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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. LARSEN of Washington).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
April 29, 2008.

I hereby appoint the Honorable RICK LARSEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

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

FEDERAL GAS TAX HOLIDAY A BAD IDEA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Thank you, Mr. Speaker.

During this election season, we've seen some pretty painful moments. It has been embarrassing, for instance, to watch the flip-flopping of Senator MCCAIN on tax cuts that he is now for before he was against them. But there is no idea that is as bad as his most recent suggestion that we just have a gas tax holiday, to suspend the 18.4 cent per gallon Federal gas tax from Memorial Day through Labor Day.

This is a really unfortunate suggestion. It's unfortunate to me that Senator CLINTON appears to be embracing it. I would hope that Senator CLINTON's staff will help her remember her own words when this proposal was launched by one of her opponents in 2000 when she was running for the United States Senate, where Senator CLINTON pointed out that it would be a ''bad deal for New York and a potential bonanza for the oil companies,'' which is why she opposed it back then. Her words were true in 2000 and they are true today. In fact, it's even more important.

First of all, there is absolutely no evidence that States that have suspended the gas tax have ended up putting any more money in the pockets of consumers. The research suggests that it's more likely that they have simply increased the amount of money that goes to the oil companies who are not reducing their prices to compensate for the reduction. At a time when ExxonMobil's profits set a new record of $40.6 billion, we don't have to give them even more money at the expense of our infrastructure, because this proposal comes at a time when for the first time in history the highway trust fund is going into deficit. And this proposal would add more than $10 billion to that deficit, money that will not go to State and local governments to deal with badly needed transportation infrastructure. It comes at a time when we recognize that our infrastructure is falling apart. The Society of Civil Engineers has graded it D-minus, and they're grading on a curve.

It would be far more logical and effective to help poor citizens and people in rural districts that have to drive a great deal directly as a part of the economic stimulus, or a rebate that actually gets into their hands, not to the oil companies. It would make more sense to invest in renewable futures and green jobs, like not allowing the production tax credit to expire at the end of the year, costing thousands of jobs in the wind energy business.

It makes sense to rebuild and renew America with a vision for the future, attaching a budget priority, and be honest with the American public, not cheap political tricks that may sound good for a moment but will end up hurting us in the long run.

GAS PRICES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Thank you, Mr. Speaker.

Gas prices have skyrocketed by more than 50 percent in the 15 months since the new majority took control of Congress. Back in North Carolina, constituents of the Fifth District and over the rest of the State are now paying $1.33 more per gallon for gas than when the Democrats took over.

Two years ago, Speaker PELOSI promised the American people a ''commonsense'' plan to lower gasoline prices. We're still trying to figure out what that plan is. House Democrats have not only failed to offer any meaningful solutions, they've pushed policies that will have precisely the opposite effect.

This $1.33 Pelosi premium is putting tremendous pressure on the budgets of the hardworking people of North Carolina. As gas prices soar to $3.50 and beyond, I pose this question: How much will the Pelosi premium end up costing average Americans? If this is part of the ''commonsense plan'' to lower gas prices, I'm afraid it isn't working.

Middle class families and their increasingly tight budgets need relief, not more broken promises. While House Democrats propose more of the same—tax increases—House Republicans have offered real commonsense solutions to reduce America's dependence on foreign sources of energy, lower gas prices here at home, and invest in all forms of energy to create American jobs and grow our economy.

Printed on recycled paper.

U.S. CASUALTIES IN IRAQ

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. McDERMOTT) for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, we owe a debt of gratitude to Dana Milbank at the Washington Post and to Hal Bernton at one of my hometown newspapers, The Seattle Times. These two journalists, writing almost exactly 4 years apart, have pierced the veil of secrecy this administration shamefully uses to hide the painful images of U.S. casualties in Iraq and the touching and patriotic farewells by loved ones.

On Sunday, April 18, 2004, Bernton wrote a story called: The Somber Task of Honoring the Fallen. This poignant story included the first newspaper pictures of caskets being loaded into a military airplane. The story, which I will enter into the RECORD, set off a firestorm, because the administration did not want anyone to see the grim reality of war—rows of flag-draped coffins inside a military plane to begin the last homecoming. And the civilian contractor who took the pictures was fired for sharing them with the media. They were published at a time when the administration was doing everything to make people believe in its May 1, 2003, Mission Accomplished banner.

The administration continues to spin the message from that phony PR event. To do that, the administration continues to hide the grim reality of the Iraq war. Last Thursday, Milbank wrote a story in the Washington Post called: What the Family Would Let You See, the Pentagon Obstructs. Almost 4 years later after The Seattle Times story, the American people are still denied access to the truth.

Behind me is a photograph of Lieutenant Colonel Billy Hall from the Post story. Let me read an excerpt from that story:

''The family of 38-year-old Hall, who leaves behind two young daughters and two stepsons, gave their permission for the media to cover his Arlington burial—a decision many grieving families make so that the nation will learn about their loved ones' sacrifice. But the military had other ideas, and they arranged the marine's burial yesterday so that no sound, and few images, would make it into the public domain.''

They don't want you to see the faces of our fallen heroes, and in my view that's outrageous. Lieutenant Colonel Hall is the highest ranking military officer to fall in Iraq. He went to Garfield High School in Seattle. He deserves to be buried according to the wishes of his family, not hidden from view, because the people running this war only want you to see the images that proclaim Mission Accomplished. I will not accept this disrespect for our soldiers and their families, or the outright distortion of the truth about the war. To honor our fallen heroes, I and many of my colleagues here in Washington have easels outside our congressional offices with pictures and the names of service men and women who have died in Iraq.

Outside my office, there are three boards with the photographs of 94 soldiers from the State of Washington who have fallen in Iraq. Brave fallen heroes, including:

Specialist Christopher W. Dickison,
Major William G. Hall,
Lance Corporal Daniel Chavez,
1st Lieutenant Michael R. Adams,
Specialist Joshua M. Boyd,
Staff Sergeant Tracy L. Melvin,
Sergeant 1st Class Steven M. Langmack, all from Seattle.

I will enter into the RECORD the Web address where you can see the faces and the names of the fallen from every State:

http://projects.washingtonpost.com/fallen/search/

Instead of helping to provide closure to these wounded families, the President's surrogates are deepening the wounds for these families. They only want to share their grief and the pride in their loved ones. Who wouldn't be proud of Billy Hall? They want to share that with us.

Today, in full view, let us honor the ultimate sacrifice made by Lieutenant Colonel Billy Hall and the fallen soldiers from Washington and across this country.

MOMENT OF SILENCE

I ask for a moment of silence in honor of the following:

Sgt. Nathan P. Hayes, 21
Staff Sgt. Juan M. Ridout, 29
Lance Cpl. Cedric E. Bruns, 22
Spc. Justin W. Hebert, 20
Pfc. Kerry D. Scott, 21
Spc. John P. Johnson, 24
2nd Lt. Benjamin J. Colgan, 30
Spc. Robert Benson, 20
Sgt. Jay A. Blessing, 23
Spc. Nathan W. Nakis, 19
Sgt. Curt E. Jordan, Jr., 25
Staff Sgt. Christopher Bunda, 29
1st Lt. Michael R. Adams, 24
Spc. Jacob R. Herring, 21
Spc. Jeffrey R. Shaver, 26
Pfc. Cody S. Calavan, 19
Lance Cpl. Dustin L. Sides, 22
Staff Sgt. Marvin Best, 33
Spc. Jeremiah Schmunk, 21
Capt. Gergory A. Ratzlaff, 36
Sgt. Yadir Reynoso, 27
Lance Cpl. Kane M. Funke, 20
Lance Cpl. Caleb J. Powers, 21
Sgt. Jason Cook, 25
Sgt. Jacob H. Demand, 29
Cpl. Steven Rintamaki, 29
Staff Sgt. Michael Lee Burbank, 34
Spc. Jonathan J. Santos, 22
Staff Sgt. David G. Ries, 29
Lance Cpl. Nathan R. Wood, 19
Spc. Blain M. Ebert, 22
Spc. Harley D. R. Miller, 21
Pfc. Andrew M. Ward, 25
Staff Sgt. Kyle A. Eggers, 27
Pfc. Curtis L. Wooten III, 20
Chief Warrant Officer Clint J. Prather, 46
Maj. Steve Thornton, 46
Cpl. Jeffrey B. Starr, 22
Staff Sgt. Casey J. Crate, 26
Sgt. 1st Class Steven Langmack, 33
Lance Cpl. Daniel Chaves, 20
Spc. Christopher W. Dickison, 26
Lance Cpl. Shane C. Swanberg, 24
Sgt. 1st Class Lawrence Morrison, 45
Staff Sgt. Travis W. Nixon, 24
Cpl. Joseph P. Bier, 22
Staff Sgt. Christopher J. Vanderhorn, 37
1st Lt. Jaime L. Campbell, 25
Sgt. Charles E. Matheny IV, 23
Staff Sgt. Abraham Twitchell, 28
Spc. Eric D. King, 28
1st Lt. Forrest Ewens, 25
Pfc. Devon J. Gibbons, 28
Sgt. Justin D. Norton, 21
Pfc. Jason Hanson, 21
Staff Sgt. Tracy L. Melvin, 31
Spc. David J. Ramsey, 27
Master Sgt. Robb G. Needham, 51
Sgt. Velton Locklear III, 29
Staff Sgt. Ronald L. Paulsen, 53
Sgt. Lucas T. White, 28
Spc. Jordan W. Hess, 26
Maj. Megan M. McClung, 34
Cpl. Jeremiah J. Johnson, 23
Spc. James D. Riekena, 22
Cpl. Darrel J. Morris, 21
Maj. Alan R. Johnson, 44
Sgt. Mickel D. Garrigus, 24
Lance Cpl. Adam Q. Emul, 19
Sgt. Corey J. Aultz, 31
Sgt. Travis. D. Pfister, 27
Spc. Ryan M. Bell, 21
Spc. Joshua M. Boyd
Staff Sgt. Casey D. Combs, 28
Staff Sgt. Coby G. Schwab, 25
Spc. Kelly B. Grothe, 21
Pfc. Jerome J. Potter, 24
Sgt. Dariek E. Dehn, 32
Cpl. Llythaniele Fender, 21
Pfc. Casey S. Carriker, 20
Chief Warrant Officer Scott A.M. Oswell, 33
Lance Cpl. Shawn V. Starkovich, 20
Pvt. Michael A. Bologa, 21
Cpl. Jason M. Kessler, 29
Sgt. Bryce D. Howard, 24
Spc. Matthew J. Emerson, 20
Spc. Vincent G. Kamka, 23
Lance Cpl. Jeremy W. Burris, 22
Sgt. 1st Class Johnny C. Walls, 41
Cpl. Christopher J. Nelson, 22
Sgt. Phillip R. Anderson, 28
Lance Cpl. Dustin L. Canham, 21
Spc. Durrell L. Bennett, 22
Lt. Col. William G. Hall, 38

[From the Seattle Times, Apr. 18, 2004]

THE SOMBER TASK OF HONORING THE FALLEN

(By Hal Bernton)

The aluminum boxes, in ordered rows, are bound by clean white straps on freshly scrubbed pallets. American flags are draped evenly over the boxes. Uniformed honor guards form on either side of the pallets as they move from the tarmac to the entryways of the cargo planes. There are prayers, salutes and hands on hearts. Then the caskets are carefully placed in cargo holds for a flight to Germany.

In recent weeks, military and civilian contract crews have loaded scores of these caskets onto planes departing the U.S. military area of Kuwait International Airport, south of Kuwait City. And the rituals are repeated over and over again.

''The way everyone salutes with such emotion and intensity and respect. The families would be proud to see their sons and daughters saluted like that,'' says Tami Silicio, a contract employee from the Seattle area who works the night shift at the cargo terminal.

For U.S. troops, April has been the worst month of this war, with at least 94 service members killed by hostile fire.

''So far this month, almost every night we send them home,'' Silicio said. ''. . . It's tough. Very tough.''

The remains arrive at the Kuwait airport accompanied by a soldier, sometimes a comrade from the same unit. On one occasion, the comrade was also the victim's father. Another time, the comrade was the wife.

Silicio knows what it is like to lose a child. The mother of three sons suffered the

death of her oldest to a brain tumor when he was 19. ''It kind of helps me to know what these mothers are going through, and I try to watch over their children as they head home,'' she said in an interview conducted by telephone and e-mail.

Silicio, who grew up in Seattle and Edmonds, is used to hard work. After a decade of events-decorating work in the Seattle area, she went to war-torn Kosovo, where she worked on the transportation crew for a contractor during the NATO peacekeeping mission in 1999.

''Nothing scares her,'' said Silicio's mother, Leona Silicio.

Tami Silicio first went to work at the Kuwait airport in March 2003, before the start of the war. She then returned home but found it tough to get a job in an economy still sour from the recession. So by last October, she was back in Kuwait and her airport job for a contractor that works with the military to coordinate and process airport cargo.

The crews help move thousands of tons of supplies onto the Iraq-bound flights that support the U.S. military forces. Much of Silicio's job is handling paperwork to track the cargo. But she also might drive equipment to help load cargo, or make a quick run to a Kentucky Fried Chicken outlet to secure a few savory buckets to offer a soldier just in from Iraq.

Around Christmas, she helped handle a rash of incoming cargo from the United States—candy, shaving cream, razors, baby wipes and other items in care packages headed to Iraq.''Thank God, no fruitcakes,'' she e-mailed her mother. ''The soldiers would just give it to the Iraqis, anyway.''

Just after Christmas, there was a marathon of work as medical supplies to aid Iranian earthquake victims moved through Kuwait.

And now, the crews are helping to coordinate the departures of dozens of U.S. civilian contractors who, with the recent violence and kidnappings, no longer want to risk being in the region.

More time also is devoted to the dead. The fallen come into Kuwait on flights from Baghdad. Before they are loaded onto the outbound aircraft, soldiers in full uniform form parallel lines along the tarmac. There is a prayer. Then loaders lift up the coffins, which are joined on board by soldiers who share the final journey. After going first to Germany, according to the military, they fly to Dover Air Base in Delaware.

Since the 1991 Gulf War, photographs of coffins as they return to the United States have been tightly restricted. And few such photographs have been published during the conflict in Iraq.

On the April day depicted in the photograph that accompanies this story, more than 20 coffins went into a cargo plane bound for Germany. Silicio says those who lost loved ones in Iraq should understand the care and devotion that civilians and military crews dedicate to the task of returning the soldiers home.

Silicio says she shares her motto, ''Purpose and Cause,'' with colleagues who appear worn down from the job: ''We serve a purpose and we have a cause—that's what living life is all about.''

[From the Washington Post, Apr. 24, 2008]

WHAT THE FAMILY WOULD LET YOU SEE, THE PENTAGON OBSTRUCTS

(By Dana Milbank)

Lt. Col. Billy Hall, one of the most senior officers to be killed in the Iraq war, was laid to rest yesterday at Arlington National Cemetery. It's hard to escape the conclusion that the Pentagon doesn't want you to know that.

The family of 38-year-old Hall, who leaves behind two young daughters and two stepsons, gave their permission for the media to cover his Arlington burial—a decision many grieving families make so that the nation will learn about their loved ones' sacrifice. But the military had other ideas, and they arranged the Marine's burial yesterday so that no sound, and few images, would make it into the public domain.

That's a shame, because Hall's story is a moving reminder that the war in Iraq, forgotten by much of the nation, remains real and present for some. Among those unlikely to forget the war: 6-year-old Gladys and 3-year-old Tatianna. The rest of the nation, if it remembers Hall at all, will remember him as the 4,011th American service member to die in Iraq, give or take, and the 419th to be buried at Arlington. Gladys and Tatianna will remember him as Dad.

The two girls were there in Section 60 yesterday beside grave 8,672—or at least it appeared that they were from a distance. Journalists were held 50 yards from the service, separated from the mourning party by six or seven rows of graves, and staring into the sun and penned in by a yellow rope. Photographers and reporters pleaded with Arlington officials.

''There will be a yellow rope in the face of the next of kin,'' protested one photographer with a large telephoto lens.

''This is the best shot you're going to get,'' a man from the cemetery replied.

''We're not going to be able to hear a thing,'' a reporter argued.

''Mm-hmm,'' an Arlington official answered.

The distance made it impossible to hear the words of Chaplain Ron Nordan, who, an official news release said, was leading the service. Even a reporter who stood surreptitiously just behind the mourners could make out only the familiar strains of the Lord's Prayer. Whatever Chaplain Nordan had to say about Hall's valor and sacrifice were lost to the drone of airplanes leaving National Airport.

It had the feel of a throwback to Donald Rumsfeld's Pentagon, when the military cracked down on photographs of flag-draped caskets returning home from the war. Rumsfeld himself was exposed for failing to sign by hand the condolence letters he sent to the next of kin. His successor, Robert Gates, has brought some glasnost to the Pentagon, but the military funerals remain tightly controlled. Even when families approve media coverage for a funeral, the journalists are held at a distance for the pageantry—the caisson, the band, the firing party, ''Taps,'' the presenting of the flag—then whisked away when the service itself begins.

Nor does the blocking of funeral coverage seem to be the work of overzealous bureaucrats. Gina Gray, Arlington's new public affairs director, pushed vigorously to allow the journalists more access to the service yesterday—but she was apparently shot down by other cemetery officials.

Media whining? Perhaps. But the de facto ban on media at Arlington funerals fits neatly with an effort by the administration to sanitize the war in Iraq. That, in turn, has contributed to a public boredom with the war. A Pew Research Center poll earlier this month found that 14 percent of Americans considered Iraq the news story of most interest—less than half the 32 percent hooked on the presidential campaign and barely more than the 11 percent hooked on the raid of a polygamist compound in Texas.

On March 29, a week before the raid on the polygamists' ranch, William G. Hall was riding from his quarters to the place in Fallujah where he was training Iraqi troops when his vehicle hit an improvised explosive device. He was taken into surgery, but he died from his injuries. The Marines awarded him a posthumous promotion from major to lieutenant colonel.

Newspapers in Seattle, where Hall had lived, printed an e-mail the fallen fighter had sent his family two days before his death.

''I am sure the first question in each of your minds is my safety, and I am happy to tell you that I'm safe and doing well,'' he wrote, giving his family a hopeful picture of events in Iraq. ''I know most of what you hear on the news about Iraq is not usually good news and that so many are dying over here,'' the e-mail said. ''That is true to an extent but it does not paint the total picture, and violence is not everywhere throughout the country. So please don't associate what you see on the news with all of Iraq. ''Love you and miss you,'' he wrote. ''I'll write again soon.''

Except, of course, that he didn't. And yesterday, his family walked slowly behind the horse-drawn caisson to section 60. In the front row of mourners, one young girl trudged along, clinging to a grown-up's hand; another child found a ride on an adult's shoulders.

It was a moving scene—and one the Pentagon shouldn't try to hide from the American public.

REAL HEALTH CARE SOLUTIONS FOR AMERICAN FAMILIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. BOUSTANY) for 5 minutes.

Mr. BOUSTANY. Thank you, Mr. Speaker.

Mr. Speaker, Americans remain frustrated with the cost of health care. As costs rise, fears grow that they'll lose coverage and even fall into bankruptcy. Americans face this anxiety every day. But it doesn't need to be that way. We can give all American families confidence in a health care system.

Americans deserve more affordable and more widely available health care. Americans deserve real access to health care, not just health care coverage that doesn't lead to access but real access to health care. That's why we must modernize our health care system and learn from other sectors of the economy where competition has driven down costs, particularly in the insurance arena, so that we can drive down those premium costs and make it more affordable for all American families.

When addressing health care, Washington fails to put the needs of the patient first. I know this as a physician. I was in private practice for 14 years and saw how policies really drove a wedge between the patient and their doctor.

Patients want personal, quality, high-value health care. That's what we all want. That's going to be the way that we get true quality in health care. We must focus on what patients most want and need: prevention, early detection, early diagnosis, control of chronic illnesses, enhancing the quality of life, and wellness programs.

I know as a physician that trying to get a patient to quit smoking takes a

lot of work. Simple television commercials and public service announcements, while they help, won't do the job. But if you have a doctor-patient relationship where the doctor knows the patient and that trust develops and a doctor supports the patient in their effort to quit smoking, it's much more likely to be successful.

The same thing with dietary measures. These are the kinds of things that we need to do that will help reduce the cost of health care and will help make Americans more healthy. These are the kinds of solutions that will help Americans stay out of hospitals and avoid other expensive institutional forms of treatment.

Just yesterday, my colleagues and I across the aisle debated these very issues at the Cincinnati Children's Hospital. It was a great debate. But let me say that Republicans focused on strengthening the doctor-patient relationship that is fundamental to good quality health care. As I said before, we can't expect good quality health care to come about without this fundamental relationship between a doctor and a patient.

We think back to the old days, of Marcus Welby and how a physician portrayed as Marcus Welby on television had that relationship with the patient and their family. We think back to Norman Rockwell paintings that depict this type of relationship that patients had with the doctor, of mutual trust that focused not just on sickness but on health, not just on the disease process but how the disease affected the entire patient's well-being and their family circumstances.

These are the things that we as Republicans want to focus on as we try to introduce information technology into health care, a wide range of choices for families to pick a good health care policy that meets their specific needs, not somebody else picking what they need, let families pick what they need and put families back in control of their health care destiny.

Our opponents on the other side of the aisle have suggested a one-size-fits-all program, something like you see in Canada or in England where there are waiting lists for care. I know as a physician that when I was in Rochester, New York, we had patients who were being told they couldn't have heart surgery for 18 months and they were coming across the border into the U.S. to have their heart surgery done. A friend of mine who is a heart surgeon in England was told 6 months into the year that he couldn't do any more heart surgery and when he attempted to do so, his superiors threatened to fire him. Think of the patients that suffered because of this type of rationing of care. That's not what Americans want. Americans want a health care system that provides access and that's affordable and available.

I know, I think everyone knows, that Americans deserve better than what we're getting, and I know and I'm very confident that we can make it better if we adhere to those principles I outlined earlier, of information and choice and patient and family control. We can create a health care system that meets patients' needs and allays Americans' anxieties, a health care system that gives all of us confidence that our health care needs will be taken care of. And we can do this by putting in place new policies that respond to consumer needs, individual needs, and the demands for more available and affordable health insurance and for more control over our health care decisions. That's what we all want. We want a health care system that provides real access to care, not just coverage on paper. There are far too many examples of where folks have coverage but not real access. We want access.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 48 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BLUMENAUER) at 2 p.m.

PRAYER

Dr. William Lloyd Birch, retired Baptist minister, Florence, South Carolina, offered the following prayer:

We are so grateful for the blessings You have given to us. But the blessings of the past will not suffice for the needs of today. We know that if we commit ourselves to You, You will help us to focus on the needs of our Nation.

We confess that so often we fall short of the expectations You have for us. We are tempted and so often we succumb to these temptations. We put ourselves before others. We fail to show our brothers and sisters the love that You want us to demonstrate by the quality of our lives.

As we face this day, help us to be honest, unselfish, compassionate people. What have we gained if we obtain success in the eyes of the world and yet lose the sense of Your presence and Your will among us?

May Your kingdom come. May Your will be done. We pray in the name of our Lord, the God of our Nation.

Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

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

Mr. CLYBURN led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. 2929. An act to temporarily extend the programs under the Higher Education Act of 1965.

WELCOMING DR. WILLIAM LLOYD BIRCH

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

Mr. CLYBURN. Mr. Speaker, it is indeed a pleasure for me to welcome and thank the gentleman and scholar who provided us with today's invocation. Dr. William Lloyd Birch hails from my congressional district. He is an ordained minister in Florence, South Carolina.

Over his illustrious ministerial career, Dr. Birch has served as interim pastor in more than 42 churches. Dr. Birch is the founder of the Sociology Department at Francis Marion University, and chaired it for over 30 years. Prior to his retirement, Dr. Birch was a family therapist, and chaired the South Carolina Board of Licensing.

Dr. Birch is known by many in the Pee Dee area of South Carolina as their professor, as the minister who baptized their children or performed their son's or daughter's weddings, as the interim pastor at their church, or as the counselor who guided them through a family crisis.

Many have also seen him riding his horses, fox hunting or playing the bluegrass music he loves. Many of us are grateful for his work throughout the Pee Dee communities in South Carolina.

He is joined here today by his wife of 57 years, Jean, and I thank both of them for their daughter Lindy's work in my office on behalf of the people of South Carolina and the Nation.

BLACKBERRY CAPER

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

Mr. POE. Mr. Speaker, last week, President Bush and President Calderon of Mexico met in New Orleans to discuss mutual concerns of both nations, such as trade. Electronic devices by staff are not permitted in these meetings, and are left on a table outside the room.

After the high level talks concluded, a senior official with Mexico, Rafael Curiel, was caught on video grabbing seven White House BlackBerrys off the outside table. He was nabbed with the booty by the Secret Service at the airport as he was about to make good his getaway.

He gave numerous contradictory accounts about why he had the White House BlackBerrys. Then he said he was innocent. When all else failed, he claimed diplomatic immunity, and left the United States for Mexico.

Mr. Speaker, Rafael Curiel is just misunderstood. Obviously, when the White House discussion centered around free trade with the two countries, Curiel took the phrase ''free trade'' literally and did a little free trading on his own with those American BlackBerrys.

Mexico has since fired the free trader.

And that's just the way it is.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 29, 2008, at 10:36 a.m.:

That the Senate passed S. 2829.

That the Senate agreed to S. Con. Res. 74.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 2008.

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

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 28, 2008, at 3:21 p.m.:

That the Senate passed without amendment H.R. 4286.

That the Senate agreed to without amendment H. Con. Res. 322.

That the Senate requests the return of the papers H.R. 493.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM DISTRICT DIRECTOR, THE HONORABLE PHIL GINGREY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Janet Byington, District Director, the Honorable PHIL GINGREY, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 21, 2008.

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

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil trial subpoena for testimony issued by the Superior Court of Floyd County, Georgia.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and rights of the House.

Sincerely,

JANET BYINGTON,
District Director, Congressman Phil Gingrey.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Record votes on postponed questions will be taken after 6:30 p.m. today.

MASHANTUCKET PEQUOT (WESTERN) TRIBE LEASE EXTENSIONS

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2457) to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2457

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

SECTION 1. EXTENSIONS OF LEASES OF CERTAIN LAND BY MASHANTUCKET PEQUOT (WESTERN) TRIBE.

(a) IN GENERAL.—Any lease of restricted land of the Mashantucket Pequot (Western) Tribe (referred to in this section as the ''Tribe'') entered into on behalf of the Tribe by the tribal corporation of the Tribe chartered pursuant to section 17 of the Act of June 18, 1934 (25 U.S.C. 477), may include an option to renew the lease for not more than 2 additional terms, each of which shall not exceed 25 years, subject only to the approval of the tribal council of the Tribe.

(b) LIABILITY OF UNITED STATES.—The United States shall not be liable to any party for any loss resulting from a renewal of a lease entered into pursuant to subsection (a).

(c) PROHIBITION ON GAMING ACTIVITIES.—No entity may conduct any gaming activity (within the meaning of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703)) pursuant to a claim of inherent authority or any Federal law (including the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) and any regulations promulgated by the Secretary of the Interior or the National Indian Gaming Commission pursuant to that Act) on any land that is leased with an option to renew the lease in accordance with this section.

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

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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 materials on the resolution under consideration.

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

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

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

Mr. RAHALL. Existing Federal law allows tribal corporations to lease tribal land for a term of 25 years. However, there are instances where the Congress has provided the authority for a tribal corporation to engage in even longer terms.

The pending measure would give the Mashantucket Pequot Tribe of Connecticut the ability to lease its lands for not more than two additional terms of up to 25 years each, for a total of 75 years, in an effort to assist this tribe, expand its economy and assist its members.

Furthermore, it prohibits any entity from conducting gaming activity on any land that is leased with an option to renew under this act.

I would note that this measure passed the other body by unanimous consent. And I would commend our colleague from Connecticut (Mr. LARSON) for his leadership and championing this measure in the House.

I urge its passage and I reserve the balance of my time, Mr. Speaker.

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

Senate bill 2457 provides for extensions of leases of certain land by the Mashantucket Pequot Tribe of Connecticut. The leased land is for nongaming commercial purposes. I urge support of this legislation as does the administration.

I have no additional speakers. Therefore, I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the Senate bill, S. 2457.

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

A motion to reconsider was laid on the table.

JICARILLA APACHE RESERVATION CONVEYANCE

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3522) to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3522

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

SECTION 1. DEFINITIONS.

For the purposes of this act, the following definitions apply:

(1) JICARILLA APACHE NATION.—The term ''Jicarilla Apache Nation'' means the Jicarilla Apache Nation, a tribe of American Indians recognized by the United States and organized under section 16 of the Act of June 18, 1934 (25 U.S.C. 476; popularly known as the Indian Reorganization Act).

(2) 1988 RESERVATION ADDITION.—The term ''1988 Reservation Addition'' means those lands, known locally as the Theis Ranch, that are described in the Federal Register published on September 26, 1988 at 53 F.R. 37355–56 and were added to the Jicarilla Apache Reservation in New Mexico in 1988.

(3) SETTLEMENT AGREEMENT.—The term ''Settlement Agreement'' means the agreement executed by the President of the Jicarilla Apache Nation on May 6, 2003 and executed by the Chairman of the Rio Arriba Board of County Commissioners on May 15, 2003 and approved by the Department of the Interior on June 18, 2003 to settle the Lawsuit.

(4) LAWSUIT.—The term ''Lawsuit'' means the case identified as Jicarilla Apache Tribe v. Board of County Commissioners, County of Rio Arriba, No. RA 87–2225(C), State of New Mexico District Court, First Judicial District, filed in October 1987.

(5) RIO ARRIBA COUNTY.—The term ''Rio Arriba County'' means the political subdivision of the state of New Mexico described in Section 4–21–1 and Section 4–21–2, New Mexico Statutes Annotated 1978 (Original Pamphlet).

(6) SETTLEMENT LANDS.—The term ''Settlement Lands'' means Tract A and Tract B as described in the plat of the ''Dependent Resurvey and Survey of Tract within Theis Ranch'' within the Tierra Amarilla Grant, New Mexico prepared by Leo P. Kelley, Cadastral Surveyor, United States Department of the Interior, Bureau of Land Management, dated January 7, 2004, and recorded in the office of the Rio Arriba County Clerk on March 8, 2004, in Cabinet C–1, Page 199, Document No. 242411, consisting of 70.75 acres more or less. Title to the Settlement Lands is held by the United States in trust for the Jicarilla Apache Nation.

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

(8) DISPUTED COUNTY ROAD.—The term ''Disputed County Road'' means the county road passing through the 1988 Reservation Addition along the course identified in the judgment entered by the New Mexico District Court in the Lawsuit on December 10, 2001 and the decision entered on December 11, 2001, which judgment and decision have been appealed to the New Mexico Court of Appeals.

SEC. 2. CONGRESSIONAL FINDINGS.

Congress finds the following:

(1) The Lawsuit is now pending before the Court of Appeals of the State of New Mexico and involves a claim that a county road passing through the 1988 Reservation Addition had been established by prescription prior to acquisition of the land by the Jicarilla Apache Nation in 1985.

(2) The parties to that lawsuit, the Jicarilla Apache Nation and the County of Rio Arriba, have executed a Settlement Agreement, approved by the Secretary of the Interior, to resolve all claims relating to the disputed county road, which agreement requires ratifying legislation by the Congress of the United States.

(3) The parties to the Settlement Agreement desire to settle the claims relating to the disputed county road on the terms agreed to by the parties, and it is in the best interests of the parties to resolve the claims through the Settlement Agreement and this implementing legislation.

SEC. 3. CONDITION ON EFFECT OF SECTION.

(a) IN GENERAL.—Section 4 of this Act shall not take effect until the Secretary finds the following events have occurred:

(1) The Board of Commissioners of Rio Arriba County has enacted a resolution permanently abandoning the disputed county road and has submitted a copy of that resolution to the Secretary.

(2) The Jicarilla Apache Nation has executed a quitclaim deed to Rio Arriba County for the Settlement Lands subject to the exceptions identified in the Settlement Agreement and has submitted a copy of the quitclaim deed to the Secretary.

(b) PUBLICATION OF FINDINGS.—If the Secretary finds that the conditions set forth in subsection (a) have occurred, the Secretary shall publish such findings in the Federal Register.

SEC. 4. RATIFICATION OF CONVEYANCE; ISSUANCE OF PATENT.

(a) CONDITIONAL RATIFICATION AND APPROVAL.—This Act ratifies and approves the Jicarilla Apache Nation's quitclaim deed for the Settlement Lands to Rio Arriba County, but such ratification and approval shall be effective only upon satisfaction of all conditions in section 3, and only as of the date that the Secretary's findings are published in the Federal Register pursuant to section 3.

(b) PATENT.—Following publication of the notice described in section 3, the Secretary shall issue to Rio Arriba County a patent for the Settlement Lands, subject to the exceptions and restrictive covenants described subsection (c).

(c) CONDITIONS OF PATENT.—The patent to be issued by the Secretary under subsection (b) shall be subject to all valid existing rights of third parties, including but not limited to easements of record, and shall include the following perpetual restrictive covenant running with the Settlement Lands for the benefit of the lands comprising the Jicarilla Apache Reservation adjacent to the Settlement Lands: ''Tract A shall be used only for governmental purposes and shall not be used for a prison, jail or other facility for incarcerating persons accused or convicted of a crime. For purposes of this restrictive covenant,'' governmental purposes ''shall include the provision of governmental services to the public by Rio Arriba County and the development and operation of private businesses to the extent permitted by applicable State law.''.

SEC. 5. BOUNDARY CHANGE.

Upon issuance of the patent authorized by section 4, the lands conveyed to Rio Arriba County in the patent shall cease to be a part of the Jicarilla Apache Reservation and the exterior boundary of the Jicarilla Apache Reservation shall be deemed relocated accordingly.

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

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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 resolution under consideration.

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

There was no objection.

Mr. RAHALL. I yield myself such time as I may consume.

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

Mr. RAHALL. Passage of the pending measure will resolve a longstanding dispute between the Jicarilla Apache Nation and the county of Rio Arriba in New Mexico over a disputed road. The tribe and the county have agreed to a settlement which requires the approval of Congress in order to become effective.

Under this settlement agreement, the tribe will transfer 70.5 acres of land located within its expanded 1988 reservation to the county. In exchange, the county will abandon any and all claims to the disputed road.

I would like to commend our colleague from New Mexico for his super leadership and determination, Mr. TOM UDALL, for bringing this bill before us today.

Some of the more difficult and contentious issues that we deal with are those of property lines and jurisdictions of towns, private landowners and Indian tribes. Mr. UDALL has never shied away from such matters when they affect the Indian tribes of New Mexico, and I commend him. I urge my colleagues to support its passage.

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I reserve the balance of my time.

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

H.R. 3522 implements a settlement agreement worked out by the tribe and Rio Arriba County. As a result, the parties resolve a long-lasting litigation by conveying tribal lands to the county for transportation purposes.

I support the settlement along with the administration. I urge my colleagues to do the same thing.

We have no additional speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3522.

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.

TUOLUMNE ME-WUK LAND TRANSFER ACT OF 2008

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3490) to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3490

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 ''Tuolumne Me-Wuk Land Transfer Act of 2008''.

SEC. 2. FINDINGS.

Congress finds that—

(1) the Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, California (referred to in this Act as the ''Tribe''), is a federally recognized Indian tribe;

(2) 3 tracts of Federal lands managed by the Bureau of Land Management are adjacent to the Tuolumne Rancheria of California, a federally recognized Indian Reservation held in trust for the benefit of the Tribe;

(3) one such tract is a cemetery within which are buried the remains of ancestors of the Tribe and other Indians;

(4) another such tract is needed for use by the Tribe for a cultural center and other public uses of the Tribe;

(5) the remaining tract is needed for use by the Tribe for agricultural, housing, and open space needs;

(6) none of the foregoing 3 tracts are to be used by the Tribe for gaming purposes;

(7) certain parcels of lands adjacent to the Tuolumne Rancheria were taken into trust for the benefit of the Tribe; and

(8) 2 parcels of fee lands owned by the Tribe and adjacent to the Tuolumne Rancheria, commonly referred to as the ''Thomas and Coenenburg properties'', have been approved and are pending transfer into trust status by the Bureau of Indian Affairs for the benefit of the Tribe.

SEC. 3. LANDS TO BE TAKEN INTO TRUST.

(a) IN GENERAL.—

(1) FEDERAL LANDS.—Subject to valid existing rights, all right, title, and interest (including improvements and appurtenances) of the United States in and to the Federal lands described in subsection (b), immediately after the Secretary of the Interior has confirmed that the National Environmental Policy Act of 1969 has been complied with regarding the trust acquisition of those Federal lands, the Federal lands shall be declared to be held in trust by the United States for the benefit of the Tribe for nongaming purposes, and shall be subject to the same terms and conditions as those lands described in the California Indian Land Transfer Act of 2000 (title IX, Public Law 106–568; 114 Stat. 2868, 2921).

(2) TRUST LANDS.—Lands described in subsection (c) of this section that are taken or to be taken in trust by the United States for the benefit of the Tribe shall be subject to subsection (c) of section 903 of the California Indian Land Transfer Act of 2000.

(b) FEDERAL LANDS DESCRIBED.—The Federal lands described in this subsection, comprising approximately 66 acres, are as follows:

(1) Township 1 North, Range 16 East, Section 6, Lots 10 and 12, MDM, containing 50.24 acres more or less.

(2) Township 1 North, Range 16 East, Section 5, Lot 16, MDM, containing 15.35 acres more or less.

(3) Township 2 North, Range 16 East, Section 32, Indian Cemetery Reservation within Lot 22, MDM, containing 0.4 acres more or less.

(c) TRUST LANDS DESCRIBED.—The trust lands described in this subsection, comprising approximately 357 acres, are commonly referred to as follows:

(1) Thomas property, pending trust acquisition, 104.50 acres.

(2) Coenenburg property, pending trust acquisition, 192.70 acres, subject to existing easements of record, including but not limited to a non-exclusive easement for ingress and egress for the benefit of adjoining property as conveyed by Easement Deed recorded July 13, 1984, in Volume 755, Pages 189 to 192, and as further defined by Stipulation and Judgment entered by Tuolumne County Superior Court on September 2, 1983, and recorded June 4, 1984, in Volume 751, Pages 61 to 67.

(3) Assessor Parcel No. 620505300, 1.5 acres, trust land.

(4) Assessor Parcel No. 620505400, 19.23 acres, trust land.

(5) Assessor Parcel No. 620505600, 3.46 acres, trust land.

(6) Assessor Parcel No. 620505700, 7.44 acres, trust land.

(7) Assessor Parcel No. 620401700, 0.8 acres, trust land.

(8) A portion of Assessor Parcel No. 620500200, 2.5 acres, trust land.

(9) Assessor Parcel No. 620506200, 24.87 acres, trust land.

(d) SURVEY.—As soon as practicable after the date of the enactment of this Act, the Office of Cadastral Survey of the Bureau of Land Management shall complete fieldwork required for a survey of the lands described in subsections (b) and (c) for the purpose of incorporating those lands within the boundaries of the Tuolumne Rancheria. Not later than 90 days after that fieldwork is completed, that office shall complete the survey.

(e) LEGAL DESCRIPTIONS.—

(1) PUBLICATION.—On approval by the Community Council of the Tribe of the survey completed under subsection (d), the Secretary of the Interior shall publish in the Federal Register—

(A) a legal description of the new boundary lines of the Tuolumne Rancheria; and

(B) a legal description of the land surveyed under subsection (d).

(2) EFFECT.—Beginning on the date on which the legal descriptions are published under paragraph (1), such legal descriptions shall be the official legal descriptions of those boundary lines of the Tuolumne Rancheria and the lands surveyed.

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

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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 resolution under consideration.

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

There was no objection.

Mr. RAHALL. Mr. Speaker, this measure introduced by our colleague from California, GEORGE RADANOVICH, would transfer approximately 66 acres of land from the Bureau of Land Management to the Bureau of Indian Affairs.

This land would be held in trust for the Tuolumne band of Me-Wuk Indians of the Tuolumne Rancheria. The BLM land is adjacent to land held in trust for the tribe or that is owned in fee by the tribe. Included on this land is a cemetery where the tribe has historically buried its ancestors.

Other areas of this land would be used for a cultural center, agricultural activities, housing, and open-space needs. The legislation prohibits these lands from being used for gaming.

In addition, approximately 357 acres of land which the tribe already owns would be deemed to be within the tribe's reservation boundaries.

Essentially, the purpose of this legislation is to make this tribe whole.

I urge my colleagues to support the measure.

I reserve the balance of my time.

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

Mr. Speaker, H.R. 3490 takes 66 acres of Federal land into trust for the tribe's existing reservation for nongaming purposes. In addition, it deems three tracts of adjacent land part of the tribe's reservation in the Sierra Nevada. The tribe will use the lands to alleviate overcrowded housing, to build a cultural center, for agriculture, and for open space. They will also continue to use the land as a cemetery.

Congressman RADANOVICH should be commended for his work on this bill, and I urge my colleagues to join the administration in support of this particular piece of legislation.

I yield back my time.

Mr. RAHALL. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the bill, H.R. 3490, 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.

CHIEF STANDING BEAR

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1043) honoring the life and legacy of Chief Standing Bear, a pioneer in civil rights for Native Americans, on the 100th anniversary of Chief Standing Bear's death.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1043

Whereas Chief Standing Bear was born on Ponca land in what is now Nebraska;

Whereas Chief Standing Bear became chief of the Ponca Tribe at a young age because of his leadership abilities;

Whereas, in 1878, Chief Standing Bear and the Ponca Tribe were forced by a Federal treaty to leave their home for Indian Territory in what is now Oklahoma;

Whereas the hardship of travel, illness, and the inhospitable conditions of Indian Territory caused many members of the tribe to perish including Chief Standing Bear's son;

Whereas Chief Standing Bear, determined to bury his son in his homeland, led 30 members of his tribe back to their home in Nebraska;

Whereas Chief Standing Bear and the 30 members of his tribe were arrested by the Department of the Interior upon their return;

Whereas Chief Standing Bear enlisted the help of Thomas Tibbles of the predecessor to the Omaha World-Herald and 2 attorneys to petition the Federal court to rule on the Ponca Tribe's treatment by the Government;

Whereas, in 1879, the case came before Judge Elmer Dundy;

Whereas Chief Standing Bear, at the conclusion of the court proceedings, extended his hand as he took the oath and said, ''That hand is not the color of yours, but if I pierce it, I shall feel pain. If you pierce your hand, you also feel pain. The blood that will flow from mine will be the same color as yours. I am a man. God made us both'';

Whereas as Judge Dundy ultimately ruled that Native Americans were citizens with all of the rights and freedoms guaranteed by the Constitution;

Whereas the Ponca won their freedom and eventually were able to return to their home in Nebraska;

Whereas Chief Standing Bear would spend the next 4 years touring the Eastern United States promoting Native American rights;

Whereas Chief Standing Bear demonstrated the highest level of courage and determination;

Whereas Chief Standing Bear made a vital contribution to civil rights for Native Americans; and

Whereas 2008 is the 100th anniversary of Chief Standing Bear's death: Now, therefore, be it

Resolved, That the House of Representatives honors the life, legacy, and contributions to civil rights of Chief Standing Bear.

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

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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 resolution under consideration.

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

There was no objection.

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

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

Mr. RAHALL. Chief Standing Bear, a member of the Ponca Tribe of Nebraska, stood against the grains of injustice in the name of his people. His valuable and historic contributions as a Native American leader would be further honored on the 100th anniversary of his death through this resolution.

I would like to commend our colleague from Nebraska (Mr. FORTENBERRY) for sponsoring this resolution that is before us today.

I urge my colleagues to support its passage.

I reserve the balance of my time.

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

H.R. 1043 honors the life and legacy of Chief Standing Bear, a pioneer in civil rights for Native Americans. This resolution also commemorates the 100th anniversary of his death, and I ask my colleagues to join me in honoring Chief Standing Bear.

I reserve the balance of my time.

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

Mr. BISHOP of Utah. Mr. Speaker, I yield as much time as he may consume to the gentleman from Nebraska, the sponsor of this bill, the author of this bill, Mr. FORTENBERRY.

Mr. FORTENBERRY. Mr. Speaker, I would like to begin by thanking the gentleman from West Virginia (Mr. RAHALL) for his assistance in bringing this important resolution to the floor, as well as the distinguished gentleman from Alaska (Mr. YOUNG) for his assistance as well.

Mr. Speaker, I rise in support of this resolution, a measure I introduced earlier this year to honor the life and legacy of Chief Standing Bear. His plea for justice and human decency challenged the heart of our Nation, yet his poignant story as one of America's earliest civil rights leaders remains largely unknown.

2008 is the 100th anniversary of Chief Standing Bear's death. It is fitting that we honor this anniversary, that generations of Americans will know his life and his legacy.

Standing Bear was born in the Niobrara River Valley, in what is now Nebraska, in 1834. An individual of exceptional talent and ability, he became chief of the Ponca Tribe at a young age. In 1877, the Ponca people were forced by treaty to relocate from their home in Nebraska to the Indian territory of Oklahoma. The hardship of this 500-mile journey on foot, illnesses, as well as the harsh living conditions in Oklahoma, caused the death of many members of the tribe, including Chief Standing Bear's son.

Committed to a promise he made to his son to return him to their Niobrara homeland for burial, Chief Standing Bear left for Nebraska with all who would follow him. Upon their return, the Chief and 30 of his fellow Ponca Tribe members were arrested by the Department of Interior in Omaha.

With the assistance of Omaha attorneys, John Webster and A.J. Poppleton, and frontier newsman, Thomas Tibbles, who worked for the predecessor to our current newspaper in Omaha, the Omaha World-Herald, Chief Standing Bear petitioned the Federal courts for relief from the unjust Federal treatment of the Ponca Tribe.

In 1879, the case came before U.S. District Court Judge Elmer Dundy. At the conclusion of his testimony, Chief Standing Bear raised his hand and he spoke these words: ''That hand is not the color of yours,'' he said. ''But if I pierce it, I shall feel pain. If you pierce your hand, you will also feel pain. The blood that will flow from mine will be the same color as yours. I am a man. God made us both.''

The wisdom and dignity in Standing Bear's words were not lost on Judge Dundy who ruled that Native Americans are, in fact, citizens endowed with all of the rights and all of the freedoms guaranteed by the United States Constitution. Through the steadfast efforts of Chief Standing Bear and caring Nebraskans, the Ponca won their freedom and the right to return to their Nebraska homeland on the Niobrara where Chief Standing Bear declared, ''Here we will live, and here we will die.''

Chief Standing Bear would spend the next 4 years touring the United States advocating for Native Americans' civil rights and inspiring a generation. Then he returned to his home near the mouth of Niobrara, farmed his land, and died there a quarter century later in 1908.

Mr. Speaker, the courage and determination of Chief Standing Bear have earned him a place in our civil rights history. His example is an inspiration for all those engaged in the advancement of civil rights, of human rights.

I want to thank all of my colleagues in the House who have been supportive of bringing this resolution to the floor so that we can rightly honor this great man, Chief Standing Bear.

Mr. RAHALL. Mr. Speaker, I have no further requests for time. I am prepared to yield back.

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

Mr. RAHALL. I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and agree to the resolution, H. Res. 1043.

The question was taken; and (two-thirds being in the affirmative) the

rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONSOLIDATED NATURAL RESOURCES ACT OF 2008

Mr. RAHALL. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2739) to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2739

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 ''Consolidated Natural Resources Act of 2008''.

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

Sec. 1. Short title; table of contents.

TITLE I—FOREST SERVICE AUTHORIZATIONS

Sec. 101. Wild Sky Wilderness.
Sec. 102. Designation of national recreational trail, Willamette National Forest, Oregon, in honor of Jim Weaver, a former Member of the House of Representatives.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

Sec. 201. Piedras Blancas Historic Light Station.
Sec. 202. Jupiter Inlet Lighthouse Outstanding Natural Area.
Sec. 203. Nevada National Guard land conveyance, Clark County, Nevada.

TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Cooperative Agreements

Sec. 301. Cooperative agreements for national park natural resource protection.

Subtitle B—Boundary Adjustments and Authorizations

Sec. 311. Carl Sandburg Home National Historic Site boundary adjustment.
Sec. 312. Lowell National Historical Park boundary adjustment.
Sec. 313. Minidoka National Historic Site.
Sec. 314. Acadia National Park improvement.

Subtitle C—Studies

Sec. 321. National Park System special resource study, Newtonia Civil War Battlefields, Missouri.
Sec. 322. National Park Service study regarding the Soldiers' Memorial Military Museum.
Sec. 323. Wolf House study.
Sec. 324. Space Shuttle Columbia study.
Sec. 325. César E. Chávez study.
Sec. 326. Taunton, Massachusetts, special resource study.
Sec. 327. Rim of the Valley Corridor study.

Subtitle D—Memorials, Commissions, and Museums

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TITLE I—FOREST SERVICE AUTHORIZATIONS

SEC. 101. WILD SKY WILDERNESS.

(a) ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.—

(1) ADDITIONS.—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled ''Wild Sky Wilderness Proposal'' and dated February 6, 2007, which shall be known as the ''Wild Sky Wilderness''.

(2) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this section with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The map and description shall have the same force and effect as if included in this section, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

(b) ADMINISTRATION PROVISIONS.—

(1) IN GENERAL.—

(A) Subject to valid existing rights, lands designated as wilderness by this section shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this section, except that, with respect to any wilderness areas designated by this section, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(B) To fulfill the purposes of this section and the Wilderness Act and to achieve administrative efficiencies, the Secretary of Agriculture may manage the area designated by this section as a comprehensive part of the larger complex of adjacent and nearby wilderness areas.

(2) NEW TRAILS.—

(A) The Secretary of Agriculture shall consult with interested parties and shall establish a trail plan for Forest Service lands in order to develop—

(i) a system of hiking and equestrian trails within the wilderness designated by this section in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(ii) a system of trails adjacent to or to provide access to the wilderness designated by this section.

(B) Within 2 years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the trail plan required under this section. This report shall include the identification of priority trails for development.

(3) REPEATER SITE.—Within the Wild Sky Wilderness, the Secretary of Agriculture is authorized to use helicopter access to construct and maintain a joint Forest Service and Snohomish County telecommunications repeater site, in compliance with a Forest Service approved communications site plan, for the purposes of improving communications for safety, health, and emergency services.

(4) FLOAT PLANE ACCESS.—As provided by section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the use of floatplanes on Lake Isabel, where such use has already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture determines to be desirable.

(5) EVERGREEN MOUNTAIN LOOKOUT.—The designation under this section shall not preclude the operation and maintenance of the existing Evergreen Mountain Lookout in the same manner and degree in which the operation and maintenance of such lookout was occurring as of the date of enactment of this Act.

(c) AUTHORIZATION FOR LAND ACQUISITION.—

(1) IN GENERAL.—The Secretary of Agriculture is authorized to acquire lands and interests therein, by purchase, donation, or exchange, and shall give priority consideration to those lands identified as ''Priority Acquisition Lands'' on the map described in subsection (a)(1). The boundaries of the Mt. Baker-Snoqualmie National Forest and the Wild Sky Wilderness shall be adjusted to encompass any lands acquired pursuant to this section.

(2) ACCESS.—Consistent with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary of Agriculture shall ensure adequate access to private inholdings within the Wild Sky Wilderness.

(3) APPRAISAL.—Valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area as a result of this section.

(d) LAND EXCHANGES.—The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a map entitled ''Chelan County Public Utility District Exchange'' and dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

(1) If the Chelan County Public Utility District, within 90 days after the date of enactment of this Act, offers to the Secretary of Agriculture approximately 371.8 acres within the Mt. Baker-Snoqualmie National Forest in the State of Washington, the Secretary shall accept such lands.

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of the date of enactment of this Act, to maintain an existing telemetry site to monitor snow pack on 1.82 acres on the Wenatchee National Forest in the State of Washington.

(3) The exchange directed by this section shall be consummated if Chelan County Public Utility District conveys title acceptable to the Secretary and provided there is no hazardous material on the site, which is objectionable to the Secretary.

(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a telemetry site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the Secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

SEC. 102. DESIGNATION OF NATIONAL RECREATIONAL TRAIL, WILLAMETTE NATIONAL FOREST, OREGON, IN HONOR OF JIM WEAVER, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

(a) DESIGNATION.—Forest Service trail number 3590 in the Willamette National Forest in Lane County, Oregon, which is a 19.6 mile trail that begins and ends at North Waldo Campground and circumnavigates Waldo Lake, is hereby designated as a national recreation trail under section 4 of the National Trails System Act (16 U.S.C. 1243) and shall be known as the ''Jim Weaver Loop Trail''.

(b) INTERPRETIVE SIGN.—Using funds available for the Forest Service, the Secretary of Agriculture shall prepare, install, and maintain an appropriate sign at the trailhead of the Jim Weaver Loop Trail to indicate the name of the trail and to provide information regarding the life and career of Congressman Jim Weaver.

TITLE II—BUREAU OF LAND MANAGEMENT AUTHORIZATIONS

SEC. 201. PIEDRAS BLANCAS HISTORIC LIGHT STATION.

(a) DEFINITIONS.—In this section:

(1) LIGHT STATION.—The term ''Light Station'' means Piedras Blancas Light Station.

(2) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Piedras Blancas Historic Light Station Outstanding Natural Area established pursuant to subsection (c).

(3) PUBLIC LANDS.—The term ''public lands'' has the meaning stated in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1703(e)).

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

(b) FINDINGS.—Congress finds as follows:

(1) The publicly owned Piedras Blancas Light Station has nationally recognized historical structures that should be preserved for present and future generations.

(2) The coastline adjacent to the Light Station is internationally recognized as having significant wildlife and marine habitat that provides critical information to research institutions throughout the world.

(3) The Light Station tells an important story about California's coastal prehistory and history in the context of the surrounding region and communities.

(4) The coastal area surrounding the Light Station was traditionally used by Indian people, including the Chumash and Salinan Indian tribes.

(5) The Light Station is historically associated with the nearby world-famous Hearst Castle (Hearst San Simeon State Historical Monument), now administered by the State of California.

(6) The Light Station represents a model partnership where future management can be successfully accomplished among the Federal Government, the State of California, San Luis Obispo County, local communities, and private groups.

(7) Piedras Blancas Historic Light Station Outstanding Natural Area would make a significant addition to the National Landscape Conservation System administered by the Department of the Interior's Bureau of Land Management.

(8) Statutory protection is needed for the Light Station and its surrounding Federal lands to ensure that it remains a part of our historic, cultural, and natural heritage and to be a source of inspiration for the people of the United States.

(c) DESIGNATION OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—In order to protect, conserve, and enhance for the benefit and enjoyment of present and future generations the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of certain lands in and around the Piedras Blancas Light Station, in San Luis Obispo County, California, while allowing certain recreational and research activities to continue, there is established, subject to valid existing rights, the Piedras Blancas Historic Light Station Outstanding Natural Area.

(2) MAPS AND LEGAL DESCRIPTIONS.—The boundaries of the Outstanding Natural Area as those shown on the map entitled ''Piedras Blancas Historic Light Station: Outstanding Natural Area'', dated May 5, 2004, which shall be on file and available for public inspection in the Office of the Director, Bureau of Land Management, United States Department of the Interior, and the State office of the Bureau of Land Management in the State of California.

(3) BASIS OF MANAGEMENT.—The Secretary shall manage the Outstanding Natural Area as part of the National Landscape Conservation System to protect the resources of the area, and shall allow only those uses that further the purposes for the establishment of the Outstanding Natural Area, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable laws.

(4) WITHDRAWAL.—Subject to valid existing rights, and in accordance with the existing withdrawal as set forth in Public Land Order 7501 (Oct. 12, 2001, Vol. 66, No. 198, Federal Register 52149), the Federal lands and interests in lands included within the Outstanding Natural Area are hereby withdrawn from—

(A) all forms of entry, appropriation, or disposal under the public land laws;

(B) location, entry, and patent under the public land mining laws; and

(C) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(d) MANAGEMENT OF THE PIEDRAS BLANCAS HISTORIC LIGHT STATION OUTSTANDING NATURAL AREA.—

(1) IN GENERAL.—The Secretary shall manage the Outstanding Natural Area in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of that area, including an emphasis on preserving and restoring the Light Station facilities, consistent with the requirements of subsection (c)(3).

(2) USES.—Subject to valid existing rights, the Secretary shall only allow such uses of the Outstanding Natural Area as the Secretary finds are likely to further the purposes for which the Outstanding Natural Area is established as set forth in subsection (c)(1).

(3) MANAGEMENT PLAN.—Not later than 3 years after of the date of enactment of this Act, the Secretary shall complete a comprehensive management plan consistent with the requirements of section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to provide long-term management guidance for the public lands within the Outstanding Natural Area and fulfill the purposes for which it is established, as set forth in subsection (c)(1). The management plan shall be developed in consultation with appropriate Federal, State, and local government agencies, with full public participation, and the contents shall include—

(A) provisions designed to ensure the protection of the resources and values described in subsection (c)(1);

(B) objectives to restore the historic Light Station and ancillary buildings;

(C) an implementation plan for a continuing program of interpretation and public education about the Light Station and its importance to the surrounding community;

(D) a proposal for minimal administrative and public facilities to be developed or improved at a level compatible with achieving the resources objectives for the Outstanding Natural Area as described in paragraph (1) and with other proposed management activities to accommodate visitors and researchers to the Outstanding Natural Area; and

(E) cultural resources management strategies for the Outstanding Natural Area, prepared in consultation with appropriate departments of the State of California, with emphasis on the preservation of the resources of the Outstanding Natural Area and the interpretive, education, and long-term scientific uses of the resources, giving priority to the enforcement of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa et seq.) and the National Historic Preservation Act (16 U.S.C. 470 et seq.) within the Outstanding Natural Area.

(4) COOPERATIVE AGREEMENTS.—In order to better implement the management plan and to continue the successful partnerships with the local communities and the Hearst San Simeon State Historical Monument, administered by the California Department of Parks and Recreation, the Secretary may enter into cooperative agreements with the appropriate Federal, State, and local agencies pursuant to section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)).

(5) RESEARCH ACTIVITIES.—In order to continue the successful partnership with research organizations and agencies and to assist in the development and implementation of the management plan, the Secretary may authorize within the Outstanding Natural Area appropriate research activities for the purposes identified in subsection (c)(1) and pursuant to section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)).

(6) ACQUISITION.—State and privately held lands or interests in lands adjacent to the Outstanding Natural Area and identified as appropriate for acquisition in the management plan may be acquired by the Secretary as part of the Outstanding Natural Area only by—

(A) donation;

(B) exchange with a willing party; or

(C) purchase from a willing seller.

(7) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any lands or interest in lands adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act shall be added to and administered as part of the Outstanding Natural Area.

(8) OVERFLIGHTS.—Nothing in this section or the management plan shall be construed to—

(A) restrict or preclude overflights, including low level overflights, military, commercial, and general aviation overflights that can be seen or heard within the Outstanding Natural Area;

(B) restrict or preclude the designation or creation of new units of special use airspace or the establishment of military flight training routes over the Outstanding Natural Area; or

(C) modify regulations governing low-level overflights above the adjacent Monterey Bay National Marine Sanctuary.

(9) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section shall be construed to preclude or otherwise affect coastal border security operations or other law enforcement activities by the Coast Guard or other agencies within the Department of Homeland Security, the Department of Justice, or any other Federal, State, and local law enforcement agencies within the Outstanding Natural Area.

(10) NATIVE AMERICAN USES AND INTERESTS.—In recognition of the past use of the Outstanding Natural Area by Indians and Indian tribes for traditional cultural and religious purposes, the Secretary shall ensure access to the Outstanding Natural Area by Indians and Indian tribes for such traditional cultural and religious purposes. In implementing this subsection, the Secretary, upon the request of an Indian tribe or Indian religious community, shall temporarily close to the general public use of one or more specific portions of the Outstanding Natural Area in order to protect the privacy of traditional cultural and religious activities in such areas by the Indian tribe or Indian religious community. Any such closure shall be made to affect the smallest practicable area for the minimum period necessary for such purposes. Such access shall be consistent with the purpose and intent of Public Law 95–341 (42 U.S.C. 1996 et seq.; commonly referred to as the ''American Indian Religious Freedom Act'').

(11) NO BUFFER ZONES.—The designation of the Outstanding Natural Area is not intended to lead to the creation of protective perimeters or buffer zones around area. The fact that activities outside the Outstanding Natural Area and not consistent with the purposes of this section can be seen or heard within the Outstanding Natural Area shall not, of itself, preclude such activities or uses up to the boundary of the Outstanding Natural Area.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 202. JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.

(a) DEFINITIONS.—In this section:

(1) COMMANDANT.—The term ''Commandant'' means the Commandant of the Coast Guard.

(2) LIGHTHOUSE.—The term ''Lighthouse'' means the Jupiter Inlet Lighthouse located in Palm Beach County, Florida.

(3) LOCAL PARTNERS.—The term ''Local Partners'' includes—

(A) Palm Beach County, Florida;

(B) the Town of Jupiter, Florida;

(C) the Village of Tequesta, Florida; and

(D) the Loxahatchee River Historical Society.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the management plan developed under subsection (c)(1).

(5) MAP.—The term ''map'' means the map entitled ''Jupiter Inlet Lighthouse Outstanding Natural Area'' and dated October 29, 2007.

(6) OUTSTANDING NATURAL AREA.—The term ''Outstanding Natural Area'' means the Jupiter Inlet Lighthouse Outstanding Natural Area established by subsection (b)(1).

(7) PUBLIC LAND.—The term ''public land'' has the meaning given the term ''public lands'' in section 103(e) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(e)).

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

(9) STATE.—The term ''State'' means the State of Florida.

(b) ESTABLISHMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) ESTABLISHMENT.—Subject to valid existing rights, there is established for the purposes described in paragraph (2) the Jupiter Inlet Lighthouse Outstanding Natural Area, the boundaries of which are depicted on the map.

(2) PURPOSES.—The purposes of the Outstanding Natural Area are to protect, conserve, and enhance the unique and nationally important historic, natural, cultural, scientific, educational, scenic, and recreational values of the Federal land surrounding the Lighthouse for the benefit of present generations and future generations of people in the United States, while—

(A) allowing certain recreational and research activities to continue in the Outstanding Natural Area; and

(B) ensuring that Coast Guard operations and activities are unimpeded within the boundaries of the Outstanding Natural Area.

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in appropriate offices of the Bureau of Land Management.

(4) WITHDRAWAL.—

(A) IN GENERAL.—Subject to valid existing rights, subsection (e), and any existing withdrawals under the Executive orders and public land order described in subparagraph (B), the Federal land and any interests in the Federal land included in the Outstanding Natural Area are withdrawn from—

(i) all forms of entry, appropriation, or disposal under the public land laws;

(ii) location, entry, and patent under the mining laws; and

(iii) operation of the mineral leasing and geothermal leasing laws and the mineral materials laws.

(B) DESCRIPTION OF EXECUTIVE ORDERS.—The Executive orders and public land order described in subparagraph (A) are—

(i) the Executive Order dated October 22, 1854;

(ii) Executive Order No. 4254 (June 12, 1925); and

(iii) Public Land Order No. 7202 (61 Fed. Reg. 29758).

(c) MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary, in consultation with the Commandant, shall develop a comprehensive management plan in accordance with section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) to—

(A) provide long-term management guidance for the public land in the Outstanding Natural Area; and

(B) ensure that the Outstanding Natural Area fulfills the purposes for which the Outstanding Natural Area is established.

(2) CONSULTATION; PUBLIC PARTICIPATION.—The management plan shall be developed—

(A) in consultation with appropriate Federal, State, county, and local government agencies, the Commandant, the Local Partners, and other partners; and

(B) in a manner that ensures full public participation.

(3) EXISTING PLANS.—The management plan shall, to the maximum extent practicable, be consistent with existing resource plans, policies, and programs.

(4) INCLUSIONS.—The management plan shall include—

(A) objectives and provisions to ensure—

(i) the protection and conservation of the resource values of the Outstanding Natural Area; and

(ii) the restoration of native plant communities and estuaries in the Outstanding Natural Area, with an emphasis on the conservation and enhancement of healthy, functioning ecological systems in perpetuity;

(B) objectives and provisions to maintain or recreate historic structures;

(C) an implementation plan for a program of interpretation and public education about the natural and cultural resources of the Lighthouse, the public land surrounding the Lighthouse, and associated structures;

(D) a proposal for administrative and public facilities to be developed or improved that—

(i) are compatible with achieving the resource objectives for the Outstanding Natural Area described in subsection (d)(1)(A)(ii); and

(ii) would accommodate visitors to the Outstanding Natural Area;

(E) natural and cultural resource management strategies for the Outstanding Natural Area, to be developed in consultation with appropriate departments of the State, the Local Partners, and the Commandant, with an emphasis on resource conservation in the Outstanding Natural Area and the interpretive, educational, and long-term scientific uses of the resources; and

(F) recreational use strategies for the Outstanding Natural Area, to be prepared in consultation with the Local Partners, appropriate departments of the State, and the Coast Guard, with an emphasis on passive recreation.

(5) INTERIM PLAN.—Until a management plan is adopted for the Outstanding Natural Area, the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) shall be in effect.

(d) MANAGEMENT OF THE JUPITER INLET LIGHTHOUSE OUTSTANDING NATURAL AREA.—

(1) MANAGEMENT.—

(A) IN GENERAL.—The Secretary, in consultation with the Local Partners and the Commandant, shall manage the Outstanding Natural Area—

(i) as part of the National Landscape Conservation System;

(ii) in a manner that conserves, protects, and enhances the unique and nationally important historical, natural, cultural, scientific, educational, scenic, and recreational values of the Outstanding Natural Area, including an emphasis on the restoration of native ecological systems; and

(iii) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and other applicable laws.

(B) LIMITATION.—In managing the Outstanding Natural Area, the Secretary shall not take any action that precludes, prohibits, or otherwise affects the conduct of ongoing or future Coast Guard operations or activities on lots 16 and 18, as depicted on the map.

(2) USES.—Subject to valid existing rights and subsection (e), the Secretary shall only allow uses of the Outstanding Natural Area that the Secretary, in consultation with the Commandant and Local Partners, determines would likely further the purposes for which the Outstanding Natural Area is established.

(3) COOPERATIVE AGREEMENTS.—To facilitate implementation of the management plan and to continue the successful partnerships with local communities and other partners, the Secretary may, in accordance with section 307(b) of the Federal Land Management Policy and Management Act of 1976 (43 U.S.C. 1737(b)), enter into cooperative agreements with the appropriate Federal, State, county, other local government agencies, and other partners (including the Loxahatchee River Historical Society) for the long-term management of the Outstanding Natural Area.

(4) RESEARCH ACTIVITIES.—To continue successful research partnerships, pursue future research partnerships, and assist in the development and implementation of the management plan, the Secretary may, in accordance with section 307(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(a)), authorize the conduct of appropriate research activities in the Outstanding Natural Area for the purposes described in subsection (b)(2).

(5) ACQUISITION OF LAND.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may acquire for inclusion in the Outstanding Natural Area any State or private land or any interest in State or private land that is—

(i) adjacent to the Outstanding Natural Area; and

(ii) identified in the management plan as appropriate for acquisition.

(B) MEANS OF ACQUISITION.—Land or an interest in land may be acquired under subparagraph (A) only by donation, exchange, or purchase from a willing seller with donated or appropriated funds.

(C) ADDITIONS TO THE OUTSTANDING NATURAL AREA.—Any land or interest in land adjacent to the Outstanding Natural Area acquired by the United States after the date of enactment of this Act under subparagraph (A) shall be added to, and administered as part of, the Outstanding Natural Area.

(6) LAW ENFORCEMENT ACTIVITIES.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including any updates or amendments to the Jupiter Inlet Coordinated Resource Management Plan) precludes, prohibits, or otherwise affects—

(A) any maritime security, maritime safety, or environmental protection mission or activity of the Coast Guard;

(B) any border security operation or law enforcement activity by the Department of Homeland Security or the Department of Justice; or

(C) any law enforcement activity of any Federal, State, or local law enforcement agency in the Outstanding Natural Area.

(7) FUTURE DISPOSITION OF COAST GUARD FACILITIES.—If the Commandant determines, after the date of enactment of this Act, that Coast Guard facilities within the Outstanding Natural Area exceed the needs of the Coast Guard, the Commandant may relinquish the facilities to the Secretary without removal, subject only to any environmental remediation that may be required by law.

(e) EFFECT ON ONGOING AND FUTURE COAST GUARD OPERATIONS.—Nothing in this section, the management plan, or the Jupiter Inlet Coordinated Resource Management Plan (including updates or amendments to the Jupiter Inlet Coordinated Resource Management

Plan) precludes, prohibits, or otherwise affects ongoing or future Coast Guard operations or activities in the Outstanding Natural Area, including—

(1) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the Coast Guard High Frequency antenna site on lot 16;

(2) the continued and future operation of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the military family housing area on lot 18;

(3) the continued and future use of, access to, maintenance of, and, as may be necessitated for Coast Guard missions, the expansion, enhancement, or replacement of, the pier on lot 18;

(4) the existing lease of the Jupiter Inlet Lighthouse on lot 18 from the Coast Guard to the Loxahatchee River Historical Society; or

(5) any easements or other less-than-fee interests in property appurtenant to existing Coast Guard facilities on lots 16 and 18.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 203. NEVADA NATIONAL GUARD LAND CONVEYANCE, CLARK COUNTY, NEVADA.

(a) IN GENERAL.—Notwithstanding any other provision of law, Clark County, Nevada, may convey, without consideration, to the Nevada Division of State Lands for use by the Nevada National Guard approximately 51 acres of land in Clark County, Nevada, as generally depicted on the map entitled ''Southern Nevada Readiness Center Act'' and dated October 4, 2005.

(b) LIMITATION.—If the land described in subsection (a) ceases to be used by the Nevada National Guard, the land shall revert to Clark County, Nevada, for management in accordance with the Southern Nevada Public Land Management Act of 1998 (Public Law 105–263; 112 Stat. 2343).

TITLE III—NATIONAL PARK SERVICE AUTHORIZATIONS

Subtitle A—Cooperative Agreements

SEC. 301. COOPERATIVE AGREEMENTS FOR NATIONAL PARK NATURAL RESOURCE PROTECTION.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') may enter into cooperative agreements with State, local, or tribal governments, other Federal agencies, other public entities, educational institutions, private nonprofit organizations, or participating private landowners for the purpose of protecting natural resources of units of the National Park System through collaborative efforts on land inside and outside of National Park System units.

(b) TERMS AND CONDITIONS.—A cooperative agreement entered into under subsection (a) shall provide clear and direct benefits to park natural resources and—

(1) provide for—

(A) the preservation, conservation, and restoration of coastal and riparian systems, watersheds, and wetlands;

(B) preventing, controlling, or eradicating invasive exotic species that are within a unit of the National Park System or adjacent to a unit of the National Park System; or

(C) restoration of natural resources, including native wildlife habitat or ecosystems;

(2) include a statement of purpose demonstrating how the agreement will—

(A) enhance science-based natural resource stewardship at the unit of the National Park System; and

(B) benefit the parties to the agreement;

(3) specify any staff required and technical assistance to be provided by the Secretary or other parties to the agreement in support of activities inside and outside the unit of the National Park System that will—

(A) protect natural resources of the unit of the National Park System; and

(B) benefit the parties to the agreement;

(4) identify any materials, supplies, or equipment and any other resources that will be contributed by the parties to the agreement or by other Federal agencies;

(5) describe any financial assistance to be provided by the Secretary or the partners to implement the agreement;

(6) ensure that any expenditure by the Secretary pursuant to the agreement is determined by the Secretary to support the purposes of natural resource stewardship at a unit of the National Park System; and

(7) include such other terms and conditions as are agreed to by the Secretary and the other parties to the agreement.

(c) LIMITATIONS.—The Secretary shall not use any funds associated with an agreement entered into under subsection (a) for the purposes of land acquisition, regulatory activity, or the development, maintenance, or operation of infrastructure, except for ancillary support facilities that the Secretary determines to be necessary for the completion of projects or activities identified in the agreement.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle B—Boundary Adjustments and Authorizations

SEC. 311. CARL SANDBURG HOME NATIONAL HISTORIC SITE BOUNDARY ADJUSTMENT.

(a) DEFINITIONS.—In this section:

(1) HISTORIC SITE.—The term ''Historic Site'' means Carl Sandburg Home National Historic Site.

(2) MAP.—The term ''map'' means the map entitled ''Sandburg Center Alternative'' numbered 445/80,017 and dated April 2007.

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

(b) ACQUISITION AUTHORITY.—The Secretary may acquire from willing sellers by donation, purchase with donated or appropriated funds, or exchange not more than 110 acres of land, water, or interests in land and water, within the area depicted on the map, to be added to the Historic Site.

(c) VISITOR CENTER.—To preserve the historic character and landscape of the site, the Secretary may also acquire up to five acres for the development of a visitor center and visitor parking area adjacent to or in the general vicinity of the Historic Site.

(d) BOUNDARY REVISION.—Upon acquisition of any land or interest in land under this section, the Secretary shall revise the boundary of the Historic Site to reflect the acquisition.

(e) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(f) ADMINISTRATION.—Land added to the Historic Site by this section shall be administered as part of the Historic Site in accordance with applicable laws and regulations.

SEC. 312. LOWELL NATIONAL HISTORICAL PARK BOUNDARY ADJUSTMENT.

The Act entitled ''An Act to provide for the establishment of the Lowell National Historical Park in the Commonwealth of Massachusetts, and for other purposes'' approved June 5, 1978 (Public Law 95–290; 92 Stat. 290; 16 U.S.C. 410cc et seq.) is amended as follows:

(1) In section 101(a), by adding a new paragraph after paragraph (2) as follows:

''(3) The boundaries of the park are modified to include five parcels of land identified on the map entitled 'Boundary Adjustment, Lowell National Historical Park,' numbered 475/81,424B and dated September 2004, and as delineated in section 202(a)(2)(G).''.

(2) In section 202(a)(2), by adding at the end the following new subparagraph:

''(G) The properties shown on the map identified in subsection (101)(a)(3) as follows:

''(i) 91 Pevey Street.

''(ii) The portion of 607 Middlesex Place.

''(iii) Eagle Court.

''(iv) The portion of 50 Payne Street.

''(v) 726 Broadway.''.

SEC. 313. MINIDOKA NATIONAL HISTORIC SITE.

(a) DEFINITIONS.—In this section:

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

(2) STATE.—The term ''State'' means the State of Idaho.

(b) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—

(1) BOUNDARY ADJUSTMENT.—

(A) IN GENERAL.—The boundary of the Minidoka Internment National Monument, located in the State and established by Presidential Proclamation 7395 of January 17, 2001, is adjusted to include the Nidoto Nai Yoni (''Let it not happen again'') memorial (referred to in this subsection as the ''memorial''), which—

(i) commemorates the Japanese Americans of Bainbridge Island, Washington, who were the first to be forcibly removed from their homes and relocated to internment camps during World War II under Executive Order No. 9066; and

(ii) consists of approximately 8 acres of land owned by the City of Bainbridge Island, Washington, as depicted on the map entitled ''Bainbridge Island Japanese American Memorial'', numbered 194/80,003, and dated September, 2006.

(B) MAP.—The map referred to in subparagraph (A) shall be kept on file and made available for public inspection in the appropriate offices of the National Park Service.

(2) ADMINISTRATION OF MEMORIAL.—

(A) IN GENERAL.—The memorial shall be administered as part of the Minidoka Internment National Monument.

(B) AGREEMENTS.—To carry out this subsection, the Secretary may enter into agreements with—

(i) the City of Bainbridge Island, Washington;

(ii) the Bainbridge Island Metropolitan Park and Recreational District;

(iii) the Bainbridge Island Japanese American Community Memorial Committee;

(iv) the Bainbridge Island Historical Society; and

(v) other appropriate individuals or entities.

(C) IMPLEMENTATION.—To implement an agreement entered into under this paragraph, the Secretary may—

(i) enter into a cooperative management agreement relating to the operation and maintenance of the memorial with the City of Bainbridge Island, Washington, in accordance with section 3(l) of Public law 91–383 (16 U.S.C. 1a–2(l)); and

(ii) enter into cooperative agreements with, or make grants to, the City of Bainbridge Island, Washington, and other non-Federal entities for the development of facilities, infrastructure, and interpretive media at the memorial, if any Federal funds provided by a grant or through a cooperative agreement are matched with non-Federal funds.

(D) ADMINISTRATION AND VISITOR USE SITE.—The Secretary may operate and maintain a site in the State of Washington for administrative and visitor use purposes associated with the Minidoka Internment National Monument.

(c) ESTABLISHMENT OF MINIDOKA NATIONAL HISTORIC SITE.—

(1) DEFINITIONS.—In this section:

(A) HISTORIC SITE.—The term ''Historic Site'' means the Minidoka National Historic Site established by paragraph (2)(A).

(B) MINIDOKA MAP.—The term ''Minidoka Map'' means the map entitled ''Minidoka National Historic Site, Proposed Boundary Map'', numbered 194/80,004, and dated December 2006.

(2) ESTABLISHMENT.—

(A) NATIONAL HISTORIC SITE.—In order to protect, preserve, and interpret the resources associated with the former Minidoka Relocation Center where Japanese Americans were incarcerated during World War II, there is established the Minidoka National Historic Site.

(B) MINIDOKA INTERNMENT NATIONAL MONUMENT.—

(i) IN GENERAL.—The Minidoka Internment National Monument (referred to in this subsection as the ''Monument)'', as described in Presidential Proclamation 7395 of January 17, 2001, is abolished.

(ii) INCORPORATION.—The land and any interests in the land at the Monument are incorporated within, and made part of, the Historic Site.

(iii) FUNDS.—Any funds available for purposes of the Monument shall be available for the Historic Site.

(C) REFERENCES.—Any reference in a law (other than in this title), map, regulation, document, record, or other paper of the United States to the ''Minidoka Internment National Monument'' shall be considered to be a reference to the ''Minidoka National Historic Site''.

(3) BOUNDARY OF HISTORIC SITE.—

(A) BOUNDARY.—The boundary of the Historic Site shall include—

(i) approximately 292 acres of land, as depicted on the Minidoka Map; and

(ii) approximately 8 acres of land, as described in subsection (b)(1)(A)(ii).

(B) AVAILABILITY OF MAP.—The Minidoka Map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(4) LAND TRANSFERS AND ACQUISITION.—

(A) TRANSFER FROM BUREAU OF RECLAMATION.—Administrative jurisdiction over the land identified on the Minidoka Map as ''BOR parcel 1'' and ''BOR parcel 2'', including any improvements on, and appurtenances to, the parcels, is transferred from the Bureau of Reclamation to the National Park Service for inclusion in the Historic Site.

(B) TRANSFER FROM BUREAU OF LAND MANAGEMENT.—Administrative jurisdiction over the land identified on the Minidoka Map as ''Public Domain Lands'' is transferred from the Bureau of Land Management to the National Park Service for inclusion in the Historic Site, and the portions of any prior Secretarial orders withdrawing the land are revoked.

(C) ACQUISITION AUTHORITY.—The Secretary may acquire any land or interest in land located within the boundary of the Historic Site, as depicted on the Minidoka Map, by—

(i) donation;

(ii) purchase with donated or appropriated funds from a willing seller; or

(iii) exchange.

(5) ADMINISTRATION.—

(A) IN GENERAL.—The Historic Site shall be administered in accordance with—

(i) this Act; and

(ii) laws (including regulations) generally applicable to units of the National Park System, including—

(I) the National Park Service Organic Act (16 U.S.C. 1 et seq.); and

(II) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(B) INTERPRETATION AND EDUCATION.—

(i) IN GENERAL.—The Secretary shall interpret—

(I) the story of the relocation of Japanese Americans during World War II to the Minidoka Relocation Center and other centers across the United States;

(II) the living conditions of the relocation centers;

(III) the work performed by the internees at the relocation centers; and

(IV) the contributions to the United States military made by Japanese Americans who had been interned.

(ii) ORAL HISTORIES.—To the extent feasible, the collection of oral histories and testimonials from Japanese Americans who were confined shall be a part of the interpretive program at the Historic Site.

(iii) COORDINATION.—The Secretary shall coordinate the development of interpretive and educational materials and programs for the Historic Site with the Manzanar National Historic Site in the State of California.

(C) BAINBRIDGE ISLAND JAPANESE AMERICAN MEMORIAL.—The Bainbridge Island Japanese American Memorial shall be administered in accordance with subsection (b)(2).

(D) CONTINUED AGRICULTURAL USE.—In keeping with the historical use of the land following the decommission of the Minidoka Relocation Center, the Secretary may issue a special use permit or enter into a lease to allow agricultural uses within the Historic Site under appropriate terms and conditions, as determined by the Secretary.

(6) DISCLAIMER OF INTEREST IN LAND.—

(A) IN GENERAL.—The Secretary may issue to Jerome County, Idaho, a document of disclaimer of interest in land for the parcel identified as ''Tract No. 2''—

(i) in the final order of condemnation, for the case numbered 2479, filed on January 31, 1947, in the District Court of the United States, in and for the District of Idaho, Southern Division; and

(ii) on the Minidoka Map.

(B) PROCESS.—The Secretary shall issue the document of disclaimer of interest in land under subsection (a) in accordance with section 315(b) of Federal Land Policy and Management Act of 1976 (43 U.S.C. 1745(b)).

(C) EFFECT.—The issuance by the Secretary of the document of disclaimer of interest in land under subsection (a) shall have the same effect as a quit-claim deed issued by the United States.

(d) CONVEYANCE OF AMERICAN FALLS RESERVOIR DISTRICT NUMBER 2.—

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term ''Agreement'' means Agreement No. 5–07–10–L1688 between the United States and the District, entitled ''Agreement Between the United States and the American Falls Reservoir District No. 2 to Transfer Title to the Federally Owned Milner-Gooding Canal and Certain Property Rights, Title and Interest to the American Falls Reservoir District No. 2''.

(B) DISTRICT.—The term ''District'' means the American Falls Reservoir District No. 2, located in Jerome, Lincoln, and Gooding Counties, of the State.

(2) AUTHORITY TO CONVEY TITLE.—

(A) IN GENERAL.—In accordance with all applicable law and the terms and conditions set forth in the Agreement, the Secretary may convey—

(i) to the District all right, title, and interest in and to the land and improvements described in Appendix A of the Agreement, subject to valid existing rights;

(ii) to the city of Gooding, located in Gooding County, of the State, all right, title, and interest in and to the 5.0 acres of land and improvements described in Appendix D of the Agreement; and

(iii) to the Idaho Department of Fish and Game all right, title, and interest in and to the 39.72 acres of land and improvements described in Appendix D of the Agreement.

