veto the bill.

Second, the Administration strongly urges the House to adopt the Administration's proposal to introduce organizational flexibility into the Coast Guard command structure and alignment with the other armed forces, rather than the language of Section 210. This section as currently worded would exchange one statutorily-mandated command structure for another, thus defeating the purpose of the Administration's initiative.

Third, the Administration urges the House to substitute the Administration's recently transmitted proposal for the regulation of ballast water treatment for the existing language of title V. The Administration's substitute language would provide for the effective and efficient implementation of ballast water treatment standards and for the development of enforceable national uniform standards to control discharges incidental to the normal operation of vessels without the use of a National Pollutant Discharge Elimination System (NPDES) permit. Absent such language (or a decision of the 9th Circuit Court of Appeals), as of September 30, 2008, discharges incidental to the normal operation of upwards of 13 million vessels—including recreational vessels, towboat vessels, commercial fishing boats, barges, and large ocean-going vessels—will be prohibited by the Clean Water Act unless NPDES permits covering such discharges are in place.

As well, the Administration urges the House to delete those provisions of the bill that would adversely affect Coast Guard missions. Specifically, the Administration urges the House to delete those provisions that would: (1) diminish the authority of the Secretary of Homeland Security or the Commandant concerning how leadership positions within the Service will be graded or placed; (2) reduce or eliminate the Coast Guard's capacity or authority to carry out and adjudicate its merchant mariner licensing mission and support other vital security adjudications of the Department of Homeland Security; (3) establish an interim work authority for a newly hired seaman on an offshore supply vessel or towing vessel, as such authority would open a dangerous security loophole and undermine the security objectives of the Transportation Worker Identification Credential; and (4) prescribe contracting and acquisition practices for the Deepwater program, as these practices would increase the costs of, and add delay to, the Deepwater acquisition process and circumvent review and approval authority of Coast Guard technical authorities. Similarly, while the provision that would alter admission procedures for the U.S. Coast Guard Academy may ultimately be acceptable, this provision has not previously been shared, or even discussed, with the Administration. The Administration, therefore, urges the House to delete this provision.

Finally, the Administration strongly urges the House to adopt the Administration's proposal to protect seafarers who participate in investigations and adjudication of environmental crimes or who have been abandoned in the United States, and thus facilitate the Government's ability to investigate and prosecute environmental crimes. Similarly, the Administration strongly urges the House to restore the much-needed authority to prosecute those who would smuggle undocumented aliens into the United States by sea (Maritime Alien Smuggling Law Enforcement Act).

The Administration looks forward to working with Congress to address these concerns and other problems with the bill previously identified in letters from the Department of Homeland Security.

Mr. Speaker, I ask unanimous consent to place the text of the amendment and extraneous material in the RECORD.

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

There was no objection.

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

Mr. ARCURI. Mr. Speaker, we have sat here for the past hour and listened to so many speakers talk about energy, when the underlying bill is actually the Coast Guard reauthorization bill. But if our colleagues want to talk about energy, then I think we should point out some very obvious facts to them.

First of all, when the Clinton administration finished in the White House, oil was at $27 a barrel. It is now at $119 a barrel, a significant increase. Yet they try to point the finger at this Congress, this Democratic Congress that has been in the majority for 16 months. Yet on every bill that we bring up, every bill that the Democrats bring before this Congress that attempts in any way, shape, fashion or form to reduce the price of oil, we get nothing but ''no'' votes from the other side of the aisle. That is their response to high energy costs. That is what they want to do to the American people in terms of the energy costs.

I said earlier in the debate a point that I think is very important. They want to talk about priorities as what we do for the big energy companies, what we do for the big oil companies. Well, that is not the priority of this side of the aisle. We want to talk about alternative energy. We want to talk about reducing the dependence on foreign oil, reducing the dependence on gas and on fossil fuels, thereby making our country stronger, both domestically and internationally. If they want to talk about gas and oil, that is the debate. But this debate is about the Coast Guard bill.

Mr. Speaker, the men and women of the Coast Guard are to be commended for their service to our country and their commitment to the multifaceted mission of the Coast Guard. They serve their country, they risk their lives, just to keep us safe, safe along our coasts, safe along our inland waterways; not thousands of miles away, but right here in the United States. We need to ensure that they have the tools and the support to do the job in the best way that they can. The Coast Guard deserves and needs this bill. The American people deserve and need this bill.

Mr. Speaker, after extensive consideration by three House committees, it is time to bring the Coast Guard authorization bill to the floor.

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

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

AMENDMENT TO H. RES. 1126 OFFERED BY MR. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution or the operation of the previous question, it shall be in order to consider any amendment to the bill which the proponent asserts, if enacted, would have the effect of lowering the national average price per gallon of regular unleaded gasoline. Such amendments shall be considered as read, shall be debatable for thirty minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 of rule XXI. For purposes of compliance with clause 9(a)(3) of rule XXI, a statement submitted for printing in the Congressional Record by the proponent of such amendment prior to its consideration shall have the same effect as a statement actually printed.

SEC. 6. Within five legislative days the Speaker shall introduce a bill, the title of which is as follows: ''A bill to provide a common sense plan to help bring down skyrocketing gas prices.'' Such bill shall be referred to the appropriate committees of jurisdiction pursuant to clause I of rule X.

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

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

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

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

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

Mr. ARCURI. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

RECORDED VOTE

Mr. SESSIONS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

Motion to suspend on H.R. 5613;

Motion to suspend on H. Con. Res. 322;

Ordering the previous question on H. Res. 1125; and

Adopting H. Res. 1125, if ordered.

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

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Byrd, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3196. An act to designate the facility of the United States Postal Service located at 20 Sussex Street in Port Jervis, New York, as the ''E. Arthur Gray Post Office Building''.

H.R. 3468. An act to designate the facility of the United States Postal Service located at 1704 Weeksville Road in Elizabeth City, North Carolina, as the ''Dr. Clifford Bell Jones, Sr. Post Office''.

H.R. 3532. An act to designate the facility of the United States Postal Service located at 5815 McLeod Street in Lula, Georgia, as the ''Private Johnathon Millican Lula Post Office''.

H.R. 3720. An act to designate the facility of the United States Postal Service located at 424 Clay Avenue in Waco, Texas, as the ''Army PFC Juan Alonso Covarrubias Post Office Building''.

H.R. 3803. An act to designate the facility of the United States Postal Service located at 3100 Cashwell Drive in Goldsboro, North Carolina, as the ''John Henry Wooten, Sr. Post Office Building''.

H.R. 3936. An act to designate the facility of the United States Postal Service located at 116 Helen Highway in Cleveland, Georgia, as the ''Sgt. Jason Harkins Post Office Building''.

H.R. 3988. An act to designate the facility of the United States Postal Service located at 3701 Altamesa Boulevard in Fort Worth, Texas, as the ''Master Sergeant Kenneth N. Mack Post Office Building''.

H.R. 4166. An act to designate the facility of the United States Postal Service located at 701 East Copeland Drive in Lebanon, Missouri, as the ''Steve W. Allee Carrier Annex''.

H.R. 4203. An act to designate the facility of the United States Postal Service located at 3035 Stone Mountain Street in Lithonia, Georgia, as the ''Specialist Jamaal RaShard Addison Post Office Building''.

H.R. 4211. An act to designate the facility of the United States Postal Service located at 725 Roanoke Avenue in Roanoke Rapids, North Carolina, as the ''Judge Richard B, Allsbrook Post Office''.

H.R. 4240. An act to designate the facility of the United States Postal Service located at 10799 West Alameda Avenue in Lakewood, Colorado, as the ''Felix Sparks Post Office Building''.

H.R. 4454. An act to designate the facility of the United States Postal Service located at 3050 Hunsinger Lane in Louisville, Kentucky, as the ''Iraq and Afghanistan Fallen Military Heroes of Louisville Memorial Post Office Building'', in honor of the servicemen and women from Louisville, Kentucky, who died in service during Operation Enduring Freedom and Operation Iraqi Freedom.

H.R. 5135. An act to designate the facility of the United States Postal Service located at 201 West Greenway Street in Derby, Kansas, as the ''Sergeant Jamie O. Maugans Post Office Building''.

H.R. 5220. An act to designate the facility of the United States Postal Service located at 3800 SW. 185th Avenue in Beaverton, Oregon, as the ''Major Arthur Chin Post Office Building''.

H.R. 5400. An act to designate the facility of the United States Postal Service located at 160 East Washington Street in Chagrin Falls, Ohio, as the ''Sgt. Michael M. Kashkoush Post Office Building''.

H.R. 5472. An act to designate the facility of the United States Postal Service located at 2650 Dr. Martin Luther King Jr. Street, Indianapolis, Indiana, as the ''Julia M. Carson Post Office Building''.

H.R. 5489. An act to designate the facility of the United States Postal Service located at 6892 Main Street in Gloucester, Virginia, as the ''Congresswoman Jo Ann S. Davis Post Office''.

PROTECTING THE MEDICAID SAFETY NET ACT 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. 5613, 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 Michigan (Mr. DINGELL) that the House suspend the rules and pass the bill, H.R. 5613, as amended.

The vote was taken by electronic device, and there were—yeas 349, nays 62, not voting 20, as follows:

[Roll No. 209]

YEAS—349

Abercrombie	Davis (KY)	Hoyer
Ackerman	Davis, Lincoln	Hunter
Aderholt	Davis, Tom	Inslee
Allen	DeFazio	Israel
Altmire	DeGette	Jackson (IL)
Arcuri	Delahunt	Jackson-Lee (TX)
Baca	DeLauro	Jefferson
Bachmann	Dent	Johnson (GA)
Bachus	Diaz-Balart, L.	Johnson (IL)
Baird	Diaz-Balart, M.	Johnson, E. B.
Baldwin	Dicks	Jones (NC)
Barrow	Dingell	Jones (OH)
Barton (TX)	Donnelly	Kagen
Bean	Doyle	Kanjorski
Becerra	Drake	Kaptur
Berkley	Dreier	Keller
Berman	Edwards	Kennedy
Berry	Ehlers	Kildee
Biggert	Ellison	Kilpatrick
Bilbray	Ellsworth	Kind
Bilirakis	Emanuel	King (NY)
Bishop (GA)	Emerson	Kirk
Bishop (NY)	Engel	Klein (FL)
Bishop (UT)	English (PA)	Kline (MN)
Blumenauer	Eshoo	Knollenberg
Bonner	Everett	Kucinich
Bono Mack	Fallin	Kuhl (NY)
Boozman	Farr	LaHood
Boren	Fattah	Lampson
Boswell	Ferguson	Langevin
Boucher	Filner	Larsen (WA)
Boustany	Forbes	Larson (CT)
Boyd (FL)	Fortenberry	Latham
Boyda (KS)	Fossella	LaTourette
Brady (PA)	Foster	Lee
Brady (TX)	Frank (MA)	Levin
Braley (IA)	Frelinghuysen	Lewis (CA)
Brown (SC)	Gallegly	Lewis (KY)
Brown, Corrine	Gerlach	Lipinski
Buchanan	Giffords	LoBiondo
Burgess	Gilchrest	Loebsack
Butterfield	Gillibrand	Lofgren, Zoe
Buyer	Gohmert	Lowey
Calvert	Gonzalez	Lucas
Camp (MI)	Goode	Lungren, Daniel E.
Cantor	Goodlatte	Lynch
Capito	Gordon	Mahoney (FL)
Capps	Granger	Maloney (NY)
Capuano	Graves	Markey
Cardoza	Green, Al	Marshall
Carnahan	Green, Gene	Matheson
Carney	Grijalva	Matsui
Carson	Gutierrez	McCarthy (CA)
Castle	Hall (NY)	McCarthy (NY)
Castor	Hall (TX)	McCaul (TX)
Chandler	Hare	McCollum (MN)
Clarke	Harman	McCotter
Clay	Hastings (FL)	McDermott
Cleaver	Hastings (WA)	McGovern
Coble	Hayes	McHenry
Cohen	Heller	McHugh
Cole (OK)	Herseth Sandlin	McIntyre
Conyers	Higgins	McMorris Rodgers
Costa	Hill	McNerney
Costello	Hinchey	McNulty
Courtney	Hinojosa	Meek (FL)
Crenshaw	Hirono	Meeks (NY)
Crowley	Hobson	Melancon
Cuellar	Hodes	Michaud
Culberson	Hoekstra	Miller (MI)
Cummings	Holden	Miller (NC)
Davis (AL)	Holt	Miller, Gary
Davis (CA)	Honda	Miller, George
Davis (IL)	Hooley	Mitchell
		Mollohan
		Moore (KS)
		Moore (WI)
		Moran (KS)
		Moran (VA)
		Murphy (CT)
		Murphy, Patrick
		Murphy, Tim
		Murtha
		Myrick
		Napolitano
		Neal (MA)
		Nunes
		Oberstar
		Obey
		Olver
		Pallone
		Pascrell
		Pastor
		Payne
		Perlmutter
		Peterson (MN)
		Peterson (PA)
		Pickering
		Platts
		Pomeroy
		Porter
		Price (NC)
		Pryce (OH)
		Radanovich
		Rahall
		Ramstad
		Rangel
		Regula
		Rehberg
		Reichert
		Renzi
		Reyes
		Reynolds
		Richardson
		Rodriguez
		Rogers (AL)
		Rogers (KY)
		Rogers (MI)
		Rohrabacher
		Ros-Lehtinen
		Roskam
		Ross
		Rothman
		Roybal-Allard
		Ruppersberger
		Ryan (OH)
		Salazar
		Sánchez, Linda T.
		Sanchez, Loretta
		Sarbanes
		Saxton
		Schakowsky
		Schiff
		Schmidt
		Schwartz
		Scott (GA)
		Scott (VA)
		Serrano
		Sestak
		Shays
		Shea-Porter
		Sherman
		Shimkus
		Shuler
		Shuster
		Simpson
		Sires
		Skelton
		Slaughter
		Smith (NJ)
		Smith (TX)
		Smith (WA)
		Snyder
		Solis
		Space
		Speier
		Spratt
		Stark
		Stearns
		Stupak
		Sullivan
		Sutton
		Tanner
		Tauscher
		Taylor
		Terry
		Thompson (CA)
		Thompson (MS)
		Tiahrt
		Tiberi
		Tierney
		Towns
		Tsongas
		Turner
		Udall (CO)
		Udall (NM)
		Upton
		Van Hollen
		Velázquez
		Visclosky
		Walberg
		Walden (OR)
		Walsh (NY)
		Walz (MN)
		Wasserman Schultz
		Watson
		Watt
		Waxman
		Weiner
		Welch (VT)
		Wexler
		Whitfield (KY)
		Wilson (NM)
		Wilson (OH)
		Wittman (VA)
		Wolf
		Woolsey
		Wu
		Yarmuth
		Young (AK)
		Young (FL)

NAYS—62

Akin	Garrett (NJ)	Paul
Alexander	Gingrey	Pearce
Barrett (SC)	Hensarling	Pence
Bartlett (MD)	Herger	Petri
Blackburn	Inglis (SC)	Pitts
Blunt	Issa	Poe
Boehner	Johnson, Sam	Price (GA)
Broun (GA)	Jordan	Putnam
Burton (IN)	King (IA)	Ryan (WI)
Cannon	Kingston	Sali
Carter	Lamborn	Sensenbrenner
Chabot	Latta	Sessions
Conaway	Mack	Shadegg
Cubin	Manzullo	Smith (NE)
Davis, David	Marchant	Tancredo
Deal (GA)	McCrery	Thornberry
Doolittle	McKeon	Wamp
Duncan	Mica	Weldon (FL)
Flake	Miller (FL)	Westmoreland
Foxx	Musgrave	Wilson (SC)
Franks (AZ)	Neugebauer	

NOT VOTING—20

Andrews	Doggett	Ortiz
Brown-Waite, Ginny	Etheridge	Royce
Campbell (CA)	Feeney	Rush
Clyburn	Hulshof	Souder
Cooper	Lewis (GA)	Waters
Cramer	Linder	Weller
	Nadler	Wynn

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are approximately 2 minutes remaining in this vote.

□ 1552

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

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.

The title was amended so as to read: ''A bill to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated for:

Mr. ORTIZ. Mr. Speaker, on rollcall No. 209, I was meeting with the Chief of Staff of the Army, Gen. Casey. Had I been present, I would have voted ''yea.''

Ms. WATERS, Mr. Speaker, on rollcall No. 209, I was called off the floor for an emergency telephone call. I was unaware that a vote was taking place. Had I been present, I would have voted ''yea.''

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

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. 322, 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 California (Mr. BERMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 322.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 15, as follows:

[Roll No. 210]

YEAS—417

Abercrombie	Calvert	Doolittle
Ackerman	Camp (MI)	Doyle
Aderholt	Cannon	Drake
Akin	Cantor	Dreier
Allen	Capito	Duncan
Altmire	Capps	Edwards
Arcuri	Capuano	Ehlers
Baca	Cardoza	Ellison
Bachmann	Carnahan	Ellsworth
Bachus	Carney	Emanuel
Baird	Carson	Emerson
Baldwin	Carter	Engel
Barrett (SC)	Castle	English (PA)
Barrow	Castor	Eshoo
Bartlett (MD)	Chabot	Everett
Barton (TX)	Chandler	Fallin
Bean	Clarke	Farr
Becerra	Clay	Fattah
Berkley	Cleaver	Ferguson
Berman	Coble	Filner
Berry	Cohen	Flake
Biggert	Cole (OK)	Forbes
Bilbray	Conaway	Fortenberry
Bilirakis	Conyers	Fossella
Bishop (GA)	Costa	Foster
Bishop (NY)	Costello	Foxx
Bishop (UT)	Courtney	Frank (MA)
Blackburn	Crenshaw	Franks (AZ)
Blumenauer	Crowley	Frelinghuysen
Blunt	Cubin	Gallegly
Boehner	Cuellar	Garrett (NJ)
Bonner	Culberson	Gerlach
Bono Mack	Cummings	Giffords
Boozman	Davis (AL)	Gilchrest
Boren	Davis (CA)	Gillibrand
Boswell	Davis (IL)	Gingrey
Boucher	Davis (KY)	Gohmert
Boustany	Davis, David	Gonzalez
Boyd (FL)	Davis, Lincoln	Goode
Boyda (KS)	Davis, Tom	Goodlatte
Brady (PA)	Deal (GA)	Gordon
Brady (TX)	DeFazio	Granger
Braley (IA)	DeGette	Graves
Broun (GA)	Delahunt	Green, Al
Brown (SC)	DeLauro	Green, Gene
Brown, Corrine	Dent	Grijalva
Buchanan	Diaz-Balart, L.	Gutierrez
Burgess	Diaz-Balart, M.	Hall (NY)
Burton (IN)	Dicks	Hall (TX)
Butterfield	Dingell	Hare
Buyer	Donnelly	Harman

Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—15

Alexander
Andrews
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cooper
Cramer
Doggett
Etheridge
Feeney
Hulshof
Jackson-Lee (TX)
Nadler
Rush
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that they have approximately 2 minutes remaining in this vote.

□ 1601

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.

CONGRATULATING HILL'S ANGELS

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

Mrs. JONES of Ohio. Mr. Speaker, Members of Congress, good news. Last Wednesday, after 10 or 12 years of having the opportunity to play the Georgetown law faculty to raise money for the homeless, the congressional basketball team helped Georgetown raise $334,000 for the homeless. We are very pleased about that.

But more importantly, after two overtimes and sudden death, the House of Representatives won the game. We are very pleased that we have such star players. With just 2.8 seconds left in regular time, our Member, TIM RYAN, got fouled on a three-pointer. The game was 39–36, he made all three shots, and we went into overtime. We went into another overtime; and finally the referee said, you are now going into sudden death. I am pleased to report that my son, Mervyn Jones, made the last shot in sudden death.

Once again, the Hill's Angels beat the Georgetown Hoyas. And 40 members of the page crew came along to cheer for us.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. DEGETTE). Without objection, 5-minute voting will continue.

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 5819, SBIR/STTR REAUTHORIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1125, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 194, not voting 15, as follows:

[Roll No. 211]

YEAS—222

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

NAYS—194

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

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

NOT VOTING—15

Andrews
Berman
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cooper
Cramer
Doggett
Feeney
Hall (NY)
Hulshof
McCaul (TX)
Nadler
Rush
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in the vote.

□ 1612

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. HALL of New York. Madam Speaker, on rollcall No. 211, I was unavoidably detained and was unable to vote. Had I been present, I would have voted "yea."

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 221, nays 190, not voting 20, as follows:

[Roll No. 212]

YEAS—221

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

NAYS—190

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

NOT VOTING—20

Andrews
Braley (IA)
Brown-Waite, Ginny
Campbell (CA)
Cleaver
Clyburn
Cooper
Cramer
Doggett
Feeney
Ferguson
Hulshof
Jones (NC)
Kagen
Nadler
Obey
Rush
Tancredo
Waxman
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1620

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ETHERIDGE. Mr. Speaker, on H.R. 5613 and House Concurrent Resolution 322, I was unavoidably detained. Had I been present, I would have voted "yes."

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 2830 pursuant to House Resolution 1126, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

The SPEAKER pro tempore (Mr. JOHNSON of Georgia). Is there objection to the request of the gentlewoman from New York?

There was no objection.

PERMISSION TO REDUCE TIME FOR ELECTRONIC VOTING DURING CONSIDERATION OF H.R. 5819, SBIR/STTR REAUTHORIZATION ACT

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that, during consideration of H.R. 5819 pursuant to House Resolution 1125, the Chair may reduce to 2 minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

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

There was no objection.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 5819.

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

There was no objection.

SBIR/STTR REAUTHORIZATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 1125 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 5819.

□ 1625

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes, with Ms. DEGETTE in the chair.

The Clerk read the title of the bill.

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

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Small Business and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology.

The gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes, and the gentleman from Oregon (Mr. WU) and the gentleman from Michigan (Mr. EHLERS) each will control 10 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, this year, we celebrate Small Business Week in the face of harsh realities that come with an economic downturn. But it is important to remember that the Nation's 26 million entrepreneurs have always led America's way to economic recovery and sustained growth. That was the case during the last slowdown, when the technology sector—led by small startups—provided the foundation for the booming economy of the 1990s. It can be true again today.

Over the past decades, research conducted by entrepreneurs in the Small Business Innovation Research and the Small Business Technology Transfer programs has bolstered every area of American life. The important contributions of these small research firms span such varied disciplines as national security, energy efficiency, and public health infrastructure.

The measure that is before the House today reauthorizes SBIR and STTR. Together, the programs make up the largest government-wide R&D initiative, and they can help us emerge from weak economic times yet again. Just as importantly, the reauthorization will ensure these successful programs continue to spur innovation and job growth, while keeping America at the forefront of the global marketplace.

The last time these programs were reauthorized, the Internet was in its infancy, and the term ''Google'' was an obscure mathematical concept. Today, the Internet is a part of everyday life, and Google is one of the best known and largest companies on the planet.

Our legislation modernizes SBIR/STTR. It ensures small firms can contribute to our country's most pressing research and development challenges. The bill recognizes that, while many good ideas come from large companies and universities, it is American small businesses who are our primary source of innovation. These entrepreneurs, not just Boeing or MIT, develop the type of products and services that meet the needs of the new economy.

H.R. 5819 allows small businesses to continue bringing their critically important ideas from the laboratory to the marketplace. The bill also offers targeted resources for technical assistance and ensures small firms are not discriminated against because of their business model or type of financing.

Last, but not least, H.R. 5819 increases the number of SBIR and STTR applications from rural areas. It also promotes participation by small businesses that are owned by women, service disabled veterans and minorities.

Moreover, this reauthorization enables a greater number of small research companies to advance the sort of innovation that saves lives. As a result, dozens of patient groups support the bill. They include the ALS and Alpha-1 Associations, the Caring Voice Coalition, the Coalition of Heritable Disorders of Connective Tissue, the Cystic Fibrosis Foundation, the National Organization for Rare Disorders, Parent Project Muscular Dystrophy and the Tuberous Sclerosis Alliance.

The same holds true for a broad array of business groups, representing everything from the agricultural sector to energy and technology organizations. This diverse group of supporters includes the American Electronic Association, the Biotechnology Industry Organization, the Association for Manufacturing Technology, the U.S. Hispanic Chamber of Commerce, and the U.S. Women's Chamber of Commerce.

□ 1630

Madam Chairman, in passing this legislation, we will ensure the SBIR and STTR awards remain competitive from top-notch research and continue to produce cutting-edge breakthroughs.

There is no better way to celebrate Small Business Week than to support the work of entrepreneurs. That is especially true when it means saving lives, creating high-paying jobs for Americans, reducing our trade deficit, and getting our economy back on track.

I urge my colleagues to join with me and Mr. CHABOT in celebrating Small Business Week by voting for this important measure.

Madam Chairman, I reserve the balance of my time.

Mr. CHABOT. Madam Chairman, I rise in support of H.R. 5819, the Small Business Innovation Research and Small Business Technology Transfer Programs Reauthorization Act.

These two programs are highly successful Federal initiatives designed to encourage economic growth and innovation within the small business community by assisting with the funding that is critical at the startup and developmental stages of a small company. Not only do they spur growth in individual companies, the programs stress the importance of the Small Business Committee's and the entire Federal Government's commitment to expand and diversify research opportunities for small businesses.

Created in 1982, the SBIR program offers competition-based awards to stimulate technological innovation among small private sector businesses while providing government agencies with new, cost-effective, technical and scientific solutions to meet their diverse needs. This program is not only critical to the unique needs of each of the participating Federal agencies but also to our national economy. Small businesses renew the U.S. economy by introducing new products and lower cost methods of doing business, sometimes with substantial economic benefits. They play a key role in introducing technologies to the market, often responding quickly to new market opportunities. Some of our Nation's greatest technological innovations were originated by small business owners tinkering in their workshops, including two very famous Ohioans, the Wright brothers.

Our committee worked very hard to produce the legislation we have before us today. We held several hearings on

this topic over the last few months inviting the Small Business Administration, SBIR and STTR program managers from Federal agencies, various small businesses, and academics to discuss this program's successes and consider amendments that would improve it. I am happy to say that a great many of the ideas presented to the committee have found their way into this legislation.

For example, the bill requires agencies with an annual SBIR program of $50 million or more a year to create an SBIR advisory board to review the program quarterly and recommend improvements. We found throughout the course of our work that there is simply not enough hard evidence available to effectively measure the success or failure of the programs. Several of our witnesses touched on this subject, and the National Academy of Sciences mentioned it in its congressionally mandated study of the SBIR program.

The bill also states that agencies required to have an SBIR advisory board must complete an evaluation of the competitive SBIR proposals within specific time frames. This is important to ensure that potential awardees are reviewed promptly and effectively. Given the complexity and time-consuming nature of awarding an SBIR grant award application, it can be very difficult to plan your business' future without knowing its fate for months at a time.

The legislation also increases the size of maximum awards to allow grant winners greater ability to develop their new technologies and provides agencies even greater flexibility to administer the programs. The award levels have not been raised or adjusted for inflation in 16 years. Several of our witnesses commented that the levels, particularly for phase I, offer very little wiggle room.

Additionally, I believe this legislation finds an appropriate balance on the issues of venture capital companies' funding of SBIR participants. I would like to thank the gentleman from Missouri (Mr. GRAVES) for all of his hard work on this issue. Mr. GRAVES has been a champion on this matter for years and has consistently worked to find a solution that balances funding the best science with maintaining the integrity of the program's goals of helping small businesses. I understand Mr. GRAVES will be offering a perfecting amendment during this proceeding that effectively strikes this balance, and I would urge Members on both sides of this aisle to support the amendment.

I would also like to thank the gentlelady from New York and chairwoman of our committee, Ms. VELÁZQUEZ, and her staff for working in such a strong bipartisan manner with me and other members of our committee and with our staff on this legislation. But this is nothing new. The gentlelady has consistently sought my input and Republican members on the committee's input on various bills that we reported out of the committee and how they should be crafted. Although we may not always agree on every issue or there may be philosophical undertones, the spirit of working together in an effort to produce legislation that truly helps American small businesses always prevails, and I congratulate and commend the gentlelady for doing that.

Again, I urge my colleagues to vote for this legislation.

I reserve the balance of my time.

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

I rise in support of H.R. 5819, this SBIR/STTR Reauthorization Act. I want to commend Chairwoman VELÁZQUEZ and the gentleman from Ohio for their fine work in the Small Business Committee to bring a strong bill to the floor. I also want to recognize Drs. EHLERS and GINGREY and Chairman GORDON of our Science and Technology Committee for their leadership on this issue.

SBIR and STTR are integral to our innovation agenda. Small companies are where a lot of innovation happens, and we need to support these companies to remain successful in the competitive global economy. At more than $2.3 billion a year, SBIR and STTR comprise the largest single source of Federal funding for private sector technological innovation. These funds help fund companies to turn federally funded research into new jobs, products, and services. However, SBIR and STTR were created more than 20 years ago, and we need to restructure both programs to respond to the new global innovation environment.

Last week, the Technology and Innovation Subcommittee marked up H.R. 5789, the Science and Technology Innovation Act of 2008, which also reauthorized SBIR and STTR. I am glad to see that many of the provisions from H.R. 5789 were included in the subject bill, H.R. 5819.

I thank Chairwoman VELÁZQUEZ for working to include provisions that the Science Committee thought were critical to the continued success of SBIR and STTR.

Prior to coming to Congress, I practiced technology law for a number of years, and I helped a number of applicants through the SBIR application process. I can tell you that it is a long and arduous process and that frequently, grant sizes were not adequate. The bill we are considering today includes many updates which can fix some of the problems that I saw in the private sector, such as increasing the set-aside by one-half percent, increasing the award sizes, allowing for agency flexibility and granting awards, and addressing venture capital participation in the SBIR program.

Again, I want to thank the chairwoman for introducing this good legislation which improves upon existing programs that are vital to the development of innovative technologies. I urge my colleagues to support this bill.

I reserve the balance of my time.

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

The Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program both were created to stimulate technological innovation, encourage the use of small businesses to meet Federal research and development needs, and increase private sector commercialization of innovations developed from Federal research and development. I believe both programs have been very successful and should be continued, and, on that basis, I support the legislation before us, although I disagree with some aspects of it.

The Science and Technology Committee has a long standing interest in promoting innovation and development by small businesses. Through these two competitive programs, the Small Business Administration is charged with ensuring that the Nation's small innovative businesses are a significant part of the Federal Government's research and development efforts. Currently, 11 Federal departments participate in the SBIR program, including the Departments of Agriculture, Defense, Commerce, Education, Energy, Health and Human Services, Homeland Security, and Transportation, as well as the Environmental Protection Agency, the National Aeronautics Space Administration, and the National Science Foundation. Of these 11, five departments also participate in the STTR program, awarding $200 billion to small high-tech businesses.

The original legislation for SBIR was developed based on the Small Business Innovation Research program of the National Science Foundation. The NSF program was designed to encourage proposals from small science and technology firms in NSF program areas. The current Federal-wide program mirrors the original NSF program, which was also organized in three phases to ensure the most efficient use of resources.

Phase I was an opportunity to develop research on important scientific and engineering problems. Projects that were found to be promising after the phase I research stage were given phase II awards to further develop the research project. Phase III is a transition phase that involves commercialization of the products or processes developed in the first phases.

Similar to SBIR, STTR is also a highly competitive three-phase program that reserves a specific percentage of Federal research and development funding for small businesses to work in partnership with nonprofit research institutions to help move ideas from the laboratory to the marketplace, to foster high-tech economic development in the United States, and to help to meet the technological needs of the Federal Government. Since the implementation of this program in 1983 through fiscal year 2006, over $20.7 billion has been given in awards for more

than 94,660 projects. The Government Accountability Office, which has been charged with assessing this program, has generally found that these programs have achieved the goal of enhanced participation of a small business in research and development fields.

Given the interest of the Committee on Science and Technology on the research and development of new technology, our committee has a unique interest in this bill. We have long been concerned about how America competes with the rest of the world in these areas. Many initiatives that have been passed by our committee in this Congress have focused on the need to improve our competitiveness in the world through funding of science education programs and public outreach efforts. I view this legislation as one more way we can reach out to the public to assist American innovation.

My only regret with regard to this legislation is that I do not believe it was able to receive the proper attention it warranted by the Committee on Science and Technology. Our committee shares jurisdiction on this legislation, primarily concentrated on the areas of science itself and the amount of science funding.

However, the full committee was not given the opportunity to consider this legislation and have its voice heard with regard to its continuation, primarily because there was a great hurry to bring this bill to the floor. Had regular order been provided, I believe we would be bringing a different bill to the floor today. And in view of that, I have offered an amendment that I believe will strengthen the bill, make it sounder in funding, preserve the funding of other resources and other research in the Federal Government, and also provide an opportunity to increase the funding for SBIR and STTR in the future by bringing up the funding for the other agencies of which these two organizations receive a percentage.

But I believe the approach in the bill of simply arbitrarily increasing the funding for SBIR and STTR hurts our research efforts in the Nation, and I will speak later on that topic when my amendment reaches the floor.

The second reservation is voiced by Mr. GINGREY of Georgia and, if we have time, we will enter into that discussion later and I will give him an opportunity to speak.

I reserve the balance of my time.

Ms. VELÁZQUEZ. I yield to the gentleman from Texas (Mr. CUELLAR), a member of the Small Business Committee, for 3 minutes.

□ 1645

Mr. CUELLAR. I thank the gentlewoman for yielding.

Madam Chairman, I rise in support of H.R. 5819, the SBIR/STTR Reauthorization Act.

The creation of the Small Business Innovation Research program has benefited small businesses across the United States. Through the SBIR program, small businesses have been given the opportunity to provide innovative solutions that benefit the Federal Government through the research and development of new products.

I applaud the chairwoman's efforts. NYDIA VELÁZQUEZ has worked extremely hard with all members of the committee to make sure that we properly make the changes to the SBIR program. I commend the chairwoman, and the ranking member, also, for their diligence in protecting and encouraging the participation of small business concerns owned by women, veterans and minorities, all businesses.

I would like to thank the chairwoman and the committee staff for working with me to add a provision that I brought forward to make sure that Congress has a clear picture of how exactly involved these underrepresented small business concerns have been in the SBIR and the STTR program.

I believe Congress can best make improvements to valuable programs and initiatives if we have an effective reporting requirement. This legislation will require that annual reports on the SBIR program include information regarding the SBIR program involvement of small business concerns that are owned by women, minorities and veterans, and again, I emphasize, all the small businesses that we have. By evaluating what SBIR awards have been distributed to these underrepresented businesses, my opinion is that Congress can best determine how to further involve businesses owned by women, minorities and veterans.

Again, I thank the chairwoman for the effort, and the ranking member. I support this legislation and I ask Members to support it.

Mr. CHABOT. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. I want to thank my friend for yielding. And I want to thank the chairwoman, Ms. VELÁZQUEZ, for the job that she has done and for what Ranking Member CHABOT has done, and the true bipartisan work and the good things that we have been able to do in the committee this year for small business.

But while we're talking about that, you know, we need to talk about the one threat that all small business people have come up to me in the last couple of weeks to talk about, and that is the price of fuel. Madam Chairman, I want to tell you that some of them feel like they have been lied to or maybe misled, because in 2006, the Democratic Congressional Campaign Committee sent out a memo that said, ''To Assist the Candidates.'' ''Demonstrate your dedication to fighting for middle class families by clearly explaining how you will work to keep down the price of gas if elected to Congress. Hold an event at a gas station or other logical locations where you call for a real commitment to bringing down gas prices, and pledge that as a Member of Congress you will fight for families in your district, not for oil and gas executives that the Republican Congress has fought for.'' And so they went out.

And maybe some people were misled because if you look at April 11, 2006, one of the candidates, Jason Altmire, who is on our committee, had a campaign that said, ''rising fuel costs'' that got Jason Altmire, the Democratic nominee for the Fourth Congressional District, calling for alternative fuel sources. ''Altmire made four stops Thursday in the district at gas stations all at prices for regular unleaded teetering at around $3 per gallon. The Democrat blames his opponent and President Bush for the rising fuel costs.'' The price for a barrel of fuel at this time, a barrel of oil is $57. You know, it's $119 today.

Small business people have been misled to think that the new majority was going to do something about fuel costs. It's time we have a public outcry that we do do something. If this secret plan is released, if the Pelosi premium is brought down, gas prices are at a record at this time of $3.50 a gallon.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. CHABOT. Madam Chairman, I yield the gentleman an additional minute.

Mr. WESTMORELAND. I think that small businesses deserve an answer. I think they deserve to see what this program is. I think they deserve to see what this plan is, what they were promised.

The fact that gas at the time that they were told this was $2.06 a gallon, oil was at $76 a barrel, today oil is at $119 a barrel, average price of gas is $3.50, they've been misled. And so what we want to do is see that commonsense plan brought to the floor, laid out, that we can all look at and maybe we can work towards.

And it's not just raising taxes, it's not buying or riding bicycles, it's not windmills, it's not solar panels, it's got to be less dependence on foreign oil. And we can only do that by using our natural resources to provide energy for this country.

Mr. WU. Madam Chairman, I yield 2 minutes to the gentleman from Washington, the chairman of the Research and Education Subcommittee of the Science Committee, Mr. BAIRD.

Mr. BAIRD. Madam Chairman, I would like to thank my dear friend from Oregon, my colleague and neighbor across the river, and also the gentlelady from New York (Ms. VELÁZQUEZ) for her leadership, and my friend, Mr. EHLERS from Michigan, and Mr. CHABOT from Ohio.

I am particularly pleased about the aspect of this legislation that will eliminate what I feel are counterproductive barriers to participation by firms that receive venture capital in the SBIR program. This issue was brought to my attention by a local

firm, nLight Photonics, which is leading the world in high-capacity semiconductor lasers.

Many of our top high-tech companies demand startup venture capital in order to build the infrastructure they need to produce the products which save us money, save us lives, and help stimulate our economy. These successful companies, however, often would like to branch out into a parallel area, perhaps not their primary pursuit, but a parallel area for which SBIR funds would be fully appropriate and advantageous. Unfortunately, under current rules, that is prohibited. In other words, the very companies that have proven successful and have been able to demonstrate to venture capital that they have a process, personnel, and products that are worth supporting are then precluded from Federal support. This bill corrects that. I commend the gentlelady and Mr. WU for recognizing that.

I want to thank Mr. GRAVES, who worked on this with me several years ago, and again thank my colleagues from both sides of the aisle. It is a good bill. It will help, by the way, address some of those energy challenges that the gentleman who just spoke alluded to.

Mr. EHLERS. Madam Chairman, I am very pleased to yield 4 minutes to the distinguished gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY. I thank the gentleman for yielding.

Madam Chairman, both the Small Business Innovation Research and the Small Business Technology Transfer programs have proven to be extremely successful since the their implementation in 1982. These are both grant programs that have been effective in providing government assistance to small businesses to help more people in our country achieve the American Dream.

Although I do have some concerns about the underlying bill, H.R. 5819, small business is still the cornerstone of the economy and job growth in this country, and I am happy that we're addressing these important programs on the House floor.

Madam Chairman, small business drives United States economic growth and innovation. These companies make up 99.7 percent of all United States employers and employ nearly half of all Americans who are not working for the government. In addition, small businesses employ 39 percent of high-tech workers, such as scientists and engineers, and they produce 13 to 14 times more patents per employee than do the larger firms. The SBIR and STTR programs were created to provide critical funding to these companies so they could conduct R&D that they otherwise would not be able to afford. These programs also provide further funding to commercialized promising technology resulting from that R&D.

Since their inception in 1982, these programs provide over $2 billion in grants and contracts each year, and they have provided the start-up funding for hundreds of small businesses in the United States. In my own State of Georgia, Georgia Tech, my alma mater, provides assistance to small business initiatives across the State, and as a result, companies have received $15 million in SBIR and STTR grants. Specifically in my district in northwest Georgia, the 11th, eight companies have received $8.3 million in SBIR awards since 2005. So, Madam Chairman, it is vital that these programs are reauthorized so we can continue to foster small business development in the emerging technology-based global economy.

While I am generally supportive of H.R. 5819, I do, as I said, have some concerns with sections relating to venture capital and phase one and two grant eligibility.

Venture capital helps small business entrepreneurs gain credibility on solid ideas that have the potential for commercialization. However, while venture capital serves as an important component in facilitating small business success, it must also be closely monitored and scrutinized. We must ensure small business interests are at the heart of SBIR and STTR programs. After all, that's why they were created back in 1982.

Through H.R. 5819, small business companies who utilize SBIR and STTR programs have the latitude to incorporate venture capital funding into their operation, but section 201 in the bill provides safeguards so that small businesses are not merely conduits for venture capital interests, and I want to thank Chairwoman VELÁZQUEZ for this. While I believe this section of the bill is a very good step in the direction of protecting small business interests, I believe that this language could be even stronger to specifically reinforce the integrity of these two programs.

Madam Chairman, I do support the mission and the intent of SBIR and STTR programs. I urge all my colleagues to support H.R. 5819.

Ms. VELÁZQUEZ. Madam Chairman, I am very pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. SESTAK), vice president of the Small Business Committee.

Mr. SESTAK. Madam Chairman, I rise today also in support of H.R. 5819, a bill to improve and modernize the Small Business Innovation Research program and the Small Business Technology Transfer program.

Small businesses, the backbone of our economy, bring innovation, creativity, competition and lower costs to our economy. As elsewhere in America, 70 percent of all the new jobs in my district in Pennsylvania come from small businesses, and I strongly believe our economic security is dependent upon our ability to provide these businesses with the tools and the resources they need to grow.

In 1982, as has been mentioned, Congress recognized the importance of retaining and increasing the innovation and research of small business by creating the Small Business Innovation Research program to stimulate technological innovations, meet Federal research and development needs, and increase the commercial success of innovation.

The bill we will be voting on improves the Small Business Innovation Research program and the Small Business Technology Transfer program to ensure that small businesses receive the resources they need to continue to innovate, grow and succeed.

Madam Chairman, this bill will make the necessary changes to modernize these two programs. This bill will increase funding available for grants, simplify the application process, broaden technical assistance, and create a more flexible process for the 11 participating Federal agencies. It also focuses agencies on granting funding to projects with commercial viability and promising research, and it requires agencies to establish databases to collect best practices information.

I strongly believe that innovation is essential to the economic well-being of our Nation, and the Small Business Innovation Research program and the Small Business Technology Transfer program make a significant contribution to our economy. I therefore urge my colleagues to vote in support of this timely reauthorization.

Mr. CHABOT. Madam Chairman, we will reserve the balance of our time.

Mr. WU. Madam Chairman, at this time, I am pleased to yield 1 minute to the gentleman from Ohio, a member of the committee, a leader in the field of nanotechnology, Mr. WILSON.

Mr. WILSON of Ohio. Madam Chairman, I rise today in support of H.R. 5819, the Small Business Innovation Research and Small Business Technical Transfer reauthorization bill. Established in 1982, these highly competitive programs have a well-deserved reputation for success.

In today's economy, small businesses are critical to U.S. innovation. In my home State of Ohio, the SBIR and the STTR programs have played an important role in improving the regional economy through science, technology and innovation.

The SBIR and the STTR programs work to create jobs and increase our Nation's capacity for technological innovation. And funding these programs has been critical to the success of many businesses throughout my district. It is clear that the SBIR and the STTR programs are critical in promoting the science and technology research that drives our innovation-based economy.

I urge my colleagues to vote ''yes'' on this important bill.

Mr. EHLERS. May I inquire as to how much time I have remaining.

The CHAIRMAN. The gentleman from Michigan is advised he has 30 seconds remaining.

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

Ms. VELÁZQUEZ. Madam Chairman, I would like to inquire how much time is remaining on each side, each committee.

The CHAIRMAN. The gentlewoman from New York has 11 minutes remaining. The gentleman from Ohio has 12 minutes remaining. The gentleman from Oregon has 5 minutes remaining.

□ 1700

Ms. VELÁZQUEZ. Madam Chairman, I would like to yield 2 minutes to the gentleman from Pennsylvania (Mr. ALTMIRE), who is the chairman of the Subcommittee on Investigations and Oversight.

Mr. ALTMIRE. I thank the chairwoman for yielding.

Madam Chairman, I rise today in support of the Small Business Innovation Research Program Reauthorization Act.

Since its inception in 1983, SBIR has been key to American competitiveness, providing quality research for the U.S. Government and spurring technology innovation. SBIR has been a catalyst for some of today's most successful enterprises. For over 25 years, SBIR has allowed innovative small businesses to partner with the government for the development of today's most cutting-edge goods and services. SBIR is a program designed to stimulate American competitiveness.

This legislation we consider today will ensure that SBIR will keep pace with the technological changes and advancements in today's ever-changing, high-tech world to keep our Nation's small businesses competitive in the global economy.

The region I represent in western Pennsylvania has produced a number of SBIR success stories, ranging from new medical therapies to advanced computer technology. The area is an emerging medical- and technology-based community that is home to some of the top research and development in the entire country.

Reauthorization of SBIR will allow us to continue to foster research and innovation that will translate into a wealth of new employment opportunities and economic growth for western Pennsylvania and the entire country.

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

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

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

Ms. VELÁZQUEZ. Madam Chairman, I would like to yield to the gentlewoman from Ohio (Mrs. JONES) for 2 minutes.

(Mrs. JONES of Ohio asked and was given permission to revise and extend her remarks.)

Mrs. JONES of Ohio. I would like to thank the Chair of this wonderful committee for yielding time to me today.

Madam Chairman, I used to serve on the Small Business Committee and am pleased every chance I have to take the opportunity to come back and salute all the members of the committee, my colleague from Ohio as well, for the work that they do.

I come to the floor today in support of H.R. 5819 to amend the Small Business Innovation Research program and the Small Business Technology Transfer program because this will bring an opportunity for small businesses in my congressional district to have an opportunity to work on some of the innovative technology that they have been planning over the years.

Within my congressional district, I have more than five medical institutions, and the work that these medical institutions have been able to do with small businesses that have been spawned from much of the research is very, very exciting. And we think that the area of Cleveland and northeast Ohio will be a place where we will have an opportunity to put to work some of the opportunities that are presented in this particular legislation.

I'm particularly pleased that the legislation includes an annual $10 million competitive grant program that will support and assist women-, veteran-, and minority-owned businesses. In today's fast-paced economy, minority businesses are steadily expanding their presence and are increasingly a driving force in the economy. But, more importantly, we all know the importance of small business. Unlike my father and my mother and many of our fathers and mothers who worked for companies for 40 years, it does not happen anymore that you're working for that same company. And we need opportunity to expand business so that young people coming out of high school and college have a place to work.

I'm so pleased to join my colleagues in supporting the expansion of these programs.

I rise today in support of H.R. 5819, a bill that will reauthorize the Small Business Innovation Research (SBIR) and Small Business Technology Transfer (STTR) programs through 2010.

I support these programs because they provide a much needed boost in business innovation and job creation throughout the country. These programs address the needs of our current struggling economy by providing funds to small businesses that work with universities or perform cutting-edge research related to the missions of our different federal agencies.

According to the House Science and Technology Committee, these two programs provide the most federal support—about $2.3 billion annually—for private-sector technology innovation by small businesses. In these tough economic times, small business innovation becomes an increasingly vital asset to our economy. In my home state of Ohio, the SBIR program has made a significant contribution to the economy by providing $83 million in awards to small businesses in 2005 and 2006.

As a representative of a congressional district that is home to more than five major medical institutions, I am keenly aware of the role the SBIR program has played in fostering medical breakthroughs. I am very interested in promoting the ability of our researchers to explore and pursue cutting-edge medical advancements and believe that the SBIR program is critical to ensuring that promising medical innovations can move forward.

I am particularly pleased that this legislation includes an annual $10 million competitive grant program that will provide support and assistance for women, veterans, and minority-owned businesses. In today's fast paced economy, minority businesses are steadily expanding their presence and are increasingly a driving force in the economy.

Today, minorities own over four million firms, generating nearly $700 billion in yearly revenue and employing over 7 million workers. People of color across the country have embraced business ownership and this legislation will allow more of these firms to participate in Federal research and development activities.

I urge my colleagues to support the passage of H.R. 5819.

The CHAIRMAN. Are the Members now prepared to close?

Mr. EHLERS. I am prepared to close, Madam Chairman.

Mr. CHABOT. Madam Chairman, we have been told we have Don Young, who is on his way here; so we're not prepared to close. But if time runs out, then it runs out.

Ms. VELÁZQUEZ. Madam Chairman, I have no further requests for time.

Mr. WU. Madam Chairman, we have one further speaker, who, we are told, is on her way.

The CHAIRMAN. The gentleman from Michigan is recognized to close.

Mr. EHLERS. Madam Chairman, the substance of the bill is good. I support the general intent of it.

I am very concerned about several aspects. One of those is the size of the increase of the allocation, which is going to hurt our Nation's research effort in its totality. Secondly, the issues raised by Dr. GINGREY which involve giving perhaps too much control and power to the venture capitalists. And, third, the issues relating to the other issues that Dr. GINGREY brought forth regarding category I and category II funding, and the interplay between the two.

If we can solve these problems I would hope to support the bill.

The CHAIRMAN. The gentleman's time has expired.

Mr. WU. Madam Chairman, I am ready to close.

The CHAIRMAN. The gentleman from Oregon is recognized.

Mr. WU. This is a finely crafted bill, which a lot of Members have worked on for quite some time. I want to especially thank those staffers who normally do not get recognition: Dennis Worden of my personal staff, Barb Jones, a detailee from the National Institute of Standards and Technology; Mike Quear from the Science Committee staff; and also Piper Largent of the Republican side on the committee staff.

I think that I would just close by saying that this is a good bill. It is a compromise bill. No one is getting everything that they want. But I think that on balance this is a bill which is good for innovation in America.

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

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

Obviously we are still waiting for Mr. YOUNG to speak. If he gets here, he gets here; if he doesn't, he doesn't.

I would like to, first of all, again commend the gentlewoman from New York for her cooperation and once again putting together a bipartisan effort here. And we both agree that both of these programs should be continued and have great value; so I would encourage my colleagues to support it.

Without Mr. YOUNG's being here and not having spoken to him ahead of time and knowing exactly what he wanted to talk about, I would guess what he wanted to talk about had to do with the fact that energy is a huge problem in this country and some of it is because we have handcuffed ourselves and we are far too reliant upon foreign sources of energy from the Middle East, from some of the most unstable parts of the world, from Nigeria, from Venezuela. And for that reason, we're seeing gas prices at all-time highs, approximately $3.50 per gallon, and it's hurting an awful lot of our constituents, my constituents in Cincinnati and other members of the driving public all over this country. And one of the principal reasons is we are too reliant upon foreign sources of energy. We also haven't built an oil refinery.

Mr. WU. Madam Chairman, will the gentleman yield?

Mr. CHABOT. I would be happy to yield to the gentleman.

Mr. WU. It has been delightful to be working with the majority on the SBIR/STTR bill.

The minority has chosen to make this into a debate about energy prices. A professor at Stanford University estimates that oil prices should be at about $60 a barrel. The chairman of Exxon, I understand, says that oil should be at about $55 a barrel. And I think the only reason why oil is at twice that price is because of an unnecessary war and a Republican Congress which permitted Exxon to speculate in the energy market.

Mr. CHABOT. Reclaiming my time, I thank the gentleman for interposing his points of view.

But as I was saying, Madam Chairman, I think one of the principal reasons we are seeing these high energy prices is because we are far too reliant upon foreign sources of energy. We have put off-limits an area which is in Mr. YOUNG's State, in Alaska, ANWR. It's an area that not many people go to, although the photographs that you see of it make it look like it's nothing but flowers and animals and that it's a very lovely area, and I'm sure it is lovely in certain parts of the year. But the bottom line is by putting that 16 to 18 billion barrels of oil off-limits, we have to buy more oil from other countries, and that's one of the things that drives up the cost.

Another part of considerable oil reserves that we have put off-limits is in the Outer Continental Shelf. Now compared to 16 to 18 billion barrels of oil in ANWR, we have, we think, 83 to 86 billion barrels of oil and huge amounts of natural gas. And as long as we put those areas off-limits, it means we have to buy oil from somewhere else. It puts OPEC in a position where they can turn the spigot down somewhat or not increase it to take care of not only our needs but the needs of a growing environment in India and in China and those areas; so the price goes up as a result of that.

The other problem is we haven't built an oil refinery in this country since 1976. We make it virtually impossible for that to happen. We had over 300 oil refineries 30 years ago. We're down to 148, so fewer than half the number of oil refineries. That's another big problem. And I think those are the types of problems that Mr. YOUNG would have in all likelihood spoken about.

Madam Chairman, I see that Mr. YOUNG has entered, so I will at this point yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. I thank the gentleman for yielding because we're talking about innovating small business and helping small business in this country. And that's well and good, and I congratulate the chairman and, of course, the ranking members on this legislation.

But, Madam Chairman, it's all for naught, it's all for naught, unless we address this issue of energy. Small business can't run on hot air. Small business can't even survive in this Nation or progress unless we solve this energy problem of fossil fuels.

And you may have heard me last week saying it's not your fault other than the fact you're in the wheelhouse now. You're in the wheelhouse. We were there for 12 years, and we didn't solve it either. But you said you would do that. You would lower the cost of energy for small business and the consumers of this Nation. That has not happened.

Realistically, this Congress cannot do it unless we address the issue of production. Not pie in the sky but production.

There's no shortage of fossil fuels in the United States of America. There's a shortage of the will to develop it. We just had a sale in Alaska in the Chukchi Sea, $2.6 billion. And they tell me, the geologists, there's more oil there than there is in the Gulf of Mexico. But we can't, in fact, develop it because of a lawsuit by certain interest groups in this Nation who do not want that developed. We have the Beaufort Sea. We have the Aleutian chain. That's just Alaska.

And for those of you in California, you have more oil off your shores than we do in Alaska if you'll develop it. But you have not done so. We have not done so.

We have the Gulf of Florida. We can't do it. We have the Rocky Mountains, Virginia, North Carolina, South Carolina, and we have not done so. We have not passed one piece of energy legislation in this body that produces any energy that runs these small businesses.

So I ask you, my colleagues, how can you stand here on the floor and sit on this floor and talk about innovation for small business without addressing the energy problem?

Each man, woman, and child this year will pay a $2,000 tax to foreign countries, each man, woman and child in the United States of America, for buying fossil fuels overseas and not developing those fossil fuels within our borders. That's $2,000 a year, the largest tax of any one family, a family of five, a $10,000 tax, to the Saudi Arabians or Venezuela or Kuwait or Iran or Iraq.

□ 1715

Seventy percent of our fossil fuels today are being imported because this body has not solved this problem, and should do so. Some of you on that side, some on this side voted to open the Arctic Wildlife Range in Alaska 12 times in this House. We did get it out of the Senate once, and Bill Clinton vetoed it. He vetoed it. We passed it 12 times here, 11 times; couldn't get the votes in the Senate. If we had it developed today, we would be producing enough energy so they couldn't raise the prices they are doing now.

By the way, everybody says, Get the oil companies. They say, Get those dirty oil companies. We are not the only buyer on the market any more. China is now burning more barrels of fuel today than we are, and it's going to go up. Look at their automobile consumption. India is right behind them.

Now some people say, Well, we don't need fossil fuels. We will use wind power and solar power, et cetera. I agree with all those things. But our economy is run on power that moves objects. Your product that comes and goes, comes on a vessel that is driven by fossil fuels. The plane, the train, the ship, and the automobile that delivers to the consumer is driven by fossil fuels. There is no quick solution with hydrogen, et cetera.

If you want the economy to go forth and you want these small businesses to succeed, this Congress, and I ask the Congress on both sides to address this issue. Madam Chairman, let's solve the problem. Let's not have any more pie in the sky. Let's open these areas that have been put on restriction, because the oil is there, Mr. and Mrs. America. It's just that you have not asked us to open it. You preferred us not doing so as long as we can buy it cheap from a foreign country. And those days are over.

Now this is my prediction. Oil now is at $120 a barrel. That means gasoline for this summer is going to be around $5 a gallon. But more than that, that means the power to run small businesses will not be available because we

have not kept up the power in other areas. We don't develop the nuclear, which we should. We haven't had any hydro, which we should. Yes, we have a little bit of wind and solar. But more than that, we have not addressed the fossil fuel issue.

So as we talk about small businesses, how we are going to encourage them, we are going to give them incentives, and have new imagination, that is well and good, but you can't do it without reasonable price power.

So I charge this body, the leadership on that side, and I charge this side in the minority, to truly come to grips and address each area that has fossil fuels that we know where they are, lift the restrictions, and develop it for the future of this Nation, the youth of this Nation, and the businesses of this Nation. If we don't do that, we are neglectful of our duty.

Mr. CHABOT. Madam Chairman, I yield back the balance of my time.

Ms. VELÁZQUEZ. I yield myself the balance of my time.

Madam Chairman, the gentleman from Alaska comes here and laments about high energy prices. But when he had a chance to vote against price gouging, he voted ''no.'' When he had a chance to vote about long-term alternative energy and conservation, he voted ''no.'' So don't come to the floor and tell us the need to deal with the energy crisis in this Nation, because I can tell you that talk is fine. But when it comes to real solutions, you vote ''no.''

So, Madam Chairman, let's go to the issue at hand. It's just really sad that the minority decided to make SBIR and STTR an innocent bystander on this debate. Let me say that there is no other nation on Earth where a person's dreams of service and innovation can be translated so effectively into a brand of success that yields both wealth and concrete benefits to society. That distinctly American tradition of entrepreneurship, of cutting edge and ideas and service to society, is what Small Business Week is all about. It is also the core of H.R. 5819.

I want to thank Chairman GORDON and Ranking Member HALL, Mr. WU and Mr. EHLERS from the Science and Technology Committee, as well as my own ranking member, Mr. CHABOT, for their work on this important legislation. I am particularly grateful for Mr. CHABOT's input on this legislation, and I think that our collaboration has produced a better product for our Nation's small businesses.

I also want to recognize the staff members on both committees for their tireless work. A special thank you goes to Bill Maguire on Small Business Committee Democratic staff; Michael Day, and to Joe Hartz on Mr. CHABOT's side of the aisle, and Kevin Fitzpatrick. I also would like to acknowledge Melissa Shannon from the Speaker's office. On the Science and Technology Committee I would like to recognize the Democratic staff, Mike Quear; from Mr. WU's staff, Dennis Worden; and from Mr. GRAVES' personal office, Paul Sass.

Most of all, I would like to thank the men and women of America's small business. It is their efforts that continue to make our Nation great. They keep us moving forward, no matter what challenges arise, and they deserve our support and respect.

Once again, I urge my colleagues to join me in celebrating Small Business Week by voting ''yes'' on this important legislation.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise today in support of H.R. 5819, to reauthorize the ''SBIR/STTR Reauthorization Act.'' This legislation extends the federal government's largest small business research and development programs for two years, increases funding for small research firms by half a billion dollars, and modernizes the Small Business Innovation Research (SBIR) Program so that it is better aligned with the needs of small research firms. I would like to thank my colleague Congresswoman VELÁZQUEZ for introducing this legislation, as well as for her ongoing leadership as Chairwoman of the Committee on Small Business.

Madam Chairman, this legislation is very important to the constituents of my community and the nation as a whole because it will continue to provide funding for small business innovation research and small business technology transfer programs by extending these programs until FY2010. Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Minority businesses are also crucial to our communities and our country. According to statistics published by the United States Census Bureau, in 2002 nearly 2 in 5 black-owned firms operated in health care and social assistance. Black entrepreneurs owned 9.7 percent of all such businesses in the United States. Statistics gathered between 1997 and 2002 show substantial increases in the number of black owned firms with receipts of $1 million or more, as well as the number of black owned firms with 100 employees or more. Black-owned firms accounted for 5 percent of all non-farm business in the United States in 2002.

In my home city of Houston, small businesses are vital to our economy. In 2002, Harris County ranked 6th in the nation for counties with the largest number of black-owned firms, with 27,770 firms with receipts totaling 1,817 million dollars. I have worked to introduce minority, women, and small business owners to contracting officials at NASA to help promote and develop Houston small businesses. I was proud to support H.R. 1873, the Small Business Fairness in Contracting Act, which passed the House in May of last year, and to introduce two amendments, both of which were accepted to the bill. The first amendment brings transparency, accountability and responsiveness to the process of procuring federal contracts. I also successfully introduced an amendment mandating that whenever there is a disagreement between the SBA and the contracting procurement agency, the appropriate House and Senate committees with jurisdiction over the matter are informed.

Small Business Innovation Research (SBIR) Program and the Small Business Technology Transfer (STIR) Program are two crucial research and development programs. Through these two competitive initiatives, the Small Business Administration, SBA, ensures that the nation's small, high-tech, innovative businesses are a significant part of the federal government's research and development efforts. Created by Congress in 1982, SBIR is the largest government-wide research and development initiative in existence. According to SBA, eleven federal departments participate in the SBIR program, and five departments participate in the STIR program, awarding $2billion to small high-tech businesses.

The legislation that we are considering today updates the SBIR program, bringing into step with today's technologically-driven world. It will both increase access to SBIR funding, and work to leverage the advances made by small businesses to benefit the competitiveness of the U.S. economy.

Madam Chairman, this legislation includes provisions designed to encourage more small firms to apply for SBIR and STIR awards. It doubles the size of SBIR and STIR awards for Phase I and Phase II grants, and provides access to technical assistance. This legislation also places an emphasis on areas where further research is particularly needed, providing incentives for small business innovation research on alternative fuels and orphan diseases. Through these provisions, this legislation speaks both to the needs of small businesses and of the broader American population.

Madam Chairman, I am particularly pleased that this legislation establishes an initiative to diversify participation in these important programs. This legislation aims to increase participation by small businesses located in underrepresented geographic areas, as well as those owned and controlled by women, veterans, and minorities. I believe this provision will both diversify the program and increase competition for the important awards.

Further, the act increases partnerships between SBIR awardees and prime contractors, venture capital operating companies, and larger businesses. This act has laudable goals and will ensure that small businesses have at their disposal more advanced technology that can be used for the development of our local communities. This act ensures that the technology and innovation would be used to further small businesses and local economic development.

Madam Chairman, over the past 25 years the SBIR program has supported many of our nation's most successful entrepreneurial enterprises. Many of these small, innovative businesses have grown into powerful technical companies that have kept the United States on the cutting edge of technological enterprise. Today, by voting for this legislation, we are making sure that this important program is of the maximum benefit both to American entrepreneurs and to all the citizens of this nation.

I strongly urge my colleagues to join me in supporting this important legislation.

Mr. MANZULLO. Madam Chairman, I rise in reluctant opposition to the SBIR/STTR Reauthorization Act (H.R. 5819). I am a long-time supporter of the Small Business Innovative

Research, SBIR, and the Small Business Technology Transfer, STTR, program because it requires federal agencies with at least a $100 million research and development, R&D, budget to set aside a certain percentage of awards for small firms. The SBIR program was created in 1982 because small businesses—the most innovative sector of our economy—received very few R&D awards. Almost the entire federal R&D budget back then went to large firms and academic institutions.

There are many good provisions in H.R. 5819. Section 102 increases the small business set-aside in the SBIR program from 2.5 percent to 3 percent. The SBIR awards come in three phases—Phase 1 is for start-ups; Phase II is for follow-on work; and Phase III is for commercialization of the product either in the form of government procurement or for sale in the marketplace. Section 103 increases the maximum award in Phase I from $100,000 to $750,000. For Phase II awards, the maximum award goes up from $300,000 to $2.2 million. There are no grant dollars for the Phase III or commercialization phase. In the past, few federal agencies had any interest in Phase III. However, H.R. 5819 contains several provisions, most particularly in Title IV, to encourage commercialization of products developed with SBIR awards.

However, Section 201 of H.R. 5819 opens up more of the SBIR program to small firms that have significant investments from venture capital (VC) companies. For the purposes of the SBIR program, a small firm would be considered to be independently owned and operated even with a majority share owned by VC firms. VC investments, unlike a bank loan, make the ''owner'' of the company no longer the true leader of the firm if venture capitalists own more than 50 percent of the firm. In other words, he or she doesn't control the ultimate destiny or direction of the company—the ''owner'' has to take ultimate direction from the VC firms. The small business is no longer independently owned and operated. Thus, if a small company receives venture capital even from multiple sources to pursue Vaccine A but then sees the research going in a different direction to develop Vaccine B, the ''owner'' of the company will be compelled to complete the research on Vaccine A for which he or she received funding unless the ''owner'' receives permission from the venture capitalists to pursue Vaccine B.

The only limitations on VC investments in Section 201 for SBIR firms are that (1) no one single VC firm can own a majority of the tech company applying for a SBIR grant; (2) the VC firm does not control a majority of the seats on the tech company's board of directors; (3) only ''small'' VCs, as defined in the bill as those VC firms employing 500 employees or less, can participate; and (4) a ''corporate-owned'' VC firm can only own up to 10 percent of a SBIR tech company and that a SBIR tech company can only have one investment from a corporate VC. My concerns are that the first two limitations can be easily evadable by creative VCs that set up multiple firms. The third limitation dealing with a small business definition of a VC encompasses almost every VC in the nation. The Small Business Administration (SBA) currently defines small venture capital firms as those with less than $6.5 million in annual receipts. There is no need to change the small business definition of a VC.

In Section 110, H.R. 5819 also allows firms to apply directly for Phase II awards, bypassing the Phase I process. In my opinion, combining three key elements of H.R. 5819—dramatically higher awards (Section 103), allowing almost every VC in the nation to own more than a majority of a SBIR firm (Section 201), and bypassing Phase I (Section 110)—sets up a stage where VC-owned ''small'' firms will gobble up most of the money in the SBIR program. Then, there would be a dramatic drop-off in the number of truly very small and independently-owned companies in the SBIR program, particularly those looking for Phase 1 start-up funding.

During my tenure as Chairman of the House Small Business Committee, I spent a lot of time and effort trying to solve the specific problem of the eligibility of some small businesses with venture capital investments to participate in the SBIR program at the National Institutes of Health (NIH). After the Defense Department, the NIH is the second-largest spender of R&D funding in the federal government. This issue of the role of VC investment in SBIR companies seems primarily confined to NIH.

Section 201 in H.R. 5819 tries to solve a problem that is grossly exaggerated. It is a myth that small businesses with VC investments are unable to participate in the SBIR program at NIH because of a misinterpretation of the law by the SBA. In an impartial Government Accountability Office (GAO) study that was released in 2006, the GAO discovered that 17 percent of NIH SBIR awards, accounting for 18 percent of the dollar value, went to small businesses with VC investments in Fiscal Year 2004. These small firms had no problem in complying with SBA guidelines. Nevertheless, I tried to proffer a compromise to establish a two-year pilot SBIR-like program to set-aside 0.5 percent of NIH R&D funding for smaller firms that receive a preponderance of their funding from VCs and do not own or control their company. Unfortunately, my compromise was rejected by NIH and by the biotech and VC industries. However, the solution contained in Section 201 is a dramatic overreach in the effort to solve this specific problem with NIH.

Finally, the Bush Administration shares my concern on this issue. According to the Statement of Administration Policy issued on April 22, 2008, ''the Administration believes that H.R. 5819 goes too far in relaxing constraints on venture capital ownership of firms receiving SBIR and STTR funds, which could lead to inappropriate subsidization of well-capitalized businesses that do not warrant funding through a set-aside program. The Administration is reviewing whether venture capital funding of businesses receiving SBIR and STTR funds could be expanded through reforms of SBA regulations without inappropriately providing Federal commercialization subsidies to well-capitalized businesses.''

Thus, for these reasons, I urge my colleagues to oppose H.R. 5819.

Ms. ESHOO. Madam Chairman, I rise today in support of H.R. 5819, the SBIR/STTR Reauthorization Act.

The Small Business Innovation Research, SBIR, and Small Business Technology Transfer, STTR, programs are important sources of Federal support to facilitate the commercialization of research. Updating these programs will ensure the continuation of the central role they play in maintaining the preeminence of the U.S. research enterprise.

The importance of fostering public-private partnerships cannot be underestimated. I see firsthand all the aspects of the innovation process, because my Congressional district contains basic research institutions, hundreds of current and former SBIR- and STTR-awarded companies, and venture capital firms. The SBIR and STTR programs facilitate the transition of technologies to the market. The important changes made by this reauthorization include increasing the award guideline levels, establishing advisory boards to improve program effectiveness and outcomes, and emphasizing the importance of energy-related research proposals.

A key aspect of the debate surrounding this reauthorization has been whether or not venture capital-backed companies should be eligible to participate in the SBIR program. Small businesses with a proven ability to attract venture funding should not be excluded.

The original legislation which created the program stated that no federal funds could be used for the Phase 3 commercialization state of an SBIR award, requiring award recipients to seek venture capital and other private sector funding. Preventing those companies from returning to the program for a different project undermines its very objective of bringing more technologies to the market. A small business that wins an SBIR and then attracts VC funds has a proven ability to succeed, yet may have insufficient resources to pursue new research projects. These companies should be eligible to continue to participate in the program and I'm pleased to see that the reauthorization before us today maintains this position.

Let me remind my colleagues that Congress did not authorize a policy change to prohibit venture-backed companies from participating in the program. A ruling by an SBA administrative law judge made this interpretation and seriously damaged the program by disqualifying many good companies. Today we clarify the language and get the SBIR program back on the right track, without excluding small businesses which have successfully obtained venture capital funding for other technologies.

I know there are concerns that this bill's increase in the percentage of research funds that are directed to the SBIR and STTR programs will detract from the core research missions of the agencies. This is a particular concern for the NIH which has been working under a constrained budget over the last several years. We need to continue to increase funding at the NIH and other research agencies, and we should consider the impact of increasing the SBIR and STTR set-aside as the bill moves forward in the legislative process.

I hope the House will demonstrate strong bipartisan support for this bill to ensure that the innovators and entrepreneurs of our country continue to have Federal assistance to transition their research and ideas out of the labs and into the marketplace. I urge the entire House to support this important legislation.

Mrs. JONES of Ohio. Madam Chairman, I rise today in support of H.R. 5819, a bill that will reauthorize the Small Business Innovation Research—SBIR, and Small Business Technology Transfer, STTR, programs through 2010.

I support these programs because they provide a much needed boost in business innovation and job creation throughout the country.

These programs address the needs of our current struggling economy by providing funds to small businesses that work with universities or perform cutting-edge research related to the missions of our different federal agencies.

According to the House Science and Technology Committee, these two programs provide the most federal support—about $2.3 billion annually—for private-sector technology innovation by small businesses. In these tough economic times, small business innovation becomes an increasingly vital asset to our economy. In my home State of Ohio, the SBIR program has made a significant contribution to the economy by providing $83 million in awards to small businesses in 2005 and 2006.

As a representative of a congressional district that is home to more than five major medical institutions, I am keenly aware of the role the SBIR program has played in fostering medical breakthroughs. I am very interested in promoting the ability of our researchers to explore and pursue cutting-edge medical advancements and believe that the SBIR program is critical to ensuring that promising medical innovations can move forward.

I am particularly pleased that this legislation includes an annual $10 million competitive grant program that will provide support and assistance for women, veterans, and minority-owned businesses. In today's fast paced economy, minority businesses are steadily expanding their presence and are increasingly a driving force in the economy.

Today, minorities own over four million firms, generating nearly $700 billion in yearly revenue and employing over 7 million workers. People of color across the country have embraced business ownership and this legislation will allow more of these firms to participate in Federal research and development activities.

I urge my colleagues to support the passage of H.R. 5819.

Mrs. TAUSCHER, Madam Chairman, I rise today in support of H.R. 5819, the Small Business Innovation Research, SBIR, and Small Business Technology Transfer, SBTT, Reauthorization Act.

I thank my colleague from New York, Ms. VELÁZQUEZ, for bringing this bill to the floor today. This legislation would ensure that innovative small businesses in my district and across the country have access to the Federal support they need to conduct research and development and to transform their work into commercially viable products.

Helping small businesses stimulates our economy. Small businesses account for 99 percent of all employers in the United States and are responsible for generating more than half of all new jobs. In particular, the East Bay area of California has hosted countless small business success stories. Throughout my time in Congress, I have been committed to helping these entrepreneurs thrive. This is why I formed a Small Business Advisory Group, which keeps me personally connected with issues affecting small businesses in my district.

Frequently, small business owners need assistance obtaining Federal contracts and grants. To this end, I regularly host seminars to teach small business owners how to apply for grants and contracts, and I work with the Small Business Administration to ensure that underrepresented entrepreneurs like women and minorities are helped to be competitive.

Likewise, I am proud to support this bill, which would encourage greater participation in STTR and SBIR—programs that help small business innovators connect with research institutions and explore their own technological potential, contribute to the marketplace, and profit from commercialization.

This bill would also expand SBIR eligibility to include venture-backed businesses like biomedical firms, whose advances have been critical to the ongoing competitiveness of America's economy. Finally, the bill proposes a $10,000,000 Federal grants program to reach out to small firms owned and controlled by women and minorities and small businesses located in areas that are underrepresented in the SBIR program.

Madam Chairman, this bill would give small businesses access to resources that will facilitate discoveries, create jobs, and energize our economy. I commend Ms. VELÁZQUEZ for her leadership on this issue, and I urge my colleagues to join me in supporting the bill.

Mr. JOHNSON of Georgia. Madam Chairman, I rise today in support of H.R. 5819. The Small Business Innovation and Research and Small Business Technology Transfer programs are a critical means of supporting small businesses' research and innovative competitiveness and their technology training and technology exchange.

This bill will increase the number of small firms that can take advantage of these valuable programs by requiring federal agencies to spend at least 3 percent of their annual research and development budgets on these programs. In addition, it will increase the maximum research and technology transfer awards so that these funds are adjusted for inflation and other changes in the economy. These changes will make SBIR and STTR programs available to more businesses and increase the impact they will have on those firms. I am extremely supportive of these provisions and strongly endorse the inclusion of them in this bill.

I think it is important, however, to raise concerns about another section of the bill. Section 201 changes the definition of a small business. It clarifies that businesses that receive the backing of venture capital firms can still be considered small for the purposes of the SBIR and STTR programs. Specifically, the bill permits a small firm that is 100 percent backed by venture capital to be defined as long as not one venture capital firm owns more than 49 percent of the business and those venture capital companies have fewer than 100 employees. In addition, the bill permits large venture capital firms to have up to a 10 percent stake in the small business without jeopardizing the small company's SBIR and STTR eligibility.

These changes to the definition of a small business are disconcerting. Although in this bill they are limited to the SBIR and STTR programs, these provisions establish a dangerous precedent that could pave the way for further alteration of the small business definition. Expanding the eligibility of small business programs to large or venture-capital-funded small businesses puts at risk the success and support of those companies that are truly independently owned and operated. I support H.R. 5819, but because of Section 201, I do so with reservations.

Mr. BRALEY of Iowa. Madam Chairman, I rise today in strong support of H.R. 5919, the SBIR/STTR Reauthorization Act. It is essential to reauthorize this program before it expires on October 1, 2008 and to implement the updates to this program included in the bill. As the Chairman of the Small Business Subcommittee on Contracting and Technology, I understand the importance of this program to small businesses who want to turn their raw ideas into innovative solutions.

I want to thank Small Business Chairwoman NYDIA VELÁZQUEZ and Ranking Member CHABOT for their work on this legislation. I am continually impressed by the ability of the Small Business Committee to work in a bipartisan manner on legislation that benefits U.S. small businesses. Based on their track record, it is no surprise this bill passed the Small Business Full Committee by a vote of 22–0.

The SBIR Program provides grants to help small businesses through the critical initial stages of product development. The SBIR/STTR Reauthorization Act will address national security priorities and economic development. It will also help in the development of life-saving medical technologies, therapies, and products.

Small Businesses are a primary source of innovation and they can keep us on the forefront of technological advances. I am pleased this bill includes language that will increase participation of small businesses from rural areas, and from minority- and women-owned businesses.

Increased participation will also increase competition. It is important to ensure that taxpayer money is being used to fund the best opportunities for advances in technology. Funding the research we're trying to create is a key objective of this program.

I am also pleased this bill increases the size of maximum awards for the SBIR Program. The current limits have not been raised in 16 years. The SBIR Program is a critical source of funding for early stage research and development and the awards need to be realistic for developments in science and technology.

The SBIR/STTR Reauthorization Act will provide small businesses with the funding and guidance they need to succeed. These small businesses are a big part of the solution for helping us emerge from the difficult economic conditions we face today.

It will also ensure these businesses remain competitive in the global environment they must now compete in. We must give these businesses the support they need to grow. I encourage my colleagues to support this important legislation.

Ms. VELAZAQUEZ. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 5819

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''SBIR/STTR Reauthorization Act''.

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

Sec. 1. Short title; table of contents.

TITLE I—MODERNIZING THE SBIR AND STTR PROGRAMS

Sec. 101. Extension of termination dates.
Sec. 102. Increased SBIR and STTR set-asides.
Sec. 103. Increased SBIR and STTR award levels.
Sec. 104. Establishment of SBIR advisory boards.
Sec. 105. Increase in amount of technical assistance funds and option to purchase technical assistance directly.
Sec. 106. Increased number of research topic solicitations annually and shortened period for final decisions on applications.
Sec. 107. Inclusion of energy-related research topics and rare-disease-related research topics as deserving ''special consideration'' as SBIR research topics.
Sec. 108. Agencies should fund vital R&D projects with the potential for commercialization.
Sec. 109. Federal agency engagement with SBIR awardees that have been awarded multiple Phase One awards but have not been awarded Phase Two awards.
Sec. 110. Limitation on certain awards.
Sec. 111. Comptroller General audit of how Federal agencies calculate extramural research budgets.

TITLE II—VENTURE CAPITAL INVESTMENT STANDARDS

Sec. 201. Ensuring that innovative small businesses with substantial investment from venture capital operating companies are able to participate in the SBIR program.

TITLE III—SBIR AND ECONOMIC DEVELOPMENT

Sec. 301. Reauthorization and modernization of Federal and State Technology Partnership Program (FAST).
Sec. 302. Obtaining SBIR applicant's consent to release contact information to economic development organizations.

TITLE IV—ADVANCING COMMERCIALIZATION OF SBIR–FUNDED RESEARCH

Sec. 401. Clarifying the definition of ''Phase Three''.
Sec. 402. Agency research goals.
Sec. 403. Express authority for an agency to award sequential Phase Two awards for SBIR-funded projects.
Sec. 404. Increased partnerships between SBIR awardees and prime contractors, venture capital investment companies, and larger businesses.
Sec. 405. Express authority to ''fast-track'' Phase Two awards for promising Phase One research.
Sec. 406. Commercialization programs.
Sec. 407. Report on efforts to enhance manufacturing activities.

TITLE V—SUPPORTING PROGRAM UTILIZATION

Sec. 501. Agency databases to support program evaluation.
Sec. 502. Agency databases to support technology utilization.
Sec. 503. Interagency Policy Committee.
Sec. 504. Nanotechnology-related research topics.
Sec. 505. Rural preference.

TITLE VI—IMPLEMENTATION

Sec. 601. Conforming amendments to the SBIR and STTR policy directives.
Sec. 602. National Research Council SBIR Study.

TITLE I—MODERNIZING THE SBIR AND STTR PROGRAMS

SEC. 101. EXTENSION OF TERMINATION DATES.

(a) SBIR.—Section 9(m) of the Small Business Act (15 U.S.C. 638(m)) is amended by striking ''2008'' and inserting ''2010''.

(b) STTR.—Section 9(n)(1)(A) of the Small Business Act (15 U.S.C. 638(n)(1)(A)) is amended by striking ''2009'' and inserting ''2010''.

SEC. 102. INCREASED SBIR AND STTR SET-ASIDES.

(a) SBIR.—Section 9(f)(1) of the Small Business Act (15 U.S.C. 638(f)(1)) is amended—

(1) in subparagraph (B) by striking ''and'' at the end;

(2) in subparagraph (C) by striking ''in each fiscal year thereafter,'' and inserting ''in each of fiscal years 1997 through 2008; and'' and

(3) by adding after subparagraph (C) the following:

''(D) not less than 3.0 percent of such budget in each fiscal year thereafter,''.

(b) STTR.—Section 9(n)(1)(B) of the Small Business Act (15 U.S.C. 638(n)(1)(B)) is amended—

(1) in clause (i), by striking ''and'' at the end;

(2) in clause (ii), by striking ''fiscal year 2004 and each fiscal year thereafter.'' and inserting ''each of fiscal years 2004 through 2008; and''; and

(3) by adding after clause (ii) the following new clause:

''(iii) 0.6 percent for fiscal year 2009 and each fiscal year thereafter.''.

SEC. 103. INCREASED SBIR AND STTR AWARD LEVELS.

(a) SBIR AWARD LEVEL.—Section 9(j)(2)(D) of the Small Business Act (15 U.S.C. 638(j)(2)(D)) is amended by striking ''$100,000'' and ''$750,000'' and inserting ''$300,000'' and ''$2,200,000'', respectively.

(b) STTR AWARD LEVEL.—Section 9(p)(2)(B)(ix) of the Small Business Act (15 U.S.C. 638(p)(2)(B)(ix)) is amended by striking ''$100,000'' and ''$750,000'' and inserting ''$300,000'' and ''$2,200,000'', respectively.

(c) ANNUAL ADJUSTMENTS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended—

(1) in subsection (j)(2)(D), by striking ''and an adjustment of such amounts once every 5 years to reflect economic adjustments and programmatic considerations'' and inserting ''and a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations''; and

(2) in subsection (p)(2)(B)(ix), by striking ''greater or lesser amounts'' and inserting ''with a mandatory annual adjustment of such amounts to reflect economic adjustments and programmatic considerations, and with lesser amounts''.

(d) LIMITATION ON CERTAIN AWARDS.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(z) LIMITATION ON PHASE I AND II AWARDS.—

''(1) IN GENERAL.—No Federal agency shall issue an award under the SBIR program or the STTR program if the size of the award exceeds the amounts established under subsections (j)(2)(D) and (p)(2)(B)(ix), except as provided in paragraph (2).

''(2) EXCEPTION.—The prohibition in paragraph (1) does not apply to an agency for a fiscal year if the head of the agency—

''(A) notifies the Administrator that the agency intends to issue awards in that fiscal year without regard to the prohibition in paragaph (1); and

''(B) reports to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate at least annually the number of instances in which the agency issued an award that exceeds the amounts referred to in paragraph (1) and the justification for each such instance.''.

SEC. 104. ESTABLISHMENT OF SBIR ADVISORY BOARDS.

(a) IN GENERAL.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (z) the following:

''(aa) SBIR ADVISORY BOARDS.—

''(1) ADVISORY BOARDS REQUIRED.—Each Federal agency that is required by this section to conduct an SBIR program and that administers annually $50,000,000 or more in SBIR grants shall have an SBIR advisory board.

''(2) MEMBERS.—For each advisory board required by paragraph (1), the members of the advisory board shall include—

''(A) at least two individuals who are employees of the agency;

''(B) at least two representatives of private sector technology firms; and

''(C) such other individuals as the agency considers appropriate.

''(3) SECURITY CLEARANCES.—Where it is appropriate to the work of an advisory board required by paragraph (1) that the members and staff of the advisory board have a security clearance, the appropriate departments and agencies of the executive branch shall cooperate with the advisory board to expeditiously provide members and staff with appropriate security clearances to the extent possible under applicable procedures and requirements.

''(4) MEETINGS.—Each advisory board required by paragraph (1) shall meet at least two times per year.

''(5) DUTIES.—Each advisory board required by paragraph (1) shall—

''(A) review the quarterly reports submitted under subsection (g)(8);

''(B) make recommendations to the agency about potential modifications to the agency's SBIR program that are intended to—

''(i) encourage applications, particularly applications from small business concerns owned and controlled by women, small business concerns owned and controlled by minorities, and small business concerns in States and regions that historically receive few SBIR awards; and

''(ii) support commercialization of Federal research funded by SBIR awards; and

''(C) submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate an annual report on the SBIR program conducted by the agency.

''(6) CONTENTS OF ANNUAL REPORT.—The annual report required by paragraph (5)(C) shall include a description of how that agency's SBIR program is functioning and any recommendations of the advisory board for strengthening that agency's SBIR program. The annual report shall also state the number and dollar amount of awards under the agency's SBIR program, and under the agency's STTR program, that were made to small business concerns owned and controlled by women, small business concerns owned and controlled by minorities, small business concerns owned and controlled by veterans, and small business concerns in States and regions that historically receive few SBIR awards.

''(7) NON-APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to an advisory board required by paragraph (1).''.

(b) AGENCY REPORTS TO SBIR ADVISORY BOARDS.—Section 9(g)(8) of the Small Business Act (15 U.S.C. 638(g)(8)) is amended by inserting before the semicolon at the end the following: ''and, if the agency is required by subsection (aa) to have an SBIR advisory board, submit a quarterly report on the SBIR program to that SBIR advisory board''.

SEC. 105. INCREASE IN AMOUNT OF TECHNICAL ASSISTANCE FUNDS AND OPTION TO PURCHASE TECHNICAL ASSISTANCE DIRECTLY.

Section 9(q) of the Small Business Act (15 U.S.C. 638(q)) is amended—

(1) in paragraph (1)—

(A) by striking ''paragraph (2)'' and inserting ''paragraph (2)(A), or another Federal agency under paragraph (2)(B),'';

(B) by striking ''and'' at the end of subparagraph (C);

(C) by striking the period at the end of subparagraph (D) and inserting ''; and''; and

(D) by adding at the end the following new subparagraph:

''(E) implementing manufacturing processes and production strategies for utilization.'';

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

''(2) ASSISTANCE PROVIDERS.—

''(A) VENDOR SELECTION.—Each agency may select a vendor to assist small business concerns to meet the goals listed in paragraph (1) for a term not to exceed 3 years. Such selection shall be competitive and shall utilize merit-based criteria.

''(B) INTERAGENCY COLLABORATION.—In addition, each agency may enter into a collaborative agreement with the technical extension or assistance programs of other Federal agencies in order to provide the assistance described in paragraph (1).''; and

(3) in paragraph (3)—

(A) in subparagraph (A) by striking ''$4,000'' and inserting ''$5,000'';

(B) by amending subparagraph (B) to read as follows:

''(B) SECOND PHASE.—Each agency referred to in paragraph (1) may provide directly, or authorize any second phase SBIR award recipient to purchase with funds available from their SBIR awards, services described in paragraph (1), in an amount equal to not more than $8,000 per year, per award.''; and

(C) by adding at the end the following:

''(C) AUTHORITY TO OPT OUT.—The Administrator shall establish guidelines under which an award recipient eligible to receive services under subparagraph (A) may decline those services and receive instead an amount equal to not more than $2,500, which shall be in addition to the amount of the recipient's award and which shall be used to purchase services described in paragraph (1).''.

SEC. 106. INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS ANNUALLY AND SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.

(a) INCREASED NUMBER OF RESEARCH TOPIC SOLICITATIONS.—Section 9(g)(2) of the Small Business Act (15 U.S.C. 638(g)(2)) is amended by inserting before the semicolon at the end the following: '', but not less often than twice per year''.

(b) SHORTENED PERIOD FOR FINAL DECISIONS ON APPLICATIONS.—Section 9(g)(4) of that Act (15 U.S.C. 638(g)(4)) is amended—

(1) by inserting before the semicolon at the end the following: '': Provided, That if the agency is required by subsection (aa) to have an SBIR advisory board—''; and

(2) by adding at the end the following:

''(A) a final decision on each proposal shall be rendered not later than 90 days after the date on which the solicitation closes;

''(B) the SBIR advisory board may, on a case by case basis, extend the 90 days to 180 days; and

''(C) the SBIR advisory board shall include in each annual report to Congress under subsection (aa) a statement identifying how many times a decision was not rendered in 90 days, how many times an extension was granted, and how many times a decision was not rendered in 180 days;''.

SEC. 107. INCLUSION OF ENERGY-RELATED RESEARCH TOPICS AND RARE-DISEASE-RELATED RESEARCH TOPICS AS DESERVING "SPECIAL CONSIDERATION" AS SBIR RESEARCH TOPICS.

Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)) is amended—

(1) in the matter preceding subparagraph (A) by inserting after ''critical technologies'' the following: ''or pressing research priorities'';

(2) at the end of subparagraph (A) by striking ''or''; and

(3) by adding at the end the following:

''(C) the National Academy of Sciences, in the final report issued by the 'America's Energy Future: Technology Opportunities, Risks, and Tradeoffs' project, and in subsequent reports issued by the National Academy of Sciences on sustainability, energy, and alternative fuels;

''(D) the National Institutes of Health, in the annual report on the rare diseases research activities of the National Institutes of Health for fiscal year 2005, and in subsequent reports issued by the National Institutes of Health on rare diseases research activities; or''.

SEC. 108. AGENCIES SHOULD FUND VITAL R&D PROJECTS WITH THE POTENTIAL FOR COMMERCIALIZATION.

Section 9(j)(2) of the Small Business Act (15 U.S.C. 638(j)(2)), as amended by section 103, is further amended—

(1) in subparagraph (H) by striking ''and'' at the end;

(2) in subparagraph (I) by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following:

''(J) procedures to ensure that the Administrator, on an annual basis, submits to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a list identifying each small business concern that, for the period covered by the preceding 5 fiscal years, received 15 or more first phase SBIR awards and no second phase SBIR awards.''.

SEC. 109. FEDERAL AGENCY ENGAGEMENT WITH SBIR AWARDEES THAT HAVE BEEN AWARDED MULTIPLE PHASE ONE AWARDS BUT HAVE NOT BEEN AWARDED PHASE TWO AWARDS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding at the end the following:

''(4) REQUIREMENTS RELATING TO FEDERAL AGENCY ENGAGEMENT WITH CERTAIN FIRST PHASE SBIR AWARDEES.—The Administrator shall modify the policy directives issued pursuant to this subsection to provide for each Federal agency required by this section to conduct an SBIR program to engage with SBIR awardees that have been awarded multiple first phase SBIR awards but have not been awarded any second phase SBIR awards and to develop performance metrics to measure awardee progression in the SBIR program.''.

SEC. 110. LIMITATION ON CERTAIN AWARDS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(bb) SUBSEQUENT PHASES.—

''(1) IN GENERAL.—A small business concern which received an award from a Federal agency under this section shall be eligible to receive an award for a subsequent phase from another Federal agency, if the head of each relevant Federal agency makes a written determination that the topics of the relevant awards are the same.

''(2) CROSSOVER BETWEEN PROGRAMS.—A small business concern which received an award under this section under the SBIR program or the STTR program may, at the discretion of the granting agency, receive an award under this section for a subsequent phase in either the SBIR program or the STTR program.

''(3) PHASE II SBIR APPLICATIONS.—An agency may permit an applicant to apply directly for a Phase II award, as described in subsection (e)(4)(B), without first completing a Phase I award, as described in subsection (e)(4)(A), if the applicant can demonstrate that project feasibility was achieved without SBIR or other Federal funding.

''(4) PHASE II STTR APPLICATIONS.—An agency may permit an applicant to submit proposals for Phase II awards, as described in subsection (e)(6)(B), without first completing a Phase I award, as described in subsection (e)(6)(A), if the applicant can demonstrate it has accomplished Phase I through cooperative research and development achieved without STTR or other Federal funding.

''(cc) WAIVER OF MINIMUM WORK REQUIREMENT.—A Federal agency making an SBIR or STTR award under this section may waive the minimum small business concern or research institution work requirements under subsection (e)(7) if the agency determines that to provide such waiver would be consistent with the purposes of this section and consistent with achieving the objectives of the award proposal.''.

SEC. 111. COMPTROLLER GENERAL AUDIT OF HOW FEDERAL AGENCIES CALCULATE EXTRAMURAL RESEARCH BUDGETS.

The Comptroller General of the United States shall carry out a detailed audit of how Federal agencies calculate extramural research budgets for purposes of calculating the size of the agencies' Small Business Innovation Research and Small Business Technology Transfer budgets. Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Small Business and the Committee on Science and Technology of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the results of the audit.

TITLE II—VENTURE CAPITAL INVESTMENT STANDARDS

SEC. 201. ENSURING THAT INNOVATIVE SMALL BUSINESSES WITH SUBSTANTIAL INVESTMENT FROM VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN THE SBIR PROGRAM.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended by striking ''and'' at the end of paragraph (8), striking the period at the end of paragraph (9) and inserting ''; and'', and adding at the end the following:

''(10) effective only for the SBIR and STTR programs, and notwithstanding any provision in section 3 to the contrary, the following shall apply:

''(A) A business concern that has more than 500 employees shall not qualify as a small business concern.

''(B) In determining whether a small business concern is independently owned and operated under section 3(a)(1) or meets the small business size standards instituted under section 3(a)(2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

''(i) the venture capital operating company does not own 50 percent or more of the business concern; and

''(ii) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

''(C) A business concern shall be deemed to be 'independently owned and operated' if—

''(i) it is owned in majority part by one or more natural persons or venture capital operating companies;

''(ii) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

''(iii) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

''(D) To be eligible to receive an award under the SBIR or STTR program, a small business concern may not have an ownership interest by more than one venture capital operating company controlled by a business with more than 500 employees, and that venture capital operating company may not own more than 10 percent of that small business concern.

''(E) The term 'venture capital operating company' means a business concern—

''(i) that—

''(I) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

''(II) is an entity that—

''(aa) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.); or

''(bb) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a–3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

''(ii) that is itself organized or incorporated and domiciled in the United States, or is controlled by a business concern that is incorporated and domiciled in the United States.''.

TITLE III—SBIR AND ECONOMIC DEVELOPMENT

SEC. 301. REAUTHORIZATION AND MODERNIZATION OF FEDERAL AND STATE TECHNOLOGY PARTNERSHIP PROGRAM (FAST).

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by inserting after subsection (r) the following:

''(s) OUTREACH AND SUPPORT ACTIVITIES.—

''(1) IN GENERAL.—Subject to the other provisions of this subsection, the Administrator shall make grants on a competitive basis to organizations, to be used by the organizations to do one or both of the following:

''(A) To conduct outreach efforts to increase participation in the programs under this section.

''(B) To provide application support and entrepreneurial and business skills support to prospective participants in the programs under this section.

''(2) PROGRAM AUTHORITY.—Of the amounts made available to carry out this section for each of fiscal years 2009 through 2010, the Administrator may expend not more than $10,000,000 in each such fiscal year to carry out paragraph (1).

''(3) AMOUNT OF ASSISTANCE.—For each of subparagraphs (A) and (B) of paragraph (1), the amount of assistance provided to an organization under that subparagraph in any fiscal year—

''(A) shall be equal to the total amount of matching funds from non-Federal sources provided by the organization; and

''(B) shall not exceed $250,000.

''(4) DIRECTION.—An organization receiving funds under paragraph (1) shall, in using those funds, direct its activities at one or both of the following:

''(A) Small business concerns located in geographic areas that are underrepresented in the programs under this section.

''(B) Small business concerns owned and controlled by women, small business concerns owned and controlled by service-disabled veterans, and small business concerns owned and controlled by minorities.

''(5) ADVISORY BOARD.—

''(A) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this subsection, the Administrator shall establish an advisory board for the activities carried out under this subsection.

''(B) NON-APPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory board.

''(C) MEMBERS.—The members of the advisory board shall include the following:

''(i) The Administrator (or the Administrator's designee).

''(ii) For each Federal agency required by this section to conduct an SBIR program, the head of the agency (or the designee of the head of the agency).

''(iii) Representatives of small business concerns that are current or former recipients of SBIR awards, or representatives of organizations of such concerns.

''(iv) Representatives of service providers of SBIR outreach and assistance, or representatives of organizations of such service providers.

''(D) DUTIES.—The advisory board shall have the following duties:

''(i) To develop guidelines for awards under paragraph (1)(A), including guidelines relating to award sizes, proposal requirements, metrics for monitoring awardee performance, and metrics for measuring overall value of the activities carried out by the awardees.

''(ii) To identify opportunities for coordinated outreach, technical assistance, and commercialization activities among Federal agencies, the recipients of the awards under paragraph (1)(A), and applicants and recipients of SBIR awards, including opportunities such as—

''(I) podcasting or webcasting for conferences, training workshops, and other events;

''(II) shared online resources to match prospective applicants with the network of paragraph (1)(A) recipients; and

''(III) venture capital conferences tied to technologies and sectors that cross agencies.

''(iii) To review and recommend revisions to activities under paragraph (1)(A).

''(iv) To submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business and the Committee on Science and Technology of the House of Representatives an annual report on the activities carried out under paragraph (1)(A) and the effectiveness and impact of those activities.

''(6) SELECTION CRITERIA.—In awarding grants under this subsection, the Administrator shall use selection criteria developed by the advisory board established under paragraph (5). The criteria shall include—

''(A) criteria designed to give preference to applicants who propose to carry out activities that will reach either an underperforming geographic area or an underrepresented population group (as measured by the number of SBIR applicants);

''(B) criteria designed to give preference to applicants who propose to carry out activities that complement, and are integrated into, the existing public-private innovation support system for the targeted region or population; and

''(C) criteria designed to give preference to applicants who propose to measure the effectiveness of the proposed activities.

''(7) PEER REVIEW.—In awarding grants under this subsection, the Administrator shall use a peer review process. Reviewers shall include—

''(A) SBIR program managers for agencies required by this section to conduct SBIR programs; and

''(B) private individuals and organizations that are knowledgeable about SBIR, the innovation process, technology commercialization, and State and regional technology-based economic development programs.

''(8) PER-STATE LIMITATIONS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this subsection, the applicant must have the written endorsement of the Governor of the State where the targeted regions or populations are located (if the regions or populations are located in more than one State, the applicant must have the written endorsement of the Governor of each such State). Such an endorsement must indicate that the Governor will ensure that the activities to be carried out under the grant will be integrated with the balance of the State's portfolio of investments to help small business concerns commercialize technology.

''(B) LIMITATION.—Each fiscal year, a Governor may have in effect not more than one written endorsement for a grant under paragraph (1)(A), and not more than one written endorsement for a grant under paragraph (1)(B).

''(9) SPECIFIC REQUIREMENTS FOR FAST AWARDS.—In making awards under paragraph (1)(A) (to be known as 'FAST' awards) the Administrator shall ensure the following:

''(A) GOALS.—Priority shall be given applications that address one or more of the following goals:

''(i) Increasing the number of SBIR applications from underperforming geographic areas (as measured by the number of SBIR applicants).

''(ii) Increasing the number of SBIR applications from underrepresented population groups (as measured by the number of SBIR applicants).

''(B) DURATION.—Each award shall be for a period of 2 fiscal years. The Administrator shall establish rules and performance goals for the disbursement of funds for the second fiscal year, and funds shall not be disbursed to a recipient for such a fiscal year until after the advisory board established under this subsection has determined that the recipient is in compliance with the rules and performance goals.''.

SEC. 302. OBTAINING SBIR APPLICANT'S CONSENT TO RELEASE CONTACT INFORMATION TO ECONOMIC DEVELOPMENT ORGANIZATIONS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended in subsection (s) (as added by this title) by adding at the end the following:

''(5) CONSENT TO RELEASE CONTACT INFORMATION TO ORGANIZATIONS.—

''(A) ENABLING CONCERN TO GIVE CONSENT.—Each Federal agency required by this section to conduct an SBIR program shall enable a small business concern that is an SBIR applicant to indicate to the agency whether the agency has its consent to—

''(i) identify the concern to appropriate local and State-level economic development organizations as an SBIR applicant; and

''(ii) release the concern's contact information to such organizations.

''(B) RULES.—The Administrator shall establish rules to implement this paragraph. The rules shall include a requirement that the agency include in its SBIR application forms a provision through which the applicant can indicate consent for purposes of subparagraph (A).''.

TITLE IV—ADVANCING COMMERCIALIZATION OF SBIR–FUNDED RESEARCH

SEC. 401. CLARIFYING THE DEFINITION OF "PHASE THREE".

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended—

(1) in paragraph (4)(C)—

(A) in the matter preceding clause (i) by inserting after ''a third phase'' the following: '', which shall consist of work that derives from, extends, or logically concludes efforts performed under prior SBIR funding agreements (which may be referred to as 'Phase III')''; and

(B) in clause (i) by inserting after ''non-SBIR Federal funding awards'' the following: '': Provided, That for purposes of this clause, such sources of capital and such funding awards include private investment, private research, development, testing, and evaluation (RDT&E) awards, private sales or licenses, government RDT&E contracts and awards, and government sales'';

(2) in paragraph (8) by striking ''and'' at the end;

(3) in paragraph (9) by striking the period at the end and inserting ''; and''; and

(4) by adding at the end the following:

''(10) the term 'commercialization' means the process of developing marketable products or services and producing and delivering products or services for sale (whether by the originating party or by others) to government or commercial markets.''.

SEC. 402. AGENCY RESEARCH GOALS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by striking subsection (h) and inserting the following:

''(h) AGENCY RESEARCH GOALS.—

''(1) IN GENERAL.—In addition to the requirements of subsection (f), each Federal agency that is required by this section to have an SBIR program and that awards annually $5,000,000,000 or more in procurement contracts shall, effective for fiscal year 2009 and each fiscal year thereafter, establish annual goals for commercialization of projects funded by SBIR awards.

''(2) SPECIFIC GOALS.—The goals required by paragraph (1) shall include specific goals for each of the following:

''(A) The percentage of SBIR projects that receive funding for the third phase (as defined in subsection (e)(4)(C)).

''(B) The percentage of SBIR projects that are successfully integrated into a program of record.

''(C) The amount of Federal dollars received by SBIR projects through Federal contracts, not including dollars received through the SBIR program.

''(3) SUBMISSION TO ADVISORY BOARD.—For each fiscal year for which goals are required by paragraph (1), the agency shall submit to the agency's SBIR advisory board—

''(A) not later than 60 days after the beginning of the fiscal year, the goals; and

''(B) not later than 90 days after the end of the fiscal year, data on the extent to which the goals were met and a description of the methodology used to collect that data.''.

SEC. 403. EXPRESS AUTHORITY FOR AN AGENCY TO AWARD SEQUENTIAL PHASE TWO AWARDS FOR SBIR-FUNDED PROJECTS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (4) (as added by section 109) the following:

''(5) REQUIREMENTS RELATING TO ADDITIONAL SECOND PHASE SBIR AWARDS.—The Administrator shall modify the policy directives issued pursuant to this subsection to provide the following:

''(A) A small business concern that receives a second phase SBIR award for a project remains eligible to receive additional second phase SBIR awards.

''(B) Agencies are expressly authorized to provide additional second phase SBIR awards for testing and evaluation assistance for the insertion of SBIR technologies into technical or weapons systems.

''(C) Each agency that is required by subsection (aa) to have an SBIR advisory board shall include in the quarterly reports submitted under subsection (g)(8) the number of projects that have received additional second phase SBIR awards and the total dollar amount of those additional second phase SBIR awards.''.

SEC. 404. INCREASED PARTNERSHIPS BETWEEN SBIR AWARDEES AND PRIME CONTRACTORS, VENTURE CAPITAL INVESTMENT COMPANIES, AND LARGER BUSINESSES.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (5) (as added by section 403) the following:

''(6) INCREASED PARTNERSHIPS.—Each agency required by this section to conduct an SBIR program shall establish initiatives by which the agency encourages partnerships between SBIR awardees and prime contractors, venture capital investment companies, and larger businesses, for the purpose of facilitating the progress of the SBIR awardees to the third phase. If the agency is required by subsection (aa) to have an SBIR advisory board, the advisory board shall include in each report submitted under subsection (aa) a description of the initiatives established and an assessment of the effectiveness of such initiatives.''.

SEC. 405. EXPRESS AUTHORITY TO "FAST-TRACK" PHASE TWO AWARDS FOR PROMISING PHASE ONE RESEARCH.

Section 9(j)(2)(G) of the Small Business Act (15 U.S.C. 638(j)(2)(G)) is amended by inserting before the semicolon at the end the following: '', and to encourage agencies to develop 'fast-track' programs to eliminate that delay by issuing second phase SBIR awards as soon as practicable, including in appropriate cases simultaneously with the issuance of the first phase SBIR award''.

SEC. 406. COMMERCIALIZATION PROGRAMS.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (6) (as added by section 404) the following:

''(7) COMMERCIALIZATION PROGRAMS.—Each agency required by this section to conduct an SBIR program shall establish a commercialization program that supports the progress of SBIR awardees to the third phase. The commercialization program may include activities such as partnership databases, partnership conferences, multiple second phases, mentoring between prime contractors and SBIR awardees, multiple second phases with matching private investment requirements, jumbo awards, SBIR helpdesks, and transition assistance programs. The agency shall include in its annual report an analysis of the various activities considered for inclusion in the commercialization program and a statement of the reasons why each activity considered was included or not included, as the case may be. If the agency is required by subsection (aa) to have an SBIR advisory board, the advisory board shall include in each report under subsection (aa) a statement identifying the number of SBIR awardees that successfully progressed to the third phase.

''(8) FUNDING FOR COMMERCIALIZATION PROGRAMS.—

''(A) IN GENERAL.—From amounts made available to carry out this paragraph, the Administrator may, on petition by agencies required by this section to conduct an SBIR program, transfer funds to such agencies to support the commercialization programs of such agencies.

''(B) PETITIONS.—The Administrator shall establish rules for making transfers under subparagraph (A). The initial set of rules shall be promulgated not later than 90 days after the date of the enactment of this paragraph.

''(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator to carry out this paragraph $27,500,000 for fiscal year 2009 and each fiscal year thereafter.

''(9) FUNDING LIMITATION.—For payment of expenses incurred to administer the commercialization programs described in paragraphs (7) and (8), the head of the agency may use not more than an amount equal to 1 percent of the funds available to the agency pursuant to the Small Business Innovation Research program. Such funds—

''(A) shall not be subject to the limitations on the use of funds in subsection (f)(2); and

''(B) shall not be used for the purpose of funding costs associated with salaries and expenses of employees of the United States Government.''.

SEC. 407. REPORT ON EFFORTS TO ENHANCE MANUFACTURING ACTIVITIES.

Section 9(j) of the Small Business Act (15 U.S.C. 638(j)) is amended by adding after paragraph (9) (as added by section 406) the following:

''(10) EFFORTS TO ENHANCE MANUFACTURING ACTIVITIES.—If an agency is required by subsection (aa) to have an SBIR advisory board, the advisory board shall include in each report under subsection (aa) a part relating to efforts to enhance manufacturing activities, which shall include—

''(A) a comprehensive description of the actions undertaken each year by the SBIR and STTR programs of that agency in support of Executive Order 13329;

''(B) an assessment of the effectiveness of such actions toward enhancing the research and development of manufacturing technologies and processes; and

''(C) any recommendations that the program managers of the SBIR and STTR programs consider appropriate for additional actions to be undertaken in order to increase the effectiveness toward enhancing manufacturing activities within the defense industrial base.''.

TITLE V—SUPPORTING PROGRAM UTILIZATION

SEC. 501. AGENCY DATABASES TO SUPPORT PROGRAM EVALUATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)) is amended—

(1) in paragraph (2)(A)—

(A) by striking ''and'' at the end of clause (ii);

(B) by inserting ''and'' at the end of clause (iii); and

(C) by adding at the end the following new clause:

''(iv) information on the ownership structure of award recipients, both at the time of receipt of the award and upon completion of the award period;'';

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

''(3) UPDATING INFORMATION FOR DATABASE.—

''(A) IN GENERAL.—A Federal agency shall not make a Phase I or Phase II payment to a small business concern under this section unless the small business concern has provided all information required under this subsection with respect to the award under which the payment is made, and with respect to any other award under this section previously received by the small business concern or a predecessor in interest to the small business concern.

''(B) APPORTIONMENT.—In complying with this paragraph, a small business concern may apportion sales or additional investment information relating to more than one second phase award among those awards, if it notes the apportionment for each award.

''(C) ANNUAL UPDATES UPON TERMINATION.—A small business concern receiving an award under this section shall—

''(i) in the case of a second phase award, update information in the databases required under paragraphs (2) and (6) concerning that award at the termination of the award period;

''(ii) in the case of award recipients not described in clause (iii), be requested to voluntarily update such information annually thereafter for a period of 5 years; and

''(iii) in the case of a small business concern applying for a subsequent first phase or second phase award, be required to update such information annually thereafter for a period of 5 years.''; and

(3) by adding at the end the following new paragraph:

''(6) AGENCY PROGRAM EVALUATION DATABASES.—Each Federal agency required to establish an SBIR or STTR program under this section shall develop and maintain, for the purpose of evaluating such programs, a database containing information required to be contained in the database under paragraph (2). Each such database shall be designed to be accessible to other agencies that are required to maintain a database under this paragraph.''.

SEC. 502. AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.

Section 9(k) of the Small Business Act (15 U.S.C. 638(k)), as amended by this Act, is further amended by adding at the end the following new paragraph:

''(7) AGENCY DATABASES TO SUPPORT TECHNOLOGY UTILIZATION.—Each Federal agency with an SBIR or STTR program shall create and maintain a technology utilization database, which shall be available to the public and shall contain data supplied by the award recipients specifically to help them attract customers for the products and services generated under the SBIR or STTR project, and to attract additional investors and business partners. Each database created under this paragraph shall include information on the other databases created under this paragraph by other Federal agencies. Participation in a database under this paragraph shall be voluntary, except that such participation is required of all award recipients who received supplemental payments from SBIR and STTR program funds above their initial Phase II award.''.

SEC. 503. INTERAGENCY POLICY COMMITTEE.

(a) ESTABLISHMENT.—The Director of the Office of Science and Technology Policy shall establish an Interagency SBIR/STTR Policy Committee comprised of one representative from each Federal agency with an SBIR program.

(b) COCHAIRS.—The Director of the Office of Science and Technology Policy and the Director of the National Institute of Standards and Technology shall jointly chair the Interagency Policy Committee.

(c) DUTIES.—The Interagency Policy Committee shall review the following issues and make policy recommendations on ways to improve program effectiveness and efficiency:

(1) The public and government databases described in section 9(k)(1) and (2) of the Small Business Act (15 U.S.C. 638(k)(1) and (2)).

(2) Federal agency flexibility in establishing Phase I and II award sizes, and appropriate criteria to exercise such flexibility.

(3) Commercialization assistance best practices in Federal agencies with significant potential to be employed by other agencies, and the appropriate steps to achieve that leverage, as well as proposals for new initiatives to address funding gaps business concerns face after Phase II but before commercialization.