(B) COMPLIANCE WITH AGREEMENT.—All parties to the conveyance under subparagraph (A) shall comply with the terms and conditions of the Agreement, to the extent consistent with this section.

(3) COMPLIANCE WITH OTHER LAWS.—

(A) IN GENERAL.—On conveyance of the land and improvements under paragraph (2)(A)(i), the District shall comply with all applicable Federal, State, and local laws (including regulations) in the operation of each facility transferred.

(B) APPLICABLE AUTHORITY.—Nothing in this subsection modifies or otherwise affects the applicability of Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)) to project water provided to the District.

(4) REVOCATION OF WITHDRAWALS.—

(A) IN GENERAL.—The portions of the Secretarial Orders dated March 18, 1908, October 7, 1908, September 29, 1919, October 22, 1925, March 29, 1927, July 23, 1927, and May 7, 1963, withdrawing the approximately 6,900 acres described in Appendix E of the Agreement for the purpose of the Gooding Division of the Minidoka Project, are revoked.

(B) MANAGEMENT OF WITHDRAWN LAND.—The Secretary, acting through the Director of the Bureau of Land Management, shall manage the withdrawn land described in subparagraph (A) subject to valid existing rights.

(5) LIABILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), upon completion of a conveyance under paragraph (2), the United States shall not be liable for damages of any kind for any injury arising out of an act, omission, or occurrence relating to the land (including any improvements to the land) conveyed under the conveyance.

(B) EXCEPTION.—Subparagraph (A) shall not apply to liability for damages resulting from an injury caused by any act of negligence committed by the United States (or by any officer, employee, or agent of the United States) before the date of completion of the conveyance.

(C) FEDERAL TORT CLAIMS ACT.—Nothing in this paragraph increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code.

(6) FUTURE BENEFITS.—

(A) RESPONSIBILITY OF THE DISTRICT.—After completion of the conveyance of land and improvements to the District under paragraph (2)(A)(i), and consistent with the Agreement, the District shall assume responsibility for all duties and costs associated with the operation, replacement, maintenance, enhancement, and betterment of the transferred land (including any improvements to the land).

(B) ELIGIBILITY FOR FEDERAL FUNDING.—

(i) IN GENERAL.—Except as provided in clause (ii), the District shall not be eligible to receive Federal funding to assist in any activity described in subparagraph (A) relating to land and improvements transferred under paragraph (2)(A)(i).

(ii) EXCEPTION.—Clause (i) shall not apply to any funding that would be available to a similarly situated nonreclamation district, as determined by the Secretary.

(7) NATIONAL ENVIRONMENTAL POLICY ACT.—Before completing any conveyance under this subsection, the Secretary shall complete all actions required under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(C) the National Historic Preservation Act (16 U.S.C. 470 et seq.); and

(D) all other applicable laws (including regulations).

(8) PAYMENT.—

(A) FAIR MARKET VALUE REQUIREMENT.—As a condition of the conveyance under paragraph (2)(A)(i), the District shall pay the fair market value for the withdrawn lands to be acquired by the District, in accordance with the terms of the Agreement.

(B) GRANT FOR BUILDING REPLACEMENT.—As soon as practicable after the date of enactment of this Act, and in full satisfaction of the Federal obligation to the District for the replacement of the structure in existence on that date of enactment that is to be transferred to the National Park Service for inclusion in the Minidoka National Historic Site, the Secretary, acting through the Commissioner of Reclamation, shall provide to the District a grant in the amount of $52,996, in accordance with the terms of the Agreement.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 314. ACADIA NATIONAL PARK IMPROVEMENT.

(a) EXTENSION OF LAND CONVEYANCE AUTHORITY.—Section 102(d) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking paragraph (2) and inserting the following:

''(2) Federally owned property under jurisdiction of the Secretary referred to in paragraph (1) of this subsection shall be conveyed to the towns in which the property is located without encumbrance and without monetary consideration, except that no town shall be eligible to receive such lands unless lands within the Park boundary and owned by the town have been conveyed to the Secretary.''.

(b) EXTENSION OF ACADIA NATIONAL PARK ADVISORY COMMISSION.—

(1) IN GENERAL.—Section 103(f) of Public Law 99–420 (16 U.S.C. 341 note) is amended by striking ''20'' and inserting ''40''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on September 25, 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 106 of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding the following:

''(c) ADDITIONAL FUNDING.—In addition to such sums as have been heretofore appropriated, there is hereby authorized $10,000,000 for acquisition of lands and interests therein.''.

(d) INTERMODAL TRANSPORTATION CENTER.—Title I of Public Law 99–420 (16 U.S.C. 341 note) is amended by adding at the end the following new section:

''SEC. 108. INTERMODAL TRANSPORTATION CENTER.

''(a) IN GENERAL.—The Secretary may provide assistance in the planning, construction, and operation of an intermodal transportation center located outside of the boundary of the Park in the town of Trenton, Maine to improve the management, interpretation, and visitor enjoyment of the Park.

''(b) AGREEMENTS.—To carry out subsection (a), in administering the intermodal transportation center, the Secretary may enter into interagency agreements with other Federal agencies, and, notwithstanding chapter 63 of title 31, United States Code, cooperative agreements, under appropriate terms and conditions, with State and local agencies, and nonprofit organizations—

''(1) to provide exhibits, interpretive services (including employing individuals to provide such services), and technical assistance;

''(2) to conduct activities that facilitate the dissemination of information relating to the Park and the Island Explorer transit system or any successor transit system;

''(3) to provide financial assistance for the construction of the intermodal transportation center in exchange for space in the center that is sufficient to interpret the Park; and

''(4) to assist with the operation and maintenance of the intermodal transportation center.

''(c) AUTHORIZATION OF APPROPRIATIONS.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Secretary not more than 40 percent of the total cost necessary to carry out this section (including planning, design and construction of the intermodal transportation center).

''(2) OPERATIONS AND MAINTENANCE.—There are authorized to be appropriated to the Secretary not more than 85 percent of the total cost necessary to maintain and operate the intermodal transportation center.''.

Subtitle C—Studies

SEC. 321. NATIONAL PARK SYSTEM SPECIAL RESOURCE STUDY, NEWTONIA CIVIL WAR BATTLEFIELDS, MISSOURI.

(a) SPECIAL RESOURCE STUDY.—The Secretary of the Interior shall conduct a special resource study relating to the First Battle of Newtonia in Newton County, Missouri, which occurred on September 30, 1862, and the Second Battle of Newtonia, which occurred on October 28, 1864, during the Missouri Expedition of Confederate General Sterling Price in September and October 1864.

(b) CONTENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) evaluate the national significance of the Newtonia battlefields and their related sites;

(2) consider the findings and recommendations contained in the document entitled ''Vision Plan for Newtonia Battlefield Preservation'' and dated June 2004, which was prepared by the Newtonia Battlefields Protection Association;

(3) evaluate the suitability and feasibility of adding the battlefields and related sites as part of Wilson's Creek National Battlefield or designating the battlefields and related sites as a unit of the National Park System;

(4) analyze the potential impact that the inclusion of the battlefields and related sites as part of Wilson's Creek National Battlefield or their designation as a unit of the National Park System is likely to have on land within or bordering the battlefields and related sites that is privately owned at the time of the study is conducted;

(5) consider alternatives for preservation, protection, and interpretation of the battlefields and related sites by the National Park Service, other Federal, State, or local governmental entities, or private and nonprofit organizations; and

(6) identify cost estimates for any necessary acquisition, development, interpretation, operation, and maintenance associated with the alternatives referred to in paragraph (5).

(c) CRITERIA.—The criteria for the study of areas for potential inclusion in the National Park System contained in section 8 of Public Law 91–383 (16 U.S.C. 1a–5) shall apply to the study under subsection (a).

(d) TRANSMISSION TO CONGRESS.—Not later than three years after the date on which funds are first made available for the study under subsection (a), the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any conclusions and recommendations of the Secretary.

SEC. 322. NATIONAL PARK SERVICE STUDY REGARDING THE SOLDIERS' MEMORIAL MILITARY MUSEUM.

(a) FINDINGS.—Congress finds as follows:

(1) The Soldiers' Memorial is a tribute to all veterans located in the greater St. Louis area, including Southern Illinois.

(2) The current annual budget for the memorial is $185,000 and is paid for exclusively by the City of St. Louis.

(3) In 1923, the City of St. Louis voted to spend $6,000,000 to purchase a memorial plaza and building dedicated to citizens of St. Louis who lost their lives in World War I.

(4) The purchase of the 7 block site exhausted the funds and no money remained to construct a monument.

(5) In 1933, Mayor Bernard F. Dickmann appealed to citizens and the city government to raise $1,000,000 to construct a memorial building and general improvement of the plaza area and the construction of Soldiers' Memorial began on October 21, 1935.

(6) On October 14, 1936, President Franklin D. Roosevelt officially dedicated the site.

(7) On Memorial Day in 1938, Mayor Dickmann opened the building to the public.

(b) STUDY.—The Secretary of the Interior shall carry out a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum, located at 1315 Chestnut, St. Louis, Missouri, as a unit of the National Park System.

(c) STUDY PROCESS AND COMPLETION.—Section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) shall apply to the conduct and completion of the study required by this section.

(d) REPORT.—The Secretary shall submit a report describing the results the study required by this section to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 323. WOLF HOUSE STUDY.

(a) IN GENERAL.—The Secretary shall complete a special resource study of the Wolf House located on Highway 5 in Norfork, Arkansas, to determine—

(1) the suitability and feasibility of designating the Wolf House as a unit of the National Park System; and

(2) the methods and means for the protection and interpretation of the Wolf House by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 324. SPACE SHUTTLE COLUMBIA STUDY.

(a) DEFINITIONS.—In this section:

(1) MEMORIAL.—The term ''memorial'' means a memorial to the Space Shuttle Columbia that is subject to the study in subsection (b).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

(b) STUDY OF SUITABILITY AND FEASIBILITY OF ESTABLISHING MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available, the Secretary shall conduct a special resource study to determine the feasibility and suitability of establishing a memorial as a unit or units of the National Park System to the Space Shuttle Columbia on land in the State of Texas described in paragraph (2) on which large debris from the Shuttle was recovered.

(2) DESCRIPTION OF LAND.—The parcels of land referred to in paragraph (1) are—

(A) the parcel of land owned by the Fredonia Corporation, located at the southeast corner of the intersection of East Hospital Street and North Fredonia Street, Nacogdoches, Texas;

(B) the parcel of land owned by Temple Inland Inc., 10 acres of a 61-acre tract bounded by State Highway 83 and Bayou Bend Road, Hemphill, Texas;

(C) the parcel of land owned by the city of Lufkin, Texas, located at City Hall Park, 301 Charlton Street, Lufkin, Texas; and

(D) the parcel of land owned by San Augustine County, Texas, located at 1109 Oaklawn Street, San Augustine, Texas.

(3) ADDITIONAL SITES.—The Secretary may recommend to Congress additional sites in the State of Texas relating to the Space Shuttle Columbia for establishment as memorials to the Space Shuttle Columbia.

SEC. 325. CÉSAR E. CHÁVEZ STUDY.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary of the Interior (referred to in this section as the ''Secretary'') shall complete a special resource study of sites in the State of Arizona, the State of California, and other States that are significant to the life of César E. Chávez and the farm labor movement in the western United States to determine—

(1) appropriate methods for preserving and interpreting the sites; and

(2) whether any of the sites meets the criteria for listing on the National Register of Historic Places or designation as a national historic landmark under—

(A) the Act of August 21, 1935 (16 U.S.C. 461 et seq.); or

(B) the National Historic Preservation Act (16 U.S.C. 470 et seq.).

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) consider the criteria for the study of areas for potential inclusion in the National Park System under section 8(b)(2) of Public Law 91–383 (16 U.S.C. 1a–5(b)(2)); and

(2) consult with—

(A) the César E. Chávez Foundation;

(B) the United Farm Workers Union; and

(C) State and local historical associations and societies, including any State historic preservation offices in the State in which the site is located.

(c) REPORT.—On completion of the study, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any recommendations of the Secretary.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 326. TAUNTON, MASSACHUSETTS, SPECIAL RESOURCE STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary''), in consultation with the appropriate State historic preservation officers, State historical societies, the city of Taunton, Massachusetts, and other appropriate organizations, shall conduct a special resources study regarding the suitability and feasibility of designating certain historic buildings and areas in Taunton, Massachusetts, as a unit of the National Park System. The study shall be conducted and completed in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5(c)) and shall include analysis, documentation, and determinations regarding whether the historic areas in Taunton—

(1) can be managed, curated, interpreted, restored, preserved, and presented as an organic whole under management by the National Park Service or under an alternative management structure;

(2) have an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use;

(3) reflect traditions, customs, beliefs, and historical events that are valuable parts of the national story;

(4) provide outstanding opportunities to conserve natural, historic, cultural, architectural, or scenic features;

(5) provide outstanding recreational and educational opportunities; and

(6) can be managed by the National Park Service in partnership with residents, business interests, nonprofit organizations, and State and local governments to develop a unit of the National Park System consistent with State and local economic activity.

(b) REPORT.—Not later than 3 fiscal years after the date on which funds are first made available for this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the findings, conclusions, and recommendations of the study required under subsection (a).

(c) PRIVATE PROPERTY.—The recommendations in the report submitted pursuant to subsection (b) shall include discussion and consideration of the concerns expressed by private landowners with respect to designating certain structures referred to in this section as a unit of the National Park System.

SEC. 327. RIM OF THE VALLEY CORRIDOR STUDY.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this section as the ''Secretary'') shall complete a special resource study of the area known as the Rim of the Valley Corridor, generally including the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys in California, to determine—

(1) the suitability and feasibility of designating all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation Area; and

(2) the methods and means for the protection and interpretation of this corridor by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(b) DOCUMENTATION.—In conducting the study authorized under subsection (a), the Secretary shall document—

(1) the process used to develop the existing Santa Monica Mountains National Recreation Area Fire Management Plan and Environmental Impact Statement (September 2005); and

(2) all activity conducted pursuant to the plan referred to in paragraph (1) designed to protect lives and property from wildfire.

(c) STUDY REQUIREMENTS.—The Secretary shall conduct the study in accordance with section 8(c) of Public Law 91–383 (16 U.S.C. 1a–5).

(d) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this title, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

Subtitle D—Memorials, Commissions, and Museums

SEC. 331. COMMEMORATIVE WORK TO HONOR BRIGADIER GENERAL FRANCIS MARION AND HIS FAMILY.

(a) FINDINGS.—The Congress finds the following:

(1) Francis Marion was born in 1732 in St. John's Parish, Berkeley County, South Carolina. He married Mary Esther Videau on April 20th, 1786. Francis and Mary Esther Marion had no children, but raised a son of a relative as their own, and gave the child Francis Marion's name.

(2) Brigadier General Marion commanded the Williamsburg Militia Revolutionary force in South Carolina and was instrumental in delaying the advance of British forces by leading his troops in disrupting supply lines.

(3) Brigadier General Marion's tactics, which were unheard of in rules of warfare at the time, included lightning raids on British convoys, after which he and his forces would retreat into the swamps to avoid capture. British Lieutenant Colonel Tarleton stated that ''as for this damned old swamp fox, the devil himself could not catch him''. Thus, the legend of the ''Swamp Fox'' was born.

(4) His victory at the Battle of Eutaw Springs in September of 1781 was officially recognized by Congress.

(5) Brigadier General Marion's troops are believed to be the first racially integrated force fighting for the United States, as his band was a mix of Whites, Blacks, both free and slave, and Native Americans.

(6) As a statesman, he represented his parish in the South Carolina senate as well as his State at the Constitutional Convention.

(7) Although the Congress has authorized the establishment of commemorative works on Federal lands in the District of Columbia honoring such celebrated Americans as George Washington, Thomas Jefferson, and Abraham Lincoln, the National Capital has no comparable memorial to Brigadier General Francis Marion for his bravery and leadership during the Revolutionary War, without which the United States would not exist.

(8) Brigadier General Marion's legacy must live on. Since 1878, United States Reservation 18 has been officially referred to as Marion Park. Located between 4th and 6th Streets, S.E., at the intersection of E Street and South Carolina Avenue, S.E., in Washington, DC, the park lacks a formal commemoration to this South Carolina hero who was important to the initiation of the Nation's heritage.

(9) The time has come to correct this oversight so that future generations of Americans will know and understand the preeminent historical and lasting significance to the Nation of Brigadier General Marion's contributions. Such a South Carolina hero deserves to be given the proper recognition.

(b) AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—The Marion Park Project, a committee of the Palmetto Conservation Foundation, may establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion and his service.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—The commemorative work authorized by subsection (b) shall be established in accordance with chapter 89 of title 40, United States Code (commonly known as the ''Commemorative Works Act'').

(d) USE OF FEDERAL FUNDS PROHIBITED.—Federal funds may not be used to pay any expense of the establishment of the commemorative work authorized by subsection (b). The Marion Park Project, a committee of the Palmetto Conservation Foundation, shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of that commemorative work.

(e) DEPOSIT OF EXCESS FUNDS.—If, upon payment of all expenses of the establishment of the commemorative work authorized by subsection (b) (including the maintenance and preservation amount provided for in section 8906(b) of title 40, United States Code), or upon expiration of the authority for the commemorative work under chapter 89 of title 40, United States Code, there remains a balance of funds received for the establishment of that commemorative work, the Marion Park Project, a committee of the Palmetto Conservation Foundation, shall transmit the amount of the balance to the Secretary of the Treasury for deposit in the account provided for in section 8906(b)(1) of such title.

(f) DEFINITIONS.—For the purposes of this section, the terms ''commemorative work'' and ''the District of Columbia and its environs'' have the meanings given to such terms in section 8902(a) of title 40, United States Code.

SEC. 332. DWIGHT D. EISENHOWER MEMORIAL COMMISSION.

Section 8162 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79; 113 Stat. 1274) is amended—

(1) by striking subsection (j) and inserting the following:

''(j) POWERS OF THE COMMISSION.—

''(1) IN GENERAL.—

''(A) POWERS.—The Commission may—

''(i) make such expenditures for services and materials for the purpose of carrying out this section as the Commission considers advisable from funds appropriated or received as gifts for that purpose;

''(ii) solicit and accept contributions to be used in carrying out this section or to be used in connection with the construction or other expenses of the memorial;

''(iii) hold hearings and enter into contracts;

''(iv) enter into contracts for specialized or professional services as necessary to carry out this section; and

''(v) take such actions as are necessary to carry out this section.

''(B) SPECIALIZED OR PROFESSIONAL SERVICES.—Services under subparagraph (A)(iv) may be—

''(i) obtained without regard to the provisions of title 5, United States Code, including section 3109 of that title; and

''(ii) may be paid without regard to the provisions of title 5, United States Code, including chapter 51 and subchapter III of chapter 53 of that title.

''(2) GIFTS OF PROPERTY.—The Commission may accept gifts of real or personal property to be used in carrying out this section, including to be used in connection with the construction or other expenses of the memorial.

''(3) FEDERAL COOPERATION.—At the request of the Commission, a Federal department or agency may provide any information or other assistance to the Commission that the head of the Federal department or agency determines to be appropriate.

''(4) POWERS OF MEMBERS AND AGENTS.—

''(A) IN GENERAL.—If authorized by the Commission, any member or agent of the Commission may take any action that the Commission is authorized to take under this section.

''(B) ARCHITECT.—The Commission may appoint an architect as an agent of the Commission to—

''(i) represent the Commission on various governmental source selection and planning boards on the selection of the firms that will design and construct the memorial; and

''(ii) perform other duties as designated by the Chairperson of the Commission.

''(C) TREATMENT.—An authorized member or agent of the Commission (including an individual appointed under subparagraph (B)) providing services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of chapter 171 of title 28, United States Code, relating to tort claims.

''(5) TRAVEL.—Each member of the Commission 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.'';

(2) by redesignating subsection (o) as subsection (q); and

(3) by adding after subsection (n) the following:

''(o) STAFF AND SUPPORT SERVICES.—

''(1) EXECUTIVE DIRECTOR.—There shall be an Executive Director appointed by the Commission to be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

''(2) STAFF.—

''(A) IN GENERAL.—The staff of the Commission may be appointed and terminated without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title, relating to classification and General Schedule pay rates, except that an individual appointed under this paragraph may not receive pay in excess of the maximum rate of basic pay for GS–15 of the General Schedule.

''(B) SENIOR STAFF.—Notwithstanding subparagraph (A), not more than 3 staff employees of the Commission (in addition to the Executive Director) may be paid at a rate not to exceed the maximum rate of basic pay for level IV of the Executive Schedule.

''(3) STAFF OF FEDERAL AGENCIES.—On request of the Commission, the head of any Federal department or agency may detail any of the personnel of the department or agency to the Commission to assist the Commission to carry out its duties under this section.

''(4) FEDERAL SUPPORT.—The Commission shall obtain administrative and support services from the General Services Administration on a reimbursable basis. The Commission may use all contracts, schedules, and acquisition vehicles allowed to external clients through the General Services Administration.

''(5) COOPERATIVE AGREEMENTS.—The Commission may enter into cooperative agreements with Federal agencies, State, local, tribal and international governments, and private interests and organizations which will further the goals and purposes of this section.

''(6) TEMPORARY, INTERMITTENT, AND PART-TIME SERVICES.—

''(A) IN GENERAL.—The Commission may obtain temporary, intermittent, and part-time services under section 3109 of title 5, United States Code, at rates not to exceed the maximum annual rate of basic pay payable under section 5376 of that title.

''(B) NON-APPLICABILITY TO CERTAIN SERVICES.—This paragraph shall not apply to services under subsection (j)(1)(A)(iv).

''(7) VOLUNTEER SERVICES.—

''(A) IN GENERAL.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and utilize the services of volunteers serving without compensation.

''(B) REIMBURSEMENT.—The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code.

''(C) LIABILITY.—

''(i) IN GENERAL.—Subject to clause (ii), a volunteer described in subparagraph (A) shall be considered to be a volunteer for purposes of the Volunteer Protection Act of 1997 (42 U.S.C. 14501 et seq.).

''(ii) EXCEPTION.—Section 4(d) of the Volunteer Protection Act of 1997 (42 U.S.C. 14503(d)) shall not apply for purposes of a claim against a volunteer described in subparagraph (A).

''(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as necessary to carry out this section.''.

SEC. 333. COMMISSION TO STUDY THE POTENTIAL CREATION OF A NATIONAL MUSEUM OF THE AMERICAN LATINO.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established the Commission to Study the Potential Creation of a National Museum of the American Latino (hereafter in this section referred to as the ''Commission'').

(2) MEMBERSHIP.—The Commission shall consist of 23 members appointed not later than 6 months after the date of enactment of this Act as follows:

(A) The President shall appoint 7 voting members.

(B) The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 3 voting members.

(C) In addition to the members appointed under subparagraph (B), the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each appoint 1 nonvoting member.

(3) QUALIFICATIONS.—Members of the Commission shall be chosen from among individuals, or representatives of institutions or entities, who possess either—

(A) a demonstrated commitment to the research, study, or promotion of American Latino life, art, history, political or economic status, or culture, together with—

(i) expertise in museum administration;

(ii) expertise in fundraising for nonprofit or cultural institutions;

(iii) experience in the study and teaching of Latino culture and history at the post-secondary level;

(iv) experience in studying the issue of the Smithsonian Institution's representation of American Latino art, life, history, and culture; or

(v) extensive experience in public or elected service; or

(B) experience in the administration of, or the planning for the establishment of, museums devoted to the study and promotion of the role of ethnic, racial, or cultural groups in American history.

(b) FUNCTIONS OF THE COMMISSION.—

(1) PLAN OF ACTION FOR ESTABLISHMENT AND MAINTENANCE OF MUSEUM.—The Commission shall submit a report to the President and the Congress containing its recommendations with respect to a plan of action for the

establishment and maintenance of a National Museum of the American Latino in Washington, DC (hereafter in this section referred to as the ''Museum'').

(2) FUNDRAISING PLAN.—The Commission shall develop a fundraising plan for supporting the creation and maintenance of the Museum through contributions by the American people, and a separate plan on fundraising by the American Latino community.

(3) REPORT ON ISSUES.—The Commission shall examine (in consultation with the Secretary of the Smithsonian Institution), and submit a report to the President and the Congress on, the following issues:

(A) The availability and cost of collections to be acquired and housed in the Museum.

(B) The impact of the Museum on regional Hispanic- and Latino-related museums.

(C) Possible locations for the Museum in Washington, DC and its environs, to be considered in consultation with the National Capital Planning Commission and the Commission of Fine Arts, the Department of the Interior and Smithsonian Institution.

(D) Whether the Museum should be located within the Smithsonian Institution.

(E) The governance and organizational structure from which the Museum should operate.

(F) How to engage the American Latino community in the development and design of the Museum.

(G) The cost of constructing, operating, and maintaining the Museum.

(4) LEGISLATION TO CARRY OUT PLAN OF ACTION.—Based on the recommendations contained in the report submitted under paragraph (1) and the report submitted under paragraph (3), the Commission shall submit for consideration to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate recommendations for a legislative plan of action to create and construct the Museum.

(5) NATIONAL CONFERENCE.—In carrying out its functions under this section, the Commission may convene a national conference on the Museum, comprised of individuals committed to the advancement of American Latino life, art, history, and culture, not later than 18 months after the commission members are selected.

(c) ADMINISTRATIVE PROVISIONS.—

(1) FACILITIES AND SUPPORT OF DEPARTMENT OF THE INTERIOR.—The Department of the Interior shall provide from funds appropriated for this purpose administrative services, facilities, and funds necessary for the performance of the Commission's functions. These funds shall be made available prior to any meetings of the Commission.

(2) COMPENSATION.—Each member of the Commission who is not an officer or employee of the Federal Government may receive compensation for each day on which the member is engaged in the work of the Commission, at a daily rate to be determined by the Secretary of the Interior.

(3) TRAVEL EXPENSES.—Each member shall be entitled to travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(4) FEDERAL ADVISORY COMMITTEE ACT.—The Commission is not subject to the provisions of the Federal Advisory Committee Act.

(d) DEADLINE FOR SUBMISSION OF REPORTS; TERMINATION.—

(1) DEADLINE.—The Commission shall submit final versions of the reports and plans required under subsection (b) not later than 24 months after the date of the Commission's first meeting.

(2) TERMINATION.—The Commission shall terminate not later than 30 days after submitting the final versions of reports and plans pursuant to paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out the activities of the Commission $2,100,000 for the first fiscal year beginning after the date of enactment of this Act and $1,100,000 for the second fiscal year beginning after the date of enactment of this Act.

SEC. 334. HUDSON-FULTON-CHAMPLAIN QUADRICENTENNIAL COMMEMORATION COMMISSION.

(a) COORDINATION.—Each commission established under this section shall coordinate with the other respective commission established under this section to ensure that commemorations of Henry Hudson, Robert Fulton, and Samuel de Champlain are—

(1) consistent with the plans and programs of the commemorative commissions established by the States of New York and Vermont; and

(2) well-organized and successful.

(b) DEFINITIONS.—In this section:

(1) CHAMPLAIN COMMEMORATION.—The term ''Champlain commemoration'' means the commemoration of the 400th anniversary of the voyage of Samuel de Champlain.

(2) CHAMPLAIN COMMISSION.—The term ''Champlain Commission'' means the Champlain Quadricentennial Commemoration Commission established by subsection (c)(1).

(3) COMMISSION.—The term ''Commission'' means each of the Champlain Commission and the Hudson-Fulton Commission.

(4) HUDSON-FULTON COMMEMORATION.—The term ''Hudson-Fulton commemoration'' means the commemoration of—

(A) the 200th anniversary of the voyage of Robert Fulton in the Clermont; and

(B) the 400th anniversary of the voyage of Henry Hudson in the Half Moon.

(5) HUDSON-FULTON COMMISSION.—The term ''Hudson-Fulton Commission'' means the Hudson-Fulton 400th Commemoration Commission established by subsection (d)(1).

(6) LAKE CHAMPLAIN BASIN PROGRAM.—The term ''Lake Champlain Basin Program'' means the partnership established by section 120 of the Federal Water Pollution Control Act (33 U.S.C. 1270) between the States of New York and Vermont and Federal agencies to carry out the Lake Champlain management plan entitled, ''Opportunities for Action: An Evolving Plan for the Lake Champlain Basin''.

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

(c) ESTABLISHMENT OF CHAMPLAIN COMMISSION.—

(1) IN GENERAL.—There is established a commission to be known as the ''Champlain Quadricentennial Commemoration Commission''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Champlain Commission shall be composed of 10 members, of whom—

(i) 1 member shall be the Director of the National Park Service (or a designee);

(ii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(I) serving as members of the Hudson-Fulton-Champlain Quadricentennial Commission of the State of New York; and

(II) residents of Champlain Valley, New York;

(iii) 4 members shall be appointed by the Secretary from among individuals who, on the date of enactment of this Act, are—

(I) serving as members of the Lake Champlain Quadricentennial Commission of the State of Vermont; and

(II) residents of the State of Vermont; and

(iv) 1 member shall be appointed by the Secretary, and shall be an individual who has—

(I) an interest in, support for, and expertise appropriate with respect to, the Champlain commemoration; and

(II) knowledge relating to the history of the Champlain Valley.

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Champlain Commission shall be appointed for the life of the Champlain Commission.

(ii) VACANCIES.—A vacancy on the Champlain Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Champlain Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate the 400th anniversary of the voyage of Samuel de Champlain, the first European to discover and explore Lake Champlain;

(B) facilitate activities relating to the Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Champlain Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the Lake Champlain Basin Program;

(iv) the National Endowment for the Arts; and

(v) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyage of Samuel de Champlain;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyage of Samuel de Champlain;

(G) ensure that the Champlain 2009 anniversary provides a lasting legacy and a long-term public benefit by assisting in the development of appropriate programs and facilities;

(H) help ensure that the observances of the voyage of Samuel de Champlain are inclusive and appropriately recognize the experiences and heritage of all people present when Samuel de Champlain arrived in the Champlain Valley; and

(I) consult and coordinate with the Lake Champlain Basin Program and other relevant organizations to plan and develop programs and activities to commemorate the voyage of Samuel de Champlain.

(d) ESTABLISHMENT OF HUDSON-FULTON COMMISSION.—

(1) ESTABLISHMENT.—There is established a commission to be known as the ''Hudson-Fulton 400th Commemoration Commission''.

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Hudson-Fulton Commission shall be composed of 15 members, of whom—

(i) 1 member shall be the Director of the National Park Service (or a designee);

(ii) 1 member shall be appointed by the Secretary, after considering the recommendation of the Governor of the State of New York;

(iii) 6 members shall be appointed by the Secretary, after considering the recommendations of the Members of the House of Representatives whose districts encompass the Hudson River Valley;

(iv) 2 members shall be appointed by the Secretary, after considering the recommendations of the Members of the Senate from the State of New York;

(v) 2 members shall be—

(I) appointed by the Secretary; and

(II) individuals who have an interest in, support for, and expertise appropriate with respect to, the Hudson-Fulton commemoration, of whom—

(aa) 1 member shall be an individual with expertise in the Hudson River Valley National Heritage Area; and

(bb) 1 member shall be an individual with expertise in the State of New York, as it relates to the Hudson-Fulton commemoration;

(vi) 1 member shall be the Chairperson of a commemorative commission formed by the State of New York (or the designee of the Chairperson); and

(vii) 2 members shall be appointed by the Secretary, after—

(I) considering the recommendation of the Mayor of the city of New York; and

(II) consulting the Members of the House of Representatives whose districts encompass the city of New York.

(B) TERM; VACANCIES.—

(i) TERM.—A member of the Hudson-Fulton Commission shall be appointed for the life of the Hudson-Fulton Commission.

(ii) VACANCIES.—A vacancy on the Hudson-Fulton Commission shall be filled in the same manner in which the original appointment was made.

(3) DUTIES.—The Hudson-Fulton Commission shall—

(A) plan, develop, and execute programs and activities appropriate to commemorate—

(i) the 400th anniversary of the voyage of Henry Hudson, the first European to sail up the Hudson River; and

(ii) the 200th anniversary of the voyage of Robert Fulton, the first person to use steam navigation on a commercial basis;

(B) facilitate activities relating to the Hudson-Fulton-Champlain Quadricentennial throughout the United States;

(C) coordinate the activities of the Hudson-Fulton Commission with—

(i) State commemoration commissions;

(ii) appropriate Federal agencies;

(iii) the National Park Service, with respect to the Hudson River Valley National Heritage Area;

(iv) the American Heritage Rivers Initiative Interagency Committee established by Executive Order 13061, dated September 11, 1997;

(v) the National Endowment for the Humanities;

(vi) the National Endowment for the Arts; and

(vii) the Smithsonian Institution;

(D) encourage civic, patriotic, historical, educational, artistic, religious, economic, and other organizations throughout the United States to organize and participate in anniversary activities to expand the understanding and appreciation of the significance of the voyages of Henry Hudson and Robert Fulton;

(E) provide technical assistance to States, localities, and nonprofit organizations to further the Hudson-Fulton commemoration;

(F) coordinate and facilitate for the public scholarly research on, publication about, and interpretation of, the voyages of Henry Hudson and Robert Fulton;

(G) ensure that the Hudson-Fulton 2009 commemorations provide a lasting legacy and long-term public benefit by assisting in the development of appropriate programs and facilities; and

(H) help ensure that the observances of Henry Hudson are inclusive and appropriately recognize the experiences and heritage of all people present when Henry Hudson sailed the Hudson River.

(e) COMMISSION MEETINGS.—

(1) INITIAL MEETING.—Not later than 30 days after the date on which all members of a commission established under this section have been appointed, the applicable Commission shall hold an initial meeting.

(2) MEETINGS.—A commission established under this section shall meet—

(A) at least twice each year; or

(B) at the call of the Chairperson or the majority of the members of the Commission.

(3) QUORUM.—A majority of voting members shall constitute a quorum, but a lesser number may hold meetings.

(4) CHAIRPERSON AND VICE CHAIRPERSON.—

(A) ELECTION.—The Commission shall elect the Chairperson and the Vice Chairperson of the Commission on an annual basis.

(B) ABSENCE OF THE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(5) VOTING.—A commission established under this section shall act only on an affirmative vote of a majority of the voting members of the applicable Commission.

(f) COMMISSION POWERS.—

(1) GIFTS.—The Commission may solicit, accept, use, and dispose of gifts, bequests, or devises of money or other property for aiding or facilitating the work of the Commission.

(2) APPOINTMENT OF ADVISORY COMMITTEES.—The Commission may appoint such advisory committees as the Commission determines to be necessary to carry out this section.

(3) AUTHORIZATION OF ACTION.—The Commission may authorize any member or employee of the Commission to take any action that the Commission is authorized to take under this section.

(4) PROCUREMENT.—

(A) IN GENERAL.—The Commission may procure supplies, services, and property, and make or enter into contracts, leases, or other legal agreements, to carry out this section (except that a contract, lease, or other legal agreement made or entered into by the Commission shall not extend beyond the date of termination of the Commission).

(B) LIMITATION.—The Commission may not purchase real property.

(5) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(6) GRANTS.—

(A) CHAMPLAIN COMMISSION.—The Champlain Commission may make grants in amounts not to exceed $20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Champlain commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyage of Samuel de Champlain.

(B) HUDSON-FULTON COMMISSION.—The Hudson-Fulton Commission may make grants in amounts not to exceed $20,000—

(i) to communities, nonprofit organizations, and State commemorative commissions to develop programs to assist in the Hudson-Fulton commemoration; and

(ii) to research and scholarly organizations to research, publish, or distribute information relating to the early history of the voyages of Henry Hudson and Robert Fulton.

(7) TECHNICAL ASSISTANCE.—The Commission shall provide technical assistance to States, localities, and nonprofit organizations to further the Champlain commemoration and Hudson-Fulton commemoration, as applicable.

(8) COORDINATION AND CONSULTATION WITH LAKE CHAMPLAIN BASIN PROGRAM.—The Champlain Commission shall coordinate and consult with the Lake Champlain Basin Program to provide grants and technical assistance under paragraphs (6)(A) and (7) for the development of activities commemorating the voyage of Samuel de Champlain.

(g) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a member of the Commission shall serve without compensation.

(B) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an Executive Director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(4) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Commission may fix the compensation of the Executive Director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the Executive Director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(5) DETAIL OF GOVERNMENT EMPLOYEES.—

(A) FEDERAL EMPLOYEES.—

(i) IN GENERAL.—At the request of the Commission, the head of any Federal agency may detail, on a reimbursable or nonreimbursable basis, any of the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(ii) CIVIL SERVICE STATUS.—The detail of an employee under clause (i) shall be without interruption or loss of civil service status or privilege.

(B) STATE EMPLOYEES.—The Commission may—

(i) accept the services of personnel detailed from the State of New York or the State of Vermont, as appropriate (including subdivisions of the States); and

(ii) reimburse the State of New York or the State of Vermont for services of detailed personnel.

(C) LAKE CHAMPLAIN BASIN PROGRAM EMPLOYEES.—The Champlain Commission may—

(i) accept the services of personnel detailed from the Lake Champlain Basin Program; and

(ii) reimburse the Lake Champlain Basin Program for services of detailed personnel.

(D) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of

title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(6) VOLUNTEER AND UNCOMPENSATED SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Commission may accept and use voluntary and uncompensated services as the Commission determines necessary.

(7) SUPPORT SERVICES.—The Secretary shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(8) FACA NONAPPLICABILITY.—Section 14(b) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

(h) REPORTS.—Not later than September 30, 2010, the Commission shall submit to the Secretary a report that contains—

(1) a summary of the activities of the Commission;

(2) a final accounting of funds received and expended by the Commission; and

(3) the findings and recommendations of the Commission.

(i) TERMINATION OF COMMISSIONS.—

(1) DATE OF TERMINATION.—The Commission shall terminate on December 31, 2010.

(2) TRANSFER OF DOCUMENTS AND MATERIALS.—Before the date of termination specified in paragraph (1), the Commission shall transfer all of its documents and materials of the Commission to the National Archives or another appropriate Federal entity.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section for each of fiscal years 2008 through 2011—

(A) $500,000 to the Champlain Commission; and

(B) $500,000 to the Hudson-Fulton Commission.

(2) AVAILABILITY.—Amounts made available under paragraph (1) shall remain available until expended.

SEC. 335. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE MUSEUM OF THE AMERICAN QUILTER'S SOCIETY OF THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the Museum of the American Quilter's Society is the largest quilt museum in the world, with a total of 13,400 square feet of exhibition space and more than 150 quilts exhibited year-round in its 3 galleries;

(2) the mission of the Museum is to educate the local, national, and international public about the art, history, and heritage of quiltmaking;

(3) quilts in the Museum's permanent collection are made by quilters from 44 of the 50 States and many foreign countries;

(4) the Museum, centrally located in Paducah, Kentucky, and open to the public year-round, averages 40,000 visitors per year;

(5) individuals from all 50 States and from more than 25 foreign countries have visited the Museum;

(6) the Museum's Friends, an organization dedicated to supporting and sustaining the Museum, also has members in all 50 States, with 84 percent of members living more than 60 miles from the Museum;

(7) many members of the Museum's Friends have supported the Museum annually since the Museum began in 1991;

(8) quilts exhibited in the Museum are representative of the Nation and its cultures thanks to the wide diversity of themes and topics, quilts, and quiltmakers; and

(9) the Museum of the American Quilter's Society has national significance and support.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Museum of the American Quilter's Society, located at 215 Jefferson Street, Paducah, Kentucky, should be designated as the ''National Quilt Museum of the United States''.

SEC. 336. SENSE OF CONGRESS REGARDING THE DESIGNATION OF THE NATIONAL MUSEUM OF WILDLIFE ART OF THE UNITED STATES.

(a) FINDINGS.—Congress finds that—

(1) the National Museum of Wildlife Art in Jackson, Wyoming, is devoted to inspiring global recognition of fine art related to nature and wildlife;

(2) the National Museum of Wildlife Art is an excellent example of a thematic museum that strives to unify the humanities and sciences into a coherent body of knowledge through art;

(3) the National Museum of Wildlife Art, which was founded in 1987 with a private gift of a collection of art, has grown in stature and importance and is recognized today as the world's premier museum of wildlife art;

(4) the National Museum of Wildlife Art is the only public museum in the United States with the mission of enriching and inspiring public appreciation and knowledge of fine art, while exploring the relationship between humanity and nature by collecting fine art focused on wildlife;

(5) the National Museum of Wildlife Art is housed in an architecturally significant and award-winning 51,000-square foot facility that overlooks the 28,000-acre National Elk Refuge and is adjacent to the Grand Teton National Park;

(6) the National Museum of Wildlife Art is accredited with the American Association of Museums, continues to grow in national recognition and importance with members from every State, and has a Board of Trustees and a National Advisory Board composed of major benefactors and leaders in the arts and sciences from throughout the United States;

(7) the permanent collection of the National Museum of Wildlife Art has grown to more than 3,000 works by important historic American artists including Edward Hicks, Anna Hyatt Huntington, Charles M. Russell, William Merritt Chase, and Alexander Calder, and contemporary American artists, including Steve Kestrel, Bart Walter, Nancy Howe, John Nieto, and Jamie Wyeth;

(8) the National Museum of Wildlife Art is a destination attraction in the Western United States with annual attendance of 92,000 visitors from all over the world and an award-winning website that receives more than 10,000 visits per week;

(9) the National Museum of Wildlife Art seeks to educate a diverse audience through collecting fine art focused on wildlife, presenting exceptional exhibitions, providing community, regional, national, and international outreach, and presenting extensive educational programming for adults and children; and

(10) a great opportunity exists to use the invaluable resources of the National Museum of Wildlife Art to teach the schoolchildren of the United States, through onsite visits, traveling exhibits, classroom curriculum, online distance learning, and other educational initiatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the National Museum of Wildlife Art, located at 2820 Rungius Road, Jackson, Wyoming, should be designated as the ''National Museum of Wildlife Art of the United States''.

SEC. 337. REDESIGNATION OF ELLIS ISLAND LIBRARY.

(a) REDESIGNATION.—The Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, shall be known and redesignated as the ''Bob Hope Memorial Library''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Ellis Island Library on the third floor of the Ellis Island Immigration Museum referred to in subsection (a) shall be deemed to be a reference to the ''Bob Hope Memorial Library''.

Subtitle E—Trails and Rivers

SEC. 341. AUTHORIZATION AND ADMINISTRATION OF STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

''(26) STAR-SPANGLED BANNER NATIONAL HISTORIC TRAIL.—

''(A) IN GENERAL.—The Star-Spangled Banner National Historic Trail, a trail consisting of water and overland routes totaling approximately 290 miles, extending from Tangier Island, Virginia, through southern Maryland, the District of Columbia, and northern Virginia, in the Chesapeake Bay, Patuxent River, Potomac River, and north to the Patapsco River, and Baltimore, Maryland, commemorating the Chesapeake Campaign of the War of 1812 (including the British invasion of Washington, District of Columbia, and its associated feints, and the Battle of Baltimore in summer 1814), as generally depicted on the map titled 'Star-Spangled Banner National Historic Trail', numbered T02/80,000, and dated June 2007.

''(B) MAP.—The map referred to in subparagraph (A) shall be maintained on file and available for public inspection in the appropriate offices of the National Park Service.

''(C) ADMINISTRATION.—Subject to subparagraph (E)(ii), the trail shall be administered by the Secretary of the Interior.

''(D) LAND ACQUISITION.—No land or interest in land outside the exterior boundaries of any federally administered area may be acquired by the United States for the trail except with the consent of the owner of the land or interest in land.

''(E) PUBLIC PARTICIPATION.—The Secretary of the Interior shall—

''(i) encourage communities, owners of land along the trail, and volunteer trail groups to participate in the planning, development, and maintenance of the trail; and

''(ii) consult with other affected landowners and Federal, State, and local agencies in the administration of the trail.

''(F) INTERPRETATION AND ASSISTANCE.—Subject to the availability of appropriations, the Secretary of the Interior may provide, to State and local governments and nonprofit organizations, interpretive programs and services and technical assistance for use in—

''(i) carrying out preservation and development of the trail; and

''(ii) providing education relating to the War of 1812 along the trail.''.

SEC. 342. LAND CONVEYANCE, LEWIS AND CLARK NATIONAL HISTORIC TRAIL, NEBRASKA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Interior may convey, without consideration, to the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. (a 501(c)(3) not-for-profit organization with operational headquarters at 100 Valmont Drive, Nebraska City, Nebraska 68410), all right, title, and interest of the United States in and to the federally owned land under jurisdiction of the Secretary consisting of 2 parcels as generally depicted on the map titled ''Lewis and Clark National Historic Trail'', numbered 648/80,002, and dated March 2006.

(b) SURVEY; CONVEYANCE COST.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey and all other

costs incurred by the Secretary to convey the land shall be borne by the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc.

(c) CONDITION OF CONVEYANCE, USE OF CONVEYED LAND.—The conveyance authorized under subsection (a) shall be subject to the condition that the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. use the conveyed land as an historic site and interpretive center for the Lewis and Clark National Historic Trail.

(d) DISCONTINUANCE OF USE.—If Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. determines to discontinue use of the land conveyed under subsection (a) as an historic site and interpretive center for the Lewis and Clark National Historic Trail, the Missouri River Basin Lewis and Clark Interpretive Trail and Visitor Center Foundation, Inc. shall convey lands back to the Secretary without consideration.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) or the conveyance, if any, under subsection (d) as the Secretary considers appropriate to protect the interests of the United States. Through a written agreement with the Foundation, the National Park Service shall ensure that the operation of the land conveyed under subsection (a) is in accordance with National Park Service standards for preservation, maintenance, and interpretation.

(f) AUTHORIZATION OF APPROPRIATIONS.—To assist with the operation of the historic site and interpretive center, there is authorized to be appropriated $150,000 per year for a period not to exceed 10 years.

SEC. 343. LEWIS AND CLARK NATIONAL HISTORIC TRAIL EXTENSION.

(a) DEFINITIONS.—In this section:

(1) EASTERN LEGACY SITES.—The term ''Eastern Legacy sites'' means the sites associated with the preparation or return phases of the Lewis and Clark expedition, commonly known as the ''Eastern Legacy'', including sites in Virginia, the District of Columbia, Maryland, Delaware, Pennsylvania, West Virginia, Ohio, Kentucky, Tennessee, Indiana, Missouri, and Illinois. This includes the routes followed by Meriwether Lewis and William Clark, whether independently or together.

(2) TRAIL.—The term ''Trail'' means the Lewis and Clark National Historic Trail designated by section 5(a)(6) of the National Trails System Act (16 U.S.C. 1244(a)(6)).

(b) SPECIAL RESOURCE STUDY.—

(1) IN GENERAL.—The Secretary shall complete a special resource study of the Eastern Legacy sites to determine—

(A) the suitability and feasibility of adding these sites to the Trail; and

(B) the methods and means for the protection and interpretation of these sites by the National Park Service, other Federal, State, or local government entities or private or non-profit organizations.

(2) STUDY REQUIREMENTS.—

(A) IN GENERAL.—The Secretary shall conduct the study in accordance with section 5(b) of the National Trails System Act (16 U.S.C. 1244(b)).

(B) IMPACT ON TOURISM.—In conducting the study, the Secretary shall analyze the potential impact that the inclusion of the Eastern Legacy sites is likely to have on tourist visitation to the western portion of the trail.

(c) REPORT.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the study; and

(2) any recommendations of the Secretary.

SEC. 344. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the ''Eightmile River Watershed Management Plan''), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended—

(1) by redesignating paragraph (167) (relating to the Musconetcong River, New Jersey) as paragraph (169);

(2) by designating the undesignated paragraph relating to the White Salmon River, Washington, as paragraph (167);

(3) by designating the undesignated paragraph relating to the Black Butte River, California, as paragraph (168); and

(4) by adding at the end the following:

''(170) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

''(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

''(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

''(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

''(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

''(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.''.

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the ''Eightmile River'') shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and

Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed ''villages'' and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (b). The authority of the Secretary to acquire lands for the purposes of this section shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

Subtitle F—Denali National Park and Alaska Railroad Exchange

SEC. 351. DENALI NATIONAL PARK AND ALASKA RAILROAD CORPORATION EXCHANGE.

(a) DEFINITIONS.—In this section:

(1) CORPORATION.—The term ''Corporation'' means the Alaska Railroad Corporation owned by the State of Alaska.

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

(b) EXCHANGE.—

(1) IN GENERAL.—

(A) EASEMENT EXPANDED.—The Secretary is authorized to grant to the Alaska Railroad Corporation an exclusive-use easement on land that is identified by the Secretary within Denali National Park for the purpose of providing a location to the Corporation for construction, maintenance, and on-going operation of track and associated support facilities for turning railroad trains around near Denali Park Station.

(B) EASEMENT RELINQUISHED.—In exchange for the easement granted in subparagraph (A), the Secretary shall require the relinquishment of certain portions of the Corporation's existing exclusive use easement within the boundary of Denali National Park.

(2) CONDITIONS OF THE EXCHANGE.—

(A) EQUAL EXCHANGE.—The exchange of easements under this section shall be on an approximately equal-acre basis.

(B) TOTAL ACRES.—The easement granted under paragraph (1)(A) shall not exceed 25 acres.

(C) INTERESTS CONVEYED.—The easement conveyed to the Alaska Railroad Corporation by the Secretary under this section shall be under the same terms as the exclusive use easement granted to the Railroad in Denali National Park in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.). The easement relinquished by the Alaska Railroad Corporation to the United States under this section shall, with respect to the portion being exchanged, be the full title and interest received by the Alaska Railroad in the Deed for Exclusive Use Easement and Railroad Related Improvements filed in Book 33, pages 985–994 of the Nenana Recording District, Alaska, pursuant to the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1201 et seq.).

(D) COSTS.—The Alaska Railroad shall pay all costs associated with the exchange under this section, including the costs of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), the costs of any surveys, and other reasonable costs.

(E) LAND TO BE PART OF WILDERNESS.—The land underlying any easement relinquished to the United States under this section that is adjacent to designated wilderness is hereby designated as wilderness and added to the Denali Wilderness, the boundaries of which are modified accordingly, and shall be managed in accordance with applicable provisions of the Wilderness Act (78 Stat. 892) and the Alaska National Interest Lands Conservation Act of 1980 (94 Stat. 2371).

(F) OTHER TERMS AND CONDITIONS.—The Secretary shall require any additional terms and conditions under this section that the Secretary determines to be appropriate to protect the interests of the United States and of Denali National Park.

Subtitle G—National Underground Railroad Network to Freedom Amendments

SEC. 361. AUTHORIZING APPROPRIATIONS FOR SPECIFIC PURPOSES.

(a) IN GENERAL.—The National Underground Railroad Network to Freedom Act of 1998 (16 U.S.C. 4691 et seq.) is amended—

(1) by striking section 3(d);

(2) by striking section 4(d); and

(3) by adding at the end the following:

''SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

''(a) AMOUNTS.—There are authorized to be appropriated to carry out this Act $2,500,000 for each fiscal year, to be allocated as follows:

''(1) $2,000,000 is to be used for the purposes of section 3.

''(2) $500,000 is to be used for the purposes of section 4.

''(b) RESTRICTIONS.—No amounts may be appropriated for the purposes of this Act except to the Secretary for carrying out the responsibilities of the Secretary as set forth in this Act.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the beginning of the fiscal year immediately following the date of the enactment of this Act.

Subtitle H—Grand Canyon Subcontractors

SEC. 371. DEFINITIONS.

In this subtitle:

(1) IDIQ.—The term ''IDIQ'' means an Indefinite Deliver/Indefinite Quantity contract.

(2) PARK.—The term ''park'' means Grand Canyon National Park.

(3) PGI.—The term ''PGI'' means Pacific General, Inc.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 372. AUTHORIZATION.

The Secretary is authorized, subject to the appropriation of such funds as may be necessary, to pay the amount owed to the subcontractors of PGI for work performed at the park under an IDIQ with PGI between fiscal years 2002 and 2003, provided that—

(1) the primary contract between PGI and the National Park Service is terminated;

(2) the amount owed to the subcontractors is verified;

(3) all reasonable legal avenues or recourse have been exhausted by the subcontractors to recoup amounts owed directly from PGI; and

(4) the subcontractors provide a written statement that payment of the amount verified in paragraph (2) represents payment in full by the United States for all work performed at the park under the IDIQ with PGI between fiscal years 2002 and 2003.

TITLE IV—NATIONAL HERITAGE AREAS

Subtitle A—Journey Through Hallowed Ground National Heritage Area

SEC. 401. PURPOSES.

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the study entitled ''The Journey Through Hallowed Ground National Heritage Area Feasibility Study'' dated September 2006;

(2) to preserve, support, conserve, and interpret the legacy of the American history created along the National Heritage Area;

(3) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in the creation of America, including Native American, Colonial American, European American, and African American heritage;

(5) to recognize and interpret the effect of the Civil War on the civilian population of the National Heritage Area during the war and post-war reconstruction period;

(6) to enhance a cooperative management framework to assist the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the State of West Virginia, and their units of local government, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural and recreational sites in the National Heritage Area; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

SEC. 402. DEFINITIONS.

In this subtitle—

(1) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Journey Through Hallowed Ground National Heritage Area established in this subtitle.

(2) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Journey Through Hallowed Ground Partnership, a Virginia non-profit, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(3) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

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

SEC. 403. DESIGNATION OF THE JOURNEY THROUGH HALLOWED GROUND NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Journey Through Hallowed Ground National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The Heritage Area shall consist of the 175-mile region generally following the Route 15 corridor and surrounding areas from Adams County, Pennsylvania, through Frederick County, Maryland, including the Heart of the Civil War Maryland State Heritage Area, looping through Brunswick, Maryland, to Harpers Ferry, West Virginia, back through Loudoun County, Virginia, to the Route 15 corridor and surrounding areas encompassing portions of Loudoun and Prince William Counties, Virginia, then Fauquier County, Virginia, portions of Spotsylvania and Madison Counties, Virginia, and Culpepper, Rappahannock, Orange, and Albemarle Counties, Virginia.

(2) MAP.—The boundaries of the National Heritage Area shall include all of those lands and interests as generally depicted on the map titled ''Journey Through Hallowed Ground National Heritage Area'', numbered P90/80,000, and dated October 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 404. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 405. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 406. LOCAL COORDINATING ENTITY.

(a) DUTIES.—To further the purposes of the National Heritage Area, the Journey Through Hallowed Ground Partnership, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 407. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 408. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority (such as the authority to make safety improvements or increase the capacity of existing roads or to construct new roads) of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy or water or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 409. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 410. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 411. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this subtitle.

Subtitle B—Niagara Falls National Heritage Area

SEC. 421. PURPOSES.

The purposes of this subtitle include—

(1) to recognize the national importance of the natural and cultural legacies of the area, as demonstrated in the National Park Service study report entitled ''Niagara National Heritage Area Study'' dated 2005;

(2) to preserve, support, conserve, and interpret the natural, scenic, cultural, and historic resources within the National Heritage Area;

(3) to promote heritage, cultural, and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(4) to recognize and interpret important events and geographic locations representing key developments in American history and culture, including Native American, Colonial American, European American, and African American heritage;

(5) to enhance a cooperative management framework to assist State, local, and Tribal governments, the private sector, and citizens residing in the National Heritage Area in conserving, supporting, enhancing, and interpreting the significant historic, cultural, and recreational sites in the National Heritage Area;

(6) to conserve and interpret the history of the development of hydroelectric power in the United States and its role in developing the American economy; and

(7) to provide appropriate linkages among units of the National Park System within and surrounding the National Heritage Area, to protect, enhance, and interpret resources outside of park boundaries.

SEC. 422. DEFINITIONS.

In this subtitle:

(1) COMMISSION.—The term ''Commission'' means the Niagara Falls National Heritage Area Commission established under this subtitle.

(2) GOVERNOR.—The term ''Governor'' means the Governor of the State of New York.

(3) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the local coordinating entity for the National Heritage Area designated pursuant to this subtitle.

(4) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(5) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Niagara Falls National Heritage Area established in this subtitle.

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

SEC. 423. DESIGNATION OF THE NIAGARA FALLS NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Niagara Falls National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of the area from the western boundary of the town of Wheatfield, New York, extending to the mouth of the Niagara River on Lake Ontario, including the city of Niagara Falls, New York, the villages of Youngstown and Lewiston, New York, land and water within the boundaries of the Heritage Area in Niagara County, New York, and any additional thematically related sites within Erie and Niagara Counties, New York, that are identified in the management plan developed under this subtitle.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled ''Niagara Falls National Heritage Area,'' and numbered P76/80,000 and dated July, 2006. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 424. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 425. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 426. LOCAL COORDINATING ENTITY.

(a) DESIGNATION.—The local coordinating entity for the Heritage Area shall be—

(1) for the 5-year period beginning on the date of enactment of this subtitle, the Commission; and

(2) on expiration of the 5-year period described in paragraph (1), a private nonprofit or governmental organization designated by the Commission.

(b) DUTIES.—To further the purposes of the National Heritage Area, the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the Secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds;

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area; and

(5) coordinate projects, activities, and programs with the Erie Canalway National Heritage Corridor.

(c) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of

the National Heritage Area and are consistent with the approved management plan.

(d) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 427. NIAGARA FALLS HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.

(b) MEMBERSHIP.—The Commission shall be composed of 17 members, of whom—

(1) 1 member shall be the Director of the National Park Service (or a designee);

(2) 5 members shall be appointed by the Secretary, after consideration of the recommendation of the Governor, from among individuals with knowledge and experience of—

(A) the New York State Office of Parks, Recreation and Historic Preservation, the Niagara River Greenway Commission, the New York Power Authority, the USA Niagara Development Corporation, and the Niagara Tourism and Convention Corporation; or

(B) any successors of the agencies described in subparagraph (A);

(3) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of Niagara Falls, New York;

(4) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Youngstown, New York;

(5) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the mayor of the village of Lewiston, New York;

(6) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Tuscarora Nation;

(7) 1 member shall be appointed by the Secretary, after consideration of the recommendation of the Seneca Nation of Indians; and

(8) 6 members shall be individuals who have an interest in, support for, and expertise appropriate to tourism, regional planning, history and historic preservation, cultural or natural resource management, conservation, recreation, and education, or museum services, of whom—

(A) 4 members shall be appointed by the Secretary, after consideration of the recommendation of the 2 members of the Senate from the State; and

(B) 2 members shall be appointed by the Secretary, after consideration of the recommendation of the Member of the House of Representatives whose district encompasses the National Heritage Area.

(c) TERMS; VACANCIES.—

(1) TERM.—A member of the Commission shall be appointed for a term not to exceed 5 years.

(2) VACANCIES.—

(A) PARTIAL TERM.—A member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the predecessor of the member was appointed.

(B) IN GENERAL.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

(d) CHAIRPERSON AND VICE CHAIRPERSON.—

(1) SELECTION.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(2) VICE CHAIRPERSON.—The Vice Chairperson shall serve as the Chairperson in the absence of the Chairperson.

(e) QUORUM.—

(1) IN GENERAL.—A majority of the members of the Commission shall constitute a quorum.

(2) TRANSACTION.—For the transaction of any business or the exercise of any power of the Commission, the Commission shall have the power to act by a majority vote of the members present at any meeting at which a quorum is in attendance.

(f) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at least quarterly at the call of—

(A) the Chairperson; or

(B) a majority of the members of the Commission.

(2) NOTICE.—Notice of Commission meetings and agendas for the meetings shall be published in local newspapers that are distributed throughout the National Heritage Area.

(3) APPLICABLE LAW.—Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(g) AUTHORITIES OF THE COMMISSION.—In addition to the authorities otherwise granted in this subtitle, the Commission may—

(1) request and accept from the head of any Federal agency, on a reimbursable or non-reimbursable basis, any personnel of the Federal agency to the Commission to assist in carrying out the duties of the Commission;

(2) request and accept from the head of any State agency or any agency of a political subdivision of the State, on a reimbursable or nonreimbursable basis, any personnel of the agency to the Commission to assist in carrying out the duties of the Commission;

(3) seek, accept, and dispose of gifts, bequests, grants, or donations of money, personal property, or services; and

(4) use the United States mails in the same manner as other agencies of the Federal Government.

(h) DUTIES OF THE COMMISSION.—To further the purposes of the National Heritage Area, in addition to the duties otherwise listed in this subtitle, the Commission shall assist in the transition of the management of the National Heritage Area from the Commission to the local coordinating entity designated under this subtitle.

(i) COMPENSATION OF MEMBERS.—

(1) IN GENERAL.—A member of the Commission shall serve without compensation.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(j) GIFTS.—For purposes of section 170(c) of the Internal Revenue Code of 1986, any gift or charitable contribution to the Commission shall be considered to be a charitable contribution or gift to the United States.

(k) USE OF FEDERAL FUNDS.—Except as provided for the leasing of administrative facilities under subsection (g)(1), the Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.

SEC. 428. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 429. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 430. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 431. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 432. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of enactment of this Act.

Subtitle C—Abraham Lincoln National Heritage Area

SEC. 441. PURPOSES.

The purposes of this subtitle include—

(1) to recognize the significant natural and cultural legacies of the area, as demonstrated in the study entitled ''Feasibility Study of the Proposed Abraham Lincoln National Heritage Area'' prepared for the Looking for Lincoln Heritage Coalition in 2002 and revised in 2007;

(2) to promote heritage, cultural and recreational tourism and to develop educational and cultural programs for visitors and the general public;

(3) to recognize and interpret important events and geographic locations representing key periods in the growth of America, including Native American, Colonial American, European American, and African American heritage;

(4) to recognize and interpret the distinctive role the region played in shaping the man who would become the 16th President of the United States, and how Abraham Lincoln's life left its traces in the stories, folklore, buildings, streetscapes, and landscapes of the region;

(5) to provide a cooperative management framework to foster a close working relationship with all levels of government, the private sector, and the local communities in the region in identifying, preserving, interpreting, and developing the historical, cultural, scenic, and natural resources of the region for the educational and inspirational benefit of current and future generations; and

(6) to provide appropriate linkages between units of the National Park System and communities, governments, and organizations within the Heritage Area.

SEC. 442. DEFINITIONS.

In this subtitle:

(1) LOCAL COORDINATING ENTITY.—The term ''local coordinating entity'' means the Looking for Lincoln Heritage Coalition, which is hereby designated by Congress—

(A) to develop, in partnership with others, the management plan for the National Heritage Area; and

(B) to act as a catalyst for the implementation of projects and programs among diverse partners in the National Heritage Area.

(2) MANAGEMENT PLAN.—The term ''management plan'' means the plan prepared by the local coordinating entity for the National Heritage Area that specifies actions, policies, strategies, performance goals, and recommendations to meet the goals of the National Heritage Area, in accordance with this subtitle.

(3) NATIONAL HERITAGE AREA.—The term ''National Heritage Area'' means the Abraham Lincoln National Heritage Area established in this subtitle.

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

SEC. 443. DESIGNATION OF ABRAHAM LINCOLN NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Abraham Lincoln National Heritage Area.

(b) BOUNDARIES.—

(1) IN GENERAL.—The National Heritage Area shall consist of sites as designated by the management plan within a core area located in Central Illinois, consisting of Adams, Brown, Calhoun, Cass, Champaign, Christian, Clark, Coles, Cumberland, Dewitt, Douglas, Edgar, Fayette, Fulton, Greene, Hancock, Henderson, Jersey, Knox, LaSalle, Logan, Macon, Macoupin, Madison, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, Sangamon, Schuyler, Scott, Shelby, Tazewell, Vermillion, Warren and Woodford counties.

(2) MAP.—The boundaries of the National Heritage Area shall be as generally depicted on the map titled ''Proposed Abraham Lincoln National Heritage Area'', and numbered 338/80,000, and dated July 2007. The map shall be on file and available to the public in the appropriate offices of the National Park Service and the local coordinating entity.

SEC. 444. MANAGEMENT PLAN.

(a) REQUIREMENTS.—The management plan for the National Heritage Area shall—

(1) describe comprehensive policies, goals, strategies, and recommendations for telling the story of the heritage of the area covered by the National Heritage Area and encouraging long-term resource protection, enhancement, interpretation, funding, management, and development of the National Heritage Area;

(2) include a description of actions and commitments that Federal, State, Tribal, and local governments, private organizations, and citizens will take to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(3) specify existing and potential sources of funding or economic development strategies to protect, enhance, interpret, fund, manage, and develop the National Heritage Area;

(4) include an inventory of the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area related to the national importance and themes of the National Heritage Area that should be protected, enhanced, interpreted, managed, funded, and developed;

(5) recommend policies and strategies for resource management, including the development of intergovernmental and interagency agreements to protect, enhance, interpret, fund, manage, and develop the natural, historical, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(6) describe a program for implementation for the management plan, including—

(A) performance goals;

(B) plans for resource protection, enhancement, interpretation, funding, management, and development; and

(C) specific commitments for implementation that have been made by the local coordinating entity or any Federal, State, Tribal, or local government agency, organization, business, or individual;

(7) include an analysis of, and recommendations for, means by which Federal, State, Tribal, and local programs may best be coordinated (including the role of the National Park Service and other Federal agencies associated with the National Heritage Area) to further the purposes of this subtitle; and

(8) include a business plan that—

(A) describes the role, operation, financing, and functions of the local coordinating entity and of each of the major activities contained in the management plan; and

(B) provides adequate assurances that the local coordinating entity has the partnerships and financial and other resources necessary to implement the management plan for the National Heritage Area.

(b) DEADLINE.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are first made available to develop the management plan after designation as a National Heritage Area, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) TERMINATION OF FUNDING.—If the management plan is not submitted to the Secretary in accordance with paragraph (1), the local coordinating entity shall not qualify for any additional financial assistance under this subtitle until such time as the management plan is submitted to and approved by the Secretary.

(c) APPROVAL OF MANAGEMENT PLAN.—

(1) REVIEW.—Not later than 180 days after receiving the plan, the Secretary shall review and approve or disapprove the management plan for a National Heritage Area on the basis of the criteria established under paragraph (3).

(2) CONSULTATION.—The Secretary shall consult with the Governor of each State in which the National Heritage Area is located before approving a management plan for the National Heritage Area.

(3) CRITERIA FOR APPROVAL.—In determining whether to approve a management plan for a National Heritage Area, the Secretary shall consider whether—

(A) the local coordinating entity represents the diverse interests of the National Heritage Area, including Federal, State, Tribal, and local governments, natural, and historic resource protection organizations, educational institutions, businesses, recreational organizations, community residents, and private property owners;

(B) the local coordinating entity—

(i) has afforded adequate opportunity for public and Federal, State, Tribal, and local governmental involvement (including through workshops and hearings) in the preparation of the management plan; and

(ii) provides for at least semiannual public meetings to ensure adequate implementation of the management plan;

(C) the resource protection, enhancement, interpretation, funding, management, and development strategies described in the management plan, if implemented, would adequately protect, enhance, interpret, fund, manage, and develop the natural, historic, cultural, educational, scenic, and recreational resources of the National Heritage Area;

(D) the management plan would not adversely affect any activities authorized on Federal land under public land laws or land use plans;

(E) the local coordinating entity has demonstrated the financial capability, in partnership with others, to carry out the plan;

(F) the Secretary has received adequate assurances from the appropriate State, Tribal, and local officials whose support is needed to ensure the effective implementation of the State, Tribal, and local elements of the management plan; and

(G) the management plan demonstrates partnerships among the local coordinating entity, Federal, State, Tribal, and local governments, regional planning organizations, nonprofit organizations, or private sector parties for implementation of the management plan.

(4) DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves the management plan, the Secretary—

(i) shall advise the local coordinating entity in writing of the reasons for the disapproval; and

(ii) may make recommendations to the local coordinating entity for revisions to the management plan.

(B) DEADLINE.—Not later than 180 days after receiving a revised management plan, the Secretary shall approve or disapprove the revised management plan.

(5) AMENDMENTS.—

(A) IN GENERAL.—An amendment to the management plan that substantially alters the purposes of the National Heritage Area shall be reviewed by the Secretary and approved or disapproved in the same manner as the original management plan.

(B) IMPLEMENTATION.—The local coordinating entity shall not use Federal funds authorized by this subtitle to implement an amendment to the management plan until the Secretary approves the amendment.

(6) AUTHORITIES.—The Secretary may—

(A) provide technical assistance under the authority of this subtitle for the development and implementation of the management plan; and

(B) enter into cooperative agreements with interested parties to carry out this subtitle.

SEC. 445. EVALUATION; REPORT.

(a) IN GENERAL.—Not later than 3 years before the date on which authority for Federal funding terminates for the National Heritage Area under this subtitle, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local coordinating entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the Federal, State, Tribal, and local, and private investments in the National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

SEC. 446. LOCAL COORDINATING ENTITY.

(a) DUTIES.—To further the purposes of the National Heritage Area, the Looking for Lincoln Heritage Coalition, as the local coordinating entity, shall—

(1) prepare a management plan for the National Heritage Area, and submit the management plan to the Secretary, in accordance with this subtitle;

(2) submit an annual report to the secretary for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, specifying—

(A) the specific performance goals and accomplishments of the local coordinating entity;

(B) the expenses and income of the local coordinating entity;

(C) the amounts and sources of matching funds;

(D) the amounts leveraged with Federal funds and sources of the leveraging; and

(E) grants made to any other entities during the fiscal year;

(3) make available for audit for each fiscal year for which the local coordinating entity receives Federal funds under this subtitle, all information pertaining to the expenditure of the funds and any matching funds; and

(4) encourage economic viability and sustainability that is consistent with the purposes of the National Heritage Area.

(b) AUTHORITIES.—For the purposes of preparing and implementing the approved management plan for the National Heritage Area, the local coordinating entity may use Federal funds made available under this subtitle to—

(1) make grants to political jurisdictions, nonprofit organizations, and other parties within the National Heritage Area;

(2) enter into cooperative agreements with or provide technical assistance to political jurisdictions, nonprofit organizations, Federal agencies, and other interested parties;

(3) hire and compensate staff, including individuals with expertise in—

(A) natural, historical, cultural, educational, scenic, and recreational resource conservation;

(B) economic and community development; and

(C) heritage planning;

(4) obtain funds or services from any source, including other Federal programs;

(5) contract for goods or services; and

(6) support activities of partners and any other activities that further the purposes of the National Heritage Area and are consistent with the approved management plan.

(c) PROHIBITION ON ACQUISITION OF REAL PROPERTY.—The local coordinating entity may not use Federal funds authorized under this subtitle to acquire any interest in real property.

SEC. 447. RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) IN GENERAL.—Nothing in this subtitle affects the authority of a Federal agency to provide technical or financial assistance under any other law.

(b) CONSULTATION AND COORDINATION.—The head of any Federal agency planning to conduct activities that may have an impact on a National Heritage Area is encouraged to consult and coordinate the activities with the Secretary and the local coordinating entity to the maximum extent practicable.

(c) OTHER FEDERAL AGENCIES.—Nothing in this subtitle—

(1) modifies, alters, or amends any law or regulation authorizing a Federal agency to manage Federal land under the jurisdiction of the Federal agency;

(2) limits the discretion of a Federal land manager to implement an approved land use plan within the boundaries of a National Heritage Area; or

(3) modifies, alters, or amends any authorized use of Federal land under the jurisdiction of a Federal agency.

SEC. 448. PRIVATE PROPERTY AND REGULATORY PROTECTIONS.

Nothing in this subtitle—

(1) abridges the rights of any property owner (whether public or private), including the right to refrain from participating in any plan, project, program, or activity conducted within the National Heritage Area;

(2) requires any property owner to permit public access (including access by Federal, State, Tribal, or local agencies) to the property of the property owner, or to modify public access or use of property of the property owner under any other Federal, State, Tribal, or local law;

(3) alters any duly adopted land use regulation, approved land use plan, or other regulatory authority of any Federal, State, Tribal, or local agency, or conveys any land use or other regulatory authority to any local coordinating entity, including but not necessarily limited to development and management of energy, water, or water-related infrastructure;

(4) authorizes or implies the reservation or appropriation of water or water rights;

(5) diminishes the authority of the State to manage fish and wildlife, including the regulation of fishing and hunting within the National Heritage Area; or

(6) creates any liability, or affects any liability under any other law, of any private property owner with respect to any person injured on the private property.

SEC. 449. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (b), there are authorized to be appropriated to carry out this subtitle not more than $1,000,000 for any fiscal year. Funds so appropriated shall remain available until expended.

(b) LIMITATION ON TOTAL AMOUNTS APPROPRIATED.—Not more than $15,000,000 may be appropriated to carry out this subtitle.

(c) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity under this subtitle shall be not more than 50 percent; the non-Federal contribution may be in the form of in-kind contributions of goods or services fairly valued.

SEC. 450. USE OF FEDERAL FUNDS FROM OTHER SOURCES.

Nothing in this subtitle shall preclude the local coordinating entity from using Federal funds available under other laws for the purposes for which those funds were authorized.

SEC. 451. SUNSET FOR GRANTS AND OTHER ASSISTANCE.

The authority of the Secretary to provide financial assistance under this subtitle terminates on the date that is 15 years after the date of the enactment of this subtitle.

Subtitle D—Authorization Extensions and Viability Studies

SEC. 461. EXTENSIONS OF AUTHORIZED APPROPRIATIONS.

Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333; 16 U.S.C. 461 note) is amended in each of sections 108(a), 209(a), 311(a), 409(a), 508(a), 608(a), 708(a), 810(a) (as redesignated by section 474(9)), and 909(c), by striking ''$10,000,000'' and inserting ''$15,000,000''.

SEC. 462. EVALUATION AND REPORT.

(a) IN GENERAL.—For the nine National Heritage Areas authorized in Division II of the Omnibus Parks and Public Lands Management Act of 1996, not later than 3 years before the date on which authority for Federal funding terminates for each National Heritage Area, the Secretary shall—

(1) conduct an evaluation of the accomplishments of the National Heritage Area; and

(2) prepare a report in accordance with subsection (c).

(b) EVALUATION.—An evaluation conducted under subsection (a)(1) shall—

(1) assess the progress of the local management entity with respect to—

(A) accomplishing the purposes of the authorizing legislation for the National Heritage Area; and

(B) achieving the goals and objectives of the approved management plan for the National Heritage Area;

(2) analyze the investments of Federal, State, Tribal, and local government and private entities in each National Heritage Area to determine the impact of the investments; and

(3) review the management structure, partnership relationships, and funding of the National Heritage Area for purposes of identifying the critical components for sustainability of the National Heritage Area.

(c) REPORT.—Based on the evaluation conducted under subsection (a)(1), the Secretary shall submit a report to the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the Senate. The report shall include recommendations for the future role of the National Park Service, if any, with respect to the National Heritage Area.

Subtitle E—Technical Corrections and Additions

SEC. 471. NATIONAL COAL HERITAGE AREA TECHNICAL CORRECTIONS.

Title I of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333 as amended by Public Law 106–176 and Public Law 109–338) is amended—

(1) by striking section 103(b) and inserting the following:

''(b) BOUNDARIES.—The National Coal Heritage Area shall be comprised of Lincoln County, West Virginia, and Paint Creek and

Cabin Creek within Kanawah County, West Virginia, and the counties that are the subject of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.'';

(2) by striking section 105 and inserting the following:

"SEC. 105. ELIGIBLE RESOURCES.

''(a) IN GENERAL.—The resources eligible for the assistance under section 104 shall include—

''(1) resources in Lincoln County, West Virginia, and Paint Creek and Cabin Creek in Kanawah County, West Virginia, as determined to be appropriate by the National Coal Heritage Area Authority; and

''(2) the resources set forth in appendix D of the study by the National Park Service, dated 1993, entitled 'A Coal Mining Heritage Study: Southern West Virginia' conducted pursuant to title VI of Public Law 100–699.

''(b) PRIORITY.—Priority consideration shall be given to those sites listed as 'Conservation Priorities' and 'Important Historic Resources' as depicted on the map entitled 'Study Area: Historic Resources' in such study.'';

(3) in section 106(a)—

(A) by striking ''Governor'' and all that follows through ''Parks,'' and inserting ''National Coal Heritage Area Authority''; and

(B) in paragraph (3), by striking ''State of West Virginia'' and all that follows through ''entities, or'' and inserting ''National Coal Heritage Area Authority or''; and

(4) in section 106(b), by inserting ''not'' before ''meet''.

SEC. 472. RIVERS OF STEEL NATIONAL HERITAGE AREA ADDITION.

Section 403(b) of title IV of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended by inserting ''Butler,'' after ''Beaver,''.

SEC. 473. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR ADDITION.

Section 604(b)(2) of title VI of Division II of the Omnibus Parks and Public Lands Management Act of 1996 is amended by adding at the end the following new subparagraphs:

''(O) Berkeley County.

''(P) Saluda County.

''(Q) The portion of Georgetown County that is not part of the Gullah/Geechee Cultural Heritage Corridor.''.

SEC. 474. OHIO AND ERIE CANAL NATIONAL HERITAGE CORRIDOR TECHNICAL CORRECTIONS.

Title VIII of Division II of the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104–333) is amended—

(1) by striking ''Canal National Heritage Corridor'' each place it appears and inserting ''National Heritage Canalway'';

(2) by striking ''corridor'' each place it appears and inserting ''canalway'', except in references to the feasibility study and management plan;

(3) in the heading of section 808(a)(3), by striking ''CORRIDOR'' and inserting ''CANALWAY'';

(4) in the title heading, by striking ''**CANAL NATIONAL HERITAGE CORRIDOR**'' and inserting ''**NATIONAL HERITAGE CANALWAY**'';

(5) in section 803—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (2), (3), (4), (5), and (6), respectively;

(C) in paragraph (2) (as redesignated by subparagraph (B)), by striking ''808'' and inserting ''806''; and

(D) in paragraph (6) (as redesignated by subparagraph (B)), by striking ''807(a)'' and inserting ''805(a)'';

(6) in the heading of section 804, by striking ''**CANAL NATIONAL HERITAGE CORRIDOR**'' and inserting ''**NATIONAL HERITAGE CANALWAY**'';

(7) in the second sentence of section 804(b)(1), by striking ''808'' and inserting ''806'';

(8) by striking sections 805 and 806;

(9) by redesignating sections 807, 808, 809, 810, 811, and 812 as sections 805, 806, 807, 808, 809, and 810, respectively;

(10) in section 805(c)(2) (as redesignated by paragraph (9)), by striking ''808'' and inserting ''806'';

(11) in section 806 (as redesignated by paragraph (9))—

(A) in subsection (a)(1), by striking ''Committee'' and inserting ''Secretary'';

(B) in the heading of subsection (a)(1), by striking ''COMMITTEE'' and inserting ''SECRETARY'';

(C) in subsection (a)(3), in the first sentence of subparagraph (B), by striking ''Committee'' and inserting ''management entity'';

(D) in subsection (e), by striking ''807(d)(1)'' and inserting ''805(d)(1)''; and

(E) in subsection (f), by striking ''807(d)(1)'' and inserting ''805(d)(1)'';

(12) in section 807 (as redesignated by paragraph (9)), in subsection (c) by striking ''Cayohoga Valley National Recreation Area'' and inserting ''Cayohoga Valley National Park'';

(13) in section 808 (as redesignated by paragraph (9))—

(A) in subsection (b), by striking ''Committee or''; and

(B) in subsection (c), in the matter before paragraph (1), by striking ''Committee'' and inserting ''management entity''; and

(14) in section 809 (as redesignated by paragraph (9)), by striking ''assistance'' and inserting ''financial assistance''.

SEC. 475. NEW JERSEY COASTAL HERITAGE TRAIL ROUTE EXTENSION OF AUTHORIZATION.

Section 6 of Public Law 100–515 (16 U.S.C. 1244 note) is amended as follows:

(1) Strike paragraph (1) of subsection (b) and insert the following new paragraph:

''(1) IN GENERAL.—Amounts made available under subsection (a) shall be used only for—

''(A) technical assistance;

''(B) the design and fabrication of interpretive materials, devices, and signs; and

''(C) the preparation of the strategic plan.''.

(2) Paragraph (3) of subsection (b) is amended by inserting after subparagraph (B) a new subparagraph as follows:

''(C) Notwithstanding paragraph (3)(A), funds made available under subsection (a) for the preparation of the strategic plan shall not require a non-Federal match.''.

(3) Subsection (c) is amended by striking ''2007'' and inserting ''2011''.

Subtitle F—Studies

SEC. 481. COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.

(a) DEFINITIONS.—In this section:

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

(2) STUDY AREA.—The term ''study area'' means—

(A) the coastal areas of Clatsop and Pacific Counties (also known as the North Beach Peninsula); and

(B) areas relating to Native American history, local history, Euro-American settlement culture, and related economic activities of the Columbia River within a corridor along the Columbia River eastward in Clatsop, Pacific, Columbia, and Wahkiakum Counties.

(b) COLUMBIA-PACIFIC NATIONAL HERITAGE AREA STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the managers of any Federal land within the study area, appropriate State and local governmental agencies, tribal governments, and any interested organizations, shall conduct a study to determine the feasibility of designating the study area as the Columbia-Pacific National Heritage Area.

(2) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that together represent distinctive aspects of American heritage worthy of recognition, conservation, interpretation, and continuing use, and are best managed through partnerships among public and private entities and by combining diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and folklife that are a valuable part of the national story;

(C) provides outstanding opportunities to conserve natural, historic, cultural, or scenic features;

(D) provides outstanding recreational and educational opportunities;

(E) contains resources important to the identified theme or themes of the study area that retain a degree of integrity capable of supporting interpretation;

(F) includes residents, business interests, nonprofit organizations, and local and State governments that are involved in the planning, have developed a conceptual financial plan that outlines the roles for all participants, including the Federal Government, and have demonstrated support for the concept of a national heritage area;

(G) has a potential local coordinating entity to work in partnership with residents, business interests, nonprofit organizations, and local and State governments to develop a national heritage area consistent with continued local and State economic activity; and

(H) has a conceptual boundary map that is supported by the public.

(3) PRIVATE PROPERTY.—In conducting the study required by this subsection, the Secretary shall analyze the potential impact that designation of the area as a national heritage area is likely to have on land within the proposed area or bordering the proposed area that is privately owned at the time that the study is conducted.

(c) REPORT.—Not later than 3 fiscal years after the date on which funds are made available to carry out the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the findings, conclusions, and recommendations of the Secretary with respect to the study.

SEC. 482. STUDY OF SITES RELATING TO ABRAHAM LINCOLN IN KENTUCKY.

(a) DEFINITIONS.—In this section:

(1) HERITAGE AREA.—The term ''Heritage Area'' means a National Heritage Area in the State to honor Abraham Lincoln.

(2) STATE.—The term ''State'' means the Commonwealth of Kentucky.

(3) STUDY AREA.—The term ''study area'' means the study area described in subsection (b)(2).

(b) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Kentucky Historical Society, other State historical societies, the State Historic Preservation Officer, State tourism offices, and other appropriate organizations and agencies, shall conduct a study to assess the suitability and feasibility of designating the study area as a National Heritage Area in the State to honor Abraham Lincoln.