(d) REPORTS.—The Interagency Policy Committee shall transmit to the Committee on Science and Technology and the Committee on Small Business of the House of Representatives, and to the Committee on Small Business and Entrepreneurship of the Senate—

(1) a report on its review and recommendations under subsection (c)(1) not later than 1 year after the date of enactment of this Act;

(2) a report on its review and recommendations under subsection (c)(2) not later than 18 months after the date of enactment of this Act; and

(3) a report on its review and recommendations under subsection (c)(3) not later than 2 years after the date of enactment of this Act.

SEC. 504. NANOTECHNOLOGY-RELATED RESEARCH TOPICS.

(a) SBIR.—Section 9(g)(3) of the Small Business Act (15 U.S.C. 638(g)(3)), as amended by section 107, is further amended by adding at the end the following new subparagraph:

''(E) the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan;''.

(b) STTR.—Section 9(o)(1) of the Small Business Act (15 U.S.C. 638(o)(1)) is amended by inserting '', giving special consideration to topics that further 1 or more critical technologies, as identified by the national nanotechnology strategic plan required under section 2(c)(4) of the 21st Century Nanotechnology Research and Development Act (15 U.S.C. 7501(c)(4)) and in subsequent reports issued by the National Science and Technology Council Committee on Technology, focusing on areas of nanotechnology identified in such plan'' after ''its STTR program''.

SEC. 505. RURAL PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following new subsection:

''(dd) RURAL PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR and STTR award recipients from rural areas.''.

TITLE VI—IMPLEMENTATION

SEC. 601. CONFORMING AMENDMENTS TO THE SBIR AND STTR POLICY DIRECTIVES.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall promulgate amendments to the SBIR and the STTR Policy Directives to conform such directives to this Act and the amendments made by this Act.

SEC. 602. NATIONAL RESEARCH COUNCIL SBIR STUDY.

Section 108(d) of the Small Business Reauthorization Act of 2000 is amended—

(1) by striking ''of the Senate'' and all that follows through ''not later than 3'' and inserting ''of the Senate, not later than 3''; and

(2) by striking ''; and'' and all that follows through ''update of such report''.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–603. Each amendment may be offered only in the order printed in the report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BOSWELL

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–603.

Mr. BOSWELL. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BOSWELL:

In title V of the bill, add at the end the following (and conform the table of contents accordingly):

SEC. 506. PRIORITY FOR AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(ee) PRIORITY FOR AREAS THAT HAVE LOST A MAJOR SOURCE OF EMPLOYMENT.—In making awards under this section, Federal agencies shall give priority to applications from companies located in geographic areas that, as determined by the Administrator, have lost a major source of employment. Not later than 90 days after the date of the enactment of this subsection, the Administrator shall promulgate rules for making the determination required by this subsection.''.

The CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Iowa (Mr. BOSWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. BOSWELL. Thank you, Madam Chairman. I will yield myself such time as I may consume.

This amendment offered by myself and the gentlelady from Ohio (Ms. SUTTON) will give applicants from regions that have lost a major source of employment priority for SBIR and STTR funding. The Boswell-Sutton amendment would help to revitalize distressed economies that have lost major employers, such as factories and manufacturing plants.

SBIR and STTR funds would help small businesses in these areas create new, high-quality jobs in areas hard hit with the pressures of globalization and current trade policies. This is particularly important to me because I have witnessed the devastating impact of losing a major employer and what it can have on the community.

For 113 years, the Maytag Corporation was the largest employer in Newton, Iowa. At its peak, Maytag employed over 3,000 Newton residents at the headquarters and manufacturing plants. In 2006, Maytag was purchased by Whirlpool. On October 25, 2007, the last Maytag washing machine rolled off the line and the Newton plant and the corporate headquarters closed. The loss of so many good-paying, quality jobs had a distressing effect on Newton, and the local economy has yet to recover from this tragedy.

Investing in these communities so they are able to create new jobs by attracting companies is essential to many towns in America. I am pleased to report that in Newton, part of the former Maytag facility is in the process of being occupied by a new company that makes components for wind turbines, and the company expects to employ 140 hardworking Iowans. This is a step toward more energy, in response to the gentleman from Alaska. This amendment will help revitalize communities like Newton, and thousands of others across the United States.

I would like to thank Congresswoman SUTTON for working with me on this important initiative, and I thank Chairwoman VELÁZQUEZ and Ranking Member CHABOT for their leadership on this bill. Thank you for consideration. I hope you will accept this amendment that I believe is so important for so many communities across our Nation.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank Congressman BOSWELL and Congresswoman SUTTON for their amendment and their efforts to improve the bill. This amendment encourages applications from economically distressed areas and helps ensure the competitive research proposal submitted from companies in this area will receive valuable early stage funding. The amendment will strengthen the SBIR program, and has the potential to spur entrepreneurship and create jobs in distressed areas.

Now, Madam Chairman, I will yield to the gentlewoman from Ohio (Ms. SUTTON), a cosponsor of the amendment, such time as she may consume.

Ms. SUTTON. Madam Chairman, I rise in strong support of this amendment. I am fortunate and thankful to have had the opportunity to work with Representative BOSWELL to offer this important amendment, which would require that areas that have lost a major source of employment be given priority when applying for Small Business Innovation Research and Small Business Technology Transfer awards.

Representative BOSWELL, as he described, and I both know firsthand the devastating effects that massive job losses can have on a community when a major employer closes shop. The loss

of good-paying jobs can really hurt when a major employer leaves a community. It's estimated that for every manufacturing job in the United States, it creates as many as four related jobs. So when those jobs pack up and leave, it's a problem.

Focusing funds and awards in areas that have suffered the most, to the areas that have endured major job losses, such as those in my district or Representative BOSWELL's district, will ensure that the money is helping the people in the communities that need it most. These programs will help keep our communities self-sustaining as we work to revitalize our economies.

Ohio has lost over 200,000 manufacturing jobs since 2001, and unfortunately, Representative BOSWELL's district in the home State of Iowa have also lost thousands of jobs. With this amendment, applicants from our areas around our country that have suffered from similar circumstances will be considered a priority when applying for funding through these important programs. New, green industries will be able to grow in areas like Lorain and Akron, Ohio, and in Newton, Iowa, as resources are directed where they are needed most.

I urge a ''yes'' vote on the amendment.

Ms. VELÁZQUEZ. Madam Chairman, I will yield to the gentleman from Ohio for any comments that he may have.

Mr. CHABOT. I thank the chairwoman for yielding.

We have no objection to the gentleman's amendment and would commend him for offering it.

Ms. VELAZQUEZ. Madam Chairman, if the gentleman from Iowa is prepared to yield back, we are prepared to accept the amendment.

Mr. BOSWELL. I am prepared to yield back my time. I thank the gentlewoman for the support, and the ranking member, thank you very much. Ms. SUTTON, thank you for your support. We encourage passage of the amendment.

And we yield back.

Ms. VELÁZQUEZ. Madam Chairman, I thank the gentleman from Iowa and the gentlewoman from Ohio for their work on this legislation. I urge adoption of the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. EHLERS

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–603.

Mr. EHLERS. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. EHLERS:

Page 3, line 10, through page 4, line 17, strike section 102, and redesignate the subsequent sections accordingly.

The CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Michigan (Mr. EHLERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1730

Mr. EHLERS. Thank you, Madam Chairman. I appreciate the recognition.

This amendment is very important in terms of the total research effort of our Nation. H.R. 5819 would increase the Small Business Innovation Research program set-aside from 2.5 percent to 3 percent, a 20 percent increase. It would also increase the Small Business Technology Transfer program set-aside from 0.3 percent to 0.6 percent, a 100 percent increase. My amendment would remove these increases and keep the current set-asides in place at 2.5 percent for SBIR and 0.3 percent for STTR.

This is an extremely important issue. The Science and Technology Committee has worked very hard during the last few years to get the America COMPETES authorization bill signed into law. It has now been signed into law. It establishes a funding doubling path for several agencies under Science Committee jurisdiction, several of which are SBIR and STTR funding agencies. However, finding the money to fund these authorizations has not been so easy, and in fact these increased authorizations have not been appropriated.

Several of my colleagues have expressed the opinion that an increase in the set-aside for these two programs was justified by the authorized funding increases in the COMPETES Act. However, as I said, these have not been appropriated.

My concern and my purpose behind my amendment is to make sure that we are not robbing Peter to pay Paul. If we increase the SBIR and STTR program percentages while other agency's funding remains flat, we begin to severely erode our fundamental research base. I would much rather see us fight over extra funding for our basic research programs, our fundamental research programs, of which a percentage would then transfer into SBIR and STTR.

I should point out that my amendment is supported, first of all, by Mr. OBEY, who is chairman of the House Appropriations Committee. He has spoken to me about it, and asked me to specifically mention that he supports my amendment.

I believe it is also supported by a large number of Members, as well as the Association of American Universities, the American Association of Medical Colleges, the Biophysical Society, the Campaign for Medical Research, the Federation of American Societies for Experimental Biology, the National Association of State and Land Grant Colleges and the Small Business Administration.

To quote the President of the Association of American Universities, the change ''would translate directly into cuts in both nominal and real terms in the budgets of most Federal research agencies.''

In real terms, the proposed changes would remove approximately $650 million that is currently provided to researchers, especially those at universities around the country. At the National Institutes of Health, which I believe everyone in this body supports very strongly, if we do not adopt this amendment, the NIH budget would be reduced by $185 million. That is a severe cut.

So I urge the adoption of my amendment. I think it actually will improve things. I hope that in the next few years we will get substantial increases in the amount of funding for the various research agencies and SBIR and STTR would receive substantial increases to the percentage that they will continue to receive.

Madam Chairman, I reserve the balance of my time.

Ms. VELAZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The CHAIRMAN. The gentlewoman is recognized for 5 minutes.

Ms. VELAZQUEZ. I appreciate the gentleman's tireless leadership with respect to Federal funding for research and development. It was the gentleman's bill that reauthorized the SBIR program 8 years ago, and he is, therefore, well aware that the amount of Federal research budgets that go to America's small research companies is extremely limited. The fact that innovative small firms have such limited access to Federal research dollars is a problem for our country, and I want to work with the gentleman from Michigan to find a solution that will address this problem.

That said, I understand the gentleman's point of view, and I am going to accept the amendment. As the reauthorization process goes forward, I trust that just as we work in a collaborative, bipartisan manner on the Small Business Committee, that you and I can work together to increase the amount of Federal research dollars available to small firms without raising concerns about the country's critical research priorities.

I would now like to yield to the gentleman from Ohio for any comments that he might have.

Mr. CHABOT. I thank the gentlewoman for yielding.

I would just comment that we appreciate the chairwoman's willingness to work with the gentleman in accepting his amendment. We would be happy to be part of that conversation. We appreciate your cooperation.

Ms. VELÁZQUEZ. Madam Chairman, if the gentleman is prepared to yield

back, we are prepared to accept the amendment.

Mr. EHLERS. I would just like to offer a few closing comments.

First of all, I thank you for your offer to work on this problem together. As you know from working with me on this so often, I totally support research in all areas. My concern in this case is that we would be giving some money to one agency and taking it from others. I think we should work together to increase the funding for both, and all boats will rise. If we manage to give the appropriate amount of money to the research institutions, then SBIR and STTR will automatically increase because of that. So if we work together from that standpoint, I think we will be in total agreement.

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

Ms. VELÁZQUEZ. Madam Chairman, I just would like to thank Mr. EHLERS for his commitment. I look forward to our working together to address the issue of the limited resources.

With that, I am prepared to accept the amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. EHLERS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. SESTAK

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–603.

Mr. SESTAK. Madam Chairman, I have an amendment at the desk made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. SESTAK:

At the end of title I of the bill, insert the following:

SEC. 1_____. PROVIDING EXPLANATIONS TO UNSUCCESSFUL APPLICANTS.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

''(dd) PROVIDING EXPLANATIONS TO UNSUCCESSFUL APPLICANTS.—Whenever an entity applies for, but does not receive, an award under an SBIR or STTR program under this section, the Federal agency conducting the program shall—

''(1) in a plain and conspicuous manner, notify that entity that it can request an explanation (which must be of a constructive nature) of the reasons why the entity did not receive the award; and

''(2) provide such an explanation to that entity, if the entity so requests.''.

The CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

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

This amendment mandates that an agency must specify in their notification that unsuccessful applicants are entitled to constructive feedback, potentially opening up the breadth of SBIR grant recipients. This is a very simple and valuable measure to increase the transparency of our Federal agencies. It would allow firms insight into a rejected application and would increase their competitiveness in the future.

On more than one occasion, firms in my district have voiced their concern that the SBIR program awards grants to a relatively small group of businesses. A GAO study actually reported that the 25 most frequent winners of SBIR grants, which represents fewer than 1 percent of the companies in the program, received about 11 percent of the program's awards. Further, there are many qualified applicants that apply for these programs who are unsuccessful each year, but may not know that they are entitled to feedback and an explanation on the decision.

Therefore, by mandating that an agency must specify in the notification that unsuccessful applicants are entitled to constructive feedback, I believe that this will allow firms insight so that they might increase their competitiveness in the future. Furthermore, this amendment will ensure accountability in our Federal agencies.

I therefore urge my colleagues to vote to support this simple amendment to promote transparency and future competitiveness within the SBIR and STTR programs.

Madam Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank the gentleman for his amendment and his effort to improve this bill. The amendment requires Federal agencies to notify unsuccessful applicants to the SBIR program that they can request an explanation of the reasons their application was not funded. This amendment is likely to be a useful clarification to those small firms who are applying to revise their proposals in order to reapply.

I would now yield to the gentleman from Ohio (Mr. CHABOT) for any comments that he might have.

Mr. CHABOT. I thank the chairwoman for yielding.

We have no opposition to the gentleman's amendment. We appreciate his effort to add to the positive things which we need to do to move towards solving this energy crisis we find ourselves in.

Ms. VELÁZQUEZ. Madam Chairman, if the gentleman from Pennsylvania is prepared to yield back, we are prepared to accept the amendment.

The CHAIRMAN. The Chair would advise the gentlewoman from New York that since she claimed the time in opposition to the amendment, the gentleman from Pennsylvania has the right to close.

Ms. VELÁZQUEZ. I yield back the balance of my time.

Mr. SESTAK. Madam Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. SESTAK).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. MATHESON

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–603.

Mr. MATHESON. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. MATHESON:

At the end of title V of the bill, add the following (and conform the table of contents accordingly):

SEC. ___. PREFERENCE FOR ORGANIZATIONS THAT ARE MAKING SIGNIFICANT CONTRIBUTIONS TOWARDS ENERGY EFFICIENCY.

Section 9 of the Small Business Act (15 U.S.C. 638) is further amended by adding at the end the following:

''(ff) PREFERENCE FOR ORGANIZATIONS THAT ARE MAKING SIGNIFICANT CONTRIBUTIONS TOWARDS ENERGY EFFICIENCY.—In making awards under this section, Federal agencies shall give priority to applications so as to increase the number of SBIR, STTR, and FAST award recipients from organizations that are making significant contributions towards energy efficiency, including organizations that are making efforts to reduce their carbon footprint or are carbon neutral.''.

The CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Utah (Mr. MATHESON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. MATHESON. Thank you, Madam Chairman.

First I would like to commend Chairwoman VELÁZQUEZ, Ranking Member CHABOT and the Small Business Committee, as well as Chairman GORDON and Ranking Member HALL and the Science and Technology Committee, for all their hard work in bringing this important bill to the floor today.

I think we all agree that the U.S. economy is built on the growth and success of small businesses and we in Congress should continue to look for ways that we can support small business so it can succeed. That is why I am offering an amendment to H.R. 5819 today.

My amendment helps incentivize energy efficient practices for small businesses by rewarding business that seek to reduce their costs through a reduced carbon footprint. This amendment gives priorities to applicants of SBIR, STTR and FAST grants that have demonstrated an ability to reduce their carbon footprint.

Many small businesses have already developed practices to reduce their carbon footprint. By adopting energy efficient practices, they are reducing costs

for themselves in the long run and making themselves more competitive with other businesses.

A number of companies in my home State of Utah have benefited from SBIR grants. One such company is TechniScan, which has developed a technology intended to aid physicians in diagnosing breast cancer. It has already adopted certain practices to reduce its energy usage and hence reduce its carbon footprint.

Many other small businesses across the country have likewise reduced their carbon footprint and would therefore be given priority for receiving these grants under my amendment.

I have worked to help government and private entities alike conserve energy. As cochair of the Green Schools Caucus, I have worked with schools to become more energy efficient, which reduces their costs. Small businesses that also seek to reduce their carbon footprint should be rewarded for their efforts as well.

This amendment will help position small businesses better as they continue to grow and expand while reducing their energy costs.

Again, thank you to Chairwoman VELÁZQUEZ, Ranking Member CHABOT, Chairman GORDON and Ranking Member HALL.

Madam Chairman, I reserve the balance of my time.

Mr. CHABOT. Madam Chairman, although I am not opposed to the gentleman's amendment, I would like to claim the time in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio is recognized for 5 minutes.

Mr. CHABOT. Madam Chairman, I would like to yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES).

□ 1745

Mr. HAYES. I thank the gentleman for yielding.

First let me thank Congresswoman VELÁZQUEZ, SAM GRAVES, and others for bringing an excellent bill to the floor.

I rise today in support of the bill and support of Mr. MATHESON's amendment. But I think a picture in this case is worth a thousand words, because as we look at the small businesses, the men and women that make up the small business core of our communities, the one item that is on their minds is the price of gas.

In the Washington paper last week was a political cartoon. Unfortunately, there was nothing funny about it. If you would follow me for just a moment: Very obvious in the picture, the Capitol is there. And in the first frame it says: We demand that you energy companies do something about high gas prices.

Well, if you move with me to the second frame the question is asking, you have heard it here today: Can we drill in ANWR? Can we explore off our coastal regions while the Chinese are drilling off the coast of Cuba? The answer: Forget it. Forget it. We can't do that. So we take that off the table. Now the second frame it talks offshore.

The third frame, clean coal. We have more coal resources than Saudi Arabia has oil. We have technology that can be improved even more to allow us to burn coal cleanly, but we also must be able to turn coal into gas for fuel in airplanes for the Air Force. This is something that we must do.

Conservation is critical, and I applaud the new majority for their emphasis on conservation. We are all sensitive to that and we are working in our own ways to conserve as much as we can.

Alternate sources of energy, vitally important. But as a livestock and agriculture member, our food supplies, our food prices are being driven up by a lack of balance on alternative fuels like ethanol.

So back to the picture. Nuclear power. It is clean, it is safe. We are making progress every day in the effort to use spent fuel in positive ways. But, no, that is not on the table.

Last but not least: You're joking. Why don't you do something?

Well, folks, we can do something. The Small Business bill is critical. The last Congress that met on this floor passed the legislation that is referred to. The only thing not mentioned in this political cartoon that is not funny is the expansion of our refinery capacity.

So, again, I thank the gentlelady, Mr. MATHESON, and others for their important efforts to strengthen small businesses. But I would remind everyone here, because you have the same experience that I have, whether you are talking about BRAC, agriculture, economic development, the research campus in Kannapolis, Fort Bragg, North Carolina, gas prices strike you in the face like somebody shaking you by the shirt walking around the room when you see that price going up every day on the sign at the gas station.

So, ladies and gentlemen, I would simply ask that we Members of Congress join together in a bipartisan way as we are handling these amendments and put forth a resolution that says to the foreign oil exporters who are gouging us for prices; we say to the rest of the world we will explore, not exploit, we will use nuclear energy, we will use our coal resources, we will expand our refineries so that we become competitive while developing vitally important alternative sources of energy that will ensure the future, the independence opportunity for everyone in this country.

I thank the gentleman for yielding time.

Mr. CHABOT. Reclaiming my time, do I have any time remaining, Madam Chairman?

The CHAIRMAN. The gentleman has 1 minute remaining.

Mr. CHABOT. I yield my remaining time to the gentleman from Michigan (Mr. EHLERS).

Mr. EHLERS. I thank the gentleman for yielding, and would like to comment on this amendment.

I have no great objection to it, but I am not terribly excited about it, either. Let me comment.

I personally would prefer, if we are going to show preferences here and use the money for that purpose, I would really prefer that we use those funds to give preference to those organizations that submit proposals for doing research and developing areas that will reduce carbon emissions. I think in the long run that might be better for the Nation than simply rewarding those who have taken steps within the organization rather than developing new ideas and inventions that can apply to everyone in the Nation.

So, as I said, I will not oppose it, but I did want to make that suggestion.

Mr. CHABOT. Madam Chairman, I yield back the balance of my time.

Mr. MATHESON. Madam Chairman, I yield the balance of my time to the distinguished Chair of the Small Business Committee, Congresswoman VELÁZQUEZ.

Ms. VELÁZQUEZ. I want to thank the gentleman from Utah for yielding and for his amendment and his efforts to improve the bill. Since the Republicans today are so concerned about energy crisis and gasoline prices, this is an opportunity to start addressing this issue.

With gasoline at $4 a gallon and the evidence concerning global climate change mounting, the importance of research in the area of clean energy sources is increasingly clear. The amendment recognizes that technologies which can improve energy efficiency and reduce carbon emissions are a critical national research priority. As such, the amendment will give priority to SBIR and STTR applications that address clean energy research topics. I support this amendment and I urge adoption of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. MATHESON).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. MATHESON. Madam Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Utah will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. GIFFORDS

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–603.

Ms. GIFFORDS. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. GIFFORDS:

At the end of the bill, insert the following (and amend the table of contents accordingly):

SEC. _____. SBIR AWARDEE BUSINESS OPERATIONS.

Section 9 of the Small Business Act is further amended by adding at the end the following:

''(ee) SBIR AWARDEE BUSINESS OPERATIONS.—

''(1) IN GENERAL.—To be eligible to receive an SBIR award, an awardee must have its primary business operations in the United States.

''(2) DEFINITION.—In this subsection, the term 'United States' includes the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.''.

The CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from Arizona (Ms. GIFFORDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Ms. GIFFORDS. Madam Chairman, in this period of economic downturn, we must ensure that we are doing everything we can to support American small businesses. We also have to protect our hard-working taxpayers.

American small businesses still to this day remain the backbone of our economy, and that is why I am offering this amendment today to H.R. 5819, the SBIR Reauthorization Act.

Madam Chairman, this amendment will guarantee that businesses that are awarded funding from the small business research and development programs in this bill have their primary business operations located in the United States. The amendment ensures that we continue to provide support to American-owned businesses and reiterate our commitment to protecting American jobs.

Since its inception in 1982, the Small Business Innovation Research program, SBIR, has helped small businesses compete for Federal research and development awards. Eighty-five percent of businesses competing in SBIR are small firms employing 20 or fewer persons. And the program has generated an impressive 50,000 patents over these 25 years.

I have seen the success of SBIR awards in my district at the high-tech, highly creative Breault Research Organization in Tucson, Arizona.

As we expand this program, we must keep responsible taxpaying, job-creating organizations like Breault Research in mind. We have to ensure that truly American-owned companies are winning these valuable awards. We should not be funding R&D for businesses that will develop their U.S. taxpayer financed ideas here, then those ideas turn into jobs overseas. The goal of this reauthorization bill is to boost U.S. small business innovation and competitiveness and thereby boost U.S. competitiveness.

As a former president and CEO of a small business, I know how difficult it is to compete in today's environment, I know how hard it is to grow a business. And that is why I am offering this amendment, to protect hard-working, ambitious American businesses to fulfill the underlying bill's goal to foster American competitiveness.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I thank the gentlewoman from Arizona for her amendment and for her efforts to improve this bill.

Small businesses awarded SBIR grants from the Federal Government should create jobs and pay appropriate and applicable taxes in the United States. This amendment will ensure this is the case. It is an important clarification for Federal agencies providing SBIR funds.

I would yield to the gentleman from Ohio for any comments that he might have.

Mr. CHABOT. I thank the chairwoman for yielding.

We have no objection to the gentlewoman's amendment.

Ms. VELÁZQUEZ. We are going to accept the amendment and support the amendment.

I yield back the balance of my time.

Ms. GIFFORDS. Madam Chairman, I now yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Chairman, I rise to support this amendment. I commend Congresswoman GIFFORDS for her tireless work on this issue, and commend both the Chair and ranking member for accepting the amendment.

The Small Business Innovative Research program increases small businesses' participation in federally funded research and development. It is a proven program. It is an effective program.

Since 1983, more than 94,000 projects have received more than $20 billion in awards, keeping our Nation competitive in the global marketplace and helping our small businesses thrive. But in order for this program to have its full impact, there must be that level playing field, and those who try and cheat the system must not be allowed to reap the benefits.

This amendment simply says that to receive a Small Business Innovation Research award, a small business must be domiciled in the United States. You must play by the rules. Today, even contractors supporting our own military in Iraq continue to filter Federal dollars through offshore shell companies to avoid paying taxes here. Every year, offshore tax shelters cost taxpayers nearly $100 billion. No one, contractors, small businesses or otherwise, no one who looks for special privileges under our tax system should be able to take advantage of the opportunities offered by the Federal Government.

I thank my colleague and the committee for offering this well thought-out and necessary amendment to the bill, and urge its adoption and appreciate its being accepted by the Chair and ranking member.

Ms. GIFFORDS. Madam Chairman, I would like to thank Chairwoman VELÁZQUEZ and Ranking Member CHABOT for all of their hard work on the SBIR bill. I also appreciate their support for my amendment.

This amendment will protect American small businesses and help ensure that they remain competitive in this global environment. It prevents foreign companies from reaping the benefits of hard-earned U.S. tax dollars and undermining this bill's goal to foster American innovation, create U.S. job opportunities, and uphold our commitment to American taxpayers. I urge my colleagues to support my amendment.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Arizona (Ms. GIFFORDS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. GRAVES

The CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–603.

Mr. GRAVES. Madam Chairman, I have an amendment at the desk.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. GRAVES:

Strike title II of the bill and insert the following:

TITLE II—VENTURE CAPITAL INVESTMENT STANDARDS

SEC. 201. ENSURING THAT INNOVATIVE SMALL BUSINESSES WITH SUBSTANTIAL INVESTMENT FROM VENTURE CAPITAL OPERATING COMPANIES ARE ABLE TO PARTICIPATE IN THE SBIR PROGRAM.

Section 9(e) of the Small Business Act (15 U.S.C. 638(e)) is amended by striking ''and'' at the end of paragraph (8), striking the period at the end of paragraph (9) and inserting ''; and'', and adding at the end the following:

''(10) effective only for the SBIR and STTR programs, notwithstanding any other amendment made by the SBIR/STTR Reauthorization Act, the following shall apply:

''(A) A business concern that has more than 500 employees shall not qualify as a small business concern.

''(B) In determining whether a small business concern is independently owned and operated under section 3(a)(1) or meets the small business size standards instituted under section 3(a)(2), the Administrator shall not consider a business concern to be affiliated with a venture capital operating company (or with any other business that the venture capital operating company has financed) if—

''(i) the venture capital operating company does not own 50 percent or more of the business concern; and

''(ii) employees of the venture capital operating company do not constitute a majority of the board of directors of the business concern.

''(C) A business concern shall be deemed to be 'independently owned and operated' if—

''(i) it is owned in majority part by one or more natural persons or venture capital operating companies;

''(ii) there is no single venture capital operating company that owns 50 percent or more of the business concern; and

''(iii) there is no single venture capital operating company the employees of which constitute a majority of the board of directors of the business concern.

''(D) If a venture capital operating company controlled by a business with more than 500 employees (in this subparagraph referred to as a 'VCOC under large business control') has an ownership interest in a small business concern that is owned in majority part by venture capital operating companies, the small business concern is eligible to receive an award under the SBIR or STTR program only if—

''(i) not more than two VCOCs under large business control have an ownership interest in the small business concern;

''(ii) the VCOCs under large business control do not collectively own more than 20 percent of the small business concern; and

''(iii) the VCOCs under large business control do not collaborate with each other to exercise more control over the small business concern than they could otherwise exercise individually.

''(E) The term 'venture capital operating company' means a business concern—

''(i) that—

''(I) is a Venture Capital Operating Company, as that term is defined in regulations promulgated by the Secretary of Labor; or

''(II) is an entity that—

''(aa) is registered under the Investment Company Act of 1940 (15 U.S.C. 80a–51 et seq.); or

''(bb) is an investment company, as defined in section 3(c)(14) of such Act (15 U.S.C. 80a–3(c)(14)), which is not registered under such Act because it is beneficially owned by less than 100 persons; and

''(ii) that is itself organized or incorporated and domiciled in the United States, or is controlled by a business concern that is incorporated and domiciled in the United States.''.

The CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Missouri (Mr. GRAVES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

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

Madam Chairman, I would first like to thank Chairwoman VELÁZQUEZ and Ranking Member CHABOT from the Small Business Committee for moving forward with this bill. This bill is critically important to small businesses and innovation in this country.

The SBA provides startup funding to small businesses in a variety of ways. One such program is the Small Business Innovative Research program, or SBIR, which allocates a specific percentage of Federal research and development grant monies to small business applicants. This program allows for cutting-edge innovative research that may not, in its earliest stages, attract funding from other sources. I strongly believe in the SBIR program and what it does for small businesses.

American innovation is what drives this country and economy. As Members of Congress, we need to create an environment that will keep American innovation at the forefront of the global market.

As a member of the Small Business Committee, I work to advocate on behalf of small businesses, and the passage of my amendment will have a tremendous impact on the success of those small firms.

My amendment addresses a problem that began in 2003. The Small Business Administration reversed a 20-year-old policy by ruling that small business companies that are majority venture capital backed could no longer compete for small business grants, regardless of how few employees a company may have. As a result, small businesses are finding it increasingly difficult to acquire the investment capital necessary to start or grow their businesses. This jeopardizes the development of innovative treatments, therapies, and technologies.

□ 1800

Venture capital funding is critical to capital intensive industries. They provide the needed seed money to help get some of those innovative ideas off the ground. Without this investment, some of our most innovative ideas would never develop.

My amendment will restore majority venture capital backed small companies' eligibility so they can compete for SBIR grants and receive other small business assistance.

Small businesses are providing this country with the ideas and innovation that has become the identity of the United States. Without these thoughts and ideas, the United States will fall behind the rest of the world in innovations and breakthroughs.

Creating an environment that will keep American innovation in the forefront of the global market is a priority of this body, and I am very confident this amendment and bill will help us meet those goals.

My amendment simply makes a couple of technical corrections in title II of the bill which has the support of both the chairwoman and the ranking member of the Small Business Committee. Simply put, this amendment helps remove barriers to participation in the SBIR program.

I would like to thank the staffs of Chairwoman VELÁZQUEZ and Ranking Member CHABOT for all of their hard work on this issue. This bill and amendment have been a work in progress for over 3 years, and I appreciate all of the work they have done on my behalf. This is a very important issue to me, my constituents, and small businesses everywhere, and I am glad to see it before the House today.

Madam Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while I am not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN (Ms. BERKLEY). Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I thank the gentleman from Missouri for his amendment and his efforts to improve the bill. Mr. GRAVES has been a leader in our committee on many issues, and I appreciate his efforts to improve this legislation.

This amendment clarifies the availability of venture capital to small companies. It makes sure that we do not end up disqualifying any current participant in the SBIR program.

Madam Chairman, I yield to the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the chairwoman.

I would like to inquire of the proponent of the amendment to clarify that his amendment, the net effect is to permit two corporate owned venture capital firms each to own 10 percent of an applicant as opposed to what is currently in the bill of one corporate owned venture capital firm owning 10 percent of an applicant.

Ms. VELÁZQUEZ. I yield to the gentleman from Missouri for an answer.

Mr. GRAVES. I thank the chairman; and that is correct.

Mr. WU. If the chairwoman would yield for a moment, I would support the gentleman from Missouri's amendment.

Ms. VELÁZQUEZ. Madam Chairman, I reserve the balance of my time.

Mr. GRAVES. Madam Chairman, I yield 1 minute to the ranking member of the Small Business Committee, Mr. CHABOT.

Mr. CHABOT. I thank the gentleman for yielding, and I rise in support of the amendment offered by the gentleman from Missouri (Mr. GRAVES). This is a good amendment that I feel strikes the appropriate balance on the issue of venture capital companies' funding of SBIR participants.

One of the guiding principles that we focused on as we worked on the legislation was the premise that we ought to be funding the best science. By allowing the amounts of venture capital investment in SBIR applicants that are prescribed by this amendment, we are not only ensuring that we are funding the best science, but also maintaining the program's goal of helping small businesses.

The gentleman from Missouri has been a leader on this issue for years, and I applaud his efforts on our committee and throughout the House to find a solution for this issue. And it is a balance here. You can make arguments on both sides, but I think what he has tried to do is to do something that is fair to small businesses and also have the best science.

I thank the gentleman for yielding, and thank him for his leadership on this issue.

Ms. VELÁZQUEZ. Madam Chairman, I am prepared to accept the amendment.

Mr. EHLERS. Madam Chairman, would the gentlelady yield?

Ms. VELAZQUEZ. I yield to the gentleman from Michigan.

Mr. EHLERS. I am not necessarily in opposition to this amendment, but I

just have to express a concern, and that is that we have been going round and round on this issue for a couple of years on venture capital getting involved. I always like the emphasis in this to be on the ''S,'' the Small Business Innovation Research Program, and I worry about getting two venture capital companies involved together on a project. With 500 employees each, you are talking about the equivalent of a company with a thousand employees. How many will fit in this category? For example, even though I have an industrial community, there is no company in my district that would be considered funded by venture capital and that would have that number of employees.

Does this then disadvantage smaller communities like mine? Mine is not that small, a few hundred thousand. But nevertheless, we wouldn't qualify at all in this category.

My concern, if I may express it, and perhaps you can reassure me on this, my concern would be that the money would tend to flow to those areas of the country that have the large venture capital companies, and areas such as Michigan, which as you know is in a one-State repression, would not be able to put together programs that would fit this particular part of it. I am really concerned about keeping all small businesses in every part of the country fully involved in this. I wonder if the gentleman can give me some reassurances or an explanation on this.

Ms. VELÁZQUEZ. Reclaiming my time, Mr. EHLERS, I understand your concern. But I will say that at a time when we are facing an economic crisis in our country where so many small businesses have been impacted because of the lack of access to capital and the credit crunch, this is the time when this amendment makes sense.

We are allowing for small businesses and SBIR companies across the country to have the ability to secure venture capital so they can continue to provide innovation and the new technologies that are so needed in our economy.

I reserve the balance of my time.

Mr. GRAVES. Does the gentlewoman have any more speakers?

Ms. VELÁZQUEZ. We are prepared to accept the amendment, and I yield back the balance of my time.

Mr. GRAVES. Madam Chairman, I would just like to say to Ranking Member EHLERS that this is about small businesses, and we want to make sure that small businesses have the ability to compete, especially when it comes to highly technical fields. In many cases it is extraordinarily hard to get the capital that they need, and allowing small businesses to take advantage of venture capital companies is the way. But it is my every intention to direct this completely to small businesses.

Again, I appreciate the concerns and I very much thank the chairwoman and Ranking Member CHABOT for working with me, and encourage my colleagues to support the amendment.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. GRAVES).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MS. MATSUI

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–603.

Ms. MATSUI. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. MATSUI:

Page 33, line 13, insert ''(A)'' before ''Each''.

Page 33, line 17, after ''venture capital investment companies,'' insert ''business incubators,''.

Page 33, after line 24, insert the following:

''(B) DEFINITION.—In this paragraph, the term 'business incubator' means an entity that provides coordinated and specialized services to entrepreneurial businesses which meet selected criteria during the businesses' startup phases, including providing services such as shared office space and office services, access to equipment, access to telecommunications and technology services, flexible leases, specialized management assistance, access to financing, mentoring and training services, or other coordinated business or technical support services designed to provide business development assistance to entrepreneurial businesses during these businesses' startup phases.''.

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from California (Ms. MATSUI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. MATSUI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the bill before us today is a good one. I would like to commend Chairwoman VELÁZQUEZ, Chairman GORDON and Chairman WU for their hard work on this timely legislation.

Madam Chairman, in many cities and towns across the country, business incubators provide a valuable service. They help young businesses survive and grow.

They provide guidance, business tools, space, contacts, and the know-how to run a company. Incubators can dramatically increase the success of new companies. Across the United States, incubators have already nurtured tens of thousands of new companies to great success. Their efforts have helped grow our economy and create both jobs and profit.

In these challenging economic times, a good idea is often not enough to guarantee success. Many young companies need further business expertise in order to avoid failing.

In my hometown of Sacramento, the CleanStart incubator is helping grow a whole suite of clean energy companies. These businesses are developing the cutting-edge technologies that will power our economy and protect our environment in the future.

However, many businesses receiving SBIR grants devote most of their capital to research. This leaves little left over for business development. These are the type of businesses that can benefit most from the services provided by incubators.

My amendment ensures that SBIR dollars will continue to work with incubators across the country to drive economic development. It will allow incubators to do what they do best, translate good research conducted by small businesses into commercial technologies that create jobs and economic growth. I urge all Members to support this commonsense amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank the gentlewoman from California for her amendment and her efforts to improve this bill. H.R. 5819 directs Federal agencies to establish initiatives by which agencies encourage partnerships between SBIR awardees and prime contractors, venture capital firms and larger businesses. The purpose of these partnerships is to help awardees progress toward phase III of the SBIR program.

The amendment highlights the significant role that business incubators can play for small firms as they work to commercialize their research. It is completely appropriate for Federal agencies to acknowledge business incubators as valuable partners with SBIR awardees.

I yield to the gentleman from Missouri for any comments he may have.

Mr. GRAVES. Madam Chairman, we don't have any problems with the amendment. I urge my colleagues to support it.

Ms. VELÁZQUEZ. Madam Chairman, we are prepared to accept the amendment, and I yield back the balance of my time.

Ms. MATSUI. Madam Chairman, my amendment complements the goals of today's legislation by helping to ensure that taxpayer-funded research is maximized. I urge my colleagues to support this amendment.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Ms. MATSUI).

The amendment was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. SUTTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–603.

Ms. SUTTON. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. SUTTON:

At the end of title V of the bill, insert the following (and conform the table of contents accordingly):

SEC. ____. VETERANS PREFERENCE.

Section 9 of the Small Business Act (15 U.S.C. 638) is further amended by adding at the end the following:

''(ff) VETERANS PREFERENCE.—In making awards under this section, Federal agencies shall give priority to applications from veterans, as defined in section 101(2) of title 38, United States Code, so as to increase the number of SBIR and STTR award recipients who are veterans.''.

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from Ohio (Ms. SUTTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Madam Chairman, I want to begin by thanking Chairman VELÁZQUEZ, Chairman GORDON, and Chairman WU for their leadership on this bill, as well as the ranking members for their leadership.

This amendment would require agencies that administer Small Business Innovation Research Programs to give special consideration to pressing transportation and infrastructure research activities when reviewing grant applications.

The devastating state of this Nation's crumbling infrastructure was demonstrated in dramatic fashion last August when the I–35 bridge in Minneapolis collapsed into the Mississippi River. And it is also demonstrated every day as people drive over potholes in their neighborhoods and sit in traffic jams on our crowded highways as they travel to and from work.

Tackling the repair of our Nation's infrastructure is not a glamorous task, but it is absolutely essential to our Nation's long-term success.

□ 1815

Investments in infrastructure are critical for public safety and boost local economies by providing more Americans with good-paying jobs. Building our Nation's infrastructure for a new economy and a new century is vital to revamping our work force and revitalizing our communities.

It is also crucial that as we rebuild our roads and mass transit systems, we act as stewards of the environment and seek greener and cleaner technologies for fueling our economy.

America's working families deserve creative and innovative thinking and policies from us as their representatives. This amendment will ensure that as agencies review small business innovation applications they place a premium on projects that focus on transportation and infrastructure, the building blocks of our economy.

I urge a ''yes'' vote on the amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I really thank the gentlewoman for her amendment and her efforts to improve this bill.

The amendment requires Federal agencies to give priority to SBIR and STTR applications submitted by veterans. During a time when our country is at war, it is particularly appropriate to prioritize SBIR applications submitted by our veterans. And I support this amendment.

I would like to yield to the gentleman from Missouri for any comments that he might have.

Mr. GRAVES. Madam Chairman, I don't have any opposition.

Mr. EHLERS. Will the gentlewoman please yield?

Ms. VELÁZQUEZ. Yes, I will.

Mr. EHLERS. Thank you for yielding.

I just have to express some concern. We already had a preference earlier for organizations that have exhibited concern about their carbon footprint. And I don't object to the one about veterans, but I worry about getting too many preferences involved here. And Uncle Joe, who's trying to build a widget in his barn, may just fall in the cracks because he doesn't meet any of these preference categories.

I don't particularly oppose this one about transportation. Everyone knows we need improvements in that. But there are so many different areas, I don't want to bog down the SBA in dealing with these requests by having to worry about preference after preference.

So basically I'm issuing a warning here. Let's watch it in the future, and let's make sure we don't add too many preference requirements or it becomes very, very cumbersome.

Ms. VELÁZQUEZ. Madam Chairman, I yield back the balance of my time, and I accept the amendment.

Ms. SUTTON. I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

The amendment was agreed to.

AMENDMENT NO. 9 OFFERED BY MS. SUTTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 9 printed in House Report 110–603.

Ms. SUTTON. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. SUTTON:

In section 107(3) of the bill, in the quoted matter, strike ''or'' at the end of subparagraph (D), and insert after subparagraph (D) the following:

(E) the National Academy of Sciences, in the final report issued by the 'Transit Research and Development: Federal Role in the National Program' project and the 'Transportation Research, Development and Technology Strategic Plan (2006–2010)' issued by the United States Department of Transportation Research and Innovative Technology Administration, and in subsequent reports issued by the National Academy of Sciences and United States Department of Transportation on transportation and infrastructure; or

In section 504(a) of the bill, in the quoted matter, redesignate (E) as (F).

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from Ohio (Ms. SUTTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Ohio.

Ms. SUTTON. Madam Chairman, I want to thank Chairwoman VELÁZQUEZ for her support of this amendment; that would require that we recognize our veterans in this bill.

We ask our veterans to sacrifice years of their lives to protect our country and our loved ones. In return, we have made a commitment to honor their service.

And last year this Congress provided the largest increase in funding for the VA in history. And this year I am proud that in this bill we will continue to reaffirm our support for the men and women who have chosen to serve their country in uniform.

It's our responsibility to ensure our veterans receive the care they deserve. Our veterans also deserve to receive, as I have proposed in this amendment, priority status when applying for awards through the Small Business Innovation Research and Small Business Technology Transfer programs.

This amendment will grant a preference for the brave men and women who have sacrificed for all of us. As they return home and restart their lives, it's essential that the number of veterans who receive SBIR and STTR awards increases. The underlying bill includes a preference as was discussed, for applicants from rural areas and veterans deserve the same consideration.

Madam Chairman, 3 million veteran business owners responded to the 2002 survey of business owners administered through the U.S. Census Bureau. This survey revealed that veterans tend to be better educated and slightly older before starting or acquiring their businesses. This trend can undoubtedly be attributed to their time in the service and their use of one of the most important and successful pieces of legislation this body has ever passed, the GI bill.

Madam Chairman, our veterans will continue to make us proud as they make good use of the funding available through these important small business programs. As I have often said, it is not enough to simply pay tribute to our veterans with words; we must show them our appreciation with our actions.

I appreciate the support that has been expressed for this amendment, and I urge a ''yes'' vote.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to this amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I just simply want to say thank you to the gentlelady from Ohio for her sensitivity and commitment to our veterans at a time of war, and for working to perfect this legislation.

I have no opposition to this amendment. I am prepared to accept the amendment.

I yield to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Madam Chairman, we have no opposition.

Ms. VELÁZQUEZ. I yield back the balance of my time.

Ms. SUTTON. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio (Ms. SUTTON).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BARROW

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–603.

Mr. BARROW. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. BARROW:

Page 36, after line 2, insert the following:

(D) MINORITY INSTITUTION PILOT PROGRAM.—

(i) ESTABLISHMENT.—From amounts made available to carry out this subparagraph, the Administrator shall establish and carry out a pilot program to make grants to minority institutions that partner with nonprofit organizations that have experience developing relationships between industry, minority institutions, and other entities, for the purpose of increasing the number of SBIR and STTR program applications by minority-owned small businesses.

(ii) APPLICATION.—To be eligible to receive a grant under the pilot program established in clause (i), a minority institution shall submit an application to the Administrator at such time, in such manner, and containing such information and assurances as the Administrator may require.

(iii) MATCHING REQUIREMENT.—As a condition of a grant under the pilot program, the Administrator shall require that a matching amount be provided from a source other than the Federal Government that is equal to the amount of the grant.

(iv) MINORITY INSTITUTION.—In this subparagraph, the term ''minority institution'' has the meaning given that term in section 365(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k(3)).

(v) FUNDING.—For each of fiscal years 2009 through 2012, of the amounts appropriated pursuant to the authorization of appropriations in subparagraph (C), up to $4,000,000 shall be available to carry out this subparagraph.

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Georgia (Mr. BARROW) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BARROW. I thank the Chair and I yield myself such time as I may consume.

Madam Chairman, the whole purpose of the SBIR and STTR programs is a generally recognized acknowledgement of the fact that in the bidding wars with the big guys for Federal contracting, small businesses are just generally outgunned. And while that is true for small businesses generally, it's even more true for a subset of small businesses. Minority-owned small businesses are at even a greater disparity and disadvantage when it comes to competing for government contracts, research and development.

Less than 10 percent of the SBIR grants are made to minority-owned small businesses. Now if SBIR and STTR are at the forefront of ensuring that American small businesses remain competitive, we've got to make sure that minority-owned businesses have an opportunity to participate. But too often, minority and disadvantaged small businesses don't even know about these grants. If they don't know about them, they can't compete for them.

My amendment seeks to address this in a carefully drawn and constructive manner. It does this by authorizing grants to partnerships between minority institutions, as that term is defined in the amendment, and nonprofit organizations that have experience in linking up minority-owned businesses with government contracting.

There are limits, carefully drawn limits drawn into the amendment. One of those is that the administrator of the SBA gets to set the terms and conditions for submitting and applying for these grants.

Second, it requires these grants can only be made to partnerships with experienced partners. Minority institutions, as defined by the amendment, consist of colleges that serve a minority, 51 percent or more of minority students. This is basically HBCUs, but not exclusively HBCUs, and also requires they be in partnership with nonprofits that have experience in linking small businesses with government contracts.

Finally, what the bill does is it doesn't create any authorization for spending new money. It doesn't appropriate any new money. What it does is it directs the administrator to set up a pilot program that authorizes him to spend up to $4 million in money that is already authorized and appropriated for such purposes.

HBCUs and local nonprofits, they have the experience in connecting small businesses with government contracts. My amendment allows them to work together to increase minority-owned business participation in government contracting. That's good for the government when it's the customer, it's good for the taxpayers, and it's good for the economy.

With that, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I thank the gentleman from Georgia for his amendment and his efforts to improve this bill.

The amendment establishes a grant program for minority institution with the purpose of increasing the number of SBIR and STTR applications submitted by companies owned by minorities. The participation of women-owned and minority-owned companies in the SBIR program continues to be at unacceptably low levels. The Barrow amendment—along with the provisions of H.R. 5819, that reauthorize the FAST program—seeks to address this challenge. It does this by funding outreach efforts to encourage and support more applicants by companies owned by minorities.

I now will yield to the gentleman from Ohio for any comments that he might have.

Mr. CHABOT. I thank the gentlelady for yielding. We have no opposition to the gentleman's amendment.

Ms. VELÁZQUEZ. With that, I will accept the amendment.

I yield back the balance of my time.

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

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARROW).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–603.

Mrs. CAPITO. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. CAPITO:

Page 8, line 10, after ''minorities,'' insert the following: ''small business concerns owned and controlled by service-disabled veterans,''.

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from West Virginia (Mrs. CAPITO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from West Virginia.

Mrs. CAPITO. Thank you, Madam Chairman. I also want to thank the chairman of the Small Business Committee and the ranking member of the Small Business Committee for their good hard work on this piece of legislation. I would also like to thank the

Rules Committee, of which I was formerly a member, for making my amendment in order.

I rise today to offer a very simple amendment that adds service disabled veterans to the list of targeted groups to receive consideration from the SBIR bill and SBIR board. Currently in the bill, the board, which is authorized to make recommendations to the grant awarding authorities, is directed to develop a means of how to encourage more applications from small business owners who are minorities or women. My amendment will direct the board to include service disabled veterans owners of small businesses to those who will be encouraged to make more applications from a grant pool of over $50 million.

We have a lot of our servicemen and women returning with injuries. But we want to encourage them that they can move forward with their lives and invest and prosper in a small business, and this opens up more opportunity for them.

Madam Chairman, recent studies have shown that returning veterans face unemployment rates that are nearly four times as high as that of nonmilitary laborers.

□ 1830

Our returning veterans should have post-military opportunities that inspire confidence and don't disappoint them.

This amendment will extend to service-disabled veterans more opportunities to succeed after serving our Nation so bravely.

Madam Chairman, I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I want to take the opportunity to thank the gentlewoman from West Virginia for her efforts to improve this bill. The amendment directs the SBIR advisory boards established under H.R. 5819 to include in their annual report to Congress the number and the dollar amount of SBIR awards made to small businesses and controlled by service-disabled veterans. This is valuable data that Congress should have. Moreover, the collection of this data is likely to encourage Federal agencies to redouble their efforts to publicize the SBIR programs to service-disabled veterans.

I now would like to yield to the gentleman from Ohio (Mr. CHABOT) for any comments he might have.

Mr. CHABOT. I thank the gentlelady for yielding.

I support the gentlelady's amendment, and I would commend her for looking out for the interest of service-disabled veterans in this country, a group of people who have clearly earned the respect and the gratitude that they are entitled to. Thank you for offering the amendment.

Ms. VELÁZQUEZ. Madam Chairman, we're prepared to accept the amendment, and I urge adoption of the amendment.

I yield back the balance of my time.

Mrs. CAPITO. Madam Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mrs. CAPITO. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from West Virginia will be postponed.

AMENDMENT NO. 12 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–603.

Ms. VELÁZQUEZ. Madam Chairman, as the designee of Mr. CARNEY of Pennsylvania, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Ms. VELÁZQUEZ:

Page 26, line 2, strike ''and'' at the end.

Page 26, line 5, strike the period at the end and insert ''; and''.

Page 26, after line 5, insert the following:

''(D) criteria designed to give preference to applicants who include an SBDC program that is accredited for its technology services.''.

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Madam Chairman, small business development centers, which are accredited for their technology services, are particularly well-positioned to provide support for companies preparing SBIR applications. It is appropriate that FAST grant applications that incorporate the services of those SBDCs that are accredited for technology services should be viewed favorably by the SBA.

The amendment will ensure that the Small Business Administration includes this preference in the grant selection criteria it develops for the FAST program.

I support this amendment.

I yield time to the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Tonight I urge my colleagues to support the amendment that I am offering to H.R. 5819, the SBIR/STTR reauthorization bill.

The amendment is good for America's small businesses and will increase our technological competitiveness in the global marketplace. Specifically, the amendment would allow the administrator of the SBA to view favorably FAST grant applicants that utilize small business development centers that are accredited for their technology commercialization in determining the award of a FAST grant.

My amendment acts as a catalyst that will encourage and enable 41 State SBDC programs to develop the capacity to deliver technology commercialization services. The result will be an increase of new technology and technological products introduced into the marketplace improving America's competitiveness, as it strengthens America's small business community.

Moreover, and perhaps more importantly, my amendment furthers the SBA's goal of increasing the number of SBDC programs that offer technological commercialization service as it becomes credited.

I urge you all to support America's small businesses by supporting this amendment.

Ms. VELÁZQUEZ. Madam Chairman, I reserve the balance of my time.

Mr. CHABOT. Madam Chairman, although I am not in opposition, I will claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CHABOT. Madam Chairman, I won't take that time. I just want to commend the gentleman for offering the amendment. We have no opposition.

I yield back the balance of my time.

Ms. VELÁZQUEZ. I am prepared to accept the amendment, and I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MRS. GILLIBRAND

The Acting CHAIRMAN. It is now in order to consider amendment No. 13 printed in House Report 110–603.

Mrs. GILLIBRAND. Madam Chairman, I have an amendment at the desk.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mrs. GILLIBRAND:

Page 7, line 9, strike ''and''.

Page 7, after line 9, insert the following:

(C) at least one individual who is a veteran who owns a small business concern owned and controlled by veterans; and

Page 7, line 10, redesignate (C) as (D).

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from New York (Mrs. GILLIBRAND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. GILLIBRAND. Madam Chairman, my amendment is very simple. It

provides a voice to veteran-owned small businessmen on the newly created Small Business Innovation Research Board.

The advisory board will oversee the design and award process for SBIR grants. By including a veteran-owned small businessman or -woman on the board, we will ensure that the criteria used towards small business grants will include areas for which our veterans specialize, areas such as weapons development and destruction, communications networking, and many more skills that have been uniquely acquired through their military service.

When I was first elected last year, I formed a constituent-based Veterans Advisory Board in my district. Over the past year, I have worked very closely with these men and women to find new ways to better serve them and the veterans of our district throughout our Nation who have sacrificed so much for this great country. It is for this reason that I strongly believe that veterans need advice on the SBIR advisory board and why I have been working with the board to draft legislation to address the problems of homeless vets and to ease the transition from active duty to civilian life.

When our soldiers, sailors, airmen, and marines leave service after multiple deployments abroad and a tremendous sacrifice by them and their families, the least we can do is to ease their transition and help them get their businesses off the ground.

I, therefore, urge my colleagues to support my amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. I thank the gentlewoman from New York for her amendment and for her efforts to improve the legislation. The amendment requires that at least one veteran small business owner must serve on the SBIR Advisory Board that H.R. 5819 establishes in section 104. These boards are meant to provide small firms with an avenue to communicate with Federal agencies about the SBIR program.

The intention of the amendment is to help ensure that agencies are as responsive as possible to the unique needs of small research companies and to veteran-owned small firms in particular.

I support this intention.

I would yield to the gentleman from Ohio for any comments that he might have.

Mr. CHABOT. I thank the chairwoman for yielding, and I want to commend the gentlelady for offering her amendment, and we support it.

Ms. VELÁZQUEZ. Madam Chairman, I urge the adoption of the amendment.

I yield back the balance of my time.

Mrs. GILLIBRAND. Madam Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Mrs. GILLIBRAND).

The amendment was agreed to.

AMENDMENT NO. 14 OFFERED BY MS. VELÁZQUEZ

The Acting CHAIRMAN. It is now in order to consider amendment No. 14 printed in House Report 110–603.

Ms. VELÁZQUEZ. Madam Chairman, as the designee of Mr. WALZ of Minnesota, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Ms. VELÁZQUEZ:

At the end of title V of the bill, add the following (and conform the table of contents accordingly):

SEC. 506. INITIATIVE TO PUBLICIZE THE SBIR PROGRAM TO VETERANS.

The Administrator of the Small Business Administration, in consultation with the Secretary of Veterans Affairs, shall develop an initiative to publicize the SBIR program to veterans returning from service and encourage those veterans with applicable technical skills to apply for SBIR grants.

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentlewoman from New York (Ms. VELÁZQUEZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. VELÁZQUEZ. Madam Chairman, the amendment directs the administrator of the Small Business Administration to consult with the Secretary of Veterans Affairs to develop an initiative that publicizes the SBIR programs to veterans returning from service. The amendment will direct the SBA and the VA to work together to encourage veterans to apply for SBIR grants.

Many of the veterans returning from service are highly skilled and highly trained in technical fields. The amendment will draw on this pool of talent and increase the number of veterans applying for SBIR awards. Our efforts such as this will strengthen the SBIR program, especially the Department of Defense's SBIR program.

I urge adoption of this amendment.

I reserve the balance of my time.

Mr. CHABOT. Madam Chairman, I rise to claim the time in opposition, even though we're not opposed to the amendment.

The Acting CHAIRWOMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. CHABOT. We would commend the gentleman for offering the amendment.

I yield back the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, I yield to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH of Vermont. Madam Chairman, I would like to engage the distinguished Chair of the Small Business Committee in a colloquy.

First of all, I would like to thank you. Your committee has done extraordinary work throughout the year, probably produced more good legislation than any other.

I want to thank you for working with me on this issue that is raised on this bill regarding the ability of small businesses to continue to use the SBIR program. Specifically, I want to thank you for agreeing to work with me to monitor agency actions to ensure that smaller firms are not represented in the agency's distribution of SBIR awards.

Also, I want to say that I am pleased that you agree to work with me and in Congress and that this matter needs vigorous study, and we will work to ensure that a National Institute for Standards and Technology study, which I would like to place in the RECORD, is included in the conference.

□ 1845

Ms. VELÁZQUEZ. Reclaiming my time, you have my commitment to monitor Federal agencies' efforts to award grants to small firms. And as this legislation moves forward, we will work with you to identify ways that agencies are properly studying and making available opportunities for small businesses.

Mr. WELCH of Vermont. Thank you.

Ms. VELÁZQUEZ. Madam Chairman, I urge adoption of the Walz amendment I am offering on his behalf.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. FOSTER

The Acting CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 110–603.

Mr. FOSTER. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. FOSTER:

At the end of the bill, add the following (and amend the table of contents accordingly):

SEC. ___. PROHIBITION OF AWARDS TO ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.

Section 9 of the Small Business Act is amended by adding at the end the following:

''(ee) PROHIBITION OF AWARDS TO ALIENS UNLAWFULLY PRESENT IN THE UNITED STATES.—A concern is not eligible to receive an award under this section if an individual who is an alien unlawfully present in the United States—

''(1) has an ownership interest in that concern; or

''(2) has an ownership interest in another concern that itself has an ownership interest in that concern.''.

SEC. ___. PROHIBITION ON AWARDS TO FIRMS IN VIOLATION OF IMMIGRATION LAWS.

Any applicant found, based on a determination by the Secretary of Homeland Security or the Attorney General to have engaged in a pattern or practice of hiring, recruiting or referring for a fee, for employment in the United States an alien knowing

the person is an unauthorized alien shall not be eligible for the receipt of future awards under section 9 of the Small Business Act.

The Acting CHAIRMAN. Pursuant to House Resolution 1125, the gentleman from Illinois (Mr. FOSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. FOSTER. Madam Chairman, I am offering this amendment along with my colleagues, Representatives ELLSWORTH and ALTMIRE, to H.R. 5819, the Small Business Innovation Research and Small Business Technology Transfer Reauthorization Act.

As a physicist with a long career at a Federal laboratory that supported and benefited from the SBIR program, I am committed to reauthorizing these innovative and worthwhile programs. The SBIR program is designed to increase the participation of small high technology firms in the Federal R&D endeavor.

The program was established upon the belief that while high technology-based companies under 500 employees tended to be highly innovative, and innovation is essential to our economic well-being and the high standard of living that we enjoy, that small businesses are, unfortunately, underrepresented in government R&D activities.

Our amendment is simple. Similar to other amendments that have been offered on various pieces of legislation, it is codifying current regulations and makes absolutely clear that illegal immigrants are not eligible for these programs. Legal permanent residents would be eligible; however, illegal immigrants would not. Moreover, a firm found to be in violation of this provision would be barred from receiving future awards.

If this language looks familiar, it should. As I just alluded to, similar language was adopted last year during consideration of H.R. 3867, the Small Business Contracting Program Improvements Act.

I urge my colleagues to support this amendment. The American taxpayer must have confidence that their hard-earned dollars are being spent properly, and this amendment, by making crystal clear that illegal immigrants are not eligible for these programs, helps accomplish this.

Upon passage of comprehensive immigration reform, the path to eligibility for these programs will be the path to citizenship under the rule of law.

Again, I urge my colleagues to support this amendment.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Madam Chairman, while not opposed to the amendment, I ask unanimous consent to claim the time in opposition.

The Acting CHAIRMAN. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Ms. VELÁZQUEZ. Madam Chairman, I thank the gentlemen for their amendment and their efforts to improve the bill. It is only appropriate that the recipients of Federal grants like the SBIR and STTR programs should be majority owned and controlled by individuals who are citizens of or permanent resident aliens in the United States. The amendment would clarify this requirement.

I support this amendment, but it is important to recognize that we cannot solve our country's immigration challenges on a piecemeal basis. This is an important amendment and reminds us that comprehensive immigration reform is good for America's national and economic security.

I now yield to the gentleman from Ohio for any comments that he may have.

Mr. CHABOT. I thank the chairwoman for yielding.

We have no objections.

Ms. VELÁZQUEZ. Madam Chairman, I reserve the balance of my time.

Mr. FOSTER. Madam Chairman, I yield to the gentleman from Pennsylvania, Representative ALTMIRE.

Mr. ALTMIRE. Madam Chairman, I would like to thank Congressman ELLSWORTH and Congressman FOSTER for their leadership in joining me today in offering this amendment.

Our amendment clearly states that any small business that is either owned by or employs illegal immigrants will not qualify for SBIR funding. By adding this language, we clarify that Congress will not reward those small businesses who fail to play by the rules.

As we know, SBIR awards are critical to assisting our Nation's small businesses compete, and Congress must ensure that those monetary awards paid for by the American taxpayer are not provided to those small businesses that purposefully contribute to our Nation's ongoing illegal immigration problem.

This amendment is absolutely necessary because of those bad actors who choose to ignore the law and hire individuals who are not in this country legally.

I urge adoption of our amendment to guarantee protections for American small businesses.

Ms. VELÁZQUEZ. Madam Chairman, I am prepared to accept the amendment.

I yield back the balance of my time.

Mr. FOSTER. Madam Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. FOSTER).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. FOSTER. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair understands that amendments 16 and 17 will not be offered.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 110–603 on which further proceedings were postponed, in the following order:

Amendment No. 4 by Mr. MATHESON of Utah.

Amendment No. 11 by Mrs. CAPITO of West Virginia.

Amendment No. 15 by Mr. FOSTER of Illinois.

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

AMENDMENT NO. 4 OFFERED BY MR. MATHESON

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Utah (Mr. MATHESON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 355, noes 48, not voting 33, as follows:

[Roll No. 213]

AYES—355

Abercrombie	Carnahan	Eshoo
Ackerman	Carney	Etheridge
Allen	Carson	Faleomavaega
Altmire	Castle	Fallin
Arcuri	Castor	Farr
Baca	Chabot	Fattah
Bachus	Chandler	Ferguson
Baird	Christensen	Filner
Baldwin	Clarke	Forbes
Barrow	Clay	Fortenberry
Bartlett (MD)	Cleaver	Fossella
Bean	Coble	Foster
Becerra	Cohen	Frank (MA)
Berkley	Cole (OK)	Frelinghuysen
Berman	Conyers	Gallegly
Berry	Costa	Gerlach
Biggert	Costello	Giffords
Bilbray	Courtney	Gilchrest
Bilirakis	Crenshaw	Gillibrand
Bishop (GA)	Crowley	Gohmert
Bishop (NY)	Cuellar	Gonzalez
Bishop (UT)	Culberson	Goode
Blackburn	Cummings	Gordon
Boehner	Davis (AL)	Granger
Bonner	Davis (CA)	Graves
Bono Mack	Davis (IL)	Green, Al
Boozman	Davis, Lincoln	Green, Gene
Bordallo	Deal (GA)	Grijalva
Boren	DeGette	Gutierrez
Boswell	Delahunt	Hall (NY)
Boucher	DeLauro	Hall (TX)
Boustany	Dent	Hare
Boyd (FL)	Diaz-Balart, L.	Harman
Boyda (KS)	Diaz-Balart, M.	Hastings (FL)
Brady (PA)	Dingell	Hastings (WA)
Brown (SC)	Donnelly	Hayes
Brown, Corrine	Doyle	Heller
Buchanan	Drake	Hensarling
Butterfield	Dreier	Herger
Calvert	Edwards	Herseth Sandlin
Camp (MI)	Ehlers	Hill
Cannon	Ellison	Hinchey
Cantor	Ellsworth	Hinojosa
Capito	Emanuel	Hirono
Capps	Emerson	Hobson
Capuano	Engel	Hodes
Cardoza	English (PA)	Hoekstra

Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Perlmutter
Peterson (MN)
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—48

Aderholt
Akin
Bachmann
Barrett (SC)
Barton (TX)
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Carter
Conaway
Cubin
Davis (KY)
Davis, David
Doolittle
Duncan
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Jordan
King (IA)
Kingston
Lamborn
Linder
Lungren, Daniel E.
Marchant
Miller (FL)
Miller, Gary
Musgrave
Neugebauer
Nunes
Pence
Petri
Poe
Rogers (MI)
Rohrabacher
Ryan (WI)
Sali
Sensenbrenner
Shimkus
Stearns
Sullivan
Tancredo
Thornberry
Wilson (NM)
Wilson (SC)

NOT VOTING—33

Alexander
Andrews
Blumenauer
Blunt
Braley (IA)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Clyburn
Cooper
Cramer
Davis, Tom
DeFazio
Dicks
Doggett
Everett
Feeney
Fortuño
Goodlatte
Higgins
Hulshof
Hunter
LaHood
Moran (VA)
Nadler
Peterson (PA)
Ruppersberger
Rush
Saxton
Walsh (NY)
Weller
Westmoreland
Whitfield (KY)

□ 1917

Mrs. WILSON of New Mexico, Mrs. BACHMANN, Messrs. PETRI, DAVID DAVIS of Tennessee, BARTON of Texas, ROHRABACHER, and KINGSTON changed their vote from ''aye'' to ''no.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GOODLATTE. Madam Chairman, on rollcall No. 213, I was unavoidably detained. Had I been present, I would have voted ''aye.''

Mr. RUPPERSBERGER. Madam Chairman, on rollcall No. 213, I was at Bethesda Naval Hospital getting a CT scan. Had I been present, I would have voted ''aye.''

AMENDMENT NO. 11 OFFERED BY MRS. CAPITO

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from West Virginia (Mrs. CAPITO) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 405, noes 0, not voting 31, as follows:

[Roll No. 214]

AYES—405

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
Lamborn
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)

Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—31

Alexander
Andrews
Blumenauer
Blunt
Braley (IA)
Brown-Waite, Ginny
Buyer
Campbell (CA)
Clyburn
Cooper
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Fortuño
Grijalva
Higgins
Hulshof
LaHood
Moran (VA)
Nadler
Peterson (PA)
Pickering
Regula
Ruppersberger
Rush
Saxton
Weller
Wu

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Two minutes remain in the vote.

□ 1926

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. RUPPERSBERGER. Madam Chairman, on rollcall No. 214, I was at Bethesda Naval Hospital getting a CT scan. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. BRALEY of Iowa. Madam Chairman, on rollcall Nos. 213 and 214, had I been present, I would have voted "aye."

AMENDMENT NO. 15 OFFERED BY MR. FOSTER

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. FOSTER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 0, answered "present" 3, not voting 27, as follows:

[Roll No. 215]

AYES—406

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Costa
Costello
Courtney
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—3

Becerra
Kucinich
Stark

NOT VOTING—27

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Buyer
Campbell (CA)
Clyburn
Cooper
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Fortuño
Higgins
Hulshof
LaHood
Lamborn
Moran (VA)
Nadler
Peterson (PA)
Rush
Saxton
Slaughter
Weller
Wu

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Two minutes remain in the vote.

□ 1933

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIERNEY) having assumed the chair, Ms. BERKLEY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5819) to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, and for other purposes, pursuant to House Resolution 1125, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HELLER OF NEVADA

Mr. HELLER of Nevada. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HELLER of Nevada. In its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Heller of Nevada moves to recommit the bill to the Committee on Small Business with instructions to report the bill back to the House promptly in the form to which it may be perfected at the time of this motion with the following amendment:

Page 14, line 3, strike ''and alternative fuels'' and insert ''alternative fuels, and projects that have the potential to lower gasoline and diesel prices''.

Ms. VELÁZQUEZ. Mr. Speaker, I reserve a point of order against the motion.

The SPEAKER pro tempore. The gentlewoman reserves a point of order against the motion.

The gentleman from Nevada is recognized for 5 minutes.

Mr. HELLER of Nevada. Mr. Speaker, I rise today to address the concerns American workers and small businesses have with fuel prices. The majority party in Congress has offered the American people no real solutions to lower fuel costs. Speaker PELOSI said, ''Democrats have a comprehensive plan to help bring down skyrocketing gas prices,'' and the American people want to know, where is that plan?

Gas prices have risen 50 percent since Democrats took control. Was it the comprehensive energy bill passed last December?

Mr. PRICE of Georgia. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman may proceed.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman from Nevada yield for that purpose?

Mr. HELLER of Nevada. I would yield.

The SPEAKER pro tempore. The gentleman may state his parliamentary inquiry.

Mr. PRICE of Georgia. Is it the role of the Speaker to make certain that the House is in order prior to Members speaking so that the gentleman can be heard? Isn't that appropriate?

The SPEAKER pro tempore. It is the role of the Chair to determine whether or not there is order in the House and to allow the gentleman to proceed with his comments.

Mr. PRICE of Georgia. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. HELLER of Nevada. Gas prices have risen 50 percent——

Mr. PRICE of Georgia. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman's colleagues will help bring the House to order. Please take your comments off the floor of the House so the gentleman from Nevada may be heard.

The gentleman may proceed.

Mr. HELLER of Nevada. Gas prices have risen 50 percent——

Mr. PRICE of Georgia. Mr. Speaker, the House is not in order.

The SPEAKER pro tempore. The gentleman will suspend.

The gentleman may proceed.

Mr. HELLER of Nevada. Thank you, Mr. Speaker.

Gas prices have risen 50 percent since Democrats took control. Was it the comprehensive energy bill passed last December? Gas prices have risen 7.6 percent and diesel has risen 16 percent since December's highly touted energy bill passed.

Earlier today, I heard on this floor one member of the majority blame others for the increases of the last 16 months. We would hate to take responsibility around here, wouldn't we? To make matters worse, Democrats are actually rallying behind a plan to increase the gas tax by 50 cents per gallon.

Mr. Speaker, in my home State of Nevada, gasoline is already on average $3.60 a gallon. This is well over $1 per gallon over what it was when the current majority party took control of Congress.

In the course of holding a number of town hall meetings over the last 16 months, I have spoken to small business owners and more than 100,000 households across my district. During these town hall meetings, I have asked the question, do you support the proposed 50 cent per gallon gasoline tax? Roughly 82 percent of Nevadans asked about this proposal oppose this tax increase. If passed, this gas tax would be devastating for each of the 204,000 small businesses in my home State.

High gasoline and diesel prices are affecting everything and have contributed in part to the rising costs of food and commodities. Increased food prices this year have resulted in a financial burden for many, including small businesses, seniors on Social Security or fixed incomes, and other low-income families. Prices for beef, bakery products and eggs are up sharply.

Several factors have affected food prices, Mr. Speaker, but the most damaging are the gasoline and diesel prices for the operation of equipment and transportation of food to the market.

Our solution to this problem is economics, supply and demand. We need to increase supply, and to that end exploration and production must be increased, including domestically. Refineries need to be built and energy sources expanded, including alternative fuel technology.

Mr. Speaker, in this light I offer my motion to recommit, which will help research ways to lower the price of fuel for Americans and small businesses. This motion simply states that the energy-related research topics in this bill should also include projects that have potential to lower gas and diesel costs.

It is critical that Congress act on this issue of high fuel prices now, not only to help American workers have a better way of life, but to help our struggling small businesses.

Mr. Speaker, on that note, I yield back.

The SPEAKER pro tempore. Does the gentlewoman from New York continue to reserve her point of order?

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the motion be amended to report back to the House forthwith.

The SPEAKER pro tempore. Does the gentleman from Nevada yield for that request?

Mr. HELLER of Nevada. Yes, I do.

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

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, I appreciate the offer of the gentleman, although I would suggest that if the unanimous consent request would also include the bill that has been included by Mr. FOSSELLA in the Senate-passed FISA bill that we have, the Foreign Intelligence Surveillance Act that we have under a discharge petition, then I believe our side would be pleased to accept the unanimous consent.

Mr. HOYER. Will the gentleman yield?

Mr. PRICE of Georgia. I would be happy to.

Mr. HOYER. I am only going to play the game just so far.

Mr. PRICE of Georgia. We would be happy to accept the unanimous consent request if the Foreign Intelligence Surveillance Act will be allowed to come to the floor.

The SPEAKER pro tempore. Does the gentleman object?

Mr. PRICE of Georgia. I object.

The SPEAKER pro tempore. Objection is heard.

Ms. VELÁZQUEZ. Mr. Speaker, I withdraw my reservation on the point of order, and I rise in opposition to the motion.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. VELÁZQUEZ. Mr. Speaker, the motion we are considering today will do nothing to lower gas prices. But what this bill does is it will provide for small businesses to afford the resources that would allow for them to bring prices down by promoting new technologies.

My question to the author of the motion to recommit is, where is your outrage when the President refuses to implement H.R. 6, which would allow for small businesses to lower gas prices?

When the Republicans had a chance to vote on price gouging, you voted ''no.'' When you had a chance to have America invest in alternative energy, you voted ''no.'' When you had a chance to invest in conservation, you voted ''no.'' This is the height of hypocrisy. This motion does nothing to lower gas prices in the country.

□ 1945

In the country, it will kill the bill that we allow for small businesses in this country to have the tools and resources to deal with the issue of energy conservation and gas prices in this Nation.

Vote ''no'' on this motion to recommit.

I yield to the majority leader.

Mr. HOYER. Ladies and gentlemen of the House, the American public know this game. The gentlelady, the chairman of the Small Business Committee, has just made it clear. Gas prices were $1.46 when President Bush took over the White House, when the Republicans took over the House, when the Senate was taken over by the Republicans. Gas prices are now $3.51. Two oil men reside in the White House and in the vice presidency.

Nothing, of course, is your fault, because we have been here, after all, for 14 months. We, of course, have had most of that which we have wanted to pass on economics vetoed by the President. But what we wanted to pass on energy, we agreed with the President and worked on an energy package to get us to independence.

Now I want to talk to my side. We know this is a game. We know this is pure politics. We know there wants to be a 30-second ad to say somehow we voted against bringing gas prices down. That is patently absurd, and the American people are too smart for that. The American people are too smart.

I urge my colleagues on my side; I don't know that I will get any votes on this side, but this is a game, and it is a game that has gone on for too long. I asked for unanimous consent, but Mr. PRICE knows this is a game so he wouldn't give me unanimous consent to include this in the bill and pass it this very night. That is not what you want to do. You want a political ad.

So I am asking everybody on my side—the House wanted to be in order, I heard from over there. I am asking everybody on my side not to play this game, because it will never end. Don't play this game. Don't fool the American public. This is about sending this bill back to committee. It will take weeks to bring it back. The small business community deserves this bill. Support this bill. Reject this cynical political maneuver on this floor tonight.

Ms. VELÁZQUEZ. Mr. Speaker, I yield the remainder of my time to the gentleman from Oregon (Mr. WU).

Mr. WU. Instead of grandstanding on gas issues, instead of taking ''yes'' for an answer, the minority would want to kill a bill that has funded NEI Corporation of Somerset, New Jersey that enables the development of batteries for hybrid vehicles; a program that funded Eltron Research for coal gasification that establishes energy independence; that funded Mohawk Innovative Technology of Albany, New York to enable the hydrogen economy.

You want energy independence? Vote for this bill. Stop the political grandstanding.

Ms. VELÁZQUEZ. Mr. Speaker, I urge a ''no'' vote on the motion to recommit.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to please direct their remarks to the Chair.

PARLIAMENTARY INQUIRY

Mr. WESTMORELAND. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Georgia will state his parliamentary inquiry.

Mr. WESTMORELAND. Mr. Speaker, is it not true that if indeed this motion to recommit passed, that this bill could be referred back to the two committees from which it came and that it could be back on this floor as soon as tomorrow?

The SPEAKER pro tempore. As the Chair reaffirmed on November 15, 2007, at some subsequent time, the committee could meet and report the bill back to the House.

Mr. WESTMORELAND. I thank the Chair.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

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

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

RECORDED VOTE

Mr. HELLER of Nevada. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered; ordering the previous question on House Resolution 1126; and adoption of House Resolution 1126, if ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 215, not voting 21, as follows:

[Roll No. 216]

AYES—195

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

NOES—215

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

Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOT VOTING—21

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Higgins
Hulshof
King (IA)
LaHood
Moran (VA)
Nadler
Peterson (PA)
Rush
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes left to record their vote.

□ 2008

Messrs. BONNER, McINTYRE and MITCHELL changed their vote from ''no'' to ''aye.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Ms. VELÁZQUEZ. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 368, noes 43, not voting 20, as follows:

[Roll No. 217]

AYES—368

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, David
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foster
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Lamborn
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
Mack
Mahoney (FL)
Maloney (NY)
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOES—43

Barton (TX)
Boehner
Broun (GA)
Burgess
Carter
Cubin
Culberson
Davis (KY)
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Hensarling
Herger
Herseth Sandlin
Hodes
Jordan
Kucinich
Kuhl (NY)
Linder
Manzullo
Marchant
Markey
Miller (FL)
Miller, Gary
Myrick
Neugebauer
Nunes
Paul
Poe
Radanovich
Rohrabacher
Royce
Sali
Sensenbrenner
Sessions
Shadegg
Stearns
Tancredo
Thornberry
Tsongas
Westmoreland

NOT VOTING—20

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Everett
Feeney
Higgins
Hulshof
LaHood
Moran (VA)
Nadler
Peterson (PA)
Rush
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members have 2 minutes remaining to vote.

□ 2015

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 2830, COAST GUARD AUTHORIZATION ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 1126, on which a recorded vote was ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 187, not voting 24, as follows:

[Roll No. 218]

AYES—220

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

Murphy, Tim
Murtha
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Speier
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—187

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

NOT VOTING—24

Alexander
Andrews
Blunt
Brown-Waite, Ginny
Campbell (CA)
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Edwards
Everett
Feeney
Ferguson
Higgins
Hulshof
LaHood
Moran (VA)
Nadler
Peterson (PA)
Rangel
Rush
Schwartz
Weller

□ 2023

Mr. KING of New York changed his vote from ''aye'' to ''no.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Ms. SCHWARTZ. Mr. Speaker, on rollcall No. 218, had I been present, I would have voted "aye."

Stated against:

Mr. TIM MURPHY of Pennsylvania. Mr. Speaker, on rollcall No. 218, I inadvertently voted "yes" and had intended to vote "no."

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

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

RECORDED VOTE

Mr. HASTINGS of Florida. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 223, noes 183, not voting 25, as follows:

[Roll No. 219]

AYES—223

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

NOES—183

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

NOT VOTING—25

Alexander
Andrews
Blunt
Boren
Brown-Waite, Ginny
Campbell (CA)
Cardoza
Clyburn
Cramer
Davis, Tom
Dicks
Doggett
Edwards
Everett
Feeney
Ferguson
Higgins
Hulshof
LaHood
Marshall
Moran (VA)
Nadler
Peterson (PA)
Rush
Weller

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Two minutes remain to vote.

□ 2030

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5819, SBIR/STTR REAUTHORIZATION ACT

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 5819, to include corrections in spelling, punctuation, section numbering and cross-referencing, the insertion of appropriate headings, and to conform the table of contents.

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

There was no objection.

100TH ANNIVERSARY OF THE ARMY RESERVE

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

Mr. WILSON of South Carolina. Mr. Speaker, today marks the 100th anniversary of the establishment of the United States Army Reserve. On this date, we should take a moment to honor their proud tradition of service and sacrifice.

The Reserve was first established by President Theodore Roosevelt on April 23, 1908, when he signed into law the Medical Reserve Corps. Four years later, the Regular Army Reserve was established, and they have gone on to duty and served in every major conflict operation of the last century. America's Army Reserve has served in both world wars, the Cold War, Korea, Vietnam, the Persian Gulf, and in Iraq and Afghanistan as the central fronts of the global war on terrorism.

As a veteran of the Army Reserve, the 460th Replacement Detachment of Florence, South Carolina, and the 815th Personnel Service Company of Orangeburg, South Carolina, I wish to express my immense gratitude for the hard work and dedication of our Reserve soldiers. Our Nation is safer because of their sacrifice. The best way to protect American families is to defeat terrorism overseas.

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

NATIONAL DAY OF SILENCE

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

Mrs. CAPPS. Mr. Speaker, I rise today in recognition of the National Day of Silence. On April 25, hundreds of thousands of students around our country will observe a day of silence in memory of Lawrence King. Lawrence was a 15-year-old attending E.O. Greene Junior High in Oxnard, California, my district. He liked to draw, study bugs, crochet, and sing.

He was also repeatedly harassed in school because of his sexual orientation and gender expression. He endured anti-gay taunts, slurs, and other forms of bullying. This harassment culminated in his death when on February 1, 2008, he was shot in the head by his 14-year-old classmate.

Larry's death is incredibly tragic. It is also a sad reminder that pleas for help from our young lesbian, gay, bisexual, and transgender population are often met with silence.

I commend the courage of every student participating in the Day of Silence. I know that their efforts will bring much-needed attention to the plight that students like Larry face every single day.

CONGRATULATING THE ARMY RESERVE ON ITS CENTENNIAL

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

Mr. GINGREY. Mr. Speaker, Public Law 101 was signed into law by President Theodore Roosevelt 100 years ago today on April 23, 1908. Accordingly, I rise to congratulate the Army Reserve on its centennial.

First conceived by President Roosevelt and senior military leaders as a means to increase the efficiency of the Army's Medical Corps by establishing a reserve force of specially trained personnel, the mission of the Army Reserve has since been expanded to include additional military occupational specialties. Indeed, it is testament to the stature of the Reserve that it now provides nearly 40 percent of the mission-essential combat support and combat service support forces of the Army.

Moreover, Mr. Speaker, since September 11, 2001, 98 percent of Army Reserve units have either deployed or provided mobilized soldiers, and more than 180,000 individual soldiers have been mobilized or deployed in support of this global war on terrorism.

As we honor the Army Reserve on its centennial, I would like to pay tribute to all of our citizen soldiers, past and present, whose personal courage, contributions, and sacrifices have helped preserve the freedom and advance the national security and homeland defense of the United States.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. DONNELLY). 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.

RELEASE THE BORDER PATROL AGENTS

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, it has been 16 months since two of America's border protectors have been locked up in Federal prison in solitary confinement. Ramos and Compean tonight are in two different places in the United States but both are in a Federal penitentiary for enforcing the law that we have entrusted them to enforce on the Texas-Mexico border.

Now, we understand that in this case, the case that was based upon the testimony of a drug smuggler that brought drugs worth $750,000 into the United States, the entire Federal Government's case was based upon his testimony. His testimony, when the Federal Government gave him a back-room deal, promised not to prosecute him, let him go back and forth across the Texas-Mexico border, all for his testimony to testify against two border agents, claiming in his testimony that he was unarmed when he was shot fleeing the two border agents a couple of years ago when he brought drugs into the United States.

Now, we know that while he was waiting to testify, this star witness, this back-room deal witness, he brought another load of drugs into the United States, and the U.S. Attorney's Office kept that from the jury that was hearing the case against Ramos and Compean. The U.S. Attorney's Office denied for months that that ever occurred, and finally, the truth came out when Members of Congress found out about it.

And last week, the drug smuggler, the back-room deal witness, the witness whose testimony was bought at a price of freedom, was convicted in Federal prison for bringing in that load of drugs the U.S. Attorney's Office denied ever occurred.

Mr. Speaker, Ramos and Compean were convicted on tainted testimony, testimony that, as the U.S. Attorney's Office admitted before Congress, had some lies in it said by this star, back-room witness. And it's time that these two individuals be pardoned, that their case be reversed, that the next year we find out the truth that the U.S. Attorney's Office hid that second deal. All the while, let's leave the drug dealer in the Federal penitentiary where drug dealers belong.

And that's just the way it is.

CELEBRATING THE 60TH ANNIVERSARY OF THE STATE OF ISRAEL

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

Ms. BERKLEY. Earlier today, this House passed the concurrent resolution recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

I was not yet born in 1948 when the State of Israel declared its independence, but I grew up and was born into a family where the fact that Israel had been created meant everything to us, and I want to share with you why that is.

I am the granddaughter of immigrants to this country that couldn't speak English. My mother's side of the family comes from Salonica, Greece. Prior to World War II, there was a vibrant Jewish community in Salonica. Over half the population, 80,000 people, were Jewish. By the time the Nazis finished with the Jews of Salonica, there were only 1,000 out of the 80,000 Jews left.

On my father's side of the family, we who come from the Russian-Poland border, the entire culture, a vibrant culture that had existed for over 1,000 years, was exterminated along with most of the Jewish population of Poland.

I grew up hearing stories from my grandmothers about what it was like in the countries that they came from and how happy they were to be Americans, to be Jewish Americans. My family had a profound sense of patriotism and pride in being Americans, but they also, and we also, are Jewish.

And the fact that there is a country uniquely belonging to the Jewish people said something to us about the ability of surviving so that anything like what happened in World War II never happened again.

A couple of years ago, I had the privilege of attending the 60th anniversary of the liberation of Auschwitz. I had never wanted to go to Auschwitz before because of all of the horrors that took place there during World War II: People systematically slaughtered for the very mere fact they were Jewish; starved, killed, exterminated, gassed.

But I did go to this commemoration. And I was told by the late Tom Lantos, my dear friend, a story while we were sitting there. Two weeks before this commemoration of the liberation of Auschwitz, the Israel Defense Force had their own commemoration. And the head of the Israel Defense Force got up at Auschwitz, and he said the following words. He said to the members of the Israel Defense Force who were there participating in this ceremony, We are 60 years too late, but we are here now; and with that, four Israeli jets buzzed over Auschwitz.

That symbolism was not lost on anybody sitting there. If Israel had existed 60 years ago, perhaps hundreds of thousands of Jews could have been saved and kept from the gas chambers.

If I wasn't Jewish and Israel didn't mean so much to me in a highly personal way, as an American, I would celebrate the birth of Israel and its existence. The modern State of Israel has rebuilt a nation, forged a new and dynamic democratic society, created a thriving economic, political, cultural, and intellectual life despite the pain of war and almost constant terrorist attacks, attacked in 1948, 1956, 1967 and 1973, and all the time moving forward and expanding their economy, expanding their way of life, living in a thriving and vibrant democracy.

□ 2045

Our strongest ally, America's strongest ally on the planet is that little State of Israel; votes with us all the time in the United Nations, supports us, and we, in turn, support it because it is mutually beneficial to both the United States and to the State of Israel.

It would be my fervent dream that before the next anniversary of Israel, that there would be a Jewish State of Israel living side by side in peace with a Palestinian state that was also democratic, with a free press, free speech, and a vibrant economy and a way of life where people could reach across those divides and live a better life together.

And with that, I yield back the balance of my time with great pride in the 60th anniversary of the creation of the State of Israel.

The SPEAKER pro tempore (Mr. DONNELLY). 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.)

MARTIN GUITAR COMPANY CELEBRATES ITS 175TH ANNIVERSARY

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

Mr. DENT. Mr. Speaker, while the music of Tom Petty, Sheryl Crow and Jimmy Buffett represent dramatically different styles, these three famous musicians and countless others throughout the world share one unique characteristic, they all play a Martin guitar.

Founded in 1833, Martin Guitar Company is celebrating its 175th anniversary in 2008. Headquartered in beautiful Nazareth, Pennsylvania, I'm very proud to have this remarkable business located in my district.

The fascinating origins of Martin Guitar date back to the late 18th century, when the company's founder and namesake, Christian Frederick Martin, Sr., was born in Germany. The son of a prominent local cabinet maker, Martin traveled to Vienna, Austria at the age of 15 to apprentice with Johann Stauffer, a renowned guitar maker.

After honing his craft in Austria, Martin returned to his native Germany to open his first shop, but became entangled in a bitter dispute between the local Cabinet Makers Guild and Violin Makers Guild. This clash ultimately drove Martin to emigrate to the United States in 1833, where he opened a shop in New York City's lower West Side.

Six years after arriving in New York City, Martin moved his family and business to Nazareth, Pennsylvania, where the shop flourished and evolved from a one-man operation into a company that employed over a dozen skilled craftsmen. In 1859, a plant was constructed on Maine and North Streets in the heart of Nazareth. Having undergone numerous expansions and modifications over time, this facility is still used by the company for shipping and storage. It also houses a retail supply store for instrument crafting and repair.

In its 175-year existence, Martin Guitar Company has used innovation and foresight to survive many tumultuous periods of American history. The company actually flourished during the Civil War due, in part, to the simple fact that many guitars were destroyed during fighting and needed to be replaced.

Later, in the 1890s, business boomed when Martin began producing mandolins that were widely popular among the growing number of Italian immigrants arriving in the United States from Europe. The company struck gold in the 1920s when the American public suddenly became captivated by the tiny ukulele. Spurred by the overwhelming sales of ukuleles, which at the time were being produced at nearly double the rate of traditional guitars, Martin was forced to expand the capacity of its Nazareth plant and substantially increase its workforce.

The advent of the Great Depression in 1929 imposed incredible hardships on American households. While every industry in the Nation was impacted by the economic downturn, Martin found it exceptionally difficult to sell guitars and musical supplies to a public desperately trying to make ends meet.

During the Depression, the company reluctantly abandoned aspirations for increasing sales and focused exclusively on economic survival. To avoid scaling back the already reeling workforce, Martin diversified its production and began manufacturing violin components and even wooden jewelry. Desperate for a concept to reinvigorate sales, the company explored numerous product modifications which ultimately led to two important developments, the creation of the now famous ''Dreadnought'' guitar, and the invention of the 14-Fret Guitar Neck, which today is an industry standard.

From 1948 to 1970, the company experienced unprecedented growth due to post-war prosperity and the rise in popularity of American folk music. In 1955, a new, larger plant was built in Nazareth to help meet increasing demand,

but by the early 1960s Martin guitars were back-ordered as much as 3 years.

In 1990, the company formalized its long-standing ecological policy which embraced the responsible use of natural materials and promoted the use of sustainable yield, alternative wood varieties.

Adopting such a progressive policy nearly 20 years ago has helped broaden the use of sustainable materials within the guitar industry over the last two decades and illustrates Martin's admirable dedication to responsible production. Martin's amazing longevity in a constantly changing industry is a true testament to the strength of the company's management and its commitment to crafting guitars of the highest quality.

Mr. Speaker, the Martin Guitar Company has been a source of tremendous pride in the Lehigh Valley of Pennsylvania for generations. Today, I rise to congratulate the Martin family and their many employees on 175 years of achievement. I wish them many, many more years of incredible success. We are extraordinarily proud of them.

IRAQ

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, those who support our occupation of Iraq often justify it by saying that there will be a terrible humanitarian crisis if our troops leave. They must have missed the memo about the humanitarian crisis that already exists in Iraq. And they must be blind to the humanitarian crisis that goes on every day right here in America because of the occupation.

Last week, the Rand Corporation issued a shocking report which measured the crisis at home. The report found that 300,000 troops who have returned from Iraq and Afghanistan suffer from post-traumatic stress disorder or major depression; that's about 20 percent of all the troops who have been deployed. The numbers are truly staggering, but when you add all the family members who are affected, you realize that we will never be able to calculate the full human toll of the Iraq invasion.

Mr. Speaker, the study was the first complete analysis of PTSD and depression problems. It should have been conducted by our government, our government, which, by the way, has the greatest responsibility for the care of our veterans, but it wasn't. It was conducted by the Rand Corporation, a private, nonprofit organization. The co-director of the report said one of the reasons that RAND did the study was because the Pentagon didn't, and they wanted to have the numbers. It is outrageous that our own Department of Defense didn't know how many of our veterans were suffering from PTSD and from major depression. How did our government expect to address this health crises if it didn't know the full extent of it?

This is another example, Mr. Speaker, of the administration failing our troops. But it's hardly the only example. Over 125,000 veterans of the fighting in Iraq and Afghanistan are on disability for hearing loss and other hearing problems. One of the chief reasons is the Pentagon's failure to fully anticipate the problem of road-side bombs. The blasts from these bombs cause violent changes in air pressure that can rupture the eardrum and break bones inside the ear.

And most tragically, we are learning that the government may be trying to cover up the problem of suicide among veterans. In a trial that opened yesterday, two organizations are suing the Department of Veterans Affairs for failing to provide adequate care to prevent suicides among veterans. An e-mail written by the head of the Mental Health Services for the VA was shown at that very trial. The e-mail referred to approximately 1,000 veterans under the VA's care who attempt suicide every month. And the memo said, ''Shhhh! Is this something we should carefully address ourselves in some order of press release before someone stumbles on it?'' This is incredible. The Veterans Administration is trying to figure out whether to hide the truth from the American people about the extent of the suicide problem among our veterans. What a disgrace.

Mr. Speaker, we have a solemn duty to care for our veterans, to honor them for their sacrifice, and the best way to honor those who have been injured is to make certain that more aren't injured. That means we must responsibly redeploy our troops out of Iraq. And it means we must get on with the task of helping the people of Iraq to rebuild their lives and their country, and healing the wounds of our veterans right here at home. The administration will not do it. It is up to Congress to do it.

We owe it to our veterans, to the American people, to the Iraqi people. And Mr. Speaker, we owe it to ourselves.

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

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

THE DRUG CONVICTION QUESTION AND FEDERAL STUDENT FINANCIAL AID

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

Ms. CLARKE. Mr. Speaker, yesterday, both the Washington Post and the New York Times reported that under the Bush administration the military has increasingly granted so-called ''conduct waivers'' to allow more people with criminal records, including drug convictions, to serve in the Armed Forces. As a matter of fact, conduct waivers granted for felonies and other crimes constitute the majority of all waivers, about 60 percent for the Army, and 75 percent for the Marine Corps.

It is important to note that the vast majority of such convictions stem from juvenile offenses, but at the same time, a provision of the Higher Education Act, which Congress is currently in the process of reauthorizing, bars young people with drug convictions from receiving Federal financial aid to go to college. I find it absolutely alarming that the Bush administration seems to think that youth who are prone to youthful indiscretions and get into trouble with drug use are, on the one hand, not worthy of Federal support to obtain a college education, but on the other hand, are perfectly fit to go and to fight the war in Iraq and Afghanistan.

Because of what many have termed the ''Drug War Draft,'' countless students with minor drug convictions are turned away from the university financial aid office only to be funneled across the street to the military recruiting office. While there is absolutely nothing wrong with giving young people with past drug convictions an opportunity to redeem themselves in service to our country by joining the armed services, it is a moral outrage that current law blocks redemption through educational opportunities to these same individuals.

When asked about the conduct waivers, the Army's Operations Chief Lieutenant General James Thurman stated, ''You've got to give people an opportunity to serve.'' Well, I thoroughly agree with the general, people should be able to contribute to this society in whatever way they best can, whether by enlisting in the military or by enrolling in school and obtaining the skills needed to become productive members of our workforce, our communities, and by extension, our Nation.

SUNSET MEMORIAL

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

Mr. FRANKS of Arizona. Mr. Speaker, I stand once again before this House with yet another Sunset Memorial.

It is April 23, 2008, in the land of the free and the home of the brave, and before the sun set today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Mr. Speaker. That's more than the number of innocent lives lost on September 11 in this country, only it happens every day.

It has now been exactly 12,875 days since the tragedy called Roe v. Wade was first handed down. Since then, the very foundation of this Nation has been stained by the blood

of almost 50 million of its own children. Some of them, Mr. Speaker, died and screamed as they did so, but because it was amniotic fluid passing over the vocal cords instead of air, no one could hear them.

And all of them had at least four things in common. First, they were each just little babies who had done nothing wrong to anyone, and each one of them died a nameless and lonely death. And each one of their mothers, whether she realizes it or not, will never be quite the same. And all the gifts that these children might have brought to humanity are now lost forever. Yet even in the glare of such tragedy, this generation still clings to a blind, invincible ignorance while history repeats itself and our own silent genocide mercilessly annihilates the most helpless of all victims, those yet unborn.

Mr. Speaker, perhaps it's time for those of us in this Chamber to remind ourselves of why we are really all here. Thomas Jefferson said, ''The care of human life and its happiness and not its destruction is the chief and only object of good government.'' The phrase in the 14th Amendment capsulizes our entire Constitution, it says, ''No State shall deprive any person of life, liberty or property without due process of law.'' Mr. Speaker, protecting the lives of our innocent citizens and their constitutional rights is why we are all here.

The bedrock foundation of this Republic is the clarion declaration of the self-evident truth that all human beings are created equal and endowed by their Creator with the unalienable rights of life, liberty and the pursuit of happiness. Every conflict and battle our Nation has ever faced can be traced to our commitment to this core, self-evident truth.

It has made us the beacon of hope for the entire world. Mr. Speaker, it is who we are.

And yet today another day has passed, and we in this body have failed again to honor that foundational commitment. We have failed our sworn oath and our God-given responsibility as we broke faith with nearly 4,000 more innocent American babies who died today without the protection we should have given them. And it seems too sad to me, Mr. Speaker, that this Sunset Memorial may be the only acknowledgement or remembrance these children who died today will ever have in this Chamber.

So as a small gesture, I would ask those in the Chamber who are inclined to join me for a moment of silent memorial to these lost little Americans.

Mr. Speaker, let me conclude in the hope that perhaps someone new who heard this Sunset Memorial tonight will finally embrace the truth that abortion really does kill little babies; that it hurts mothers in ways that we can never express; and that 12,875 days spent killing nearly 50 million unborn children in America is enough; and that the America that rejected human slavery and marched into Europe to arrest the Nazi Holocaust is still courageous and compassionate enough to find a better way for mothers and their unborn babies than abortion on demand.

So tonight, Mr. Speaker, may we each remind ourselves that our own days in this sunshine of life are also numbered and that all too soon each one of us will walk from these Chambers for the very last time.

And if it should be that this Congress is allowed to convene on yet another day to come, may that be the day when we finally hear the cries of innocent unborn children. May that be the day when we find the humanity, the courage, and the will to embrace together our human and our constitutional duty to protect these, the least of our tiny, little American brothers and sisters from this murderous scourge upon our Nation called abortion on demand.

It is April 23, 2008, 12,875 days since Roe versus Wade first stained the foundation of this Nation with the blood of its own children, this in the land of the free and the home of the brave.

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

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

□ 2100

IN SUPPORT OF H. CON. RES. 322, RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

The SPEAKER pro tempore (Mr. SPACE). Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise now to honor an ally who has stood with us in the global war on terrorism. An ally who knows what it's like to fight for peace and for freedom. An ally that continues to pursue liberty even amid increased threats. That ally is Israel.

A millennia ago the Israelites providentially escaped from captivity in Egypt. That event is remembered this week as Jews around the world celebrate Passover. Yet their struggles, of course, did not end after Moses' leadership.

Less than 10 decades ago, Israel was one of the most violent spots on the planet as various governments sought to destroy the fledgling nation. Today, just 60 years after its establishment, Israel has prospered and contributed to the economic, scientific, medical, and agricultural success of nations both in the Middle East and around the world.

I am a proud cosponsor of House Concurrent Resolution 322, which recognizes the 60th anniversary of the founding of the modern State of Israel, and it reaffirms the bonds of close friendship and cooperation between the United States and Israel.

Tonight I also want to recognize Israel's achievement in one particular area as well, and that is agriculture. And maybe it's fitting, with Earth Day here, this topic is especially relevant.

Israel is 60 percent desert, and yet scientists have found innovative farming methods that have allowed the desert there to bloom. Not only has Israel shared its newfound knowledge with the United States, but they have also shared technology and techniques with other nations which contain desert regions.

For example, the world's first surface drip irrigation system was developed in a Kibbutz near Beersheba in the 1960s. It was after an Israeli water engineer noticed a hedge that was noticeably different, healthier and taller. The man, Simcha Blass, used his discovery to create an irrigation device that uses friction and water pressure loss to leak drops of water at regular intervals. So today fruits and vegetable growers in many dry areas around the world use this drip irrigation method thanks to Israel.

In addition, scientists in Israel have developed genetically modified, disease-resistant fruits like bananas and peppers and other crops. These fruits and vegetables help expand the world's supply of food and maintain low prices at grocery stores here and abroad.

Since the 1970s Israel has partnered with the U.S. in several joint scientific ventures, including the Bi-national Agricultural Research Development Fund, BARD. This group basically focuses on enhancing agricultural productivity.

Israel has also pioneered advances in desalination. It was in Eilat, an arid city located at the intersection of the desert and the Red Sea, and it used to be a really barren settlement due to shortages in the water supply. Back then visitors had to bring their own water and wash their laundry in buckets. But today residents own swimming pools, plant flower gardens, and relax in shaded, grassy yards. It is due to desalination, and now the city is self-sufficient in maintaining its own water supply.

Desalination, which turns seawater into freshwater by separating salty compounds from water molecules, is now being considered here in the U.S. in places like Georgia and Texas and Florida. And according to the International Desalination Association, desalination makes up more than half of the freshwater used in the Middle East and North Africa, again thanks to Israel.

Clearly, Israel has demonstrated expertise in agricultural innovation. And as representative of the great State of New Jersey's Fifth District, which is home to many small farms, and New Jersey is called the Garden State, I appreciate Israel's agricultural developments and its willingness to disseminate research and to share that across international boundaries.

So I conclude simply by saying I salute Israel on its anniversary and its many achievements, and I thank that nation for making that nation what it is and for making the United States a better country as well.

FORECLOSURE

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 housing foreclosure crisis in America is getting worse. Last February alone

brought another quarter of a million foreclosures, 223,561 families. Last year, in 2007, our Nation suffered 1.6 million foreclosures, the largest equity washout in our history. That's 1.6 million families, probably between 4 and 5 million people, who have destroyed credit and who lost their homes. Their lives have been thrown into chaos.

Despite the death grip that mortgage foreclosures are having in this country, Washington has yet to offer a credible solution. Back home my constituents are demanding to know what is taking so long. The huge jumps in foreclosures were becoming evident in 2006. Experts have forecast an even larger increase based on loan resets on adjustable rate mortgages. Still no credible action from the Bush administration or this Congress. One has to wonder why Washington has not moved more decisively to enact legislation when no congressional district has gone unaffected by this crisis. In whose interest is it to have so many Americans, by the millions, falling off the edge of the mortgage cliff?

The Bush administration should take real action. It isn't. This Congress should take real effective action. It hasn't. It is clear what will happen if we don't. Another 2.9 million loans were past due last December, signaling high rates of foreclosure to come. Another 40 million homeowners are at risk of seeing their property values decline, and 12.5 million will have either zero or negative net equity in their home. In fact, America has reached a very dangerous position. For the first time in our history, people owe more on their homes than their homes are worth. People owe more on their homes than their homes are worth. Net negative home equity.

Despite the great fanfare associated with government compacts and rescue hotlines, many servicers and investment banks are still refusing to come to the table. I've received a long list of servicers who can't be reached or who refuse to pursue workouts, including the banks that hold the mortgages that were serviced, when housing counselors and homeowners try to reach out to them at the local level. They used to call that ''taking the lamb.'' They've disappeared, and, therefore, there is no one to work it out with.

Counseling services at the local level are overrun with desperate homeowners, many of whom could be helped if they weren't on long waiting lists for counseling assistance and could find with whom they should work out that mortgage. What good is the $180 million in housing counseling funds we passed in Congress last year if the majority of servicers are still refusing those workouts and if that 180 million wasn't targeted to the districts that are most in need? And it wasn't.

Of those who are willing to engage in workouts, most only offer repayment plans, giving homeowners additional time to catch up with their payments. But this begs the question if homeowners cannot keep up with their regular payments, what good does it do them to offer them a chance to catch up by making double and triple payments?

One of my constituents was offered such a ''deal.'' He tells me that the bank will allow him to save his home if he just comes up with $40,000 by October. This gentleman, who has lived in his home for more than two decades, has a low fixed income with no hope of coming up with such a large sum. His lender is offering concessions in name only.

A few servicers who are engaging in workouts are moving toward modifying the terms of the loans, reducing principal, lowering interest rates, extending the terms of the loan, to make them more affordable. We need much more of that. But the relatively small segment of the industry that is willing to do so, coupled with the painfully slow pace of working out individual plans, only drives America into deeper crisis.

More effective solutions should be forthcoming from this Congress, including bankruptcy bills like that of Congresswoman MAXINE WATERS and Congressman BRAD MILLER, which would allow judges now the flexibility to modify the terms of mortgage loans in bankruptcy court proceedings by lowering interest rates, forgiving penalties, reducing principal, and getting those servicers and banks to the table. Of course they don't want that. Too bad. The crisis is an American crisis and it needs an American solution.

To tread water while this disaster unfolds is wrong. It's not just about helping homeowners. It's about helping our Nation's economy and trying to rebuild the economic strength that we have lost through this deepening crisis.

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

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

EDUCATION: THE QUALITY OF OUR NATION'S SCHOOLS

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

GENERAL LEAVE

Mr. MCKEON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order this evening.

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

There was no objection.

Mr. MCKEON. Mr. Speaker, I am grateful to have this opportunity to discuss an issue that's important to every single American family: the quality of our Nation's schools.

Twenty-five years ago this week, the National Commission on Excellence in Education issued its landmark report entitled ''A Nation at Risk: The Imperative for Educational Reform.'' I would like to read an excerpt from the opening of that report:

''Our Nation is at risk. Our once unchallenged preeminence in commerce, industry, science, and technological innovation is being overtaken by competitors throughout the world . . . While we can take justifiable pride in what our schools and colleges have historically accomplished, the educational foundations of our society are presently being eroded by a rising tide of mediocrity that threatens our very future as a nation and as a people. What was unimaginable a generation ago has begun to occur. Others are matching and surpassing our educational attainments.''

Again, this report was written 25 years ago. And some of the things we're going to talk about tonight are about what little improvement we have made in that 25 years.

When this report was released, it sent shock waves through our educational system. For the first time, we recognized the threat of educational failure as a threat to our national security. And to be frank, I don't think that was overstating the case. I have personally traveled to China with other Members of Congress and seen the progress they are making scientifically, technologically, and, yes, educationally. And China is not alone. All around the world, nations are realizing that educational excellence today will mean competitive dominance tomorrow.

''A Nation at Risk'' was issued nearly two decades after enactment of the Elementary and Secondary Education Act. The ESEA, which was the precursor of No Child Left Behind, dramatically increased Federal funding for education. Unfortunately, it didn't link that funding to a demand for results. From 1965 until enactment of No Child Left Behind in 2002, the Federal Government spent more than $227 billion on the Elementary and Secondary Education Act. Yet despite that considerable investment, academic achievement flatlined during that time period.

As you can see here, the graph shows the amount of money appropriated year by year, and the blue flat line is the test results during that period.

This is unacceptable. It's unacceptable to the taxpayers, being asked to fork over their hard-earned dollars to a bloated Federal bureaucracy that fails to produce results. It is unacceptable to parents, who should be empowered to seek out a quality educational experience for their children. And it is unacceptable to our citizenry as a whole, who deserve an educational system that strengthens our prospects for the future.

''A Nation at Risk'' outlined dire consequences if we, as a nation, failed

to improve our schools. In the quarter century since that report was issued, we have seen a number of positive education reform movements, each of which, if allowed to succeed, could make a real difference to students.

□ 2115

I would like to discuss just a few of those reform movements now. First, A Nation at Risk energized those who support educational freedom. There are many that believe a lack of competition in our public schools is a major force behind their stubborn lack of improvement. Rather than permitting the educational establishment to maintain its stranglehold on educational options, we need to give parents the right to decide how their children will best be educated.

Another key education reform principle that emerged in the wake of A Nation at Risk was the drive to improve teacher quality. In fact, an entire section of the report was dedicated to improving teacher quality. In 1983, the report highlighted a shortage in highly qualified teachers of key subjects like math, science, and key foreign languages. It also called for innovative strategies like performance-based pay to recruit and retain effective teachers. Twenty-five years later, we are still facing a shortage of teachers in these critical subjects, and we are still fighting to be able to treat teachers as the professionals that they are by rewarding them for their performance.

Perhaps the most fundamental education reform movement that has come about in the years since A Nation at Risk is the No Child Left Behind Act. That is because NCLB sought to change the expectations at the very core of our education system. Instead of accepting mediocrity, NCLB demands that every child in America be given the opportunity to succeed.

You know, it's a real indictment of the educational system of the past that it was considered radical to expect every child to merely be able to read and do basic math. But that is the mentality that NCLB is trying to change. Unfortunately, despite these and many other efforts to improve our Nation's schools, we are still a long way from educational excellence. And so I would submit that our Nation is still at risk.

We have an education establishment that puts preservation of the system above elevation of the student. We have children trapped in chronically under-performing schools and parents with little or no ability to send them elsewhere. We have teachers leaving the profession because they are frustrated with a system that fails to recognize and reward success. And we have a majority in Congress that has refused to take the next step toward education reform by making much needed reforms to No Child Left Behind.

Tonight, some of my friends and I on the Education Committee are going to take a look at A Nation at Risk: 25 Years Later. From where I sit, the education landscape in this country is often disappointing, yet hopeful as well. Reformers from all ideological perspectives continue to push for better schools, greater education reform, and a commitment to competitiveness that will allow us to thrive in the 21st century and beyond. Education reform is a daunting challenge, but one that cannot be ignored.

I would like to give the time now to a good friend from Delaware, the ranking member over the Subcommittee on Elementary and Secondary Education, Mr. CASTLE.

Mr. CASTLE. I thank the distinguished ranking member of the education committee for yielding time to me, and I would like to share in his message which we have tonight. I remember 25 years ago when Secretary Bell issued The Nation at Risk and we had the whole discussion about the fact that America perhaps is not doing as well educationally as were other countries. I am not sure before that time that anybody had ever really tried to point the finger at that and to really reach that conclusion. We looked at our fine schools, our excellent colleges and universities, and we didn't look at some of the problems behind, and we didn't look perhaps at the fact the economy was growing on us in a way that demanded education of all children, not just of the kids that could go to the very best schools in the United States of America. But from that point on, I think there has been a focus on this.

The Congress has essentially done its job. There has been a great increase in funding of education, not as much on the local and State level, but at the congressional level there has been a great deal of funding increases. But we have seen many studies now which have indicated that the funding increases do not necessarily end up with a bottom line of our young students being educated better.

The bottom line is that we need a tremendous commitment from anybody who touches on their lives. Obviously, their parents, the teachers, the administrators in the school, the other personnel in the schools, elected officials both here in Congress and throughout the United States of America, and I think a broader understanding among all Americans, perhaps even the media, of the significance of education and how that ties in economically to what children may do in the future and to the entire future of America.

We have for many years now here in Congress under the leadership of Mr. MCKEON and other leaders looked at education and made efforts to try to improve our educational status in our country. There is a distinct recognition of we need to do more in math and science, perhaps in geography and other areas as well, but that has not happened at the levels which we would like it to happen. The Elementary and Secondary Education Act, which has been with us for some time, has worked to help in that area somewhat, but it wasn't really until No Child Left Behind came along some I guess 6 years ago now that we really started to make a difference as far as education is concerned.

All of a sudden, now our test scores are going up in various parts of the country. In addition, some schools who are educating their best students very well are being exposed as not doing as good a job with some of their lesser students. We now have to examine these students by various categories and we have various numbers and achievement levels that have to be met for schools to make adequate yearly progress, and that has shown that in some areas of the country and in some certain school districts, that is simply not happening. In others, it is.

I can tell you that in my State of Delaware that I have visited many of our schools. In fact, at one time or another I visited every school in our State. It's a small State. I will tell you that some of those districts have done just a wonderful job of grabbing hold of the need to make improvements in education, of getting commitment, of getting parents involved, making sure the courses are laid out in such a way that those kids could improve. As a result, we have seen test scores grow, particularly in our elementary and middle school levels, and these kids are now doing considerably better than they had been doing before, simply because they have made that commitment.

It does involve standards, it does involve assessments. Some people don't like that, and we hear some concerns about it. But the bottom line is that we are making the progress that we felt that we had to make in order to improve our schools. This must continue, and I believe strongly that we have to do a variety of things to do this. We have to strengthen the parental options which are out there, make sure they understand what they can do in terms of helping education.

We still have State and local flexibility. That is another area that we have to continue to work on, and we have passed legislation to do that. No Child Left Behind is very demanding in terms of teacher quality, and some of the aspects of teaching, which is important as well. We have encouraged the establishment of more charter schools. That is not just to establish charter schools, it is so that they can perhaps show us the way or set an example for our other schools. For that reason, the charter school movement has had a beneficial effect on education in ways beyond just the charter schools themselves.

We need to be careful with our dollars, obviously. We know that is important. The whole business of standards and assessments and growth models is important too. We need to be able to

measure how we are making progress. I am not sure that we do that quite as we should. We need to do better with reading. We have learned that if we do not teach these children how to read early on, it is going to be problematic in terms of their future education. So that is extraordinarily important.

We just had a call for more effective measurement of graduation rates by the Secretary of Education. And I have actually introduced legislation along those lines previous to that. I am a strong believer that we need to be able to measure graduation equally throughout all of our State so we can determine what the graduation measures truly are.

I believe that dealing with No Child Left Behind has not been easy. There is opposition to it. There are those that believe it is too demanding. They are reluctant to try to undertake to meet the standards that are there. Many of us who will speak tonight believe we can make improvement in No Child Left Behind. As I indicated, Secretary Spellings just in the last 2 days has issued a series of regulatory changes which she believes she can make, and she has already made some, in order to improve No Child Left Behind.

I believe that we in Congress should assume that responsibility too. That we should not just say we don't like it, we are not going to change it, because if we don't like it and we are not changing it, it's going to stay the same. We should look at the various things that we can do in order to make No Child Left Behind more meaningful if indeed there are problems as far as that is concerned.

I mentioned a growth model. That is a significant aspect of this. If we measure growth, we don't have to measure that everyone has achieved the way we would like them to, but how much they have grown, which could be a factor. I mentioned the graduation rate, which is important. A clarification of multiple assessments might be important as well.

Obviously, information to parents is also vitally important at all times to make sure that they are involved and engaged in terms of what is happening in our schools. I have seen a program in schools just the last couple of days in Delaware, and I have seen what one person in a school can do in terms of communication between the school, the parents, and the outside. I think it makes all the difference in the world, and that is something that we should be pursuing. Supplemental education services is included in No Child Left Behind, and that is another area in which we can provide services to those kids who need it the most.

These are the kinds of things we need to boost. We don't need to dismiss them or throw them out because we feel that perhaps they don't work as well as they should. They do work. They make a difference as the education of our young children is concerned.

I would call on the media to get involved with this. I think we need to look at the comparisons with other countries, we need to look at the significance of education as it applies to the economics of what kids are going to be doing in the future. There just needs to be a greater understanding among our young people that with good education, their opportunities explode in terms of what they might be able to do.

So these are all things that I think we all have a responsibility for, Republicans and Democrats alike, in Congress. I believe the Secretary of Education is doing all that she can. I believe we are still at risk 25 years later. I don't want to be at risk 25 years from now. Hopefully, together we can continue to work to make sure that American education is improved to the point that we can look at everybody else and say we have without a doubt the best education system in the world.

I thank the gentleman for yielding time. I yield back to him.

Mr. MCKEON. The gentleman didn't mention that he used to be Governor of Delaware and had occasion to visit every school. I have had the opportunity to visit his district a couple of times and it's always a real pleasure. It's interesting to be able to drive across the whole State in less time than it takes me to get from one part of my district to another.

Ms. BIGGERT, a member of the committee from the State of Illinois, I yield time to you.

Mrs. BIGGERT. Thank you. I thank the gentleman from California, Mr. MCKEON, for facilitating this discussion on the 25th anniversary of President Reagan's A Nation at Risk report and the importance of education to our economic future. I appreciate your leadership on the Education and Labor Committee. I can't think of a more appropriate event than the 25th anniversary of the report, A Nation at Risk, to review our education system and our global competitiveness. I think this report outlined the dire consequences if we as a Nation fail to improve our schools. In the 25 years since that warning, a number of things have changed. But we still face many of the same concerns raised by the report.

I remember well when this report came out. In fact, I was president of my local high school board at the time, and I know how devastated we were to find out how badly we were doing. People asked me why I wanted to be on the school board. I wanted to be on the school board because I wanted to make sure that my children got the best education available, and I wanted to work to make sure that that happened. So I was concerned about this.

I thought back on my family, and the thing that was always so important to our family was education. In fact, my father told all of us, there were four of us, that education was the most important thing, and if you got a good education, you could do most anything that you wanted. I don't think I would be here if it hadn't been for that. But he also was a very great man, and he said, And I will pay for it.

Now when you look back at that time, it wasn't as expensive, and we think of all of our kids and grandchildren in schools now.

□ 2130

But my older sister went to medical school, I went to law school and became an attorney, my brother went to law school and became a judge, and my little sister got her master's in Latin and Greek. Now, she doesn't use that too much anymore, but I think the point is that is how important education is and how it remains.

I really do worry, because it is at a time now when we have to compete on a global scale. Americans have shown their entrepreneurial skills and leadership, making the U.S. the largest and most robust economy in the world. However, we are seeing that Asia and Europe, our economic competitors, are making significant new investments in their infrastructure and human capital.

In a recent report, ''The Gathering Storm,'' in looking at what is happening, this report shows that our competitors' investments are beginning to pay off and they are challenging the U.S. leadership in sciences, no matter how it is measured: By the number of patents, they are having more and more patents they are gaining; articles written in the scientific journals; Nobel Prizes won; percentage of the gross domestic product dedicated to research and development; and even the number of degrees.

We all know that our graduate schools have been filled with graduate students who have come from foreign countries. In the past they have been staying in our country. Now we are seeing the brain drain with them leaving.

So despite the evidence that science and education is responsible for America's preeminence in so many areas today, the 2000 Hart-Rudman Report on National Security found that ''the U.S. Government has seriously underfunded basic scientific research in recent years. The quality of the U.S. education system too has fallen well below the scores of other nations.'' In fact, in one of the reports, we find that with other countries, we rank number 28, that is 28 under all of these other countries for our educational system.

I believe that now, more than any time in our history, we are at a crossroads. The economic prosperity of this country is the product of our well-trained workforce, and if the United States is going to be able to continue as the economic leader and have the creativity and the innovation that we need in technology, we have to ensure that our current and future workers have the tools necessary to compete.

There is not a quick fix to this problem, but there is no question that by providing the quality education to the

next generation of workers, that we are going to ensure the success of our country, and without a well-trained workforce, we could see employers moving the best jobs to other countries where workers have the skills necessary to perform that work. So we can't allow this to happen.

We have the building blocks necessary for the best education system in the world, but when we compare American students to other students, there is no question that there is room for improvement. Just ask the employers in our districts or area colleges and universities where employers are finding it more difficult to find skilled workers and where college students are having to take remedial classes when they go in as freshmen because they are not at the point where they can really do the first level of college education.

I think that certainly Congress has recognized the importance of addressing this issue. In 2001, along came No Child Left Behind. Our intention was to address the achievement gap that exists in our country between the disadvantaged children and their more affluent peers by holding the States and schools accountable for the education of all students. This law also gives parents and taxpayers information on the education that their children receive compared to other schools. So I believe that this goal continues to be supported in Congress and in the schools and communities across the country.

Now, 7 years after the passage of No Child Left Behind, I think we are now reflecting on where things are working and how we can improve the law.

I know, Mr. Chairman, you have spent so much time on this issue, and we have had numerous, numerous hearings in the last few years and this session of Congress, but also in the 109th and the 108th, and always working, and even before that since 2001, to make sure how we can improve the law. But I had thought that we would be reauthorizing this system last year, and, unfortunately, it has been held up. But it has given us time.

I remember we had one hearing with 46 people that came in to testify. It was kind of the last hearing before we thought we were going to get this bill out. I think I sat through the whole thing. But also I have and a lot of the other Members have held roundtables in our districts to talk to superintendents, to talk to teachers, to talk to parents, to talk to businesses, to talk to Chambers of Commerce, to talk to students as well, and the community, because that is what it takes to make our schools the best that we can have.

So I think that this discussion tonight will demonstrate the need to reauthorize No Child Left Behind sooner rather than later. I guarantee that our international competitors are not waiting for the U.S. to catch up. I think that we need to really proceed, really with the hope that everyone will realize that education is the basis of everything that evolves for our children and our grandchildren to be a success and have a very successful life and really contribute to our country in moving ahead.

I would like to thank you for hosting this discussion tonight. With that, I will yield back so some of our other Members have an opportunity.

Mr. MCKEON. Thank you very much. I really learned from your remarks. I knew you were an attorney, but I didn't know how the rest of your family had been benefited from education. It is good to learn about each other, and, again, as you said, the importance of education, to get on the ladder to climb to achieve the American dream. We here tonight, all of us, want to see that every child in America has the full opportunity to achieve their full potential.

Now let's hear from Mr. DAVIS, the gentleman from Tennessee. I am glad to have you with us.

Mr. DAVID DAVIS of Tennessee. Thank you, Mr. MCKEON. Thank you for your leadership in the committee.

No Child Left Behind was signed into law before I was elected to Congress. It was signed into law in 2002 with the intent of increasing the overall achievement of students in elementary and secondary schools.

As written, the law requires the following: Annual assessments in math and reading in grades 3 through 8 and once in high school; reports on overall achievement and progress made by different groups of students; school accountability; high quality teachers in every classroom; increased parent information and choice; and State achievement standards and testing.

This law has far-reaching implications. I wanted to hear from the people both directly and indirectly involved with No Child Left Behind, also known as NCLB, so last year I held a roundtable discussion on NCLB in my district. Participants included parents, teachers, school superintendents, school board members, members of the business community and Chamber of Commerce, and representatives from the House Education and Labor Committee and the State and Federal departments of education. Most people agreed that No Child Left Behind is working, but reforms are necessary.

As I came to Washington, I found Washington is the only place where when something is supposed to expire, it doesn't expire. It just continues to move on. No Child Left Behind should have been reauthorized last year. It has not come up for reauthorization yet, and I think that should happen.

Many important issues were raised during my town hall meetings. A few of the main concerns were schools and school districts making adequate yearly progress, or AYP; meeting the teacher qualifications as set forth by No Child Left Behind; and the impact that special education students and Limited English Proficient students are having on local schools and school districts.

There are a lot of people with a lot of common sense back in the mountains of East Tennessee. Most teachers in my district believe they should be held accountable. That is just common sense. But it is like a three-legged stool. You can't only hold a teacher accountable and expect to get good results. It is like a three-legged stool. Teachers need to be held accountable, but also you need moms and dads to be involved in the education of their students, and also you need the students to become involved and work hard to make a difference. It really doesn't matter how good the teacher is. If you don't have moms and dads and the student involved, you will still get poor results. Teachers need to teach, not parent.

Ideally you will have a good teacher, you will have parents that are involved, and a student who is willing to work hard. While this isn't always the case, we must do everything we can in our power to see that it is there for most children. We need to continue to move every child forward, and bring those in the lower end of the percentile forward, but without holding those at the higher end back.

Students must be challenged and encouraged to learn. Students should not be counted in several subgroups. For instance, one child may be in both the English as a second language and children with special needs categories. Every student should be moving forward, but not every child can get to the same point. Most students can get from point A to point Z, but there are some students, special needs students come to mind, that may only go from A to B to C. They all should be moving forward, but you have to use some common sense when you pass legislation.

Also the way graduation rates are calculated need to be reviewed. People who decide to make the effort to go back to school and get their GED should be included in the graduation rates.

Let me give you an example. I have a school in my district in Hawkins County, Tennessee, that only had eight graduating students, eight students in their 12th grade. Four of those students received college scholarships. Doesn't that sound amazing? You have 50 percent of your students receiving college scholarships. However, one student dropped out, so now you have seven students and four students out of seven receiving college scholarships. So fully half of that class received scholarships. But one student didn't graduate, and because of that and the small number of students in Clinch School back in Hawkins County, Tennessee, that school is considered a failing school.

We need to reauthorize No Child Left Behind, and we need to fix some of these problems that I have mentioned tonight. Graduation rates, GED, English as a second language, those are some of the things that I hear that need to be fixed as we move forward into reauthorizing No Child Left Behind. These problems are fixable, and

we need to fix them soon. We need to address these problems and reauthorize No Child Left Behind quickly.

Thank you for yielding your time, and I yield back.

Mr. MCKEON. Thank you. Now I am happy to yield to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I want to thank my colleague and friend and ranking member from California (Mr. MCKEON) for allowing this discussion tonight, and to start off I think by portraying reality here of the billions of dollars that have been invested. And I certainly wouldn't say wasted, but the investment of billions of dollars into education certainly has not, according to this chart, and I think reality, shown the impact we would have dreamed of, expected and desired.

I think that is why the discussion that we are having tonight is so good, especially centered around reauthorizing a major component that there has been a lot of hopes and dreams about, No Child Left Behind, producing in this country a greater quality and achievement in education.

I don't pride myself in being a contrarian, but on this issue, I am somewhat of a contrarian.

□ 2145

I hearken back to the Northwest Ordinance, that great statement that is included in many of our State Constitutions that says religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

And I think that last section, where it says schools and the means of education shall forever be encouraged, is where we are interested in tonight. It is our concern. It is our desire to encourage schools and the means of education.

That statement, that directive from the Northwest Ordinance is found, as I said, in many State Constitutions including that of my own State of Michigan.

The fact of the matter is that as a result of many redundant programs, well meaning though they may be, and yet programs and mandates that are put on our system, we have encumbered education to the point that it is very difficult on the ground in the unique classrooms that we have in every school district, with every student in the classroom who is a different student than the student sitting next to them.

Having three children and having gone through the public education system, the private education, and alternative system at some point in time in their educational experience, I know that even those three children from the same family learned in different ways and thankfully had the options available to them that met their needs at each step along the way, at least as much as possible, allowing achievement.

So, frankly, as we come to reauthorizing No Child Left Behind, it would be my preference that we would not; that we would end No Child Left Behind and turn it back to the States, turn our dollars and our interests toward giving opportunities for higher education, which in this country sets the standard for the rest of the world. Industry and business technology, working hand in hand with higher education, then to be an assist to establish patterns for our elementary and secondary education to bring them to the point of a completion, at least to that point, so that they can go on into higher education, trade schools, or in industry and business, and achieve, knowing reality and to a point as well, I understand that No Child Left Behind will most likely be reauthorized in some form. So, for that reason I would certainly plead for flexibility.

Having done that, I have cosponsored legislation that has been given the name A–PLUS, which would allow that flexibility for States to be brought forward, that would allow States that had taken a purpose statement to produce schools and the means of education that would foster growth in our government, in our society, in our educational classrooms, that would give opportunities for States to opt out of No Child Left Behind having proven that they had in place a plan for providing data that was good, evaluation that was quality, and an educational program that was moving toward excellence.

For example, I was the product of public education all the way through and even entering into university. My mother and three aunts were public school educators, beginning most of them in one-room schools teaching, and then moving into the Chicago public school system.

My daughter-in-law is a public school teacher on the south side of Chicago, a gifted teacher, a teacher who her first year taught as a full-time substitute because of the need in a special needs classroom where the teacher, out of frustration one day, got up, walked out of the class, and never came back. My daughter-in-law was given the opportunity to work with these young people who needed an education, needed someone who would invest themselves in their little lives, a fourth grade classroom.

My daughter-in-law Erin absolutely loved her first year of teaching as a substitute, a full-time substitute. She had the freedom without some of the paperwork, some of the criteria, both of the Illinois and Chicago public school systems, but also No Child Left Behind. She saw achievement with the opportunity to meet with parents, to provide expectations, but also the opportunity to work in partnership with them and working with these special needs students to see improvement along the way.

Thankfully, she received a full-time appointment to that same classroom the next year as a full-time teacher, and soon found out that, with the weight of paperwork and regulation that was redundant upon each other coming from the Federal on down through the State and through the Chicago system as well, she was greatly frustrated to the point of wondering whether she was cut out to be a teacher. Fortunately, with good counsel from her administration and, I must admit, from my wife and myself as well, she continued and saw impact. And yet, the frustrations of not having the flexibility to deal with individual needs almost scuttled her attempt at teaching.

One final point I would make, Mr. MCKEON, is from my own experience in going through seven No Child Left Behind hearings across my district in each of the seven counties, and having teachers, administrators, school board members and parents speak to the issue of No Child Left Behind and reauthorization, speak to the issue of highly qualified teachers and the frustration that that produces in some of our smaller school districts, rural school districts in trying to deal with that, yet having qualified teachers who are achieving well in the classroom, and yet because of the requirement for highly qualified that No Child Left Behind puts in place, the frustration that comes.

I stood in a special needs classroom at a local intermediate school district, and I watched a young man who, as I understand it, had no mental difficulties but great physical difficulties to the point that the only way that he could be administered a test was by verbal administration of that test from his teacher. And with his blinking of his eye once for yes, two for no, he took the test. But then I watched as the teacher went through that same test a second time to make sure that she had achieved answering right according to what he had indicated. Now, that adds time. And when you add redundancies and lack of flexibility all the way from the Federal Government on down, it frustrates education and it takes away the opportunity of some of these great teachers out there and committed parents, school boards, and students to meet the needs of their students, in their classrooms, in their communities.

So my friend from California, I would applaud you in pushing further that, not only would we most likely reauthorize, but that we would produce the flexibility that allows creativity to abound in our classrooms, parents to be involved, teachers who want to teach and not just be social workers or mother confessors at times, but to be in the role of teaching and working side by side with parents and the flexibility that can only come by understanding that schools and the means of education shall forever be encouraged.

Mr. MCKEON. I thank the gentleman. And as Mr. DAVIS said earlier, in the meetings that he held with his people

in his district he heard some of these same problems, some of the same complaints. And that is why we really need to reauthorize the bill to fix those problems.

I have been here now almost 16 years, and I have yet to see a perfect bill. And when a bill is passed, by the time it goes through the process here and finally is passed and signed into law, and then the regulators get their shot at it, write the regulations, and then by the time it is implemented throughout 50 States across this great country, it doesn't necessarily finish up the way you started out or even to achieve the goals that you had.

And so we have a process where every 5 years on our committee we look at the bill again and we go through a reauthorization process, and say, what did we do wrong? What can we do to fix this? What can we do to make it better?

And you brought up the point, special needs students. Definitely something needs to be done there. I remember visiting a school in my district and going into a special needs class and seeing a student there that was carried in on a gurney. And the teachers, the caregivers there that day spent their time just making sure that the child is given the things that are needed for life; they fed him through a tube. There wasn't much education going on there. I think that was a very important program, but maybe it should be considered a help program to give the parents a little relief at that time. But, to say that that child is going to learn to read, common sense would dictate that is not the fact. So, we have a 3 percent waiver for some of those students. Maybe that should have been larger. But that is what we addressed through the reauthorization, and that is why it is very important we get that done.

I would like to yield now to the gentlelady, Mrs. FOXX, who has been a teacher, been a college administrator, and done a lot of things in education.

Ms. FOXX. I want to thank the gentleman from California for his leadership on this special order tonight, and thank him for his leadership on the Education Committee as chairman and now as ranking member.

I grew up in the mountains of North Carolina in a house with no electricity and no running water, with parents with a sixth grade and ninth grade education. My husband grew up in a similar situation, both his parents totally illiterate. But we both give credit for the success that we have had in life to public school teachers and principals who took an interest in us when we were in school and encouraged us to utilize our talents by staying in school and by going on to college. So I in no way disparage the role of teachers or the role of education in our society. In fact, I trumpet it because it has been so important to me. And I spent most of my life working in education, as the gentleman from California said, and it has been a wonderful opportunity for me.

However, I have great concerns about the role of the Federal Government in education in our country, and I will continue to express those concerns because I remember very well my own excellent education in a county that had very little money. The school buildings weren't wonderful, we had almost no science lab, but we had excellent teachers again who cared about the students. And I would put up that education against anything that is happening in the country today.

Now, I am happy to serve on the Education and Labor Committee. And last year, when talks began in the committee on the reauthorization of No Child Left Behind, I did what I often do, and that is to look at the genesis and the history of the legislation. And it was a real revelation to me at the time that No Child Left Behind legislation is simply the latest reauthorization of the Elementary and Secondary Education Act, called ESEA by people in education, which was created in 1965 by President Johnson in the midst of the war on poverty. Most folks are unaware that the No Child Left Behind Act of 2001 was in fact the seventh reauthorization of this 1965 legislation. So when you hear it talked about, very few people ever make that connection.

Now, I heard a lot of criticism of No Child Left Behind before I was elected and after I was elected. And so one of the things that I did last year in my district was to have a forum with parents, teachers, and administrators about their concerns with No Child Left Behind; and the people who came to that forum gave me a lot of information that has been very helpful to me in helping to formulate what I think we ought to be doing with No Child Left Behind.

Part of the very important feedback that I received is that teachers and principals welcome appropriate accountability for Federal education funding. Teachers and administrators don't want to do away with accountability. What they are concerned about is having appropriate accountability.

Now, I want to talk a little bit about title I, and I know some of my colleagues have mentioned this before. Title I of No Child Left Behind, or the ESEA Act as it used to be called, is the largest single grant program in the U.S. Department of Education. It has been around since 1965. But between 1965 and 2002, American taxpayers funded almost $200 billion through title I spending with little or no discernible effect in improving the educational opportunities for disadvantaged children, which was the original intent of the law.

I think most of us realize that it is not just funding that improves academic performance or gets anything out of programs. But, many of the Federal programs and regulations have simply not improved the performance of disadvantaged children as a group.

My long-standing position has been, and continues to be, that the education of America's youth would be better served if Washington bureaucrats were removed from the equation. Control and accountability should be returned to local communities, where they can effectively make changes in the areas they know need it most.

□ 2200

So I am disappointed in what looks like the direction that the majority is taking in Congress now, which is to eliminate much of the accountability that was put into No Child Left Behind, or the ESEA, when it was reauthorized in 2001, but simply put more funding into it. I think that is going in the wrong direction. We know that 9-year-olds have made more reading progress in the last 5 years than in the previous 28 years combined.

We can achieve excellence in education by encouraging the kind of accountability that promotes locally focused education and ultimately well educated young people. Parents, students and educators need more choices in the way No Child Left Behind is administered. The current my-way-or-the-highway approach to the Federal funding of education is broken, and imposing a top-down mechanism shortchanges millions of students and parents.

A good system will have more flexibility and will put the best decision makers in the driver's seat. Those are the parents and local educators who know what works best for students and should have the greater control and input.

We know in almost every program that a Federal Government one-size-fits-all approach does not work. It doesn't allow for tailor-made solutions to the unique situations facing school systems in every single district in America. What works in one State doesn't work in another one.

Reducing the role of the Federal Government makes sense for students who are not served by cookie-cutter policies promulgated by Washington bureaucrats.

There are many of us who believe that education is not the province of the Federal Government at all. However, we also know that efforts to remove the Federal Government from education have not passed and they are not going to pass. So the best thing that we can do is to make sure that we have accountability for the money that is spent in education, as we should have accountability in every program that takes Federal dollars.

Mr. Ranking Member, I am going to yield back to you.

Mr. MCKEON. Thank you very much, and I would like to yield now to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. I thank the ranking member for all of your work in the area of education.

I think the chart at my left points out the dilemma that the previous

speakers have been making. This chart shows the involvement of the Federal Government with regard to dollars, and it also reflects the issue with regard to their involvement with regulation and the like.

From 1966 up to 2000, as the Federal Government became more involved, dollars spent increased. And as the years have gone on, what is the result of that, basically a flat or no increase in education.

Two points, one point on the issue of accountability, and the other on new approaches. In the area of accountability, the question we have to ask is accountable to whom? The gentlewoman from Illinois made my case for me when she said that she was concerned about her kids and therefore she decided to run for the local school board.

I would suggest that the best place to get accountability is just as she did, locally, from the local school board, teachers, principals and the like. If you ask most parents who is a local teacher, they will know. If you ask who is the local principal, they will know. Ask most parents who is the Secretary of Education in Washington or the bureaucrats down here making the rules, they unfortunately will not have a clue. And yet what we have been doing over the last several decades is having them have greater accountability and responsibility than the teacher and the principal.

The second point is the approaches. I agree with the ranking member on this in that it is great that we have so many new approaches tried in schools across the country. The problem is when you get to a Federal level, two things happen. Sometimes you potentially nationalize some of these, and that is good if you pick out the good ones. But if you happen to pick out some of the bad ones, such as whole language in California, and that had a dismal track record and result, you can end up having a terrible effect on the entire national education system.

My second point is, and the ranking member made a good point on this, Washington doesn't move as quickly as local school boards. Sometimes it takes 5 years or more to reauthorization and even more years to get something done in the district. We can move more quickly at the end of the day.

I conclude with this. Accountability to whom, it should be accountable to the local teachers and the principals, not to somebody in Washington.

New approaches, it is better to be done locally. And as we move forward and move to reauthorize No Child Left Behind, I just throw out a modest, simple proposal, allow those States who need the Federal Government to tell them and dictate to them how to run their schools and so forth to stay in No Child Left Behind. But allow those States who have parents or community leaders or principals who feel that they can get it done by themselves without the Federal Government, allow those States to opt out, but also to keep their own tax dollars in that State so they can decide how their education money will be spent.

Mr. MCKEON. I am happy to yield to another member of the committee, the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. I thank the ranking member, and I just wanted to share a few thoughts.

Many of us on the Republican side have been involved with education for many years. It was my first choice when I was elected in 1994 to go on the Education Committee, much to the shock of everybody on our side. And it has been a challenge because I believe education is the responsibility of the States and local; and yet I passionately believe in the importance of education.

I don't know how we are going to compete in the international marketplace if we don't compete on math and science, and if we don't have everybody at basic reading levels where they have an opportunity to blossom. If they don't know how to read, they will not be able to learn how to compete in a worldwide marketplace.

And frankly we are not going to do it with cheap labor. We have to do it with value-added labor. We have to have education at the core of any system that we have. The challenge we have in the Federal Government is that the State and local seem to not want to raise their taxes. They don't want to do the funding. They want to come to the Federal Government for the money, and then they don't want any strings with the money.

If you ask the Federal Government for money, you are going to get strings. Many of us want to minimize those strings where the thousands flowers bloom, but we are still going to have measurement.

I was one who didn't like the national testing idea because I am afraid that a national curriculum is going to be abused by either side to try to drive their ideological agendas. Nevertheless, there has to be some kind of measurement. We need some measurement. If we keep increasing Federal aid to education, then we need to increase accountability.

In the parts of No Child Left Behind that are difficult, I know the administration likes to ask, Well, which child would you leave behind? But the problem is if your goal is just to focus on those who are going to be at the lower echelons, we have diverted money to minimal gains in some cases at that level, and backed off in our math and science and in our upper and middle end to the net result that we haven't really moved the system.

Nobody argues that No Child Left Behind hasn't made tremendous progress at the lower echelons. Part of the question that schools are legitimately asking right now with the special needs kids, with English as a second language kids, how can they meet continually higher standards? At some point we are more likely to get slower progress or hit a wall, and we are trying to work that through with any new bill.

But there are going to be measurements, and measurements are never completely fair. But he who pays the piper picks the tune. To this degree, you want more money from the Federal Government, you are going to get more regulation. We need to be responsible.

I hear people say, My daughter is a teacher. She gets frustrated with this because they have to teach to the test. That is partly why I have a concern about the test. I went to an amazing school in New Orleans that got hit by Hurricane Katrina. It is a 100 percent school lunch program, and nobody is failing to pass the test.

I asked, Do you teach to the test? She said, No, these are principles that we should have been teaching anyway. So if we teach the principles, they will pass the test.

What we are really commenting on, is the test measuring what we want to have, and is that the skill. And if the test is in fact measuring that, then you aren't teaching to the test. But it needs to be fair. Schools with high ESL, schools with high special needs kids are going to need accountability.

I thank you for your time and your leadership.

Mr. MCKEON. Let me just say No Child Left Behind I think has made a good improvement for the purpose that it was originally passed for. The Elementary and Secondary Education Act was passed in 1965 to help, as was stated earlier, the have-nots, to help them get up to where the haves are.

The test scores show that since No Child Left Behind has been put in, we have the highest testing for African American and Hispanic children in the history of the testing. A lot of things have been misunderstood about NCLB. What it was was a law that said we want kids to learn basic math and we want them to learn to read, and the States set the standards and implement the bills. Some States went much further, and the Federal Government got blamed for what we actually did. The important thing is that we get it reauthorized, that we fix the problems that have been mentioned many times here tonight.

I thank the Speaker for his patience, and those who have been listening, I thank them and I think we will follow up with another one of these because there is much more to be said about education and the reauthorization of the ESEA, better known recently as No Child Left Behind.

Mr. REGULA. Mr. Speaker, with the enactment of the No Child Left Behind Act, NCLB, our nation made a commitment to closing the achievement gap between disadvantaged and minority students and their peers and to changing the culture of America's schools so that all students receive the support and high-quality instruction they need to meet higher expectations.

The critical part of this challenge, at the high school level, is reducing the number of young

people who disengage and drop out of school and, conversely, increasing the number of students who graduate from high school and go on to higher education or get a job in the workforce.

Because of the importance of improving high school performance, NCLB requires secondary schools to meet reading and math targets for all of its students that are established by the State—just like all public schools. However, secondary schools must also meet State-established graduation rate targets in order to meet the requirements of the law. The law also authorizes the School Dropout Prevention Program whose purpose is to provide grants to States and school districts to assist in the dropout prevention and school re-entry activities.

As several national studies have found, a staggering number of youth fail to graduate on time. For example:

About one-third of our students—approximately 1.23 million each year—leave high school without a diploma.

Black and Hispanic youth are more likely than non-Hispanic whites to drop out of high school. In 2005, 6 percent of non-Hispanic whites ages 16 to 24 were not enrolled in school and had not completed high school, compared with 11 percent of blacks and 23 percent of Hispanics.

A student's decision to drop out of school has long-term consequences that not only affect the individuals themselves, but the society at large:

Dropouts from the class of 2006 cost the nation more than $309 billion in lost wages, taxes and productivity over their lifetimes.

If the nation's likely dropouts from the class of 2006 graduated, we could save more than $17 billion in Medicaid and expenditures for uninsured care over the course of those young people's lifetimes.

If high schools and colleges raise the graduation rates of Hispanic, African-American and Native American students to the levels of white students by 2020, the potential increase in personal income would add more than $320 billion to the U.S. economy.

Increasing the graduation rate and college matriculation of male students in the U.S. by just 5 percent could lead to combined savings and revenue of almost $8 billion each year by reducing crime-related costs.

A high school diploma and further postsecondary education or training is critical in today's global economy. Dropouts are unlikely to have the minimum skills necessary to function in today's increasingly complex and technological workforce.

Graduation rates are a fundamental indicator that our nation's public schools are doing what they are intended to do: Enroll, engage and educate youth to be productive members of society.

However, there have been some concerns raised over the availability and quality of data on graduation and dropout rates and how they differ from State to State. This is based largely on whether the individual State has developed strong standards for its high schools. For example, even though NCLB has improved the reporting of data, a few States continue to have wide gaps in their data and can not accurately calculate graduation or dropout rates from 1993 to 2002.

To deal with this problem, yesterday, Secretary Spellings issued proposed federal regulations to establish a uniform formula to calculate graduation rates. In particular, States would be required to adopt the formula, largely based on a rate agreed to by the National Governors Association, NGA, by 2012.

I agree with the Secretary that this must be done. Only by knowing how well or how poorly States, schools, and school districts are educating students can we ensure that every student receives an excellent education.

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

30-SOMETHING WORKING GROUP

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

Mr. MURPHY of Connecticut. Mr. Speaker, on behalf of the 30-Something Working Group which the Speaker is a member of and I know will join us down here for an hour in the future, we hope to be joined later this evening by one of the senior members of the 30-Something Working Group, the gentleman from Florida (Mr. MEEK).

We come down to the House floor as some of the younger Members of the Democratic Caucus, and we try to do it every week to really focus in on how the issues affecting this Congress are specifically challenging younger families in this country. How the neglect of the past 12 years trying to be remedied by the new Democratic majority here are affecting those families that are just starting out, those issues maybe can be best talked about and best addressed by those of us who are the younger members of the House represented by the 30-Something Working Group.

We thank the Speaker for constituting the working group and allowing us to come down and share our thoughts.

It is remarkable as a first-term Member, Mr. Speaker, to see the transition of views and transformation of priorities and issues that you hear about as a first-term Member, going out and holding office hours as I do at supermarkets throughout my district, holding town hall meetings every week or 2 weeks throughout the district.

I remember back in February of 2007 when I held my first big, large town hall. It was a nerve-racking occasion as a first-term Member of Congress, and I remember thinking there was only one subject to hold that town hall meeting on, and that was the war in Iraq, dominating the conversation as it seemed to here on the floor of the House and in the halls of the United States Congress.

The President had proposed his new strategy to introduce 35,000 to 40,000 new troops into Iraq, clearly working against the will of the majority of the American people who had said all across this Nation in November 2006 that they wanted a new direction in Iraq.

And now fast forward a year later to town halls that I am holding, as well as other members of the 30-Something Working Group and Members on both sides of the aisle, and you hear a very different tune.

People are still talking about Iraq. The situation hasn't gotten any better, and you can make the very plausible argument that things have gotten worse in Iraq over the last year. Even as the surge has moved forward, the political willingness of the Iraqis to take control of their own country has moved backwards.

But what we are hearing very clearly from the mouths of our constituents in town hall meetings and office hours across this Nation is that there is economic trouble. There is trepidation on behalf of families throughout this country as to the economic future that they face as families and that our communities face going forward.

□ 2215

And it's real. The numbers are getting worse. The amount of homes facing foreclosures, the number of workers being laid off, even those people who have jobs finding that the salary increases they thought were coming are being postponed, the amount of overtime hours that they used to rely on, cut back, many more part time workers, more temporary workers.

I don't know, Mr. Speaker, whether we're in a recession or not. I'm not an economist. But I know that people are facing real trouble back in Connecticut, as they are throughout the rest of this country.

And I don't think it takes a rocket scientist on this floor or anywhere else in the country to figure out how we got here. You know, this isn't just about the jobs that are being lost. This isn't just about the themes are being foreclosed upon. This is about the fact that thousands of families, millions of families around this country and in the Fifth District of Connecticut have no more room in their budget to take any more hits.

Energy costs going up at a pace that families and seniors can't sustain; health care costs going up to the point where businesses celebrate when they hear that their premiums are only going to increase by 10 percent in a given year. You add that all together with an economic slowdown, and you put millions of families at risk throughout this country.

And it should be no surprise that we've gotten to the place that we are today because for 12 years, while our friends on the other side of the aisle controlled this House, while President Bush staked his claim to the White House, we have had absolute neglect when it comes to energy policy.

So the families throughout this country today are hurting, while oil companies are making record profits, record profits; not just for the oil industry, but for any company in the history of capitalism in this country, record profits for the oil companies, while we have

families hurting, paying more at the pump, paying more to heat their homes.

Health care policy is the same story. I mean, how long has it been that this Congress has been listening to the cries, to the pleas of families and businesses throughout this Nation to do something about the rising cost of health care?

And for 12 years of this Republican Congress, for 8 years now, almost 8 years of this Bush presidency, no relief on health care costs. While yet, at the same time, those that are making profits off the health care system, the insurance companies, the drug companies, continue to make enormous profits. Salaries for the CEOs of these companies spiral to new heights.

So people are doing pretty well when it comes to energy prices, people are doing pretty well when it comes to health care prices. It's just not consumers. It's just not our neighbors and our friends and our relatives. It's that lucky few who got to run the oil company, who got to run the drug company, who got to run the insurance company.

And we're trying to change things. But we're finding that it isn't easy without partners. It isn't easy without a Republican minority who actually wants to actually do something to change our economy. It's not so easy without a President who wants to come to the table and help us with health care policy.

And so we are in difficult economic times today. But we need a Congress working together. We need a President who's willing to come to the table.

Mr. Speaker, the facts speak for themselves here. On January 22, 2001, when the President was sworn into office, the price of a gallon of gasoline was about $1.47. Today, 7 years later that price stands at $3.53. In Connecticut you might be lucky today to find a gallon of gasoline at $3.53. I think when I filled up my car this weekend, if I remember, it was up around the $3.70 mark.

This is what you get, this is what you get when you give away $16 billion of tax breaks to the oil companies. This is what you get when you refuse to make any investments in the types of alternative renewable energy sources that could wean this country off of gasoline. And this is what you get when, year after year after year, you perpetuate a foreign policy that destabilizes international oil markets in the Middle East and elsewhere.

It's no secret, it's no surprise that we're standing where we are today. This Democratic majority has inherited an utterly bankrupt national energy policy, and it is leading to the trouble that we have seen in American families today.

And the same thing goes for health care policy, Mr. Speaker. Again, I find it painfully humorous that 10 percent increases in premiums are to be celebrated around this country in our business community. And what it has led to is too many businesses who want to do the right thing, who want to give health care to their employees, cutting them off, or forcing more of the cost on those employees; putting yet another economic burden on families all around this country.

This economic slowdown, once again, is not just about the subprime crisis. It's also about energy prices, it's also about health care costs. And for 12 years of this Congress, for 7 years of this presidency, no action on health care.

With one minor exception, right? You remember the 2003 Medicare Modernization Act. Well, it did a couple of things. First, it foisted a Medicare prescription drug benefit seniors, which drove millions of seniors around this country through the roof trying to figure out, amongst 40 or 60 or 80 different plans, which one they should sign up for; drove them through the roof even more once they got to the end of the year and realized that their coverage was going to run out on them when they entered that dreaded donut hole; and all the while, made another nice health profit for the insurance companies and drug companies that were in the room writing the bill with the Republican majority at the time.

That was our approach to health care, was to give a little bit to people in an utterly confusing and cruel program, which gives a lot to the folks that didn't need any more. That's pretty much the sum total of health care reform in this Congress before the Democrats took control.

And as we've tried to extend out health care, we have been met with almost uniform resistance from the Republicans and from the President, most significantly in our effort to try to extend health care to poor kids. Four million kids we could have covered with the health care State insurance bill that we tried to pass. We came, you know, depending on anybody's estimates, about six votes short here in the House of Representatives, to overturn the President's repeated vetoes.

That kind of health care coverage, reaching out and extending to a lot of working families out there. Remember, you're talking about ¾, maybe more of the 46 million uninsured out there are members of families in which you have a full-time worker. People are playing by the rules. They're doing everything we ask them to do, trying to make do in a tough economy, and yet they don't have any health care insurance. And that children's health care insurance bill that we tried to pass here as Democrats, and couldn't get cooperation from our friends across the aisle, that would have extended out benefits to four million more kids and, more importantly, four million more families, families that are doing everything we ask, playing by the rules, trying to survive and simply can't get health care to their kids.

Now, we know that they do get health care to their kids, because if their child is sick, they might postpone getting them to the doctor, but compassionate parents all across this country will end up bringing their child down to the emergency room, will end up finding a doctor that will treat them. But they pay for all of that out of their pocket.

More bankruptcies in this country are caused by health care costs than any other cause that you can dream up. And so this economic slowdown is exacerbated by the increasing amount of health care costs that are pushed and burdened on families across this country.

Doing something about health care is doing something about the economy, just like doing something about energy prices is also about doing something for this economy.

But the other thing that I'm finding out, Mr. Speaker, as I'm walking around talking to constituents in the northwest section of Connecticut, is that the gig is up on the Republican and the President's ability to separate the war from the economy, because people are figuring out that they are totally linked together.

The fact that we are spending $339 million a day, let me say that again, $339 million a day on this war is taking food right out of the mouths of families here in this country, taking jobs effectively right out of the hands of American families.

Why is that? Imagine what we could have done if we could have taken the nearly $1 trillion that we have spent on this war over the past 5 years, and invested it in growing new economies in this country, invested it in building new worker training programs so that individuals being phased out of old economy jobs could be transitioned into new economy jobs.

What if we took that money that we've been spending, $330 million a day, and put that into new tax incentives for small businesses to grow their operations?

All of the things that we could have done with that money could have prevented the economic slowdown that we face today. They are absolutely linked together, the spending on this war, and the economic slowdown that we see today.

And part of this whole puzzle, and now you're getting into sort of high-minded economics that a non economist like me probably shouldn't be talking about. But we know also that the dollar is falling fast across this world, and is jeopardizing even further the soundness of our economy as our dollar gets weaker and weaker and weaker.

And part of that equation is the fact that every dollar of this war, virtually every dollar for this war has been borrowed from foreign countries, countries that we're trying to sit across the table from and negotiate better trade deals, trying to negotiate on foreign policy. We can't do that on a fair and level playing field because we owe them

money; not just a little bit of money, but billions upon billions of dollars that we owe foreign countries. Because for this war, we haven't paid for it ourselves. We put it on somebody else's tab, our kids' tab, our grandkids' tab. And for now that money is being held, those promissory notes are being held by foreign governments, further undermining the American economy.

So the chickens are coming home to roost here on energy policy, on health care policy and on the policy of the war that has sucked money out of this country that could have gone to sustain our economy.

Well, we can do things about it. We can do things about it. We can make strides, we can take steps to strengthen our economy, once again.

I want to talk for just a brief moment, Mr. Speaker, about one small bill that we passed today that'll start to get us on the road to fiscal and economic sanity once again.

Regardless of what you think about this war, we have spent wildly and out of control. Now, I'm talking about the $340 million that we spend every day in Iraq.

Now, I think that had we not gone into Iraq in the first place, had we not stepped foot into this quagmire, we could have spent all of that money here at home to educate our own kids, to build our own schools, to retain our own workers.

But even if we had gone into Iraq, if we had just been paying more attention, as a Congress, as to how money was being spent, we could have had a lot more money to do those things that is now being wasted on the battlefield of Iraq and the battlefield of Afghanistan.

One of the ways in which we are wasting money was that we were making and still are, Mr. Speaker, making people rich off of this war. War profiteering is what it's called, people making their fortunes off of the misery of others. That's happening right here and now in the war in Iraq and the war in Afghanistan.

In the Government Oversight Committee that I sit on as a freshman member, we had one of the most egregious examples of this practice, Blackwater Security before us back in the fall. The CEO of Blackwater Security who's got a billion dollar contract to basically do the work that the U.S. military should be doing in Iraq, Blackwater is basically a paramilitary citizen army setting up camp in Iraq.

They got a huge contract with the United States Government. 90 percent of Blackwater's profits, excuse me. 90 percent of Blackwater's revenue comes from U.S. taxpayers. I mean, they are, essentially, a quasi-government agency. 90 percent of their money comes from the U.S. taxpayers.

So I asked what I thought was a commonsense question at this hearing. I asked Eric Prince, the CEO of Blackwater, I said, listen. You know what? I think it'd be useful for us to know as a Congress, and for the American public to know how much profit you make, how much salary do you take as a quasi-public government employee?

Mr. Prince said to us, very clearly, it's none of your business. I'm a private company. It seemed outrageous to me. It seemed outrageous to many of my colleagues on the committee.

We pay your salary. We pay 90 percent of all the money that your company takes in, and you're not going to tell us whether you make $1 million?

Well, he did tell us that; he did tell us that he made over $1 million, but he wouldn't tell us how much more.

□ 2230

$2 million? $3 million? $10 million? $20 million?

So I put in a bill, a really simple bill that passed on the floor of the House of Representatives today that said for those private companies that are out there making 80 percent or more of their money from the Federal Government, that have $25 million or more in contracts, you need to tell the American public how much you are taking out in profit. Tell us how much your most highly compensated officials make. Put some sunlight on how much profit you are making off of this war. Seems like a commonsense measure. In fact, it passed unanimously on the House floor this afternoon.

But it says something about how important the change was that was made in control of this House that it took 5 years of this war for that commonsense, simple bill to make it to the House floor, because when it got here, it resulted in a unanimous vote. But it took Democrats taking control of the House in order for these types of bills, cracking down on war profiteering, to even find the light of day here.

And so, yes, so many of us believe that part of bringing us out of this economic mess, this downturn, this recession, whatever you want to call it, is getting us out of this mess that we have gotten ourselves into in Iraq, turning that money around and spending it right here in the United States of America. But until we do that, one of the most important things we can do for our economy is to make sure that to the extent that we are spending money in Iraq that we're spending it wisely, the right way.

That's part of our responsibility as a Congress. At least when I grew up reading the Constitution, learning about the three branches of government, I was told that the House of Representatives was supposed to be a place that oversaw the executive branch, that made sure that the money of the people that they represented was being spent in the right way. Well, that didn't happen here for a long time.

That oversight role that the Congress was supposed to have on the war, on the policies of the President, kind of vanished for about 7 years. Conveniently, they were there for the years in which there was a Republican Congress and a Democratic President; a record number of subpoenas were flying out of this place when there was a Democratic President. But when there was a Republican Congress and a Republican President, it wasn't happening so much. I would like to think it was a coincidence, but it probably wasn't.

Now we've got oversight again. And a reasonable amount of oversight. Not overreaching. Not politicizing, not grandstanding. The right amount of oversight. And we passed a bill that was part of that process today.

I couldn't be more pleased, tickled, frankly, to be joined on the House floor by one of the originators of the 30-Something Working Group, Representative MEEK.

Mr. MEEK of Florida. Well, I want to thank you so very much. When you say ''originators,'' it makes me feel a little old.

But, Mr. Speaker, I'm glad to be joining my great colleague here. He had a wonderful bill on today on the floor. I'm so glad that the Members voted in a unanimous way in making sure we bring about the kind of accountability that the American people have been calling for for a very long time now.

I think Mr. MURPHY has stepped on something, like they say in the country, of being able to bring to light, exactly what are you making? Why are you motivated to be a part of this ongoing war, this kind of the quiet storm that's going on, special interests supporting with commercials and all, the war in Iraq and Afghanistan?

So we do know that the war in Afghanistan is all about 9/11, but the war in Iraq, after 5 years, is about something else.

Former President Bill Clinton puts it this way: If a family next door had a fire, any good neighbor would allow their neighbor to come over and stay at their home and let them sleep on the couch or the extra room for a couple of weeks; and maybe that neighbor may ask, well, can I stay for 2 or 3 months? And nine times out of ten, a good neighbor would allow that person to stay 3 or 4 months. But when it's 5 years later, it's no longer about the fire.

I think that it's important that we look at it from that standpoint, especially as we look at some of these companies that are tenfold going along with, let's keep this war going, let's keep the American people scared about what may happen to them if we were to withdraw the majority of our troops from Iraq.

Mr. Speaker, I think it's important, and I want to share this with the Members because there was a great debate on this floor today when we talked about this issue of gas prices.

Now it's very ironic that our Republican colleagues on the other side tried to do what we call here on this floor a procedural maneuver, a motion to recommit saying that what are you doing about gas prices in America. Now, this

is very interesting, and I wish I had my chart down here as it relates to profits that Big Oil has made on the Republican watch.

When President Bush became President, Dick Cheney had a special meeting in 2001 with oil companies, and all of a sudden, these oil companies started making these profits that were really unconscionable, unprecedented, never happened before in the history of the Republic. But then again we have Republicans on the floor saying, what is up with these oil prices?

Well, you know, it's very interesting. I want to point the Members, too, because it's nothing about fact versus fiction. Republican leadership wrote the Speaker a letter saying, well, what are you doing about the fuel issue and the price of gas in the United States of America? And me knowing the Speaker and all of us knowing the Speaker, that she sleeps with her fists balled up, especially fighting on behalf of the American people.

And I think it's very, very important, and we realize that this is very serious business, when folks have to pay $4 out of their pocket to pay for a gallon of gas, I think it's something that we should be paying close attention to.

The Speaker wrote the Republican leadership back in this House and said, It's interesting. We have H.R. 2264 that we put forth on the floor in asking the Department of Justice to take legal action against OPEC-controlled entities for participating in oil cartels that are driving up the price of oil. That's H.R. 2264. How about the Energy Price Gouging Act, which is H.R. 1252, legislation that will reduce the burden of rising gas prices on American families, providing immediate relief to consumers by giving the Federal Trade Commission authority to investigate and punish those that are artificially inflating fuel prices? How about H.R. 5351 with ExxonMobil ranked as the most profitable company in 2007? It's unnecessary for taxpayers to subsidize Big Oil. It goes on and on.

I will pull one more bill out. How about the marketing manipulation provision that was in the Energy Independence Security Act of 2007? It talks about some of the very things that I mentioned.

But this is not the kicker, Mr. Speaker and Members. It's interesting that the Republican leadership would write the Speaker trying to do a Potomac two-step when we're here about the business.

See, the reason why we're in the majority is because Republicans, Independents, Democrats, people that voted for the first time wanted to vote for change, so they voted for the Democrats to take control of this House of Representatives; Republicans who are frustrated, Republican voters who are frustrated with the fact that Republicans were saying one thing and doing another in the back halls of Congress. We have opened this process up when we took the majority here, and that's what they were looking for, and we will continue.

But the irony of the whole issue is that the Republicans will write a letter to the Speaker as though ''we got you on black-and-white paper,'' and she's not paying enough attention to say, Wait a minute. Let me call you out since you wanted to call me out.

As a matter of fact, the top of the Republican leadership here voted against the issue as it relates to OPEC price gouging, voted against the Price Gouging Act that we passed, the House bill that I called out just a few minutes ago; voted against renewable energy so that we can drive the cost down and compete with petroleum and OPEC companies and other folks that want to raise the price of gas in the United States, and voted against the Energy Security Act.

So I think it's very important for us to look at the hypocrisy of the democracy on the other side of the Republican aisle. Now I won't generalize all of the Republicans in this House because some of them voted with the Democrats on it because they see the light.

Many of their colleagues that were lockstep with the philosophy of the letter that the Republican leadership wrote to the Speaker are now watching me at home on C–SPAN because they made a career decision not to follow the will of the American people and bring about the kind of change that they woke up early one Tuesday morning looking for. This great democracy of ours calls for representation. Not representation of special interests.

And so I'm very pleased with my Democratic colleagues that have voted for our Democratic leadership to be in the leadership to lead us in this new direction that we share with the American people. We didn't just share it with Democrats; we shared it with Republicans, we shared it with the Independents, and we shared it with the American people. We shared it with those that are yet unborn, those that cannot vote right now to give them hope in this government that we're here fighting on behalf of them.

There are veterans right now that are in the sound of my voice, that can hear my voice right now, that have fought for this country and allowed us to salute one flag. And I think it's very, very important, Mr. Speaker, very, very important, Members, very, very important, those congressional staffers, that we do the things that we have to do to make this country better.

These kind of letters, writing back and forth for the sake that I wrote a letter, motions to recommit to say that we're going to call the Democrats out on not doing anything about gas prices; we don't have oil on our hands. They need to go down to 1600 Pennsylvania and check that out. They had the first meeting. They sat down with oil executives. They're the individuals that have the oil background.

And we have a better reason of why we need to change what is going on right now through using alternative fuel versus telling American people that they're addicted to oil.

So we've got a lot of work to do, and I'm hoping that this bipartisan vote that we took on Mr. MURPHY's bill today is something that's blowing through the air ducts here in Washington, D.C. that Republicans and Democrats can vote together when it makes sense. It makes sense for us to look for alternative fuels.

It makes sense for us to be greener. It makes sense for us to do what we're doing here, Mr. MURPHY and Mr. Speaker, of greening the Capitol. Greening the Capitol, we just started that when the Democrats took control. Mr. MURPHY talked about the fact that this made sense, but it never would have seen the light of day, Mr. Speaker, if it wasn't for Democratic leadership here in this House allowing Mr. MURPHY's bill to make it to the floor so Members can vote in a unanimous way.

Some of my friends on the other side of the aisle, Republicans, they're people, too. And it's very important that we give them the opportunity to vote on good pieces of legislation. And I think it's important that we don't allow anyone to stand in the school house door or the policy door of this Congress and not allow legislation to come to the floor.

Case in point, Mr. MURPHY, if I may. All of the 9/11 recommendations were held back by the Republicans when they were in control. We passed them here in the House of Representatives. To be able to cut student loan interest rates in half on behalf of all of the American people; those that drive Ford, Chevy trucks that are paying somewhere in the neighborhood of $95 to fill their tank up, to those individuals that are catching the bus that have been green all their lives because they have no alternatives; those individuals that wake up early in the morning that snap, pop these sheets over here in Washington, D.C. and throughout America in these hotels that know what it means to punch in and punch out every day with a 15-minute break in the morning, if they get it, and a 30-minute lunch break, if they get it, those kind of individuals. Those kind of individuals that come home and take off steel-toed boots and sit down and try to recover from the day that they had of working a solid 8 or 12 hours. Those individuals.

Those are the kind of people that we talk to here in this Democratic Congress. Those are the kind of individuals that we allow Republicans to vote on good legislation like Mr. MURPHY brought to the floor today because he just got here and he wants to show his constituents and the American people since they federalized him to come to this floor to represent them, that they will have the opportunity to vote for good legislation. Not only for him to go home but for him to sleep right at night.

So I think it's important, Mr. Speaker. I have no problem with Members

bringing amendments to the floor. I have no problems with Republicans raising the point of how we can make legislation better. But it's one thing, Mr. Speaker, and Members, when you come to the floor and you're the pot calling the kettle black, it's one thing for that to happen.

And one thing that I do like, Mr. MURPHY, about our 30-Something Working Group is that we're in the business of fact and not fiction, that we're in the business of carrying out the will of the American people, because we stood on this floor some 4, 6 hard years saying that if you give us the opportunity to lead, this is what we will do. Democrats, Republicans, Independents, American people, and those yet unborn will appreciate our efforts.

□ 2245

So I think it is important. I'm not upset. If someone says, well, Congressman sounds kind of upset, that guy from Miami. I thought he was kind of easy going, you know, folks from Florida get all excited about things, Sunshine State and all. I'm just glad that God provided me an opportunity to stand upright to be on this floor. And folks in the 17th Congressional District in Florida on one Tuesday morning voted for me to be here to be able to state what I'm saying right now. And so this is not propaganda, it's fact.

I want to thank the Speaker for responding to the Republican leadership on this issue. And I want to thank those Republicans that voted on your very good piece of legislation. I'm glad, because I look forward—I actually sent something out to a couple of friends talking about this today, and I think it's important that we do that.

Mr. MURPHY, I want to thank you for your leadership. I'm glad that we have the opportunity to do the things that we have to do. I know the American people are paying attention to what the presidential candidates are saying. I'm hoping that in the President's closing days, that he has an opportunity to sign and be a part of the good legislation that we're trying to pass here. And I want folks to stay engaged.

Before I close on this segment, I just want to say, because I never hit the floor unless I share with the Members what's happening in Iraq right now, that as of today, April 23, 4,046 Americans have died in Iraq; total number of wounded in action and returned to duty is 6,520; and total number of wounded in action not returning to duty is 3,309. Mr. Speaker, I think every day that should be read into the CONGRESSIONAL RECORD so that Members understand their responsibilities and what they have to do.

Mr. MURPHY of Connecticut. Well said, Mr. MEEK. And if we can get the legislation that we passed through the House today through the Senate, what will make those numbers even starker is to partner them with the numbers reflecting the millions of dollars that some people out there are making off this war. Or those numbers of troops that don't come home, or come home with their lives altered permanently, for many of us, I think for all of us, it doesn't seem right that off of that misery someone is making their fortune out there. And that's what the legislation today on the floor sought to do.

Mr. MEEK, you talked about the fact that on a lot of the pieces of legislation that we've been talking about, especially with respect to our efforts here in this New Direction Congress to try to do something about the legacy of rising oil prices that the President has left us, we've had folks on the other side of the aisle join us. I'm just looking at a couple of bills here on our legislation to finally go after these multinational oil cartels that have been price fixing, have been immune from the actions of prosecutors and U.S. courts. Well, we've decided to put them under the jurisdiction of the United States court system and try to go after them for price fixing. And you know what? We did. It looks like we got about 125 Members of the Republican side of the aisle to join us.

When we went after price gougers, we said, let's make it a Federal crime, let's give the Federal Trade Commission the ability to go after those people who would take advantage of rising prices to gouge consumers, to try to get much more than the market would command. We had over 50 Republicans who joined us on that legislation; we wish we had more. We wish we had a greater bipartisan majority for these pieces of legislation that are going forward. But the fact is is that we are working together as much as we can. It's not easy to take on these big interests that are making record profits in the oil industry.

The real problem is down the street. The real problem is that we have empowered and entrusted with the reins of the White House and the entire executive branch two oil company executives, two people who made their own fortunes taking profits off of oil prices, taking money out of the pockets of consumers. And those relationships in this administration with the oil industry, I think more so than the relationships that certain Members of this House might have, have really led us to the point where we have trouble advancing good consumer legislation through the full process because the President's threatened vetoes on the anti-oil cartel bill. The President's threatened veto of the price gouging legislation is what holds it up from moving further through the process.

So Mr. MEEK, this is, I think, a building bipartisan majority here in the House. I think we are having some success convincing some of our friends on the other side of the aisle, despite their procedural tricks and maneuvers, that, you know what, these prices don't discriminate based on what party you went down and registered at the town hall and you're getting killed by gas prices and home heating oil prices whether you're a Republican or whether you're a Democrat. So I think that may account for why we have been able to build some collective support here for these pieces of legislation.

It's really down the road, as you ended your remarks, Mr. MEEK, by suggesting that we've still got time left, right? I mean, everybody's looking at this presidential election saying, you know what, that's where our focus is. Everybody's concerned about this primary and that primary, and the cable news networks don't cover what we do here, they just cover what's said on the campaign trail. Come on, we've got 9 months left of this administration. We've got 9 months more, potentially, of $3.53 gasoline prices, of similarly high prices to heat your home in the northeast as the winter starts to come around again. We've still got time to do something if we've got a President to come and join us here and make some of the changes we need to make, Mr. MEEK.

There is still time left. We say to our colleagues, don't pay attention to this presidential election at the detriment of the good work that we still can do. Now that the people have got back control of their House, taking it back from the oil companies that have controlled this agenda for so long, we can still make progress. We can still do something about these prices between now and the end of the year, Mr. MEEK.

Mr. MEEK of Florida. If I can, Mr. MURPHY, I think it's important, and I'm going to have to come in for a close because I have to run, but I think that it's important, Mr. Speaker and Members, that we look at it for what it is.

I tell you, a friend of mine from Miami always says, ''it is what it is,'' and I always smile when my friend shares that with me. But I can tell you this, you know, here's President Bush walking with the Saudi king in April of 2005 right here, Mr. Speaker. And I want the Members to make sure that they focus in on that, the very meeting that I was talking about. The White House energy plan was submitted, and individuals had a meeting, and here it is. If you look at the future prices with respect to gasoline, they appear to be headed down. This is what Vice President DICK CHENEY said on 5/20/2001. And as you look at this chart, it started getting worse for the American people, Mr. Speaker and Members, and better for the oil companies. Now, I'm not a Member of Congress with a conspiracy theory, but I'm just saying that it's important that we pay attention to what people are saying and what they are doing.

I want to get that other chart and just kind of talk about what happened to the American people. Let me tell you something, I have to fill up my tank, too. My constituents are feeling this pinch, too. And I just want to make sure that folks understand that this is serious business. When you have folks on fixed incomes and they're not receiving cost-of-living adjustments or

whatever the case may be, because the super majority of Americans—the boss man, like they say in the country—they don't necessarily care about your personal problems, about the fact that you can't fill your tank up, about the fact that your child couldn't pay his or her student loans back and you had to stand in for your student loans. My mother always said in the old school—they used to call a guy in Tallahassee, Florida that owned Lewis State Bank, Mr. Speaker, they called him ''Banker Lewis.'' And back in the old school, some of the grandparents and some of the folks that are probably in their 50s and 60s understand, they say co-sign now, they used to have to go down to the bank and credit union and stand for the person that's looking for the loan. Those days are over. And individuals that are looking to make money in a capitalist society, some care about their employees' personal problems, but some don't. And there's nothing wrong with capitalism, I think profits are a good thing, but I also believe that individuals that went to vote for representation here in this U.S. Congress deserve it. And this is what's happening here.

Look at the per barrel price, 2001. Remember that other chart that I talked about at Mr. CHENEY's meeting—who has a past history in oil, and I guarantee you will have a future in oil—it started off at $25.88. And you can follow over here. And this is not fiction, this is fact. You start going up, up, up, and now we're at $119.37 a barrel.

Now, Mr. Speaker, if I start saying that unleaded gas is $3.70 or $3.60, there will be many of your constituents and your constituents, Mr. MURPHY, and many constituents of Members of Congress here that will say the Congressman is incorrect. No, it's actually $3.80 and $3.90 in some places. And so I think it's important, when we start looking at what small businesses have to pay, what American people have to pay, you know, we have parents that are trying to carpool, get their kids to school. I mean, I live in the urban area. God forbid if I was in a rural area. What happens if I have to drive my soon-to-be 11-year-old son and my 13-year-old daughter 25, 30 miles to school under these circumstances?

And we have four pieces of legislation that this Democratic House has passed and waiting for our Republican colleagues, in many cases, to join us. And especially over in the Senate, Mr. Speaker and Members, where they have the 60-vote rule, you can't even bring things up. So you have oil executives going there saying, stand in the door of the Senate or stand in the door of the House and make sure that this doesn't pass or this amendment doesn't go on. It may be counterproductive to your constituents, but stand in that door. That's the kind of stuff we saw in the 108th Congress. That's the kind of stuff that I witnessed in the 109th Congress. But in the 110th Congress, it's a new day, and the people are looking for the kind of representation that they voted for.

And I just want to share, and Mr. Speaker, this is not a threat or anything like that because I'm not in that business; I mean, I consider myself a nice guy and I get along with a number of the Members here. As a matter of fact, I don't know of a Member that I'm not on speaking terms with, Democrat or Republican. We all get along. We're colleagues. It's just like you go to work every day, you punch in. There are some people that work in some areas of the office or out on the construction field, but you all say hello to one another, I mean, why don't you? But the only time we separate is when Republican leadership may say, well, we can't be with that because a certain interest doesn't want us to be with that issue; or we have to show the difference between us and the Democrats, even if they're right. Well, back home, for those Americans that know what it means to sit at the dining room table and spread your bills out and figure out how you're going to pay them, those kind of individuals are looking for representation. Those kind of individuals are looking for relief. And they're not necessarily looking for relief for the people that they're paying the bills to, they're looking for the relief for them to help them figure out their dining room problem.

And so when we talk about rolling blackouts, when folks' lights go out, or whatever the case may be, I was in Haiti on Sunday evening and Monday, and I could sit and watch the different parts of Port-au-Price, Haiti go into the dark because the country is running through economic problems. That happens in America. There are houses on every block in America—not every block, but some blocks in America that the lights are out, not because they went to bed early, it's that they can't afford the dog-gone bill.

And so when we sit here and start playing these games like our Republican leadership tried to do tonight with this whole motion to recommit, saying what are you all doing about gas prices, when turn around three-quarters of them didn't even vote for four of the bills that this Democratic House put forth to give the American people the relief that they called for, and then we're trying to do something about it, and then they try to hijack a good bill and trying to force the Members by saying, well, this Member voted—and we may see this this November, I don't know. Some Members, their motion to recommit, we voted it down, a very bad motion to recommit, ill-advised motion to recommit that some Member that voted for the last four bills to give the American people the relief that they deserve may find it in a political ad sometime soon in their district saying that they voted against some Republican motion to recommit that could not come to reality if it wanted to because it wasn't drafted right, it didn't fit into the bill. But they had the right to be able to put the motion to recommit. So I think it's important that we break this argument down for the American people so that they understand what's going on here. That will not be rewarded.

Mr. Speaker, I stood here, as sure as my name is KENDRICK MEEK, Mr. RYAN and Ms. WASSERMAN SCHULTZ and others, we stood here on this floor and we told the Members, listen, if you play with the American people, you're going to get stung and it's going to be bad and you're not going to recover from it. Some of you will not be here. Some of you will make career decisions. Check the CONGRESSIONAL RECORD, I said it. And guess what? We took the majority. And guess what will happen this time around? Those individuals that know what it means when they sit down to the dining room table and try to figure out how they're going to make ends meet when they put their kids to bed, how are they going to meet the bottom line of their situation. And then we have individuals that are standing in here, that are standing in the policy door of this House and not allowing good legislation to pass to give the American people the relief or trying to stop good legislation from passing to give the American people relief.

□ 2300

They're not going to think if they're Democrat or Republican or Independent. They're going to vote for the people that are fighting for them, and that's us.

So I say to my Republican colleagues respectfully, those individuals that decide to follow leadership, that the track record's not good because I asked them to call some 25 or 30 Members that are now sitting at home reading the actions of Congress in the newspaper when it's dropped in front of their door in the morning. I don't want to be part of that group. I want to be here and have the distinct opportunity to be here in this U.S. House of Representatives that few in this country have had an opportunity to serve in. And I'm proud to be here, and I think every Member should be proud to be here. And I think that should be their first priority when they stand upright and they walk in here and they put this congressional pin on and they walk through the doors because the people expect it and deserve.

So, Mr. MURPHY, your bill today, like they say in some parts of the country, they had no other choice than to vote for it. But I'm glad that we had the leadership in place, Mr. Speaker, to allow that bill to come to the floor because I can tell you a great bill like that never would have seen the day, never would have under the lights, and never would there have been an opportunity for Members to take out their voting card and vote for it because it wouldn't have been allowed to come to the floor because that was something that we didn't do or they didn't do or

they didn't allow us to do. When I say ''they,'' I mean the Republican leadership.

So I don't speak with a silver tongue. I just speak of the truth and reality. And if anyone wants to contradict what I say, you know something, this is a free country. We salute one flag. Folks can get out and say what they want to say. But the CONGRESSIONAL RECORD is on the side of the Democratic leadership, and the CONGRESSIONAL RECORD is on the side of what happened and what did not happen.

So, Mr. MURPHY, I don't feel that we need to even come close to apologizing for anything, and I don't even think that we should be overly offended by the attempts of the past Republican majority to try to push motions to recommit on good pieces of legislation that we are trying to bring to the floor. If I'm thinking politically, I say continue to do those things because we will continue to be in the majority for years and years to come. But the sad part is that the American people lose, and that's the reason why I don't want to promote that. I want us to work together. I want us to work together in a bipartisan way.

So, Mr. MURPHY, I'm so glad to be here to join you here tonight. I'm glad that you anchored the 30-Something tonight. I'm proud to be a part of it. Your constituents should be very proud of the action that you took today, including our entire country. And the good thing about this institution is that historians will look back on this time and will reflect and read about those that were part of the solution and those individuals that were part of just continuing the political madness that many have written about and many Americans have read about. So congratulations.

Mr. MURPHY of Connecticut. Mr. MEEK, when you stand on behalf of the people, you can't lose.

Mr. MEEK of Florida. Absolutely.

Mr. MURPHY of Connecticut. You can't lose. And I wish it was more complicated. I wish legislating involved a little bit more mystery, but it doesn't. When you've got a choice to stand with regular, average, everyday folks who go to work every day trying to make a living and are playing by the rules or you stand with oil companies who make more money than they ever have, it's not a hard choice. You stand with regular, average, everyday people and the troubles they're going through. If you do that every time, you'll win every time.

Mr. MEEK, it has been a pleasure to share the floor with you today on behalf of the 30-Something Working Group. We thank Speaker PELOSI for giving us once again the opportunity to share some of our thoughts with our colleagues.

ENERGY

The SPEAKER pro tempore (Mr. ALTMIRE). Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 28 minutes, one half of the time remaining.

Mr. KING of Iowa. Mr. Speaker, I appreciate the privilege to be recognized here on the floor.

I would ask, as a point of information, do you anticipate Democrats coming to the floor for the next hour?

The SPEAKER pro tempore. There is one group following the gentleman.

Mr. KING of Iowa. I appreciate being recognized to address you on the floor of the House, Mr. Speaker.

In the 28 minutes that I have been allocated, I think it's important to address some of the issues that were raised by the gentlemen in the previous hour, the 30-Something Group. That is that, gentlemen, you simply cannot suspend the laws of gravity or the laws of nature, and what goes up must come down. Water runs downhill. And supply and demand control the prices in the marketplace.

I have fought this energy issue on this floor of Congress for some years now. And the lamentations that I'm hearing that come from the gentleman from Florida, his concerns about motions to recommit used to be concerns about the Republican majority. They still remain concerns about President Bush, and they still remain allegations about why we have high gas prices, why it is people can't pay their bills. But the PELOSI majority would suspend the law of supply and demand. There wasn't any discussion about that. It was all about profiteering of the corporations.

Well, the first point I will make is that we have got to have some people producing energy. And let's just say, for example, if Exxon makes $10 billion a quarter, and that adds up to 40 some billion dollars a year, and if this Congress steps in and says we have a different deal, we want to change the deal, we want to put some windfall profit tax on you and every other American corporation that is now making some profits off their investment in the oil fields, and as this leadership on the Speaker's side has done through the farm bill in particular, which is push to change the deal on our oil leases and renegotiate them because of their belief that the people who signed those contracts, those companies that are providing oil and gas and diesel fuel for us are making too much money, Mr. Speaker, a deal is a deal. And when the Federal Government signs a deal for oil leases and those companies agree to pay royalties on the oil they pump out on a per barrel basis, if the value of that barrel goes up, the Federal Government's deal can't change, just as if the value of the oil goes down. If it costs more to explore and find the oil and more to get it on the market, Uncle Sam is not standing there. Speaker PELOSI is not standing there with her checkbook saying, well, it didn't work out so well for you; so we want to fill in the hole of the loss that you had. No. A deal is a deal. And when you shake hands on it or you just say, yes, that's what I agreed to, that is by definition a contract. And when you have a congressional piece of legislation, when you have the Federal Government negotiating a lease, you don't change that deal.

And this Congress steps in and makes noises about windfall profits tax. And there are people sitting on the board of directors of these energy-producing companies, these companies where the more energy they produce, the cheaper gas gets for the American people because the law of supply and demand commands the price. Gas gets cheaper when you have more of it produced. And when companies make money, they invest that profit into research and development and exploration. When they do that, that puts more gas and more diesel fuel and more oil on the market, not less. And that keeps the price from inflating or it lowers the price. So if this Congress, led by this Speaker, steps in to change the deal, the people on the board of the directors of those oil-producing companies, if they're logical, rational people and they control capital; so by definition they are logical and rational in my book, some of them are going to start to discuss how they can take those profits out of their oil company and invest them in someplace else where they might not be so vulnerable to a windfall profits tax or so vulnerable to a Congress that has shifted to evermore class envy, evermore resentful about capital returning to the stockholders, and when that happens—the mutual funds, the retirement funds, the 401(K)s, the investment funds of America that are our pension funds that supplement Social Security are many times invested in oil stocks and reserves and futures. The portfolio of America's retirement is what's being attacked by this Congress. And we have to let people and have to let companies make a profit when they invest and take the risk. You cannot suspend the law of supply and demand. But this Congress has. And I think you're off in Pah-la-la-losi Land thinking that you can suspend the law of supply and demand. You cannot.

If we have more energy on the market, the price increase will either slow or it will diminish and be reduced. If we have less energy on the market, the price will go up if the demand also goes up. That is the equation that works here.

So we have high gas prices, and it's pretty easy to figure out why. The American people that are awake tonight, Mr. Speaker, and especially those out on the west coast and in the mountain States, they will understand this equation, I think, fairly simply. There are three reasons that the gas price has been increasing. One of them is the world demand on gas and diesel fuel, on oil. That's why the per barrel crude oil price has gone up. By any

measure it has gone up. The world demand has increased. We see the Chinese increase their demand, and as the Chinese demand increases, that puts more demand on the supply, and when the supply gets tighter, the price goes up. U.S. consumption has not diminished. It has marginally increased over the last few years. That uses up more.

The oil reserves are being diminished some. And we're finding also oil in other places where we thought we couldn't produce it. There was an announcement here last week. USGS had announced what I believe was 3.4 billion barrels of oil in an oil shale a couple of miles down, most of it in North Dakota and some of it in Montana. That's a huge oil find. The tar sands in Northern Alberta have a massive amount of oil, and we're preparing to bring a pipeline down from there and build a refinery in the Midwest if local people are willing. And if we can do that, we can keep the gas and diesel fuel prices in America from inflating out of sight. And, in fact, if we can bring enough supply in, we can cause those prices to go back down. Supply and demand is one component of this, and it's a pretty important component.

The use and consumption of more energy globally is another component of it.

And a third component of the high gas price is a cheap dollar. This dollar has been diminished in its price. And the commodities across the world, it takes more American dollars to buy things overseas to purchase into the Euro environment, the European Union, for example. It takes more dollars to purchase in Asia. But their currency buys more. So because their currency buys more, it takes more American dollars to compete against that. So perhaps 35 percent of the value of this crude oil on the marketplace is because the value of the dollar has been diminished. If you could take 35 percent or roughly a third out of the gas price today, you're down there near $2 a gallon.

But the point that I want to make about this in this poster, Mr. Speaker, is this: The remarks made by the previous presenters are not consistent with this factual information that I have in this chart. And it works this way: On the day that George Bush was inaugurated as President, and I mean the first day, January 20 of 2001, the average gas price on the street was $1.49 a gallon, Mr. Speaker. That price stayed fairly flat. It appreciated some. And by the time we got out to 2007, January of 2007, when this new Democrat majority in Congress was sworn in and Speaker PELOSI took the gavel where you're seated, Mr. Speaker, the gas on that day was $2.33.

Now it's been about 15 months perhaps, perhaps 15 months of this Pelosi Congress, and gas has appreciated, gone up in price, from $2.33 a gallon to $3.51 a gallon. That's a 50 percent increase in the price of gasoline in America in 15 months. And that isn't because President Bush has done something to increase the price of gas. It isn't because he hasn't been helpful and supportive and worked to try to get us more domestic energy supplies. It's because the people on that side of the aisle, Mr. Speaker, the people on the Democrat side of the aisle, have blocked everything since I've been in this Congress that put more energy on the market. They blocked everything.

And we fought this on this floor to open up ANWR for drilling, a massive amount of oil up there. There's no environmental concern in ANWR. We were successful in drilling the North Slope. And I will submit that there is not an environmental spill in that part of the country that has a lasting and damaging effect. There was a tanker, the *Valdez*, that did run ashore and have a spill. But that was a matter of transport. It wasn't a matter of drilling, and it wasn't a matter of processing or pipelining it out of Alaska. It was after it left Alaska that that happened. But there was not a measurable spill up north that caused a problem. There is no environmental impact that's been a negative up there in Alaska, and there is no rational reason to prohibit drilling in ANWR. Yet the vast majority of the Democrats blocked the drilling in ANWR. When we were close, when we were within a handful of votes of being able to punch those holes up there and have that oil flowing down in here into the domestic United States, that would have been back when gas was, let's say, about $1.80.

□ 2315

Today, it's $3.51 and rising because of the barrier that was put in place by environmental extremists that do not have a rational argument that they can put up. All they do is put a green label on a bill, and as soon as it's green, the chicken littles on that side will run and vote for a green bill. I had people come to me and they said, We had the bill to drill in ANWR that allowed for, out of those millions acres, and I think it's 19.2 or 19.2 million acres, 2,000 of them to be used to punch holes down into the oil field. Two thousand acres. As the vote went up on the board, Mr. Speaker, people came to me and said, You are from Iowa; you know what an acre is. You have farms there. How much is an acre? I said, Well, 43,560 square feet. That didn't mean a thing to them, that is the size of a country school house lot. That didn't mean a thing to them. How about the size of a football field? Oh. Okay. Two thousand football fields. I think I will be a no because, after all, it's green. It's labeled green.

Environmentalists don't want to punch holes up there. It's the best place God could have put oil, that I can imagine. You go up there and do it in the permafrost and you drive out on the ice. And when the frost melts in the summertime, there's no sign that there was any traffic there at all. The most extreme environmentalists you could come with on that side, Mr. Speaker, I could fly them over ANWR and they couldn't point down to an oil well. I will fly them over the north slope. I will fly them over at 2,000 feet and they can't eyeball an oil well in the north slope of Alaska because it's not what they imagine and it's not drilling up there in a pristine alpine forest.

I am here to tell you there's not a single tree up there, Mr. Speaker. Not one. Even though the Sierra Club ran adds that said we can't disturb—well, the images on the screen were pristine alpine forests. There's not a native caribou herd. But the one on the north slope of Alaska, where we did drill successfully, went from 7,000 head to 28,000 head, for those of you out there in Rio Linda. That is 28,000 caribou where there was 7,000 before because now they don't drop the calves into the cold water on top of the permafrost, but get next to the nice warm pipeline and have their calves and they get nice and fresh then they gallop across the tundra.

It's been a good thing for the environment, a good thing for the oil supply. Drilling in ANWR is a good thing. Drilling in the Outer Continental Shelf, especially around Florida, is a good thing. These prices would not be this high if we had been successful in those efforts, if there hadn't been a Democrat green coalition that blocked every effort to try to put more energy on the market, more Btus on the market. Because the equation is this, all of our energy is all wrapped up together. British Thermal Units ties it all together, whether gas, diesel fuel, ethanol, biodiesel, solar, hydroelectric, whether it's nuclear, whether it's wind energy, whether it's clean burning coal, whether it's latent solar heat, all of those things put energy out of the market. They are all part of the overall energy pie chart. The more energy we can put there, the cheaper it's going to get. And the more things that you do to take energy off the market, the more expensive it's going to get. And your thoughts are either denying the law of supply and demand, or the thing that I heard many of you voice, this thing you have convinced me now is that you want to see more expensive energy. That is what I believe. Because I hear the dialog, I hear the debate. You want more expensive energy because somebody will park their car and get on their bicycle and ride that instead of driving their car. Doesn't work for grandma out there in Iowa that has got ten miles in January to go to town. But it might work for somebody in Florida to get on their bicycle.

More expensive energy why? Because we get more quality of life? No. Because you have this myopic vision that you can somehow save the planet if we had $6, $8, $10 gas. That is why you're taken by every energy action of this Congress since NANCY PELOSI took the gavel that has taken Btus off the market, shortened the supply, tightened

this thing up. The demand has gone up, the supply has gone down. The price has gone up 50 percent in the 15 months that NANCY PELOSI has been Speaker of the House. And I have to listen to the drivel that says there is some other reason because what, we didn't go after the windfall profits of the oil companies? I don't think so. That means everybody delivering oil is a crook and everybody is fixing prices and going along with it. It is supply and demand. That is the bottom line on this energy piece.

As I look at my colleague from Michigan, who actually comes to the floor with a significant amount of expertise, I would be very pleased to yield such time as the gentleman may consume. Mr. MCCOTTER from Michigan.

Mr. MCCOTTER. I appreciate that. Thank you. We have a fundamental agreement and yet a disagreement. I think that everyone can see that there are three key elements to America's energy situation: Production, conservation, and innovation. We all agree on conservation. We'd like to see America more energy efficient, and we differ on whether or not what the extreme would be in terms of conservation. Republicans generally would hope that they would be community-oriented conservation, recognizing these tiny ripples of hope, citizen engagement in protecting their local environment would be the most efficacious way to deal with this situation rather than pass an overarching bill in Washington, with no citizen participation and only hope and more regulation, taxation, and burden upon America's industry and upon the American people.

In the area of innovation it is a very stark difference. Our side of the aisle believes that the free market and the genius of the American people will come up with the innovative solutions necessary to move us toward green fuels and a cleaner environment. The other side of the aisle believes the government knows best, and if they just capture enough revenues from the hardworking American people, they will then determine what ideas will work and will not work and force them upon the market.

But it is most noticeable in the area of production where the two sides differ. We believe production is essential. The gentleman from Iowa has properly laid out we live in a global economy. Supply and demand are the keys to the crisis today. If America does not produce more energy from its own sources, the cost will continue to go up because the supply will remain constricted, if not finite, and the demand will continue to grow from developing countries such as Communist China, India, and others.

What we believe is necessary is a declaration of energy independence which, like our own country's Declaration of Independence, recognizes that it would not happen overnight, it would not be easy; it would require sacrifice, and yet together we would get there.

We need to continue to produce domestic energy as we transition through a free market-based approach to innovations that will get us to a green energy policy and through the community-based conservation that will help foster and perpetuate energy efficiencies within our communities, within our homes.

Now the difference between these two policies is clear in the chart that the gentleman from Iowa has put before us. As someone who does not come from Iowa, but from Michigan, once known as the arsenal of democracy, a proud manufacturing State, the State that put the world on wheels, we see what the cost of energy does. It is not an abstract number, it is a situation which causes an intense amount of pain and anxiety to the constituents of my district and the constituents of my State.

Manufacturing requires energy. We know the manufacturing sector has been decimated by unfair trade competition and other unfortunate policies. Yet, when you take the cost of energy on top of it, you are almost signaling the death knell of the manufacturing base as we know it and as we would like to preserve it, because that cost of energy, as it rises, is put into everything the manufacturer must do. And in the age of global competition, it becomes increasingly difficult for the manufacturer to keep his costs down, his fixed overhead rising, and in the end, there comes the push, especially from the tier one and tier two suppliers, the push comes from above to either eat the cost or send it offshore.

We also are starting to see what the government dictates in terms of innovation with the emphasis on ethanol and others is we are beginning to hear stories about food shortages in the United States, we are now beginning to hear about how the cost of basic staple commodities is rising. Again, in our economy today, which is slowing down, the cost of energy, the cost of gasoline in particular is the cause. In my mind, this is the cause. Because it is one important commodity that is continuing to go up in price without any relief in sight, and it also has spillover costs to all of the other commodities related to it.

There is nothing that does not wind up on your kitchen table that does not require energy to produce and transport. There is nothing in your home that you turn on, your Internet, or anywhere else, that does not require energy. As the cost of energy goes up, the cost of everything goes up. If we do not help increase the supply of energy, the costs will continue to rise, the American people will continue to suffer.

Now there will be an attempt, because evidently production conservation and innovation in a sound way is not palatable to some in this chamber, indeed a majority, there would be the attempt to shift the blame for the rising costs of energy to the producers. I am no fan of any multinational corporation. But then, again, I am not their executioner either. Because I remember what Ronald Reagan once said, Corporations are not taxpayers, corporations are tax collectors.

You want a windfall profits tax, you want a punitive tax on oil companies, energy producers, you can do it. And where are these energy producers and oil companies going to get that revenue from? They are going to pass the cost right onto the American people at their pumps, because Americans right now cannot survive without driving their cars to work. They cannot survive without energy. It would seem to me that these are simple lessons that we should have learned in our youth.

Then it occurred to me as I watch my children grow up, we have an entire generation of voters that were not alive in the 1970s. They did not live through the OPEC oil crisis, they did not live through taxation upon energy producers, they did not live through the syn fuels, where government raised taxes, put money in a fund, handed it out and we were going to be energy independent, or when Jimmy Carter went on TV and declared that by turning down the thermostat to 68, this was the moral equivalent to war.

The gentleman from Iowa and I have in the past talked about our love of history and its need to be taught in the schools. Because anyone with a remote understanding of the 1970s would understand that the failed policies of the 1970s are inadequate to meet the pressing energy needs of today. What we need is a 21st century energy strategy, not a failed 1970s Jimmy Carter policy that actually helped pave the way toward more energy dependence in America.

So I thank the gentleman for what he is doing today, and I would encourage my colleagues to go back and look at what was tried before and failed and then perhaps they would be more amenable to coming across the aisle in joining with us to try to take concrete steps to alleviate not only the rising cost of energy but the rising cost of everyday life that is associated with it.

I yield back to the gentleman from Iowa.

Mr. KING. I thank the gentleman from Michigan for coming down to the floor and adding to this dialog.

Mr. Speaker, as I listen to Mr. MCCOTTER and reflect upon his remarks that corporations are tax collectors, that they actually don't pay taxes, it's Ronald Reagan's position, my position, Mr. MCCOTTER's position. They will pass those costs along to the consumer because in the end it's the last stop of the retail that pays the taxes. That is the people in the end. The consumers in the end will pay the price. If they raise the taxes, we will see the prices go up. If we make energy more scarce, the price will go up. If we are punitive towards companies that are producing this energy and risking their capital, their capital will go elsewhere.

If that happens, then there will be less oil on the market, not more. The price will be higher, not lower. The energy will be more scarce, not less. Because of these policies that have come forth in the beginning of this 110th Congress, we see the action that has taken place here. We see what has happened from the very first day, Mr. Speaker, of the new 110th Congress, the day that NANCY PELOSI took the gavel, and it became clear that there was going to be an energy scarcity policy. Gas went from $2.33 over 15 months to over $3.51 a gallon, perhaps more than that today. That is a 50 percent increase in just 15 months. I have stipulated the reasons for that. Energy is more scarce, it's less certain. This economy is also in a decline.

It's interesting to me that I don't hear a lot of discussion about the real reasons for that, Mr. Speaker. I look at it this way. When the new hands took over and picked up the gavels here to be chairs of the committees in Congress, in the House and the Senate, and we had the chairman of the Ways and Means Committee, Mr. RANGEL, from New York, who a long time had waited to become chairman of the Ways and Means Committee, we had pushed pretty hard to make the Bush tax cuts permanent, those tax cuts that slowly the authorization expires and will automatically kick in as dramatic tax increases in the next couple of years. I watched as the chairman of the Ways and Means Committee went on the talk show circuit all over television, and I presume radio too, and he was constantly asked by the pundits, What will you do with the Bush tax cuts? Will you make them permanent?

□ 2330

Are there some there that you will commit right now that you will want to save and protect of those tax cuts, or will you just simply want to see them all expire and have that automatic, huge, unprecedented record tax increase?

Well, the chairman didn't address that subject matter, by my recollection, one at a time or in groups. But eventually as he did enough of the talk show circuits, the talk hosts would ask the question, and by a process of elimination, the capital investment in America pretty much concluded that no part of the May 28, 2003, Bush tax cuts would the chairman of the Ways and Means Committee want to see made permanent.

Capital saw that and realized that by about late January-early February of 2007, just about the time gas prices started to shoot up here, Mr. Speaker. That is the time that the capital investment of America understood that capital was going to be more expensive, because the Bush tax cuts were not going to stay or be made permanent.

When capital gets more expensive and it is looking down the line, it tightened things up. And you can go back and look at the record, Mr. Speaker. You saw industrial investment decline indexed directly to the period of time that NANCY PELOSI became Speaker, CHARLIE RANGEL became the chairman of the Ways and Means Committee, and that gas began to shoot almost straight up here on this chart, going on to its 50 percent increase in prices over a 15-month period of time.

At that same time, capital got more expensive, and because of that more expensive capital, industrial investment declined. That was the first indicator that we were going to have an economic problem on our hands. That was the lack of investment in industry that led all of this. Along behind it came the subprime mortgage component of it, which in the grand scheme of things isn't as big a hit on our economy as the higher gas prices.

Then, as ADAM SMITH said, there are two components to the price of everything. One is the cost of the labor and the other is the cost of the capital. The capital price went up, then the cost of goods and services went up, and capital investment went down.

We can expect this decline in our economy because of a number of things: Energy prices are skyrocketing because the policies that are coming out of this Congress are taking energy off the market, and capital prices are going up because the tax cuts are unlikely to be made permanent between now and 2010. So automatically those tax increases will kick in, and the investment markets see that.

Those are the reasons that are watching this economy decline today. The subprime is a small part of it. But it is such a small part of it, when you think of what the subprime really is, it is about a $150 billion loss. We will burn about 142 billion gallons of gasoline. Those 142 billion gallons of gasoline, $1 a gallon for one year would pay for the subprime.

So let's keep our rules straight. Let's understand we can't suspend the laws of supply and demand. Let's put some energy on the market. That includes conservation.

REASONS FOR ENERGY AND FOOD CRISES FACING AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Minnesota (Mr. WALZ) is recognized for 28 minutes.

Mr. WALZ of Minnesota. Thank you for this opportunity to speak on the floor and to give this Chamber a demonstration of what is so great about this country. The previous gentleman's district actually borders mine, but you may not find a more diametrically opposed view of what is happening in this country than you may get in the next 28 minutes.

You hear a lot of statistics and you hear a lot things thrown out. You hear a lot of economists talking about different things. The one thing I have found, and I think maybe it comes from being new to this business of politics, coming from a high school classroom, coming out of what most middle class Americans are experiencing is, is that many of those things do not matter to people.

What matters to them is the reality in their everyday lives. And that reality doesn't take a whole lot of background from them. It doesn't take a whole lot of statistics. It doesn't take a whole lot of anything, other than for them to make some simple judgments.

One of those judgments that the American public is going to ask themselves, and they are going to get to ask themselves in November, after 12 straight years of Republican control of the House of Representatives, after 6 years of total control of both branches of the legislative procession, the American people got a chance to see by the fall of 2006 the direction that those policies had taken us in.

In watching that, they made a decision come November. They chose about 45 new Members of this body, many of them without elected office experience, but many of them who came from the ranks of middle class working people, many of them like myself that never had a salary over $50,000. Teaching for 18 years, my salary when I left my teaching position was $48,000 a year. My insurance costs coming off the top of that were $7,200 a year, and then the taxes that came after that.

One of the things the American public will ask is, were they better off before that time when President Bush and the Republican-controlled Congress took over, or were things going in the wrong direction? Were decisions made that were affecting their lives negatively, and what were those decisions doing to them?

What was happening, as you saw the previous speaker talk about, what was happening to the price of fuel? Why was gas going up and who was benefiting from it? Why was the cost of their produce, why was the cost of groceries going up, and who was benefiting from that? What was happening to the cost of tuition? What was happening to their paycheck? What was happening to insurance costs?

Those were questions that they don't get to stand here and theoretically talk about and come up with some cute alliteration that I always hear. My colleagues are wonderful at the alliteration, and somewhat weak on the policy that impacts people's lives.

So as I listened this week and I watched a concerted effort, and one of the magazines on Capitol Hill wrote about that our friends in the minority have decided they are going to try and pin the energy policies on the new majority, understanding that President Bush will veto any attempt we make to change policy.

The policies that we are operating under in this economy are the ones that were put into place by the minority and put into law by the President.

The changes that have been attempted and those that have been made, such as CAFE standards, the fuel efficiency standards and improving them for the first time in 35 years, are so overwhelmingly accepted by the American public, those could not be ignored.

The ideology being expressed by the previous speaker I think is reflected in some. You don't need the polls when you go out and talk to people, but if you want to get to the data you are hearing them talking about, 72 percent of the American people disagree. Twenty-eight percent of the American people agree that President Bush's economic policies are the right direction for this country.

So when I hear talk about supply and demand, as if it is gravity, as if there have not been decisions made to influence either the supply chain or the demand by interests, by the growth, the astronomical growth of lobbyists, especially energy lobbyists at this place, it is bordering on the ridiculous. And when I hear about ADAM SMITH being talked about, the only ''invisible hand'' that is operating in our energy markets is that invisible handshake that happened in the White House between the oil company executives when they created this current energy policy.

I would like to take a chance here to illustrate what has happened on energy as it impacts the economy.

Now, again, speaking to the American people, when they are going and filling up, they are rightfully disturbed. They are rightfully concerned, and many of those people are understanding a larger portion of their disposable income is being eaten up in fuel costs, transportation costs.

The policy that was put into place that has driven this upward climb and that was so conveniently taken out here, about right in here and shown, has been a steady upward trajectory. And they are right. Several things are happening here.

There is no doubt that supply, world supply for fuels, especially with the rise of China and India, is having an impact in this. The only question I would ask on that is, who didn't know that back here? Who couldn't anticipate those changes and start planning ahead, instead of being reactive to everything that has happened?

This administration has been wrong on almost every single indicator economically around the world, socially, and they have not gotten any of it correct since they have come to office. So the trajectory is pretty steady, almost exactly what could have been expected on that.

But there are several other things at work here. One of the things is about this energy policy. I would love to show you and read from that energy policy to tell the Speaker, my colleagues and anyone in America that would like to know what that energy policy is. But the problem is, the White House claimed executive privilege, and in 2004 the Supreme Court upheld that executive privilege.

So that meeting that took place, we do have some reports on who was there, by the way. One of the first visitors on February 14, 2001, just 2 weeks after the inauguration and the President took office, was James Rouse, the vice president of ExxonMobil. He was also the major donor to all of the festivities that happened here with the inauguration of President Bush.

A week later was a long-time friend of President Bush and a supporter, Kenneth Lay, then, of course, head of Enron. They had two meetings. By March 5, the country's biggest utilities, Duke Energy and Constellation Energy, were in the White House. Then British Petroleum came on March 22. And that was followed by 20 oil and drilling companies to get meetings. At this point, to this day, none of that documentation is public. None of it has been out there. None of it has shown what happened. And what we saw was a steady increase and a policy that put this entire Nation's energy needs in the hands of oil company executives.

Now, I could almost get lucky in my district out in southern Minnesota. There is somebody who was in the room, somebody who knows. That somebody now lives in my district—well, temporarily. That someone is the vice president of Enron, Jeff Skilling. He is in the Federal Penitentiary in Waseca, Minnesota, in my district. He was with Enron. He understood what happened here, and he ended up, after going to court, in Federal prison for 24 years.

The policies here have nothing to do with supply and demand. They have everything to do with special interests and corporate interests over the national interests of this country.

So as you hear the previous speakers speak, and they talk about us trying to take energy off the market, the fact of the matter is, as I said, the previous speaker's district borders mine, I am very proud that in southern Minnesota my district is one of the Nation's top four producers of wind energy. We have beautiful wind generators going up and down the district. We have small towns, like Minnesota Lake, that are taking their town's energy and deriving over 75 percent of the energy for the town through the use of clean, renewable wind generation.

We are also one of the leading producers of alternative fuels and biofuels. And let me be very clear about this. As people talk about, well, biofuels are driving up the cost of food products, of commodities, there is a definite moral argument to be made of the idea of taking food, such as corn or soybeans, and turning it into fuel. The fact of the matter is, most economists agree that the impact on that is negligible, compared to the impact of the price of oil.

There is something I would like to quote here, and I would like you to see a couple of things here. When President Bush was asked prior to the election during the campaign back in 2000, he was asked what he would do to help control energy costs, he said, ''What I think the President ought to do when gas prices spike is he ought to get on the phone with the OPEC cartel and say I expect you to open your spigots, and the President of the United States starts jawboning with OPEC members to lower the price.''

Well, in April 2005 there is a pretty famous picture here of the President holding hands with that. That is about the point where oil went up. This is from an ally who has promised to help us pay for the war in Iraq and has yet to pay 7 percent of their total cost.

Now, if they can't make it on $118 a barrel, it makes it pretty difficult for me to understand when they are ever going to get jawboned into doing something about this.

The next thing that I think is a bit of a fallacy here in this whole free market thing and this supply and demand, as if it is going to come down and drop upon us and be in perfect order, is why in the world did my colleagues on the other side of the aisle continue to vote for $18.6 billion in subsidies to the oil companies? At $40 billion in profits for one oil company alone last year, over $100 billion in profits for the three major oil companies, they haven't got it figured out how to run their business to make a profit without the subsidies?

And what is at stake here is this isn't about class warfare. This isn't about, as the previous speaker from Michigan talked about, not being a friend of the oil companies or being their enemies. The fact of the matter is they have an unfair advantage on a unlevel playing field. If my wind generation and my cellulosic ethanol producers could get the same amount of subsidies driven back into research and development that we are putting into oil and natural gas exploration, I guarantee you we would compete on that.

I guarantee you we would have renewable energy sources that would take several things away. One is the dependence on foreign oil. That driver or that magnet of conflict around the world would be taken out of the equation. We would also start to create rural jobs and rural green collar jobs that would respur the economy.

This President and this energy policy that has created these prices that have been on a steady upward climb also took an economy that went from a manufacturing base and a base of middle class workers, who could figure it out. And this is all they are asking for. They go to work, they work hard at their job, they make the right decisions, they work 40 hours a week, maybe a little overtime.

Here is what they are asking for. All they want in return is the ability to have a home, the ability to have transportation to get to and from their job and maybe partake in their recreational activities. They would like to have health care for themselves and their children that is affordable and they can go when it is needed. And they would like to get to the point

where perhaps they could save enough money to send their children to college to ensure their future.

□ 2345

The American people aren't demanding a lot. They are not asking for a lot. But let me give you a couple statistics.

Since President Bush has come to office, guess what has happened. We have lost 1.4 million jobs. We need to be creating jobs. We need to be creating about 180,000 jobs a month to keep pace with population growth. Manufacturing jobs have increased by 3.4 million.

Income is down on an average, so the person going to work 40 hours a week, the person making the right decisions, the person trying to fulfill the American dream is getting further behind no matter how hard they are working.

The number without health care insurance has increased 8.6 percent. We now have 50 million American people without health care insurance.

And I guess the debate can be supply and demand: There is a big supply, there is big demand for it, not quite enough to pay for it, so your child doesn't get to go to the doctor.

If that is the type of country we are choosing to live in, then go ahead and follow the policies that have been put in place the last 8 years. If we think there is a better way to do this, perhaps we can start having a vision that extends to the next generation, not the next election.

Of course, we hear about gas prices doubling. College costs have gone up 36 percent. Foreclosure rates have hit an all-time high.

This President created an economy totally predicated on consumer spending. He drove that spending by the only way people could do it under the economy that was dropping their wages, by borrowing on their homes. And then they were given risky loans, and those risky loans—here is the thing in my district. I trust the bankers in my district; I trust those people to make loans. And do you know what? There used to be a contract in this country. As a borrower, you were expected to repay. I still believe that is true. But there is another part of that equation: As a lender, you actually used to want to get repaid. We have people now who are speculating, who are giving loans with no intention of ever caring what happened to the loan, selling it off into speculation, put in some exotic investment vehicle outside of any regulation, because we can have no regulation.

This economy predicated itself on consumer spending, on consumer borrowing. And the driver here was, if we regulate companies, how could they make money? If we ask them to take lead out of toys for children, that would cut into profit. And how dare we think we would do that. If we actually asked that our food be safe before we fed it to our children, we were overregulating and messing with that invisible hand.

Well, that is not the way the world works. It is not the way the people of America want things to work. What they want is a sense of fairness. They want that chance to be able to work hard, save a little money, get a house, take care of their family, and let their children have an attempt at living a life equal to or better than their own.

There are statistics out there now, for the first time in American history after 7½ years of this Presidency, that the majority of Americans do not believe their children will live the type of life that they had, that they themselves had a chance to live. That is absolutely criminal. It is absolutely immoral. It is absolutely not the principles this country was founded on. And those that would say by us asking for alternative energy sources, by us asking to try and improve the ability of efficiencies in our automobiles and our building designs, that those of us who are asking oil companies to not be able to take $18 billion, and to think that you are going to drill your way out of this—they just tell us world demand is up. How in the world is drilling going to be a long-term solution? It is beyond me. With those things happening, though, the American people can be glad to know that is the minority opinion.

The majority in this House of Representatives is representative of the majority of the American people. Fully 72 percent disagree with the past policies we are on. Only 28 percent of the American people would espouse to believe that the policies you heard from the previous speakers are the direction that we should go in.

We should have a civil debate on this House Floor, we should talk about the implications of our policies, but we should also realize what we are talking about is the livelihood and the quality of life of the American public, and we have got work to do in that regard.

I wanted to just talk about a couple of things here, too. One of the things that is most striking to me is, is the President's and the rhetoric that happens on this House floor, that disconnect again with the American public, that disconnect of what a person is going through. And you can tell them all of these facts, all of these figures, all of the things that are out there, and they will still come back to the reality as it affects their life.

And I want to talk to you, as many of us saw, just for a minute, Mr. Speaker, as many of us were predicting for several years, they felt the fragileness in this economy, they felt they were saving less, they felt costs were going up, they saw that the ability to get their children to college getting further and further out of their reach. We saw policies that when those people of my generation had the opportunity to go to college, fully 80 percent was on the idea of Pell Grants and different types of grants, 20 percent in the forms of loans. We have almost exactly reversed that. And then we took those loans from being low-interest government guaranteed loans to being government guaranteed loans to private lenders with high interest rates. We have absolutely not made an investment in the future a priority.

And when you hear people talk about the so-called tax cuts, I ask everyone out there to see if, since 2001 and President Bush's tax cuts, are you better off? Have they fulfilled their promise? Have they filled your pockets with wealth? Have your streets gotten better? Have your schools become more productive? Has everything gone exactly the way they told you they would do? Because the bottom line in this country is, we have seen the single largest shift of wealth to the smallest percentage at the top than we have seen since the 1920s. We have the greatest disparity from those in the middle class and those in the top 1 percent than we have seen in the past 100 years.

The policies that were put into place did exactly what they were supposed to do: They shifted that wealth. And in the ideology, and I don't deny that my friends across the aisle believe this, those people in their benevolence were going to reinvest it all, creating great jobs here, and spurring the American dream.

The problem was this: They found out that they could invest in manufacturing jobs in places that didn't have worker standards, that didn't have environmental standards, that didn't care if there was lead in the toys. And, as they invested in those countries, their profits rose, and the jobs in America, according to I guess Adam Smith, the invisible hand pulled them and grabbed them to China. And when they couldn't do it in China anymore, they pulled them and grabbed them to Vietnam. And when they couldn't do it in Vietnam, they pulled them to Bangladesh.

I am unsure where they will go next, but I can tell you this, there is a lot of people sitting throughout the Midwest through Ohio and Michigan that sure wish some of those jobs were here. And they are not asking for a fortune, they are asking for a living wage. Well, that living wage, and every time we ask for it: That is going to hurt business, that is going to hurt the profits.

The bottom line on this is, this country was founded and predicated and was so successful because the middle class was successful. We are the most productive people in the world. Our productivity of workers in America is at an all-time high.

Now, the question I ask is, how can that be and real wages are decreasing? How that can be when their buying power has decreased? Unless something is fundamentally wrong with the economy? But if you ask President Bush, all is peachy clean. There are a couple quotes here, I don't know if it would be fair, but it sounds an awful lot like Hoover in the 1930s.

But here he was on October 17. Here was the economic news: The Commerce Department reports that housing starts

in September fell to the lowest levels in over a decade and a half.

Here are President Bush's words: When you got more houses than you got more buyers, the prices tend to go down and we are just going to have to work through the issue. I am not a forecaster, but I can tell people that I feel good about many of the economic indicators here in the United States.

The subprime crisis was right on top of our heads, and yet we are hearing this type of rhetoric. It is not based in reality, it is not based on the people who were already behind in their mortgage payments. It is not based and behind some of those exotic investment vehicles that were going to come crashing down. It is not that we didn't see that the Bear Stearns thing was on the horizon. Most people did, including his former Fed Secretary in Alan Greenspan. But, nope, it didn't bother the President. It doesn't matter the people here who for 6 years rubber-stamped every single piece of legislation written by K Street by the lobbyists and sent down here. Everything that was done behind closed door by Ken Lay, by Jeff Skilling, by the rest of them, sent down here, voted on against the objection by the minority party, our party at that time, that, you are heading for disaster, do not do this. Oh, no, no. We will create jobs, we will create wealth, we will create energy.

Now, all of a sudden, we have a slim majority in the House, we are equal over in the Senate, and the President vetoes anything that we utter over here. Now all of a sudden all of this is the responsibility here.

Well, I have one thing to say. The American people, come November, don't care what side of the aisle you are on, they care about, what are you going to do about it?

Here are a couple more from the President.

December 17, former Fed Chairman Greenspan, as I was just saying, suggested a tax break or other government help for home owners facing the mortgage crunch.

Here is what the President said: This economy is pretty good. There are definitely some storm clouds and concerns, but the underpinnings are good, just fine.

February 28, reports show that new home sales in January fell to the lowest level in 13 years, and orders for big ticket items such as cars and refrigerators slumped dramatically.

Well, I don't think we are headed into a recession, but no question we are in a slowdown.

And then, just yesterday: No recession. No recession.

The bottom line on this is, you have got your head stuck in the sand for so long, you tell yourself for so long that these policies are going to work. The American public again, as I said, doesn't care what the economists say. The American public and the average person that is out there, middle-class worker, doesn't care what the exact number of foreclosed homes are. They don't care about the derivatives in these exotic vehicles that were created on the subprime. They don't necessarily care where the oil is coming from or where the energy is coming from. What they know is they have got to get to work in the morning, and that takes gas. And that job is not paying any more. It might not be there tomorrow. They are not saving enough.

And I heard the person before me speaking on this floor talking about how great this oil investment is in the 401(K). Well, I should probably get some of his advice, because mine like many others in this country showed a downturn last year because of all of the other drops in stocks and investment vehicles.

So, Mr. Speaker, we have opportunities, there is no doubt. This country does, as the President said, have the underpinnings to perform better than any economy in the world. But the one thing the President fails to realize is the most important underpinning of that economy is middle-class American workers, the ones who for 12 years of Republican rule, 6 years of total rule by this ideology have suffered and seen their quality of life decrease dramatically.

The good news is, it is starting to change. College is becoming more affordable under the new Democratic Congress, gas prices will start to be adjusted as we start to put research dollars in to moving towards cellulosic ethanol, fast growing poplar trees, switch grass, things that are out there that we can get to. These are the types of things that are going to happen. Our manufacturers in Detroit have already caught on. We are seeing hybrid vehicles now that you can actually buy. We are starting to see Detroit want to compete again. And, guess what? Where was that invisible hand? Where was that market when we were creating cars that got 15 miles to the gallon? When they start competing with everybody else in the world, we will start being able to get to where we need to go.

This is an economy that can come back from this, but it will not come back with special interest policies that care nothing about what happens to the middle class, care nothing about the everyday things that people are going through.

And the last thing I would say on this is, when I listen to what President Bush says, it reminds me of the time, and I think about this, when his father went to the supermarket about 2 decades ago. And I remember this very clearly, I was in high school, and it was a big story on the news because the first President Bush was fascinated that they had scanners to scan the price. Now, every American in the country had seen that since the early 1970s. They had seen them in their local supermarkets for a long time. But the President was flabbergasted that that would happen.

My suggestion would be, there is a Safeway not far, the one I shop at down here, that the President get out there. He can take some security down there and he can go through there, and he can start to see what people are going through. On the way back, he needs to fill up. And then he might want to swing by and check the tuition costs at a university, even a State-run school. And then he would start to understand, saying things like: This economy is fine and that it is a little bit bumpy.

Losing your home is not bumpy. Not being able to go to college is not bumpy. Not having a retirement account that you can retire with dignity is not bumpy. That is a fundamental failure of leadership. It is a fundamental failure to have a national economic policy that benefits the vast majority. And, as Justice Brandeis so clearly told us at one point is, you can have a wonderfully strong democracy or you can have the concentration of wealth in the hands of few, but you cannot have both. Well, we tried their way. I would like to go back to having the wonderful democracy.

With that, Mr. Speaker, I thank you for the opportunity to speak on this great floor. I thank you to give a different interpretation of what is happening in America.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. EVERETT (at the request of Mr. BOEHNER) for today after 4:30 p.m. and for the balance of the week on account of medical reasons.

Mr. WELLER of Illinois (at the request of Mr. BOEHNER) for today on account of personal reasons.

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. BERKLEY, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. CLARKE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. WALBERG) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, April 30.

Mr. GARRETT of New Jersey, for 5 minutes, today and April 24.

Mr. JONES of North Carolina, for 5 minutes, April 30.

BILLS PRESENTED TO THE PRESIDENT

Lorraine C. Miller, Clerk of the House reports that on April 22, 2008 she

presented to the President of the United States, for his approval, the following bills.

H.J. Res. 70. Congratulating the Army Reserve on its centennial, which will be formally celebrated on April 23, 2008, and commemorating the historic contributions of its veterans and continuing contributions of its soldiers to the vital national security interests and homeland defense missions of the United States.

H.R. 1119. To amend title 36, United States Code, to revise the congressional charter of the Military Order of the Purple Heart of the United States of America, Incorporated, to authorize associate membership in the corporation for the spouse and siblings of a recipient of the Purple Heart medal.

ADJOURNMENT

Mr. WALZ of Minnesota. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 59 minutes p.m.), the House adjourned until tomorrow, Thursday, April 24, 2008, at 10 a.m.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Speaker-Authorized Official Travel during the first quarter of 2008, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JANICE C. McKINNEY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 28 AND MAR. 4, 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]
Janice C. McKinney	2/28	3/01	El Salvador		538.00		([3])				538.00
	3/1	3/4	Costa Rica		711.00		([3])				711.00
Committee total					1,249.00						1,249.00

[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.