(2) DESCRIPTION OF STUDY AREA.—The study area shall include—

(A) Boyle, Breckinridge, Fayette, Franklin, Hardin, Jefferson, Jessamine, Larue, Madison, Mercer, and Washington Counties in the State; and

(B) the following sites in the State:

(i) The Abraham Lincoln Birthplace National Historic Site.

(ii) The Abraham Lincoln Boyhood Home Unit.

(iii) Downtown Hodgenville, Kentucky, including the Lincoln Museum and Adolph A. Weinman statue.

(iv) Lincoln Homestead State Park and Mordecai Lincoln House.

(v) Camp Nelson Heritage Park.

(vi) Farmington Historic Home.

(vii) The Mary Todd Lincoln House.

(viii) Ashland, which is the Henry Clay Estate.

(ix) The Old State Capitol.

(x) The Kentucky Military History Museum.

(xi) The Thomas D. Clark Center for Kentucky History.

(xii) The New State Capitol.

(xiii) Whitehall.

(xiv) Perryville Battlefield State Historic Site.

(xv) The Joseph Holt House.

(xvi) Elizabethtown, Kentucky, including the Lincoln Heritage House.

(xvii) Lincoln Marriage Temple at Fort Harrod.

(3) REQUIREMENTS.—The study shall include analysis, documentation, and determinations on whether the study area—

(A) has an assemblage of natural, historic, and cultural resources that—

(i) interpret—

(I) the life of Abraham Lincoln; and

(II) the contributions of Abraham Lincoln to the United States;

(ii) represent distinctive aspects of the heritage of the United States;

(iii) are worthy of recognition, conservation, interpretation, and continuing use; and

(iv) would be best managed—

(I) through partnerships among public and private entities; and

(II) by linking diverse and sometimes noncontiguous resources and active communities;

(B) reflects traditions, customs, beliefs, and historical events that are a valuable part of the story of the United States;

(C) provides—

(i) outstanding opportunities to conserve natural, historic, cultural, or scenic features; and

(ii) outstanding educational opportunities;

(D) contains resources that—

(i) are important to any identified themes of the study area; and

(ii) retain a degree of integrity capable of supporting interpretation;

(E) includes residents, business interests, nonprofit organizations, and State and local governments that—

(i) are involved in the planning of the Heritage Area;

(ii) have developed a conceptual financial plan that outlines the roles of all participants in the Heritage Area, including the Federal Government; and

(iii) have demonstrated support for designation of the Heritage Area;

(F) has a potential management entity to work in partnership with the individuals and entities described in subparagraph (E) to develop the Heritage Area while encouraging State and local economic activity; and

(G) has a conceptual boundary map that is supported by the public.

(c) REPORT.—Not later than the third fiscal year after the date on which funds are first made available to carry out this section, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(1) the findings of the study; and

(2) any conclusions and recommendations of the Secretary.

TITLE V—BUREAU OF RECLAMATION AND UNITED STATES GEOLOGICAL SURVEY AUTHORIZATIONS

SEC. 501. ALASKA WATER RESOURCES STUDY.

(a) DEFINITIONS.—In this section:

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

(2) STATE.—The term ''State'' means the State of Alaska.

(b) ALASKA WATER RESOURCES STUDY.—

(1) STUDY.—The Secretary, acting through the Commissioner of Reclamation and the Director of the United States Geological Survey, where appropriate, and in accordance with this section and other applicable provisions of law, shall conduct a study that includes—

(A) a survey of 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;

(B) a survey of water treatment needs and technologies, including desalination, applicable to the water resources of the State; and

(C) a review of the need for enhancement of the streamflow information collected by the United States Geological Survey in the State relating to critical water needs in areas such as—

(i) infrastructure risks to State transportation;

(ii) flood forecasting;

(iii) resource extraction; and

(iv) fire management.

(2) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study required by paragraph (1).

(c) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 502. RENEGOTIATION OF PAYMENT SCHEDULE, REDWOOD VALLEY COUNTY WATER DISTRICT.

Section 15 of Public Law 100–516 (102 Stat. 2573) is amended—

(1) by amending paragraph (2) of subsection (a) to read as follows:

''(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District's water needs. The Secretary shall reschedule the payments due under loans numbered 14–06–200–8423A and 14–06–200–8423A Amendatory and said payments shall commence when such additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District's repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).''; and

(2) by striking subsection (c).

SEC. 503. AMERICAN RIVER PUMP STATION PROJECT TRANSFER.

(a) AUTHORITY TO TRANSFER.—The Secretary of the Interior (hereafter in this section referred to as the ''Secretary'') shall transfer ownership of the American River Pump Station Project located at Auburn, California, which includes the Pumping Plant, associated facilities, and easements necessary for permanent operation of the facilities, to the Placer County Water Agency, in accordance with the terms of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency and the terms and conditions established in this section.

(b) FEDERAL COSTS NONREIMBURSABLE.—Federal costs associated with construction of the American River Pump Station Project located at Auburn, California, are nonreimbursable.

(c) GRANT OF REAL PROPERTY INTEREST.—The Secretary is authorized to grant title to Placer County Water Agency as provided in subsection (a) in full satisfaction of the United States' obligations under Land Purchase Contract 14–06–859–308 to provide a water supply to the Placer County Water Agency.

(d) COMPLIANCE WITH ENVIRONMENTAL LAWS.—

(1) IN GENERAL.—Before conveying land and facilities pursuant to this section, the Secretary shall comply with all applicable requirements under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and

(C) any other law applicable to the land and facilities.

(2) EFFECT.—Nothing in this section modifies or alters any obligations under—

(A) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(B) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(e) RELEASE FROM LIABILITY.—Effective on the date of transfer to the Placer County Water Agency of any land or facility under this section, the United States shall not be liable for damages arising out of any act, omission, or occurrence relating to the land and facilities, consistent with Article 9 of Contract No. 02–LC–20–7790 between the United States and Placer County Water Agency.

SEC. 504. ARTHUR V. WATKINS DAM ENLARGEMENT.

(a) FINDINGS.—Congress finds the following:

(1) Arthur V. Watkins Dam is a feature of the Weber Basin Project, which was authorized by law on August 29, 1949.

(2) Increasing the height of Arthur V. Watkins Dam and construction of pertinent facilities may provide additional storage capacity for the development of additional water supply for the Weber Basin Project for uses of municipal and industrial water supply, flood control, fish and wildlife, and recreation.

(b) AUTHORIZATION OF FEASIBILITY STUDY.—The Secretary of the Interior, acting through the Bureau of Reclamation, is authorized to conduct a feasibility study on raising the height of Arthur V. Watkins Dam for the development of additional storage to meet water supply needs within the Weber Basin Project area and the Wasatch Front. The feasibility study shall include such environmental evaluation as required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and a cost allocation

as required under the Reclamation Project Act of 1939 (43 U.S.C. 485 et seq.).

(c) COST SHARES.—

(1) FEDERAL SHARE.—The Federal share of the costs of the study authorized in subsection (b) shall not exceed 50 percent of the total cost of the study.

(2) IN-KIND CONTRIBUTIONS.—The Secretary shall accept, as appropriate, in-kind contributions of goods or services from the Weber Basin Water Conservancy District. Such goods and services accepted under this subsection shall be counted as part of the non-Federal cost share for the study.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $1,000,000 for the Federal cost share of the study authorized in subsection (b).

(e) SUNSET.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

SEC. 505. NEW MEXICO WATER PLANNING ASSISTANCE.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term ''State'' means the State of New Mexico.

(b) COMPREHENSIVE WATER PLAN ASSISTANCE.—

(1) IN GENERAL.—Upon the request of the Governor of the State and subject to paragraphs (2) through (6), the Secretary shall—

(A) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(B) conduct water resources mapping in the State; and

(C) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(2) TECHNICAL ASSISTANCE.—Technical assistance provided under paragraph (1) may include—

(A) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(B) expansion of climate, surface water, and groundwater monitoring networks;

(C) assessment of existing water resources, surface water storage, and groundwater storage potential;

(D) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(E) participation in State planning forums and planning groups;

(F) coordination of Federal water management planning efforts;

(G) technical review of data, models, planning scenarios, and water plans developed by the State; and

(H) provision of scientific and technical specialists to support State and local activities.

(3) ALLOCATION.—In providing grants under paragraph (1), the Secretary shall, subject to the availability of appropriations, allocate—

(A) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(B) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(C) $1,000,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(D) $4,500,000 for statewide digital orthophotography mapping; and

(E) such sums as are necessary to carry out additional projects consistent with paragraph (2).

(4) COST-SHARING REQUIREMENT.—

(A) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under paragraph (1) shall be 50 percent.

(B) FORM OF NON-FEDERAL SHARE.—The non-Federal share under subparagraph (A) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(5) NONREIMBURSABLE BASIS.—Any assistance or grants provided to the State under this section shall be made on a non-reimbursable basis.

(6) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this section.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2008 through 2012.

(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this Act.

SEC. 506. CONVEYANCE OF CERTAIN BUILDINGS AND LANDS OF THE YAKIMA PROJECT, WASHINGTON.

(a) CONVEYANCE REQUIRED.—The Secretary of the Interior shall convey to the Yakima-Tieton Irrigation District, located in Yakima County, Washington, all right, title, and interest of the United States in and to the buildings and lands of the Yakima Project, Washington, in accordance with the terms and conditions set forth in the agreement titled ''Agreement Between the United States and the Yakima-Tieton Irrigation District to Transfer Title to Certain Federally Owned Buildings and Lands, With Certain Property Rights, Title, and Interest, to the Yakima-Tieton Irrigation District'' (Contract No. 5–07–10–L1658).

(b) LIABILITY.—Effective upon the date of conveyance under this section, the United States shall not be held liable by any court for damages of any kind arising out of any act, omission, or occurrence relating to the conveyed buildings and lands, except for damages caused by acts of negligence committed by the United States or by its employees or agents before the date of conveyance. Nothing in this section increases the liability of the United States beyond that provided in chapter 171 of title 28, United States Code (popularly known as the Federal Tort Claims Act), on the date of enactment of this Act.

(c) BENEFITS.—After conveyance of the buildings and lands to the Yakima-Tieton Irrigation District under this section—

(1) such buildings and lands shall not be considered to be a part of a Federal reclamation project; and

(2) such irrigation district shall not be eligible to receive any benefits with respect to any buildings and lands conveyed, except benefits that would be available to a similarly situated person with respect to such buildings and lands that are not part of a Federal reclamation project.

(d) REPORT.—If the Secretary of the Interior has not completed the conveyance required under subsection (a) within 12 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that explains the reason such conveyance has not been completed and stating the date by which the conveyance will be completed.

SEC. 507. CONJUNCTIVE USE OF SURFACE AND GROUNDWATER IN JUAB COUNTY, UTAH.

Section 202(a)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575) is amended by inserting ''Juab,'' after ''Davis,''.

SEC. 508. EARLY REPAYMENT OF A & B IRRIGATION DISTRICT CONSTRUCTION COSTS.

(a) IN GENERAL.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within the A & B Irrigation District in the State (referred to in this section as the ''District'') may repay, at any time, the construction costs of District project facilities that are allocated to land of the landowner within the District.

(b) APPLICABILITY OF FULL-COST PRICING LIMITATIONS.—On discharge, in full, of the obligation for repayment of all construction costs described in subsection (a) that are allocated to all land the landowner owns in the District in question, the parcels of land shall not be subject to the ownership and full-cost pricing limitations under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.), including the Reclamation Reform Act of 1982 (13 U.S.C. 390aa et seq.).

(c) CERTIFICATION.—On request of a landowner that has repaid, in full, the construction costs described in subsection (a), the Secretary of the Interior shall provide to the landowner a certificate described in section 213(b)(1) of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm(b)(1)).

(d) EFFECT.—Nothing in this section—

(1) modifies any contractual rights under, or amends or reopens, the reclamation contract between the District and the United States; or

(2) modifies any rights, obligations, or relationships between the District and landowners in the District under Idaho State law.

SEC. 509. OREGON WATER RESOURCES.

(a) EXTENSION OF PARTICIPATION OF BUREAU OF RECLAMATION IN DESCHUTES RIVER CONSERVANCY.—Section 301 of the Oregon Resource Conservation Act of 1996 (division B of Public Law 104–208; 110 Stat. 3009–534) is amended—

(1) in subsection (a)(1), by striking ''Deschutes River Basin Working Group'' and inserting ''Deschutes River Conservancy Working Group'';

(2) by amending the text of subsection (a)(1)(B) to read as follows: ''4 representatives of private interests including two from irrigated agriculture who actively farm more than 100 acres of irrigated land and are not irrigation district managers and two from the environmental community;'';

(3) in subsection (b)(3), by inserting before the final period the following: '', and up to a total amount of $2,000,000 during each of fiscal years 2007 through 2016''; and

(4) in subsection (h), by inserting before the period at the end the following: '', and $2,000,000 for each of fiscal years 2007 through 2016''.

(b) WALLOWA LAKE DAM REHABILITATION ACT.—

(1) DEFINITIONS.—In this subsection:

(A) ASSOCIATED DITCH COMPANIES, INCORPORATED.—The term ''Associated Ditch Companies, Incorporated'' means the nonprofit corporation established under the laws of the State of Oregon that operates Wallowa Lake Dam.

(B) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(C) WALLOWA LAKE DAM REHABILITATION PROGRAM.—The term ''Wallowa Lake Dam Rehabilitation Program'' means the program for the rehabilitation of the Wallowa Lake Dam in Oregon, as contained in the engineering document titled, ''Phase I Dam Assessment and Preliminary Engineering Design'', dated December 2002, and on file with the Bureau of Reclamation.

(2) AUTHORIZATION TO PARTICIPATE IN PROGRAM.—

(A) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants to, or enter into cooperative or other agreements with, tribal, State, and local governmental entities and the Associated Ditch Companies, Incorporated, to plan, design, and construct facilities needed to implement the Wallowa Lake Dam Rehabilitation Program.

(B) CONDITIONS.—As a condition of providing funds under subparagraph (A), the Secretary shall ensure that—

(i) the Wallowa Lake Dam Rehabilitation Program and activities under this section meet the standards of the dam safety program of the State of Oregon;

(ii) the Associated Ditch Companies, Incorporated, agrees to assume liability for any work performed, or supervised, with Federal funds provided to it under this subsection; and

(iii) the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence relating to a facility rehabilitated or constructed with Federal funds provided under this subsection, both while and after activities are conducted using Federal funds provided under this subsection.

(C) COST SHARING.—

(i) IN GENERAL.—The Federal share of the costs of activities authorized under this subsection shall not exceed 50 percent.

(ii) EXCLUSIONS FROM FEDERAL SHARE.—There shall not be credited against the Federal share of such costs—

(I) any expenditure by the Bonneville Power Administration in the Wallowa River watershed; and

(II) expenditures made by individual agricultural producers in any Federal commodity or conservation program.

(D) COMPLIANCE WITH STATE LAW.—The Secretary, in carrying out this subsection, shall comply with applicable Oregon State water law.

(E) PROHIBITION ON HOLDING TITLE.—The Federal Government shall not hold title to any facility rehabilitated or constructed under this subsection.

(F) PROHIBITION ON OPERATION AND MAINTENANCE.—The Federal Government shall not be responsible for the operation and maintenance of any facility constructed or rehabilitated under this subsection.

(3) RELATIONSHIP TO OTHER LAW.—Activities funded under this subsection shall not be considered a supplemental or additional benefit under Federal reclamation law (the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.)).

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to pay the Federal share of the costs of activities authorized under this subsection $6,000,000.

(5) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this subsection.

(c) LITTLE BUTTE/BEAR CREEK SUBBASINS, OREGON, WATER RESOURCE STUDY.—

(1) AUTHORIZATION.—The Secretary of the Interior, acting through the Bureau of Reclamation, may participate in the Water for Irrigation, Streams and the Economy Project water management feasibility study and environmental impact statement in accordance with the ''Memorandum of Agreement Between City of Medford and Bureau of Reclamation for the Water for Irrigation, Streams, and the Economy Project'', dated July 2, 2004.

(2) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to the Bureau of Reclamation $500,000 to carry out activities under this subsection.

(B) NON-FEDERAL SHARE.—

(i) IN GENERAL.—The non-Federal share shall be 50 percent of the total costs of the Bureau of Reclamation in carrying out paragraph (1).

(ii) FORM.—The non-Federal share required under clause (i) may be in the form of any in-kind services that the Secretary of the Interior determines would contribute substantially toward the conduct and completion of the study and environmental impact statement required under paragraph (1).

(3) SUNSET.—The authority of the Secretary to carry out any provisions of this subsection shall terminate 10 years after the date of the enactment of this section.

(d) NORTH UNIT IRRIGATION DISTRICT.—The Act of August 10, 1954 (68 Stat. 679, chapter 663), is amended—

(1) in the first section—

(A) by inserting ''(referred to in this Act as the 'District')'' after ''irrigation district''; and

(B) by inserting ''(referred to in this Act as the 'Contract')'' after ''1953''; and

(2) by adding at the end the following:

"SEC. 3. ADDITIONAL TERMS.

''On approval of the District directors and notwithstanding project authorizing legislation to the contrary, the Contract is modified, without further action by the Secretary of the Interior, to include the following modifications:

''(1) In Article 8(a) of the Contract, by deleting 'a maximum of 50,000' and inserting 'approximately 59,000' after 'irrigation service to'.

''(2) In Article 11(a) of the Contract, by deleting 'The classified irrigable lands within the project comprise 49,817.75 irrigable acres, of which 35,773.75 acres are in Class A and 14,044.40 in Class B. These lands and the standards upon which the classification was made are described in the document entitled ''Land Classification, North Unit, Deschutes Project, 1953'' which is on file in the office of the Regional Director, Bureau of Reclamation, Boise, Idaho, and in the office of the District' and inserting 'The classified irrigable land within the project comprises 58,902.8 irrigable acres, all of which are authorized to receive irrigation water pursuant to water rights issued by the State of Oregon and have in the past received water pursuant to such State water rights.'.

''(3) In Article 11(c) of the Contract, by deleting ', with the approval of the Secretary,' after 'District may', by deleting 'the 49,817.75 acre maximum limit on the irrigable area is not exceeded' and inserting 'irrigation service is provided to no more than approximately 59,000 acres and no amendment to the District boundary is required' after 'time so long as'.

''(4) In Article 11(d) of the Contract, by inserting ', and may further be used for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'herein provided'.

''(5) By adding at the end of Article 12(d) the following: '(e) Notwithstanding the above subsections of this Article or Article 13 below, beginning with the irrigation season immediately following the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2007, the annual installment for each year, for the District, under the Contract, on account of the District's construction charge obligation, shall be a fixed and equal annual amount payable on June 30 the year following the year for which it is applicable, such that the District's total construction charge obligation shall be completely paid by June 30, 2044.'.

''(6) In Article 14(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law,' after 'and incidental stock and domestic uses', by inserting 'and for instream purposes as described above,' after 'irrigation, stock and domestic uses', and by inserting ', including natural flow rights out of the Crooked River held by the District' after 'irrigation system'.

''(7) In Article 29(a) of the Contract, by inserting 'and for instream purposes, including fish or wildlife purposes, to the extent that such use is required by Oregon State law in order for the District to engage in, or take advantage of, conserved water projects as authorized by Oregon State law' after 'provided in article 11'.

''(8) In Article 34 of the Contract, by deleting 'The District, after the election and upon the execution of this contract, shall promptly secure final decree of the proper State court approving and confirming this contract and decreeing and adjudging it to be a lawful, valid, and binding general obligation of the District. The District shall furnish to the United States certified copies of such decrees and of all pertinent supporting records.' after 'for that purpose.'.

"SEC. 4. FUTURE AUTHORITY TO RENEGOTIATE.

''The Secretary of the Interior (acting through the Commissioner of Reclamation) may in the future renegotiate with the District such terms of the Contract as the District directors determine to be necessary, only upon the written request of the District directors and the consent of the Commissioner of Reclamation.''.

SEC. 510. REPUBLICAN RIVER BASIN FEASIBILITY STUDY.

(a) AUTHORIZATION OF STUDY.—Pursuant to reclamation laws, the Secretary of the Interior, acting through the Bureau of Reclamation and in consultation and cooperation with the States of Nebraska, Kansas, and Colorado, may conduct a study to—

(1) determine the feasibility of implementing a water supply and conservation project that will—

(A) improve water supply reliability in the Republican River Basin between Harlan County Lake in Nebraska and Milford Lake in Kansas, including areas in the counties of Harlan, Franklin, Webster, and Nuckolls in Nebraska and Jewel, Republic, Cloud, Washington, and Clay in Kansas (in this section referred to as the ''Republican River Basin'');

(B) increase the capacity of water storage through modifications of existing projects or through new projects that serve areas in the Republican River Basin; and

(C) improve water management efficiency in the Republican River Basin through conservation and other available means and, where appropriate, evaluate integrated water resource management and supply needs in the Republican River Basin; and

(2) consider appropriate cost-sharing options for implementation of the project.

(b) COST SHARING.—The Federal share of the cost of the study shall not exceed 50 percent of the total cost of the study, and shall be nonreimbursable.

(c) COOPERATIVE AGREEMENTS.—The Secretary shall undertake the study through cooperative agreements with the State of Kansas or Nebraska and other appropriate entities determined by the Secretary.

(d) COMPLETION AND REPORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 3 years after the date of the enactment of this Act, the Secretary of the Interior shall complete the study and transmit to the Congress a report containing the results of the study.

(2) EXTENSION.—If the Secretary determines that the study cannot be completed within the 3-year period beginning on the date of the enactment of this Act, the Secretary—

(A) shall, at the time of that determination, report to the Congress on the status of the study, including an estimate of the date of completion; and

(B) complete the study and transmit to the Congress a report containing the results of the study by not later than that date.

(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this Act.

SEC. 511. EASTERN MUNICIPAL WATER DISTRICT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1639. EASTERN MUNICIPAL WATER DISTRICT RECYCLED WATER SYSTEM PRESSURIZATION AND EXPANSION PROJECT, CALIFORNIA.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the Eastern Municipal Water District, California, may participate in the design, planning, and construction of permanent facilities needed to establish operational pressure zones that will be used to provide recycled water in the district.

''(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation or maintenance of the project described in subsection (a).

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $12,000,000.

''(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.''.

(b) CONFORMING AMENDMENT.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1638 the following:

''Sec. 1639. Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project, California.''.

SEC. 512. BAY AREA REGIONAL WATER RECYCLING PROGRAM.

(a) PROJECT AUTHORIZATIONS.—

(1) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (43 U.S.C. 390h et seq.) (as amended by section 512(a)) is amended by adding at the end the following:

"SEC. 1642. MOUNTAIN VIEW, MOFFETT AREA RECLAIMED WATER PIPELINE PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Palo Alto, California, and the City of Mountain View, California, is authorized to participate in the design, planning, and construction of recycled water distribution systems.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000.

"SEC. 1643. PITTSBURG RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Pittsburg, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,750,000.

"SEC. 1644. ANTIOCH RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Antioch, California, and the Delta Diablo Sanitation District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,250,000.

"SEC. 1645. NORTH COAST COUNTY WATER DISTRICT RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the North Coast County Water District, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $2,500,000.

"SEC. 1646. REDWOOD CITY RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Redwood City, California, is authorized to participate in the design, planning, and construction of recycled water system facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,100,000.

"SEC. 1647. SOUTH SANTA CLARA COUNTY RECYCLED WATER PROJECT.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the South County Regional Wastewater Authority and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water system distribution facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $7,000,000.

"SEC. 1648. SOUTH BAY ADVANCED RECYCLED WATER TREATMENT FACILITY.

''(a) AUTHORIZATION.—The Secretary, in cooperation with the City of San Jose, California, and the Santa Clara Valley Water District, is authorized to participate in the design, planning, and construction of recycled water treatment facilities.

''(b) COST SHARE.—The Federal share of the cost of the project authorized by this section shall not exceed 25 percent of the total cost of the project.

''(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project authorized by this section.

''(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,250,000.''.

(2) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) (as amended by section 512(b)) is amended by inserting after the item relating to section 1641 the following:

''Sec. 1642. Mountain View, Moffett Area Reclaimed Water Pipeline Project.
''Sec. 1643. Pittsburg Recycled Water Project.
''Sec. 1644. Antioch Recycled Water Project.
''Sec. 1645. North Coast County Water District Recycled Water Project.
''Sec. 1646. Redwood City Recycled Water Project.
''Sec. 1647. South Santa Clara County Recycled Water Project.
''Sec. 1648. South Bay Advanced Recycled Water Treatment Facility.''.

(b) SAN JOSE AREA WATER RECLAMATION AND REUSE PROJECT.—It is the intent of Congress that a comprehensive water recycling program for the San Francisco Bay Area include the San Jose Area water reclamation and reuse program authorized by section 1607 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h–5).

SEC. 513. BUREAU OF RECLAMATION SITE SECURITY.

(a) TREATMENT OF CAPITAL COSTS.—Costs incurred by the Secretary of the Interior for the physical fortification of Bureau of Reclamation facilities to satisfy increased post-September 11, 2001, security needs, including the construction, modification, upgrade, or replacement of such facility fortifications, shall be nonreimbursable.

(b) TREATMENT OF SECURITY-RELATED OPERATION AND MAINTENANCE COSTS.—

(1) REIMBURSABLE COSTS.—The Secretary of the Interior shall include no more than $18,900,000 per fiscal year, indexed each fiscal year after fiscal year 2008 according to the preceding year's Consumer Price Index, of those costs incurred for increased levels of guards and patrols, training, patrols by local and tribal law enforcement entities, operation, maintenance, and replacement of

guard and response force equipment, and operation and maintenance of facility fortifications at Bureau of Reclamation facilities after the events of September 11, 2001, as reimbursable operation and maintenance costs under Reclamation law.

(2) COSTS COLLECTED THROUGH WATER RATES.—In the case of the Central Valley Project of California, site security costs allocated to irrigation and municipal and industrial water service in accordance with this section shall be collected by the Secretary exclusively through inclusion of these costs in the operation and maintenance water rates.

(c) TRANSPARENCY AND REPORT TO CONGRESS.—

(1) POLICIES AND PROCEDURES.—The Secretary is authorized to develop policies and procedures with project beneficiaries, consistent with the requirements of paragraphs (2) and (3), to provide for the payment of the reimbursable costs described in subsection (b).

(2) NOTICE.—On identifying a Bureau of Reclamation facility for a site security measure, the Secretary shall provide to the project beneficiaries written notice—

(A) describing the need for the site security measure and the process for identifying and implementing the site security measure; and

(B) summarizing the administrative and legal requirements relating to the site security measure.

(3) CONSULTATION.—The Secretary shall—

(A) provide project beneficiaries an opportunity to consult with the Bureau of Reclamation on the planning, design, and construction of the site security measure; and

(B) in consultation with project beneficiaries, develop and provide timeframes for the consultation described in subparagraph (A).

(4) RESPONSE; NOTICE.—Before incurring costs pursuant to activities described in subsection (b), the Secretary shall consider cost containment measures recommended by a project beneficiary that has elected to consult with the Bureau of Reclamation on such activities. The Secretary shall provide to the project beneficiary—

(A) a timely written response describing proposed actions, if any, to address the recommendation; and

(B) notice regarding the costs and status of such activities on a periodic basis.

(5) REPORT.—The Secretary shall report annually to the Natural Resources Committee of the House of Representatives and the Energy and Natural Resources Committee of the Senate on site security actions and activities undertaken pursuant to this Act for each fiscal year. The report shall include a summary of Federal and non-Federal expenditures for the fiscal year and information relating to a 5-year planning horizon for the program, detailed to show pre-September 11, 2001, and post-September 11, 2001, costs for the site security activities.

(d) PRE-SEPTEMBER 11, 2001 SECURITY COST LEVELS.—Reclamation project security costs at the levels of activity that existed prior to September 11, 2001, shall remain reimbursable.

SEC. 514. MORE WATER, MORE ENERGY, AND LESS WASTE.

(a) FINDINGS.—The Congress finds that—

(1) development of energy resources, including oil, natural gas, coalbed methane, and geothermal resources, frequently results in bringing to the surface water extracted from underground sources;

(2) some of that produced water is used for irrigation or other purposes, but most of the water is returned to the subsurface or otherwise disposed of as waste;

(3) reducing the quantity of produced water returned to the subsurface and increasing the quantity of produced water that is made available for irrigation and other uses—

(A) would augment water supplies;

(B) could reduce the costs to energy developers for disposing of the water; and

(C) in some cases, could increase the efficiency of energy development activities; and

(4) it is in the national interest—

(A) to limit the quantity of produced water disposed of as waste;

(B) to optimize the production of energy resources; and

(C) to remove or reduce obstacles to use of produced water for irrigation or other purposes in ways that will not adversely affect water quality or the environment.

(b) PURPOSES.—The purposes of this section are—

(1) to optimize the production of energy resources—

(A) by minimizing the quantity of produced water; and

(B) by facilitating the use of produced water for irrigation and other purposes without adversely affecting water quality or the environment; and

(2) to demonstrate means of accomplishing those results.

(c) DEFINITIONS.—In this section:

(1) LOWER BASIN STATE.—The term ''Lower Basin State'' means any of the States of—

(A) Arizona;

(B) California; and

(C) Nevada.

(2) PRODUCED WATER.—The term ''produced water'' means water from an underground source that is brought to the surface as part of the process of exploration for, or development of—

(A) oil;

(B) natural gas;

(C) coalbed methane; or

(D) any other substance to be used as an energy source.

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

(4) UPPER BASIN STATE.—The term ''Upper Basin State'' means any of the States of—

(A) Colorado;

(B) New Mexico;

(C) Utah; and

(D) Wyoming.

(d) IDENTIFICATION OF PROBLEMS AND SOLUTIONS.—

(1) STUDY.—The Secretary shall conduct a study to identify—

(A) the technical, economic, environmental, and other obstacles to reducing the quantity of produced water;

(B) the technical, economic, environmental, legal, and other obstacles to increasing the extent to which produced water can be used for irrigation and other purposes without adversely affecting water quality, public health, or the environment;

(C) the legislative, administrative, and other actions that could reduce or eliminate the obstacles identified in subparagraphs (A) and (B); and

(D) the costs and benefits associated with reducing or eliminating the obstacles identified in subparagraphs (A) and (B).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the study under paragraph (1).

(e) IMPLEMENTATION.—

(1) GRANTS.—Subject to the availability of appropriations, the Secretary shall provide financial assistance for the development of facilities, technologies, and processes to demonstrate the feasibility, effectiveness, and safety of—

(A) optimizing energy resource production by reducing the quantity of produced water generated; or

(B) increasing the extent to which produced water may be recovered and made suitable for use for irrigation, municipal, or industrial uses, or other purposes without adversely affecting water quality or the environment.

(2) LIMITATIONS.—Assistance under this subsection—

(A) shall be provided for—

(i) at least 1 project in each of the Upper Basin States; and

(ii) at least 1 project in at least 1 of the Lower Basin States;

(B) shall not exceed $1,000,000 for any project;

(C) shall be used to pay not more than 50 percent of the total cost of a project;

(D) shall not be used for the operation or maintenance of any facility; and

(E) may be in addition to assistance provided by the Federal Government pursuant to other provisions of law.

(f) CONSULTATION, ADVICE, AND COMMENTS.—In carrying out this section, including in preparing the report under subsection (d)(2) and establishing criteria to be used in connection with an award of financial assistance under subsection (e), the Secretary shall—

(1) consult with the Secretary of Energy, the Administrator of the Environmental Protection Agency, and appropriate Governors and local officials;

(2)(A) review any relevant information developed in connection with research carried out by others, including research carried out pursuant to subtitle J of title IX of the Energy Policy Act of 2005 (42 U.S.C. 16371 et seq.); and

(B) to the extent the Secretary determines to be advisable, include that information in the report under subsection (d)(2);

(3) seek the advice of—

(A) individuals with relevant professional or academic expertise; and

(B) individuals or representatives of entities with industrial experience, particularly experience relating to production of oil, natural gas, coalbed methane, or other energy resources (including geothermal resources); and

(4) solicit comments and suggestions from the public.

(g) RELATION TO OTHER LAWS.—Nothing in this section supersedes, modifies, abrogates, or limits—

(1) the effect of any State law or any interstate authority or compact relating to—

(A) any use of water; or

(B) the regulation of water quantity or quality; or

(2) the applicability or effect of any Federal law (including regulations).

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) $1,000,000 to carry out subsection (d); and

(2) $7,500,000 to carry out subsection (e).

SEC. 515. PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM AND PATHFINDER MODIFICATION PROJECT AUTHORIZATION.

(a) PURPOSES.—The purposes of this section are to authorize—

(1) the Secretary of the Interior, acting through the Commissioner of Reclamation and in partnership with the States, other Federal agencies, and other non-Federal entities, to continue the cooperative effort among the Federal and non-Federal entities through the implementation of the Platte River Recovery Implementation Program for threatened and endangered species in the

Central and Lower Platte River Basin without creating Federal water rights or requiring the grant of water rights to Federal entities; and

(2) the modification of the Pathfinder Dam and Reservoir, in accordance with the requirements described in subsection (c).

(b) PLATTE RIVER RECOVERY IMPLEMENTATION PROGRAM.—

(1) DEFINITIONS.—In this subsection:

(A) AGREEMENT.—The term ''Agreement'' means the Platte River Recovery Implementation Program Cooperative Agreement entered into by the Governors of the States and the Secretary.

(B) FIRST INCREMENT.—The term ''First Increment'' means the first 13 years of the Program.

(C) GOVERNANCE COMMITTEE.—The term ''Governance Committee'' means the governance committee established under the Agreement and composed of members from the States, the Federal Government, environmental interests, and water users.

(D) INTEREST IN LAND OR WATER.—The term ''interest in land or water'' includes a fee title, short- or long-term easement, lease, or other contractual arrangement that is determined to be necessary by the Secretary to implement the land and water components of the Program.

(E) PROGRAM.—The term ''Program'' means the Platte River Recovery Implementation Program established under the Agreement.

(F) PROJECT OR ACTIVITY.—The term ''project or activity'' means—

(i) the planning, design, permitting or other compliance activity, preconstruction activity, construction, construction management, operation, maintenance, and replacement of a facility;

(ii) the acquisition of an interest in land or water;

(iii) habitat restoration;

(iv) research and monitoring;

(v) program administration; and

(vi) any other activity that is determined to be necessary by the Secretary to carry out the Program.

(G) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior, acting through the Commissioner of Reclamation.

(H) STATES.—The term ''States'' means the States of Nebraska, Wyoming, and Colorado.

(2) IMPLEMENTATION OF PROGRAM.—

(A) IN GENERAL.—The Secretary, in cooperation with the Governance Committee, may—

(i) participate in the Program; and

(ii) carry out any projects and activities that are designated for implementation during the First Increment.

(B) AUTHORITY OF SECRETARY.—For purposes of carrying out this section, the Secretary, in cooperation with the Governance Committee, may—

(i) enter into agreements and contracts with Federal and non-Federal entities;

(ii) acquire interests in land, water, and facilities from willing sellers without the use of eminent domain;

(iii) subsequently transfer any interests acquired under clause (ii); and

(iv) accept or provide grants.

(3) COST-SHARING CONTRIBUTIONS.—

(A) IN GENERAL.—As provided in the Agreement, the States shall contribute not less than 50 percent of the total contributions necessary to carry out the Program.

(B) NON-FEDERAL CONTRIBUTIONS.—The following contributions shall constitute the States' share of the Program:

(i) $30,000,000 in non-Federal funds, with the balance of funds remaining to be contributed to be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(ii) Credit for contributions of water or land for the purposes of implementing the Program, as determined to be appropriate by the Secretary.

(C) IN-KIND CONTRIBUTIONS.—The Secretary or the States may elect to provide a portion of the Federal share or non-Federal share, respectively, in the form of in-kind goods or services, if the contribution of goods or services is approved by the Governance Committee, as provided in Attachment 1 of the Agreement.

(4) AUTHORITY TO MODIFY PROGRAM.—The Program may be modified or amended before the completion of the First Increment if the Secretary and the States determine that the modifications are consistent with the purposes of the Program.

(5) EFFECT.—

(A) EFFECT ON RECLAMATION LAWS.—No action carried out under this subsection shall, with respect to the acreage limitation provisions of the reclamation laws—

(i) be considered in determining whether a district (as the term is defined in section 202 of the Reclamation Reform Act of 1982 (43 U.S.C. 390bb)) has discharged the obligation of the district to repay the construction cost of project facilities used to make irrigation water available for delivery to land in the district;

(ii) serve as the basis for reinstating acreage limitation provisions in a district that has completed payment of the construction obligations of the district; or

(iii) serve as the basis for increasing the construction repayment obligation of the district, which would extend the period during which the acreage limitation provisions would apply.

(B) EFFECT ON WATER RIGHTS.—Nothing in this section—

(i) creates Federal water rights; or

(ii) requires the grant of water rights to Federal entities.

(6) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There is authorized to be appropriated to carry out projects and activities under this subsection $157,140,000, as adjusted under subparagraph (C).

(B) NONREIMBURSABLE FEDERAL EXPENDITURES.—Any amounts expended under subparagraph (A) shall be considered to be nonreimbursable Federal expenditures.

(C) ADJUSTMENT.—The balance of funds remaining to be appropriated shall be adjusted for inflation on October 1 of the year after the date of enactment of this Act and each October 1 thereafter.

(D) AVAILABILITY OF FUNDS.—At the end of each fiscal year, any unexpended funds for projects and activities made available under subparagraph (A) shall be retained for use in future fiscal years to implement projects and activities under the Program.

(7) TERMINATION OF AUTHORITY.—The authority for the Secretary to implement the First Increment shall terminate on September 30, 2020.

(c) PATHFINDER MODIFICATION PROJECT.—

(1) AUTHORIZATION OF PROJECT.—

(A) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this subsection as the ''Secretary''), may—

(i) modify the Pathfinder Dam and Reservoir; and

(ii) enter into 1 or more agreements with the State of Wyoming to implement the Pathfinder Modification Project (referred to in this subsection as the ''Project''), as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(B) FEDERAL APPROPRIATIONS.—No Federal appropriations are required to modify the Pathfinder Dam under this paragraph.

(2) AUTHORIZED USES OF PATHFINDER RESERVOIR.—Provided that all of the conditions described in paragraph (3) are first met, the approximately 54,000 acre-feet capacity of Pathfinder Reservoir, which has been lost to sediment but will be recaptured by the Project, may be used for municipal, environmental, and other purposes, as described in Appendix F to the Final Settlement Stipulation in Nebraska v. Wyoming, 534 U.S. 40 (2001).

(3) CONDITIONS PRECEDENT.—The actions and water uses authorized in paragraphs (1)(A)(i) and (2) shall not occur until each of the following actions have been completed:

(A) Final approval from the Wyoming legislature for the export of Project water to the State of Nebraska under the laws (including regulations) of the State of Wyoming.

(B) Final approval in a change of water use proceeding under the laws (including regulations) of the State of Wyoming for all new uses planned for Project water. Final approval, as used in this subparagraph, includes exhaustion of any available review under State law of any administrative action authorizing the change of the Pathfinder Reservoir water right.

SEC. 516. CENTRAL OKLAHOMA MASTER CONSERVATORY DISTRICT FEASIBILITY STUDY.

(a) STUDY.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Interior, acting through the Commissioner of Reclamation (referred to in this section as the ''Secretary''), shall—

(A) conduct a feasibility study of alternatives to augment the water supplies of—

(i) the Central Oklahoma Master Conservatory District (referred to in this section as the ''District)''; and

(ii) cities served by the District;

(2) INCLUSIONS.—The study under paragraph (1) shall include recommendations of the Secretary, if any, relating to the alternatives studied.

(b) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The Federal share of the total costs of the study under subsection (a) shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share required under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to conduct the study under subsection (a) $900,000.

TITLE VI—DEPARTMENT OF ENERGY AUTHORIZATIONS

SEC. 601. ENERGY TECHNOLOGY TRANSFER.

Section 917 of the Energy Policy Act of 2005 (42 U.S.C. 16197) is amended to read as follows:

''SEC. 917. ADVANCED ENERGY TECHNOLOGY TRANSFER CENTERS.

''(a) GRANTS.—Not later than 18 months after the date of enactment of the National Forests, Parks, Public Land, and Reclamation Projects Authorization Act of 2008, the Secretary shall make grants to nonprofit institutions, State and local governments, cooperative extension services, or institutions of higher education (or consortia thereof), to establish a geographically dispersed network of Advanced Energy Technology Transfer Centers, to be located in areas the Secretary determines have the greatest need of the services of such Centers. In making awards under this section, the Secretary shall—

''(1) give priority to applicants already operating or partnered with an outreach program capable of transferring knowledge and

information about advanced energy efficiency methods and technologies;

''(2) ensure that, to the extent practicable, the program enables the transfer of knowledge and information—

''(A) about a variety of technologies; and

''(B) in a variety of geographic areas;

''(3) give preference to applicants that would significantly expand on or fill a gap in existing programs in a geographical region; and

''(4) consider the special needs and opportunities for increased energy efficiency for manufactured and site-built housing, including construction, renovation, and retrofit.

''(b) ACTIVITIES.—Each Center shall operate a program to encourage demonstration and commercial application of advanced energy methods and technologies through education and outreach to building and industrial professionals, and to other individuals and organizations with an interest in efficient energy use. Funds awarded under this section may be used for the following activities:

''(1) Developing and distributing informational materials on technologies that could use energy more efficiently.

''(2) Carrying out demonstrations of advanced energy methods and technologies.

''(3) Developing and conducting seminars, workshops, long-distance learning sessions, and other activities to aid in the dissemination of knowledge and information on technologies that could use energy more efficiently.

''(4) Providing or coordinating onsite energy evaluations, including instruction on the commissioning of building heating and cooling systems, for a wide range of energy end-users.

''(5) Examining the energy efficiency needs of energy end-users to develop recommended research projects for the Department.

''(6) Hiring experts in energy efficient technologies to carry out activities described in paragraphs (1) through (5).

''(c) APPLICATION.—A person seeking a grant under this section shall submit to the Secretary an application in such form and containing such information as the Secretary may require. The Secretary may award a grant under this section to an entity already in existence if the entity is otherwise eligible under this section. The application shall include, at a minimum—

''(1) a description of the applicant's outreach program, and the geographic region it would serve, and of why the program would be capable of transferring knowledge and information about advanced energy technologies that increase efficiency of energy use;

''(2) a description of the activities the applicant would carry out, of the technologies that would be transferred, and of any other organizations that will help facilitate a regional approach to carrying out those activities;

''(3) a description of how the proposed activities would be appropriate to the specific energy needs of the geographic region to be served;

''(4) an estimate of the number and types of energy end-users expected to be reached through such activities; and

''(5) a description of how the applicant will assess the success of the program.

''(d) SELECTION CRITERIA.—The Secretary shall award grants under this section on the basis of the following criteria, at a minimum:

''(1) The ability of the applicant to carry out the proposed activities.

''(2) The extent to which the applicant will coordinate the activities of the Center with other entities as appropriate, such as State and local governments, utilities, institutions of higher education, and National Laboratories.

''(3) The appropriateness of the applicant's outreach program for carrying out the program described in this section.

''(4) The likelihood that proposed activities could be expanded or used as a model for other areas.

''(e) COST-SHARING.—In carrying out this section, the Secretary shall require cost-sharing in accordance with the requirements of section 988 for commercial application activities.

''(f) DURATION.—

''(1) INITIAL GRANT PERIOD.—A grant awarded under this section shall be for a period of 5 years.

''(2) INITIAL EVALUATION.—Each grantee under this section shall be evaluated during its third year of operation under procedures established by the Secretary to determine if the grantee is accomplishing the purposes of this section described in subsection (a). The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for 3 additional years beyond the original term of the grant.

''(3) ADDITIONAL EXTENSION.—If a grantee receives an extension under paragraph (2), the grantee shall be evaluated again during the second year of the extension. The Secretary shall terminate any grant that does not receive a positive evaluation. If an evaluation is positive, the Secretary may extend the grant for a final additional period of 3 additional years beyond the original extension.

''(4) LIMITATION.—No grantee may receive more than 11 years of support under this section without reapplying for support and competing against all other applicants seeking a grant at that time.

''(g) PROHIBITION.—None of the funds awarded under this section may be used for the construction of facilities.

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

''(1) ADVANCED ENERGY METHODS AND TECHNOLOGIES.—The term 'advanced energy methods and technologies' means all methods and technologies that promote energy efficiency and conservation, including distributed generation technologies, and life-cycle analysis of energy use.

''(2) CENTER.—The term 'Center' means an Advanced Energy Technology Transfer Center established pursuant to this section.

''(3) DISTRIBUTED GENERATION.—The term 'distributed generation' means an electric power generation technology, including photovoltaic, small wind, and micro-combined heat and power, that serves electric consumers at or near the site of production.

''(4) COOPERATIVE EXTENSION.—The term 'Cooperative Extension' means the extension services established at the land-grant colleges and universities under the Smith-Lever Act of May 8, 1914.

''(5) LAND-GRANT COLLEGES AND UNIVERSITIES.—The term 'land-grant colleges and universities' means—

''(A) 1862 Institutions (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601));

''(B) 1890 Institutions (as defined in section 2 of that Act); and

''(C) 1994 Institutions (as defined in section 2 of that Act).

''(i) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts otherwise authorized to be appropriated in section 911, there are authorized to be appropriated for the program under this section such sums as may be appropriated.''.

SEC. 602. AMENDMENTS TO THE STEEL AND ALUMINUM ENERGY CONSERVATION AND TECHNOLOGY COMPETITIVENESS ACT OF 1988.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 9 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5108) is amended to read as follows:

''SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to the Secretary to carry out this Act $12,000,000 for each of the fiscal years 2008 through 2012.''.

(b) STEEL PROJECT PRIORITIES.—Section 4(c)(1) of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 (15 U.S.C. 5103(c)(1)) is amended—

(1) in subparagraph (H), by striking ''coatings for sheet steels'' and inserting ''sheet and bar steels''; and

(2) by adding at the end the following new subparagraph:

''(K) The development of technologies which reduce greenhouse gas emissions.''.

(c) CONFORMING AMENDMENTS.—The Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988 is further amended—

(1) by striking section 7 (15 U.S.C. 5106); and

(2) in section 8 (15 U.S.C. 5107), by inserting '', beginning with fiscal year 2008,'' after ''close of each fiscal year''.

TITLE VII—NORTHERN MARIANA ISLANDS

Subtitle A—Immigration, Security, and Labor

SEC. 701. STATEMENT OF CONGRESSIONAL INTENT.

(a) IMMIGRATION AND GROWTH.—In recognition of the need to ensure uniform adherence to long-standing fundamental immigration policies of the United States, it is the intention of the Congress in enacting this subtitle—

(1) to ensure that effective border control procedures are implemented and observed, and that national security and homeland security issues are properly addressed, by extending the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101 (a)(17)), to apply to the Commonwealth of the Northern Mariana Islands (referred to in this subtitle as the ''Commonwealth''), with special provisions to allow for—

(A) the orderly phasing-out of the nonresident contract worker program of the Commonwealth; and

(B) the orderly phasing-in of Federal responsibilities over immigration in the Commonwealth; and

(2) to minimize, to the greatest extent practicable, potential adverse economic and fiscal effects of phasing-out the Commonwealth's nonresident contract worker program and to maximize the Commonwealth's potential for future economic and business growth by—

(A) encouraging diversification and growth of the economy of the Commonwealth in accordance with fundamental values underlying Federal immigration policy;

(B) recognizing local self-government, as provided for in the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America through consultation with the Governor of the Commonwealth;

(C) assisting the Commonwealth in achieving a progressively higher standard of living for citizens of the Commonwealth through the provision of technical and other assistance;

(D) providing opportunities for individuals authorized to work in the United States, including citizens of the freely associated states; and

(E) providing a mechanism for the continued use of alien workers, to the extent those workers continue to be necessary to supplement the Commonwealth's resident workforce, and to protect those workers from the potential for abuse and exploitation.

(b) AVOIDING ADVERSE EFFECTS.—In recognition of the Commonwealth's unique economic circumstances, history, and geographical location, it is the intent of the Congress that the Commonwealth be given as much flexibility as possible in maintaining existing businesses and other revenue sources, and developing new economic opportunities, consistent with the mandates of this subtitle. This subtitle, and the amendments made by this subtitle, should be implemented wherever possible to expand tourism and economic development in the Commonwealth, including aiding prospective tourists in gaining access to the Commonwealth's memorials, beaches, parks, dive sites, and other points of interest.

SEC. 702. IMMIGRATION REFORM FOR THE COMMONWEALTH.

(a) AMENDMENT TO JOINT RESOLUTION APPROVING COVENANT ESTABLISHING COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241; 90 Stat. 263), is amended by adding at the end the following new section:

''SEC. 6. IMMIGRATION AND TRANSITION.

''(a) APPLICATION OF THE IMMIGRATION AND NATIONALITY ACT AND ESTABLISHMENT OF A TRANSITION PROGRAM.—

''(1) IN GENERAL.—Subject to paragraphs (2) and (3), effective on the first day of the first full month commencing 1 year after the date of enactment of the Consolidated Natural Resources Act of 2008 (hereafter referred to as the 'transition program effective date'), the provisions of the 'immigration laws' (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) shall apply to the Commonwealth of the Northern Mariana Islands (referred to in this section as the 'Commonwealth'), except as otherwise provided in this section.

''(2) TRANSITION PERIOD.—There shall be a transition period beginning on the transition program effective date and ending on December 31, 2014, except as provided in subsections (b) and (d), during which the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Secretary of Labor, and the Secretary of the Interior, shall establish, administer, and enforce a transition program to regulate immigration to the Commonwealth, as provided in this section (hereafter referred to as the 'transition program').

''(3) DELAY OF COMMENCEMENT OF TRANSITION PERIOD.—

''(A) IN GENERAL.—The Secretary of Homeland Security, in the Secretary's sole discretion, in consultation with the Secretary of the Interior, the Secretary of Labor, the Secretary of State, the Attorney General, and the Governor of the Commonwealth, may determine that the transition program effective date be delayed for a period not to exceed more than 180 days after such date.

''(B) CONGRESSIONAL NOTIFICATION.—The Secretary of Homeland Security shall notify the Congress of a determination under subparagraph (A) not later than 30 days prior to the transition program effective date.

''(C) CONGRESSIONAL REVIEW.—A delay of the transition program effective date shall not take effect until 30 days after the date on which the notification under subparagraph (B) is made.

''(4) REQUIREMENT FOR REGULATIONS.—The transition program shall be implemented pursuant to regulations to be promulgated, as appropriate, by the head of each agency or department of the United States having responsibilities under the transition program.

''(5) INTERAGENCY AGREEMENTS.—The Secretary of Homeland Security, the Secretary of State, the Secretary of Labor, and the Secretary of the Interior shall negotiate and implement agreements among their agencies to identify and assign their respective duties so as to ensure timely and proper implementation of the provisions of this section. The agreements should address, at a minimum, procedures to ensure that Commonwealth employers have access to adequate labor, and that tourists, students, retirees, and other visitors have access to the Commonwealth without unnecessary delay or impediment. The agreements may also allocate funding between the respective agencies tasked with various responsibilities under this section.

''(6) CERTAIN EDUCATION FUNDING.—In addition to fees charged pursuant to section 286(m) of the Immigration and Nationality Act (8 U.S.C. 1356(m)) to recover the full costs of providing adjudication services, the Secretary of Homeland Security shall charge an annual supplemental fee of $150 per nonimmigrant worker to each prospective employer who is issued a permit under subsection (d) of this section during the transition period. Such supplemental fee shall be paid into the Treasury of the Commonwealth government for the purpose of funding ongoing vocational educational curricula and program development by Commonwealth educational entities.

''(7) ASYLUM.—Section 208 of the Immigration and Nationality Act (8 U.S.C. 1158) shall not apply during the transition period to persons physically present in the Commonwealth or arriving in the Commonwealth (whether or not at a designated port of arrival), including persons brought to the Commonwealth after having been interdicted in international or United States waters.

''(b) NUMERICAL LIMITATIONS FOR NONIMMIGRANT WORKERS.—An alien, if otherwise qualified, may seek admission to Guam or to the Commonwealth during the transition program as a nonimmigrant worker under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) without counting against the numerical limitations set forth in section 214(g) of such Act (8 U.S.C. 1184(g)). This subsection does not apply to any employment to be performed outside of Guam or the Commonwealth. Not later than 3 years following the transition program effective date, the Secretary of Homeland Security shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives projecting the number of asylum claims the Secretary anticipates following the termination of the transition period, the efforts the Secretary has made to ensure appropriate interdiction efforts, provide for appropriate treatment of asylum seekers, and prepare to accept and adjudicate asylum claims in the Commonwealth.

''(c) NONIMMIGRANT INVESTOR VISAS.—

''(1) IN GENERAL.—Notwithstanding the treaty requirements in section 101(a)(15)(E) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)), during the transition period, the Secretary of Homeland Security may, upon the application of an alien, classify an alien as a CNMI-only nonimmigrant under section 101(a)(15)(E)(ii) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(E)(ii)) if the alien—

''(A) has been admitted to the Commonwealth in long-term investor status under the immigration laws of the Commonwealth before the transition program effective date;

''(B) has continuously maintained residence in the Commonwealth under long-term investor status;

''(C) is otherwise admissible; and

''(D) maintains the investment or investments that formed the basis for such long-term investor status.

''(2) REQUIREMENT FOR REGULATIONS.—Not later than 60 days before the transition program effective date, the Secretary of Homeland Security shall publish regulations in the Federal Register to implement this subsection.

''(d) SPECIAL PROVISION TO ENSURE ADEQUATE EMPLOYMENT; COMMONWEALTH ONLY TRANSITIONAL WORKERS.—An alien who is seeking to enter the Commonwealth as a nonimmigrant worker may be admitted to perform work during the transition period subject to the following requirements:

''(1) Such an alien shall be treated as a nonimmigrant described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), including the ability to apply, if otherwise eligible, for a change of nonimmigrant classification under section 248 of such Act (8 U.S.C. 1258) or adjustment of status under this section and section 245 of such Act (8 U.S.C. 1255).

''(2) The Secretary of Homeland Security shall establish, administer, and enforce a system for allocating and determining the number, terms, and conditions of permits to be issued to prospective employers for each such nonimmigrant worker described in this subsection who would not otherwise be eligible for admission under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.). In adopting and enforcing this system, the Secretary shall also consider, in good faith and not later than 30 days after receipt by the Secretary, any comments and advice submitted by the Governor of the Commonwealth. This system shall provide for a reduction in the allocation of permits for such workers on an annual basisto zero, during a period not to extend beyond December 31, 2014, unless extended pursuant to paragraph 5 of this subsection. In no event shall a permit be valid beyond the expiration of the transition period. This system may be based on any reasonable method and criteria determined by the Secretary of Homeland Security to promote the maximum use of, and to prevent adverse effects on wages and working conditions of, workers authorized to be employed in the United States, including lawfully admissible freely associated state citizen labor. No alien shall be granted nonimmigrant classification or a visa under this subsection unless the permit requirements established under this paragraph have been met.

''(3) The Secretary of Homeland Security shall set the conditions for admission of such an alien under the transition program, and the Secretary of State shall authorize the issuance of nonimmigrant visas for such an alien. Such a visa shall not be valid for admission to the United States, as defined in section 101(a)(38) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(38)), except admission to the Commonwealth. An alien admitted to the Commonwealth on the basis of such a visa shall be permitted to engage in employment only as authorized pursuant to the transition program.

''(4) Such an alien shall be permitted to transfer between employers in the Commonwealth during the period of such alien's authorized stay therein, without permission of the employee's current or prior employer, within the alien's occupational category or another occupational category the Secretary

of Homeland Security has found requires alien workers to supplement the resident workforce.

''(5)(A) Not later than 180 days prior to the expiration of the transition period, or any extension thereof, the Secretary of Labor, in consultation with the Secretary of Homeland Security, the Secretary of Defense, the Secretary of the Interior, and the Governor of the Commonwealth, shall ascertain the current and anticipated labor needs of the Commonwealth and determine whether an extension of up to 5 years of the provisions of this subsection is necessary to ensure an adequate number of workers will be available for legitimate businesses in the Commonwealth. For the purpose of this subparagraph, a business shall not be considered legitimate if it engages directly or indirectly in prostitution, trafficking in minors, or any other activity that is illegal under Federal or local law. The determinations of whether a business is legitimate and to what extent, if any, it may require alien workers to supplement the resident workforce, shall be made by the Secretary of Homeland Security, in the Secretary's sole discretion.

''(B) If the Secretary of Labor determines that such an extension is necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, the Secretary of Labor may, through notice published in the Federal Register, provide for an additional extension period of up to 5 years.

''(C) In making the determination of whether alien workers are necessary to ensure an adequate number of workers for legitimate businesses in the Commonwealth, and if so, the number of such workers that are necessary, the Secretary of Labor may consider, among other relevant factors—

''(i) government, industry, or independent workforce studies reporting on the need, or lack thereof, for alien workers in the Commonwealth's businesses;

''(ii) the unemployment rate of United States citizen workers residing in the Commonwealth;

''(iii) the unemployment rate of aliens in the Commonwealth who have been lawfully admitted for permanent residence;

''(iv) the number of unemployed alien workers in the Commonwealth;

''(v) any good faith efforts to locate, educate, train, or otherwise prepare United States citizen residents, lawful permanent residents, and unemployed alien workers already within the Commonwealth, to assume those jobs;

''(vi) any available evidence tending to show that United States citizen residents, lawful permanent residents, and unemployed alien workers already in the Commonwealth are not willing to accept jobs of the type offered;

''(vii) the extent to which admittance of alien workers will affect the compensation, benefits, and living standards of existing workers within those industries and other industries authorized to employ alien workers; and

''(viii) the prior use, if any, of alien workers to fill those industry jobs, and whether the industry requires alien workers to fill those jobs.

''(6) The Secretary of Homeland Security may authorize the admission of a spouse or minor child accompanying or following to join a worker admitted pursuant to this subsection.

''(e) PERSONS LAWFULLY ADMITTED UNDER THE COMMONWEALTH IMMIGRATION LAW.—

''(1) PROHIBITION ON REMOVAL.—

''(A) IN GENERAL.—Subject to subparagraph (B), no alien who is lawfully present in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be removed from the United States on the grounds that such alien's presence in the Commonwealth is in violation of section 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)), until the earlier of the date—

''(i) of the completion of the period of the alien's admission under the immigration laws of the Commonwealth; or

''(ii) that is 2 years after the transition program effective date.

''(B) LIMITATIONS.—Nothing in this subsection shall be construed to prevent or limit the removal under subparagraph 212(a)(6)(A) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(A)) of such an alien at any time, if the alien entered the Commonwealth after the date of enactment of the Consolidated Natural Resources Act of 2008, and the Secretary of Homeland Security has determined that the Government of the Commonwealth has violated section 702(i) of the Consolidated Natural Resources Act of 2008.

''(2) EMPLOYMENT AUTHORIZATION.—An alien who is lawfully present and authorized to be employed in the Commonwealth pursuant to the immigration laws of the Commonwealth on the transition program effective date shall be considered authorized by the Secretary of Homeland Security to be employed in the Commonwealth until the earlier of the date—

''(A) of expiration of the alien's employment authorization under the immigration laws of the Commonwealth; or

''(B) that is 2 years after the transition program effective date.

''(3) REGISTRATION.—The Secretary of Homeland Security may require any alien present in the Commonwealth on or after the transition period effective date to register with the Secretary in such a manner, and according to such schedule, as he may in his discretion require. Paragraphs (1) and (2) of this subsection shall not apply to any alien who fails to comply with such registration requirement. Notwithstanding any other law, the Government of the Commonwealth shall provide to the Secretary all Commonwealth immigration records or other information that the Secretary deems necessary to assist the implementation of this paragraph or other provisions of the Consolidated Natural Resources Act of 2008. Nothing in this paragraph shall modify or limit section 262 of the Immigration and Nationality Act (8 U.S.C. 1302) or other provision of the Immigration and Nationality Act relating to the registration of aliens.

''(4) REMOVABLE ALIENS.—Except as specifically provided in paragraph (1)(A) of this subsection, nothing in this subsection shall prohibit or limit the removal of any alien who is removable under the Immigration and Nationality Act.

''(5) PRIOR ORDERS OF REMOVAL.—The Secretary of Homeland Security may execute any administratively final order of exclusion, deportation or removal issued under authority of the immigration laws of the United States before, on, or after the transition period effective date, or under authority of the immigration laws of the Commonwealth before the transition period effective date, upon any subject of such order found in the Commonwealth on or after the transition period effective date, regardless whether the alien has previously been removed from the United States or the Commonwealth pursuant to such order.

''(f) EFFECT ON OTHER LAWS.—The provisions of this section and of the immigration laws, as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), shall, on the transition program effective date, supersede and replace all laws, provisions, or programs of the Commonwealth relating to the admission of aliens and the removal of aliens from the Commonwealth.

''(g) ACCRUAL OF TIME FOR PURPOSES OF SECTION 212(A)(9)(B) OF THE IMMIGRATION AND NATIONALITY ACT.—No time that an alien is present in the Commonwealth in violation of the immigration laws of the Commonwealth shall be counted for purposes of inadmissibility under section 212(a)(9)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(9)(B)).

''(h) REPORT ON NONRESIDENT GUESTWORKER POPULATION.—The Secretary of the Interior, in consultation with the Secretary of Homeland Security, and the Governor of the Commonwealth, shall report to the Congress not later than 2 years after the date of enactment of the Consolidated Natural Resources Act of 2008. The report shall include—

''(1) the number of aliens residing in the Commonwealth;

''(2) a description of the legal status (under Federal law) of such aliens;

''(3) the number of years each alien has been residing in the Commonwealth;

''(4) the current and future requirements of the Commonwealth economy for an alien workforce; and

''(5) such recommendations to the Congress, as the Secretary may deem appropriate, related to whether or not the Congress should consider permitting lawfully admitted guest workers lawfully residing in the Commonwealth on such enactment date to apply for long-term status under the immigration and nationality laws of the United States.''.

(b) WAIVER OF REQUIREMENTS FOR NONIMMIGRANT VISITORS.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 214(a)(1) (8 U.S.C. 1184(a)(1))—

(A) by striking ''Guam'' each place such term appears and inserting ''Guam or the Commonwealth of the Northern Mariana Islands''; and

(B) by striking ''fifteen'' and inserting ''45'';

(2) in section 212(a)(7)(B) (8 U.S.C. 1182(a)(7)(B)), by amending clause (iii) to read as follows:

''(iii) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER.—For provision authorizing waiver of clause (i) in the case of visitors to Guam or the Commonwealth of the Northern Mariana Islands, see subsection (l).''; and

(3) by amending section 212(l) (8 U.S.C. 1182(l)) to read as follows:

''(l) GUAM AND NORTHERN MARIANA ISLANDS VISA WAIVER PROGRAM.—

''(1) IN GENERAL.—The requirement of subsection (a)(7)(B)(i) may be waived by the Secretary of Homeland Security, in the case of an alien applying for admission as a nonimmigrant visitor for business or pleasure and solely for entry into and stay in Guam or the Commonwealth of the Northern Mariana Islands for a period not to exceed 45 days, if the Secretary of Homeland Security, after consultation with the Secretary of the Interior, the Secretary of State, the Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands, determines that—

''(A) an adequate arrival and departure control system has been developed in Guam and the Commonwealth of the Northern Mariana Islands; and

''(B) such a waiver does not represent a threat to the welfare, safety, or security of the United States or its territories and commonwealths.

''(2) ALIEN WAIVER OF RIGHTS.—An alien may not be provided a waiver under this subsection unless the alien has waived any right—

''(A) to review or appeal under this Act an immigration officer's determination as to the admissibility of the alien at the port of entry into Guam or the Commonwealth of the Northern Mariana Islands; or

''(B) to contest, other than on the basis of an application for withholding of removal under section 241(b)(3) of this Act or under the Convention Against Torture, or an application for asylum if permitted under section 208, any action for removal of the alien.

''(3) REGULATIONS.—All necessary regulations to implement this subsection shall be promulgated by the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, on or before the 180th day after the date of enactment of the Consolidated Natural Resources Act of 2008. The promulgation of such regulations shall be considered a foreign affairs function for purposes of section 553(a) of title 5, United States Code. At a minimum, such regulations should include, but not necessarily be limited to—

''(A) a listing of all countries whose nationals may obtain the waiver also provided by this subsection, except that such regulations shall provide for a listing of any country from which the Commonwealth has received a significant economic benefit from the number of visitors for pleasure within the one-year period preceding the date of enactment of the Consolidated Natural Resources Act of 2008, unless the Secretary of Homeland Security determines that such country's inclusion on such list would represent a threat to the welfare, safety, or security of the United States or its territories; and

''(B) any bonding requirements for nationals of some or all of those countries who may present an increased risk of overstays or other potential problems, if different from such requirements otherwise provided by law for nonimmigrant visitors.

''(4) FACTORS.—In determining whether to grant or continue providing the waiver under this subsection to nationals of any country, the Secretary of Homeland Security, in consultation with the Secretary of the Interior and the Secretary of State, shall consider all factors that the Secretary deems relevant, including electronic travel authorizations, procedures for reporting lost and stolen passports, repatriation of aliens, rates of refusal for nonimmigrant visitor visas, overstays, exit systems, and information exchange.

''(5) SUSPENSION.—The Secretary of Homeland Security shall monitor the admission of nonimmigrant visitors to Guam and the Commonwealth of the Northern Mariana Islands under this subsection. If the Secretary determines that such admissions have resulted in an unacceptable number of visitors from a country remaining unlawfully in Guam or the Commonwealth of the Northern Mariana Islands, unlawfully obtaining entry to other parts of the United States, or seeking withholding of removal or asylum, or that visitors from a country pose a risk to law enforcement or security interests of Guam or the Commonwealth of the Northern Mariana Islands or of the United States (including the interest in the enforcement of the immigration laws of the United States), the Secretary shall suspend the admission of nationals of such country under this subsection. The Secretary of Homeland Security may in the Secretary's discretion suspend the Guam and Northern Mariana Islands visa waiver program at any time, on a country-by-country basis, for other good cause.

''(6) ADDITION OF COUNTRIES.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands may request the Secretary of the Interior and the Secretary of Homeland Security to add a particular country to the list of countries whose nationals may obtain the waiver provided by this subsection, and the Secretary of Homeland Security may grant such request after consultation with the Secretary of the Interior and the Secretary of State, and may promulgate regulations with respect to the inclusion of that country and any special requirements the Secretary of Homeland Security, in the Secretary's sole discretion, may impose prior to allowing nationals of that country to obtain the waiver provided by this subsection.''.

(c) SPECIAL NONIMMIGRANT CATEGORIES FOR GUAM AND THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The Governor of Guam and the Governor of the Commonwealth of the Northern Mariana Islands (referred to in this subsection as ''CNMI'') may request that the Secretary of Homeland Security study the feasibility of creating additional Guam or CNMI-only nonimmigrant visas to the extent that existing nonimmigrant visa categories under the Immigration and Nationality Act do not provide for the type of visitor, the duration of allowable visit, or other circumstance. The Secretary of Homeland Security may review such a request, and, after consultation with the Secretary of State and the Secretary of the Interior, shall issue a report to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives with respect to the feasibility of creating those additional Guam or CNMI-only visa categories. Consideration of such additional Guam or CNMI-only visa categories may include, but are not limited to, special nonimmigrant statuses for investors, students, and retirees, but shall not include nonimmigrant status for the purpose of employment in Guam or the CNMI.

(d) INSPECTION OF PERSONS ARRIVING FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS; GUAM AND NORTHERN MARIANA ISLANDS-ONLY VISAS NOT VALID FOR ENTRY INTO OTHER PARTS OF THE UNITED STATES.—Section 212(d)(7) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(7)) is amended by inserting ''the Commonwealth of the Northern Mariana Islands,'' after ''Guam,''.

(e) TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—The Secretary of the Interior, in consultation with the Governor of the Commonwealth, the Secretary of Labor, and the Secretary of Commerce, and as provided in the Interagency Agreements required to be negotiated under section 6(a)(4) of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a), shall provide—

(A) technical assistance and other support to the Commonwealth to identify opportunities for, and encourage diversification and growth of, the economy of the Commonwealth;

(B) technical assistance, including assistance in recruiting, training, and hiring of workers, to assist employers in the Commonwealth in securing employees first from among United States citizens and nationals resident in the Commonwealth and if an adequate number of such workers are not available, from among legal permanent residents, including lawfully admissible citizens of the freely associated states; and

(C) technical assistance, including assistance to identify types of jobs needed, identify skills needed to fulfill such jobs, and assistance to Commonwealth educational entities to develop curricula for such job skills to include training teachers and students for such skills.

(2) CONSULTATION.—In providing such technical assistance under paragraph (1), the Secretaries shall—

(A) consult with the Government of the Commonwealth, local businesses, regional banks, educational institutions, and other experts in the economy of the Commonwealth; and

(B) assist in the development and implementation of a process to identify opportunities for and encourage diversification and growth of the economy of the Commonwealth and to identify and encourage opportunities to meet the labor needs of the Commonwealth.

(3) COST-SHARING.—For the provision of technical assistance or support under this paragraph (other than that required to pay the salaries and expenses of Federal personnel), the Secretary of the Interior shall require a non-Federal matching contribution of 10 percent.

(f) OPERATIONS.—

(1) ESTABLISHMENT.—At any time on and after the date of enactment of this Act, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor may establish and maintain offices and other operations in the Commonwealth for the purpose of carrying out duties under—

(A) the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); and

(B) the transition program established under section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a).

(2) PERSONNEL.—To the maximum extent practicable and consistent with the satisfactory performance of assigned duties under applicable law, the Attorney General, Secretary of Homeland Security, and the Secretary of Labor shall recruit and hire personnel from among qualified United States citizens and national applicants residing in the Commonwealth to serve as staff in carrying out operations described in paragraph (1).

(g) CONFORMING AMENDMENTS TO PUBLIC LAW 94–241.—

(1) AMENDMENTS.—Public Law 94–241 is amended as follows:

(A) In section 503 of the covenant set forth in section 1, by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(B) By striking section 506 of the covenant set forth in section 1.

(C) In section 703(b) of the covenant set forth in section 1, by striking ''quarantine, passport, immigration and naturalization'' and inserting ''quarantine and passport''.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the transition program effective date described in section 6 of Public Law 94–241 (as added by subsection (a)).

(h) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than March 1 of the first year that is at least 2 full years after the date of enactment of this subtitle, and annually thereafter, the President shall submit to the Committee on Energy and Natural Resources and the Committee on the Judiciary of the Senate and the Committee on Natural Resources and the Committee on the Judiciary of the House of Representatives a report that evaluates the overall effect of the transition program established under section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America',

and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a), and the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) on the Commonwealth.

(2) CONTENTS.—In addition to other topics otherwise required to be included under this subtitle or the amendments made by this subtitle, each report submitted under paragraph (1) shall include a description of the efforts that have been undertaken during the period covered by the report to diversify and strengthen the local economy of the Commonwealth, including efforts to promote the Commonwealth as a tourist destination. The report by the President shall include an estimate for the numbers of nonimmigrant workers described under section 101(a)(15)(H) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(H)) necessary to avoid adverse economic effects in Guam and the Commonwealth.

(3) GAO REPORT.—The Government Accountability Office shall submit a report to the Congress not later than 2 years after the date of enactment of this Act, to include, at a minimum, the following items:

(A) An assessment of the implementation of this subtitle and the amendments made by this subtitle, including an assessment of the performance of Federal agencies and the Government of the Commonwealth in meeting congressional intent.

(B) An assessment of the short-term and long-term impacts of implementation of this subtitle and the amendments made by this subtitle on the economy of the Commonwealth, including its ability to obtain workers to supplement its resident workforce and to maintain access to its tourists and customers, and any effect on compliance with United States treaty obligations mandating non-refoulement for refugees.

(C) An assessment of the economic benefit of the investors ''grandfathered'' under subsection (c) of section 6 of the Joint Resolution entitled ''A Joint Resolution to approve the 'Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America', and for other purposes'', approved March 24, 1976 (Public Law 94–241), as added by subsection (a), and the Commonwealth's ability to attract new investors after the date of enactment of this Act.

(D) An assessment of the number of illegal aliens in the Commonwealth, including any Federal and Commonwealth efforts to locate and repatriate them.

(4) REPORTS BY THE LOCAL GOVERNMENT.—The Governor of the Commonwealth may submit an annual report to the President on the implementation of this subtitle, and the amendments made by this subtitle, with recommendations for future changes. The President shall forward the Governor's report to the Congress with any Administration comment after an appropriate period of time for internal review, provided that nothing in this paragraph shall be construed to require the President to provide any legislative recommendation to the Congress.

(5) REPORT ON FEDERAL PERSONNEL AND RESOURCE REQUIREMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security, after consulting with the Secretary of the Interior and other departments and agencies as may be deemed necessary, shall submit a report to the Committee on Natural Resources, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate, on the current and planned levels of Transportation Security Administration, United States Customs and Border Protection, United States Immigration and Customs Enforcement, United States Citizenship and Immigration Services, and United States Coast Guard personnel and resources necessary for fulfilling mission requirements on Guam and the Commonwealth in a manner comparable to the level provided at other similar ports of entry in the United States. In fulfilling this reporting requirement, the Secretary shall consider and anticipate the increased requirements due to the proposed realignment of military forces on Guam and in the Commonwealth and growth in the tourism sector.

(i) REQUIRED ACTIONS PRIOR TO TRANSITION PROGRAM EFFECTIVE DATE.—During the period beginning on the date of enactment of this Act and ending on the transition program effective date described in section 6 of Public Law 94–241 (as added by subsection (a)), the Government of the Commonwealth shall—

(1) not permit an increase in the total number of alien workers who are present in the Commonwealth as of the date of enactment of this Act; and

(2) administer its nonrefoulement protection program—

(A) according to the terms and procedures set forth in the Memorandum of Agreement entered into between the Commonwealth of the Northern Mariana Islands and the United States Department of Interior, Office of Insular Affairs, executed on September 12, 2003 (which terms and procedures, including but not limited to funding by the Secretary of the Interior and performance by the Secretary of Homeland Security of the duties of ''Protection Consultant'' to the Commonwealth, shall have effect on and after the date of enactment of this Act), as well as CNMI Public Law 13–61 and the Immigration Regulations Establishing a Procedural Mechanism for Persons Requesting Protection from Refoulement; and

(B) so as not to remove or otherwise effect the involuntary return of any alien whom the Protection Consultant has determined to be eligible for protection from persecution or torture.

(j) CONFORMING AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended—

(1) in section 101(a)(15)(D)(ii), by inserting ''or the Commonwealth of the Northern Mariana Islands'' after ''Guam'' each time such term appears;

(2) in section 101(a)(36), by striking ''and the Virgin Islands of the United States'' and inserting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands'';

(3) in section 101(a)(38), by striking ''and the Virgin Islands of the United States'' and inserting ''the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands'';

(4) in section 208, by adding at the end the following:

''(e) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—The provisions of this section and section 209(b) shall apply to persons physically present in the Commonwealth of the Northern Mariana Islands or arriving in the Commonwealth (whether or not at a designated port of arrival and including persons who are brought to the Commonwealth after having been interdicted in international or United States waters) only on or after January 1, 2014.''; and

(5) in section 235(b)(1), by adding at the end the following:

''(G) COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.—Nothing in this subsection shall be construed to authorize or require any person described in section 208(e) to be permitted to apply for asylum under section 208 at any time before January 1, 2014.''.

(k) AVAILABILITY OF OTHER NONIMMIGRANT PROFESSIONALS.—The requirements of section 212(m)(6)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(m)(6)(B)) shall not apply to a facility in Guam, the Commonwealth of the Northern Mariana Islands, or the Virgin Islands.

SEC. 703. FURTHER AMENDMENTS TO PUBLIC LAW 94–241.

Public Law 94–241, as amended, is further amended in section 4(c)(3) by striking the colon after ''Marshall Islands'' and inserting the following: '', except that $200,000 in fiscal year 2009 and $225,000 annually for fiscal years 2010 through 2018 are hereby rescinded; Provided, That the amount rescinded shall be increased by the same percentage as that of the annual salary and benefit adjustments for Members of Congress''.

SEC. 704. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this subtitle.

SEC. 705. EFFECTIVE DATE.

(a) IN GENERAL.—Except as specifically provided in this section or otherwise in this subtitle, this subtitle and the amendments made by this subtitle shall take effect on the date of enactment of this Act.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—The amendments to the Immigration and Nationality Act made by this subtitle, and other provisions of this subtitle applying the immigration laws (as defined in section 101(a)(17) of Immigration and Nationality Act (8 U.S.C. 1101(a)(17))) to the Commonwealth, shall take effect on the transition program effective date described in section 6 of Public Law 94–241 (as added by section 702(a)), unless specifically provided otherwise in this subtitle.

(c) CONSTRUCTION.—Nothing in this subtitle or the amendments made by this subtitle shall be construed to make any residence or presence in the Commonwealth before the transition program effective date described in section 6 of Public Law 94–241 (as added by section 702(a)) residence or presence in the United States, except that, for the purpose only of determining whether an alien lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))) has abandoned or lost such status by reason of absence from the United States, such alien's presence in the Commonwealth before, on, or after the date of enactment of this Act shall be considered to be presence in the United States.

Subtitle B—Northern Mariana Islands Delegate

SEC. 711. DELEGATE TO HOUSE OF REPRESENTATIVES FROM COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

The Commonwealth of the Northern Mariana Islands shall be represented in the United States Congress by the Resident Representative to the United States authorized by section 901 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America (approved by Public Law 94–241 (48 U.S.C. 1801 et seq.)). The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this subtitle.

SEC. 712. ELECTION OF DELEGATE.

(a) ELECTORS AND TIME OF ELECTION.—The Delegate shall be elected—

(1) by the people qualified to vote for the popularly elected officials of the Commonwealth of the Northern Mariana Islands; and

(2) at the Federal general election of 2008 and at such Federal general election every 2d year thereafter.

(b) MANNER OF ELECTION.—

(1) IN GENERAL.—The Delegate shall be elected at large and by a plurality of the votes cast for the office of Delegate.

(2) EFFECT OF ESTABLISHMENT OF PRIMARY ELECTIONS.—Notwithstanding paragraph (1), if the Government of the Commonwealth of the Northern Mariana Islands, acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, provides for primary elections for the election of the Delegate, the Delegate shall be elected by a majority of the votes cast in any general election for the office of Delegate for which such primary elections were held.

(c) VACANCY.—In case of a permanent vacancy in the office of Delegate, the office of Delegate shall remain vacant until a successor is elected and qualified.

(d) COMMENCEMENT OF TERM.—The term of the Delegate shall commence on the 3d day of January following the date of the election.

SEC. 713. QUALIFICATIONS FOR OFFICE OF DELEGATE.

To be eligible for the office of Delegate a candidate shall—

(1) be at least 25 years of age on the date of the election;

(2) have been a citizen of the United States for at least 7 years prior to the date of the election;

(3) be a resident and domiciliary of the Commonwealth of the Northern Mariana Islands for at least 7 years prior to the date of the election;

(4) be qualified to vote in the Commonwealth of the Northern Mariana Islands on the date of the election; and

(5) not be, on the date of the election, a candidate for any other office.

SEC. 714. DETERMINATION OF ELECTION PROCEDURE.

Acting pursuant to legislation enacted in accordance with the Constitution of the Commonwealth of the Northern Mariana Islands, the Government of the Commonwealth of the Northern Mariana Islands may determine the order of names on the ballot for election of Delegate, the method by which a special election to fill a permanent vacancy in the office of Delegate shall be conducted, the method by which ties between candidates for the office of Delegate shall be resolved, and all other matters of local application pertaining to the election and the office of Delegate not otherwise expressly provided for in this subtitle.

SEC. 715. COMPENSATION, PRIVILEGES, AND IMMUNITIES.

Until the Rules of the House of Representatives are amended to provide otherwise, the Delegate from the Commonwealth of the Northern Mariana Islands shall receive the same compensation, allowances, and benefits as a Member of the House of Representatives, and shall be entitled to whatever privileges and immunities are, or hereinafter may be, granted to any other nonvoting Delegate to the House of Representatives.

SEC. 716. LACK OF EFFECT ON COVENANT.

No provision of this subtitle shall be construed to alter, amend, or abrogate any provision of the covenant referred to in section 711 except section 901 of the covenant.

SEC. 717. DEFINITION.

For purposes of this subtitle, the term ''Delegate'' means the Resident Representative referred to in section 711.

SEC. 718. CONFORMING AMENDMENTS REGARDING APPOINTMENTS TO MILITARY SERVICE ACADEMIES BY DELEGATE FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) UNITED STATES MILITARY ACADEMY.—Section 4342(a)(10) of title 10, United States Code, is amended by striking ''resident representative'' and inserting ''Delegate in Congress''.

(b) UNITED STATES NAVAL ACADEMY.—Section 6954(a)(10) of such title is amended by striking ''resident representative'' and inserting ''Delegate in Congress''.

(c) UNITED STATES AIR FORCE ACADEMY.—Section 9342(a)(10) of such title is amended by striking ''resident representative'' and inserting ''Delegate in Congress''.

TITLE VIII—COMPACTS OF FREE ASSOCIATION AMENDMENTS

SEC. 801. APPROVAL OF AGREEMENTS.

(a) IN GENERAL.—Section 101 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921) is amended—

(1) in the first sentence of subsection (a), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Federated States of Micronesia, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 30, 2004, which shall serve as the authority to implement the provisions thereof''; and

(2) in the first sentence of subsection (b), by inserting before the period at the end the following: '', including Article X of the Federal Programs and Services Agreement Between the Government of the United States and the Government of the Republic of the Marshall Islands, as amended under the Agreement to Amend Article X that was signed by those two Governments on June 18, 2004, which shall serve as the authority to implement the provisions thereof''.

(b) EFFECTIVE DATE.—The amendments made by this section shall be effective as of the date that is 180 days after the date of enactment of this Act.

SEC. 802. FUNDS TO FACILITATE FEDERAL ACTIVITIES.

Unobligated amounts appropriated before the date of enactment of this Act pursuant to section 105(f)(1)(A)(ii) of the Compact of Free Association Amendments Act of 2003 shall be available to both the United States Agency for International Development and the Federal Emergency Management Agency to facilitate each agency's activities under the Federal Programs and Services Agreements.

SEC. 803. CONFORMING AMENDMENT.

(a) IN GENERAL.—Section 105(f)(1)(A) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(A)) is amended to read as follows:

''(A) EMERGENCY AND DISASTER ASSISTANCE.—

''(i) IN GENERAL.—Subject to clause (ii), section 221(a)(6) of the U.S.–FSM Compact and section 221(a)(5) of the U.S.–RMI Compact shall each be construed and applied in accordance with the two Agreements to Amend Article X of the Federal Programs and Service Agreements signed on June 30, 2004, and on June 18, 2004, respectively, provided that all activities carried out by the United States Agency for International Development and the Federal Emergency Management Agency under Article X of the Federal Programs and Services Agreements may be carried out notwithstanding any other provision of law. In the sections referred to in this clause, the term 'United States Agency for International Development, Office of Foreign Disaster Assistance' shall be construed to mean 'the United States Agency for International Development'.

''(ii) DEFINITION OF WILL PROVIDE FUNDING.—In the second sentence of paragraph 12 of each of the Agreements described in clause (i), the term 'will provide funding' means will provide funding through a transfer of funds using Standard Form 1151 or a similar document or through an interagency, reimbursable agreement.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective as of the date that is 180 days after the date of enactment of this Act.

SEC. 804. CLARIFICATIONS REGARDING PALAU.

Section 105(f)(1)(B) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(B)) is amended—

(1) in clause (ii)(II), by striking ''and its territories'' and inserting '', its territories, and the Republic of Palau'';

(2) in clause (iii)(II), by striking '', or the Republic of the Marshall Islands'' and inserting '', the Republic of the Marshall Islands, or the Republic of Palau''; and

(3) in clause (ix)—

(A) by striking ''Republic'' both places it appears and inserting ''government, institutions, and people'';

(B) by striking ''2007'' and inserting ''2009''; and

(C) by striking ''was'' and inserting ''were''.

SEC. 805. AVAILABILITY OF LEGAL SERVICES.

Section 105(f)(1)(C) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(f)(1)(C)) is amended by inserting before the period at the end the following: '', which shall also continue to be available to the citizens of the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands who legally reside in the United States (including territories and possessions)''.

SEC. 806. TECHNICAL AMENDMENTS.

(a) TITLE I.—

(1) SECTION 177 AGREEMENT.—Section 103(c)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(c)(1)) is amended by striking ''section 177'' and inserting ''Section 177''.

(2) INTERPRETATION AND UNITED STATES POLICY.—Section 104 of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921c) is amended—

(A) in subsection (b)(1), by inserting ''the'' before ''U.S.–RMI Compact,'';

(B) in subsection (e)—

(i) in the matter preceding subparagraph (A) of paragraph (8), by striking ''to include'' and inserting ''and include'';

(ii) in paragraph (9)(A), by inserting a comma after ''may''; and

(iii) in paragraph (10), by striking ''related to service'' and inserting ''related to such services''; and

(C) in the first sentence of subsection (j), by inserting ''the'' before ''Interior''.

(3) SUPPLEMENTAL PROVISIONS.—Section 105(b)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921d(b)(1)) is amended by striking ''Trust Fund'' and inserting ''Trust Funds''.

(b) TITLE II.—

(1) U.S.–FSM COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia (as provided in section 201(a) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2757)) is amended—

(A) in section 174—

(i) in subsection (a), by striking ''courts'' and inserting ''court''; and

(ii) in subsection (b)(2), by striking ''the'' before ''November'';

(B) in section 177(a), by striking '', or Palau'' and inserting ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free

Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the fifth sentence of subsection (a), by striking ''Trust Fund Agreement,'' and inserting ''Agreement Between the Government of the United States of America and the Government of the Federated States of Micronesia Implementing Section 215 and Section 216 of the Compact, as Amended, Regarding a Trust Fund (Trust Fund Agreement),'';

(iii) in subsection (b)—

(I) in the first sentence, by striking ''Government of the'' before ''Federated''; and

(II) in the second sentence, by striking ''Sections 321 and 323 of the Compact of Free Association, as Amended'' and inserting ''Sections 211(b), 321, and 323 of the Compact of Free Association, as amended,''; and

(iv) in the last sentence of subsection (d), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in the first sentence of section 215(b), by striking ''subsection(a)'' and inserting ''subsection (a)'';

(F) in section 221—

(i) in subsection (a)(6), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security''; and

(ii) in the first sentence of subsection (c), by striking ''agreements'' and inserting ''agreement'';

(G) in the second sentence of section 222, by inserting ''in'' after ''referred to'';

(H) in the second sentence of section 232, by striking ''sections 102 (c)'' and all that follows through ''January 14, 1986)'' and inserting ''section 102(b) of Public Law 108–188, 117 Stat. 2726, December 17, 2003'';

(I) in the second sentence of section 252, by inserting '', as amended,'' after ''Compact'';

(J) in the first sentence of the first undesignated paragraph of section 341, by striking ''Section 141'' and inserting ''section 141'';

(K) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(L) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(M) in section 461(h), by striking ''Telecommunications'' and inserting ''Telecommunication'';

(N) in section 462(b)(4), by striking ''of Free Association'' the second place it appears; and

(O) in section 463(b), by striking ''Articles IV'' and inserting ''Article IV''.

(2) U.S.–RMI COMPACT.—The Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands (as provided in section 201(b) of the Compact of Free Association Amendments Act of 2003 (117 Stat. 2795)) is amended—

(A) in section 174(a), by striking ''court'' and inserting ''courts'';

(B) in section 177(a), by striking the comma before ''(or Palau)'';

(C) in section 179(b), by striking ''amended Compact,'' and inserting ''Compact, as amended,'';

(D) in section 211—

(i) in the fourth sentence of subsection (a), by striking ''Compact, as Amended, of Free Association'' and inserting ''Compact of Free Association, as amended'';

(ii) in the first sentence of subsection (b), by striking ''Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Miliary Use and Operating Rights'' and inserting ''Agreement Regarding the Military Use and Operating Rights of the Government of the United States in the Republic of the Marshall Islands concluded Pursuant to Sections 321 and 323 of the Compact of Free Association, as Amended (Agreement between the Government of the United States and the Government of the Republic of the Marshall Islands Regarding Military Use and Operating Rights)''; and

(iii) in the last sentence of subsection (e), by inserting before the period at the end the following: ''and the Federal Programs and Services Agreement referred to in section 231'';

(E) in section 221(a)—

(i) in the matter preceding paragraph (1), by striking ''Section 231'' and inserting ''section 231''; and

(ii) in paragraph (5), by inserting ''(Federal Emergency Management Agency)'' after ''Homeland Security'';

(F) in the second sentence of section 232, by striking ''sections 103(m)'' and all that follows through ''(January 14, 1986)'' and inserting ''section 103(k) of Public Law 108–188, 117 Stat. 2734, December 17, 2003'';

(G) in the first sentence of section 341, by striking ''Section 141'' and inserting ''section 141'';

(H) in section 342—

(i) in subsection (a), by striking ''14 U.S.C. 195'' and inserting ''section 195 of title 14, United States Code''; and

(ii) in subsection (b)—

(I) by striking ''46 U.S.C. 1295(b)(6)'' and inserting ''section 1303(b)(6) of the Merchant Marine Act, 1936 (46 U.S.C. 1295b(b)(6))''; and

(II) by striking ''46 U.S.C. 1295b(b)(6)(C)'' and inserting ''section 1303(b)(6)(C) of that Act'';

(I) in the third sentence of section 354(a), by striking ''section 442 and 452'' and inserting ''sections 442 and 452'';

(J) in the first sentence of section 443, by inserting '', as amended.'' after ''the Compact'';

(K) in the matter preceding paragraph (1) of section 461(h)—

(i) by striking ''1978'' and inserting ''1998''; and

(ii) by striking ''Telecommunications'' and inserting ''Telecommunication Union''; and

(L) in section 463(b), by striking ''Article'' and inserting ''Articles''.

SEC. 807. TRANSMISSION OF VIDEOTAPE PROGRAMMING.

Section 111(e)(2) of title 17, United States Code, is amended by striking ''or the Trust Territory of the Pacific Islands'' and inserting ''the Federated States of Micronesia, the Republic of Palau, or the Republic of the Marshall Islands''.

SEC. 808. PALAU ROAD MAINTENANCE.

The Government of the Republic of Palau may deposit the payment otherwise payable to the Government of the United States under section 111 of Public Law 101–219 (48 U.S.C. 1960) into a trust fund if—

(1) the earnings of the trust fund are expended solely for maintenance of the road system constructed pursuant to section 212 of the Compact of Free Association between the Government of the United States of America and the Government of Palau (48 U.S.C. 1931 note); and

(2) the trust fund is established and operated pursuant to an agreement entered into between the Government of the United States and the Government of the Republic of Palau.

SEC. 809. CLARIFICATION OF TAX-FREE STATUS OF TRUST FUNDS.

In the U.S.–RMI Compact, the U.S.–FSM Compact, and their respective trust fund subsidiary agreements, for the purposes of taxation by the United States or its subsidiary jurisdictions, the term ''State'' means ''State, territory, or the District of Columbia''.

SEC. 810. TRANSFER OF NAVAL VESSELS TO CERTAIN FOREIGN RECIPIENTS.

(a) TRANSFERS BY GRANT.—The President is authorized to transfer vessels to foreign countries on a grant basis under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), as follows:

(1) TURKEY.—To the Government of Turkey—

(A) the OLIVER HAZARD PERRY class guided missile frigates GEORGE PHILIP (FFG–12) and SIDES (FFG–14); and

(B) the OSPREY class minehunter coastal ship BLACKHAWK (MHC–58).

(2) LITHUANIA.—To the Government of Lithuania, the OSPREY class minehunter coastal ships CORMORANT (MHC–57) and KINGFISHER (MHC–56).

(b) TRANSFERS BY SALE.—The President is authorized to transfer vessels to foreign recipients on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), as follows:

(1) TAIWAN.—To the Taipei Economic and Cultural Representative Office in the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))), the OSPREY class minehunter coastal ships ORIOLE (MHC–55) and FALCON (MHC–59).

(2) TURKEY.—To the Government of Turkey, the OSPREY class minehunter coastal ship SHRIKE (MHC–62).

(c) GRANTS NOT COUNTED IN ANNUAL TOTAL OF TRANSFERRED EXCESS DEFENSE ARTICLES.—The value of a vessel transferred to a recipient on a grant basis pursuant to authority provided by subsection (a) shall not be counted against the aggregate value of excess defense articles transferred in any fiscal year under section 516(g) of the Foreign Assistance Act of 1961.

(d) COSTS OF TRANSFERS.—Any expense incurred by the United States in connection with a transfer authorized by this section shall be charged to the recipient.

(e) REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed before the vessel joins the naval forces of the recipient performed at a shipyard located in the United States, including a United States Navy shipyard.

(f) EXPIRATION OF AUTHORITY.—The authority to transfer a vessel under this section shall expire at the end of the 2-year period beginning on the date of enactment of this Act.

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

The Chair recognizes the gentleman from West Virginia.

GENERAL LEAVE

Mr. RAHALL. 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 resolution under consideration.

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

There was no objection.

Mr. RAHALL. Mr. Speaker, I am pleased to call up this legislation which is comprised of 61 separate measures that were already considered by this body, packaged by the Senate, and sent back to us for further and final consideration. This is a bipartisan package, almost evenly split between bills sponsored by Democrats and Republicans.

Further, I would note that 57 of the measures included in this package originated in the Committee on Natural Resources. In this regard, I salute the committee's Chairs who worked so hard on this legislation:

RAÚL GRIJALVA, chairman of the Subcommittee on National Parks, Forests and Public Lands; GRACE NAPOLITANO, chairwoman of the Subcommittee on Water and Power, and DONNA CHRISTENSEN, chairwoman of the Subcommittee on Insular Affairs.

In this body, these three Members did all of the heavy lifting, the hearings, the managing of the individual bills on the floor, the listening from other Members of this body that helped to make the package we are considering today possible.

The pending measures include new protections for wilderness, national parks, historic sites and trails, and precious water resources from sea to shining sea.

I will not speak to each and every provision of this legislation today but would like to highlight two in particular.

This bill will finally designate the long-awaited Wild Sky Wilderness in Washington State, championed by our colleague, RICK LARSEN. As I noted last week when the House considered wilderness legislation for my home State of West Virginia, to be in a wilderness area is truly a humbling experience. To be part of designating the wilderness is even more humbling because wilderness is an effort to retain the landscape as God created it. And as with God's good graces, we are working toward designating new wilderness areas in West Virginia today.

Let this be the next-to-last action, other than the President's signature, on establishing the Wild Sky Wilderness in the State of Washington.

□ 1430

The other measure I would like to highlight would finally bring badly needed immigration, national security and labor protections for the Commonwealth of the Northern Mariana Islands. Further, this legislation would also grant a nonvoting delegate to the U.S. House of Representatives to the Northern Mariana Islands.

For too long, abuses took place in the CNMI, and for too long remedial legislation was held hostage in this body. Let this legislation bring forth a new dawn, the start of a new era with a delegate to this body, that the people of the CNMI's voices be heard.

Again, I want to thank the gentlelady from the Virgin Islands, the chairman of the Subcommittee on Insular Affairs, Dr. DONNA CHRISTENSEN, for her great work on this matter.

There are other issues of note in this bill. It would expand parks in Maine, Massachusetts, North Carolina, Washington and Idaho. It would improve visitor transportation options at Denali National Park and Acadia National Park. And it would expand and increase the authorization for the National Underground Railroad Network to Freedom. Three new national heritage areas and nine existing areas will receive Federal assistance under this measure. Seven other areas will be examined as possible new park units.

This bill would also authorize Federal participation in new and expanded water recycling projects around the west, projects which will provide an estimated 52,600 acre-feet of water annually in an area experiencing severe drought.

It's a good bill, Mr. Speaker. I urge all Members to vote for this package.

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

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

Mr. Speaker, Senate bill 2739 contains around 62 provisions, and I am pleased to see that they're finally on their way to the President's desk. However, this bill is also a testament to the dysfunction of a certain body on the other side of this Rotunda.

Many of the sections of this bill are unable to stand on their own and have subsequently been bundled into a $300 million brew to avoid individual scrutiny. To solve the problem and avoid the discomfort of saying ''no,'' this omnibus was created with enough prizes that inevitably the bad will be overlooked and everything, the good, the bad and the ugly, will be able to cross the finish line.

Many of these provisions were passed by this House last year, so it's nice to say that finally something is coming out of the Senate, even if it's coming in this very poor form. But in other ways this bill is also symbolic of this session. We have wasted time and then glob everything together and throw it together with one fell swoop without the ability of scrutinizing it as individual issues, and at the same time miss essential bills that address critical needs.

This legislation deals with land where energy opportunities do exist, and yet once again we are moving forward with gas approaching $4 a gallon. Today, the average price of gasoline in the United States was $3.61. That's $1.28 for gasoline, $1.57 for diesel, 55 and 59 percent above what it was at the beginning of the 110th Congress. And still, with no plan to solve this issue, we pass bills that exacerbate this conundrum.

This particular bill is full of new designations intended to draw tourists, but the only sightseeing that's going to be done in this country will be from the couch watching the Travel Channel if we don't address our fuel crisis. Every time we pass feel-good natural resource legislation with warm and fuzzy titles, we must consider the damage being done to our ability to provide for ourselves. We have locked up so much of our public land from energy development that we are now seeing the results at the pump, and these are our priorities.

What else do we do? Our solution is to offer biofuels; in other words, we want to burn food to power cars. Not only is this immoral, it is devastating Third World countries now unable to afford food to feed their starving children. These are our priorities.

We could have used forest mass that's dead every year, it would have been perfect cellulose for production of energy and at the same time save our forests from catastrophic fires, but such was specifically prohibited in the ''no energy'' bill that passed this Congress recently. So, these are our consequences.

We discussed many of the sections in this bill individually when they first came to the House floor in 2007. We did it the right way, even if I disagreed with some of the outcomes we decided. Unfortunately, they are back without improvements that would have made them palatable.

I don't believe private property rights are adequately protected in any of the heritage areas in this bill. And I question why the amendment to protect second amendment rights, which was overwhelmingly passed on the House floor, was stripped from this package. It is flat out wrong to have done that. It is almost unfathomable that the Senate would do such a thing and that we would consider passing this bill with that significant provision not there. Yet again, the second amendment and property rights take a back seat to misguided priorities of the other body.

As I stated earlier, there are a few positives I am pleased to support. Congressmen WILSON and BROWN of South Carolina have worked to get the ''Swamp Fox'' General Francis Marion Memorial to the President. I congratulate them. Minority Whip BLUNT has labored to authorize the Newtonia Civil War Battlefields study that we will move today. I thank him for his fine work. My Resource Committee colleague, Congressman LOUIS GOHMERT from Texas, has an important study to honor the Space Shuttle, *Columbia*, and I'm pleased that this is included in Senate 2739. Resource Committee Ranking Member DON YOUNG has several provisions that will benefit the country and his constituents in Alaska, and I thank him for his tireless efforts and advocacy on their behalf.

Finally, of all the provisions, probably the best one is a dam bill provision for my congressional district. This

provision would authorize the Bureau of Reclamation to do a feasibility study on raising the height of the Arthur V. Watkins Dam in Box Elder County. And given the shortage of water in the West, by increasing storage capacity of this vital reservoir, the residents of my congressional district will have a more secure water supply and water future.

Having already spent too many hours debating these bills when they came before us that now make up this legislative Frankenstein, I see no need to prolong this much longer.

I will reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to a senior member of our Committee on Natural Resources, Mr. DEFAZIO from Oregon.

Mr. DEFAZIO. I thank the chairman.

This legislation includes legislation earlier passed by this House, H.R. 247, endorsed by all the members of the Oregon delegation, to recognize the Jim Weaver Trail.

In 1964, the original Wilderness Act put a lot of high elevation Oregon into wilderness, but it left out our precious forests and our old growth. Ten years later, Oregon's most persistent champion of wilderness, Jim Weaver, was elected to the United States Congress. Despite the fact that he represented the largest public timber-producing district in the country, Jim engaged in a battle over the next 10 years to set aside some of Oregon's most beautiful forests for future generations. He engaged in the first fights to preserve old growth, fights which are continuing to this day.

The Forest Service originally recommended 370,000 acres for wilderness designation in Oregon. Jim upped the ante a little bit to 1.2 million. He had very, very tough and difficult negotiations with the Senate, and in the end he and Senator Hatfield were able to settle on 861,500 acres, not everything Jim wanted, but a tremendous legacy for our future.

At the very last minute, Jim got Grassy Knob added and Monument Rock protected. And then one of the toughest things that he had to do, he was asked by Senator Hatfield did he want Hardesty Mountain or did he want Waldo. Jim chose Waldo. And so it's extremely appropriate that this House acts today to name the trail which encompasses pristine Waldo Lake as the Jim Weaver Trail. And future generations of Oregonians utilizing that trail will begin to understand the history and the fight that went into preserving some of their most precious wildlands, a fight which I'm attempting to continue with wilderness legislation this year, and a fight with the BLM over their attempts to harvest the last of our precious old growth.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of S. 2739, which includes the provisions of H.R. 85, a bill called the Energy Technology Transfer Act that I introduced with my Science and Technology Committee colleague from North Carolina (Mr. MILLER). The House approved our bill by a vote of 395–1 back in March of last year. And this is so important, Mr. Speaker, that it is now before this House again, and I appreciate it.

Mr. Speaker, the Federal Government spends billions every year on energy-related research and development for our universities and national laboratories. The result is often new technologies that exponentially reduce our consumption of energy or encourage the use of alternative fuels and thus reduce our dependence on foreign sources of energy. But the biggest challenge to realizing these energy savings is getting these technologies out of the laboratory and into the marketplace where they can benefit all energy end users. Whether we're talking about a business owner, a homeowner, a county or local government officials, these energy end users may be hesitant to embrace advanced or alternative technologies with which they are not familiar, have little experience, or which may require new infrastructure.

To help energy end users embrace these new technologies, section 917 of the Energy Policy Act (EPACT) of 2005 directed the Department of Energy to create a geographically dispersed network of energy efficiency technology transfer centers to help in this process. This bill will simply improve that section 917 of EPACT, and instead of creating from scratch these network centers, H.R. 85 authorizes the DOE to provide grants to and partner with existing community outreach networks. These existing networks could include Cooperative Extension Systems—just like what we have seen with the farms—offices, State energy offices, local governments, institutions of higher education, and nonprofit organizations with expertise in energy technologies or outreach. And so instead of limiting these centers to the transfer of energy efficiency technologies, it also expands their mission to include all advanced energy technologies and requires grantees to provide feedback to DOE on the energy research needs identified by these energy end users.

I just want to give you one example of what I'm talking about in Chicago and how this program might work. Before expanding their frozen pizza production plant in Illinois, Home Run Inn Pizza consulted with the University of Illinois—Chicago's Energy Resource Center. After conducting an assessment of the plant and its operations, the UIC Energy Resource Center identified nine ways that the Home Run Inn Pizza could reduce their energy consumption and energy costs. Using advanced energy technologies developed as a result of the DOE-funded research, Home Run Inn Pizza could reduce natural gas consumption by 15 percent and electricity consumption by 5 to 6 percent, saving a total of about $15,000 annually.

So with the enactment of H.R. 85, the UIC Energy Resource Center and other cooperative extension and community outreach organizations could add capacity and expertise to help many, many companies, building managers, homebuilders and homeowners use the technology to save energy and money.

So the bill represents just a small investment in the tech transfer capabilities that we need to help our universities and labs move advanced energy technologies from labs into the market so Americans can enjoy the tangible benefits of our Federal investment in R&D.

I want to thank my colleague, Mr. MILLER from North Carolina, for his strong interest in tech transfer and for being the lead Democrat on this bill. I want to thank Chairman GORDON and Ranking Member HALL for recognizing the value of this bill and moving it through the committee, Senators BINGAMAN and DOMENICI and the Senate Energy and Natural Resources Committee for approving this bill and including it in S. 2739. Finally, I want to thank the chairman and ranking member of the Natural Resources Committee and the House Republican and Democrat leadership for bringing this package of bills to the floor today and I urge my colleagues to support it.

Mr. RAHALL. Mr. Speaker, I have already commended her profusely, but I want to once again thank the chairwoman of our Subcommittee on Insular Affairs, DONNA CHRISTENSEN, from the Virgin Islands for the hard work and long hours that she has put in on this legislation. I now yield her 3 minutes.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman, for those kind remarks. And I am pleased to rise in support of S. 2739, which includes two bills that I sponsored, H.R. 3079, the CNMI Immigration, Security, and Labor Act (ISLA), which also includes the NMI Delegate Act, and H.R. 2705, the Compacts of Free Association Amendments Act of 2007. Both were unanimously passed by this Chamber this year.

ISLA resolves two issues which have been before this Congress for decades. First, it would extend U.S. immigration laws to the CNMI. And second, it would authorize a CNMI nonvoting delegate to serve in this body beginning in the 111th Congress.

For two decades, the CNMI has had local control over immigration policy, and it has never been represented in this Chamber. For those unheard voices, for the prosperity of those islands, and for the security of our Nation, the path should now lead in a different direction.

ISLA provides the needed policy flexibility to transition immigration from local to Federal control. It ensures that employers can fill jobs, residents receive vocational training, nonresident guest workers be protected,

the region's economy be diversified, and the Marianas archipelago be strategically secure.

□ 1445

H.R. 2705 makes technical corrections to the Compact Agreements of 2003 and ushers in a new disaster assistance regime between FEMA and USAID for the FAS.

I'm grateful to Chairman RAHALL for his commitment to prioritize issues affecting U.S. territories in the Freely Associated States. I thank the committee ranking member, Mr. YOUNG, and the subcommittee ranking member, Mr. FORTUÑO. I also want to thank the staff of the subcommittee.

I want to especially acknowledge Mr. FALEOMAVAEGA and Ms. BORDALLO, both members of the subcommittee, for traveling with me to the CNMI to conduct our hearing. They are tireless in their support of the subcommittee's agenda, and Ms. BORDALLO worked closely with me to ensure that the interests of all the people in the Marianas, as well as the priorities for our Nation's security, were included in ISLA.

I urge my colleagues to pass S. 2739.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Virginia (Mr. WOLF).

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

Mr. WOLF. Mr. Speaker, first I want to thank the ranking member, Mr. BISHOP, for his fairness as we went through this process. And I want to thank the chairman, Mr. RAHALL, for his leadership in moving this. I am very, very grateful.

I want to rise in support of this bill, which includes a provision to establish the Journey Through Hallowed Ground National Heritage Area. Establishing this heritage area spans 175 miles through four States.

The Journey Through Hallowed Ground winds its way along U.S. Route 15 from Gettysburg, Pennsylvania, to Jefferson's home of Monticello in Charlottesville, Virginia. Starting as a trail used by the Susquehannock and Iroquois, America's early history can literally be traced along this corridor. Jefferson's Monticello, Madison's Montpellier, Monroe's Oak Hill and Ashlawn Highland, Zachary Taylor's homes, Eisenhower's cottage, Teddy Roosevelt's cabin, John Marshall's home, General George Marshall's home, and Camp David are situated along this route, which is also dotted with numerous Civil War battlefields.

I close with Abraham Lincoln's Gettysburg Address, spoken at the northern terminus of the Journey Through Hallowed Ground corridor and signifies the history, and he said:

''We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men and women, living and dead, who struggled here, have hallowed it far above our poor power to add or detract.''

I urge my colleagues to support this legislation.

Mr. RAHALL. Mr. Speaker, I want to yield 2 minutes to another of our subcommittee chairwomen who has put in long hours and very hard work on this legislation, the chairwoman of the Subcommittee on Fisheries, Wildlife and Oceans (Ms. BORDALLO).

Ms. BORDALLO. I thank Chairman RAHALL for yielding to me.

Mr. Speaker, I rise in support of S. 2739, and I urge my colleagues to vote to pass it and send it to the President's desk. I underscore my support for subtitle B of title VII of this comprehensive, important legislation, which provides for the election and the seating of a delegate representing the Commonwealth of the Northern Mariana Islands.

Mr. Speaker, the people of Guam and the people of the Northern Marianas are neighbors, and we share a common heritage. This bill is the product of careful deliberation and bipartisan cooperation. Many Members have worked diligently to shape it into the form in which it has arrived on the floor today. And for this reason and for the leadership brought to bear in drafting the CNMI title and responding to the concerns and interests of stakeholders on Guam, I want to thank very much Chairman NICK RAHALL and Insular Affairs Subcommittee Chairwoman DONNA CHRISTENSEN.

The CNMI delegate provision represents the beginning of a stronger partnership for this body with the people of the Northern Marianas. I look forward to welcoming a new delegate in this hall and to that day next January when Members will take the oath with a new colleague representing the CNMI.

This House has a strong record of affording U.S. territories representation in Congress. To date, Mr. Speaker, 188 delegates and 32 resident commissioners have served ably in this House over the course of its history. It is a tradition that dates back to 1790, with the Northwest Ordinance areas, and today we continue this tradition by extending a long overdue voice for the people of the Northern Marianas. The CNMI should be afforded the honor and given the responsibility of electing a delegate to represent their interests.

This is about democracy and representation. The compelling case for representation for the CNMI has finally been made. So vote for S. 2739.

Mr. BISHOP of Utah. Mr. Speaker, I continue to reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield 2 minutes to a member of our Committee on Natural Resources, the gentleman from Washington (Mr. INSLEE).

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

Mr. INSLEE. Mr. Speaker, I would like to commend this bill for two reasons.

First, the passage of the Bainbridge Island Japanese American Monument Act. It is long overdue. We will finally present a monument to a chapter in American history that should never be a occasioned again. On March 30, 1942, on Bainbridge Island, Washington, the island where I live, the United States Army rounded up 227 people living on Bainbridge Island, put them on a ferry boat, shipped them by trains to a camp in Manzanar for the duration of the war, totally without legality. And 62 of those people subsequently served in World War II.

Two years ago a 95-year-old woman, Fumiko Hayashida, came to Congress and testified about the pain that episode caused her and all of America. And this dedication of a monument on Bainbridge Island will serve as a monument to all Americans of all future generations that we should never ever allow the power of fear to overcome the promise of liberty. This monument will serve to do that.

I want to thank the great work of people on Bainbridge Island: Fumiko Hayashida, Frank Kitamoto, Clarence Moriwaki; Senator CANTWELL and others who worked on this bill. And I invite all Americans to come see this monument when it's completed.

I would also like to congratulate my colleague RICK LARSEN and Senator MURRAY for their incredible work, who really set the model of how to do wilderness legislation in finally today passing the Wild Sky Wilderness. I sat on top of Berry Mountain a couple years ago and looked down, and I want to thank them for their great leadership so that my grandchild will be able to look down from the top of Berry Mountain and see the same wilderness; and to their allies, Tom Uniack, Mike Towns, and Jon Owen, all of who really created a model of how to do future wildernesses. Thank you very much, Rick and others, and I congratulate all of us for final passage of these great pieces of work.

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

Mr. RAHALL. Mr. Speaker, I have commended this gentleman in my opening remarks because he truly has worked hard over a number of years for a major part of this package. It is a highlight of the package, and I yield 2 minutes to the gentleman from Washington (Mr. LARSEN) to explain it.

Mr. LARSEN of Washington. Mr. Speaker, I rise today in support of the bipartisan Consolidated Natural Resources Act of 2008, which includes legislation I introduced to create the first new wilderness area in Washington State in over 20 years. The Wild Sky Wilderness will be unique, protecting 106,000 acres of pristine forests and streams in my district, while providing a clean and accessible place to hunt, to fish, and to hike.

My staff first met on this issue on February 20, 2001, 48 days into my first term. And now 2,625 or so days later, we are ready to pass the Wild Sky Wilderness bill as part of the broader bill and send it to the President's desk.

The Wild Sky Wilderness Act is a carefully crafted piece of legislation that reflects years of community input. It will protect the peaks, the forests, and the lakes of the Mount Baker-Snoqualmie National Forest, as well as thousands of acres of lower-elevation forests and salmon-bearing streams.

The bill has been vetted through a 7-year process of hearings, debate, local town hall meetings. It started out as a much larger bill, but through a series of compromises and through a process of inclusiveness, we came up with the bill that now stands before you today as part of the larger bill. And it would not have been possible without the help of many people here in Congress and in the Second District. Large businesses like REI, smaller businesses like a small bed and breakfast located in Index support this bill. It garners the support of Democrats and Republicans alike in Washington State. But deserving special recognition here in Congress are people like Chairman NICK RAHALL and his staff, led by Jim Zoia and Rick Healy. This proposal went through a 7-year process and is soon to become law as it goes to the President's desk.

I also want to thank my partner on the Senate side, Senator PATTY MURRAY. Creating the Wild Sky Wilderness bill would not have been possible without her hard work and strong leadership in the Senate.

So I ask my colleagues today to support the Consolidated Natural Resources Act of 2008 and know that when you do that, you will be helping to create the first wilderness bill for Washington State in over 20 years. I urge passage of this legislation.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Georgia (Mr. BROUN).

(Mr. BROUN of Georgia asked and was given permission to revise and extend his remarks.)

Mr. BROUN of Georgia. ''Whereas, whenever kings, instead of protecting the lives and property of their subjects, as is their bounden duty, do endeavor to perpetrate the destruction of either, they thereby cease to be kings, become tyrants, and dissolve all ties of allegiance between themselves and their people . . . '' This was stated by Benjamin Franklin in his preamble to a congressional resolution.

Mr. Speaker, legislation should never attempt to seize land from the public and restrict its use. Property rights are a central institution of western civilization, and they're an essential ingredient in freedom. The Consolidated Natural Resources Act of 2008 is a violation of the basic principles that our Founding Fathers set out to prevent. Congress continues to ignore, neglect, disparage, and not understand its importance.

The Federal Government already owns nearly 650 million acres of land, half of which experience severe maintenance problems and backlogs. This legislation threatens recreation, user access, grazing, mining, oil and gas exploration, and many other public uses. By restricting access to land for exploration, this legislation is limiting the potential of the economy and directly interfering with America's entrepreneurial drive.

Do we know for certain that fossil fuels are not contained in these lands? At a time when gas is nearly $4 a gallon, the very last thing we should be doing is permanently restricting access to this land.

Government abuse is increasing on all levels, and a vote for S. 2739 is a vote for an increase in the size and scope of government. We must protect America's right to utilize and to prosper from the land.

John Dickinson, a signer of the Constitution, declared: ''Let these truths be indelibly impressed on our minds: that we cannot be happy without being free; that we cannot be free without being secure in our property; that we cannot be secure in our property if, without our consent, others may as by right take it away.''

God's Word, the Holy Bible, says: ''In the multitude of words, sin is not lacking.'' Mr. Speaker, there's a lot of sin in this bill.

Stop increasing government control and regulation of American property owners and vote ''no'' on S. 2739.

Mr. RAHALL. Mr. Speaker, a simple response to the gentleman who just spoke. There's no eminent domain authority whatsoever granted in this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, a very valued Member that has worked hard on this bill and has done a superb job, and I want to commend Mr. COURTNEY for his leadership and work on this legislation.

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Mr. COURTNEY. Mr. Speaker, I want to salute Chairman RAHALL and Subcommittee Chairman GRIJALVA for the hard work that both of these individuals did to bring this legislation to the floor today. It took persistent leadership to, again, get 61 measures all here, ready for vote and final passage and transmittal to the White House.

Included in this bill, section 344, is the language which was included in H.R. 986 legislation, which we debated and passed last July, the designation of the Eightmile River in Connecticut, Wild and Scenic designation. This is an effort that has taken 10 years in the State of Connecticut. It's a river that is 8 miles long, extends from East Haddam through Salem, into Lyme, and then to Hamburg Cove on Long Island Sound.

It is one of the most pristine treasures in a highly densely populated part of the country, one of the original colonies, where we respect property rights dearly in the State of Connecticut. Over that 10-year period, a balanced process was followed, which brought consensus among all the communities, bipartisan support, the Republican Governor of Connecticut, the entire delegation from Connecticut, and particularly Senator DODD, who led the fight in the Senate for passage. And the communities who have worked so hard to preserve this extraordinary body of water are, again, anxious and excited to see final passage, which will take the Eightmile River and make it part of the family of rivers that have received the Wild and Scenic designation over the 40 years of that act's existence in this country, 160 rivers.

Again, I want to salute the Resources Committee for the hard work that they did to make sure that the Eightmile River plan will now become a reality.

Mr. BISHOP of Utah. I continue to reserve.

Mr. RAHALL. I am prepared to close on this side, Mr. Speaker.

Mr. BISHOP of Utah. Mr. Speaker, this Frankenstein bill that we have before us has a whole lot of good stuff in it. It also has a whole lot of bad stuff in there, things that could be cataclysmic consequences to this particular country.

One of the things that is so sad is the process in which we are involved. I realize it's regular order, but it's still a sad process. We have germaneness rules that are very loose. The Senate has germaneness rules that are even looser. Former Senator Gene McCarthy said, The Senate has rules, but no one knows what they are so it doesn't really matter.

Bringing a bill in this pattern with these many provisions over here is something that would never be allowed in most legislative bodies within our States. One of the things we should learn as a body is sometimes it is best if we actually deal with bills on an individual basis in a timely manner. I realize part of this problem cannot be laid at the hands of the chairman of our committee because it's actually dealing with the other body on the other side, which decided to lump everything together as a big glob and just throw it at us.

At the same time, it should be a lesson for us to learn that if we really want to reform the system so that we have actual input on bills in a timely fashion and timely manner, we should have one issue, one bill, one vote, and plumping everything together is simply poor parts of legislation. For all the good that is in this bill, and there is much good, as well as the bad, and there is some bad, it still is the wrong process that we should be engaged.

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

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

Mr. Speaker, as I mentioned in my opening remarks, this is 60-some pieces of legislation in this bill, and it may not be perfect, but it's the nature of the beast, as the process is. Of the 60-some measures in this legislation, 57 that went through our committee on

Natural Resources were pretty well examined. They weren't just thrown into this bill without any consideration whatsoever. Either in this Congress or the previous Congress, these bills have had hearings on them. I mentioned the subcommittee process that worked its will in our Committee on Natural Resources. So this bill has had pretty careful scrutiny.

I'd like to conclude by commending the majority leader of the other body, Mr. REID. He has called me on this legislation. It passed through the other body after a tortuous process. The final vote over there was 91–4. I also want to commend the Chairman of the Energy and Natural Resources Committee on the other side, Mr. BINGAMAN, for his work and his tenacity.

Again, I commend my ranking member, the gentleman from Alaska (Mr. YOUNG) and the subcommittee ranking member, Mr. BISHOP, and the staffs on both sides of our committee on Natural Resources for the long hours that they have put in on this legislation. It is indeed, as the process goes, an excellent piece of legislation, and I am very proud and highly commend it to my colleagues for passage and on to the President for his signature.

Mr. UDALL of Colorado, Mr. Speaker, I rise in support of this Senate-passed bill, and urge that it be passed and sent to the President for signing into law.

It gathers into one omnibus measure some 60 bills—dealing with various public land, national park, water, and territorial issues—that have already been passed by the House but on which the Senate has not taken separate action. To expedite their consideration, Senator BINGAMAN, the Chairman of the other body's Committee on Energy and Natural Resources, gathered them into one package after most if not all of them had been favorably reported by that committee and been pending on the Senate calendar for some time. Each part of the package is important, but I want to highlight three.

PRODUCED WATER LEGISLATION

Section 514, entitled "More Water, More Energy, Less Waste," is based on my bill, H.R. 902, the "More Water and More Energy Act," which passed the House last year.

Its purpose is to facilitate the use of water produced in connection with development of energy resources for irrigation and other uses in ways that will not adversely affect water quality or the environment.

I think there is a possibility that it can help change an energy-industry problem into an opportunity, not just for oil and gas producers but for everyone else who would benefit from increased supplies of useable water. And especially in the arid west, that covers everyone—not least our hard-pressed ranchers and farmers.

The focus of the section is the underground water extracted in connection with development of energy sources like oil, natural gas or coalbed methane. It would do two things:

First, it would direct the Bureau of Reclamation and the USGS to identify the obstacles to greater use of produced water and how those obstacles could be reduced or eliminated without adversely affecting water quality or the environment.

Second, it would provide for Federal help in building pilot plants to demonstrate ways to treat produced water to make it suitable for irrigation or other uses, again without adversely affecting water quality or the environment. At least one of these pilot plants would be in each of the States in the Upper Basin of the Colorado River—that is, Colorado, New Mexico, Utah, and Wyoming—and at least one would be in one of the States in the Colorado River's lower basin—Arizona, California, and Nevada. This is to assure that, together, the plants would demonstrate techniques applicable to a variety of geologic and other conditions. The Federal Government could pay up to half the cost of building each plant, but no more than $1 million for any one plant. No Federal funds could be used for operating the plants.

The extent of the potential benefits was shown by the testimony of Mr. David Templet at a hearing on the similar bill of mine the House considered in the 109th Congress.

Testifying on behalf of the Domestic Petroleum Council and several other groups, including the Colorado Oil & Gas Association, he noted that produced water is the most abundant byproduct associated with the production of oil and gas, with about 18 billion barrels being generated by onshore wells in 1995. And he pointed out that if only an additional 1 percent of that total could be put to beneficial use, the result would be to make over 75 billion gallons annually available for use for irrigation or other agriculture, municipal purposes, or to benefit fish and wildlife.

Now, remember that in the west we usually measure water by the acre-foot—the amount that would cover an acre to the depth of one foot—and an acre-foot is about 328,560 gallons, so an additional 75 billion gallons is more than 230,000 acre feet—more water, indeed.

And at the same time making produced water available for surface uses, instead of just reinjecting it into the subsurface, can help increase the production of oil and gas.

At the hearing, this was illustrated by the testimony of Dr. David Stewart, a registered professional engineer from Colorado. He cited the example of an oil field in California from which an estimated additional 150 million barrels of oil could be recovered if water were removed from the subsurface reservoir. And he pointed out that where oil recovery is thermally enhanced, a reduced amount of underground water means less steam—and so less cost—is needed to recover the oil.

The potential for having both more water and more energy is also illustrated by the example of a project near Wellington, Colorado, that treats produced water as a new water resource. I had the opportunity to visit it last year, and found it very interesting. An oil company is embarking on the project to increase oil production while a separate company will purchase the produced water to supplement existing supplies, eventually allowing the town of Wellington and other water users in the area to have increased water for drinking and other purposes.

In view of its potential for leading to both "more water" and "more energy" as well as "less waste," I was pleased but not surprised that the Administration, through the Interior Department, has testified that it "agrees that the goals of the bill are commendable and the needs that could be addressed are real." So, I welcome the fact that the Senate has followed the lead of the House in approving this legislation, and I look forward to its enactment.

PLATTE RIVER RECOVERY IMPLEMENTATION LEGISLATION

Section 515 of this Senate-passed bill is also based on a bill (H.R. 1462) I introduced last year. It will authorize the Interior Department to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin.

As I said when the House debated that bill, I consider myself fortunate to have the honor of introducing it, and am gratified that it was cosponsored by my Colorado colleagues, Representatives DEGETTE, SALAZAR, and PERLMUTTER, as well as the entire House delegations of our neighboring States of Wyoming and Nebraska.

Its purpose is to continue a cooperative effort involving the Federal Government and the States of Colorado, Nebraska, and Wyoming (and other entities and groups) aimed at recovery of endangered species in ways that will not involve the creation of Federal water rights or requiring the grant of water rights to Federal entities. It is the result of 14 years of negotiations that culminated in 2006 when the Governors of Colorado, Wyoming, and Nebraska joined Secretary Kempthorne in signing the agreement.

The program is modeled after a somewhat similar program for the recovery of several endangered species of fish in the upper basin of the Colorado River. I have strongly supported that program because it has enabled us in Colorado and other participating States to meet the requirements of the Endangered Species Act while allowing continued development and use of water for other purposes as well. While such arrangements are not easy to work out, I think doing so is far better than alternative approaches that are more likely to be marked by conflicts or litigation. So, I think all concerned in the negotiation of this important agreement are to be congratulated.

The Program has three main elements—(1) increasing stream flows in the central Platte River during relevant periods through retiming and water conservation/supply projects; (2) enhancing, restoring and protecting habitat lands for the target bird species; and (3) accommodating certain new water related activities. Its purpose is to benefit three endangered species (interior least tern, whooping crane, and pallid sturgeon) and one threatened species (piping plover) referred to as the "target species." The Federal Government is to pay half the cost, for which the total authorization would be $157.14 million plus any needed inflation adjustments. Implementation of the Program will mitigate the adverse impacts of certain new water related activities through the implementation of state and federal depletions plans. This will allow continued growth and water development to occur in the Platte River basin along with improving conditions for the target species.

The legislation is important for Colorado and our neighbors in Wyoming and Nebraska. I am glad that the Senate has approved it and look forward to its becoming law.

NORTHERN MARIANAS LEGISLATION

Finally, Mr. Speaker, I want to note that Title VII of the bill before us includes important provisions related to the Commonwealth of the Northern Mariana Islands, or CNMI.

Subtitle A of that Title responds to longstanding Federal concerns regarding immigration, labor, and law enforcement in the CNMI.

Its enactment will bring completion, at long last, to more than a decade of congressional and executive branch efforts to extend the U.S. immigration laws to the CNMI including the establishment of Federal border control as anticipated by the 1976 covenant agreement between the CNMI and the United States.

And Subtitle B will enable the citizens of the CNMI—who have been U.S. citizens and members of the U.S. family for over 20 years—to elect a Delegate to the House of Representatives, a necessary step if we are to keep faith with our Nation's founding principle of representative government.

The CNMI, a U.S. Territory located in the western Pacific Ocean, is an archipelago comprised of fourteen islands. The majority of CNMI's population lives on three of the most southern islands: its capital Saipan, Rota, and Tinian. At the end of World War II, along with most of the other islands in the Micronesian region, they were included in a United Nations Strategic Trust Territory administered by the United States. In the early 1970's, the Northern Marianas sought greater self-government, and in 1975 submitted a ''Covenant'' proposal to the U.S. for final approval. After favorable consideration by Congress, that Covenant, which established the Commonwealth of the Northern Mariana Islands in political union with the United States, was signed into law in 1976 by President Gerald Ford.

During the negotiations over the Covenant, island officials expressed concern about possible adverse effects on their culture and economic development that could come from application of certain U.S. laws. In response, the Marianas government was given temporary responsibility for determining minimum wage laws, immigration standards, and an income tax system.

Beginning in the late 1980s, the CNMI focused on developing a garment industry and used its local control of immigration policy to allow for the recruitment and importation of foreign guest workers. But there were increasing reports of abuses.

For example, after visiting the islands in July, 1997, the U.S. Commission on Immigration Reform reported it had found problems ''ranging from bureaucratic inefficiencies to labor abuses to an unsustainable economic, social and political system that is antithetical to most American values,'' including exploitation of foreign workers with retaliation against protesters, suppression of basic freedoms, and flagrant abuses of household workers, agricultural workers, and bar girls. The Commission said the CNMI's guest-worker policy had created major policy problems and resulted in a two-class system where the majority of workers were denied political and social rights.

That and similar reports prompted efforts to achieve reforms through Federal legislation, and both the George H. W. Bush Administration and the Clinton Administration were concerned about repeated allegations that foreign guest workers were being mistreated and exploited. Both Administrations supported addressing the problem through legal reforms.

I have long supported those reforms. In 1999—my first year as a Representative from Colorado—I joined as a cosponsor of a bill a bill entitled the ''United States-Commonwealth of the Northern Marianas Human Dignity Act'' to bar use of the ''Made in the USA'' label on textiles produced in the CNMI unless they were produced in plants that conformed with American labor laws, including those aimed at protecting health and safety and guarding against exploitation.

And ever since, I have supported similar legislation, including the bill (H.R. 3079, the ''Northern Mariana Islands Immigration, Security, and Labor Act'') which passed the House last year and which is the basis for Subtitle A of Title VII of the bill before us today.

I did so, in part, because in September, 1999, the Committee on Resources (as it was then named) held an oversight hearing regarding the enforcement of federal laws and the use of federal funds in the CNMI at which officials of the Interior Department and the Departments of Justice and Labor, testified that reform legislation was needed.

As the witness from the Justice Department put it, ''in order to control crime in the CNMI, the U.S. government must be able to prevent criminals from gaining unlimited access to the islands. We cannot expect to stop the flow of drugs, or guns, or trafficking in women and forced prostitution, unless we keep out the people who we know are already committing these crimes'' and ''the only way to fight effectively the larger crime problem on the CNMI is to apply the Act as it is applied in other U.S. jurisdictions with appropriate transitional phase-in provisions to prevent avoidable adverse impacts on the economy.'' And the witness from the Labor Department told our committee that ''there are extremely serious, pervasive, and stubbornly persist[ing] immigration, labor, and human rights problems in the Commonwealth of the Northern Marianas'' which ''derive from systematic, structural weaknesses in the legal framework in the Commonwealth and any solution to these problems demands a comprehensive, structural solution.''

In short, in the words of the witness from the Interior Department, ''current Federal law is insufficient to correct the continuing inadequacies caused by CNMI immigration and labor policy'' and ''the need to apply . . . Federal immigration, wage, and trade standards is inescapable.''

Unfortunately Mr. Speaker, while responsible Federal officials saw the need as inescapable, for too long Congress did not act to meet that need. In part, that was because those responsible for some of the worse abuses had friends in powerful positions here in the House of Representatives.

That evidently was why the then-leadership of the House refused to even allow the House to debate a reform bill (S. 1052 of the 106th Congress) sponsored by the Republican Senator who chaired the Committee on Energy and Natural Resources that passed the Senate without dissent in 2000.

Instead of being brought to the House floor, like this bill, that measure was bottled up in the Resources Committee and Jack Abramoff, the lobbyist who represented some of its most important opponents, reportedly informed his clients that ''We erected a roadblock in the House to stop the bill from moving.''

But now that roadblock is gone, and today we can write an end to that sad chapter by approving reforms that have been delayed far too long.

Mr. Speaker, this is a good bill that deserves enactment, and I urge the House to approve it.

Mr. HASTINGS of Washington. Mr. Speaker, the House of Representatives is being asked to swallow this colossal Senate lands bill without any Member having the opportunity to offer amendments or provide input. This is an abdication of our duties as elected Representatives and it means good legislation will continue to sit lingering and waiting for action in the Senate because it's not been included in this packaged bill.

There are parts of this massive bill that I do support. In fact, I am the sponsor and author of the bill, H.R. 386, that will convey certain buildings and land from the Bureau of Reclamation to the Yakima-Tieton Irrigation District. This measure will allow for greater local control of property that is already being used for irrigation purposes. It will also allow the irrigation district to make needed improvements. H.R. 386 passed the House by a vote of 417–0 in February, 2007 and I am pleased that the Senate finally acted on this bipartisan piece of legislation.

However, this package excludes many other House passed bills that have been awaiting Senate action, including two of which are of particular interest to me and communities in Central Washington state.

The first bill, H.R. 523, passed the House last October by a vote of 377 to zero. This bill would allow for the sale of several parcels of property from the Bureau of Land Management to the Douglas County PUD for both ease and efficiency of management, while ensuring environmental protections. Additionally, the funds generated from this sale would be put towards improving public access to existing BLM lands in Washington state. This creates an opportunity to address some longstanding needs to improve public access to public lands in my state, including for recreation at the Juniper Dunes area. Having passed the House over six months ago without dissent, and also being subject of a positive Senate hearing in February, there is no reason that this bill shouldn't be part of this package.

Second, I am frustrated that the Senate did not include H.R. 1285, the Snoqualmie Pass Land Conveyance Act. This legislation would help facilitate the construction of a modem fire station to serve both local communities and interstate freeway travelers crossing Snoqualmie Pass. The Snoqualmie Pass Fire and Rescue is often the first to respond to emergencies through the pass. This heavily traveled area often sees major snowstorms as well as avalanches. This bill passed the House last July by voice vote and it merits passage by the Senate and to be signed into law.

Instead of action on these two bills, there is indefinite delay and no apparent plan for action. I will not be allowed to offer an amendment to add these two non-controversial bills to this Senate package. The House is only given the choice of passing this bill.

I have heard some of my colleagues in both the House and the Senate claim that this conglomerate Senate bill mainly includes bills that passed out of the House of Representatives and enjoy strong bipartisan support. Both H.R. 523 as well as H.R. 1285 fit both of those criteria. Why then were they not included in S. 2739 when other bills were included that have never passed the House or had prior Senate Committee approval?

I am frustrated and disappointed at the closed manner in which the House is being

forced to vote on this bill. Furthermore, I am concerned at the enormous expansion of federal land ownership and management responsibilities created by this bill when we are not currently able to meet our public lands existing maintenance needs. It is ironic that both of the bills that have been left out of this legislation would, in a responsible way, actually decrease and relieve these demands and stress on current capabilities.

For these reasons, I must vote against this bill.

Mr. MOORE of Kansas. Mr. Speaker, I rise today in support of S. 2739, the Consolidated Natural Resources Act of 2008. This measure, recently approved by the Senate, includes a number of measures that earlier had been approved by the House of Representatives, including H.R. 2094, a bill that I sponsored with Representatives JERRY MORAN, TODD TIAHRT, NANCY BOYDA, LEONARD BOSWELL, and MAC THORNBERRY. As an Executive Committee member of the Dwight D. Eisenhower Memorial Commission, I know that this legislation is important to our continuing efforts to establish a National, permanent memorial to President Eisenhower. H.R. 2094 would make important amendments to the statute establishing the Eisenhower Memorial Commission, so that it can more effectively discharge its duties.

Congress created the Eisenhower Memorial Commission in 1999 and charged the Commission with establishing a National memorial to Dwight David Eisenhower to honor his memory and commemorate his contributions to the nation. The Commission is completely bipartisan, consisting of four Senators, four Representatives, and four private citizens. The Commission keeps an office in Washington, DC, with four full-time staff, including an Executive Director and Executive Architect.

Since determining a preferred site in June 2005, the Commission has worked tirelessly to speed the progress of the memorialization. In September 2006, only fifteen months later, the Commission received final site approval from the National Capital Planning Commission and the Commission of Fine Arts. The National Eisenhower Memorial will be located across the street from the National Air and Space Museum at the intersection of Maryland and Independence Avenues, SW. The site is surrounded by institutions Ike either created or profoundly influenced, including the Department of Education.

The Commission is now engaged in Pre-Design Programming, a concerted effort to determine what the memorial should be. Eisenhower family members, Eisenhower contemporaries, historians, Kansans, and many others have been interviewed on their vision for the memorial. A voluntary online questionnaire is available to the public. Although there are many diverse opinions on Ike's greatest achievement and the appropriate focus for his memorial, all agree that Eisenhower is, as Michael Korda presents in his new biography, ''an American hero.''

I am particularly proud to claim one of the greatest 20th-century Americans as a fellow Kansan. He ranks as one of the preeminent figures in the global history of the 20th century. Dwight Eisenhower spent his entire life in public service. His most well-known contributions include serving as Supreme Commander of the Allied Expeditionary Forces in World War II and as 34th President of the United States, but Eisenhower also served as the first commander of NATO and as President of Columbia University. Dramatic changes occurred in America during his lifetime, many of which he participated in and influenced through his extraordinary leadership as President. Although Ike grew up before automobiles existed, he created the Interstate Highway System and took America into space. He created NASA, the Department of Health, Education, and Welfare, and the Federal Aviation Administration. He added Hawaii and Alaska to the United States and ended the Korean War. President Eisenhower desegregated the District of Columbia and sent federal troops into Little Rock, Arkansas, to enforce school integration. He defused international crises and inaugurated the national security policies that guided the nation for the next three decades, leading to the peaceful end of the Cold War. A career soldier, Eisenhower championed peace, freedom, justice and security, and as President he stressed the interdependence of those goals. He spent a lifetime fulfilling his duty to his country, always remembering to ask what's best for America.

The development of the Pre-Design Program will produce three books to serve as an information packet for potential designers and the eventual design team for the memorial. The reasons for building a memorial to Eisenhower are only one part of the challenge set out in the Pre-Design Program. Technical considerations and guidance from the National Park Service are also included. Issues from preserving the historic view to the U.S. Capitol to providing a National Park Service Ranger station at the site are presented. This stage is the last major step prior to procuring a design team.

While the Eisenhower Memorial Commission has so far been able to efficiently manage the memorialization process, the tasks involved in design and construction require revised administrative and operational authority. H.R. 2094 provides the needed revisions and will enable the Commission to work more efficiently and effectively during design and construction when quick turnaround times are vital and daily decisions must be made. The authority provided in this legislation is based on the authority given to temporary commissions in existence for up to three years. The Eisenhower Memorial Commission has similar needs, but exists for no set time period. The Commission will exist until the completion of the memorial.

For example, H.R. 2094 will enable the Commission to hire temporary federal employees instead of contract consultants, simplifying administration of staffing and covering the liability of its employees. H.R. 2094 will also provide for the Executive Architect to represent the Commission on the panels that will select the design team for the memorial. As currently written, the Commission's legislation prohibits its staff or members from participating in the determination of the design team.

H.R. 2094 will enable the Commission to continue working not only to ensure that the National Eisenhower Memorial is an inspiration to future generations, but also to ensure that the memorialization process is an example of responsible public work. I urge my colleagues to support passage of S. 2739 today, and with it, the language included in H.R. 2094.

Mrs. CAPPS. Mr. Speaker, I rise in strong support of S. 2739, the Consolidated Natural Resources Act of 2008. This bipartisan legislation consists of 61 measures that previously passed the House earlier in the 110th Congress. Among the bill's provisions is Section 201, which incorporates H.R. 276, the Piedras Blancas Historic Light Station Outstanding Natural Area Act of 2007, a bill I sponsored and was approved by the House on March 5, 2007, by voice vote.

First, I want to thank the chairman of the Natural Resources Committee, Mr. RAHALL, and chairman of the Subcommittee on National Parks, Forests and Public Lands, Mr. GRIJALVA, as well as the ranking members of the full Committee and Subcommittee for expediting the consideration of this legislation and for bringing S. 2739 before us today. I also want to thank Senator BINGAMAN, the chairman of the Energy and Natural Resources Committee, as well as Senator FEINSTEIN and Senator BOXER for their support of the Consolidated Natural Resources Act.

Section 201 of S. 2739 would designate the Piedras Blancas Historic Light Station—located in my congressional district—as an Outstanding Natural Area within the BLM's National Landscape Conservation System.

The Piedras Blancas Light Station is located on an 18-acre parcel of BLM-administered land along the Pacific Coast in San Luis Obispo County. The property is adjacent to Pacific Coast Highway and the Hearst Castle State Historic Monument, and it looks over a pristine coastal area that includes the southern portion of the Monterey Bay National Marine Sanctuary and California Coastal National Monument. It is also nationally recognized as an important monitoring point for migrating whales, and is used by the U.S. Geological Survey, the National Marine Fisheries Service and a number of universities and colleges for marine wildlife and plant research.

The Light Station and the surrounding area are also important for tourism. For example, the national historic Light House—built in 1879—is a main destination focal point on the Central Coast, and the peninsula is very popular for viewing sea otters, elephant seals, and sea lions from shore. The elephant seal colony at Piedras Blancas attracts an estimated 400,000 visitors annually.

In 2001, BLM assumed ownership and management of the Light Station from the U.S. Coast Guard. Since then, BLM, State and local agencies, community stakeholders and conservation groups have developed a very successful partnership to preserve the Light Station.

Some of these partners include: the Piedras Blancas Light Station Association; California State Parks; San Luis Obispo County; the cities of Cambria and San Simeon; the California Coastal Conservancy and Coastal Commission; NOAA; and the Hearst Corporation.

As a result of their hard work, the site was re-opened to public tours in 2003—for the first time in 128 years! These partners continue to work together on a series of environmental education, historical restoration and resource protection programs. And I'm confidant they will each support and showcase this national designation if enacted.

Mr. Speaker, I also want to acknowledge the second and third-graders at Grover Heights Elementary school in my congressional district for their support of this Light Station. In 2006, these students began the ''Pennies for Piedras'' campaign to raise money toward restoration of the lighthouse. By the end

of the school year, the students had raised $1337.30 in pennies to repair Piedras Blancas. I'm happy to report the students at Grover Heights continue this wonderful effort to protect and enhance one of the Central Coast's crown jewels.

As you know, my legislation tracks the successful model of designating the Oregon Coast's Yaquina Head as an Outstanding Natural Area, which was signed into law in 1980. Yaquina Head was later included in the National Landscape Conservation System.

Like Yaquina Head, the addition of the Piedras Blancas Light Station to the NLCS would be an important step in protecting and preserving this valuable natural and historic resource. It will also focus attention on the restoration of the Light Station and surrounding area, specifically the three on-site National Register properties. And, it will serve as a means to increase public awareness of the Light Station's scientific, cultural and educational values.

Specifically, Section 201 stresses long-term conservation of the Light Station by requiring timely completion of a management plan. The management plan would be developed through a public process and include guidelines for restoration of the National Register of Historic Places buildings, including the Light House; public access; ecological and cultural resource management; and, fostering scientific study and research opportunities.

Mr. Speaker, the Piedras Blancas Light Station is a wonderful resource. It has the potential to serve as a model for future resource management, and therefore would be an appropriate addition to the BLM's National Landscape Conservation System.

Again, I would like to thank the Committee on Natural Resources for supporting this bill, which among other things, will designate the Piedras Blancas Historic Light Station as an Outstanding Natural Area, and urge its immediate passage.

Mr. REGULA. Mr. Speaker. I want to thank Chairman RAHALL and my colleagues in the Senate for all of their hard work on this bill. It is my pleasure today to speak on behalf of S. 2739.

I rise to highlight Title IV of this comprehensive natural resources bill, which reauthorizes the National Heritage Area program. Heritage Areas allow communities to preserve and maintain places of cultural and historical importance so that future generations can enjoy them. These areas also provide important recreational opportunities for local families and visitors who come from all over the country. They relieve the Federal Government of the burden of permanently maintaining these spaces as national parks at a time when the National Park System is overburdened.

Mr. Speaker, this bill is a tremendous benefit to the American people. National Heritage Areas provide opportunities for the health, education, and recreation of the American people in their communities. In my State of Ohio, the Ohio and Erie Canalway is one of the many great examples of the success of this program. The Ohio and Erie Canal was originally created nearly two centuries ago in an attempt to bring Ohio out of economic stagnation by making the State a vital link in the waterways that connect the Eastern States with the Gulf of Mexico. As a result, Ohio excelled to become one of the most prosperous States within 20 years of the canal's creation. Today, that heritage is shared with the people as they enjoy the many of the benefits Ohio and Erie Canal Towpath. With over 3 million users a year, this one of several National Heritage Areas clearly highlights the success of this program.

I also want to emphasize the fiscal responsibility of the heritage area provisions. This bill will not provide money to managing entities unless they provide matching funds from other sources. For example, within the Ohio and Erie Canalway, for the $8 million in Federal funding that has been secured for this area, over $270 million in State, local, and private contributions have been leveraged.

Mr. Speaker, the National Heritage Area program has been a successful program for nearly 10 years. I believe it will continue to be a successful program as it has been an efficient use of the taxpayers' money while preserving historic and cultural landmarks for communities across this country. I ask my colleagues to support S. 2739.

Mr. BECERRA. Mr. Speaker, I rise in support of S. 2739, the Consolidated Natural Resources Act of 2008, which includes a provision to establish a commission that will report to Congress on the feasibility of creating a National Museum of the American Latino.

Recently, the Senate passed this legislation. The House of Representatives already voted unanimously for the National Museum of the American Latino provision in the form of H.R. 512 on February 4, 2007. And today, we get the chance to do it once again.

The passage of S. 2739 will ensure that a full, rich, and inclusive story of American Latinos will be told in our nation's capital soon. Tomorrow, as many families and educators celebrate El Día de los Niños, a day on which families and educators celebrate our children, it is important to consider a valuable learning tool that until now has been somewhat neglected. Our national museums influence what Americans and foreign visitors know and believe about this nation's collective history and cultural life. My largest disappointment is that the official narrative portrayed in our museums still fails to recognize and exhibit the significant contributions made by Latinos to the culture and history of the United States.

This National Museum of the American Latino Commission Act included in S. 2739 creates a bipartisan Commission tasked with looking at whether our national museums are doing all they can to provide future generations a more complete portrayal of American Latino contributions to American life. The 23-member Commission of experts would examine whether and how to establish a new museum dedicated to the art, history, and culture of the American Latino population of the United States. Within two years of the bill being signed into law, the Commission will report their findings and recommendations to Congress, detailing a recommended plan of action on how to move forward with taking the museum from concept to reality.

In passing this legislation, we are laying the first cobblestones in what many hope will ultimately create a National Museum of the American Latino. Though American Latinos' contributions span centuries and economic sectors, many people are unaware of the role Americans of Latino descent played, and continue to play, in America. This legislation offers an extraordinary opportunity to better understand the historical and significant contributions that make this country great.

It is my hope that children who visit Washington, DC's museums go home with a more complete understanding of what it means to be an American. We hope one day our children can learn from our national museums that:

Latinos' contributions to the United States of America date back to 1565, when the Spanish established the first permanent settlement in the territorial United States in St. Augustine, Florida—four decades before the establishment of Jamestown and Plymouth Rock.

From General Bernard de Galvez who supported General George Washington's rebellion against England to the 500,000 Hispanics who served in the Armed Forces during World War II to the soldiers like Jose Antonio Gutierrez who was among the first casualties of American troops in Iraq, Latinos have played a pivotal role in every major U.S. military war.

The sacrifices and honor of our Latino service members represent a proportionately larger number of our Nation's Congressional Medal of Honor awardees than any other ethnic group.

Latino astronauts, such as astronauts Dr. Franklin Chang-Díaz, Sydney Gutiérrez, and Dr. Ellen Ochoa, have soared into space.

During Hispanic Heritage Month in October, 2003, I first sponsored this important legislation with my good friend, Representative ILEANA ROS-LEHTINEN. I thank her and my Senate colleagues, Senators KEN SALAZAR, BOB MENENDEZ, and MEL MARTINEZ for their work as lead champions of the National American Latino Heritage Museum Commission Act in the Senate. To Senator JEFF BINGAMAN and Majority Leader HARRY REID, I send my appreciation for their help both in including H.R. 512 as part of the Consolidated Natural Resources Act of 2008 and in ensuring the bill's safe Senate passage.

Mr. Speaker, we are moving closer to the day when we can confidently say that the mosaic portrayed in Washington, DC's museums truly reflects America. I thank you for allowing the consideration of S. 2739, which includes the National Museum of the American Latino Commission Act to have its time on the House floor. I strongly encourage my colleagues to vote in support of S. 2739, so that we can clear this final congressional hurdle and move forward a broadly supported effort to ensure that American Latinos are included in our national narrative.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the Senate bill, S. 2739.

The question was taken.

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

Mr. BROUN of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FINANCIAL LITERACY MONTH 2008

Mr. HINOJOSA. Mr. Speaker, I move to suspend the rules and agree to the

resolution (H. Res. 1079) supporting the goals and ideals of Financial Literacy Month 2008, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1079

Whereas personal financial literacy is essential to ensure that individuals are prepared to make informed financial choices, as well as manage money, credit, debt, and risk and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas personal financial management skills and lifelong habits begin to develop during childhood;

Whereas a study completed in 2006 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know less about principles of basic personal finance than did high school seniors 7 years earlier, and the average scores in both years were failing grades;

Whereas the 2007 Survey of the States by the National Council on Economic Education found that 49 States include the subject of economics and 40 States include the subject of personal finance in their elementary and secondary education standards, up from 48 and 31 States, respectively, in 2002;

Whereas 55 percent of college students acquire their first credit card during their first year in college, and 92 percent of college students acquire at least 1 credit card by their second year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas the personal savings rate in the United States was zero percent at the end of the fourth quarter of 2007, which puts it among the lowest since the government began collecting the data in 1959;

Whereas although more than 42,000,000 people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986 (commonly referred to as ''401(k) plans''), a Retirement Confidence Survey conducted in 2004 found that only 42 percent of workers surveyed have calculated how much money they will need to save for retirement and 37 percent of workers say that they are not currently saving for retirement;

Whereas the average baby boomer has only $50,000 in savings apart from equity in their homes;

Whereas a study by the American Institute of Certified Public Accountants found that 55 percent of people between the ages of 25 and 34 maintain an interest-bearing account or other savings instrument, a decrease of 10 percent since 1985;

Whereas the April 2007 National Foundation for Credit Counseling consumer financial literacy survey found that only 39 percent of American consumers keep close track of their expenses; less than half have ordered their credit report; and one-third do not know where to go for financial advice;

Whereas studies show that as many as 10,000,000 households in the United States are ''unbanked'' or are without access to mainstream financial products and services;

Whereas expanding access to the mainstream financial system provides individuals with lower-cost and safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth;

Whereas public, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, websites, and one-on-one counseling for individuals;

Whereas at least 6,500 bankers will teach savings skills to young people on April 29, 2008, during Teach Children to Save Day, which was started by the American Bankers Association Education Foundation in April of 1997 and has helped more than 45,000 bankers teach savings skills to nearly 2,300,000 young people;

Whereas staff from America's credit unions will make presentations to young people at local schools on financial topics such as student loans, balancing a checkbook, and auto loans during National Credit Union Youth Week, which will be held April 20–26, 2008;

Whereas Members of the United States House of Representatives established the Financial and Economic Literacy Caucus (FELC) in February 2005 to (1) provide a forum for interested Members of Congress to review, discuss and recommend financial and economic literacy policies, legislation, and programs, (2) collaborate with the private sector, and nonprofit and community-based organizations, and (3) organize and promote financial literacy legislation, seminars, and events, such as ''Financial Literacy Month'' in April, 2008, and the annual ''Financial Literacy Day'' fair on April 28, 2008; and

Whereas the National Council on Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations, and JA Worldwide have designated April as Financial Literacy Month to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month, including raising public awareness about financial education;

(2) recognizes the importance of managing personal finances, increasing personal savings and reducing indebtedness in the United States; and

(3) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. HINOJOSA) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HINOJOSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

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

Mr. Speaker, personal financial management skills and lifelong habits begin to develop during childhood. It is essential that we begin preparing our youth as early as possible to make informed financial choices, as well as manage money, credit, debt, and risk, and become responsible workers, heads of household, investors, entrepreneurs, business leaders, and citizens.

We need to begin working closely with the Department of Education in States and localities to ensure that we begin the financial literacy learning process at least by the time a child enters kindergarten, and we need to work with the States to encourage them to require some form of financial literacy as a required part of the education curriculum.

Policymakers of both parties at the local, State, and Federal levels recently have increased their focus on financial literacy and economic education issues because national surveys from such groups as Jump$tart, the National Council on Economic Education, and the National Federation for Credit Counseling reveal troubling gaps in students' and the public's knowledge of these subjects.

Economic competency and financial literacy skills are critical for individuals to make sound decisions regarding home ownership, in savings, investment, credit and borrowing, as well as retirement planning. An educated and literate populace will strengthen the national economy as individuals improve their own economic well-being.

Mr. Speaker, our government should lead by example. We should coordinate and communicate a unified message on financial literacy across this Nation. We should authorize and appropriate such funds as necessary to create a broad-based public awareness campaign comprised of a substantial mass market, multimedia effort in support of a national financial literacy initiative on the scale of the ''Truth'' campaign developed through the Public Education Fund to discourage smoking among young people.

Furthermore, I believe that the National Endowment on Financial Education and several other financial literacy nonprofits and community-based groups would agree with me. In 2004, Congress passed a bill known as the FACT Act. One of the provisions in that act required Treasury and a Financial Literacy Commission to create such a campaign. It is now 2008, and Treasury has failed. So now it's our turn to take back control of the situation.

We can introduce legislation authorizing funds for such a national multimedia financial literacy campaign. The National Endowment on Financial Education recently completed one that was a success. I hope that all of my colleagues will support such legislation once it has been introduced.

Mr. Speaker, some disturbing facts. The personal savings rate in the United States was a negative 1 percent at the end of 2006, and it was zero percent at the end of the fourth quarter of 2007, which puts it among the lowest level since the government began collecting

the savings rate data in 1959. Although more than 42 million people living in the U.S. participate in 401(k) plans, a Retirement Confidence Survey conducted in 2004 found that only 42 percent of workers surveyed have calculated how much money they will need to save for retirement, and only 37 percent of workers say that they are not currently saving for retirement.

Even more disturbing is the fact that the average baby boomer has only $50,000 in savings, apart from equity in their home, and the first wave of baby boomers have already entered their retirement years. This is unbelievable and dangerous to our economy and our way of life.

Something I want to discuss at length, Mr. Speaker, is the plight of what are known as the ''unbanked.'' As many as 10 million households in the United States are unbanked, without access to mainstream financial products and services. This is a very common occurrence in my congressional district. People tend to operate in a cash society along the Texas Mexico-border. If these individuals were to buy their goods and services by drawing down funds from a checking or a savings account, they would eventually be incorporated into the entire mainstream financial system. By doing so, they would establish credit. Lenders would have access to their credit reports and scores, and this would hopefully result in these previously unbanked persons attaining the American Dream of homeownership.

Unfortunately, even when these formally unbanked individuals finally have the ways and means to purchase a home, they quickly discover that they have to protect themselves from predatory lenders. I believe that the legislation that Chairman FRANK and the Committee on Financial Services is crafting will help low-income individuals who have been duped by unscrupulous salespersons, which has resulted in the current economic crisis. Chairman FRANK definitely has his finger on the pulse of this problem, and he will make sure the train stays on the track.

I salute Congresswoman BIGGERT for her work on this issue. Six years ago, to address all of these financial literacy problems, my colleague and good friend and staunch supporter of financial literacy, Congresswoman JUDY BIGGERT, and I cofounded and currently cochair the Congressional Financial and Economic Literacy Caucus. The caucus seeks to address these issues head-on by increasing public awareness of poor financial literacy rates and working to find the ways and means to improve them.

The caucus has helped promote policies that advance financial literacy and economic education. Together, we have done so by connecting Members of Congress with Federal agencies that can help them teach financial literacy at town hall meetings, through financial literacy e-newsletters, financial literacy fairs, financial football, the stock market game, and many more activities.

Mr. Speaker, I want to take this opportunity to commend my colleagues and friends, Congresswoman EDDIE BERNICE JOHNSON and Congressman DON PAYNE, for all that they are doing to improve financial literacy. With a solid background knowledge of financial literacy, America's youth can become responsible employees, heads of household, investors, entrepreneurs, and business leaders.

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Parents and teachers need to teach our youth to start saving young, stay insured, budget their money, not borrow what they cannot repay, and especially avoid excessive credit card debt and the credit card sharks that prey on students on every college campus across the United States.

Before I close, Mr. Speaker, I want to take this opportunity to thank Congresswoman BIGGERT for working with me over the years on financial literacy. It is a pleasure to work with you and to be able to accomplish so much in just a few years.

I also want to commend her staff, Nicole Austin and Zach Cikanek, for their dedication to the financial literacy cause. I want to also express my sincere appreciation for the assistance Denise Wilson of our Committee on Government Reform provided my staff. I applaud the staff from America's credit unions, who made presentations to young people at local schools on financial topics such as student loans, balancing a checkbook and auto loans during National Credit Union Youth Week, which was held the week of April 20 of this year.

I also want to commend the American Bankers Association Education Foundation for holding their annual Teach Children to Save Day. Today, April 29, just happens to be Teach Children to Save Day. It is my understanding that over 12,000 bankers from 1,100 bank branches signed up to host financial literacy events today. Furthermore, I understand that tomorrow is El Dia de los Ninos, and they too will be exposed to financial literacy education in English and in Spanish. Many American children will share financial literacy lessons with approximately 435,000 students, which is quite an endeavor, but one which they can accomplish under the direction of Kathryn Kelly.

I include the following extraneous material for the RECORD:

NFCC AND MSN MONEY RELEASE CONSUMER SURVEY RESULTS ON CAPITOL HILL—2008 SURVEY REVEALS SERIOUS GAPS IN FINANCIAL LITERACY

SILVER SPRING, MD.—The National Foundation for Credit Counseling (NFCC) and MSN Money today released the results of their 2008 Consumer Financial Literacy Survey during a Congressional Briefing on Capitol Hill. The purpose of the survey, conducted by Princeton Survey Research Associates International, is to identify what Americans know about their finances and to assess their overall financial health. Having identified the key areas of deficiency, the NFCC and MSN Money plan to target their financial education initiatives to those Americans most at-risk.

While some results were positive, others revealed an undeniable need for financial education. Key findings were as follows:

Significant number struggle with mortgage payments and complexity of buying a home. One in every 10 Americans with a mortgage, or roughly 10 million adults, report being late or missing a mortgage payment in the last year. Adding more stress to the current housing market, almost one-quarter of Americans say they do not know enough about owning a home to consider buying one.

Millions have serious difficulties paying bills each month, most notably Generation Y. While a majority of the public reports that they pay their bills on time and do not have any debts in collections, a notable minority has fallen behind and is struggling, with seven percent, or roughly 15 million adults, either getting calls from collectors or seriously considering filing for bankruptcy. Higher income households and older Americans are more likely to stay on top of their bills. Whites and Latinos are more likely to pay their bills on time and stay clear of collections than blacks. Alarmingly, only 59 percent or roughly 23 million of the young adults in Generation Y, those ages 18–29, pay their bills on time every month. That translates into millions of tomorrow's leaders, those who will drive the engine of our economy for years to come, who are not practicing a most basic financial principle. The previous generation of consumers, those ages 30–49, also do not appear to be modeling good financial behavior.

Only a minority keep close track of expenses/spending. Financial experts generally agree that having a household budget is sound financial management. However, similar to the findings from 2007, only a minority of Americans say they keep close track of what they their typical monthly expenses are. Although a majority of the public has at least a somewhat good idea of where their money goes each month, nearly two in 10, or roughly 40 million adults, keep little or no track at all. Contrary to some stereotypes, how closely Americans manage their money does not vary by gender, age, or income. Women continue to be as likely as men, younger people as likely as older people, and lower income households as likely as higher income ones to keep close track of what they spend.

Savings and emergency funds lacking. A majority of the public does not have a sufficient emergency fund, defined as three to six months income saved. More than one-third, or roughly 76 million adults, say they do not have any non-retirement savings. Although a majority is currently saving for their retirement, more than one-quarter are not.

Many Americans are under-insured, Latinos at higher risk. Even though the baby boomer generation has come of age, only a little more than one-quarter say they have long-term care insurance. Another at-risk group is renters, with only one in 10 saying they have renters insurance. Latinos are also less likely to have medical and life insurance than whites or blacks.

Minority has ordered credit report. Financial experts recommend that consumers check their credit history at least once a year. Yet, only a minority of Americans has ordered their credit report in the past year, in spite of the fact that it can be acquired for free. And one-third, or roughly 72 million adults, readily admit that they do not know their all-important credit score.

Parents and home the biggest influence on financial education. A plurality of the public

says they have learned the most about personal finance from their parents or at home. Almost half of those who closely monitor their finances are more likely to say that they learned about personal finance from their parents or at home, underscoring the potential positive influence parents can have on their children financially. To a lesser extent, some say they learned the most about personal finance on their own, followed by a financial professional, self-help sources, school, work, friends, and their spouse or partner.

Americans worry about future income growth; Midwest has greatest concerns. And matters are not likely to improve, according to some Americans. Only one-quarter expect their income to outpace inflation. More than half of all Americans believe their income will shrink, not keep pace with inflation, or stay even; this worry is greatest among Americans in the Midwest at nearly 70 percent.

''If there were ever a time that Americans needed to embrace financial literacy, it is now,'' said Susan C. Keating, president and CEO of the NFCC. ''The NFCC is proud to make public the results of this survey in hopes that it will be a wake-up call to consumers. We live in a credit-dominated society and it is important that consumers avail themselves to the many opportunities to sharpen their financial skills and avoid any traps along the path to financial stability.''

''The findings of this study are staggering, especially given the current economic outlook. We conducted this study to get at the core of what financial issues plague Americans and with this information we are now better equipped to help consumers where they need it most,'' said Richard Jenkins, editor-in-chief of MSN Money. ''The good news is that there's an array of tools, expert advice and other resources available to better equip Americans with the information they need to stay on top of their finances. As a first step, I encourage consumers to check out the NFCC and MSN Money Web sites for tips and guidance on how to get their finances on track and stay ahead during these tough financial times.''

Survey Methodology. Princeton Survey Research Associates International conducted telephone interviews between March 5th and March 15th, 2008 from a representative sampling of 1,001 Americans nationwide. The margin of error for questions based on the total sample is +/− 3 percentage points.

Washington, DC, April 8, 2008.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

Hon. JUDY BIGGERT,
House of Representatives
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT:

I am writing on behalf of the Credit Union National Association (CUNA), to express our support for H. Res. 1079, which supports the goals and ideals of Financial Literacy Month 2008. CUNA is the nation's largest credit union advocacy organization, representing 90% of our nation's approximately 8,800 state and federal credit unions, their state credit union leagues, and their 88 million members.

Given the uncertainty in today's financial markets, the subprime lending crisis and other economic factors, financial literacy is more important than ever for all Americans. A knowledge of personal financial management, including savings, investment and debt, is essential to ensuring that individuals are empowered to make informed decisions about their finances. The financial literacy is vital to the well-being of American families and the overall economic health and prosperity of our nation.

Credit unions are particularly aware of the importance of providing a financial education to young people. During Financial Literacy Month, credit unions will demonstrate our commitment to educating youth as we hold National Credit Union Youth Week from April 20–26, 2008. Through the week's National Youth Savings Challenge, participating credit unions will motivate children, teenagers, and their parents to become more active users of credit union services. Each year of the challenge has seen a steady increase in participation and savings. In 2007, 393 credit unions participated in the challenge and 71,844 youth—an increase of 9,067 youth accounts—made $10.1 million in saving deposits.

In keeping with our commitment, credit unions manage many other financial youth literacy programs throughout the year. Credit unions have directly assisted in delivering the National Endowment for Financial Education's (NEFE) High School Financial Planning Program materials to more than 1,200 schools and 500,000 students nationwide from 2000 to 2007. Of the 6 million student guides which have been distributed since its publication, 4 million were distributed since CUNA's partnership with the program in 2000.

In addition, credit unions have helped fund the BizKid$ Television Series—a 26-episode series that promotes financial education for middle and high school students and reaches nearly 90 million American households—which was a joint project of the Washington Credit Union Foundation, the Public Broadcasting Service, and Junior Achievement Worldwide. Credit unions across the country also reach out to students on a personal level by visiting local schools to speak about such topics as student loans and hosting personal finance camps for teenagers.

CUNA believes in the importance of financial literacy for all Americans and thanks you for your leadership in introducing H. Res. 1079. We strongly urge its adoption in the House of Representatives.

Sincerely,

DANIEL A. MICA,
President & CEO.

ICBA APPLAUDS REPS. HINOJOSA AND BIGGERT FOR RESOLUTION ON FINANCIAL LITERACY MONTH

WASHINGTON, D.C. (April 15, 2008).—The Independent Community Bankers of America (ICBA) strongly supports the bi-partisan congressional resolution Recognizing the Goals and Ideals of Financial Literacy Month (H. Res. 1079) designating April as ''Financial Literacy Month,'' which calls on government, non-profit organizations and the private sector to raise public awareness about the importance of financial education in the United States and the serious consequences that can result from a lack of understanding about personal finances.

''Managing money wisely is critical to success in life,'' said Cynthia L. Blankenship, ICBA chairman and vice chairman and chief operating officer of Bank of the West, Irving, Texas. ''Too many Americans lack the skill and knowledge to make appropriate financial decisions. The more consumers and young adults know, the better they are at managing their finances, and the better they manage their finances, the more likely they are to enjoy a secure financial future.

''We commend Reps. Rubén Hinojosa (D–Tex.) and Judy Biggert (R–Ill.) for introducing a resolution that supports the goals and ideas of Financial Literacy Month,'' said Blankenship. ''Financial education is important for today's consumers so that they can understand and make good decisions when faced with the complex array of financial products and services available.''

ICBA encourages its nearly 5,000 member community banks to support the goals of Financial Literacy Month by promoting financial literacy programs during ICBA Community Banking Month in April, as well as throughout the year. ICBA has an on-going commitment to improving financial literacy by forging government, non-profit and private-sector partnerships, such as the Jump$tart Coalition and America Saves.

ICBA recognizes community banks for their outstanding financial literacy efforts within their community through the National Community Bank Service Award Financial Literacy Award. For 2007, two community banks received recognition:

Howard Bank, Ellicott City, Md., was honored for its financial literacy program by donating more than $70,000 and volunteering countless hours to local schools, community groups and non-profit associations needing help with financial literacy.

1st Centennial Bank, Redlands, Calif., was honored for developing curriculum that teaches the basics of money management such as saving, budgeting, spending and using credit wisely. 1st Centennial offers the program and provides all materials for free.