JANICE C. McKINNEY, Apr. 4, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 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]
Michael Arcuri	3/3	3/3	Germany (Iraq CODEL)		316.00				50.00		366.00
James McGovern	1/11	1/15	Colombia		1,999.50		1,856.30				3,855.80
Cindy Buhl	1/11	1/15	Colombia		1,999.50		1,476.30				3,475.80
Keith Stern	1/3	1/7	Republic of Georgia		1,702.47		10,744.08				12,446.55
Committee total					5,387.47		14,076.68		50.00		20,144.15

[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.

HON. LOUISE McINTOSH SLAUGHTER, Chairperson, Apr. 7, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 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]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[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.

HON. STEPHANIE TUBBS JONES, Chairman, Apr. 8, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 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]
Hon. Robert E. (Bud) Cramer, Jr.	2/8	2/11	Latin America		179.00		([3])				179.00
Hon. Elton Gallegly	2/15	2/17	Middle East		540.00		([3])				
	2/18	2/19	Middle East		339.00		([3])				
	2/20	2/21	Middle East		370.00		([3])				1,249.00
Kathleen Reilly	2/15	2/17	Middle East		540.00		([3])				
	2/18	2/19	Middle East		339.00		([3])				
	2/20	2/21	Middle East		370.00		([3])				1,249.00
Hon. Robert E. (Bud) Cramer, Jr.	2/17	2/18	Europe		462.00						
	2/18	2/21	Europe		1,422.00						
	2/22	2/24	Europe		524.00						
Commercial Aircraft							1,436.46				3,845.06
Hon. Mike Thompson	3/15	3/17	Middle East		939.77						
	3/17	3/18	Middle East		348.00						
	3/18	3/21	Middle East		873.00						
Commercial Aircraft							12,168.80				14,329.57
Wyndee Parker	3/15	3/17	Middle East		939.77						
	3/17	3/18	Middle East		348.00						
	3/18	3/21	Middle East		873.00						
Commercial Aircraft							12,772.06				14,932.83
Linda Cohen	3/15	3/17	Middle East		939.77						
	3/17	3/18	Middle East		348.00						

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 2008—Continued

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]
	3/18	3/21	Middle East		873.00						
Commercial Aircraft							9,059.22				11,219.99
Kathleen Reilly	3/15	3/17	Middle East		939.77						
	3/17	3/18	Middle East		348.00						
	3/18	3/21	Middle East		873.00						
Commercial Aircraft							12,147.22				14,307.99
Hon. Robert E. (Bud) Cramer, Jr.	3/18		Africa		623.00						
			S. America		1,237.95						
Commercial Aircraft							7,222.40				9,083.35
Hon. Peter Hoekstra	3/21	3/23	Middle East		528.00		(3)				
	3/24	3/25	Africa		312.00		(3)				
	3/27	3/30	Africa		549.37		(3)				1,389.37
James Lewis	3/21	3/23	Middle East		528.00						
	3/24	3/25	Africa		312.00						
Military and Commercial Aircraft							4,507.00				5,347.00
Hon. Silvestre Reyes	3/24	3/27	Europe		503.00						
	3/27	3/29	Europe		1,524.00						
Commercial Aircraft							6,923.11				8,950.11
Michael Delaney	3/24	3/27	Europe		503.00						
	3/27	3/29	Europe		1,524.00						
Commercial Aircraft							10,422.08				12,449.08
Jeremy Bash	3/24	3/27	Europe		503.00						
	3/27	3/29	Europe		1,524.00						
Commercial Aircraft							10,782.08				12,809.08
Donald Vieira	2/16	2/18	Europe		1,118.00						
	2/19	2/21	Europe		693.00						
	2/22	2/24	Middle East		698.00						
Commercial Aircraft							10,908.37				13,417.37
Eric Greenwald	2/16	2/18	Europe		1,118.00						
	2/19	2/21	Europe		693.00						
	2/22	2/24	Middle East		698.00						
Commercial Aircraft							10,908.37				13,417.37
Brian Morrison	2/16	2/18	Europe		1,118.00						
	2/19	2/21	Europe		693.00						
	2/22	2/23	Middle East		698.00						
Commercial Aircraft							9,845.37				12,354.37
John Heath	2/16	2/18	Europe		1,118.00						
	2/19	2/21	Europe		693.00						
	2/22	2/24	Middle East		698.00						
Commercial Aircraft							10,908.37				13,417.37
Laurence Hanauer	2/16	2/19	Asia		1,608.00						
	2/20	2/22	Asia		686.00						
Commercial Aircraft							8,540.31				10,834.31
Iram Ali	2/16	2/19	Asia		1,608.00						
	2/20	2/22	Asia		686.00						
Commercial Aircraft							10,247.67				12,541.67
Jamers Lewis	2/16	2/19	Asia		1,608.00						
	2/20	2/22	Asia		686.00						
Commercial Aircraft							8,880.68				11,174.68
Chelsey Campbell	2/16	2/19	Asia		1,608.00						
	2/20	2/22	Asia		686.00						
Commercial Aircraft							8,403.68				10,697.68
Mark Young	3/23	3/24	Africa		341.94						
	3/24	3/26	Africa		556.00						
	3/27	3/30	Africa		636.00						
Commercial Aircraft							9,587.18				11,121.12
Jamal Ware	3/23	3/24	Africa		341.94						
	3/24	3/26	Africa		556.00						
	3/27	3/30	Africa		636.00						
Commercial Aircraft							9,587.18				11,121.12
Hon. Silvestre Reyes	1/18	1/20	Latin America		196.00		(3)				196.00
Michael Delaney	1/18	1/20	Latin America		196.00		(3)				196.00
Committee total											231,829.40

[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.

HON. SILVESTRE REYES, Chairman, Mar. 31, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO OSCE PA WINTER MEETING IN PRAGUE, CZECH REPUBLIC AND VIENNA, AUSTRIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 18 AND FEB. 23, 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]
Hon. Alcee L. Hastings	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/22	Austria		776.16		3,623.68				4,399.84
Hon. Louise McIntosh Slaughter	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/23	Austria		1,173.12		960.92				2,134.04
Hon. Michael McNulty	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/22	Austria		782.08		3,476.92				4,259.00
Hon. Hilda Solis	2/20	2/23	Austria		1,173.12		5,724.61				6,897.73
Fred Turner	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/22	Austria		776.16		2,894.32				3,670.48
Lale Mamaux	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/23	Austria		1,173.12		960.92				2,134.04
Erika Schlager	2/18	2/20	Czech Republic		786.85		(3)				786.85
	2/20	2/21	Austria		391.04		2,868.73				3,259.77
Alex Johnson	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/23	Austria		1,173.12		960.92				2,134.04
Daniel Redfield	2/18	2/20	Czech Republic		794.00		(3)				794.00
	2/20	2/23	Austria		1,173.12		960.92				2,134.04
Shelly Han	2/20	2/23	Austria		1,173.12		3,436.53				4,609.65
Robert Hand	2/20	2/23	Austria		708.32		1,027.53				1,753.85
Committee total					16,817.33		26,896.00				43,731.33

[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.

HON. ALCEE L. HASTINGS, Chairman, Mar. 14, 2008.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO NATO PARLIAMENTARIAN ASSEMBLY WINTER MEETING IN BRUSSELS, BELGIUM, OECD MEETING IN PARIS, FRANCE, AND BILATERAL MEETINGS IN ZAGREB, CROATIA, SKOPJE, MACEDONIA, AND TIRANA, ALBANIA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 16 and FEB. 24, 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]
Hon. John Tanner	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Ben Chandler	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Jo Ann Emerson	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Carolyn McCarthy	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Jeff Miller	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Dennis Moore	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Mike Ross	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Hon. Ellen Tauscher	2/16	2/17	Belgium		225.00		(3)				4,179.96
Melissa Adamson	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Kathy Becker	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Gene Gurevich	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Dr. Amanda Sloat	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Dr. Paul Gallis	2/16	2/19	Belgium		675.00		(3)				1,606.00
	2/19	2/21	France		476.00		(3)				
	2/21	2/24	Macedonia, Albania, & Croatia [4]		455.00		(3)				
Delegation Expenses:											
Representational Funds									12,550.14		12,550.14
Miscellaneous									615.08		615.08
Committee total					19,497.00		3,954.96		13,165.22		36,617.18

[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.
[4] No separate per diem was issued in Macedonia or Albania.

HON. JOHN S. TANNER, Chairman, March 20, 2008.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6199. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Spiromesifen; Pesticide Tolerance [EPA-HQ-OPP-2007-0331; FRL-8351-7] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6200. A letter from the Assistant Secretary, Department of Defense, transmitting the Department's Annual Report for FY 2007 regarding the training, and its associated expenses, of U.S. Special Operations Forces (SOF) with friendly foreign forces, pursuant to 10 U.S.C. 2011; to the Committee on Armed Services.

6201. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Rear Admiral (lower half) Douglas J. McAneny to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

6202. A letter from the Under Secretary for Acquisitions, Technology and Logistics, Department of Defense, transmitting the Department's report on the progress toward compliance with destruction of the U.S. stockpile of lethal chemical agents and munitions by the extended Chemical Weapons Convention (CWC) deadline of April 29, 2012 and not later than December 31, 2017, pursuant to Public Law 110-181, section 922; to the Committee on Armed Services.

6203. A letter from the Secretary of the Army, Department of Defense, transmitting the Department's Report on the Recruiter Incentive Pay Pilot Program, pursuant to Section 681 of the National Defense Authorization Act for 2006; to the Committee on Armed Services.

6204. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's STARBASE Program 2007 Annual Report, pursuant to 10 U.S.C. 2193b(g); to the Committee on Armed Services.

6205. A letter from the Secretary, Department of Health and Human Services, transmitting the 2007 report of Health, United States, compiled by the National Center for Health Statistics, and the Centers for Disease Control and Prevention, pursuant to 42 U.S.C. 242m(a)(1)(c); to the Committee on Energy and Commerce.

6206. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting the Department's report on protecting market sensitive data and needs related to upgrading computer facilities; to the Committee on Energy and Commerce.

6207. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Control of Hazardous Air Pollutants From Mobile Sources: Early Credit Technology Requirement Revision [EPA-HQ-2005-0036; FRL-8542-1] (RIN: 2060-AO89) received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6208. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Colorado: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R08-RCRA-2006-0382 FRL-8541-5] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6209. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of California; PM-10; Affirmation of Determination of Attainment for the San Joaquin Valley Nonattainment Area [EPA-R09-OAR-2006-0583, FRL-8542-6] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6210. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana [EPA-R05-OAR-2007-0907; FRL-8541-3] received March 12, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6211. A letter from the President and CEO, National Association of Broadcasters, transmitting the Association's 2007 Annual Report; to the Committee on Energy and Commerce.

6212. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-358, ''Dedication of Land for Street Purposes, the Establishment of a Building Restriction Line, S.O. 06-9108, and the Removal of a Portion of a 50-foot Right-of-Way from the Highway Plan of Lot 822, in Square 1346, S.O. 06-9107, Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6213. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-357, ''Procurement of Natural Gas and Electricity Exemption Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6214. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-356, ''Vending Regulation Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6215. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-345, ''Retirement Incentive Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6216. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-344, ''Performance Parking Pilot Zone Temporary Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6217. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-343, ''Ballpark Public Safety Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6218. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-342, ''Loretta Carter Hanes Pesticide Consumer Notification Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6219. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-341, ''East of the River Hospital Revitalization Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6220. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-340, ''Clinical Trials Insurance Coverage Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6221. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-339, ''Telecommunications Competition Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6222. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-338, ''Transit Operator Protection and Enhanced Penalty Amendment Act of 2008,'' pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

6223. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Suitability (RIN: 3206-AL08) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6224. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2008 through March 31, 2008 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. —106); to the Committee on House Administration and ordered to be printed.

6225. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on Federal actions from flood control operations at Grand Lake, Oklahoma, pursuant to Public Law 106-541, section 449(a)(2); to the Committee on Transportation and Infrastructure.

6226. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting the Department's report on a navigation improvement project for Port Lions, Alaska; to the Committee on Transportation and Infrastructure.

6227. A letter from the Acting Chief, Trade & Comm'l Regs. Branch, Department of Homeland Security, transmitting the Department's final rule — ENTRY OF SOFTWOOD LUMBER PRODUCTS FROM CANADA [[CBP Dec. 08-10] USCBP-2006-0108] (RIN: 1505-AB73) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CONYERS: Committee on the Judiciary. Supplemental report on H.R. 2830. A bill to authorize appropriations for the Coast Guard for fiscal year 208, and for other purposes (Rept. 110–338, Pt. 4).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COURTNEY (for himself, Mr. BRADY of Pennsylvania, Ms. DELAURO, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HILL, Mr. HINCHEY, Mr. KLEIN of Florida, Mr. LARSON of Connecticut, Mr. MCGOVERN, Mrs. TAUSCHER, Ms. SHEA-PORTER, Mr. HOLT, Mr. MURPHY of Connecticut, Mr. SHAYS, and Mr. SPRATT):

H.R. 5875. A bill to amend title 10, United States Code, to ensure that personal protective equipment undergoes survivability testing before full-scale production; to the Committee on Armed Services.

By Mr. GEORGE MILLER of California (for himself, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. HARE, Mr. HINOJOSA, Mr. SCOTT of Virginia, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. KILDEE, Ms. WOOLSEY, and Mr. KUCINICH):

H.R. 5876. A bill to require certain standards and enforcement provisions to prevent child abuse and neglect in residential programs, and for other purposes; to the Committee on Education and Labor.

By Ms. HIRONO (for herself, Mr. WAXMAN, Ms. DEGETTE, Ms. SLAUGHTER, Mrs. CAPPS, Mr. ENGEL, Ms. SOLIS, Ms. HOOLEY, Mr. POMEROY, Mr. ABERCROMBIE, Mr. MCDERMOTT, Mr. FORTUÑO, Mr. MCNULTY, Mr. KILDEE, Mr. KAGEN, Mr. HONDA, Mr. HINOJOSA, Mr. TAYLOR, Mr. COHEN, Mr. KUCINICH, Mr. PASTOR, Mr. PRICE of North Carolina, Ms. VELÁZQUEZ, Mr. OBERSTAR, Mr. BAIRD, Mr. GRIJALVA, Ms. WATSON, Mr. FRANK of Massachusetts, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Mr. AL GREEN of Texas, Ms. CLARKE, Mr. HARE, Mr. HINCHEY, Mr. WEXLER, and Mrs. BOYDA of Kansas):

H.R. 5877. A bill to amend part B of title XVIII of the Social Security Act to provide coverage for the shingles vaccine under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself and Mr. LATOURETTE):

H.R. 5878. A bill to authorize programs to increase the number of nurses within the Armed Forces through assistance for service as nurse faculty or education as nurses, and for other purposes; to the Committee on Armed Services.

By Mr. FILNER:

H.R. 5879. A bill to authorize Federal payment to first responders for costs associated with providing emergency services at the international borders of the United States, and for other purposes; to the Committee on Transportation and Infrastructure.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 5880. A bill to require the Administrator of the Federal Aviation Administration to initiate a rulemaking proceeding to establish procedures to limit for a period of one year flight standards inspectors from accepting certain employment positions or responsibilities with an air carrier; to the Committee on Transportation and Infrastructure.

By Ms. LEE (for herself, Mr. GRIJALVA, and Mr. HONDA):

H.R. 5881. A bill to direct the President to enter into an arrangement with the National Academy of Sciences to evaluate certain Federal rules and regulations for potentially harmful impacts on public health, air quality, water quality, plant and animal wildlife, global climate, or the environment; and to direct Federal departments and agencies to create plans to reverse those impacts that are determined to be harmful by the National Academy of Sciences; to the Committee on Science and Technology, and in addition to the Committees on Transportation and Infrastructure, Natural Resources, Agriculture, 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. ZOE LOFGREN of California (for herself and Mr. SENSENBRENNER):

H.R. 5882. A bill to recapture employment-based immigrant visas lost to bureaucratic delays and to prevent losses of family- and employment-based immigrant visas in the future; to the Committee on the Judiciary.

By Mr. MANZULLO (for himself and Mr. MICA):

H.R. 5883. A bill to amend the Export Enhancement Act of 1988 to establish the Office of Trade Promotion in the Executive Office of the President, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WEXLER (for himself and Mr. NADLER):

H.R. 5884. A bill to amend chapter 111 of title 28, United States Code, relating to protective orders, sealing of cases, disclosures of

discovery information in civil actions, and for other purposes; to the Committee on the Judiciary.

By Mrs. NAPOLITANO (for herself, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BERKLEY, Ms. BORDALLO, Mr. CARSON, Mr. COSTELLO, Mr. DOYLE, Mr. GONZALEZ, Mr. GRIJALVA, Mr. HINCHEY, Mr. HINOJOSA, Mr. HONDA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KENNEDY, Ms. LEE, Mr. MARKEY, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCNULTY, Mr. TIM MURPHY of Pennsylvania, Mrs. MYRICK, Mr. PAYNE, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. STARK, Mr. VAN HOLLEN, Mr. WILSON of South Carolina, Ms. WOOLSEY, Mr. BRALEY of Iowa, Mr. CRENSHAW, Ms. DEGETTE, Mr. MURPHY of Connecticut, Mr. RANGEL, Mr. SIRES, Mr. TOWNS, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. DREIER, Mr. FORTUÑO, Mr. HILL, Mr. MOORE of Kansas, Mr. SHERMAN, and Ms. WATSON):

H. Res. 1134. A resolution supporting the goals and ideals of Mental Health Month; to the Committee on Energy and Commerce.

By Mr. HELLER:

H. Res. 1135. A resolution expressing support for Speaker Nancy Pelosi (D-CA) to reveal her commonsense plan to lower gasoline prices; to the Committee on Energy and Commerce.

By Mr. JOHNSON of Georgia:

H. Res. 1136. A resolution honoring and expressing gratitude to the 555th Parachute Infantry Battalion (''Triple Nickles'') of the United States Army; to the Committee on Armed Services.

By Mr. OBERSTAR (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. CORRINE BROWN of Florida, Ms. MATSUI, Mrs. NAPOLITANO, Mr. SPACE, Mr. SIRES, Ms. HIRONO, Mrs. TAUSCHER, Mr. CUMMINGS, Mr. BROWN of South Carolina, Mr. YOUNG of Alaska, Mr. FILNER, Mr. ARCURI, Mr. LIPINSKI, Mr. DEFAZIO, Mr. CARNAHAN, Mr. BISHOP of New York, Ms. RICHARDSON, Mr. HALL of New York, Mr. ALTMIRE, Mr. BAIRD, Mr. BOSWELL, Mr. COSTELLO, and Mr. CAPUANO):

H. Res. 1137. A resolution supporting the goals and ideals of National Public Works Week, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BLACKBURN:

H. Res. 1138. A resolution recognizing Carnival Memphis for its promotion of the commercial interests and economic development of Memphis, Shelby County, and the greater mid-southern region for 77 years; to the Committee on Oversight and Government Reform.

By Mr. ABERCROMBIE (for himself and Ms. HIRONO):

H. Res. 1139. A resolution recognizing the 100th anniversary of the Pearl Harbor Naval Shipyard and congratulating the men and women who provide exceptional service to our military and keep our Pacific Fleet ''fit to fight''; to the Committee on Armed Services.

By Mr. FRANKS of Arizona (for himself, Mr. WOLF, Mr. CLEAVER, Mr. PITTS, Mr. MCINTYRE, Ms. ROS-LEHTINEN, Mr. SMITH of New Jersey, Mr. ROHRABACHER, Mr. BURTON of Indiana, Mr. TOWNS, Mr. WAMP, Mr. DUNCAN, Mr. BARRETT of South Carolina, Mr. KLINE of Minnesota, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mr. PENCE, Mr. KING of Iowa, Mr. HERGER, Mr. AKIN, Mr. BARTLETT of Maryland, and Mr. TIAHRT):

H. Res. 1140. A resolution recognizing the 10th Anniversary of the International Religious Freedom Act of 1998; to the Committee on Foreign Affairs.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. LINDA T. SÁNCHEZ of California, Mr. MICHAUD, Mr. LYNCH, Mr. GUTIERREZ, Ms. MCCOLLUM of Minnesota, Ms. SUTTON, Mr. ELLISON, Mr. ALLEN, Ms. NORTON, Mr. HARE, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. DAVIS of Illinois, Mr. DOYLE, Mr. PAYNE, Mr. JEFFERSON, Ms. KILPATRICK, Mr. JOHNSON of Georgia, Ms. WOOLSEY, and Mr. LANGEVIN):

H. Res. 1141. A resolution supporting the mission and goals of Workers Memorial Day in order to honor and remember the workers who have been killed or injured in the workplace; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON (for himself, Mr. DOGGETT, Mr. HARE, Mr. BRALEY of Iowa, Mr. MCNERNEY, Mr. MATHESON, Mr. ROSS, Mr. MICHAUD, Ms. BALDWIN, Mr. HALL of New York, Mr. CHANDLER, Mr. ARCURI, Mr. DONNELLY, Mrs. EMERSON, Mr. GENE GREEN of Texas, Mr. CUELLAR, Mr. HINOJOSA, Mr. EDWARDS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. SCHWARTZ, Mrs. CAPPS, Mr. LARSON of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Ms. WOOLSEY, Ms. HOOLEY, Mrs. BOYDA of Kansas, Mr. ALTMIRE, Mr. SALAZAR, Mrs. NAPOLITANO, Mr. RODRIGUEZ, Mr. REYES, Mr. FOSTER, Mr. SIRES, Mr. HIGGINS, Mr. HODES, Mr. HONDA, Ms. HIRONO, Ms. CASTOR, Ms. VELÁZQUEZ, Mr. GONZALEZ, Mr. ORTIZ, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. CHABOT, and Mrs. BIGGERT):

H. Res. 1142. A resolution recognizing May 25, 2008, as National Missing Children's Day; to the Committee on Education and Labor.

By Mr. PLATTS:

H. Res. 1143. A resolution supporting the goals and ideals of the Apple Crunch and the Nation's domestic apple industry; to the Committee on Oversight and Government Reform.

By Mr. SERRANO:

H. Res. 1144. A resolution expressing support for designation of a ''Frank Sinatra Day'' on May 13, 2008, in honor of the dedication of the Frank Sinatra commemorative stamp; to the Committee on Oversight and Government Reform.

By Ms. SHEA-PORTER (for herself and Mr. HODES):

H. Res. 1145. A resolution recognizing the 100 year anniversary of the establishment of St. Mary's Cooperative Credit Association, the ''Bank of the People'', and the birth of the American credit union; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. KLINE of Minnesota.
H.R. 241: Mr. TIAHRT.
H.R. 406: Mr. BUCHANAN, Mr. BURGESS, Mr. KUHL of New York, Mr. MCCAUL of Texas, and Mr. TIM MURPHY of Pennsylvania.
H.R. 471: Mr. BOREN and Mr. CARSON.
H.R. 503: Mr. HARE.
H.R. 539: Mr. CARSON.
H.R. 550: Mr. CARSON.
H.R. 579: Mrs. WILSON of New Mexico.
H.R. 741: Mr. TERRY.
H.R. 760: Ms. SPEIER.
H.R. 826: Mr. WESTMORELAND.
H.R. 989: Mrs. BACHMANN.
H.R. 1032: Ms. BALDWIN.
H.R. 1072: Mr. BOUCHER.
H.R. 1194: Mr. CARSON.
H.R. 1359: Mr. SMITH of Texas.
H.R. 1392: Mr. TERRY.
H.R. 1431: Mr. HOEKSTRA.
H.R. 1439: Mr. WITTMAN of Virginia.
H.R. 1471: Ms. BERKLEY.
H.R. 1475: Mr. TOWNS and Mr. NADLER.
H.R. 1491: Mr. CARSON.
H.R. 1537: Mr. AKIN.
H.R. 1540: Mr. WU.
H.R. 1588: Mrs. NAPOLITANO.
H.R. 1621: Mr. FILNER.
H.R. 1653: Mr. CUMMINGS.
H.R. 1655: Mr. TURNER.
H.R. 1742: Mrs. MUSGRAVE, Mr. WALZ of Minnesota, Mr. MCNERNEY, Mr. WALBERG, Mr. TIERNEY, Mr. CARDOZA, and Mr. CARSON.
H.R. 1748: Mr. CAMP of Michigan.
H.R. 1845: Mr. WILSON of Ohio.
H.R. 1937: Mr. OBERSTAR.
H.R. 1967: Mr. FLAKE.
H.R. 1992: Mr. COOPER and Mr. GONZALEZ.
H.R. 2032: Mr. HALL of New York, Ms. SOLIS, and Mr. HINCHEY.
H.R. 2042: Mr. BAIRD.
H.R. 2140: Ms. BALDWIN.
H.R. 2329: Ms. ESHOO.
H.R. 2549: Mr. COHEN.
H.R. 2550: Mr. ALLEN, Mr. SHADEGG, Mr. CARNEY, and Mr. WITTMAN of Virginia.
H.R. 2578: Ms. TSONGAS and Mr. CARSON.
H.R. 2593: Ms. CLARKE.
H.R. 2611: Mr. HINOJOSA and Ms. DELAURO.
H.R. 2648: Mr. FARR.
H.R. 2676: Mr. WOLF.
H.R. 2734: Mrs. BIGGERT, Mr. DEAL of Georgia, and Mr. WITTMAN of Virginia.
H.R. 2894: Mr. COSTA, Mr. ROGERS of Alabama, and Ms. RICHARDSON.
H.R. 2909: Mr. FARR.
H.R. 2944: Mr. BISHOP of Georgia.
H.R. 2953: Mr. WITTMAN of Virginia.
H.R. 2964: Mr. PALLONE.
H.R. 3036: Mr. ALTMIRE and Mr. MARSHALL.
H.R. 3054: Mr. CARSON and Mr. MILLER of North Carolina.
H.R. 3066: Mr. PAUL.
H R. 3089: Mr. WALBERG, Mr. DAVIS of Kentucky, and Mrs. BACHMANN.
H.R. 3094: Mr. PASTOR.
H.R. 3132: Mr. YOUNG of Alaska.
H.R. 3202: Ms. JACKSON-LEE of Texas.
H.R. 3229: Mrs. CAPITO.
H.R. 3232: Mr. MCCRERY, Mr. CLYBURN, Ms. HARMAN, and Mr. CARTER.
H.R. 3289: Mr. SCOTT of Virginia, Mr. KUCINICH, Mr. WU, Mrs. MCCARTHY of New York, and Ms. WOOLSEY.
H.R. 3298: Mr. KAGEN.
H.R. 3366: Mr. JACKSON of Illinois, Ms. SCHAKOWSKY, and Ms. LEE.
H.R. 3438: Mr. TOWNS.
H.R. 3439: Ms. ESHOO.
H.R. 3463: Mr. MEEKS of New York.
H.R. 3480: Mr. WITTMAN of Virginia, Mr. HOLDEN, Mr. POE, and Mr. PLATTS.
H.R. 3543: Mr. WAXMAN, Mr. PAYNE, and Mr. SARBANES.
H.R. 3544: Mr. KAGEN, Mr. ELLSWORTH, Mr. JEFFERSON, Mr. LAMPSON, and Mr. GONZALEZ.
H.R. 3622: Ms. VELÁZQUEZ and Mr. FRANKS of Arizona.
H.R. 3642: Mr. CARSON.
H.R. 3663: Mr. OBEY.
H.R. 3670: Mr. BAIRD.
H.R. 3726: Mr. ISRAEL.
H.R. 3750: Mr. SCOTT of Georgia.
H.R. 3819: Mr. WATT.
H.R. 3865: Mr. ROSS.
H.R. 3934: Mr. MAHONEY of Florida and Mr. GRIJALVA.

H.R. 3944: Mr. ABERCROMBIE.
H.R. 4053: Mr. ELLISON and Mr. BERMAN.
H.R. 4061: Mr. EMANUEL.
H.R. 4089: Mr. STARK and Mr. PALLONE.
H.R. 4105: Mr. HIGGINS and Mr. MAHONEY of Florida.
H.R. 4157: Mr. MILLER of Florida.
H.R. 4188: Mr. FARR.
H.R. 4221: Mr. GONZALEZ.
H.R. 4248: Mrs. CUBIN, Mrs. MALONEY of New York, and Ms. ZOE LOFGREN of California.
H.R. 4449: Mr. HARE.
H.R. 4450: Mr. FRANK of Massachusetts, Mr. TOWNS, and Mr. HALL of New York.
H.R. 4611: Mr. RAHALL.
H.R. 4836: Ms. BEAN.
H.R. 4883: Ms. HERSETH SANDLIN.
H.R. 4884: Ms. HERSETH SANDLIN.
H.R. 4900: Mr. REYNOLDS, Mr. ELLSWORTH, Ms. FALLIN, Mr. BARTLETT of Maryland, Mr. CUELLAR, and Mrs. MYRICK.
H.R. 4926: Mr. BISHOP of Georgia.
H.R. 4930: Mr. ELLISON.
H.R. 5106: Mr. FALEOMAVAEGA.
H.R. 5131: Mr. SENSENBRENNER and Mr. YOUNG of Alaska.
H.R. 5244: Mr. WAXMAN, Mr. CARNAHAN, Mr. JOHNSON of Georgia, Mr. STUPAK, and Ms. TSONGAS.
H.R. 5263: Mr. WALDEN of Oregon.
H.R. 5312: Mr. SHERMAN.
H.R. 5315: Mr. FILNER.
H.R. 5352: Mr. CONYERS and Mr. SCOTT of Virginia.
H.R. 5405: Mr. DEAL of Georgia.
H.R. 5440: Mr. BOEHNER, Mrs. BACHMANN, and Mr. DAVIS of Kentucky.
H.R. 5443: Mr. AKIN, Mr. MILLER of Florida, and Mr. INGLIS of South Carolina.
H.R. 5446: Mr. TERRY.
H.R. 5449: Mr. JACKSON of Illinois.
H.R. 5469: Mr. CARNAHAN.
H.R. 5473: Mr. FOSTER, Mr. ELLSWORTH, Mr. COURTNEY, Mr. UDALL of Colorado, Ms. TSONGAS, Mr. LEVIN, Mr. KENNEDY, Mr. KAGEN, Mr. OLVER, Mr. LOEBSACK, Mr. SHULER, Mr. ALTMIRE, Mr. HALL of New York, Mr. SARBANES, Mr. ARCURI, Mr. PATRICK MURPHY of Pennsylvania, Mrs. GILLIBRAND, and Mr. ENGEL.
H.R. 5488: Mr. MORAN of Virginia, Mr. CLAY, Mr. CUMMINGS, Mr. OLVER, Mr. STARK, and Mr. LEWIS of Georgia.
H.R. 5510: Mr. SCHIFF.
H.R. 5515: Mr. HALL of Texas, Mr. MCCAUL of Texas, and Mr. KLINE of Minnesota.
H.R. 5519: Ms. CLARKE.
H.R. 5532: Mr. MORAN of Virginia.
H.R. 5534: Mr. MCDERMOTT, Mr. BRALEY of IOWA, Mr. TOWNS, Mr. INSLEE, and Mr. PRICE of North Carolina.
H.R. 5543: Mr. COHEN.
H.R. 5552: Ms. TSONGAS and MR. BRALEY of Iowa.
H.R. 5554: Mr. KENNEDY.
H.R. 5579: Mr. SHERMAN.
H.R. 5595: Mr. HODES.
H.R. 5596: Ms. GINNY BROWN-WAITE of Florida, Mr. BLUNT, Mr. ALEXANDER, and Mr. SHULER.
H.R. 5609: Mr. STARK.
H.R. 5627: Mr. TERRY.
H.R. 5629: Mr. THOMPSON of California and Mr. BILBRAY.
H.R. 5632: Mr. MOORE of Kansas.
H.R. 5635: Mr. MEEKS of New York.
H.R. 5646: Mr. TERRY.
H.R. 5656: Mr. LATTA and Mr. JONES of North Carolina.
H.R. 5669: Mr. HAYES.
H.R. 5672: Mrs. LOWEY.
H.R. 5674: Mr. CARNEY, Mr. POE, Mr. ALEXANDER, Mr. SMITH of Washington, Mr. ROSS, Mr. TIAHRT, and Mr. GENE GREEN of Texas.
H.R. 5684: Mr. KLINE of Minnesota and Mr. MOORE of Kansas.
H.R. 5692: Mr. MCGOVERN and Mr. DAVIS of Illinois.
H.R. 5696: Mr. TERRY.
H.R. 5699: Mrs. BACHMANN, Mr. BURTON of Indiana, Mr. ISSA, Mrs. MYRICK, and Mr. PITTS.
H.R. 5716: Mr. LEWIS of Georgia.
H.R. 5723: Mr. SHAYS and Mr. RAMSTAD.
H.R. 5731: Mr. SHULER, Mrs. BOYDA of Kansas, and Mr. SAM JOHNSON of Texas.
H.R. 5737: Mr. TERRY and Mr. WITTMAN of Virginia.
H.R. 5740: Mr. KLINE of Minnesota, Mr. RENZI, Mr. HODES, and Mr. ARCURI.
H.R. 5747: Mrs. NAPOLITANO.
H.R. 5749: Mr. ANDREWS and Ms. LEE.
H.R. 5761: Mrs. BLACKBURN, Mr. ENGLISH of Pennsylvania, and Mrs. MYRICK.
H.R. 5771: Mr. UPTON.
H.R. 5774: Mr. MICHAUD, Mr. HARE, Mr. WEXLER, Mr. WYNN, Mr. FATTAH, and Mr. HINOJOSA.
H.R. 5780: Mr. BERRY.
H.R. 5782: Mr. GOODE and Mrs. MUSGRAVE.
H.R. 5787: Mr. BOYD of Florida, Ms. HARMAN, and Mr. HILL.
H.R. 5793: Mr. DAVIS of Alabama and Mr. GALLEGLY.
H.R. 5794: Mr. BISHOP of Utah, Mr. KLINE of Minnesota, and Mr. UPTON.
H.R. 5797: Mrs. MYRICK.
H.R. 5805: Mrs. MCMORRIS RODGERS, Mrs. MUSGRAVE, and Mr. HELLER.
H.R. 5816: Mr. PORTER, Mrs. MYRICK, Mr. CULBERSON, Mrs. MUSGRAVE, Mr. LOBIONDO, Mr. BONNER, and Mr. YOUNG of Alaska.
H.R. 5818: Ms. TSONGAS and Mr. SHERMAN.
H.R. 5821: Mr. WITTMAN of Virginia.
H.R. 5825: Mr. GOODLATTE, Mr. FOSTER, Mr. GENE GREEN of Texas, Mr. MARCHANT, Mr. HENSARLING, Mr. HOBSON, Mr. MANZULLO, Mr. REGULA, and Mr. INGLIS of South Carolina.
H.R. 5829: Ms. CLARKE.
H.R. 5833: Mr. HALL of New York.
H.R. 5846: Mr. DOYLE.
H.R. 5857: Mr. KLINE of Minnesota, Mr. HASTINGS of Washington, Mrs. DRAKE, Mr. MCCAUL of Texas, Mr. WITTMAN of Virginia, Mr. DREIER, Mr. YOUNG of Alaska, and Mr. KING of New York.
H.R. 5868: Mr. YOUNG of Alaska and Mr. WHITFIELD of Kentucky.
H.J. Res. 68: Mrs. CHRISTENSEN and Ms. BORDALLO.
H.J. Res. 80: Mr. HONDA and Mr. STARK.
H. Con. Res. 134: Mr. CARSON.
H. Con. Res. 163: Mr. SCHIFF.
H. Con. Res. 195: Mr. HALL of Texas.
H. Con. Res. 216: Mr. HALL of Texas, Mr. YOUNG of Alaska, Mr. WILSON of South Carolina, Mr. SHUSTER, Mrs. BLACKBURN, Mr. BARTON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCCARTHY of California, Mr. SHIMKUS, Mr. GOHMERT, Mr. THORNBERRY, Mr. CALVERT, Mr. FEENEY, Mr. GENE GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. NUNES, Mr. KUHL of New York, Mr. BROWN of South Carolina, Mr. BOUSTANY, Mr. BARTLETT of Maryland, Mr. GONZALEZ, Mr. ROSKAM, Mr. TERRY, Ms. FOXX, Mr. BILBRAY, Mr. GARY G. MILLER of California, Mr. TIAHRT, Mr. KELLER, Mr. DAVIS of Kentucky, and Mr. POMEROY.
H. Con. Res. 241: Mr. WYNN.
H. Con. Res. 263: Mr. HULSHOF.
H. Con. Res. 317: Mr. MARSHALL and Mr. LANGEVIN.
H. Con. Res. 318: Mr. SPRATT.
H. Con. Res. 320: Mrs. MCMORRIS RODGERS and Mr. SPRATT.
H. Con. Res. 321: Ms. MCCOLLUM of Minnesota and Mr. MCDERMOTT.
H. Con. Res. 322: Mr. PRICE of North Carolina and Mr. MCDERMOTT.
H. Con. Res. 331: Ms. WASSERMAN SCHULTZ, Mr. TOWNS, Ms. MCCOLLUM of Minnesota, Ms. BORDALLO, Mr. MCGOVERN, Mr. BISHOP of Georgia, Ms. JACKSON-LEE of Texas, and Mr. MORAN of Virginia.
H. Res. 258: Mr. STARK and Mr. SHAYS.
H. Res. 282: Mr. SCOTT of Virginia.
H. Res. 792: Mr. OLVER.
H. Res. 881: Mr. FRANKS of Arizona, Mr. SESSIONS, Mr. GINGREY, Mr. HENSARLING, Mr. PITTS, Mr. HERGER, Mr. LINDER, Mr. COBLE, and Mr. MILLER of Florida.
H. Res. 937: Mr. JOHNSON of Georgia.
H. Res. 977: Mr. BARROW, Mr. FORTENBERRY, Mr. CARDOZA, Ms. CLARKE, Mrs. NAPOLITANO, and Mr. OBERSTAR.
H. Res. 985: Mr. LEWIS of Georgia.
H. Res. 1008: Ms. ZOE LOFGREN of California and Mr. PLATTS.
H. Res. 1011: Mr. CLAY.
H. Res. 1019: Ms. CLARKE.
H. Res. 1022: Mr. FARR, Ms. HERSETH SANDLIN, Ms. SCHWARTZ, and Mr. GRIJALVA.
H. Res. 1029: Mr. STARK.
H. Res. 1037: Mrs. BOYDA of Kansas.
H. Res. 1054: Mr. COURTNEY.
H. Res. 1056: Mr. MEEKS of New York.
H. Res. 1062: Mr. GERLACH.
H. Res. 1067: Mr. LARSEN of Washington.
H. Res. 1069: Mr. LARSEN of Washington.
H. Res. 1079: Mr. FRANK of Massachusetts, Mr. LEWIS of Georgia, and Mr. LYNCH.
H. Res. 1093: Mr. STARK.
H. Res. 1104: Mrs. DAVIS of California, Mr. WILSON of Ohio, Mr. HONDA, Ms. MATSUI, Ms. ESHOO, and Mr. GONZALEZ.
H. Res. 1109: Ms. TSONGAS, Ms. NORTON, Ms. BORDALLO, Mr. WALZ of Minnesota, and Mr. FATTAH.
H. Res. 1110: Mr. HERGER, Mr. PLATTS, and Mr. PENCE.
H. Res. 1111: Mr. KAGEN, Mr. HILL, Mr. BOREN, Mr. SERRANO, Ms. CLARKE, Mr. HARE, Mr. SHULER, Mr. COURTNEY, Mr. YARMUTH, Mr. WILSON of Ohio, Ms. KAPTUR, Ms. SUTTON, Mr. JOHNSON of Georgia, and Mr. BARROW.
H. Res. 1115: Mr. MITCHELL.
H. Res. 1124: Mr. ALTMIRE, Ms. BALDWIN, Mr. BOSWELL, Mr. BRADY of Pennsylvania, Ms. CASTOR, Ms. DEGETTE, Mr. ELLISON, Mr. GENE GREEN of Texas, Mr. HARE, Mr. HILL, Mr. HOLDEN, Mr. ISSA, Mr. KILDEE, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MCGOVERN, Mr. MITCHELL, Mr. MORAN of Virginia, Mrs. MYRICK, Mr. RANGEL, Mr. SESTAK, Ms. SUTTON, Mr. WALZ of Minnesota, Mr. WYNN, Mr. BAIRD, Ms. BORDALLO, Mrs. BOYDA of Kansas, Mr. BRALEY of Iowa, Mr. COHEN, Mr. DAVIS of Illinois, Mr. EDWARDS, Mr. EMANUEL, Mr. GRIJALVA, Mr. HIGGINS, Mr. HINCHEY, Mr. HOLT, Mr. KENNEDY, Ms. LEE, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. MCNULTY, Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, Mr. PAYNE, Mr. REYES, Mr. RYAN of Ohio, Mr. SPACE, Mr. TOWNS, Mr. WOLF, Mrs. NAPOLITANO, and Mr. BISHOP of Georgia.
H. Res. 1130: Ms. BORDALLO, Mr. BISHOP of Georgia, Mr. FOSSELLA, Mr. TIAHRT, Mrs. MCCARTHY of New York, Mr. WITTMAN of Virginia, Mr. TERRY, Mr. GERLACH, Mrs. CAPITO, Mr. BARTON of Texas, Mr. CUMMINGS, Mr. REGULA, Mr. RADANOVICH, Mr. WALDEN of Oregon, and Mr. UDALL of Colorado.
H. Res. 1132: Mr. FOSSELLA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RAMSTAD, Mr. CHABOT, Mr. DREIER, Mr. TOWNS, Mr. WALDEN of Oregon, Mr. WALSH of New York, Mr. FERGUSON, Mr. KING of New York, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BISHOP of Georgia, and Mr. KUHL of New York.

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:

OFFERED BY MR. TOM COLE OF OKLAHOMA

Bill Number: S. 2739.

Provision: Section 516.

Legal Name of Requesting Entity: Central Oklahoma Master Conservancy District.

Address of Requesting Entity: 12500 E. Alameda, Norman, Oklahoma, 73026.

Description of Request: A feasibility study is needed to investigate importation of water into Lake Thunderbird to increase the available supply of water for Norman, Del City, and Midwest City and all other areas serviced by the Central Oklahoma Master Conservancy District. Economic forecasts conducted by local and regional entities indicate that the rate of growth for the area has been and should remain strong. In FY 2005, Bureau of Reclamation completed an appraisal investigation of augmenting the yield to meet the additional demands of the District's member cities through 2040. The investigation found that there is a need for water in the future. The Bureau of Reclamation currently does not have authority to continue the investigation at feasibility level. The total cost of the project is $1.8 million; Section 516 authorizes a maximum of $900,000 from the federal government to be allocated within three years of enactment. Central Oklahoma Master Conservancy District will provide a 50/50 cost share. The federal dollars will be allocated in the following manner: $495,000 for NEPA Compliance, $160,000 for Engineering and Hydrology, $55,000 for Alternative Formulation and Criteria Assessment, $47,500 for Review and QA / QC, $63,500 for Project Management, $32,500 for Technical Writing, $41,500 for Economics and Recreation, and $5,000 for Real Estate.

OFFERED BY MR. RAY LAHOOD

Bill Number: S. 2739, Consolidated Natural Resources Act of 2008.

Provisions: Title VI, Subtitle C. Abraham Lincoln National Heritage Area.

Legal Name of Requesting Entity: Looking for Lincoln Heritage Coalition, Springfield, IL.

Address of Requesting Entity: Looking for Lincoln Heritage Coalition, #1 Old State Capitol Plaza, Springfield, IL 62701.

Description of Request: To establish and provide the authorization for the Abraham Lincoln National Heritage Area to become eligible to receive federal funding at the level of $1,000,000 per year for 15 years. The managing entity of the Looking for Lincoln Heritage Coalition will be responsible for managing the economic viability of the heritage area by using matching funding sources, on a 50/50 basis, including state, local, private, foundation dollars and in kind services, where applicable. The Looking for Lincoln Heritage Coalition is a not-for-profit entity that has, for 9 years, helped to preserve and interpret many of the sites of the 42 county area of central Illinois where Lincoln lived, worked, raised his family, and pursued his passions for the law and politics, en route to the White House. The purpose of the Abraham Lincoln National Heritage Area is to allow more stories to be preserved, interpreted, developed, promoted and managed for today's visitors and tomorrow's generation. As a national heritage area, the full array of cultural, historic, scenic and natural resources can be more fully developed for the educational and inspirational benefit, as well as the economic benefit from increased tourism.

OFFERED BY MR. JAMES L. OBERSTAR

The amendment to be offered by Mr. Oberstar, or his designee, to H.R. 2830, the ''Coast Guard Authorization Act of 2007,'' contains the following congressional earmark as defined in clause 9(d) of rule XXI of the Rules of the House of Representatives:

Sec.—(p. 11); Legislative provision: Newtown Creek, New York City, New York; Requested by: Anthony D. Weiner.

OFFERED BY MR. DON YOUNG OF ALASKA

Bill Number: S. 2739 (H.R. 1114).

Account: Department of the Interior, Bureau of Reclamation and Department of the Interior, U.S. Geological Survey/Water Resources Division.

Legal Name of Requesting Entity: State of Alaska.

Address of Requesting Entity: n/a.

Description of Request: This provides an authorization of appropriations to the Secretary of the Interior of ''such sums as are necessary'' to conduct a study to: (1) survey accessible water supplies, including aquifers, on the Kenai Peninsula and in the Municipality of Anchorage, the Matanuska-Susitna Borough, the city of Fairbanks, and the Fairbanks Northstar Borough; (2) survey water treatment needs and technologies, including desalination, applicable to the water resources of the State of Alaska; and (3) review the need for enhancement of streamflow information collected by the U.S. Geological Survey in the State of Alaska relating to critical water needs in areas such as infrastructure risks to State transportation, flood forecasting, resources extraction and fire management. Assuming appropriation of the necessary funds, the Congressional Budget Office estimates that conducting those studies would cost $8 million over the 2008–2012 period. Enacting H.R. 1114 would not affect direct spending or revenues.

Due to harsh climate and wild terrain, Alaska has unique water needs. There is little information on size or recharge capabilities of groundwater aquifers, or water treatment needs and technologies in Alaska. The Secretary of the Interior is to produce a report for the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources within two years of the date of enactment. The Committees can then determine whether to authorize any water projects or practices as supported by the report. The authority of the Secretary to conduct this study expires in 10 years after the date of enactment. The project will be subject to a 50% match from the State of Alaska, an affected local community or other nonfederal source.

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE *110th* CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, WEDNESDAY, APRIL 23, 2008 *No. 65*

Senate

The Senate met at 5 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Only You, Lord, are a mighty rock. Be our strong refuge, for we trust Your loving providence.

Guide our Senators. Show them the tasks that need to be done, enabling them to order their priorities with Your wisdom. Direct them to common ground so that united they can accomplish Your purposes. Inspire them to serve You with passion, for You are the author and finisher of their destinies. Strengthen them with the zest, verve, and vitality of authentic hope.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 23, 2008.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

ORDER OF PROCEDURE

Mr. REID. Mr. President, under the rules of the Senate, 1 hour after we come in there is an automatic cloture vote. Tonight, it is on H.R. 2831, the Lilly Ledbetter Fair Pay Act. I ask unanimous consent that both sides have a full half hour. I designate Senator KENNEDY to appropriate the time however he feels appropriate. Following the usage of that 1 hour, I ask unanimous consent that Senator MCCONNELL, if he wishes to speak, be recognized using leader time and following his remarks, that I be recognized in leader time prior to the vote.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I say to all Senators within the sound of my voice, after we complete work on this legislation, Senator MCCONNELL and I are trying to work to inform everyone what the schedule will be in the future—that is, this evening, tomorrow, Friday, and the beginning of next week. We do not have that worked out yet, but we are getting very close.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

LILLY LEDBETTER FAIR PAY ACT OF 2007—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 6 p.m. is equally divided and controlled between the two leaders or their designees. Each side will have a full 30 minutes.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself such time as I might use.

Mr. President, our Nation was founded on the basic principle of fairness, justice, and equality. Over the years, a continuing march of progress has brought these shared ideals to ever more Americans. The ''Whites only'' signs that were a stain on America are a thing of the past. We have opened the door of opportunity to African Americans, Latinos, Asians, and Native Americans. Glass ceilings that limited the opportunities of women and persons with disabilities are shattered. We have improved protections for persons of faith who suffer discrimination and intolerance because of their beliefs. Opportunities for older workers are greater now than perhaps at any previous time in our history. The march of progress represents America at its best. It has brought us ever closer to the ideal of Dr. Martin Luther King that Americans will one day be measured not by the color of their skin, their gender, their national origin, their race, their religion, or their disability, but by the content of their character.

The Senate has been an important part of the progress in guaranteeing fairness and opportunity. We passed strong bipartisan laws to protect basic civil rights, and we must not turn back the clock again. Time and again, the Senate has gone on record in favor of fairness and against discrimination, and we have done so by overwhelming majorities. We will have an opportunity in a few moments to do so again.

Printed on recycled paper.

This chart shows the record of the Senate in ensuring pay equity for those whose skin is a different color, on the basis of age, disability, gender, religion, or national origin. Here it is: The Equal Pay Act was passed on a voice vote. An overwhelming majority in the Senate, Democrats and Republicans, said equal pay, equal work should be the law of the land. It was passed in 1963.

The Civil Rights Act of 1964, title VII, equal pay for equal work, passed 73 to 27.

Age discrimination that says you will not discriminate on the basis of age passed the Senate under President Johnson by a voice vote.

The Rehabilitation Act of 1973 provided the same kind of protections for disabled individuals, individuals who have some disability but are otherwise qualified to do work. You cannot discriminate against them. That was passed on a voice vote under President Nixon. And this was repeated in the Civil Rights Restoration Act of 1988, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991.

Look at the Presidents: Kennedy, Johnson, Johnson, Nixon, Reagan, Bush, Bush. And now in the Senate our Republican friends want to say: Oh, no, we are going to permit discrimination against women because they did not have adequate notice that the discrimination was taking place because the employer did not give them that notice when they gave them a paycheck that was unequal to their male counterparts. That was a 5-to-4 decision.

We have an opportunity to go back on the right track that Republican and Democratic Presidents and Congress led us down. Let's restore the fairness, the equity, the decency, and the humanity this Senate of the United States has gone on record with regard to equal pay for women, disabled, and the elderly in our society. Let's do that. We have a chance to do so in just 45 minutes.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask that I be recognized for up to 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, the distinguished Senator from Massachusetts makes an eloquent and passionate statement, but everyone within the sound of my voice needs to understand something. This debate today is not about allowing, favoring, or supporting discrimination. It is about preserving the Civil Rights Act to which the distinguished Senator just referred, because the Civil Rights Act stated clearly that if a complaint was filed, it needed to be filed within 180 days of the act of discrimination, or as, as current EEOC practice allows, 180 days from the date which a reasonable person should have known.

Let's make sure everyone understands all this. Since 1964, 44 years ago, that has been the provision in the statute. No one is trying to keep that from happening.

Secondly, everybody needs to understand this: It is very important to people, regardless of whether they are a woman, a man, a Methodist, African American, Latino, whatever, if they are discriminated against, we need to make sure there is timely evidence so the handling of these claims can be completed thoroughly and completely.

The Ledbetter Fair Pay Act changes the civil rights law provisions from 180 days from the time a discriminatory act was made or a reasonable person should have known they had been discriminated against to 180 days from any ''economic effect.'' This means that someone can work for a company for 30 years, go on retirement and pension, get a pension check, declare the 180 days just started, and file a complaint from 30 years ago.

We are about having integrity in the system so we have timely complaints, we have timely evidence, and the parties who are there can quickly be remedied.

I would like my staff to put up a chart because I would like to review the history of the Ledbetter case.

In 1982, Mrs. Ledbetter filed a complaint for sexual harassment against her supervisor. That complaint was settled between her and the company, Goodyear, in a timely fashion, and she was satisfied.

In 1992, Mrs. Ledbetter, under testimony, testified that she became aware she was being paid less than her peers, but she filed no complaint.

In 1993, she did not file a complaint.

In 1994, she did not file a complaint.

In 1995, Mrs. Ledbetter said:

I told him at that time that I knew definitely that they were all making a thousand at least more per month than I was and that I would like to get in line.

But she did not file a complaint.

In 1996, she did not file a complaint.

In 1997, she did not file a complaint.

And then on July 21, 1998, a complaint was filed, shortly after her supervisor died. That is the reason for the statute of limitations on the complaint to begin with—to ensure you have contemporary and timely information and the parties who might have committed the act of discrimination are alive and can be held accountable.

No less than Justice John Paul Stevens, the first time this particular provision of statute of limitations was taken to the Court, in a 7-to-2 decision in 1977 said the following:

A discrimination act which has not made the basis for a time charge is merely an unfortunate event in history which has no present legal consequence.

Some will argue—and I am sure Senator KENNEDY will—about hidden, or concealed, discrimination, whereby a person might not become aware they are being victimized. Essentially, you can rope-a-dope someone and fool them. Current EEOC practice clearly states that it is 180 days from the time a reasonable person should have known or would have known they were discriminated against.

It is very important for us to understand that we have a case, the Ledbetter case, where the individual testified under oath in deposition that she was aware she was being underpaid and did not file. We also have a person in 1982, a decade before the alleged act, who did file a case for sex discrimination. So it was not ignorance of the system, ignorance of the law, or ignorance of the court; it was violation of the time provided.

Just to make sure the record is clear, in a deposition of Mrs. Ledbetter on July 18, 2000:

Question: So you had this conversation with Mike Tucker about the 1995 evaluation. You told him then that you wanted to try to get your pay more in line with your peers?

Mrs. Ledbetter: That is correct.

Question: How did you know that your peers were earning more?

Mrs. Ledbetter: Different people I worked for along the way had always told me my pay was extremely low.

Again in a deposition later on:

Question: And so you knew in 1992 that you were paid less than your peers.

Mrs. Ledbetter: Yes, sir.

Mr. President, I abhor discrimination. I share the reverence of the quote of Martin Luther King, a citizen of my home State, quoted by Senator KENNEDY, that we all yearn for the day that a man will be judged by the content of his character and not the color of his skin. We respect that today. That is why the Civil Rights Act we discuss today was passed. That is why, when they passed the Civil Rights Act, Congress put in a standard of 180 days from the date of discrimination to ensure the evidence was there, the supervisors were there. That way an aggrieved person could take action to remedy quickly this situation could. The Lilly Ledbetter Fair Pay Act changes that to a distant time in the future when people could have passed away, records could have been destroyed, and the ability to prove the allegation would be impossible.

I submit, in an environment in 2008 in the United States of America where equity, nondiscrimination, and freedom are available to all Americans, that it is this timeliness is important so that anybody who is injured and anybody who is aggrieved gets a swift and just action in the courts of the United States of America.

I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will take 30 seconds.

We are attempting to restore the law prior to the Supreme Court decision. That is all we are trying to do. The law before the Supreme Court's decision is that when the paycheck reflects discrimination the time to file starts.

Here is a chart. All light green and dark green. That was the law of the

land. That was the law of the land, Mr. President. That is what our bill does. Let's not confuse the facts. We want to go back to what the law of the land was—that and only that.

Mr. President, I yield 3 minutes to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank Senator KENNEDY for his brilliant leadership on this and so many other issues.

First, I have to say that I sat and listened to my good friend from Georgia, and I noted that Lilly Ledbetter is in the gallery, and I was just thinking of having her listen to all of this talk, a lot of it sort of legalese and parsing hairs. Just think of who she is—a hardworking woman from Gadsden, AL, a supervisor in a tire plant working just as hard as the men alongside her and every day and every week and every year not getting paid the same as they simply because she was a woman. It was not because she did a worse job, not because of any other reason. She has had to listen first to the Supreme Court and then to some of my colleagues parse hairs, and it is just not fair, it is not right, and it is un-American.

Now, let me say this: As a male, this is something that is very difficult for men to understand, and yet women, whether they make $20,000 or $70,000 or $200,000, they know it and live with it every single day. It is not a surprise that Ruth Bader Ginsburg was so upset at this decision—a mean decision, a decision that makes people dislike the law—that she read her entire dissent from the bench, a highly unusual practice on the U.S. Supreme Court.

Equal pay for equal work is as American as it comes. Equal pay for equal work is as American as apple pie. And to have a bunch of lawyers, whether they are Senators or Supreme Court Justices, parse hairs and deny simple, plain justice is as un-American as can be as well.

So I hope this body will rise to the occasion. This is not a decision where you need a Harvard law degree to understand how backward it is. All you have to do is know who Mrs. Ledbetter is and who the millions of other American women are who are put in the same position as she is, and you know the cry for justice, justice, justice should ring from these Halls.

So I hope we in this body, again, will rise to the occasion. I hope this body will do right by Mrs. Ledbetter in her long struggle to right this wrong, and to the millions of American women, our wives, our daughters, our friends, our relatives, and the many others we all do not know who are working hard, by the sweat of their brow, trying to support their family, trying to move up the ladder of decency and honor and success so that they, too, when they work, will be treated like their male counterpart.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I yield myself 30 seconds.

The distinguished Senator from Massachusetts referred to restoring the law to pre-2002. The Supreme Court, in 1977, through John Paul Stevens' majority opinion, 7 to 2; 1980 and 1986, in all three of those rulings they upheld the 180-day provision of the Civil Rights Act of the United States of America. That was the law prior to Ledbetter, and that is what the court reaffirmed in Ledbetter.

Mr. President, I yield up to 10 minutes to the distinguished Senator from Wyoming, Mr. ENZI.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. I thank the Senator from Georgia.

Mr. President, I rise today to voice my strong opposition to both the substance of H.R. 2831, the so-called Ledbetter Fair Pay Act, as well as the process—or more accurately, the lack of process—that has brought this matter to the Senate floor today.

Welcome to ''gotcha politics 2008.'' When we really are intending to pass a bill, particularly with our Health, Education, Labor and Pension Committee, this is not the way we do it. We sit down, we talk about the principle, we list the mechanisms for solving that principle, and we work together to come up with a solution. That is not the case on this one. There has been a lack of any meaningful legislative process regarding this bill.

Earlier in this session, the Supreme Court upheld a Circuit Court decision regarding the limitations period for filing claims under the discrimination statutes I have noted. In my view, this decision was unquestionably correct and completely consistent with the intent of those statutes. However, even for those who might ultimately disagree with that view, there can be no debate Congress's subsequent action was a slapdash response and a transparent attempt to score political points at the expense of responsible legislating.

No sooner was the ink dry on the decision from the Supreme Court, than this legislation was introduced in the House. It was rushed through committee without change and rammed through the House on an essentially party-line vote just 5 days later. The bill was debated under a rule that allowed only 1 hour of debate and no amendments. Does that seem a little familiar? Yesterday, we heard a diatribe on the Senate floor about how Republicans are holding up everything and insisting on these motions to proceed being brought up. Then, after cloture was approved 94 to 0 on a veterans bill, we weren't allowed to vote on it again anytime that day, and we didn't even go into session until 5 o'clock tonight. That was to keep any discussion or any votes from happening and to limit any debate on this issue.

That is not the way the Senate is supposed to operate, but it is the way we are operating on this bill, just as they did in the House—not going through the normal process of making sure that concerns were being solved. That is the only way anything ever makes it through this body. A look at the House vote reveals this was not the result of any groundswell of unanimity in that body. The margin was razor thin. The bill was then sent to the Senate, where by regular order it is supposed to come before the appropriate committee for debate and amendments, but that hasn't happened. This body has consistently and rightfully taken pride in the care and thorough negotiation of its deliberative process.

Now, despite the deceptive name, this legislation doesn't restore anything. Quite to the contrary, it completely destroys a vital provision of title VII of the Civil Rights Act that was intentionally included by the drafters of that legislation. Employment discrimination based on race, sex, age, national origin, religion, or disability is intolerable, and the drafters wanted to ensure any claims of sex discrimination could be promptly addressed.

Beyond this consideration, the drafters of those laws also recognized two practical realities: First, in the employment context, unaddressed claims of discrimination are particularly corrosive. Federal discrimination policy must ensure that bias is rooted out and remedied as quickly as possible. And, second, it is virtually impossible to discover the truth with respect to such claims based on events in the distant past. With the passage of time, memories fade, critical witnesses become unavailable for one reason or another, and records, documents, and other physical evidence are destroyed or otherwise not available. Under this bill, that claim can go until the time of retirement and then be claimed back to the time of whenever this supposed discrimination was, where the witnesses aren't available. But, most importantly, the accounting records aren't available anymore. How can you go back and figure that amount without the records?

It is for these reasons that all statutes granting the right to take legal action contain a limitation period for commencing such actions. These general considerations of discrimination in the workplace led the drafters of title VII to intentionally establish a relatively short period with respect to such claims. They selected a period of 180 days from the discriminatory act, a period that, depending upon the State where the claim arises, could extend to 300 days.

This bill doesn't restore this well-reasoned and plainly intended limitation period and policy; it would eliminate it in virtually all employment discrimination cases. Under this bill, an individual could file a timely charge of discrimination based on an event or act that occurred years, even decades before.

We are told, however, that such a change is necessary because employees may not know they are being discriminated against, or that employers will hide the fact from employees in order to prevent the timely filing of a claim. These appear on their face to be appealing arguments; however, they ignore and they misrepresent the actual state of the law. The law already provides remedies in these instances. The limitations period for filing employment discrimination claims is not nearly as inflexible as the proponents of this bill would lead people to believe.

What about individuals who simply don't know the facts that would lead a reasonable person to conclude they have been discriminated against? Would they be barred from bringing a claim with the Equal Employment Opportunity Commission? If an employee doesn't know the facts, wouldn't their employer just get a free pass on discrimination? The EEOC has addressed this directly. Here is what the EEOC's own compliance manual says:

> Sometimes a charging party will be unaware of a possible EEO claim at the time of the alleged violation. Under such circumstances, the filing period should be tolled until the individual has, or should have, enough information to support a reasonable suspicion of discrimination.

Under the well-recognized doctrine of a continuing violation, all that the law requires is that there be a single act of discrimination within the applicable filing period, and the other context is properly swept into the charge from the reasonable time of knowing it.

Now, this flawed legislation also hides another vast expansion of workplace discrimination laws that must not go unmentioned. Since 1968, the law has been that the individual who is discriminated against is the person with the standing to file a lawsuit. But under this bill, any individual affected by application of a discriminatory compensation decision or other practice has standing to sue. So now it isn't just at retirement or death when the person can bring this up, it is other family members or other dependents who can bring it up, long after the last paycheck.

Practitioners we have consulted agree that this incredibly broad language would easily cover dependents, such as spouses and children benefiting from pension payments and family health care coverage. It could also be construed by courts to extend liability long after pension payments are completed, if the money is invested in an annuity, for example. This is a huge expansion that we have never talked about in committee.

And, before I close, I want to mention my greatest concern in dealing with the legislation. If we were really concerned about helping the greatest number of workers, we wouldn't be focused on changing the law to help improve their chances of a successful lawsuit. Instead, we would be extending a helping hand and providing a source for them to obtain the training they need to keep their current jobs and work toward better ones—the flexibility to move.

Such a change would come if we were able to convince the majority to finish the job we started on the Workforce Investment Act. It is 5 years overdue for reauthorization, and we passed it through the Senate twice, but we have never been able to have a conference committee. This legislation would mean 900,000 people a year could have better job training. So our inability to get this bill signed into law is a shame.

Again, I say this has not gone through the proper process here in the Senate and it was rushed through the House. I guess some think it is always easy to be able to catch a little publicity based on some articles in the paper and try to push something along, but if you actually want to pass a bill it doesn't work. It has to go through a normal process to pass the Senate, and that is what I am sure will happen on this bill.

I yield the floor.

Mr. KENNEDY. Mr. President, I yield 5 minutes to the Senator from Maryland.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I take this opportunity to thank the Senator from Massachusetts, Mr. KENNEDY, for his leadership on this issue and for the way his staff worked with the women in the Senate to overcome what we thought was a flagrant abuse of power.

In May of last year, the Supreme Court issued a decision called the Ledbetter case that was basically sexist and biased. It didn't reflect the spirit of the civil rights law on discrimination. It didn't reflect the reality of the workplace or the reality of women's lives. The Supreme Court overturned the opinions that had been given by the appellate court, by precedent, by history, and so on.

What did the Supreme Court say? That it was OK to discriminate, unless you knew 180 days from the time you were discriminated against and brought an action or brought this to the attention of your employer. Well, it just doesn't work that way. Anyone who knows the reality of the workplace knows that you don't know if you are being discriminated against.

What is the reality of the workplace? You can talk about sex at the water cooler, you can talk about religion by your computer, you can talk politics in the lunchroom, but if you open your mouth about your pay and whether you have gotten a raise, you are in trouble. If a woman begins to go and ask: Hey, George, what do you get paid, mum's the word.

If, then, Bill gets a raise, the guys are sitting around at the ball game downing a few beers and they say: Hey, George, you have done a great job, we are going to give you a promotion, how do you know about this? The only way you know about it is over time.

What we are doing in this legislation, led by Senator KENNEDY—we have a bipartisan bill—is to right the Supreme Court decision. We are doing this at the urging of Justice Ginsburg. The Supreme Court decision was so bad that Ruth Bader Ginsburg, the only woman on the Supreme Court, took the unusual step of reading her dissent from the bench, and she said:

> In our view the Court does not comprehend or is indifferent to the insidious way in which women can be victims of pay discrimination.

She said this needed to be fixed by Congress, and Congress has a remedy we are voting on today.

I was appalled to read that not only was the Supreme Court decision bad, but now the President has issued a veto threat. He said this bill is going to ''impede justice.'' That is baloney. This bill doesn't impede justice, it restores justice. It reinstates a fair rule for both workers and employers. He said it is going to mess up the process. This bill does not slow down the process, it gives people a way of getting into the process if you can't bring a claim in more than 6 months after you have been hired.

President Bush also says he wants to veto this because this bill would eliminate the statute of limitation in wage discrimination cases. That is not true. This bill does not change the 180-day time limit. It only changes when the clock starts to run. The bill restarts the clock with each time you get a paycheck that discriminates, so each time you get a paycheck that discriminates, the 180-day clock starts to run again. This is critical. How many people, as I said, know the salary of their coworkers? If you are hired at an equal rate with your male counterpart but he gets a raise in a few months and you don't, what should you do?

This is what Lilly Ledbetter found. She was a faithful employee at the Goodyear Company, Over time and with great risk she had to fight in her workplace, she had to fight in her courtroom.

The ACTING PRESIDENT pro tempore. The Senator has used 5 minutes.

Ms. MIKULSKI. Now it is time to fight for Lilly Ledbetter and the 150 million women in her position. The CBS poll on women says the No. 1 issue they face is equal pay for equal or comparable work. If in fact this is not a problem, why does every woman in every poll make this a No. 1 issue?

I ask that we make it a No. 1 issue in the Senate. We are now on a vote, as we faced with Anita Hill. I have a terrible feeling that tonight the Senate will not get it, but the women will get it and we are going to start a revolution as Abigail Adams asked us to do.

Mr. KENNEDY. I yield 2 minutes to the Senator from Washington.

Ms. CANTWELL. Mr. President, I am surprised that my colleagues say this is all about publicity. How can it be about publicity when, in reality, women make less than men in their everyday jobs? Last week in Pittsburg I

attended an equal pay forum and found young children carrying handmade signs about justice: Gussie, a young girl, said, ''I will work for justice;'' Sofia, another young girl, said, ''I will work for justice;'' Leo, who wanted to join in with these young ladies, said, ''I will work for change and for justice.'' The children planned to walk around and collect 23 cents on street corners, begging for an amount of change that represents the difference between what men and women get paid.

This young generation of Americans wants to know that they are going to grow up in a world where they are going to get equal pay for equal work.

Women, on average, make 77 cents per every dollar their male counterparts make and stand to lose $250,000 dollars in income over their lifetime. We are talking about real dollars. The pay gap follows women into retirement. A single woman in retirement, making less pay in her career, could receive $8,000 dollars less in retirement income annually than a man—this is an issue of justice.

I appreciate that the Senator from Massachusetts has led the charge on this. I want to remind my colleagues that we had a similar Supreme Court decision on identity theft, which passed by a 9–0 vote, that limited a victim's ability to recover when it is held that the statute of limitations begins at the time of the initial violation, rather than when the victim discovers the injury. It was the same issue. You did not know that your identity had been stolen, but the courts maintained a very narrow definition of how long you had to recover. What did we do? We acted. Congress extended the statute of limitations to two years after the individual knew their identity had been stolen or 5 years after the violation. That is what Congress did. We corrected that. That is what we need to do to give equal justice to women so they can have equal pay.

The ACTING PRESIDENT pro tempore. The Senator has used 2 minutes.

Mr. KENNEDY. Mr. President, I yield myself 2 minutes.

If I could have the attention of the Senator from Maryland, can the Senator explain to me why there would be reluctance in this body to vote for equal pay for equal work? We voted on this now more than five times in a 40-year period, to knock down the prejudice and discrimination to women, to minorities, to the disabled, and to the elderly. Under the Supreme Court decision, that discrimination can take place in the United States of America today. This legislation can halt it. Can the Senator possibly think about why we should hesitate in taking the action to restore the law to what it was prior to the Supreme Court decision?

Ms. MIKULSKI. First, I believe in this matter the Senate would be out of touch with the American people. The American people want fairness, they want justice, and they believe women should be paid equal pay for equal or comparable work.

I also believe, though, there is opposition to the bill because people make profits off of discrimination. If you pay women less, you make more.

Also I believe when they talk about when the law was passed—the workplace has changed. There are now more women in the workplace than there were when the original laws were passed. But as the Senator from Washington State said, my gosh, this adds up to real money. You know, 20 cents an hour that we make less than the guy next to us—unless we are in the Senate; we do have equal pay here—this, over a lifetime, adds up to over a quarter of a million or a million dollars. When we look at its impact on Social Security, it is tremendous. Then if we look at its impact on a 401(k), if you have one, it adds up.

I believe discrimination is profitable, but I think it is time that justice is done.

Mr. KENNEDY. I yield myself 1 minute.

If I can ask the Senator from Washington, in this downturn in our economy we find that women have less savings, they are participating less in pension plans, they are subject to more foreclosures in housing. At a time when women are under more pressure, can the Senator possibly explain why there should be reluctance in this body to restore fairness?

Ms. CANTWELL. It is quite simple to correct this issue today. We are asking that more women be a part of the math and science and engineering workforce, be part of the information technology age. But if they cannot ask how much their male counterparts are making and find out later that they are only making 77 cents per every dollar their male counterparts make, that is not fair.

We could correct that by now by not only allowing people to come forward at the first instance of unequal pay—but every instance.

It is critical that we address this simple correction. This body has corrected other Supreme Court decisions on these same statute of limitations issues. This is the least we can do.

I see my colleague from New York has come to the floor. We ought to get this bill passed and get on to her legislation that is even more robust—to make sure that employers are treating women fairly and giving them information. This is basic. We should pass it and make sure we send this to the President's desk.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. Who yields time?

The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I owe the distinguished Senator from Massachusetts an answer to the rhetorical questions he has asked. Everybody within the sound of my voice should understand we are not debating whether anybody in here believes in discrimination. We have voted over and over in this body for 44 years. We have the Equal Pay Act, as the Senator had on his chart there. That passed the Senate on voice vote. That is not the issue. The issue in this case is the tolling provisions of the 1967 Civil Rights Act, Title VII, which dealt with discrimination in wages based on race, religion, sex, or national origin. I will debate what tolling period is appropriate, but I am not going to stand here and allow this to be described as a debate over one side being for discrimination and another being against it. We are for the timely reporting of claimants and the ability of people to be remedied expeditiously if they have been discriminated against.

How much time is left on our side?

The ACTING PRESIDENT pro tempore. There is 13 minutes.

Mr. ISAKSON. I yield the distinguished Senator from Utah, Senator HATCH, 11 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I rise today in opposition to the bill that would overturn the Supreme Court's ruling in Ledbetter v. Goodyear Tire. At the outset, let me be perfectly clear about the basis for my opposition to the so-called Fair Pay Restoration Act. I know of no one on either side of the aisle in this Senate who condones any form of unlawful employment discrimination, including pay discrimination.

Indeed, all forms of unlawful employment discrimination under Title VII of the 1964 Civil Rights Act, including pay discrimination, should be confronted promptly, efficiently, fairly and forthrightly, consistent with the enforcement scheme provided for by the Congress which enacted that law.

Yet, once again we open debate on another of the magnificently misnamed and misleading bills—the so-called Fair Pay Act which its proponents claim will ''restore'' the intent of Congress in enacting the 1964 Civil Rights Act.

In fact, this bill does not restore anything, certainly not the rights of individuals under the Civil Rights Act and clearly not the statute of limitations set by Congress for the timely filing of unlawful employment discrimination charges, including pay discrimination charges, with the U.S. Equal Employment Opportunity Commission, the EEOC, or similar State agencies.

In fact, Congress fully intended the charge-filing period to be 180 days, or 300 days where there are similar State agencies, so as to encourage prompt, effective investigation, conciliation, and resolution of pay discrimination charges and charges of other forms of unlawful employment discrimination.

It was for that reason that Congress carefully chose and designed the current enforcement scheme, which has been consistently upheld by the Supreme Court for over 40 years.

Over that time, Congress and the courts have wisely and consistently encouraged cooperation and voluntary

compliance, in the first instance, by the parties themselves and with the timely assistance of the EEOC or similar State agencies, as the preferred method for addressing alleged unlawful employment discrimination.

Where voluntary compliance and conciliation are unsuccessful, title VII provides for vigorous enforcement by the private parties and the EEOC through litigation.

In other words, voluntary compliance and conciliation first, litigation thereafter whenever necessary.

So, in fact, the so-called Fair Pay Act does not restore the intent of Congress or the original statute of limitations for the filing of pay discrimination charges, and neither does it restore lost rights under the 1964 Civil Rights Act.

In fact, this bill dramatically expands the charge filing beyond all recognition and expectations of the Congress which passed the 1964 Civil Rights Act. If this bill were to become law there would be no statute of limitations, no time limit for the filing of alleged pay discrimination charges. Not 180 days, not 300 days, not years or even decades, as in the Ledbetter case, or even after the employee has long since retired and is receiving pension checks.

This bill not only expands the statute of limitations for filing charges of alleged unlawful pay discrimination, it also expands the class of individuals who can file such charges. And, beyond reversing the Supreme Court's Ledbetter decision, which was an intentional discrimination case, this bill expands the time for filing the type of unintentional, disparate impact, or adverse impact, charges involving pay practices which are facially neutral but could have some type of unintended consequences adverse to women or other protected groups.

As to the expansion of charge filing under the 1964 Civil Rights Act to individuals outside the protected groups, the so-called Fair Pay Act would eliminate the existing requirement that to have standing there must be an employer-employee or employer-applicant relationship. This bill expands the standing to sue requirements to include individuals affected by application of a discriminatory compensation decision or other practice. This language would appear to include spouse and other relatives, as well as anyone else affected indirectly.

I am not imagining this. In fact, when questioned about whether such a radical expansion of the law's standing requirements was intended by the bill's proponents, they responded that it was their intention to do so.

Thus, under this bill, not only could employees and retirees file charges of pay discrimination at any time, years or decades after the current statute of limitations, but so too could anyone affected by alleged pay discrimination file charges, presumably even after the employee is dead since the relatives or others were affected.

Let's also be candid about the type of pay discrimination alleged. The Ledbetter case involved only claims of intentional discrimination or disparate treatment of individuals in a protected group. This bill would apply also to unintentional discrimination—so-called disparate impact, or adverse impact, discrimination. Those are cases where the pay practices are neural and nondiscriminatory on their face, but through statistical analysis such pay practices may have an unintended, attenuated disparate impact on a protected group, such as women. Indeed, the challenged pay practices may not have been intentionally discriminatory treatment, or even have had a disparate impact at the time of their enactment, but sometime later a social scientist or statistician may assert that the pay practices subsequently may have had an adverse impact on one group or another.

Thus, in fact this bill goes well beyond simply reversing the Supreme Court's decision in Ledbetter as its proponents claim.

I am also convinced that the so-called Fair Pay Act which we are debating today would turn the system of enforcement established by Congress in 1964 on its head in a way that is most unfair.

At the heart of title VII and every other employment nondiscrimination statute—indeed, at the heart of every civil law enacted in this country—there is a statute of limitations within which claims and charges must be brought. Actions brought outside those statutory time periods are time barred.

The Supreme Court has consistently held in a long line of well-settled and well-recognized case law that under title VII the statutory period for filing a charge begins to run when the alleged discriminatory decision is made and communicated, not when the complaining party feels the consequences of that decision.

Proponents of this act are, in essence, permitting an open-ended period for filing charges of pay discrimination with every paycheck and every decision that contributed to current pay, or even with receipt of pension or other retirement checks. The so-called Fair Pay Act would result in a litigation ''gotcha'' strategy, or a ''litigation first and ask questions later'' enforcement scheme which is directly contrary to congressional intent in enacting title VII.

The current statutory charge-filing period for allegations of employment discrimination, including pay discrimination, did not suddenly pop up under the current Supreme Court's Ledbetter decision.

In fact, the Supreme Court has long upheld that the current statute of limitations for filing charges under title VII. In an often quoted passage from the 1974 Supreme Court decision American Pipe v. Utah, the title VII statutory limitation on the filing of charges beyond the 180- or 300-day period ''promote(s) justice by preventing surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared.''

In its 1979 decision in United States v. Kubrick, the Supreme Court said that the charge-filing period under title VII is ''balanced'' and ''fair'' to both employers and employees.

The current 180- or 300-day charge filing period allows the employer and the EEOC (1) to investigate the pay discrimination charge: (2) to seek compromise, conciliation, settlement and fair resolution of the charge; and (3) to allow both parties to prepare for litigation, if necessary, by gathering and preserving evidence for trial where resolution is not possible outside of litigation.

Now let's look at how the current system would change under the so-called Fair Pay Act.

The plaintiff's charges of pay discrimination could be brought years, decades, or even after the plaintiff's retirement from the company, or as I have stated earlier, by charges filed by relatives or other affected parties even after the employee's death. The employer's ability to defend its actions or decisions will have dissipated. Managers and decision-makers may no longer be available. Business units may have been reorganized, dissolved, or sold, and operations may have changed or been eliminated. Relevant documents and records which are not required to be preserved by law might have been disposed of, or are otherwise unavailable. In effect, as the Supreme Court stated in defending the current charge-filing period under title VII, unless an employer receives prompt notice of allegations of employment discrimination it will have no ''opportunity to gather and preserve the evidence with which to sustain (itself). . . .''

I am convinced that the only beneficiaries of the so-called Fair Pay Act—the only ones who will see an increase in pay—are the trial lawyers.

So, if the so-called Fair Pay Act:

(1) does not restore lost rights under the 1964 Civil Rights Act and other employment non-discrimination statutes it amends, but greatly expands them;

(2) does not restore the statute of limitations under title VII but eliminates any statute of limitations creating open-ended, unlimited liability;

(3) does not further the intent of Congress in title VII of the 1964 Civil Rights Act to encourage prompt investigation, conciliation and resolution of unlawful discriminatory pay practices; and

(4) does not result in increased pay except for the plaintiff's trial lawyers who will gain an unfair advantage when the employer's witnesses are unavailable, memories have faded, records are long gone, and the jury trial becomes a ''he said, she said'' based solely on the word of a corporation against that of an individual plaintiff;

Then what does the bill do?

I believe this bill undermines one of the bedrock principles of all Judeo-Christian jurisprudence—the statute of limitations. Frankly, I may be mistaken, but I know of no other civil statute that allows an unlimited, open-ended time for filing an action. Criminal statutes, of course, may be open-ended in bringing indictments for such felony crimes as murder, but even criminal misdemeanors generally have a statutory period within which prosecutions must be brought.

For all these reasons, I suggest that this largely political vote on this misnamed and misunderstood bill is one that is designed to place opponents of the bill in a false light of being unsympathetic to victims of pay discrimination. That is simply untrue.

I urge a ''no'' vote on cloture on the motion to proceed to this bill.

Mrs. HUTCHISON. Mr. President, I have always supported efforts to ensure fair pay and fair process. I would support a longer statute of limitation for gender discrimination in the workplace, but the bill before us eliminates any statute of limitation. A reasonable statute might be 1 or 2 years after the discovery of the inequity. The purpose of statutes of limitation is to ensure that witnesses are available and defendants have records to defend themselves fairly. That is the reason that statutes of limitation are an integral part of our legal system.

Mr. TESTER. Mr. President, I rise today to offer my support for protecting American workers from willful pay discrimination. To show my support, I will support cloture on the Lilly Ledbetter Fair Pay Act of 2007, H.R. 2831. I appreciate Chairman KENNEDY and the bipartisan coalition he has built around this legislation to ensure equal pay for equal work.

Every employee deserves to earn the same pay for doing the same work.

Our country was founded on the principle that all men and women are created equal.

Our workers should be paid equally for doing the same job.

As President Kennedy stated when he signed the original Equal Pay Act in 1963, protecting American workers against pay discrimination is ''basic to democracy''. We owe our workers the same protection today that President Kennedy did in the 1960s.

Despite our obligation to this issue, our work is far from complete. Forty-five years after he signed that historic piece of bipartisan legislation, American women still only make 77 cents for every dollar a man makes for doing the same work. African-American workers make 18 percent less than white workers for doing the same work and Latinos make 28 percent less for doing the same work. Unfortunately for all of us, American Indians make even less for doing the same work.

Congress cannot ignore this kind of discrimination. We have a duty to support this bill and speak out against pay discrimination.

This bill will merely restore the law to what it was before the Supreme Court's decision in Ledbetter. This bill merely states that a pay discrimination claim accrues when a pay decision is made, when an employee is subject to that decision, or at any time they are injured by it.

Lilly Ledbetter had worked at Goodyear for 19 years when she discovered she was being paid significantly less than her male counterparts for doing the exact same work. A jury agreed and awarded her $223,776 in back pay, and over $3 million in punitive damages. The United States Supreme Court however, interpreted the law to take away her jury award, saying that the 180-day filing limit had begun way back when her very first paycheck showed lesser pay, nearly 18 years earlier. So because too much time had elapsed the Court said, her claim was invalid. Despite Goodyear's willful wage discrimination, the Court offered her no protection. In fact, it reversed the protection the jury awarded her.

We are here today to undo this wrongheaded decision and clarify this law to make it fair to American workers.

Opponents will argue that this bill will lead to a flood of litigation, benefiting nobody but trial attorneys. They forget, however, that this bill merely returns the law to how the vast majority of States, including the great State of Montana, interpreted it before the Ledbetter decision. This bill will only change the way courts interpret the law in 7 States.

Opponents will also argue that this bill will punish businesses for acts of discrimination in some cases, decades ago, before management and corporate culture changed. The argument is hollow, however, because the bill contains a provision to limit claims filed to a 2-year maximum. In the spirit of negotiation, proponents had to limit potential awards. Take Lilly Ledbetter's case, for example. If this law would have been in effect for her, 16 out of the 18 years that she suffered pay discrimination would still go unpunished.

This bill is not perfect. We still have a long ways to go to protect American workers from pay discrimination. But this bill is a step in the right direction and the time is now. The House of Representatives passed this important bill last July, and It is time for this body to do the same. President Kennedy was absolutely right to support the Equal Pay Act in 1963. Forty-five years later, this bill will ensure that we turn the clock forward, not backward, on pay discrimination.

I hope my colleagues will join me in supporting this important legislation.

Mr. AKAKA. Mr. President, yesterday was Equal Pay Day in America. It is befitting that it was on a Tuesday because Tuesday is the day on which women's wages catch up to men's wages from the previous week. It is most unfortunate that women continue to be discriminated against by employers, in particular those who routinely pay lower wages for jobs that are dominated by women.

However, today my colleagues in the Senate will have an opportunity to begin the process to restore the intent of Congress as it relates to the fundamental fairness to millions of workers. We will have a chance to override a decision by the Supreme Court last June, in the case of Ledbetter v. Goodyear Tire & Rubber Company. In this case, the Court, in a 5-to-4 ruling, reversed a longstanding interpretation, used by nine Federal circuits and the Equal Employment Opportunity Commission, EEOC, under which the statute of limitations for pay discrimination begins to run each time an employee receives a paycheck or other form of compensation. Instead, the Court ruled that the 180-day statute of limitations on filing a discrimination claim with the EEOC begins to run when the original discriminatory decision is made and conveyed to the employee, regardless of whether the pay discrimination continues beyond the 180-day period. This is an unfair and unjust ruling. For employees who are prohibited from having access to data reflecting the wages of other employees, it is impossible for them to ascertain whether they have been a victim of wage discrimination—let alone, to know from the original time of the discriminatory act. In many cases, employees may not know until years later that they have been discriminated against on the basis of pay.

I urge my colleagues to support cloture on the motion to proceed to this important legislation, and to support enactment of this bill. The Lilly Ledbetter Fair Pay Act of 2007 will restore the interpretation that the statute of limitations begins to run each time an employee receives a paycheck or other form of compensation reflecting the discrimination, otherwise known as the ''paycheck accrual'' rule. It would ensure that employees who can prove pay discrimination based on race, color, religion, sex, national origin, age, or disability will not be forever barred from seeking redress because they did not learn that they were victims of pay discrimination within 6 months after the discrimination first occurred.

Although women still only earn 77 cents for every $1 earned by men, we should not be moving backwards. It is simple, this legislation will restore an employee's right to seek restitution against wage discrimination at the time the employee discovers it. In addition, it is important to note that this legislation is not just about gender pay discrimination. In 2007, EEOC received more than 7,000 pay discrimination charges. While some are on the basis of gender, others are on the basis of race, disability, national origin, and age.

Mr. President, I urge my colleagues to do what is right and support cloture and passage of the Lilly Ledbetter Fair Pay Act.

Mr. BINGAMAN. Mr. President, I rise today in support of the Fair Pay Restoration Act, which is currently before the Senate.

On May 29, 2007, the Supreme Court handed down a decision in the case of Ledbetter v. Goodyear Tire & Rubber Co., Inc. After her retirement from Goodyear in 1998, Lilly Ledbetter filed a sex discrimination case against her employer. Ms. Ledbetter claimed that she had been paid significantly less than her male counterparts during her work as one of the few female supervisors at Goodyear. Unfortunately, due to a company policy that prohibited employees from discussing their pay, Ms. Ledbetter couldn't confirm the discrimination until she received an anonymous note that detailed the salaries of three of the male managers. This note confirmed that Ms. Ledbetter had been paid 20 +percent to 40 percent less than the male managers throughout her employment with Goodyear. A jury found that this pay discrepancy was based, at least in part, on sex discrimination.

Ms. Ledbetter is an example of an employee who has done all that is expected of her. By all reports, she performed her job admirably, the same work being performed by her male counterparts. She raised concerns about her pay level and eventually brought suit against her employer.

Through this process came the Supreme Court decision which limits an employee's right to collect backpay to 180 days after the issuance of a discriminatory paycheck. This is true even if the employee was unaware of the discrimination or, as in the case of Ms. Ledbetter, was unable to discover proof of such discrimination through the deliberate efforts of her employer.

The Fair Pay Restoration Act is a return to the rational, reasonable approach that had been applied by Federal circuit courts in most States, including my home State of New Mexico, prior to the Ledbetter decision. Under the previous rule, an employee could bring a claim within 180 days of the last discriminatory paycheck. This bill would also implement a limitation on backpay claims to 2 years, providing businesses a protection against claims that are allowed to accumulate over years and encouraging employees to act with all due diligence in pursuing discrimination claims. The Congressional Budget Office has determined that the Fair Pay Act is unlikely to increase the number of claims brought in discrimination cases.

We must work to ensure that the courts remain a source of redress for employees many of whom are fighting much larger and better financed employers. Employees should not face unreasonable obstacles in their efforts to pursue a discrimination claim and to seek appropriate remedies. By placing an undue burden on employees to quickly prove discrimination, the Ledbetter decision has negatively altered the use of the courts as a remedy for discriminatory conduct by employers. Employers who are more successful at hampering their employees' efforts to prove discrimination and delay are now afforded more protection than those employers who treat their employees justly under the law. The Fair Pay Restoration Act seeks to restore this equity and to ensure that employees and employers have full and equal access to the courts.

Mr. FEINGOLD. Mr. President, I am a cosponsor of the Fair Pay Restoration Act, legislation that protects American workers from pay discrimination, and I am glad the Senate is debating it.

This bill is designed to overrule an incorrect court decision that cut off one woman's efforts to seek recourse for pay discrimination she experienced at the hands of her employer. As one of the few female supervisors at her company's plant, Lilly Ledbetter was paid substantially less than male employees in the same position who performed the same duties. This information about unequal pay was kept confidential. It was only after Ms. Ledbetter received an anonymous note revealing the higher salaries of other managers who were male that Ms. Ledbetter recognized that she was being paid less because she was a woman. Ms. Ledbetter's case went to trial and a jury awarded her full damages and back pay.

Last year, in a sharply divided opinion, the Supreme Court ruled that Ms. Ledbetter had filed her lawsuit too long after her employer originally decided to give her unequal pay. Under title VII of the Civil Rights Act of 1964, an individual must file a complaint of wage discrimination within 180 days of the alleged unlawful employment practice. Before the Ledbetter decision, each time an employee received a new paycheck, the 180-day clock was restarted because every paycheck was considered a new unlawful practice.

The Supreme Court changed this longstanding rule. It held that an employee must file a complaint within 180 days from when the original pay decision was made. Ms. Ledbetter found out about the decision to pay her less than her male colleagues well after 180 days from when the company had made the decision. Under the Supreme Court's decision, Ms. Ledbetter was just too late to get back what she had worked for. It did not matter that she only discovered that she was being paid less than her male counterparts many years after the inequality in pay had begun. And it did not matter that there was no way for her to find out she was being paid less until someone told her that was the case.

Mr. President, to put it simply, the Supreme Court got it wrong. It ignored the position of the Equal Employment Opportunity Commission and the decisions of the vast majority of lower courts that the issuance of each new paycheck constitutes a new act of discrimination. It ignored the fact that Congress had not sought to change this longstanding interpretation of the law.

The decision also ignores the workplace reality for millions of American workers just like Ms. Ledbetter. Workers often have no idea when they are not being compensated fairly because their companies do not disclose their employee's salaries. Because of the secrecy surrounding salaries, pay discrimination is one of the most difficult forms of discrimination to identify. Unlike a decision not to promote or hire, discrimination on the basis of pay can remain hidden for years. The Supreme Court's decision leaves victims of pay discrimination who do not learn about the discrimination within 6 months of its occurrence with no ability to seek justice. In the wake of this decision, employers can discriminate against employees by unfairly paying them less than what they are due, and as long as the employee does not learn about the discrimination and file a complaint within 6 months, the employer gets off scot free.

The financial impact of a late filing is felt for years, even into retirement. Even a small disparity in pay can add up to thousands of dollars over multiple years. This is because other forms of compensation such as raises, overtime payments, retirement benefits, and even Social Security payments are calculated according to an employee's base pay. Thus, the Supreme Court's decision harms American workers even after their careers are over.

The Fair Pay Restoration Act reestablishes a reasonable timeframe for filing pay discrimination claims. It returns us to where we were before the Court's decision, with the time limit for filing pay discrimination claims beginning when a new paycheck is received, rather than when an employer first decides to discriminate. Under this legislation, as long as workers file their claims within 180 days of a discriminatory paycheck, their complaints will be considered.

This bill also maintains the current limits on the amount employers owe once they have been found to have committed a discriminatory act. Current law limits backpay awards to 2 years before the worker filed a job discrimination claim. This bill retains this 2-year limit, and therefore does not make employers pay for salary inequalities that occurred many years ago. Workers thus have no reason to delay filing a claim. Doing so would only make proving their cases harder, especially because the burden of proof is on the employee, not the employer.

Opponents say that this bill will burden employers by requiring them to defend themselves in costly litigation. This is simply not the case. Most employers want to do right by their employees, and most employers pay their employees fair and equal wages. This legislation will only affect those employers who underpay and discriminate against their workers, hoping that employees, like Ms. Ledbetter, won't find out in time. The Congressional Budget

Office has also reported that restoring the law to where it was before the Ledbetter decision will not significantly affect the number of filings made with the EEOC, nor will it significantly increase the costs to the Commission or to the Federal courts.

Yesterday, individuals from across the country observed Equal Pay Day, a day which reminds us as a nation that a woman is still paid 77 cents for every dollar earned by a man. This disparity is all too real. Ending it will require commitment, and we can show that commitment by passing this bill. The last thing American women need is a Supreme Court decision that prevents them from seeking compensation from employers who have engaged in outright discrimination.

In addition to passing the Fair Pay Restoration Act, Congress needs to do more to ensure all of America's citizens receive equal pay for equal work. Wage discrimination costs families thousands of dollars each year. This is hard-earned money that working women and men simply cannot afford to lose. We should pass the Fair Pay Act introduced by Senator TOM HARKIN and the Paycheck Fairness Act introduced by Senator HILLARY RODHAM CLINTON. Senator HARKIN's legislation would amend the Fair Labor Standards Act to prohibit wage discrimination on account of sex, race, or national origin. Senator CLINTON's legislation would strengthen penalties for employers who violate the Equal Pay Act and require the Department of Labor to provide training to employers to help eliminate pay disparities. I can think of no better way to commemorate Equal Pay Day than to pass these three pieces of legislation now.

Wage discrimination is not just a women's issue. Individuals and organizations from every part of our country, of different political beliefs and racial backgrounds, men and women, older Americans, religious groups, and individuals with disabilities have come out in support of the Fair Pay Restoration Act. These supporters understand that this legislation not only assists female workers who are trying to fight discrimination based on their sex. Because the Ledbetter decision established a general rule for all title VII employment discrimination claims, they know that this legislation is needed to restore the ability of employees across the Nation to redress discrimination based on factors such as race, national origin, age, religion, and disability.

Congress has repeatedly passed landmark bipartisan legislation to eliminate discrimination in the workplace. These laws include the Equal Pay Act of 1963, title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991. Indeed, we have made great progress in securing equal pay rights, but we must continue to defend these rights. Justice Ginsburg, in her sharply worded dissent in the Ledbetter decision, called on Congress to do something to rectify the inequity that the Supreme Court's decision left to our country. The Fair Pay Restoration Act is our answer to Justice Ginsburg's call.

Lilly Ledbetter turned 70 years old this month. For almost two decades, Ms. Ledbetter worked hard for a company that discriminated against her by not paying her what it was legally required to pay. The Supreme Court, in its decision last year, ended Ms. Ledbetter's long quest for justice. She can no longer recover what was rightfully hers. Since the Ledbetter decision, other workers have already had their cases dismissed. These unjust outcomes will continue to mount until Congress acts. Each case is a new injustice, and it is an avoidable injustice because Congress can take steps right now to reverse the Supreme Court's erroneous decision.

Passing the Fair Pay Restoration Act is an essential step in the right direction—a step toward the day when the basic right of American workers to equal pay for equal work will be realized. I urge my colleagues to stand up for the rights of women and all American workers by voting for this vital legislation.

Mr. BROWN. Mr. President, our country has lost 230,000 jobs in just the first 3 months of this year. The unemployment rate has gone up to 5.1 percent. In Ohio, unemployment hovers around 6 percent.

Women are also disproportionately at risk in the current foreclosure crisis, since women are 32 percent more likely than men to have subprime mortgages. Existing pay disparities for women exacerbate the economic strain on women and on households run by women, since women earn only 77 cents for every dollar earned by men. Women have significantly fewer savings to fall back on in a time of economic hardship. Nonmarried women have a net worth 48 percent lower than nonmarried men, and women are less likely than men to participate in employer-sponsored retirement savings programs.

These facts make this bill—the Lilly Ledbetter Fair Pay Restoration Act—all the more timely. Lilly Ledbetter was one of just a handful of female supervisors in the Goodyear tire plant in Gadsden, AL. For years, she endured insults from her male bosses because she was a woman in a traditionally male job. She worked 12-hour shifts—which often stretched to 18 hours or more when another supervisor was absent. But she did not know she was being paid less than men until later in her career. She had no way of knowing how much her coworkers made.

Late in her career with the company, Lilly got an anonymous note in her mailbox informing her that Goodyear paid her male counterparts 20 to 40 percent more than she earned for doing the same job. She then filed a complaint with the Equal Employment Opportunity Commission. She also filed a lawsuit. In court, a jury found that Goodyear discriminated against Lilly Ledbetter. The jury awarded Ms. Ledbetter full damages, but the Supreme Court said she was entitled to nothing because she was too late in filing her claim.

The Court's Ledbetter decision reversed decades of precedent in the courts of appeals. It also overturned the policy of the EEOC under both Democratic and Republican administrations. The Bush EEOC was on the side of Lilly Ledbetter until the Solicitor General took over for the Bush administration. The Ledbetter decision leaves workers powerless to hold their employers accountable for their unlawful, unjust conduct. Employers who can hide discrimination from their workers for just 180 days get free rein to continue to discriminate.

The Fair Pay Act, of which I am a proud cosponsor, will allow workers to file a pay discrimination claim within 180 days of a discriminatory paycheck. It only makes sense that as long as the discrimination continues, a worker's ability to challenge it should continue also. This legislation would simply restore the law to what it was in almost every State in the country the day before the Ledbetter decision. We know it is workable and fair—it was the law of the land for decades.

Now, some in this Chamber will say this will result in more litigation. That is wrong. The Fair Pay Act restores the law to what it was before the Supreme Court decision. In fact, the Congressional Budget Office says the bill will not establish a new cause of action for claims of pay discrimination. Restore the Fair Pay Act. I urge my colleagues to support this bill.

Mr. LAUTENBERG. Mr. President, I want to express my strong support for the Lilly Ledbetter Fair Pay Act of 2007. I want to thank Senator KENNEDY for his leadership on this issue and on so many civil rights issues throughout his Senate career.

Earlier this week, we observed Equal Pay Day. Equal Pay Day is the day up until which a woman had to work past the end of 2007 to make as much money as a man made in 2007 alone. That means that a woman has to work almost 16 months to make what a man makes in 12.

Every day in this country, women get up and go to work, just like men. Women—who make up nearly 50 percent of the American workforce—put in 8, 10, 12 or more hours every day. And just like men, women go home each night to families that rely on the money they earn. In the millions of households led by single mothers, these women's paychecks are the only source of income.

But there is one day that looks very different for men and women—payday.

A woman makes only 77 cents for every dollar that a man makes. These

inequalities cut across educational divides. In my State of New Jersey, a college-educated woman makes only 72 cents for every dollar a college-educated man makes.

This wage gap costs working families $200 billion in income every year. And the strain on working families is only getting worse in today's struggling economy, which is hitting women especially hard. In 2007, women's wages fell 3 percent, while men's wages fell one-half of 1 percent. Unemployment for women also rose faster than for men during the past year.

Yet last year, the Supreme Court reached a decision that made it even harder for women.

After spending almost 20 years working long hours as a supervisor at a Goodyear plant in Alabama, Lilly Ledbetter discovered that she was making 20 percent less than the lowest paid male supervisor.

A jury awarded her back pay and damages, but the Supreme Court said that she filed her lawsuit against her employer too late. The Supreme Court said that she could not sue her employer more than 180 days after the discrimination first began.

That simply does not make sense. Every time a worker receives a discriminatory paycheck, the employer is discriminating against the worker. So every paycheck should start a new clock for challenging that discrimination.

That was the rule in all but four States up until the day that Ledbetter was decided. I am proud to say it was the rule in New Jersey. And it should be the rule again.

It is important to recognize that, although Ledbetter involved gender discrimination, its implications are much more far-reaching. The Ledbetter decision will have the same effect on cases brought for discrimination based on race, national origin, religion, disability, and age. In all of these cases, victims of pay discrimination will be without recourse as long as their employers can get away with it for 180 days.

The Lilly Ledbetter Fair Pay Act would simply restore the pre-Ledbetter rule that every paycheck is an act of ongoing discrimination. It would not create any new right or remedy.

I am proud to be a cosponsor of the Senate version of this bill, and I support it wholeheartedly. I hope that my colleagues will join me in voting for this important civil rights law. It is the right thing to do for America's working families.

Mr. SANDERS. Mr. President, yesterday was Equal Pay Day. Equal Pay Day is the day that marks the extra months into the next year that a woman needs to work in order to receive pay equal to what a man would make for the equivalent job in only 12 months. Yes, Mr. President, as astonishing as it is, in the year 2008, it takes nearly 4 extra months for a woman to bring home the same amount of money as her male counterpart. According to the U.S. Census Bureau and Bureau of Labor Statistics, women earn, on average, only 77 cents for every dollar earned by men in comparable jobs. What a truly unthinkable, and frankly disgraceful, circumstance—one that we must do everything within our power to change.

And today we can take a small but very significant step to make sure that Americans have the legal opportunity to challenge pay discrimination by supporting the Lilly Ledbetter Fair Pay Act. Before I begin, let me thank Senator KENNEDY for his efforts to ensure that we don't just stand by doing nothing, following an ill-advised Supreme Court ruling that takes us a step back in time by making it extraordinarily difficult for victims of pay discrimination to sue their employers.

This Congress must not stand by while the Court forces an unreasonable reading of the law. Through this decision, it tosses aside its own precedent and weakens protection provided by the Civil Rights Act to rule in favor of an employer that had underpaid a female employee for years. That is why I call on all of my colleagues, on a bipartisan basis, to stand together today to send a clear signal that pay discrimination is unacceptable and will not be tolerated by voting to move forward to debate the Lilly Ledbetter Fair Pay Act.

This legislation overturns the Court's decision in Ledbetter v. Goodyear Tire. The Court held employees who are subjected to pay discrimination must bring a complaint within 6 months of the discriminatory compensation decision, meaning the day the employer decides to pay her less, and that each paycheck that is lower because of such discrimination does not restart the clock. Under this decision it doesn't matter if the discrimination is still ongoing today or if the worker initially had no way of knowing that others were being paid more for the same work just because of age, race, gender or disability. Most inexplicably, the majority insisted it did not matter that Goodyear was still paying her far less than her male counterparts when she filed her complaint. Mr. President, if you asked anyone on the street, they would tell you that this decision simply defies common sense. In fact, it is so clearly contrary to Americans' sense of right and wrong that everyone should be outraged.

Lilly Ledbetter, a loyal employee for 19 years, discovered she was being paid significantly less than the men in her same job. At first, her salary was in line with that of her male colleagues, but over time she got smaller raises creating a significant pay gap. How was she to know that this discrimination was happening? Hardworking Americans do not have the time to sit around talking about their salaries. It is clearly not her fault she didn't discover this inequity sooner.

In closing, it is disturbing that the Court chose to gut a key part of the Civil Rights Act that has protected hardworking Americans from pay discrimination for the past 40 years. It is our duty to send a message to employers that this type of discrimination is unacceptable. Fortunately, Congress can amend the law to undo this damaging decision. And, it should do so without delay.

Mr. REED. Mr. President, I strongly support passage of H.R. 2831, the Lilly Ledbetter Fair Pay Act. We must continue to ensure that workers are protected from pay discrimination and treated fairly in the workplace.

As an original cosponsor of the Senate companion of this legislation, I am pleased that this bipartisan bill seeks to address and correct the Supreme Court's Ledbetter decision from last spring that required employees to file a pay discrimination claim within 180 days of when their employer initially decided to discriminate, even if the discrimination continues after the 180-day period. The Ledbetter decision overturned longstanding precedent in courts of appeals across the country and the policy of the Equal Employment Opportunity Commission under both Democratic and Republican administrations.

H.R. 2831 returns the law to the pre-Ledbetter precedent and would make clear that each discriminatory paycheck, not just the first pay-setting decision, will restart the 180-day period. This allows workers to demonstrate and detect a pattern or cumulative series of employer decisions or acts showing ongoing pay discrimination. As Justice Ginsburg noted in her Ledbetter dissent, such a law is ''more in tune with the realities of the workplace.'' The Supreme Court majority failed to recognize these realties, including that pay disparities typically occur incrementally and develop slowly over time, and they are not easily identifiable and are often kept hidden by employers. Many employees generally do not have knowledge of their fellow coworkers' salaries or how decisions on pay are made.

Yesterday was Equal Pay Day, an opportunity to recognize the progress we have made as a nation on ensuring fairness, justice, and equality in the workplace. But there are barriers still to be overcome to close the pay gap and make certain that an individual's gender, race, and age are not an impediment to their economic and employment growth. The Lilly Ledbetter Fair Pay Act is one step forward in the direction of ensuring this growth and I urge my colleagues to support it.

Mr. KERRY. Mr. President, Lilly Ledbetter was the only female manager working alongside 15 men at a Goodyear tire plant in Gadsden, AL. One day, she learned that, for no good reason, she had been receiving hundreds of dollars less per month than her male colleagues—even those with far less seniority.

Unfortunately, the wrongs done to Lilly Ledbetter are familiar to far too

many women who work every bit as hard as men do but take home a smaller paycheck.

We must continue to fight to guarantee equal pay for women everywhere and justice for those women who are discriminated against.

It is disgraceful that women still make just 77 cents for every dollar earned by men. In fact, yesterday marked Equal Pay Day—the symbolic day on which a woman's average pay catches up to a man's average earnings from the previous year. Think of all the hours of work done since January 1—those are hours that women have worked just to bring home the same amount of money as a man. It is equivalent to months of working with no pay—something I am sure the bosses doling out unequal paychecks wouldn't stand.

Unequal pay for women is an injustice whose poison works on multiple levels. Women aren't just paid less for doing the same work—they are also given a none-too-subtle message that their thoughts and efforts are less valued just because of their gender.

I have two wonderful daughters, Alex and Vanessa. Alex is a filmmaker and Vanessa is a doctor. If it weren't for the women who came and marched before them, they wouldn't have had the access to high school and college sports that made such a difference in their development. But that cause isn't yet complete. The progress isn't yet perfected. We are fighting today so that they are never told that a man deserves a penny more for doing the same hard work they have done.

In the face of injustice, Lilly Ledbetter and many women like her have had the courage to stand up to sexist bosses, demand her legal right to equal pay for equal work, and say ''enough is enough.'' The trial was difficult, but Lilly stood strong—and the jury awarded her a large legal settlement.

Then Lilly's case ran head-on into a group of men—and one woman—above whose heads she could not appeal: the U.S. Supreme Court. The Court's 5-to-4 ruling went against common sense and most people's sense of basic fairness. They ruled that the Equal Rights Act of 1964 requires an employee to file a discrimination claim within 180 days of a boss's decision to discriminate—rather than 180 days from the last discriminatory paycheck. Amazingly, Lilly Ledbetter didn't just lose her settlement and her standing to seek justice—she also lost future retirement benefits which will now be awarded according to decades of discriminatory pay.

The ruling goes against common sense and the practical realities of the workplace. It goes against our basic sense of fairness. People often don't know what their colleagues are being paid and thus don't find out for some time that they are being discriminated against. Many never find out at all that they have been discriminated against for a lifetime—and many who do choose to stay quiet rather than rock the boat, confront their bosses, or be perceived as angry when they have every right to be.

As Justice Ruth Bader Ginsburg wrote, ''In our view, the court does not comprehend, or is indifferent to, the insidious way in which women can be victims of pay discrimination.'' The Court's only woman took the rare and defiant step of delivering her eloquent dissent out loud.

Five male Justices denied justice to thousands of women who could now be denied legal standing in similar cases, not because these women hadn't been discriminated against but because too much time had passed between the moment when their bosses started discriminating against them and the moment they either found out about it or took action to stop it. In effect, it rewards bosses for stringing out their deceit.

One of these five male Justices was Samuel Alito—against whose hasty confirmation I waged a lonely filibuster battle for which I was widely criticized back in 2006. Back then, I worried and warned that Alito would create a 5-to-4 majority to deny hard-working Americans their day in court. Which is exactly what happened to Lilly Ledbetter. I don't regret my filibuster one bit—it was an important statement drawing a line in the sand against this administration's radical judicial nominees. I just wish we could have won that fight.

Would Sandra Day O'Connor, the woman Alito replaced, have voted this way? I strongly suspect not. And so, with Sam Alito's decisive vote, our judicial branch struck a major blow against justice, against fair treatment for all, and against women's rights. The good news is that Congress still makes the laws—and we have the opportunity to make clear the intent of our fair pay laws and ensure that female victims of pay discrimination have their day in court.

The Lilly Ledbetter Fair Pay Act clarifies what the Court ought to have known—that the laws against pay discrimination apply to every paycheck a worker receives—not to the moment a boss begins discriminating. A person only gets 180 days to file a discrimination claim—and the clock should be reset to zero every time a discriminatory paycheck goes out. We should make it easier for discrimination to be rooted out not harder.

Businesses have nothing to fear from this bill—unless they are acting disgracefully, in which case they should be afraid—they should be very afraid. But employers will not be asked to make up for salary difference from decades ago—current law, rightly or wrongly, limits backpay awards to 2 years before the worker filed a job discrimination claim. This bill wouldn't change that limit.

We should and must do whatever we can to chip away at discrepancies that still exist in pay between men and women. When the Equal Pay Act of 1963 passed, women were making 59 cents a dollar. Forty five years later, that number is 77 cents. In other words, women are narrowing the gap by less than half a penny a year. We must do better.

If I am lucky enough to have them, I don't want my future granddaughters and great-granddaughters to wait another 45 years for equal wages.

In so many ways, discriminatory pay contributes to our worst shortcomings as a society. It discriminates against children in poverty—who are far more likely than other children to be raised by single mothers. It also discriminates against women of color—who are more likely to live in households without a male income-earner.

Each paycheck and each discriminatory raise compounds injustice upon injustice. Unfortunately, the pay gap runs across industries and education levels. This isn't something that fixes itself at higher levels of income. Comparing men and women with comparable education, work title, and experience, over the course of their lives, women with a high school diploma earn $700,000 less. Women with a college diploma earn $1.2 million less. And women with advanced degrees earn $2 million less over time.

To our enduring shame, it was once true that American slaves were treated as three-fifths of a human being. But it remains true today that women are paid as just three-quarters of a man.

We can't unravel or erase hateful attitudes toward women in a single day or with a single vote. But we have a bill before us today that will restore women's right to seek equal justice under the law. We should pass the Lilly Ledbetter Fair Pay Act today and do all that we can to live according to the truth that, while self-evident to Thomas Jefferson, remains elusive to employers everywhere: that all of us are created equal.