Some of the results of the National Federation for Credit Counseling's survey were positive, but others revealed an undeniable need for financial education. These results are consistent with the findings of Jump$tart's 2008 financial literacy survey, the National Council on Economic Education's 2007 Survey of the States, the 2007 Ariel-Schwab Black Investor Survey, the Employer Benefit Retirement Institute's recent Retirement Confidence Survey, and the National Council of La Raza's ''Financial Counseling: A Meaningful Strategy for Building Wealth in the Latino Community.''

In closing, Mr. Speaker, our country is suffering financially and our constituents are not armed with the tools they need to provide for a good future. Whether you are 5 or 65, it is never too early nor too late to take control of your finances. So why not start now?

For these reasons and more, I encourage my colleagues to support this resolution, H. Res. 1079.

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

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

Mr. Speaker, I rise in strong support of H. Res. 1079, which recognizes April as National Financial Literacy Month. I am pleased to say that this will be the fifth year in a row that Congress has designated April as Financial Literacy Month, and I would like to thank my good friend and fellow Chair of the House Financial and Economic Literacy Caucus, Mr. HINOJOSA, for introducing this resolution and for his continuing efforts to improve financial literacy rates in America.

Our caucus, which boasts about 80 members from both sides of the aisle, has been on the front line of this issue for several years, and I think it is fair to say that we have made some genuine progress. Today, 40 States include personal finance in their educational standards. That is up from 31 in 2002. Even more promising, 49 States now include some aspect of economics in the

curriculum guidelines. But we have much work ahead of us if we are going to help today's children become tomorrow's smart investors, entrepreneurs and business leaders.

The savings rate is still hovering just below zero; 10 million Americans are unbanked; there were 2.2 million foreclosures in 2007; and the front pages of our newspapers across the country proclaim that millions of Americans are losing their homes because they were not ready to be homeowners.

Clearly, the need to improve financial literacy of Americans is greater than ever. And this applies to all Americans, not just students and children. From college grads to senior citizens, consumers are being asked to make decisions about increasingly complex financial products. According to the FTC, one-third of borrowers could not even identify the interest rate in a mortgage disclosure form and half could not correctly identify the loan amount. The problem is amplified by complicated legal jargon about balloon payments, rate resets, escrow accounts, prepayments and closing costs. The list goes on and on. That is why I have introduced several bills to help owners find a loan that best meets their budget and needs, steering them away from a situation that could lead to foreclosure down the road.

Just last week, I joined Financial Services Ranking Member BACHUS and Housing and Community Development Subcommittee Ranking Member SHELLEY MOORE CAPITO to introduce legislation that would simplify mortgage documents and increase resources for housing counseling. Taken together, these reforms will not only prevent foreclosures, they will help owners to avoid fraud and allow them to easily compare financial products to find the best loan for their families' needs.

Mr. Speaker, efforts to stimulate the economy cannot succeed unless we equip Americans with the knowledge and resources they need to succeed in today's sophisticated economic market. Housing is just one of these areas where improved financial literacy will benefit consumers.

Americans also need access to the proper tools for saving and investing money. At the start of the 110th Congress, I introduced a bill called the 401 Kids Family Savings Act of 2007. This bill will allow parents and family members to set aside money in a child's account that will accumulate tax-free and can be used for college tuition, a first home, or even retirement, should the money last that long. Not only will this boost savings, it will get kids actively engaged in banking from the time they are old enough to count. This way, they can learn about things like compound interest in the best way imaginable, by watching their own college fund grow.

Mr. Speaker, there are so many great ideas for improving financial literacy rates. In fact, over 50 nonprofit community and private sector organizations from across the country came to the Hill yesterday for the annual Financial Literacy Day Fair. On display for policymakers were hundreds of books, programs and resources on how to improve financial literacy in ways that will make a positive impact on people's lives. It was a remarkable success, and I would like to congratulate the National Council on Economic Education, the Jump$tart Coalition, Junior Achievement, and all the other sponsors who worked with Senators AKAKA and ENZI to put it together.

I would also like to recognize the impressive efforts of Charles Schwab, John Hope Bryant and the other members of the President's new Private Sector Advisory Council on Financial Literacy. It is increasingly clear that teaching financial literacy requires cooperation between the government and industry. This council will help to facilitate that cooperation by making and implementing recommendations for improving on current financial literacy outreach efforts.

Mr. Speaker, Americans are a diverse group, but we all share some very basic financial needs. We need to be prepared for tuition costs, a home, health care and retirement. We need a financial cushion against unexpected challenges like the death of a family member. And we need the capital necessary for new entrepreneurs to launch the start-ups and open the small businesses that drive the economy. Every American should have the opportunity and know-how to fulfill each of these goals. That is why I urge my colleagues to support this resolution and show that financial literacy remains a top priority for Congress.

I would like to once again thank Representative HINOJOSA and his staff, especially Greg Davis, for all their hard work on this resolution. I would also like to thank the chairman and ranking member of the Financial Services Committee, Mr. FRANK and Mr. BACHUS, for helping to move this resolution through our committee in a bipartisan way.

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

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

Mr. HINOJOSA. Mr. Speaker, I am delighted to be able to recognize and yield 5 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. I thank the gentleman for yielding and congratulate him on this resolution and all of his hard work.

Mr. Speaker, I rise in support of this resolution, and I want to thank Chairman HINOJOSA and Congresswoman BIGGERT for their leadership in this area as co-chairs of the bipartisan Financial and Economic Literacy Caucus.

As this resolution states, we need to work to encourage government and private sector initiatives to enhance financial literacy. Given the current turmoil in the financial markets, the housing crisis, increasing credit card indebtedness and the economic downturn, it is very important that all Americans become better educated and more responsible financial consumers.

Financial literacy is important for many reasons, not the least of which is to learn how to save. As some point out, we have lost that ability. The Department of Commerce reports that personal saving as a percentage of disposable income, already low, declined to zero in the fourth quarter of 2007, and with the economic downturn, the situation will likely get worse. We need to help individuals develop personal savings skills, and this resolution will encourage them to do so.

The deregulation of financial markets and the rapid increase in the number and complexity of financial products stump even the most financially savvy. We know that financial literacy is especially low for certain groups, such as those with lower educational attainment and low income. If you don't understand how finance charges on mortgages, credit cards or car loans work, you can't make decisions that help you, and these decisions could push you further into debt without you realizing it.

The efforts of our school system are uneven, and we need to encourage them. In its 2007 Survey of the States, the National Council of Economic Education found that only 41 States require economic standards to be implemented in the high school curriculum, only 17 States actually require an economics course for graduation, only 22 States actually test students' knowledge of economics, only seven States require that students take a personal finance course for graduation, and only nine States actually test students' knowledge of personal finance.

Just last month, the Jump$tart Coalition released its annual study, which found that the 2008 high school senior class knows less about principles of basic personal finance than their 2006 counterparts. This does not bode well for their ability to manage their finances as a result.

This resolution shows our commitment to improving financial literacy through both public and private sector efforts. I urge my colleagues to support it. I congratulate the authors, and I congratulate the chairman and the ranking member for their efforts in moving it through the committee.

Mrs. BIGGERT. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut (Mr. SHAYS), an important member of the Financial Services Committee.

Mr. SHAYS. Mr. Speaker, I rise today in support of the goals and ideals of Financial Literacy Month and the commitment in Congress to raise public awareness about the importance of financial education.

As we near the end of April, which is Financial Literacy Month, credit card debt is on the rise, borrowers are defaulting on mortgage payments, oil

prices are hitting historic highs, unemployment is increasing and consumers continue to bite off more debt than they can handle. Financially illiterate consumers cannot be expected to make sound financial decisions because they simply are not equipped with the tools and knowledge they need.

□ 1530

It seems to me we can't expect people to be thoughtful consumers when they are not afforded the knowledge they need to make wise choices about their finances.

In light of recent turmoil in the subprime mortgage and credit markets, financial education is now more important than ever. Federal Reserve Chairman Ben Bernanke drew attention to this point when he said, ''The crisis in the U.S. subprime mortgage market underscored the need for Americans to develop a sound base of financial knowledge.''

I believe it is important to ensure Americans have access to the knowledge and expertise they need to be savvy consumers and wise investors. It is never too early to learn about the importance of good credit and savings.

Parents and schools play an important role in educating tomorrow's consumers, which is why I am supportive of initiatives like Jump$tart that bring financial education into our Nation's classrooms. Jump$tart is a national coalition of organizations dedicated to improving the financial literacy of kindergarten through college-aged youth by providing educational resources and advocating for increased personal finance education. A 2008 survey of high school seniors conducted by the alliance revealed that graduating seniors continue to struggle with basic financial concepts.

First convened in December 1995, the Jump$tart Coalition for Personal Financial Literacy determined that the average high school graduate lacks basic personal financial management skills like even balancing a checkbook. Laying the groundwork for financial independence at a young age will create a generation of individually prosperous and fiscally responsible consumers, and a corresponding stronger and better Nation.

Mr. HINOJOSA. Mr. Speaker, I submit the following extraneous material for the RECORD:

FINANCIAL COUNSELING: A MEANINGFUL STRATEGY FOR BUILDING WEALTH IN THE LATINO COMMUNITY

(By Beatriz Ibarra, National Council of La Raza)

SUMMARY

The report shows that current policies to improve financial literacy for Latinos fail to include one-on-one financial counseling programs, the linchpin of any strategy to close the wealth gap for Hispanics. Financial Counseling: A Meaningful Strategy for Building Wealth in the Latino Community provides specific policy recommendations on how to increase programs proven to improve financial decision-making of Hispanics—especially the more than 14.5 million who lack a basic checking account.

Mr. BACA. Mr. Speaker, I rise to support H. Res. 1079, a resolution supporting the goals and ideals of Financial Literacy Month and thank my friend and colleague Mr. HINOJOSA for offering it. I also want to thank Mr. HINOJOSA for his leadership of the Financial and Economic Literacy Caucus (FELC), of which I am a proud member.

This year, the theme for my annual women's conference was ''Financial Literacy for Women,'' to recognize the importance of educating and encouraging women to take steps that could result in a better financial future for themselves and their families. At this conference, I invited speakers to motivate the women in my district to think about their finances and plan for the future.

That's what this resolution is all about, ensuring that individuals from all walks of life—women, men, young and old—recognize the importance of managing personal finances, increase personal savings and reduce their debt. In these tough economic times it is important that we all prepare for our financial future.

The past few months we have seen rising prices for gas to food, more Americans losing their homes or the value in their homes, and rising unemployment. Earlier this year, the New Direction Congress passed an economic stimulus package to help families with high costs of gas, health care and groceries, and to jumpstart our slowing economy. Recovery Rebates will be in the hands of 130 million Americans, starting early in May.

The strain of the economic downturn on middle-class families demands a second growth and relief package now—and Congress will work in a bipartisan way to find solutions for the immediate crisis and for a long-term economic recovery for America.

I am a proud member of the House Financial Services Committee and last week, we held a markup of legislation that will help address the foreclosure crisis. The first bill, H.R. 5818 provides $15 billion in loans and grants to States to allow them to buy up repossessed properties. This will help ensure that abandoned homes don't stay on the market too long to keep home prices from dropping even further. The second bill, H.R. 5830 allows the FHA to insure up to $300 billion in subprime loans so that these families in danger of foreclosing can refinance into a more affordable loan. It also provides money to housing counselors to increase their efforts in underserved, poor, and minority communities.

Congress is doing its part to help stabilize our economy and help keep families in their homes. This resolution supports our efforts by calling on the President to issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities to observe Financial Literacy Month with community programs and events. This outreach will help us raise public awareness about financial education and is particularly important for our country's present and future economic well-being.

I urge my colleagues to support H. Res. 1079.

Mrs. BACHMANN. Mr. Speaker, I rise to support H. Res. 1079. Financial stability is the foundation on which freedom and prosperity are built. It is vital that all Americans grab hold of their personal finances so that families and future generations of Americans have the opportunity to prosper. I rise to honor the goals and ideals ''Financial Literacy Month'' represents, and urge the nation to secure their finances and plan for the years to come.

As a member of the Financial Literacy Caucus and co-sponsor of this resolution, I join my colleagues in acknowledging the importance of financial planning and encourage Americans to set goals rather than live from paycheck to paycheck. With the assistance of dedicated financial planners, Americans can be educated and assisted with setting up a sound financial plan and provide for their family a more secure life.

Through a financial plan, we begin to dream. When we dream, we have the incentive to save; and through savings, we flourish financially.

Through a variety of activities, workshops, and seminars in local communities, citizens will have the ideal opportunity to speak with knowledgeable financial planners and begin to paint a picture of a more sound and secure future of financial independence.

Mr. Speaker, I am thrilled to co-sponsor this resolution so that many Americans, for the first time, can begin to dream of a life of financial security, and work to reach their highest goals and aspirations.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1079, supporting the goals and ideals of Financial Literacy Month. I would first like to thank my distinguished colleague, RUBÉN HINOJOSA of Texas, for introducing this important legislation. I believe basic financial literacy is imperative to ensure that individuals are capable of making financial choices, as well as managing money, credit, debt, and risk and becoming responsible workers, heads of households, investors, entrepreneurs, business leaders, and financially stable citizens. Understanding how each of these topics work together and affect each other is important for laying the groundwork for solid financial foundation for you and your family.

Personal financial management skills and lifelong habits begin to develop during childhood. In 2006, the JumpStart Coalition for Personal Financial Literacy found that high school seniors knew less about principles of basic personal finance than did high school seniors 7 years earlier, and the average scores in both years were failing grades. Financial security is the cornerstone of prosperous communities, nurturing neighborhoods and strong families. However, many individuals and families are experiencing financial crisis because of inadequate savings, too much debt and poor planning for potential major life events. Today, a majority of consumers are experiencing some sort of financial difficulty causing a significant impact on their everyday lives. In fact, Americans carry more than $2 trillion in consumer debt and 30 percent of consumers report having no extra cash—making it impossible to escape the financial burden of living paycheck to paycheck. On average, U.S. households carry about $8,000 in credit card debt alone. The total U.S consumer credit card—revolving credit—debt was $937.5 billion in November 2007 which is absolutely unheard of.

Far too many Americans are insufficiently educated about their personal finances. The personal savings rate in the United States was zero percent at the end of the fourth quarter of 2007, which puts it among the lowest since

the government began collecting the data in 1959. Shockingly, about half of adults—49 percent—say they are concerned they have not paid enough attention to managing their finances as they should have and 48 percent are concerned they don't know enough about financial planning; 4 out of 10 American workers are not saving for retirement. Public, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, Web sites, and one-on-one counseling for individuals.

Mr. Speaker, I urge Members of Congress in a time of economic crises and brink of economic recession, to promote literacy in all aspects of finance. I support the goals and efforts established by the National Council on Economic Education, the JumpStart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations for supporting the goals and ideals of Financial Literacy Month, including raising public awareness about financial education. I recognize the importance of managing personal finances, increasing personal savings and reducing indebtedness in the United States. I urge my colleagues to join me in supporting this legislation that requests the President to issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

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

Mrs. BIGGERT. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 1079.

The question was taken.

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

Mr. HINOJOSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

FINANCIAL CONSUMER HOTLINE ACT OF 2007

Mrs. MALONEY of New York. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4332) to amend the Federal Financial Institutions Examination Council Act to require the Council to establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4332

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 ''Financial Consumer Hotline Act of 2007''.

SEC. 2. CENTRALIZED INTAKE OF CONSUMER COMPLAINTS AND INQUIRIES MADE TO FEDERAL FINANCIAL INSTITUTION REGULATORY AGENCIES.

The Federal Financial Institutions Examination Council Act of 1978 (12 U.S.C. 3301 et seq.) is amended by inserting after section 1009A the following new section:

''SEC. 1009B. CONSUMER COMPLAINTS AND INQUIRIES.

''(a) SINGLE TOLL-FREE TELEPHONE NUMBER FOR CONSUMER COMPLAINTS AND INQUIRIES.—

''(1) CALL INTAKE SYSTEM.—The Federal financial institution regulatory agencies, coordinating through the Council, shall establish a single, toll-free telephone number for consumer complaints and inquiries concerning institutions regulated by such agencies and a system for routing such calls to the Federal financial institution regulatory agency that primarily supervises the financial institution, or that is otherwise the appropriate agency to address the subject of the complaint or inquiry.

''(2) ROUTING CALLS TO STATES.—To the extent practicable, State agencies may receive appropriate call transfers from the system established under paragraph (1) if—

''(A) the State agency's system has the functional capacity to receive calls routed by the system; and

''(B) the State agency has satisfied any conditions of participation in the system that the Council, coordinating with State agencies through the chairperson of the State Liaison Committee, may establish.

''(b) REPORT TO THE CONGRESS.—Not later than 6 months after the date of the enactment of the Financial Consumer Hotline Act of 2007, the Federal financial institution regulatory agencies shall submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate describing the agencies' efforts to establish—

''(1) a public interagency Web site for directing and referring Internet consumer complaints and inquiries concerning any financial institution to the Federal financial institution regulatory agency that primarily supervises the financial institution, or to the Federal financial institution regulatory agency or State agency that is otherwise the appropriate agency to address the subject of the complaint or inquiry; and

''(2) a system to expedite the prompt and effective rerouting of any misdirected consumer complaint or inquiry documents between or among the agencies, with prompt referral of any complaint or inquiry to the appropriate Federal financial institution regulatory agency, and to participating State agencies.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Illinois (Mrs. BIGGERT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

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

There was no objection.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 4332, the Financial Consumers Hotline Act of 2008, which has received strong bipartisan support from the Financial Services Committee.

The bill establishes a single toll-free telephone number that consumers can call if they have a problem with their bank and want to speak to someone who can help them.

Given that depository institutions in the United States can be regulated by any of five Federal regulators or a State regulator, consumers often don't know what entity to call if they have a problem with their account.

In a hearing in my subcommittee, the regulators and consumer groups testified that customers often end up calling their Attorney General. Since State authority over national banks has been preempted by the Federal OCC, AGs can't help in this category.

This legislation builds on a suggestion that Comptroller Dugan put forward to provide consumers with a single number to call to get help with their banking issues, and we drafted it in close consultation with all five regulators.

As the OCC, the FDIC, and the OTS all testified, this legislation will be cost efficient as well as consumer friendly. I should note that CBO came out with an estimate last week. The bill would have no significant effect on direct spending or revenues. So this legislation can help our constituents without spending any money.

Right now, each of the agencies has a Web site and provides a phone number for consumers to call with questions and has a staff to follow up on complaints or inquiries, some of which may be unique to their responsibilities. For example, the Federal Deposit Insurance Corporation has systems in place to respond to consumer inquiries about deposit insurance and bank failures.

This bill would not replace these existing consumer response systems, but helps consumers find them. It adds a simple one-stop routing method to minimize confusion for consumers who are unclear about where to call for help and directs them to the right agency for specialized assistance. The establishment of a single toll-free number will help encourage greater use of the agency's resources to help their consumers.

Establishment of a single toll-free number will also assist the banking regulators in compiling consumer complaints and inquiries so that better information would be available about problems or issues that cut across the institutions that the various agencies supervise. It would help governments spot developing problems. Congressional legislation and oversight would

also be better informed by such centralized statistics.

This legislation directs the Federal Financial Institutions Examination Council to set up the hotline. The Council is an existing interagency body established by statute to prescribe uniform principles and standards for financial institutions and to otherwise coordinate regulatory activity among the Federal banking regulators. The Federal Reserve, FDIC, NCUA, OCC, and OTS are all members of the Council.

The legislation also directs the Council to work with State banking regulators to integrate them into the hotline service. And, the Conference of State Bank Supervisors testified that they have already started to implement such a plan. The act also requires the Council to report to Congress 6 months after enactment on the agency's efforts to establish a public interagency Web site, likewise directing and referring consumer complaints and inquiries received on the Internet concerning any financial institution to the appropriate Federal or State financial institution regulatory agency.

I should note that not only the OCC but the Council as a whole has taken some steps in this direction on its own initiative, with an eye to both cutting costs and improving service to consumers. Last summer, the Council formed a working group to study ways in which the separate consumer complaint handling systems of each regulator could be streamlined and leveraged to better and more efficiently serve consumers.

With this legislation, we give consumers a statutory mandate and a timetable to support and guide these efforts, as well as a framework for congressional oversight.

I urge my colleagues to support this bill. I thank the Chair and the ranking member and subcommittee Ranking Member BIGGERT and many others for their help on this legislation. I urge a ''yea'' vote.

I reserve the balance of my time.

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

I would like to thank the gentlewoman from New York (Mrs. MALONEY), the Chair of the Financial Institution Subcommittee, for her hard work on this bill, and I am pleased to be a cosponsor of this bill and urge my colleagues to support it.

Mr. Speaker, if you are a consumer and you have a complaint or a problem of a financial nature, which regulator are you going to call, the FDIC, the Federal Reserve, the OCC, the CFTC, FTC, OFHEO, HUD, Treasury, OTS, NCUA, the SEC? In these challenging times, consumers should not have to have a Ph.D. in finance to quickly and easily get in touch with the appropriate State and Federal banking regulators.

Given the complexity of our banking system and the various regulators that work in this area, consumers may not know where to turn when they have a dispute with their institutions. This legislation creates a single hotline that can help steer consumers in the right direction. Federal regulators currently have had an informal system in place to redirect misplaced consumer complaints, and regulators are constantly trying to improve the system. But this bill will ensure that no consumer complaint falls through the cracks. Consumers should not have to make 12 phone calls to find the right regulator.

Again, I am pleased that this bill will ensure that consumer complaints are heard and that regulators are responsive. I urge my colleagues to support the bill.

I yield back the balance of my time.

Mrs. MALONEY of New York. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 4332.

The question was taken.

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

Mrs. MALONEY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

SENSE OF HOUSE ESTABLISHING NATIONAL WATERMELON MONTH

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and pass the resolution (H. Res. 578) expressing the sense of the House of Representatives that there should be established a National Watermelon Month, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 578

Whereas watermelon production constitutes an important sector of the agricultural industry of the United States;

Whereas, according to the January 2006 statistics compiled by the National Agricultural Statistics Service of the United States Department of Agriculture, the United States produces 4,200,000,000 pounds of watermelon annually;

Whereas watermelon is grown in 49 States, is purchased and consumed in all 50 States, and is exported to Canada;

Whereas evidence indicates that eating 2.5 to 5 cups of fruits and vegetables daily as part of a healthy diet will improve health and protect against diseases such as cancer, high blood pressure, stroke, and heart disease;

Whereas proper diet and nutrition are important factors in preventing diseases such as childhood obesity and diabetes;

Whereas watermelon has no fat or cholesterol and is an excellent source of the vitamins A, B6, and C, fiber, and potassium, which are vital to good health and disease prevention;

Whereas watermelon is also an excellent source of lycopene;

Whereas lycopene, an antioxidant found only in a few red plant foods, has been shown to reduce the risk of certain cancers;

Whereas watermelon is a heart-healthy food that has qualified for the heart-check mark from the American Heart Association;

Whereas watermelon has been a nutritious summer favorite from generation to generation;

Whereas it is important to educate citizens of the United States regarding the health benefits of watermelon and other fruits and vegetables; and

Whereas July would be an appropriate month to establish as National Watermelon Month: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that there should be established a National Watermelon Month to recognize the health benefits of watermelon and the importance of watermelon to the agriculture industry of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

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

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

There was no objection.

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

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

I rise today in support of H. Res. 578 that will establish a National Watermelon Month.

Watermelon has been enjoyed over the years as one of our country's favorite foods. As Mark Twain said, ''It is chief of this world's luxuries, king by the grace of God over all the fruits of the earth. When one has tasted it, he knows what the angels eat.''

According to the United States Agriculture Department statistics, the United States produces 4.2 billion pounds of watermelon annually. This summertime staple ranges in size from 5 pounds to over 40 pounds, and is grown in 49 States. Many towns in the U.S. strive to become the Watermelon Capital of the World; however, Cordele, Georgia has won this title repeatedly by producing the biggest, best, and most abundant watermelons in the country. Watermelon may be eaten in a variety of ways and is also often used to flavor summer drinks, including sweet red wine.

And lest anyone accuse us of dealing with a frivolous subject, let me call attention to a serious matter. In a time where we have all become aware of the benefits of good nutrition, it is fortunate watermelon provides an excellent source of vitamin C, vitamin A, vitamin B, and vitamin B1. Additionally, many other beneficial minerals are

contained in watermelon and are shown to help prevent cancer, heart disease, high blood pressure, and a host of other serious diseases. Furthermore, the antioxidant lycopene, found only in a few red plant foods, has been shown to reduce the risk of certain cancers. Because watermelon is such a nutritious, heart-healthy food, the American Heart Association has qualified watermelon for the well-known ''Heart-Check Mark.''

The great joy of eating a slice of watermelon on a hot summer day lives in the memories of almost all Americans. For these nutritious and delicious reasons, I express my support to a National Watermelon Month that will provide the watermelon industry many opportunities to market their product and to educate the public about the health benefits associated with consuming watermelon through various related programs.

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

□ 1545

Mr. KUCINICH. Mr. Speaker, I want to thank my colleague for her expression of support for the resolution. I am also going to support the resolution. I just want to add one note of observation so that all those who are enjoying watermelons in this country also keep in mind the people who do the work, who pick those watermelons. It is hard work.

Today we have other bills under suspension that will give us a chance to celebrate the work of laborers. I think that it is important that we are grateful for those who pick the watermelons, and we have to recognize in this market where there are increasing restrictions on migrant workers, making it very difficult for farmers to get the kind of labor that they used to get. We are also seeing that many farmers are beginning to turn to prison labor. This should be a concern to us, all of us who want to make sure that all of those people out of jobs right now in this country who would like to work on farms would have the chance to get that work.

There is an article from the Christian Science Monitor that refers to this problem. I would like to include that in the RECORD. There also is an article about a settlement that was reached with workers regarding the attempt by a major agricultural company to circumvent Department of Labor rules and also circumvent the H–2A program that resulted actually in a settlement of a very prominent lawsuit about a month ago. I would like to include that article from the Texas Rio Grande Legal Aid.

[From the Christian Science Monitor, Aug. 22, 2007]

U.S. FARMERS USING PRISON LABOR

With tightening restrictions on migrant workers, some farmers are turning to the incarcerated.

For labor-rights activists, federal immigration reform is the only viable solution to worker shortages.

Marc Grossman, spokesman for the United Farm Workers of America, says inmate labor undermines what unionized farm workers have wanted for years: to be paid based on skill and experience. ''It's rather insulting that the state [Arizona] would look so poorly on farm workers that they would attempt to use inmates,'' Grossman says. There is also the food-safety aspect, he says: Experienced workers understand sanitary harvesting.

''Agriculture does not have a reliable workforce, and the answer does not lie with prison labor,'' says Paul Simonds of the Western Growers Association, a trade association representing California and Arizona. ''This just underscores the need for legislation to be passed to provide a legal, stable workforce.'' A prison lockdown would be disastrous, he points out, with perishable crops awaiting harvest. Other crops, like asparagus and broccoli, require skilled workers.

Although the ADC is considering innovative solutions—including satellite prisons—to fulfill companies' requests for inmate labor, prison officials agree that, in the end, the demand is too high. ''To go into a state where agriculture is worth $9.2 billion and expect to meet a workforce need is impossible,'' says Katie Decker, spokeswoman for ADC. At any given time only about 3,300 prisoners statewide (out of a prison population of about 37,000) are cleared to work outside.

ACI provides inmates to nine private agriculture companies in Arizona, ranging from a hydroponics greenhouse tomato plant to a green chile cannery. Unlike other sectors where federal regulations require that inmate workers be paid a prevailing wage and receive worker compensation, agriculture companies can hire state inmates on a contract basis. They must be paid a minimum of $2 per hour. Thirty percent of their wages go to room and board in prison. The rest goes to court-ordered restitution for victims, any child support, and a mandatory savings account. Private companies are required to pay for transportation from the prison to the worksite and for prison guards.

For Reyna, his work on farms over the past couple of years has added $9,000 in his savings account and given him a renewed respect for his Mexican father's lifetime of stoop labor.

At Dixon's farm, it's 103 degrees F. The inmate crews, wearing orange jumpsuits, work in a rhythmic line, calling out the number of the watermelons, and alongside the trailer. Just a few yards away, Mexican workers also work in a line. The inmates will quit at 4 p.m., while the immigrant laborers may work 13-hour days. ''We go back, they stay out there,'' Reyna says. ''It really isn't the same.''

In the farm's office, watermelons line the counter, and photos of migrant workers hang in dusty frames. When asked why he doesn't sell the farm, Dixon says, ''the inmates, the migrants, these people are part of the family—that's why I keep this darn place.''

Dixon says he supports the idea of a reformed, guest-worker program that would employ migrant workers during the harvest and return them to Mexico in the winter. But until that happens, he's willing to fight for the workers he's shared the land with for most of his life.

''People are crossing the border because they are starving to death,'' Dixon says, ''I don't care what their status is. If they are hungry and thirsty, I am going to feed them.

''I could sell this and quit,'' he continues, ''But I believe in supporting the American farming industry.''

[From the Texas RioGrande Legal Aid Press Center, Mar. 26, 2008]

FARMWORKERS REACH SETTLEMENT IN LAWSUIT AGAINST WATERMELON GROWER

EAGLE PASS, TX.—Twenty two Texas farmworkers have reached a settlement with three Rio Grande Valley companies over a lawsuit regarding the importation of more than 400 foreign guestworkers into the United States between 2001 and 2007.

Represented by Texas RioGrande Legal Aid (TRLA), the leading provider of legal aid in Texas, the workers claimed that Nowell Borders, L.P., Hargill Harvesting & Packing, Inc., Mata Trucking Company, and Martinez Packing Company, upon advice of counsel, misused the U.S. visa program to hire foreign labor and avoid providing housing, transportation, and meals to workers. The companies applied for guestworker visas using the H-2B program instead of the H-2A program which would have required the recruitment of domestic workers at higher wages.

''This settlement signifies a commitment on behalf of all four companies to engage in fair employment practices and respect the rights of American farmworkers,'' said TRLA attorney Javier Riojas. The settlement also creates a mechanism for resolving future disputes without resorting to litigation.

John Flanigan, Executive Vice President for Hargill Harvesting and Packing, Inc., states he was pleased with the agreement that was reached and enjoyed working with TRLA to resolve the dispute.

The companies compensated the workers for more than $60,000 in wages and agreed to modify their employment practices so that U.S. workers are hired first and receive equal pay and benefits compared to foreign workers. The companies also agreed to use the H-2A guestworker program that provides more benefits and protections for workers than the H-2B program.

Originally filed in October 2007, the lawsuit also targeted the Department of Labor (DOL) for its failure to enforce the regulations on the guestworker program. The case against DOL is not part of the settlement and is still ongoing. See Riojas, et al v. Chao, DR–07–CA–058, W.D. Tex., filed Oct. 9, 2007.

''The law guarantees that U.S. workers have certain protections over foreign labor. The Department of Labor looked the other way in this situation and the federal government, of all entities, should be looking out for U.S. workers the most,'' added TRLA attorney and Equal Justice Works Fellow Jake Wedemeyer.

Established in 1970, Texas RioGrande Legal Aid, Inc. (TRLA) is a nonprofit organization that provides free civil legal services to low-income and disadvantaged clients in a 68-country service area. TRLA's mission is to promote the dignity, self-sufficiency, safety and stability of low-income Texas residents by providing high-quality legal assistance and related educational services.

If we keep in mind there are 4.2 billion pounds of watermelons grown in this country annually, we understand that this is a very important business. It is also, as my friend Representative FOXX points out, a matter that relates to nutrition and health; and let's face it, enjoyment. People love watermelon. While enjoying it, we need to keep in mind the people who are doing the work raising this tremendous fruit. Let's remember those workers and make sure that they have basic rights. Let's make sure that they can make a living and support their families. Let's

make sure that they live in conditions that are humane. In that way we can truly celebrate National Watermelon Month, not only for those consuming watermelons, but also those helping to grow and harvest those watermelons.

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

Ms. FOXX. Mr. Speaker, I want to give thanks to all those who grow and produce watermelons and make it possible for all of us to eat them, those who plant, grow, and pick them and get them to markets where we can enjoy them. I urge Members to support the passage of H. Res. 578.

I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I thank the gentlelady and congratulate her on her service in the Congress and say how much I enjoy working with her.

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 Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 578, 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.

NATIONAL FUNERAL DIRECTOR AND MORTICIAN RECOGNITION DAY

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 892) expressing support for designation of March 11, 2008, as ''National Funeral Director and Mortician Recognition Day,'' as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 892

Whereas the death of a family member, friend, or loved one is a devastating emotional event;

Whereas the memorialization and celebration of the decedent's life is the fabric of today's funeral service;

Whereas the family of the decedent has traditionally looked to funeral directors and morticians for consolation, strength, and guidance in the planning and implementation of a funeral ceremony; and

Whereas March 11, 2008, would be an appropriate day to designate as ''National Funeral Director and Mortician Recognition Day'' to pay tribute to these funeral directors and morticians who, day in and day out, assist our Nation's families in their times of sadness and grief and help families mourn a death and celebrate a life: Now, therefore, be it

Resolved, That the House of Representatives supports the designation of a ''National Funeral Director and Mortician Recognition Day''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, in recognition of the fact that one of our colleagues, Representative WILSON who I am proud to say is from the State of Ohio, has a family-owned business and is a funeral director, I yield him such time as he may consume.

Mr. WILSON of Ohio. Mr. Speaker, I rise today in support of House Resolution 892 which I introduced to express the support for the establishment of the National Funeral Director and Mortician Recognition Day.

I introduced this resolution because I know firsthand how funeral directors help families through the grieving process in a most difficult time.

Mr. Speaker, I am a fourth generation funeral director in my family, and I know very well the profound service that funeral directors provide to their communities. Funeral directors are on call 24 hours a day, 365 days a year. When a family calls a funeral director to make arrangements for a recently deceased loved one, the funeral director must put everything else on hold and attend to the family's needs immediately.

We all know that the death of a loved one can be emotionally devastating. Funeral directors play an essential role in giving families the space they need to navigate the grieving process. By taking care of all of the logistical arrangements, funeral directors allow families to celebrate the life of the recently departed and spending time together as a family.

Funeral directors also provide a major public service by participating in planning for pandemic disease and other mass casualty events that could happen within their community. Because of their familiarity with the physical aspects of death, they provide invaluable technical knowledge and assistance to public officials who are responsible for contingency planning.

Mr. Speaker, I am proud to say that funeral homes are also economic anchors of their community. The funeral business is often a family business with multiple generations serving the community as funeral directors. Through good economic times and bad, funeral directors are there to serve their families with caring compassion and certainly with strict integrity.

As a lifelong funeral director, I know how important this service is to grieving families. This is why I think that it is proper that this Congress recognize the hard work and the sacrifice of thousands of funeral directors in this country by passing this bill. I thank Chairman WAXMAN for his support in this measure, and I urge the Congress to support it.

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

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

Mr. Speaker, I rise today to urge passage of this resolution expressing support for the designation of a National Funeral Director and Mortician Recognition Day. Mr. Speaker, I think it is critical that we recognize the service that our Nation's funeral directors and morticians provide at one of the most difficult times in a person's life. Death is something that affects us all. It sees no boundaries, nor does it discriminate among social or economic classes. It hits us all in different ways, but one thing is for certain: the time immediately following the death of a loved one is one of the most trying times for anyone. It is during this critical time that funeral directors and morticians from around the country provide our Nation's citizens with the support and guidance necessary to make the right decisions for their beloved ones.

This allows for those who are grieving to concentrate on what is most important: supporting family and friends. Funeral directors and morticians have the arduous task of carrying out the final wishes of the deceased. They are involved in all details of the process, everything from arranging for pallbearers to making sure that the correct paperwork is completed to file for appropriate certificates with the State.

They are tasked with demonstrating the same compassion with every family they meet, as if that family is the most important family that the funeral director has ever met.

It is also important to recognize that most funeral homes are small, family-owned and operated facilities. These individuals work long, irregular hours and contribute to the economic well-being of communities around our Nation.

Ultimately, Mr. Speaker, I believe recognizing those in this caring community is long overdue. They are entrusted with the enormous task of making the last hours you will have with the earthly remains of loved ones as peaceful as possible.

Mr. Speaker, I ask all Members to join me in supporting this resolution.

I reserve the balance of my time.

Mr. KUCINICH. Mr. Speaker, I support this resolution. I am from Cleveland, Ohio, and all of us know in any community we are from, we come into contact with funeral directors and morticians. Funeral directors make it possible for families to be able to find a way to come to grips with a passing. Those transitions in life are very important moments for the survivors because we need help in being able to deal with a situation when we lose a loved one, and funeral directors perform a very valuable service.

I know as someone who represents the people of Cleveland that when I go to pay my respects to someone who has passed, I have the opportunity not only to meet the families that are grieving and comfort them, but also to see the work that is being done by those who are directing the funeral. It is something that is easy to lose sight of when you are moving into territory that is laden with grief. But it is also something that is appropriate for us at this

moment to pay tribute to because everyone who is involved in that work really has to achieve a level of sensitivity and compassion and caring so that they can help families deal with what for many is one of the most serious moments of their lives involving the passing of a loved one.

I want to thank Representative WILSON for his choice of career and his family's commitment to providing that kind of compassionate service to people, and also my colleague, Representative FOXX, for supporting this bill.

Ms. FOXX. Mr. Speaker, I also thank my colleague from Ohio (Mr. WILSON) for his service, and I urge all Members to support the passage of H. Res. 892.

I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 892, as amended.

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

The title was amended so as to read: ''Resolution expressing support for designation of a 'National Funeral Director and Mortician Recognition Day' ''.

A motion to reconsider was laid on the table.

PUBLIC SERVICE RECOGNITION WEEK

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1073) expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1073

Whereas Public Service Recognition Week provides an opportunity to recognize and promote the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) defend our freedom and advance United States interests around the world;

(2) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(3) fight crime and fires;

(4) ensure equal access to secure, efficient, and affordable mail service;

(5) deliver Social Security and Medicare benefits;

(6) fight disease and promote better health;

(7) protect the environment and the Nation's parks;

(8) enforce laws guaranteeing equal employment opportunity and healthy working conditions;

(9) defend and secure critical infrastructure;

(10) help the Nation recover from natural disasters and terrorist attacks;

(11) teach and work in our schools and libraries;

(12) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(13) improve and secure our transportation systems;

(14) promote economic growth; and

(15) assist active duty service members and veterans;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 5 through 11, 2008, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 24th anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes government employees for their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

□ 1600

Mr. KUCINICH. Mr. Speaker, all those of us who chose to be in elected office realize that we can't do our jobs unless there is a vast array of people who are in every category of employment, doing their jobs. And those workers in many cases, are people who are public employees.

Public employees may be people who are working in the streets. They may be people who pick up the garbage; they may be people who are working desk jobs. There are people who perform so many different functions.

At a Federal level, public employees are involved in providing direct service to people, whether it's making sure that people get their Social Security checks, their Medicare benefits, making sure that people have the opportunity to be able to have access to important government services.

Public service is a worthy profession. It's one that we ought to be encouraging young people to be involved in. It's one that needs to achieve more appreciation, not less. In this era where people try to attack government, they're actually attacking the people who do the work of government. We need to lift up the position of government workers. This resolution of Public Service Recognition Week is certainly one way to do it. And it allows us to demonstrate the involvement of public employees in the daily life surrounding our communities and, in turn, we're reminded that we live in the United States of America, relying on each other to ensure the stability and greatness of our country.

This is an important moment when we can recognize, through this resolution, everyone who serves. Each person who serves is worthy of respect. There is no level of service which is not worthy of respect. Dr. King pointed that out in some of his speeches when he talked about the street sweeper, how that street sweeper should sweep streets in a way that would reflect a great virtuoso performance.

We need to have that kind of awareness that those who perform the daily work of government, at a local, county, State and Federal level, and also at regional levels, are people who love their country, love their community and ought to be honored.

I reserve the balance of my time.

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

Mr. Speaker, I'm pleased to rise today in support of H. Res. 1073, honoring the millions of dedicated public employees who serve our Nation. Our country would have a difficult time functioning without its innovative, professional, highly trained public service employees. At all levels of government, you will find hardworking

staff implementing policies that make our country prosper and thrive through their contributions.

The expertise and work ethic offered by these individuals sets an honorable example for future generations of public employees, as well as those in the private sector.

From emergency responders to librarians and educators, public servants span the spectrum of jobs. They keep our country efficient and safe. Beyond the tremendous work of civilian employees, uniformed service personnel and the members of our Armed Forces are those on the front lines in the fight to maintain national security. They provide vital strategic support for our Nation's military, both at home and abroad. Additionally, their tremendous accomplishments in providing support to our 50 States, as well as countries overseas with natural disaster relief, is to be commended.

Once again, I congratulate these employees who help make up the fabric of our country and government for performing the challenging and oftentimes thankless jobs with honor and dedication. I appreciate them for moving our country forward, as well as maintaining our safety and security.

For these reasons, I express my support of Public Service Recognition Week.

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

Mr. KUCINICH. I would like to take this opportunity, before we close the debate, to thank those who are involved in public service in my own community, in Cleveland, Cuyahoga County, Ohio.

Having served in municipal government for many years, I understand how important the daily work of a city is. And I know that its people who repair the streets, who pick up the garbage, who make sure that the lights are repaired, who make sure the traffic signals work, who answer calls for fire or police protection, I know that all of those individuals love their community and they deserve to be appreciated.

Also, on a county level, in Cuyahoga County, you have many workers who are unsung for their service as clerks, people who work in recording deeds, people who work in collecting taxes, people who work in seeing that welfare services are given, case workers and others, they're all public servants and all public employees. This resolution is a fitting way to honor those individuals.

And I just wanted to cite specifically Cleveland and Cuyahoga County, because, having been involved with that constituency for so long, I understand the workers who make possible the work of those various governmental jurisdictions.

At this time I would reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise in strong support of H. Res. 1073 and the hard-working public servants it so deservedly recognizes today.

As the son of a career foreign service officer and a State Department analyst, public service—in all its forms—has always been a value in my family. Whether you're talking about soldiers putting themselves on the line for our nation, police and firefighters protecting our communities, scientists and researchers developing breakthrough medicines, or teachers and librarians educating our children, it should be clear to all who stop and think about it that America simply could not be its best without the ongoing courage, intelligence and efforts of its public servants.

That is why I believe so strongly in the enduring value of a robust, highly trained and dynamic civil service—and in pursuing public policies that can recruit and retain that kind of workforce. For me, that means pay parity for civil servants, a decent and dignified workplace across the government, genuinely fair rules for outsourcing competitions and benefit packages that will enable more of our best and brightest to pursue careers in public service over otherwise potentially more lucrative opportunities in the private sector. It also means generating a renewed sense of excitement and respect for public service careers in the culture.

Mr. Speaker, towards that end, I believe this resolution is well-deserved and a terrific place to start. I look forward to working more closely with my colleagues on both sides of the aisle to put the spirit of today's resolution into action as we deliberate policy affecting our public servants throughout the rest of the year.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in strong support of H. Res. 1073, "Expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008," introduced by my distinguished colleague from Illinois, Representative DANNY K. DAVIS. This important legislation illustrates a nation's commitment to recognize the work and fortitude of public service and the numerous citizens who are employed in that division.

Government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants. The Public Service Recognition Week encourages a new generation to consider a career in public service as an admirable profession. The week also serves to promote the significant contributions of public servants and to honor men and women at all levels of government.

During Public Service Recognition Week, Federal, State, county and local public employees take part in events such as job fairs, student activities, and agency exhibits that celebrate the broad variety of services performed by employees at all levels of government. Public Service Recognition Week, celebrated the first Monday through Sunday in May since 1985, is a time set aside each year to honor the diverse men and women who meet the needs of the Nation through work at the Federal, State and local government levels.

Throughout the Nation, public employees use Public Service Recognition Week to educate citizens about the many ways in which the Federal government serves the people and how Federal government services make life better for all of us. Public service employees are the educators who instruct us in complex academia, the policemen and firemen who fight crime and fires, the physicians who fight disease and promote better health, and the military who consistently defend our freedom and advance United States interests around the world. Public service employees encompass the fields of public transportation, waste management, social services, housing, electricity and more. These hard workers deserve the care and benefits they have earned through their honorable service.

The Nation benefits daily from the knowledge and skills of these highly trained individuals. The services that these workers provide are a necessity to modem life and is understood that its universal provision should be guaranteed. It is imperative that Congress recognizes the magnitude of the worker's job and its subsequent effects on environmental integrity, human health and overall quality of life in the United States.

Mr. Speaker, we should continuously honor our government employees who have given their lives in service to this country. The most important reason for Public Service Recognition Week is the need to celebrate and recognize the valuable services that millions of public servants provide to the Nation. All too often, the contributions made by America's public employees to our democracy are forgotten—not only by our fellow citizens but even by those of us who serve. Public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health. The Federal, State, and local governments are responsive, innovative, and effective because of the exceptional work of public servants, and this involvement should not be disregarded.

Public service employees playa significant role in the greatness and affluence of the United States. I humbly commend public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year for their unyielding dedication and spirit for public service. I strongly urge my colleagues to join me in supporting this important legislation, and, in-so-doing, giving our public service personnel the respect and recognition they deserve.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H. Res. 1073, and yield back the balance of my time.

Mr. KUCINICH. I yield back.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 1073.

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

A motion to reconsider was laid on the table.

SENSE OF HOUSE ESTABLISHING A NATIONAL LETTER CARRIERS APPRECIATION DAY

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 49) expressing the sense of the House of Representatives that there should be established a National Letter Carriers Appreciation Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 49

Whereas the commercial activity and economic vitality of the Nation is significantly enhanced by the timely and efficient service of letter carriers of the United States Postal Service;

Whereas letter carriers of the United States Postal Service provide mail delivery service to over 144,000,000 households across the Nation;

Whereas letter carriers of the United States Postal Service deliver more than 43 tons of mail per year, averaging approximately 2,300 letters, cards, magazines, and circulars per carrier a day;

Whereas letter carriers of the United States Postal Service delivered approximately 212,000,000,000 pieces of mail in 2005;

Whereas letter carriers of the United States Postal Service handle over 44 percent of the world's mail volume, more than any other national postal service; and

Whereas the United States Postal Service employs over 705,000 career letter carriers and 98,000 noncareer employees, making it the 3rd largest employer in the Nation; Now, therefore be it

Resolved, That the House of Representatives supports the goals and ideals of a National Letter Carriers Appreciation Day to recognize the unique contributions made by letter carriers of the United States Postal Service to the well-being and prosperity of the Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, we're honoring workers today, and it's appropriate, among those workers, that we single out letter carriers.

As a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues in support of H. Res. 49, which seeks to commemorate our Nation's postal carriers for their dedication and hard work.

By consistently delivering the mail in a timely and congenial fashion for over hundreds of years, mail carriers have become an irreplaceable component, not only to the economy of America, but to the culture and livelihood of our country.

I believe we have a tendency to forget how important the every day service is. Yet, if we were to go 1 day without the United States Postal Service, over 2,300 pieces of mail per carrier would go undelivered.

It is our mail carriers who help preserve the concept of universal service that is so integral to the work of the United States Postal Service.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of this resolution expressing the sense that there should be established a National Letter Carriers Appreciation Day.

The emblematic quote, ''Neither snow nor rain nor heat nor gloom of night stays these couriers from the swift completion of their appointed rounds'' is emblazoned across the front of the Farley Post Office in New York City. It is safe to say we all know this famous, yet unofficial motto of the United States Postal Service.

However, we can easily forget how much we appreciate and depend on the dedicated letter carriers of the United States Postal Service. These tireless public servants ensure that over 144 million households receive more than 43 tons of mail each year, equal to 44 percent of the world's mail volume.

Letter carriers, also referred to as mailmen or mail carriers, are the public face of the U.S. Postal Service. As the front line, carriers are routinely pressured too move faster, work harder and perform more tasks in a timely manner. In the most stressful of crafts, carriers are watched, timed and inspected more than any other employees.

There are three types of mail carriers in the United States, servicing all areas of this broad Nation. City letter carriers, represented by the National Association of Letter Carriers, skillfully navigate the expansive urban landscapes, providing efficient service to the millions of Americans living in densely populated areas.

Rural letter carriers, represented by the National Rural Letter Carriers' Association, support the diverse territory surrounding our cities. With increased development of rural areas, the Rural Carrier Craft is the only expanding craft in the Postal Service.

The final group of carriers, known as Highway Contract Route Carriers, work expansive routes where population density is less than one customer per mile driven. Driving their own vehicles, these committed carriers travel great distances to ensure timely delivery.

Whether they brave bustling urban jungles, constantly changing suburban expanses, or broad rural landscapes, these men and women brave all conditions to provide us with timely and effective mail service. For their efforts, I urge my colleagues to support this resolution.

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

Mr. KUCINICH. Mr. Speaker, I'm hopeful that when this resolution passes, as I'm sure it will, that the United States Postal Service will post a copy of it in every post office in the country so that our letter carriers will be able to see that Members of Congress appreciate the work that they do.

Day in and day out our letter carriers are there. We rely on them to move the commerce of the country. Many of us are aware that the United States Postal Service is the third largest employer in America; that they employ over 700,000 career letter carriers, and 98,000 noncareer employees; that they move about 44 percent of the world's mail volume. They have an extraordinarily important work to do in providing for communication in this country, in making sure that people here from one another in carrying messages that are so important to our commerce.

The United States Postal Service employees, these letter carriers that we're honoring today, deserve our constant appreciation for the work that they do. I'm so glad that this House is involved in paying attention to the people that do the everyday work of our Nation that aren't often recognized.

We who are in these exalted positions always need to remember that the work of the government is done in so many ways, and when somebody, step by step, moves through his or her appointed rounds, every day, out there delivering the mail, they deserve just as much respect as those of us who are holding high public office. And so it's with a great deal of appreciation for the letter carriers that I stand in support of the bill.

I reserve the balance of my time.

Mr. CAMP of Michigan. Mr. Speaker, I rise today in support of my bill, House Resolution 49, which honors the dedication and contributions made by letter carriers across the country.

Being a representative of one of the largest congressional districts land-wise east of the Mississippi, I am well aware of the necessity of timely and efficient postal service.

Most of us rely on letter carriers of the United States Postal Service to deliver our monthly bills, drop off our favorite magazine, or ship an important package.

Amazingly, letter carriers delivered over 212 billion pieces of mail in 2005. That's 1.4 million pieces a day for every Congressional District.

Their dedication is accurately reflected in the unofficial USPS motto: "Neither snow, nor rain, nor heat, nor gloom of night stays these couriers from the swift completion of their appointed rounds."

This bill is a straight-forward resolution that expresses the sense of Congress that America's letter carriers make a vital contribution to the well-being and economic prosperity of our Nation and calls for a national day of appreciation to honor their service.

It is also important to recognize the contribution that letter carriers make to their communities through their community service efforts and charitable donations. These contributions are undoubtedly recognized by the American public as the USPS was voted "The Most Trusted Government Agency" earlier this month, for the fourth year in a row.

My fellow Members, we seem to spend a significant amount of time dedicating Post Offices; it is about time we honor those that work within them. I hope you will join me in saluting their efforts.

Mr. SCOTT of Georgia. Mr. Speaker, I rise today to express support for House Resolution 49, which would establish National Letter Carriers Appreciation Day. I want to thank the gentleman from Michigan, Mr. CAMP, for so kindly offering this resolution.

This resolution recognizes the significant role of American letter carriers, the largest mail delivery workforce in the world, which make deliveries to over 144 million households in this country. To ensure careful delivery of our most important letters and cards,

we depend on the exceptional service provided by our letter carriers. Most assuredly, the quality of the American mail delivery system is due to the integrity and superior service of these men and women. I want to especially recognize the diligent work of Georgia's letter carriers for everything they do for my constituents in the 13th Congressional District and across our State.

Mr. Speaker, in closing, I offer my wholehearted support for the passage of this important legislation in recognition of the hard work of America's letter carriers.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H. Res. 49, and yield back the balance of my time.

Mr. KUCINICH. 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 Ohio (Mr. KUCINICH) that the House suspend the rules and agree to the resolution, H. Res. 49.

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

A motion to reconsider was laid on the table.

CORPORAL BRADLEY T. ARMS POST OFFICE BUILDING

Mr. KUCINICH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5631) to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5631

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

SECTION 1. CORPORAL BRADLEY T. ARMS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, shall be known and designated as the ''Corporal Bradley T. Arms 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 ''Corporal Bradley T. Arms Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. KUCINICH) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. KUCINICH. 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 Ohio?

There was no objection.

Mr. KUCINICH. Mr. Speaker, as a member of the House Committee on Oversight and Government Reform, I'm pleased to join my colleagues from the Commonwealth of Virginia in consideration of H.R. 5631, which names a postal facility in Charlottesville, Virginia, after Corporal Bradley T. Arms, a distinguished and heroic American serviceman.

H.R. 5631 was introduced by Representative GOODE of Virginia on March 13, 2008, and was considered by and reported from the Oversight Committee on April 9 by a voice vote. The measure has the support of the entire congressional delegation from Virginia, and provides us with another opportunity to pay tribute to a member of our country's Armed Forces.

A 20-year-old University of Georgia student from Charlottesville, Virginia, Corporal Bradley T. Arms was assigned to the 4th Combat Engineer Battalion, 4th Marine Division, Marine Corps Reserve, out of Baltimore, Maryland.

□ 1615

Corporal Arms left college the summer before his junior year to enlist in the United States Marine Corps where he would later serve a tour of duty in Iraq until his tragic death on November 19, 2004. Corporal Arms was killed in action in the Anbar province of Iraq.

Mr. Speaker, let's remember and pay tribute to the ultimate sacrifice made by Corporal Arms and pass H.R. 5631.

I reserve the balance of my time.

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

Mr. Speaker, I rise today in support of this bill to designate the post office located at 1155 Seminole Trail in Charlottesville, Virginia, as the ''Corporal Bradley T. Arms Post Office Building.''

On November 19, 2004, Corporal Bradley Arms was killed during small-arms fire in Anbar province, Iraq. It is only appropriate that we honor this fallen hero for the great sacrifice he made for his country.

Before becoming a Marine, Bradley was a student at the University of Georgia and a member of the Sigma Phi Epsilon fraternity. When he left Georgia before his junior year to serve in the 4th Division of the 4th Combat Engineer Battalion, it was with courage and optimism in his heart. He believed in what he was fighting for, and he wrote to his brothers of the changes he saw every day. He described his desire to influence the future of Iraq telling his friends that, ''as long as we can keep younger generations open minded, then we will win this war.''

His family members, who reside in Charlottesville, Virginia, remember Bradley's kindness and desire to help those who could not help themselves, one of the factors initially inspiring him to join the military.

When speaking to his parents shortly before his death, he told them he was confident that God had a plan for him and that he was exactly where he was supposed to be. While he was only 20 years old, Bradley aspired to live the life of a leader and be a positive role model for those around him, and he did just that.

Those who knew Bradley recall his honor and enthusiasm, and in recognition of the unparalleled sacrifice he made for his country, it is fitting that we should dedicate this post office to his memory.

I would like to thank my respected colleague, Mr. GOODE, for introducing this important legislation honoring the memory of a valiant and courageous young man.

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

Mr. KUCINICH. Mr. Speaker, I would ask that all of our colleagues join us in paying respect, appreciation, and gratitude to the life and the service of Corporal Bradley Arms by joining us in approving this resolution which honors his name by naming a United States post office facility after him in recognition of his sacrifice.

I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I thank my colleague from Ohio for his eloquent words, and I, too, urge all Members to support the passage of H.R. 5631.

I yield back the balance of my time.

Mr. KUCINICH. Mr. Speaker, I thank the gentlelady from North Carolina.

Mr. GOODE. Mr. Speaker, I rise today in support of H.R. 5631, a bill I introduced to designate the Charlottesville Post Office as the ''Corporal Bradley Arms Post Office Building'' in honor of a young man from the 5th District of Virginia who made the ultimate sacrifice in defending the United States of America.

Marine Corporal Bradley Arms died in combat at the age of 20 in the Anbar Province of Iraq on November 19, 2004 in service to his country. Originally from Charlottesville, Virginia, ''Brad'' attended the University of Georgia until he was called into service with the Marine Corps Reserve.

Friends and family described Brad as a friendly, caring, optimistic, patriotic and purposeful person. The three personal items he brought to Iraq appropriately illustrate his personality: a Bible, a picture of his family, and a University of Georgia flag. Brad was also a member of the Sigma Phi Epsilon fraternity at the University of Georgia. Family members recalled that Brad greatly enjoyed his fraternity brothers, friends, music, and faith in God.

While in Iraq, Brad often wrote to friends and family, displaying his positive attitude toward his mission in the military and demonstrating how proud he was to serve and defend his country. He said that his experiences in the military, ''strengthened his resolve to live the life of a balanced man and lead by example.''

Connor Rund, a young man who attends the same high school that Corporal Arms graduated from, contacted me suggesting that the Charlottesville Post Office be dedicated in Brad's honor. Since then, I have received several communications from members of the Charlottesville community in support of this tribute to Brad.

Please join me in honoring the memory of this young man who was a great son, friend, and patriot by supporting H.R. 5631 and renaming the Charlottesville Post Office as the ''Corporal Bradley T. Arms Post Office Building.''

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. KUCINICH) that the House suspend the rules and pass the bill, H.R. 5631.

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.

REQUESTING RETURN OF H.R. 493, GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

The SPEAKER pro tempore laid before the House the following privileged message from the Senate:

In the Senate of the United States, April 28, 2008.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H.R. 493) entitled ''An Act to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.'', and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

The SPEAKER pro tempore. Without objection, the request of the Senate is agreed to, and H.R. 493 will be returned to the Senate.

There was no objection.

RECESS

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

Accordingly (at 4 o'clock and 18 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

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

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

APRIL 29, 2008.

Hon. NANCY PELOSI
The Speaker, H–232 The Capitol, U.S. House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 29, 2008, at 5:51 p.m.:

That the Senate passed with an amendment H.R. 493.

With best wishes, I am

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

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

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–612) on the resolution (H. Res. 1156) providing for consideration of the Senate amendment to the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5522, COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

Ms. SLAUGHTER, from the Committee on Rules, submitted a privileged report (Rept. No. 110–613) on the resolution (H. Res. 1157) providing for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 5534

Mr. BURTON of Indiana. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 5534.

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

There was no objection.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. FLAKE. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 2419.

The form of the motion is as follows:

Mr. Flake moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 (an Act to provide for the continuation of agricultural programs through fiscal year 2012) be instructed to agree to the provisions contained in section 1703(b)(2) of the Senate amendment (relating to a $40,000 limitation on direct payments).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Votes will be taken in the following order:

H. Res. 1079, by the yeas and nays;
H.R. 4332, by the yeas and nays;
S. 2739, by the yeas and nays.

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

FINANCIAL LITERACY MONTH 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 1079, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. HINOJOSA) that the House suspend the rules and agree to the resolution, H. Res. 1079.

The vote was taken by electronic device, and there were—yeas 402, nays 2, not voting 27, as follows:

[Roll No. 224]

YEAS—402

Abercrombie
Ackerman
Aderholt
Akin
Alexander
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
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
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
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
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
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
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—27

Andrews
Becerra
Blunt
Braley (IA)
DeGette
Doggett
Drake
Engel
Fallin
Feeney
Forbes
Granger
Gutierrez
Higgins
Hulshof
Kaptur
McCrery
Neal (MA)
Pascrell
Rohrabacher
Rush
Shuler
Solis
Taylor
Waxman
Weiner
Weldon (FL)

□ 1858

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRALEY of Iowa. Mr. Speaker, on roll-call No. 224, I was unavoidably detained. Had I been present, I would have voted "yea."

FINANCIAL CONSUMER HOTLINE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4332, 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 gentlewoman from New York (Mrs. MALONEY) that the House suspend the rules and pass the bill, H.R. 4332.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 1, not voting 22, as follows:

[Roll No. 225]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Boehner
Bonner
Bono Mack
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Deal (GA)
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Fortenberry
Fossella
Foster
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
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)
LaHood
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)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
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
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Speier
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Westmoreland
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—22

Andrews
Bilirakis
Blunt
Davis, Tom
DeGette
Doggett
Drake
Forbes
Granger
Gutierrez
Higgins
Hulshof
Linder
McCrery
Neal (MA)
Pascrell
Rohrabacher
Rush
Shuler
Solis
Taylor
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining in this vote.

□ 1909

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSOLIDATED NATURAL RESOURCES ACT OF 2008

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2739, on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. RAHALL) that the House suspend the rules and pass the Senate bill, S. 2739.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 291, nays 117, not voting 23, as follows:

[Roll No. 226]

YEAS—291

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono Mack
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Calvert
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Foster
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Hastings (FL)
Heller
Herseth Sandlin
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pastor
Payne
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Richardson
Rodriguez
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Ryan (OH)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Space
Speier
Spratt
Stark
Stupak
Sullivan
Sutton
Tanner
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—117

Aderholt
Akin
Alexander
Bachmann
Bachus
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Fossella
Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gingrey
Goode
Goodlatte
Graves
Hall (TX)
Hastings (WA)
Hayes
Hensarling
Herger
Hoekstra
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kingston
Kline (MN)
Lamborn
Latta
Lewis (KY)
Lucas
Lungren, Daniel E.
Mack
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Schmidt
Sensenbrenner
Sessions
Shadegg
Shimkus
Smith (TX)
Souder
Stearns
Tancredo
Thornberry
Upton
Walberg
Westmoreland
Wilson (SC)

NOT VOTING—23

Andrews
Blackburn
Blunt
Cleaver
Davis, Tom
DeGette
Doggett
Drake
Forbes
Granger
Gutierrez
Higgins
Hulshof
Linder
McCrery
Moore (KS)
Pascrell
Rohrabacher
Rush
Shuler
Solis
Taylor
Weldon (FL)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. There are 2 minutes remaining in this vote.

□ 1918

Ms. MCCOLLUM of Minnesota and Mr. TIM MURPHY of Pennsylvania changed their vote from ''no'' to ''aye.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2419, FOOD AND ENERGY SECURITY ACT OF 2007

Mr. RYAN of Wisconsin. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby give notice of my intention to offer a motion to instruct conferees on H.R. 2419, the Food and Energy Security Act.

The form of the motion is as follows:

Mr. Ryan of Wisconsin moves that the managers on the part of the House on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2419 be instructed, within the scope of the conference, to use the most recent baseline estimates supplied by the Congressional Budget Office when evaluating the costs of the provisions of the report.

TRIBUTE TO DON MYERS

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

Mr. SPACE. Madam Speaker, I rise today to pay tribute to a great man that worked tirelessly to improve the way of life of many Ohioans.

Don Myers was an extraordinary Executive Director of the Ohio Mid-Eastern Governments Association Development District, a position that is at the heart of economic development for one of the most underserved regions of Ohio. During his tenure, the organization helped secure over $600 million in development and infrastructure improvement for the region. He was the embodiment of the meaning of ''community.''

I knew Don Myers well. He was a kind gentleman who carried himself with a great degree of grace, and he will be missed very much by the people in Ohio, his family, his friends and his neighbors.

HONORING THE CITY OF CORAL SPRINGS, FLORIDA

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

Mr. KLEIN of Florida. Madam Speaker, I rise today to honor the City of Coral Springs, Florida, on receiving the 2007 Malcolm Baldrige National Quality Award, the Nation's highest presidential honor for excellence and organizational performance.

In 1993, city management implemented a Total Quality Management Program designed to overhaul operations and service delivery by becoming more customer-focused and quality-oriented. Today, Coral Springs was the first city to receive the award.

The National Institute of Standards and Technology said of the City of

Coral Springs that it ''demonstrates a consistently high level of financial performance'' and that its key strategic advantage is the ''city's effectiveness of running like a business.''

The city's efforts to improve public safety have resulted in the city's crime rate decreasing by nearly half over the last 10 years, the lowest crime rate in the State.

I rise to congratulate the City of Coral Springs, its citizens and its leadership for striving for the best and inspiring others to do the same.

SAVING STARVING CHILDREN AROUND THE WORLD

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

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today as the Chair of the Congressional Children's Caucus to emphasis the crisis in the lack of food for those around the world. As we have seen the rising food costs, we in America are suffering, but the rest of the world is in a crisis.

I believe it is imperative as we move into our appropriations process that we emphasis the importance of utilizing the food stock here in the United States to provide service and support around the world, and I believe it is even more important to focus on the impact on children.

I will convene a briefing that will draw upon the insight of food advocates from around the Nation to focus on how we can prioritize children in developing nations being provided foodstuffs and receiving priority over adults, for a malnourished child dies, a malnourished child has disease.

We are in a crisis. It is time for us to act to save the children.

THANK YOU TO THE 218TH

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

Mr. WILSON of South Carolina. Madam Speaker, soldiers of the 218th Brigade Combat Team of the South Carolina Army National Guard, under the leadership of Brigadier General Bob Livingston, are successfully returning to South Carolina. For the past year they have been in Afghanistan as part of Task Force Phoenix working to build the Afghan military and police.

As a 28-year veteran of the 218th, I know firsthand of their competence and patriotism. These citizen soldiers have built one Afghan military battalion to be fully independent with 13 additional battalions to be operational by this summer. After overhauling the Afghani police forces to eliminate corruption, the 218th helped build an Afghan police force of 79,000.

Additionally, the 218th provided humanitarian relief, including the construction of schools, hospitals and roads. They conducted 200 medical assistance missions and delivered 300 tons of food and supplies to the 37,000 Afghans.

At this time, we also remember the fallen. Staff Sergeant James D. Bullard, Sergeant Shawn F. Hill and Sergeant Edward O. Philpot lost their lives during the year-long deployment. These patriots gave the ultimate sacrifice in defense of American families by defeating terrorists overseas. Our thoughts and prayers are with their families.

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

In addition to the information provided above, the 218th Brigade Combat Team has had extraordinary success in working alongside the Afghan forces. During the past winter—a time when Taliban forces often regroup—soldiers from the 218th, along with Afghan soldiers, stayed in forwarding operating bases around Afghanistan and took the fight to the Taliban. This action kept the enemy from gathering strength.

Due to the commitment and professionalism of the men and women of the 218th, the Afghan army now has a reenlistment rate of 55 percent—more than double the 20 percent a year ago. The percentage of Afghan soldiers ready for duty has gone up from 55 percent to 85 percent. Their absent without leave percentage has dropped to eight percent, and they have 29,000 recruits that have completed basic training.

The Afghan police continue to grow in size and ability. As a sign of success, this winter the police were able to defend and hold their 364 district centers. This is something they have not been able to accomplish since the beginning of Operation Enduring Freedom in 2001.

I appreciate the above factual information provided by embedded reporter Chuck Crumbo from Kabul, Afghanistan, in The State of Columbia, South Carolina, on April 27, 2008.

GENERAL LEAVE

Ms. WOOLSEY. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on House Resolution 1073 and House Resolution 49.

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

There was no objection.

SPECIAL ORDERS

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

BRINGING RECONCILIATION TO THE PEOPLE OF 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. Madam Speaker, I rise to announce that Representative CHRIS SHAYS of Connecticut and I have introduced an important bipartisan bill in the House today that can help bring desperately needed reconciliation to the people of Iraq. The bill is called the International Partnership for Reconciliation in Iraq. By the standards of the Federal Government, it is a tiny outfit. But few government agencies have delivered more bang for their buck or done so much with so few people.

The USIP Institute has an impressive track record of conflict management and peace building in the Balkans, the Philippines, Nigeria, the Sudan, Rwanda and other parts of the world, including Iraq.

This bill is vitally important, because, as Ambassador Ryan Crocker has said, ''reconciliation is perhaps the most critical challenge that Iraq faces right now.'' Our bill would encourage reconciliation by supporting the work of a remarkable but unheralded organization called the United States Institute of Peace.

□ 1930

The Institute was established by Congress 24 years ago today. It has 142 employees and a budget of $32 million. It has been successful because it is unique. There is no other organization like it. It is a center and a clearinghouse for best practices in preventing and dealing with conflict. Its staff includes many of the world's top experts in conflict resolution and peacebuilding. These incredibly dedicated experts travel to some of the world's most violent places to facilitate reconciliation efforts on the ground.

And the Institute is impartial, it is nonideological. Its only axe to grind is peace. That is why USIP has gained the respect and trust in all sides in conflict. In fact, you can say the Institute is one of the world's top brand names when it comes to making peace.

In Iraq, the Institute has been working to inspire reconciliation at the regional, at the national, and at the community levels. It has been particularly effective in the city of Mahmoudiya, which has been called the Triangle of Death. There, it has worked to bring Sunni and Shiite factions together. Its work has been so effective that the U.S. Army's provincial reconstruction teams have asked the Institute to help with reconciliation efforts in other parts of Iraq. Not bad for an organization whose annual budget is less than what we spend in Iraq every 3 hours.

There is an excellent article on the Institute's work, Madam Speaker, in the current issue of the National Journal, and I urge all my colleagues to read it.

The bill that Representative SHAYS and I introduced today would provide assistance to the Institute to do the

following in Iraq: Prevent violent conflict, promote post-conflict stability and development, increase conflict management capacity, promote tolerance and forgiveness, and facilitate regional dialogue.

We believe that the Institute's work will also encourage nations from outside the region to get involved. Reconciliation in Iraq has become something like the weather: Everyone here in Washington talks about it, but no one can really do anything about it. We just sort of sit around and wait for the Iraqi government to meet their reconciliation benchmarks. Then, when they don't, we make speeches.

This bill is an opportunity to do something about reconciliation by supporting an organization that knows how to get the job done. And this bill we can all get behind, because no matter where we stand on the Iraq issue we all support reconciliation.

I am proud to join with Representative SHAYS in asking all of our colleagues in the House on both sides of the aisle to cosponsor this critically important bipartisan bill.

POLICE GONE WILD—MEXICO

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

Mr. POE. Madam Speaker, brutal actions of local and state police are going unpunished; and, as the founder of the Victims Right Caucus, I bring this serious matter to the House's attention.

Two years ago, on May 3 and 4, 2006, there was a lawful protest in support of local flower sellers who had been displaced from their business because a new airport was being built. During the protest, law enforcement officers arrested and detained 47 separate women. The police officers didn't read the women their rights; the women were just arrest arrested, locked up, and taken into custody. Then, Madam Speaker, the officers beat and sexually assaulted them. I repeat, they beat and sexually assaulted the 47 women that were arrested. Obviously, lawmen have become outlaws.

One of the 47 women was Barbara Mendez, a 27-year-old student and a child advocate. Barbara went to the protest because she heard a child was killed in the violence between the police and the protesters. As a child advocate, Barbara went to show her support for the child and her community. But after Barbara arrived at the protest, the police beat her and arrested her because she was with the protesters and supposedly blocking a road. Barbara was placed in a police vehicle and forced to take off her clothes. She was then gang raped by the police officers, as other officers watched and cheered on the rapists. Barbara was then locked up in jail for 12 days.

Madam Speaker, this is a case of police gone wild.

Jail doctors then examined Barbara, but it just so happened that they failed to document her physical injuries or gather any forensic evidence of the rape. This evidence is crucial for any prosecution.

Madam Speaker, rape is a crime that tries to destroy the soul of the victim. And of these 47 women arrested and assaulted, 26 of them later filed complaints with authorities claiming physical, psychological, and sexual abuse during the arrest and detention. But since these assaults occurred, none of the police criminals have been brought to justice. No, not one. And this ought not to be.

Five months after the assaults, a national human rights commission called for criminal investigations into the assaults, but no investigations have occurred.

In February of 2007, the Supreme Court instructed a special judicial commission to investigate the crimes by the police in the arrest of these 47 women.

Then, Barbara Mendez and several other victims filed another complaint with federal authorities, but the federal authorities are sitting on these cases refusing to move forward. Why isn't there any justice for these women?

Next week marks the second year anniversary of these assaults, and yet none of these women have seen a courtroom. Obviously, no justice for these rape victims. Of the 47 women, two are from Spain, one is from Germany, two are from Chile, and the rest are Mexican citizens. But none of them received any justice. Basic human rights is obviously being denied.

Madam Speaker, these assaults did not occur in the United States. They occurred in San Salvador Atenco, Mexico, just 30 miles outside of Mexico City.

This issue is a world human rights issue, and this type of abuse cannot be tolerated and peace officers cannot enjoy impunity. Police officers are supposed to protect the community and keep people safe from harm, not cause harm to people. And, of course, this includes Mexican police officers. These officers must be held accountable. They need to have their day in court. And, if they are guilty, they need to be sent off to the jailhouse.

As we approach Mother's Day in the United States, Madam Speaker, we need to proclaim that mothers and women throughout the world receive the respect and honor due them. That includes justice, because justice is the one thing we should always find, even in Mexico.

And that's just the way it is.

RISING FUEL PRICES

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

Mr. ALLEN. Madam Speaker, I rise to express my disappointment that the administration has done nothing to rein in rising fuel prices.

The past 7 years have brought hardship to anyone in Maine with a vehicle to fill up at the gas station, a furnace to feed, or a livelihood dependent on affordable fuel.

As you can see in this chart, in January 2001 oil traded at $23 to $25 per barrel. This week, it topped $120 per barrel.

In January 2001, #2 heating oil cost Maine families and businesses $1.55 a gallon. This week, it topped $3.85.

In January 2001, regular unleaded gasoline cost Maine drivers $1.55 a gallon. According to the AAA, the going price in Portland this week is $3.55 a gallon, and rising.

In January 2001, diesel for their rigs cost Maine's independent truckers $1.53 per gallon. In Bangor this week, it was $4.33 per gallon.

These past 7 years, the oil companies have padded their bottom lines at the expense of the hardworking people of Maine and across the country. For the past 7 years, everyone in Maine has paid a steep price for the Bush administration's disastrous energy policy and for Big Oil's efforts in Congress to block legislation to stop energy profiteering.

What has the administration done? Nothing. And they will do nothing unless the people's elected representatives push them to action.

That is why I have called upon the Federal Trade Commission, the Commodity Futures Trading Commission, the Federal Energy Regulatory Commission, the Attorney General of the U.S., and the Secretary of Energy to launch an immediate investigation of price fixing, manipulation, rampant speculation, and other unscrupulous behavior in the petroleum markets. Inappropriate and criminal behavior by oil companies, their subsidiaries, agents, or employees must be prosecuted and punished to the full extent of the law.

These outrageous price increases are a cruel blow for Maine families whose incomes are stagnant or shrinking, and whose costs for health insurance, college tuition, and other everyday expenses continue to rise faster than inflation. Fuel prices are an economic catastrophe for Maine farmers, fishermen, and other small business people. For some of Maine's independent truckers, like those I met on the road in Kennebunk when they were coming down here, unbridled fuel costs when coupled with a stagnating economy may very well put them out of business.

As independent truckers are staring down unemployment, oil companies are reaping record profits. However, for one sector of the economy, the last 7 years have been a bonanza.

In 2001, the Big 5 Oil companies posted combined profits of just over $40 billion. In 2007, their combined profits topped $123 billion. ExxonMobil's $41 billion profit last year was more than all of the Big 5 combined in 2001, and

smashed the record for the highest annual profit in history for a U.S. company.

To put that number in perspective, ExxonMobil's profits last year were more than we spent on road construction; they were greater than the amount the VA will spend on health care for our veterans this year. ExxonMobil's profits were larger than the entire budget for the Homeland Security Department in fiscal year 2008. That is profits, not revenues, and those profits come directly from the pockets of our constituents who pay the oil companies' exorbitant prices.

In the House, we passed the Federal Price Gouging Act to give the Federal Trade Commission explicit authority to investigate and punish those who artificially inflate the price of energy, especially those who profit most, those at the top of the chain. The bill has passed the House, but it has stalled in the other body.

It is also time to go after the energy speculators who drive up energy prices through off-market trading. Those trading practices are unseen and unregulated, but they do great damage. I support the Close the Enron Loophole Act, and the Preventing the Unfair Manipulation of Prices Act legislation to hold oil speculators accountable to the same rules that already govern traders who are trading on regulated markets.

It is time now to roll back the $14 billion in tax breaks and incentives that we gave to Big Oil in the 2005 energy bill. It was a disgrace then, and it is an outrage now. I voted against these tax incentives, tax breaks in 2005, and I am pleased that the House under new leadership has already voted to role them back. But in the other body, Big Oil's friends have maneuvered to block a vote on the rollback bill.

Finally, we need to provide targeted relief to the small businesses that depend on fuel, whether they are heating buildings or driving trucks. We need more leadership in the House and over in the other body and with the administration.

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

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

ENERGY PRICES

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

Mr. WESTMORELAND. Madam Speaker, I am glad the gentleman who has just left was talking about the energy prices, because that is what I want to talk about, too, the energy prices.

I was elected to Congress 4 years ago, and I came up here and you really think you are going to be dealing with some smart people. It took all I could muster up just to graduate from high school. I did attend college for 2 years. But I have come up here and I have found out that evidently a lot of people in this body don't understand either business or the economy or economics or something, because I keep hearing about the majority wanting to bring down gas prices, but they want to do it by raising taxes and taxing oil companies.

Now, the gentleman just spoke about getting the President's help. Well, I think he has tried to help. I think he has put together some good proposals, but they don't want to do any drilling.

On April 24, 2006, Speaker PELOSI put out a thing, they were trying to get into the majority, and it said: ''Democrats have a commonsense plan to help bring down skyrocketing gas prices.'' And at the time, gas was probably $2 a gallon and, as the gentleman stated a while ago, it is about $3.80 now. Oil was probably $60 a barrel, and it is about $120 a barrel now. But you passed H.R. 6. That was one of the first 100 Hours, one of these great proposals, the Energy Independence and Security Act of 2007.

Well, we did a little research. In that bill, which is over 300 pages, ''crude oil'' is mentioned five times. Over 300 pages, ''crude oil'' is mentioned just five times.

□ 1945

''Gasoline'' is mentioned 12 times in over 300 pages.

''Exploratory drilling'' is mentioned twice.

''Offshore drilling'' is mentioned, none.

''Domestic drilling'' is mentioned, none.

''Domestic oil'' is mentioned, none.

''Domestic gas,'' zero mention.

''Domestic fuel,'' zero mention.

''Domestic petroleum,'' zero.

''Gas price'' or ''gas prices,'' zero.

The word ''commonsense,'' zero.

What is mentioned is ''greenhouse,'' 103 times.

''Green building,'' 101 times.

''Ecosystem,'' 24 times.

''Climate change,'' 18 times.

One of their favorite words ''regulation,'' 98 times.

''Environmental,'' 160 times.

''Geothermal,'' 94 times.

''Renewable,'' 333 times.

The word ''pool'' because, Madam Speaker, there was the Swimming Pool Safety Act attached to the Energy Independence and Security Act. Here is the thing I found interesting. The word ''pool'' was mentioned 47 times; or nine times more than crude oil and four times more than the word ''gasoline.''

''Lamp'' or ''light bulb'' is mentioned 350 times; 350 times they talk about lamps or light bulbs.

So get the picture here. The Democratic plan for lowering gas prices is not drilling, it is not using domestic production, it is becoming more reliant on foreign oil; and it is going to do it through greenhouse, green building, regulation, geothermal, swimming pool safety, and light bulbs.

Now I have a hard time when I go home to the people of the Third Congressional District explaining to them that that's our plan for energy independence. And I don't know if I am the only one that is having the problem of convincing my constituents that this is what Congress is doing to lower gas prices.

Now just another side note here. Tonight we passed Senate bill 2739, Consolidated Natural Resource Act of 2008, but I see my time has expired.

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

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

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

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

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

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

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

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

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

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

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

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

ENERGY AND OUR CONSTITUTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from New Jersey (Mr. GARRETT) is recognized for

60 minutes as the designee of the minority leader.

Mr. GARRETT of New Jersey. Madam Speaker, I come here tonight, as we do every month or so, to begin another session of the Constitution hour. Members of the Congressional Constitution Caucus basically use these opportunities to emphasize to our colleagues and people across the Nation the necessity of ensuring that our government is operating under the intent of our Founding Fathers. Specifically, we look at the 10th amendment which affirms that the authority over most domestic issues belongs to the States, either directly or through their political subdivisions, and to the people therefore themselves. Actually, the exact wording of it is that all powers not specifically delegated to the United States Government is retained by the people or the States respectively.

So we come to the floor as we do every month or so to bring this point home, to educate the Members of Congress, and to have a discussion on the constitutional merits of what we are debating here in the week before and after. In a little while we will look at a piece of pending legislation, a sunset bill, as it were. But before I do that, I would like to yield to the gentleman from Georgia (Mr. WESTMORELAND).

Mr. WESTMORELAND. Thank you, Mr. GARRETT. This has something to do with the Constitution, something to do with what the intent of our Founding Fathers was. I don't think that they had in mind Senate bill 2739 which just passed the House with 117 dissenting votes and they must have had right at 300 who voted for it. It was an omnibus bill that included 61 distinct pieces of legislation, 61, at a cost of $380 million. Sixty-one bills rolled into one, $380 million, 20 minutes debate, voted under suspension.

That has got to make Americans proud, Madam Speaker. It has got to make our Founding Fathers roll over in their graves.

But the part that really bothered me the most, because I talked earlier about the price of gas and what the majority party's commonsense plan to lower those gas prices was. And I look at this bill, Senate bill 2739 permanently blocks exploration for natural energy resources on millions of acres of Federal land at a time when this country and our entire economy is suffering as a result of these record high energy prices. But yet we permanently block exploration of natural gas.

Also, you know, we only own 670 million acres. You know, Congressman GARRETT, I don't know what the Founding Fathers had in mind with the Constitution, but I think if they had really figured that the Federal Government would own 670 million acres, they may have put that in there somewhere.

One thing they did put in the Constitution was about private property rights. The natural heritage area designations included in this bill restrict, and I think the Constitution talks about this somewhere, restricts how residential and commercial property owners utilize their private property without any notice or warning.

It also kicked out and stripped out some amendments put in by the House that would have protected the second amendment, and I believe that may be in the Constitution, it is talked about somewhere, the second amendment. So the right to bear arms and property rights in these natural heritage areas were stripped out of this bill.

What breaks my heart even more is that the minority party, who has been standing up here complaining about our energy cost, all we had to get was about 28 more votes and this bill would have had to come under regular order where we could have stood on this floor in front of the American people, Madam Speaker, and debated this bill. But we could not muster 145 votes out of the 199 Members that we have in the Republican conference. That's embarrassing to me. That is just as hard for me to understand and to go home and try to explain to my constituents when I am standing up here night after night arguing about oil and gas prices and the price of energy and what little pitiful bit the majority is doing when my party won't support doing something to make some real change in what we are paying at the pump.

Mr. GARRETT, I want to thank you for doing this special order on the Constitution, and I hope that you will bring up the private property rights, the second amendment, the fact that we can pass legislation $380 million worth, 61 different bills rolled into one under suspension with 20 minutes of debate.

Like I said, Madam Speaker, I know that makes America proud.

Mr. GARRETT of New Jersey. I thank the gentleman for raising these points. He takes the lead from the gentleman from Maine from the other side of the aisle who had just previously done 5 minutes talking about the energy situation. Let me follow up along those lines before we talk about the sunset bill we want to talk about tonight.