Mr. BIDEN. Mr. President, America has come a long way in addressing discrimination in the workplace since the days my ancestors faced ''No Irish Need Apply'' signs. Yet discrimination today still exists. Even now, women still earn on average 77 cents for every dollar a man earns performing the same work. This is not fair. And with a record 70.2 million women in the workforce, this wage discrimination hurts American families across the country.

Since passage of title VII of the Civil Rights Act of 1964, working women have been able to challenge discriminatory pay. Most appellate courts, including the Third Circuit that incorporates Delaware, and the Equal Employment Opportunity Commission operated under a rule that gives workers a reasonable time limit to file complaints and receive a fair hearing in our country's courtrooms.

Last year, the Supreme Court in Ledbetter v. Goodyear Tire and Rubber

Co., ignored the basic reality of how—and indeed, when—workers discover that they have been the victim of paycheck discrimination. The Court ruled that employees must sue within 180 days of the employer's pay decision. That Supreme Court's ruling, in the words of Justice Ginsberg, is at best a ''cramped interpretation'' of title VII and at worst reverses the hard-won gains women have made in the workplace.

As a practical matter, employees often do not know what their peers earn, the amount of annual raises, or how wages are determined. Given the typical confidentiality rules covering pay issues, the Supreme Court's ruling means that women will in many instances be shut out from recovering what they are owed after years of unfair pay. This interpretation makes title VII of the Civil Rights Act an empty promise.

The Supreme Court's decision will hurt Americans from all walks of life. It perpetuates inequality by allowing workers to receive lower pay because of their age, gender, religion, ethnicity, or disability. It threatens to stop and reverse the steady progress we have made toward job equality by letting employers off the hook for prolonged discrimination. The House took the first step toward correcting this injustice when it passed the Lilly Ledbetter Fair Pay Act of 2007. The Senate now has the opportunity, and an obligation, to do the same. I am a cosponsor and strong supporter of this bill, which would simply clarify and restore the rule the country operated under before the Supreme Court's decision. That rule was strong and simple—each separate paycheck based on a previous discriminatory decision is itself an unlawful employment practice.

Mr. President, this Fair Pay Restoration Act isn't a radical change of direction. It is really nothing new. We know the consequences of the act because for years American businesses and their workers operated under the standards it restores. It will not open the floodgates for litigation or force employers to fork out exorbitant sums of money—it will just restore the rules of the game before the Court changed them. It gives Americans who are doing the same job as someone else—but for lower pay—access to courts and equality.

In today's economy, coping with a recession and a housing crisis, American workers need our help. The basic social compact that built our economy, that created our middle class, that provided opportunities for millions—that compact is breaking down. This is one small step to restore some fairness.

Mr. President, equal work should mean equal pay. I urge my colleagues to join me and restore that principle.

Mr. LEAHY. Mr. President, the Supreme Court's recent decision in Ledbetter v. Goodyear Tire struck a severe blow to the rights of working women in our country. More than 40 years ago, Congress acted to prevent discrimination in the workplace based on an employee's sex, race, color, national origin or religion. The Ledbetter decision is yet another example of the Supreme Court misinterpreting congressional intent and denying justice to a victim of discrimination.

For nearly two decades, Lilly Ledbetter, a supervisor at Goodyear Tire, was paid significantly less than her male counterparts. Nonetheless, a thin majority of Justices on the Supreme Court found that she was ineligible for title VII protection against discriminatory pay because she did not file her claim within 180 days of Goodyear's repeatedly discriminatory pay decisions.

The Supreme Court's ruling sent the message to employers that wage discrimination cannot be punished as long as it is kept under wraps. At a time when one third of private sector employers have rules prohibiting employees from discussing their pay with each other, the Court's decision ignores a reality of the workplace—pay discrimination is often intentionally concealed. Ms. Ledbetter only found out that she was earning as much as $15,000 less per year than a male coworker with the same job and seniority when an anonymous letter appeared on her desk weeks before her retirement. By the time she retired in 1997, Ms. Ledbetter's monthly salary, despite receiving several performance based awards, was almost $600 less than the lowest paid male manager and $1,500 less than the highest paid male manager.

Congress passed title VII of the Civil Rights Act to protect employees like Lilly Ledbetter from discrimination because of their sex, race, color, national origin or religion—however the Supreme Court's cramped interpretation guts the purpose and intent of the bipartisan and historic effort to root out discrimination. Ms. Ledbetter argued that her claim fell within the 180 day window provided under title VII for filing claims because she suffered continuing effects from her employer's discrimination. After filing a complaint with the Equal Employment Opportunity Commission, a Federal jury found that she was owed almost $225,000 in back pay. However, five Justices of the Supreme Court overturned the jury's decision, holding that Ms. Ledbetter was not protected under the law because she filed suit more than 180 days after her employer's discriminatory act.

This Supreme Court decision contradicts both the spirit and clear intent of title VII of the Civil Rights Act, which was created to protect workers from discriminatory pay. The Court's 5-to-4 decision undercuts enforcement against discrimination based on sex, race, color, religion, and national origin. In Justice Ginsburg's dissent, she wrote that the Court's decision ''is totally at odds with the robust protection against workplace discrimination Congress intended Title VII to secure.''

This October, my wife Marcelle and I will host Vermont's 12th annual Women's Economic Opportunity Conference, a chance for women to come together to learn new career skills. Thousands of women in my State have used these skills to advance their careers. It is a shame that despite such initiatives and years of hard work, women continue to suffer pay discrimination. I commend the Vermont Legislature for passing laws requiring equal pay for equal work and barring employers from retaliating against employees for disclosing the amount of their wages. Unfortunately, not all States offer these protections.

For all of the gains that women have made in the past century, there remains a troubling constant—women continue to earn less than men—on average, only 77 cents on the dollar. Discriminatory pay not only affects women it affects their children, their families, and all of us who believe in the words inscribed on the Vermont marble of the Supreme Court building ''Equal Justice Under Law.''

The Lilly Ledbetter Fair Pay Act would correct the unfortunate and cramped ruling of the Supreme Court which denied Ms. Ledbetter equal justice. It would amend the Civil Rights Act of 1964 to clarify that an unlawful employment practice occurs not only when that discriminatory decision first goes into effect but each time an individual is affected by it, such as each time compensation is paid.

The House of Representatives passed this bill in a bipartisan vote last summer. It also has bipartisan support here in the Senate, but unfortunately some Republicans have objected to even considering the bill. I hope their filibuster can be broken so that we can clarify that discrimination against hard-working men and women in their own workplaces is not the American way. The law and our justice system should protect working people when it happens. Our bill underscores this vital American principle against efforts to devalue it.

Mr. DODD. Mr. President, I wish to speak about an issue of economic fairness that affects the very dignity and the security of millions of Americans: the right to equal pay for equal work. Before I begin, let me thank the chairman of the HELP Committee for his leadership on this important issue. The Fair Pay Restoration Act goes a long way toward ensuring that right. In a perfect world, of course, we could take that right for granted; we could take it for granted that the value of work lies in a job well done, not in the race or gender of the person who is doing it. But we don't live in that world. We know that, even now, employers can cheat their employees out of equal pay, and equal work.

That is what happened to Lilly Ledbetter. For almost two decades, from 1979 to 1998, she was a hard-working supervisor at a Goodyear tire plant in Gadsden, AL. And it is telling

that she suffered from two types of discrimination at the same time. On the one hand, there was sexual harassment, from the manager who said to her face that women shouldn't work in a tire factory, to the supervisor who tried to use performance evaluations to extort sex. And on the other hand, there was pay discrimination: by the end of her career, as the salaries of her male coworkers were raised higher and faster than hers, she was making some $6,700 less per year than the lowest paid man in the same position.

Now, the two kinds of discrimination faced by Ms. Ledbetter have a good deal in common. Morally, they both amount to a kind of theft: the theft of dignity in work and the theft of the wages she fairly earned. Both send a clear message: that women don't belong in the workplace. But there is a clear difference between sexual harassment and pay discrimination. The former is blatant. The latter far too often stays insidiously hidden.

In fact, Lilly Ledbetter didn't even know she was being paid unfairly until long after the discrimination began, when an anonymous coworker gave her proof. Otherwise, she might be in the dark to this very day. And that is hardly surprising. How many of you know exactly how much your coworkers make? What would happen if you asked? At some companies, you could be fired.

Armed with proof of pay discrimination, Ms. Ledbetter asked the courts for her fair share. And they agreed with her: she had been discriminated against; she had been cheated; and she was entitled to her back pay.

Regrettably, the Supreme Court ruled against her, and took it all away. Yes, she had been discriminated against—but she had missed a very important technicality. She only had 180 days—6 months—to file her lawsuit. And the clock started running on the day Goodyear chose to discriminate against her. Never mind that she had no idea she was even the victim of pay discrimination until years later—figure it out in 180 days, or you are out of luck for a lifetime.

One can clearly see how this ruling harms so many Americans beyond Ms. Ledbetter. In setting an extremely difficult, arbitrary, and unfair hurdle, it stands in the way of many Americans fighting against discrimination. It flatly contradicts standard practice of the Equal Employment Opportunity Commission and flies in the face of years of legal precedent and clear congressional intent. As Justice Ginsburg put it in her strong dissent, the Court's Ledbetter ruling ignores the facts of discrimination in the real world: ''Pay disparities often occur in small increments; cause to suspect that discrimination is at work develops only over time. Comparative pay information, moreover, is often hidden from the employee's view . . . Small initial discrepancies may not be seen as meet for a federal case, particularly when the employee, trying to succeed in a nontraditional environment, is averse to making waves.''

''The ball,'' Ginsburg concluded, ''is in Congress's court . . . The legislature may act to correct this Court's parsimonious reading.''

That is precisely what we are here to do today. If the Fair Pay Restoration Act passes, employees will have a fair time limit to sue for pay discrimination. They will still have 180 days, but the clock will start with each discriminatory paycheck, not with the original decision to discriminate. After all, each unfair paycheck is in itself a decision to discriminate—it is ongoing discrimination. And if this legislation passes, employees like Ms. Ledbetter will no longer be blocked from seeking redress, through no fault of their own, except a failure to be more suspicious.

Mr. President, millions of Americans depend on the right to equal pay for equal work: to earn a livelihood, to feed their families, and to secure the dignity of their labor. We ought to make it easier for Americans to exercise that right, not harder. We ought to get unfair roadblocks, hurdles, and technicalities out of their way. We ought to pass this bill.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. I yield 4 minutes to the Senator from New York.

Mrs. CLINTON. Mr. President, I think it is important we go back to the facts and remind ourselves in this Chamber about the person, the real live woman, for whom this legislation is named, Lilly Ledbetter.

She was a supervisor at a Goodyear Tire and Rubber plant in Gadsden, AL, from 1979 until her retirement in 1998. For most of those years, she worked as an area manager, a position normally occupied by men.

Now, initially, Lilly Ledbetter's salary was in line with the salaries of men performing substantially similar work. Over time, however, her pay slipped in comparison. And it was slipping in comparison with men who had equal or less seniority. By the end of 1997, Lilly Ledbetter was the only woman working as an area manager, and the pay discrepancies between her and her 15 male counterparts were stark.

She was paid $3,727 a month. The lowest paid male area manager received $4,286 a month and the highest $5,236. In other words, Goodyear paid her male counterparts 25 to 40 percent more than she earned for doing the same job.

Now, when she discovered this, which she had not for years, because it is somewhat difficult, if not impossible, to obtain information about the salaries of your counterparts—and lots of times why would you ask? You are doing the same job; you show up at the same time; you have the same duties. Who would imagine that you would be paid less than the younger man who came on the job a year or two before, or the older man with whom you had worked for years?

So when she discovered that, she rightly sought to enforce her rights, and a jury agreed, a jury of her peers, that she had suffered discrimination on the basis of her gender.

And the district court awarded her $220,000 in backpay, and more than $3 million in punitive damages. The court of appeals reversed that, claiming she had not filed her charge of discrimination in a timely manner. The Supreme Court agreed.

Now Lilly Ledbetter is retired from her job. Nothing we do today will have any impact on her, but she has tirelessly campaigned across this country for basic fairness. We thought we had ended discrimination in the workplace against women when the Equal Pay Act was passed all those years ago.

In fact, yesterday was the day we commemorated the passage of the Equal Pay Act, but clearly we have not finished the business of guaranteeing equality in the workplace; fair and equal pay to those who do the same job. Nearly a century after women earned the right to vote, women still make 77 cents to every man's dollar.

The affect of the recession we are in right now in many parts of our country is affecting women worse than their male counterparts. This is not about the women themselves, it is about their families. I came from Indianapolis, where I was introduced at an event by a young single mom. I meet young single moms all over America who work hard for themselves and their children. So when they are discriminated against in the workplace, they bring less home to take care of those children whom they are responsible for. We can talk about what needs to be done, and there are, I am sure, all kinds of legal reasons it does not make sense to end discrimination; that it does not make sense finally to have our laws enforced. But this is the law we had until the Supreme Court changed it. Until the Supreme Court said: No, wait a minute, you are supposed to actually know you are being discriminated against to dispute the conditions in the workplace, and file whatever action, make whatever complaint you can at that moment.

Well, Lilly Ledbetter acted as soon as she knew. She did not know until that information was made available to her. I am hoping this Chamber will stand up for fundamental fairness for women in the workplace. I am hoping you will stand up and vote to make it clear that women who get up every single day and go to work deserve to be paid equally to their male counterparts.

That is all Lilly Ledbetter wanted. That is what we should deliver today.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. KENNEDY. Mr. President, I believe there is 5 minutes 45 seconds remaining?

The ACTING PRESIDENT pro tempore. There is 4 minutes 45 seconds remaining.

Mr. KENNEDY. I yield 4 minutes to the assistant majority leader.

Mr. DURBIN. I thank Senator KENNEDY, Senator MIKULSKI, and many others for bringing this measure before the Senate.

You remember when we debated Supreme Court Justices, and do you recall their testimony; you saw it on television. I can recall Justice Roberts, the Chief Justice, he told us he was similar to an umpire in baseball; all he did was call balls and strikes. He was not going to write the law or change the law, he was going to apply the law to the facts. Well, lo and behold, as soon as Justice Roberts and Justice Alito, the new Justices on the Supreme Court, arrived, they took a precedent, a law that had been followed for years by the Supreme Court and turned it upside down.

Lilly Ledbetter, 19 years serving as a manager in this Goodyear Tire facility in Gadsden, AL, was the only female manager in a group of 15; all the rest were men. It was not until she was about to retire that someone said to her: Incidentally, you are not being paid as much as the men who are doing the same job.

She did not realize it. How would she? Employers do not go around publishing how much they pay their employees in the newspaper, and they certainly do not post it on the bulletin board. So she had no way of knowing until the last minute. She filed a discrimination claim and said: I did the work, I deserve the pay.

It went all the way up to the Supreme Court, to new Supreme Court Chief Justice Roberts and Justice Alito. You know what they said? Your problem, Lilly Ledbetter, is you should have discovered how much they were paying the other employees at the time the initial discrimination began. That is physically impossible. They held her to a standard she could not live up to. They knew what they were doing. They were throwing out her case of wage discrimination and thousands of others. Those Justices were not calling balls and strikes, they were making new rules; and the rules were fundamentally unfair.

We have a chance today to straighten that out. I hope we have bipartisan support for it. We should be against pay discrimination for women, men, disabled, minorities. Every American deserves to be treated fairly.

The Chicago Tribune, not always a paragon of liberal ideas, said this about the Ledbetter decision by the Supreme Court:

> The majority's sterile reading of the statute ignores the realities on the ground. A woman who is fired on the basis of sex knows she has been fired. But a woman who suffers pay discrimination may not discover it until years later, because employers often keep pay scales confidential. The consequences of the ruling will be to let a lot of discrimination go unpunished.

Those who vote against this effort to bring the bill to the floor will allow a lot of discrimination to go unpunished in America.

We owe the workers of America, the women of America, all workers a lot more. I encourage colleagues to support Senator KENNEDY and the motion to invoke cloture.

I reserve the remainder of my time.

Mr. ISAKSON. How much time remains on our side?

The PRESIDING OFFICER (Ms. CANTWELL). There is 2 minutes 5 seconds.

Mr. ISAKSON. I yield myself the remainder of the time.

Madam President, with all due respect to the Senator from Illinois, as was said earlier, in this case, in each and every year from 1992 to 1997, Ms. Ledbetter testified that she knew she was being discriminated against but didn't file a claim.

Secondly, this is not about restoring the Civil Rights Act to its state before Ledbetter was decided last year. This is about amending title VII of the Civil Rights Act passed in 1964 in terms of its statute of limitations.

The fact is that every one of us in this body is for precisely the same thing: Discrimination against no one for race, sex, color, creed, national origin; equal pay for everyone. As the distinguished Senator from Massachusetts showed in his chart, we have over and over again reaffirmed this. This is not about the issue of discrimination. This is about the rule of law, the Civil Rights Act as it was passed in 1964 and amended in 1967, and its statute of limitations that has been upheld by the Supreme Court—not once, not twice, not three times, but four separate opinions in 1977, 1980, 1989, and 2002. Ledbetter simply reaffirmed these cases.

If we have a problem, let's address it in committee. Let's fix it after open debate. Let's not eviscerate the committee process and bring a flawed bill to the floor of the Senate.

I urge my colleagues to vote against the motion to invoke cloture on the motion to proceed and yield back the remainder of my time.

Mr. KENNEDY. Madam President, I yield the remainder of my time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 1 minute 30 seconds.

Mr. OBAMA. Madam President, today too many women are still earning less than men for doing the same work, making it harder not just for those women but for the families they help support to make ends meet. It is harder for single moms to climb out of poverty, harder for elderly women to afford their retirement. That kind of pay discrimination is wrong and has no place in the United States of America.

This evening, we have a chance to do something about it. Passing this bill is an important step in closing the pay gap, something I helped to do in Illinois and something I have fought to do since I arrived in the Senate. I have cosponsored legislation to ensure women receive equal pay for equal work and to require employers to disclose their pay scales for various kinds of jobs. It is this information which will allow women to determine whether they are being discriminated against, information they often lack now.

In addition to passing this bill, we need to strengthen enforcement of existing laws. In the end, closing the pay gap is essential, but it is not going to be enough to make sure that women and girls have an equal shot at the American dream, which is why we are also going to have to work on issues such as sick leave and prohibiting discrimination against caregivers. If you work hard and do a good job, you should be rewarded, no matter what you look like, where you come from, or what gender you are. That is what this bill is about. That is why I am supporting this legislation and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. All time has expired under time reserved for Senators ISAKSON and KENNEDY.

The Republican leader.

Mr. MCCONNELL. I yield myself leader time.

The PRESIDING OFFICER. The Senator has that right.

Mr. MCCONNELL. Madam President, I remind my colleagues that if we invoke cloture on this bill, we will actually be moving off the veterans bill. Let me repeat that. A vote to proceed to the Ledbetter bill is a vote to proceed away from the veterans bill. This is really highly ironic because my side was taking a pounding Monday and Tuesday for allegedly holding up, if you will, the veterans bill. Of course, that was not the case. We have ended up, in order to accommodate the schedules of those who are frequently not here—and understandably not here because they are running for President—we had the Senate, in effect, not in session until 5 o'clock this afternoon. While Americans are waiting for Congress to do something about the economy, jobs, and gas prices, our friends on the other side decided to close shop in order to accommodate the uncertainties of the campaign trail. Finding solutions for the concerns of all our constituents should be our top priority, not just accommodating the travel schedules of two of our Members.

The proper course of action is clear. We should vote to stay on the veterans bill and finish our work on behalf of American veterans. The best way to do that is to vote against cloture on the motion to proceed to the matter before us.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, first of all, for all Members, we are close to having agreement on the veterans bill when we get to it. Let me just say initially, I really like my counterpart, the Republican leader. But I have trouble understanding how he could stand on the floor and say that when we have been trying to do legislation on the veterans bill since last Thursday and

we have been prevented from doing that.

Understand, there is nothing we could do, unless by unanimous consent, to change this vote. It occurs automatically an hour after we come in. There is no secret. We have two Senators running for President of the United States—three, as a matter of fact. I am only concerned about two of them. Their schedules were very difficult recently. They could be here at 6 o'clock. So I made the suggestion, which I thought was reasonable—we haven't been able to legislate on the veterans bill since last Thursday; how about doing it on Wednesday, until 5 o'clock. That would be 6 hours more than we have done since last Thursday. There was a refusal to allow us to do that. To have my friend, the Republican leader, come here and say we haven't done anything today because we had a vote scheduled at their convenience—he didn't use the names, but Senators CLINTON and OBAMA—that is absolutely without any foundation. I have trouble understanding how my friend would have the gall to stand on the floor and make the comment he did, but he did.

Now to the issue at hand, Lilly Ledbetter. Put your mind to this. We have a woman who is working. She has worked for 20 years and worked hard, very hard, and after 20 years she comes to the realization that people are making a lot more money than she. They are men, and they are doing the same work as she is. That is what this is all about. As a foundation, understand that for a woman to make the same amount of money as a man in our country—that is, how much a man makes in our country for 1 year—for similar work, she must work not only that whole year but an additional 113 days. In fact, women who work full time earn about 77 cents for every dollar earned by a man who does the same work.

That is why yesterday, April 23, which was the 113th day of the year, was Equal Pay Day, to illustrate how women are treated unfairly in the workplace in America. I can think of no better way for us to honor Equal Pay Day than to pass the Lilly Ledbetter Fair Pay Act.

She was a manager at a Goodyear factory in Gadsden, AL. She worked there for 20 years. She was the only woman among 16 men at her same management level. She was paid at various times 20 percent less than some of her male colleagues doing the same work and as much as 40 percent less than other colleagues doing the same work. That included fellow workers who had a lot less seniority than she had. They got paid more because they were men.

At most jobsites, especially office work, salary is not a topic that you discuss. It is private. It wasn't until Ledbetter had been with the company for 20 years, as I have indicated, that Mrs. Ledbetter became aware of the disparity in her paycheck, and only then because someone anonymously tipped her off.

After she learned, after 20 years, that people were being paid more money than she was for doing the same work, she became concerned, and she did what we should do in a situation like that. She went to talk to a lawyer. She had been cheated for 20 years. A jury that was called in that court listened to what she had to say. They found she had been discriminated against. Why? Because she was a woman. The jury awarded her appropriate damages.

Her employer appealed all the way to the Supreme Court. No way are we going to let this happen. They overturned the lower court's verdict, claiming she was entitled to nothing because she waited too long. The statute of limitations had run. The Supreme Court upheld that decision. They upheld the reversal of the decision that she had gotten, the award by the jury that she had gotten. The Supreme Court held that the 180-day filing deadline for discrimination cases like hers should be calculated from the day of Ms. Ledbetter's first discriminatory paycheck. So using that faulty logic, this woman is only protected if, after the first 6 months, she had filed a lawsuit. Well, she didn't know. The ruling reversed the position that most courts had previously held—contrary to what my good friend Senator ISAKSON said—that each discriminatory paycheck represents a new case of discrimination and therefore the 180-day filing period applies to each subsequent paycheck.

The practical result of the Supreme Court decision is that women like Lilly Ledbetter must sue for discrimination no later than 6 months after their employment begins, 6 months after her first paycheck. The Supreme Court's ruling puts unfair conditions on legitimate discrimination claims, and it applies not only to millions of women in the workforce but also to those discriminated against on the basis of race, religion, age, or disability.

As Justice Ginsburg said—and rarely from the Supreme Court does one of the Justices read their opinion; she did that—she noted in her strong and compelling dissent that the Supreme Court's ruling is wrong because it overlooks the realities of the workplace and the realities of the world. Think about that. She had worked there 20 years. She had been cheated for 20 years. They are telling her she should have filed her lawsuit 19½ years ago.

Many employers explicitly or implicitly prohibit employees from discussing their salary with coworkers. Could Ms. Ledbetter be expected to have known the salaries of her male colleagues after just 6 months on the job? Of course not. And even if a new employee is aware of a discrepancy in pay, many choose not to make waves, preferring to hang on to their job, preferring to quietly build job security. But over the years, these initial discrepancies, which may start out small, will often widen considerably—in her case, to as much as 40 percent when compared to a man.

The Supreme Court's ruling ignores basic facts. As long as discrimination continues, an employee's right to challenge discrimination should continue as well. That is why the legislation now before us is so important. We can talk about court cases and hearings before the committee and doing things in regular order. Let's have some regular order of fairness. That is what this legislation is all about.

This legislation would restore the previously accepted interpretation of law: that each and every discriminatory paycheck constitutes a new act of discrimination and that restarts the 180-day clock.

By supporting this motion to proceed and voting in favor of this legislation, we have the opportunity to correct this important injustice for millions of women and millions of others who work hard but are unfairly deprived of compensation they deserve.

Some on the Republican side argue that this legislation would lead to a flood of litigation. Obviously, we know the Republicans are not excited about trial lawyers. We know their first attack to take care of the housing crisis was to lower taxes and do something about litigation. So it is no surprise they are concerned about litigation, even though they are wrong.

That argument has no basis in fact. The Congressional Budget Office has researched this issue and found no reason—no reason—to believe it would increase the number of discrimination cases.

Furthermore, this legislation maintains the current law's 2-year limit on back pay. Employers would not be liable for salary differences that occurred in years past. In her case, Ledbetter could sue, but she could only get 2 of the 20 years she had been cheated. That is what this legislation does. How much fairer could it be?

The U.S. Supreme Court is the highest Court in our country. But in this case, they simply got it wrong. I am sad to report, in my opinion, many times they have done the same thing since Justices Roberts and Alito have joined that Court.

Many of us have spoken against recent Supreme Court nominees for fear they would not uphold our Nation's proud tradition of civil rights and equal rights in law. This faulty judgment on the part of the Court, in a 5-to-4 decision, lends credence to our concerns that we must support judges with a reliable history of support for the values of equality that we cherish.

There is no reason for the Fair Pay Act to be a partisan issue.

I urge my Republican colleagues to join us in sending a strong and powerful message that in America, discrimination will never be tolerated and justice will always be blind. But no matter the result today, that message—and our commitment to those enduring values—will continue.

VETERANS' BENEFITS ENHANCEMENT ACT—MOTION TO PROCEED—Resumed

The PRESIDING OFFICER. Under the previous order, the motion to proceed to S. 1315 is agreed to.

LILLY LEDBETTER FAIR PAY ACT OF 2007—MOTION TO PROCEED—Continued

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 325, H.R. 2831, the Fair Pay Act.

Harry Reid, Daniel K. Inouye, Barbara Boxer, Patty Murray, Byron L. Dorgan, Edward M. Kennedy, Christopher J. Dodd, Daniel K. Akaka, Benjamin L. Cardin, Patrick J. Leahy, Bernard Sanders, Sherrod Brown, Amy Klobuchar, Richard Durbin, Ken Salazar, Sheldon Whitehouse, Max Baucus.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 2831, the Fair Pay Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nebraska (Mr. HAGEL) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 56, nays 42, as follows:

[Rollcall Vote No. 110 Leg.]

YEAS—56

Akaka	Feingold	Nelson (FL)
Baucus	Feinstein	Nelson (NE)
Bayh	Harkin	Obama
Biden	Inouye	Pryor
Bingaman	Johnson	Reed
Boxer	Kennedy	Rockefeller
Brown	Kerry	Salazar
Byrd	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Smith
Carper	Lautenberg	Snowe
Casey	Leahy	Specter
Clinton	Levin	Stabenow
Coleman	Lieberman	Sununu
Collins	Lincoln	Tester
Conrad	McCaskill	Webb
Dodd	Menendez	Whitehouse
Dorgan	Mikulski	Wyden
Durbin	Murray	

NAYS—42

Alexander	Brownback	Cochran
Allard	Bunning	Corker
Barrasso	Burr	Cornyn
Bennett	Chambliss	Craig
Bond	Coburn	Crapo
DeMint	Hutchison	Roberts
Dole	Inhofe	Sessions
Domenici	Isakson	Shelby
Ensign	Kyl	Stevens
Enzi	Lugar	Thune
Graham	Martinez	Vitter
Grassley	McConnell	Voinovich
Gregg	Murkowski	Warner
Hatch	Reid	Wicker

NOT VOTING—2

Hagel McCain

The PRESIDING OFFICER. On this vote, the yeas are 56, the nays are 42. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. REID. Madam President, I move to reconsider the vote by which cloture was not invoked on the motion to proceed to H.R. 2831.

Mr. REID. Madam President, we are within minutes of working out something to complete tomorrow's work. There will be no more votes tonight. We should have several votes tomorrow. Probably, if things work out right, we will have three votes tomorrow. We should finish before 2:30 tomorrow afternoon.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, I am deeply disappointed we were not able to get the required 60 votes. With the majority leader's vote, we would have had 57 votes—57 votes. There is virtually unanimous opposition on the other side of the aisle to restore what had been fairness and decency and equity in our fair pay laws.

I think most of us who have been around this institution for some time and who have been involved in the civil rights issue understand if you don't have a remedy, you don't have a right. This debate was about restoring a right to Lilly Ledbetter, her right to be treated fairly in the workplace and the rights of millions of others too. Those who are disabled, elderly, people in our society of various national origins, those of particular religious faiths, and women all are threatened by the underlying Supreme Court decision. That has to be altered. It has to be changed.

I welcome the fact that our majority leader has sent a powerful signal by indicating that we will come back and revisit this issue. This issue is about fairness. It is about equity. If we are going to permit discrimination in the workplace, we shouldn't permit it to pay, and the best way to make sure it does not pay is to provide the remedy to ensure it will not.

This is an early skirmish in this battle toward true fairness and equity and equitable pay for women and all others in our society. I look forward to working with our colleagues in the ongoing battle. I am very hopeful and optimistic that the next time we will get the votes that are necessary to permit us to take final action on this legislation.

Again, I thank the majority leader for his addressing this issue and for his willingness to bring this back to the floor so we can have further debate and discussion on it.

And I would like to thank my staff—Charlotte Burrows, Sharon Block, and Portia Wu, who worked very hard on this important legislation. I would also like to thank Michael Myers, Scott Fay, and Kate Dowling from my staff for all of their help.

VETERANS' BENEFITS ENHANCEMENT ACT OF 2007

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1315) to amend Title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Veterans' Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Benefits Enhancement Act of 2007''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Reference to title 38, United States Code.
TITLE I—INSURANCE MATTERS
Sec. 101. Level-premium term life insurance for veterans with service-connected disabilities.
Sec. 102. Administrative costs of service disabled veterans' insurance.
Sec. 103. Modification of servicemembers' group life insurance coverage.
Sec. 104. Supplemental insurance for totally disabled veterans.
Sec. 105. Expansion of individuals qualifying for retroactive benefits from traumatic injury protection coverage under Servicemembers' Group Life Insurance.
Sec. 106. Consideration of loss dominant hand in prescription of schedule of severity of traumatic injury under Servicemembers' Group Life Insurance.
Sec. 107. Designation of fiduciary for traumatic injury protection coverage under Servicemembers' Group Life Insurance in case of lost mental capacity or extended loss of consciousness.
Sec. 108. Enhancement of veterans' mortgage life insurance.
TITLE II—HOUSING MATTERS
Sec. 201. Home improvements and structural alterations for totally disabled members of the Armed Forces before discharge or release from the Armed Forces.
Sec. 202. Eligibility for specially adapted housing benefits and assistance for members of the Armed Forces with service-connected disabilities and individuals residing outside the United States.
Sec. 203. Specially adapted housing assistance for individuals with severe burn injuries.
Sec. 204. Extension of assistance for individuals residing temporarily in housing owned by a family member.
Sec. 205. Supplemental specially adapted housing benefits for disabled veterans.
Sec. 206. Report on specially adapted housing for disabled individuals.

Sec. 207. Report on specially adapted housing assistance for individuals who reside in housing owned by a family member on permanent basis.

TITLE III—LABOR AND EDUCATION MATTERS

Sec. 301. Coordination of approval activities in the administration of education benefits.
Sec. 302. Modification of rate of reimbursement of State and local agencies administering veterans education benefits.
Sec. 303. Waiver of residency requirement for Directors for Veterans' Employment and Training.
Sec. 304. Modification of special unemployment study to cover veterans of Post 9/11 Global Operations.
Sec. 305. Extension of increase in benefit for individuals pursuing apprenticeship or on-job training.

TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS

Sec. 401. Expansion of eligibility for benefits provided by Department of Veterans Affairs for certain service in the organized military forces of the Commonwealth of the Philippines and the Philippine Scouts.
Sec. 402. Eligibility of children of certain Philippine veterans for educational assistance.

TITLE V—COURT MATTERS

Sec. 501. Recall of retired judges of the United States Court of Appeals for Veterans Claims.
Sec. 502. Additional discretion in imposition of practice and registration fees.
Sec. 503. Annual reports on workload of United States Court of Appeals for Veterans Claims.
Sec. 504. Report on expansion of facilities for United States Court of Appeals for Veterans Claims.

TITLE VI—COMPENSATION AND PENSION MATTERS

Sec. 601. Addition of osteoporosis to disabilities presumed to be service-connected in former prisoners of war with post-traumatic stress disorder.
Sec. 602. Cost-of-living increase for temporary dependency and indemnity compensation payable for surviving spouses with dependent children under the age of 18.
Sec. 603. Clarification of eligibility of veterans 65 years of age or older for service pension for a period of war.

TITLE VII—BURIAL AND MEMORIAL MATTERS

Sec. 701. Supplemental benefits for veterans for funeral and burial expenses.
Sec. 702. Supplemental plot allowances.

TITLE VIII—OTHER MATTERS

Sec. 801. Eligibility of disabled veterans and members of the Armed Forces with severe burn injuries for automobiles and adaptive equipment.
Sec. 802. Supplemental assistance for providing automobiles or other conveyances to certain disabled veterans.
Sec. 803. Clarification of purpose of the outreach services program of the Department of Veterans Affairs.
Sec. 804. Termination or suspension of contracts for cellular telephone service for servicemembers undergoing deployment outside the United States.
Sec. 805. Maintenance, management, and availability for research of assets of Air Force Health Study.
Sec. 806. National Academies study on risk of developing multiple sclerosis as a result of certain service in the Persian Gulf War and Post 9/11 Global Operations theaters.
Sec. 807. Comptroller General report on adequacy of dependency and indemnity compensation to maintain survivors of veterans who die from service-connected disabilities.

SEC. 2. REFERENCE TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

TITLE I—INSURANCE MATTERS

SEC. 101. LEVEL-PREMIUM TERM LIFE INSURANCE FOR VETERANS WITH SERVICE-CONNECTED DISABILITIES.

(a) IN GENERAL.—Chapter 19 is amended by inserting after section 1922A the following new section:

"§ 1922B. Level-premium term life insurance for veterans with service-connected disabilities

''(a) IN GENERAL.—In accordance with the provisions of this section, the Secretary shall grant insurance to each eligible veteran who seeks such insurance against the death of such veteran occurring while such insurance is in force.

''(b) ELIGIBLE VETERANS.—For purposes of this section, an eligible veteran is any veteran less than 65 years of age who has a service-connected disability.

''(c) AMOUNT OF INSURANCE.—(1) Subject to paragraph (2), the amount of insurance granted an eligible veteran under this section shall be $50,000 or such lesser amount as the veteran shall elect. The amount of insurance so elected shall be evenly divisible by $10,000.

''(2) The aggregate amount of insurance of an eligible veteran under this section, section 1922 of this title, and section 1922A of this title may not exceed $50,000.

''(d) REDUCED AMOUNT FOR VETERANS AGE 70 OR OLDER.—In the case of a veteran insured under this section who turns age 70, the amount of insurance of such veteran under this section after the date such veteran turns age 70 shall be the amount equal to 20 percent of the amount of insurance of the veteran under this section as of the day before such date.

''(e) PREMIUMS.—(1) Premium rates for insurance under this section shall be based on the 2001 Commissioners Standard Ordinary Basic Table of Mortality and interest at the rate of 4.5 per centum per annum.

''(2) The amount of the premium charged a veteran for insurance under this section may not increase while such insurance is in force for such veteran.

''(3) The Secretary may not charge a premium for insurance under this section for a veteran as follows:

''(A) A veteran who has a service-connected disability rated as total and is eligible for a waiver of premiums under section 1912 of this title.

''(B) A veteran who is 70 years of age or older.

''(4) Insurance granted under this section shall be on a nonparticipating basis and all premiums and other collections therefor shall be credited directly to a revolving fund in the Treasury of the United States, and any payments on such insurance shall be made directly from such fund. Appropriations to such fund are hereby authorized.

''(5) Administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund.

''(f) APPLICATION REQUIRED.—An eligible veteran seeking insurance under this section shall file with the Secretary an application therefor. Such application shall be filed not later than the earlier of—

''(1) the end of the two-year period beginning on the date on which the Secretary notifies the veteran that the veteran has a service-connected disability; and

''(2) the end of the 10-year period beginning on the date of the separation of the veteran from the Armed Forces, whichever is earlier.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 19 is amended by inserting after the item related to section 1922A the following new item:

''1922B. Level-premium term life insurance for veterans with service-connected disabilities.''.

(c) EXCHANGE OF SERVICE DISABLED VETERANS' INSURANCE.—During the one-year period beginning on the effective date of this section under subsection (d), any veteran insured under section 1922 of title 38, United States Code, who is eligible for insurance under section 1922B of such title (as added by subsection (a)), may exchange insurance coverage under such section 1922 for insurance coverage under such section 1922B.

(d) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on June 1, 2008.

SEC. 102. ADMINISTRATIVE COSTS OF SERVICE DISABLED VETERANS' INSURANCE.

Section 1922(a) is amended by striking ''directly from such fund'' and inserting ''directly from such fund; and (5) administrative costs to the Government for the costs of the program of insurance under this section shall be paid from premiums credited to the fund under paragraph (4), and payments for claims against the fund under paragraph (4) for amounts in excess of amounts credited to such fund under that paragraph (after such administrative costs have been paid) shall be paid from appropriations to the fund''.

SEC. 103. MODIFICATION OF SERVICEMEMBERS' GROUP LIFE INSURANCE COVERAGE.

(a) EXPANSION OF SERVICEMEMBERS' GROUP LIFE INSURANCE TO INCLUDE CERTAIN MEMBERS OF INDIVIDUAL READY RESERVE.—

(1) IN GENERAL.—Paragraph (1)(C) of section 1967(a) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(2) CONFORMING AMENDMENT.—Paragraph (5)(C) of such section 1967(a) is amended by striking ''section 1965(5)(B) of this title'' and inserting ''subparagraph (B) or (C) of section 1965(5) of this title''.

(b) REDUCTION IN PERIOD OF COVERAGE FOR DEPENDENTS AFTER MEMBER SEPARATES.—Section 1968(a)(5)(B)(ii) is amended by striking ''120 days after''.

SEC. 104. SUPPLEMENTAL INSURANCE FOR TOTALLY DISABLED VETERANS.

(a) IN GENERAL.—Section 1922A(a) is amended by striking ''$20,000'' and inserting ''$30,000''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2008.

SEC. 105. EXPANSION OF INDIVIDUALS QUALIFYING FOR RETROACTIVE BENEFITS FROM TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Paragraph (1) of section 501(b) of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006 (Public Law 109–233; 120 Stat. 414; 38 U.S.C. 1980A note) is amended by striking '', if, as determined by the Secretary concerned, that loss was a direct result of a traumatic injury incurred in the theater of operations for Operation Enduring Freedom or Operation Iraqi Freedom''.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking ''IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008.

SEC. 106. CONSIDERATION OF LOSS DOMINANT HAND IN PRESCRIPTION OF SCHEDULE OF SEVERITY OF TRAUMATIC INJURY UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) IN GENERAL.—Section 1980A(d) is amended—

(1) by striking ''Payments under'' and inserting ''(1) Payments under''; and

(2) by adding at the end the following new paragraph:

''(2) As the Secretary considers appropriate, the schedule required by paragraph (1) may distinguish in specifying payments for qualifying losses between the severity of a qualifying loss of a dominant hand and a qualifying loss of a non-dominant hand.''.

(b) PAYMENTS FOR QUALIFYING LOSSES INCURRED BEFORE DATE OF ENACTMENT.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall prescribe in regulations mechanisms for payments under section 1980A of title 38, United States Code, for qualifying losses incurred before the date of the enactment of this Act by reason of the requirements of paragraph (2) of subsection (d) of such section (as amended by subsection (a)(2) of this section).

(2) QUALIFYING LOSS DEFINED.—In this subsection, the term ''qualifying loss'' means—

(A) a loss specified in the second sentence of subsection (b)(1) of section 1980A of title 38, United States Code; and

(B) any other loss specified by the Secretary of Veterans Affairs pursuant to the first sentence of that subsection.

SEC. 107. DESIGNATION OF FIDUCIARY FOR TRAUMATIC INJURY PROTECTION COVERAGE UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE IN CASE OF LOST MENTAL CAPACITY OR EXTENDED LOSS OF CONSCIOUSNESS.

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, develop a form for the designation of a recipient for the funds distributed under section 1980A of title 38, United States Code, as the fiduciary of a member of the Armed Forces in cases where the member is mentally incapacitated (as determined by the Secretary of Defense in consultation with the Secretary of Veterans Affairs) or experiencing an extended loss of consciousness.

(b) ELEMENTS.—The form under subsection (a) shall require that a member may elect that—

(1) an individual designated by the member be the recipient as the fiduciary of the member; or

(2) a court of proper jurisdiction determine the recipient as the fiduciary of the member for purposes of this subsection.

(c) COMPLETION AND UPDATE.—The form under subsection (a) shall be completed by an individual at the time of entry into the Armed Forces and updated periodically thereafter.

SEC. 108. ENHANCEMENT OF VETERANS' MORTGAGE LIFE INSURANCE.

Section 2106(b) is amended by striking ''$90,000'' and inserting ''$150,000, or $200,000 after January 1, 2012,''.

TITLE II—HOUSING MATTERS

SEC. 201. HOME IMPROVEMENTS AND STRUCTURAL ALTERATIONS FOR TOTALLY DISABLED MEMBERS OF THE ARMED FORCES BEFORE DISCHARGE OR RELEASE FROM THE ARMED FORCES.

Section 1717 is amended by adding at the end the following new subsection:

''(d)(1) In the case of a member of the Armed Forces who, as determined by the Secretary, has a disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service, the Secretary may furnish improvements and structural alterations for such member for such disability or as otherwise described in subsection (a)(2) while such member is hospitalized or receiving outpatient medical care, services, or treatment for such disability if the Secretary determines that such member is likely to be discharged or released from the Armed Forces for such disability.

''(2) The furnishing of improvements and alterations under paragraph (1) in connection with the furnishing of medical services described in subparagraph (A) or (B) of subsection (a)(2) shall be subject to the limitation specified in the applicable subparagraph.''.

SEC. 202. ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING BENEFITS AND ASSISTANCE FOR MEMBERS OF THE ARMED FORCES WITH SERVICE-CONNECTED DISABILITIES AND INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.

(a) ELIGIBILITY.—Chapter 21 is amended by inserting after section 2101 the following new section:

''§ 2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States

''(a) MEMBERS WITH SERVICE-CONNECTED DISABILITIES.—(1) The Secretary may provide assistance under this chapter to a member of the Armed Forces serving on active duty who is suffering from a disability that meets applicable criteria for benefits under this chapter if the disability is incurred or aggravated in line of duty in the active military, naval, or air service. Such assistance shall be provided to the same extent as assistance is provided under this chapter to veterans eligible for assistance under this chapter and subject to the same requirements as veterans under this chapter.

''(2) For purposes of this chapter, any reference to a veteran or eligible individual shall be treated as a reference to a member of the Armed Forces described in subsection (a) who is similarly situated to the veteran or other eligible individual so referred to.

''(b) BENEFITS AND ASSISTANCE FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—(1) Subject to paragraph (2), the Secretary may, at the Secretary's discretion, provide benefits and assistance under this chapter (other than benefits under section 2106 of this title) to any individual otherwise eligible for such benefits and assistance who resides outside the United States.

''(2) The Secretary may provide benefits and assistance to an individual under paragraph (1) only if—

''(A) the country or political subdivision in which the housing or residence involved is or will be located permits the individual to have or acquire a beneficial property interest (as determined by the Secretary) in such housing or residence; and

''(B) the individual has or will acquire a beneficial property interest (as so determined) in such housing or residence.

''(c) REGULATIONS.—Benefits and assistance under this chapter by reason of this section shall be provided in accordance with such regulations as the Secretary may prescribe.''.

(b) CONFORMING AMENDMENTS.—

(1) REPEAL OF SUPERSEDED AUTHORITY.—Section 2101 is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(2) LIMITATIONS ON ASSISTANCE.—Section 2102 is amended—

(A) in subsection (a)—

(i) by striking ''veteran'' each place it appears and inserting ''individual''; and

(ii) in paragraph (3), by striking ''veteran's'' and inserting ''individual's'';

(B) in subsection (b)(1), by striking ''a veteran'' and inserting ''an individual'';

(C) in subsection (c)—

(i) by striking ''a veteran'' and inserting ''an individual''; and

(ii) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(D) in subsection (d), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(3) ASSISTANCE FOR INDIVIDUALS TEMPORARILY RESIDING IN HOUSING OF FAMILY MEMBER.—Section 2102A is amended—

(A) by striking ''veteran'' each place it appears (other than in subsection (b)) and inserting ''individual'';

(B) in subsection (a), by striking ''veteran's'' each place it appears and inserting ''individual's''; and

(C) in subsection (b), by striking ''a veteran'' each place it appears and inserting ''an individual''.

(4) FURNISHING OF PLANS AND SPECIFICATIONS.—Section 2103 is amended by striking ''veterans'' both places it appears and inserting ''individuals''.

(5) CONSTRUCTION OF BENEFITS.—Section 2104 is amended—

(A) in subsection (a), by striking ''veteran'' each place it appears and inserting ''individual''; and

(B) in subsection (b)—

(i) in the first sentence, by striking ''A veteran'' and inserting ''An individual'';

(ii) in the second sentence, by striking ''a veteran'' and inserting ''an individual''; and

(iii) by striking ''such veteran'' each place it appears and inserting ''such individual''.

(6) VETERANS' MORTGAGE LIFE INSURANCE.—Section 2106 is amended—

(A) in subsection (a)—

(i) by striking ''any eligible veteran'' and inserting ''any eligible individual''; and

(ii) by striking ''the veterans'' '' and inserting ''the individual's'';

(B) in subsection (b), by striking ''an eligible veteran'' and inserting ''an eligible individual'';

(C) in subsection (e), by striking ''an eligible veteran'' and inserting ''an individual'';

(D) in subsection (h), by striking ''each veteran'' and inserting ''each individual'';

(E) in subsection (i), by striking ''the veteran's'' each place it appears and inserting ''the individual's'';

(F) by striking ''the veteran'' each place it appears and inserting ''the individual''; and

(G) by striking ''a veteran'' each place it appears and inserting ''an individual''.

(7) HEADING AMENDMENTS.—(A) The heading of section 2101 is amended to read as follows:

''§ 2101. Acquisition and adaptation of housing: eligible veterans''.

(B) The heading of section 2102A is amended to read as follows:

''§ 2102A. Assistance for individuals residing temporarily in housing owned by a family member''.

(8) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 21 is amended—

(A) by striking the item relating to section 2101 and inserting the following new item:

''2101. Acquisition and adaptation of housing: eligible veterans.'';

(B) by inserting after the item relating to section 2101, as so amended, the following new item:

''2101A. Eligibility for benefits and assistance: members of the Armed Forces with service-connected disabilities; individuals residing outside the United States.'';

and

(C) by striking the item relating to section 2102A and inserting the following new item:

''2102A. Assistance for individuals residing temporarily in housing owned by a family member.''.

SEC. 203. SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WITH SEVERE BURN INJURIES.

Section 2101 is amended—

(1) in subsection (a)(2), by adding at the end the following new subparagraph:

''(E) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subsection (b)(2)—

(A) by striking ''either'' and inserting ''any''; and

(B) by adding at the end the following new subparagraph:

''(C) The disability is due to a severe burn injury (as so determined).''.

SEC. 204. EXTENSION OF ASSISTANCE FOR INDIVIDUALS RESIDING TEMPORARILY IN HOUSING OWNED BY A FAMILY MEMBER.

Section 2102A(e) is amended by striking ''after the end of the five-year period that begins on the date of the enactment of the Veterans' Housing Opportunity and Benefits Improvement Act of 2006'' and inserting ''after December 31, 2011''.

SEC. 205. SUPPLEMENTAL SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.

(a) IN GENERAL.—Chapter 21 is amended by inserting after section 2102A the following new section:

''§ 2102B. Supplemental assistance

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment in accordance with section 2102 of this title to an individual authorized to receive such assistance under section 2101 of this title for the acquisition of housing with special features or for special adaptations to a residence, the Secretary is also authorized and directed to pay such individual supplemental assistance under this section for such acquisition or adaptation.

''(2) No supplemental assistance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT OF SUPPLEMENTAL ASSISTANCE.—(1) In the case of a payment made in accordance with section 2102(a) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

''(A) the payment which would be determined under section 2102(a) of this title, and 2102A of this title if applicable, if the amount described in section 2102(d)(1) of this title were increased to the adjusted amount described in subsection (c)(1), over

''(B) the payment determined without regard to this section.

''(2) In the case of a payment made in accordance with section 2102(b) of this title, supplemental assistance required by subsection (a) is equal to the excess of—

''(A) the payment which would be determined under section 2102(b) of this title, and 2102A of this title if applicable, if the amount described in section 2102(b)(2) of this title and section 2102(d)(2) of this title were increased to the adjusted amount described in subsection (c)(2), over

''(B) the payment determined without regard to this section.

''(c) ADJUSTED AMOUNT.—(1) In the case of a payment made in accordance with section 2102(a) of this title, the adjusted amount is $60,000 (as adjusted from time to time under subsection (d)).

''(2) In the case of a payment made in accordance with section 2102(b) of this title, the adjusted amount is $12,000 (as adjusted from time to time under subsection (d)).

''(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amounts described in subsection (c) in accordance with this subsection.

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of any year shall be the percentage by which (A) the residential home cost-of-construction index for the preceding calendar year exceeds (B) the residential home cost-of-construction index for the year preceding that year.

''(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average increase in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.

''(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental assistance under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental assistance under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2102A the following new item:

''2102B. Supplemental assistance.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2102B of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

SEC. 206. REPORT ON SPECIALLY ADAPTED HOUSING FOR DISABLED INDIVIDUALS.

(a) IN GENERAL.—Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report that contains an assessment of the adequacy of the authorities available to the Secretary under law to assist eligible disabled individuals in acquiring—

(1) suitable housing units with special fixtures or movable facilities required for their disabilities, and necessary land therefor;

(2) such adaptations to their residences as are reasonably necessary because of their disabilities; and

(3) residences already adapted with special features determined by the Secretary to be reasonably necessary as a result of their disabilities.

(b) FOCUS ON PARTICULAR DISABILITIES.—The report required by subsection (a) shall set forth a specific assessment of the needs of—

(1) veterans who have disabilities that are not described in subsections (a)(2) and (b)(2) of section 2101 of title 38, United States Code; and

(2) other disabled individuals eligible for specially adapted housing under chapter 21 of such title by reason of section 2101A of such title (as added by section 202(a) of this Act) who have disabilities that are not described in such subsections.

SEC. 207. REPORT ON SPECIALLY ADAPTED HOUSING ASSISTANCE FOR INDIVIDUALS WHO RESIDE IN HOUSING OWNED BY A FAMILY MEMBER ON PERMANENT BASIS.

Not later than December 31, 2008, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the advisability of providing assistance under section 2102A of title 38, United States Code, to veterans described in subsection (a) of such section, and to members of the Armed Forces covered by such section 2102A by reason of section 2101A of title 38, United States Code (as added by section 202(a) of this Act), who reside with family members on a permanent basis.

TITLE III—LABOR AND EDUCATION MATTERS

SEC. 301. COORDINATION OF APPROVAL ACTIVITIES IN THE ADMINISTRATION OF EDUCATION BENEFITS.

(a) COORDINATION.—

(1) IN GENERAL.—Section 3673 is amended—

(A) by redesignating subsection (b) as subsection (c); and

(B) by inserting after subsection (a) the following new subsection (b):

''(b) COORDINATION OF ACTIVITIES.—The Secretary shall take appropriate actions to ensure the coordination of approval activities performed by State approving agencies under this chapter and chapters 34 and 35 of this title and approval activities performed by the Department of Labor, the Department of Education, and other entities in order to reduce overlap and improve efficiency in the performance of such activities.''.

(2) CONFORMING AND CLERICAL AMENDMENTS.—(A) The heading of such section is amended to read as follows:

''§ 3673. Approval activities: cooperation and coordination of activities''.

(B) The table of sections at the beginning of chapter 36 is amended by striking the item relating to section 3673 and inserting the following new item:

''3673. Approval activities: cooperation and coordination of activities.''.

(3) STYLISTIC AMENDMENTS.—Such section is further amended—

(A) in subsection (a), by inserting ''COOPERATION IN ACTIVITIES.—'' after ''(a)''; and

(B) in subsection (c), as redesignated by paragraph (1)(A) of this subsection, by inserting ''AVAILABILITY OF INFORMATION MATERIAL.—'' after ''(c)''.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the following:

(1) The actions taken to establish outcome-oriented performance standards for State approving agencies created or designated under section 3671 of title 38, United States Code, including a description of any plans for, and the status of the implementation of, such standards as part of the evaluations of State approving agencies required by section 3674A of title 38, United States Code.

(2) The actions taken to implement a tracking and reporting system for resources expended for

approval and outreach activities by such agencies.

(3) Any recommendations for legislative action that the Secretary considers appropriate to achieve the complete implementation of the standards described in paragraph (1).

SEC. 302. MODIFICATION OF RATE OF REIMBURSEMENT OF STATE AND LOCAL AGENCIES ADMINISTERING VETERANS EDUCATION BENEFITS.

Section 3674(a)(4) is amended by striking ''$13,000,000'' and all that follows through ''fiscal year 2007,''.

SEC. 303. WAIVER OF RESIDENCY REQUIREMENT FOR DIRECTORS FOR VETERANS' EMPLOYMENT AND TRAINING.

Section 4103(a)(2) is amended—

(1) by inserting ''(A)'' after ''(2)''; and

(2) by adding at the end the following new subparagraph:

''(B) The Secretary may waive the requirement in subparagraph (A) with respect to a Director for Veterans' Employment and Training if the Secretary determines that the waiver is in the public interest. Any such waiver shall be made on a case-by-case basis.''.

SEC. 304. MODIFICATION OF SPECIAL UNEMPLOYMENT STUDY TO COVER VETERANS OF POST 9/11 GLOBAL OPERATIONS.

(a) MODIFICATION OF STUDY.—Subsection (a)(1) of section 4110A is amended—

(1) in the matter before subparagraph (A), by striking ''a study every two years'' and inserting ''an annual study'';

(2) by redesignating subparagraph (A) as subparagraph (F);

(3) by striking subparagraph (B) and inserting the following new subparagraphs:

''(A) Veterans who were called to active duty while members of the National Guard or a Reserve Component.

''(B) Veterans who served in combat or in a war zone in the Post 9/11 Global Operations theaters.''; and

(4) in subparagraph (C)—

(A) by striking ''Vietnam era'' and inserting ''Post 9/11 Global Operations period''; and

(B) by striking ''the Vietnam theater of operations'' and inserting ''the Post 9/11 Global Operations theaters''.

(b) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

''(c) In this section:

''(1) The term 'Post 9/11 Global Operations period' means the period of the Persian Gulf War beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or law.

''(2) The term 'Post 9/11 Global Operations theaters' means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.''.

SEC. 305. EXTENSION OF INCREASE IN BENEFIT FOR INDIVIDUALS PURSUING APPRENTICESHIP OR ON-JOB TRAINING.

Section 103 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454; 118 Stat. 3600) is amended by striking ''2008'' each place it appears and inserting ''2010''.

TITLE IV—FILIPINO WORLD WAR II VETERANS MATTERS

SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

''§ 107. Certain service with Philippine forces deemed to be active service

''(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

''(b) SERVICE DESCRIBED.—Service described in this subsection is service—

''(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

''(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

''(c) DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of $0.50 for each dollar authorized.

''(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

''(d) MODIFIED PENSION AND DEATH PENSION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Any pension provided under subchapter II or III of chapter 15 of this title to an individual described in paragraph (2) shall be made only as specified in section 1514 of this title.

''(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to a pension provided under subchapter II or III of chapter 15 of this title based on service described in subsection (b).

''(e) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item:

''107. Certain service with Philippine forces deemed to be active service.''.

(3) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to the payment or provision of benefits on or after the date of the enactment of this Act. No benefits are payable or are required to be provided by reason of such amendment for any period before such date.

(b) PENSION AND DEATH PENSION FOR CERTAIN SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 15 is amended by adding at the end the following new section:

''§ 1514. Certain recipients residing outside the United States

''(a) SPECIAL RATES FOR PENSION BENEFITS FOR INDIVIDUALS SERVING WITH PHILIPPINE FORCES AND SURVIVORS.—(1) Payment under this subchapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made as follows:

''(A) For such an individual who is married, at a rate of $4,500 per year (as increased from time to time under section 5312 of this title).

''(B) For such an individual who is not married, at a rate of $3,600 per year (as increased from time to time under section 5312 of this title).

''(2) Payment under subchapter III of this chapter to an individual who resides outside the United States and is eligible for such payment because of service described in section 107(b) of this title shall be made at a rate of $2,400 per year (as increased from time to time under section 5312 of this title).

''(3) An individual who is otherwise entitled to benefits under this chapter and resides outside the United States, and receives or would otherwise be eligible to receive a monetary benefit from a foreign government, may not receive benefits under this chapter for service described in section 107(b) of this title if receipt of such benefits under this chapter would reduce such monetary benefit from such foreign government.

''(4) The provisions of sections 1503(a), 1506, 1522, and 1543 of this title shall not apply to benefits paid under this section.

''(b) INDIVIDUALS LIVING OUTSIDE THE UNITED STATES ENTITLED TO CERTAIN SOCIAL SECURITY BENEFITS INELIGIBLE.—An individual residing outside the United States who is receiving or is eligible to receive benefits under title VIII of the Social Security Act (42 U.S.C. 1001 et seq.) may not receive benefits under this chapter.

''(c) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 15 is amended by inserting after the item related to section 1513 the following new item:

''1514. Certain recipients residing outside the United States.''.

(3) FREQUENCY OF PAYMENT.—Section 1508 is amended by inserting ''1514,'' before ''1521,'' each place it appears.

(4) ROUNDING DOWN OF RATES.—Section 5123 is amended by inserting ''1514,'' before ''1521''.

(5) ANNUAL ADJUSTMENT OF BENEFIT RATES.—Section 5312 is amended—

(A) in subsection (a), by inserting ''1514,'' before ''1521,'' the first place it appears; and

(B) in subsection (c)(1), by inserting ''1514,'' before ''1521,''.

(6) EFFECTIVE DATE.—The amendments made by paragraphs (1) and (2) shall apply to applications for benefits filed on or after May 1, 2008. The amendments made by paragraphs (3), (4), and (5) shall take effect on May 1, 2008.

(c) PENSION AND DEATH PENSION BENEFIT PROTECTION.—Notwithstanding any other provision of law, a veteran with service described in section 107(b) of title 38, United States Code (as added by subsection (a)), who is receiving benefits under a Federal or federally assisted program as of the date of the enactment of this Act, or a survivor of such veteran who is receiving such benefits as of the date of the enactment of this Act, may not be required to apply for or receive benefits under chapter 15 of such title if the receipt of such benefits would—

(1) make such veteran or survivor ineligible for any Federal or federally assisted program for which such veteran or survivor qualifies; or

(2) reduce the amount of benefit such veteran or survivor would receive from any Federal or federally assisted program for which such veteran or survivor qualifies.

SEC. 402. ELIGIBILITY OF CHILDREN OF CERTAIN PHILIPPINE VETERANS FOR EDUCATIONAL ASSISTANCE.

(a) IN GENERAL.—Subsection (b) of section 3565 is amended by striking ''except that—'' and all that follows and inserting ''except that a reference to a State approving agency shall be deemed to refer to the Secretary.''.

(b) REPEAL OF OBSOLETE PROVISION.—Such section is further amended by striking subsection (c).

TITLE V—COURT MATTERS

SEC. 501. RECALL OF RETIRED JUDGES OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) REPEAL OF LIMIT ON SERVICE OF RECALLED RETIRED JUDGES WHO VOLUNTARILY SERVE MORE THAN 90 DAYS.—Section 7257(b)(2) is amended by striking ''or for more than a total of 180 days (or the equivalent) during any calendar year''.

(b) NEW JUDGES RECALLED AFTER RETIREMENT RECEIVE PAY OF CURRENT JUDGES ONLY DURING PERIOD OF RECALL.—

(1) IN GENERAL.—Section 7296(c) is amended by striking paragraph (1) and inserting the following new paragraph:

''(1)(A) A judge who is appointed on or after the date of the enactment of the Veterans' Benefits Enhancement Act of 2007 and who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title, the retired pay of the judge shall (subject to section 7257(d)(2) of this title) be the rate of pay applicable to that judge at the time of retirement, as adjusted from time to time under subsection (f)(3).

''(ii) In the case of a judge other than a recall-eligible retired judge, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(B) A judge who retired before the date of the enactment of the Veterans' Benefits Enhancement Act of 2007 and elected under subsection (d) to receive retired pay under this subsection, or a judge who retires under subsection (b) and elects under subsection (d) to receive retired pay under this subsection, shall (except as provided in paragraph (2)) receive retired pay as follows:

''(i) In the case of a judge who is a recall-eligible retired judge under section 7257 of this title or who was a recall-eligible retired judge under that section and was removed from recall status under subsection (b)(4) of that section by reason of disability, the retired pay of the judge shall be the pay of a judge of the court.

''(ii) In the case of a judge who at the time of retirement did not provide notice under section 7257 of this title of availability for service in a recalled status, the retired pay of the judge shall be the rate of pay applicable to that judge at the time of retirement.

''(iii) In the case of a judge who was a recall-eligible retired judge under section 7257 of this title and was removed from recall status under subsection (b)(3) of that section, the retired pay of the judge shall be the pay of the judge at the time of the removal from recall status.''.

(2) COST-OF-LIVING ADJUSTMENT FOR RETIRED PAY OF NEW JUDGES WHO ARE RECALL-ELIGIBLE.—Section 7296(f)(3)(A) is amended by striking ''paragraph (2) of subsection (c)'' and inserting ''paragraph (1)(A)(i) or (2) of subsection (c)''.

(3) PAY DURING PERIOD OF RECALL.—Subsection (d) of section 7257 is amended to read as follows:

''(d)(1) The pay of a recall-eligible retired judge to whom section 7296(c)(1)(B) of this title applies is the pay specified in that section.

''(2) A judge who is recalled under this section who retired under chapter 83 or 84 of title 5 or to whom section 7296(c)(1)(A) of this title applies shall be paid, during the period for which the judge serves in recall status, pay at the rate of pay in effect under section 7253(e) of this title for a judge performing active service, less the amount of the judge's annuity under the applicable provisions of chapter 83 or 84 of title 5 or the judge's annuity under section 7296(c)(1)(A) of this title, whichever is applicable.''.

(4) NOTICE.—The last sentence of section 7257(a)(1) is amended to read as follows: ''Such a notice provided by a retired judge to whom section 7296(c)(1)(B) of this title applies is irrevocable.''.

(c) LIMITATION ON INVOLUNTARY RECALLS.—Section 7257(b)(3) is amended by adding at the end the following new sentence: ''This paragraph shall not apply to a judge to whom section 7296(c)(1)(A) or 7296(c)(1)(B) of this title applies and who has, in the aggregate, served at least five years of recalled service on the Court under this section.''.

SEC. 502. ADDITIONAL DISCRETION IN IMPOSITION OF PRACTICE AND REGISTRATION FEES.

Section 7285(a) is amended—

(1) in the first sentence, by inserting ''reasonable'' after ''impose a'';

(2) in the second sentence, by striking '', except that such amount may not exceed $30 per year''; and

(3) in the third sentence, by inserting ''reasonable'' after ''impose a''.

SEC. 503. ANNUAL REPORTS ON WORKLOAD OF UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) IN GENERAL.—Subchapter III of chapter 72 is amended by adding at the end the following new section:

''§ 7288. Annual report

''(a) IN GENERAL.—The chief judge of the Court shall submit annually to the appropriate committees of Congress a report summarizing the workload of the Court for the last fiscal year that ended before the submission of such report. Such report shall include, with respect to such fiscal year, the following information:

''(1) The number of appeals filed.

''(2) The number of petitions filed.

''(3) The number of applications filed under section 2412 of title 28.

''(4) The number and type of dispositions.

''(5) The median time from filing to disposition.

''(6) The number of oral arguments.

''(7) The number and status of pending appeals and petitions and of applications described in paragraph (3).

''(8) A summary of any service performed by recalled retired judges during the fiscal year.

''(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 72 is amended by inserting after the item related to section 7287 the following new item:

''7288. Annual report.''.

SEC. 504. REPORT ON EXPANSION OF FACILITIES FOR UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States Court of Appeals for Veterans Claims is currently located in the District of Columbia in a commercial office building that is also occupied by other Federal tenants.

(2) In February 2006, the General Services Administration provided Congress with a preliminary feasibility analysis of a dedicated Veterans Courthouse and Justice Center that would house the Court and other entities that work with the Court.

(3) In February 2007, the Court notified Congress that the ''most cost-effective alternative appears to be leasing substantial additional space in the current location'', which would ''require relocating other current government tenants'' from that building.

(4) The February 2006 feasibility report of the General Services Administration does not include an analysis of whether it would be feasible or desirable to locate a Veterans Courthouse and Justice Center at the current location of the Court.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States Court of Appeals for Veterans Claims should be provided with appropriate office space to meet its needs, as well as to provide the image, security, and stature befitting a court that provides justice to the veterans of the United States; and

(2) in providing that space, Congress should avoid undue disruption, inconvenience, or cost to other Federal entities.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the feasibility of—

(A) leasing additional space for the United States Court of Appeals for Veterans Claims within the building where the Court was located on the date of the enactment of this Act; and

(B) using the entirety of such building as a Veterans Courthouse and Justice Center.

(2) CONTENTS.—The report required by paragraph (1) shall include a detailed analysis of the following:

(A) The impact that the matter analyzed in accordance with paragraph (1) would have on Federal tenants of the building used by the Court.

(B) Whether it would be feasible to relocate such Federal tenants into office space that offers similar or preferable cost, convenience, and usable square footage.

(C) If relocation of such Federal tenants is found to be feasible and desirable, an analysis of what steps should be taken to convert the building into a Veterans Courthouse and Justice Center and a timeline for such conversion.

(3) COMMENT PERIOD.—The Administrator shall provide an opportunity to such Federal tenants—

(A) before the completion of the report required by paragraph (1), to comment on the subject of the report required by such paragraph; and

(B) before the Administrator submits the report required by paragraph (1) to the congressional committees specified in such paragraph, to comment on a draft of such report.

TITLE VI—COMPENSATION AND PENSION MATTERS

SEC. 601. ADDITION OF OSTEOPOROSIS TO DISABILITIES PRESUMED TO BE SERVICE-CONNECTED IN FORMER PRISONERS OF WAR WITH POST-TRAUMATIC STRESS DISORDER.

Section 1112(b)(2) is amended by adding at the end the following new subparagraph:

''(F) Osteoporosis, if the Secretary determines that the veteran was diagnosed with post-traumatic stress disorder (PTSD).''.

SEC. 602. COST-OF-LIVING INCREASE FOR TEMPORARY DEPENDENCY AND INDEMNITY COMPENSATION PAYABLE FOR SURVIVING SPOUSES WITH DEPENDENT CHILDREN UNDER THE AGE OF 18.

Section 1311(f) is amended by adding at the end the following new paragraph:

''(5) Whenever there is an increase in benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) as a result of a determination made under section 215(i) of such Act (42 U.S.C. 415(i)), the Secretary shall, effective on the date of such increase in benefit amounts, increase the amount payable under paragraph (1), as such amount was in effect immediately prior to the date of such increase in benefit amounts, by the same percentage as the percentage by which such benefit amounts are increased. Any increase in a dollar amount under this paragraph shall be rounded down to the next lower whole dollar amount.''.

SEC. 603. CLARIFICATION OF ELIGIBILITY OF VETERANS 65 YEARS OF AGE OR OLDER FOR SERVICE PENSION FOR A PERIOD OF WAR.

Section 1513 is amended—

(1) in subsection (a), by striking ''by section 1521'' and all that follows and inserting ''by subsection (b), (c), (f)(1), (f)(5), or (g) of that section, as the case may be and as increased from time to time under section 5312 of this title.'';

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection (b):

''(b) The conditions in subsections (h) and (i) of section 1521 of this title shall apply to determinations of income and maximum payments of pension for purposes of this section.''.

TITLE VII—BURIAL AND MEMORIAL MATTERS

SEC. 701. SUPPLEMENTAL BENEFITS FOR VETERANS FOR FUNERAL AND BURIAL EXPENSES.

(a) FUNERAL EXPENSES.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2302 the following new section:

''§ 2302A. Funeral expenses: supplemental benefits

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2302(a) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

''(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $900 (as adjusted from time to time under subsection (c)).

''(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

''(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

''(2) the sum of the amount described in section 2302(a) of this title and the amount under paragraph (1), multiplied by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2302 the following new item:

''2302A. Funeral expenses: supplemental benefits.''.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2302A of title 38, United States Code (as added by this subsection).

(b) DEATH FROM SERVICE-CONNECTED DISABILITY.—

(1) IN GENERAL.—Chapter 23 is amended by inserting after section 2307 the following new section:

''§ 2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2307(1) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral.

''(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $2,100 (as adjusted from time to time under subsection (c)).

''(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

''(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

''(2) the sum of the amount described in section 2307(1) of this title and the amount under paragraph (1), multiplied by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients with supplemental payments under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2307 the following new item:

''2307A. Death from service-connected disability: supplemental benefits for burial and funeral expenses.''.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2307A of title 38, United States Code (as added by this subsection).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to deaths occurring on or after that date.

SEC. 702. SUPPLEMENTAL PLOT ALLOWANCES.

(a) IN GENERAL.—Chapter 23 is amended by inserting after section 2303 the following new section:

''§ 2303A. Supplemental plot allowance

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the burial and funeral of a veteran under section 2303(a)(1)(A) of this title, or for the burial of a veteran under paragraph (1) or (2) of section 2303(b) of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such burial and funeral or burial, as applicable.

''(2) No supplemental plot allowance payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT.—The amount of the supplemental payment required by subsection (a) for any death is $445 (as adjusted from time to time under subsection (c)).

''(c) ADJUSTMENT.—With respect to deaths that occur in any fiscal year after fiscal year 2008, the supplemental payment described in subsection (b) shall be equal to the sum of—

''(1) the supplemental payment in effect under subsection (b) for the preceding fiscal year (determined after application of this subsection), plus

''(2) the sum of the amount described in section 2303(a)(1)(A) of this title and the amount under paragraph (1), multiplied by the percentage by which—

''(A) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(B) such Consumer Price Index for the 12-month period preceding the 12-month period described in subparagraph (A).

''(d) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental plot allowance payments under this section to all eligible recipients for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide all eligible recipients

with supplemental plot allowance payments under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 2303 the following new item:

''2303A. Supplemental plot allowance.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to deaths occurring on or after that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 2303A of title 38, United States Code (as added by subsection (a)).

TITLE VIII—OTHER MATTERS

SEC. 801. ELIGIBILITY OF DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES WITH SEVERE BURN INJURIES FOR AUTOMOBILES AND ADAPTIVE EQUIPMENT.

(a) ELIGIBILITY.—Paragraph (1) of section 3901 is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking ''or (iii) below'' and inserting ''(iii), or (iv)''; and

(B) by adding at the end the following new clause:

''(iv) A severe burn injury (as determined pursuant to regulations prescribed by the Secretary).''; and

(2) in subparagraph (B), by striking ''or (iii)'' and inserting ''(iii), or (iv)''.

(b) STYLISTIC AMENDMENTS.—Such section is further amended—

(1) in the matter preceding paragraph (1), by striking ''chapter—'' and inserting ''chapter:'';

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''means—'' and inserting ''means the following:'';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking ''any veteran'' and inserting ''Any veteran'';

(ii) in clauses (i) and (ii), by striking the semicolon at the end and inserting a period; and

(iii) in clause (iii), by striking ''or'' and inserting a period; and

(C) in subparagraph (B), by striking ''any member'' and inserting ''Any member''.

SEC. 802. SUPPLEMENTAL ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.

(a) IN GENERAL.—Chapter 39 is amended by inserting after section 3902 the following new section:

''§ 3902A. Supplemental assistance for providing automobiles or other conveyances

''(a) IN GENERAL.—(1) Subject to the availability of funds specifically provided for purposes of this subsection in advance in an appropriations Act, whenever the Secretary makes a payment for the purchase of an automobile or other conveyance for an eligible person under section 3902 of this title, the Secretary is also authorized and directed to pay the recipient of such payment a supplemental payment under this section for the cost of such purchase.

''(2) No supplemental payment shall be made under this subsection if the Secretary has expended all funds that were specifically provided for purposes of this subsection in an appropriations Act.

''(b) AMOUNT OF SUPPLEMENTAL PAYMENT.—Supplemental payment required by subsection (a) is equal to the excess of—

''(1) the payment which would be determined under section 3902 of this title if the amount described in section 3902 of this title were increased to the adjusted amount described in subsection (c), over

''(2) the payment determined under section 3902 of this title without regard to this section.

''(c) ADJUSTED AMOUNT.—The adjusted amount is $22,484 (as adjusted from time to time under subsection (d)).

''(d) ADJUSTMENT.—(1) Effective on October 1 of each year (beginning in 2008), the Secretary shall increase the adjusted amount described in subsection (c) to an amount equal to 80 percent of the average retail cost of new automobiles for the preceding calendar year.

''(2) The Secretary shall establish the method for determining the average retail cost of new automobiles for purposes of this subsection. The Secretary may use data developed in the private sector if the Secretary determines the data is appropriate for purposes of this subsection.

''(e) ESTIMATES.—(1) From time to time, the Secretary shall make an estimate of—

''(A) the amount of funding that would be necessary to provide supplemental payment under this section for every eligible person for the remainder of the fiscal year in which such an estimate is made; and

''(B) the amount that Congress would need to appropriate to provide every eligible person with supplemental payment under this section in the next fiscal year.

''(2) On the dates described in paragraph (3), the Secretary shall submit to the appropriate committees of Congress the estimates described in paragraph (1).

''(3) The dates described in this paragraph are the following:

''(A) April 1 of each year.

''(B) July 1 of each year.

''(C) September 1 of each year.

''(D) The date that is 60 days before the date estimated by the Secretary on which amounts appropriated for the purposes of this section for a fiscal year will be exhausted.

''(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term 'appropriate committees of Congress' means—

''(1) the Committee on Appropriations and the Committee on Veterans' Affairs of the Senate; and

''(2) the Committee on Appropriations and the Committee on Veterans' Affairs of the House of Representatives.''.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 3902 the following new item:

''3902A. Supplemental assistance for providing automobiles or other conveyances.''.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs such sums as may be necessary to carry out the provisions of section 3902A of title 38, United States Code (as added by subsection (a)).

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2007, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

SEC. 803. CLARIFICATION OF PURPOSE OF THE OUTREACH SERVICES PROGRAM OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLARIFICATION OF INCLUSION OF MEMBERS OF THE NATIONAL GUARD AND RESERVE IN PROGRAM.—Subsection (a)(1) of section 6301 is amended by inserting '', or from the National Guard or Reserve,'' after ''active military, naval, or air service''.

(b) DEFINITION OF OUTREACH.—Subsection (b) of such section is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) the following new paragraph (1):

''(1) the term 'outreach' means the act or process of reaching out in a systematic manner to proactively provide information, services, and benefits counseling to veterans, and to the spouses, children, and parents of veterans who may be eligible to receive benefits under the laws administered by the Secretary, to ensure that such individuals are fully informed about, and assisted in applying for, any benefits and programs under such laws;''.

SEC. 804. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE FOR SERVICEMEMBERS UNDERGOING DEPLOYMENT OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 531 et seq.) is amended by inserting after section 305 the following new section:

''SEC. 305A. TERMINATION OR SUSPENSION OF CONTRACTS FOR CELLULAR TELEPHONE SERVICE.

''(a) IN GENERAL.—A servicemember who receives orders to deploy outside of the continental United States for not less than 90 days may request the termination or suspension of any contract for cellular telephone service entered into by the servicemember before that date if the servicemember's ability to satisfy the contract or to utilize the service will be materially affected by that period of deployment. The request shall include a copy of the servicemember's military orders.

''(b) RELIEF.—Upon receiving the request of a servicemember under subsection (a), the cellular telephone service contractor concerned shall, at the election of the contractor—

''(1) grant the requested relief without imposition of an early termination fee for termination of the contract or a reactivation fee for suspension of the contract; or

''(2) permit the servicemember to suspend the contract at no charge until the end of the deployment without requiring, whether as a condition of suspension or otherwise, that the contract be extended.''.

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 305 the following new item:

''Sec. 305A. Termination or suspension of contracts for cellular telephone service.''.

SEC. 805. MAINTENANCE, MANAGEMENT, AND AVAILABILITY FOR RESEARCH OF ASSETS OF AIR FORCE HEALTH STUDY.

(a) PURPOSE.—The purpose of this section is to ensure that the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are maintained, managed, and made available as a resource for future research for the benefit of veterans and their families, and for other humanitarian purposes.

(b) ASSETS FROM AIR FORCE HEALTH STUDY.—For purposes of this section, the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study are the assets of the Air Force Health Study transferred to the Medical Follow-Up Agency under section 714 of the John Warner National Defense Authorization

Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2290), including electronic data files and biological specimens on all participants in the study (including control subjects).

(c) MAINTENANCE AND MANAGEMENT OF TRANSFERRED ASSETS.—The Medical Follow-Up Agency shall maintain and manage the assets transferred to the Agency from the Air Force Health Study.

(d) ADDITIONAL NEAR-TERM RESEARCH.—

(1) IN GENERAL.—The Medical Follow-Up Agency may, during the period beginning on October 1, 2007, and ending on September 30, 2011, conduct such additional research on the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate toward the goal of understanding the determinants of health, and promoting wellness, in veterans.

(2) RESEARCH.—In carrying out research authorized by this subsection, the Medical Follow-Up Agency may, utilizing amounts available under subsection (f)(1)(B), make grants for such pilot studies for or in connection with such research as the Agency considers appropriate.

(e) ADDITIONAL MEDIUM-TERM RESEARCH.—

(1) REPORT.—Not later than March 31, 2011, the Medical Follow-Up Agency shall submit to Congress a report assessing the feasability and advisability of conducting additional research on the assets transferred to the Agency from the Air Force Health Study after September 30, 2011.

(2) DISPOSITION OF ASSETS.—If the report required by paragraph (1) includes an assessment that the research described in that paragraph would be feasible and advisable, the Agency shall, utilizing amounts available under subsection (f)(2), make any disposition of the assets transferred to the Agency from the Air Force Health Study as the Agency considers appropriate in preparation for such research.

(f) FUNDING.—

(1) IN GENERAL.—From amounts available for each of fiscal years 2008 through 2011 for the Department of Veterans Affairs for Medical and Prosthetic Research, amounts shall be available as follows:

(A) $1,200,000 shall be available in each such fiscal year for maintenance, management, and operation (including maintenance of biological specimens) of the assets transferred to the Medical Follow-Up Agency from the Air Force Health Study.

(B) $250,000 shall be available in each such fiscal year for the conduct of additional research authorized by subsection (d), including the funding of pilot studies authorized by paragraph (2) of that subsection.

(2) MEDIUM-TERM RESEARCH.—From amounts available for fiscal year 2011 for the Department of Veterans Affairs for Medical and Prosthetic Research, $200,000 shall be available for the preparation of the report required by subsection (e)(1) and for the disposition, if any, of assets authorized by subsection (e)(2).

SEC. 806. NATIONAL ACADEMIES STUDY ON RISK OF DEVELOPING MULTIPLE SCLEROSIS AS A RESULT OF CERTAIN SERVICE IN THE PERSIAN GULF WAR AND POST 9/11 GLOBAL OPERATIONS THEATERS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall enter into a contract with the Institute of Medicine of the National Academies to conduct a comprehensive epidemiological study for purposes of identifying any increased risk of developing multiple sclerosis as a result of service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations or in the Post 9/11 Global Operations theaters.

(b) ELEMENTS.—In conducting the study required under subsection (a), the Institute of Medicine shall do the following:

(1) Determine whether service in the Armed Forces during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, increased the risk of developing multiple sclerosis.

(2) Identify the incidence and prevalence of diagnosed neurological diseases, including multiple sclerosis, Parkinson's disease, amyotrophic lateral sclerosis, and brain cancers, as well as central nervous system abnormalities that are difficult to precisely diagnose, in each group as follows:

(A) Members of the Armed Forces who served during the Persian Gulf War in the Southwest Asia theater of operations.

(B) Members of the Armed Forces who served in the Post 9/11 Global Operations theaters.

(C) A non-deployed comparison group for those who served in the Persian Gulf War in the Southwest Asia theater of operations and the Post 9/11 Global Operations theaters.

(3) Compare the incidence and prevalence of the named diagnosed neurological diseases and undiagnosed central nervous system abnormalities among veterans who served during the Persian Gulf War in the Southwest Asia theater of operations, or in the Post 9/11 Global Operations theaters, in various locations during such periods, as determined by the Institute of Medicine.

(4) Collect information on risk factors, such as pesticide and other toxic exposures, to which veterans were exposed while serving during the Persian Gulf War in the Southwest Asia theater of operations or the Post 9/11 Global Operations theaters, or thereafter.

(c) REPORTS.—

(1) INTERIM REPORT.—The contract required by subsection (a) shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, interim progress reports on the study required under subsection (a). Such reports shall not be required to include a description of interim results on the work under the study.

(2) FINAL REPORT.—The contract shall require the Institute of Medicine to submit to the Secretary, and to appropriate committees of Congress, a final report on the study by not later than December 31, 2010. The final report shall include such recommendations for legislative or administrative action as the Institute considers appropriate in light of the results of the study.

(d) FUNDING.—The Secretary shall provide the Institute of Medicine with such funds as are necessary to ensure the timely completion of the study required under subsection (a).

(e) DEFINITIONS.—In this section:

(1) The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Veterans' Affairs of the House of Representatives.

(2) The term ''Persian Gulf War'' has the meaning given that term in section 101(33) of title 38, United States Code.

(3) The term ''Post 9/11 Global Operations theaters'' means Afghanistan, Iraq, or any other theater in which the Global War on Terrorism Expeditionary Medal is awarded for service.

SEC. 807. COMPTROLLER GENERAL REPORT ON ADEQUACY OF DEPENDENCY AND INDEMNITY COMPENSATION TO MAINTAIN SURVIVORS OF VETERANS WHO DIE FROM SERVICE-CONNECTED DISABILITIES.

(a) REPORT REQUIRED.—Not later than 10 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Veterans' Affairs and Appropriations of the Senate and the Committees on Veterans' Affairs and Appropriations of the House of Representatives a report on the adequacy of dependency and indemnity compensation payable under chapter 13 of title 38, United States Code, to surviving spouses and dependents of veterans who die as a result of a service-connected disability in replacing the deceased veteran's income.

(b) ELEMENTS.—The report required by subsection (a) shall include—

(1) a description of the current system for the payment of dependency and indemnity compensation to surviving spouses and dependents described in subsection (a), including a statement of the rates of such compensation so payable;

(2) an assessment of the adequacy of such payments in replacing the deceased veteran's income; and

(3) such recommendations as the Comptroller General considers appropriate in order to improve or enhance the effects of such payments in replacing the deceased veteran's income.

Amend the title so as to read: ''To amend title 38, United States Code, to enhance veterans' insurance and housing benefits, to improve benefits and services for transitioning servicemembers, and for other purposes.''.

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—H.R. 493

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 125, H.R. 493, the Genetic Nondiscrimination Act, on tomorrow, Thursday, April 24, and that when the bill is considered, the only amendment in order be a substitute amendment offered by Senators SNOWE, KENNEDY, and ENZI; that there be a total of 2 hours for debate on the bill and substitute amendment, with the time equally divided and controlled between the leaders or their designees; that upon the use or yielding back of all time, the substitute amendment be agreed to, the bill, as amended, be read a third time, and the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, it has taken a long time to get where we are now. I express my appreciation to Senator KENNEDY and Senator ENZI and others who worked very hard on this. We have said it before, but you can't say it enough: Senator KENNEDY and Senator ENZI have different political philosophies, but there are no two Senators who work better together on the committee than they do. They always act as gentlemen. They work very hard. But for their good work, we would not be where we are on this issue. I extend my appreciation to them and others who worked hard, but especially those two fine Senators.

VETERANS' BENEFITS ENHANCEMENT ACT—Continued

Mr. REID. Madam President, I ask unanimous consent that when the Senate begins consideration of S. 1315 today, the Burr amendment relating to a striking provision be the only amendment in order, other than the committee-reported substitute, the title amendment, and a managers' technical amendment that has been cleared by the managers and leaders; that there be a time limit of 60 minutes for debate with respect to the Burr amendment on tomorrow, Thursday, with the time equally divided and controlled in the

usual form; that upon the use or yielding back of time, the Senate proceed to vote in relation to the Burr amendment; that upon disposition of the Burr amendment and a managers' technical amendment, if cleared, the substitute amendment, as amended, if amended, be agreed to; the bill, as amended, be read a third time, and without further intervening action or debate, the Senate proceed to vote on passage of the bill; that upon passage, the title amendment be agreed to and the motion to reconsider laid upon the table; that upon passage of S. 1315, the Senate then proceed to Calendar No. 125, H.R. 493, and consider it under the parameters of a previous order which was entered a few minutes ago.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Ms. MIKULSKI. Madam President, I ask unanimous consent to speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, reluctantly, I ask the Senator to withhold. We want to lay down the amendment pursuant to the order. The Senator can regain the floor.

Ms. MIKULSKI. I am happy to do that.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

AMENDMENT NO. 4572

Mr. BURR. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR], for himself, Mr. VITTER, Mr. ISAKSON, and Mr. CRAIG, proposes an amendment numbered 4572.

Mr. BURR. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase benefits for disabled U.S. veterans and provide a fair benefit to World War II Filipino Veterans for their service to U.S.)

Strike section 401 and insert the following:

SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

"§ 107. Certain service with Philippine forces deemed to be active service

''(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

''(b) SERVICE DESCRIBED.—Service described in this subsection is service—

''(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

''(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

''(c) DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of $0.50 for each dollar authorized.

''(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

''(d) EXCEPTION ON PENSION AND DEATH PENSION FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—An individual who resides outside the United States shall not, while so residing, be entitled to a pension under subchapter II or III of chapter 15 of this title based on service described in subsection (b).

''(e) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item:

''107. Certain service with Philippine forces deemed to be active service.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to the payment or provision of benefits on or April 1, 2009. No benefits are payable or are required to be provided by reason of such amendment for any period before such date.

(b) PENSION AND DEATH PENSION BENEFIT PROTECTION.—Notwithstanding any other provision of law, a veteran with service described in section 107(b) of title 38, United States Code (as added by subsection (a)), who is receiving benefits under a Federal or federally assisted program as of April 1, 2009, or a survivor of such veteran who is receiving such benefits as that date, may not be required to apply for or receive benefits under chapter 15 of such title if the receipt of such benefits would—

(1) make such veteran or survivor ineligible for any Federal or federally assisted program for which such veteran or survivor qualifies; or

(2) reduce the amount of benefit such veteran or survivor would receive from any Federal or federally assisted program for which such veteran or survivor qualifies.

(c) INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.—

(1) IN GENERAL.—Section 2102 is amended—

(A) in subsection (b)(2), by striking ''$10,000'' and inserting ''$11,000'';

(B) in subsection (d)—

(i) in paragraph (1), by striking ''$50,000'' and inserting ''$55,000''; and

(ii) in paragraph (2), by striking ''$10,000'' and inserting ''$11,000''; and

(C) by adding at the end the following new subsection:

''(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

''(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

''(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

''(3) The Secretary shall establish a residential home cost-of-construction index for the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 1, 2009, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

(d) ANNUAL ADJUSTMENT OF AMOUNT OF BURIAL AND FUNERAL EXPENSES FOR DEATHS FROM SERVICE-CONNECTED DISABILITY.—Section 2307 is amended—

(1) by inserting ''(a)'' before ''In any case''; and

(2) by adding at the end the following new subsection:

''(b) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the amount authorized by subsection (a)(1) by the amount equal to the percentage of such amount by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(e) INCREASE IN ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.—

(1) IN GENERAL.—Section 3902 is amended—

(A) in subsection (a), by striking ''$11,000'' and inserting ''$15,000''; and

(B) by adding at the end the following new subsection:

''(e) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amount described in subsection (a) by a percentage of such amount equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 1, 2009, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

Mr. BURR. Madam President, I will wait until tomorrow during the 1 hour of debate to take up the amendment.

MORNING BUSINESS

Mr. REID. Madam President, I now ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for up to 10 minutes each, and that Senator MIKULSKI be the first to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maryland is recognized.

FAIR PAY RESTORATION ACT

Ms. MIKULSKI. Madam President, I am deeply disappointed about the fact that we did not get the necessary votes to move the Fair Pay Restoration Act forward. We fell three votes short of what we needed to do to get the job done. This fight for equal pay for equal comparable work, however, will go on.

As the senior woman in the Senate, I take the floor tonight to say we will fight on. This was the first step forward. It will not be the only step we will take. But what we will not tolerate is another step backward.

We are going to continue to bring this fight. We will look for opportunities to bring this legislation back to the Senate floor. What is it we want to do? It is to end discrimination against women in their personal paychecks. In order to end that, we need to change the lawbooks so they can experience fairness in their personal checkbook.

This is the year 2008. You would think that in the year 2008, on the 40th anniversary of the passage of so many historic civil rights bills, we would finally have legislation that would guarantee fairness in terms of pay.

So we regret we didn't get the votes, but we will move on. Many people have been mesmerized by the John Adams miniseries. I like John Adams, but I really liked Abigail. While John Adams was down in Philadelphia with Thomas Jefferson, Benjamin Franklin, and a bunch of the other guys writing the Declaration of Independence and laying the groundwork for the Constitution and inventing America, Abigail Adams wrote her husband from the farm—while raising the four children and keeping the family going. She said: As you write those documents, do not forget the ladies, for we will foment a revolution of our own.

I stand here today to say: Do not forget the ladies because we will foment a revolution of our own. I was here in 1992 when we didn't get it on Anita Hill. I am here in 2008 when we didn't get it in pay equity.

In 1992, we had a revolution that went on. We got six new women in the Senate. There are now 16 of us. The majority of us voted for this bill. I am telling you we are ready for an ''Abigail Adams'' effort here. If they don't want to put us in the lawbooks so we can have fairness in the checkbooks, we will do a revolution. What do I mean by that? We will take it out to the voting booths. We will go on the Internet. We are going to go on TV, on the blogs. And we are going to tell everybody about this ignominious vote that occurred. When we tell it, we are going to say: Call to arms, women of America, put your lipstick on, square your shoulders, suit up, we have a hell of a fight coming, but, boy, are we ready. The revolution starts tonight.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIPINO VETERANS

Mr. SALAZAR. Madam President, I come to the floor this afternoon to speak again on behalf of S. 1315, the Veterans' Benefits Enhancement Act.

At the outset, I wish to commend Senator AKAKA for his leadership in the Committee on Veterans' Affairs, as well as the ranking member, Senator BURR, for having brought together a package, which is a good one, which is now on the floor of the Senate. I hope our colleagues come together tomorrow to pass this important legislation for the veterans of America.

The bill expands eligibility for traumatic injury insurance; extends eligibility for specially adapted housing benefits for veterans with severe burns; increases benefits for veterans pursuing apprenticeships or on-job training programs; and a whole host of other benefits that are needed for the veterans of America. It is especially crucial at this time because of the fact that we have so many returning veterans from Operation Iraqi Freedom and Operation Enduring Freedom.

This is legislation that will help not only those veterans but the 25 million veterans we have here in America. I am proud to be a cosponsor of this legislation. I urge my colleagues to fully support it.

The issue of debate, which has, frankly, kept this legislation from receiving a unanimous consent vote in the Senate has been the issue of the treatment for veterans benefits of the Filipino warriors from World War II. I wish to remind our colleagues there were 470,000 Filipino veterans that volunteered and served to preserve the freedoms of the world during World War II; that approximately 200,000 of them were with the Philippine Commonwealth Army, with the Philippine Army Air Corps, and the Philippine Army Offshore Patrol.

Today, there are about 18,000 of those warriors who now live in the United States of America. In my view, we cannot forget the sacrifices these Filipino warriors made as they fought side by side with American troops in World War II. They constituted the vast majority of the 80,000 soldiers who defended the Bataan Peninsula during the Japanese invasion. They constituted the vast majority of the soldiers who were forced on the Bataan Death March. The provisions in this legislation that deal with the benefits for Filipino veterans—and most of them are in their late seventies and eighties—are provisions we should support in the Senate.

I ask unanimous consent to have printed in the RECORD the order from President Franklin Roosevelt, dated July 26, 1941, concerning his order placing the Philippine Army under the control of the United States Department of Defense.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE PUBLIC PAPERS AND ADDRESSES OF FRANKLIN D. ROOSEVELT

Military Order Placing Land and Sea Forces of Philippines Under United States Commands, July 26, 1941

Under and by virtue of the authority vested in me by the Constitution of the United States, by section 2(a)(12) of the Philippine Independence Act of March 24, 1934 (48 Stat. 457), and by the corresponding provision of the Ordinance appended to the Constitution of the Commonwealth of the Philippines, and as Commander in Chief of the Army and Navy of the United States, I hereby call and order into the service of the armed forces of the United States for the period of the existing emergency, and place under the command of a General Officer, United States Army, to be designated by the Secretary of War from time to time, all of the organized military forces of the Government of the Commonwealth of the Philippines: *Provided*, that all naval components thereof shall be placed under the command of the Commandant of the Sixteenth Naval District, United States Navy.

This order shall take effect with relation to all units and personnel of the organized military forces of the Government of the Commonwealth of the Philippines, from and after the dates and hours, respectively, indicated in orders to be issued from time to time by the General Officer, United States Army, designated by the Secretary of War.

Mr. SALAZAR. Madam President, in that statement and order by President Roosevelt, this is what he said, on July 26, 1941:

Under and by virtue of the authority vested in me by the Constitution of the United States, [by the corresponding laws concerning the Constitution] . . . of the Commonwealth of the Philippines, and as Commander in Chief of the Army and the Navy of the United States, I hereby call and order into the service of the Armed Forces of the United States for the period of the existing emergency, and place under the command of a General Officer, United States Army . . . all of the organized military forces of the Government of the Commonwealth of the Philippines . . .

This order shall take effect with relation to all units and personnel of the organized military forces of the Government of the Commonwealth of the Philippines. . . .

By this order, President Roosevelt harnessed the men and women of the Philippines, who served in the Armed Forces and helped our forces during

that great conflict, to be part of our warrior force that defended and preserved the freedoms of America during that great world war.

So I honor and I appreciate the leadership of Senator AKAKA and Senator INOUYE and Senator STEVENS, who have come to the floor and have spoken, from their unique historical perspective, about this being a matter of justice for the Filipino veterans who so helped secure the place of America across the world as a beacon of hope and freedom for generations to come.

I think we, as a Senate body, can do no less than to honor the sacrifice of these great veterans—part of the greatest generation—by making sure we adopt the provisions of this bill as they have been presented by Senator AKAKA in his bill.

Mr. CARDIN. Madam President, I speak today in support of S. 1315, the Veterans' Benefits Enhancement Act of 2007.

Our service men and women as well as their families make enormous sacrifices for our freedom. In return, Congress has an obligation to spend the money and create the programs necessary to provide quality, comprehensive health care services, mental health counseling, disability compensation, pay increases, better education benefits, and more. That responsibility grows daily with so many of our troops fighting overseas.

I am proud of what this Congress has accomplished to date. We passed a Defense authorization bill that will enhance wounded soldiers' health care and rehabilitation benefits as well as streamline the physical evaluation process. Last year, this Congress provided the largest increase in veterans' spending in this country's history. This February, the Senate passed and President Bush signed the economic stimulus package that would provide stimulus checks to more than 250,000 disabled veterans and to the survivors of disabled veterans. We passed a housing stimulus package on April 10 that had several benefits for veterans including increased limits on the VA Home Loan program and authorization for the VA to provide increased adapted housing grants to disabled veterans.

As a member of the Budget Committee, I am happy to report that this year's budget puts us on track to provide our veterans adequate support in the coming fiscal year. The resolution would provide $48.2 billion to help ensure that the Veterans Health Administration within the Department of Veterans Affairs can provide the highest quality care for all veterans.

But our work is far from done. S. 1315 contains several critical benefits improvements to ensure that veterans young and old have what they need to provide for their families and lead full, productive lives. Provisions in S. 1315 would improve life insurance programs for disabled veterans, expand the traumatic injury protection program for active duty servicemembers, extend for 2 years the monthly educational assistance allowance for apprenticeship or other on-the-job training, and provide individuals with severe burns specially adapted housing benefits. These are important benefits and services that mean a great deal to the nearly 500,000 veterans living in Maryland and to veterans around this country.

But, for 8 months now, members of the minority party have kept the Senate from even debating S. 1315 because they oppose a provision in the bill that would extend certain VA benefits to elderly Filipino veterans, residing in the Philippines, who fought alongside U.S. troops during World War II. Drafted by our Government, hundreds of thousands of Filipino soldiers served with honor in some of the most dire circumstances of the war. These Filipino veterans were promised veterans' status and were even considered United States veterans until that status was taken from them by Congress in 1946. Restoration of that status rights a wrong committed decades ago. And it is a correction we don't have many more years to make. We should grant these former soldiers full status and the limited pension rights contained in this bill so that they can live out their remaining years in dignity and peace.

I know that some Senators may disagree with me on this issue. That is their right. But I regret that they have made it so hard for us to consider this important bill. I hope the Senate will be able to vote on final passage soon. We owe that much and so much more to this Nation's veterans.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Wyoming is recognized.

EQUAL PAY

Mr. ENZI. A few minutes ago, we concluded the vote on H.R. 2831 that came after a very short debate. It was a clever use of the rules by the majority, I have to hand them that. There is a requirement that there can be only 1 hour of debate before the cloture vote. So we didn't have any session today until 5 p.m. The Senate was closed. That is an interesting way to limit debate. As I noted in my earlier remarks, the bill we voted on also didn't come to committee and follow the regular order.

I am very proud of the fact that Senator KENNEDY and I are able to work out a lot of things on a lot of bills. In fact, I think we hold the record for major bill passage. The way we were able to do that is to work in a very bipartisan way. We have worked out difficulties and sometimes we have compromised and sometimes we have left things out so things could get done. On this bill, we never had that opportunity. We never had that courtesy. We never got to debate this for 1 minute in committee mark-up, let alone on the floor.

The debate was kind of fascinating to listen to because there is equal pay, which all of us are in favor of; and there is the pay gap, which all of us want to close. But the discussion ranged between the two, making them sound like they were the same thing. I want people to be clear that they are not. When we talk about women as a whole in the United States getting 23 cents per hour less than men do, we are not talking about equal pay for equal jobs; we are talking about pay for jobs that are not equal. We have held some hearings in our committee on this, and they have been very enlightening. If a person takes what is considered a traditional job—if a woman takes a traditional job—the jobs don't pay very well. If a woman takes a nontraditional job, they pay very well, just like the men who are doing that job. But they are not traditional jobs for women. Somehow, we have to move women from those traditional jobs, where there is overemployment, to some of the nontraditional jobs where there is underemployment.

One of the fascinating people who spoke at our committee was a young lady who became a mason. She puts rocks on buildings, and she was proud of the work she does, and she should be. She started out paving, then later adding some marble steps, then adding pieces to buildings, and then doing high-altitude work. And I want to tell you, she makes more than I do because she does something different than most people do, and it pays well.

We have this thing in America where we say there is this kind of job, and these are the people who ought to take those; and there are these other jobs, and you are probably not qualified for those. Well, when does that qualification happen? Throughout life. We have to be training people and encouraging people to do better things.

In order to encourage that kind of training we had the America COMPETES Act which we passed last year. It puts an emphasis on science, technology, engineering and math so that people can become doctors and engineers, and other high-paying jobs. We ought to get more people into these fields, but what we are getting now is fewer and fewer people into them. We are facing a shortage in those fields, except for the fact that we can bring people in from other countries who can do those because they are turning out a lot of people with the necessary skills.

I have asked the reason for that, and the answer is that they do some things we are never going to do in this country. I went to India recently and learned a lot about their education system. They promise that every kid gets an education through sixth grade, but they do not follow that promise. Only 20 percent of the girls get an education at all. They also have this little review at fourth grade to see if people are interested in education, and if they determine that you aren't they kick you out of school. Now, that is before sixth grade. That is fourth grade. They kick them out of school. Those people will

make $1 a day for the rest of their lives. At sixth grade, they have another purge and even more people are kicked out of school. We would never stand for that. Those people will make $2 a day the rest of their lives. Now, in most of the world, poverty is $1 a day, so they are above the poverty line, although they wouldn't be in the United States. So India only lets 7 percent of the kids go to college—just 7 percent. Again, we would never stand for that. We keep trying to figure out how to get more and more people into post-high school education, and that includes career and vocational education. And we need to do that. But in India, part of people's incentive to get into science, technology, engineering, and math is that those are the jobs that pay well. One person in India told me: We don't have professional sports teams, so there aren't any kids out there who are bouncing a basketball or throwing a pass or doing any of the other things that a lot of American kids are doing and thinking they are going to get to go pro. Some American kids think they are going to go pro and think they will make about $18 million a year. It is not going to happen for most of them.

I really appreciate the NCAA's ads running now that show a whole bunch of people in different professional sports, and they say there are 380,000 young people who are in college sports, and every one of them will go pro but not in their sport. That is the important line on it: not in their sport.

Somehow, we have to get more people involved in the sciences so they have the basic knowledge in grade school, which will allow them to excel in high school, which will allow them to do well in college and then allow them to get into the higher paying jobs. Men and women have equal talent in all of those areas. What we have to do is encourage that equal talent equally.

I have been trying to get the Workforce Investment Act through here, and I have gotten it through the Senate twice unanimously, but there hasn't been a willingness to go to conference committee with the House. I asked why, and I was told: Well, we are afraid of where the conference committee might go. There is no reason for that fear right now because the same people who were afraid of where it might go would be in charge of the conference committee now. If they are in charge of it, they could make sure it doesn't go anywhere they do not want it to go.

If we can pass that bill, it will provide the flexibility that will allow 900,000 people a year to train for higher skilled jobs. For many women, that will narrow the pay gap. They can go into other kinds of jobs that they may have been precluded by other events in their lives from ever getting into. If we want to narrow the wage gap, there are a number of ways to do that, but it means we have to get women into areas they haven't been traditionally working in before. That is the best solution to the wage gap argument.

Part of the difficulty in passing a bill around here is having a chance to work on the bill. The bill that came before us earlier today passed the House after being allowed only one hour of debate. Using their rules, the majority made sure no one was allowed to amend it. Now, it comes over here and bypasses the committee. The way we usually work a bill is for the chairman of the committee and the ranking member, Senator KENNEDY and myself, to sit down and list out some principles that we have to check with the rest of the committee to see if they match the problem we are trying to solve. After we have those principles, we plug in details and see if we have the details right. Then we call in the stakeholders, which is really anybody interested in that issue, and we see if they agree with it.

We have found that when we can get agreements with the people on the committee and the stakeholders, we have the answer right. And most people in this body agree we have it right because most of the bills that get worked out this way get passed unanimously. A long debate for a bill that comes out of our committee is probably 2 hours.

We are going to have one of those tomorrow. It will be genetic nondiscrimination, a very important bill which, first of all, allows people to take advantage of the Genome Project. For example, if you are having your blood checked you can find out your genetic framework, which can tell you things that could happen to you in the future. And if you know they could happen to you in the future, you can take actions to keep them from ever happening.

This bill requires that if you have a genetic marker indicating that something could happen to you, your insurer is not allowed to make it a preexisting condition and your employer is not allowed to fire you over it. The bill will offer real protection that can ultimately help people live healthier longer.

The Genetic Non-Discrimination bill went through the whole process that I have described. It has even been preconferenced with the House side. So we are pretty sure that once it finishes here it will go right over to the House and the House will take care of it too. That doesn't mean we left the House and the House committee out of the process. We let them into the process. We let them into the process early so that everybody would know what was happening. But that hasn't been the case on H.R. 2831.

I am disappointed that there wasn't the need, the courage, the desire to see what the principles are on this issue and see if we could actually solve the problem. We can build a good case for equal employment because we have always voted for equal employment. We will all vote for equal employment. We all want to close the pay gap. That is a bit tougher to do, but we can do it if we work together. If we don't work together and use issues like this to score political points, it will be like so many bills that come over here and get debated for long periods of time and nothing ever happens to address the issue. The most productive place to address tough issues is the committee. In the committee, you can have a couple of people interested in one part of the issue go off by themselves and come up with a solution. Quite often, it isn't the polarized one the Republicans have or the polarized one the Democrats had. What it becomes is the third way, and that eliminates the clash of the two polarized sides.

There are so many things around here that have been debated so long that if you mention a term from that issue, you get instant rebellion from both sides. I have watched that so many times, people hear a word and jump into the weeds arguing about the broader application of that word and keeping the discussion from actually getting to the principle that is trying to be solved.

So there is a way to get these bills done, but it isn't through ''gotcha'' politics. It isn't by just bringing things here without consulting the other side to see if there are any small corrections or maybe even big corrections that can be made. And, as I said before, I happen to be disappointed that after all the cooperation we have had in the committee on other difficult issues, that there wasn't even an opportunity for cooperation in the committee on this one.

I believe there are some solutions out there, but they are not going to be arrived at on the floor of the Senate. What happens here on the floor is that both sides bring a series of amendments that we think will put the other side in a bad light if they vote against it. It isn't just one side that will do it, both sides will do it. So we need to have a little more civil way of solving this problem, and I have confidence it can be done.

I thank the Chair, and I yield the floor.

COCONUT ROAD INVESTIGATION

Mr. KYL. Mr. President, I rise today to comment on the competing Coburn and Boxer amendments that were offered last Thursday to the highway technical corrections bill. I voted in favor of the Coburn amendment. That amendment would establish a bipartisan, bicameral committee of Congress to investigate the circumstances surrounding the changes that were made to the provisions of the 2005 highway bill relating to the Coconut Road project between the time that the bill passed the House and Senate and the time that it was enrolled.

However, I voted against the Boxer amendment, which purports to command the Justice Department to commence a criminal investigation of this same matter. Whether to initiate a criminal investigation is a decision

that our Constitution vests exclusively in the executive branch. It is not a decision that the Constitution allows to be made through legislative enactments. Although the Boxer amendment's mandate to the executive was modified to state that the criminal investigation shall only commence ''under applicable standards and procedures,'' this change does not cure the amendment's constitutional infirmity. There are no ''applicable standards and procedures'' for a legislative mandate to the executive to initiate a criminal investigation. Whether to initiate such an investigation is a matter of prosecutorial discretion and is a decision entrusted firmly and solely to the executive branch. To the extent that the Boxer amendment purports to commandeer this function, it is a dead letter and will surely be ignored as unconstitutional legislative interference in an executive function.

I would finally note that by insisting on replacing Senator COBURN's amendment with a me-too amendment of their own, the Democratic majority has undercut the likelihood that there will be any investigation of the Coconut Road matter. Senator COBURN's proposal to create a committee of Congress to investigate this matter was perfectly constitutional and would have gotten to the bottom of this issue. The Boxer amendment is an unconstitutional nullity. And even if that amendment weren't unconstitutional, or if the Justice Department undertook an investigation of this affair on its own initiative, such an investigation would only answer whether a Federal crime has been committed. Congress and the people deserve to know the circumstances and potential ethical violations raised by this matter regardless of whether a criminal offense occurred.

I regret that the Coburn amendment was not adopted and was replaced by the Boxer amendment. By taking these actions, the Senate has crossed a constitutional line and has reduced the likelihood that the underlying matter will be adequately investigated.

ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, I take this opportunity today to solemnly observe the 93rd anniversary of the Armenian Genocide.

The Armenian genocide was the first genocide of the 20th century. From 1915 until 1923, 1.5 million Armenians were brutally killed by the Ottoman Turks in a systematic effort to eradicate the Armenian people. There were unbearable acts of torture; men were separated from their families and murdered; women and children were put on a forced march across the Syrian desert without food or water.

Henry Morgenthau, the U.S. Ambassador to the Ottoman Empire from 1913 to 1916, recalled:

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact . . . I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

Tragically, 1915 was just the beginning. We saw the horrors of genocide in World War II when Jews were subjected to systematic extermination at the hands of Adolf Hitler and his followers. Indeed, Hitler remarked at the outset of this unbridled evil, ''Who, after all, speaks today of the annihilation of the Armenians?'' Unfortunately, the phrase ''never again'' turned out to be a hollow slogan. In the later half of the last century, countries like Cambodia and Rwanda were ravaged while the world was silent. And even now, in this new century, Darfur is the latest place to experience such brutality and inhumanity as the world stands idly by, either incapable or unwilling to do what is necessary to stop the devastation and murder.

Today, the Turkish Government denies what happened in the dying days of the Ottoman Empire and thus this scar on history cannot be healed until history is accurately spoken, written, and recalled. These are lessons that must be told and repeated to each and every generation.

In order for democracy and human rights to flourish, we must not support efforts to rewrite and deny history. In the United States, we strive to make human rights a fundamental component of our democracy. It is long overdue for our Nation to demand that the truth be told. We must recognize the Armenian genocide in the name of democracy, fairness, and human rights.

To that end, I am proud to be an original cosponsor of Senator RICHARD DURBIN's S. Res. 106, calling on the President to accurately characterize the Armenian Genocide in his annual message around April 24 and to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

It is important that we recognize the Armenian Genocide while its survivors are still with us to tell their stories. We must recognize the genocide for the survivors. We must recognize the genocide because it's the right thing to do. We must recognize the Armenian Genocide to help shed light on the darkness and move toward a more humane world.

ADDITIONAL STATEMENTS

TRIBUTE TO ROY E. JUNE

• Mr. BAUCUS. Mr. President, I wish to recognize a distinguished and decorated World War II U.S. Army Air Corps veteran from my home State of Montana. Born in the small, humble town of Forsyth, 1LT Roy E. June comes as an inspiration to those who wish to lead a life of service to their country and their communities.

From the tragedy of Pearl Harbor on December 7, 1941, came America's greatest generation responding to the certain urgency of that era. Like many young men of that generation, Roy and his buddies enlisted in the Armed Forces to defend their country and to advance the just cause of freedom. In the U.S. Army Air Corps, Roy's bravery and skills as a fighter pilot set him above the rest. As a P–51 Mustang fighter pilot, Roy escorted B–29 bombers to Japan, strafed and dive-bombed strategic military installations on Chi Chi Jima. For his heroism in the Pacific Theater, Roy earned an Air Medal with Oak Leaf Cluster and the Distinguished Flying Cross. His 15th Fighter Group, the 47th Fighter Squadron was awarded a Distinguished Unit Citation.

A fellow returning from Hawaii brought news about the end of the war. ''Atomic Bomb Dropped On Japan'' read the headline of the Honolulu Daily Advertiser. After 11 missions over Japan and more than 500 combat hours in the P–51s, Roy returned home to Missoula in January 1946.

Having grown up in the great State of Montana, Roy could recall many fond memories from his youth in his hometown of Forsyth. Roy was a Boy Scout and played center on the high school football team. Summers meant Huck Finn adventures and odd jobs; winters, though harsh, saw skating parties on the Yellowstone and ice hockey using sticks and tin cans. Before he joined the Air Corps, Roy studied engineering at the Montana State College in Bozeman.

And like all Montanans who believe a good education is a lifelong process, Roy went back to school after his return from war. With degrees in journalism and business administration from the University of Montana in Missoula, Roy entered law school in 1949. There he met his wife Laura Jane Brautigam, also a native of Montana.

Receiving his law degree in 1952, Roy went on to practice law in Helena where he helped to draft bills for State senators during the 1953 session. In Billings, he became an associate in the law firm of Sanders, Cresap and Koch representing groups such as the National Beef Council and the National Livestock Auction Markets. A few years later, Roy moved to California to serve as the city attorney for Costa Mesa. He took with him the spirit of Montana generosity and incorporated several nonprofit companies pro bono as his contribution to his community.

Even after his retirement in December 1996, Roy continues to give back to his community by volunteering at the Palm Springs Air Museum. Armed with firsthand knowledge of World War II aviation and the conflicts in the Pacific Theater, Roy shares his vivid

experience with all, much to the delight of visitors, young and old.

Mr. President, 1LT Roy June is a testament to the Montana spirit. We believe in courage, sacrifice, and service. From Montana to the Japanese Islands of Iwo Jima and Chi Chi Jima, wherever Roy was, he put up his best for his community and more importantly, his country. My fellow Montanans and I are extremely proud of Roy and his contributions to our State and Nation. A son of Montana from America's greatest generation, Roy reminds all of us that commitment and service to this country never end.●

COMMEMORATION OF THE ARMY RESERVE CENTENNIAL

● Mr. BINGAMAN. Mr. President, today I join the citizens of New Mexico and the United States in celebrating the 100th anniversary of the United States Army Reserve. In 1916 Congress passed the National Defense Act, creating the Officers' Reserve Corps, later named the Organized Reserve Corps, all of which are forerunners of the current Army Reserve.

The Army Reserve has been an integral part of numerous conflicts. In both World Wars, Army Reserve soldiers answered the call of duty. In World War I, 89,500 reserve officers were mobilized and during World War II, 200,000 members of the Organized Reserve Corps served, with reserve officers providing 29 percent of the Army's officers. More than 70 Army Reserve units were deployed to the Korean Peninsula providing combat support and combat service. Army Reserve members have also participated in Operation Desert Shield/Storm, Somalia, Haiti, Bosnia, Kosovo, Operation Enduring Freedom, and Operation Iraqi Freedom.

The Army Reserve mission has changed over time. Today, the Army Reserve has partnered with FEMA, State, and local agencies in defending the American homeland against terrorist attacks, providing resources and training to ''first responder'' organizations across the Nation.

New Mexico started deploying Army Reserve soldiers after September 11, 2001; in fact, as early as December 2001, in support of Operation Enduring Freedom, OEF. New Mexico Army Reserve soldiers are currently deployed in Operation Iraqi Freedom, OIF. Over 50 percent of New Mexico's Army Reserve force have deployed in support of both campaigns.

Once again I would like to congratulate the Army Reserve on their centennial. I wish them continued success as they help protect our Nation.●

TRIBUTE TO DR. MICHAEL DEBAKEY

● Mr. CORNYN. Mr. President, today I wish to acknowledge the accomplishments of a Texan—Dr. Michael DeBakey—who changed the world. I am proud we are honoring Dr. DeBakey with the Congressional Gold Medal.

Dr. DeBakey's accomplishments are legendary. His lifelong commitment to the medical field and helping others has impacted the lives of countless Texans and, indeed, people around the world.

Dr. DeBakey, now 99 years old, is the son of Lebanese immigrants. He was born and educated in Louisiana, but has been a Texan for nearly 60 years. His accomplishments as a researcher, surgeon, and teacher have impacted the entire world, and may never be duplicated.

As Dr. DeBakey once said: ''I take pride in the outstanding surgeons I've trained who have returned to their homes throughout the world to provide the best available health care for their patients.''

He is especially recognized for his revolutionary contributions to cardiovascular medicine. Including two important inventions, the roller pump—an essential component of the heart-lung machine—and the DeBakey Ventricular Assist Device, an apparatus implanted into the heart to increase blood flow. Dr. DeBakey also designed countless medical devices now considered basic tools, such as specialty clamps, and wrote the book on numerous surgical procedures that have become standard practice in the operating room.

Dr. DeBakey was an innovator from the start of his medical career. During World War II, he helped develop the concept of the Mobile Army Surgical Hospital M.A.S.H. units, a concept that saved thousands of lives during the Korean and Vietnam wars. Dr. DeBakey later helped create a medical and surgical center system for the Veterans Administration and improved the care of thousands of returning service personnel.

But Dr. DeBakey will always be best known as a pioneer in cardiovascular surgery. He became head of surgery at the Baylor University College of Medicine in Houston in 1948, and helped lead the Texas Medical Center to the position of international prominence it enjoys today.

He was one of the first surgeons to undertake coronary artery bypass surgery. And the first to successfully perform a carotid endarterectomy. And although generations have passed, his medical students, inspired by his example, have made countless additional breakthroughs.

In 1996, Russian President Boris Yeltsin had a heart attack during his re-election campaign. His doctors told him he could not survive surgery. But Yeltsin called in Dr. DeBakey for a consultation and later asked him to oversee his coronary bypass, which proved successful. It was a tacit acknowledgment of U.S. medical leadership and Dr. DeBakey's international reputation.

Dr. DeBakey's worldwide fame has even translated into a few humorous medical anecdotes. It seems that an auto mechanic, working on a car, good-naturedly compared his job to DeBakey's: ''I also take valves out, grind them and put in new parts. So how come you get the big bucks?''

According to the tale, Dr. DeBakey quietly replied, ''Yes, but I do it with the engine running.''

On the last day of 2005, a sharp pain in his upper torso told Dr. DeBakey he was suffering an aortic aneurysm—the very condition that his research had addressed years before. Initially, Dr. DeBakey chose to wait out the situation in hopes that it would heal itself.

It didn't. After a 7-hour surgery and 9 months of touch-and-go recuperation, Dr. DeBakey went back to work.

Over the years, as he helped establish Houston as an internationally known center of medical excellence, Dr. DeBakey would always be best remembered for the broader humanitarian aspects of his work. He dedicated countless hours to advising developing nations, and training doctors and medical authorities to establish stronger and more efficient health care systems.

Dr. DeBakey has been honored by a multitude of organizations, governments and medical institutions. He has received the Library of Congress Living Legends Award, the American Heart Association Gold Heart Award, the National Medal of Science and the Presidential Medal of Freedom, to name a few. Today, Dr. DeBakey will be awarded the Congressional Gold Medal—the highest civilian award Congress can bestow.

Dr. Michael DeBakey has helped millions of people to live longer and more productive lives. He is a Texan who has helped change the world, and a Texan worthy of this honor.●

TRIBUTE TO LOUISIANA WORLD WAR II VETERANS

● Ms. LANDRIEU. Mr. President, I am proud to honor a group of 99 World War II veterans from Louisiana who are traveling to Washington, DC, this weekend to visit the various memorials and monuments that recognize the sacrifices of our Nation's invaluable servicemembers.

Louisiana HonorAir, a group based in Lafayette, LA, is sponsoring this Saturday's trip to the Nation's Capital. The organization is honoring each surviving World War II Louisiana veteran by giving them an opportunity to see the memorials dedicated to their service. On this trip, the veterans will visit the World War II, Korea, Vietnam, and Iwo Jima memorials. They will also travel to Arlington National Cemetery to lay a wreath on the Tomb of the Unknowns.

This is the seventh flight Louisiana HonorAir has made to Washington, DC, and there will be two additional flights this spring.

World War II was one of America's greatest triumphs, but was also a conflict rife with individual sacrifice and tragedy. More than 60 million people

worldwide were killed, including 40 million civilians, and more than 400,000 American servicemembers were slain during the long war. The ultimate victory over enemies in the Pacific and in Europe is a testament to the valor of American soldiers, sailors, airmen, and marines. The years 1941 to 1945 also witnessed an unprecedented mobilization of domestic industry, which supplied our military on two distant fronts.

In Louisiana, there remain today more than 40,000 living WWII veterans, and each one has a heroic tale of achieving the noble victory of freedom over tyranny. Veterans in this HonorAir group began their service in 1938, before the bombing of Pearl Harbor, and served in the European and Pacific theaters, as well as stateside. Some members of this group served as late as 1970. They served in various branches of the military—28 members in the Army; 18 in the Army Air Corps; 37 in the Navy, including three SeaBees; three in the Naval Reserves; eight in the Marines; one in the Merchant Marines; and four nurses from various branches.

Several of our heroes fought at Iwo Jima and others at Guadalcanal. Many of these veterans earned Purple Hearts, Bronze Star Medals, and Silver Stars. Some participated in the Battle of the Bulge and the D–day invasion of France at Omaha Beach. Others defended the Atlantic, Pacific, and Asiatic-Pacific Seas. As a soldier with the Army 1st Calvary Division, one of our heroes was part of the liberation of Santo Tomas Prison Camp in Manila.

I ask the Senate to join me in honoring these 99 veterans, all Louisiana heroes, that we welcome to Washington this weekend and Louisiana HonorAir for making these trips a reality.●

SMALL BUSINESS WEEK

● Mr. REED. Mr. President, this week we celebrate the 45th annual Small Business Week organized by the U.S. Small Business Administration. I would like to recognize the accomplishments of a small business owner who is a leader in his field and a contributor to Rhode Island's vital hospitality and tourism industry.

Today, the SBA will present the 2008 National Jeffrey H. Butland Family-Owned Business of the Year award to Robert Antignano of Angelo's Civita Farnese in Providence. This national award, which will go to a Rhode Islander for the first time, honors a family owned and operated business that has passed from one generation to another.

Angelo's Restaurant opened in 1924 and has become a landmark on Providence's Federal Hill as the State's longest operating family-owned restaurant. The founder and namesake of the restaurant, Angelo Mastrodicasa, envisioned a place where the working people of the neighborhood could find good food at affordable prices. Mr. Antignano, who is the third generation of his family to run the restaurant, has continued to pursue this mission with great success. Since assuming ownership of Angelo's in 1988, Mr. Antignano has tripled the number of employees and increased revenues by more than 300 percent.

From Hollywood stars, New England sports legends, and national political figures to the family who comes in for Sunday dinner, Angelo's is the backdrop for so many memorable occasions. This restaurant is more than a place to eat; it is a slice of Americana where people from all walks of life sit elbow to elbow at the same white marble tables their grandparents and other family members may have shared over the years. The Butland award recognizes Angelo's legacy and its prominent place in our hearts.

I am proud of Mr. Antignano, his hard-working, committed staff, and all small business owners in Rhode Island, who together form an essential part of Rhode Island's economy. According to the SBA, small businesses comprise 96 percent of all businesses in the State. Time and again, small businesses, by virtue of their size, have proven their ability to be innovative and flexible, meeting emerging needs for new products and services and improving on those that already exist.

Once again, I congratulate Mr. Antignano and his family on their success and wish them many more generations of good customers, food, and spirits.●

COMMENDING MORRISON CHEVROLET

● Ms. SNOWE. Mr. President, today during National Small Business Week I wish to commend a local auto dealership from Downeast Maine that recently won the Top Drawer Award from the Ellsworth Area Chamber of Commerce. Morrison Chevrolet of Ellsworth has been selling automobiles in Hancock County for nearly 80 years, and it shows no signs of slowing down.

The Top Drawer Award is presented annually to either a business or person that makes a lasting contribution to the development and improvement of the greater Ellsworth region. The award was founded in 1980 to commemorate the late Tom Caruso, who established Bar Harbor Airlines to ''Link Maine With The World.'' It is clear that, through Morrison's solid and intelligent commitment to the customer and the community, it is highly worthy of this recognition.

Founded in 1930 by the present co-owner Bud Morrison's grandfather, Harry, Morrison Chevrolet began its storied history in Winter Harbor, about 25 miles east of its present location. The dealership has moved over time first to Bar Harbor and then to several locations in Ellsworth, finally settling on a new 23,000-square-foot facility on Route 1 in Ellsworth in 2005. Although it may have relocated, the company has always been owned and run by a member of the Morrison family. Morrison Chevrolet has always stayed on the cutting edge, positioning itself to best survive in a competitive industry.

To keep current in providing the best possible service to their customers, Morrison's technicians attend training and certification classes, frequently via the Internet. Workers often use the company's conference room to link in to classes online. Morrison's also makes use of technology to augment its sales by continually increasing its Internet advertising. In fact, Mr. Morrison says that roughly one-third of his sales leads come from the Internet, and the firm ships cars—even Corvettes—across the country. Additionally, the dealership's Web site is a handy tool for the consumer, allowing clients to search available new and used automobiles, schedule service and maintenance requests, prequalify for purchasing a car, and calculate whether it is wiser for them to buy or lease a vehicle.

In addition to providing their customers with convenient options and caring service, Morrison's employees always find time for community involvement. Dave Keep, the used car sales manager, serves as an officer of the Ellsworth Masons, and P.J. Davis, who works in the sales department, is a member of the chamber of commerce's board. And Morrison's general manager Clyde Lewis is a member of the board of directors of the James Russell Wiggins Downeast Family YMCA, which has been assisting Ellsworth area families since 1961.

A staple of the local business scene for decades, Morrison Chevrolet is most deserving of the immense honor of the Top Drawer Award. By serving the customer and the community at the same time, Morrison's 47 employees exhibit the generosity and kindness of Downeast Mainers. Furthermore, by continuing to innovate its business practices, Morrison Chevrolet is well-positioned for future success and additional accolades. I commend Bud Morrison and everyone at Morrison Chevrolet for their accomplishments and wish them well in their continuing endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 5:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 831. An act to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska.

H.R. 3513. An act to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes.

H.R. 3734. An act to rename the Snake River Birds of Prey National conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

H.R. 5151. An act to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 323. Concurrent resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5151. An act to designate as wilderness additional National Forest System lands in the Monongahela National Forest in the State of West Virginia, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 831. An act to provide for the conveyance of certain Forest Service land to the city of Coffman Cove, Alaska.

H.R. 3513. An act to amend the Oregon Wilderness Act of 1984 to designate the Copper Salmon Wilderness and to amend the Wild and Scenic Rivers Act to designate segments of the North and South Forks of the Elk River in the State of Oregon as wild or scenic rivers, and for other purposes.

H.R. 3734. An act to rename the Snake River Birds of Prey National Conservation Area in the State of Idaho as the Morley Nelson Snake River Birds of Prey National Conservation Area in honor of the late Morley Nelson, an international authority on birds of prey, who was instrumental in the establishment of this National Conservation Area, and for other purposes.

The following concurrent resolution was read, and placed on the calendar:

H. Con. Res. 323. Concurrent resolution expressing Congressional support for the goals and ideals of National Health Care Decisions Day.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 494. A resolution expressing the sense of the Senate on the need for Iraq's neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 523. A resolution expressing the strong support of the Senate for the declaration of the North Atlantic Treaty Organization at the Bucharest Summit that Ukraine and Georgia will become members of the alliance.

S. Con. Res. 74. A concurrent resolution honoring the Prime Minister of Ireland, Bertie Ahern, for his service to the people of Ireland and to the world and welcoming the Prime Minister to the United States.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SPECTER:

S. 2901. A bill to encourage residential mortgage loan modifications and workout plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 2902. A bill to ensure the independent operation of the Office of Advocacy of the Small Business Administration, ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself and Mr. CASEY):

S. Res. 529. A resolution commemorating the 110th anniversary of the founding of the Greater Philadelphia Association of Realtors; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 351

At the request of Mr. VITTER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 351, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 400

At the request of Mr. SUNUNU, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 400, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to ensure that dependent students who take a medically necessary leave of absence do not lose health insurance coverage, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 582

At the request of Mr. SMITH, the names of the Senator from Alaska (Mr. STEVENS) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 605

At the request of Ms. CANTWELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 605, a bill to amend the Public Health Service Act to promote and improve the allied health professions.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 678

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 678, a bill to amend title 49, United States Code, to ensure air passengers have access to necessary services while on a grounded air carrier and are not unnecessarily held on a grounded air carrier before or after a flight, and for other purposes.

S. 771

At the request of Mr. HARKIN, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of ''food of minimal nutritional value'' to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 911

At the request of Mr. REED, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments

and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 989

At the request of Mrs. LINCOLN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 989, a bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries in rural areas to health care providers under the Medicare program, and for other purposes.

S. 1675

At the request of Ms. CANTWELL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1675, a bill to implement the recommendations of the Federal Communications Commission report to the Congress regarding low-power FM service.

S. 1694

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 1694, a bill to authorize resources for sustained research and analysis to address colony collapse disorder and the decline of North American pollinators.

S. 1760

At the request of Mr. BROWN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1760, a bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

S. 1924

At the request of Mr. CARPER, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1924, a bill to amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

S. 2069

At the request of Mr. DURBIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2314

At the request of Mr. SALAZAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2314, a bill to amend the Internal Revenue Code of 1986 to make geothermal heat pump systems eligible for the energy credit and the residential energy efficient property credit, and for other purposes.

S. 2320

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2320, a bill to amend title XVIII of the Social Security Act to provide continued entitlement to coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare Program that have received a kidney transplant and whose entitlement to coverage would otherwise expire, and for other purposes.

S. 2444

At the request of Mrs. MURRAY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2444, a bill to direct the Secretary of Education to provide grants to establish and evaluate sustainability programs, charged with developing and implementing integrated environmental, economic, and social sustainability initiatives, and to direct the Secretary of Education to convene a summit of higher education experts in the area of sustainability.

S. 2523

At the request of Mr. KERRY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2523, a bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families.

S. 2533

At the request of Mr. KENNEDY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2533, a bill to enact a safe, fair, and responsible state secrets privilege Act.

S. 2585

At the request of Mr. HARKIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2585, a bill to provide for the enhancement of the suicide prevention programs of the Department of Defense, and for other purposes.

S. 2702

At the request of Mr. SALAZAR, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2702, a bill to amend title XVIII of the Social Security Act to improve access to, and increase utilization of, bone mass measurement benefits under the Medicare part B Program.

S. 2715

At the request of Mr. INHOFE, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2715, a bill to amend title 4, United States Code, to declare English as the national language of the Government of the United States, and for other purposes.

S. 2775

At the request of Mr. KERRY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2775, a bill to amend the Internal Revenue Code of 1986 and the Social Security Act to treat certain domestically controlled foreign persons performing services under contract with the United States Government as American employers for purposes of certain employment taxes and benefits.

S. 2786

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2786, a bill to amend title XVIII of the Social Security Act to improve access to health care under the Medicare program for beneficiaries residing in rural areas.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Illinois (Mr. OBAMA) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2819, a bill to preserve access to Medicaid and the State Children's Health Insurance Program during an economic downturn, and for other purposes.

S. 2829

At the request of Mr. KENNEDY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2829, a bill to make technical corrections to section 1244 of the National Defense Authorization Act for Fiscal Year 2008, which provides special immigrant status for certain Iraqis, and for other purposes.

S. 2840

At the request of Mr. SCHUMER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2840, a bill to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications.

S. 2844

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2844, a bill to amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

S. 2860

At the request of Mr. CASEY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 2860, a bill to diminish predatory lending by enhancing appraisal quality and standards, to improve appraisal oversight, to ensure mortgage appraiser independence, to provide for enhanced remedies and enforcement, and for other purposes.

S. 2871

At the request of Mrs. LINCOLN, the name of the Senator from Maryland

(Mr. CARDIN) was added as a cosponsor of S. 2871, a bill to amend title 38, United States Code, to recodify as part of that title chapter 1607 of title 10, United States Code, to enhance the program of educational assistance under that chapter, and for other purposes.

S. 2874

At the request of Mrs. FEINSTEIN, the names of the Senator from Idaho (Mr. CRAIG), the Senator from Vermont (Mr. SANDERS) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2874, a bill to amend titles 5, 10, 37, and 38, United States Code, to ensure the fair treatment of a member of the Armed Forces who is discharged from the Armed Forces, at the request of the member, pursuant to the Department of Defense policy permitting the early discharge of a member who is the only surviving child in a family in which the father or mother, or one or more siblings, served in the Armed Forces and, because of hazards incident to such service, was killed, died as a result of wounds, accident, or disease, is in a captured or missing in action status, or is permanently disabled, and for other purposes.

S. 2890

At the request of Mr. MCCAIN, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2890, a bill to amend the Internal Revenue Code of 1986 to provide for a highway fuel tax holiday.

S. 2892

At the request of Mr. LEAHY, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2892, a bill to promote the prosecution and enforcement of frauds against the United States by suspending the statute of limitations during times when Congress has authorized the use of military force.

S. 2895

At the request of Mr. DODD, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 2895, a bill to amend the Higher Education Act of 1965 to maintain eligibility, for Federal PLUS loans, of borrowers who are 90 or more days delinquent on mortgage loan payments, or for whom foreclosure proceedings have been initiated, with respect to their primary residence.

S. 2899

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2899, a bill to direct the Secretary of Veterans Affairs to conduct a study on suicides among veterans.

S. RES. 482

At the request of Mr. ENZI, the names of the Senator from Montana (Mr. TESTER) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 482, a resolution designating July 26, 2008, as ''National Day of the American Cowboy''.

S. RES. 515

At the request of Mr. WHITEHOUSE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 515, a resolution commemorating the life and work of Dith Pran.

S. RES. 524

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. Res. 524, a resolution honoring the entrepreneurial spirit of the owners of small business concerns in the United States during National Small Business Week, beginning April 21, 2008.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SPECTER:

S. 2901. A bill to encourage residential mortgage loan modifications and workout plans, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SPECTER. Mr. President, I have sought recognition to introduce a bill to give mortgage servicers an incentive to work out new loan terms with struggling homeowners who are falling behind in their mortgage payments. It is possible to avoid foreclosure in some cases by reworking the payment terms on mortgages. Investors, however, would have to accept a smaller return on their investment than they otherwise may have expected. As a result, businesses that service mortgage loans may fear litigation from investors who are the direct or indirect holders of those mortgages. This concern may be slowing the pace of or stopping loan modifications. In testimony on December 6, 2007, before the House Committee on Financial Services, Mark Pearce, speaking on behalf of the Conference of State Bank Supervisors, testified that at a meeting with the top 20 subprime servicers ''many of them brought up fear of investor lawsuits'' as a hurdle to voluntary loan modification efforts.

The loan servicers have a legal duty to the investors to maximize the return on their investments. But in light of the current and changing economic environment, and the new and complex financial vehicles that hold mortgages, this ''duty'' is not simple or clear. This bill clarifies matters by stating that, absent contract provisions to the contrary, the duty is owed to the investor group as a whole, and not to individual investors or classes of investors. In addition, the bill clarifies that the servicer satisfies that duty by ensuring that the return from a mortgage, as modified, exceeds the return that would be expected from foreclosure. This may include agreeing to mortgage modifications or workout plans when a homeowner is in payment default, or when default or foreclosure appears imminent. Although some investors may get a smaller return than they may have expected, in the long run, taking these actions will be in the best interest of all investors.

This bill is not a bailout. The bill honors contract provisions that may be contrary to provisions in the bill. This bill would not solve all of the problems we face today, but it is an important step in removing barriers that may slow progress as we work to solve the home mortgage crisis.

This bill is necessary because regulation has not kept pace with innovation. Years ago, a homeowner would obtain a mortgage from a local bank. If he couldn't make the mortgage payment, the bank often would be willing and able to offer a workout, modifying the loan's terms to make it affordable. The bank would do this because whatever amount the borrower could pay would be worth more to the bank than foreclosure. Foreclosure has its costs, sometimes as much as half the value of the mortgage, and banks did not want to have to resell the home, so the calculation was often simple. Today, however, many mortgages are often bundled together with others mortgages and are sold to investment banks, who in turn slice and dice the bundles to produce securities that are rated by rating agencies and sold to investors all over the world.

Investment banks that issue securities backed by mortgages typically divide the securities into tranches, with some tranches having claims that are senior to other more junior tranches. None of this, of course, is transparent to the homeowner, and servicers face a complex situation. Servicers should not have to first determine precisely how a loan modification will affect the various tranches of investors and then make choices among the groups. If the servicer reasonably believes that a modification increases the net present value of the investment as a whole, it should be able to agree to the modification.

This month, Federal Reserve Chairman Ben Bernanke encouraged the nation's bankers to write down the principle on millions of mortgages. He said banks have not made nearly enough modifications to stop foreclosures. But there has been some progress. Treasury Secretary Paulson reported this month that ''since July more than one million struggling homeowners received a workout—either a loan modification or a repayment plan that helped them avoid foreclosure.'' In January alone, there were 167,000 such modifications, with the number of borrowers receiving help rising faster than the number of foreclosures. Congress needs to ensure that these modifications continue, and that they continue at a rapid pace.

We are faced with a crisis caused by mortgage brokers who pushed risky loans on homeowners, homeowners who assumed the value of their home would always increase, conflicts of interest at credit rating agencies, bond underwriters who loosened standards, lax regulators, and financial institutions that ignored the risks in the instruments they were buying and selling. There is plenty of blame to go around

but Congress must now take steps to prevent similar problems in the future. Right now, we must do what we can to keep families in their homes by encouraging the companies that service mortgages to modify mortgages where it will prevent foreclosure. This bill will encourage servicers to make such modifications and I urge my colleagues to support it.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2901

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 ''Encouraging Mortgage Modifications Act of 2008''.

SEC. 2. FINDINGS.

Congress finds that—

(1) mortgage modifications often afford the best opportunity to avoid foreclosures and provide long term, sustainable solutions for American homeowners;

(2) reaching mortgage modification agreements with homeowners has been unacceptably slow and foreclosure rates continue to rise, with the number of homeowners forced into foreclosure double the number who receive modifications or repayment plans;

(3) servicers have an obligation to protect the interests of investors when determining whether to offer a modification or repayment plan;

(4) the best course of action for the investor pool as a whole may disadvantage the interests of individual classes of investors;

(5) servicers have expressed concern that investor classes that are disproportionately disadvantaged by a modification or repayment plan may seek to hold the servicer liable;

(6) without liability protection, many servicers will not be willing to take on the risk associated with approving a mortgage modification or repayment plan, and instead, they will eventually pursue foreclosure even though foreclosure costs can equal 50 percent or more of mortgage value; and

(7) the net present value of a modified mortgage loan will almost always exceed the amount recouped by allowing the home to go into foreclosure.

SEC. 3. LEGAL SAFE HARBOR FOR ENTERING INTO CERTAIN LOAN MODIFICATIONS OR WORKOUT PLANS.

Section 6 of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2605) is amended—

(1) by redesignating subsections (i) and (j) as subsections (j) and (k), respectively; and

(2) by inserting after subsection (h) the following:

''(i) DUTY OF SERVICERS REGARDING CERTAIN LOAN MODIFICATIONS OR WORKOUT PLANS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, absent specific contractual provisions to the contrary, a servicer of pooled qualified residential mortgages—

''(A) owes any duty to determine if the net present value of the payments on the loan, as modified, is likely to be greater than the anticipated net recovery that would result from foreclosure to all investors and parties having a direct or indirect interest in the pooled loans or securitization vehicle, but not to any individual party or group of parties; and

''(B) acts in the best interests of all such investors and parties, if the servicer agrees to or implements a qualified loan modification or workout plan for a qualified residential mortgage, or if, and only if, such efforts are unsuccessful or infeasible, takes other reasonable loss mitigation actions, including accepting partial payments or short sale of the property; and

''(C) if the servicer acts in a manner consistent with the duty set forth in subparagraphs (A) and (B), shall not be liable under any law or regulation of the United States, any State or any political subdivision of any State, for entering into a qualified loan modification or workout plan in any action filed by or on behalf of any person—

''(i) based on the person's ownership of any interest in a residential mortgage, a pool of residential mortgage loans, or a securitization vehicle, that distributes payments out of the principal, interest, or other payment on loans in the pool;

''(ii) based on the person's obligation to make payments determined in reference to any loan or interest referred to in clause (i); or

''(iii) based on the person's obligation to insure any loan or any interest referred to in clause (i).

''(2) DEFINITIONS.—As used in this subsection—

''(A) the term 'qualified loan modification or workout plan' means a contract, modification, or plan relating to a qualified residential mortgage loan consummated on or after January 1, 2004, with respect to which—

''(i) payment default on the loan or loans has occurred, is imminent, or is reasonably foreseeable;

''(ii) the dwelling securing the loan or loans is the primary residence of the owner;

''(iii) the servicer reasonably believes that the anticipated recovery under the loan modification or workout plan will exceed the anticipated recovery through foreclosure, on a net present value basis;

''(iv) the effective period runs for at least 5 years from the date of adoption of the plan, or until the borrower sells or refinances the property, if that occurs earlier; and

''(v) the borrower is not required to pay additional fees to the servicer;

''(B) the term 'qualified residential mortgage' means a consumer credit transaction or loan that is secured by the consumer's principal dwelling;

''(C) the term 'securitization vehicle' means a trust, corporation, partnership, limited liability entity, special purpose entity, or other structure that is the issuer, or is created by the issuer, of mortgage pass-through certificates, participation certificates, mortgage-backed securities, or other similar securities backed by a pool of assets that includes residential mortgage loans; and

''(D) the term 'servicer'—

''(i) means the person responsible for servicing of a loan (including the person who makes or holds a loan, if such person also services the loan); and

''(ii) includes the entities listed in subparagraphs (A) and (B) of subsection (j)(2).

''(3) EFFECTIVE PERIOD.—This subsection shall apply only with respect to qualified loan modification or workout plans initiated during the 6-month period beginning on the date of enactment of this subsection.

''(4) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the ability of a servicer to enter into a loan modification or workout plan other than a qualified loan modification or workout plan covered by this subsection.''.

By Ms. SNOWE (for herself and Mr. PRYOR):

S. 2902. A bill to ensure the independent operation of the Office of Advocacy of the Small Business Administration, ensure complete analysis of potential impacts on small entities of rules, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today with my colleague Senator PRYOR, during National Small Business Week, to introduce the Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008. This bipartisan measure would ensure the independence of the Small Business Administration, SBA, Office of Advocacy, and provide targeted small business regulatory reforms that would strengthen the Office of Advocacy's voice in protecting our small businesses. Our bill is supported by the SBA Office of Advocacy and National Ombudsman, as well as the National Federation of Independent Business and the U.S. Chamber of Commerce.

As Ranking Member of the Senate Committee on Small Business and Entrepreneurship, I recognize that the SBA Office of Advocacy is, regrettably, one of our Government's best kept secrets, and in many cases, the best hope for small businesses faced with overly burdensome Federal regulations.

Established in 1976, the Office of Advocacy, headed by the Chief Counsel for Advocacy, is a unique office within the Federal Government. First, the Office of Advocacy is the ''Regulatory Watchdog'' for small businesses. In this capacity, it represents small businesses before the Federal Government in regulatory matters—taking advantage of its statutorily granted independence to argue against Federal regulatory actions that impose too great a burden on small businesses for too little benefit—and to encourage Federal agencies to consider less costly regulatory alternatives. Second, it conducts valuable research to further our understanding of the importance of small businesses to our economy and the forces that have an effect on them.

The SBA Office of Advocacy is part of the SBA, and the Chief Counsel for Advocacy is nominated by the President and confirmed by the Senate. At the same time, the office is also intended to be the ''independent'' voice for small business within the Federal Government. It is charged with the duty of representing the views and interests of small businesses before other Federal agencies, and developing proposals for changing government policies to help small businesses. These roles can sometimes come into conflict.

The Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008 resolves such conflicts in favor of the small businesses that rely on the Chief Counsel and the Office of Advocacy to be a fully independent advocate within the executive branch. The bill would help to reinforce a clear mandate that the Office of Advocacy must fight on behalf of small businesses, regardless of the position taken

on critical issues by the administration.

Funding for the Office of Advocacy currently comes from the ''Salaries and Expense Account'' of the SBA's budget. Staffing is allocated by the SBA administrator to the Office of Advocacy from the overall staff allocation for the Agency. In 1990, there were 70 full-time employees working on behalf of small businesses in the Office of Advocacy. The current allocation of staff is 48. The independence and effectiveness of the office is potentially diminished when the Office of Advocacy staff is reduced, at the discretion of the administrator.

To address this problem, the Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008 builds a firewall to minimize political intrusion into the management of day-to-day operations of the Office of Advocacy similar to the one that protects Inspectors General in other agencies. The bill would require the Federal budget to include a separate account for the Office of Advocacy drawn directly from General Fund of the Treasury. No longer would its funds come from the general operating account of the SBA. This will free the Chief Counsel for Advocacy from having to seek approval from the SBA administrator to hire staff for the Office of Advocacy.

The bill would leave unchanged current law that allows the Chief Counsel to hire individuals critical to the mission of the Office of Advocacy without going through the normal competitive procedures directed by Federal law and the Office of Personnel Management, OPM. This long-standing special hiring authority, which is limited only to employees within the Office of Advocacy, is beneficial because it allows the Chief Counsel to hire quickly those persons who can best assist the Office in responding to changing issues and problems confronting small businesses.

In addition to protecting the Office of Advocacy's independence, this bill also provides targeted small business regulatory reform. As the Ranking Member of the Small Business Committee, I have long fought to ensure that small businesses across the country are treated fairly by the Federal Government. Unfortunately, in far too many cases, Federal agencies promulgate rules and regulations without adequately addressing the economic impacts on small businesses.

The disproportionate burden that Federal regulations often place on our small businesses cannot be overemphasized. Research published by the Office of Advocacy indicates that small businesses spend an astounding 8 billion hours each year complying with government rules and regulations. More specifically, the smallest firms with fewer than 20 employees, spend approximately 45 percent more per employee than larger firms to comply with Federal regulations.

The Regulatory Flexibility Act (RFA) recognizes this situation, as it requires Federal Government agencies to propose rules that keep the regulatory burden at a minimum on small businesses. Enacted in 1980, the RFA requires Federal agencies to analyze the economic impact of proposed regulations when there is likely to be a significant economic impact on a substantial number of small entities. In 1996, I was pleased to support, along with all of my colleagues, the Small Business Regulatory Enforcement Fairness Act, (SBREFA), which amended the RFA. The intent of SBREFA was to further curb the impact of burdensome or duplicative regulations on small businesses, by clarifying key RFA requirements.

The Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008 would further improve the Regulatory Flexibility Act by requiring Federal agencies to consider and specifically respond to comments provided by Office of Advocacy. This critical change would ensure that agencies give the proper deference to the Office of Advocacy, and to the comments and concerns of small businesses. This is a straightforward and simple reform that could have major benefits.

Finally, our proposal would also clarify that Federal agencies are required to provide pertinent information to the SBA Ombudsman upon request.

This noncontroversial, bipartisan legislation is absolutely necessary. I urge my colleagues to support this bill so we can ensure the complete independence of the Office of Advocacy in all matters, and provide our Nation's small businesses and their employees with much needed targeted regulatory relief.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2902

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 ''Independent Office of Advocacy and Small Business Regulatory Reform Act of 2008''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to ensure that the Office of Advocacy of the Small Business Administration (referred to in this section as the ''Office'') has adequate financial resources to advocate for and on behalf of small business concerns;

(2) to provide a separate authorization of appropriations for the Office; and

(3) to enhance the role of the Office pursuant to chapter 6 of title 5, United States Code.

SEC. 3. OFFICE OF ADVOCACY.

(a) IN GENERAL.—Section 203 of Public Law 94–305 (15 U.S.C. 634c) is amended—

(1) in paragraph (4), by striking ''and'' at the end;

(2) in paragraph (5), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(6) carry out the responsibilities of the Office of Advocacy under chapter 6 of title 5, United States Code.''.

(b) BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.—Title II of Public Law 94–305 (15 U.S.C. 634a et seq.) is amended by striking section 207 and inserting the following:

''SEC. 207. BUDGETARY LINE ITEM AND AUTHORIZATION OF APPROPRIATIONS.

''(a) APPROPRIATION REQUESTS.—Each budget of the United States Government submitted by the President under section 1105 of title 31, United States Code, shall include a separate statement of the amount of appropriations requested for the Office of Advocacy of the Small Business Administration, which shall be designated in a separate account in the General Fund of the Treasury.

''(b) ADMINISTRATIVE OPERATIONS.—The Administrator of the Small Business Administration shall provide the Office of Advocacy with appropriate and adequate office space at central and field office locations, together with such equipment, operating budget, and communications facilities and services as may be necessary, and shall provide necessary maintenance services for such offices and the equipment and facilities located in such offices.

''(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this title. Any amount appropriated under this subsection shall remain available, without fiscal year limitation, until expended.''.

SEC. 4. REGULATORY FLEXIBILITY REFORM FOR SMALL BUSINESSES.

(a) REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended by adding at the end the following:

''(d) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities either—

''(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs at the Office of Management and Budget under Executive Order 12866, if that order requires such submission; or

''(2) if no submission to the Office of Information and Regulatory Affairs is so required, at a reasonable time prior to publication of the rule by the agency.''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(A) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Section 604(a)(2) of title 5, United States Code, is amended by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis''.

(B) INCLUSION OF RESPONSE TO COMMENTS FILED BY CHIEF COUNSEL FOR ADVOCACY.—Section 604(a) of title 5, United States Code, is amended—

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

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

''(3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any changes made to the proposed rule in the final rule as a result of such comments;''.

(C) PUBLICATION OF ANALYSES ON WEBSITE.—

(i) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, as amended by this Act, is amended by adding at the end the following:

''(e) An agency shall publish any initial regulatory flexibility analysis required under this section on the website of the agency.''.

(ii) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604(b) of title 5, United States Code, is amended to read as follows:

''(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof that includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.''.

(3) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis that is required by any other law and which satisfies such requirement.''.

(4) CERTIFICATIONS.—The second sentence of section 605(b) of title 5, United States Code, is amended by inserting ''detailed'' before ''statement''.

(5) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) HEADING.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(2) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(A) by striking the item relating to section 605 and inserting the following:

''605. Incorporations by reference and certifications.''; and

(B) by striking the item relating to section 607 and inserting the following:

''607. Quantification requirements.''.

SEC. 5. OVERSIGHT OF REGULATORY ENFORCEMENT.

Section 30 of the Small Business Act (15 U.S.C. 657) is amended—

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''(A)'' before ''Not later than'';

(ii) by striking ''Nothing in this section is intended to replace'' and inserting the following:

''(B) Nothing in this section—

''(i) is intended to replace'';

(iii) by striking the period at the end and inserting ''; or''; and

(iv) by adding at the end the following:

''(ii) may be construed to exempt an agency from providing relevant information to the Ombudsman upon request.'';

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) by inserting ''(i)'' before ''work with each agency'';

(II) by inserting ''fine, forfeiture,'' before ''or other enforcement related''; and

(III) by adding at the end the following: ''or

''(ii) refer any substantiated comment to the affected agency for response to the Ombudsman;''; and

(ii) by amending subparagraph (C) to read as follows:

''(C) based on cases that are substantiated by the Ombudsman, annually submit to Congress and affected agencies a report evaluating the enforcement activities of agency personnel, including—

''(i) ratings of the responsiveness to small business concerns; and

''(ii) a description of the policies, actions, and activities impacting small business concerns described in subparagraph (A), for each Federal agency and regional or program office of each Federal agency, as determined appropriate by the Ombudsman.'';

(2) in subsection (d)(1), by inserting '', in coordination with the Ombudsman,'' after ''hold such hearings''; and

(3) by adding at the end the following:

''(e) The Board shall coordinate with the Ombudsman regarding any official correspondence to be sent by the Board.''.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 529—COMMEMORATING THE 100TH ANNIVERSARY OF THE FOUNDING OF THE GREATER PHILADELPHIA ASSOCIATION OF REALTORS

Mr. SPECTER (for himself and Mr. CASEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 529

Whereas the Greater Philadelphia Association of Realtors, which was 1 of the 3 original chapters of the National Association of Realtors, was founded January 10, 1908, in the City of Philadelphia;

Whereas the Greater Philadelphia Association of Realtors has worked to improve the neighborhoods, business communities, and real estate markets in the City of Philadelphia and its suburbs; and

Whereas the members of the Greater Philadelphia Association of Realtors continue to do excellent work in strengthening the economy of the United States and making the American dream of homeownership a reality: Now, therefore, be it

Resolved, That the Senate commemorates the 100th Anniversary of the founding of the Greater Philadelphia Association of Realtors.

Mr. SPECTER. Mr. President, I have sought recognition to introduce a Senate resolution congratulating the Greater Philadelphia Association of Realtors on its 100th anniversary.

The Greater Philadelphia Association of Realtors was founded on January 10, 1908, as the Philadelphia Real Estate Brokers Association, when loosely knit neighborhood broker groups joined together and brought order to Philadelphia's real estate market. It was one of the three original chapters of the National Association of Realtors. Since that time, the Association has become the most influential professional real estate association in the Philadelphia region.

Over its 100 year existence, the Greater Philadelphia Association of Realtors has sought to improve the neighborhoods, business communities, and real estate markets in Philadelphia and its suburbs. I commend the Association for its work to improve Philadelphia's communities by helping individuals and families achieve the American Dream of homeownership.

I urge my colleagues to join me in congratulating the Greater Philadelphia Association of Realtors.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4570. Mr. VITTER (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table.

SA 4571. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1315, supra; which was ordered to lie on the table.

SA 4572. Mr. BURR (for himself, Mr. VITTER, Mr. ISAKSON, and Mr. CRAIG) proposed an amendment to the bill S. 1315, supra.

SA 4573. Ms. SNOWE (for herself, Mr. KENNEDY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; which was ordered to lie on the table.

SA 4574. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table.

SA 4575. Mr. REID (for Mr. KYL) proposed an amendment to the bill S. 2324, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

TEXT OF AMENDMENTS

SA 4570. Mr. VITTER (for himself and Mr. BROWNBACK) submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

SEC. 109. TREATMENT OF STILLBORN CHILDREN AS INSURABLE DEPENDENTS UNDER SERVICEMEMBERS' GROUP LIFE INSURANCE.

(a) TREATMENT.—Section 1965 is amended—

(1) in paragraph (10), by adding at the end the following new subparagraph:

''(C) The member's stillborn natural child.''; and

(2) by adding at the end the following new paragraph:

''(11)(A) Except as provided in subparagraph (B), the term 'stillborn natural child' means a natural child—

''(i) whose death occurs before expulsion, extraction, or delivery; and

''(ii) whose—

''(I) fetal weight is greater than 500 grams;

''(II) in the event fetal weight is unknown, duration in utero exceeds 22 completed weeks of gestation; or

''(III) in the event neither fetal weight nor duration in utero is known, body length (crown-to-heel) is 25 centimeters or more.

''(B) The term does not include any fetus or child extracted for purposes of an abortion.''.

(b) CONFORMING AMENDMENT.—Section 101(4)(A) is amended by striking ''section 1965(10)(B)'' in the matter preceding clause (i) and inserting ''subparagraph (B) or (C) of section 1965(10)''.

SA 4571. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following:

SEC. 604. PAYMENTS TO INDIVIDUALS WHO SERVED DURING WORLD WAR II IN THE UNITED STATES MERCHANT MARINE.

(a) ESTABLISHMENT OF COMPENSATION FUND.—Subchapter II of chapter 5 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 532. Merchant Mariner Equity Compensation Fund

''(a) COMPENSATION FUND.—(1) There is in the general fund of the Treasury a fund to be known as the 'Merchant Mariner Equity Compensation Fund' (in this section referred to as the 'compensation fund').

''(2) Subject to the availability of appropriations for such purpose, amounts in the fund shall be available to the Secretary without fiscal year limitation to make payments to eligible individuals in accordance with this section.

''(b) ELIGIBLE INDIVIDUALS.—(1) An eligible individual is an individual who—

''(A) before October 1, 2009, submits to the Secretary an application containing such information and assurances as the Secretary may require;

''(B) has not received benefits under the Servicemen's Readjustment Act of 1944 (Public Law 78–346); and

''(C) has engaged in qualified service.

''(2) For purposes of paragraph (1), a person has engaged in qualified service if, between December 7, 1941, and December 31, 1946, the person—

''(A) was a member of the United States merchant marine (including the Army Transport Service and the Naval Transport Service) serving as a crewmember of a vessel that was—

''(i) operated by the War Shipping Administration or the Office of Defense Transportation (or an agent of the Administration or Office);

''(ii) operated in waters other than inland waters, the Great Lakes, and other lakes, bays, and harbors of the United States;

''(iii) under contract or charter to, or property of, the Government of the United States; and

''(iv) serving the Armed Forces; and

''(B) while so serving, was licensed or otherwise documented for service as a crewmember of such a vessel by an officer or employee of the United States authorized to license or document the person for such service.

''(c) AMOUNT OF PAYMENTS.—The Secretary shall make a monthly payment out of the compensation fund in the amount of $1,000 to an eligible individual. The Secretary shall make such payments to eligible individuals in the order in which the Secretary receives the applications of the eligible individuals.

''(d) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the compensation fund amounts as follows:

''(A) For fiscal year 2009, $120,000,000.

''(B) For fiscal year 2010, $108,000,000.

''(C) For fiscal year 2011, $97,000,000.

''(D) For fiscal year 2012, $85,000,000.

''(E) For fiscal year 2013, $75,000,000.

''(2) Funds appropriated to carry out this section shall remain available until expended.

''(e) REPORTS.—The Secretary shall include, in documents submitted to Congress by the Secretary in support of the President's budget for each fiscal year, detailed information on the operation of the compensation fund, including the number of applicants, the number of eligible individuals receiving benefits, the amounts paid out of the compensation fund, the administration of the compensation fund, and an estimate of the amounts necessary to fully fund the compensation fund for that fiscal year and each of the three subsequent fiscal years.

''(f) REGULATIONS.—The Secretary shall prescribe regulations to carry out this section.''.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall prescribe the regulations required under section 532(f) of title 38, United States Code, as added by subsection (a).

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 531 the following new item:

''532. Merchant Mariner Equity Compensation Fund.''.

SA 4572. Mr. BURR (for himself, Mr. VITTER, Mr. ISAKSON, and Mr. CRAIG) proposed an amendment to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; as follows:

Strike section 401 and insert the following:

SEC. 401. EXPANSION OF ELIGIBILITY FOR BENEFITS PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE COMMONWEALTH OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS.

(a) MODIFICATION OF STATUS OF CERTAIN SERVICE.—

(1) IN GENERAL.—Section 107 is amended to read as follows:

''§ 107. Certain service with Philippine forces deemed to be active service

''(a) IN GENERAL.—Service described in subsection (b) shall be deemed to have been active military, naval, or air service for purposes of any law of the United States conferring rights, privileges, or benefits upon any individual by reason of the service of such individual or the service of any other individual in the Armed Forces.

''(b) SERVICE DESCRIBED.—Service described in this subsection is service—

''(1) before July 1, 1946, in the organized military forces of the Government of the Commonwealth of the Philippines, while such forces were in the service of the Armed Forces of the United States pursuant to the military order of the President dated July 26, 1941, including among such military forces organized guerrilla forces under commanders appointed, designated, or subsequently recognized by the Commander in Chief, Southwest Pacific Area, or other competent authority in the Army of the United States; or

''(2) in the Philippine Scouts under section 14 of the Armed Forces Voluntary Recruitment Act of 1945 (59 Stat. 538).

''(c) DEPENDENCY AND INDEMNITY COMPENSATION FOR CERTAIN RECIPIENTS RESIDING OUTSIDE THE UNITED STATES.—(1) Dependency and indemnity compensation provided under chapter 13 of this title to an individual described in paragraph (2) shall be made at a rate of $0.50 for each dollar authorized.

''(2) An individual described in this paragraph is an individual who resides outside the United States and is entitled to dependency and indemnity compensation under chapter 13 of this title based on service described in subsection (b).

''(d) EXCEPTION ON PENSION AND DEATH PENSION FOR INDIVIDUALS RESIDING OUTSIDE THE UNITED STATES.—An individual who resides outside the United States shall not, while so residing, be entitled to a pension under subchapter II or III of chapter 15 of this title based on service described in subsection (b).

''(e) UNITED STATES DEFINED.—In this section, the term 'United States' means the States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other possession or territory of the United States.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 is amended by striking the item related to section 107 and inserting the following new item:

''107. Certain service with Philippine forces deemed to be active service.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to the payment or provision of benefits on or April 1, 2009. No benefits are payable or are required to be provided by reason of such amendment for any period before such date.

(b) PENSION AND DEATH PENSION BENEFIT PROTECTION.—Notwithstanding any other provision of law, a veteran with service described in section 107(b) of title 38, United States Code (as added by subsection (a)), who is receiving benefits under a Federal or federally assisted program as of April 1, 2009, or a survivor of such veteran who is receiving such benefits as that date, may not be required to apply for or receive benefits under chapter 15 of such title if the receipt of such benefits would—

(1) make such veteran or survivor ineligible for any Federal or federally assisted program for which such veteran or survivor qualifies; or

(2) reduce the amount of benefit such veteran or survivor would receive from any Federal or federally assisted program for which such veteran or survivor qualifies.

(c) INCREASE IN SPECIALLY ADAPTED HOUSING BENEFITS FOR DISABLED VETERANS.—

(1) IN GENERAL.—Section 2102 is amended—

(A) in subsection (b)(2), by striking ''$10,000'' and inserting ''$11,000'';

(B) in subsection (d)—

(i) in paragraph (1), by striking ''$50,000'' and inserting ''$55,000''; and

(ii) in paragraph (2), by striking ''$10,000'' and inserting ''$11,000''; and

(C) by adding at the end the following new subsection:

''(e)(1) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amounts described in subsection (b)(2) and paragraphs (1) and (2) of subsection (d) in accordance with this subsection.

''(2) The increase in amounts under paragraph (1) to take effect on October 1 of a year shall be by an amount of such amounts equal to the percentage by which—

''(A) the residential home cost-of-construction index for the preceding calendar year, exceeds

''(B) the residential home cost-of-construction index for the year preceding the year described in subparagraph (A).

''(3) The Secretary shall establish a residential home cost-of-construction index for

the purposes of this subsection. The index shall reflect a uniform, national average change in the cost of residential home construction, determined on a calendar year basis. The Secretary may use an index developed in the private sector that the Secretary determines is appropriate for purposes of this subsection.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 1, 2009, and shall apply with respect to payments made in accordance with section 2102 of title 38, United States Code, on or after that date.

(d) ANNUAL ADJUSTMENT OF AMOUNT OF BURIAL AND FUNERAL EXPENSES FOR DEATHS FROM SERVICE-CONNECTED DISABILITY.—Section 2307 is amended—

(1) by inserting ''(a)'' before ''In any case''; and

(2) by adding at the end the following new subsection:

''(b) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the amount authorized by subsection (a)(1) by the amount equal to the percentage of such amount by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(e) INCREASE IN ASSISTANCE FOR PROVIDING AUTOMOBILES OR OTHER CONVEYANCES TO CERTAIN DISABLED VETERANS.—

(1) IN GENERAL.—Section 3902 is amended—

(A) in subsection (a), by striking ''$11,000'' and inserting ''$15,000''; and

(B) by adding at the end the following new subsection:

''(e) Effective on October 1 of each year (beginning in 2009), the Secretary shall increase the amount described in subsection (a) by a percentage of such amount equal to the percentage by which—

''(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

''(2) the Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on April 1, 2009, and shall apply with respect to payments made in accordance with section 3902 of title 38, United States Code, on or after that date.

SA 4573. Ms. SNOWE (for herself, Mr. KENNEDY, and Mr. ENZI) submitted an amendment intended to be proposed by her to the bill H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Genetic Information Nondiscrimination Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE
Sec. 101. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 102. Amendments to the Public Health Service Act.
Sec. 103. Amendments to the Internal Revenue Code of 1986.
Sec. 104. Amendments to title XVIII of the Social Security Act relating to medigap.
Sec. 105. Privacy and confidentiality.
Sec. 106. Assuring coordination.
TITLE II—PROHIBITING EMPLOYMENT DISCRIMINATION ON THE BASIS OF GENETIC INFORMATION
Sec. 201. Definitions.
Sec. 202. Employer practices.
Sec. 203. Employment agency practices.
Sec. 204. Labor organization practices.
Sec. 205. Training programs.
Sec. 206. Confidentiality of genetic information.
Sec. 207. Remedies and enforcement.
Sec. 208. Disparate impact.
Sec. 209. Construction.
Sec. 210. Medical information that is not genetic information.
Sec. 211. Regulations.
Sec. 212. Authorization of appropriations.
Sec. 213. Effective date.
TITLE III—MISCELLANEOUS PROVISIONS
Sec. 301. Severability.
Sec. 302. Child labor protections.

SEC. 2. FINDINGS.

Congress makes the following findings:

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

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

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

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

(5) Federal law addressing genetic discrimination in health insurance and employment is incomplete in both the scope and depth of its protections. Moreover, while many States have enacted some type of genetic non-discrimination law, these laws vary widely with respect to their approach, application, and level of protection. Congress has collected substantial evidence that the American public and the medical community find the existing patchwork of State and Federal laws to be confusing and inadequate to protect them from discrimination. Therefore Federal legislation establishing a national and uniform basic standard is necessary to fully protect the public from discrimination and allay their concerns about the potential for discrimination, thereby allowing individuals to take advantage of genetic testing, technologies, research, and new therapies.

TITLE I—GENETIC NONDISCRIMINATION IN HEALTH INSURANCE

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

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

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

(2) by adding at the end the following:

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

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

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

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

''(c) GENETIC TESTING.—

''(1) LIMITATION ON REQUESTING OR REQUIRING GENETIC TESTING.—A group health plan, and a health insurance issuer offering health insurance coverage in connection with a

group health plan, shall not request or require an individual or a family member of such individual to undergo a genetic test.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(6) GENETIC INFORMATION.—

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

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

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

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

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

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

''(7) GENETIC TEST.—

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

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

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

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

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

''(A) a genetic test;

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

''(C) genetic education.

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

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

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

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

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

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

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

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

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

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

''(A) GENERAL RULE.—The Secretary may impose a penalty against any plan sponsor of a group health plan, or any health insurance issuer offering health insurance coverage in connection with the plan, for any failure by such sponsor or issuer to meet the requirements of subsection (a)(1)(F), (b)(3), (c), or (d) of section 702 or section 701 or 702(b)(1) with respect to genetic information, in connection with the plan.

''(B) AMOUNT.—

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

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

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

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

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

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

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

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

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

''(ii) HIGHER MINIMUM PENALTY WHERE VIOLATIONS ARE MORE THAN DE MINIMIS.—To the extent violations for which any person is liable under this paragraph for any year are

more than de minimis, clause (i) shall be applied by substituting '$15,000' for '$2,500' with respect to such person.

''(D) LIMITATIONS.—

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

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

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

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

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

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

''(II) $500,000.

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

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

(f) REGULATIONS AND EFFECTIVE DATE.—

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

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

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

(a) AMENDMENTS RELATING TO THE GROUP MARKET.—

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

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

(B) by adding at the end the following:

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

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

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

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

''(c) GENETIC TESTING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(16) GENETIC INFORMATION.—

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

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

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

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

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

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

''(17) GENETIC TEST.—

''(A) IN GENERAL.—The term 'genetic test' means an analysis of human DNA, RNA,

chromosomes, proteins, or metabolites, that detects genotypes, mutations, or chromosomal changes.

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

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

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

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

''(A) a genetic test;

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

''(C) genetic education.

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

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

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

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

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

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

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

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

''(B) AMOUNT.—

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

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

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

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

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

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

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

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

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

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

''(D) LIMITATIONS.—

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

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

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

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

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

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

''(II) $500,000.

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

(b) AMENDMENT RELATING TO THE INDIVIDUAL MARKET.—

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

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

(B) by adding at the end the following:

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

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

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

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

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

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

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

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

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

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

''(d) GENETIC TESTING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) by adding at the end the following:

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

(d) REGULATIONS AND EFFECTIVE DATE.—

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

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

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

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

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

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

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

(2) by adding at the end the following:

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

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

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

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

''(c) GENETIC TESTING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(7) GENETIC INFORMATION.—

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

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

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

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

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

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

''(8) GENETIC TEST.—

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

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

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

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

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

''(A) a genetic test;

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

''(C) genetic education.

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

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

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

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

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

(e) ENFORCEMENT.—

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

''SEC. 9834. ENFORCEMENT.

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

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

''Sec. 9834. Enforcement.''.

(f) REGULATIONS AND EFFECTIVE DATE.—

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

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

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

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

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

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

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

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

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

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

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

''(1) GENETIC TESTING.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

''(B) GENETIC INFORMATION.—

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

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

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

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

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

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

''(C) GENETIC TEST.—

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

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

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

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

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

''(i) a genetic test;

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

''(iii) genetic education.

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) TRANSITION PROVISIONS.—

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

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

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

(4) DATE SPECIFIED.—

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

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

(ii) October 1, 2008.

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

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

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

SEC. 105. PRIVACY AND CONFIDENTIALITY.

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

''APPLICATION OF HIPAA REGULATIONS TO GENETIC INFORMATION

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) REGULATIONS; EFFECTIVE DATE.—

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

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

SEC. 106. ASSURING COORDINATION.

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

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

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

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

SEC. 201. DEFINITIONS.

In this title:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) EMPLOYMENT AGENCY; LABOR ORGANIZATION.—The terms ''employment agency'' and ''labor organization'' have the meanings given the terms in section 701 of the Civil Rights Act of 1964 (42 U.S.C. 2000e).

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

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

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

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

(4) GENETIC INFORMATION.—

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

(i) such individual's genetic tests,

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

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

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

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

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

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

(A) a genetic test;

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

(C) genetic education.

(7) GENETIC TEST.—

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

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

SEC. 202. EMPLOYER PRACTICES.

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

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

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

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

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

(2) where—

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

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

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

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

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

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

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

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

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

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

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

(D) the monitoring is in compliance with—

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

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

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

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

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

SEC. 203. EMPLOYMENT AGENCY PRACTICES.

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

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

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

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

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

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

(2) where—

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

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

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

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

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

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

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

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

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

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

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

(D) the monitoring is in compliance with—

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

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

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

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

SEC. 204. LABOR ORGANIZATION PRACTICES.

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

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

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

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

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

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

(2) where—

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

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

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

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

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

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

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

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

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

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

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

(D) the monitoring is in compliance with—

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

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

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

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

SEC. 205. TRAINING PROGRAMS.

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

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

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

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

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

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

(2) where—

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

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

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

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

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

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

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

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

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

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

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

(D) the monitoring is in compliance with—

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

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

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

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

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

SEC. 206. CONFIDENTIALITY OF GENETIC INFORMATION.

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

(b) LIMITATION ON DISCLOSURE.—An employer, employment agency, labor organization, or joint labor-management committee shall not disclose genetic information concerning an employee or member except—

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

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

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

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

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

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

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

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

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

SEC. 207. REMEDIES AND ENFORCEMENT.

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

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

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

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

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

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

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

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

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

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

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

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

(4) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleging a practice described in paragraph (1), title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleging a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

(d) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE 3, UNITED STATES CODE.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in chapter 5 of title 3, United States Code, to the President, the Commission, the Merit Systems Protection Board, or any person, alleging a violation of section 411(a)(1) of that title, shall be the powers, remedies, and procedures this title provides to the President, the Commission, such Board, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee described in section 201(2)(A)(iv), except as provided in paragraphs (2) and (3).

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

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

(e) EMPLOYEES COVERED BY SECTION 717 OF THE CIVIL RIGHTS ACT OF 1964.—

(1) IN GENERAL.—The powers, remedies, and procedures provided in section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16) to the Commission, the Attorney General, the Librarian of Congress, or any person, alleging a violation of that section shall be the powers, remedies, and procedures this title provides to the Commission, the Attorney General, the Librarian of Congress, or any person, respectively, alleging an unlawful employment practice in violation of this title against an employee or applicant described in section 201(2)(A)(v), except as provided in paragraphs (2) and (3).

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

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

(f) PROHIBITION AGAINST RETALIATION.—No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this title or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title. The remedies and procedures otherwise provided for under this section shall be available to aggrieved individuals with respect to violations of this subsection.

(g) DEFINITION.—In this section, the term ''Commission'' means the Equal Employment Opportunity Commission.

SEC. 208. DISPARATE IMPACT.

(a) GENERAL RULE.—Notwithstanding any other provision of this Act, ''disparate impact'', as that term is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–2(k)), on the basis of genetic information does not establish a cause of action under this Act.

(b) COMMISSION.—On the date that is 6 years after the date of enactment of this Act, there shall be established a commission, to be known as the Genetic Nondiscrimination Study Commission (referred to in this section as the ''Commission'') to review the developing science of genetics and to make recommendations to Congress regarding whether to provide a disparate impact cause of action under this Act.

(c) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 8 members, of which—

(A) 1 member shall be appointed by the Majority Leader of the Senate;

(B) 1 member shall be appointed by the Minority Leader of the Senate;

(C) 1 member shall be appointed by the Chairman of the Committee on Health, Education, Labor, and Pensions of the Senate;

(D) 1 member shall be appointed by the ranking minority member of the Committee on Health, Education, Labor, and Pensions of the Senate;

(E) 1 member shall be appointed by the Speaker of the House of Representatives;

(F) 1 member shall be appointed by the Minority Leader of the House of Representatives;

(G) 1 member shall be appointed by the Chairman of the Committee on Education and Labor of the House of Representatives; and

(H) 1 member shall be appointed by the ranking minority member of the Committee on Education and Labor of the House of Representatives.

(2) COMPENSATION AND EXPENSES.—The members of the Commission shall not receive compensation for the performance of services for the Commission, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(d) ADMINISTRATIVE PROVISIONS.—

(1) LOCATION.—The Commission shall be located in a facility maintained by the Equal Employment Opportunity Commission.

(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(3) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out the provisions of this section. Upon request of the Commission, the head of such department or agency shall furnish such information to the Commission.

(4) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the objectives of this section, except that, to the extent possible, the Commission shall use existing data and research.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(e) REPORT.—Not later than 1 year after all of the members are appointed to the Commission under subsection (c)(1), the Commission shall submit to Congress a report that summarizes the findings of the Commission and makes such recommendations for legislation as are consistent with this Act.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Equal Employment Opportunity Commission such sums as may be necessary to carry out this section.

SEC. 209. CONSTRUCTION.

(a) IN GENERAL.—Nothing in this title shall be construed to—

(1) limit the rights or protections of an individual under any other Federal or State statute that provides equal or greater protection to an individual than the rights or protections provided for under this title, including the protections of an individual under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) (including coverage afforded to individuals under section 102 of such Act (42 U.S.C. 12112)), or under the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

(2)(A) limit the rights or protections of an individual to bring an action under this title against an employer, employment agency, labor organization, or joint labor-management committee for a violation of this title; or

(B) provide for enforcement of, or penalties for violation of, any requirement or prohibition applicable to any employer, employment agency, labor organization, or joint labor-management committee subject to enforcement for a violation under—

(i) the amendments made by title I of this Act;

(ii)(I) subsection (a) of section 701 of the Employee Retirement Income Security Act of 1974 as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 702(a)(1)(F) of such Act; or

(III) section 702(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor;

(iii)(I) subsection (a) of section 2701 of the Public Health Service Act as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 2702(a)(1)(F) of such Act; or

(III) section 2702(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor; or

(iv)(I) subsection (a) of section 9801 of the Internal Revenue Code of 1986 as such section applies with respect to genetic information pursuant to subsection (b)(1)(B) of such section;

(II) section 9802(a)(1)(F) of such Act; or

(III) section 9802(b)(1) of such Act as such section applies with respect to genetic information as a health status-related factor;

(3) apply to the Armed Forces Repository of Specimen Samples for the Identification of Remains;

(4) limit or expand the protections, rights, or obligations of employees or employers under applicable workers' compensation laws;

(5) limit the authority of a Federal department or agency to conduct or sponsor occupational or other health research that is conducted in compliance with the regulations contained in part 46 of title 45, Code of Federal Regulations (or any corresponding or similar regulation or rule);

(6) limit the statutory or regulatory authority of the Occupational Safety and Health Administration or the Mine Safety and Health Administration to promulgate or enforce workplace safety and health laws and regulations; or

(7) require any specific benefit for an employee or member or a family member of an employee or member under any group health plan or health insurance issuer offering group health insurance coverage in connection with a group health plan.

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

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

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

(c) RELATION TO AUTHORITIES UNDER TITLE I.—With respect to a group health plan, or a health insurance issuer offering group health insurance coverage in connection with a group health plan, this title does not prohibit any activity of such plan or issuer that is authorized for the plan or issuer under any provision of law referred to in clauses (i) through (iv) of subsection (a)(2)(B).

SEC. 210. MEDICAL INFORMATION THAT IS NOT GENETIC INFORMATION.

An employer, employment agency, labor organization, or joint labor-management committee shall not be considered to be in violation of this title based on the use, acquisition, or disclosure of medical information that is not genetic information about a manifested disease, disorder, or pathological condition of an employee or member, including a manifested disease, disorder, or pathological condition that has or may have a genetic basis.

SEC. 211. REGULATIONS.

Not later than 1 year after the date of enactment of this title, the Commission shall issue final regulations to carry out this title.

SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title (except for section 208).

SEC. 213. EFFECTIVE DATE.

This title takes effect on the date that is 18 months after the date of enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of such provisions to any person or circumstance shall not be affected thereby.

SEC. 302. CHILD LABOR PROTECTIONS.

(a) IN GENERAL.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended to read as follows:

''(e)(1)(A) Any person who violates the provisions of sections 12 or 13(c), relating to child labor, or any regulation issued pursuant to such sections, shall be subject to a civil penalty not to exceed—

''(i) $11,000 for each employee who was the subject of such a violation; or

''(ii) $50,000 with regard to each such violation that causes the death or serious injury of any employee under the age of 18 years, which penalty may be doubled where the violation is a repeated or willful violation.

''(B) For purposes of subparagraph (A), the term 'serious injury' means—

''(i) permanent loss or substantial impairment of one of the senses (sight, hearing, taste, smell, tactile sensation);

''(ii) permanent loss or substantial impairment of the function of a bodily member, organ, or mental faculty, including the loss of all or part of an arm, leg, foot, hand or other body part; or

''(iii) permanent paralysis or substantial impairment that causes loss of movement or mobility of an arm, leg, foot, hand or other body part.

''(2) Any person who repeatedly or willfully violates section 6 or 7, relating to wages, shall be subject to a civil penalty not to exceed $1,100 for each such violation.

''(3) In determining the amount of any penalty under this subsection, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of any penalty under this subsection, when finally determined, may be—

''(A) deducted from any sums owing by the United States to the person charged;

''(B) recovered in a civil action brought by the Secretary in any court of competent jurisdiction, in which litigation the Secretary shall be represented by the Solicitor of Labor; or

''(C) ordered by the court, in an action brought for a violation of section 15(a)(4) or a repeated or willful violation of section 15(a)(2), to be paid to the Secretary.

''(4) Any administrative determination by the Secretary of the amount of any penalty under this subsection shall be final, unless within 15 days after receipt of notice thereof by certified mail the person charged with the violation takes exception to the determination that the violations for which the penalty is imposed occurred, in which event final determination of the penalty shall be made in an administrative proceeding after opportunity for hearing in accordance with section 554 of title 5, United States Code, and regulations to be promulgated by the Secretary.

''(5) Except for civil penalties collected for violations of section 12, sums collected as penalties pursuant to this section shall be applied toward reimbursement of the costs of determining the violations and assessing and collecting such penalties, in accordance with the provision of section 2 of the Act entitled 'An Act to authorize the Department of Labor to make special statistical studies upon payment of the cost thereof and for other purposes' (29 U.S.C. 9a). Civil penalties collected for violations of section 12 shall be deposited in the general fund of the Treasury.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 4574. Mr. PRYOR (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 306. EXPANSION OF PROGRAMS OF EDUCATION ELIGIBLE FOR ACCELERATED PAYMENT OF EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) IN GENERAL.—Subsection (b) of section 3014A is amended by striking paragraph (1) and inserting the following new paragraph (1):

''(1) enrolled in—

''(A) an approved program of education that leads to employment in a high technology occupation in a high technology industry (as determined pursuant to regulations prescribed by the Secretary); or

''(B) during the period beginning on October 1, 2008, and ending on September 30, 2012, an approved program of education lasting less than two years that (as so determined) leads to employment in—

''(i) the transportation sector of the economy;

''(ii) the construction sector of the economy;

''(iii) the hospitality sector of the economy; or

''(iv) the energy sector of the economy; and''.

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

''§ 3014A. Accelerated payment of basic educational assistance''.

(2) CLERICAL AMENDMENT.—The item relating to such section in the table of sections at the beginning of chapter 30 is amended to read as follows:

''3014A. Accelerated payment of basic educational assistance.''.

SA 4575. Mr. REID (for Mr. KYL) proposed an amendment to the bill S. 2324, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes; as follows:

On page 2, line 21, insert before the quotation marks ''Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

On page 2, line 26, insert a period before the quotation marks.

On page 3, line 3, insert before the quotation marks ''. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

On page 3, line 14, insert before the quotation marks ''Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

On page 4, line 7, insert before the quotation marks ''Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

On page 4, line 17, insert before the quotation marks ''Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

On page 10, after line 24, add the following:

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to alter the duties and responsibilities of the counsel for any establishment or designated Federal entity.

On page 32, strike lines 14 through 19 and insert the following:

''(E) if the Inspector General concludes that the budget submitted by the President would substantially inhibit the Inspector General from performing the duties of the office, any comments of the affected Inspector General with respect to the proposal.''.

On page 40, strike lines 1 through 20.

On page 40, line 21, strike ''15'' and insert ''14''.

On page 42, line 4, strike ''16'' and insert ''15''.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources. The hearing will be held on Wednesday, April 30, 2008, at 3:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to consider the nominations of Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior and Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record may do so by sending it to the Committee on Energy and Natural Resources, United States Senate, Washington, D.C. 20510–6150, or by e-mail to Amanda_kelly@energy.senate.gov.

For further information, please contact Sam Fowler at (202) 224–7571 or Amanda Kelly at (202) 224–6836.

The PRESIDING OFFICER. The majority leader.

INSPECTOR GENERAL REFORM ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 578, S. 2324.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2324) to amend the Inspector General Act of 1978, (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italics.)

S. 2324

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 ''Inspector General Reform Act of **[**2007**]***2008*''.

SEC. 2. APPOINTMENT AND QUALIFICATIONS OF INSPECTORS GENERAL.

Section 8G(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end ''Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.''.

SEC. 3. REMOVAL OF INSPECTORS GENERAL.

(a) ESTABLISHMENTS.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking the second sentence and inserting ''If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.''.

(b) DESIGNATED FEDERAL ENTITIES.—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress'' and inserting ''shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer''.

(c) LEGISLATIVE AGENCIES.—

(1) LIBRARY OF CONGRESS.—Section 1307(c)(2) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(c)(2)) is amended by striking the second sentence and inserting ''If the Inspector General is removed from office or is transferred to another position or location within the Library of Congress, the Librarian of Congress shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.''.

(2) CAPITOL POLICE.—Section 1004(b) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 1909(b)) is amended by striking paragraph (3) and inserting the following:

''(3) REMOVAL.—The Inspector General may be removed or transferred from office before the expiration of his term only by the unanimous vote of all of the voting members of the Capitol Police Board. If an Inspector General is removed from office or is transferred to another position or location within the Capitol Police, the Capitol Police Board shall communicate in writing the reasons for any such removal or transfer to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, not later than 30 days before the removal or transfer.''.

(3) GOVERNMENT PRINTING OFFICE.—Section 3902(b)(2) of title 44, United States Code, is amended by striking the second sentence and inserting ''If the Inspector General is removed from office or is transferred to another position or location within the Government Printing Office, the Public Printer shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer.''.

SEC. 4. PAY OF INSPECTORS GENERAL.

(a) INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.—

(1) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), is amended by adding at the end the following:

''(e) The annual rate of basic pay for an Inspector General (as defined under section 11(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended by striking the item relating to each of the following positions:

(A) Inspector General, Department of Education.

(B) Inspector General, Department of Energy.

(C) Inspector General, Department of Health and Human Services.

(D) Inspector General, Department of Agriculture.

(E) Inspector General, Department of Housing and Urban Development.

(F) Inspector General, Department of Labor.

(G) Inspector General, Department of Transportation.

(H) Inspector General, Department of Veterans Affairs.

(I) Inspector General, Department of Homeland Security.

(J) Inspector General, Department of Defense.

(K) Inspector General, Department of State.

(L) Inspector General, Department of Commerce.

(M) Inspector General, Department of the Interior.

(N) Inspector General, Department of Justice.

(O) Inspector General, Department of the Treasury.

(P) Inspector General, Agency for International Development.

(Q) Inspector General, Environmental Protection Agency.

(R) Inspector General, Export-Import Bank.

(S) Inspector General, Federal Emergency Management Agency.

(T) Inspector General, General Services Administration.

(U) Inspector General, National Aeronautics and Space Administration.

(V) Inspector General, Nuclear Regulatory Commission.

(W) Inspector General, Office of Personnel Management.

(X) Inspector General, Railroad Retirement Board.

(Y) Inspector General, Small Business Administration.

(Z) Inspector General, Tennessee Valley Authority.

(AA) Inspector General, Federal Deposit Insurance Corporation.

(BB) Inspector General, Resolution Trust Corporation.

(CC) Inspector General, Central Intelligence Agency.

(DD) Inspector General, Social Security Administration.

(EE) Inspector General, United States Postal Service.

(3) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENT.—Section 194(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(b)) is amended by striking paragraph (3).

(b) INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall, for pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, at or above those of a majority of the senior level executives of that designated Federal entity (such as a General Counsel, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, or Chief Acquisition Officer). The pay of an Inspector General of a designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall be not less than the average total compensation of the senior level executives of that designated Federal entity *calculated on an annual basis.*

(c) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—The provisions of section 3392 of title 5, United States Code, other than the terms ''performance awards'' and ''awarding of ranks'' in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

(d) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving on the date of enactment of this section as an Inspector General of—

(1) an establishment as defined under section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(2) a designated Federal entity as defined under section 8G(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(3) a legislative agency *for which the position of Inspector General is established by statute*; or

(4) any other entity of the Government *for which the position of Inspector General is established by statute.*

SEC. 5. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 4 of this Act) is further amended by adding at the end the following:

''(f) An Inspector General (as defined under section 8G(a)(6) or 11(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.''.

SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS GENERAL.

(a) COUNSELS TO INSPECTORS GENERAL OF ESTABLISHMENT.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by sections 4 and 5 of this Act) is further amended by adding at the end the following:

''(g) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service, obtain legal advice from a counsel either reporting directly to the Inspector General or another Inspector General.''.

(b) COUNSELS TO INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(4) Each Inspector General shall, in accordance with applicable laws and regulations governing appointments within the designated Federal entity, appoint a Counsel to the Inspector General who shall report to the Inspector General or obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.''.

SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

(a) ESTABLISHMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 11 and 12 as sections 12 and 13, respectively, and by inserting after section 10 the following:

''SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

''(a) ESTABLISHMENT AND MISSION.—

''(1) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the 'Council').

''(2) MISSION.—The mission of the Council shall be to—

''(A) address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

''(B) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Council shall consist of the following members:

''(A) All Inspectors General whose offices are established under—

''(i) section 2; or

''(ii) section 8G.

''(B) The Inspectors General of the Office of the Director of National Intelligence and the Central Intelligence Agency.

''(C) The Controller of the Office of Federal Financial Management.

''(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

''(E) The Director of the Office of Government Ethics.

''(F) The Special Counsel of the Office of Special Counsel.

''(G) The Deputy Director of the Office of Personnel Management.

''(H) The Deputy Director for Management of the Office of Management and Budget.

''(I) The Office of Inspectors General of the Library of Congress, Capitol Police, and the Government Printing Office.

''(J) Any other members designated by the President.

''(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

''(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

''(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

''(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

''(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

''(i) preside over meetings of the Council;

''(ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

''(iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

''(B) CHAIRPERSON.—The Chairperson shall—

''(i) convene meetings of the Council—

''(I) at least 6 times each year;

''(II) monthly to the extent possible; and

''(III) more frequently at the discretion of the Chairperson;

''(ii) exercise the functions and duties of the Council under subsection (c);

''(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;

''(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

''(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the availability of appropriations and the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

''(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

''(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

''(viii) prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.

''(c) FUNCTIONS AND DUTIES OF COUNCIL.—

''(1) IN GENERAL.—The Council shall—

''(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

''(B) develop plans for coordinated, governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

''(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

''(D) maintain an Internet website and other electronic systems for the benefit of all Inspectors General, as the Council determines are necessary or desirable;

''(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

''(F) submit recommendations of 3 individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

''(G) make such reports to Congress as the Chairperson determines are necessary or appropriate; and

''(H) perform other duties within the authority and jurisdiction of the Council, as appropriate.

''(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council shall adhere to professional standards developed by the Council and participate in the plans, programs, and projects of the Council, as appropriate.

''(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

''(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency funding of activities described under subclause [(I) or (II)] *(I), (II), or (III)* of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

''(i) the Executive Chairperson may authorize the use of interagency funding for—

''(I) Governmentwide training of employees of the Offices of the Inspectors General;

''(II) the functions of the Integrity Committee of the Council; and

''(III) any other authorized purpose determined by the Council; and

''(ii) upon the authorization of the Executive Chairperson, any department, agency, or entity of the [United States Government] *executive branch which has a member on the Council* shall fund or participate in the funding of such activities.

''(B) SUPERSEDING PROVISIONS.—No provision of law enacted after the date of enactment of this subsection shall be construed to limit or supersede the authority under paragraph (1), unless such provision makes specific reference to the authority in that paragraph.

''(4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—

''(A) the role of the Department of Justice in law enforcement and litigation;

''(B) the authority or responsibilities of any Government agency or entity; and

''(C) the authority or responsibilities of individual members of the Council.

''(d) INTEGRITY COMMITTEE.—

''(1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and [certain] staff members of the various Offices of Inspector General *described under paragraph (4)(C)*.

''(2) MEMBERSHIP.—The Integrity Committee shall consist of the following members:

''(A) The official of the Federal Bureau of Investigation serving on the Council, who shall serve as Chairperson of the Integrity Committee.

''(B) Three or more Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).

''(C) The Special Counsel of the Office of Special Counsel.

''(D) The Director of the Office of Government Ethics.

''(3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.

''(4) REFERRAL OF ALLEGATIONS.—

''(A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—

''(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

''(ii) the Inspector General determines that—

''(I) an objective internal investigation of the allegation is not feasible; or

''(II) an internal investigation of the allegation may appear not to be objective.

''(B) DEFINITION.—In this paragraph the term 'staff member' means—

''(i) any employee of an Office of Inspector General who reports directly to an Inspector General; or

''(ii) who is designated by an Inspector General under subparagraph (C).

''(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

''(5) REVIEW OF ALLEGATIONS.—The Integrity Committee shall—

''(A) review all allegations of wrongdoing the Integrity Committee receives against an Inspector General, or against [an employee] *a staff member* of an Office of Inspector General *described under paragraph (4)(C)*;

''(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

''(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee *under subparagraph (A)* to be potentially meritorious that cannot be referred to an agency under subparagraph (B).

''(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

''(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(C) to be conducted in accordance with this paragraph.

''(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

''(i) may provide resources necessary to the Integrity Committee; and

''(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

''(7) PROCEDURES FOR INVESTIGATIONS.—

''(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

''(B) ADDITIONAL POLICIES AND PROCEDURES.—

''(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

''(I) determining whether to initiate an investigation;

''(II) conducting investigations;

''(III) reporting the results of an investigation; and

''(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report.

''(ii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

''(C) REPORTS.—

''(i) POTENTIALLY MERITORIOUS ALLEGATIONS.—For allegations [referred to] *described* under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of the investigation of the Chairperson and shall provide such report to members of the Integrity Committee.

''(ii) ALLEGATIONS OF WRONGDOING.—For allegations referred to *an agency* under paragraph (5)(B), the head of [an] *that* agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

''(8) ASSESSMENT AND FINAL DISPOSITION.—

''(A) IN GENERAL.—With respect to any report received under paragraph (7)(C), the Integrity Committee shall—

''(i) assess the report;

''(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within [180] *30* days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and

''(iii) submit to the congressional committees of jurisdiction an executive summary of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

''(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

''(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

''(A) The number of allegations received.

''(B) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

''(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

''(D) The number of allegations closed without referral.

''(E) The date each allegation was received and the date each allegation was finally disposed of.

''(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

''(G) Other matters that the Council considers appropriate.

''(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the Council shall provide more detailed information about specific allegations upon request from any of the following:

''(A) The chairperson or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

''(B) The chairperson or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

''(C) The chairperson or ranking member of the congressional committees of jurisdiction.

''(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.''.

(b) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

(1) DEFINITIONS.—In this section—

(A) the term ''Integrity Committee'' means the Integrity Committee established under section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App.), as amended by this Act; and

(B) the term ''Special Counsel'' refers to the Special Counsel appointed under section 1211(b) of title 5, United States Code.

(2) AUTHORITY OF INTEGRITY COMMITTEE.—

(A) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation by the Integrity Committee to the same extent and in the same manner as in the case of an allegation against an Inspector General (or a member of the staff of an Office of Inspector General), subject to the requirement that the Special Counsel recuse himself or herself from the consideration of any allegation brought under this paragraph.

(B) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This subsection does not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which that allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of that title.

(3) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this subsection, subject to such consultation or other requirements as might otherwise apply.

[(b)]*(c)* EXISTING EXECUTIVE ORDERS.—Executive Order 12805, dated May 11, 1992, and Executive Order 12993, dated March 21, 1996, shall have no force or effect.

[(c)]*(d)* TECHNICAL AND CONFORMING AMENDMENTS.—

(1) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in sections 2(1), 4(b)(2), and 8G(a)(1)(A) by striking ''section 11(2)'' each place it appears and inserting ''section 12(2)''; and

(B) in section 8G(a), in the matter preceding paragraph (1), by striking ''section 11'' and inserting ''section 12''.

(2) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by striking the first paragraph (33) and inserting the following:

''(33) a separate appropriation account for appropriations for the Council of the Inspectors General on Integrity and Efficiency, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Council of the Inspectors General on Integrity and Efficiency.''.

SEC. 8. SUBMISSION OF BUDGET REQUESTS TO CONGRESS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(f)(1) For each fiscal year, an Inspector General shall transmit a budget estimate and request to the head of the [agency, board, or commission] *establishment or designated Federal entity* to which the Inspector General reports. The budget request shall specify the aggregate amount of funds requested for such fiscal year for the operations of that Inspector General and shall specify the amount requested for all training [requirements] *needs*, including a certification from the Inspector General that the amount requested satisfies all training requirements for the Inspector General's office for that fiscal year, and any resources necessary to support the Council of the Inspectors General on Integrity and Efficiency. Resources necessary to support the Council of the Inspectors General on Integrity and Efficiency shall be specifically identified and justified in the budget request.

''(2) In transmitting a proposed budget to the President for approval, the head of each [agency, board or commission] *establishment or designated Federal entity* shall include—

''(A) an aggregate request for the Inspector General;

''(B) amounts for Inspector General training;

''(C) amounts for support of the Council of the Inspectors General on Integrity and Efficiency; and

''(D) any comments of the affected Inspector General with respect to the proposal.

''(3) The President shall include in each budget of the United States Government submitted to Congress—

''(A) a separate statement of the budget estimate prepared in accordance with paragraph (1);

''(B) the amount requested by the President for each Inspector General;

''(C) *the amount requested by the President for* training of Inspectors General;

''(D) *the amount requested by the President for* support for the Council of the Inspectors General on Integrity and Efficiency; and

''(E) any comments of the affected Inspector General with respect to the proposal, including whether the budget request submitted by the head of the establishment *or designated Federal entity* would substantially inhibit the Inspector General from performing the duties of the office.''.

SEC. 9. SUBPOENA POWER.

Section 6(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting ''in any medium (including electronically stored information, as well as any tangible thing)'' after ''other data''; and

(2) by striking ''subpena'' and inserting ''subpoena''.

SEC. 10. PROGRAM FRAUD CIVIL REMEDIES ACT.

Section 3801(a)(1) of title 31, United States Code, is amended—

(1) in subparagraph [(C)] *(D)*, by striking ''and'' after the semicolon;

(2) in subparagraph [(D)] *(E)*, by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''[(E)]*(F)* a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978).''.

SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DESIGNATED FEDERAL ENTITIES.

Section 6(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking ''appointed under section 3''; and

(2) by adding at the end the following:

''(9) In this subsection the term 'Inspector General' means an Inspector General appointed under section 3 or an Inspector General appointed under section 8G.''.

SEC. 12. APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO INSPECTION REPORTS AND EVALUATION REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in each of subsections (a)(6), (a)(8), (a)(9), (b)(2), and (b)(3)—

(A) by inserting '', inspection reports, and evaluation reports'' after ''audit reports'' the first place it appears; and

(B) by striking ''audit'' the second place it appears; and

(2) in subsection (a)(10) by inserting '', inspection reports, and evaluation reports'' after ''audit reports''.

[SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

[(a) DEFINITION.—In this section the term ''agency'' means a Federal agency as defined under section 11(5) of the Inspector General Act of 1978 (5 U.S.C. App.).

[(b) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

[(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency, a direct link to the website of the Office of the Inspector General of that agency.

[(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

[(c) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

[(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

[(A) in accordance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act), not later than 3 working days after any report or audit (or portion of any report or audit), that is subject to release under section 552 of that title (commonly referred to as the Freedom of Information Act), is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of the Inspector General; and

[(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

[(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

[(ii) includes a summary of the findings of the Inspector General; and

[(iii) is in a format that—

[(I) is searchable and downloadable; and

[(II) facilitates printing by individuals of the public accessing the website.

[(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

[(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

[(B) ANONYMITY.—The Inspector General of each agency shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.

[(d) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement this section.]

SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8K the following:

''SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

''(a) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

''(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency, a direct link to the website of the Office of the Inspector General of that agency.

''(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

''(b) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

''(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

''(A) in accordance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act), not later than 3 working days after any report or audit (or portion of any report or audit), that is subject to release under section 552 of that title (commonly referred to as the Freedom of Information Act), is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of the Inspector General; and

''(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

''(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

''(ii) includes a summary of the findings of the Inspector General; and

''(iii) is in a format that—

''(I) is searchable and downloadable; and

''(II) facilitates printing by individuals of the public accessing the website.

''(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

''(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

''(B) ANONYMITY.—The Inspector General of each agency shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.''.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement the amendment made by this section.

SEC. 14. INVESTIGATIONS OF DEPARTMENT OF JUSTICE PERSONNEL.

(a) AMENDMENT TO REQUIREMENT RELATING TO CERTAIN REFERRALS.—Section 8E(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking paragraph (3).

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is further amended—

(1) in subsection (b)—

(A) by striking ''and paragraph (3)'' in paragraph (2);

(B) by redesignating paragraph (4) as paragraph (3); and

(C) by redesignating paragraph (5) as paragraph (4) and in that paragraph by striking ''(4)'' and inserting ''(3)''; and

(2) in subsection (d), by striking '', except with respect to allegations described in subsection (b)(3),''.

SEC. 15. OTHER ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Section 6(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''(d)(1)(A) For purposes of applying the provisions of law identified in subparagraph (B)—

''(i) each Office of Inspector General shall be considered to be a separate agency; and

''(ii) the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office, have the functions, powers, and duties of an agency head or appointing authority under such provisions.

''(B) This paragraph applies with respect to the following provisions of title 5, United States Code:

''(i) Subchapter II of chapter 35.

''(ii) Sections 8335(b), 8336, 8344, 8414, 8468, and 8425(b).

''(iii) All provisions relating to the Senior Executive Service (as determined by the Office of Personnel Management), subject to paragraph (2).

''(2) For purposes of applying section 4507(b) of title 5, United States Code, paragraph (1)(A)(ii) shall be applied by substituting 'the Council of the Inspectors General on Integrity and Efficiency (established by section 11 of the Inspector General Act) shall' for 'the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office,'.''.

(b) AUTHORITY OF TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION [TO] *TO* PROTECT INTERNAL REVENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''and the providing of physical security''.

SEC. 16. GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.

(a) IN GENERAL.—

(1) SUBMISSION.—Not later than 360 days after the date of enactment of this Act, the Government Accountability Office shall submit a report examining the adequacy of mechanisms to ensure accountability of the Offices of Inspector General to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall examine—

(A) the practices, policies, and procedures of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency (and its predecessor committee); and

(B) the practices, policies, and procedures of the Offices of Inspector General with respect to complaints by and about employees of any Office of Inspector General that are not within the jurisdiction of the Integrity Committee.

(b) PAY OF INSPECTORS GENERAL.—Not later than 270 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the congressional committees of jurisdiction on the implementation of section 4.

Mr. KYL. Mr. President, I rise today to say a few words about S. 2324, the Inspector General Reform Act, which is expected to pass the Senate today with an amendment of mine. The amendment makes several reforms and clarifying changes to the bill.

Section 3 of the bill requires the President to give Congress 30 days' notice before removing or transferring an inspector general from his position. My amendment clarifies that the President may still take other actions against an inspector general without providing 30 days' notice, such as suspending him or otherwise preventing him from taking official actions. While section 3 appears to be designed to allow Congress to respond to a situation where an inspector general is fired in order to impede his discovery of wrongdoing or for other improper reasons, my amendment is intended to address another kind of scenario, one where an inspector general is fired for very good reasons.

We should not assume that inspectors general will be immune to human failings. If an inspector general is fired because he has been indicted or is under investigation for corruption or has otherwise abused the powers of his office, it should be clear that the President can prevent the inspector general from launching new investigations in retaliation or taking other official actions, and that he can be denied access to his office space. My amendment ensures that this is so.

Section 6 of the bill authorizes inspectors general to obtain legal advice from the attorneys working for them. While this provision strengthens the independence of inspectors general, it creates a potential ambiguity as to who has ultimate authority to resolve legal questions within an agency. Agency employees should not face a division of authority if an inspector general were to reach a different conclusion on a legal matter previously resolved by the agency counsel.

My amendment clarifies that the agency or department's chief legal officer remains the ultimate legal authority within the agency. While an inspector general may obtain his own legal advice, his review does not constitute an appeal or review of the general counsel's decisions and judgments. The chief legal officer's views are what is final within the agency, and they are subject to review within the executive branch only by the head of the agency and the Justice Department.

Section 8 of the bill as reported by the committee allowed inspectors general to include their own budget comments with respect to their offices in the President's budget proposal to Congress. I would first note that the generous growth of inspectors generals' budgets during this administration leaves little reason to fear that these offices are being starved of resources. More fundamentally, as a general matter, all agencies and departments should be subject to the Office of Management and Budget's budgeting process, to ensure that the President's budget proposal reflects and balances competing priorities. Rules such as that in section 8 should generally be disfavored. An exception is tolerable here only because of the unique status and role of the inspectors general. And even in their case, we should not assume that every disagreement between the Office of Management and Budget and an inspector general about the size of his budget reflects some effort to suppress an investigation.

All bureaucrats love to see their budgets grow and to build their little empires. We should not assume that inspectors general are immune from this tendency. To mitigate its effects, my amendment would require that an inspector general assert that he would be inhibited in the performance of his duties before he may submit a separate budget request.

The amendment serves two purposes. First, it should rein in requests for ever-expanding budgets, and ensure that inspectors general generally remain subject to budget discipline. And secondly, it ensures that if an administration is retaliating against an inspector general or otherwise reducing his budget in order to prevent him from doing his job, then Congress will be alerted to the fact. If separate budget requests were routine, the submission of such requests would provide little notice to congressional overseers. And if an inspector general believes that an administration is starving him of resources with the intent to undermine his ability to do his job, Congress not only should have before it his separate budget request, it should also be made aware that the inspector general believes that he is being treated that way.

Finally, section 14 of the committee-reported bill would have given the Justice Department's inspector general the authority to conduct legal ethics reviews. I found this provision strongly objectionable. An attorney's decision to investigate, litigate, or provide legal advice is a sensitive one and should be reviewed with great deference. There can be a wide range of legitimate disagreement as to how such issues should be decided. Justice Department reviews of such decisions are equivalent to the attorney discipline proceedings conducted by state bar associations. They are currently conducted within the Justice Department by the Office of Professional Responsibility, and there is no evidence that this Office's reviews are anything less than adequate.

Indeed, recently the Office of Professional Responsibility has taken upon itself the role of reviewing the merits of the Office of Legal Counsel's legal analyses. The Office of Legal Counsel's lawyers are recognized to be among the very best in the executive branch. They are assigned to resolve the most difficult legal questions that confront an administration. I find it dubious that an OPR lawyer would be in any position to assess whether an Office of Legal Counsel opinion is legally correct or not.

Absent at least some evidence that such an opinion was the product of bribery or other improper external influences, I question the basis on which

OPR even assumes for itself the authority to initiate such a review. I fear that OPR's actions are influenced more by the toxic style of opposition attacks on the Justice Department in recent years, in which legitimate policy and legal disputes are recast as ethical lapses, rather than by a sound concern for the integrity of the Department.

While some of the Office of Professional Responsibilities' recent actions are debatable, the notion of extending that Office's authority to the inspector general is totally unacceptable. Inspectors general investigate waste, fraud, and abuse. They are suited neither by temperament nor experience to second guess whether a Justice Department lawyer should have investigated a matter, prosecuted a case, or offered a legal opinion. It is at my insistence that the original section 14 has been removed from this bill.

I commend Senators LIEBERMAN and COLLINS for their devotion to overseeing and improving the operations of the inspectors general and, with the changes made by my amendment, I will raise no objection to the passage of this bill.

Mr. REID. Mr. President, I ask unanimous consent that a Kyl amendment, which is at the desk, be agreed to; the committee amendments, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4575) was agreed to, as follows:

(Purpose: To modify provisions relating to transfers and removals, duties of counsel, and comments on budget submissions, and for other purposes)

On page 2, line 21, insert before the quotation marks ''Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

On page 2, line 26, insert a period before the quotation marks.

On page 3, line 3, insert before the quotation marks ''. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

On page 3, line 14, insert before the quotation marks ''Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

On page 4, line 7, insert before the quotation marks ''Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

On page 4, line 17, insert before the quotation marks ''Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

On page 10, after line 24, add the following:

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to alter the duties and responsibilities of the counsel for any establishment or designated Federal entity.

On page 32, strike lines 14 through 19 and insert the following:

''(E) if the Inspector General concludes that the budget submitted by the President would substantially inhibit the Inspector General from performing the duties of the office, any comments of the affected Inspector General with respect to the proposal.''.

On page 40, strike lines 1 through 20.

On page 40, line 21, strike ''15'' and insert ''14''.

On page 42, line 4, strike ''16'' and insert ''15''.

The committee amendments were agreed to.

The bill (S. 2324), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2324

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 ''Inspector General Reform Act of 2008''.

SEC. 2. APPOINTMENT AND QUALIFICATIONS OF INSPECTORS GENERAL.

Section 8G(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end ''Each Inspector General shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations.''.

SEC. 3. REMOVAL OF INSPECTORS GENERAL.

(a) ESTABLISHMENTS.—Section 3(b) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking the second sentence and inserting ''If an Inspector General is removed from office or is transferred to another position or location within an establishment, the President shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

(b) DESIGNATED FEDERAL ENTITIES.—Section 8G(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''shall promptly communicate in writing the reasons for any such removal or transfer to both Houses of the Congress.'' and inserting ''shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

(c) LEGISLATIVE AGENCIES.—

(1) LIBRARY OF CONGRESS.—Section 1307(c)(2) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(c)(2)) is amended by striking the second sentence and inserting ''If the Inspector General is removed from office or is transferred to another position or location within the Library of Congress, the Librarian of Congress shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

(2) CAPITOL POLICE.—Section 1004(b) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 1909(b)) is amended by striking paragraph (3) and inserting the following:

''(3) REMOVAL.—The Inspector General may be removed or transferred from office before the expiration of his term only by the unanimous vote of all of the voting members of the Capitol Police Board. If an Inspector General is removed from office or is transferred to another position or location within the Capitol Police, the Capitol Police Board shall communicate in writing the reasons for any such removal or transfer to the Committee on Rules and Administration of the Senate, the Committee on House Administration of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, not later than 30 days before the removal or transfer. Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

(3) GOVERNMENT PRINTING OFFICE.—Section 3902(b)(2) of title 44, United States Code, is amended by striking the second sentence and inserting ''If the Inspector General is removed from office or is transferred to another position or location within the Government Printing Office, the Public Printer shall communicate in writing the reasons for any such removal or transfer to both Houses of Congress, not later than 30 days before the removal or transfer. Nothing in this paragraph shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.''.

SEC. 4. PAY OF INSPECTORS GENERAL.

(a) INSPECTORS GENERAL AT LEVEL III OF EXECUTIVE SCHEDULE.—

(1) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.), is amended by adding at the end the following:

''(e) The annual rate of basic pay for an Inspector General (as defined under section 11(3)) shall be the rate payable for level III of the Executive Schedule under section 5314 of title 5, United States Code, plus 3 percent.''.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 5315 of title 5, United States Code, is amended by striking the item relating to each of the following positions:

(A) Inspector General, Department of Education.

(B) Inspector General, Department of Energy.

(C) Inspector General, Department of Health and Human Services.

(D) Inspector General, Department of Agriculture.

(E) Inspector General, Department of Housing and Urban Development.

(F) Inspector General, Department of Labor.

(G) Inspector General, Department of Transportation.

(H) Inspector General, Department of Veterans Affairs.

(I) Inspector General, Department of Homeland Security.

(J) Inspector General, Department of Defense.

(K) Inspector General, Department of State.

(L) Inspector General, Department of Commerce.

(M) Inspector General, Department of the Interior.

(N) Inspector General, Department of Justice.

(O) Inspector General, Department of the Treasury.

(P) Inspector General, Agency for International Development.

(Q) Inspector General, Environmental Protection Agency.

(R) Inspector General, Export-Import Bank.

(S) Inspector General, Federal Emergency Management Agency.

(T) Inspector General, General Services Administration.

(U) Inspector General, National Aeronautics and Space Administration.

(V) Inspector General, Nuclear Regulatory Commission.

(W) Inspector General, Office of Personnel Management.

(X) Inspector General, Railroad Retirement Board.

(Y) Inspector General, Small Business Administration.

(Z) Inspector General, Tennessee Valley Authority.

(AA) Inspector General, Federal Deposit Insurance Corporation.

(BB) Inspector General, Resolution Trust Corporation.

(CC) Inspector General, Central Intelligence Agency.

(DD) Inspector General, Social Security Administration.

(EE) Inspector General, United States Postal Service.

(3) ADDITIONAL TECHNICAL AND CONFORMING AMENDMENT.—Section 194(b) of the National and Community Service Act of 1990 (42 U.S.C. 12651e(b)) is amended by striking paragraph (3).

(b) INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Notwithstanding any other provision of law, the Inspector General of each designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall, for pay and all other purposes, be classified at a grade, level, or rank designation, as the case may be, at or above those of a majority of the senior level executives of that designated Federal entity (such as a General Counsel, Chief Information Officer, Chief Financial Officer, Chief Human Capital Officer, or Chief Acquisition Officer). The pay of an Inspector General of a designated Federal entity (as those terms are defined under section 8G of the Inspector General Act of 1978 (5 U.S.C. App.)) shall be not less than the average total compensation of the senior level executives of that designated Federal entity calculated on an annual basis.

(c) SAVINGS PROVISION FOR NEWLY APPOINTED INSPECTORS GENERAL.—The provisions of section 3392 of title 5, United States Code, other than the terms ''performance awards'' and ''awarding of ranks'' in subsection (c)(1) of such section, shall apply to career appointees of the Senior Executive Service who are appointed to the position of Inspector General.

(d) SAVINGS PROVISION.—Nothing in this section shall have the effect of reducing the rate of pay of any individual serving on the date of enactment of this section as an Inspector General of—

(1) an establishment as defined under section 11(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(2) a designated Federal entity as defined under section 8G(2) of the Inspector General Act of 1978 (5 U.S.C. App.);

(3) a legislative agency for which the position of Inspector General is established by statute; or

(4) any other entity of the Government for which the position of Inspector General is established by statute.

SEC. 5. PROHIBITION OF CASH BONUS OR AWARDS.

Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by section 4 of this Act) is further amended by adding at the end the following:

''(f) An Inspector General (as defined under section 8G(a)(6) or 11(3)) may not receive any cash award or cash bonus, including any cash award under chapter 45 of title 5, United States Code.''.

SEC. 6. SEPARATE COUNSEL TO SUPPORT INSPECTORS GENERAL.

(a) COUNSELS TO INSPECTORS GENERAL OF ESTABLISHMENT.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) (as amended by sections 4 and 5 of this Act) is further amended by adding at the end the following:

''(g) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service, obtain legal advice from a counsel either reporting directly to the Inspector General or another Inspector General.''.

(b) COUNSELS TO INSPECTORS GENERAL OF DESIGNATED FEDERAL ENTITIES.—Section 8G(g) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(4) Each Inspector General shall, in accordance with applicable laws and regulations governing appointments within the designated Federal entity, appoint a Counsel to the Inspector General who shall report to the Inspector General or obtain the services of a counsel appointed by and directly reporting to another Inspector General or the Council of the Inspectors General on Integrity and Efficiency on a reimbursable basis.''.

(c) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to alter the duties and responsibilities of the counsel for any establishment or designated Federal entity.

SEC. 7. ESTABLISHMENT OF COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

(a) ESTABLISHMENT.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by redesignating sections 11 and 12 as sections 12 and 13, respectively, and by inserting after section 10 the following:

''SEC. 11. ESTABLISHMENT OF THE COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.

''(a) ESTABLISHMENT AND MISSION.—

''(1) ESTABLISHMENT.—There is established as an independent entity within the executive branch the Council of the Inspectors General on Integrity and Efficiency (in this section referred to as the 'Council').

''(2) MISSION.—The mission of the Council shall be to—

''(A) address integrity, economy, and effectiveness issues that transcend individual Government agencies; and

''(B) increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the offices of the Inspectors General.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The Council shall consist of the following members:

''(A) All Inspectors General whose offices are established under—

''(i) section 2; or

''(ii) section 8G.

''(B) The Inspectors General of the Office of the Director of National Intelligence and the Central Intelligence Agency.

''(C) The Controller of the Office of Federal Financial Management.

''(D) A senior level official of the Federal Bureau of Investigation designated by the Director of the Federal Bureau of Investigation.

''(E) The Director of the Office of Government Ethics.

''(F) The Special Counsel of the Office of Special Counsel.

''(G) The Deputy Director of the Office of Personnel Management.

''(H) The Deputy Director for Management of the Office of Management and Budget.

''(I) The Office of Inspectors General of the Library of Congress, Capitol Police, and the Government Printing Office.

''(J) Any other members designated by the President.

''(2) CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

''(A) EXECUTIVE CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall be the Executive Chairperson of the Council.

''(B) CHAIRPERSON.—The Council shall elect 1 of the Inspectors General referred to in paragraph (1)(A) or (B) to act as Chairperson of the Council. The term of office of the Chairperson shall be 2 years.

''(3) FUNCTIONS OF CHAIRPERSON AND EXECUTIVE CHAIRPERSON.—

''(A) EXECUTIVE CHAIRPERSON.—The Executive Chairperson shall—

''(i) preside over meetings of the Council;

''(ii) provide to the heads of agencies and entities represented on the Council summary reports of the activities of the Council; and

''(iii) provide to the Council such information relating to the agencies and entities represented on the Council as assists the Council in performing its functions.

''(B) CHAIRPERSON.—The Chairperson shall—

''(i) convene meetings of the Council—

''(I) at least 6 times each year;

''(II) monthly to the extent possible; and

''(III) more frequently at the discretion of the Chairperson;

''(ii) exercise the functions and duties of the Council under subsection (c);

''(iii) appoint a Vice Chairperson to assist in carrying out the functions of the Council and act in the absence of the Chairperson, from a category of Inspectors General described in subparagraph (A)(i), (A)(ii), or (B) of paragraph (1), other than the category from which the Chairperson was elected;

''(iv) make such payments from funds otherwise available to the Council as may be necessary to carry out the functions of the Council;

''(v) select, appoint, and employ personnel as needed to carry out the functions of the Council subject to the availability of appropriations and the provisions of title 5, United States Code, governing appointments in the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates;

''(vi) to the extent and in such amounts as may be provided in advance by appropriations Acts, enter into contracts and other arrangements with public agencies and private persons to carry out the functions and duties of the Council;

''(vii) establish, in consultation with the members of the Council, such committees as determined by the Chairperson to be necessary and appropriate for the efficient conduct of Council functions; and

''(viii) prepare and transmit a report annually on behalf of the Council to the President on the activities of the Council.

''(c) FUNCTIONS AND DUTIES OF COUNCIL.—

''(1) IN GENERAL.—The Council shall—

''(A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse;

''(B) develop plans for coordinated, governmentwide activities that address these problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning fraud and waste that exceed the capability or jurisdiction of an individual agency or entity;

''(C) develop policies that will aid in the maintenance of a corps of well-trained and highly skilled Office of Inspector General personnel;

''(D) maintain an Internet website and other electronic systems for the benefit of

all Inspectors General, as the Council determines are necessary or desirable;

''(E) maintain 1 or more academies as the Council considers desirable for the professional training of auditors, investigators, inspectors, evaluators, and other personnel of the various offices of Inspector General;

''(F) submit recommendations of individuals to the appropriate appointing authority for any appointment to an office of Inspector General described under subsection (b)(1)(A) or (B);

''(G) make such reports to Congress as the Chairperson determines are necessary or appropriate; and

''(H) perform other duties within the authority and jurisdiction of the Council, as appropriate.

''(2) ADHERENCE AND PARTICIPATION BY MEMBERS.—To the extent permitted under law, and to the extent not inconsistent with standards established by the Comptroller General of the United States for audits of Federal establishments, organizations, programs, activities, and functions, each member of the Council shall adhere to professional standards developed by the Council and participate in the plans, programs, and projects of the Council, as appropriate.

''(3) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—

''(A) INTERAGENCY FUNDING.—Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency funding of activities described under subclause (I), (II), or (III) of clause (i), in the performance of the responsibilities, authorities, and duties of the Council—

''(i) the Executive Chairperson may authorize the use of interagency funding for—

''(I) Governmentwide training of employees of the Offices of the Inspectors General;

''(II) the functions of the Integrity Committee of the Council; and

''(III) any other authorized purpose determined by the Council; and

''(ii) upon the authorization of the Executive Chairperson, any department, agency, or entity of the executive branch which has a member on the Council shall fund or participate in the funding of such activities.

''(B) SUPERSEDING PROVISIONS.—No provision of law enacted after the date of enactment of this subsection shall be construed to limit or supersede the authority under paragraph (1), unless such provision makes specific reference to the authority in that paragraph.

''(4) EXISTING AUTHORITIES AND RESPONSIBILITIES.—The establishment and operation of the Council shall not affect—

''(A) the role of the Department of Justice in law enforcement and litigation;

''(B) the authority or responsibilities of any Government agency or entity; and

''(C) the authority or responsibilities of individual members of the Council.

''(d) INTEGRITY COMMITTEE.—

''(1) ESTABLISHMENT.—The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C).

''(2) MEMBERSHIP.—The Integrity Committee shall consist of the following members:

''(A) The official of the Federal Bureau of Investigation serving on the Council, who shall serve as Chairperson of the Integrity Committee.

''(B) Three or more Inspectors General described in subparagraph (A) or (B) of subsection (b)(1) appointed by the Chairperson of the Council, representing both establishments and designated Federal entities (as that term is defined in section 8G(a)).

''(C) The Special Counsel of the Office of Special Counsel.

''(D) The Director of the Office of Government Ethics.

''(3) LEGAL ADVISOR.—The Chief of the Public Integrity Section of the Criminal Division of the Department of Justice, or his designee, shall serve as a legal advisor to the Integrity Committee.

''(4) REFERRAL OF ALLEGATIONS.—

''(A) REQUIREMENT.—An Inspector General shall refer to the Integrity Committee any allegation of wrongdoing against a staff member of the office of that Inspector General, if—

''(i) review of the substance of the allegation cannot be assigned to an agency of the executive branch with appropriate jurisdiction over the matter; and

''(ii) the Inspector General determines that—

''(I) an objective internal investigation of the allegation is not feasible; or

''(II) an internal investigation of the allegation may appear not to be objective.

''(B) DEFINITION.—In this paragraph the term 'staff member' means—

''(i) any employee of an Office of Inspector General who reports directly to an Inspector General; or

''(ii) who is designated by an Inspector General under subparagraph (C).