I agree with the gentleman from Georgia that our Founding Fathers would be rolling their eyes and turning over to the proverbial grave if they were ever to look to see the size and scope and depth of regulation of the Federal Government, a far cry from what the Founders ever intended as the appropriate role of government in people's lives.

They did, as the gentleman from Georgia said, put a significant weight and value to that of private property rights, and they did believe that private property was just that, something to be held by the private citizen and not by the government, whether it is the State or Federal, but specifically here on the Federal level.

The gentleman from Maine was making the observation that something needs to be done with regard to the fact that our citizens back home, our constituents back home are aggrieved by the high price of oil, whether it is the gasoline for your car or for the diesel for your truck, or home heating fuel if you are in the northern States such as myself. The gentleman from the other side of the aisle on the majority party would suggest that the answer comes from the Federal Government.

I would suggest that the answer, as far as the Founding Fathers would believe, the answer comes from the private sector, would that the private sector have a free hand and free rein in order to address the problem.

But as we stand here right now, 85 percent of our natural resources in this area of energy offshore of this country are tied up, locked up, if you will, unobtainable for all of us to use as was intended; 85 percent locked up, unavailable for us to be going to get, either oil or natural gas. So we are paying the price for that.

So when the gentleman from Maine from the majority party says that the administration is at fault here, I had to sit and scratch my head and try to remember who is running this House, and which party is running the Senate as well. And of course we know the answer, it is the Democrat Party.

This is not a partisan issue I'm raising here. I think everyone from this side of the aisle would like to extend a hand to the other side of the aisle to try to work together and come to a resolution on this issue.

But if the way that they take is to point blame and blame the President and the Bush administration and the like, that's not going to bring us to closure. That is not going to bring us to a solution satisfactory to the American public.

□ 2000

We need to work together on this.

Likewise, we are not going to get to that solution if all we have is empty promises. I remember all too well a little over 2 years ago, in the 2006 elections, when the, then they were the minority party, but the Democrat Party was saying that they had the solution. They had the answer to the oil problem and the oil crisis and the price of gas at the pump, and if they were elected, they said, and they were put into the majority power, they would be able to give us that solution and that plan and bring us to a better day.

And if you think back to where it was and what they were saying was so terrible at that time, well, gas at that time was like $1.90 or something like that. It was just approaching, it hadn't quite gone over $2 a gallon at the pump. But they said elect them and they'd have a solution.

Well, here it is in April, 16 months after they've been in office, and we are still waiting for that solution. We are still waiting for that answer to come down the road, to be handed to us so

that we can all get behind it in a bipartisan manner and answer that the challenge that the American public gave to us, how can we solve this problem. Because the American public, I think, would be more akin and in tune with what the founders would say.

The American public would say, to solve this problem you must release the abilities and the entrepreneurial spirit and the great ideas of the business person and the landowner and the private property owner and those who own renewable and other energy sources to be able to develop those and allow them to come into the marketplace.

But that is not happening yet, so long as the other side of the aisle refuses to give us whatever their solution or their plan is that they told us about some time ago, nor is that about to come about so long as the other side of the aisle simply comes to the floor and casts aspersion on the Bush administration or whoever's in the White House at the time and says it's all somebody else's fault, rather than really grappling with the issue and trying to come to a solution to it.

There are solutions to it. There are free market principles. They are principles that our founding fathers would have enjoyed and appreciated and applauded as they crafted the U.S. Constitution, and that's what we should be embracing today, so that we can go home to our constituents, so the gentleman from Georgia, who said he's somewhat embarrassed to go back to his constituents and say this is what is happening now in Congress as Congress fails to deliver on its promises.

We should be able to deliver, if not on our promises, then on the promises on the other side of the aisle and to address this solution in a bipartisan manner and get the job done in the manner that their founders would have intended.

Now, I believe that the gentleman from Utah (Mr. BISHOP) had another point on a different issue. The gentleman, I am pleased, has just joined us, from Utah. And before we get to the topic that we came here tonight, which was to discuss the issue of the Brady bill, which is the bill dealing with the Sunset Commission and how the Constitution ties into that topic and why the founding fathers would applaud the ideas that Mr. BRADY has given us as far as addressing the over-running government that we have, the gentleman from Utah has joined us, Mr. BISHOP, to fill us in on the issue dealing with NASA.

Mr. BISHOP of Utah. Thank you, Madam Speaker. And I appreciate the gentleman from New Jersey in yielding a few moments so we can talk about another issue of significance, I think, right now.

It was in the year 2004 that the President outlined our Nation's vision for space exploration; and he gave three goals:

Number 1, to complete the international space station by 2010, 2, to conduct the first manned mission of a new vehicle for astronauts by 2014; and Number 3, to return a man to the moon by 2020.

Now, these goals won bipartisan approval by Congress in the 2005 NASA Authorization Act, and we gave clear directions to NASA to administer this act. In it, the administrator was directed to develop a human presence on the moon, promote exploration, science and commerce, United States presence in space, and to create a stepping stone to future exploration of mars and other destinations.

It further codified more specific requirements to use personnel and assets of the current space shuttle program in developing a new crew vehicle and two new launch vehicles.

Now, after the old space shuttle, the original one here has fulfilled its mission to complete the international space station, it will retire in the year 2010 and, by law, must be replaced no later than 2014 by a new vehicle, this one at the top, which is called Orion, which will take humans to the space station, to the moon, to Mars and to beyond.

This vision is a bulwark of our Nation's space future for the decades to come. You see, the space shuttle will have been in service for 30 years by the time it's retired, and we can expect as much or more from these new systems.

NASA Administrator, Michael Griffin, has translated these objectives into a coherent program for further exploration in the solar systems. Its name is Project Constellation, and it will include Orion, and be powered by the most effective, reliable and safe launch vehicles to carry our crew into orbit or lift supplies needed for space exploration; and those two new rockets will be called Ares I and Ares V.

Now, Orion will give the United States the best capability to transport astronauts to destinations outside of the Earth's orbit and, at the same time, serve the international space station. The development of the Ares I rocket will boost Orion into orbit, and it has made tremendous progress. In fact, the first unmanned prototype test launch of Ares I is in April of this year.

Ares I is at least a factor of 10 times safer, and will lift crews into space at a cost significantly lower than the current space shuttle. In fact, Ares I will be reliable and cost effective enough to be used for commercial purposes, delivering on NASA's promise to energize space activities in the commercial sector.

Ares V will be the largest rocket ever produced, exceeding even the carrying capacity of the old Saturn V rocket. Now, the Ares V will only be used to take cargo into space. But the combined capabilities of the Ares I and Ares V rockets will support the space station, moon and Mars exploration, large scientific and commercial payloads and journeys to destinations in our solar system that Kirk, Pickard, Spock and the guy on Reading Rainbow only dreamed of.

Furthermore, these rockets will reassert our leadership in exploration of space for decades to come, a leadership that is currently being challenged by other countries.

NASA's space exploration vision is vital to this Nation's continued global leadership in space and technology. It will inspire a new generation to become physicists, chemists, geologists, mathematicians who will pursue careers in fields critical to our continued economic wellbeing and world leadership.

Now, we often bemoan the lack of interest in science and math, and dream up all sorts of incentives here in Congress that will fail because kids really don't want a Federal bribe. They want to be challenged and inspired. And just like the space race of the 1950s and the 1960s motivated a whole generation of students to pursue education in science and technology, NASA's new exploration plans can inspire a sense of adventure and pride in today's kids.

The Mercury, Gemini and Apollo programs provided this kind of dramatic motivation from grade school to college graduates. So within a few years we were turning out growing numbers of highly skilled engineers and scientists as America's space program offered challenging jobs in pursuit of landing humans on the moon.

It is not coincidentally, a coincidence at all that scientific and engineering expertise lost its momentum immediately after the successful Apollo program was prematurely ended and our space commitment was de-emphasized. With no greater challenges in human space flight on the horizon, the historic excitement to earn science and engineering degrees simply withered.

Improving the quality of education is as simple as firing the imagination of a child. The dream of working on the moon, traveling to Mars, exploring the other planets will spark that drive. An inspirational vision such as space exploration can provide that necessary spark. We need that inspiration, not only to compete in space, but to continue to compete successfully here on earth. Without this motivation, it simply won't happen.

While JFK's challenge was to send a man to the moon and return him safely to the earth, and that was indeed an historic accomplishment, the most important legacy of Apollo is that it inspired a generation to do great things. It's more important now than ever that we do great things. Space exploration will motivate the next generation to accomplish feats that we can only imagine today, and will secure America's position as a world leader.

The NASA administrator, Michael Griffin, put it in the proper perspective when he said, ''We go not for gold or silver, but for knowledge and experience, and for the expansion of technology. And that occurs when we explore. These are the reasons we do these things, and they are part of what makes us human.''

Previous space exploration has brought tangible benefits that have improved our lives in innumerable ways. When we say space spin-off products, most people think of Tang and maybe Velcro. But we watch the weather reports on television every night and don't recognize this would not be possible without the space program. Or we make a phone call and don't consider that the connection may be via a communication satellite. GPS navigation satellites, originally developed for the military, are now used 95 percent of the time for civilian application. And many of these benefits are so taken for granted that we now consider them intangible benefits.

There are many tangible benefits from the space program. The 2007 ''Space Report'' estimated that last year's impact on the economy from space was $220 billion, with 60 percent of that figure coming from commercial goods and services, not NASA nor the Pentagon. In fact, a common misperception about space is that this money is spent in space, when in reality, these funds are spent right here on earth in the most high tech jobs in the world.

Another common misconception is the size of NASA's budget. Opinion surveys will show that Americans think NASA's budget is 10 to 20 percent of Federal spending. In reality, NASA's budget is .6 percent of the Federal budget. The returns on this investment are priceless.

The President, Congress and NASA got it right 3 years ago. A clear space exploration strategy now exists in the form of the Constellation program being executed by a team led by an Administrator Michael Griffin, who clearly understands not only the technical issues but, indeed, the delicate balance between performance, risk and cost. In short, Griffin gets it.

Implementing the space exploration program will not be an easy task, but it will be worth the journey. Retiring the space shuttle in 2010 and replacing it with Orion no later than 2014 is essential. We have to go forward without delay with this vision as it now stands. And let us not hinder and its dedicated partners from achieving it for all of us.

In 2010 the international space station will be complete and the space shuttle program will draw to a close. But the future will belong to Project Constellation. Constellation will give us new space vehicles. It will take us to the space station, the moon, onward to Mars. The names of Orion and Ares will becomes as familiar to the world as Mercury, Gemini, Apollo and the space shuttle have been.

Thank you for your patience, Madam Speaker. Appreciate the gentleman from New Jersey for giving me these few minutes to talk about an essential program that we have to push in the future. And I will yield back as we go on to the next topic of this discussion.

Mr. GARRETT of New Jersey. I thank the gentleman from Utah. And the gentleman makes an interesting point when he says to educate takes only to excite the mind and the imaginations and, of course, that is what happened some 200-plus years ago in this country when our founding fathers came to this land and excited the imagination that a new form of government never conceived by any human in any portion of the world ever before, and that was, we've seen today, in the U.S. Constitution.

You know, that document today, for a lot of people is just a historical document and nothing more than that. And to many citizens the Federal Government is nothing more than a problem solving institution of government.

However, the founding fathers delegated only a few specific powers to us here in Washington, to the House and the Senate and the White House, few specific powers, and they are in numerated in the Constitution. The remaining political powers were reserved for the States and the local governments and the people specifically.

So tonight, I'm joined by my colleagues, Mr. BISHOP who will speak again in a few moments, and Mr. BRADY from Texas who'll try to focus on one aspect of trying to revert the government to what the founders intended in the first place by focusing on the inefficiencies and the waste that occurs when the Federal Government oversteps its bounds that were set forth in the Constitution.

And we come here not simply to complain about the situation. No, and that's why I'm pleased that I'm joined by Mr. BRADY, because Mr. BRADY comes here with a solution to the problem as well, and he does so in the form of the Federal Sunset Act, which would help our country, in essence, return to the limits originally intended by our founding fathers.

So with that I yield such time as he may consume to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. I appreciate the gentleman from Michigan's leadership and keeping the focus of Congress on the Constitution, what roles we play of a limited government.

I don't know if you can remember what you were doing last Wednesday, but I do. Last Wednesday is what we call Tax Freedom Day. It's the first day of the year that you and I start working for ourselves and our families. From New Year's Day up to last Wednesday, April 23, we were working just to pay taxes to our State, local and Federal Government.

If you think about what an overtaxed Nation we are, think about your day. You wake up in the morning, grab a shower, you pay the water tax. You stop and grab a cup of coffee, you pay a sales tax. And take your car down to work, you pay gas taxes. At work you pay two taxes, an income tax and a payroll tax. You come home at the end of the day, you open the door, turn on the light, pay electricity tax, turn on the television, pay a cable tax, use your phone and pay a telephone tax, kiss your spouse good night and pay a marriage penalty tax.

□ 2015

And on and on and on. Every day the rest of your life. And then when you die, you pay a death tax. No wonder it is so hard for families to make ends meet in America these days especially with the prices being what they are.

And the only thing worse than how much we spend on taxes, especially those we send to Washington and Uncle Sam, is how poorly Washington spends our hard-earned dollars. I am convinced, Madam Speaker, that we make horrible use of the dollars our taxpayers give us. And I'm convinced that if Congress in Washington were a manufacturing plant, we would manufacture spending. That's what we were designed to do. If we want our government to manufacture savings and efficiency, we need to retool the plant. We need to change the way Washington works.

I have a proposal that does that. This is a bill that I introduced as a freshman bipartisan Member with my good friend, Congressman Jim Turner from Texas. Well, we came in together as freshmen. It is the Federal Sunset Act. And what it does is its goal is to abolish obsolete agencies and eliminate duplications within programs because we know we don't spend money wisely. What the commission does is, bipartisan, made up equally of Republicans and Democrats, mostly legislators, but it also includes four members appointed from the public, and basically what it does is it places an expiration date on every Federal agency and program where they have to justify their existence or face elimination.

They have to justify their existence not on what they were for created 80 years ago or 60 or 40 years ago, but they answer the question, Do they deserve our precious tax dollars to date? Ronald Reagan once said, The closest thing to eternal life on Earth is a Federal program, and he is right.

The other thing, of course, is once created, Federal programs duplicate themselves. They clone themselves, it seems like. For example, we have more than 300 separate different economic development programs. We have more than 100 separate, different, or separate job-development programs. We have 64 different welfare programs. There are so many urban aid, inner-city programs, different ones, that we could get in a car once a week and visit one in a week, and it would take us nearly 9 years just to see those programs in that one year. We waste and duplicate too much of America's hard-earned money.

The Sunset Commission has worked now in over 24 States, so it's a proven method of cutting wasteful spending. In my home State of Texas over the years, it has abolished 54 State agencies, consolidated 12 more, and saved our taxpayers nearly $1 billion. That's

in one State. I'm convinced it can do even more in Washington.

Our government, unfortunately, for all of the good things it does, is too big and too fast. It needs to go on a diet. And the Federal Sunset Commission isn't a crash diet. It's a take-off-pounds-sensibly diet where each party, who seems to talk about wanting to balance a budget, who always wants to talk about cutting wasteful spending but won't act to do it, it gives both parties the responsibility and the ability to work together to streamline this big, bloated Federal Government so that a Tax Freedom Day, whether it is April 23 this year or if President Bush's tax cuts are to expire, which they shouldn't, we would actually work until May, the fifth month of the year, until we start working for ourselves.

It is important that if we want to have lower taxes, more freedom and use taxpayers' money wisely, we need to enact a Federal Sunset Commission and enact it today. And I think that is the constitutional role of this Congress is while we may collect the taxes, we have even greater responsibility to limit its use as a government and to make sure they're used as wisely and efficiently as possible.

And with that, again, the gentleman from Michigan has led the effort here among Republicans and among the Republican Study Committee to better define our Constitution and Congress' real role. I think these days, that's even more important we do that.

Mr. GARRETT of New Jersey. I thank the gentleman for taking the lead on this issue, not only in this session of Congress, but in the past session of Congress as well where I have been a proud cosponsor of your legislation because it goes a long ways to, what was that phrase that Barry Goldwater used when he came to Washington the first time? He said, I did not come to Washington to streamline government or make it more efficient. I came to Washington to eliminate it. And that's what you're trying to do as well with the intent of the legislation is define those areas of government that are extra-Constitutional, outside of the bounds of the Constitution, find those portions of government that are wasteful, duplicative and the like and to basically eliminate those so that the Federal Government can appropriately focus its attention on those areas that it's supposed to and then get that job done so that you and I can go back to our constituents and say that we are fulfilling the role of the Constitution and we are doing it in a Constitutional manner.

I will yield.

Mr. BRADY of Texas. For 30 years, picking up on what you just said, the public doesn't have to take my word for how inefficient we are, even your words, Mr. GARRETT, about how inefficient it is.

Recently, the Office of Management and Budget assessed over a thousand Federal agencies. They determined that nearly one-quarter are simply not performing. These agencies account for nearly $123 billion annually in increased spending, in duplicative spending, in spending that no longer works or helps anyone. And I keep thinking, what would our families do with $123 billion of their own money that they're sending us and we're wasting? What could they do for the families? What dreams could they reach? What decisions would they make and not rely on government to do that?

I just think that all of this is about giving more faith in people than it is in government, and I think that's what our Founding Fathers intended this great Republic to be.

Mr. GARRETT of New Jersey. I appreciate your hard work on this initiative so that, as I say, when we go back to our constituents and one of those bills comes up in the future, and it will come up, when it's laden with additional spending, I'm not talking about earmarks or proverbial pork barrel spending, I'm talking about just legislation, that appropriation for dollars going to some other duplicative-type programs that you mention out there that we, you and I and the rest of us who are in agreement on this issue, can go back to our constituents and say, I voted the right way. I voted to eliminate those programs. I voted to downsize those programs. I voted to make sure that all we have left standing are those things that the Founders would agree with and that the programs and the agencies and the services that the public desires and demands and it's within the confines of the Constitution, and they're getting it done in an effective and efficient manner.

So I appreciate your taking the bold step to accomplish that, and we're behind you on that. Now, if we can get the support on the other side of the aisle and move this legislation, we will be even further down the field than that.

We're joined again by the gentleman from Utah to join us in this discussion on the Constitution and more specifically, on the Brady bill with regard to the sunsetting these wasteful, duplicative unconstitutional initiatives that the Federal Government is wanting and ripe to continue but for the fact that we have legislation like this.

I yield to the gentleman from Utah.

Mr. BISHOP of Utah. I thank the gentleman from New Jersey for yielding some time. I appreciate the gentleman from Texas who has introduced this particular piece of legislation.

Madam Speaker, many of us grew up listening to vinyl records played on phonographs, something that my kids have probably never heard, let alone seen. But for its day, the phonograph was an amazing device. It gave beautiful music, or maybe not so beautiful music, into our homes; it brought great orchestras and bands to those who would have never heard them otherwise. And a few people still use them, but most of them had replaced them long ago with tapes and CD's and MP3 files, and other types of digital media acknowledging that the phonograph and vinyl record are outdated and that better technologies are available.

In the same vein, most of us gave up typewriters a long time ago for computers. But there are a few who, for fear or suspicion, cling to their ancient and inefficient typewriters. Admittedly, the typewriter was a marvelous tool in its time, but there are simply better tools available now.

So, Madam Speaker, I want to make the point that it's always a shame to see things that last beyond their usefulness, whether it's an outdated technology, a once-great athlete eventually cut from a team, or even a U.S. senator. You like to see things end in their prime and retain their dignity.

Madam Speaker, I'm not here to propose a Commission for Involuntary Retirement of Senators. Nor will I suggest an investigation into aging athletes who should call it quits. I think Mr. WAXMAN could probably do that for us all. I'm here to support Mr. BRADY's idea for a Federal Sunset Commission to evaluate government agencies and find those agencies that are outdated and beyond their usefulness.

You see, in most sectors of American life, the free market simply dictates that old products, as great as they may have at one time been, are replaced by newer, better products. Unfortunately in the government, that process of creative destruction stops after we create the first version. The old out-of-date programs or agencies don't really get replaced. It stays around. Performing, maybe not performing, duplicative functions and sucking up tax dollars at the same time.

Several years ago, the comptroller, David Walker, pointed out that the USDA, the FDA, and 10 other Federal agencies administer 35 different food safety laws; the Department of Homeland Security, Justice, and HHS administer 16 different grant programs for first responders; and USDA and HUD both provide assistance for rural housing. And I won't even go into the Department of Education; that would be too easy.

Why do we have such a hard time getting rid of old programs? It simply has to do with public-choice theory. Every government agency and program, no matter how outdated, has a core constituency who benefit from its existence. Those who are employed at the agency or program and those who receive benefits have a huge incentive to fight for its continued existence. I understand this attitude. I basically did the same thing as a teacher. I was not content, as many of the old-guard teachers were, to simply teach the same lesson year after year. So I and other innovative staff members started

new programs like the Historical Society, the Renaissance Festival, a scholarship program, an oral history program, and Close-Up, an internship program at our State capitol. Now, fortunately, most of these program enhancements cost the school very little money except my time, but I did it because I always wanted to have a bigger role at the school. The status quo was never sufficient; I wanted to do more.

And herein lies the problem for both government programs and for me as a teacher: In our mindset, if a program is not growing, something is wrong. To self justify, government agencies and offices always think of new ways to expand their ''services.'' The goal is always ''bigger'' and ''more,'' which ends up costing the taxpayers. The desire to grow is the natural instinct of any government agency, and it is the natural instinct of us, but it means to control government, a legislative body has to continually fight that which naturally occurs. It's always an uphill battle. We continue the old and introduce the new.

Simply, what we do is when we introduce a new program and there is still an old one in place, it puts us in the silly position of using a computer and a typewriter at the same time. Comptroller Walker, before he retired, in the same report that I just quoted, said, ''A fundamental reassessment of government programs, policies, and activities can help weed out programs that are outdated, ineffective, unsustainable, or simply a lower priority than they used to be. In most Federal mission areas, from low-income housing to food safety to higher education assistance, national goals are achieved through the use of a variety of tools and increasingly through participation of many organizations such as State and local governments that are beyond the direct control of the Federal Government.''

''Government cannot accept as given all of the existing major programs, policies, and operations. A fundamental review of what the Federal Government does, how it does it, and in some cases, who does the government's business, will be required, particularly given the demographic tidal wave that is starting to show on our fiscal horizon.''

''A fundamental reassessment.'' It's a novel idea. Make agencies and programs continually prove their value. That brings us to Mr. BRADY's bill, the Federal Sunset Act of 2008. Sunset commissions aren't a new idea. States, as are often the case, are ahead of us here. I'm told that there are 24 States currently that have some form of a sunset review and have saved millions of dollars through this process, and it is simply about time the Federal Government follows their lead.

P.J. O'Rourke once said, ''the mystery of government is not how Washington works, but how to make it stop.'' Mr. BRADY's bill helps solve that mystery. It's a practical solution that will make it easier to get rid of outdated or low-performing or duplicative or wasteful government agencies and programs, and I commend him for reintroducing this bill.

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It is something this government has to have to put some balance and rationality and logic back into the delivery of services by the Federal Government.

And with that, I would be happy to yield back to the gentleman from Texas.

Mr. BRADY of Texas. Well, if I may just follow up. You made, sir, I think a key component of why we need this. Right now in Washington today, if you try to abolish an agency that has outlived its usefulness or you question programs that duplicate themselves, there is always someone who jumps up and says, well, you know, I remember they've done some good things in the past. Almost impossible to do it. The Federal Sunset Commission changes that around and it basically says to the agency, you must justify your existence to taxpayers, not just to law makers, but to taxpayers themselves. You have to prove your value and worth and success.

When I served in the Texas legislature, what I saw was in the 2 years before an agency was sunset, it was amazing how responsive they became, how quickly they returned your phone calls, how responsive they were on their letters. Now they were under the mistaken belief that their customers were actually the legislature. Their customers are the taxpayers. I want to reintroduce customer service back into our government, and I want agencies to know that if they drift far away from their original mission, if they do not perform and produce, if they don't recognize that they work for the public, the public doesn't work for them, they work for the public, if they forget that, they need to understand that on a regular basis they will be held accountable for it. And I think that's a part of our government today. Unfortunately, that is missing.

One thing, too, I've noticed, my experience in sunsetting at State level, the gentleman from Utah mentioned it, is that programs that succeed, that do their job, spend their money wisely, perform and are responsive to the taxpayers, they do beautifully in the sunset. They have no problem at all. It is the programs that don't do any of those that struggle. And my belief is that we should fund constitutional programs that deliver quality services to our taxpayers, and not a dime for those who don't, not a dime for those who don't. And what's interesting, we've had one vote on the House floor in 12 years on this. Congressman TURNER and I offered an amendment to a bill, and it passed with 272 votes, 2–1 margin. Now, the bill it was attached to eventually died, those things happen here in Washington, DC, but it showed us that there is support.

We put this issue of a Federal sunset bill on a national poll some years ago, we wanted to know how America felt about it. Seventy-seven percent of Americans across every region believed we need a Federal sunset act and we should hold agencies accountable to the taxpayers. And I believe that done wisely and done well, this could be an effective tool for shrinking the size of our government, using our tax dollars more wisely. And in a time of war, in a time of deficits, I think it's even more important for both parties to pull together, find new tools they can both use day in and day out to try to squeeze the absolute best out of every tax dollar that is sent to us.

And with that, I would yield either to the gentleman from Utah or the leader of this special hour, the gentleman from New Jersey.

Mr. GARRETT of New Jersey. I thank the gentleman from Texas (Mr. BRADY) for being on the floor tonight and also for the subject, for introducing this Federal Sunset Act, an act which would, as he said, return our country and our government to the intent as set forth by our Founding Fathers.

And when you think about it, in light of the extremely high taxes and even higher deficit, the time for greater efficiency in government couldn't be any greater than it is today. The American worker is handing far too much of his or her hard-earned money, his paycheck each week over to the Federal Government only to see it wasted in layers of bureaucracy, red tape and so on. I think you quoted Ronald Reagan before when you said that a government bureau is the nearest thing to eternal thing that we'll ever see on Earth, but regrettably, longevity truly has nothing to do whatsoever with a program's effectiveness or efficiency or usefulness to the American people. Just because it's been around a long time doesn't mean that it's good.

Now, the background for the idea of a sunset, as the gentleman from Utah said, comes from the States, who are usually on the cutting edge because they are the laboratory of experimentation. And the sunset takes its name from the sunset laws used by many States to provide for a periodic review of the efficiency and effectiveness of the agency operations and their policies. It was back in 1976 that Colorado was the first State to implement a sunset. And at the State level this process has saved the taxpayer hundreds and hundreds of millions of dollars. And it has also reduced the size of government at the same time. And simply how it works is that each and every Federal agency must justify its own existence, and not its existence from the time that it was created, which may have been 100 years ago or 80 years or 60 or 40 or even 10 years ago, but its existence today to the consumer, which is the taxpayer, constituent. And then after a thorough evaluation, the commission recommends to Congress that

an agency be reauthorized, streamlined, consolidated, or in some cases, maybe even eliminated.

So why is that a great idea? It's a great idea because, as we said before, the Federal Government is just far too big, too fat, too wasteful. And especially now, in a time of war, in a time of deficit, don't we need every single dollar to really count, to be accounted for and to go for what is necessary? And a Federal sunset law is truly a proven way to abolish those obsolete Federal programs, eliminate duplication, and hold every agency accountable to the taxpayer.

You know, it's no secret that there are many Federal programs that are simply not serving the American public. And these are the programs that have outlived their purpose, duplicated other programs, simply waste taxpayer dollars by diverting dollars away from real priorities and into what you might want to say is a black hole of ineffectiveness, which is what we see in Washington. And I think Mr. BRADY said it, a taxpayer now works up to 113 days out of a year just to pay for his share of the Federal Government's spending of ineffectiveness.

Unfortunately, these programs survive anyway. And they survive because of special interests, these cottage industries that grow down here that live off the taxpayer earnings. But you know, Madam Speaker, we're not here to represent any of those special interests. We are here to represent the mothers and fathers who could be at home with their children instead of working an extra shift so that they can make their contribution to this bloated bureaucracy that we call Washington. With a Federal deficit in the billions of dollars and with taxes that are too high and too unfair, we must do everything we can to ensure that our Federal spending is as limited as possible and most efficient as possible.

And with that, let me just make one additional point. The idea and why we come to the floor now and why I commend Mr. BRADY so much for his work on this is that the Federal Government was intended to be limited by the Founding Fathers, and this Sunset Commission would give us the opportunity to revisit that issue.

I often say that when we vote on a bill, specifically on appropriation bills or authorization bills, and as we take out of our pocket the little card, which is our voting right, we should ask ourselves whether or not we have the constitutional authority to be voting yes on that spending or authorization bill. And in order to know whether we have that authority, we should be looking to the U.S. Constitution.

Now, what this Sunset bill would basically force us to do is to look to see whether we actually have that authority and make each one of those Federal bureaus and agencies and departments and so on and so forth, whether they have that specific authority to do what they have been doing for 20 or 40 or more years, and whether, therefore, they should be eliminated or continued, or not.

There have been different perspectives on whether or not these agencies should have the authority. And what we would have to do in this instance is take a look at what the Constitution says. One area we look to is article I, section 8, which basically would set out for the Congress, as they review these agencies and as we should really be looking at any time we look at any piece of legislation that comes before us, and this sets forth the enumerated powers of the Constitution and the powers here in Congress.

There are a couple of views on how this is interpreted, but both of them are basically a limitation. Enumerated powers means that if it's listed in the Constitution, they are enumerating, they are listing certain powers that we have the right of. And therefore, the converse of that is if they are not enumerated, if they are not listed, then, therefore, we do not have the power to do so. And therefore, if there is an agency that does not have the specific powers to conduct its activity, that program should be eliminated.

Now, the one view most strict on this, of course, was James Madison, who repeatedly argued that the power to tax and spend, which is what we're talking about when we're talking about appropriations or authorizations, did not confer upon the Congress the right to do whatever it thought was best in the interest of the Nation, but only to further the ends specifically enumerated elsewhere in the Constitution. So you have to look either there or someplace else in the Constitution.

The second view on this, of course, is a little bit broader, but still pretty limited, and would still fall under this bill as far as a review under this bill as to what we should be doing here. And that simply says, does the agency, the bureau's activities, does it contain its own limitation, namely, that spending under this law be for general use, that is, national welfare, not purely for local or regional benefit. And so here what the founders were intending to say is if it's general use, general welfare, does it apply across the board to the benefit of everyone? Now, when we do this, and if this legislation were to become law and we are able to systematically look at each and every agency, I think we would find that much of what we appropriate our dollars for, the taxpayers dollars for does not meet either one of these tests. It is not simply a power that is being enumerated elsewhere in the Constitution, nor is it for the general use of the entire country. And when you look for the definition of the general use of the entire country, we can look again to see how the founders interpreted that when they passed in the First and the Second, Third or Fourth Congress as to how they interpreted it.

You know, in the very First Congress of the United States, they looked at an example to make an appropriation for a loan to a glass manufacturer. That piece of legislation failed in Congress after Members expressed the view that such an appropriation would be unconstitutional under article I, section 8. Likewise, under the Fourth Congress, they did not believe the power to provide relief for citizens of Savannah, Georgia after a devastating fire destroyed the entire city; likewise, outside the purview of the Constitution.

Whether we are talking about restrictions under this provision or otherwise, the sunset provision would give Congress in the future the opportunity to review each and every agency to make sure that it is operating within the confines of the Constitution as intended by the Founding Fathers, and that it can only be a good thing at the end of the day for the U.S. citizen.

With that, I yield the remaining time to the gentleman from Texas.

Mr. BRADY of Texas. Well, again, I would praise the gentleman from New Jersey for being a leader and the gentleman from Utah on trying to reinvent government, take it back to the features, take it back to its roots and make it work for us.

I was intrigued by the gentleman from New Jersey's comments about our Founding Fathers because I was reading one of the many books about Thomas Jefferson. And he sent a letter back to a colleague, as the third President of the United States, where he expressed frustration that he was already struggling to try to close down Federal programs that had already outlived their usefulness. This was our third President, and he was already fighting to do that. It tells you what a challenge we have.

But I am convinced that if both parties really mean it, that we can accomplish this. I think if we spent less time in Washington holding hearings on steroids and baseball, you know, if we spent less time promoting longer lasting light bulbs, and those are good, of course, but the priorities of this country, I think this Congress especially is disconnected from the real world, from what real families face. And when people are paying so much out of their paycheck and paying so much at the pump, it just isn't a responsibility to use their money wisely, it's an obligation. It's in the Constitution. It's in principle. It's really a case in morality. But we're taking people's money and wasting it.

I hope people who are watching tonight will call their Member of Congress and ask why aren't they in support of the Sunset Commission, why don't they get on the Sunset Commission and use their thoughts and ideas to trim this budget? Because I'm telling you, we have Members of Congress, both parties, who I think can do an excellent job, but we have to have the will and the backbone to do it first. And I again applaud the gentleman from New Jersey for being a leader on constitutional issues here in Washington.

Mr. GARRETT of New Jersey. And I thank the gentleman from Texas. I thank the gentleman from Utah as well for being on the floor, and for both your leadership on this issue.

ENERGY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Iowa (Mr. KING) is recognized for 60 minutes.

Mr. KING of Iowa. Madam Speaker, it's an honor to be recognized to address you here on the floor of the United States House of Representatives.

I listened to my colleagues with great interest, and I appreciate the constitutional acumen that they bring to the floor. I honor their work and support their statements, and do through a rather unsmooth segue into the issue that I believe needs to be addressed here, Madam Speaker, so that there can be a greater depth of knowledge about the subject of energy in this country.

First of all, there is a certain idea that somehow we can talk about energy conservation and we can pass legislation to require automobiles to get 75 miles to the gallon and somehow that's not going to cost a price in quality of life or in engineering costs. And some people believe that that can actually happen. And I know that if we go so far as to mandate such a thing, you would have to park your Harley today because it wouldn't get that kind of mileage. And if that's going to happen with a family automobile, I would like to know how that is designed to be done without putting us in a very flexible and crashable vehicle that doesn't provide very much safety for the people that are inside.

I'm concerned about that approach, Madam Speaker, and I'm concerned about an approach that believes that there is maybe only one or two things we can do with energy, and maybe there is a silver bullet here to solve all of this.

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Madam Speaker, there is no silver bullet on energy. It is a cost of everything that we do. A cup of coffee, a pair of shoes, a suit, a ticket to the ball game, a television set, everything that we might buy or consume, including all of our food, the price of it is wrapped up in energy. And inflation of energy is inflation of everything. And as we watched gas prices go up since the beginning of this Congress, this 110th Congress, when Speaker PELOSI took the gavel, gas prices have gone up over 50 percent in that period of time. And the promise was, well, there was going to be a commonsense approach to energy.

Madam Speaker, I'm still waiting for that commonsense approach. I've seen pieces of legislation come across this floor a number of times in this 110th Congress, and every piece of legislation that addressed energy raised the cost of energy, and no piece of legislation increased the supply of energy, which would reduce the cost.

The law of supply and demand is that if you have more supply than you have demand, prices fall because the sellers have to discount in order to turn their product into cash. And if you have a demand that's higher than the supply, the price goes up because the buyers are willing to pay more because they want it; so they compete for the product.

Just the same way as if you're a great athlete, Madam Speaker, and maybe only a few people can sky walk above the hoop and slam the ball down through in a basketball court, and only a few of those people get offered the millions of dollars because it's a rare talent. There's a lot of demand for that kind of talent and only a little bit of supply. So the price for a very highly talented basketball player goes up and up. The same goes for all of our sports. We can see that easily. If you're a clutch pitcher and you can step into a baseball game with the bases loaded and nobody out and are ahead by one run and take them down three at a time and you can do that consistently and perform well under pressure, if you've got that kind of control, you're worth a lot of money in that arena because the supply is low and the demand is high.

Well, with energy the supply is low and the demand is high, just like it is for a very talented basketball player or a very talented attorney or a very talented actress or a very talented CEO. So how do you reverse this when you're dealing with the American people, whose standard of living and quality of life is wrapped up in this cost of energy? And, Madam Speaker, I will submit that we must increase the supply of energy, in every category that we intend to use energy, we need to increase the supply.

Now, if you'll imagine, Madam Speaker, in your mind's eye, a pie chart, a 360-degree pie chart of all the components of our sources of energy, and that would include gasoline and diesel fuel and natural gas and clean burning coal. It would include wind energy, solar energy, ethanol, biodiesel and biomass, hydroelectric, and it would include nuclear. And also on that pie chart, we need to add a slice in there for energy conservation because energy conservation is—on this, Madam Speaker, I agree with the majority party. Energy conservation is an important component of our overall energy solution.

But there is no energy solution that has been offered by the leadership here. We do not have a commonsense solution that's been offered by the leadership. We have pieces of legislation that raise the cost of energy, blocking certain parts of the publicly owned lands from drilling. And the places where we could drill, there has already been a blockage of being able to transport natural gas or oil through those public lands. So we have taken millions of acres of oil-producing lands off-limits, off-limits to the American people, while we are dependent on foreign oil. The exact opposite that I believe that we should do.

And we're not drilling in ANWR. Now, ANWR, the Arctic National Wildlife Refuge, whoever named that was really thinking ahead if they thought that they wanted to lock up a lot of energy underneath the frozen tundra. But I went up there to look at that land. I really thought that if I would get up there, I would find ANWR, the Arctic National Wildlife Refuge—I believed I would get there and it would be teeming with wildlife. I thought caribou would be running all over the place and there would be some wolves there picking off the strays, and I thought there would be some musk-oxen and maybe some Arctic fox, and I thought I would see an alpine forest because I had seen that in one of the commercials that said ''Don't drill ANWR.''

Well, I went up there, and I did actually do the research to find out where the furthest-most northerly tree is. If you remember, Madam Speaker, I think you and I learned this in eighth grade science class that the Arctic Circle and the Antarctic Circle are lines around the globe—on the northern hemisphere, the Arctic Circle is a line around the globe, north of which trees don't grow. So it shouldn't be a surprise to anybody to find out there are no trees in ANWR. And it was a surprise to me to find out that there is no resident caribou herd there. I did see four musk-oxen as we flew all over ANWR looking for some wildlife. We saw that and two white birds, and that was the extent of it, although there are some whales that get harvested as they swim along the shoreline and there are some polar bears that live up there along the shore. So it's not without wildlife.

But we drilled in the North Slope of Alaska back in 1973—1972 and 1973 was when it began. There was a great concern about disturbing the natural regions up there and a concern that we would tear up the natural tundra and it could never be replaced again and that there would be oil spills that soaked up that couldn't be cleaned up.

And, Madam Speaker, I went up there and found out that we have drilled in the North Slope, and we have done it well. And if we fly across that North Slope and look around, I couldn't identify a single oil well, not one. They are all submersible pumps set down below the ground level. And the pads that are there for workover are places that they drive to on ice. So when the ice melts in the summer, there's no sign that anybody approached the well. And the caribou herd went from 7,000 head in 1972 to 28,000 head as of a couple, 3 years ago. That's a fourfold increase in caribou herd in the North Slope in Alaska, in a region that was alleged to have been

poised before it was drilled to having the wildlife and the natural environment there damaged significantly. It has not been, and there is no example that it was. The only example that we can find is that caribou like to get up on the higher ground where the wind blows the flies off of them and they like to have their calves up there out of the water; so their population has increased. But those are the caribou herds that are resident to the North Slope of Alaska, but there are no caribou herds that are residents in ANWR. So the natural animal life there won't benefit quite as much except the caribou do migrate into ANWR to have their calves in the spring starting about mid-May, early to mid-May, and then along about mid-June or the latter part of June when the calves are strong enough, they walk back over to Canada, where they actually do live.

But in that whole region in the North Slope, no spills, no measurable impact on the environment. And we can do the same thing, only better, in ANWR. We can do it with about a 2,000-acre footprint, and we can drill directionally, and we can open that up and we can bring that oil over to the Alaska pipeline, pump it down to Valdez, and put it on tankers and ship it like we have done out of Alaska for years and years successfully. That oil needs to come out. It needs to come out of the ground. It needs to go into the marketplace.

You cannot defy the law of supply and demand. If you shut down the supply and the demand remains the same, the price goes up. If you increase the demand and you keep the supply the same, the price goes up. We have both of those things happening. We have a demand increase, and we have a supply growth that's being shut down.

And not only that, Madam Speaker, but instead of voting down drilling on publicly owned land, and I will say nonnational park public lands, we need to open up our nonnational park public lands for drilling. We need to do that. We need to drill in the Outer Continental Shelf, primarily offshore Florida, where we know there are at least 406 trillion cubic feet of natural gas. And where the people who are sitting on the beach, there's a concern that if they have information that there's a drill rig out there at 199 miles, though you can't see it much beyond about 12 miles, but if there's a drill rig out there offshore at 199 miles, some folks are afraid that people won't go sit on the beach if they hear a rumor that there's a drill rig out there. So we shut off a 200-mile limit for exploration when a country like this needs the natural gas and a country like this needs the oil. We need to drill the Outer Continental Shelf all the way up and down our coast off of California, all the way north as far as there is energy. We need to tap into it. We need to tap into it all, Madam Speaker, and put it all on the market.

And we need to add into that the alternative energy uses that we have. We have developed a tremendous industry in renewable fuels. And I speak from a base of, I will say, experience, and I represent the Fifth Congressional District of Iowa. There are 435 congressional districts in Iowa, and of the 435 districts, there's only one that produces the most renewable energy, and that's the Fifth District of Iowa, when you count ethanol, biodiesel, and wind.

But I see my good friend from California, former chairman, now ranking member of the Armed Services Committee, Mr. DUNCAN HUNTER, to whom I'd be so happy to yield.

And I appreciate your being down here, DUNCAN.

Mr. HUNTER. I thank my friend for yielding. And the gentleman from Iowa is indeed an expert on renewable energy, and I've spent a lot of time in his wonderful State examining that program, which is very robust right now.

I thought the gentleman might be interested, because this is a subject that's near and dear to your heart, in the recent progress on the border fence and the recent actions that have been undertaken by the administration.

The gentleman from Iowa and I have linked arms on a number of occasions to do several things: one, pass the border fence legislation that mandates the construction of a double fence across the southern border for about 854 miles. And as we know, that legislation was watered down some in December by the Senate, but it remains a mandate to do at least 700 miles of fence. And the administration just undertook the waiver of environmental regulations that would keep the fence from being built for many years.

In fact, I remember that when we tried to fence Smugglers Gulch, where a great deal of cocaine came into the United States between San Diego, California, and Tijuana, Mexico, we were delayed for 12 years by a series of lawsuits and regulations being invoked. I think the last regulatory delay revolved around whether or not a gnatcatcher would fly over a 12-foot-high fence, and after a year I think the experts concluded that indeed that gnatcatcher could clear the fence; so we could build it.

So the administration has invoked this waiver, and I want to commend Secretary Chertoff for undertaking that waiver because it's absolutely necessary if we're going to get the fence built. Otherwise, we will never get it built. And today the southwest border, and particularly Texas along with Arizona, are absolutely on fire with the smuggling of drugs and illegal aliens. And last year they moved about 22 metric tons of cocaine across the border, across the southwest border, and about 368 tons of marijuana. So it's still a trafficking corridor or a series of corridors which are flowing relatively unimpeded by this relatively small force of Border Patrolmen and Customs and DEA agents who attend the border. But getting that double-border fence up, and in some cases it's a single fence—I would like to see a double fence all the way across—but getting that fence up is going to have a great, very salutary effect on law enforcement in the United States.

And I'm reminded that when we built the double fence in San Diego, the crime rate by FBI statistics in the county of San Diego dropped by 56.3 percent. And I think if we indeed get the series of fences up across the southwest border, you're going to see fewer criminal aliens being incarcerated at the Federal, State, and local level. And right now there are 250,000 of them in incarceration.

So since the gentleman has been my partner in these endeavors, I knew he would want to hear the report.

A hearing was chaired by the Committee on Resources and two subcommittees in Brownsville, Texas, and I think we aired the issues very fully. And if you listened to all the testimony, a couple of things were clear: One, we need the fence because no one has an alternative; and, number two, if we don't get the waivers, we will never get the fence built.

So I thought the gentleman would be interested in that progress, and I just wanted to report that to him.

And I thank you for yielding.

Mr. KING of Iowa. Reclaiming my time, Madam Speaker, I very much appreciate the gentleman from California (Mr. HUNTER) for coming to the floor and filling us all in on this report.

I look at the statistics, and absolutely I support the mandate of Congress. You say 700 miles, but when you calculate curves in the border, it comes out to 854 miles, as the gentleman has said. The 22 metric tons of drugs and you add to that the 368 tons of——

Mr. HUNTER. Of marijuana.

Mr. KING of Iowa. Of marijuana. And I happen to know that the value of those drugs coming across our southern border are $65 billion worth of illegal drugs.

□ 2100

That is with a B. To try to get one's mind around $65 billion; what is that? Well, for example, PEMEX, Mexican nationalized oil company, produces about $28 billion worth of oil pumped out of Mexico and along the Gulf; $28 billion. This is about 2½ times the value of all the illegal drugs coming into the United States. The 250,000 criminal illegal aliens that are incarcerated in the United States amounts to 27 percent of the criminal population, the inmate population in our Federal penitentiaries, and there is a report that came out in April of 2005 that shows that we are funding about one out of every four prisoners that apply. And you do the math on that, and it comes out to about 25 percent of our State and local prisons are criminal inmates there as well.

So when I look at what happens in places like Israel, where they have built a fence that has been almost 100 percent effective, you can't make the

argument, I don't believe, that it's not effective when you put up a barrier to keep people out. It's a lot different than building a Berlin Wall, for example, to keep people in. This is a barrier to keep people out. And with those that do come in, the crime that comes in with that, as the gentleman from California said, a reduction of 56.3 percent in the Smugglers Gulch area.

There are Americans that are dying every day in this country at the hands of people that if they were simply kept in the country where they are citizens, their crimes would be perpetrated someplace else. The measure of that is far greater than our casualties in the Middle East. I don't think there's any way to calculate it otherwise.

As I add to this argument, I ought to point out also that the news I saw showed that in Tijuana over the weekend there was a running drug gang fight where they were driving through the streets, shooting at each other, with tourists around and residents around, and the number that I saw was 13 killed, and those that were killed, the way I understood it, were all criminal drug gangs.

Mr. HUNTER. If the gentleman will yield.

What that really amounts to is that this industry of moving this poison across the international border to the United States is cocaine that poisons our young people. That is such a massive industry now on the southern border of the U.S. that the drug gangs are fighting each other for control of this lucrative industry. That is what it represents. That is another reason why we need to build that border fence.

Incidentally, we had 202,000 arrests in the area where the fence has now been constructed between San Diego, California, and Tijuana, Mexico. After we constructed it, we went down to 9,000 arrests. That is a reduction of more than 90 percent. And in the Yuma sector, where we have also now constructed double fencing, we went from 138,000 arrests to a little under 4,000. That is more than a 95 percent reduction.

So of all the things that we have tried with respect to controlling the border, we have discovered that one thing does work and that is a border fence. The President and Mr. Chertoff should be commended for invoking this waiver that we gave them so we can move ahead on this very, very important part of the people's business, and that is keeping their kids safe.

The last statistic that I would give the gentleman that I brought up in Brownsville was this. Last year, we intercepted 58,000 people coming across the border from Mexico who were not citizens of Mexico. They came from virtually every country in the world. More than 800 of them came from Communist China, 14 came from Iran, and 3 of them came from North Korea. That means that anybody in the world with a television set can understand very quickly that the way to get into the United States illegally is no longer through the airports, because they have been effectively blocked. It's to get to Mexico and cross the land border between Mexico and the U.S. Another reason to build the border fence.

Mr. KING of Iowa. I want to reiterate too the utilization of the waiver. As I have tracked that through the news, I also commend Secretary Chertoff for utilizing the waiver to go forward and build the fence. As the gentleman from California references, the fence and the triple barriers that exist down in the southwestern Arizona area, San Luis, south of Yuma, I remember visiting there and asking the question of Secretary Chertoff, We always hear the statement if you build, I will show you an 11-foot ladder, you build a 20-foot fence, I'll show you a 21-foot ladder.

I saw the fence down there, and as I asked this question, Has anyone defeated this barrier, and it had to be asked a number of times, and the answer came back no. When I was there, no one had defeated the new triple fencing barrier that was constructed in the San Luis area where the crossings have gone down from 138,000 to 4,000.

I ask the gentleman from California, are you aware that anyone has defeated the triple barrier fence anywhere?

Mr. HUNTER. No. As long as you have a modicum of manning, that is if you leave a fence totally alone, obviously a person can come in, sit down for hours with welding gear and cut through anything, or bring in heavy construction equipment and cut through anything. As long as you have a modicum of manning. That is why you have the Border Patrol road in between the fences, so the smuggler has to come across the first fence, cross a high speed Border Patrol road, sit down with his welding gear and work on the second fence, or carry that 22-foot ladder. Then the question comes back to the person who makes that statement—incidentally, that statement was made by Governor Napolitano, who is the Governor of Arizona.

Now, let me see. She said, You show me a 20-foot fence, I'll show you a 21-foot ladder. She derided the fence. And in her district where we built the double fence at Yuma, we have brought down the arrest rate from 138,000 to 4,000. So apparently the smugglers haven't read her statement that they should have no problem with this fence.

But it does work and, incidentally, the other thing it does is it leverages the Border Patrol. Because we were able to pull Border Patrolmen off our fenced area and move them to other places on the southern border. You don't need as many Border Patrolmen when you have an impediment, that is when you have the fence in place.

So for those who say the question is, How many Border Patrol can we get? You free up a lot of Border Patrolmen by having the fence. Incidentally, you need to have that double fence because you trap the smugglers in between the two fences.

I thank the gentleman for yielding and for his great work on this important issue. We will continue to work together.

Mr. KING of Iowa. I thank the gentleman from California, who has been the leader on this fence and made sure the first got built and is here making sure that we get the last of it built. I just submit we don't have to build exactly 2,000 miles of fence to get this all done. I submit we build the Duncan Hunter 700/854 miles of fence and then we will just keep right on building as long as they keep going around the end. If they stop going around the end, we can stop building fence. If they start going around the end, we'll start building some more.

Mr. HUNTER. I thank the gentleman.

Mr. KING of Iowa. I thank the gentleman from

California. There's a lot more to be taken up on that. As a matter of transition on the cost of this border, we are spending $8 billion on our southern border. When you calculate the cost of funding Border Patrol and all their equipment and all of the costs that are associated with that, as well as the costs of ICE and the enforcement that we have along on the border, about $8 billion a year. That is $4 million a mile. Now we can build interstate for that kind of money. Instead, we just simply want to build a couple of fences with some sensors on it and invest that money and get the return back in the first year.

As we recruit Border Patrol that come to work, I ask them to keep your spirits up and get tied into the mission. Often there is a loss of notion on that lack of mission if it's not clearly articulated. There isn't a place to compromise the law. When someone violates it, we must enforce it and follow through with prosecution. We need to put the resources in your hands so you can do that. You are brave Americans serving this country, serving us well. I go down along that part of the border and sit down in nice quiet meetings with brave Americans that are serving this country and I hear your stories. I hear them anonymously sometimes. And I sit along the border in the dark at night and watch and listen as the infiltration comes through.

I have got a sense of what you're up against. I'm sure I don't appreciate it the way you do, being faced against it every day. I appreciate the work, as this Congress does, and I appreciate the gentleman from California coming to the floor.

I wanted to swing back to the energy piece of this, Mr. Speaker, and as I talked about the different components of the energy pie, the overall pie chart, our sources of energy, and I listed a whole series of them: Gas, diesel, biodiesel, and nuclear, wind. The list goes on. Not necessarily to repeat them all, but just to refresh in our eye the things we are talking about here from the sources of energy that we have.

I was in the process of making the statement that of all 435 congressional districts in America, there is one congressional district that produces more renewable energy than any other congressional district. That is the Fifth Congressional District of Iowa. We are in the top three in ethanol production of all the congressional districts. We are the top biodiesel-producing district of all of the congressional districts. We are in the top one to four on wind. Perhaps today we are third or maybe second on wind generation of electricity. If you add up the Btu's we are converting into renewable energy sources, the Fifth District produces more than anybody else. So we ought to know a little more about it.

First of all, and I need to debunk some of the myths that are out there. One of them is a myth, it is a myth that it takes more energy to produce ethanol than you get out of the ethanol. That is a myth. There was a college professor that did a study that went back and added up all the energy it would take to produce the tractor and smelt the steel and produce the rubber for the tires and transport the tractor and the combine and the cultivator and the application equipment all the way to the farm field. They calculated all of the energy that it took to do that, as well as the energy it took to make seven passes over the field, if I remember that number correctly. It didn't add up quite good enough yet so they charged against the energy consumption to produce ethanol, this is to raise a crop of corn, by the way, 4,000 calories a day for the farm workers because it takes energy to keep them going.

When you get to that point, Mr. Speaker, you have to know that they are grasping at straws, they are reaching pretty hard to try to pull in as many ways that they can describe that there's energy consumption in ethanol production through corn. Well, let me submit, Mr. Speaker, that first of all, if you add all that up, then you can make anything so inefficient, we couldn't possibly do it. But the corn is going to be raised anyway. So that description isn't valid and it's not a rational way to compare how much energy that we are getting out of corn versus how much energy it takes to produce the equipment that raises the farm crop.

If we are going to measure the amount of energy used to produce tractors and combines that are used in the field, along with the diesel fuel or the gas that is in the tractor and in the combine and in the trucks that haul the grain away, then by the same comparison we have got to look at the energy that is consumed when we produce gasoline out of crude oil. It isn't just an inequation of a barrel sitting at the refinery of Texas. It is all of the military that has to go over to defend the oil fields. It's the anchor, all the energy it takes to cast the anchor for the battleship and all the energy it takes to produce weaponry of all kinds, and the F–16s that have to fly in the air and the bullet proof vests and armored Humvees. How much energy does it take to drive an army? Are they consuming 4,000 calories a day? Perhaps they are. In fact, I'd submit more than that, as much as they are up against.

If you add all that up, you can compare that to the energy it takes to produce tractors and combines and energy in the form of ethanol out of corn. But I will submit that that is a ridiculous path to go down to try to prove something. I think that the study that said that it took more energy to produce ethanol, the specious one about measuring the energy it took to produce the tractor to farm the corn is a specious study and it is invalid and it was grasping at straws.

When the same people go back and calculate what it takes to put an army in the field and a navy in the sea and an air force in the air and how much fuel to drive all of that, compare that and the energy you get out of the crude oil versus the energy you get out of corn, we are still going to look really good, although neither comparison is valid.

So what is valid is this. We are going to raise the corn anyway. We have the oil out there coming out of the ground anyway. So what is valid is each one of them has a commodity price, and as ADAM SMITH said, the value of anything in the marketplace is the sum total of the capital that it takes to produce it and the labor that it takes to produce it. So when you add up the capital and the labor, and you look at the price, the market price, you will have those two things together.

For example, crude oil has gone up by the barrel from, not that long ago, $50 a barrel, to $118 or $119 a barrel. That more than doubled over the last year and 15 months or so.

□ 2115

Why is that? Because of supply and demand. Because it has gotten more scarce, because there is more demand on the oil, and because the cost of capital and production and labor have gone up.

So we measure the value of the commodity in the marketplace. What does it command when it is marketed as a commodity? What is corn worth by the bushel, what is crude oil worth by the barrel? That is how we determine what it is worth.

I will submit this, Mr. Speaker, and that is that if we put a barrel of crude oil sitting outside the gates of the refinery, let's just say in Texas, and we are going to have to refine that crude oil and do what we call crack gas out of that crude oil, that takes energy to do that. And the energy that it takes to crack one Btu out of gasoline out of crude oil is 1.3 Btus of energy to do so.

If you put a bushel of corn sitting outside the gates of an ethanol plant in Iowa, for example, anyplace in the corn belt, and you are going to produce one Btu out of that corn in the form of ethanol, it will take .67 Btus of energy input to get one Btu out in ethanol in the form of corn.

If you do that in gasoline coming out of crude oil at the refinery in Texas, you will use up 1.3 Btus to get one Btu back. It is almost, by modern numbers, actually, twice as much energy consumed to produce gasoline from crude oil as it takes to get ethanol out of corn. That is a laboratory fact. It is not a negotiable one, it is not an opinion, it is a laboratory fact.

And they worry about water consumption, how much water does it take to produce ethanol for the amount of water that it takes to produce gasoline. Cracking gasoline takes significantly, multiple times more water than producing ethanol out of corn. Cracking gas out of crude oil, a lot more water than ethanol out of corn.

So we take care of those two arguments. Those things stand up with laboratories tests. Those are finite numbers. They are not negotiable. They are a matter of scientific fact. It isn't even ''settled science,'' in the way Al Gore would say his opinion is. It is laboratory facts.

So, now we have this ethanol, and we have put it into the marketplace and we have produced upwards perhaps in the last year somewhere near 9 billion gallons of ethanol. And that is putting a dent into the overall supply. We are burning about 142 billion gallons of gasoline in a year, so the 9 million gallons of ethanol is approaching that level where it is significant in its contribution in keeping the cost of energy down.

But the argument comes back then to me and across the airwaves of this country, Mr. Speaker, that we have high food prices because the production of ethanol has taken corn off the marketplace and made food prices higher.

Now, why is it that people that don't understand the law of supply and demand when it comes to the cost of energy can all of a sudden discover the law of supply and demand when it comes to food prices, and then misinform themselves for the suitability of their own argument?

So it works like this: We don't consume a lot of field corn for human consumption. Most of it, if it is not processed into some 300-some different products, but most of the field corn is used in livestock feed and it does get converted into food that way.

But here is how this works. In 2007 we produced 13.1 billion bushels of corn. Of that, we exported 2.5 billion bushels of corn. That left 10.6 billion bushels back for us, 10.6 billion to use here domestically. Of that, we converted 3.2 billion into ethanol, a little over 9 billion gallons of ethanol. That left 7.4 bushels of corn for domestic production. That 7.4 billion gets added back to it at least half of the corn that we use for ethanol, because there is a high grade animal feed product that is a by-product of ethanol production. That would be about 1.6 billion bushel equivalent added back in.

So we end up with exactly, by my calculation here, 9.0 billion bushels of corn to be used here domestically for animal feed, for processing into the things that we process it into. And so the argument would be, well is that 9.0 billion bushel, is that more or less corn than we normally have for domestic production?

We pushed our production up, and over the last 6 years we have produced an average of only 10.3 billion bushels of corn, and we have exported about 2 billion. So that takes us down to 8.3 billion bushels of corn available in an average year. Last year there was 9 billion bushels available. And yet the people who don't understand the law of supply and demand when it comes to energy seem to think that even though we have more domestic corn available on the market here in the United States, even after we exported more corn than ever before, somehow they think that is what is driving up food prices.

Mr. Speaker, I submit food prices are driven up because of energy costs, not because of the supply and demand on corn, because we have more corn. And so all we have to do is look at the numbers to understand this and realize the cheap dollar has been driving up commodity prices for food, it has been driving up gas prices, it has been driving up the cost of defense.

I would be happy to yield to my friend from California.

Mr. HUNTER. I thank my friend for yielding. He truly is the resident expert on ethanol production and it has been very interesting to listen to him.

Another aspect of providing enough energy, of course, and becoming energy independent, which really is a national security issue at this point, is that we have to use all of our sources. And it is important for this body and for the other body, for the U.S. Senate, to pass finally permission for us to drill in Alaska.

Right now we have got an abolition on drilling, a lot of impediments to moving forward and increasing the amount of petroleum product that is available to the American people. If we drill in Alaska, and, incidentally, the Alaskan pipeline has not hurt any wildlife species. You can see caribou rubbing their summer coats on the Alaskan pipeline. They are that worried about it.

If we drill in Alaska, we are going to find new oil. We will also be able to utilize the production that is available there. And every drop of oil that we produce in this continent is oil that we don't have to worry about coming through the Straits of Hormuz. That is that narrow channel of water where the Iranian gunboats came out and harassed an American naval ship here a couple of months ago, where we are constantly watching a short-fused situation with very unstable countries, monitoring that particular dangerous part of the world.

Having energy independence for this country is a very, very important part of national security, and we should open up Alaska so we can utilize in a very responsible way the petroleum resources that lie under that great State.

I thank the gentleman.

Mr. KING of Iowa. I thank the gentleman from California for bringing his background and expertise to this. Sometimes there is a different view on things between California and Iowa, and I don't find that to be the case when it comes to common sense, particularly when it has to do with energy production and when it has to do with the immigration issues that are there.

I have, of course, traveled to ANWR and seen the situation up there. I would add also that the people that believe that we are going to run out of energy supply here in the world and so somehow we should not tap into the known energy, what would be a better time to go where we know we have a lot of energy than right now, get up to Alaska and drill that?

We are hearing also announcements of huge energy finds around the globe. For example, we know that there are tremendous reserves of oil off the West Coast of Africa, and offshore is a good thing in that part of the world because it is actually easier to provide security offshore than onshore in some of those areas. Brazil has announced two huge crude oil finds, oil fields, there. And with the Chevron find in the Gulf of Mexico a year-and-a-half or so, it was another huge find. And they announced the other day there are 3.4 billion barrels of oil in the North Dakota and Montana area, in that overthrust area they were drilling in 20 or 25 years ago. Now they go down about 10,000 feet and they have to drill then from there horizontally with new technology, and they can draw the oil out. There are 3.4 billion barrels of oil up there, along with one of the world's largest oil supplies, the oil sands area in northern Alberta, which we hope to build a pipeline down and tap that in and refine it here in the United States. We have got that going on. We have a nuclear power plant under construction in South Carolina today. So we are taking some steps.

But the barrier here in this Congress, the leadership that is provided currently with the people that hold the gavels, it is all about cutting down on the supply of energy and raising the price, because I think that they believe, and maybe the gentleman from California is better tuned into this myopic belief, but I think they believe that if they can raise the cost of energy and take supply down, people will ride bicycles and park their car. And that doesn't help grandma very much in January in Iowa when she is 10 miles away from town. But if they ride bicycles more and then drive up the cost of everything we do, somehow that saves the environment and saves the planet. That is what I hear coming out of the voices in Congress.

I would ask for the judgment of the gentleman from California.

Mr. HUNTER. Well, I would say to my friend, I think he has made an excellent point. The way you bring down the price on any commodity is to increase the supply. And we have got a number of leaders in this House who have undertaken, if you look at their legislative record, undertaken a major campaign to stop the supply, to strangle the supply, to diminish the supply of petroleum production. And every time we take wells out of production or we don't produce, where we know we have known reserves, then we are handing part of our future to people in another part of the world who don't have America's best interests at heart.

Mr. KING of Iowa. As the gentleman knows, my view on this, and I think we would concur, is that I always say grow the size of the energy pie. Take every slice of that pie. Let's produce more domestic gas, more domestic diesel fuel and more cleaning burning coal. Let's keep wind energy going, and whatever we can do economically with solar, and expand the nuclear. I would expand the hydroelectric if I could do it and add the ethanol and biodiesel to it. I am sure I am leaving somebody out. But if you can find a way to produce energy and get it into the marketplace, biomass is another one.

We have got some closed systems coming now where we can take an ethanol plant and ship corn in there, feed the corn; the glutton or the dried distiller grain comes out and gets fed to cattle in the feedlot; it is converted to beef; and then the manure goes into biomass and creates the energy that drives the ethanol plant. It is a closed system.

We are developing systems now where we can take the byproduct and convert that into a high concentrated CO_2 environment and produce photosynthesis which traps the carbon gas out and turns it into cellulose and energy. We are only in the first phase of renewable energy production, and, as the technology develops, each piece of it as it comes forward to me is just fascinating how far we will be able to go.

Mr. HUNTER. I appreciate the gentleman letting me participate in this discussion. I appreciate his expertise. I know we will work together to be sure we increase the supply of energy and fuel. I thank the gentleman.

Mr. KING of Iowa. I thank the gentleman from California.

Mr. Speaker, I just hope that we all recognize that it is getting towards evening here in Washington, D.C., and there are some folks that do go off and go to bed or call it a day. The gentleman from California has worked diligently in this Congress for more than 20 years, and I recognize that and appreciate it.

As I move forward here on the energy policy, I wanted to reiterate this equation so that the point on ethanol efficiency, Mr. Speaker, does come home in a clear way. It is this: We have more corn available to us domestically now than we had as an average over any time in the last 20 years that I can come up with for records.

It works like this: In 2007, we produced 13.1 billion bushels of corn. I believe that is the largest crop ever. Out of that, we exported more corn than we had ever exported before, to foreign countries, just shipped it off in the form of grain. We exported 2.5 billion bushels of corn. That left us 10.6 billion bushels left, and out of that we took 3.2 billion bushels and produced ethanol with it, around 9 billion gallons of ethanol.

□ 2130

And, we get to add back in—that left 7.4 billion bushels for domestic consumption, which is real close to the average available for domestic consumption over the last 6 to 7 years, but half of the corn that went off to be produced into the 9 billion gallons of ethanol gets added back into the formula because it goes back into high-quality animal feed. So, we end up with an effective remaining amount of 9 billion bushels of corn into the domestic market here in the United States where the average previous years in the same decade comes to about 7.6 billion bushels of corn available for domestic consumption here in the United States.

So, we increase the supply of corn for domestic consumption even though we exported more corn than we had ever exported before, even though we produced 9 billion gallons of ethanol. And all of that, and we get the allegation made by the slightly informed that food prices are up because we have turned more corn into ethanol and that has hurt us. It has actually been a big help.

And what we can do is we can take that number and try to be logical about it and realize that the high price for food comes from two things. One is the cheap dollar; the cheap dollar that if we would take the price of energy up—if we would uphold the value of our dollar, shore up the value of our dollar, we could take perhaps one-third of that cost out. And so the gasoline that we are paying $3.50 for today would be worth maybe about $2.15 if we could shore up the value of the dollar. Corn that sold cash in Iowa last week for $6 a bushel would be around $4 a bushel. Say it is 55 or 60 cash today, it would take it down to below $4 a bushel if we could take one-third of that out by shoring up the dollar. It would slow down some of our exports and it would change some of the equations, but it would add more stability into overall markets, and we should do that.

But there is a great big future for corn-based ethanol. And it is not a full solution by any means; and in fact, if I look at our corn production and look at our gasoline consumption, I have to think that somewhere in that 13 or 14 percent category is about where we end up, Mr. Speaker, of how much of the gasoline in this country we can substitute ethanol for. But that is a part of it. And if we can get 13 or 14 percent, it surely was worth it to start building wind chargers to produce electricity when we thought we would have to cap that off at about 15 percent because it is not a stable enough supply to produce all of the energy that we could have. And that is a tremendous capital investment, Mr. Speaker.

So, this corn does have a future. And it has got a future in ethanol, and it is a future that needs to be sustained and maintained by this Congress. The blenders credits have got to stay in place, and we have got to maintain the import duty on Brazilian ethanol, because if we take that off, we will be building infrastructure to produce more ethanol in a place like Brazil. They can produce, they can build their own infrastructure with their own capital. We need to put capital back into the corn belt and into the ag areas of the United States so that we can build out this renewable energy infrastructure. If we do that, we will have an industry there that will provide renewable fuels over and over again.

And the people that argue that corn ethanol has a carbon footprint know the worst that you can say for it is it is carbon neutral, because the carbon that is sequestered by the photosynthesis is released, some of it, back in the atmosphere in the form of CO_2. But we can convert that CO_2 into a useful byproduct. We are in the process of developing it. I believe we have the science to do that. We don't have it up to the industrial proven model yet.

But I would argue this, Mr. Speaker: That about $5.50 bushel a corn, by the time we process not quite 3 gallons a bushel out of that corn into ethanol we get about $7 worth of ethanol out of that bushel of corn. And then when we add to that where through the fractionization process we crack out the germ, and out of the germ we take the oil. And the oil, some of it is there, it is for food grade consumption high quality oil that is worth about 85 cents a pound now. And then we get a lower grade oil that goes into biodiesel. And so we could take the corn oil, some goes to human consumption, some goes into biodiesel. That taking the corn oil out allows then the remaining grain to leave a residue for a dried distiller's grain that can then be digested by hogs and poultry because the oil is out. It is the oil that gives them a problem.

So if we do the fractionization process of the corn and take the germ out and take the oil out of the germ, when we are done, this is a more useful feed than what it is today, it is more versatile, because it can go to a lot of different livestock where right today cattle have an advantage. $7 worth of ethanol and a bushel of corn.

By the time you add up the dried distiller grain feed amount, and by the time we take the CO_2 and convert that into a useful byproduct by using photosynthesis and converting it into biodiesel and the residue of that going back as a feed grain, we capture it all. We capture it all and roll it into something useful. And the short back-of-the-envelope calculation comes to about $7 worth of ethanol in a bushel of corn that is worth about $5.50 and another $7 worth of high-value product that we used to call byproduct.

When the byproduct gets to be worth more than the primary product, then the byproduct is no longer a byproduct. We could actually get that point. And, I had better not utter those words into the CONGRESSIONAL RECORD, Mr. Speaker, but we have made significant progress. And the value added on this bushel of corn at about $5.50 turns into about $14 if we do this right, with no carbon footprint, a carbon plus instead of a carbon neutral. No downside on this. And it takes half the energy to produce a Btu in the form of ethanol out of the corn as compared to gasoline out of crude oil. It takes a lot less water.

And, by the way, the water that it takes to grow the crop, the folks that are critical, they will say they will charge all the water off as if we irrigated that corn. About 12 percent of the corn in America is irrigated; the balance of it is just God's watering it for us. And so it is going to rain anyway. If it is going to rain anyway on that field, you can't charge that water usage against ethanol production, Mr. Speaker. It defies common sense to see such logical contortionisms going on on the parts of the critics that will not stand down here and lay out fact against fact against fact.

Facts are, we have more corn available for domestic consumption than ever before. We have exported more corn than ever before. And, we have produced, we have turned more corn into ethanol than ever before. We have done all of those things all in the same year, and the inflated costs of food has not related in a significant way to the overall cost of grain. It is more related to the cheaper dollar than it is the supply and demand of the commodity corn.

And so, Mr. Speaker, I submit that we are on the right path, and we need to put more into the infrastructure and we need to produce more ethanol. And, if we can do that, we are helping to solve this problem. And, by the way, food prices appreciated by about 4.9 percent over the last year. Energy prices, Mr. Speaker, appreciated 18 percent over the last year. And a significant portion of the food price appreciation, the increase came because of energy price increases. The cost of energy has a lot more to do with the cost of food than the supply and demand of that food does, because an energy component goes into everything, the distribution and the processing of it, as well as the raising of it.

And so how high would gas be today if you took 9 billion gallons off the market as we put 9 billion of ethanol in? If you took that 9 billion gallons off the market, how much more costly would gasoline be today and how might it change the equation?

I will submit, Mr. Speaker, that food is cheaper today because of corn-based

ethanol. And I would submit that the energy we have today is cheaper because of corn-based ethanol; and, that this equation works out very good for the farm bill, too, because, for example, in 2005, there is a government program, a subsidy that has been there since the 1930s, it paid out in 2005 $6.8 billion in counter-cyclical and loan deficiency payments. The counter-cyclical and LDPs paid out a total of $6.5 billion in 2005. By 2006, the subsequent year, commodity prices were up high enough that that zeroed out. There was no $6.8 billion going into counter-cyclicals and LDPs. And if you charge that all to ethanol demand—and I have already made the argument you don't. But if you do, if you sustain and you are on the side of this argument, Mr. Speaker, that it really was the consumption of corn through ethanol that drove up the price, then you have to also argue that the $6.8 billion in farm subsidies disappeared because of ethanol.

So, at no cost to the taxpayer and a program that had been there in some form or another since the 1930s, we did pay back in that same year $3 billion in blenders credit. So there was a net savings to the taxpayers of $3.8 billion out of the $6.8 billion that was subsidized the year before. That is pretty good, too.

I don't know of a way that we can do this calculation in a macro national perspective and not come up with corn-based ethanol as a great big plus for the country. It is more energy. It doesn't reduce our food supply, at least by the numbers that we have. Now, if we go overboard, it can. And it doesn't taken away from our export of corn. We still exported more corn than ever before. We have more corn available on the market. It takes about half as much energy to produce a Btu out of corn at the ethanol plant as it does to produce a Btu of energy in the form of gasoline at a refinery out of crude oil.

All of these numbers that I produced here are based in fact, and I can anchor the foundation numbers down by laboratory numbers, Mr. Speaker. This is a picture of the real facts, and I challenge those folks who disagree to come up with something that is solid, a calculation. Give me something that is empirical. Don't give me your feelings, don't give me your senses. Don't say, gee, I just feel this or I feel that. Look at the whole picture, look at the big picture, but look at the composition of the numbers, build a formula there, and see what it does for America. We are on the right track, not the wrong track.

I recognize that the gentleman is here from Maryland who has the next special order. In that case, and out of deference to him, I would, Mr. Speaker, thank you for your attention here tonight and I yield back the balance of my time.

THE MIDDLE EAST

The SPEAKER pro tempore (Mr. McNERNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. GILCHREST) is recognized for 60 minutes.

Mr. GILCHREST. I thank the Speaker for yielding.

Mr. Speaker, tonight I would like to talk to you and the American people about the troubled Middle East.

American troops are serving in Iraq and Afghan as we speak. They are stunningly competent and, to some extent, they are implementing a policy that is flawed.

America is behind the troops. Members of Congress are behind the troops. We want to bring independence, a sense of freedom and justice, certainly democracy to this troubled area of the world. But I think in order for us, the policymakers, to develop a policy that is as competent as those troops are competent that carry out the policy, then there is some knowledge that we need to acquire. So, what I would like to do tonight is talk a little bit about the present crisis in Iraq and the way forward.

In order to understand the present crisis in Iraq, and the way forward, which, yes, we can say, can lead to stability, can lead to peace, respect for the rule of law, human dignity, justice and democracy, we need to acquire information to have a better understanding of that region and the present crisis.

So what I would like to do is give a brief history of the Cold War and the United States' involvement in that, during the Cold War what was going on in the Middle East, touch on the present crisis that we are now seeing since 2003, and then, how do we solve this particular situation?

Before I get into that information, I would like to share with you, Mr. Speaker, and Americans where in part some of this information I will give to you tonight has come from. And so I would like the listeners, Mr. Speaker, and I will say this twice during my address this evening. I would like them to get a piece of paper and a pencil, because I want them to write down the name of some of these books. There are not a lot of books. I am not talking about 100 books or 50 books or 20 books, although there are many out there. I am just talking about 10 books that can be easily read in a relatively short period of time.

And what I would ask the readers to do, or in this case if they read the books, the listeners, out across the landscape: You support the troops. You may have a son, a daughter, a father, a brother, a cousin, some relative, a friend in Iraq or Afghanistan, and you want America to rise up and support the troops. You want America to rise up and have a shared sacrifice in this huge endeavor that we are now involved with.

□ 2145

But you are not quite sure how to do that. We are not collecting tin cans for the troops. We are not storing or sending cans of food. We are not using less gasoline, although we should, to support the troops. What specifically are we doing as individual Americans to support the troops and understand the policy in which those troops are implemented?

I would suggest, Mr. Speaker, that the listeners starting tonight turn the television off every night for as long as it takes to really understand, deeply understand the policy in Iraq. Understand the history, the intrigue, the violence, the complexity of the troubled area, the Middle East. So I would ask the listeners, you might have some interesting shows you like to watch occasionally, but I would ask the listeners to put on your calendars two hours every night you are not going to watch television. What are you going to do for those two hours, you are going to support the troops. How are you going to support the troops? You are going to become knowledgeable in the issues in which the troops are involved. You are going to become knowledgeable in the issues that Members of Congress should know and debate and come to some resolution on.

Here are the books. Number one, ''A Letter to America,'' very easily read. It is a message of hope through difficult times by a former Senator from Oklahoma, David Boren. ''A Letter to America.'' Pick it up. You can read it in a day, but it will take a few nights. Take a look at it. You will have some understanding where this Nation is right now in the 21st century.

The next volume is a paperback by James Baker and Lee Hamilton, you've heard of it, Iraq Study Group. ''The Iraq Study Group Report'' gives a clear vision on the way forward in Iraq. Take a look at it. It is not very long either.

The next one is a little heavy reading by Thomas Ricks. It is called ''Fiasco.'' It gets deep into the complexities of why there are still continuing difficulties in the war in Iraq especially.

Just a thought about that. A few years ago we saw ''Mission Accomplished'' on a huge aircraft carrier out in the Pacific Ocean. I am not going to make a comment about whether ''Mission Accomplished'' was appropriate or not appropriate, but there was a remark by a defense intelligence analyst right at that moment who said Israel won the war with the Arabs in 1967 in 6 days. They won that war in 6 days in 1967. Forty-one years later the struggle continues. Read ''Fiasco.'' It gives you some sense of the problems and difficulties and mistakes that the policymakers made in Iraq that the troops, stunningly competent, are trying to implement.

The next is by a retired marine general, Tony Zinni, ''The Battle for Peace.'' The struggle for peace in the Middle East will take everything we have: a strong military, a strong and

vibrant intelligence apparatus. But the thing that is vital in this particular conflict is dialogue, consensus, talking to your friends and foes.

Number five is ''Violent Politics'' by William Polk. He worked for President Kennedy and President Johnson. ''Violent Politics.'' It is not what we see here arguing. ''Violent Politics'' is about wars of insurgency when there is no dialogue and diplomacy has failed and small groups of people supported by the population in the region continue to fight. It will give you an understanding what we are going through right now in Afghanistan and Iraq.

Number six is by Trita Parsi, ''Treacherous Alliance.'' It is a fascinating book because it shows for 30 years the Israelis and the Iranians, the Iranians who are Persian, not Arab, speak Farsi, not Arabic, the Iranians had a quiet alliance where they traded oil for technology with Israel. Israel was allied with Iran mainly because they had similar enemies. Israel was an enemy of the Soviet Union; so was Iran. Israel was an enemy of many Arab countries; so was Iran.

Book number seven, ''All the Shah's Men'' by Stephen Kinzer. It is about Iran and its relationship with Britain and the United States in the 20th century, mainly the first half of the 20th century, where Britain and the Anglo-Persian Oil Company, which is now British Petroleum, extracted huge amounts of natural resources, mostly oil and natural gas from Iran without the Iranians knowing or being able to know how much was leaving and how much they were being paid. It is a fascinating book about how the United States made a mistake during the Cold War in its relationship with Iran which festered until 1979.

Number eight is ''The Silence of the Rational Center'' by Halper and Clarke. Scholars and diplomats from great institutions in the United States, universities, including retired diplomats, speak out about what America needs to do in the 21st century, and ''The Silence of the Rational Center'' are those people who have great information, have years and decades of experience in different areas of the world, especially the Middle East, have been silent about a better way, more and better sophisticated policy. It is not just enough to know something, you have to act on that knowledge.

Number nine is a fascinating book by a man called Archimedes Patti who was in the OSS. That is the Office of Strategic Services, the forerunner of the CIA, who met Ho Chi Minh in 1945 because Ho Chi Minh and the Viet Minh were helping the United States track Japanese troop movements in Southeast Asia because the French were not willing to do that for the United States. And Ho Chi Minh talked and discussed issues, including the wording of the soon-to-be-independent Vietnam about their declaration of independence which Ho Chi Minh, talking with Archimedes Patti, wanted it to be very similar to our Declaration of Independence, much of the words written by Thomas Jefferson. The name of the book is ''Why Vietnam?'' It gives you an understanding of the intrigue, the complexity, the foreign policy issues, the conflict issues, the economic issues, the criminal issues, the deception that was perpetrated in that region of the world back in 1945. The book goes from 1940 to 1954, ''Why Vietnam?'' Archimedes Patti. It will give you a fascinating understanding, along with these other books, about the intrigue, the complexity, the violence and sometimes the tragedy of how these very complex issues are handled.

The last book, Mr. Speaker, is called ''Human Options'' by Norman Cousins. That is a book about choices and how we make them, how we make decisions.

I use that as the last book because I want to start our discussion tonight with two quotes from Norman Cousins' book ''Human Options.'' The first quote is: ''Knowledge is the solvent for danger.'' Knowledge is the solvent for danger. The more you know when you are going into any situation, you are going to benefit from that knowledge. Preparation, understanding, to develop a policy, is so critical.

The troops in Iraq are stunningly competent because they are prepared. They are trained. They learn things. They know things. The integration of integrity with their fellow soldiers, and now their fellow Iraqi soldiers, and the Iraqi citizens. The integration of integrity happens because they are prepared.

How prepared are the policymakers in their knowledge, in their information, in their ability to integrate their integrity with their fellow members in the international community? You as American citizens can be knowledgeable and help resolve this conflict.

The next quote by Norman Cousins in his book ''Human Options'' is: ''History is a vast early warning system.'' I have heard for a long time about many conflicts we have experienced. Even in Iraq, I hear many of the people in the administration who are retired or have left the administration say, ''If we only knew this in 2003.'' ''Well, if we knew that, we would have done things differently.'' I have heard that about the Vietnam war for decades.

''Well, if we knew back then what we know now, things would be different.'' That is a bad excuse. That is a bad excuse because if you are knowledgeable, if you are prepared, if you want to know things, if you had a broad enough mind to view the majesty of this complex world in all of its dimensions, you would understand that hindsight is nothing more than understanding history to make better decisions.

Rudyard Kipling, a British writer whose son was killed tragically in World War II in northern France resolved his sadness by saying this: ''Why did young men die because old men lied?''

We can take Robert Kipling's phrase to try to heal his soul because of the loss of his son, we can paraphrase it today and say: Old men should talk before they send young men to die. And that is what we should do.

And it is not just talking to Maliki or our friends in Iraq, it is talking to all of the different factions in Iraq, whether they be Sunni or Shia or Kurds or any of the other factions that are there. And we should also be talking through dialogue with the Iranians and the Syrians. We should be talking to the full length and breadth of people in the Middle East because if we just focus on a few over-simplified issues in Iraq, the resolution will be long in coming.

The Israelis won the 1967 war in 6 days; 41 years later that conflict is still a tragedy.

Let's take a look at the Cold War and some of the incidents that occurred after World War II. We finally resolved the Korean War, at least to continue in a dialogue for decades, but only after 54,000 Americans were killed. And many, many more wounded.

In the 1950s, Khrushchev said on a number of occasions, the leader of the Soviet Union, pointing his finger at Americans in the U.N., in speeches around the Soviet Union and speeches around Eastern Europe he said we will bury the United States. Well, what was President Eisenhower's response to Khrushchev's volatile rhetoric? President Eisenhower invited Khrushchev to the United States to have a dialogue. They visited cities and the suburbs. They visited factories and farms. They went throughout the United States, and what was the sense of Americans when Eisenhower invited Khrushchev to the United States, our number one enemy with nuclear weapons pointing at America, what was America's response to Eisenhower inviting the enemy of this country here? America welcomed Premier Khrushchev. America was relieved because now we can have a dialogue and learn about each other. America responded in a positive fashion because they were sick of war, World War II and Korea on its heels.

When Kennedy found out that there were deployable nuclear weapons in Cuba pointing at the United States, 90 miles from our shore, those nuclear missiles were minutes from the United States. What was Kennedy's response? Let's quickly talk to the Soviets and see if we can resolve this issue without war and conflict, without bloodletting. Let's resolve the issue, and the issue was resolved and the missiles were removed.

Communist China Mao Zedong said many times it would be worth for half the population of China to die in a war with the United States as long as we could get rid of the United States. This was an enemy of the United States.

What was America's reaction when Nixon went to China? They were relieved. They were glad. The bloodshed, the violence, the sadness, the tragedy is avoided through a dialogue, through a conversation by learning how to see

the world through the Chinese eyes, by learning how to see the world through Khrushchev's eyes, by learning how to see the world in all of its complexities and difficulties.

□ 2200

The other conflict that I have to mention here, Mr. Speaker, is the Vietnam war. 58,000 Americans dead, well over 100,000 wounded. A million Vietnamese dead.

Ho Chi Minh, a small, frail, sickly old Vietnamese man, who wanted sovereignty from the French; he wanted his independence. He was tired of French colonial rule. He was tired of Japanese oppression. He didn't want the British to come in and colonize another section of Southeast Asia. He wanted his freedom.

Because of that misunderstanding, because we didn't go to Hanoi and talk to Ho Chi Minh; some Americans did but it never worked its way up to the White House, we had a conflict, we had tragedy, we had war. We had a problem.

The present crisis in Iraq, how do we see it?

Well, in the Middle East, three great religions, for centuries, these religions have lived together. They've shared joy and they've shared sorrow. For centuries there was laughter or there was blood letting. There was community or there was death. It's a complicated place.

Faith, to each of these three world religions, Judaism, Christianity and Islam, is an important part of everyday life throughout the Middle East. They all come together in Jerusalem. They all have an important part of that city that emanates throughout the Middle East.

In the Middle East, oil exports are the economy. Economic viability depends upon oil exports. Because of the war in Iraq, because of the crash of the Soviet Union, because of the war in Afghanistan, because of other problems, the geopolitical balance of power is fractured right now.

Who will be more influential in the Middle East? It's not going to be Europe. They pretty much left there after World War II. Most of the countries do not want Russia. They feel that Russia, an atheistic country, has not found its soul yet. The Middle Eastern countries don't want China to have that much influence, because China, they know, is after the resources.

The geopolitical balance of power is fractured. Who still do the countries of the Middle East look to for resolving this and creating a better climate for a balance of power for the economy, for an integrated security alliance similar to what we have in NATO or SEATO or the Organization of American States or the European Union or other places? They still look to the United States.

And the world is still waiting for the United States, since the focus of the Middle East came after 9/11. They're still waiting to see how we can not only resolve the issues between the Shiia, the Sunnis and the Kurds in Iraq, but how do we bring all of the Middle East together.

How do we separate to the American mind the difference between the Shiia, the Kurds, the Sunnis, al Qaeda, and the Taliban and Wahhabiism? They're all very different forms of Islam.

The Iranians, for example, are bitter enemies of al Qaeda and the Taliban. The Wahhabis, mostly in Saudi Arabia, are not bitter enemies of al Qaeda or the Taliban. The government of Saudi Arabia may keep them at arm's length, but many of the Sunnis in Saudi Arabia, have a relationship with the Taliban and al Qaeda. Virtually nobody in Iran has a relationship with al Qaeda and the Taliban. A pretty complex place, the Middle East. The more we know about it the better able we are to deal with it.

The war in Iraq, it's a war. There's a war in Iraq. But ask this question. Where are the munitions factories that we can bomb like we did in Germany and Japan and Italy? Where are the large troop concentrations that can be decimated? Where are the supply lines that we can cut off?

It's not that kind of war it's a war of insurgency. It's a war of a few radical people who are supported by the vast population, by their tribes, by their relatives, by people across the vast reaches of the Middle East. Political violence is an insurgency, but it's a different kind of war.

The present crisis in Iraq has taken 34,000 American casualties. What does that mean? That means over 4,000 Americans are dead. Over 30,000 Americans are wounded and have lost limbs, have lost good brain function, cannot walk, have Post-traumatic Stress Syndrome.

And what's post-traumatic stress? It's when you see pretty violent acts. Someone is blown up, someone is shot and killed. You pull the trigger of your rifle and someone dies. That's a pretty traumatic act. Do you forget that? Not for the rest of your life. You come home and that image comes in the forefront of your thoughts because of a smell, a sound, something you see, something you feel that will be with you for the rest of your life.

Post-traumatic Stress Syndrome is virtually 100 percent of anybody in combat. Now, most are able to digest that and deal with it and go about their daily lives and compartmentalize those horrific incidents, but many are not.

Over $600 billion so far in the war in Iraq. How engaged are the Americans in the war in Iraq? How often do they discuss the issue at the mall, at the movies, at the grocery store, at parties? How often is this issue discussed?

There's a sense of apprehension about the war in Iraq. Americans are disturbed. They want it to end. But how engaged are we in the war in Iraq?

There's global dissent. We look around the globe, we look at many of our allies, many of them said we should not have gone in to Iraq. One of our strongest allies in the Middle East, Saudi Arabia, says that the U.S. war in Iraq is illegal. That's really interesting.

But we should understand, do we ever question them about that? Do we have a dialogue with the Saudis about that?

The present crisis is still very difficult. Now, should we leave Iraq right now? Should we send all the U.S. troops down into Basra, bring Navy ships up there, load them on the ships and bring them home? Should we do that right away?

Well, look what happened in Mogadishu some years ago when the Americans left. It was chaos. There was rape, murder and mayhem. The criminals took over. We don't want another Mogadishu in Iraq. So we shouldn't leave right away. We need to be responsible about how we deal with it. But as we gradually pull out, how many American troops do we leave?

And unless some of the politics are resolved, both in Iraq and the Middle East, we may have another French Dien Bien Phu, 1954 Vietnam, when the French pulled most of their troops out of Vietnam and the last remaining troops were surrounded by the Vietnamese, and many Frenchmen lost their lives.

General Petraeus says there's no military solution in Iraq. Is there a political solution under the present circumstances?

If we just look at Iraq, like many of us do, just Iraq, there is no political solution and there is no military solution. If we just look at Iraq in isolation, that's simply not going to happen.

What we need to do is look at Iraq in the broader context of the Middle East. American troops right now, it's understood, are the skeletal structure upon which the entire Iraqi society depends, so you can't pull them out. But how long do they stay?

And if there's no military solution, how do you deal with this politically?

Well, the first step is to understand the Middle East and what drives radicals to run to al Qaeda or the Taliban. What drives Arab and Islamic fundamentalists to hate the United States?

The Palestinian Israeli question has been going on since 1948. Palestine was created, Israel was created out of the region, the former British protectorate, Palestine, after the war, after the Holocaust, when the world felt that they needed to do something for the Jews who lost six million of their fellow citizens during World War II in Nazi concentration camps.

Since 1948, the Arabs and the Palestinians, the Palestinians and the Israelis have been fighting, since 1948. So the United States needs to engage, as we've started, but more fully engage as an objective arbitrator of the conflict between the Palestinians and the Israelis. And the Arabs need to see

that. We need to do that because it's the right thing to do. It's the ethical thing to do because both the Israelis and the Palestinians need and justly deserve peace, the rule of law and to raise their children out of harm's way. But the Arab world needs to see the United States working on this issue in a very objective fashion.

And we need to engage the Saudis, because the Saudis are Sunnis, and there are Sunnis in Iraq, but there are Shiias in Iraq. And the Saudis have some fear that Iraq, if left unattended, can become an Iranian satellite. And the Iranians are Shiias. This sounds all pretty confusing, but it shouldn't be confusing at this point. It's year 2008. The war started in 2002. And so Americans need to be more engaged in some of these issues.

The Saudis need to know that Iraq is not going to become an Iranian satellite. And we need to assure them that that's the case so they can work constructively with the Sunnis in Iraq.

The Iraqis need to know that the Americans aren't going to abandon them. But they also need to know we're not going to stay there for 100 years, certainly. They also need to know that militarily, this conflict which is an insurgency, is not going to be won unless there's a political solution.

And the Iranians, who we should talk to, need to know that the United States, eventually, will become one of their allies, and the United States will help the Iranians find a way to stabilize the mess in Iraq.

Eisenhower said that there were three things the United States needed to do in order to remain strong. Three. We needed a strong military, we needed the best intelligence of the world we could gather in the world, and the third leg of that stool was consensus and dialogue.

We have the strongest military in the world. We should not be afraid to talk to anybody. We have the best intelligence in the world, especially if it is objectively analyzed. But we need to engage our enemies, as well as our friends, in a conversation, in a dialogue.

When President Kennedy invited Kruschev to the United States to talk about issues, this was not Chamberlain telling Hitler he could have a piece of Czechoslovakia. This was not a compromise that started World War II. When Kennedy brought Kruschev to the United States it was from a position of strength, and it was a dialogue and we avoided tragedy and death and suffering. Eisenhower and Kennedy, Richard Nixon did the same thing.

We should talk to the Iranians without any preconditions. This is not giving in to the Iranians. This is showing the rest of the world who the Iranians are and what the Iranians are really like. The United States is bargaining from a position of power.

Consensus and dialogue are the third leg of that three-legged stool. Knowledge is the solvent for danger. Knowledge. The more information we have, the better off we're going to be.

History is a vast early warning system. We know the things that have worked in the past. Kennedy and Kruschev, it worked. It avoided war. The collapse eventually of the Soviet Union.

We did not have a dialogue with Ho Chi Minh. And if we did we could have avoided the tragedy of the war in Vietnam.

And what is our policy in Iraq now based on? What do you, the American people, understand our policy to be?

Let's take a look at Sam Rayburn, former Speaker of the House. Sam said, ''Any mule can kick a barn door down, but it takes a carpenter to build one.''

We need carpenters to build the dialog, the integration of integrity with all the world's peoples.

What did Rudyard Kipling say so many years ago when his son tragically died in Northern France? ''Why did young men die? Because old men lied?''

And why did old men lie? Maybe they just didn't know enough.

To paraphrase Rudyard Kipling today, old people should talk. Old people should be carpenters, not mules, carpenters, before they send young men, young women, young people to die.

□ 2215

The landscape of human history is tragically filled with conflicts. What is the main reason for these conflicts? Ignorance, arrogance, and dogma. What does that combination lead to? I'm right and you are wrong. Monstrous certainty. Can you shoot your way through that? How do you get through that, that maze of complexity, of arrogance, ignorance, and dogma?

You replace ignorance with knowledge, and you do that with knowledge and you do a consensus and you do it with dialogue. Arrogance is replaced with humility. And generally, the more someone knows, the more humble they are. And you get rid of dogma with tolerance.

We need a diplomatic surge in the Middle East. That diplomatic surge means that we have the best and the brightest diplomats in the world right here and now employed in the State Department, employed in the Defense Department, retired diplomats, retired generals. And they can integrate themselves throughout the Middle East. They can talk about an economic alliance, a security alliance. They can talk about exchanging all kinds of medical and scientific and economic information.

We need to continue and let the world know the drawdown in a responsible, strategic fashion of our military presence in the Middle East. Work for reconciliation among the different factions in the Middle East by integrating those factions with a broader Middle East.

Let's look at some examples of the past.

1941. United States, Britain, and a number of other countries right at the very early stages of World War II signed something called the Atlantic Alliance. And what was the Atlantic Alliance? It was a commitment, an agreement among many countries around the world that people would live in freedom, they would work for economic prosperity in all the world, they would make sure people would live free of fear and want, and the list goes on.

The Atlantic Charter. What did the Atlantic Charter lead to? It led to the union of the many regions of the world, led to the North Atlantic Treaty Organization. It led to the Southeast Asian Treaty Organization. It led to the Organization of American States in Latin America. It was a commitment of nations that they would work together to have dialogue and rule out the use of force.

You know what Ho Chi Minh said about the Atlantic Charter in 1942 when he heard about it? He said, I hope it applies to Asians, meaning Vietnamese, because they were still under the iron fist of the Japanese and the French. You know what Ho Chi Minh said in 1945? He said, I guess the Atlantic Charter doesn't apply to the Vietnamese people.

To me, that's pretty sad.

1975, we signed the Helsinki Accords. A number of countries around Europe, including the Soviet Union and most of Eastern European countries except Albania. Helsinki Accords said basically the same thing as the Atlantic Charter: We would respect the integrity of the territory of all of the states that signed this; it would be peaceful settlement of disputes and not armed interaction; we would not interfere in the internal affairs of other countries; there would be freedom of thought, conscious, and religion; there would be equal rights for people.

The Helsinki Accords, 1975, what did that do to oppressed people in Eastern Europe and the Soviet Union when they found out that the Soviet Union signed that? They gradually, the courageous ones, began to rise up, and eventually you saw the collapse of the Soviet Union. People in the Ukraine or Georgia or Poland or Czechoslovakia or the former Yugoslavia, they saw the Helsinki Accords, and they had a goal that they would reach out to. So the Helsinki Accords gradually integrated like-minded, peace-loving, freedom-loving people to begin exercising their God-given rights.

1949, one last comment about the past. The Geneva Conventions. The international community came together and signed the Geneva Conventions about the treatment of people in conflicts. Not just uniformed soldiers. This international agreement applied to anybody that was captured on a battlefield and how that person was to be treated and how they were to be interrogated and how they were be imprisoned, and it was based on some pretty

fundamental human rights. An international agreement.

So people from around the world see these things. They understand that there is hope; the way forward is to have knowledge. It's to understand the complexity of this world and see it in all its vast, deep dimensions. Don't look at the world through a bent straw. That is the way too many of us see it. There's vast opportunities.

I'm going to quote from a book that you don't have to read, it's called ''The Ascent of Man'' by Jacob Bronowski. It's actually a book about the evolution of science and civilizations going back to pre-history. But there's a chapter in there about World War II. Many of Jacob Bronowski's relatives died in concentration camps in Auschwitz, and Bronowski has a paragraph: there are two parts to the human dilemma, one is the belief that the end justifies the means, that push-button philosophy that delivered deafness to suffering that has become the monster in the war machine.

When we go to the mall, do we think about the war in Iraq, or is it silent to us? Do we have conversations at the dinner table about the war in Iraq, or do we talk about other things? Do we ever talk about the war in Iraq, or do we have a sense of deliberate deafness to suffering? Do we think the war machine is going to take care of it?

The other aspect of human dilemma is that too often, tragically, nations become a nation of ghosts, obedient ghosts or tortured ghosts. That means you're not a whole human being. You go through life almost imperceptible. What is your value? What is your contribution? How do you make that contribution?

So those two dilemmas can be resolved by listening to the sound and the voices of tragedy and then becoming knowledgeable and begin learning that you, too, can do something.

So over the next few months, turn the television off. You want to commit yourself to helping the soldiers in Iraq, the people of Iraq, the people in Afghanistan, the tragedy of human history that plagues us so often where there is ignorance, arrogance, and dogma. ''A Letter to America,'' David Boren. ''A Letter to America.'' ''The Iraq Study Group,'' James Baker, Lee Hamilton; ''Fiasco,'' Thomas Ricks; ''The Battle for Peace,'' Tony Zinni; ''Violent Politics,'' William Polk; ''Treacherous Alliance,'' Trita Parsi; ''All the Shah's Men,'' Steve Kinzer; ''The Silence of the Rational Center,'' Halper and Clarke; ''Why Vietnam?'' by Archimedes Patti; ''Human Options,'' Norman Cousins.

I wish you well in your reading.

Thank you, Mr. Speaker.

The SPEAKER pro tempore. Does the gentleman yield the balance of his time?

Mr. GILCHREST. I yield the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DOGGETT (at the request of Mr. HOYER) for today and the balance of the week on account of medical reasons.

Mr. HIGGINS (at the request of Mr. HOYER) for April 23 through May 1 on account of a family emergency.

Mrs. DRAKE (at the request of Mr. BOEHNER) for today on account of touring Suffolk, Virginia, and other areas in southeast Virginia affected by yesterday's tornadoes.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Mr. SPACE, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, May 5 and 6.

Mr. WELLER of Illinois, for 5 minutes, today and April 30.

Mr. JONES of North Carolina, for 5 minutes, May 5 and 6.

Mr. BURTON of Indiana, for 5 minutes, today, April 30, and May 1.

Mr. FORBES, for 5 minutes, today.

Mr. WESTMORELAND, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, April 30 and May 1.

Mr. FLAKE, for 5 minutes, April 30.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2829. An Act 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; the Committee on the Judiciary.

S. Con. Res. 74. 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; the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

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. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

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 JoAnn S. Davis Post Office''.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 10 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 30, 2008, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6286. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Tuberculosis in Cattle and Bison; State and Zone Designations; Minnesota [Docket No. APHIS-2008-0037] received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6287. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Lead; Renovation, Repair, and Painting Program [EPA-HQ-OPPT-2005-0049; FRL-8355-7] (RIN: 2070-AC83) received April 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6288. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York [Docket No. EPA-R02-OAR-2008-0011, FRL-8554-8] received April 11, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6289. A letter from the Legal Advisor/Chief, Wireless Telecom. Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Biennial Regulatory Review — Amendment of Parts 1, 22, 24, 27 and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services [WT Docket No. 03-264] received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6290. A letter from the Director, Office of Enforcement, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revisions to Forms, Statements, and Reporting Requirements for Natural Gas Pipelines [RM07-9-000] received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6291. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Conduct of New Reactor Licensing Proceedings; Final Policy Statement — received April 18, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6292. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting the Determination and Memorandum of Justification on the provision of financial assistance for Sudan; to the Committee on Foreign Affairs.

6293. A letter from the Deputy Assistant Secretary, OFCCP, Department of Labor, transmitting the Department's final rule — Nondiscrimination and Affirmative Action Obligations of Contractors and Subcontractors Regarding Protected Veterans (RIN: 1215-AB65) received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6294. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Outer Continental Shelf Regulations-Technical Corrections [Docket ID: MMS-2007-0MM-0070] (RIN: 1010-AD49) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6295. A letter from the Assistant Secretary — Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Incorporate American Petroleum Institute Hurricane Bulletins [Docket ID: MMS-2007-OMM-0060] (RIN: 1010-AD48) received April 15, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6296. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG28) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6297. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG08) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6298. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Bycatch Management [Docket No. 070816465-8008-02] (RIN: 0648-AV96) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6299. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 071106673-8011-02] (RIN: 0648-XG17) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6300. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG09) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6301. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Offshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG12) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6302. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XF95) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6303. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska [Docket No. 071106671-8010-02] (RIN: 0648-XG19) received April 10, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6304. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2008-45] received April 9, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6305. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare and Medicaid Programs; Conditions for Coverage for End-Stage Renal Disease Facilities [CMS-3818-F] (RIN: 0938-AG82) received April 8, 2008, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 or rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OBERSTAR: Committee on Transportation and Infrastructure. House Resolution 964. Resolution to promote the safe operation of 15-passenger vans; with amendments (Rept. 110–608). Referred to the House Calendar.

Mr. RAHALL: Committee on Natural Resources. H.R. 3490. A bill to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, and for other purposes; with an amendment (Rept. 110–609). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 3522. A bill to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly, and for other purposes (Rept. 110–610). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. S. 2457. An act to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe (Rept. 110–611). Referred to the Committee of the Whole House on the State of the Union.

Ms. SLAUGHTER: Committee on Rules. House Resolution 1156. Resolution providing for consideration of the Senate amendment to the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment

(Rept. 110–612). Referred to the House Calendar.

Mr. MCGOVERN: Committee on Rules. House Resolution 1157. Resolution providing for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust, and for other purposes (Rept. 110–613). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. FLAKE (for himself, Mr. DEAL of Georgia, Mr. ROHRABACHER, Mr. BROUN of Georgia, and Mr. STARK):

H.R. 5911. A bill to repeal certain incentives and subsidies for renewable fuels; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH (for himself, Mr. WAXMAN, Mr. DAVIS of Illinois, Mr. TOM DAVIS of Virginia, Mrs. CAPPS, and Mr. MORAN of Virginia):

H.R. 5912. A bill to amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. COHEN, and Mr. GRIJALVA):

H.R. 5913. A bill to amend title 28, United States Code, to provide for service of process over foreign nationals in cases involving defective products causing injury in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 5914. A bill to clarify the authority of the Federal Financing Bank to purchase loans guaranteed under part B of title IV of the Higher Education Act of 1965, and for other purposes; to the Committee on Financial Services.

By Mr. DANIEL E. LUNGREN of California:

H.R. 5915. A bill to amend the Homeland Security Act of 2002 to require motor vehicle operators transporting security sensitive material in commerce to obtain a transportation security card from the Secretary of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. BERMAN (for himself, Ms. ROS-LEHTINEN, Mr. SHERMAN, and Mr. MANZULLO):

H.R. 5916. A bill to reform the administration of the Arms Export Control Act, and for other purposes; to the Committee on Foreign Affairs.

By Mr. KNOLLENBERG (for himself, Mr. UPTON, Mr. ROGERS of Michigan, and Mr. MCCOTTER):

H.R. 5917. A bill to provide for the coordination of efforts in the development of viable efficient alternative fuel technologies; to the Committee on Science and Technology, and in addition to the Committees on Ways and Means, Oversight and Government Reform, Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H.R. 5918. A bill to amend the Public Health Service Act to establish a nationwide health insurance purchasing pool for small businesses and the self-employed that would offer a choice of private health plans and make health coverage more affordable, predictable, and accessible; to the Committee on Energy and Commerce, and in addition to the Committees on Education and Labor, Ways and Means, and Rules, 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. ROYBAL-ALLARD:

H.R. 5919. A bill to make technical corrections regarding the Newborn Screening Saves Lives Act of 2007; to the Committee on Energy and Commerce.

By Mr. BROUN of Georgia:

H.R. 5920. A bill to direct the Attorney General to establish a system of background checks for employers and employees of the electronic life safety and security system installation and monitoring industry, and for other purposes; to the Committee on the Judiciary.

By Ms. ZOE LOFGREN of California (for herself and Mr. GOODLATTE):

H.R. 5921. A bill to amend the Immigration and Nationality Act to eliminate the per country level for employment-based immigrants and to end the spill-over of unused immigrant visa numbers between employment-based and family-sponsored categories; to the Committee on the Judiciary.

By Mr. MORAN of Virginia:

H.R. 5922. A bill to amend title 5, United States Code, to provide that a Federal employee may use up to 2 days of sick leave a year in the performance of community service; to the Committee on Oversight and Government Reform.

By Mr. SHADEGG (for himself, Mrs. MUSGRAVE, Mr. WAMP, Mr. AKIN, Mr. CAMPBELL of California, Mr. DAVID DAVIS of Tennessee, Mr. KINGSTON, Mr. GINGREY, Mr. MARCHANT, Mr. ISSA, Mr. PENCE, Mr. FRANKS of Arizona, Mr. FORTUÑO, Mr. PITTS, Mr. WILSON of South Carolina, Mr. BROWN of South Carolina, Mr. BARTLETT of Maryland, Mr. SOUDER, and Mr. FEENEY):

H.R. 5923. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable and advancable credit against income tax for health insurance costs, to allow employees who elect not to participate in employer subsidized health plans an exclusion from gross income for employer payments in lieu of such participations, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEXLER (for himself and Mr. SENSENBRENNER):

H.R. 5924. A bill to provide relief for the shortage of nurses in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WOOLSEY (for herself and Mr. SHAYS):

H.R. 5925. A bill to establish a fund to support international efforts for political reconciliation in Iraq, and for other purposes; to the Committee on Foreign Affairs.

By Mr. ALTMIRE (for himself, Mr. LYNCH, Mr. BOOZMAN, and Mr. BILIRAKIS):

H. Con. Res. 336. Concurrent resolution honoring the sacrifices and contributions made by disabled American veterans; to the Committee on Veterans' Affairs.

By Mr. ALLEN (for himself, Mr. TOWNS, Mr. CROWLEY, Mr. MICHAUD, Mr. WEXLER, Mr. BLUMENAUER, Mr. MCGOVERN, Ms. SUTTON, Mr. MCDERMOTT, Mr. FARR, Mrs. CAPPS, Mr. ACKERMAN, Mr. WAXMAN, Mrs. TAUSCHER, Mr. LEWIS of Georgia, Mr. MEEKS of New York, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. ENGEL, Mr. ISRAEL, Mr. DELAHUNT, Mrs. DAVIS of California, Mr. ROTHMAN, Mr. BERMAN, Mr. UDALL of Colorado, Mr. OLVER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEVIN, Mr. ELLISON, Mr. TANNER, Mr. MILLER of North Carolina, Mr. MARKEY, Mr. COHEN, Mr. HINCHEY, Mr. DINGELL, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Mr. FORTENBERRY, Mr. BURTON of Indiana, and Mr. CHABOT):

H. Con. Res. 337. Concurrent resolution honoring Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict; to the Committee on Foreign Affairs.

By Ms. WATERS (for herself, Mr. BACA, Mr. BECERRA, Mr. BERMAN, Mr. BILBRAY, Mrs. BONO MACK, Mr. CALVERT, Mr. CAMPBELL of California, Mrs. CAPPS, Mr. CARDOZA, Mr. COSTA, Mrs. DAVIS of California, Mr. DREIER, Ms. ESHOO, Mr. FARR, Mr. FILNER, Mr. GALLEGLY, Ms. HARMAN, Mr. HONDA, Ms. LEE, Mr. LEWIS of California, Ms. ZOE LOFGREN of California, Mr. DANIEL E. LUNGREN of California, Ms. MATSUI, Mr. MCCARTHY of California, Mr. MCKEON, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Ms. RICHARDSON, Mr. ROHRABACHER, Ms. ROYBAL-ALLARD, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SCHIFF, Mr. SHERMAN, Ms. SOLIS, Ms. SPEIER, Mr. STARK, Mrs. TAUSCHER, Mr. THOMPSON of California, Ms. WATSON, Mr. WAXMAN, Ms. WOOLSEY, Mr. GARY G. MILLER of California, Mr. RADANOVICH, Mr. ROYCE, Mr. ISSA, and Mr. HUNTER):

H. Con. Res. 338. Concurrent resolution recognizing the Honorable Yvonne Brathwaite Burke for her distinguished career in public service; to the Committee on House Administration.

By Mr. ROSS:

H. Res. 1155. A resolution honoring the recipients of the El Dorado Promise scholarship; to the Committee on Education and Labor.

By Mr. BOOZMAN (for himself, Mr. ROSS, Mr. SNYDER, and Mr. BERRY):

H. Res. 1158. A resolution recognizing the 100th anniversary of the establishment of the Ozark National Forest in Arkansas; to the Committee on Natural Resources.

By Mr. CUMMINGS (for himself, Mr. MEEKS of New York, Mr. BERMAN, Mr. BISHOP of Georgia, Ms. CORRINE BROWN of Florida, Mr. BURTON of Indiana, Mr. BUTTERFIELD, Mr. CARSON, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FILNER, Mr. FORTUÑO, Ms. LEE, Mr. MARKEY, Mr. MCGOVERN, Mr. PAYNE, Mr. ROTHMAN, Mr. RUPPERSBERGER, Mr. RUSH, Mr. SMITH of New Jersey, Mr. SARBANES, Mr. SNYDER, Mr. STARK,

Mr. TOWNS, Ms. WATSON, Mr. WYNN, Ms. JACKSON-LEE of Texas, and Mrs. CHRISTENSEN):

H. Res. 1159. A resolution recognizing the historical significance of the United States sloop-of-war Constellation as a surviving witness to the horrors of the Transatlantic Slave Trade and a leading participant in America's effort to end the practice; to the Committee on Foreign Affairs.

By Mr. ENGLISH of Pennsylvania:

H. Res. 1160. A resolution authorizing Members of the House of Representatives to use funds provided for official and representational duties to sponsor and conduct academic and community service competitions among elementary and secondary school students in their Congressional districts and to permit the use of the facilities of their offices in support of the activities of charitable organizations; to the Committee on House Administration.

By Mrs. LOWEY:

H. Res. 1161. A resolution encouraging State and local governments to establish plastic bag recycling programs; to the Committee on Energy and Commerce.

By Mrs. MCCARTHY of New York (for herself, Mr. GEORGE MILLER of California, and Mr. PLATTS):

H. Res. 1162. A resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Education and Labor.

By Mrs. MUSGRAVE:

H. Res. 1163. A resolution expressing the support and sympathy of the House of Representatives and the people of the United States for the victims of the tragic fire that occurred in Ordway, Colorado, on April 16, 2008; to the Committee on Oversight and Government Reform.

By Mr. NEAL of Massachusetts:

H. Res. 1164. A resolution expressing support for designation of May 2008 as ''National Workforce Development Professionals Month''; to the Committee on Oversight and Government Reform.

By Mr. POE (for himself, Mr. SMITH of New Jersey, Mr. PLATTS, Mr. TIAHRT, Mr. SHUSTER, Mr. SERRANO, Ms. GRANGER, Mr. BILBRAY, Mr. PETERSON of Pennsylvania, Mr. CARTER, Mr. BURTON of Indiana, Mr. MCGOVERN, Mr. PAUL, Mr. SHAYS, Mr. TERRY, Mr. TOWNS, Ms. BORDALLO, and Mr. HALL of Texas):

H. Res. 1165. A resolution honoring the life and accomplishments of the actor Jimmy Stewart and the contributions he made to the Nation on the 100th anniversary of his birth; to the Committee on Oversight and Government Reform.

By Mr. WEXLER (for himself, Mr. BERMAN, Ms. SCHWARTZ, Mr. SHUSTER, Ms. ROS-LEHTINEN, Mr. ENGEL, Mr. CHABOT, Mr. KIND, Mr. ACKERMAN, Mr. CROWLEY, Mr. BRADY of Pennsylvania, Mr. DAVIS of Illinois, Mr. HINCHEY, Mr. SHIMKUS, Mrs. TAUSCHER, Mr. PRICE of North Carolina, Mr. MCCOTTER, Mr. HASTINGS of Florida, Mr. MCNULTY, Mr. ANDREWS, Mr. FORTUÑO, Mr. SESTAK, Mr. SIRES, Mr. ROTHMAN, and Mr. DREIER):

H. Res. 1166. A resolution expressing the sense of the House of Representatives regarding provocative and dangerous statements and actions taken by the Government of the Russian Federation that undermine the territorial integrity of the Republic of Georgia; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. ANDREWS.
H.R. 96: Ms. DEGETTE.
H.R. 111: Ms. SUTTON and Mr. FOSTER.
H.R. 135: Mr. HINOJOSA and Mr. CALVERT.
H.R. 139: Mr. SHUSTER.
H.R. 154: Mr. HINOJOSA.
H.R. 191: Mr. PITTS.
H.R. 303: Mr. SALI and Mr. CARSON.
H.R. 436: Mrs. MYRICK.
H.R. 549: Mr. CARNEY.
H.R. 552: Ms. MOORE of Wisconsin, Mr. CASTLE, Mr. ISRAEL, Mr. BRADY of Pennsylvania, Mr. RYAN of Ohio, and Mrs. MCMORRIS RODGERS.
H.R. 594: Mr. FATTAH and Mr. WALZ of Minnesota.
H.R. 646: Mr. CARSON.
H.R. 662: Mr. FILNER.
H.R. 688: Mr. FERGUSON and Mr. CARTER.
H.R. 728: Mr. SHAYS.
H.R. 748: Mrs. NAPOLITANO, Ms. SHEA-PORTER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SPACE, Ms. DEGETTE, Ms. MATSUI, and Mr. BROWN of South Carolina.
H.R. 821: Mr. BACA.
H.R. 826: Mr. FORTUÑO.
H.R. 882: Mr. BARRETT of South Carolina, Ms. BERKLEY, Mr. FRELINGHUYSEN, Mr. SCHIFF, and Mrs. BACHMANN.
H.R. 991: Mrs. BACHMANN.
H.R. 1022: Mr. PRICE of North Carolina and Mr. MEEK of Florida.
H.R. 1078: Mr. DAVIS of Illinois.
H.R. 1107: Ms. RICHARDSON.
H.R. 1110: Mr. LARSON of Connecticut, Mr. CARSON, Mr. TIAHRT, Ms. SUTTON, Ms. LINDA T. SÁNCHEZ of California and Mrs. BACHMANN.
H.R. 1147: Mr. CARSON.
H.R. 1185: Mr. HASTINGS of Florida, Mr. CROWLEY, Mr. GUTIERREZ, Ms. LINDA T. SÁNCHEZ of California, and Mr. SIRES.
H.R. 1197: Mr. CARSON.
H.R. 1272: Mr. CARSON.
H.R. 1293: Mr. CARSON.
H.R. 1308: Mr. CARSON.
H.R. 1328: Mr. MEEKS of New York.
H.R. 1343: Mr. DEFAZIO.
H.R. 1354: Mr. CARSON.
H.R. 1366: Mr. PITTS.
H.R. 1431: Mr. TOWNS.
H.R. 1435: Mr. CARSON.
H.R. 1440: Mr. BARROW.
H.R. 1518: Mr. CARSON.
H.R. 1542: Mr. FATTAH.
H.R. 1546: Mr. CARSON.
H.R. 1553: Mr. SHERMAN and Mr. KIRK.
H.R. 1594: Mr. CARSON.
H.R. 1606: Mrs. NAPOLITANO.
H.R. 1609: Mr. WALDEN of Oregon, Mr. BOREN, and Mr. SMITH of New Jersey.
H.R. 1619: Mr. MOORE of Kansas.
H.R. 1643: Mr. SESTAK.
H.R. 1645: Mr. ANDREWS and Mr. CARSON.
H.R. 1653: Mr. SARBANES.
H.R. 1738: Mr. CARSON and Mr. SMITH of New Jersey.
H.R. 1742: Mr. ELLISON, Mr. WYNN, and Mr. GARRETT of New Jersey.
H.R. 1755: Mr. LOEBSACK.
H.R. 1763: Mr. GUTIERREZ.
H.R. 1776: Mr. GRIJALVA, Mr. ARCURI, Mr. WYNN, and Mr. REYES.
H.R. 1884: Mr. BRADY of Texas, Mrs. EMERSON, Mr. ROSKAM, Mr. MORAN of Kansas, Ms. BEAN, Mr. BERRY, Mr. UPTON, Mr. FARR, Mr. GRIJALVA, Mr. CARSON, and Mr. SALI.
H.R. 1927: Mr. WAXMAN and Ms. MATSUI.
H.R. 1944: Mr. CARSON.
H.R. 1952: Mr. CARSON.
H.R. 1956: Mr. CARSON.
H.R. 1983: Mr. UPTON.
H.R. 2012: Mr. ROSKAM, Mr. FARR, and Ms. ROS-LEHTINEN.
H.R. 2032: Mrs. CHRISTENSEN, Mr. ARCURI, Mr. MICHAUD, Mr. COHEN, Mr. CARSON, Mr. CUMMINGS, Mr. GRIJALVA, and Mr. WELCH of Vermont.
H.R. 2045: Mr. CARSON.
H.R. 2053: Mrs. BLACKBURN, Mr. EVERETT, and Mr. CARSON.
H.R. 2092: Mr. CARSON and Ms. VELÁZQUEZ.
H.R. 2140: Mr. CARSON.
H.R. 2158: Mr. PITTS.
H.R. 2167: Mr. LEWIS of Georgia.
H.R. 2172: Mr. CARSON.
H.R. 2188: Mr. UPTON, Mr. BRADY of Pennsylvania, and Mr. HINCHEY.
H.R. 2205: Mr. BROWN of South Carolina, Mr. CARSON, and Mr. BACA.
H.R. 2219: Mr. CARSON.
H.R. 2221: Mr. AL GREEN of Texas.
H.R. 2236: Mr. MEEKS of New York.
H.R. 2244: Mr. CARSON.
H.R. 2266: Ms. MOORE of Wisconsin.
H.R. 2268: Mrs. CAPPS, Mr. JONES of North Carolina, Mr. BACA, Mr. HERGER, Mr. WELCH of Vermont, Mr. WESTMORELAND, Mr. KLINE of Minnesota, Mr. BISHOP of Georgia, Mr. DAVID DAVIS of Tennessee, Mr. HENSARLING, Mr. TOWNS, Mr. MARIO DIAZ-BALART of Florida, Mr. MORAN of Kansas, and Ms. WASSERMAN SCHULTZ.
H.R. 2325: Ms. GINNY BROWN-WAITE of Florida.
H.R. 2353: Mr. CARSON.
H.R. 2370: Ms. BERKLEY and Mr. TIM MURPHY of Pennsylvania.
H.R. 2371: Mr. ROTHMAN.
H.R. 2380: Mr. TIM MURPHY of Pennsylvania.
H.R. 2417: Mr. CARSON.
H.R. 2472: Mr. PORTER.
H.R. 2511: Mr. CARSON.
H.R. 2514: Mr. CARSON.
H.R. 2552: Mr. PAYNE, Mr. MEEKS of New York, Mr. MCGOVERN, Mr. MCDERMOTT, Mr. CUMMINGS, Mr. WAXMAN, and Mr. ABERCROMBIE.
H.R. 2676: Mr. CARSON and Mr. REGULA.
H.R. 2677: Mr. CARSON.
H.R. 2702: Mr. ENGLISH of Pennsylvania and Mrs. DAVIS of California.
H.R. 2731: Mr. CARSON.
H.R. 2744: Ms. HARMAN and Ms. KAPTUR.
H.R. 2749: Mr. CARSON.
H.R. 2790: Mr. CARSON.
H.R. 2805: Mr. RAHALL and Mr. CARSON.
H.R. 2851: Mr. SCHIFF, Mr. ELLSWORTH, Mr. CARSON, and Mr. ROTHMAN.
H.R. 2852: Mr. FILNER, Mr. ELLISON, and Mr. DENT.
H.R. 2896: Mr. ROSS.
H.R. 2965: Mr. ETHERIDGE and Mr. PRICE of North Carolina.
H.R. 2991: Mr. CARSON.
H.R. 2994: Mr. CARSON and Mr. WELCH of Vermont.
H.R. 3005: Mr. CARSON and Mr. HASTINGS of Florida.
H.R. 3008: Mr. CARSON.
H.R. 3016: Mr. CARSON.
H.R. 3061: Mr. CARSON.
H.R. 3063: Mr. ACKERMAN, Mr. ARCURI, Mr. COHEN, Mr. CROWLEY, Mr. HALL of New York, Mr. HINCHEY, Mrs. MALONEY of New York, Mr. MCNULTY, Mr. MEEKS of New York, and Mr. TOWNS.
H.R. 3078: Mr. CARSON.
H.R. 3080: Mr. MURPHY of Connecticut.
H.R. 3098: Mr. SULLIVAN.
H.R. 3109: Mrs. CUBIN.
H.R. 3127: Mr. CARSON.
H.R. 3189: Mr. DAVIS of Alabama.
H.R. 3202: Mrs. MALONEY of New York.
H.R. 3249: Mr. CARSON.
H.R. 3251: Mr. CARSON.
H.R. 3257: Mr. COHEN, Mr. PETERSON of Pennsylvania, Mr. ELLISON, and Mr. BOSWELL.
H.R. 3267: Mr. HINOJOSA, Mr. MEEKS of New York, Mr. ELLISON, and Ms. CLARKE.
H.R. 3282: Mr. PASTOR.
H.R. 3287: Ms. LEE.
H.R. 3298: Mr. CARSON.
H.R. 3404: Mr. CARSON.

H.R. 3457: Mr. CARSON.
H.R. 3543: Mr. WEXLER, Mr. PASTOR, and Mr. CARSON.
H.R. 3544: Mr. CARSON, Mr. RODRIGUEZ, Mrs. CAPPS, and Mr. MATHESON.
H.R. 3561: Mr. CARSON.
H.R. 3563: Mr. CARSON.
H.R. 3622: Mr. WATT, Mr. BRADY of Pennsylvania, Ms. LEE, Mr. DAVIS of Illinois, Mr. HASTINGS of Florida, Mr. DELAHUNT, Mr. FATTAH, Mr. RYAN of Ohio, Mr. RAHALL, Mr. LARSON of Connecticut, Mr. CAPUANO, Mr. KLEIN of Florida, Mr. CARSON, Ms. RICHARDSON, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. ELLSWORTH, Ms. CLARKE and Mr. LANGEVIN.
H.R. 3634: Mr. ROTHMAN.
H.R. 3650: Mr. CULBERSON.
H.R. 3652: Ms. DEGETTE.
H.R. 3658: Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. SHERMAN.
H.R. 3700: Mr. DOYLE.
H.R. 3750: Mr. CARSON.
H.R. 3769: Ms. DEGETTE and Mr. RODRIGUEZ.
H.R. 3819: Mr. BUCHANAN.
H.R. 3870: Mr. HARE, Mrs. LOWEY, Mr. RYAN of Ohio, Ms. WOOLSEY, and Mr. FARR.
H.R. 3886: Mr. PAYNE and Mr. BRADY of Pennsylvania.
H.R. 3926: Mr. ARCURI.
H.R. 3934: Mr. CARSON and Mr. LAMPSON.
H.R. 3944: Ms. BERKLEY, Mr. GRIJALVA, and Mr. JACKSON of Illinois.
H.R. 3961: Mr. CARNAHAN.
H.R. 4008: Mr. MITCHELL.
H.R. 4044: Mr. ALLEN.
H.R. 4061: Mr. GONZALEZ, Mr. CARSON, and Mr. DOGGETT.
H.R. 4089: Mr. ELLISON.
H.R. 4105: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. LEE.
H.R. 4107: Mr. ALLEN, Mrs. CAPPS, and Mr. ETHERIDGE.
H.R. 4114: Mr. FILNER.
H.R. 4133: Mr. LINDER, Mr. NEUGEBAUER, Mr. WESTMORELAND, and Mr. SHADEGG.
H.R. 4141: Mr. TERRY and Mr. LOBIONDO.
H.R. 4188: Mrs. MALONEY of New York.
H.R. 4206: Mr. CARSON.
H.R. 4207: Mr. DAVIS of Illinois.
H.R. 4221: Mr. MCGOVERN and Mr. CLAY.
H.R. 4237: Mrs. CHRISTENSEN and Mr. FARR.
H.R. 4296: Mr. CARSON and Mrs. BLACKBURN.
H.R. 4301: Mr. CARSON.
H.R. 4318: Mr. CANTOR and Mr. CARSON.
H.R. 4332: Mrs. CAPITO.
H.R. 4335: Mr. NADLER.
H.R. 4461: Ms. MCCOLLUM of Minnesota.
H.R. 4544: Mr. BOOZMAN and Mr. BLUMENAUER.
H.R. 4651: Mr. CARSON.
H.R. 4652: Mr. CARNAHAN, Mr. MCGOVERN, Mrs. JONES of Ohio, and Mrs. MCCARTHY of New York.
H.R. 4736: Mr. PRICE of Georgia.
H.R. 4807: Mr. CARSON.
H.R. 4836: Mr. ELLSWORTH.
H.R. 4879: Ms. CLARKE.
H.R. 4884: Mrs. MALONEY of New York.
H.R. 4930: Mr. SCOTT of Georgia and Mr. SALI.
H.R. 4935: Ms. GRANGER, Mr. PAYNE, and Mr. RUPPERSBERGER.
H.R. 4990: Mr. PAYNE and Mr. COHEN.
H.R. 5161: Mr. LEWIS of Georgia.
H.R. 5176: Mr. RODRIGUEZ and Mr. CARSON.
H.R. 5180: Mr. MANZULLO.
H.R. 5223: Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 5229: Mr. BOUCHER.
H.R. 5244: Mr. COURTNEY and Mr. ALLEN.
H.R. 5266: Mr. KENNEDY.
H.R. 5267: Ms. WASSERMAN SCHULTZ.
H.R. 5404: Mr. MICHAUD.
H.R. 5440: Mr. FRELINGHUYSEN.
H.R. 5443: Mr. BARRETT of South Carolina.
H.R. 5446: Mr. ROTHMAN and Mr. FILNER.
H.R. 5447: Mr. CLEAVER, Mrs. CHRISTENSEN, and Mr. KUCINICH.
H.R. 5450: Mrs. CUBIN, Mrs. TAUSCHER, and Mr. SHULER.
H.R. 5461: Mr. WEXLER.
H.R. 5465: Ms. MCCOLLUM of Minnesota and Mr. WELCH of Vermont.
H.R. 5488: Mr. MCGOVERN.
H.R. 5505: Mr. EMANUEL.
H.R. 5507: Mr. BLUMENAUER, Mr. RANGEL, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. CLAY, Mr. STARK, and Mr. OLVER.
H.R. 5519: Mr. YOUNG of Alaska, Mr. PAUL, Mr. FEENEY, Mr. CARSON, and Mr. HARE.
H.R. 5532: Mr. BLUMENAUER.
H.R. 5544: Mr. MCCOTTER and Mrs. BLACKBURN.
H.R. 5545: Mr. MCCOTTER.
H.R. 5546: Mr. ALLEN and Ms. JACKSON-LEE of Texas.
H.R. 5549: Mr. SIRES and Mr. FARR.
H.R. 5573: Mr. ENGLISH of Pennsylvania and Mr. MICHAUD.
H.R. 5590: Mr. SIMPSON and Ms. JACKSON-LEE of Texas.
H.R. 5603: Mr. RAHALL and Mr. LATTA.
H.R. 5606: Mr. MCDERMOTT, Mr. MCCOTTER, Mr. UDALL of Colorado, Mrs. MCCARTHY of New York, and Mr. WAXMAN.
H.R. 5611: Mr. BOUSTANY and Mr. HENSARLING.
H.R. 5629: Mr. HONDA.
H.R. 5641: Mrs. Bono MACK.
H.R. 5656: Mrs. DRAKE and Mr. BARTON of Texas.
H.R. 5669: Mr. GONZALEZ, Ms. LEE, Mr. LEWIS of Georgia, and Mr. COSTELLO.
H.R. 5672: Mr. COHEN.
H.R. 5673: Mr. BACHUS, Mr. BUCHANAN, Mr. CARTER, Mr. HAYES, Mr. JOHNSON of Illinois, and Mr. SHADEGG.
H.R. 5674: Mr. KINGSTON.
H.R. 5683: Mr. FILNER.
H.R. 5684: Ms. DEGETTE, Mr. JOHNSON of Georgia, Mr. KLEIN of Florida, Mr. FALEOMAVAEGA, Mr. LEWIS of Georgia, Mr. TOWNS, Mr. DOGGETT, Mr. BACA, and Mr. ALLEN.
H.R. 5690: Mr. WELCH of Vermont and Ms. JACKSON-LEE of Texas.
H.R. 5700: Mr. SPACE, Mr. ETHERIDGE, and Mr. CARSON.
H.R. 5703: Mr. RAMSTAD.
H.R. 5704: Mr. LINCOLN DIAZ-BALART of Florida.
H.R. 5709: Mr. WALZ of Minnesota.
H.R. 5713: Mr. JONES of North Carolina.
H.R. 5716: Mr. CONYERS.
H.R. 5734: Mr. PRICE of North Carolina, Mr. GOODE, and Mr. WELCH of Vermont.
H.R. 5737: Mrs. CUBIN.
H.R. 5740: Mr. SHERMAN, Mr. WU, Mr. JOHNSON of Georgia, Mr. JOHNSON of Illinois, Mr. DOGGETT, Mr. BACA, Mr. KUCINICH, Mr. NEAL of Massachusetts, and Mr. DOYLE.
H.R. 5752: Mr. GINGREY.
H.R. 5759: Mr. SALI and Mrs. CUBIN.
H.R. 5761: Mr. MCINTYRE.
H.R. 5769: Mr. ARCURI.
H.R. 5775: Mr. PITTS.
H.R. 5776: Mrs. CUBIN.
H.R. 5784: Mr. TIAHRT.
H.R. 5787: Mr. TANNER.
H.R. 5795: Mr. BARRETT of South Carolina.
H.R. 5797: Mrs. BLACKBURN.
H.R. 5802: Mr. HINCHEY.
H.R. 5805: Mr. SALI and Mr. RENZI.
H.R. 5816: Mr. WALBERG and Mr. MARIO DIAZ-BALART of Florida.
H.R. 5818: Mr. MCGOVERN and Mr. SIRES.
H.R. 5821: Mr. SHAYS.
H.R. 5823: Mrs. MCCARTHY of New York, Ms. CLARKE, and Mr. CROWLEY.
H.R. 5824: Mr. BOSWELL, Ms. MOORE of Wisconsin, Ms. SUTTON, Mr. ALTMIRE, and Mr. RODRIGUEZ.
H.R. 5825: Mr. HILL, Mr. SMITH of Texas, Mr. LATTA, Mr. PICKERING, Mr. BRADY of Pennsylvania, Ms. CORRINE BROWN of Florida, Mr. ISRAEL, Mr. OBERSTAR, Mrs. GILLIBRAND, Ms. BORDALLO, Mr. HINCHEY, Mr. MCDERMOTT, Mr. DAVIS of Illinois, and Mr. CARSON.
H.R. 5828: Ms. ROS-LEHTINEN and Mr. BURTON of Indiana.
H.R. 5829: Mr. CARSON.
H.R. 5830: Mr. CAPUANO and Mr. CUMMINGS.
H.R. 5831: Mr. ABERCROMBIE, Mr. BRADY of Pennsylvania, Mr. HINCHEY, Mr. LEWIS of Georgia, and Mr. TOWNS.
H.R. 5833: Mr. WU.
H.R. 5834: Mr. MANZULLO and Mr. SHERMAN.
H.R. 5835: Mr. CARSON.
H.R. 5838: Ms. WOOLSEY.
H.R. 5841: Mr. FEENEY.
H.R. 5846: Ms. ZOE LOFGREN of California.
H.R. 5847: Mr. CHABOT, Mr. JONES of North Carolina, and Mr. LOBIONDO.
H.R. 5854: Ms. CORRINE BROWN of Florida, Mr. PETERSON of Minnesota, Mr. FARR, and Mr. COHEN.
H.R. 5858: Mr. MCINTYRE.
H.R. 5868: Mr. GINGREY, Mr. KING of Iowa, Mr. WILSON of South Carolina, Mr. BROUN of Georgia, Mr. DEAL of Georgia, Mr. PORTER, Mrs. BONO MACK, Mr. HALL of Texas, Mr. BILIRAKIS, Mrs. DRAKE, Mr. PITTS, Mr. KELLER, Mr. MARIO DIAZ-BALART of Florida, Mr. CARTER, Mr. HELLER, Mr. DAVID DAVIS of Tennessee, Mr. SALI, Mr. WITTMAN of Virginia, Mr. SESSIONS, Mr. HOBSON, Mr. POE, Mrs. MILLER of Michigan, Mr. ROGERS of Alabama, Mr. EHLERS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. WESTMORELAND, Mr. LINDER, Mr. TIBERI, Mr. COBLE, Mr. SAXTON, Mr. DELAHUNT, Mr. REHBERG, Mr. MARCHANT, Mr. NEUGEBAUER, Mr. ROSKAM, Mr. AKIN, Mr. FORBES, Mr. TOWNS, Ms. ZOE LOFGREN of California, Mr. ROGERS of Michigan, Mr. JORDAN, Mr. HASTINGS of Washington, and Mrs. EMERSON.
H.R. 5869: Mr. GONZALEZ and Ms. GIFFORDS.
H.R. 5886: Mr. POE.
H.R. 5901: Ms. JACKSON-LEE of Texas and Ms. NORTON.
H.J. Res. 23: Mr. WALBERG.
H.J. Res. 39: Mr. SARBANES.
H.J. Res. 79: Mr. FILNER.
H. Con. Res. 134: Mr. COHEN.
H. Con. Res. 257: Mr. MCHUGH, Mr. ANDREWS, Mr. MARSHALL, and Mr. HAYES.
H. Con. Res. 294: Mr. WEXLER and Mr. DEFAZIO.
H. Con. Res. 299: Mr. OLVER, Mr. SESSIONS, Mr. COURTNEY, Mr. WOLF, Mr. MCCOTTER, Ms. ZOE LOFGREN of California, Mr. LINCOLN DAVIS of Tennessee, Mr. GONZALEZ, and Mr. NADLER.
H. Con. Res. 317: Mr. MCCOTTER.
H. Con. Res. 318: Mr. SHERMAN, Mr. HONDA, Mrs. CHRISTENSEN, and Mr. WAXMAN.
H. Con. Res. 320: Mr. CUMMINGS.
H. Con. Res. 321: Mr. CASTLE, Mr. OLVER, and Mr. FRANK of Massachusetts.
H. Con. Res. 330: Ms. LEE, Mr. GRIJALVA, Mr. BERMAN, Mr. COHEN, and Ms. ROYBAL-ALLARD.
H. Con. Res. 331: Ms. GRANGER, Mr. MCDERMOTT, and Mr. MCNULTY.
H. Con. Res. 332: Ms. ROS-LEHTINEN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. FORTUÑO, Mr. WILSON of South Carolina, Mr. MILLER of North Carolina, Mr. BOOZMAN, Mr. FALEOMAVAEGA, Mr. WOLF, Mr. INGLIS of South Carolina, Mr. POE, Mr. PITTS, Mr. SMITH of New Jersey, Mr. PENCE, Mr. PAYNE, Mr. SHERMAN, Mr. ENGEL, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Mr. BERMAN, Mr. GRIJALVA, Mr. MELANCON, Mr. CARNAHAN, Mr. MEEKS of New York, Ms. WOOLSEY, Mr. NEAL of Massachusetts, Mr. SHAYS, Mr. HINOJOSA, Mr. SIRES, Mr. FARR, Ms. LEE, Mrs. MUSGRAVE, and Mr. WU.
H. Con. Res. 334: Mr. CASTLE, Mr. PLATTS, Mr. BOUSTANY, Mr. LOBIONDO, Mrs. MILLER of

Michigan, Mr. UPTON, Mr. TOM DAVIS of Virginia, Mr. GILCHREST, Ms. PRYCE of Ohio, Mr. DENT, Mr. FORTENBERRY, Mr. BURTON of Indiana, Mr. YOUNG of Florida, Mr. CANNON, Ms. FOXX, Mr. ISSA, Mr. SALI, Ms. GINNY BROWN-WAITE of Florida, Mr. CRENSHAW, Mr. FEENEY, and Mr. KIRK.

H. Res. 49: Ms. MCCOLLUM of Minnesota.

H. Res. 76: Mr. LEWIS of Georgia.

H. Res. 353: Mr. REYES and Mr. CARSON.

H. Res. 356: Mr. TERRY.

H. Res. 389: Mr. ENGEL, Mr. FALEOMAVAEGA, and Mr. SHERMAN.

H. Res. 415: Ms. ROYBAL-ALLARD.

H. Res. 674: Mr. ROTHMAN.

H. Res. 834: Mr. BLUMENAUER.

H. Res. 881: Mr. SPACE, Mr. MAHONEY of Florida, Mr. BOYD of Florida, and Mr. CRAMER.

H. Res. 937: Mr. SALI and Mr. FOSSELLA.

H. Res. 977: Mr. AL GREEN of Texas, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. PRICE of North Carolina, Mr. SCOTT of Georgia, and Mr. CARSON.

H. Res. 1008: Mr. ETHERIDGE.

H. Res. 1009: Mr. SHAYS.

H. Res. 1011: Mr. SHERMAN and Mr. MICHAUD.

H. Res. 1022: Mrs. TAUSCHER and Mr. HINCHEY.

H. Res. 1043: Mr. FALEOMAVAEGA and Mr. TERRY.

H. Res. 1062: Mr. ROTHMAN.

H. Res. 1063: Mr. SHERMAN.

H. Res. 1064: Mr. SMITH of New Jersey and Mr. FEENEY.

H. Res. 1069: Mr. BOREN, Mr. MARIO DIAZ-BALART of Florida, Mrs. BLACKBURN, Mr. ROTHMAN, Mr. LAMBORN, Mr. SMITH of Washington, Ms. GIFFORDS, and Mr. SMITH of New Jersey.

H. Res. 1079: Mr. TIM MURPHY of Pennsylvania.

H. Res. 1080: Mr. ISSA and Mr. RANGEL.

H. Res. 1086: Mr. TOWNS, Mr. EDWARDS, Mrs. CHRISTENSEN, Mr. ORTIZ, Mr. REYES, Mr. BUTTERFIELD, Ms. BERKLEY, Mr. MORAN of Virginia, Mr. LEVIN, Mr. CLEAVER, Ms. KILPATRICK, Mr. MEEKS of New York, Mr. DOGGETT, Mr. ALLEN, Mr. LATHAM, Mr. WAXMAN, Mr. TERRY, Mr. LEWIS of Georgia, Mr. AL GREEN of Texas, Mr. OLVER, Ms. NORTON, Mrs. NAPOLITANO, Mr. SCOTT of Virginia, Mr. CUMMINGS, Mr. OBERSTAR, Ms. MATSUI, Mr. COSTELLO, Mr. BAIRD, Mr. HOLT, Mr. PORTER, Mr. ALTMIRE, Ms. JACKSON-LEE of Texas, Mr. MATHESON, Mr. ISRAEL, Mr. HOLDEN, and Ms. HIRONO.

H. Res. 1091: Mr. BURGESS, Mr. ALTMIRE, and Mr. HASTINGS of Washington.

H. Res. 1093: Ms. SHEA-PORTER, Mr. LOBIONDO, Mr. HINCHEY, and Mr. WELCH of Vermont.

H. Res. 1100: Mr. JORDAN.

H. Res. 1104: Mr. STARK, Mr. COSTA, Mrs. JONES of Ohio, and Mr. WAXMAN.

H. Res. 1109: Mr. MCCOTTER, Mr. ROHRABACHER, and Mr. BURTON of Indiana.

H. Res. 1110: Mr. CROWLEY, Mr. CALVERT, Mr. ROTHMAN, and Mr. LAMBORN.

H. Res. 1113: Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. BOOZMAN, Mr. SESSIONS, Mr. SHULER, Ms. BERKLEY, Mr. ADERHOLT, Mr. BROUN of Georgia, Mr. LOEBSACK, Mr. MORAN of Kansas, Mr. COLE of Oklahoma, Mr. FEENEY, Mr. MILLER of Florida, Mr. LEWIS of Kentucky, Mr. TERRY, Mr. MCCAUL of Texas, Mr. GARRETT of New Jersey, and Mr. KELLER.

H. Res. 1114: Mr. DANIEL E. LUNGREN of California, Mr. PITTS, Mr. BOOZMAN, Mr. SESSIONS, Mr. SHULER, Ms. BERKLEY, Mr. ADERHOLT, Mr. BROUN of Georgia, Mr. LOEBSACK, Mr. MORAN of Kansas, Mr. COLE of Oklahoma, Mr. FEENEY, Mr. MILLER of Florida, Mr. LEWIS of Kentucky, Mr. TERRY, Mr. MCCAUL of Texas, Mr. GARRETT of New Jersey, and Mr. KELLER.

H. Res. 1122: Mr. WILSON of South Carolina, Mrs. WILSON of New Mexico, and Mr. CULBERSON.

H. Res. 1124: Mr. GEORGE MILLER of California, Mr. HASTINGS of Florida, Mr. LOEBSACK, Mr. MOORE of Kansas, Ms. MATSUI, Ms. HOOLEY, Mrs. CHRISTENSEN, Mr. JACKSON of Illinois, Mr. CARSON, Mr. INSLEE, Mr. SHIMKUS, Mr. SCHIFF, Mr. RUSH, Mr. ISRAEL, Mr. COSTELLO, Mr. MCDERMOTT, and Mr. STARK.

H. Res. 1130: Mr. RANGEL, Mr. SALI, Mr. LINCOLN DIAZ-BALART of Florida, Mr. CARSON, Mr. PAYNE, Mr. REICHERT, Ms. GRANGER, Mr. BILIRAKIS, Mr. FATTAH, and Mr. NEUGEBAUER.

H. Res. 1131: Mrs. NAPOLITANO, Mr. GENE GREEN of Texas, Ms. ROYBAL-ALLARD, and Ms. DEGETTE.

H. Res. 1132: Mr. ROGERS of Michigan, Mr. CALVERT, Mr. LATTA, Mr. DAVIS of Kentucky, Mr. UPTON, Mrs. DRAKE, Mr. BRADY of Pennsylvania, Mr. HOLT, Mr. BOOZMAN, Mrs. BOYDA of Kansas, Mrs. MCCARTHY of New York, Ms. SUTTON, Mr. REYNOLDS, Mr. WALBERG, Ms. MCCOLLUM of Minnesota, Mr. CUELLAR, Mrs. SCHMIDT, Mr. REICHERT, Mrs. MALONEY of New York, Mrs. MYRICK, Mr. WOLF, Ms. GRANGER, Mrs. BACHMANN, Mr. PETERSON of Minnesota, Mr. GOODE, Mr. KENNEDY, Mr. MCHENRY, Mr. GENE GREEN of Texas, Mr. COSTA, and Mr. SMITH of New Jersey.

H. Res. 1134: Mr. BERMAN, Mrs. BONO MACK, Mr. BOSWELL, Ms. CORRINE BROWN of Florida, Mrs. CHRISTENSEN, Mr. COHEN, Mr. ENGEL, Mr. HOLT, Ms. MATSUI, Mr. NADLER, Mr. SCOTT of Virginia, Ms. SUTTON, Mrs. BOYDA of Kansas, Mr. DOGGETT, Mr. FALEOMAVAEGA, Mr. FARR, Ms. GIFFORDS, Mr. AL GREEN of Texas, Ms. HIRONO, Ms. KILPATRICK, Mr. LEVIN, Mr. LOEBSACK, Mr. MCGOVERN, Mr. MORAN of Virginia, Ms. NORTON, and Mr. OBERSTAR.

H. Res. 1140: Mr. SALI, Mr. MCCOTTER, Mr. FORTENBERRY, Mr. CHABOT, Mr. BERMAN, and Mr. INGLIS of South Carolina.

H. Res. 1144: Mr. DELAHUNT, Mr. SIRES, Mr. COHEN, and Mr. SMITH of New Jersey.

H. Res. 1146: Mr. HINCHEY.

H. Res. 1149: Ms. LEE, Mrs. CHRISTENSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. RANGEL, Mr. MEEKS of New York, Ms. RICHARDSON, Mr. HARE, Ms. SCHAKOWSKY, Mr. JACKSON of Illinois, Mr. BISHOP of Georgia, Mr. GUTIERREZ, Mr. MCGOVERN, Mr. TOWNS, Ms. NORTON, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Mr. KUCINICH, Mr. SCOTT of Virginia, Mr. FATTAH, Mrs. MCCARTHY of New York, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Mr. AL GREEN of Texas, Ms. KILPATRICK, Mr. MCHUGH, Mr. SARBANES, and Mr. LIPINSKI.

H. Res. 1153: Ms. SOLIS, Mr. MEEKS of New York, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. BERMAN, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Ms. LORETTA SANCHEZ of California, Mr. COHEN, Mr. SCHIFF, Mr. SESTAK, Mr. ELLISON, and Mr. SCOTT of Georgia.

H. Res. 1154: Mr. LEWIS of Georgia, Mr. LYNCH, Ms. LORETTA SANCHEZ of California, Ms. DELAURO, Mr. HASTINGS of Florida, Mr. JEFFERSON, and Mr. MEEKS 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. BISHOP OF UTAH

Today the House of Representatives will consider S. 2739. Section 504 of S. 2739 authorizes funding for the Arthur V. Watkins Dam Enlargement Project. This language is similar to language found in H.R. 839, a bill which authorizes a feasibility study on raising the height of the Arthur V. Watkins Dam at Willard Bay in Box Elder County, Utah. The entity authorized to receive funding under this request is the Department of the Interior at 1849 C. Street, Washington, DC 20240.

The authorized study is cost shared 50/50 between Weber Basin and the Bureau of Reclamation (BOR) at the Department of the Interior, a record of BOR's finance plan is not available. However, a copy of Weber Basin's finance plan (for its share of the project) is attached.

This project is justified as the Arthur V. Watkins Dam is a federally owned water storage facility. It is managed by the Weber Basin Water Conservancy District, a political subdivision of the State of Utah. Water stored in this facility serves the culinary water needs of Weber, Davis and Box Elder Counties, which encompass some of the most populous areas of northern Utah. The federal government has made a significant financial commitment to the State of Utah to ensure that this arid state has adequate water resources to meet the needs of its residents. This authorization ensures that.

A.V. WATKINS DAM RAISE FEASIBILITY STUDY

Under a feasibility study to be prepared by Reclamation an integrated feasibility report and National Environmental Policy Act (NEPA) compliance document will be prepared to address the potential raise of A.V. Watkins Dam to accommodate additional storage of 10,000 acre-feet.

The following areas and estimated costs are presented to cover the study:

Item	Description	Estimated cost
1	NEPA: Investigation and report of environmental impacts and appropriate federal actions.	$500,000
2	Cultural Mitigation Plan: Investigation of impacts to cultural findings and corresponding recovery plan.	200,000
3	Water Rights: Review and verification of the preliminary water rights work originally conducted. Will include coordination with the Utah Division of Water Rights.	50,000
4	Investigations/Drilling/Laboratory Testing: A study of existing physical conditions including field testing and verification of existing geology of the entire 14 mile dam.	900,000
5	Hydrology: Review and verification of the available river flows from the Ogden and Weber rivers.	50,000
6	Feasibility Design/Drawings/Report: Culmination of the feasibility study including written conclusions from each of the above investigations.	300,000
Total		2,000,000

Expected duration of report—1½ to 2 years.

The Weber Basin Water Conservancy District (District), in an effort to insure that it is able to meet the ever increasing demand for water throughout its service area, continues to evaluate the need for improvements, including the development of new resources. Part of the challenges facing the District in this effort are: identifying growth patterns and projecting future populations by geographic location; estimating the total water consumption of the projected population both indoors and outdoors; and evaluating existing supplies to determine how to most effectively utilize those supplies, particularly in times of drought. Through these proactive efforts, a need for additional resources has been identified in order for the District to meet future demands along the Wasatch Front.

To estimate the future demand for water within the District's service area across the Wasatch Front, the District completed the

Supply and Demand Study (January 2008), in which population projections were developed through build-out, and the associated water demand of that population estimated based on historic water use. The demands were then compared to available District supplies, including those developed by the United States Bureau of Reclamation via the Weber Basin Project, those developed or being developed by the District, and outside resources that are controlled by various independent agencies (municipalities, improvement districts, etc.). Based on the results of this study, the District anticipates a need for one or more additional raw water resources within the next 20 years; possibly as early as 2015. Future sources that are being considered include wastewater reuse (for outdoor irrigation use), aquifer storage and recovery, and the importation of water from the Bear River. Even with the full development of all of the new resources listed, it is anticipated that the supply will still be inadequate to meet projected demands without aggressive coinciding conservation efforts. The District has implemented an aggressive water conservation plan with a goal to reduce per capita water consumption by 25 percent by 2025.

Although the need for additional water supplies within the District's service area is becoming increasingly evident, nowhere is it more evident than in the Weber County area. Population projections predict that much of the future growth along the Wasatch Front will occur in the area of western Weber County. As growth has tended to move outward from the Salt Lake City area, from Davis County into Weber County, the District has observed increasing demands on the Weber South and Davis North Treatment Plants (located in southern Weber County and northern Davis County respectively). Those plants are now approaching capacity during times of peak demand. To evaluate the need for additional treatment plant capacity, the District recently retained consulting engineers to examine several strategic locations for construction of a new water treatment plant to meet increasing demands. The resulting Implementation Plan and Schedule (Technical Memorandum 11, Site Evaluation for the New Weber West WTP and Related Facilities, Draft dated 06/11/07) indicates that in order to keep up with the increasing demand resulting from growth in western Weber County, a new centrally located treatment plant will be required. The report further concludes that design of the new raw water conveyance facilities should commence in early 2009, with construction beginning in late 2010. Completion and commissioning of all facilities would then be scheduled for 2012. All of the possible water treatment plant sites considered were assumed to utilize raw water from storage at Arthur V. Watkins Dam/Willard Bay Reservoir.

Based on current projections, the need for additional water supplies along the Wasatch Front is both certain and imminent. With the Bureau of Reclamation already having filed for additional water rights from the Ogden and Weber rivers, raising the Arthur V. Watkins Dam would effectively increase the water that can be stored in Willard Bay by an additional 10,000 to 70,000 acre-feet and would make it available for use within the time projected for additional demand. Arthur V. Watkins Dam/Willard Bay Reservoir is strategically located relative to future demands, and as an existing facility could be increased at a relative lesser cost, and without the significant impacts that are sure to accompany other projects of this magnitude.

OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The amendment to be offered by Representative GEORGE MILLER or a designee to H.R. 5522, the Worker Protection Against Combustible Dust Explosion and Fire Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of Rule XXI.

OFFERED BY MR. WALDEN OF OREGON

Bill Number: S. 2739 (H.R. 495).

Account: Secretary of the Interior, Bureau of Reclamation.

Legal Name of Requesting Entity(ies): The North Unit Irrigation District Act—Requesting Entity: North Unit Irrigation District, Madras, Oregon; The Deschutes River Conservancy Reauthorization Act—Requesting Entity: Deschutes River Conservancy, Bend, Oregon; The Wallowa Lake Dam Rehabilitation Act—Requesting Entity: Associated Ditch Company, Joseph, Oregon; The Little Butte/Bear Creek Subbasins Water Feasibility Act—Requesting Entity: City of Medford, Medford, Oregon.

Address of Requesting Entity(ies): North Unit Irrigation Districts, 2024 NW Beech Streets, Madras, Oregon 97740, (ph) 541–475–3625; Deschutes River Conservancy, 700 NW Hill Street, Bend Oregon 97701, (ph) 541–382–4077; Associated Ditch Company, 1102 Engleside Avenue, Joseph, Oregon 97846, (ph) 541–432–6155; City of Medford, 411 W 8th Street #312, Medford, Oregon 97501, (ph) 541–774–2000.

Description of Request(s): I am the author of H.R. 495, the Oregon Water Resources Management Act of 2007, which is a package of water-related bills contained within S. 2739 which is scheduled to be considered by the full House on April 29, 2008. On July 23, 2007, the House of Representatives passed this package of bills included in H.R. 495 by voice vote. H.R. 495 is identical to the bill passed unanimously by the Resources Committee and the full House in the 109th Congress (H.R. 5079). All of these measures, described in detail below, are related to projects in my district and have been thoroughly vetted through the Committee and are supported by my colleagues from Oregon in the United States Senate, Senators Ron Wyden and Gordon Smith. H.R. 495 does not have a direct and foreseeable effect on the pecuniary interests of me or my spouse.

Deschutes River Conservancy Reauthorization Act—Bill language would amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation (Reclamation) in the Deschutes River Conservancy (DRC) through Fiscal Year 2015. The DRC was originally authorized by Congress in 1996 to implement water conservation measures in the Deschutes River basin. The DRC was founded by local irrigation districts, the Confederated Tribes of the Warm Springs Reservation, conservation groups, and other local stakeholders in an effort to focus on practical, incentive-based solutions to the basin's water management challenges. The DRC has leased over 70 cubic feet per second of water in the basin's streams and has restored over 100 miles of stream corridor using livestock management techniques, restored channel floodplain connectivity, and planted over 250,000 native plants and trees in the riparian zone. The DRC has permanently acquired about 9,200 acre-feet of senior water rights in the Deschutes Basin that will remain instream during critical low flow periods, benefiting fish species such as ESA listed bull trout and summer steelhead. The bill has received positive and bipartisan support in the House and Senate, is supported by the DRC, the local community and Reclamation. This bill would authorize $2 million per year over 10 years in federal spending. The use of federal funding for this project is justified because it would address critical water shortage issues in the summer months that have a direct impact on federal Endangered Species Act listed salmon and steelhead.

Wallowa Lake Dam Rehabilitation Act—Bill language authorizes the Bureau of Reclamation to provide grants, or to enter into cooperative agreements, with tribal, State, local governmental entities and the Associated Ditch Companies to plan, design, and repair Wallowa Lake Dam. Over the last several years I have visited Wallowa County on a number of occasions to convene meetings with both proponents and opponents of this legislation in order to gain a full understanding of the situation and to discuss the merits of this proposal. These meetings have clearly demonstrated that the overwhelming majority of Wallowa County residents support this bill and its main tenet—the rehabilitation of the Wallowa Lake Dam—has been identified by the U.S. Army Corp of Engineers as a high hazard structure. H.R. 495 authorizes $6 million in federal funds for dam rehabilitation; however, spending authority sunsets after 10 years and requires a 50/50 federal/local cost share match. Federal funding for this project is justified to not only protect citizens from the highly hazardous Wallowa Lake Dam, but to assist with the tremendous environmental costs that directly result from the presence of federally listed Endangered Species Act salmon and steelhead in the dam rehabilitation project.

Little Butte/Bear Creek Subbasins Water Feasibility Act—Bill language would authorize the Bureau of Reclamation (Reclamation) to conduct a needed water management feasibility study and environmental impact statement for the Water for Irrigation, Streams, and the Economy Project in accordance with the Memorandum of Agreement (MOA) between City of Medford and Reclamation in order to address water management issues for irrigation, municipal use and conservation. This bill language passed the Senate by unanimous consent in November 2005 and the bill is nearly identical to legislation I sponsored in the 108th Congress which received a hearing in the Subcommittee on Water and Power, passed by the Committee by unanimous consent, and ultimately passed the House by voice vote in September of 2004. H.R. 495 authorizes $500,000 in federal funds; however, spending authority sunsets after 10 years and requires a 50/50 federal/local cost share match. Federal funds are justified because the federal partnership established via the MOA is for the express purpose of addressing federal Clean Water Act and Endangered Species Act (ESA) requirements. Additionally, Congress needs to provide Reclamation the authority to achieve the goals of the MOA and also provide funds due to costs from addressing previous acts of Congress, including the Clean Water Act and ESA.

North Unit Irrigation District Act—Bill language amends a repayment contract between the Bureau of Reclamation (Reclamation) and the North Unit Irrigation District (District) to meet State water conservation law and allow the District to improve its overall water management and efficiency. The bill increases the maximum irrigated land within the District available to receive Deschutes Project water from 50,000 acres to 59,000 acres, and reclassifies that land. The legislation allows the repayment terms to shift from a variable to a fixed term, and would allow for accelerated repayment of capital costs. Finally, the legislation allows Reclamation to negotiate future contract terms without Congressional authorization, only after receiving written notice from the District and getting the consent of the Commissioner of Reclamation. The legislative authority granted in H.R. 495 to change the Reclamation contract would not require additional taxpayer funding above the existing

programmatic appropriations for the agency. Conservation efforts to provide additional instream water and other conservation projects cannot be implemented solely by the District without a change in their current Reclamation authorities; Congress provided the current authorities and only Congress can modify those authorities.

OFFERED BY MR. GARY G. MILLER OF CALIFORNIA

Bill Number: H.R. 1195.

Bill Section: Sec. 102.

Account: U.S. Department of Transportation.

Legal Entities To Receive Funding: Nevada Department of Transportation, 1263 South Stewart Street, Carson City, NV 89712, who shall cooperate with the California-Nevada Super Speed Train Commission, 400 Stewart Street, Las Vegas, NV 89101; U.S. Department of Transportation; 1200 New Jersey Ave., SE., Washington, DC 20590.

Description of Request: In the SAFETEA–LU Act, two Magnetic Levitation Transportation Projects (MAGLEV) received federal authorization for a total of $90,000,000; however, mistakenly, contract authority was not assigned to these important projects. To ensure these MAGLEV projects have the funding necessary to succeed, I requested language to amend Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) to add contract authority to the projects at the funding levels authorized in SAFETEA–LU. The term ''MAGLEV'' means transportation systems employing magnetic levitation that would be capable of safe use by the public at a speed in excess of 240 miles per hour. According to SAFETEA–LU, this funding can be used for preconstruction planning activities and to supplement the cost of the fixed guideway infrastructure of these MAGLEV projects, including land, piers, guideways, propulsion equipment and other components attached to guideways, power distribution facilities substations, control and communications facilities, access roads, and storage, repair, and maintenance facilities. The federal cost share of these projects will be 80 percent.

MAGLEV is an advanced train technology that can offer competitive trip-time savings compared to alternative forms of travel over long distances. Federal funding is needed to deploy this technology further and thereby reduce congestion along heavily travelled corridors in the United States. In addition to the request for contract authority, I also requested that the project description contained in Sec. 102(d)(1) be amended to ensure the entire high-speed ground transportation corridor project, which starts in Las Vegas, Nevada, and extends to Anaheim, California, is authorized to receive federal assistance and that the project be coordinated with the California-Nevada Super Speed Train Commission.

OFFERED BY MRS. WILSON OF NEW MEXICO

Bill Number: S. 2739 (Companion H.R. 1904).

Account: Interior, Bureau of Land Management, USGS, Management of Lands and Resources.

Legal Name of Requesting Entity: State of New Mexico.

Address of Requesting Entity: 1220 South St. Francis Drive, Santa Fe, New Mexico 87505.

Description of Request: Provide a total earmark of $12,000,000 apportioned in equal amounts of $3,000,000 in Fiscal years FY08 through 2011 to assist the State of New Mexico in water planning. This includes: technical assistance and grants for the development of comprehensive State water plans, activities to conduct a mapping of water resources throughout the State, and to conduct a comprehensive study of groundwater resources (including potable, brackish, and saline) throughout the State. This assistance may include acquisition of hydrologic data, expansion of water monitoring networks, modeling of resources, coordination with Federal water management planning, integration of State planning forums and groups in the planning efforts, and technical reviews of data, models, planning scenarios and water plans developed by the State. Expansion of water resources throughout the State is critical to the continued development of the economy within the State.

The funding and levels of effort will be allocated approximately as follows: $5,000,000 to develop hydrologic models covering the Rio Grande and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojaque and Teseque, Rio Chama, and Lower Rio Grande tributaries; $1,500,000 for surveys for the San Juan River and tributaries; $1,000,000 for surveys for the Southwest New Mexico basins, and $4,500,000 for statewide digital mapping.

The non-Federal share of all work shall be 50% and may be provided with in-kind resource acceptable to the Secretary of the Interior.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 5534: Mr. BURTON of Indiana.

DISCHARGE PETITIONS

[Omitted from the Record of Apr. 25, 2008]

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 7, April 23, 2008, by Mr. FOSSELLA on the bill (H.R. 5440), was signed by the following Members: Vito Fossella, John A. Boehner, John R. ''Randy'' Kuhl, Jr., Greg Walden, Virgil H. Goode, Jr., Peter Sessions, Gus M. Bilirakis, Joseph R. Pitts, David Davis, Ileana Ros-Lehtinen, Jo Bonner, Joe Wilson, Tim Walberg, Dennis R. Rehberg, Robert E. Latta, Kevin McCarthy, Peter T. King, F. James Sensenbrenner, Jr., Candice S. Miller, John Kline, Ron Lewis, Heather Wilson, J. Gresham Barrett, Adrian Smith, Frank A. LoBiondo, Paul C. Broun, Dan Burton, Ander Crenshaw, Michael N. Castle, Michele Bachmann, Mike Ferguson, Jim Jordan, Joe Knollenberg, Bill Sali, Jim Gerlach, Zach Wamp, Lynn A. Westmoreland, Rob Bishop, Charles W. Dent, Mark Steven Kirk, Louie Gohmert, Tom Price, Doc Hastings, Michael C. Burgess, Jeff Miller, Trent Franks, J. Randy Forbes, Tom Latham, Mac Thornberry, Terry Everett, Daniel E. Lungren, Harold Rogers, Kevin Brady, Phil Gingrey, Cathy McMorris Rodgers, Henry E. Brown, Jr., David Dreier, Jerry Lewis, Rick Renzi, Peter J. Roskam, Doug Lamborn, Ted Poe, Michael T. McCaul, Dana Rohrabacher, Jeff Fortenberry, Todd Tiahrt, Gary G. Miller, K. Michael Conaway, Ric Keller, Vern Buchanan, Dave Weldon, Geoff Davis, David G. Reichert, Darrell E. Issa, Dave Camp, John R. Carter, Kay Granger, Judy Biggert, Randy Neugebauer, Thaddeus G. McCotter, Thelma D. Drake, Tom Cole, Todd Russell Platts, W. Todd Akin, John M. McHugh, John L. Mica, Charles W. Boustany, Jr., Stevan Pearce, Elton Gallegly, Ken Calvert, Jon C. Porter, Thomas M. Reynolds, Howard Coble, Sam Johnson, Phil English, Jo Ann Emerson, Jean Schmidt, Howard P. ''Buck'' McKeon. Steve Buyer, Edward R. Royce, Barbara Cubin, Roy Blunt, Robert J. Wittman, John T. Doolittle, Vernon J. Ehlers, Steve Chabot, Mary Bono Mack, Virginia Foxx, Michael K. Simpson, Lincoln Diaz-Balart, Mario Diaz-Balart, Thomas G. Tancredo, James T. Walsh, Dean Heller, Rodney P. Frelinghuysen, Bob Inglis, Adam H. Putnam, Jim Ramstad, Christopher Shays, John Abney Culberson, Nathan Deal, Paul Ryan, Frank R. Wolf, Patrick J. Tiberi, Patrick T. McHenry, Wally Herger, Deborah Pryce, Michael R. Turner, Lee Terry, Frank D. Lucas, Devin Nunes, Kenny Marchant, Jim McCrery, John Linder, George Radanovich, Eric Cantor, Joe Barton, John B. Shadegg, John Shimkus, Scott Garrett, Marilyn N. Musgrave, Bob Goodlatte, Lamar Smith, Brian P. Bilbray, Bill Shuster, Spencer Bachus, Don Young, Steve King, Cliff Stearns, Mary Fallin, John Boozman, Steven C. LaTourette, C.W. Bill Young, Jeb Hensarling, Ed Whitfield, Tom Davis, Roscoe G. Bartlett, Jack Kingston, Donald A. Manzullo, Chris Cannon, Sue Wilkins Myrick, Mike Pence, Mike Rogers, Duncan Hunter, Christopher H. Smith, John Sullivan, Peter Hoekstra, Mark E. Souder, Jerry Moran, Charles W. ''Chip'' Pickering, Jim Saxton, David L. Hobson, John E. Peterson, Thomas E. Petri, Ralph M. Hall, and Sam Graves.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

[Omitted from the Record of Apr. 25, 2008]

The following Member added his name to the following discharge petition:

Petition 6 by Mr. BOUSTANY on House Resolution 1025: Michael K. Simpson.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 110th CONGRESS, SECOND SESSION

Vol. 154 WASHINGTON, TUESDAY, APRIL 29, 2008 No. 69

Senate

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, Lord in all seasons and for all reasons, help us to live lives that give You glory. Give us strength to do our duty, to stand for right and to give thanks at the remembrance of Your holiness. Help us to seek to serve rather than to be served and to treat others as we desire them to treat us.