''(C) DESIGNATION OF STAFF MEMBERS.—Each Inspector General shall annually submit to the Chairperson of the Integrity Committee a designation of positions whose holders are staff members for purposes of subparagraph (B).

''(5) REVIEW OF ALLEGATIONS.—The Integrity Committee shall—

''(A) review all allegations of wrongdoing the Integrity Committee receives against an Inspector General, or against a staff member of an Office of Inspector General described under paragraph (4)(C);

''(B) refer any allegation of wrongdoing to the agency of the executive branch with appropriate jurisdiction over the matter; and

''(C) refer to the Chairperson of the Integrity Committee any allegation of wrongdoing determined by the Integrity Committee under subparagraph (A) to be potentially meritorious that cannot be referred to an agency under subparagraph (B).

''(6) AUTHORITY TO INVESTIGATE ALLEGATIONS.—

''(A) REQUIREMENT.—The Chairperson of the Integrity Committee shall cause a thorough and timely investigation of each allegation referred under paragraph (5)(C) to be conducted in accordance with this paragraph.

''(B) RESOURCES.—At the request of the Chairperson of the Integrity Committee, the head of each agency or entity represented on the Council—

''(i) may provide resources necessary to the Integrity Committee; and

''(ii) may detail employees from that agency or entity to the Integrity Committee, subject to the control and direction of the Chairperson, to conduct an investigation under this subsection.

''(7) PROCEDURES FOR INVESTIGATIONS.—

''(A) STANDARDS APPLICABLE.—Investigations initiated under this subsection shall be conducted in accordance with the most current Quality Standards for Investigations issued by the Council or by its predecessors (the President's Council on Integrity and Efficiency and the Executive Council on Integrity and Efficiency).

''(B) ADDITIONAL POLICIES AND PROCEDURES.—

''(i) ESTABLISHMENT.—The Integrity Committee, in conjunction with the Chairperson of the Council, shall establish additional policies and procedures necessary to ensure fairness and consistency in—

''(I) determining whether to initiate an investigation;

''(II) conducting investigations;

''(III) reporting the results of an investigation; and

''(IV) providing the person who is the subject of an investigation with an opportunity to respond to any Integrity Committee report.

''(ii) SUBMISSION TO CONGRESS.—The Council shall submit a copy of the policies and procedures established under clause (i) to the congressional committees of jurisdiction.

''(C) REPORTS.—

''(i) POTENTIALLY MERITORIOUS ALLEGATIONS.—For allegations described under paragraph (5)(C), the Chairperson of the Integrity Committee shall make a report containing the results of the investigation of the Chairperson and shall provide such report to members of the Integrity Committee.

''(ii) ALLEGATIONS OF WRONGDOING.—For allegations referred to an agency under paragraph (5)(B), the head of that agency shall make a report containing the results of the investigation and shall provide such report to members of the Integrity Committee.

''(8) ASSESSMENT AND FINAL DISPOSITION.—

''(A) IN GENERAL.—With respect to any report received under paragraph (7)(C), the Integrity Committee shall—

''(i) assess the report;

''(ii) forward the report, with the recommendations of the Integrity Committee, including those on disciplinary action, within 30 days (to the maximum extent practicable) after the completion of the investigation, to the Executive Chairperson of the Council and to the President (in the case of a report relating to an Inspector General of an establishment or any employee of that Inspector General) or the head of a designated Federal entity (in the case of a report relating to an Inspector General of such an entity or any employee of that Inspector General) for resolution; and

''(iii) submit to the congressional committees of jurisdiction an executive summary of such report and recommendations within 30 days after the submission of such report to the Executive Chairperson under clause (ii).

''(B) DISPOSITION.—The Executive Chairperson of the Council shall report to the Integrity Committee the final disposition of the matter, including what action was taken by the President or agency head.

''(9) ANNUAL REPORT.—The Council shall submit to Congress and the President by December 31 of each year a report on the activities of the Integrity Committee during the preceding fiscal year, which shall include the following:

''(A) The number of allegations received.

''(B) The number of allegations referred to other agencies, including the number of allegations referred for criminal investigation.

''(C) The number of allegations referred to the Chairperson of the Integrity Committee for investigation.

''(D) The number of allegations closed without referral.

''(E) The date each allegation was received and the date each allegation was finally disposed of.

''(F) In the case of allegations referred to the Chairperson of the Integrity Committee, a summary of the status of the investigation of the allegations and, in the case of investigations completed during the preceding fiscal year, a summary of the findings of the investigations.

''(G) Other matters that the Council considers appropriate.

''(10) REQUESTS FOR MORE INFORMATION.—With respect to paragraphs (8) and (9), the

Council shall provide more detailed information about specific allegations upon request from any of the following:

''(A) The chairperson or ranking member of the Committee on Homeland Security and Governmental Affairs of the Senate.

''(B) The chairperson or ranking member of the Committee on Oversight and Government Reform of the House of Representatives.

''(C) The chairperson or ranking member of the congressional committees of jurisdiction.

''(11) NO RIGHT OR BENEFIT.—This subsection is not intended to create any right or benefit, substantive or procedural, enforceable at law by a person against the United States, its agencies, its officers, or any person.''.

(b) ALLEGATIONS OF WRONGDOING AGAINST SPECIAL COUNSEL OR DEPUTY SPECIAL COUNSEL.—

(1) DEFINITIONS.—In this section—

(A) the term ''Integrity Committee'' means the Integrity Committee established under section 11(d) of the Inspector General Act of 1978 (5 U.S.C. App), as amended by this Act; and

(B) the term ''Special Counsel'' refers to the Special Counsel appointed under section 1211(b) of title 5, United States Code.

(2) AUTHORITY OF INTEGRITY COMMITTEE.—

(A) IN GENERAL.—An allegation of wrongdoing against the Special Counsel or the Deputy Special Counsel may be received, reviewed, and referred for investigation by the Integrity Committee to the same extent and in the same manner as in the case of an allegation against an Inspector General (or a member of the staff of an Office of Inspector General), subject to the requirement that the Special Counsel recuse himself or herself from the consideration of any allegation brought under this paragraph.

(B) COORDINATION WITH EXISTING PROVISIONS OF LAW.—This subsection does not eliminate access to the Merit Systems Protection Board for review under section 7701 of title 5, United States Code. To the extent that an allegation brought under this subsection involves section 2302(b)(8) of that title, a failure to obtain corrective action within 120 days after the date on which that allegation is received by the Integrity Committee shall, for purposes of section 1221 of such title, be considered to satisfy section 1214(a)(3)(B) of that title.

(3) REGULATIONS.—The Integrity Committee may prescribe any rules or regulations necessary to carry out this subsection, subject to such consultation or other requirements as might otherwise apply.

(c) EXISTING EXECUTIVE ORDERS.—Executive Order 12805, dated May 11, 1992, and Executive Order 12993, dated March 21, 1996, shall have no force or effect.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) INSPECTOR GENERAL ACT OF 1978.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) in sections 2(1), 4(b)(2), and 8G(a)(1)(A) by striking ''section 11(2)'' each place it appears and inserting ''section 12(2)''; and

(B) in section 8G(a), in the matter preceding paragraph (1), by striking ''section 11'' and inserting ''section 12''.

(2) SEPARATE APPROPRIATIONS ACCOUNT.—Section 1105(a) of title 31, United States Code, is amended by striking the first paragraph (33) and inserting the following:

''(33) a separate appropriation account for appropriations for the Council of the Inspectors General on Integrity and Efficiency, and, included in that account, a separate statement of the aggregate amount of appropriations requested for each academy maintained by the Council of the Inspectors General on Integrity and Efficiency.''.

SEC. 8. SUBMISSION OF BUDGET REQUESTS TO CONGRESS.

Section 6 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by adding at the end the following:

''(f)(1) For each fiscal year, an Inspector General shall transmit a budget estimate and request to the head of the establishment or designated Federal entity to which the Inspector General reports. The budget request shall specify the aggregate amount of funds requested for such fiscal year for the operations of that Inspector General and shall specify the amount requested for all training needs, including a certification from the Inspector General that the amount requested satisfies all training requirements for the Inspector General's office for that fiscal year, and any resources necessary to support the Council of the Inspectors General on Integrity and Efficiency. Resources necessary to support the Council of the Inspectors General on Integrity and Efficiency shall be specifically identified and justified in the budget request.

''(2) In transmitting a proposed budget to the President for approval, the head of each establishment or designated Federal entity shall include—

''(A) an aggregate request for the Inspector General;

''(B) amounts for Inspector General training;

''(C) amounts for support of the Council of the Inspectors General on Integrity and Efficiency; and

''(D) any comments of the affected Inspector General with respect to the proposal.

''(3) The President shall include in each budget of the United States Government submitted to Congress—

''(A) a separate statement of the budget estimate prepared in accordance with paragraph (1);

''(B) the amount requested by the President for each Inspector General;

''(C) the amount requested by the President for training of Inspectors General;

''(D) the amount requested by the President for support for the Council of the Inspectors General on Integrity and Efficiency; and

''(E) if the Inspector General concludes that the budget submitted by the President would substantially inhibit the Inspector General from performing the duties of the office, any comments of the affected Inspector General with respect to the proposal.''.

SEC. 9. SUBPOENA POWER.

Section 6(a)(4) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by inserting ''in any medium (including electronically stored information, as well as any tangible thing)'' after ''other data''; and

(2) by striking ''subpena'' and inserting ''subpoena''.

SEC. 10. PROGRAM FRAUD CIVIL REMEDIES ACT.

Section 3801(a)(1) of title 31, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' after the semicolon;

(2) in subparagraph (E), by adding ''and'' after the semicolon; and

(3) by adding at the end the following:

''(F) a designated Federal entity (as such term is defined under section 8G(a)(2) of the Inspector General Act of 1978).''.

SEC. 11. LAW ENFORCEMENT AUTHORITY FOR DESIGNATED FEDERAL ENTITIES.

Section 6(e) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1) by striking ''appointed under section 3''; and

(2) by adding at the end the following:

''(9) In this subsection the term 'Inspector General' means an Inspector General appointed under section 3 or an Inspector General appointed under section 8G.''.

SEC. 12. APPLICATION OF SEMIANNUAL REPORTING REQUIREMENTS WITH RESPECT TO INSPECTION REPORTS AND EVALUATION REPORTS.

Section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in each of subsections (a)(6), (a)(8), (a)(9), (b)(2), and (b)(3)—

(A) by inserting '', inspection reports, and evaluation reports'' after ''audit reports'' the first place it appears; and

(B) by striking ''audit'' the second place it appears; and

(2) in subsection (a)(10) by inserting '', inspection reports, and evaluation reports'' after ''audit reports''.

SEC. 13. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

(a) IN GENERAL.—The Inspector General Act of 1978 (5 U.S.C. App.) is amended by inserting after section 8K the following:

''SEC. 8L. INFORMATION ON WEBSITES OF OFFICES OF INSPECTORS GENERAL.

''(a) DIRECT LINKS TO INSPECTORS GENERAL OFFICES.—

''(1) IN GENERAL.—Each agency shall establish and maintain on the homepage of the website of that agency, a direct link to the website of the Office of the Inspector General of that agency.

''(2) ACCESSIBILITY.—The direct link under paragraph (1) shall be obvious and facilitate accessibility to the website of the Office of the Inspector General.

''(b) REQUIREMENTS FOR INSPECTORS GENERAL WEBSITES.—

''(1) POSTING OF REPORTS AND AUDITS.—The Inspector General of each agency shall—

''(A) in accordance with section 552a of title 5, United States Code (commonly referred to as the Privacy Act), not later than 3 working days after any report or audit (or portion of any report or audit), that is subject to release under section 552 of that title (commonly referred to as the Freedom of Information Act), is made publicly available, post that report or audit (or portion of that report or audit) on the website of the Office of the Inspector General; and

''(B) ensure that any posted report or audit (or portion of that report or audit) described under subparagraph (A)—

''(i) is easily accessible from a direct link on the homepage of the website of the Office of the Inspector General;

''(ii) includes a summary of the findings of the Inspector General; and

''(iii) is in a format that—

''(I) is searchable and downloadable; and

''(II) facilitates printing by individuals of the public accessing the website.

''(2) REPORTING OF FRAUD, WASTE, AND ABUSE.—

''(A) IN GENERAL.—The Inspector General of each agency shall establish and maintain a direct link on the homepage of the website of the Office of the Inspector General for individuals to report fraud, waste, and abuse. Individuals reporting fraud, waste, or abuse using the direct link established under this paragraph shall not be required to provide personally identifying information relating to that individual.

''(B) ANONYMITY.—The Inspector General of each agency shall not disclose the identity of any individual making a report under this paragraph without the consent of the individual unless the Inspector General determines that such a disclosure is unavoidable during the course of the investigation.''.

(b) IMPLEMENTATION.—Not later than 180 days after the date of enactment of this Act, the head of each agency and the Inspector General of each agency shall implement the amendment made by this section.

SEC. 14. OTHER ADMINISTRATIVE AUTHORITIES.

(a) IN GENERAL.—Section 6(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended to read as follows:

''(d)(1)(A) For purposes of applying the provisions of law identified in subparagraph (B)—

''(i) each Office of Inspector General shall be considered to be a separate agency; and

''(ii) the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office, have the functions, powers, and duties of an agency head or appointing authority under such provisions.

''(B) This paragraph applies with respect to the following provisions of title 5, United States Code:

''(i) Subchapter II of chapter 35.

''(ii) Sections 8335(b), 8336, 8344, 8414, 8468, and 8425(b).

''(iii) All provisions relating to the Senior Executive Service (as determined by the Office of Personnel Management), subject to paragraph (2).

''(2) For purposes of applying section 4507(b) of title 5, United States Code, paragraph (1)(A)(ii) shall be applied by substituting 'the Council of the Inspectors General on Integrity and Efficiency (established by section 11 of the Inspector General Act) shall' for 'the Inspector General who is the head of an office referred to in clause (i) shall, with respect to such office,'.''.

(b) AUTHORITY OF TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION TO PROTECT INTERNAL REVENUE SERVICE EMPLOYEES.—Section 8D(k)(1)(C) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking ''and the providing of physical security''.

SEC. 15. GOVERNMENT ACCOUNTABILITY OFFICE REPORTS.

(a) IN GENERAL.—

(1) SUBMISSION.—Not later than 360 days after the date of enactment of this Act, the Government Accountability Office shall submit a report examining the adequacy of mechanisms to ensure accountability of the Offices of Inspector General to—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Government Reform of the House of Representatives.

(2) CONTENTS.—The report submitted under paragraph (1) shall examine—

(A) the practices, policies, and procedures of the Integrity Committee of the Council of the Inspectors General on Integrity and Efficiency (and its predecessor committee); and

(B) the practices, policies, and procedures of the Offices of Inspector General with respect to complaints by and about employees of any Office of Inspector General that are not within the jurisdiction of the Integrity Committee.

(b) PAY OF INSPECTORS GENERAL.—Not later than 270 days after the date of enactment of this Act, the Government Accountability Office shall submit a report to the congressional committees of jurisdiction on the implementation of section 4.

NATIONAL SEXUAL ASSAULT AWARENESS AND PREVENTION MONTH 2008

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Con. Res. 77 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 77) supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 77) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 77

Whereas on average, a person is sexually assaulted in the United States every 2½ minutes;

Whereas the Department of Justice reports that 191,670 people in the United States were sexually assaulted in 2005;

Whereas 1 in 6 women and 1 in 33 men have been victims of rape or attempted rape;

Whereas the Department of Defense received 2,688 reports of sexual assault involving members of the Armed Forces in fiscal year 2007;

Whereas children and young adults are most at risk of sexual assault, as 44 percent of sexual assault victims are under the age of 18, and 80 percent are under the age of 30;

Whereas sexual assault affects women, men, and children of all racial, social, religious, age, ethnic, and economic groups in the United States;

Whereas only 41 percent of sexual assault victims pursue prosecution by reporting their attacks to law enforcement agencies;

Whereas ⅔ of sexual crimes are committed by persons who are not strangers to the victims;

Whereas sexual assault survivors suffer emotional scars long after the physical scars have healed;

Whereas prevention education programs carried out by rape crisis and women's health centers have the potential to reduce the prevalence of sexual assault in their communities;

Whereas because of recent advances in DNA technology, law enforcement agencies now have the potential to identify the rapists in tens of thousands of unsolved rape cases;

Whereas aggressive prosecution can incarcerate rapists and therefore prevent them from committing further crimes;

Whereas free, confidential help is available to all survivors of sexual assault through the National Sexual Assault Hotline, more than 1,000 rape crisis centers across the United States, and other organizations that provide services to assist survivors of sexual assault; and

Whereas April is recognized as ''National Sexual Assault Awareness and Prevention Month'': Now, therefore, be it

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

(1) it is the sense of Congress that—

(A) National Sexual Assault Awareness and Prevention Month provides a special opportunity to educate the people of the United States about sexual violence and to encourage the prevention of sexual assault, the improved treatment of its survivors, and the prosecution of its perpetrators;

(B) it is appropriate to properly acknowledge the more than 20,000,000 men and women who have survived sexual assault in the United States and salute the efforts of survivors, volunteers, and professionals who combat sexual assault;

(C) national and community organizations and private sector supporters should be recognized and applauded for their work in promoting awareness about sexual assault, providing information and treatment to its survivors, and increasing the number of successful prosecutions of its perpetrators; and

(D) public safety, law enforcement, and health professionals should be recognized and applauded for their hard work and innovative strategies to increase the percentage of sexual assault cases that result in the prosecution and incarceration of the offenders;

(2) Congress strongly recommends that national and community organizations, businesses in the private sector, colleges and universities, and the media promote, through National Sexual Assault Awareness and Prevention Month, awareness of sexual violence and strategies to decrease the incidence of sexual assault; and

(3) Congress supports the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008.

ORDERS FOR THURSDAY, APRIL 24, 2008

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., tomorrow morning, Thursday, April 24; following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for up to 60 minutes with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; that following morning business, the Senate resume consideration of S. 1315, the Veterans' Benefits Enhancement Act, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator BROWNBACK.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Kansas is recognized.

NOMINATION OF KATHLEEN STEPHENS AS U.S. AMBASSADOR TO THE REPUBLIC OF SOUTH KOREA

Mr. BROWNBACK. Mr. President, I thank the majority leader for recognizing me and allowing me to speak this evening before we close down.

I want to put before the body a situation that is happening right now in North Korea. I put a hold on our nominee to be the Ambassador to the Republic of South Korea. I want to explain why I am doing that. I want to show why I am doing that. Then I want to raise some issues on human rights and why we need to be a lot more involved and pushy about what is taking place in North Korea.

I was encouraged last week in a meeting I had with the new President of South Korea, Mr. Lee Myung Bak, at a meeting hosted by the Senate leadership. I was encouraged to hear his interest in dealing with the human rights situation—or lack thereof, of human rights—in North Korea. He is going to be more willing to work with us than the last Korean administration in South Korea.

I was pleased to see his willingness to work with us and support us on the nuclear negotiations in which the Korean Peninsula would be a nuclear-free zone—although that is not the case. We have seen what North Korea has done in their willingness to proliferate. I told the President of South Korea—and he agreed—we must see real and verified results with the North Korean regime, not only on nuclear activities but also on the issue of human rights.

We are not seeing either. We are not seeing real and verifiable results on what they are doing in the nuclear development category. We are certainly not seeing it in the human rights category.

Without transparent improvement in human rights, and I believe the same on the nuclear issues as well, I told him the establishment of diplomatic relations would condone crimes against humanity on a massive scale. Without transparent distribution of humanitarian aid from the United States and outside world into North Korea, this aid would be used as a weapon of oppression and diverted from those in greatest need to those elites who get the most under the system.

These statements I made to him were well received, which is a change from the prior administration which sought a different policy toward North Korea, one they wanted to engage but certainly not address on these human rights and nuclear issues.

I met with our nominee to be the Ambassador to South Korea. I met with her twice. In two meetings with Ms. Stephens, the nominee, I gave her every opportunity to explain to me why she should be our next Ambassador to the Republic of South Korea and how she would address the human rights issues. She is certainly a qualified individual, spending her adult career in the State Department and international work. She is a highly qualified individual. Yet on how we are going to and if we are going to positively address the human rights concern and address it on a high scale—to where it is one of the top issues we are dealing with, not just one that, well, once we deal with these others we will talk about human rights or we might bring it up—I did not get satisfactory answers from her, nor did I get those even from Secretary Rice, for whom I have great admiration, a week later, after my meetings with the nominee.

I asked her in the Senate Foreign Operations Appropriations hearing what specific ''asks'' we are making of North Korea on the human rights agenda. She didn't say that we had particular items. Now maybe there are ones she is willing to identify. One I asked her specifically about is why don't we ask the North Koreans to shut down the gulags, the political prisoner camps which I am going to showcase here. Why don't we ask them to shut those down as an ''ask,'' putting those on the table? I didn't get a response.

We are now approaching 4 years since the passage of the North Korean Human Rights Act of 2004. I was willing to give the State Department and other agencies time to implement the act. I was willing to give those implementing the law, which included Ms. Stephens, our nominee to be the Ambassador to South Korea, the benefit of the doubt. I was willing to wait to see if the Department of State negotiators would be willing to confront the North Koreans regarding their human rights abuses. I wanted to see how much priority they would give to addressing the trafficking along the border between North Korea and China.

Today I met with a number of refugees from North Korea. If a woman crosses over that border looking for food in China, 100 percent are trafficked—they are caught and sold. That is taking place on that border today. I wanted to see if we would give priority to the trafficking issues or gain accession to the gulags that dot the country or ensure the food aid would be strictly monitored. I am still waiting, as are many other individuals and groups working on North Korean issues, but my wait is not significant, nor is their wait. The 23 million North Koreans who are waiting are the ones who are dying. Many are desperately waiting in the gulags. I would like to show you these pictures today.

These pictures are from Google Earth. Google has made a witness of all of us, to no longer deny that these things exist and say they are classified photographs. You can go on Google Earth and look these up. The existence of these camps and the specific details have been confirmed by North Korean defectors living in South Korea.

Some are guards, others former prisoners in some camps that they were able to get out of. I would like to thank, in particular, Rev. Chun Ki Won for his assistance.

We now have no excuse for ignoring the truth of what many believe is a holocaust that is occurring in North Korea today. The U.S. Committee for Human Rights in North Korea believes that 400,000 have already died in these camps alone—400,000 have died in these camps alone according to the U.S. Committee for Human Rights in North Korea.

If you listen to the defectors' stories, as I have done on several occasions, the scale and depravity of the crimes that are committed in these camps rival those done by Pol Pot in Cambodia and even by the Nazis.

Too many of us refuse to confront this issue. Maybe we are afraid that confronting the atrocities of these camps would also require us to confront its urgent moral imperatives.

The first photo here is of Camp 22 where chemical experiments are alleged to have occurred. Camp 22 is in this picture. It is a huge concentration camp. It is over 400 square miles in size, a concentration camp.

No known prisoner has ever left the camp. The information we have has been from guards who have defected. No prisoner has been known to get out of this camp alive. The guards we contacted were able to identify its electric fences and moats. They were able to point out the huts where its prisoners live, the coal mines where men are worked to death, and the forests and fields where the dead are not buried, they are discarded.

Former guard Kwon Hyuk claims the fences around Camp 22 are about 2.5 meters high and electrified with 3,300 volts of electricity. He also says the camp is surrounded by land mines and spiked moats.

If you look carefully at the center of this next picture, of the courtyard at the middle of the guard station, you will see what appears to be a group of people coming in. This is the entry gate—a group of people going in to whatever fate we do not know.

Outside the gates, life for North Koreans, such as it is, goes on. This year is said to be an especially difficult one in this part of North Korea, but the farmers outside the gate are still luckier than those inside.

Farmers cannot pretend not to know what goes on beyond the fence. One recent defector who lived just outside Camp 22 told his American English teacher how the guards from his camp would come to his house and search for scarce food and alcohol, and how drunken guards would confess remorsefully to the cruelties they inflicted on the prisoners.

The teacher published his recollection in the Washington Post last year, which I ask unanimous consent be made part of the RECORD and printed at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. BROWNBACK. This next picture is the Chungbong Coal Mine in Camp 22. I described Camp 22. It is over 400 square miles. Its main features are coal and forest mining. Ahn Myong Chol, a former guard and driver at Camp 22, described the working conditions in this mine. Prisoners work two shifts a day on meager rations. They are organized

into five-person teams and are encouraged to earn rewards and supplement the starvation rations by informing on each other. Prisoners are beaten frequently, sometimes to death, and often for no reason at all. This is according to a former guard in Camp 22.

They work in cramped, narrow shafts. Accidents and cave-ins kill many prisoners. Those who are injured are sent to a hospital without qualified staff or medical supplies, and they are essentially left to die. Others die of exhaustion as they try to meet daily quotas. Those who fail to meet the quotas are not fed.

Now, there are dozens of these camps all over North Korea. I want to show you some locations of the various gulags that are known throughout North Korea. We now have corroborated reports from multiple sources of the kind of depravity that continues in these camps to this day.

Why not, in our Six Party negotiations and talks that we have going on today, that one of our primary ''asks,'' along with dealing with the nuclear issue, be to shut the gulag system down? It is a very clear, a very specific ''ask.'' We have evidence from Google Earth. I believe we have much better satellite photographs that go into this in even more detail.

There are hundreds of North Koreans who have fled now into South Korea, a few into this country, with evidence, who are speaking about this issue. So they know and can corroborate what we are seeing in the pictures.

Why not confront the North Koreas with it on an equal par with the nuclear negotiations? I think to do this advances our cause overall.

In the Soviet Union, when we were dealing with them on nuclear disarmament, one of the key things we asked for is, well, with the human rights agenda, put it up right there beside it. People are saying: Do not do that. You are going to upset the balance. But when you talk with the people who were in the prison system, and you hear their statements about it, they were saying that what gave them heart was they knew someone on the outside world was paying attention to them.

It also delegitimized the Soviet Union because as long as you are going at the nuclear issue, the Government in North Korea says, ''They are just trying to disarm us.'' And ''They have got it, this is something that we as North Koreans deserve.''

But when you say: What about the Chungbong Coal Mine and the people dying there every day; what about Camp 22 where you are having people going into this all of the time but nobody ever comes out; if you raise that, it delegitimizes the regime, it makes them confront their own people about what they are doing. And that is a more powerful tool. Why would we not raise that? This was my question to our nominee. Why are we not raising that?

It seems as if the desire to get something on the nuclear side is so much greater than that on the human rights side, that this one is set: OK, when we get the nuclear one dealt with, we will deal with this. But in the meantime, people are dying, a lot of them. And this goes on. It continues at a time when we would look at those things and say: My goodness, this is 2008. This does not go on in the world today. You have pictures. You can go on Google Earth and see it.

I think we have to raise this issue. I think it is important in our negotiations for us to raise this issue. We have expressed our horror at what has taken place in various places around the world and said, ''never again.'' We have said it about concentration camps. Yet it is going on here and we have a negotiation and we are not even making it a major issue. So I believe we need to step up and we need to push this issue.

The final point I would like to make about this is that the Chinese are complicit in this as well. They are the ones who could put the most pressure of any country in the world outside of Korea on the North Koreans. They are the ones who have the economic relations. They are the ones who are the protector of North Korea. When people escape out of one of these camps or try looking for food in China, they are caught by the Chinese and repatriated to an uncertain fate, likely death, often imprisonment, and they are sent back against the Chinese requirements of what they had signed in the U.N. Human Rights Commission Agreement in 1951, an agreement that China is a signatory of that says they will not send people back into a death camp situation or where their health would be challenged or would be likely harmed or that they would be killed.

Clearly, that is taking place over there, and China continues to do it. So on top of what they are doing in Tibet and what they are doing in North Korea, on top of what they are doing in Sudan, enabling the Sudanese Government to continue this in Darfur and buying oil out of Sudan and backing reform in the United Nations, on top of that and pursuing resources out of the Congo, regardless of what sorts of abuses are taking place by the groups or the militias stealing the resources to take them out through China, regardless of what is taking place in Burma where the Chinese are blocking and supporting the Burmese and then they are pushing people out, the Korean people are being pushed into Thailand, but they are not citizens of Thailand so they are being trafficked from that point. The Chinese are the ones who are complicit in all of this. They are the great enabler of human rights abuses around the world today, in their own country and externally. They bear a huge responsibility for what is taking place today in North Korea.

I hope this continues to be expressed and brought up—I plan to do so—prior to the Olympics this year, which should be a celebration of great athleticism. I believe it will be. But as China seeks to exploit this as a presentation of their coming forward in the world, I hope the world notices what else they are doing. They are hosting a grand Olympics, but they are hosting a greater catastrophe of human rights abuses in their country and around the world. Whether it is Tibetans or people in the house church movement, Falun Gong members being arrested, North Koreans, Burmese, Sudanese, Congolese, they lay at the doorstep of the Chinese.

I think we need to confront this. I am hopeful the administration will address this. I know the President personally cares very deeply about human rights abuses in North Korea. He has met individually with people who have come out of North Korea. I talked directly with him about it. I don't think we are seeing the administration meet the President's greatest desires on addressing this issue. That is why I put a hold on Kathleen Stephens being Ambassador to the Republic of Korea until we begin to address these issues.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Apr. 1, 2007]

ESCAPE FROM DEAR LEADER TO MY CLASSROOM IN SEOUL

(By Samuel Songhoon Lee)

SEOUL.— At a small restaurant in late February, my student and I ate spicy noodle soup and stared at a huge TV showing the extravagant celebration of Kim Jong Il's 65th birthday in Pyongyang. Thousands of smiling people paraded across the North Korean capital and saluted their Dear Leader.

''I was once there,'' my student said. ''But even as I danced and smiled, I knew of a better life outside.'' She said this matter-of-factly and turned to stir her tea. Her search for that better life had brought her here, at age 13, to Seoul, and to my English class at a special school for young North Korean defectors.

The school has more than two dozen students, members of a growing contingent of North Koreans who have deserted that communist country since famines in the mid-1990s killed more than 2 million people. According to South Korea's Ministry of Unification, 41 North Korean defectors arrived in South Korea in 1995. The number increased to 312 in 2000, and to 1,383 in 2005, many of them young people.

It isn't easy for these young defectors to fit into South Korean schools and fill the gaps in their education. Most schools here don't offer transition courses on the differences in language and culture. But catching up with schoolwork is only one problem they face.

In South Korea, a country that withstood centuries of invasions from its Chinese and Japanese neighbors, unity defines survival. And without ethnic diversity or a history of immigration, unity means conformity. When something becomes fashionable here, it can have significant consequences. For example, South Korea has the world's highest ratio of cosmetic surgeons to citizens, catering to the legions of girls who receive eyelid surgery as a present for their 16th birthday. This culture of unity and conformity is vastly different from the one I experienced growing up Korean American in New York, Denver and Seattle. The lack of diversity at school makes the young defectors instant

standouts—subject to 15 minutes of fame and adulation, then an enduring period of isolation. When their peers ask about their accent—noticeably different from what's common in Seoul—most students say they're from Gangwon Province, in the northeastern part of the country.

Facing ostracism from South Korean students, many young North Korean defectors drop out of school. According to a ministry report in 2005, 43 percent of young defectors were attending school, and 29 percent had dropped out of middle and high schools. Almost half of the 198 young defectors still attending school said that they hid their background from classmates, according to a survey by the National Human Rights Commission.

''Don't expect them to be like us just because they look Korean and speak Korean,'' the principal told me on the orientation day for volunteer teachers at School 34, an independent school for defectors. ''Treat them like foreigners, but with respect.''

I was assigned to teach two English classes to students ages 15 to 27. When I introduced myself, they were as puzzled and curious about me as I was about them. An oversized Korean American with big Sony headphones—was I really one of them?

Taking the principal's advice, I made it clear from the start that I was not, and that I probably could not understand the obstacles they had to overcome to reach the free world. Many feel deeply betrayed by Kim and the propaganda they were forced to learn. But they have achieved a surprising distance from their painful past. They share memories—which include watching public executions and boiling grass to eat in times of famine—as if they were reciting folk tales with a sense of wonder and humor.

Among my students, one young man stood out because of his motivation to learn English. His family is still in North Korea, and he wants to earn the $15,000 in payoffs it would take to get them to Seoul. Numerous underground railroads established by brokers in China make rescuing family members from North Korea possible, he told me—if one has the money. ''I can work hard for two years and make that money. But I will lag behind in my study. Then what can I do even if my family were to come here?'' he said.

In North Korea, he knew exactly what he wanted to do: become an officer in the North Korean army. He dreamed of killing as many Americans and South Koreans as he could. In his childhood home, a framed photo of his grandfather and Kim was prominently displayed on the living room wall. His family was part of North Korea's small and reclusive elite society, and he would have marched off as an army lieutenant if he hadn't received a black-market Sony Walkman for his 15th birthday and listened to forbidden South Korean radio frequencies.

Late at night, muffling the scratchy signal so as not to get caught, he tuned in to the news, learning that much of what he was taught all day in school was a lie. ''We learned that the Americans were constantly trying to invade us. But from the South Korean news, I learned that it was the other way around. But my classmates truly believed in what we were learning. They were like robots.''

When he graduated from high school and was ordered to serve 13 years in the military, he decided to defect. His father bribed the North Korean border patrolmen, who took him to China. Because the Chinese government regularly repatriated North Korean refugees, South Korean missionaries took him to Myanmar, where Seoul's consulate prepared the papers for his final journey to South Korea.

Soon after arriving in Seoul, he found School 34 and a community of others like him. Most students were too poor to have bribed their way out. Instead, they had braved often frigid waters to swim across the Tumen River to China.

Another student, a good-humored young woman, lost her parents to starvation before she turned 11. To survive, she said, she crossed the Tumen many times to obtain food and other goods in China that she could sell on North Korea's widespread black market. When she defected, she went as far as Xinyang, in China's southeastern Henan Province. Discovered by Chinese agents, she was repatriated and served six months in prison. She was 13 at the time. After being released, she swam across the river again and this time she stayed in China, begging for food. Eventually, missionaries helped her get to Seoul.

One recent School 34 graduate is now studying at Sungkyunkwan University, one of the nation's top colleges. He grew up a few minutes away from one of North Korea's most notorious political prisons, Prison 22 in Hyeryung, Ham-Kyung Province, at the northern tip of North Korea. Because food and alcohol are scarce in the countryside, the prison guards went to his house for libations. ''They always drank heavily,'' he told me. ''And when they got drunk, they would mumble about how sorry they felt for what they did to prisoners.''

Despite his rare glimpse of the prison guards and knowledge of what they did, my student says he finds it difficult to raise awareness about the little-known gulags of North Korea among his classmates in Seoul. Most do not care, he says. Or worse, they take a pro-North Korea stance. President Roh Moo Hyun has been passionately calling for the ouster of the 37,000 U.S. troops in South Korea, and a wave of anti-American sentiment is sweeping across college campuses. After eight years of the dubious ''sunshine policy,'' which advocated engagement with rather than containment of the communist north, South Korean public sentiment favors neglecting thousands of North Korean refugees in China and pouring cash and aid into Pyongyang, even with Kim's apparent nuclear ambitions.

''Back in North Korea, we learned to hate and fear America,'' a 17-year-old student who attended middle school in North Korea told me one recent afternoon over sodas at McDonald's. His father was once responsible for importing and distributing Soviet arms to the North Korean army. But he defected to South Korea two years ago after his father was purged. ''Now, I've realized that all I learned was a series of lies,'' he said, taking a bite of his Big Mac. ''I wish my friends back in North Korea could eat this one day.''

We left McDonald's shortly and went back to School 34 to study English.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. on Thursday, April 24, 2008.

Thereupon, the Senate, at 7:32 p.m., adjourned until Thursday, April 24, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

C. STEVEN MCGANN, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE FIJI ISLANDS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, TUVALU, AND THE REPUBLIC OF KIRIBATI.

T. VANCE MCMAHAN, OF TEXAS, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR:

CARMINE G. D'ALOISIO, OF NEW JERSEY
JOHN J. FOGARASI, OF TEXAS

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

ROBERT L. FARRIS, OF FLORIDA
MARGARET A. HANSON-MUSE, OF MARYLAND
JOSEPH B. KAESSHAEFER, JR., OF FLORIDA
RICHARD C. REED, OF VIRGINIA
JUDY R. REINKE, OF VIRGINIA

DEPARTMENT OF JUSTICE

JEFFREY LEIGH SEDGWICK, OF MASSACHUSETTS, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE REGINA B. SCHOFIELD, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

CHRISTINE O. HILL, OF GEORGIA, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (CONGRESSIONAL AFFAIRS), VICE THOMAS E. HARVEY, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. WILLIAM M. FRASER III

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. DONALD J. HOFFMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. PAUL J. SELVA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF AIR FORCE RESERVE AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 8038:

To be lieutenant general

MAJ. GEN. CHARLES E. STENNER, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. WILLIAM E. GORTNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

VICE ADM. MELVIN G. WILLIAMS, JR.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

CHERYL AMYX

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

DEBORAH K. SIRRATT

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE

UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

MARK A. CANNON
MICHAEL J. MILLER

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

GENE KAHN
JAMES D. TOWNSEND

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

LOZAY FOOTS III

To be major

MICHAEL A. CLARK
RONALD J. GAY
LAURA W. PIERRE
BRIDGETTE Y. POLK
BRET G. WITT
MARGARET L. YOUNG

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

PHILLIP J. CARAVELLA
DANIEL O. IZON
CURTIS A. PREJEAN

To be major

LORRAINE O. HARRISDAVIS
PAUL S. LAJOS

EXTENSIONS OF REMARKS

HONORING LOUISIANA TECH UNIVERSITY PROFESSOR, DR. LAJEANE THOMAS

HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. ALEXANDER. Madam Speaker, I rise today to honor Dr. Lajeane Thomas, a professor of education at Louisiana Tech University in Ruston, LA., who was recently named to eSchool News' ''Ten Who've Made a Difference'' in educational technology.

Thoma's designation to this list put her alongside world-renowned technology dynamo Microsoft Chairman Bill Gates as well as One Laptop Per Child Chairman Nicholas Negroponte and Linda Roberts, former special White House advisor to educational technology.

According to its Web site, eSchool News is a marketing solutions company whose purpose is to serve the education technology industry. The company released its Top 10 list in honor of its 10th anniversary as a way to recognize people who have made a significant impact on educational technology in the last decade.

As the chair of the accreditation standards committee with the International Society for Technology in Education, Thomas has consistently kept Louisiana Tech University on the cutting edge of educational technology. In fact, it was her leadership in creating the nation's first set of national standards in this area in 1998—the National Education Technology Standards—which earned her the eSchool News' designation as one of our country's most notable ''ed-tech movers and shakers.''

Madam Speaker, I ask my colleagues to join me in celebrating the accomplishments of Dr. Lajeane Thomas and her commitment to advancing educational technology for college students in the 5th Congressional District of Louisiana and throughout our Nation.

CONGRATULATING ST. JOHN'S EVANGELICAL LUTHERAN CHURCH ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. ALLYSON Y. SCHWARTZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. SCHWARTZ. Madam Speaker, I rise today to honor and congratulate St. John's Evangelical Lutheran Church of Ambler on an important milestone—its 100th anniversary. Over the past 100 years, St. John's, known by many as ''the little church with the big heart,'' has served the people of my district. I am honored to represent the St. John's community in Congress.

In 1907, Samuel F. Tholan, a young Lutheran pastor from Upper Dublin Lutheran Church, began holding worship services for Ambler residents who were unable to travel to Upper Dublin. On April 26, 1908, Pastor Tholan's 28 member congregation was organized officially as St. John's Lutheran Church. St. John's was housed in the Ambler opera house until 1913, when it moved to the congregation's current home at the corner of Race and Ridge Streets in the heart of downtown Ambler.

Over the tumultuous past century, St. John's has embraced music as the fabric and heart of the congregation. On Sunday mornings, passersby are greeted with the swells of jazz, gospel, or Bach's cello suites emanating from within the chapel. In recent years, as a result of committed service to the Nation at large, St. John's has earned a new nickname: ''the little church with big ideas.''

In 2005, following Hurricane Katrina, St. John's held concerts to raise money for those who were displaced by the storm and sent a group of volunteers to Biloxi to aid in reconstruction efforts. St. John's also donated hundreds of musical instruments to replace those that were lost in the hurricane.

In 2007, St. John's turned their attention to the Ethiopian orphans of the HIV/AIDS epidemic. Harnessing the power of their musical congregation, St. John's held concerts that raised funds for the Fountain of Life Child Sponsorship Project, which will provide support for 300 of these orphans.

Madam Speaker, once again I congratulate St. John's Lutheran Evangelical Church, and all of the men, women, and children of the congregation for their dedication to religious and community service. This ''little church with big ideas'' has had a remarkable impact on our local, regional, national, and international community. I ask that my colleagues join me in celebrating the 100th anniversary milestone of St. John's Evangelical Lutheran Church, and wish the St. John's family many more years of community enrichment and service.

HONORING THE 15TH ANNIVERSARY OF THE CREATION OF SEPCHE

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. GERLACH. Madam Speaker, I rise today to acknowledge and celebrate the 15th anniversary of the creation of the Southeastern Pennsylvania Consortium for Higher Education (SEPCHE) of the greater Philadelphia area. Together, the institutions that make up SEPCHE enroll more than 20,000 students and represent the third largest provider of higher education services in the Delaware Valley. Collectively, the consortium awards more master degrees in education than any other institution in the Commonwealth and is the largest provider of teaching credentials.

Throughout the past 15 years, the eight colleges that comprise SEPCHE—Arcadia University, Cabrini College, Chestnut Hill College, Gwynedd-Mercy College, Holy Family University, Immaculata University, Neumann College and Rosemont College—have engaged in a collaborative approach to the challenges of higher education. Through a range of activities, services, technology and information, the consortium institutions have worked together to promote quality and efficiency of academic programming, student access, faculty development, institutional operations and community outreach.

In addition to its work at the collegiate level, the collaborative efforts of SEPCHE have had many positive outcomes for the member schools and the surrounding communities. With its development of the Mathematics & Science Institute, which offers ongoing education and training to hundreds of K–12 teachers in the Philadelphia area, the institute has been a valuable resource in curriculum development for use in classrooms.

Madam Speaker, I ask that my colleagues join me today in thanking the Southeastern Pennsylvania Consortium for Higher Education for its exemplary service and commitment to its students and region's communities. May its continued excellence be an inspiration to us all.

PAYING TRIBUTE TO DR. DONALD C. MOYER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Dr. Donald C. Moyer by entering his name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I honor the life of Dr. Donald C. Moyer.

Dr. Moyer was the first official president of the institution called Nevada Southern University which is now the University of Nevada Las Vegas (UNLV). Dr. Moyer served first as chancellor, and then as president from 1964 to 1968. Moyer spent much of his time working with students to elevate the campus experience, and he remained active in the university throughout his life, attending school ceremonies and functions.

During his tenure, the first on-campus housing facility, Tonopah Hall, was built. He also secured funds for other buildings, including the original Student Union, which was later dedicated to him. Dr. Moyer is credited for establishing the College of Hotel Administration. He raised money for the Performing Arts Center, and laid the groundwork for intercollegiate football. Additionally, Dr. Moyer worked to create the Nevada Southern Land Foundation, which used State funds to buy much of the 334-acre campus that UNLV has today. The UNLV Alumni Association was also created under his guide.

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

Donald was married to his wife, Jewel, for 65 years. He had two daughters, seven grandchildren, and nine great grandchildren.

Madam Speaker, I am proud to honor the ''Original UNLV Rebel'' Dr. Donald Moyer for his contributions to higher education and to the southern Nevada community.

IN CELEBRATION OF KINGS COUNTY FARM BUREAU'S 90TH ANNIVERSARY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. COSTA. Madam Speaker, I rise today to recognize a significant milestone in the history of Kings County, California; the 90th anniversary of the Kings County Farm Bureau.

My district is fortunate to be represented by three County Farm Bureaus. On April 24, 2008, one of those districts, Kings County Farm Bureau, will celebrate their 90th anniversary during their annual banquet in Hanford, California. It is appropriate at this time to recognize the crucial role that the Farm Bureau has played in Kings County and to underscore their many contributions, not only to agriculture in the region, but also to the greater communities of the county, State, and Nation.

Unlike other parts of the country, agriculture continues to be one of the major economic engines in California, providing the country with California's finest farm products. Kings County, continues to set the pace for the rest of the State by remaining one of the State's largest agricultural producers. Farmland constitutes 84 percent of the County's total land acreage and this acreage supports approximately 350 different crops; many of which are grown nowhere else in the Nation. These crops are generating over $1 billion annually to the economy of Kings County and are shipped throughout the United States as well as foreign markets.

Kings County Farm Bureau has persevered in promoting and protecting the family farm, maintaining the treasured natural resources that are so important to California and this Nation's vitality and lifestyle. Through local determination and active participation in the legislative process, Kings County Farm Bureau is helping local agricultural producers maintain a viable system of production and delivery of abundant, safe supplies of wholesome food and fiber to our local, national and export citizens.

Kings County Farm Bureau has been recognized for its work in partnering with and promoting community service. With approximately 25 percent of the workforce in Kings County either directly or indirectly related to the agricultural industry, Kings County Farm Bureau has been a leader in addressing local issues such as air quality, water supply, water quality, conservation, property rights and animal welfare in the local communities.

More than ever today, the role of the Farm Bureaus must be preserved, honored and strengthened. As agriculture evolves, it is essential that our policies be based on current needs of this vital industry. As a farmer myself, I am proud that my family and I represent two generations of membership in Farm Bureau both in Kings County as well as Tulare and Fresno Counties. I commend Kings County Farm Bureau to my colleagues for its presence, dedication and professionalism in serving as the voice of agriculture in Kings County. Congratulations to the Kings County Farm Bureau on its historic 90th year serving Kings County agriculture.

THE DAILY 45: 37 WEEKEND

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. RUSH. Madam Speaker, every day, 45 people, on average, are fatally shot in the United States. In Chicago, just this past weekend, some 37 people were shot—seven of them fatally. More than three dozen people were victims of incidents that included gang-related drive-bys, an attempted robbery and other flashes of violence.

During this weekend of violence, a 26-year-old was killed in his home, two teens on the same South Side street, and another man as he sat in the office of his plumbing business.

There must be a public outcry. We must do all we can to stop the senseless violence and death. We must all band together to stop the culture of violence and replace it with a culture of peace, respect and love.

Americans of conscience must come together to stop the senseless death of ''The Daily 45.'' When will Americans say ''enough is enough, stop the killing!''

IN REMEMBRANCE OF HONORABLE TIMOTHY COTNER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. KUCINICH. Madam Speaker, I ask that you join me in remembering the Honorable Timothy Cotner who passed away on April 13, 2008.

Judge Timothy Cotner was a lawyer and judge who believed strongly in public service and whose commitment to service was developed from an early age. His parents, George and Mercedes, served as great examples for him in their commitment to public service. Mercedes Cotner was a Cleveland City Councilwoman and Clerk of Council when I served as Councilman and Mayor in Cleveland. She was a mentor and an inspiration to me as I know she was to Timothy and his late brother Gerald Cotner.

Judge Cotner was a graduate of St. Ignatius High School and John Carroll University before starting his career with International Harvester and later the Cleveland Fire Department. While with the Fire Department, he attended Cleveland Marshall Law School and graduated with his law degree in 1968. He worked for the Cleveland Law Department upon his graduation and later served as Assistant Cuyahoga County Prosecutor and as Northeast Ohio Supervisor for the Ohio Attorney General. In 1982 he went into private practice but soon returned to public service upon his election as Juvenile Court Judge for the Cuyahoga County Court of Common Pleas. He retired from the bench in 1992.

Judge Cotner was active in civic life in the Greater Cleveland community. He was a past president of the Lakewood Democratic Club, was an usher at St. Patrick's Church, and was active in the Knights of Columbus and the Holy Name Society. Judge Cotner was active in his local bar associations and served his country in the Naval Reserve.

Judge Cotner is survived by his sons James and Thomas and daughters Joan and Caroline, all of whom live in or near their father's city of residence, Westlake, Ohio. He is also survived by eight grandchildren.

Madam Speaker and colleagues, please join me in remembering the life and career of the Honorable Timothy Cotner, lawyer, judge, and community leader, who will be greatly missed by his family and many friends.

H.R. 1338—THE PAYCHECK FAIRNESS ACT 2008

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. LEE. Madam Speaker, today is Equal Pay Day. As a cosponsor and strong supporter of H.R. 1338, the Paycheck Fairness Act, I rise to join my colleague, Congresswoman DELAURO in calling for passage of this important bill. This legislation strengthens the current Equal Pay Act of 1963 and represents another important step in our Nation's efforts to end gender based wage discrimination.

Since the Equal Pay Act was signed into law over 45 years ago, the wage gap has narrowed less than half a cent per year. African American women earn just 63 cents on the dollar, and Hispanic American women fare worse, at 52 cents. As women grow older, the wage gap widens: women aged 45 to 64, who are preparing for retirement, earn only 71 percent of what men do. At the current rate the wage gap is closing, the Institute for Women's Policy Research estimates equity will not be achieved until 2057.

Given that 41 percent of women provide the sole source of income for their families, lower incomes affect their ability to pay for essentials like groceries, doctor's visits, and child care. Current increases in gas prices, rising foods costs, and a stagnant job market are especially impacting women during these difficult economic times.

The Paycheck Fairness Act will enhance enforcement of equal pay requirements by allowing women to sue for compensatory and punitive damages if wage discrimination is proven. This measure alone will compensate women for years of discrimination, and send a clear signal to employers that wage discrimination will not be tolerated.

Moreover, H.R. 1338 enhances training and community outreach programs that will educate employees, labor organizations, and the general public on ways to effectively negotiate salaries and benefits. These programs will develop a new generation of self-reliant women in the workforce.

Finally this bill recognizes employers who proactively adjust their wage scales to ensure that women are paid fairly in comparison to men. The Paycheck Fairness Act outlines measurable actions; and furthermore, it ensures that nationally we are addressing and

working to rectify years of gender based wage discrimination.

In my home State of California, women earn only $55,000 compared to their male counterparts who earn $72,000 with an equivalent education level. While I am disappointed that California has one of the largest disparities in pay rates between men and women, this is a national problem that we must rectify.

Ensuring that women receive equal pay for equal work is a matter of basic fairness that affects all working women and their families. I urge all of my colleagues to support this very critical piece of legislation, and I applaud Congresswoman DELAURO for continuing to highlight the importance of passing this bill.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

SPEECH OF

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. ABERCROMBIE. Mr. Speaker, I rise today to support H.R. 5613, the ''Protecting the Medicaid Safety Net Act of 2008,'' a bill that I proudly cosponsored. The bill would place a 1-year moratorium on proposed Medicaid regulations by the Bush administration intended to save money.

Unfortunately, these cuts would take Federal funds from States at a time that many are struggling to meet obligations within Medicaid and other programmatic areas. By limiting access to rehabilitation and targeted case management services, the administration cynically attacks the poorest and weakest members of our society. Eliminating the reimbursement for transportation services for certain special needs students would deny them the basic right to an education. The regulations halt important payments to hospitals at a time that many across the Nation and within my home State of Hawaii are actually losing money.

Placing the 1-year moratorium would help us better asses the full impact of these disastrous cuts, and come up with a plan that controls the growing costs of Medicaid without harming quality, as these regulations seem to do. The extent of the unpopularity of these cuts is clearly shown by the expedited move by the Committee on Energy and Commerce to report the bill unanimously to the House floor, in contravention of the President's veto threat.

Medicaid provides medical coverage for the poorest and neediest of our country. It is the insurer of last resort for many who have either lost jobs or are barely subsisting. To take away these funds at this time is cruel and undermines the intent of the very program. I urge my colleagues to support this important piece of legislation.

A TRIBUTE TO COMMISSIONER R.E. ''GENE'' BROWN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Pender County Commissioner R.E. Brown of Burgaw, North Carolina, who recently passed away at the age of 85. Affectionately referred to as ''Gene'' by those who knew him and those he served, Commissioner Brown had been a commissioner in the town of Burgaw for over 20 years, and was serving as mayor pro-tempore. As a native of southeastern North Carolina and as a public servant, he offered an unwavering service to everything he did and to everyone who knew him, and he had admirable commitment to his responsibilities as an elected official.

Truly an asset to his community, Commissioner Brown understood the people he represented and cared deeply about making a positive difference in their lives. Over his lifetime, Brown dedicated himself to both government and public service. He was a member of the U.S. Army during World War II, and afterward he served for 42 years as the postmaster in the towns of Burgaw and Wallace. He was active in several community organizations, including the Burgaw Jaycees, the Burgaw Lions, the King Solomon #138 Masonic Lodge, and was an original member of the Pender County Rescue Squad. He was chairman of the Pender Adult Services executive board. A man of faith, he was also a member of Burgaw Baptist Church, where he served as a deacon and Sunday school teacher. In honor of his extensive involvement and giving spirit, Brown was awarded the North Carolina Governor's Award for Volunteerism and Community Service in 2004. A father of three and grandfather of five, Brown leaves behind his wife of 57 years.

Commissioner Brown's dedication to the town of Burgaw, both as a citizen and as an elected official, is an inspiration to us all. His record of service is a strong representation of what can be accomplished through devotion to a community and its people. May God bless his family, and may we always remember the leadership and life of Commissioner Gene Brown.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. UDALL of New Mexico. Mr. Speaker, roughly 60 years ago today, Harry Truman had a problem.

After 2,000 years as ''strangers in a strange land,'' the Jewish people were about to establish a homeland in the land of their fathers. Many Americans believed that our Nation would support the aspirations of the Jewish people. However, President Truman's own Secretary of State threatened to vote against the President in the next election if Truman backed Israel.

At midnight on May 14, 1948, Israel declared independence. Eleven minutes later, America recognized the new state. Truman's act of courage created an essential and vital bond. Every American Government since that day has recognized America's special relationship with Israel.

Since 1948, Israel has shown the world true courage and perseverance. They have made the desert bloom, fended off countless acts of aggression and built a lasting testament to the potential for democracy and freedom in the Middle East. Today, Israeli citizens speak dozens of languages and come from hundreds of countries. They include war-scarred Holocaust survivors, refugees from the ghettos of the Eastern Bloc and young pioneers from the New World. What they share is a common love of their country and commitment to their people. Like America, Israel has turned its diversity into a source of strength and pride.

In New Mexico, we have a great deal of respect for those who make the desert bloom. Israel now ranks as New Mexico's 11th leading trade partner and since 1996, we have exported more than $490 million worth of goods to Israel. In 2006 alone, our State produced nearly $3 million in defense products for the Israeli military. Like those throughout New Mexico, I have consistently supported Israel's efforts to defend itself against terrorists and others who seek to harm her, and to seek peace with her neighbors.

As we pass this resolution honoring the 60th Anniversary of Israeli Independence, I want to express my congratulations, my support, and my hope that the next 60 years will bring peace and prosperity to Israel and the region.

HONORING PHILIP A. INGEGNERI OF BANGOR, MAINE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MICHAUD. Madam Speaker, it is my privilege to speak in honor of the life and times of Philip Ingegneri, who was a dedicated public servant, a true friend of Maine, and a loving husband and father.

For over 30 years, Phil Ingegneri served his country as a special investigator for the Internal Revenue Service. His work in special investigations took him to cities across the eastern seaboard and even to postwar Europe, where he was stationed in Paris, France.

When the opportunity arose in the 1950s, Phil jumped at the chance to move his beloved wife, Roslyn, and two young children, Philip and Lois, to Bangor, Maine, where they quickly integrated into that vibrant community.

After a long and distinguished career serving his country, Phil Ingegneri was elected to the Maine House of Representatives, where he dedicated his efforts to improving public education for all of Maine's citizens.

I am sad to announce Philip Ingegneri passed away this Saturday evening at the age of 97. However, it is a privilege to recognize on the floor of the U.S. House of Representatives his service and contributions to our Nation and the great State of Maine. His dedication and love for his family, community, and country is a fine example for all of us.

PERSONAL EXPLANATION

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mrs. JONES of Ohio. Madam Speaker, on Tuesday, April 22, 2008, I missed recorded

votes due to unforeseen circumstances. Had I been present, the record would reflect the following votes:

H. Res. 981: Recognizing March 6, 2008, as the first-ever World Glaucoma Day, ''yes'';

H.R. 5151: Wild Monongahela Act: A National Legacy for West Virginia's Special Places, ''yes''; and

H.R. 831: Coffman Cove Administration Site Conveyance Act, ''yes.''

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in strong support of H. Con. Res. 322.

Following the allied victory in World War II, the United Nations voted to partition the British Mandate of Palestine, leading the way for the people of the region to create, on May 14, 1948, the State of Israel. United States recognition of the State of Israel came within hours of Israel's creation. Since that historic day in 1948, the United States and Israel have remained steadfast allies and friends. On May 11, 1949, the Government of Israel was officially admitted as a member of the United Nations.

Since the creation of the State of Israel, enemies of freedom and peace have persistently attempted to undermine Israel's right to exist. The very day after the creation of Israel, rogue Arab forces from surrounding Middle Eastern countries invaded the land given to Israel based on the U.N. partition. Though less than 24 hours old, the nascent country staved off the invasion, and on June 7, 1949, a cease-fire was called, resulting in Israel acquiring western Galilee, a broad corridor through central Palestine to Jerusalem, and part of modern Jerusalem.

Subsequent attempts to undermine Israel's security have all failed, and Israel has become stronger at each turn. In 1956, 1967, 1973, and 1982, attacks on Israel by her neighbors in the region were met with fierce resistance and resounding defeat for Israel's enemies.

In 1988, Yasir Arafat, then leader of the Palestinian Liberation Organization—a group which had for decades fiercely opposed Israel's right to exist—officially acknowledged Israel's sovereign right, and announced his willingness to enter negotiations for peace. Although peace talks have yet to produce a lasting accord, discussions between the relevant parties have met with progress. It is my firm belief that peace can and will be achieved in the region. It is clear that Israel's right to exist is fully established. The United States will continue to stand shoulder-to-shoulder with her friend until and beyond that day when peace is established.

Israel is a shining example of the success that a democracy can produce. Because of the freedom that Israelis enjoy, Israel has been at the forefront of innovation. Israeli scientists have made significant contributions to genetics, medicine, electronics, engineering, and the high-tech world. Indeed, the very cell phones that the world over has become accustomed to using were first invented by Israeli entrepreneurs.

Mr. Speaker, it is my great pleasure to congratulate the State of Israel on her 60th Anniversary. I encourage my colleagues to support H. Con. Res. 322.

INTERNATIONAL YEAR OF THE REEF

SPEECH OF

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to express my support of H. Res. 1112, a resolution recognizing 2008 as the International Year of the Reef.

I have the great honor of representing the Florida Keys, an area rich in natural wonders including two national parks, four national wildlife refuges, and the Florida Keys National Marine Sanctuary—one of the most diverse marine ecosystems in the Nation. The natural and cultural resources and environmental setting of the area make it among the most diverse in North America. Within the surrounding waters are resources deserving of special consideration and protection, including America's only living barrier coral reef.

This designation is part of a global effort to raise public awareness of the value of coral reefs, the significance of the threats faced by coral reef systems, and to mobilize action to develop and implement innovative solutions and strategies to protect and conserve these important natural resources. Coral reef systems provide economic, environmental, and cultural benefits to millions of people around the world and are vital in protecting shorelines and supporting coastal economies. Coral reefs are some of the most valuable and spectacular places on earth. Covering less than 1 percent of the planet's surface, coral reefs and their associated mangrove, sea grass, and other habitats are the world's most biologically diverse marine ecosystems.

Last September, I had the distinct opportunity of participating in a dive to the Aquarius Undersea Laboratory in the Florida Keys. While in Aquarius, I participated in a live, underwater question and answer session with schoolchildren on topics such as coral reef conservation and the dangers of offshore drilling. This visit demonstrated how the Aquarius facility plays a direct role in improving our youngsters' understanding and appreciation of the marine environment.

As part of my passion for preserving the environment, I am proud to serve as co-Chair of the National Marine Sanctuary Caucus along with my colleague Congresswoman LOIS CAPPS. The National Marine Sanctuary Caucus is a bipartisan coalition of Members dedicated to increasing awareness and strengthening commitment to our Nation's cherished marine sanctuaries. The caucus promotes understanding of how national marine sanctuaries help to safeguard our natural heritage and economic well-being. It also serves to inform local communities about the importance of maintaining these ecosystems for future generations to enjoy, educates Members of Congress on the importance of sanctuary protection and management, and ensures that adequate resources are directed to foster and restore these vital habitats.

I would like to also take this time to recognize the incredible National Marine Sanctuary officials in my district, including Billy Causey and Commander Dave Score, as well as Sanctuary System Director Dan Basta, for all of their work on behalf of our underwater ecosystems.

Once again, I would like to express my support for designating 2008 as the International Year of the Reef. Through this designation, it is my hope that it will encourage further research and development efforts to preserve coral reefs around the world.

PERSONAL EXPLANATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mrs. MALONEY of New York. Madam Speaker, on April 22, 2008, I missed rollcall votes numbered 205, 206, and 207. Had I been present, I would have voted ''yea'' on rollcall votes 205, 206, and 207.

CELEBRATING 35 YEARS OF SPACE-BASED OBSERVATIONS OF THE EARTH BY LANDSAT SPACECRAFT

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. UDALL of Colorado. Mr. Speaker, I am pleased that the House yesterday passed my resolution, H. Res. 891, on Celebrating 35 Years of Space-Based Observations of the Earth by Landsat Spacecraft. I would like to thank my colleague, Representative REGULA from Ohio, who has joined me as an original cosponsor of this resolution.

It is only fitting that we celebrate Landsat and its thirty-five year record of space-based observations of the land at a time when we are beginning to address the current and future implications of climate change. The U.S. Climate Change Science Program recently recognized Landsat noting that ''Landsat data are invaluable for studying the land surface and how it affects and is affected by climate.'' I thank my colleagues in Congress for continuing to support Landsat and for enabling the development of these long time-series data that are so important for research on climate variability.

The data collected by Landsat satellites are being used by almost all Federal agencies, by state, regional, and local governments, by researchers and private industry. I held a field hearing earlier this month in Colorado on the important ways in which remote sensing data, including Landsat imagery, can help our state and local officials carry out their responsibilities more effectively. The broad application of these data to provide scientific and societal benefits testifies to the nation's sound investment in space technology. We owe our thanks and appreciation to the talented and dedicated scientists, engineers, and professionals who have contributed to Landsat and its success.

Mr. Speaker, there is more to be gained from the data collected by Landsat satellites, and there are still issues to be resolved to ensure that the nation can get the best return on its investment in Landsat's capabilities. However, I have no doubt that through support for the research, technology, and education required to improve Landsat data collection and applications, the returns from this national investment will continue to multiply. I urge my colleagues to join me in ensuring that the benefits derived from this important record of civil observations of the land, as collected from Landsat satellites, continue to expand for another 35 years.

URGING PRESIDENT BUSH TO SIGN INTO LAW H.R. 1922, A RESOLUTION DESIGNATING THE JUPITER INLET LIGHTHOUSE AND THE SURROUNDING FEDERAL LAND IN THE STATE OF FLORIDA AS AN OUTSTANDING NATURAL AREA AND AS A UNIT OF THE NATIONAL LANDSCAPE SYSTEM

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. HASTINGS of Florida. Madam Speaker, I rise today to express my deep appreciation for the House and Senate for passing H.R. 1922 and S. 1143, resolutions which designate the Jupiter Inlet Lighthouse and surrounding areas as an Outstanding National Area. As a proud cosponsor of this legislation, I would like to express my deep appreciation to the efforts of my good friend from Florida, Congressman TIM MAHONEY, for introducing this important legislation and for the House leadership for bringing it to the floor for a vote on March 4, 2008. The Senate version of the bill, S. 1143, was introduced by Senator BILL NELSON and was passed by the Senate on April 10, 2008.

This legislation helps to promote the environmental and historic preservation of this important site and is a valuable step toward promoting these ideals throughout America. The historic significance attached to this lighthouse is truly remarkable. Besides guiding sailors through the nearby waters, it has also served as a symbol of local history and, indeed, our Nation's history as a whole.

The need for a lighthouse in Jupiter arose because of coastal reefs which made nautical activity very dangerous in the region. The lighthouse was designed by then Army Lieutenant George Mead, who would later lead the Union Army to victory as a general at the Battle of Gettysburg. Not only did its designer win a decisive Civil War battle, but the lighthouse was also later used extensively by Union sailors, further aiding the fight against secession. However, preliminary construction of the lighthouse proved to be an arduous task, with malaria, other diseases, and raids from some of the local populations taking a significant toll.

This lighthouse has served not only as a beacon for Florida's sailors but also as a reminder of the importance of our history. We must always remember the special circumstances concerning the history of the lands around the lighthouse. For centuries, Native Americans lived and flourished in that area. On numerous occasions, they quartered runaway slaves and welcomed them into their communities. Today, the influence of these native peoples can still be felt. In fact, both Jupiter and Hobe Sounds' names were derived from the Hobe Indians who once lived in the region.

I would be remiss to not mention the natural beauty of the region. We are lucky to have such a pristine example of what Florida can offer to our nation's environmental diversity. The river itself is home to countless species of plant and animal life which live together in harmony and help to define the entire region. We have a duty to work toward preserving this land and all the species that thrive there.

The lighthouse at Jupiter Inlet and the surrounding area have a deep historical connection to our country and are a testament to the necessity of conservation efforts in our nation's varied habitats. Madam Speaker, I thank my colleagues in the House and Senate for passing this bill, and I urge the President to sign this into law and designate the Jupiter Inlet Lighthouse as a National Landscape System.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. ESHOO. Mr. Speaker, I'm proud to be a cosponsor of the Protecting the Medicaid Safety Net Act of 2008 and very pleased that a bipartisan agreement was reached to bring the bill up under suspension of the rules because it's essential for the House of Representatives to pass this legislation as soon as possible.

Over 2,100 organizations across the country have told Congress that we have to stop the seven regulations issued by the Centers for Medicare and Medicaid Services, CMS, over the last year because they threaten the loss of $50 billion in Federal funding for key healthcare services. California's Governor Schwarzenegger has estimated that the regulatory changes will place an additional $12.5 billion burden on California alone.

CMS has claimed these cuts are being imposed to eliminate waste from the Medicaid program. Far from addressing ''inappropriate'' payments, the seven regulations that CMS adopted will cut legitimate and necessary care for the most vulnerable in our society. Rather than using the power it already has to address waste, fraud, and abuse, CMS has taken the wrong turn by simply declaring that it will not pay for services.

CMS is saying ''no'' to rehabilitation services to help people with profound disabilities and medical conditions maintain or gain function.

CMS is saying ''no'' to case management services that help people get the medical care they need and are entitled to; this includes services for individuals with disabilities who are trying to move out of institutions and into the community.

CMS is saying ''no'' to specialized transportation to help children with disabilities get to and from school.

CMS is saying ''no'' to compensating safety-net hospitals for their critical services to the communities.

By adopting this bill, we will stop the implementation of these draconian regulations. The bill will require an HHS study and report on the regulations and their impacts on states, something CMS failed to do. For those concerned about waste, the bill provides additional funding for the Secretary to root out true fraud within the system. Finally, the costs of the bill are fully paid for by requiring electronic verification of assets for individuals applying for Medicaid.

With many of these regulations due to take effect very soon, it's critical that the House pass this bill today with a margin that will convince the President that a veto will not be sustained. I urge my colleagues to join me in voting for this important bill.

FREEDOM FOR VICTOR YUNIER FERNANDEZ MARTINEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak on behalf of Victor Yunier Fernandez Martinez, a prisoner of conscience in totalitarian Cuba.

Mr. Fernandez Martinez, a young man of only 24 years of age and a member of the Popular Republican Party, was not even charged with committing any crime, even by the Orwellian standards and whims that make up the ''legal system'' in that enslaved island. Instead, he was hauled away to the gulag simply under the pretext of being a ''pre-criminal social danger.''

Agents of the tyranny's secret police said that they suspected Mr. Fernandez Martinez was involved in a graffiti campaign in Havana to promote freedom of expression. In fact, there was no link between Mr. Fernandez Martinez and these actions, but that did not stop the oppressive forces from detaining him and testing him for paint residue, which they did not find. This incident was cited 2 years later when he was sentenced to 3 years in the gulag because of the paranoiac perception of the dictatorship that Mr. Fernandez Martinez, a peaceful dissident, is a ''dangerous man.''

Madam Speaker, Mr. Fernandez Martinez's mother has visited him in prison and has reported that even though conscious of the profound injustice of his incarceration he was in good spirits, a true testament of the spirit and drive of the heroes who are confined in the Cuban totalitarian gulag.

It is unconscionable that the world simply stands by, in the 21st century, and silently acquiesces to the torture, oppression and denigration of a noble people only 90 miles from the United States of America.

Madam Speaker, Victor Fernandez represents the best of the new generation in Cuba; a generation that has known only oppression and misery but that will play a central role in the transformation of Cuba from a totalitarian nightmare to a representative democracy with the rule of law for all of its citizens. We must demand the release of all those who are persecuted for their democratic ideals. My colleagues, we must demand the immediate

and unconditional release of Victor Yunier Fernandez Martinez and every political prisoner in totalitarian Cuba.

IN REMEMBRANCE OF THE VICTIMS OF THE VIRGINIA TECH TRAGEDY

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. CANTOR. Madam Speaker, when an act of random cruelty bewilders us and pulls us down, exceptional displays of generosity, courage and heroism can serve as a potent counterforce. They comfort and replenish the bereaved, and they remind us of the extraordinary selflessness our people are capable of. Nowhere has this been truer than in the aftermath of the Virginia Tech tragedy.

Today, we are faced with the memory of the horrific events that occurred one year ago at Virginia Tech. It is no easier today, than it was then, to find the words to express the pain and sorrow that was felt across the Hokie nation.

Once again I stand here with a heavy heart and extend my deepest sympathies to the families and friends of all the victims; especially those of Emily Hilscher and Rachel Hill, two victims from the Seventh District of Virginia. We will always be left with their spirit, energy and enthusiasm that will never die, but rather will live on in our memories forever.

A TRIBUTE TO STAFF SERGEANT EMANUEL PICKETT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to Staff Sergeant Emanuel Pickett of Wallace, North Carolina, who lost his life while defending our Nation on April 6 during a mortar attack in Baghdad. In addition to his service in the North Carolina National Guard, Emanuel served as a captain with the Wallace, North Carolina, Police Department. He shall be remembered by all those whose lives he touched as the finest example of bravery, honor, and public service.

Emanuel lived in Wallace his entire life, and throughout his 34 years, worked selflessly to make a positive difference in his community. Besides working as a captain with the Wallace Police Department, he also worked as a reserve deputy for the Duplin County Sheriff's office, where he led undercover drug investigations in several surrounding counties. Emanuel's giving spirit found many outlets. He also started a crime watch in his own neighborhood, helped to found a program to mentor kids without fathers, and coached youth basketball.

Emanuel will be missed by his family and friends. He was the son of Harry and Merlese Pickett, the youngest of six children. He was the loving father of three children—two daughters, ages 17 and 10, and a 14-year-old son. Over his lifetime, Emanuel earned countless friends. Because of his thirteen years of service with the police department and his stint of more than 20 years employed at a local butcher shop, Emanuel owned one of the most recognizable faces in his community. He was so admired within his community, in fact, that his family has received condolences from thousands of people, including some that Emanuel helped send to prison.

Emanuel Pickett was serving his second tour of duty in Iraq when his life was taken. His courage will continue to be an inspiration to us all. His life is a strong representation of what can be accomplished through devotion to a community and its people. May God bless his family, and may we always remember the life of Staff Sergeant Emanuel Pickett.

HONORING MARIAN BOLTON

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. UDALL of New Mexico. Madam Speaker, I rise today to congratulate Marian Bolton, of Albuquerque, New Mexico, upon her upcoming retirement from the YMCA. Marian has devoted 38 years of extraordinary service to the "Y."

Marian, a nationally-recognized leader among her peers, built her career on a foundation of high principles and character. Currently the President and CEO of the YMCA of Central New Mexico, Marian has always been committed to incorporating the virtues of Character Counts, a national organization, into all programs and activities of the "Y." Because of her commitment to instilling trustworthiness, respect, caring, fairness, responsibility and citizenship into her staff, youth and their families, Marian is credited to a large extent with the success—personally, academically and professionally—of countless New Mexicans.

Marian also has been involved on the international stage with many non-profit agencies. A true champion for equal opportunities for all, regardless of race, culture or background, she has volunteered her time and unwavering efforts to conducting workshops in such areas as agency management, financial development, volunteerism, values and balancing personal and professional lives, to name only a few. Marian has also traveled to many countries whose youth are affected by such tragic conditions as poverty, hunger, slavery and lack of education and medical care. She has labored tirelessly to help improve their lives through the vital resources of the YMCA.

Marian Bolton is the consummate successful executive, who passionately cares about the lives of others. She has devoted her life to bringing as much motivation, education, training, tools for success, a positive attitude and, perhaps most importantly, hope for those striving for a better and brighter future. Her wisdom, experience and expertise is known across the globe, and she is highly sought after for consultation and training for those seeking to follow in her successful footsteps.

I invite all my colleagues to join me in congratulating Marian Bolton for her enormous contributions and accomplishments. Her shoes will be difficult to fill. On behalf of all New Mexicans, I extend our very best wishes to Marian for much happiness, success and fulfillment during the next stage of her life.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. McCARTHY of New York. Mr. Speaker, I rise today in strong support of H. Con. Res. 322, a resolution celebrating Israel's 60th anniversary. I am proud to have been a cosponsor of this resolution.

Israel proclaimed its statehood on May 14, 1948. On its first day of existence, the armies of five neighboring Arab countries declared war on Israel. The war for independence lasted about a year and resulted in armistice separate agreements, but not before 6,000 Israeli lives were lost.

Within 8 months of independence and before the war ended, Israel held its first national elections. Eighty-five percent of all eligible voters cast their ballots to create the first 120-seat Knesset or Parliament.

A state founded by refugees of and survivors of religious persecution, Israel has been and continues to be one of America's closest and most consistent allies.

This desert nation exists in a region that is, unfortunately, as steeped in violence as it is rich in history and tradition. We must do all that we can to ensure the security of the State of Israel and its people. Just as the United States is vital to the survival of Israel, I believe Israel is also vital to the survival of the United States. Our countries are linked together on so many levels.

Unfortunately, today, Israel has new and increasing threats to its security. Palestinian rockets have been fired from Gaza and hit Israeli communities on an almost daily basis. More than 200,000 Israeli citizens are within range of these Palestinian rockets. One of the saddest aspects of the terrorism situation in Israel is that it grabs the newspaper headlines and distracts the world from seeing the many advances made by Israel in democracy and human rights, science, agriculture, transportation, and so many other areas.

Despite nearly impossible odds, Israel's will to survive and her people's dogged determination have resulted in the development of a thriving democracy in one of the globe's least democratic regions. In fact, in only 60 years Israel has grown into a mature democracy that has produced some of the finest thinkers, scientists and entrepreneurs of the modem era.

We must never forget the conditions that, in many respects, laid the foundation for the creation of the State of Israel. After one of the most horrific atrocities in human history, the Holocaust, Israel was established as a home to a nearly decimated people. It is often said that we must "never forget" the horrors and the lessons of the Holocaust. And since April is Holocaust Remembrance month, this is an appropriate time to reaffirm our unyieldingly strong obligation to our friend and ally and vow to "never forget" our commitment to Israel.

The United States and the all of the nations of the world have a moral responsibility to ensure and support the existence of the State of Israel.

H. Con. Res. 322 recognizes the historical significance of Israel's 60th anniversary, supports Israel as it continues to pursue peace

with its neighbors, commends the people of Israel for helping to create a thriving democracy, and acknowledges the strong bonds that exist between the two countries.

I urge all of my colleagues to join me in congratulating Israel on its 60th anniversary and wish her a safe and prosperous future. Support H. Con. Res. 322.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. TANNER. Mr. Speaker, I rise today to express my strong support for H. Con. Res. 322, a resolution commemorating the 60th anniversary of the founding of the modern State of Israel. I am proud to be a cosponsor of this important resolution.

The movement to establish a modern homeland for the Jewish people launched in 1896 with the publication of Theodore Herzl's The Jewish State. Out of the atrocities and horrors of the Second World War, the long sought dream of re-establishing that homeland was finally realized. In 1948, Israel claimed its hard-fought independence.

Since Israel's beginnings, the United States has held a special bond with this important ally. As the only liberal democracy in the region, Israel knows all too well what it means to fight against violent agents of intolerance and religious extremism for the sake of personal freedom and fair government. From the birth of their modern state, the Israeli people have struggled to keep and maintain their homeland.

I have had the great privilege of traveling to Israel. It is only in visiting this great country, that one can appreciate the beauty, history and danger that dominate the lives of its everyday citizens. Nowhere in the world is there such a confluence of religion and faith. However, peaceful worship often gives way to violent conflict, and despite the holiness of the land, terrorism has become all too common in this region.

We have stood with Israel in its fight against terrorism, and we will continue to do so. For six decades, our shared commitments to democracy and freedom, as well as our shared cultural heritage, have kept the link between our two nations close, despite existing in very different parts of the world. With passage of this resolution, we honor that bond and look forward to our continued friendship.

NATIONAL SOVEREIGNTY AND CHILDREN'S DAY IN TURKEY

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. FOXX. Madam Speaker, April 23rd of every year is celebrated in Turkey as National Sovereignty and Children's Day. The genesis of these celebrations is this date in 1920. On April 23, 1920 during Turkey's War of Independence, the Grand National Assembly met in Ankara to lay the foundation for modern parliamentary democracy in the form of an emerging liberal and secular Republic.

Mustafa Kemal Ataturk, the founder and later the first President of the Republic of Turkey, designated April 23 as National Sovereignty and Children's Day, in recognition of the importance of children to the country's future. This was the first time that a world leader designated a day for children.

In Turkey this day is recognized as an official public holiday. Schools participate in week-long ceremonies marked by performances by children in large stadiums that draw the attention of the entire nation. On this day children also send their own ''representatives'' to replace state officials and high ranking bureaucrats in their offices. The President, the Prime Minister, the Cabinet Ministers, and provincial governors all turn over their positions to children's representatives. This symbolic gesture is intended to show children that they are the future leaders of Turkey and to remind current leaders that they are serving these children and the nation that they will inherit. These children, in turn, sign executive orders relating to educational and environmental policies. Children also replace the parliamentarians in the Grand National Assembly and hold a special session to discuss children's issues.

It is inspiring to know that this tradition of celebrating children's day has been adopted internationally. World Children's Day was the idea of two classmates, Funda Karagozler and Engin Ustundag (9 and 11 years old) from Ataturk School in New York. In April 1986, in response to an assignment to comment on the nationally celebrated Children's Day in Turkey, these two friends wrote a letter addressed to the ''Kids of the World'', inviting them to come together with the common objective of peace and friendship.

The school principal was so impressed with the letter that she sent it to UNICEF, a United Nations body dedicated to children's issues. Through UNICEF's assistance, a copy of the letter was sent to the permanent missions of the United Nations. The response was overwhelming. Everyone wanted to participate. On April 27, 1986, the UN General Assembly was opened to children for the first celebration of World Children's Day. Later that same year, the World Children's Day Foundation (WCDF) was established to oversee World Children's Day activities. In addition to the annual celebration in New York, WCDF sponsored programs and community service projects in 140 countries around the world.

The program's goals were: (1) To equip children to make a difference in their own lives and the future of their communities and nations; (2) To bring children of different nationalities, races, religions, and socio-economic backgrounds together and to show them that, in spite of these factors, all people have much in common; (3) To establish the Fourth Sunday in April as the internationally celebrated World Children's Day to recognize the capability and potential of children everywhere to shape the future.

More than 5,300 children from 140 countries have participated in World Children's Day celebrations in the UN General Assembly. About four million children have participated in WCDF community service projects around the world. These projects have touched millions of lives worldwide.

I stand to commemorate this important date dedicated to the children of the world and remember its origins in Turkey in 1920.

IN MEMORY OF DAN ROSS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. WILSON of South Carolina. Madam Speaker, last week, South Carolina honored a favorite son and patriot, Daniel Iradell Ross, Jr., of Blackville, South Carolina.

As a World War II veteran of the China-Burma-India Theatre, he championed a strong military to promote peace as State Commander of the American Legion. He courageously worked as a pioneer in the modem Republican Party establishing not only a two-party system in South Carolina but also the rise of Republicans from virtually no elected positions to majority status across the state.

In 1970, Mr. Ross chaired the campaign of legendary Greenville advertising executive Jim Henderson for Lieutenant Governor. Mr. Henderson was only the second Republican to run for the position in the 20th century.

In 1974, Mr. Ross co-chaired the campaign of oral surgeon Jim Edwards of Mount Pleasant for Governor with Julia Ravenel Dougherty of Charleston and William B. ''Rusty'' DePass, Jr., of Columbia as manager. Governor Edwards became the first Republican governor since 1876.

In 1980, as State Party Chairman, Mr. Ross was the Father of the First in the South Republican Presidential Primary. With the leadership of Executive Director Wayne Adams, the primary produced lists of new Republican recruits which fueled the Reagan Revolution with California Governor Ronald Reagan's victory in the primary, victory in the general election, and ultimate victory in the Cold War.

The following is the obituary as published by ''The State'', of Columbia, South Carolina on April 17, 2008:

BLACKVILLE.—Daniel Iradell Ross Jr., 84, died Tuesday, April 15, 2008. Services will be held 11 a.m. Saturday, April 19, 2008, in the Folk Funeral Home Chapel, Williston. Interment will follow in Blackville Cemetery with military honors accorded. The family will receive friends from 6 to 8 p.m. Friday, April 18 at the funeral home. Memorials may be sent to American Legion Post #91, 5130 Reedy Branch Road, Blackville, SC 29817; Blackville Cemetery Fund, P.O. Box 365, Blackville, SC 29817; University Library, Thomas Cooper Library, USC, Columbia, SC 29208; or Ashleigh Place, 4435 Ashleigh Road, Blackville, SC 29817.

Born in Blackville, he was the son of the late Mr. and Mrs. Daniel I Ross Sr. His wife, Jeanniene Prater Ross of Johnsonville, preceded him in death. Ross graduated from the University of South Carolina in 1943 with a degree in geology and later achieved a master's degree from the University of Texas. Ross was a proud American veteran, having honorably served in the U.S. Army during WW II. He was devoted to public service, serving in various political capacities in both local and statewide positions for many years including state commander and state chairman of the Republican Party. He was also campaign chairman for former Governor James B. Edwards. Ross is most remembered for his patriotism, his service to others, and his generous spirit.

Survivors include: Helen Halford Barnes Ross, Dawn Ross Hollingsworth, Lauren Hollingsworth, Jessa Hollingsworth, Michael Hollingsworth; stepchildren: Bettis Richister, Charlene Barrett, and Maree Shay; 9 stepgrandchildren, 22 stepgreat-grandchildren, and 6 stepgreat-great-grandchildren.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. MALONEY of New York. Mr. Speaker, I would like to express my strong support of H.R. 5613, the Medicaid Safety Net Act of 2008. This important legislation will prevent the implementation of seven Medicaid regulations before April 2009. Passage of H.R. 5613 is vitally important to my home state of New York. These regulations are estimated to cut Medicaid funding by nearly $20 billion over five years and will impact payments for safety net providers, hospital clinic services, rehabilitation services, graduate medical education and case management services. In my home district, the New York

City Health and Hospitals Corporation, HHC, the largest municipal hospital system in the country, would lose over $500 million a year, 10 percent of the HHC budget. To give perspective, HHC operates 11 acute care hospitals and more than 80 community clinics which serve 1.3 million patients, 400,000 of whom are uninsured.

Another of the proposed regulations would eliminate Medicaid funding for graduate medical education, GME. My district is a center for graduate medical education. If the GME proposed regulation goes into effect, the impact would be devastating to New York teaching hospitals which educate a disproportionate number of our nations doctors. New York trains one of every seven doctors in the country. The loss of Medicaid funding for physician training would be $590 million a year for all of the hospitals in New York City and $675 million a year for all of the hospitals in New York State. Reducing the GME would not only dramatically impact New York, it would negatively impact the entire country which relies on New York trained doctors.

We must not rush to cut services to beneficiaries. Instead, Congress must have the opportunity to thoughtfully and deliberately evaluate what is happening in the States and address any concerns.

HONORING MS. JENNIFER HANSON

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. UDALL of Colorado. Madam Speaker, I rise today to honor Ms. Jennifer Hanson for her service to our community.

Jennifer Hanson, an educator with the Boulder Valley School District, has been an instrumental leader in the development of online safety protocols for our local schools and communities. Ms. Hanson has played an active role in uniting our educators, business leaders, law enforcement officials and parents in a collaborative effort to protect our youth from online predators. Jennifer Hanson should be commended for her leadership and commitment to enriching our children's educational opportunities in a safe and dynamic online environment.

Jennifer Hanson was recently presented with The Spirit of Online Safety Award in appreciation of her work as the President of the Internet Safety Foundation. The Internet Safety Foundation mentored nine youths in their creation of a cutting-edge public awareness campaign about safe online practices. The culmination of their hard work will have a positive impact on our communities for years to come.

Upon graduation summa cum laude from the Metropolitan State College of Denver, Jennifer taught in the Cherry Creek Public Schools for seven years. She completed her master's degree work at Adams State College in educational technology leadership and would lend her expertise as an active participant for Project Safe Childhood and Qwest's Online Safety Coalition. Ms. Hanson has also played a vital role in the establishment of the Internet Safety Summit; a statewide assembly focused on giving our communities the knowledge and tools necessary to protect our children from the dangers of the World Wide Web.

Our nation owes a debt of gratitude to Jennifer Hanson for her willingness to devote herself for the betterment of our children's education and safety.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

SPEECH OF

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. PAUL. Mr. Speaker, I rise in reluctant opposition to H.R. 5613, legislation halting the implementation of a package of new Medicaid rules. The proponents of H.R. 5613 are correct that halting some of these rules will protect needed Medicaid reimbursements for health care providers. However, some of the rules that H.R. 5613 blocks address abuses of Federal Medicaid dollars that should be halted. Greater efforts to ensure Medicaid resources are properly spent will help those health care providers most in need of continued support from the Medicaid program, since a Medicaid dollar lost to fraud and abuse is a dollar that cannot be spent helping hospitals and physicians provide health care to the poor.

Had members been given the opportunity to offer amendments, we could have fashioned a bill that would have protected needed reimbursements for legitimate health care expenditures while addressing legitimate concerns about misuse of Medicaid funds. Unfortunately, the House leadership chose to deny members the ability to improve this bill, and have a meaningful debate on how to ensure Medicaid's financial stability without denying care to those dependent on the program, by putting this bill on the suspension calendar.

According to some estimates, failure to implement the proposed regulations could cost the already financially fragile Medicaid system as much as 10 billion over the next several years. Yet, the sponsors of this bill refuse to make a serious effort to address these costs. Mr. Speaker, instead of rushing H.R. 5613 into law, we should be looking for ways to shore up Medicaid by making cuts in other, lower priority programs, using those savings to ensure the short-term fiscal stability of federal entitlement programs while transitioning to a more stable means of providing health care for low-income Americans. I have been outspoken on the areas I believe should be subject to deep cuts in order to finance serious entitlement reform that protects those relying on these programs. I will not go into detail on these cuts, although I will observe that in recent weeks this Congress has authorized billions of new foreign aid spending, yet today we are told we cannot find the money to address Medicaid's long-term financial imbalances.

Mr. Speaker, H.R. 5613 may provide some short-term benefit to Medicaid providers, however, it does so by further jeopardizing the long-term fiscal soundness of the Medicaid program. Thus, this passage of this bill will ultimately damage the very low-income Americans the bill aims to help.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. ANDREWS. Madam Speaker, I was not present on April 22, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: Rollcall No. 205, Rollcall No. 206, Rollcall No. 207.

A TRIBUTE TO SAM HILL

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to Sam Hill of Wilmington, North Carolina, for his 51 years of service on the Wilmington Fire Department.

Since Hill joined the Wilmington Department in February 1957, he has improved and strengthened the department, which has nearly doubled in size. Hill has overseen construction of numerous new stations, and even helped to design new facilities. Most importantly, he has protected and served his community, often putting his own life on the line to save others. Many are impressed by his dedication and courage, and his strong religious faith; Hill is an also an ordained Advent minister. In recognition of his dedication to public service, Hill was recently inducted into the Order of the Long Leaf Pine, North Carolina's highest civilian honor.

Madam Speaker, let us honor Sam Hill's inspirational commitment to his fellow citizens as his tenure as Fire Chief comes to a close. May his 51 years of enduring service remind us of what it means to be dedicated to one's community.

CONGRATULATING LOYOLA UNIVERSITY WINNER OF THE EPA'S 2008 P3 STUDENT DESIGN COMPETITION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. SCHAKOWSKY. Madam Speaker, I would like to offer my sincere congratulations to the Loyola University of Chicago team for being chosen as a winner of the EPA's 2008 ''People, Prosperity and the Planet'' Student Design Competition at this year's National Sustainable Design Expo. I am proud to represent Loyola University in Congress, and I am looking forward to sharing the news with my colleagues that students in my district are addressing the significant problems that climate change, greenhouse gas emissions, and rising energy costs present.

The importance of energy independence can't be overstated. Your project, ''Innovative Biodiesel Production: A Solution to the Scientific, Technical, and Educational Challenges of Sustainability,'' to convert vegetable oil waste from the cafeteria into fuel that will power campus shuttle buses, is an innovative and creative way to approach it. I believe that this is a model for the entire country to learn from and hopefully adopt.

I hope that during your time at the P3 Expo you have had the chance to interact with other students, professional scientists, engineers, and business leaders from around the country. Your work to advance economic growth while reducing environmental impact should be shared.

It is for that reason that I was glad to hear that your project has an educational component that will advance P3 concepts to students in the university, in preschool, elementary school, and secondary school, and to the general public. I hope that I will be able to stop in on the Solutions to Environmental Problems course so I can see for myself how to produce and use biodiesel fuel.

Again, I salute and congratulate Luke Beasley, Pamela Geddes, Dan Larkin, Shane Lishawa, and Professor Nancy Tuchman, and will look forward to hearing about your work addressing our most pressing problems well into the future.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. ALLEN. Mr. Speaker, on this occasion, I would like to speak in celebration of the 60th anniversary of the founding of the modern State of Israel. Israel is our most important and strongest ally in the Middle East, and all Americans should congratulate the Israeli people on this important milestone.

From technological advances in the fields of agriculture and medicine to the acceptance of women as equals, Israel has managed to establish a modern democracy full of innovation. This achievement is only magnified by the fact that at 60, Israel is still a relatively young nation.

I support a two-state solution that provides for the existence of a self-governing Palestinian state with a separate national identity. However, Israel has the right to defend itself against attacks, and we must insist that the Palestinian Government recognize the State of Israel and act and speak out against suicide bombings and other acts of terror.

I believe that the United States should devote significant resources to promoting peace in the Middle East. History has shown that active and consistent U.S. diplomatic engagement can promote progress, while a passive U.S. role can lead to the opposite.

The pursuit of diplomacy with leaders in Israel, the Palestinian territories, and regional partner countries who recognize the inevitability and importance of coexistence and economic integration must continue to be a top U.S. foreign policy goal.

The active engagement of Congress in diplomacy with Israel and other countries in the Middle East is a welcome development. The international community must focus its energy on advancing prospects for a lasting, secure peace in the Middle East.

I congratulate the Israeli people on this important achievement. I am pleased to support this resolution and urge my colleagues to do so as well.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. UDALL of Colorado. Mr. Speaker, as a cosponsor of H. Con. Res. 322, I am glad to have the opportunity to vote for this important resolution today.

The United States recognized the State of Israel the day it was established on May 14, 1948. In the ensuing 60 years, the people of Israel have established a democratic society, developed an advanced economy, and created a thriving culture in the face of war, terrorism, and threats to its security.

H. Con. Res. 322 expresses ''enduring support for Israel as Israel pursues peace with its neighbors.'' The importance of peace in the region cannot be overstated. Without it there can be no regional stability and no security for Israel. Over the decades, the United States has played a special role in helping facilitate the peace process in the region, and I believe we must continue to play that role.

For 60 years, the United States and Israel have shared strong bonds of friendship, common values, and strategic interests. Our support for the people of Israel has been a fundamental part of American foreign policy and remains so today. In the post-9/11 world and with American soldiers engaged in two wars on Islamic soil, I believe our historic alliance with the State of Israel has even greater significance.

So again, Mr. Speaker, I congratulate Israel on its 60th birthday and send my best wishes to the Israeli people for a peaceful and prosperous future.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. CROWLEY. Mr. Speaker, I rise today to congratulate the people of the State of Israel and the greater Jewish community on the 60th anniversary of their independence.

The United States supported the establishment of the Jewish State in 1948, and our two countries have been the closest of friends and strong allies ever since.

Our friendship is rooted in some deeply shared beliefs. We believe in freedom of religion, in freedom of the press, and in freedom of speech. We believe in free and fair elections. And we believe that extremism and terrorism have no place in the global community.

Since its independence, Israel has endured unstable and troubling conditions in the Middle East. They have been subject to violence and unwarranted attacks. They have been asked to compromise their borders. They have had missile strikes threatening the lives of innocent citizens on an almost daily basis. Yet, the Israeli people remain united and strong—continuing to stand up for their beliefs and for their country.

Israel is a modern success story. It is the only democracy in the Middle East. It is the only Middle Eastern country where Arabs have the right to vote for their elected officials and their political leaders. And, it is one of the only Middle Eastern nations without oil wealth that has transformed itself from an agrarian-based economy to a high tech economic powerhouse.

Today, as Israel turns 60, it is important to remember what she stands for.

I believe Israel, while small in geographic size, is one of the largest symbols of humankind's continued faith in God.

I believe her enduring spirit to survive inspires.

And, I believe in her unwavering dedication to freedom and democracy.

I am proud to be a friend of Israel's and I believe we must continue to stand with her. And today, I want to join my colleagues in wishing Israel a hearty Mazel Tov on 60 years of Independence.

HONORING THE ACHIEVEMENTS OF EDWARD JAMES OLMOS

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. SOLIS. Madam Speaker, I rise today to recognize the achievements of Edward James Olmos, winner of the 2008 CINE Lifetime Achievement Award. The CINE Lifetime Achievement Award recognizes the few pinnacle leaders in the film and video industry whose lifetime contributions have left a profound impact on our culture.

A native of East Los Angeles, Edward James Olmos has been a trailblazer in the film industry as an actor, producer, and director.

The son of Mexican parents, he made his way to the big screen at a time when very few Latino actors were cast in leading roles, thus breaking the mold and setting the stage for future Latino actors to come. In his roles in movies such as ''Zoot Suit,'' ''The Ballad of Gregorio Cortez,'' and ''Mi Familia,'' Mr. Olmos portrayed the daily realities of the Latino experience in the United States.

Mr. Olmos transcended cultural barriers, and inspired a generation of teachers and students to overcome adversities and achieve academic success through his portrayal of math teacher Jaime Escalante in ''Stand and Deliver.'' Mr. Olmos' work has won critical acclaim and garnered him prestigious awards such as an LA Drama Circle Award, an Emmy, two Golden Globe Awards, and an Academy Award nomination.

Mr. Olmos is extremely active in the community and is a spokesperson for organizations such as the Southwest Voter Registration Project and the Juvenile Diabetes Foundation. He is also a United States Goodwill Ambassador for the United Nation's Children's Fund, UNICEF. As the chairman of Latino Public Broadcasting, Mr. Olmos continues to advocate for diverse perspectives in public television.

I applaud Edward James Olmos for his achievements and the important contributions he has made to the Latino community. Congratulations on receiving the 2008 CINE Lifetime Achievement Award.

OBSERVING THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. DINGELL. Madam Speaker, I rise today in observance of the 93rd anniversary of the Armenian genocide. On April 24, 1915, the Ottoman government detained hundreds of clergymen, professionals, intellectuals, and other political and community leaders. This marked the opening of a campaign of genocide that over the next 2 years would lead to the deaths of a million and a half Armenians.

It is important to both remember this event, and to acknowledge it as genocide. Not only does it allow us to pay proper respect to those who lost their lives in Armenia at the hands of the Ottoman Empire, but it also helps us to comprehend the malevolent and inhumane events that take place in our global community today. Ethnic conflict and sectarian fighting remain an urgent issue for both the U.S. and the international community to address. The historical lessons and the exchange of ideas that flow from an honest discussion about the genocide that took place in Armenia can help us take steps to prevent further atrocities from occurring in our time.

It is my hope that today's observation and reflection on the genocide in Armenia is part of a renewed effort of focusing our efforts towards the goal of understanding and eliminating the circumstances under which genocide can exist.

COMMEMORATION OF APRIL 22, 2008 AS EQUAL PAY DAY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mrs. JONES of Ohio. Madam Speakear, I rise today to commemorate Equal Pay Day in order to address the need for equal pay for hardworking women across America. According to the United States Census Bureau, women are paid on average about 77 cents for every dollar earned by a man. For women of color, the gap is even wider. It is not acceptable that these wage gaps remain despite the passage of the Equal Pay Act more than 40 years ago in addition to a variety of related legislation prohibiting employment discrimination.

Equal Pay Day marks the time of the year in which the average median income paid to American women equals the earnings of males from the previous year. On this day various groups and organizations hold events across the Nation in order to highlight the detrimental effects of continuing inequity that are felt in the form of gender segregation in the work force, the undervaluation of the types of jobs held predominately by women, and gender discrimination built into the pay system.

In the State of Ohio, the median annual earnings of men with a college degree or more education is $65,000. In contrast, the median annual earnings of women with a college degree or more is $47,000, nearly $20,000 less per year. This statistic in my home state of Ohio is alarming. It is even more disturbing to know that this is a trend that exists nationwide that is not just affecting women, but also their families and children who rely upon their wages for basic everyday needs such as health care or groceries. I am proud to say that I supported the passage of H.R. 2831, the Lily Ledbetter Fair Pay Act and that I am a co-sponsor of H.R. 1338, the Paycheck Fairness Act, two of the key bills in the 110th Congress that will help to close the pay gap between men and women.

African-American women have a long history of working out of their homes and have the highest labor force participation rate among all women at 63.4 percent. However, many African-American women are concentrated in low paying service jobs. African-American women comprise 6 percent of the entire country's workforce, but make up 14 percent of workers earning between $15,000 and $30,000 per year and are less than 1 percent of workers earning over $100,000 per year. Not only do African-American women earn less, the growth in their earnings has lagged behind that of white women, 19 percent and 29 percent respectively. At the upper end of the earnings distribution, disparities in the labor market impact approximately 1 percent of African-American women in corporate officer positions whose earnings are on average $229,000 compared to $250,000 for Caucasian women.

Over the last 60 years, the labor force participation of women has more than doubled, which means nearly one out every two workers is a woman. Not only are more women working, but more of these working women are mothers as well. In 1963, when President John F. Kennedy signed the Equal Pay Act into law, full-time working women were paid 59 cents to every dollar received by men. Meanwhile, 45 years later in 2008, women are still only paid 77 cents for every dollar received by men. To state this more clearly, the wage gap has only narrowed by less than half of a penny per year.

According to the National Organization for Women, ''If women received the same wages as men who work the same number of hours, have the same education and union status, are the same age, and live in the same region of the country, then these women's annual income would rise by $4,000 and poverty rates would be cut in half. Working families would gain an astounding $200 billion in family income annually.''

I applaud my colleagues for passing H.R. 2831, the Lily Ledbetter Fair Pay Act last year. I now urge my colleagues to support H.R. 1338, the Paycheck Fairness Act, which seeks to eliminate the gender wage gap in our Nation. These two bills are a beginning towards an end to a societal ill that has hurt our country's hardworking families for too long. I look forward to continuing to work with the people of the 11th Congressional district of Ohio and across this country to address this long withstanding inequity in our Country.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of H.R. 5613, the Protecting the Medicaid Safety Net Act of 2008. By passing this bipartisan bill, we can help ensure that our respective States can continue to provide needed health care to citizens who are eligible for Medicaid.

I have heard from a number of health care providers, hospital administrators, public health officials, and constituents in my district in regards to seven Medicaid regulations issued by the Department of Health and Human Services. The message has been clear: these regulations have the potential to devastate the health care safety net in Colorado, pulling an extraordinary amount of funding away from the State's health care economy with the highest cost placed on the backs of the most vulnerable.

Though I think that all seven regulations deserve a great deal more scrutiny and discussion, there are two regulations in particular that give me serious concern. The first, a regulation that would alter the definition of ''publicly-owned providers,'' would put 34 hospital providers in my State at risk of losing funding budgeted for serving low-income and indigent patients. The Colorado Department of Health Care Policy and Financing estimates that the State would lose $711 million over 5 years—a loss that the Department says would put ''the financial stability of the entire safety-net provider community in Colorado at risk.''

The second regulation with which I am concerned would completely eliminate Medicaid funding for the Graduate Medical Education program, pulling an estimated $60 million from Colorado's teaching hospitals over 5 years.

Our teaching hospitals, which play a critical role in providing health care to underserved communities, cannot withstand this sort of hit to their budgets without severely curtailing important services.

Broadly speaking, I think that these seven regulations ought to be much more carefully scrutinized. Where some were intended to change Medicaid policy without Congressional authorization, others responded to Congressional action by altering policy beyond what Congress intended. A 1-year moratorium will enable Congress to thoroughly examine these regulations to ensure that States like mine are not devastated by rules that, frankly speaking, appear to undermine the very purpose for which Medicaid was established. I am proud to support this bill, and I look forward to working with my colleagues to ensure that our State Medicaid safety-nets remain strong and viable.

PERSONAL EXPLANATION

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. ABERCROMBIE. Madam Speaker, I regret that I was ill and missed rollcall vote No. 205 through 207. Had I been present, I would have voted "yea" on all votes.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. LEE. Mr. Speaker, I rise to recognize Israel and its people on the 60th anniversary of its founding and offer my sincere hope that the seventh decennial of its existence will usher in a period of lasting peace between it and its neighbors.

We all agree that Israel and the Israeli people have accomplished much during its 60 years. As this resolution points out, Israel has forged a politically diverse and dynamic society with a thriving economy and vibrant cultural and intellectual life. It has produced 8 Nobel Prize winners and has provided sanctuary for millions of Jews throughout the world.

I have visited Israel on more than one occasion and I was most impressed by its commitment to many of the democratic principles we cherish here in the United States. As the resolution points out, there are many common bonds between the United States and Israel.

So, Mr. Speaker, as a strong supporter of the Israeli people and Israel's right to exist, I agree we should take time to recognize Israel on this momentous occasion. I also believe, however, that we must take this opportunity to encourage Israel and all the parties involved to find a workable solution to the humanitarian crisis in Gaza and to redouble efforts on the path to peace.

For these reasons, Mr. Speaker, I support H. Con. Res. 322, which recognizes the 60th anniversary of the founding of the modern State of Israel.

HONORING DR. MICHAEL E. DEBAKEY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. AL GREEN of Texas. Madam Speaker, Senate Majority Leader REID, Senate Republican Leader MCCONNELL, House Republican Leader BOEHNER, Senator HUTCHISON, the Honorable Dr. Michael Ellis DeBakey and Mrs. DeBakey:

Please allow me to thank Senator HUTCHISON for her leadership; Representatives BURGESS and CULBERSON for helping to acquire the 290 signatures needed to bring this bill to the floor; Speaker PELOSI, Majority Leader REID, and the leadership for considering the legislation expeditiously; the President for signing it; and I especially want to thank God for the Honorable Dr. Michael E. DeBakey.

On September 7th his life will measure 100 years. However, the most meaningful measure of life is not how long one lives, but rather what one does with the time God gives. Dr. DeBakey, your living has made it possible for others to have better lives.

You have promulgated over 1,600 publications and operated on over 60,000 patients. You have either established or helped establish: the field of stroke surgery; the coronary bypass; the mobile army surgical hospital; the National Library of Medicine; the multiple transplantation procedure; and health care systems around the world

You epitomize the truest measure of life. As Ruth Smeltzer proclaimed, "Some measure their lives by days and years, others by heart throbs, passion and tears; But the surest measure under the sun, is what in your lifetime for others you have done."

You have proven that one person can not only impact the world but that one person can change the world for the good of all. If we did not have a Congressional Gold Medal, we would have to create one just for you.

THANKING DALTON YANCEY FOR OVER 35 YEARS OF SERVICE TO AMERICAN AGRICULTURE AND CONGRATULATING HIM ON HIS RECENT RETIREMENT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. HASTINGS of Florida. Madam Speaker, it is with both enthusiasm and heavy heart that I rise today to congratulate Mr. Dalton Yancey on his recent retirement from the Florida, Texas, and Hawaii Sugar Cane Growers.

For over 35 years, Dalton has represented and advocated on behalf of American agriculture. An expert in U.S. agriculture policy, Dalton has specialized in sugar, citrus and trade policy, ensuring that American growers and farmers are always given a level playing field on which to compete with foreign growers. He is the past President of the Commodity Club of Washington, DC, and the former Board Chair of the American Sugar Alliance. A true testament to his knowledge, Dalton has been appointed by three American Presidents to serve on the Agricultural Trade Advisory Committee for Sweeteners.

In addition to his professional duties, Dalton is extensively involved in many activities throughout his community. As an officer in the U.S. Army, Dalton served in Germany and Vietnam, receiving the Bronze Star for Meritorious Service. In 1969, he was a key member of Operation Holy Task Force, which brought Bob Hope to Southeast Asia.

Dalton has been active with the University of Florida Alumni Association, the Boy Scouts of America, and the Florida State Society. I have seen Dalton in action with all of these organizations, as well as the Faith and Politics Institute since its inception 16 years ago. The two of us have been together at more prayer breakfasts and meetings organized by the Institute than I can even begin to count. As a member of Aldersgate United Methodist Church in Northern Virginia, Dalton and his wife of 33 years, Barbara—known by many of us as Barbie—are as committed to their church as they are to everything that they do.

Madam Speaker, I have had the privilege and honor of knowing Dalton throughout my career in the House of Representatives. It goes without saying that the people of Florida are losing a tremendous advocate with Dalton's retirement. He is not only an exceptional advocate on behalf of the people in my district, but a real friend to me.

I have often sought Dalton's advice and counsel not only on agricultural issues, but on so many other things that we consider here in the halls of Congress. He is, under every definition in the book, a true Southern gentleman. I thank Dalton for his service, wish him luck in this new and exciting chapter in his life, and implore him that he not stray too far from those of us who will miss him most.

A TRIBUTE TO DAVID SANDIFER

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MCINTYRE. Madam Speaker, I rise today to pay tribute to the Chairman of the Brunswick County Commissioners, David Sandifer, of Holden Beach, North Carolina, for his commitment to his community and as a dedicated man of public service. Sandifer proved himself a devoted and effective public servant and a man of good character. He was also a devoted family man and dear friend. Sandifer passed away on April 4, 2008, and he will be dearly missed.

Sandifer, who had been a Brunswick County commissioner since 1996 and chairman since 1998, also served on the board of health, the criminal justice advisory board, the Communities in Schools advisory board, the board of directors of Hope Harbor Home, the Brunswick County Jail Population Management Committee, the Lower Cape Fear Water and Sewer Authority, and many other committees. Driven by love for his community and its people, he was instrumental in implementing different programs and services throughout Brunswick County. He oversaw development projects in one of the fastest-growing communities in our Nation and helped it cope with growing pains along the way. In recognition of

his devotion to public service, Sandifer was recently inducted into the Order of the Long Leaf Pine, North Carolina's highest civilian honor. Sadly, he passed away just hours after this induction ceremony, as the result of complications brought about by cancer.

Madam Speaker, may we never forget the goodness, humility, service, and character that defined the life of David Sandifer. May God continue to bless his beloved wife, Pat, and all of his loved ones, the work he did, and the greatness that he inspired within all who knew him.

PERSONAL EXPLANATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. UDALL of Colorado. Madam Speaker, I was not able to be present for three rollcall votes on Tuesday, April 22.

If I had been present I would have voted as follows: rollcall No. 205, on passage of H. Res. 981—Recognizing March 6, 2008, as the first-ever World Glaucoma Day, established to increase awareness of glaucoma, which is the second leading cause of preventable blindness in the United States and worldwide, Representative BALDWIN—Energy and Commerce—I would have voted ''yea.''

Rollcall No. 206, on passage of H.R. 5151—Wild Monongahela Act: A National Legacy for West Virginia's Special Places—I would have voted ''yea.''

Rollcall No. 207, on passage of H.R. 831—Coffman Cove Administrative Site Conveyance Act—I would have voted ''yea.''

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. JONES of Ohio. Mr. Speaker, I rise today in celebration of Israel's 60th anniversary of Statehood.

On May 14, 1948, David Ben-Gurion announced to the world that the State of Israel had been created. This declaration was made in accordance with the United Nations Resolution 181 which was passed in November 1947. The creation of two states was proposed, one Jewish and one Palestinian. The new State of Israel established an opportunity for Ben-Gurion and other Zionists to realize a return to the ''promised land.''

Although the new state would be tested immediately following its creation, its citizens, supporters and ideals would hold. Even at the conclusion of the first Arab-Israeli War, a constant barrage of state and non-state actors would seek to destroy this government. Sixty years later this battle continues, as the entire world copes with the challenging yet necessary task of respecting the beliefs of others and protecting the natural rights of all mankind.

The ''land of milk and honey'' is significant not only for its ability to offer refuge to a people who have been persecuted for the past two millennia, but to also demonstrate the global communities' determination to right wrongs and to help their fellow man. Today there are close to 7 million individuals who inhabit Israel. Although the vast majority of those persons happen to be Jewish, there are also people who follow the Christian and Arab faiths. While there happens to be conflict currently between the Jewish and Muslim populations, the possibility of Israelis and Palestinians coexisting in peace is still feasible.

As a Member of Congress, I have been blessed with the opportunity to visit Israel, to talk with those that live there and to see the success that it has become, There exists within the Eleventh Congressional District of Ohio and across the United States, a strong community of individuals who are committed to supporting our close ally. I am proud to consider myself a fellow advocate and look forward to supporting the State of Israel in the future.

May the people and the government of Israel continue to enjoy their statehood and be blessed with peace.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OS ISRAEL

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. MALONEY of New York. Mr. Speaker, today we recognize the 60th anniversary of the creation of Israel. On May 14, 1948, thousands of volunteer Yishuv fighters led by David Ben-Gurion celebrated as the Jewish Agency declared Israel an independent nation in accordance with the 1947 U.N. partition plan. The difficult months of fighting ahead were only eased by the knowledge that the volunteer army was fighting for its new and independent nation. U.S. President Harry S. Truman immediately recognized Israel as a sovereign and independent nation forging a bond between our two great democracies that has been one of mutual support and friendship ever since.

The people of Israel have, over the 60 years since Israel has become an independent state, established a vibrant democratic political system, including freedom of speech, association, and religion; a vigorously free press; free, fair and open elections; the rule of law; a fully independent judiciary; and other democratic principles and practices. Israel has developed an advanced, entrepreneurial economy, and is among the world's leaders in the high-tech industry. Israel has also bravely defended itself from numerous military attacks and acts of terrorism.

I stand with my colleagues and with my nation to celebrate the 60 years of a special relationship based on mutually shared democratic values, common strategic interests, and bonds of friendship and mutual respect. I am a cosponsor of H. Con. Res. 322 that was introduced by Speaker PELOSI to celebrate this important milestone. On this occasion I also want to highlight the efforts that Israel and its leaders have made to make a lasting peace with its neighbors. I would like to extend my warmest congratulations and best wishes to the Israeli people for a peaceful, prosperous, and successful future.

PAYING TRIBUTE TO GLADY E. LAUGHLIN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. PORTER. Madam Speaker, I rise today to honor the life of Glady E. Laughlin, who passed away on February 23, 2008.

Glady E. Laughlin played an integral role throughout the Laughlin, Nevada community where she was an outstanding civic leader and dedicated community advocate. Glady was an educator with the Clark County School District for over twenty years, where she was a dedicated advocate for the children of Laughlin, expanding education programs and social services. Her efforts have inspired generations of students to achieve academic excellence. Among her many community achievements and honors, Glady was most proud of her service to her community as the principal of the William G. Bennett Elementary School from 1993–2005.

Glady was also a member on the Laughlin Town Advisory Board and served on the Board of Directors for the United Way of the Colorado River, the Laughlin Family Resource Center, and the Boys and Girls Clubs of the Colorado River. Glady was also actively involved with the Laughlin Community Church. She volunteered with the church's choir, praise-worship teams, and served as a spiritual leader and mentor.

Madam Speaker, I am proud to honor the life and legacy of Glady E. Laughlin for her many years of leadership and community service to the Laughlin community. Those who have worked with her on a professional and personal level agree that Glady has done profound work throughout the community. Glady was a wonderful individual and a great force on behalf of the people of Laughlin. She is survived by her husband of over 40 years, Pat Laughlin and her two sons Rob and Jim Laughlin. She will be profoundly missed.

DEREK RIEMER

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. PERLMUTTER. Madam Speaker, I rise today to recognize and applaud Derek Riemer who has received the Arvada Wheat Ridge Service Ambassadors for Youth award. Derek Riemer is a student at Oberon Middle School and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Derek Riemer is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential that students at all levels strive to make the most of their education and develop a work ethic that will guide them for the rest of their lives.

I extend my deepest congratulations once again to Derek Riemer for winning the Arvada

Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

RECOGNIZING FARAH JOOMA

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MARCHANT. Madam Speaker, I rise today to recognize Farah Jooma on achieving the Girl Scout Gold Award. Receiving the Gold Award is a testament to Miss Jooma's leadership, citizenship, and service to her community.

For her Gold Award project, Farah Jooma worked with Parkland Hospital and researched alternatives more medical insurance. She created a brochure that she distributed to healthcare clinics throughout the Dallas Fort-Worth area. She also held seminars discussing ways of trying to improve medical insurance.

The Girl Scouts of America promotes a positive influence for young women of today. I am honored to represent Farah Jooma in earning the highest award bestowed in Girl Scouts. I commend her commitment and dedication for the betterment of her life, her community, and her country.

ALFERD WILLIAMS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alferd Williams, of St. Joseph, Missouri. Mr. Williams, a sharecropper's son, who never got the chance to go to school, is now learning to read. Alferd is an inspiration to his teacher and classmates, and a prime example of someone setting their mind to accomplish a goal and then achieving success.

In 2006, Alferd joined a first-grade class at Edison Elementary School, to fulfill a promise he made to his mother and himself. That promise was that he would learn how to read. Mr. Williams is now in his second year at Edison Elementary School, and plans to stay in Ms. Alesia Hamilton's first-grade class until he completes his GED.

Madam Speaker, I proudly ask you to join me in recognizing Alferd Williams, who is a true inspiration for all that know him, and all that have had the opportunity to hear of his inspirational story. Mr. Williams is living proof that with faith and persistence, you can achieve any goal. It is truly an honor to serve Mr. Williams in the United States Congress.

TRIBUTE TO THE HONORABLE YVONNE BRAITHWAITE BURKE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. WAXMAN. Madam Speaker, I rise to pay tribute to Los Angeles County Supervisor Chair Yvonne Braithwaite Burke, who is retiring this year after an exceptional fifty years in public service.

As an African American and a woman, Supervisor Burke has broken through professional barriers her entire career. She was the first African American woman elected to the California State Assembly, where she served from 1966 to 1972. She was the first African American woman from California elected to the U.S. House of Representatives, where she represented California's 37th Congressional District from 1972 to 1978. She was the first African American woman appointed to the House Appropriations Committee, the first woman to chair the Congressional Black Caucus, and the first Member of Congress to give birth while in office. She was the first female and African American to serve on the Los Angeles County Board of Supervisors.

I had the pleasure of serving with Supervisor Burke in both the California State Assembly and the House of Representatives. When my wife Janet and I visited Washington the year I decided to run for Congress, Supervisor Burke, who had been elected just 2 years before, went out of her way to make us both feel welcome. Supervisor Burke and I served 4 years together in Congress, and it was my good fortune to be able to continue to work with her when she left to be a member of the Los Angeles County Board of Supervisors. I have greatly valued our many years of friendship, the experience, wisdom, and grace she brings to every problem, and her strong commitment to public service.

I ask my colleagues to join me in recognizing Supervisor Burke's extraordinary 50-year career and extensive record of accomplishments. Janet and I wish her and her family the very best for the future.

WIND FARMS IN THE WATERS OF THE GULF COAST

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. POE. Madam Speaker, Texas is now the number one wind energy state in the country, producing more power from wind than any other state. Texas is also the first state to allow wind energy production offshore, energy, which could not only power our homes and businesses, but also pay for the education of our children.

The Gulf Coast currently has unused oil equipment in its waters. Those structures now have a new purpose, as wind turbines utilize oil and gas platforms off the Texas-Louisiana coast in the first U.S. offshore wind energy farm. The shallow waters of the Gulf make economic sense for wind farms. Wind farms consist of turbines that harness clean energy and offer another option outside of natural gas. The coastline has a far-reaching continental shelf, in some areas extending 80 miles, while having water depths less than 150 feet. Texas, long a major player in the oil and gas industry, is now a major player in wind energy. In this region, the best wind for generating energy blows mid-day, when electricity demand is the highest. Therefore, the electricity generated from wind farms off the Texas coast will be highly valued by utility companies.

Wind Energy Systems Technology (WEST), conceived by Herman Schellstede and Harold Schoefller, will be lining nearly 74,000 acres of water with wind farms, which includes part of my district, in the waters off of Jefferson County, on state owned land. Construction of the wind farms should begin in 2009. Once completed, the offshore wind farm will produce enough electricity to provide power to about 40,000 homes. By comparison, an equal amount of electricity would require about 20.7 million barrels of oil, or 6.5 tons of coal to produce. By not burning these fossil fuels to create this amount of energy, the wind farm will displace approximately 2.7 million tons of carbon dioxide each year.

It is in our best interest to research and develop alternative energy sources to reduce our dependence on foreign oil, in order to become more energy independent. With natural gas depleting, wind farms should become more abundant in the coming years, as wind power becomes more competitive and the technology more efficient. Wind is a clean energy resource with substantial environmental benefits and offers one of the lowest marginal costs of production. This renewable energy means renewable revenue. Some have reported that wind energy provides more jobs per dollar invested or per kilowatt-hour generated, than most conventional resource options. With total installed U.S. wind power capacity now over 16,800 megawatts or enough to serve the equivalent of 4.5 million average households, wind was the second largest source of new electrical capacity in the Nation, behind only natural gas, for the past 3 years.

Wind power is part of our country's sustainable energy solution, and I applaud WEST for their foresight and innovation.

TRIBUTE TO MUJES DE ECELENCIA

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. CUELLAR. Madam Speaker, I rise today to commend Mujes de Ecelencia, one of the most prominent women's organizations in my congressional district, for embarking upon a remarkable educational campaign outreach on health care issues to women in Roma, Texas. The informational campaign outreach, which finished on April 18, 2008, is a mixture of private-public partnerships with local businesses, organizations, and agencies that all strive to bring awareness to important issues that affect women and their families.

Mujes de Ecelencia has consistently worked to provide the latest information about drug and alcohol treatment, family counseling, tobacco awareness, and other health care matters to women in south Texas since 2002. I applaud Mujes de Ecelencia for bringing together businesses, organizations, and local agencies in the informational campaign marketed towards women's health care issues, and for their continued work in advocating for women in south Texas.

EQUAL PAY DAY

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. CONYERS. Madam Speaker, I rise in recognition of Equal Pay Day, which was yesterday, April 22, 2008. Equal Pay Day was originated by the National Committee on Pay Equity in 1996 as a public awareness event to illustrate the gap between men's and women's wages. The day, observed on a Tuesday in April, symbolizes how far into the year a woman must work, on average, to earn as much as a man earned the previous year. Because women earn less, on average, than men, they must work longer for the same amount of pay. In other words, the average American woman must work 16 months to earn what a man did in 12. The wage gap is even greater for most women of color.

President John F. Kennedy signed the Equal Pay Act into law in 1963, but the wage gap between men and women has been closing at a very slow rate. In 1963, women who worked full-time, year-round made 59 cents on average for every dollar earned by men. In 2006, women earned 77 cents to the dollar.

The wage gap exists, in part, because many women and people of color are still segregated into a few low-paying occupations. More than half of all women workers hold sales, clerical and service jobs. Studies show that the more an occupation is dominated by women or people of color, the less it pays. Part of the wage gap results from differences in education, experience or time in the workforce. But a significant portion cannot be explained by any of those factors; it is attributable to discrimination. In other words, certain jobs pay less because they are held by women and people of color.

Democrats are taking action to address the wage gap. The House has already passed the Lilly Ledbetter Fair Pay Act, which restores basic protections against pay discrimination by rectifying the May 2007 Ledbetter v. Goodyear Supreme Court decision that overturned precedent and made it much more difficult for workers to pursue pay discrimination claims. The Senate is scheduled to consider this legislation this week. The House is also considering the Paycheck Fairness Act, which would strengthen the Equal Pay Act of 1963 by providing more effective remedies to women who are not being paid equal wages for doing equal work. I strongly support both of these measures.

Equal pay is not simply a women's issue, but a family issue. The wage gap hurts everyone—husbands, wives, children, and parents—because it lowers family incomes that pay for essentials: groceries, energy bills, doctors' visits and child care. Furthermore, 41 percent of women supply their families' sole source of income.

It is estimated that if we do nothing, it will take until 2057 to close the pay gap. To force women and their families to wait nearly another 50 years to receive equal pay for equal work is absolutely unacceptable. I pledge to continue the fight for pay equity until all Americans, regardless of gender or race, receive equal pay for equal work.

HONORING THE DISTINGUISHED SERVICE OF REVEREND WALT PARRY

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. COSTA. Madam Speaker, I rise today to pay tribute to the distinguished public service of Reverend Walt Parry, of Fresno, California. After nearly 25 years with the non-profit organization Fresno Metro Ministry where Reverend Parry succeeded in serving the needs of the local community, he retired this past January.

During his tenure at the Fresno Metro Ministry, Reverend Parry aided thousands of deserving local residents with his passion for excellence and strong ethical drive. I have had the pleasure of working with him frequently and his dedication to the community is to be commended, especially in the areas of public health, cultural diversity and disadvantaged advocacy.

Reverend Parry was instrumental in the creation of the Community Food Bank, an organization that helps distribute food to people in need throughout California's Central Valley. Healthy nutrition was a paramount concern for the Reverend, who both fought against the obesity epidemic as well as the lack of nourishment in the area. Other notable achievements of Reverend Parry include better access to healthcare, clean air, improved nutrition, and a deep respect for multiculturalism in our Valley communities.

Throughout his career in the area, Reverend Walt Parry has proven to be a highly effective administrator who was always committed to excellence in public service. As he gets ready to spend much more time enjoying retirement as well as supporting the social causes he is passionate about on a more personal level, I wish him continued success and best of luck for the future.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 322, recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel. I would like to thank my distinguished colleague from California, Speaker of the House, Representative NANCY PELOSI and Chairman of the House Foreign Affairs Committee, Representative HOWARD BERMAN for their leadership on this important issue.

Today, Israel celebrates its 60th birthday, or its Day of Independence. This is a very special day for this country, where citizens live in a constant state of unknown, but are united for their love for the state. In addition to birthday greetings, I want to wish Israel the best of luck in its continued attempts to make peace this upcoming year.

Israel was created in 1948; it took President Truman only 11 minutes to recognize the new Jewish State. Since then, it has come to exist as the only true democracy in the Middle East. Israel and the United States have many of the same foundations of government: Freedom of religion, free speech, basic human rights, the rule of law and being a nation of immigration and diversity. Israel has provided a unique opportunity for Jews from all over the world to reestablish their ancient homeland. In addition, it is a home to many religious sites which are sacred to Judaism, Christianity, and Islam and attracts visitors every year.

Israel provided a refuge to Jews who survived the horrors of the Holocaust and the evils committed by the Nazis which were unprecedented in human history. The people of Israel have established a unique, pluralistic democracy which includes the freedoms cherished by the people of the United States, including freedom of speech, freedom of religion, freedom of association, freedom of the press, and government by the consent of the governed.

Israel continues to serve as a shining model of democratic values by regularly holding free and fair elections, promoting the free exchange of ideas, and vigorously exercising in its Parliament, the Knesset, a democratic government that is fully representative of its citizens.

I want to applaud the Government of Israel for successfully working with the neighboring Governments of Egypt and Jordan to establish peaceful, bilateral relations. I have had the privilege of visiting Israel, and hearing firsthand how the government is taking great strides to ensure peace for generations to come.

Mr. Speaker, this important legislation recognizes the 60th anniversary of the founding of the modern State of Israel and reaffirms the bonds of close friendship and cooperation between the United States and Israel. I am proud to join 201 of my colleagues in cosponsoring this important legislation. For these reasons, I support H. Con. Res. 322 and urge all Members to do the same. The United States and Israel enjoy a strategic partnership based on shared mutual democratic values, friendship, and respect. The people of the United States share affinity with the people of Israel and view Israel as a strong and trusted ally. I hope this friendship continues to grow and blossom for decades to come, as Israel settles itself in a firm place on our global map.

SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC WORKS WEEK

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. OBERSTAR. Madam Speaker, I support the goals and ideals of National Public Works Week. National Public Works Week is celebrated for a full week each May to celebrate our public works professionals and the important work they do to keep our country running smoothly.

May 18 through 24, 2008 will recognize the many duties that public works professionals—those who design, build, operate, maintain and

protect transportation systems, water supply infrastructure, sewage and refuse disposal systems, public buildings, and other structures and facilities—perform to enhance communities and our Nation.

Public works keep our society functioning: providing buildings that house vital government offices, and giving our country rail, highways, airports, and public transit to move goods and passengers.

Similarly, public works help maintain public health: Providing systems for waste and sewage disposal, while supplying us with crucial water for our homes, businesses, and agriculture. Pipelines safely transport natural gas and hazardous liquids through 2,300,000 miles of pipelines throughout the country.

Many people take for granted our public works, recognizing their importance only when problems are encountered. When water supply is not efficient, when infrastructure crumbles, and when accidents in moving transportation occur, we are then forced to reflect on what needs to be invested in the larger public works sector of our economy.

The ''2006 Status of the Nation's Highways, Bridges, and Transit: Conditions and Performance'' report by the Department of Transportation confirms that investment in the Nation's highway, bridge, and transit infrastructure has not kept up with the growing demands of the system.

Likewise, our country is in need of critical investment in water infrastructure. It was more than 1 year ago, at the beginning of the 110th Congress, that the Committee on Transportation and Infrastructure passed three key water infrastructure bills: H.R. 569, the Water Quality Financing Act of 2007; H.R. 700, the Health Communities Water Supply Act of 2007; and H.R. 720, the Water Quality Financing Act of 2007. These bills later overwhelmingly passed the House, and we continue to wait for our counterparts in the Senate to take similar action.

I strongly support investment in our Nation's infrastructure, as well as the men and women who keep our public works, quite simply, working.

HONORING THE LOUISIANA HONORAIR VETERANS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. BOUSTANY. Madam Speaker, I rise today to recognize and honor a very special group from South Louisiana.

On April 26, 2008 a group of 100 veterans and their guardians will fly to Washington with a very special program. Louisiana HonorAir is providing the opportunity for these veterans from my home state of Louisiana to visit Washington, DC on a chartered flight free of charge. During their visit, they will visit Arlington National Cemetery and the World War II Memorial. For many, this will be their first and only opportunity to see these sights dedicated to the great service they have provided for our Nation.

Today I ask my colleagues to join me in honoring these great Americans and thanking them for their unselfish service.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

SPEECH OF

HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mrs. MILLER of Michigan. Mr. Speaker, I rise in strong support of H.R. 5613, Protecting the Medicaid Safety Net Act of 2008.

I believe that any society can be judged on how they treat the most vulnerable—namely seniors, children and the disabled.

This measure places a 1-year moratorium on Medicaid regulations and cuts put forward unilaterally by the administration that could have a devastating effect on each of those groups.

Some of these cuts would slash access to rehabilitation services, decrease services for foster care and abused children, limit services to the elderly, and persons with developmental disabilities.

In fact, these cuts could have a disastrous impact in Michigan on the 21,000 developmentally disabled and 27,000 children with medical conditions—the very people who need our help the most.

With Michigan's struggling economy, the high price of gas and home heating, and an overall increase in cost of living, many families need access to these services.

The proposed cuts to the Medicaid program have the potential to cost the State of Michigan over 15,000 jobs and the loss of $732 million dollars in Federal funding in the first year alone. And it's set to get worse over the next 5 years resulting in an estimated $3.9 billion in Federal cuts.

Delaying these draconian cuts for 1 year will give Congress the opportunity to work together on these issues so that we can better serve those in need across our Nation.

I urge my colleagues to support this measure.

IN RECOGNITION OF JOHN ''JACK'' J. WALSH, JR. FOR OVER 35 YEARS OF DEDICATED SERVICE TO THE GLAZIERS AND GLASSWORKERS LOCAL 1044 OF BOSTON

SPEECH OF

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. LYNCH. Madam Speaker, I rise today in honor of a man whose professional life has been dedicated to the skill of his trade and commitment to his fellow union members. John ''Jack'' J. Walsh, Jr. is a remarkable individual with a long and illustrious career in the Glaziers and Glassworkers Local 1044 of Boston, Massachusetts.

Jack joined the Glaziers and Glassworkers Union on March 12, 1973. Throughout his tenure with Local 1044, Jack always exhibited a commitment to excellence in his trade and dedication to ensuring the welfare of his fellow union members.

Jack has been equally dedicated to serving his local community. Notably, Jack served as a Boy Scout Troop Leader and is currently a member of both the Weymouth Fraternal Order of Eagles Aerie 2899 and the Loyal Order of Moose in Braintree.

Despite his various accomplishments, Jack has always taken the greatest pride in his roles as a devoted husband and father. For the past 32 years, Jack has had the enormous pleasure and tremendous good fortune of being married to his beloved wife, Patty, and together, they are the proud and loving parents of Jonathan and Gregory.

Madam Speaker, it is my distinct honor to take the Floor of the House today to join with Jack Walsh's family, friends and Brothers and Sisters of Labor to thank him for over 35 years of remarkable service to the American Labor Movement. I hope my colleagues will join me in celebrating Jack's distinguished career and wishing him good health and God's blessing in all his future endeavors.

THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. LANGEVIN. Madam Speaker, I rise today to commemorate the 93rd anniversary of the Armenian Genocide. Our voices, as well as those of Armenian-Americans across the nation, are essential in the effort to bring needed attention to such a historic tragedy. The Armenian-American community has made tremendous contributions to our country, and their efforts and passion will help ensure that those who lost their lives will not be forgotten.

Today, we pay tribute to the memory of those who died, reflect on all those who have suffered from such prejudice, and vow to raise awareness so that such an atrocity never occurs again. As a member of the Armenian Caucus and a cosponsor of the genocide resolution, I will keep fighting to ensure that the Armenian Genocide is appropriately recognized.

It is a shame that we have not learned from our mistakes in the past regarding genocide, but it is not too late to heal these wounds and also help end atrocities occurring as we speak. With the Olympics taking place this year, it is my hope that all nations can come together and play a constructive role in ending violence in places like Darfur. In the spirit of the Olympics, we must come together as one and make clear that we all stand with the world against genocide and human rights abuses. It is our duty to end this human suffering, and I will continue to work with my colleagues in Washington, DC, to promote healing and peace throughout the world.

I am also very proud that my fellow Rhode Islanders have been actively involved in calling attention to this issue, and I urge them to continue to make their voices heard. As an ardent supporter of Rhode Island's Armenian-American community throughout my public service career, I join my colleagues today in honoring the victims of the genocide by paying tribute to their memory, showing compassion for those who have suffered from such prejudice, and never forgetting the pain that they have endured.

H. CON. RES. 323, EXPRESSING CONGRESSIONAL SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL HEALTH CARE DECISIONS DAY

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Con. Res. 323, expressing Congressional support for the goals and ideals of National Health Care Decisions Day. I would first like to thank my distinguished colleague PHIL GINGREY of Georgia for introducing this important piece of legislation. This legislation recognizes an important initiative to encourage patients to express their wishes regarding healthcare and for providers and facilities to respect those wishes, whatever they may be.

National Health Care Decisions Day is designed to raise public awareness for the need to plan ahead for health care decisions related to end-of-life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important decisions. The Federal Patient Self-Determination Act requires that all Medicare-participating healthcare facilities inquire about and provide information to patients on Advance Directives; it also requires these facilities to provide community education on Advance Directives (42 C.F.R. §489.102). All healthcare facilities are required to: provide information about health care decision-making rights; ask all patients if they have an advance directive; educate their staff and community about advance directives; not discriminate against patients based on an advance directive status.

It is estimated that only a minority of Americans have executed advance directives, including those who are terminally ill or living with life-threatening or life-limiting illnesses. Advance directives offer individuals the opportunity to discuss with loved ones in advance of a health care crisis and decide what measures would be appropriate for them when it comes to end-of-life care. The preparation of an advance directive would advise family members, health care providers, and other persons as to how an individual would want to be treated with respect to health care. Forty-two percent of Americans have had a friend or relative suffer from a terminal illness or coma in the last 5 years and for a majority of these people and 23 percent of the general public, the issue of withholding life sustaining treatment came up. An overwhelming majority of the public supports laws that give patients the right to decide whether they want to be kept alive through medical treatment. By more than eight-to-one (84 percent–10 percent), the public approves of laws that let terminally ill patients make decisions about whether to be kept alive through medical treatment. One of the most striking changes between 1990 and 2005 is the growth in the number of people who say they have a living will—up 17 points, from 12 percent in 1990 to 29 percent now.

Patients and families are often not fully informed of the relevant risks and potential benefits of artificial nutrition and hydration (ANH). In addition, financial incentives and regulatory concerns promote the use of ANH in a manner that may be inconsistent with medical evidence and with the preferences of patients and their families. Because ANH is associated with uncertain benefits and substantial risks, it is essential to ensure that decisions about its use are consistent with the patient's medical condition, prognosis, and goals for care. Therefore, decisions about ANH require careful consideration of its risks and potential benefits.

Establishing National Health Care Decisions Day will encourage health care facilities and professionals as well as chaplains, attorneys, and others to participate in a collective, nationwide effort to provide clear, concise, and consistent information to the public about health care decision-making, particularly advance directives. As a result of National Health Care Decisions Day, recognized on April 16, 2008, more Americans will have conversations about their health care decision, more Americans will execute advance directives to make their wishes known, and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient.

I strongly urge my colleagues to join me in supporting this important piece of legislation.

TRIBUTE TO MR. TEYRAN ''TY'' PATTERSON

HON. HENRY CUELLAR

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. CUELLAR. Madam Speaker, I rise today to honor Mr. Teyran "Ty" Patterson, an American hero, who recently passed away on May 30, 2007, in the line of duty as Texas Game Warden for Johnston County.

Ty was born on November 18, 1978, to Joe and ViAnn Patterson in the City of Seguin in Texas. He was a devout Christian and lived the values of his faith through his work as a Texas Game Warden. Ty was a 1998 graduate of Seguin High School and earned a criminal justice degree in 2004 from Southwest Texas State University in San Marcos.

After graduating from Southwest Texas State University, Ty began work as a Texas Game Warden. He was committed to law enforcement and to the community by providing public service. Ty was a young, ambitious, caring man—no one was a stranger to him. On May 30, 2007, Ty answered the call of duty, without regard to his personal safety or well-being, to assist his fellow officers and a family in their hour of need. It was during this call that he lost his life.

Ty is survived by his parents, Joe and ViAnn Patterson, his sister, Crystal Patterson, his brothers Joe Patterson, Jr. and Demetrius Hall, and his grandmothers Thelma Smith and Katie Smith. He will be greatly missed by his family and by those who had the great fortune to know Teyran "Ty" Patterson.

Madam Speaker, I am honored to have had this time to recognize Mr. Teyran "Ty" Patterson, and I thank you for this time.

EARTH DAY

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. CONYERS. Mr. Speaker, as Americans mark Earth Day, they can also mark the new direction Congress has begun to reverse the failed energy policies of the past, committing instead to clean, and renewable energy for the future. It may have taken the president almost 8 years to acknowledge global warming, but this is a problem that Congress did not wait to address.

Congress passed the historic and bipartisan Energy Independence and Security Act of 2007 to begin to reduce American dependence on foreign oil, respond to the global warming crisis, grow our economy, and lower energy costs. The Act will save 5.3 billion metric tons in energy-related CO_2 emissions from 2008–2030 and reduce oil consumption by 2.4 million barrels a day—almost a 25 percent reduction over today's usage.

The Congress has taken the steps the current Administration has failed to take. It pleases me that on this Earth Day in 2008 we can acknowledge and celebrate the positive direction we are taking in addressing our energy use, climate change, and its impact on our economy.

TRIBUTE TO JOE SHELL

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. MCCARTHY of California. Madam Speaker, I rise today along with my colleague from California, Congressman JIM COSTA, to honor Joseph Claude Shell, a longtime Bakersfield political and community leader, who passed away on Monday, April 7, 2008, at the age of 89.

Joe was born in La Conner, Washington in 1918 and moved with his family to San Diego at the age of 2. Joe attended the University of Southern California and played 3 years of varsity football, which included two trips to the Rose Bowl, and being the captain of the undefeated 1939 team. While Joe was studying law at USC, he served his country during World War II as a civilian flight instructor (having learned to fly at the age of 14) for the U.S. Army Air Corps at Cal Aero and Lancaster from 1942–1943, and eventually joined the Navy in 1944 serving as a senior pilot in the air transport service.

After the war, Joe lived in Los Angeles and worked in the Kern County oil fields as an independent oil producer and drilled many of the wells around Bakersfield. In 1953, Joe won election to the California State Assembly, representing the 58th District, which covered the Wilshire district of Los Angeles. A major political figure in California politics, he served for a decade in the State legislature, 4 of those years as the Assembly Republican Leader, fighting for free enterprise, low taxes, and limited government. During his time in the Assembly, Joe authored the State Scholarship Act, which gave thousands of young people

educational opportunities at public and private universities. While in the Assembly, he met Mary K. Husking, who he married in 1970. In 1962, Joe ran for governor and though he did not win the Republican nomination, he remained active in State and local politics. Joe and Mary K. returned to the oil business and drilled wells in the Deer Creek area, near Porterville. In 1989, Governor George Deukmejian appointed Joe to the California Agricultural Labor Relations Board, where he served for several years before stepping down.

Joe's death is a great loss for the Bakersfield community, but he will always be remembered for his years of service in the U.S. Armed Forces and California State Assembly, always leading by principle rather than rhetoric, and for his integrity and interest in seeing government perform honestly and with accountability at all levels. Joe is survived by his wife, of 38 years, Mary K. who currently resides in Bakersfield, and his children, grandchildren, and great-grandchildren Barbara, Joe, Jr., David, Harold, Diane, Lynn, Geoffrey, Robert, Steven, Stacey, Brian, Dana, Ryan, Nicole, Emily, Jennifer, Matthew, Mark, Justin, Ellie, and Thomas.

TRIBUTE TO JOE SHELL

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. COSTA. Madam Speaker, I rise today along with my colleague from California, Congressman KEVIN MCCARTHY, to honor Joseph Claude Shell, a longtime Bakersfield political and community leader, who passed away on Monday, April 7, 2008, at the age of 89.

Joe was born in La Conner, Washington in 1918 and moved with his family to San Diego at the age of 2. Joe attended the University of Southern California and played 3 years of varsity football, which included two trips to the Rose Bowl, and being the captain of the undefeated 1939 team. While Joe was studying law at USC, he served his country during World War II as a civilian flight instructor (having learned to fly at the age of 14) for the U.S. Army Air Corps at Cal Aero and Lancaster from 1942–1943, and eventually joined the Navy in 1944 serving as a senior pilot in the air transport service.

After the war, Joe lived in Los Angeles and worked in the Kern County oil fields as an independent oil producer and drilled many of the wells around Bakersfield. In 1953, Joe won election to the California State Assembly, representing the 58th District, which covered the Wilshire district of Los Angeles. A major political figure in California politics, he served for a decade in the State legislature, 4 of those years as the Assembly Republican Leader, fighting for free enterprise, low taxes, and limited government. During his time in the Assembly, Joe authored the State Scholarship Act, which gave thousands of young people educational opportunities at public and private universities. While in the Assembly, he met Mary K. Hosking, who he married in 1970. In 1962, Joe ran for governor and though he did not win the Republican nomination, he remained active in State and local politics. Joe and Mary K. returned to the oil business and drilled wells in the Deer Creek area, near Porterville. In 1989, Governor George Deukmejian appointed Joe to the California Agricultural Labor Relations Board, where he served for several years before stepping down.

Joe's death is a great loss for the Bakersfield community, but he will always be remembered for his years of service in the U.S. Armed Forces and California State Assembly, always leading by principle rather than rhetoric, and for his integrity and interest in seeing government perform honestly and with accountability at all levels. Joe is survived by his wife, of 38 years, Mary K. who currently resides in Bakersfield, and his children, grandchildren, and great-grandchildren Barbara, Joe, Jr., David, Harold, Diane, Lynn, Geoffrey, Robert, Steven, Stacey, Brian, Dana, Ryan, Nicole, Emily, Jennifer, Matthew, Mark, Justin, Ellie, and Thomas.

CONGRATULATING ART MONK AND DARRELL GREEN UPON THEIR INDUCTION INTO THE PRO FOOTBALL HALL OF FAME AND COMMENDING THEM FOR THEIR EXEMPLARY COMMUNITY SERVICE

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. NORTON. Madam Speaker, I rise to congratulate two of the Nation's beloved icons of professional athletics. On the same day, Art Monk and Darrell Green were inducted into the Pro Football Hall of Fame. To say that Washingtonians and regional residents are serious about their football would be a classic understatement. This region's strong tradition and love of football owes much to Art Monk and Darrell Green. Along with the Nation, we love and respect them not only for their world class excellence as athletes, but for the way they played the game. Both men are revered, not only as athletic greats, but because of their work out of the limelight.

Art Monk was a wide receiver drafted in the first round by the Washington football team, the Redskins, in 1980. Monk's quickness and strength despite his size made him a top notch wide receiver. He wasted no time distinguishing himself, even in his first season, setting a team rookie record with 58 receptions and becoming a unanimous all-rookie selection. For nine seasons throughout his 16-season career, 14 of which he spent with Washington, Art Monk had 50 or more receptions. Monk became the first receiver for our home team to produce three consecutive 1,000 yard seasons, going on to have five 1,000 yard seasons in his career. Monk set the then league record for catches in a season with 106 catches, the most consecutive games, with at least one reception with 164 games, and the most career receptions with 820. Along the way, he also became the first Washington team player to catch 70 or more passes in three consecutive seasons, finishing his career with 940 catches. Monk was twice named All-Pro and All-NFC, selected three times to play in the Pro Bowl. He was a major part of the Redskins' dominance in the 1980s, and boasts three Super Bowl victories.

Darrell Green, an All-Pro cornerback, was one of the greatest cornerbacks of all time. Over his 20-season career with the Washington football team, Green set many standards. He was a first-round draft pick in 1983 and made an immediate impact, scoring the very first time he touched the football on a 61-yard punt return in a preseason game, starting in all 16 regular season games, and being honored as runner-up for the Associated Press NFL Rookie of the Year Award. Known for his great speed, Green achieved a high level of success as a cornerback, recording an interception in a record 19 straight seasons, a career-best of five interceptions in each of three seasons, and a club record 54 interceptions, which translated into 621 yards and six touchdowns. Green was also a formidable punt returner, averaging nearly 12 yards a return as he recorded 51 career returns for 611 yards, in addition to the team record longest fumble return of 78 yards. Darrell Green is a member of the NFL's All-Decade Team of the 1990s, boasts two of the team's Super Bowl victories, was named All-Pro four times and was voted to seven Pro Bowls.

Beyond their star-quality football careers, I have come to know both men as exemplary citizens through their excellent work in the community. Art Monk helped found The Good Samaritan Foundation on MLK Avenue, SE with his Redskins teammates Charles Mann, Tim Johnson and Earnest Byner to "Prepare Youth for Leadership in the Community and the Workplace." Their center for youth most in need of service is under construction in the city's lowest income ward. He has also lent his expertise and testimony to my own Commission on Black Men and Boys. Darrell Green started the Darrell Green Youth Life Foundation that helps youth to maximize their own potentials, focusing on four core principles: values, education, home, and community.

Art Monk and Darrell Green have led exemplary lives as men and as athletes. I ask my colleagues to join me in congratulating both of these role models for reaching the height of their professional careers by being inducted into the Pro Football Hall of Fame.

SUPPORT FOR FAIR PAY FOR WOMEN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. RANGEL. Madam Speaker, I rise today to support fair pay for women.

Women are an integral and vital part of the United States workforce. However, there exists a wage gap between men and women. Forty-one percent of women are the sole breadwinners in their families. April 22, 2008 is Equal Pay Day, which highlights the need for equal pay for American women. Equal Pay Day began in 1996 as a public awareness event by the Committee on Pay Equity (NCPE). The purpose of this day is to illustrate the gap between men's and women's wages. Equal Pay Day is observed on a Tuesday in April to represent how far into the year a woman must work, on average, to earn as much as a man earned the previous year.

It is preposterous that, in 2008, women earn less money than men for doing the same work. This wage gap is even greater for women of color. In this age of rising fuel costs,

which impact what we pay for food, clothing, utilities, etc., women should receive the same pay as their male counterparts for doing the same job. In 2006, women earned 77 cents to the dollar. However, when women shop at the supermarket, they do not receive a 23-percent discount on food nor do they receive a discount on their utilities, medical care copayments or any other of life's necessities.

Something must be done to close this gap. I support the Lilly Ledbetter Fair Pay Act of 2007 and hope my Senate colleagues will support equal pay for all American women.

50TH ANNIVERSARY OF THE AMERICAN SOCIETY OF HEMATOLOGY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. CASTLE. Madam Speaker, I rise today to offer my congratulations to the American Society of Hematology (ASH) on its 50th anniversary and to recognize some of the many contributions made by hematology researchers.

I have had the opportunity to work closely with ASH researchers over the past several years while seeking to expand federally funded stem cell research. Highlighting the significance of embryonic stem cell research will remain one of my top issues as millions of Americans continue to suffer from debilitating diseases that could potentially be helped through this live-saving research.

Hematologists have pioneered the field of stem cell research for over 40 years with innovative discoveries about adult bone marrow stem cells and how they could be used to cure human diseases. Today, hematopoietic stem cell transplantation (HSCT) is an important approach for treating blood and bone marrow disorders as well as certain types of cancer. The earliest work with HSCT began in the 1950s. By the 1960s this treatment was successfully used in patients with end-stage leukemia. Subsequent research in this area has led to improved transplantation techniques and improved survival rates for a number of diseases.

ASH was one of the first professional medical or scientific organizations to issue a statement in support of all avenues of stem cell research. Today, ASH members are poised to contribute to research on embryonic stem cells that has the potential to lead to the next generation of important therapies for a broad range of diseases.

I look forward to continuing to work with ASH and its members in the future and congratulate the Society again on its 50 years of research contributions.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

SPEECH OF

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. WOOLSEY. Mr. Speaker, I rise today in support of H.R. 5613, the Protecting the Medicaid Safety Net Act. This important bill would place a moratorium on seven harmful medicaid regulations. Medicaid provides valuable services to some of our nation's neediest children and families and these regulations would severely impact state budgets and ability to continue to offer the same level of services. If these regulations are implemented, California could lose up to $12.5 billion in Federal Medicaid funds over the next 5 years. In a growing recession, this is the last thing we should be doing. Instead, we should be helping states help those who need access to the medicaid services.

To succeed, every child needs access to the best opportunities. A quality education can help these children succeed, but too many children come to school with other issues that need to be addressed: They haven't had breakfast or a meal since the before the weekend, they have been sick and need medication but lack health insurance, or they need some kind of additional help and therapy because of disabilities. These children depend upon the coordination of the state and schools to connect children to these services.

A school nurse can help connect a student and his or her family to Medicaid services and help him or her through the enrollment process to ensure that the student can receive asthma medication, eyeglasses, preventative care, or emergency healthcare to come to school and focus on learning. One of these regulations would cease the Federal Government's reimbursement to States for this service. Less outreach will mean fewer children will receive Medicaid services. As we move deeper into an economic recession, more families may lose jobs and health insurance. More children will need access to Medicaid, not less. Schools are a great place to find these children and walk their families through the process to enroll in Medicaid to ensure no child will go without important medical care.

Under the Individuals With Disability Act (IDEA), schools are required to provide specialized services to students with disabilities, such as speech and physical therapy. The schools have been allowed to be reimbursed by Medicaid for the cost in transporting the students to these various services. One of the new regulations would eliminate this reimbursement. This would be a terrible burden upon these schools that are already short on funds. We need to help schools get students the education and services they need, not make it more difficult for schools to help these students.

These are just two of the seven Medicaid regulations that will do more harm than good and two examples of why we need to pass H.R. 5613 and place a moratorium on these regulations for the time being. I urge my colleagues to support H.R. 5613.

A TRIBUTE TO GERTRUDE ''TRUDY'' LEONE MCSHANE CATTERMOLE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. ESHOO. Madam Speaker, I rise today to honor the life of Trudy Cattermole, who was a loving wife, a great mother, an adored grandmother, tireless and faith-filled community leader and devoted and treasured friend to me and countless others. ''Trudy'' Leone McShane Cattermole was born April 12, 1927 and she passed away peacefully two days after her birthday on April 14th in Atherton, California surrounded by her loving family. She is survived by John, her husband of 54 years; her children, Gregory, Jay, and Theresa (Nani); her niece, Joanne McShane Costa; ten grandchildren, Kyle, Drew, and Michael Cattermole, Emily and Abigail Cattermole, Christina, Chase, Taylor, Tovac and Cael Daniels; and her great niece and nephew, Claire and John Costa.

Above all else, Trudy cherished her family. She was totally devoted to her husband and to her children and grandchildren. She was graceful, generous and had a terrific sense of humor. As Trudy's family attests, she shared her trust in God with all her children, from the grace said at each meal, to her attendance at every baptism and first communion and to her devotion to the Sisters at Oakwood. She taught all of them about faith in action and she lived her faith by being a friend and to giving back to her community.

Trudy served as chairperson of the Flower Ball. She gave to her children's schools serving in many capacities, including chairman of the Bellarmine Fashion Show, board member of the Bellarmine Woman's Mother's Guild. She served as president and board member of the Oakwood Auxiliary, and board member and officer of the Serra Club, volunteered at the St. Francis Center, St. Anthony's Dining Hall and helped found Sandwiches on Sundays at St. Pius Church. She was a Eucharistic minister at St. Pius Church where she was married and attended services for over 60 years. She was recognized as a member of the Equestrian Order of the Holy Sepulchre. She was a second generation San Franciscan. She attended Sacred Heart High School in Menlo Park, and Lone Mountain College in San Francisco.

Madam Speaker, I ask the entire House of Representatives to join me in honoring Gertrude ''Trudy'' Leone McShane Cattermole. Through her many contributions to her family, friends, church, and community she has left a lasting legacy of love, faith and social consciousness which will never be forgotten and for which will live forever with all of us blessed to have had her in our lives.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. HIGGINS. Mr. Speaker, I rise in support of H. Con. Res. 322, recognizing the 60th anniversary of the founding of the modern State of Israel on May 14th. Since its inception, Israel has been a close friend and ally of the United States, promoting democratic values in the Middle East. As we celebrate this anniversary, let us reflect upon the struggles that have come in the past and that are to come in the future. From them we can glean a sober hope for the continued peace and prosperity of Israel and the United States.

Israel's first Prime Minister, David Ben-Gurion, was aware of hostility to the goals of Zionism, but sought that Jews and Palestinians live in peaceful coexistence in his newly formed state. Unfortunately, radicalism and resistance for this peaceful goal only hardened. The many conflicts that ensued, from the Six Day War to the Second Infitada, has made life difficult for all Israelis.

Today, Israel is taking serious steps in hopes of reaching a peace agreement with the Palestinians. In the West Bank, Israel is removing roadblocks and evacuating outposts in order to strengthen Palestinian President Abbas so the Palestinian Authority is capable of implementing a treaty. Unfortunately, in Gaza the militant group Hamas is engaged in the broadest and most significant military buildup in its history with help from Syria and Iran. Hamas is restructuring more hierarchically and using more and more powerful weapons, such as longer-range rockets against Israel's southern communities.

The most serious threats that Israel faces are external. Two weeks ago, Iran announced that they had dramatically increased its capacity to enrich uranium with the installation of 6,000 new centrifuges. In doing so, Iran continued to defy not only the United States but the international community as well. The United States and Israel must continue to provide a united front against this regime, while still reaching out to its people, in order to protect the citizens of both countries and prevent the proliferation of nuclear weapons.

With the Arab population in Israel estimated to outnumber Jewish Israelis in the near future, building a lasting peace has never been more necessary to the continued existence of Israel. Fortunately, Israel's economy is strong and growing and the Israeli government is committed to a peaceful solution based upon political realities.

Our greatest hopes lay in the strength of the alliance between Israel and the Untied States and in the inherent rightness of the democratic values that both countries promote. That is why I am proud to stand in support of H. Con. Res. 322 and celebrate the 60th Anniversary of Israel, and I look forward to the continued role as an advocate for democracy in the Middle East.

GEORGE BAYLESS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. GRAVES. Madam Speaker, I proudly pause to recognize George Bayless, of St. Joseph, Missouri. Mr. Bayless was recently recognized by the National Fresh Water Fishing Hall of Fame, for his innovation in developing fishing products.

George developed ENVIO-WEIGHTS material for fishing tackle and other weights out of a desire to reduce lead in the environment. This innovative product earned Mr. Bayless the recognition from the National Fresh Water Fishing Hall of Fame. Mr. Bayless is involved in many other endeavors, including efforts to provide a fishing experience to disabled veterans.

Madam Speaker, I proudly ask you to join me in recognizing George Bayless, whose innovations in fishing equipment have been truly exceptional. It is truly an honor to serve Mr. Bayless in the United States Congress.

DAVID G. BURNET: FIRST PRESIDENT OF THE REPUBLIC OF TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. POE. Madam Speaker, often referred to as the birthplace of Texas, the communities of Lynchburg and Highlands in east Harris County stand as a constant reminder of the rich history which has shaped the State. Initiatives such as "Project Star" now labor throughout the area to enlighten Texans of their past by highlighting historically significant locations. On March 15, 2008 the culmination of more than 175 years of progress, came to fruition with the opening of the David G. Burnet Park.

Serving as the first President of the Republic of Texas, David G. Burnet was selected to his position by the Revolutionary Convention of 1836. Before his presidency, he purchased 3.7 acres of land from the Lynch family just off of what is now called Burnet Bay, in south Harris County.

This area from 1830 became the first president's Texas homestead. Prior to Harris County Commissioner Sylvia Garcia taking on the project to renovate the park, all that existed to mark David G. Burnet's homestead was a small stone Plaque. More than two million dollars were raised to develop David G. Burnet's homestead, including research for archeological authentication of the area.

Thanks to these much needed improvements, visitors to the historical park will find amongst the playground equipment and future ballpark, educational storyboards illustrating the locations past. These storyboards include information ranging from historical facts about Burnet to recounting life in the 1830's. In the near future "Project Star" and Commissioner Garcia plan to reconstruct, at the park, the first president of Texas' home.

Although David G. Burnet called his 3.7 acres almost 170 years ago home, Texans can still find a connection with him and others of his time from the park. The educational opportunities offered by a visit to David G. Burnet Park are invaluable to all and will serve as a reminder of the areas past for generations to come.

And that's just the way it is.

H. CON. RES. 328, SUPPORTING THE GOALS AND IDEALS OF THE NATIONAL DAY OF SILENCE WITH RESPECT TO ANTI-LESBIAN, GAY, BISEXUAL, AND TRANSGENDER NAME-CALLING, BULLYING, AND HARASSMENT FACED BY INDIVIDUALS IN SCHOOLS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. McGOVERN. Madam Speaker, on April 25, 2008, the 12th annual National Day of Silence will be observed. I am proud to be an original cosponsor of H. Con. Res. 328, which supports the goals and ideals of the National Day of Silence.

Despite many misperceptions out there, the reason this day exists is to bring attention to the harassment, bullying, and outright abuse towards lesbian, gay, bisexual, and transsexual (LGBT) students at schools and campuses across our country.

Four out of five LGBT students experience harassment at schools. Recent studies show that two of the top three reasons students are harassed in school are actual or perceived sexual orientation and gender expression.

The goal of the National Day of Silence is to make schools safer and supportive for every student, regardless of sexual orientation or gender expression. It's important to recognize that hundreds of thousands of students of all beliefs, backgrounds, and sexual orientations participate in this day.

Harassment and abuse affects all students, and hopefully through this inclusive, collective effort can this hatred be quieted, and eventually silenced.

100TH ANNIVERSARY OF THE U.S. ARMY RESERVE

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. LAMBORN. Madam Speaker, I rise today to recognize 100th anniversary of U.S. Army Reserve. As we celebrate the 100th anniversary of the United States Army Reserve, we are afforded the opportunity to recognize the honorable men and women who currently serve and those who have served our Nation in the past.

The origins of the Army Reserve began in 1908 when Congress established a group of 360 doctors, the Medical Reserve Corps, to provide our Nation with a band of trained medical officers during a time of war. From that moment forward, the Army Reserve has played a critical role in securing the safety of our troops and the advancement of our military's missions during World War I, World War II, Korea, Vietnam, Persian Gulf, the Iraq war, the global war on Jihadist terror, and other tumultuous times in our Nation's history.

More than 190,000 soldiers have been mobilized to support the war in Iraq and the war in Afghanistan. Currently, there are more than 26,000 soldiers serving on active duty in support of military operations.

Today, Army Reserve soldiers continue to answer their patriotic call of duty in a variety of ways these include defending our Nation against terrorist attacks, providing humanitarian support and relief operations during national disasters, providing combat service support to warfighting brigade combat teams, and offering unparalleled support to countries around the world as they strive to establish the freedom we often take for granted. The list goes on, and so does the Army Reserve's devotion to our Nation.

Army Reserve soldiers, or citizen soldiers, make up more than half the Army's combat support, and a quarter of its mobilization base expansion capability. The assistance they provide includes combat support, combat service

support, peacekeeping, nation-building, and civil support, and is instrumental in the progress that our military makes each day.

The Army Reserve forms the backbone of our Nation's military. During today's ceremony commemorating the U.S. Army Reserve's 100th anniversary, two young men from the Colorado's Fifth District, Sergeant Erice J. Dwelle and Sergeant Otto Earl Searan Jr., reenlisted to once again serve our Nation. It is an honor to recognize the 100th anniversary of the Army Reserve today. I want to thank every single Army Reserve soldier, both past and present, for the patriotism they have displayed through the years and down to today.

INTRODUCING THE SHINGLES PREVENTION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. HIRONO. Madam Speaker, I rise today to introduce the Shingles Prevention Act.

Many of us have had shingles or know of others, especially over the age of 60, who have. In 2006 a new vaccine was created that prevents occurrence of shingles or dramatically reduces the symptoms and pain of shingles. Experts agree that adults over the age of 60 should receive this immunization.

Half of us will experience shingles by the time we are 80. Shingles is a painful skin rash often accompanied by fever, headache, chills, and upset stomach. What is more pressing is that one in five shingles patients will endure post-herpetic neuralgia—severe pain lasting much longer than the rash itself. The pain can be so intolerable that patients are housebound, and there have been cases of suicide from the disease. Shingles is most common among seniors because the immune system wanes with age, making Medicare beneficiaries the best candidates for the vaccine.

Since its development in 2006, the shingles vaccine has been recommended for adults 60 years or older by the Centers for Disease Control. However, current Medicare Part D coverage of the vaccine is insufficient. Not all beneficiaries are enrolled in Part D or another drug prescription plan. More important, seniors are facing high out-of-pocket costs due to a lack of coordination among doctors, pharmacies, and Part D plans. For example, there is no established direct billing method between doctors and plans for Part D vaccines. Because of this, beneficiaries typically must pay the full price up front, which results in out-of-pocket costs that limit access to those that need the vaccine the most—our seniors.

The billing problem, the resulting low utilization of the vaccine, and costly storage requirements are enough to keep many doctors from stocking the vaccine. When doctors do not stock, beneficiaries' only alternative is to obtain the vaccine from pharmacists. But many states do not allow pharmacies to administer Part D vaccines, so the beneficiary has to take the vial from the pharmacy back to the physician office. Thus, a senior who is thinking about getting vaccinated would have to go first to the doctor's office for a consult, then to the pharmacist, then back to the doctor for the shot.

Not surprisingly, many seniors are not getting immunized against shingles. This low utilization rate contributes to the half a billion dollars of treatment costs per year and, for hundreds of thousands of seniors, many weeks spent suffering from a disease that could have been prevented.

The Shingles Prevention Act will move shingles vaccine coverage to Part B—thus treating it in the same manner as the flu vaccine under Medicare, simplifying the process for physicians and beneficiaries, and lessening the cost burden for our seniors. This is a common sense and cost effective way to increase access to high quality health care for our seniors, and I look forward to working with my colleagues to ensure its passage.

CELEBRATING 35 YEARS OF SPACE-BASED OBSERVATIONS OF THE EARTH BY THE LANDSAT SPACECRAFT

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 891, celebrating 35 years of space-based observations of the earth by the Landsat spacecraft and looking forward to sustaining the longest unbroken record of civil earth observations of the land, introduced by my distinguished colleague from Colorado, Representative MARK UDALL. This important legislation recognizes the longest running enterprise for acquisition of imagery of Earth from space.

The program was initiated in 1966 as the Earth Resources Observation Satellites program but was later changed to Landsat in 1975. On July 23, 1972, the National Aeronautics and Space Administration launched Landsat 1, originally called the Earth Resources Technology Satellite, as the first civilian Earth observation satellite to study the Earth's land cover and monitor natural resources. Since 1972, the Landsat program has continued to collect data without interruption through the successful launches of Landsats 2, 3, 4, 5, and 7, and has established the longest and most comprehensive record of global land surface data ever collected.

The year 2007 represents 35 years of continuous collection of space-based observations of the Earth's land cover by the United States Landsat satellites, which have enabled increased scientific understanding of the interrelationships of the Earth's land cover, energy balance, and biogeochemical processes as well as the realization of numerous societal benefits from the applied uses of the data. The consistency of Landsat data over three decades of acquisition offers opportunities to compare land cover changes over time. Landsat greatly enhances remote sensing science that helps give rise to a global change research plan and international initiatives to study the Earth system. Landsat images are also invaluable for emergency response and disaster relief. Advances made in data reception and processing permit rapid access to imagery in times of natural or human-made disaster. Within hours of data acquisition, the USGS Center for Earth Resources Observation and Science provides relief organizations worldwide with satellite images for disaster response, as well as image-derived products that incorporate information on population density, elevation, and other relevant topics.

Landsat data illuminated for the first time how human decisions led to large-scale impacts on the environment. The U.S. Climate Change Science Program has recognized Landsat and its 3 long-term data record as instrumental to the study of climate and environmental change, noting that Landsat data are invaluable for studying the land surface and how it affects and is affected by climate. The scientific and societal benefits of the Landsat program and its 35-year data record illustrate the significant return on the public investment in Earth observations and the need for continued support for this critical national asset.

Mr. Speaker, I express my appreciation to all of the dedicated scientists, engineers, and program personnel who have contributed to the successful development and operation of the Landsat program over the past 35 years. I urge my fellow colleagues to join me and continue to support the Landsat program and data record so as to sustain Landsat's value to scientific research, especially, the study of global climate change, and to the myriad applied uses of the data for societal benefit.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Ms. SCHAKOWSKY. Mr. Speaker, I rise to honor the 60th anniversary of the founding of the State of Israel.

I am just a few years older than the State of Israel, and I remember, as a little Jewish girl, the pride and joy my family felt that a Jewish state was a reality. My parents expressed tremendous relief that there was now a place in the world safe for Holocaust survivors, and a haven for all Jewish people wherever we may live.

We watched with amazement as an arid land turned green as it was transformed into farms and towns. We ourselves planted trees in Israel by buying a tree certificate and gave it to our family friends on every special occasion, so we could participate in making the desert bloom. We all stood a bit taller, and every Passover, the holiday of freedom, was sweeter because Israel wasn't just a longing of our people, but a real country on the map.

That pride burns brightly today. Sixty years later, Israel has weathered war and terrorism and remains a strong, thriving democracy—the only democratic nation in the Middle East and America's closest friend and ally in the region. Israel has become a resource for the United States and the world because of her groundbreaking discoveries in the areas of medicine, energy, clean water, and security technologies.

On her 60th anniversary, the vibrant Jewish community in the Chicagoland area is proud of Israel's pioneering leadership and the strong United States-Israel bond, and works hard every day to strengthen and refresh that relationship.

I will always support the State of Israel, and I urge all of my colleagues to vote ''aye'' on H. Con. Res 322.

PROTECTING THE MEDICAID SAFETY NET ACT OF 2008

SPEECH OF

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. CONYERS. Mr. Speaker, I rise to voice my strong support for H.R. 5613, the Protecting the Medicaid Safety Net Act. This important bipartisan bill extends a moratorium until April 1, 2009 on seven Administration-imposed Medicaid regulations that if implemented, would severely reduce Federal Medicaid funding.

Without the moratorium, Medicaid funding to States for vital programs and services would be cut by $18 billion over the next 5 years. These cuts include restrictions on Medicaid payments for graduate medical education (GME), rehabilitation services, and outpatient hospital services, among other services.

It would be irresponsible to think about cutting funding to academic medical centers and residency training programs when we currently face a shortage of physicians. If these cuts were allowed to go into effect, we would be unable to provide necessary medical services to many people who depend upon Medicaid. Constantly cutting funds to the very services which keep our fragmented, non-system of health care afloat is inhumane and nonsensical.

The tactic of underfunding Federal programs in an attempt to undermine their effectiveness demonstrates the Administration's lack of commitment to the programs that faithfully and effectively serve the American people.

Mr. Speaker, passage of H.R. 5613 is simply a necessity. We must halt the underfunding of important Medicaid programs. I wholeheartedly support the passage of H.R. 5613, the Protecting the Medicaid Safety Net Act.

PRESS FORCES A RETREAT IN THE WAR ON TERROR

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Mr. POE. Madam Speaker, recently coalition forces were forced to retreat in their campaign against insurgents in Afghanistan when the British Ministry of Defense extracted Prince Harry from his front line duties. As third line in line to the British throne, Harry carries a certain amount of importance about him, especially when he is risking his life to make the lives of the British people and their allies safer. Military service is not something new for the Royal Family, as they have a long tradition of serving in the armed forces, including direct combat duties. But why did the British military, one of the most disciplined and well respected organizations in the world, have to pull back? The answer was that it was betrayed by friendly fire in the press.

An Australian magazine entitled New Idea leaked Harry's mission in Afghanistan in late February. While the magazine has apologized, it broke an informal agreement with the British Ministry of Defense that called for a global media blackout on the story. Harry had been successfully calling in coalition air-strikes against Taliban insurgents. But with his identity and location compromised, Harry's security became jeopardized because of the possibility that he and his command would become specifically targeted.

Here is a ''New Idea'' for the press: exercise some common sense. While it is important that we as a democracy stay abreast of what is occurring in the military, there is a fine line where we have to stop and let the military do its job. This example involving the Prince of Wales shows the great security issue involving the press and the military. Not all information can be given to the general public, and when supplied with details, the press needs to be responsible and exercise basic common sense.

Here is some advice for the press to follow when given military information. Ask the question, ''Will this information possibly endanger lives and missions?'' If the answer is even close to being ''yes,'' then it is probably not best to publish it. What would happen if our high ranking generals and civilian leaders had their locations and missions revealed? We would have to completely rethink our strategy and decisions. Missions and lives would become compromised, just as they did for the British with Prince Harry. We need to let the military do its job without interference.

And that's just the way it is.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. LEWIS of Georgia. Mr. Speaker, I join my colleagues as a proud original cosponsor of this important resolution.

I congratulate our brothers and sisters in Israel on this important milestone—the 60th anniversary of becoming an independent nation. From the first hour on that first day, Israel and the United States began a relationship based on democratic values, friendship and respect that continues to this day.

Over the years, Israel has developed into a thriving society, a world leader, and an active democracy. Welcoming people from Russia to Ethiopia, Israel has become a refuge for those persecuted for thousands of years.

In fact, many of my constituents have traveled or lived in Israel. In 2005, we made history when Atlanta became the first U.S. city in the Southeast to have non-stop direct flights to Tel Aviv.

I, too, have a personal connection with the people of Israel—like me, they are descended from survivors. The atrocities of the holocaust must never be forgotten. Every day, we must recommit ourselves to never allow this history to be repeated. We have overcome so many trials and hardships, but there is still so much farther to go.

It is my hope that one day, together we will be able to celebrate peaceful relationships and coexistence with all the countries in the Middle East. And I hope that this peace comes long before another 60 years.

Mr. Speaker, I extend my deepest congratulations to the Israeli people on this historic day.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. MICHAUD. Mr. Speaker, I rise today in support of H. Con. Res. 322 recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel.

Today marks the 60th anniversary of the founding of the modern State of Israel. For the past six decades the United States and Israel have forged a special relationship based on our shared history of overcoming oppression, tyranny and hatred. This bond has strengthened over time through our common interest in peace, prosperity, and democracy.

As we commemorate this anniversary, we must also recognize the challenges that face Israel. Security and prosperity will only be reached when a resolution to the conflict between the Palestinian and Israeli peoples is achieved.

It is critical that we engage both Israel and the Palestinian leadership to find a way forward. It is also critical that we support initiatives that create greater dialogue, cooperation and economic development between Israelis and Palestinians. I have been a strong supporter of Seeds of Peace, which has a camp located in my district, which brings Arab and Israeli youth together to dispel stereotypes and build lasting trust within the regional leaders of tomorrow. I have also been a strong supporter of the Middle East Regional Cooperation program and other programs that create people-to-people reconciliation and coexistence in the Middle East.

Israel is friend and ally of the United States and it is my honor to recognize the 60th anniversary of its founding. True support for Israel lies in standing with our friend as its civilians face down indiscriminate rocket attacks and in pushing for a permanent peace that provides security and dignity to both Israelis and Palestinians.

On this special occasion it is important to commemorate the past, but also to look toward the future. As our two Nations enter our seventh decade as allies, we must continue to actively pursue our common dream of peace, freedom and security—a dream that I believe is shared by all peoples of the world.

Mr. Speaker, I reiterate my firm support of H. Con. Res. 322.

REMARKS ON THE OBSERVANCE OF THE 93RD ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 2008

Ms. SPEIER. Madam Speaker, today, as we observe the 93rd Anniversary of the Armenian Genocide, I stand with the millions around the world who have called for greater recognition of this atrocious event in world history.

Madam Speaker, my mother, now 92 years old and still working outside the home, is a first generation Armenian-American who lost much of her family in the atrocities of 1915. She and many of my Armenian brothers and sisters have long waited for validation from our country and the international community of simply acknowledging the events that took place and were well documented at the time. Growing up, I heard stories about our relatives who were lost. As I got older, I read the telegram sent by our Ambassador Henry Morgenthau to the Secretary of State on July 16, 1915:

''Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion.''

We are told by some to forget the Armenian Genocide, to get over it. But to forget any incident like this is tantamount to allowing it to happen again.

The facts before us are not in dispute. The reason we still debate this is not to determine if a genocide took place but rather, to determine if we have the political backbone to stand up for the truth.

Madam Speaker, the Members of this House disagree on many things in the course of our work. But it is the things we agree on that bind us together. Freedom. Democracy. Opportunity. And the repudiation of any act of genocide, ethnic cleansing or subjugation.

We condemn the Nazi concentration camps, the Soviet gulags, the Khmer Rouge's killing fields and the current and lasting tragedy in Darfur. We wouldn't think of excusing or ignoring any of these. To do so would be unconscionable. Why then, do we allow our nation's official reaction to the Armenian genocide to be little more than a shrug?

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 24, 2008 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

9 a.m.
Armed Services
To receive information relating to the treatment of detainees.
SR–222

APRIL 28

4 p.m.
Foreign Relations
To hold hearings to examine the nominations of William J. Burns, of the District of Columbia, to be an Under Secretary of State (Political Affairs), Janice L. Jacobs, of Virginia, to be an Assistant Secretary of State (Bureau of Consular Affairs), and T. Vance McMahan, of Texas, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador.
SD–419

APRIL 29

9:30 a.m.
Homeland Security and Governmental Affairs
Oversight of Government Management, the Federal Workforce, and the District of Columbia Subcommittee
To hold hearings to examine the REAL ID Act and the Western Hemisphere Travel Initiative, focusing on the impact of implementation.
SD–342

Armed Services
Personnel Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.
SR–222

10 a.m.
Environment and Public Works
To hold an oversight hearing to examine the Environmental Protection Agency's toxic chemical policies.
SD–406

Finance
To hold an oversight hearing to examine trade functions, focusing on customs and other trade agencies.
SD–215

Health, Education, Labor, and Pensions
To hold hearings to examine the Occupational Safety and Health Administration, focusing on penalties related to workplace safety.
SD–430

Judiciary
To hold hearings to examine living on the street, focusing on finding solutions to protect runaway and homeless youth.
SD–226

Commission on Security and Cooperation in Europe
To hold hearings to examine challenges and opportunities of Europe's Black population, focusing on hate crimes and discrimination, anti-immigration and national identity debates, and growing security concerns.
B318, Rayburn Building

10:30 a.m.
Commerce, Science, and Transportation
Interstate Commerce, Trade, and Tourism Subcommittee
To hold hearings to examine improving consumer protection in subprime home lending.
SR–253

2:30 p.m.
Foreign Relations
To hold hearings to examine the nominations of Robert Stephen Beecroft, of California, to be Ambassador to the Hashemite Kingdom of Jordan, James B. Cunningham, of New York, to be Ambassador to Israel, Richard E. Hoagland, of the District of Columbia, to be Ambassador to the Republic of Kazakhstan, George A. Krol, of New Jersey, to be Ambassador to Turkmenistan, and Joseph Evan LeBaron, of Oregon, to be Ambassador to the State of Qatar, all of the Department of State.
SD–419

Armed Services
SeaPower Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.
SR–222

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.
SR–232A

4 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.
SR–222

APRIL 30

9 a.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine secret law and the threat to democratic and accountable government.
SD–226

9:30 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy and the U.S. nuclear weapon non-proliferation efforts.
SD–192

Armed Services
Strategic Forces Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.
SR–232A

10 a.m.
Armed Services
Airland Subcommittee
Closed business meeting to markup those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009.
SR–222

Appropriations
Defense Subcommittee
To hold closed hearings to examine the National Reconnaissance Office (NRO)/Space Programs.
S–407, Capitol

2:30 p.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.
SR–222

3 p.m.
Appropriations
Financial Services and General Government Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Consumer Product Safety Commission.
SD–192

Aging
To hold hearings to examine making government a model for hiring and retaining elderly workers.
SH–216

3:30 p.m.
Energy and Natural Resources
To hold hearings to examine the nominations of Kameran L. Onley, of Washington, to be an Assistant Secretary of the Interior, and Jeffrey F. Kupfer, of Maryland, to be Deputy Secretary of Energy.
SD–366

Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2009 for the Office of the Architect of the Capitol, the United States Capitol Police, and the Library of Congress.
SD–138

MAY 1

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.
SR–222

Energy and Natural Resources
To hold hearings to examine the adequacy of state and federal regulatory structures for governing electric utility holding companies relating to the repeal of the Public Utility Holding Company Act in the Energy Policy Act of 2005.
SD–366

10 a.m.
Judiciary
To hold hearings to examine the nominations of G. Steven Agee, of Virginia, to be United States Circuit Judge for the Fourth Circuit, William T. Lawrence, to be United States District Judge for the Southern District of Indiana, and G. Murray Snow, to be United States District Judge for the District of Arizona.
SD–226

2:15 p.m.
Energy and Natural Resources
To hold hearings to examine the military build-up on Guam, focusing on the impact on civilian community, planning, and response.
SD–366

MAY 2

9:30 a.m.
Armed Services
Closed business meeting to markup the proposed National Defense Authorization Act for fiscal year 2009.
SR–222

MAY 7

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending benefits legislation.
SR–418

2:30 p.m.
Commerce, Science, and Transportation
Aviation Operations, Safety, and Security Subcommittee
To hold hearings to examine the state of the airline industry, focusing on the impact of the Delta/Northwest airlines merger.
SR–253

MAY 20

10 a.m.
Energy and Natural Resources
To hold hearings to examine the Territorial Energy Assessment as updated pursuant to the Energy Policy Act of 2005 (Public Law 109–58).
SD–366

MAY 21

9:30 a.m.
Veterans' Affairs
To hold hearings to examine pending health care legislation.
SR–418

CANCELLATIONS

APRIL 30

10 a.m.
Rules and Administration
To hold hearings to examine electronic voting systems, focusing on top-to-bottom inquiries by Secretaries of State.
SR–301

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3273–S3336

Measures Introduced: Two bills and one resolution were introduced, as follows: S. 2901–2902, and S. Res. 529. **Page S3304**

Measures Reported:

S. Res. 494, expressing the sense of the Senate on the need for Iraq's neighbors and other international partners to fulfill their pledges to provide reconstruction assistance to Iraq, and with an amended preamble.

S. Res. 523, expressing the strong support of the Senate for the declaration of the North Atlantic Treaty Organization at the Bucharest Summit that Ukraine and Georgia will become members of the alliance.

S. Con. Res. 74, honoring the Prime Minister of Ireland, Bertie Ahern, for his service to the people of Ireland and to the world and welcoming the Prime Minister to the United States. **Page S3304**

Measures Passed:

Inspector General Reform Act: Senate passed S. 2324, to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, after agreeing to the committee amendments, and the following amendment proposed thereto: **Pages S3323–32**

Reid (for Kyl) Amendment No. 4575, to modify provisions relating to transfers and removals, duties of counsel, and comments on budget submissions. **Page S3328**

National Sexual Assault Awareness and Prevention Month: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 77, supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month 2008, and the resolution was then agreed to. **Page S3332**

Measures Considered:

Veterans' Benefits Enhancement Act: Senate began consideration of S. 1315, to amend title 38, United States Code, to enhance life insurance benefits for disabled veterans, after agreeing to the motion to proceed to its consideration, and taking action on the following amendment proposed thereto: **Pages S3288–97**

Pending:

Burr Amendment No. 4572, to increase benefits for disabled United States veterans and provide a fair benefit to World War II Filipino veterans for their service to the United States. **Page S3297**

A unanimous-consent agreement was reached providing for further consideration of the bill on Thursday, April 24, 2008, at approximately 10:30 a.m.; that the following amendments be the only amendments in order to the bill: Burr Amendment No. 4572 (listed above), the committee reported amendment in the nature of a substitute, a title amendment, and a mangers' technical amendment that has been cleared by the mangers and the Leaders; that there be a limit of 60 minutes of debate with respect to Burr Amendment No. 4572, with the time equally divided and controlled in the usual form and that upon the use or yielding back of time, Senate vote on or in relation to the amendment; provided further, that upon disposition of the Burr Amendment No. 4572, and a mangers technical amendment if cleared, the amendment in the nature of a substitute, as amended, if amended, be agreed to; that the bill, as amended, be read a third time, and Senate vote on passage of the bill and that upon passage, the title amendment be agreed to and the motion to reconsider be considered made and laid upon the table. **Page S3332**

Lilly Ledbetter Fair Pay Act—Agreement: Senate resumed consideration of the motion to proceed to consideration of H.R. 2831, to amend title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Americans With Disabilities Act of 1990, and the Rehabilitation Act of 1973 to clarify that a discriminatory compensation decision or other practice that is unlawful under such Acts occurs each time compensation is paid pursuant to the discriminatory compensation decision or other practice.

Pages S3273–87, S3288

During consideration of this measure today, Senate also took the following action:

By 56 yeas to 42 nays (Vote No. 110), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected the motion to close further debate on the motion to proceed to consideration of the bill.

Senator Reid entered a motion to reconsider the vote by which cloture was not invoked on the motion to proceed to consideration of the bill.

Page S3288

Genetic Information Nondiscrimination—Agreement: A unanimous-consent agreement was reached providing that following disposition of S. 1315, Veterans Benefits Enhancement Act, Senate begin consideration of H.R. 493, the Genetic Nondiscrimination Act; that the only amendment in order be an amendment in the nature of a substitute to be offered by Senators Snowe, Kennedy, and Enzi; provided further, that there be a total of 2 hours for debate on the bill and the amendment, with time equally divided and controlled between the Majority Leader and the Republican Leader or their designees; and that upon the use or yielding back of all time, the amendment be agreed to, the bill, as amended, be read a third time, and Senate vote on passage of the bill. Page S3296

Nominations Received: Senate received the following nominations:

C. Steven McGann, of New York, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently and without additional compensation as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

T. Vance McMahan, of Texas, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during his tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations.

Jeffrey Leigh Sedgwick, of Massachusetts, to be an Assistant Attorney General.

Christine O. Hill, of Georgia, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

4 Air Force nominations in the rank of general.

2 Navy nominations in the rank of admiral.

Routine lists in the Army, Foreign Service.

Pages S3335–36

Messages from the House: Page S3304

Measures Referred: Page S3304

Measures Placed on the Calendar: Page S3304

Additional Cosponsors: Pages S3304–06

Statements on Introduced Bills/Resolutions: Pages S3306–09

Additional Statements: Pages S3301–03

Amendments Submitted: Pages S3309–22

Notices of Hearings/Meetings: Pages S3322–23

Record Votes: One record vote was taken today. (Total—110) Page S3288

Adjournment: Senate convened at 5:00 p.m. and adjourned at 7:32 p.m., until 9:30 a.m. on Thursday, April 24, 2008. (For Senate's program, see the remarks of the Majority Leader in today's Record on page S3332.)

Committee Meetings

(Committees not listed did not meet)

APPROPRIATIONS: MISSILE DEFENSE AGENCY

Committee on Appropriations: Subcommittee on Defense concluded a hearing to examine proposed budget estimates for fiscal year 2009 for the Missile Defense Agency, after receiving testimony from Lieutenant General Henry A. Obering, III, USAF, Director, Missile Defense Agency, and Lieutenant General Kevin T. Campbell, USA, Commanding General, United States Army Space and Missile Defense Command, United States Army Strategic Forces Command, and Joint Functional Component Command, Integrated Missile Defense, both of the Department of Defense.

PHANTOM TRAFFIC

Committee on Commerce, Science, and Transportation: Committee concluded a hearing to examine "phantom traffic"-telephone calls that do not have sufficient information or records for the local phone company to bill for access charges, after receiving testimony from Charles W. McKee, Sprint Nextel Corporation, Reston, Virginia; Lawrence E. Sarjeant, Qwest, and Angela Simpson, VON Coalition, both of Washington, D.C.; and Raymond Henagan, Rock Port Telephone Company, Rock Port, Missouri, on behalf of the National Telecommunications Cooperative Association.

NATIONAL HISTORIC LANDS

Committee on Energy and Natural Resources: Subcommittee on National Parks concluded a hearing to examine S. 662, to authorize the Secretary of the Interior to conduct a special resource study to evaluate resources at the Harriet Beecher Stowe House in Brunswick, Maine, to determine the suitability and feasibility of establishing the site as a unit of the

National Park System, S. 827, to establish the Freedom's Way National Heritage Area in the States of Massachusetts and New Hampshire, S. 923 and H.R. 1528, bills to amend the National Trails System Act to designate the New England National Scenic Trail, S. 956, to establish the Land Between the Rivers National Heritage Area in the State of Illinois, S. 2073, to amend the National Trails System Act relating to the statute of limitations that applies to certain claims, S. 2513, to modify the boundary of the Minute Man National Historical Park, S. 2604, to establish the Baltimore National Heritage Area in the State of Maryland, S. 2804, to adjust the boundary of the Everglades National Park, H.R. 53, to authorize the Secretary of the Interior to enter into a long-term lease with the Government of the United States Virgin Islands to provide land on the island of Saint John, Virgin Islands, for the establishment of a school, and H.R. 1483, to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the authorization for certain national heritage areas, after receiving testimony from Representative Christensen; Daniel N. Wenk, Deputy Director, National Park Service, Department of the Interior; William J. Pencek, Jr., Maryland Department of Business and Economic Development, Baltimore; Lorelei Monsanto, One Campus, Saint John, Virgin Islands; and Gale Illig, Grantwood Village, Missouri.

DARFUR

Committee on Foreign Relations: Committee concluded a hearing to examine the crisis in Darfur, after receiving testimony from Richard Williamson, President's Special Envoy to Sudan, Department of State; Katherine Almquist, Assistant Administrator for Africa, United States Agency for International Development (USAID); and Jane Holl Lute, United Nations, New York, New York.

CRISIS IN TIBET

Committee on Foreign Relations: Subcommittee on East Asian and Pacific Affairs concluded a hearing to examine the crisis in Tibet, focusing on peaceful action that would be in accordance with international standards of religious freedom and human rights, after receiving testimony from John D. Negroponte, Deputy Secretary of State; Steve Marshall, Senior Advisor, Congressional-Executive Commission on China; Richard Gere, International Campaign for Tibet, New York, New York; Lodi Gyari, Special Envoy of His Holiness the Dalai Lama, Washington, D.C.; and Lobsang Sangay, Harvard University Law School East Asian Legal Studies Program, Cambridge, Massachusetts.

NOMINATION

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nomination of Nanci E. Langley, of Virginia, to be a Commissioner of the Postal Regulatory Commission, after the nominee, who was introduced by Senator Akaka, testified and answered questions in her own behalf.

NATIONAL SECURITY LETTERS

Committee on the Judiciary: Committee concluded a hearing to examine National Security Letters, focusing on the need for greater accountability and oversight, including S. 2088, to place reasonable limitations on the use of National Security Letters, after receiving testimony from James A. Baker, former Counsel for Intelligence Policy, and Michael J. Woods, former Chief, National Security Law Unit, Office of the General Counsel, Federal Bureau of Investigation, both of the Department of Justice; and Gregory T. Nojeim, Center for Democracy and Technology, all of Washington, D.C.

VA/DOD COOPERATION AND COLLABORATION

Committee on Veterans' Affairs: Committee concluded an oversight hearing to examine Department of Veterans Affairs and Department of Defense cooperation and collaboration as they meet the needs of returning servicemembers, after receiving testimony from Gordon England, Deputy Secretary, and David S. C. Chu, Under Secretary for Personnel and Readiness, both of the Department of Defense; Gordon Mansfield, Deputy Secretary, and Patrick W. Dunne, Acting Under Secretary for Benefits and Assistant Secretary for Policy and Planning, both of the Department of Veterans Affairs; Adrian M. Atizdao, Disabled American Veterans, Washington, D.C., on behalf of sundry organizations; Todd Bowers, Iraq and Afghanistan Veterans of America, New York, New York; and Commander Rene A. Campos, USN (Ret.), Military Officers Association of America, Alexandria, Virginia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 10 public bills, H.R. 5875–5884; and 12 resolutions, H. Res. 1134–1145 were introduced. **Pages H2657–58**

Additional Cosponsors: **Pages H2658–59**

Report Filed: A report was filed today as follows:

Supplemental report on H.R. 2830, to authorize appropriations for the Coast Guard for fiscal year 2008 (H. Rept. 110–338, Pt. 4). **Page H2657**

Speaker: Read a letter from the Speaker wherein she appointed Representative Baldwin to act as Speaker Pro Tempore for today. **Page H2656**

Chaplain: The prayer was offered by the guest Chaplain, Rabbi Akiva Males, Kesher Israel Congregation, Harrisburg, Pennsylvania. **Page H2656**

Discharge Petition: Representative Fossella moved to discharge the Committee on the Judiciary and the Permanent Select Committee on Intelligence from the consideration of H.R. 5440, to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence (Discharge Petition No. 7).

Clerk to Correct Authority: Agreed by unanimous consent that in the engrossment of H.R. 2634, the Clerk be directed to execute the second instruction in the amendment conveyed by the motion to recommit as though it read "all that follows on that line" rather than "all that follows". **Pages H2559–61**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Alonzo Woodruff Post Office Building Designation Act: H.R. 5479, to designate the facility of the United States Postal Service located at 117 North Kidd Street in Ionia, Michigan, as the "Alonzo Woodruff Post Office Building"; **Pages H2561–62**

Rocky Marciano Post Office Building Designation Act: H.R. 5528, to designate the facility of the United States Postal Service located at 120 Commercial Street in Brockton, Massachusetts, as the "Rocky Marciano Post Office Building"; **Pages H2562–63**

Private First Class David H. Sharrett II Post Office Building Designation Act: H.R. 5483, to designate the facility of the United States Postal Service located at 10449 White Granite Drive in Oakton, Virginia, as the "Private First Class David H. Sharrett II Post Office Building"; **Pages H2563–64**

Marisol Heredia Post Office Building Designation Act: H.R. 4185, to designate the facility of the United States Postal Service located at 11151 Valley Boulevard in El Monte, California, as the "Marisol Heredia Post Office Building"; **Pages H2564–65**

Expressing the condolences of the House of Representatives on the death of William F. Buckley, Jr.: H. Res. 1016, amended, to express the condolences of the House of Representatives on the death of William F. Buckley, Jr.; **Pages H2565–68**

Marine Gunnery Sgt. John D. Fry Post Office Building Designation Act: H.R. 3721, to designate the facility of the United States Postal Service located at 1190 Lorena Road in Lorena, Texas, as the "Marine Gunnery Sgt. John D. Fry Post Office Building"; **Pages H2568–69**

Contractors and Federal Spending Accountability Act of 2007: H.R. 3033, amended, to improve Federal agency awards and oversight of contracts and assistance and to strengthen accountability of the Government-wide suspension and debarment system; **Pages H2569–72**

Close the Contractor Fraud Loophole Act: H.R. 5712, amended, to require disclosure by Federal contractors of certain violations relating to the award or performance of Federal contracts; and **Pages H2572–74**

Government Contractor Accountability Act of 2007: H.R. 3928, amended, to require certain large government contractors that receive more than 80 percent of their annual gross revenue from Federal contracts to disclose the names and salaries of their most highly compensated officers. **Pages H2574–77**

Agreed to amend the title so as to read: "To amend the Federal Funding Accountability and Transparency Act of 2006 to require certain recipients of Federal funds to disclose the names and total compensation of their most highly compensated officers, and for other purpose.". **Page H2577**

Motion to Adjourn: Rejected the Sessions motion to adjourn by a yea-and-nay vote of 57 yeas to 345 nays, Roll No. 208. **Pages H2593–94**

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures which were debated on Tuesday, April 22nd:

Protecting the Medicaid Safety Net Act of 2008: H.R. 5613, amended, to extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, by a 2/3 yea-and-nay vote of 349 yeas to 62 nays, Roll No. 209 and **Page H2596**

Agreed to amend the title so as to read: ''To extend certain moratoria and impose additional moratoria on certain Medicaid regulations through April 1, 2009, and for other purposes.''. **Page H2596**

Recognizing the 60th anniversary of the founding of the modern State of Israel and reaffirming the bonds of close friendship and cooperation between the United States and Israel: H. Con. Res. 322, to recognize the 60th anniversary of the founding of the modern State of Israel and to reaffirm the bonds of close friendship and cooperation between the United States and Israel, by a 2/3 yea-and-nay vote of 417 yeas with none voting ''nay,'' Roll No. 210. **Pages H2596–97**

SBIR/STTR Reauthorization Act: The House passed H.R. 5819, to amend the Small Business Act to improve the Small Business Innovation Research (SBIR) program and the Small Business Technology Transfer (STTR) program, by a recorded vote of 368 ayes to 43 noes, Roll No. 217. **Pages H2599–H2628**

Rejected the Heller (NV) motion to recommit the bill to the Committee on Small Business with instructions to report the same back to the House promptly with an amendment, by a recorded vote of 195 ayes to 215 noes, Roll No. 216. **Pages H2625–28**

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Small Business now printed in the bill shall be considered as an original bill for the purpose of amendment under the five-minute rule. **Page H2607**

Agreed by unanimous consent that the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule 18 and clauses 8 and 9 of rule 20. **Page H2599**

Accepted:

Boswell amendment (No. 1 printed in H. Rept. 110–603) that gives priority to applications from companies located in areas that have lost a major source of employment; **Pages H2612–13**

Ehlers amendment (No. 2 printed in H. Rept. 110–603) that strikes section 102—doing so leaves the current set-asides for SBIR and STTR unchanged; **Pages H2613–14**

Sestak amendment (No. 3 printed in H. Rept. 110–603) that notifies an applicant to the SBIR and STTR programs, who is not successful in receiving an award, that the applicant can request an explanation of why the applicant did not receive the award; **Page H2614**

Giffords amendment (No. 5 printed in H. Rept. 110–603) that mandates that SBIR awardees must be entities with their primary business operations in the United States; **Pages H2615–16**

Graves amendment (No. 6 printed in H. Rept. 110–603) that strikes and replaces Title II, regarding venture capital investment standards; **Pages H2616–18**

Matsui amendment (No. 7 printed in H. Rept. 110–603) that adds business incubators as eligible for the partnerships with SBIR awardees that are required by section 404. The amendment also defines the term ''business incubators'' for this purpose; **Page H2618**

Sutton amendment (No. 8 printed in H. Rept. 110–603) that provides that veterans will be given priority when applying for SBIR and STTR awards; **Pages H2618–19**

Sutton amendment (No. 9 printed in H. Rept. 110–603) that requires agencies that administer SBIR programs to give special consideration to pressing transportation and infrastructure research activities, as identified by reports issued by the Department of Transportation and National Academy of Sciences; **Pages H2619–20**

Barrow amendment (No. 10 printed in H. Rept. 110–603) that establishes a pilot program to make grants to minority institutions that partner with nonprofit organizations that have experience developing relationships between industry, minority institutions, and other entities; **Page H2620**

Velázquez amendment (No. 12 printed in H. Rept. 110–603) that allows the Administrator of the SBA to view favorably FAST grant applicants that use accredited SBDC's in determining the award of a FAST grant; **Page H2621**

Gillibrand amendment (No. 13 printed in H. Rept. 110–603) that requires a veteran small-business owner must be at least one of the people appointed to the advisory board overseeing the Small Business Innovation Research Program Grants; **Pages H2621–22**

Velázquez amendment (No. 14 printed in H. Rept. 110–603) that requires the Small Business Administration to consult with the Secretary of Veterans Affairs to develop an outreach program to publicize the Small Business Innovation Research program to veterans returning from service and encourage veterans with appropriate technical skills to apply for SBIR grants; **Page H2622**

Matheson amendment (No. 4 printed in H. Rept. 110–603) that gives priority to small businesses and organizations, in the awarding of SBIR, STTR, and FAST grants, that are making significant contributions towards energy efficiency, including those that are making efforts to reduce their carbon footprint or are carbon neutral (by a recorded vote of 355 ayes to 48 noes, Roll No. 213); **Pages H2614–15, H2623–24**

Capito amendment (No. 11 printed in H. Rept. 110–603) that changes section 104, regarding the

SBIR Advisory Board. It adds small business concerns owned and controlled by service-disabled veterans to the groups to be targeted by the board to make applications for SBIR grants (by a recorded vote of 405 ayes with none voting "no," Roll No. 214); and **Pages H2620–21, H2624–25**

Foster amendment (No. 15 printed in H. Rept. 110–603) that requires SBIR awardees to be owned and controlled by at least one individual, or a business concern owned and controlled by individuals, who are citizens of, or permanent resident aliens in, the United States. Any applicant found knowingly hiring, recruiting, or referring for a fee, an unauthorized alien shall not be eligible for the receipt of future awards (by a recorded vote of 406 ayes with none voting "no" and 3 voting "present," Roll No. 215). **Pages H2622–23, H2625**

Agreed that the Clerk be authorized to make technical and conforming changes to reflect the actions of the House. **Page H2630**

H. Res. 1125, the rule providing for consideration of the bill, was agreed to by a yea-and-nay vote of 221 yeas to 190 nays, Roll No. 212, after agreeing to order the previous question by a yea-and-nay vote of 222 yeas to 194 nays, Roll No. 211.

Pages H2577–86, H2597–98

Coast Guard Authorization Act of 2007—Rule for Consideration: The House agreed to the rule that is providing for consideration of H.R. 2830, to authorize appropriations for the Coast Guard for fiscal year 2008, by a recorded vote of 223 ayes to 183 noes, Roll No. 219, after agreeing to order the previous question by a yea-and-nay vote of 220 yeas to 187 nays, Roll No. 218.

Pages H2586–93, H2594–95, H2628–29

Senate Message: Message received from the Senate today appears on page H2595.

Quorum Calls—Votes: Six yea-and-nay votes and six recorded votes developed during the proceedings of today and appear on pages H2593, H2596, H2596–97, H2597–98, H2598, H2623–24, H2624–25, H2625, H2627–28, H2628, H2628–29, and H2829. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:59 p.m.

Committee Meetings

NSA

Committee on Appropriations: Subcommittee on Defense/Select Intelligence Oversight Panel, executive, on the National Security Agency. Testimony was heard from Keith B. Alexander, Director, NSA.

SECTION 8 HOUSING PROGRAM CHALLENGES

Committee on Appropriations: Subcommittee on Transportation, Housing and Urban Development, and Related Agencies held a hearing on Department of Housing and Urban Development-Status of Project-Based Section 8 Program. Testimony was heard from Brian Montgomery, Assistant Secretary, Housing, Federal Housing Commissioner, Department of Housing and Urban Development; and public witnesses.

RESERVES' DENTAL SERVICES READINESS

Committee on Armed Services: Subcommittee on Oversight and Investigations held a hearing on challenges associated with achieving full dental readiness in the reserve component. Testimony was heard from the following officials of the Department of Defense: COL Gary Martin, DDS, USAF, Chief, Dental Care Branch TRICARE Management Activity; COL Mark Bodenheim, DDS, USA, Chief, Reserve Component Mobilization and Demobilization Operations, U.S. Army Dental Command; CPT Kerry Krause, DDS, USN, Reserve Affairs Officer, U.S. Navy Dental Corps; COL Deborah L. Hart, DDS, USAF, Mobilization Assistant to the Air Force Assistant Surgeon General, Dental Services, Office of the Surgeon General, U.S. Air Force; and COL David B. Sproat, M.D., USA, Chief Surgeon, Army National Guard.

IMPROVING WORKPLACE SAFETY

Committee on Education and Labor: Subcommittee on Workforce Protections held a hearing on Improving Workplace Safety: Strengthening OSHA Enforcement of Multi-Site Employers. Testimony was heard from public witnesses.

HEALTH MEASURES

Committee on Energy and Commerce: Subcommittee on Health approved for full Committee action the following bills: H.R. 1343, amended, Health Centers Renewal Act of 2007; H.R. 5669, Poison Center Support, Enhancement, and Awareness Act of 2008; H.R. 1553, amended, Conquer Childhood Cancer Act of 2007; and H.R. 3112, amended, Prenatally Diagnosed Condition Awareness Act of 2007.

NEIGHBORHOOD STABILIZATION ACT; EMERGENCY MORTGAGE LOAN MODIFICATION ACT; COMMITTEE BUSINESS

Committee on Financial Services: Ordered reported, as amended, the following bills: H.R. 5818, Neighborhood Stabilization Act of 2008; and H.R. 5579. Emergency Mortgage Loan Modification Act of 2008.

The Committee also approved pending Committee business.

FOREIGN ASSISTANCE REFORM

Committee on Foreign Affairs: Held a hearing on Foreign Assistance Reform in the Next Administration: Challenges and Solutions. Testimony was heard from former Representative Jim T. Kolbe of Arizona; and public witnesses.

U.S.-SOUTH KOREA STRATEGIC ALLIANCE

Committee on Foreign Affairs: Subcommittee on Asia, the Pacific, and the Global Environment held a hearing on A New Beginning for the U.S.-South Korea Strategic Alliance. Testimony was heard from Alexander A. Arvizu, Deputy Assistant Secretary, Bureau of East Asian and Pacific Affairs, Department of State.

NATO OUTLOOK

Committee on Foreign Affairs: Subcommittee on Europe held a hearing on the Bucharest Summit and the Way Forward for NATO. Testimony was heard from Daniel Fried, Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State; and Daniel P. Fata, Deputy Assistant Secretary, European and NATO Policy, Department of Defense.

HOMELAND SECURITY REFORM

Committee on Homeland Security: Held a hearing entitled ''Moving Beyond the First Five Years: Improving the Functionality, Governance, and Accountability of the Department of Homeland Security.'' Testimony was heard from Paul A. Schneider, Acting Deputy Secretary, Department of Homeland Security.

OVERSIGHT—FBI

Committee on the Judiciary: Held an oversight hearing on the FBI. Testimony was heard from Robert S. Mueller, Director, FBI, Department of Justice.

ALASKA PENINSULA REFUGE/KING COVE SAFE ACCESS ACT

Committee on Natural Resources: Ordered reported H.R. 2801, Izembek and Alaska Peninsula Refuge and Wilderness Enhancement and King Cove Safe Access Act.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Fisheries, Wildlife and Oceans approved for full Committee action, as amended, the following bills: H.R. 21, Oceans Conservation, Education, and National Strategy for the 21st Century Act; H.R. 5618, National Sea Grant College Program Amendments Act of 2008.

MISCELLANEOUS MEASURES

Committee on Natural Resources: Subcommittee on Water and Power approved for full Committee action, as amended, the following bills: H.R. 2649, To make amendments to the Reclamation Project Authorization and Adjustment Act of 1992; H.R. 3323, Goleta Water Distribution System Conveyance Act of 2007; and H.R. 4841, Soboba Band of Luiseno Indians Settlement Act.

DOMESTIC ABSTINENCE-ONLY PROGRAMS

Committee on Oversight and Government Reform: Held a hearing on Domestic Abstinence-Only Programs: Assessing the Evidence. Testimony was heard from Senator Brownback, Representative Capps, Charles Keckler, Acting Deputy Assistant Secretary, Policy, Administration for Children and Families, Department of Health and Human Services; Marcia Crosse, Director, Healthcare, GAO; and public witnesses.

ELECTRONIC COMMUNICATIONS PRESERVATION ACT

Committee on Oversight and Government Reform: Subcommittee on Information Policy, Census, and National Archives held a hearing on H.R. 5811, Electronic Communications Preservation Act. Testimony was heard from Linda D. Koontz, Director, Information Management Issues, GAO; the following officials of the National Archives and Records Administration: Gary Stern, General Counsel; and Paul Wester, Jr., Director, Modern Records Program; and a public witness.

NUCLEAR POWER—OPPORTUNITIES/ CHALLENGES

Committee on Science and Technology: Held a hearing on Opportunities and Challenges for Nuclear Power. Testimony was heard from John Grossenbacher, Director, Idaho National Laboratory, Department of Energy; and public witnesses.

SBA'S WORKFORCE DIVERSITY

Committee on Small Business: Subcommittee on Regulations, Health Care and Trade held a hearing entitled ''Minority and Hispanic Participation in the Federal Workforce and the Impact on the Small Business Community.'' Testimony was heard from Daryl Hairston, Deputy Associate Administrator, Office of Management and Administration, SBA; Nancy Kachik, Associate Director, Strategic Human Resources Policy, OPM; George Stalcup, Director, Strategic Issues, GAO; and public witnesses.

NATIONAL TRANSPORTATION SAFETY BOARD REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Aviation held a hearing on the Reauthorization of the National Transportation Safety Board. Testimony was heard from Mark V. Rosenker, Chairman, National Transportation Safety Board and Gerald Dillingham, Director, Physical Infrastructure Issues, GAO.

RAIL CAPACITY

Committee on Transportation and Infrastructure: Subcommittee on Railroad, Pipelines, and Hazardous Materials held a hearing on Rail Capacity. Testimony was heard from Alexander Kummant, President and CEO, National Railroad Passenger Corporation (AMTRAK); and public witnesses.

VETERANS MEASURES

Committee on Veterans' Affairs: Subcommittee on Economic Opportunity approved for full Committee action the following bills: H.R. 5684, amended, Veterans Education Improvement Act of 2008; H.R. 4884, amended, Helping Our Veterans to Keep Their Homes Act of 2008; H.R. 4883, To amend the Servicemembers Civil Relief Act to provide for a limitation on the sale, foreclosure, or seizure of property owned by a servicemember during the one-year period following the servicemember's period of military service; H.R. 4889, amended, The Guard and Reserved Are Fighting Too Act of 2008; H.R. 3681, Veterans Benefits Awareness Act of 2007; H.R. 3889, amended, To amend title 38, United States Code, to require the Secretary of Veterans Affairs to conduct a longitudinal study of the vocational rehabilitation programs administered by the Secretary; and H.R. 5664, amended, 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.

MISCELLANEOUS MEASURES

Committee on Veterans Affairs: Subcommittee on Health approved for full Committee action the following bills: H.R. 2790, amended, To amend title 38, United States Code, to establish the position of Director of Physician Assistant Services within the office of the under Secretary of Veterans Affairs for Health; H.R. 3819, Veterans Emergency Care Fairness Act of 2007; H.R. 5729, Spina Bifida Health Care Program Expansion Act; H.R. 5554, amended, Veterans Substance Use Disorders Prevention and Treatment Act of 2008; and H.R. 5856, Department of Veterans Affairs Medical Facility Authorization and Lease Act of 2008.

CLEARING—DISABILITY BACKLOG

Committee on Ways and Means: Held a hearing on Clearing the Disability Backlog. Testimony was heard from Michael J. Astrue, Commissioner, SSA; Sylvester J. Schieber, Chairman, Social Security Advisory Board; and public witnesses.

FY 2009 BUDGET—HUMAN CAPITAL

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on Fiscal Year 2009 Budget-Human Capital. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D459)*

S. 845, to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls. Signed on April 23, 2008. (Public Law 110–202)

COMMITTEE MEETINGS FOR THURSDAY, APRIL 24, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Military Construction and Veterans' Affairs, and Related Agencies, to hold hearings to examine proposed budget estimates for fiscal year 2009 for military construction, 10 a.m., SD–124.

Committee on Armed Services: to receive a closed briefing on sensitive intelligence matters, 9:30 a.m., S–407, Capitol.

Committee on Banking, Housing, and Urban Affairs: to hold hearings to examine U.S. credit markets, focusing on the U.S. regulatory framework for assessing sovereign investments, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 2688, to improve the protections afforded under Federal law to consumers from contaminated seafood by directing the Secretary of Commerce to establish a program, in coordination with other appropriate Federal agencies, to strengthen activities for ensuring that seafood sold or offered for sale to the public in or affecting interstate commerce is fit for human consumption, S.J. Res. 28, disapproving the rule submitted by the Federal Communications Commission with respect to broadcast media ownership, S. 2607, to make a technical correction to section 3009 of the Deficit Reduction Act of 2005, S. 2507, to address the digital television transition in border states, H.R. 3985, to amend title 49, United States Code, to direct the Secretary of Transportation to register a person providing transportation by an over-the-road bus as a motor carrier of passengers only if

the person is willing and able to comply with certain accessibility requirements in addition to other existing requirements, H.R. 802, to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI, S. 2657, to require the Secretary of Commerce to prescribe regulations to reduce the incidence of vessels colliding with North Atlantic right whales by limiting the speed of vessels, S. 2482, to repeal the provision of title 46, United States Code, requiring a license for employment in the business of salvaging on the coast of Florida, the nomination of Robert A. Sturgell, of Maryland, to be Administrator of the Federal Aviation Administration, and certain promotion lists in the U.S. Coast Guard, 10:30 a.m., SR–253.

Subcommittee on Science, Technology, and Innovation, to hold hearings to examine national nanotechnology, focusing on charting the course for reauthorization, 2:30 p.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Water and Power, to hold hearings to examine S. 2680, to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to require the Secretary of the Interior to take certain actions to address environmental problems associated with the Leadville Mine Drainage Tunnel in the State of Colorado, S. 2805, to direct the Secretary of the Interior, acting through the Commissioner of Reclamation, to assess the irrigation infrastructure of the Rio Grande Pueblos in the State of New Mexico and provide grants to, and enter into cooperative agreements with, the Rio Grande Pueblos to repair, rehabilitate, or reconstruct existing infrastructure, S. 2814, to authorize the Secretary of the Interior to provide financial assistance to the Eastern New Mexico Rural Water Authority for the planning, design, and construction of the Eastern New Mexico Rural Water System, H.R. 29, to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, H.R. 1803, to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray,and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and H.R. 123, to authorize appropriations for the San Gabriel Basin Restoration Fund, 2:15 p.m., SD–366.

Committee on Finance: to hold hearings to examine tax aspects of a cap-and-trade system, 10 a.m., SD–215.

Committee on Foreign Relations: to hold hearings to examine implementing smart power, focusing on setting an agenda for national security reform, 9:30 a.m., SD–419.

Full Committee, to hold hearings to examine international debt, focusing on building relief initiatives, 2 p.m., SD–419.

Full Committee, to receive a briefing on certain intelligence matters, 4:45 p.m., S–407, Capitol.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the U.S. Food and Drug Administration, focusing on its ability to keep America's families safe, 9:30 a.m., SD–106.

Committee on Homeland Security and Governmental Affairs: Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security, to hold hearings to examine addressing Iran's nuclear ambitions, focusing on policy options for the U.S. and its allies, 9:30 a.m., SD–342.

Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, to hold hearings to examine reforming export licensing agencies for national security and economic interests, focusing on the structure of the Federal government's agencies that are responsible for licensing controlled exports, the process in place for licensing, how the structures help or hinder their decision making for licenses, human capital challenges of the export control bureaucracy, and the recommendations for improving the export control processes and personal, 2 p.m., SD–342.

Committee on Indian Affairs: business meeting to consider pending calendar business; to be immediately followed by an oversight hearing to examine recommendations for improving the federal acknowledgment process, 9 a.m., SD–562.

Committee on the Judiciary: business meeting to consider S. 2533, to enact a safe, fair, and responsible state secrets privilege Act, S. 702, to authorize the Attorney General to award grants to State courts to develop and implement State courts interpreter programs, S. 2840, to establish a liaison with the Federal Bureau of Investigation in United States Citizenship and Immigration Services to expedite naturalization applications filed by members of the Armed Forces and to establish a deadline for processing such applications, S. Res. 511, recognizing that John Sidney McCain, III, is a natural born citizen, H. Con. Res. 292, honoring Margaret Truman Daniel and her lifetime of accomplishments, S. Res. 515, commemorating the life and work of Dith Pran, and the nominations of Michael G. McGinn, to be United States Marshal for the District of Minnesota, Ralph E. Martinez, of Florida, to be a Member of the Foreign Claims Settlement Commission of the United States, both of the Department of Justice, Mark S. Davis, to be United States District Judge for the Eastern District of Virginia, David Gregory Kays, to be United States District Judge for the Western District of Missouri, and Stephen N. Limbaugh, Jr., to be United States District Judge for the Eastern District of Missouri, 10 a.m., SD–226.

Subcommittee on Antitrust, Competition Policy and Consumer Rights, to hold hearings to examine the Delta-Northwest airlines merger, 2 p.m., SD–226.

Select Committee on Intelligence: to hold closed hearings to examine certain intelligence matters, 2:30 p.m., SH–219.

House

Committee on Appropriations, Subcommittee on Defense, on Biological Countermeasures and Threats, 10 a.m., H–140 Capitol.

Committee on Armed Services, Subcommittee on Terrorism, Unconventional Threats and Capabilities, and the Subcommittee on Research and Science Education of the

Committee on Science, joint hearing on the role of the social and behavioral sciences in national security, 9 a.m., 2118 Rayburn.

Committee on Education and Labor, hearing on Child Abuse and Deceptive Marketing by Residential Programs for Teens, 10 a.m., 2175 Rayburn.

Committee on Energy and Commerce, Subcommittee on Health, hearing on the Food and Drug Administration Globalization Act, food provisions, 10 a.m., 2123 Rayburn.

Committee on Financial Services, to consider the following bills: H.R. 5830, FHA Housing Stabilization and Homeownership Retention Act of 2008; and H.R. 5829, Public Housing Asset Management Improvement Act of 2008; 10 a.m., 2128 Rayburn.

Committee on Foreign Affairs, Subcommittee on International Organizations, Human Rights, and Oversight, hearing on War Powers for the 21st Century: The Executive Branch Perspective, 2 p.m., 2172 Rayburn.

Subcommittee on the Middle East and South Asia, hearing on U.S. Policy and the Road to Damascus: Who's Converting Whom? 9 a.m., 2172 Rayburn.

Subcommittee on Terrorism, Nonproliferation, and Trade, hearing on U.S. Export Promotion Strategy, 10 a.m., 2200 Rayburn.

Committee on Homeland Security, Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment, hearing entitled ''Moving Beyond the First Five Years: Evolving the Office of Intelligence and Analysis to Better Serve State, Local and Tribal Needs,'' 10 a.m., 311 Cannon.

Committee on the Judiciary, Task Force on Competition Policy and Antitrust Laws, hearing on Competition in the Airline Industry, 10:30 a.m., 2141 Rayburn.

Subcommittee on Commercial and Administrative Law, to mark up the following bills: H.R. 5593. Congressional Review Act Improvement Act; and H.R. 4004, To amend the Bankruptcy Abuse Prevention and Consumer Protection Act to exempt from the means test in bankruptcy cases, for a limited period, qualifying reserve-component members who, after September 11, 2001, are called to active duty or to perform a homeland defense activity for not less than 60 days, 12 p.m., 2141 Rayburn.

Committee on Natural Resources, Subcommittee on Fisheries, Wildlife and Oceans, hearing on the following bills: H.R. 3639, Southern Sea Otter Recovery and Research Act; and H.R. 5350, To authorize the Secretary of Commerce to sell or exchange certain National Oceanic and Atmospheric Administration property located in Norfolk, Virginia, and for other purposes, 10 a.m., 1324 Longworth.

Subcommittee on National Parks, Forests and Public Lands, hearing on the following bills: H.R. 859, Sangre de Cristo National Heritage Area Act; H.R. 3227, To direct the Secretary of the Interior to continue stocking fish in certain lakes in the North Cascades National Park, Ross Lake National Recreation Area, and Lake Chelan National Recreation Area; H.R. 3667, Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2007; H.R. 3930, Lesser Prairie Chicken National Habitat Preservation Area Act of 2007, and for other purposes; H.R. 3981, Preserve America and Save America's Treasures Act; and H.R. 5540, Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act, 10 a.m., 1334 Longworth.

Committee on Oversight and Government Reform, Subcommittee on Federal Workforce, Postal Service, and the District of Columbia, hearing on H.R. 1296, District of Columbia District Attorney Establishment Act, 10 a.m., 2247 Rayburn; and a hearing entitled ''Eliminating Smoke and Mirrors in the Mail,'' 2 p.m., 2154 Rayburn.

Committee on Science and Technology, Subcommittee on Space and Aeronautics, hearing on NASA's International Space Station Program: Status and Issues, 10:30 a.m., 2318 Rayburn.

Subcommittee on Technology and Innovation, hearing on Aviation Security Research and Development at the Department of Homeland Security, 1 p.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''The Role of Small Businesses in Stimulating the Economy,'' 10 a.m., 1539 Rayburn,

Committee on Transportation and Infrastructure, Subcommittee on Highways and Transit, hearing on Freight Movement from Origin to Destination, 11 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Disability and Memorial Affairs, to mark up Veterans Disability Benefits Claims Modernization Act of 2008, 11 a.m., 340 Cannon.

Permanent Select Committee on Intelligence, executive, briefing on hearing on Special Program, 9 a.m., and executive, hearing on Fiscal Year 2009 Budget—Special Program, 10 H–405 Capitol.

Select Committee on Energy Independence and Global Warming, hearing entitled ''Pumping up Prices: The Strategic Petroleum Reserve and Record Gas Prices,'' 10 a.m., 2212 Rayburn.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine women, migration and development in the OSCE region, focusing on the impact of migration on family and society, the special concerns of migrant women of color, and the economic contributions of women migrants to their home country through remittances, 10 a.m., B318, Rayburn Building.

Next Meeting of the **SENATE**

9:30 a.m., Thursday, April 24

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 60 minutes), Senate will continue consideration of S. 1315, Veterans' Benefits Enhancement Act, consider certain amendments, and vote on passage of the bill.

Next Meeting of the **HOUSE OF REPRESENTATIVES**

10 a.m., Thursday, April 24

House Chamber

Program for Thursday: Consideration of H.R. 2830—Coast Guard Authorization Act of 2007 (Subject to a Rule).

Extensions of Remarks, as inserted in this issue

HOUSE

Abercrombie, Neil, Hawaii, E691, E699
Alexander, Rodney, La., E689
Allen, Thomas H., Me., E697
Andrews, Robert E., N.J., E696
Boustany, Charles W., Jr., La., E703
Cantor, Eric, Va., E694
Castle, Michael N., Del., E706
Conyers, John, Jr., Mich., E702, E704, E709
Costa, Jim, Calif., E690, E702, E705
Crowley, Joseph, N.Y., E697
Cuellar, Henry, Tex., E701, E704
Davis, Tom, Va., E692
Diaz-Balart, Lincoln, Fla., E693
Dingell, John D., Mich., E698
Eshoo, Anna G., Calif., E693, E706
Fox, Virginia, N.C., E695
Gerlach, Jim, Pa., E689
Graves, Sam, Mo., E701, E707
Green, Al, Tex., E699
Hastings, Alcee L., Fla., E693, E699
Higgins, Brian, N.Y., E706
Hirono, Mazie K., Hawaii, E708
Jackson-Lee, Sheila, Tex., E702, E704, E708
Jones, Stephanie Tubbs, Ohio, E691, E698, E700
Kucinich, Dennis J., Ohio, E690
Lamborn, Doug, Colo., E707
Langevin, James R., R.I., E703
Lee, Barbara, Calif., E690, E699
Lewis, John, Ga., E709
Lynch, Stephen F., Mass., E703
McCarthy, Kevin, Calif., E694, 704
McGovern, James P., Mass., E707
McIntyre, Mike, N.C., E691, E694, E696, E699
Maloney, Carolyn B., N.Y., E692, E696, E700
Marchant, Kenny, Tex., E701
Michaud, Michael H., Me., E691, E709
Miller, Candice S., Mich., E703
Norton, Eleanor Holmes, D.C., E705
Oberstar, James L., Minn., E702
Paul, Ron, Tex., E696
Perlmutter, Ed, Colo., E700
Poe, Ted, Tex., E701, E707, E709
Porter, Jon C., Nev., E689, E700
Rangel, Charles B., N.Y., E705
Ros-Lehtinen, Ileana, Fla., E692
Rush, Bobby L., Ill., E690
Schakowsky, Janice D., Ill., E697, E708
Schwartz, Allyson Y., Pa., E689
Solis, Hilda L., Calif., E697
Speier, Jackie, Calif.,E710
Tanner, John S., Tenn., E695
Udall, Mark, Colo., E692, E696, E697, E698, E700
Udall, Tom, N.M., E691, E694
Waxman, Henry A., Calif., E701
Wilson, Joe, S.C., E695
Woolsey, Lynn C., Calif., E706

Congressional Record The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through *GPO Access*, a service of the Government Printing Office, free of charge to the user. The online database is updated each day the *Congressional Record* is published. The database includes both text and graphics from the beginning of the 103d Congress, 2d session (January 1994) forward. It is available through *GPO Access* at www.gpo.gov/gpoaccess. Customers can also access this information with WAIS client software, via telnet at swais.access.gpo.gov, or dial-in using communications software and a modem at 202–512–1661. Questions or comments regarding this database or *GPO Access* can be directed to the *GPO Access* User Support Team at: E-Mail: gpoaccess@gpo.gov; Phone 1–888–293–6498 (toll-free), 202–512–1530 (D.C. area); Fax: 202–512–1262. The Team's hours of availability are Monday through Friday, 7:00 a.m. to 5:30 p.m., Eastern Standard Time, except Federal holidays. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954, or phone orders to 866–512–1800 (toll free), 202–512–1800 (D.C. area), or fax to 202–512–2250. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record*, U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.