Give wisdom and discernment to our Senators. Help them to find ways to lift people from vicious cycles of poverty, discovering the correct balance between personal responsibility and governmental intervention. And Lord, we pray today for our troops in harm's way and we pray this prayer in Your strong Name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., 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.

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 29, 2008.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY of Pennsylvania thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, following my remarks and those of Senator MCCONNELL, if he decides to make some remarks today, we will proceed to a period of morning business, with Senators allowed to speak for up to 10 minutes each.

ORDER OF PROCEDURE

I ask unanimous consent the morning business hour be extended to 12:30 today, with the time to be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, if I could say to the Chair through my distinguished friend, I asked consent that we be in morning business until 12:30 to complete our conversations with our caucuses because of the bill that is coming up.

Mr. President, I ask you approve that consent request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Following morning business, the Senate will resume consideration of the motion to proceed to H.R. 2881, the Federal Aviation Administration Reauthorization.

As a reminder, at 11 a.m. tomorrow, there will be a joint meeting of the Congress in the Hall of the House of Representatives with the Prime Minister of Ireland, Bertie Ahern.

FAA REAUTHORIZATION

Mr. REID. Mr. President, the bill we hope to start legislating on after the caucuses today is an important piece of legislation, FAA reauthorization.

Last Thursday, I met in my office with representatives of various unions that deal with the airline industry—flight attendants, mechanics, and air traffic controllers. They had some opinions as to what was going on. An hour or two later, I met with the chief executive officers of the major airlines in our country today. They were terribly concerned about what goes on. The fuel costs for these airlines is now approaching 50 percent of their overall cost. I may be a few cents wrong in my illustration, but they said: We can't compete. We pay $1.20 for a gallon of aviation fuel. In Europe they pay 70 cents. You cannot compete because the dollar has become so low in value around the world.

This is an extremely important bill. If there were ever a time we had to work in a bipartisan basis in order to approve legislation necessary to give the airline industry a chance to survive, then we must do it on this piece of legislation.

I will work with my Republican counterpart to see if we can see a way of each side offering amendments. I do not want to have to fill the so-called legislative tree. We have to be very careful. This is a tax bill. So I will have a conversation with my colleague this morning before our caucus to see if we can come up with a way to proceed on this legislation. It is very important legislation.

We have so many other things to do. We have the farm bill that is completed, basically, I understand. We are going to have to go to that soon because it expires the end of this week. We have the Consumer Products Safety Conference. That should be completed hopefully by the end of next week. We have the budget, our budget that we have to complete. Fortunately, on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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that, we have a statutory time to work toward its conclusion.

Whether we want it, there is going to have to be a discussion about fuel prices, what is going on. That is the No. 1 issue facing America today. It is more important now than the housing market, which is so in a state of distress.

So we have much to do in the next few weeks, not the least of which—the House is going to pass, next week, the supplemental appropriations bill dealing with the funding of the wars in Iraq and Afghanistan. It is no easy venture to complete that because, as you know, there are certain things the President wants to have on that bill that he has told us, in addition to the funding for the wars.

We have had a lot of opportunity in recent months to point fingers at each other. Hopefully, the next 4 weeks, until the Memorial Day recess, we can start pointing fingers to a way to complete some of this legislation because it is extremely important we do that. For example, we had to file cloture on this bill. I told my leadership team I met with this morning, we cannot blame that one on the Republicans because the fact is the substitute coming from the Finance Committee and the Commerce Committee had not been completed until 10 o'clock last night. So realistically we couldn't expect Republicans to start legislating on that before they had the piece of legislation themselves. But they have had it now since last night. I hope, after we have had our caucuses, we can proceed toward completing this legislation in some reasonable manner.

MEASURE PLACED ON THE CALENDAR—H.R. 5715

Mr. REID. Finally, it is my understanding that H.R. 5715 is at the desk and is due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The bill clerk read as follows:

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

Mr. REID. Mr. President, I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

GAS PRICES

Mr. MCCONNELL. Mr. President, as we all know, the Senate voted unanimously last night to proceed to the FAA bill, despite the fact, as the majority leader indicated, at the time we voted, we had not yet received the Senate substitute. We did have a chance to receive it overnight and will now review it before proceeding. We can talk again after the respective policy lunches, at midday today, about that. It is my expectation when we do get on the bill that we, indeed, allow amendments. The majority leader has indicated that is his intention. Many on our side would like to offer amendments and there will be debate on this bill.

I would also like to point out that while the FAA is an important agency, the No. 1 issue for Americans right now, and their greater concern, is the price of gas at the pump. The price of gasoline has jumped by more than $1.25 a gallon since the beginning of the current Congress. The cost of oil has nearly tripled to $120 a barrel now. According to the AAA, the average price of a gallon of gas in Kentucky is $3.58, the highest ever. I was happy to read the majority has tasked their chairman to come up with ideas to work on this issue, but I fear the answer that comes back will be the same two-word prescription that has been offered in the past—higher taxes.

But higher taxes will only raise the price at the pump, not lower it. So while we move forward on the FAA bill, the Senate should not forget what Americans are most concerned about, the dramatic increase in pain at the pump over the last year. We should be able to stipulate at the outset that raising taxes as a way of addressing the problem is not even worth serious consideration.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business for up to 1 hour, 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.

The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

GAS PRICES

Mr. DURBIN. Mr. President, it is interesting, the issues that touch the lives of people to the point where they bring them up to a Senator or Congressman. There is an issue now which, whether you live in Pennsylvania or Illinois, you are going to hear about—whether you are going to shop in a grocery store in Springfield, as I did over the weekend, or back home in church—and it is gas prices. It is understandable because this is an economic issue which hits you right between the eyes every time you drive down the street and hits you right in the pocketbook when you go to pay for gasoline. You know what is happening with the price of that commodity. You also know when something is obviously very wrong.

In my State, the average consumer is paying a record $3.71 a gallon for gasoline. There are many States paying more. Diesel fuels are even worse. The Illinois average now is $4.30 a gallon, but in some parts of America, diesel fuel costs as much as $5 a gallon.

Think about the trucker. Many of them have to live on a very slight margin, filling up the tank of that truck they are taking down the highway and putting out over $900, sometimes $1,000, to do it. For many of them, it means work extra hours, extra days, an extra week, to try to make enough to get by.

Fuel costs are approximately 2½ times what they were when President Bush took office in 2001. What a legacy this President will leave, when you take a look at energy in America today. We elect Presidents to look to the future to plan and guide America. In this situation, this administration, which was born in the oil patch, with both President Bush and Vice President CHENEY having their early roots in the business of oil companies—this administration has stood by on the sidelines and watched the cost of energy rise to record levels in America, creating hardship not just for families and individuals but small businesses as well as trucking firms—not to mention airlines, which I will mention in more detail in a moment.

When you take a look at the opportunity for economic growth in America, it is tied tightly to the cost of energy. This President has failed, in 7 years, to have an energy policy that had any vision. It was predictable that demand would increase for petroleum and crude oil in countries such as China and India; that limited resources around the world would be taxed as these economies grew, as their demand for oil grew, and as we had to compete for that oil with those other countries such as China and India. The law of supply and demand suggests that competition is going to raise the price of crude, and it has risen dramatically.

Many people say: Well, I suppose, because it has now reached $120 a barrel—as it did last week—that explains the gasoline prices I am paying, the diesel prices, and jet fuel prices. In fact, it does not. It is an oversimplification to say that is the reason. Because between the crude oil and the product you buy is a refinery, an oil company that takes the crude and converts it into the product we purchase. The difference in cost between the original

barrel of crude oil and the ultimate product is called the crack spread—the cracking process at the refinery—and that has changed dramatically.

Not that long ago, the difference in cost was $1 or $2 a gallon, in terms of the refining process. Now it is up over $40 a gallon. So the refining process—between the crude oil and what you bought at the gas station—has risen dramatically in cost. Crude oil, of course, costs more. But that has risen dramatically.

That explains something else, a phenomenon which cannot be ignored. This is the week when America learns who is making money off the high gasoline costs we find at the pump. I think the answer is obvious: ConocoPhillips reported 2008 profits for its first quarter were up 17 percent, $4 billion in profits for ConocoPhillips in the first 3 months of the year.

This morning, British Petroleum, BP, announced they made $7.6 billion in profits in the first quarter of 2008. Royal Dutch Shell announced $9.08 billion in the first quarter. We are still waiting for ExxonMobil.

Understand, these are not the biggest profits in the history of the oil industry, these are the largest profits in the history of American business, some say in the history of all business throughout mankind; the largest profit taking ever. At whose expense? At the expense of consumers and families, small businesses, truckers, airlines, and our economy.

That is the reality. Would you not expect the President of the United States to call in the major leaders of these oil companies and say to them: You are destroying the economy we are counting on for America by your profit taking; you are making it impossible for this economy to grow. We are facing a recession over the housing crisis and now you are compounding this misery with your greediness and selfishness and profit taking from this economy.

That is fact. The oil companies say: Well, the problem is we do not have enough refineries. If we had more, then we would have more product and we might have a smaller spread and we would not be. Let me tell you what: Today, the refineries in America are operating at 85 percent of capacity. Do not buy this argument that it is about refineries. They have more capacity. They are holding back so they can keep their product dear and limited and short, and so the consumers will ultimately pay more.

The oil companies have been making money hand over fist as those oil prices have gone up. In 2007, the private oil industry pocketed $155 billion in profits, out of revenues of $1.9 trillion. And the largest integrated oil company, ExxonMobil, reported a profit in 2007 of $40.6 billion, record-breaking numbers.

Profits for the five largest integrated oil companies have more than quadrupled in 5 years. This deluge of profits has been so great that companies hardly know what to do with the flood of money filling their headquarters.

Do you think these profits are being reinvested in infrastructure and increasing production to ease rising prices? Are the profits being used to make it easier for us to use alternative fuel in cars and trucks? The answer is no. A good portion of their profits is being accumulated as uninvested cash. Cash holdings for the five supermajor oil companies in 2007 exceeded $52 billion; money right off your credit card into the oil company coffers that sits there earning interest. That is 279 percent greater than it was in the year 2002. Capital expenditures by the same industry for infrastructure and capacity increased by only 81 percent.

Now, some people have suggested a gas tax holiday; stop collecting the Federal gas tax. I will tell you in the first instance if American consumers are bought off with that alone, they ought to take a second look. If there is a 3-month gas tax holiday, as has been proposed, it will mean savings to consumers on average of about $25 to $30; $25 to $30 for the entire summer. Think about what you are paying for a tank of gas. If you take off the Federal gas tax, then the money is not going into the Federal trust fund to build the highways, to reduce the congestion so you do not sit in traffic burning gasoline and get to your destination. That is not a very good tradeoff. So the obvious question is, if the national gas tax is to come off and give me any savings, what am I ultimately going to pay? Who is going to pay for the money that is lost in the investment in the Federal highway trust fund? That, I think, is critical.

Last week I called on the Chairman of the Federal Trade Commission to launch an investigation into this matter. I should not have had to write that letter. The fact that a Member of Congress has to knock on the door and get a little stir inside the Federal Trade Commission and say: Anybody home? Have you noticed what is going on at gas stations across America? Why would a Member of Congress have to ask the Federal Trade Commission to do their job? But they should do their job. They should be taking a close look at the increase in gasoline prices and diesel prices and jet fuel prices.

This last week, the two biggest airlines in America, American Airlines and United Airlines, reported record losses for the first quarter because of the cost of jet fuel. In the instance of American Airlines, it was around $300 million; United Airlines, around $500 million. These are serious problems. United is going to lay off 1,000 people. That is going to hit my home State of Illinois and the City of Chicago. It is going to hurt us in terms of employment. Other airlines are facing the same squeeze because of jet fuel costs. It is the same issue as diesel fuel, the same issue as gasoline.

If America's economy is going to pull out of this recession and move forward, we need real leadership. We need the Federal Trade Commission investigating those oil companies and their profit taking. We need Congress to stand up on its hind legs and finally say ''enough.'' And would it not be a joy to have a President who would wake up in the morning and look outside the window of the White House and see something other than Baghdad? If he looked outside the window and instead saw Chicago or Boston, or Miami, or Philadelphia, he would understand this American economy needs his attention.

As the President comes and asks us for $108 billion more for this war in Iraq with no end in sight, he is proud that he is going to leave office never changing this failed policy he instituted in Iraq, and he ignores the American economy.

A strong America begins at home. And most Americans will tell you, it begins at the gas pump. Give them affordable gasoline so this economy can grow and they can afford to meet the costs of living which continue to increase dramatically under this administration.

Unfortunately, this President has ignored it. Born in the oil patch, he has been raised to ignore the obvious. When the oil companies are taking obscene profits out of the wallets of American consumers, it not only hurts our economy, it hurts our security in this world.

I am glad 51 Senators have joined in asking President Bush to stop putting oil in the Strategic Petroleum Reserve for the remainder of this year. I wish he would listen, but he has not.

I hope we are going to move toward more research and development so we have cars and trucks that are more fuel efficient. This administration is devoid of ideas and devoid of leadership when it comes to this energy crisis. If this President would get out of the White House and visit any town in America and ask the average person what is on their mind, they would tell him: Mr. President, roll up your sleeves, focus on this country, bring down the cost of gasoline. Get energy prices under control so this economy can prosper.

AUTHORIZING LEGAL COUNSEL REPRESENTATION

Mr. DURBIN. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 539 submitted earlier today by Senators REID and MCCONNELL.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 539) to authorize testimony and legal representation in State of Maine v. Douglas Rawlings, Jonathan Kreps, James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony

and representation in criminal trespass actions in Penobscot County Court in Bangor, ME. In these actions, protesters have been charged with trespassing for refusing requests by the police on March 7, 2007, to leave the Margaret Chase Smith Federal Building, which houses a number of Federal offices, including Senator SUSAN COLLINS' Bangor, ME office. Trials on charges of trespass are scheduled to commence on April 29, 2008. On April 28, 2008, a defendant subpoenaed a member of the Senator's staff who had conversations with the defendant protesters during the charged events. Senator COLLINS would like to cooperate by providing testimony from that staff member. This resolution would authorize that employee to testify in connection with these actions, with representation by the Senate legal counsel of that employee and any other employee of the Senator from whom evidence may be sought.

Mr. DURBIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 539) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 539

Whereas, in the cases of State of Maine v. Douglas Rawlings (CR–2007–441), Jonathan Kreps (CR–2007–442), James Freeman (CR–2007–443), Henry Braun (CR–2007–444), Robert Shetterly (CR–2007–445), and Dudley Hendrick (CR–2007–467), pending in Penobscot County Court in Bangor, Maine, a defendant has subpoenaed testimony from Carol Woodcock, an employee in the office of Senator Susan Collins;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena. order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Carol Woodcock is authorized to testify in the cases of State of Maine v. Douglas Rawlings, Jonathan Kreps, James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick, except concerning matters for which a privilege should he asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Carol Woodcock, and any other employee of the Senator from whom evidence may be sought, in the actions referenced in section one of this resolution.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

SMALL BUSINESS EMPOWERMENT ACT

Mr. BROWN. Mr. President, this week is the sixth annual Cover the Uninsured Week. Community organizations and foundations around the country will be hosting events to highlight the need for health reform. Across the Nation, we all know this: 47 million people lack health insurance. In my State of Ohio, 1.2 million people, 11 percent of the population, are uninsured.

It is no different in the Presiding Officer's State of Pennsylvania. But that even one American lacks health coverage is a national embarrassment. We are the wealthiest Nation in the world. We spend $2.38 trillion a year, $2.3 trillion a year in health care, but we cannot make sure that every American has health care coverage? Of course we can.

Every other industrialized nation on this Earth ensures access to coverage. We in this body have chosen not to. Last year Congress tried to provide health coverage to millions more low-income children. The House and Senate both passed bills twice to provide $35 billion over 5 years in additional funding for the State Children's Health Insurance Plan. It was the biggest bipartisan initiative to expand health care coverage in years. Twice—not once but twice—the President vetoed that legislation. We spend more than $3 billion every week in the war in Iraq. The President vetoed legislation spending $7 billion a year to insure 4 million children; $3 billion a week every week in Iraq; the President vetoed $7 billion a year to insure 4 million children. These are the sons and daughters of working parents; sons and daughters of parents in Toledo, in Mansfield, in Zanesville, who are working hard and playing by the rules.

Think about this: Since I have begun to speak a few moments ago, we have, in Iraq, spent $650,000. Yesterday in Iraq we spent $400 million. Last week in Iraq we spent $3 billion. Again, the President vetoed legislation $7 billion a year for 4 million children. It was disappointing to us as advocates for children's health insurance. But mostly it was disappointing to the parents of children around my State, in Cincinnati, from Ashtabula, from Marietta to Springfield, to Lima, parents around Ohio and around the country who need health insurance for their children.

Not only do many low-income children live without health insurance, but families whose breadwinners are self-employed or who work for small businesses struggle to get health insurance too, families such as the Coltmans of Conneaut, OH, a community in the northeast corner right across the line from Pennsylvania. The Coltmans are a large family with five children and two hard-working parents. Last year their 7-year-old son Caleb was diagnosed with leukemia. The doctors are optimistic, but treatment is wildly expensive. Last year, Kenna Coltman, Caleb's mother, left her job to work for her family business, a neighborhood grocery store. Unfortunately, this meant she had to search for new health insurance. After a long search for private insurance, the Coltmans found an affordable plan, but it was not scheduled to go into effect until August. By that time, Caleb had been diagnosed with leukemia, which was a deal breaker for the private insurer. Uninsured, facing a catastrophic illness, a parent's worst nightmare, the Coltmans had run out of options.

Kenna, the mother, a college-educated daughter herself of two Conneaut natives, recounted the experience this way.

She said: If there was absolutely any other way to get our son the care and medication he needs without totally impoverishing our family, we would do it.

In a country like ours, families should not have to worry about being thrown into abject poverty to pay for health insurance. Families want to do the right thing. They want to insure their children. They work hard, they play by the rules. But insurance is too often out of reach.

That is why today I am introducing a bill to make health insurance more viable for workers employed by small businesses. The Small Business Empowerment Act would create an insurance program for small businesses and self-employed Americans. This program is modeled after the excellent coverage that is provided to Federal workers and to Members of the House and Senate.

To keep premiums affordable, the Department of Health and Human Services would create a reinsurance mechanism to help cover high-cost enrollees. The legislation would establish a Federal commission to tackle the toughest health policy issues: how to rein in health care spending without compromising health care quality and access; how to craft an insurance package that treats all enrollees equally, regardless of what type of health care they need, which is essential; how to combat price gouging by the drug industry, the medical device industry, and the insurance industry. In other words, how to ensure our health care system is sustainable and equitable, efficient and effective. The bill was introduced to help families such as the Coltmans.

Thankfully, Caleb's current prognosis is good, and the family business seems to be turning the corner. His treatment was covered by Ohio's Medicaid I Program, another program that is crucial to providing coverage to families who are struggling; another program that is under attack by this administration as it tries to change the rules and as it cuts billions of dollars from the program.

This week and every week we need to work to keep Medicaid strong, to realize the expansion of CHIP for which we fought so hard, and to pass legislation for the self-employed and workers in small businesses. The small employer health insurance bill provides more options so that the rest of the Coltman family, including Caleb's parents, can access health insurance too. I don't want Caleb's parents in Conneaut, OH, to live in fear when their children fall down or get in an accident or catch the flu or have an allergic reaction to something they ate. They have enough on their plate already.

I look forward to working with my colleagues to protect Medicaid and the Children's Health Insurance Program and to pass this bill.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Florida. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NASA FUNDING

Mr. NELSON of Florida. Mr. President, the National Aeronautics and Space Administration is an incredible little Federal agency that has pulled off extraordinary feats and continues to do so—defying the laws of gravity, utilizing the principles of physics to do wondrous things—as we begin to continue our exploration of the heavens. But NASA is going through a very difficult time. First, NASA has been starved of funds. The National Aeronautics and Space Administration, in its human space program, has not been allocated enough money by this administration and a series of Congresses over the last several years in order to do everything they want to do. This was particularly acute earlier in this decade when we lost the second space shuttle, the Shuttle Columbia, in its breakup in the atmosphere upon reentry over Texas.

NASA spent $2.8 billion just in the recovery of that disaster and in the recovery of flight. Unlike the loss 20 years earlier of Challenger and the cost of recovery from Challenger, which was provided outside of the NASA budget, this time NASA had to eat the cost of recovery out of its operational budget, therefore leaving almost $3 billion less for NASA to operate on to do all it wants to do.

What are the things it wants to do? What do we want it to do? To fulfill the vision as enunciated several years ago by the President, that we would build a new vehicle after the space shuttle, the capsule called the Orion, the rocket called Aries, a program called Constellation that would have a new vehicle, like a capsule, like the old Apollo capsule that only carried three astronauts, that would carry six. It would be a new human vehicle to get to and from the space station, much safer than the space shuttle, more economical, but then that the program would then expand on for us to go back to the Moon by 2020 and establish a habitation on the Moon to learn from dealing in that environment, as ultimately humankind is going to go to Mars. That is the program called Constellation.

But NASA was never provided with enough money. Over the past couple of years, this Congress, this Senate has tried to provide NASA with the money. Indeed, last year we were successful in the NASA appropriations bill in getting an additional billion dollars just to partially pay back NASA for the money it had eaten out of its operating budget on the cost of recovery of the space shuttle disaster, the Space Shuttle Columbia. But when we got to the House, in the negotiations, the White House—specifically the White House budget director—would not support the additional billion dollars. The chairman of the House Appropriations Committee then insisted that it be taken out of the budget.

NASA is right back in the place where it found itself, with not enough money to do everything it is trying to do. It is like saying you want to take 10 pounds of potatoes and stuff them into a 5-pound potato sack. It doesn't fit.

Hopefully, the new President will understand this. Does America want a successful space program and does America want a successful human space program complementary to those robotic spacecraft that do so many successful things? I think the answer is clearly yes. We have always had the high ground. This country's technological achievements have always kept us at the cutting edge as the leader in the world.

Remember when the Soviets surprised us by putting up the first satellite sputnik, and we were scrambling to catch up. Remember when they surprised us and put the first human, Yuri Gagarin, into orbit and that surprised us. And we hadn't even gotten Alan Shepard up in suborbit, and it was 10 months later before we could get the first American in orbit, former Senator John Glenn, one of the great heroes of this country.

After that, then our resolve, the Nation's focus, a Presidential declaration by a young President who said: We are going to the Moon and return. With all of that combined, along with a space race with the Soviet Union, we clearly became the leader. The spinoffs from that program into everyday life, the technological achievements—Velcro, microminiaturization, new products, a lot of the modern miracles of medicine—are direct spinoffs from the research and development of the space program. When going to the Moon, we had to have highly reliable systems that were small in volume and light in weight. That led to a microminiaturization revolution of which we are all beneficiaries today.

The question is, Are we going to retain that leadership in space? Yet if we keep bleeding NASA of resources, we are not going to be able to. We are already facing a situation where we will not have human access to space for 5 or 6 years, when the space shuttle is shut down in 2010, and the Administrator of NASA tells us that we are not going to be able to fly the new vehicle Orion with humans until the year 2015, if that. What does that mean to us? It means we have a $100 billion investment in orbit right now called the International Space Station that is supposed to be used for scientific research, and we are not even going to have an American vehicle to get there for 5 or 6 years. That is unacceptable.

How are we going to get there? We are going to pay the Russians to get a ride for our American astronauts on their Soyuz vehicle which had a problem last week on reentry with a too steep reentry, a ballistic reentry, 8 Gs experienced by the cosmonaut and astronaut on board. So we are going to have to negotiate with Vladimir Putin during this 5-year period, which we are going to have to buy. We are going to be laying off American space workers at the Kennedy Space Center, and we are going to be funding jobs in Moscow at who knows what price Vladimir Putin will charge us because he knows it is the only way we have to get to the International Space Station. And, by the way, if that is not enough to cause heartburn, we can't pay Russia for space flights, of which we have to go about and contract right now if they are going to build a spacecraft for 2011, when we would need it. We can't pay them for it because we are prohibited by a law that says, since they are helping Iran, a nation that we are concerned about proliferating nuclear weapons, we have to get a waiver of that law.

All of this is to say that we have a mess. If this Nation wants to be a leader in space, which I believe every American believes we should, we have to start helping NASA. We have to get the next President attuned to this issue.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

ENERGY

Ms. MURKOWSKI. Mr. President, I rise this morning to talk about what everyone is talking about, which is the price of energy today. I was home in Alaska over the weekend. Everywhere I went, the price of gasoline was the main topic. Everyone wanted to talk about it. Here in the lower 48, as we are looking at high crude prices hitting the $120-per-barrel mark yesterday, or nearing that mark, recognizing that we are seeing a nationwide average of gas prices at $3.60 for a gallon of regular—

this is up just 4 cents over the weekend—we all agree that prices are high, far too high. But in a State such as mine, we consider the prices to be in the stratosphere. In Bethel over the weekend, the price of gasoline was at $4.98 a gallon. I just met with a constituent coming over here. We were talking about prices in Fairbanks, about the national average. But up in Allakaket, which is a pretty remote little village, the prices they are looking at for their gasoline are over $7 a gallon for regular gasoline.

In Valdez, which is the site of the Trans-Alaska oil pipeline, the terminus of our gas line, they are finding regular selling there for more than $4 a gallon. I think we would all agree these prices are not just high, but for many they are absolutely unbearable.

We can talk about why the prices are high. It is important to understand that. But Americans are tired of hearing, when we talk about the world demand, the world using 85 million barrels a day, that there is very little surplus oil production capacity left.

They are tired of hearing of the weakness of the dollar that is driving investors into buying oil as a safe haven against inflation. The truckers who were gathered around The Mall yesterday in protest of the high prices—I have to wonder if they care that we, in Congress, in 2005 and again in 2007, passed legislation to promote energy conservation that requires an increase in the vehicle fuel efficiency standards. That is going to begin to improve their mileage in about 7 years. They do not necessarily care we have funded the research and the demonstration of alternative energy technologies, whether it is for geothermal or for ocean energy. They do not care about the loan guarantees we intend to make for nuclear and solar and wind and biomass as we try to make our biofuels go even further.

What people care about—what they want to know—is: What are you doing, Congress? What are you going to do to make the price I pay at the pump go down?

I suppose we can halt filling up the Strategic Petroleum Reserve—something we certainly are looking at. I think at this time of very high prices it makes some sense. But we need to recognize that is only going to add 70,000 barrels a day to the nearly 21 million we are using.

We could also reduce the Federal gas tax, which is currently 18.4 cents, and dedicate the nearly $5 billion we gained in OCS lease sales this winter from sales up in the Chukchi Sea in Alaska and from the Gulf of Mexico to help offset the losses to the highway trust fund. But, again, that would only offset the revenue losses to transportation projects for probably a few weeks.

So the question the consumer is asking is: What can you do that could make a difference in this country? I believe one of those things we need to do in America is to produce more of our domestic oil and gas supplies to help increase global oil supplies and, thus, drive down the prices. We would do this at the same time we are working toward renewable fuels. We would do this at the same time we are focusing on a level of conservation. It has to be this kind of three-legged stool approach. But we cannot stick our head in the sand and say increased domestic production should not be part of that comprehensive strategy.

Now, some have suggested we do not have enough oil in this country to make a difference. But look at what we in the Federal Government have done through regulation and through moratoria. We have prevented exploration in many of the places where oil and gas are most likely to be found in this country.

If you take the areas that are covered by the OCS moratoria—the Atlantic coast, parts of the Gulf of Mexico closest to Florida and the Pacific coast and you throw in the Arctic Coastal Plain and parts of the National Petroleum Reserve in Alaska—you have nearly 40 billion of the Nation's 112 billion barrels of remaining undiscovered oil which has been put off the table for consideration. That is nearly enough to power over 20 million cars for 60 years and heat nearly 10 million homes for the same period.

Last year, I came to this floor—actually, I come to this floor quite often—to urge my colleagues to consider greater oil development in my home State of Alaska. Earlier this year, I came and I urged that we simply allow—just allow—us winter-only exploration in northern Alaska to confirm that the oil we believe is there is truly there. Last year, when I spoke, the price of oil was at the $60 mark. At the same time, I warned that if we continued to do nothing, the prices would only continue to climb.

I have never been one of those people who relishes the ''I told you so'' approach, but I am here to say it is time for this country to snap out—snap out—of its lethargy and actually explore for and produce more of our Nation's fuel needs.

It was about a month ago, Senator STEVENS and I introduced new legislation to open a tiny part of the Coastal Plain of the Arctic National Wildlife Refuge to oil and gas development. Opening a few thousand acres—we are talking about 2,000 acres—of Alaska's Arctic coast to oil and gas production could produce up to 16 billion barrels of economic oil by current Government estimates. To some, that might not seem like much. But without opening ANWR, we are going to have to import between 780,000 and 1 million barrels of additional oil each day. That is only going to continue to help drive up the world price of oil.

Without ANWR, American domestic oil supplies fall sharply. The EIA predicts Alaska will be producing about 270,000 barrels a day, next decade, from our existing oil fields up in Prudhoe Bay. This is compared to the nearly 800,000 barrels a day the State is currently producing.

The bill we introduced will automatically open the coastal plain of ANWR in the northern part of the State if the world price of oil tops $125 a barrel for 5 days. In return, what it does is allocates all the Federal revenues that would come from that oil to both alternative energy development and to programs to help improve energy efficiencies and to those in need. What we anticipate, in terms of revenues, would be an estimated $297 billion—$297 billion—to help fund the wind technology, the solar, the biomass, the geothermal, the ocean energy, the landfill gas—everything that was covered in those Energy bills that were passed in 2005 and 2007, plus it would provide funding for LIHEAP, for weatherization, and for the WIC Program. The bill incorporates protections so that while we do the exploration and the production, we are also protecting the environment.

We mandate that the exploration occur only in the winter, when no animals are on the Coastal Plain to be disturbed. It requires the use of ice roads that disappear in the summer to protect the wildlife. It allows for special areas to be designated to protect the key habitat. There are dozens of stipulations to guard against noise and flight disturbances, spills or land use problems.

Opening ANWR does so many things. It makes us, first and foremost—and most important—less dependent on foreign sources of oil. It cuts our balance of payments deficit. It improves our economy. It keeps our jobs at home, not exporting them to foreign oil producers such as Venezuela. But, more importantly, I think it signals that we are finally serious about helping ourselves, that we will do it here first, that we can produce oil from ANWR, and we recognize this will help to drive down the psychology and the speculation that is currently acting to drive up world oil prices.

I will be the first one to admit to you that opening ANWR tomorrow will not produce more oil tomorrow. We recognize that. But we do believe it will dampen the price speculation that is helping to fuel higher prices.

We have to talk about true and meaningful solutions: not only increasing alternative energy—which is a must—not only doing more to improve our energy efficiency and our conservation—absolutely important—but we need to get on now with also increasing our domestic energy supplies. ANWR is one way to demonstrate we are serious about doing that.

I do hope we will seriously look at the current merits of opening ANWR to exploration and development.

With that, Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator MURKOWSKI for her comments and agree with them very

strongly. This is not a matter that she just raised. Her distinguished father, who chaired the Senate Energy Committee, was a champion of ANWR production when he was in the Senate.

When I came here almost 12 years ago, I believed that was the right thing then. I understood then that it did have the capability of maintaining wealth in our country and helping to ease the surging price of oil and gas. I believe, as history has proven, she is correct.

That is the way it is. We steadfastly—vote after vote after vote, for the last 12 years I have been in the Senate and before that—tried to produce the tremendous reserves of oil and gas that are contained in a small part of ANWR. We have been blocked.

It is odd that those who blocked it, and seem unphased by the fact that we are importing huge amounts of oil and gas from nations around the world that are often hostile to us, such as out of that great lake in Venezuela. Nobody is worrying about the environment in Venezuela—it is all right to bring it from Venezuela or other places but not from the United States.

After many years since I have been in the Senate, we finally were able to open up more lands in the Gulf of Mexico, where huge reserves exist. It is not an academic matter only. We are talking about gasoline that has risen to the price of $3.61 a gallon as of this morning. One year ago, it was $2.84 a gallon; and 2 years ago, it was $2.74 a gallon. As a result, the American family, with two cars, is paying about $75 a month more for the same amount of gasoline they were buying previously.

This impacts our economy adversely. It is a transfer of wealth. T. Boone Pickens—himself an oil producer and one of America's most successful entrepreneurs—recently talked about the fact we are buying over 60 percent of our oil from foreign countries at the cost, he estimates, of $600 billion a year. We are sending $600 billion a year to foreign countries to import the oil we utilize. T. Boone Pickens referred to that, in an American Spectator article recently, as: the greatest wealth transfer in the history of the world.

Do we have the ability to do something about it? Are we just totally hopeless? Do we have an ability to do something about that? Absolutely, we can do some things. I supported ethanol, although we clearly are pushing the limits on that. But if we could do more cellulosic ethanol, we could do better. I supported the increase in the gas mileage, which we did pass, which will have a significant reduction in our demands.

But as the population of our country is growing, even if we reduce our own individual use, we are going to have high demand in our country for years to come. It is a question of: Where are we going to get it? I support hybrid automobiles. I support diesel automobiles. In fact, diesel is as clean or cleaner, in terms of CO_2, and gets 30 percent better gas mileage than gasoline automobiles. Europeans utilize diesel automobiles. Fifty percent of their cars are now diesel. They actually get the same gas mileage and emit the same or less CO_2 than hybrids. Did you know that?

So somehow we have fiddled around here and ended up not promoting diesel in an effective way and have seen the price of diesel fuel, which should be cheaper, be 60 cents more per gallon at the pump. I would like to know more about why that is happening. I think it has to be a combination of things, but I think Congress needs to look into that. I hope, in the Energy Committee, we will have some hearings on that particular question.

But let me talk about some of the reserves we have in our country.

In 2005, this Congress directed the Department of the Interior to study our reserves on the Outer Continental Shelf. I am from Alabama. We are a gulf coast area. They found that 8.5 billion barrels of oil are currently known to exist off the Nation's shores. In addition, the study estimated that approximately 86 billion barrels of oil also exist in those areas that have not been charted yet. The U.S. Geological Survey and private industry also estimate that approximately 25 billion barrels of oil exist onshore in the lower 48 States and in Alaska.

This amounts to approximately 119 billion barrels of oil available to the United States in our country or off our shores alone, for which we do not have to pay any foreign nation. Any production we get, as Senator MURKOWSKI of Alaska stated, can create profits that come to the United States and not to foreign countries, and we can use it to accelerate nuclear power, plug in hybrids, ethanol, cellulosic ethanol, wind and solar, and those other kinds of energy forms. But apparently we have those who just steadfastly block this and prefer to send our money to Hugo Chavez in Venezuela.

Now, there are some additional sources of oil in our country of immense proportions, and at these world prices, it has proven to be already economically feasible to develop them. One is oil shale. The Congressional Research Service, our own independent research service, estimates this country's oil shale reserve to be equivalent to approximately 1.8 trillion barrels of oil, or 1,800 billion barrels of oil in oil shale. The largest oil producer in the world, Saudi Arabia, is estimated to have only 267 billion barrels. We are talking about 1.8 trillion in the United States, and it can be produced for less than $100 a barrel—some say $60 a barrel—and the people who produce it would be Americans paid salaries by the American Government, who would pay taxes to the U.S. Treasury, keeping our wealth at home and not transferring $600 billion to a foreign country.

In 2005, Congress recognized the potential—I want my colleagues to understand this—we recognized the potential of oil shale in the Energy Policy Act we passed, which was a good bill. It made a number of good steps forward. We identified it as strategically important and called for its further development. Yet the new Congress, under the new leadership, has acted to block the development of this abundant resource despite the record price of oil. They undermined the 2005 Energy Policy Act. In the recently passed Energy Independence and Security Act, the majority inserted language into the bill prohibiting any Federal agency from contracting to procure any alternative or synthetic fuel that produces greater life-cycle greenhouse gas emissions than those produced from the ground, those produced from Saudi Arabia. This language prohibits the Federal Government from contracting to produce oil shale. They knew exactly what they were doing, and that was exactly the purpose of that language. It really should be repealed. It is misguided. It is wrong.

The Energy Act of 2005 directed the Bureau of Land Management to lease Federal lands for oil shale research and development projects. Yet the Congress, in this same bill, acted to block the development of this provision. So we passed it in 2005, and they came along and blocked it. Language was inserted, actually, this time in the Consolidated Appropriations Act—that is, the Omnibus appropriations bill at the end of last session—that prohibited funds from being used to implement the leasing program which Congress directed BLM to implement in 2005. It should be repealed. That is not the right thing for us to do.

So there is much more we can say. We need technology. We need advancement in our ability to conserve energy, and at the same time, while we are making that progress, we do not need to be devastating our economy by transferring $600 billion a year to foreign countries when we can produce so much more here at home.

I thank the Chair, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, may I inquire how much more time of morning business is allotted to this side?

The ACTING PRESIDENT pro tempore. Eight minutes.

Mr. CORNYN. I ask unanimous consent to speak for up to 10 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CORNYN. I thank the Chair.

I don't blame the American people for being upset at the price of gasoline they have to pay at the pump. Frankly, the biggest cause of those high prices is the Congress.

It has been 2 years since Speaker PELOSI said that her party, the Democratic Party, had a commonsense plan

to bring down prices at the pump. I am left to wonder how long we will have to wait to hear what that commonsense plan is. So far, all we have heard is an escalation of the blame game, which, of course, here in Washington, DC, inside the beltway, is a world-class sport. The problem with the blame game is it doesn't actually solve any problems. I think what the American people are frustrated about, among other things, is Congress's intransigence, its unresponsiveness, and its unwillingness to listen to their concerns—legitimate concerns—about how they are going to balance their family budget, particularly when it comes to the rising cost of gasoline and the rising cost of health care.

As my colleagues can see, in the 2 years that have gone by—in almost 2 years—we have gone from $2.33 for an average price for a gallon of gas to $3.61. That translates for an average family to about a $1,400 increase in expenses a year associated with their gasoline costs—$1,400 a year. So the Federal Government has essentially imposed an additional tax by its inaction on the average working family in this country. Frankly, we have the tools available to us to remove that tax and remove that burden if we will simply exercise our ability to use those tools in order to begin to bring down that price at the pump.

History has shown that raising taxes on oil companies is no solution because ultimately we know who ends up paying for tax increases. Ultimately, they are passed on down to the consumer. So it may be fashionable to beat up on big oil and say: Let's tax the oil companies because they are making too much money, but do you know what. If we raise taxes on the oil companies, we all end up paying an increased price for gasoline at the pump. It also has the effect as we saw from 1980 to 1988; the so-called windfall profits tax actually caused a decline in American oil production, reducing domestic production by as much as 8 percent. So for those who are worried, as I am, about our dependence on imported oil, a windfall profits tax is simply no answer at all. In fact, it is counterproductive.

Of course, the problem then was the same as the problem is today, and that is a shortage of oil around the world. I have said it before and I will say it again: Congress can pass a lot of laws, we can repeal some laws, but we cannot repeal the law of supply and demand. Other countries around the world have or want more of what we have in this country, which is unheralded prosperity, primarily because of our use of a disproportionate amount of energy. India and China and growing countries such as those with a billion people each are using more energy, and we are not seeing the supply go up, particularly here at home. So we know that Congress has been one of the biggest obstructions to increasing oil supply and lowering prices at the pump.

My staff helped me research these figures to make sure we had justification for them. As we see oil now approaching—maybe it has gone over—$120 a barrel today, if we were to develop the known resources we have available in Alaska that the Senator from Alaska just talked about, it would be the equivalent of $55-a-barrel oil—$120-a-barrel foreign oil versus $55-a-barrel American oil. If we were to develop more of the Outer Continental Shelf in places such as the Gulf of Mexico, even beyond the horizon where you can't even see it from shore, we could produce that oil from American reserves at the price of roughly $63 a barrel—$63-a-barrel American oil versus $120-a-barrel foreign oil.

It seems to me we are missing a great opportunity, not only to help bring down the major price driver of gasoline costs—70 percent of the cost of gasoline is the cost of oil—but also to make ourselves more secure and less dependent on foreign sources of oil, enhancing our national security and helping to bolster our economy at the same time. But, as we have heard, Congress has consistently thrown up a roadblock at accessing these sources of American oil.

Now, some of my colleagues on the other side of the aisle have proposed another so-called solution to low supplies. They said: You know what. We are going to take OPEC to court. Let's sue somebody. Unfortunately, that is an all-too-common proposed solution where we are going to litigate, regulate, and increase taxes. But, frankly, it is a little bit—well, more than a little bit—impractical, and it would make us even more hopelessly tied to foreign nations and their production whims. So if your solution is, let's sue OPEC and force them to sell us more oil, does that make us less dependent on foreign sources or more dependent? I would suggest that even if it were practical, which it is not, it would make us more dependent on foreign oil and is not a solution.

We need to remember just how much of an impact high energy prices have on the everyday lives of working Americans. High prices drive up the cost of all methods of travel. We are here this week talking about our airlines, and we know what economic pressure has been put on the airline industry and on the prices of tickets that continue to go up because, frankly, the price of oil is coming close to bankrupting the airline industry and driving those costs. But, of course, whether it is the cost of driving the kids to school or driving to work, these high gasoline prices impact everyday Americans all across our great country.

As the Senator from Alabama noted, sometimes Congress's best intentions backfire in things such as ethanol subsidies, using corn, using food for fuel, and leading to skyrocketing—helping to lead to skyrocketing food costs, not to mention livestock feed and other unintended consequences. We need to recognize that while developing renewable fuels certainly has its place as a part of the answer, no single solution is a panacea. All of these have to add to our energy diversity and our energy mix in order to provide the relief the American people want and need.

Increasing the supply, which will help bring down the cost of oil and the cost of gasoline, as I said earlier, must begin here at home using America's natural resources. Why Congress would mandate, in effect, that we can't buy American, we have to buy foreign when it comes to oil, is beyond me, and it just doesn't make any sense. We can develop environmentally responsible oil production right here at home if Congress would simply act.

The only real commonsense near-term solution to bringing down prices at the pump is to take advantage of the enormous natural resources we have right here at home. It is estimated that if Congress stopped penalizing and handcuffing American energy production right here at home, we could produce an additional 2.7 million to 3 million barrels of oil a day. That would be 3 million fewer barrels of oil a day that we would have to buy from Canada, from Venezuela, and from nations in the Middle East.

Allowing American production would send a strong message to the American people and to the financial markets that we are working as quickly as possible to drive down gas prices for American families. It would reduce speculation on the commodities markets that is helping to drive up the price of oil because when the financial markets see the Congress doing nothing and see the supply of oil remain static and see the demand increase, it is going to continue to drive prices higher and higher.

Unfortunately, we have seen too many Members of Congress block sound energy policies that would give American companies access to our valuable natural resources, such as we have heard about oil deposits in Alaska, offshore deposits, and shale oil sites that the Senator from Alabama mentioned a moment ago.

I think most Americans take an instinctive pride in the ''Made in America'' label, and wouldn't it be nice when it came to the gas pump if we saw a ''Made in America'' label on that gas pump.

I appreciate the opportunity to talk about what I think is probably the No. 1 issue on the minds of most of my constituents in Texas and most people in America today. It is the reason we had a bunch of truckers here yesterday complaining about the inaction by Congress when it comes to the price of fuel they need to earn a living and move America's goods and services around this country and to our homes.

I hope the majority leader and Members of Congress will work together on a bipartisan basis to try to bring some of these policies to the floor as soon as possible and without a moment of unnecessary delay.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, it is my understanding that we were going to go to the FAA bill at 11 o'clock. I was not aware morning business had been extended until 12:30 p.m.

The PRESIDING OFFICER. The Chair understands the Senator from West Virginia seeks recognition for 30 minutes.

Mr. ROCKEFELLER. The Presiding Officer is an extraordinary person.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

FAA REAUTHORIZATION

Mr. ROCKEFELLER. Mr. President, imagine this: gridlock in the skies; passengers delayed for hours and hours on a runway; an aging, antiquated air traffic control system just struggling to keep up with the growth of air traffic; a fight over how to pay for the billions of dollars needed to address airport infrastructure, infrastructure in all of its manifestations. I could be talking about the present, but I am not. I am talking about the years 2000 and 2001, prior to 9/11.

Then 9/11 did happen. It changed our country forever, and it changed it in countless ways. It forced us to understand how important aviation is to our Nation, our economy, and, in fact, very much our way of life. It also showed how fragile our system is and, I will argue, how fragile our system remains as it further deteriorates.

This Congress has worked diligently to address the security weaknesses. That was the TSA that took place a long time ago. That is working. It is not perfect, but it is working. I think people feel safe with it, but we have not adequately addressed any of the other weaknesses.

We have completely inadequately funded the Federal Aviation Administration. We have a chronically unprofitable commercial aviation industry, which is the backbone of our Nation's commerce. We have an inadequate investment in aerospace research. Because of this, we face the same problems we did in 2000 except they are worse. I want to spend a couple of minutes discussing why we have made so little progress in addressing this significant aviation system, and this is really my introduction to the bill. It is just not done in sequence.

Perversely, the attacks of September 11, which brought the commercial airlines system to its knees, flat to its knees, properly to its knees, solved the crisis of gridlock in the skies, to say the very least. The enormous dropoff of air travel in 2002 and 2003 reduced the stress on our Nation's 1950s air traffic control system. We are the only ones in the industrial world—and I have another comparison to make which is even more stunning later on. So delays and congestion were not issues for travelers. We felt pretty good about it. Passengers were not daring to fly yet. They didn't want to fly that much yet, so there was not a lot of congestion. Not so good for the airlines but good for people who wanted to get to places on time.

As is often the case, the urgency surrounding the need to modernize the air traffic control system and turn it from basically an x-ray and ground radio system into a digitalized, highly modern system, as every other industrial country has, the interest in that system becoming current, safer, more efficient, able to handle more passengers on time and more delivery of cargo, waned because the air traffic control system is not easily understood. It is assumed. It is taken for granted. People assume it is the most modern because it is America; therefore, it has to be. In fact, it is the least modern of all systems in industrial countries.

So interest waned, and in the 2003 FAA reauthorization, which I helped author with then-Senator Lott, we laid a foundation to build a modern, digital satellite-based air traffic control system. We authorized a significant increase in the FAA's capital budget to meet the ATC modernization needs, an increase based upon the administration's own request, in fact. But instead of investing in the system in 2004 and 2005; that is, speed of landing, parallel landing, all of those items, even taking into account wind shear, which every other country has except us, instead of that, in 2006, the Bush administration proposed dramatic cuts in the FAA's facility and equipment account, which is precisely the account which funds the modernization of our air traffic control system.

I have to say, Congress complied. I am not proud of that fact. I am not quite sure the reason for that, but facts must be stated.

Over this period, Congress therefore appropriated $600 million less than the 2003 FAA bill authorized for the FAA's capital accounts. It is a sad story on the part of the administration, and it is a sad story on the part of us. Neither of us were living up to our obligations. Obviously, people didn't see the future.

Under the leadership, however, of Senator MURRAY, the Senate has begun fully funding the FAA's modernization needs, but the damage of underfunding the FAA is not easily repaired. It is a large battleship. We just cannot turn it around in a couple of years.

The budget surpluses that we once had are gone, but by the FAA's own estimates the development of the next generation of air traffic control system, NextGen—when I say that, I mean the digitalized GPS system—is going to cost between $20 billion to $40 billion through the year 2025.

I might add, we are going to have to not only maintain our analog system because that is what we are using, inefficient as it might be, but build a new system at the same time.

Despite the popular misconception that we are building a new system that the FAA will turn on one day in 2025, NextGen is a program that will then employ multiple technologies over time. I will discuss NextGen in detail later. I will discuss a lot of items in a lot of speeches later. But we cannot just shut off the ground-based radar system. That is all we have, crummy as it is, pathetic as it is. The FAA will need to operate that system for years to come, probably 10 to 12 years to come.

By late 2006, it was clear that air travel was returning to pre-9/11 levels. That took some time, but in 2006 there we were. The ATC's system ability was again overtaxed to meet the demands being placed upon it. Gridlock in the skies returned, and it is only going to get worse.

I said yesterday the FAA is forecasting that 1 billion passengers will pass through our Nation's aviation system by the year 2025. That is a 300 million person increase from this year. We cannot ignore this issue anymore and, hence, this bill.

The United States is losing its position as the global leader in aviation. As the Economist magazine noted—this is so horrible I cannot even say it, but I am going to because it is true—the United States is behind Mongolia in the adoption of new air traffic control technologies. That is a national disgrace, and there is also a reason for it. Mongolia did not have an air traffic control system of any sort. So when they decided to do it, they did it digitally, GPS. So they are ahead of us.

I think it is a national embarrassment that a major carrier has to inconvenience 200,000 passengers—that is what we have been reading about for the last several weeks—because the FAA was not properly overseeing the airlines' maintenance.

Our Nation's aviation system is, to be quite blunt, on the brink—it is on the brink. It is at the cliff. We must move boldly into the future or we risk losing a lot of safety and a lot of lives.

I cannot emphasize the importance of a vibrant and strong aviation system. I want people to hear this point. They take it for granted. You get on an airplane, and you go do something. No, you get on an airplane, you go do something, but it is also the bellwether of the Nation's economic underpinning. It is not the U.S. highway system. People don't drive to States to look at industrial sites or to make decisions; they fly. What you cannot do over the Internet, the next closest step is aviation, and it bears our attention. It has never gotten it in the 24 years I have been in this body.

It is fundamental to our Nation's long-term growth. It is also vital to the economic future of countless small and local communities, something the distinguished Presiding Officer from his very roots understands very well.

For example, in West Virginia, people who work in the automotive industry need easy access to Asia to facilitate their business. Yes, that is West Virginia, but that is very important to me. West Virginia is like every other State. There is no State in this country that does not have rural areas. All

of our future is tied to a modern aviation system, if we would only have the will to build it. In this bill, we begin to.

We have all witnessed the fragility of our Nation's aviation system firsthand. It has been all over the news. People are furious. The waiting lines, the stories about planes bumping into each other or almost bumping into each other on the runways as they move around—it is just too much, too many people. Go into any airport. As I said yesterday, I came back into Washington National Airport from some city in the North, and you couldn't move. You could barely move. The whole airport was just packed with people—not just around the counters, not just around the gateways, but the whole place was packed. I was saying to myself: This is Washington National, the Nation's Capital, highly prosperous, definitely growing. What is it going to be like 10 years from now?

If we do everything we want, we will not have this system in place by 10 years. It was scary.

Our constituents are very frustrated about flying and they have every right to blame us, the administration and the Congress. It is easy to blame the airlines. That is always everybody's choice of blame—blame the airlines. There is no question that the airlines have a lot to do to improve their customer service, and the bill addresses that issue. All kinds of things have to happen in the airline industry. But I am going to give a speech this afternoon which talks about the airline industry and how absolutely desperately close it is to collapsing. I exaggerate not.

We must address the core problem facing the system and the lack of capacity to allow more aircraft to use the skies. When the weather is clear and our Nation's aviation infrastructure operates perfectly, most travelers get to their destinations on time. It just seems the weather is not clear very often these days, and people are frequently shuttled to other places to get to where they are going, the original place, or they have to sit on the tarmac for a long time and they get in a very bad place—and indeed they should.

It is a conundrum. I heard this morning a couple of airlines are thinking about raising their prices. They have the price of oil and their fuel. The prices of oil and their fuel are, in fact, two very different numbers. What are they going to do? How are they going to get out of this? If the equipment fails to work properly because the weather is bad, or even for a few minutes, the system often grinds to a halt, and delays in key airports such as JFK and O'Hare Airport are felt through our entire system.

You can take eight runways—Senator DURBIN and I tried to do this a number of years ago. You can fix the eight runways at O'Hare Airport, which was built back in 1962 with very few people traveling and the runways were not built in the modern sense, with modern flow in mind. It would take about $10 billion to $12 billion to do that. But if you did it, air congestion in the United States would probably clear up by about 25 to 30 percent instantly. So it is not a large, complicated thing. Sometimes it is an air traffic control system you need, sometimes it is a reconfiguration of runways, sometimes it is how do you handle the New York-New Jersey area. But these are not problems beyond our reach. Aviation gridlock is not just an inconvenience, it is becoming a threat to our economic well-being.

Aviation experts predict that these delays are going to go from bad to worse—soon. By the year 2015, delays will become so bad—I hope my colleagues will listen to this part—that none of the 1 billion people who will be traveling on airlines that year will get to their destinations on time—not one. That is what is being predicted. That is not very far from now. That is what is being predicted. More planes will be needed and they will lead to greater congestion in the skies. The meltdown of the air traffic control system will put passenger safety at unnecessary risk. S. 1300, our bill, authorizes approximately $65 billion for all FAA operations and programs. Most important, our bill lays the necessary foundation for developing NextGen air traffic—that is the new air traffic control system—by providing it $12 billion over the life of this bill for FAA's capital investment accounts.

Importantly, Senator BAUCUS and Senator MURRAY and I have agreed on the creation of a new subaccount—this is not manipulation, it is a perfectly proper thing to do—a new subaccount with the aviation trust fund that will provide $400 million for the next length of this bill, and then for bills after that because we will have to do it again, so we can get our air traffic control system rebuilt.

I appreciate the hard work of our colleague. Senator MURRAY is unbelievable on these things, as she is on virtually everything. A new satellite-based radar system will allow airplanes to move more efficiently, improve safety, improve the flow of commerce, reduce the consumption of fuel which in turn creates environmental benefits.

The bill provides approximately $16 billion for airport infrastructure—it is a boring word with large consequences. Since 2000, I am pleased we have been able to double the amount of funding annually for airport infrastructure grants—that means lengthening runways, that means improving conditions, that means upgrading what is needed to handle air traffic in a rapidly growing traveling world. Our investment in runway capacity has made dramatic improvements in safety.

I believe everyone in aviation recognizes the need to modernize our national air transportation system in order to meet the growing surge of passengers and to accommodate the enormous increase in general aviation. I am going to have a speech to make about general aviation, but I will not do it today—particularly high-end general aviation. That is called jets. I am not talking about crop dusters. General aviation is made up of lots of things—we only include 10 percent of that 100 as our target, where we can rightfully and legitimately go. Those people are getting a free ride. I will have a speech about that, I guarantee you.

It is a very unhappy situation when people hear about it. It is probably best explained on Jay Leno or David Letterman. That would probably drive it home to people. Until then, it is sort of an abstract quality. Until then, look at those big, fancy jets. We don't like those big, fancy jets. What they are not doing is helping pay for all this. They are paying for 3 percent of our air traffic control system even though they are the majority of airplanes in the skies at any given moment over the United States of America.

All this has been a long and very bitter dialog. In early 2007, Senator Lott and I asked the stakeholders to come to an agreement on FAA funding issues. It was a fascinating experiment, which we see very often. No one wanted to compromise. So we said we will give you a choice. You sit down in a room. We will provide the sandwiches and the Coke or whatever. Then you come out with an agreement or we will write a bill for you. They chose not to yield a single point, not a single point. They all had to have exactly what they had. They didn't want to pay anything more. Air traffic control—push that aside, you are not going to tax me. It is the other guy.

So Senator Lott and I imposed a compromise on everyone. The compromise sparked an absolutely fascinating but not pleasant multiyear, multimillion dollar campaign against our lovely bill, S. 1300. Later on I will discuss, as I indicated, much more about that.

We have compromised. I have compromised—not happily but necessarily—in order to reach a bipartisan bill that could actually be signed into law and begin the work of modernization in earnest, along with making such needed safety improvements.

Air traffic control modernization is but one of the many challenges the FAA faces. Over the last several weeks, the FAA's ability to oversee the airlines it regulates has undermined the public confidence in the safety of our Nation's air traffic system, and nobody can dispute that. People are in shock at what they have seen over the last several weeks. Statistically, the United States has the safest aviation system in the world. That is what they always throw at us. But statistics do not always tell the whole story, nor do they say anything about the future.

I am particularly concerned about the number of runway incursions. That is when airplanes are on the tarmac

and they are moving around, positioning themselves under the guidance of the air traffic control system. They are constantly almost running into each other—or in the air—or just missing. It is unacceptable. It is horrible. It is heading in a much worse direction. It is not something we talk about much, but once in a while stories of near misses at our Nation's airports in fact do make the news.

Let's be honest. If it had not been for the quick thinking and action of a few air traffic control people and our pilots, our Nation would have had one if not several major accidents claiming the lives of hundreds of people over the last several years.

This legislation and the managers' amendment I have offered contain provisions to improve the safety of the Nation's aviation system and the FAA's oversight of that system. The AMAC, as we call it, includes a number of provisions to improve safety, providing the FAA with the resources to conduct thorough oversight of air carriers and foreign repair stations—this is a very controversial subject so expect to hear more about that—and upgrade the existing safety infrastructure at our airports.

Later in our debate—not today, not this morning—I will outline the important facts of the safety provision in the bill.

The bill addresses the other core challenge which will be facing our aviation system, and that is keeping America's small communities connected. The Presiding Officer and I understand that. So does every Senator in this body; if they choose to focus on it, they should be able to understand it. The continuing economic crisis facing the U.S. airline industry absolutely imperils, in stark and terminal terms, the future of hundreds of small rural communities across our country as area carriers drastically reduce service to small rural communities—which is exactly what is going on. That acceleration is going to pick up.

Then you have to say years ago we did this e-rate thing to make the Internet available to everybody in every classroom; no different rural and urban, everybody had it. We went from 15 percent connection to 97 percent.

Not so on aviation. We are going in the other direction. While small and rural communities have long had to cope with limited and unreliable service, we are grateful to have limited and even unreliable service. We are grateful to be able to get into a little prop—because that is what we have—and get from here to there because we can connect in the hub-and-spoke system.

All of these problems have been exacerbated by the weakened financial condition of most U.S. airlines. I am going to talk about that this afternoon. The reduction or elimination of air service has a devastating effect on the economy of small communities. Having adequate air service is not just a matter of convenience or pride, it is a matter of survival: economically, psychologically—self-esteem. Without access to reliable air service, no business is willing to locate its operations in these areas of the country, no matter how attractive the quality of life, no matter how much less the housing costs, no matter how much land may be available. They will not go there. Airports are economic engines that attract critical new development opportunities and jobs.

West Virginia has been able to attract firms from around the world. Why? Because corporate executives know they can visit their operations with ease—for no other reason. As I will explain in my next speech about the state of the airlines, which is a very depressing speech and therefore important, that is in jeopardy. Rural and smalltown America must continue to be adequately linked to the Nation's air transportation network. That is all we can do. We can't get from here to an important place directly, but we can link into the hub-and-spoke system, which has been what we have always done.

I wind up. Small and rural communities are the first to bear the brunt of bad economic times and the last to see the benefit of good economic times. That is not fair. Americans are Americans. The general economic downturn and the dire straits of the aviation community have placed exceptional burdens on air service to our most isolated communities. The Federal Government must provide additional resources, and our bill does that.

The bill also reaffirms our commitment to rural America by increasing the essential air service—the Presiding Officer well knows what that is—and also to the Small Community Air Service Development Program, for 4 more years, and we also have a passenger bill of rights which will be discussed later.

The industry would be required to provide a number of things: Telling people about what planes are on time, what are not, what the pattern is; sort of to get a sense of all that, but there is a lot more. So all of us recognize there are no quick and easy solutions to this timely and timeless problem that plague our aviation industry.

Aviation incorporates so many things that are so critical to all of us. It connects people to distant family members, links businesses to businesses, allows people to interact easily on a global scale. We are a global world, but it is still amazing to me to be able to get on a plane in the morning in West Virginia and be in Asia that same day.

So what railroads were to the 19th and 20th centuries, air transportation is to the 21st century; with all due respect to our interstate highway system. So given the challenges our Nation's aviation system faces, I think we must pass S. 1300, which is called the Aviation Investment and Modernization Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I would like to inquire as to how much time I have.

The PRESIDING OFFICER. There is 37 minutes remaining for the use of the minority at this time.

Mr. INHOFE. First of all, let me say to my friend from West Virginia, we have done a good job in the areas you are talking about because it was not too long ago that all the AIP concentration was going to big regionals. Due to our efforts, we now have given greater power to the State aeronautic boards, who have a better idea as to what the needs are in the State of West Virginia, my State of Oklahoma.

I think we have come a long way. I would certainly echo what you say. I am a little privileged to be the last active commercial pilot in the Senate, so I take a personal interest in these things.

But there is nothing that can help a community be more viable than a good general aviation airport, an airport that can serve the commercial community. In fact, you can look through our State and see where the communities are not doing well and tie that to the capacity they have—air traffic capacity.

So I think we are going to be doing a good thing by addressing that this afternoon. That is not why I am here though.

BIOFUEL MANDATES

Mr. INHOFE. Mr. President, we are in the midst of global food difficulties. You have been seeing it on television, and it is the result of decades of misguided environment and energy policies. As worldwide food availability decreases and prices continue to skyrocket, decades of ill-conceived planning by politicians and bureaucrats right here in Washington, afraid of expanding our energy supplies, are now bearing ugly fruit.

American families and the international community continue to suffer from these misguided policies, and Washington has to take the first step to begin to address these problems. I think we know what the problem is right now. We have mandated certain things to take place in terms of our fuels, it has had a result of increasing prices of food, but it has another unintended consequence; that is, it is diverting the use of corn to go to fuel as opposed to food.

Now, I am here today to demand two dramatic and necessary actions to help mitigate our current biofuel policy blunder. I have always supported all forms of energy, including biofuels, for a diverse and stable energy mix, but currently policy has skewed common sense and violated the principles of sound energy policy.

These effects are being felt in my home State of Oklahoma, where I am hearing concerns regarding ethanol.

Scott Dewald, with the Oklahoma Cattlemen's Association, described one aspect of biofuel's unintended consequences on April 28. He said:

Cow-calf producers all the way to the feeding sector are feeling the pinch of high corn prices. Today's biofuels policies have completely ignored the costs to the livestock sector.

Now, first, Congress has to revisit the recently enacted biofuel mandate, which can only be described as the most expansive biofuel mandate in our Nation's history. The mandates were part of last year's—it was December it was taken up—Energy Independence and Security Act of 2007. Congress has to have the courage to address this issue and to address it now, to recognize we made a mistake in December.

Second, the EPA—this is something people are not aware of, even though this is mandated. EPA has the Congressionally-given authority to waive all or a portion of these food-to-fuel mandates as part of its rulemaking process. The EPA has to thoroughly review all the options to alleviate the food and fuel disruption of the 2007 Energy bill.

A lot of people do not realize and did not think—at the time they thought, well, this is very helpful to the corn States. We all want to help the corn States. My State of Oklahoma also grows corn. But they did not think about the unintended consequences of the cost of all fuel and everything you see on the shelves in the grocery store.

Last summer, when I offered an amendment to the Energy bill that would have put in place a stocks-to-use mechanism to provide the EPA Administrator more flexibility in waiver authority in the instance of crop shortages, I was told by the majority whip my amendment was not necessary.

Incidentally, The Hill newspaper reported yesterday the same majority whip who said my amendment was not necessary now acknowledges that:

U.S. ethanol policies may be partly to blame for a global food crisis threatening to leave millions hungry.

I am glad to have his support in this concern I am expressing today. During the 2007 floor debate, he said:

There is already a waiver provision in the bill that offers protection to consumers if corn prices or availability become unsustainable.

Last June when I offered this amendment, corn was trading at $3.70 a bushel. Less than a year later, corn is now trading at $6 a bushel. Corn prices and availability are now unsustainable. I ask my colleagues who opposed my amendment to now join me in calling for the EPA to exercise its waiver authority provided in the underlying bill.

I am working with my colleague from Texas, Senator KAY BAILEY HUTCHISON, to urge the EPA to take action. Senator HUTCHISON also announced she is introducing legislation that will freeze the biofuel mandate at current levels, instead of steadily increasing it through 2022.

Senator HUTCHISON correctly noted this is a commonsense measure that will reduce pressure on global food prices and restore balance to America's energy policy. The whole world is now reacting to the consequences of overzealous biofuel mandates.

While I supported realistic mandates in the past, I continue to support the development of cellulosic ethanol. I was one of eight Senators who voted against the 2007 Energy bill, with its restrictive biofuel mandates, last December.

On Tuesday, December 4, I joined with several Senators, including JACK REED, a Democrat from Rhode Island, BEN CARDIN, BERNIE SANDERS, and SUSAN COLLINS, in writing a letter to the President to:

. . . urge the administration to carefully evaluate and respond to unintended public health and safety risks that could result from the increased use of ethanol as a general purpose transportation fuel.

The letter noted the administration had called for a national effort to reduce consumers' demand for gasoline by 20 percent in 10 years, in part through increased use of renewable transportation fuels such as ethanol. Sadly, these onerous biofuel mandates, which would significantly increase renewable fuel use, particularly the use of ethanol over the next two decades, became law.

Since December, the world has been confronted with irrefutable evidence that our current biofuels mandates are having massive and potentially life-threatening consequences. Once again, we are reminded how restrictive Government mandates and ill-advised bureaucratic meddling produce unintended consequences. Trying to centrally manage and plan a global food distribution network and economy through clumsy, unrealistically high mandates has been a proven failure.

An April 28 article on our current biofuel mandates in the National Review, by Phil Kepren and James Valvo, detailed the mindset of bureaucratic planners.

Each new generation of central planners believes the previous generation wasn't smart enough. Yet central economic planning is forever doomed to failure since the approach itself limits human freedom, ingenuity, entrepreneurship, and innovation.

To put it in other terms, as Ronald Reagan said: ''The more the plans fail, the more the planners plan.''

A large auto manufacturer has erected a billboard for their lineup of so-called eco-friendly cars that run on ethanol that is currently being prominently displayed not far from the Capitol. This advertisement—I saw it yesterday—asks a simple question: ''Why drill for fuel when you can grow it?''

That sounds like a politically correct question, to which the auto company's marketing team must have thought was an obvious answer. Let me allow world leaders and mainstream media outlets, the UN, and former believers in mandated Government standards to further answer the billboard's marketing campaign in no uncertain terms; that is, what the question is: Why drill for fuel when you can grow it?

The answer is found in India's Finance Minister's statement he made earlier this month. He said:

When millions of people are going hungry, it's a crime against humanity that food should be diverted to biofuels.

Italian Prime Minister Romano Prodi said:

Food prices were raising the specter of famine in certain countries. A conflict is emerging between foodstuffs and fuel . . . with disastrous social conflicts and dubious environmental results.

The United Kingdom Prime Minister, Gordon Brown, has called for a reevaluation of biofuels. He said:

Now that we know that biofuels, intended to promote energy independence and combat climate change, are frequently energy inefficient we need to look closely at the impact on food prices and the environment of different production methods and to ensure we are more selective in our support.

The Scotsman Brown also noted hunger is:

the number one threat to public health across the world, responsible for a third of child deaths. Tackling hunger is a moral challenge for each of us.

The President of the European Commission, Jose Manuel Barroso, has now called for:

an investigation into whether the push for biofuels is to blame for rising food prices.

According to an article in the United Kingdom Register, the EU may:

cancel its target of requiring 10 percent of petro and diesel to be biofuel by 2020.

That is what they are doing in the United Kingdom. Now they recognize they made a mistake. The article explained:

Recent weeks have seen riots over food prices in Egypt, Haiti, Indonesia and Mauritania. Rice prices have hit record levels this year and several countries have banned exports. India has renewed a ban on all exports of nonbasmati rice.

U.N. Secretary-General Ban Ki-Moon warned in April that high food prices could wipe out progress in reducing poverty and hurt global economic growth. The U.N. Secretary-General said:

This steeply rising price of food has developed into a real global crisis.

He called for world leaders to meet on an urgent basis. You know, it is funny that I have been quoting the United Nations. I am probably the biggest critic of the United Nations in this Chamber. But I have also been very active over the years in Africa and doing the very thing we are trying to do now, to make sure that fewer people starve to death.

The head of the U.N. world food agency summed up global food difficulties this way. He said:

A silent tsunami which knows no borders is sweeping the world.

On April 25, the U.N. food agency chief, Jacques Diouf, warned of possible civil war in some countries because of global food shortages.

I wish to pause a moment and note that some of the rhetoric by the United Nations and others may be a bit over the top and prone to hyped alarmism. I have taken to this Chamber many times to debunk so-called environmental crises and media manipulation of environmental issues.

I do not want to now be accused of overhyping our current global food situation. But please do not let over-the-top rhetoric obscure the fact that the world is currently facing a serious biofuel mandates problem and needs remedying.

Ironically, the anti-energy environmental left has spent decades worrying over various crises that never seem to materialize. You have to give the environmentalists credit, they may finally get their bona fide crisis, but alas, it will be one created by the very policies they advocated.

It is kind of interesting because we can recall the environmentalist community advocating the use of ethanol and the mandates and then not recognizing this creates a greater pollution problem as well as a starvation problem.

The most interesting is the mainstream news outlets have now turned on biofuels and, in particular, corn ethanol. Publications that normally uncritically parrot the leftwing environmental agenda are now among the biggest denouncers of our current biofuel policies.

The New York Times, for example, has stated:

> Soaring food prices, driven in part by demand for ethanol made from corn, have helped slash the amount of food aid the government buys to its lowest level in a decade, possibly resulting in more hungry people around the world this year.

Time magazine was blunt in an April 7, 2008, article titled ''The Clean Energy Scam,'' by reporter Michael Grunwald, who wrote that our current policies on corn ethanol are ''environmentally disastrous.'' ''The biofuels boom, in short, is one that could haunt the planet for generations—and it's only getting started,'' Grunwald wrote.

Time magazine also featured Tim Searchinger, a Princeton scholar and former Environmental Defense attorney who said:

> People don't want to believe renewable fuels could be bad. But when you realize we're tearing down rain forests that store loads of carbon to grow crops that store much less carbon, it becomes obvious.

Time magazine also said the rising prices were ''spurring a dramatic expansion of Brazilian agriculture, which is invading the Amazon [rain forest] at an increasingly alarming rate.''

Former CBS newsman Dan Rather has also weighed in. Rather wrote on April 27:

> When more acreage is devoted to corn for ethanol, less is available for food production.

In this case I agree with Dan Rather. He said:

> Here in the United States, food is less often a matter of life and death, but it is putting an additional dangerous strain on families who are already struggling to get by in a faltering economy.

Rather added:

> Already there are reports of charitable food pantries unable to meet the needs of those they serve.

The New York Sun put it bluntly about the impact of our policies: ''Food Rationing Confronts Breadbasket of the World.'' That was an article on April 21.

A 2007 study by the Organization for Economic Cooperation and Development concluded that biofuels ''offer a cure [for oil dependency] that is worse than the disease.'' Other organizations have weighed in. The National Academy of Sciences conducted a study finding corn-based ethanol may strain water supplies. The American Lung Association has raised air pollution concerns from the burning of ethanol in gasoline. Cornell ecology professor David Pimental called our current ethanol policy a ''boondoggle.''

Pimental said:

> It does require 30 [percent] more energy oil equivalents to produce a gallon of ethanol than you actually get out, and it causes a lot of severe environmental problems. This is very significant. It takes 1,700 gallons of water to produce 1 gallon of ethanol.

No one ever talked about that last December.

Friends of the Earth has urged the UK to abandon its current biofuel targets, which I believe they are now doing. Food campaigner Vicky Hird from Friends of the Earth said:

> [UK Prime Minister] Gordon Brown is right to be concerned about the impact of biofuels on food prices and the environment. Evidence is growing that they cause more harm than good. Food production must be revolutionized to prevent a global catastrophe.

Jane Goodall, the internationally famous primate conservationist, warned about biofuels and the impact on the rain forests in Asia, Africa, and South America:

> We're cutting down forests now to grow sugar cane and palm oil for biofuels.

She said this in September of last year.

The group, Clean Air Task Force, recently reported that nearly 12 million hectares of peat land in Indonesia has been converted to accommodate a palm oil plantation. The land was reportedly drained, cleared, and burned for conversion to a plantation.

Even Miles O'Brien of CNN, a man of whom I have been harshly critical, and yet a man I consider to be a good friend in spite of our honest differences of opinion, and I are together on this issue. He reported on CNN on February 21:

> If every last ear of corn in America were used for ethanol, it would reduce our oil consumption by only 7 percent.

He is right. O'Brien also reported:

> Corn ethanol is not as clean, efficient, or practical as politicians claim.

I agree with this. I am glad to find something on which my good pilot friend and I can agree.

Lester Brown, who has been dubbed ''the guru of the environmental movement,'' has added his voice in opposition to our current biofuels policies. Brown cowrote, on April 22:

> It is in this spirit that today, Earth Day, we call upon Congress to revisit recently enacted Federal mandates requiring the diversion of foodstuffs for production of biofuels.

Brown wrote that our current biofuel mandate was ''causing environmental harm and contributing to a growing global food crisis.''

Brown continued:

> Turning one-fourth of our corn into fuel is affecting global food prices. U.S. food prices are rising in twice the rate of inflation, hitting the pocketbook of lower income Americans and people living on fixed incomes.
>
> America must stop contributing to food price inflation through mandates that force us to use food to feed our cars instead of to feed people.

Brown concluded:

> It is impossible to avoid the conclusion that food-to-fuel mandates have failed. Congress took a big chance on biofuels that, unfortunately, has not worked out. Now, in the spirit of progress, let us learn the appropriate lessons from this setback, and let us act quickly to mitigate the damage and set upon a new course that holds greater promise for meeting the challenges ahead.

I agree. Not very often do we agree, but I do agree with that because there is something we can do about this. When you have Lester Brown, Miles O'Brien, Dan Rather, Time magazine, the New York Times, the United Nations, and Jim Inhofe all in agreement on changing an environmental policy, you can rest assured the policy is horribly misguided. All of these publications and individuals now realize the pure folly of the Federal Government's biofuel mandate.

You might ask, how did we get here? I would say, when the Republicans were the majority party, I was the chairman of the Senate Environment and Public Works Committee. I worked successfully with my colleagues to create a comprehensive yet measured approach. The result of this work, the Reliable Fuels Act, was ultimately incorporated into the 2005 Energy bill. This original renewable fuels standard—that is, the RFS—took a commonsense approach in that it prescribed just 4 billion gallons of renewable fuels in 2006, growing to a feasible 5.5 billion gallons in 2012. This low rampup allowed time and flexibility for the many foreseen and unforeseen challenges likely to surface with the implementation of such a program. Under my leadership, the committee held at least 13 hearings on the RFS program, examining issues from the future of transportation fuels to the most recent and, unfortunately, last oversight hearing in September 2006 which highlighted the implementation of the RFS program.

However, despite the enormous amount of attention and the eventual legislative enactment of that now greatly expanded RFS program, the EPW Committee has failed to hold even one hearing on RFS this Congress.

This morning I challenged the chairman of that committee. I am still ranking member, but I challenged Chairman BOXER to hold such a hearing. Despite the EPW Committee's failure to conduct any oversight, by 2007 it had become increasingly clear that to double the RFS mandate into a shorter timeframe would prove reckless and premature. Yet many in Congress refuse to acknowledge the many warning signs.

The 2007 Energy bill mandated 36 million gallons of biofuels by 2022. Of this, 15 billion gallons are now required from corn-based ethanol by just 2015. Washington was abuzz last year with talk of energy independence, cutting our reliance on foreign sources of energy, increasing supplies of fuels, investing in biofuels, lowering the price of energy, especially prices at the pump—all fine goals. Yet this Congress's actions didn't meet its rhetoric. I believe a secure energy supply has to be grounded in three principles: stability, diversity, and affordability. Our policies have to promote domestic energy production, including oil, gas, nuclear, corn, as well as renewable fuels.

I have said this over and over. We need all of the above to meet the energy crisis in America. What the Democrats and the green movement failed to understand is environmental regulations are not free. They have a very real price. We should be producing more fuel at home. It is good for our security, good for jobs, good for consumers.

Working with Congressman FRANK LUCAS, I sponsored and secured Senate passage of the first national transitional assistance program to help farmers grow dedicated energy crops for cellulosic biofuels. This measure is vital to the development of cellulosic biofuels in the United States because it would encourage U.S. agricultural producers within a 50-mile radius of a cellulosic biorefinery to produce nonfood energy crops for clean burning fuel.

In addition, I am proud of the research taking place in my State of Oklahoma. It is being done by the Noble Foundation and its partners. By focusing on cellulosic ethanol, we can stimulate a biofuels industry that doesn't compete with other domestic agriculture. Since you can grow it all over the country—and that is not to be said about corn—you avoid the transportation problems of Midwest-focused ethanol. Cellulosic ethanol can increase both energy and economic security.

Washington has a long way to go to get energy policy right. The future of energy is going to require a wide variety of fuels and approaches. We all need to work together to achieve our common goals. The only way they can defeat us is to divide and conquer. We have seen examples of that recently. But we all need to work together. I call on all of my colleagues today to set aside our differences and work together for an abundant, secure, and environmentally sound energy policy.

It is worth repeating that when you have Lester Brown, Miles O'Brien, Dan Rather, Time magazine, New York Times, the United Nations, and JIM INHOFE all in agreement on changing an environmental policy, you can rest assured that the policy is horribly misguided. All of these publications and individuals now realize the pure folly of the Federal Government's current biofuel mandates. Once again, I call on Congress to revisit the enactment of this mandate.

Secondly, what we have to do—and I still am the ranking member of the Environment and Public Works Committee which has jurisdiction over the EPA—is to call upon EPA to put a stop to the mandate now. It can be done while they are trying to determine what effect this has on our food supplies. The only way to do it is to stop the mandate while the review is taking place. People are starving to death because of this transfer from food to fuel.

As the ranking member of the EPW Committee, which has jurisdiction, I am going to ask for an immediate waiver to stop this mandate.

I yield the floor to my good friend from Kansas who agrees with everything I just said.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Kansas.

FAA REAUTHORIZATION

Mr. ROBERTS. I thank my friend and colleague from Oklahoma.

Mr. President, I rise today in support of the bipartisan agreement reached by the Senate Finance and Commerce Committees on the reauthorization of the Federal Aviation Administration Airport and Airway Trust Fund. In my view this agreement represents the true meaning of the word ''compromise'' and shows what is possible when we really roll up our sleeves and go to work. I have been working on this bill for 2 years. Reauthorizing the FAA and the Airport and Airway Trust Fund is not only a top national priority, but it is a top priority for my State of Kansas as well. Kansas and aviation have a long history together. Aircraft pioneers such as Lloyd Stearman, who happened to sell his company to Walter Boeing, Walter Beech, Clyde Cessna, E.M. Laird, Amelia Earhart, William Lear, and many others, all have close ties to Kansas. It was a team of Kansans that really created the first commercially produced airplane in the United States. It was called the Laird Swallow. This plane took flight in April of 1920, just 88 years and a few weeks ago. My, how far we have come.

Today, about 40,000 employees in Wichita and the surrounding counties make their living building planes, manufacturing parts, and servicing aviation. The aviation industry directly and indirectly supports over 140,000 jobs in Kansas—140,000 jobs—and will soon contribute roughly $9 billion annually to our State's economy. That is not only significant, that is amazing.

Kansas is home to nearly 3,200 aviation and manufacturing businesses, including Cessna, Hawker-Beechcraft, Bombardier-Learjet, Boeing, Spirit AeroSystems, Garmin, and Honeywell, just to name a few. However, aviation is not simply an economic engine in Kansas, it is part of our history, our way of life, and, most importantly, part of our future. It is an example of our entrepreneurial spirit.

In late October of 2006, at my invitation, newly appointed Department of Transportation Secretary Mary Peters traveled to Kansas to see firsthand what the aviation industry means to our State. Congressman TODD TIAHRT and I joined the Secretary on a tour of Cessna's headquarters and manufacturing facility in Wichita to show the importance of general aviation—general aviation—to the Kansas economy.

Cessna actually traces its roots back to Clyde Cessna who built his first plane in Rago, KS, in 1911.

The Secretary and I then traveled to Olathe, KS, to visit the Kansas City air traffic control center. There we spoke with the controllers and the trainees about their work, listened in as they actually directed traffic through the Kansas City airspace, making it possible for people to fly in safety.

During our visit, the Secretary heard firsthand from industry leaders about the importance of updating our air traffic control system, and that the current tax mechanisms provide the most appropriate avenue to raise the necessary funds to upgrade into what they call NextGen technology—next generation technology.

This key message was delivered to me and the Secretary personally, and I have been delivering that same message to my colleagues since this debate began some time ago. It is no secret that I care passionately about this issue and how general aviation is treated, and to make sure they are treated fairly. With my State's close connection to the history of this industry, obviously, you can see why.

Kansas manufactures—this may be unbelievable to some—Kansas manufactures roughly 70 percent of the world's general aviation aircraft—70 percent.

Throughout this debate, general aviation has been called to increase its contribution to the Airport and Airway Trust Fund to help pay for the modernization of our air traffic control system.

All along the way, general aviation has stepped to the plate and agreed to help pay for the necessary increases to move our aviation infrastructure into next generation technology.

I cannot recall a time when an industry has come to me and said: We want to help. We are willing to support an increase in our taxes to actually do so. But that is exactly what the general aviation community did. Their only request has been that they be able to pay through the current efficient and effective tax structure of the fuel tax. That was their only request.

The agreement finally reached between the Finance and Commerce Committees respects this request and allows general aviation to be part of the modernization solution without creating a new bureaucracy or additional redtape. The agreement would allow AvGas to remain at its current rate, but would increase the Jet A fuel tax from 21.8 cents to 36 cents per gallon on general aviation flights.

Now, this raises an additional $250 million dedicated to updating the air traffic control technology that will increase safety and decrease congestion—something that is in the headlines every day. At the same time, our commercial airlines and passengers are held harmless from tax increases, given the challenges they face today.

I am pleased this agreement recognizes the value of both the commercial aviation and general aviation to our Nation's transportation system. I realize there have been strong feelings on both sides of this debate.

My goals, as we drafted this bill, were very clear: One, ensure that our air traffic control system is updated and remains safe for all passengers and aircraft; and, two, protect the general aviation community and Kansas jobs, which would have been threatened by something called a user fee.

Today, I am pleased to say we have succeeded on both counts. This legislation represents the best of bipartisan compromise in a real effort to make our skies safer. I am proud to be part of this compromise, as are the 40,000 workers employed in Kansas in aviation manufacturing.

Kansas has a long history of being the world's leader in aviation achievements. This agreement guarantees that Kansas and our great general aviation industry will remain leaders in the sky. Kansas is—always has been—and remains the air capital of the world under this agreement. I thank my colleagues for helping us reach an agreement that will maintain our world standing.

Also included in this agreement is a fix to the projected funding deficit in the highway trust fund for 2009. This 1-year patch will keep necessary transportation construction projects on schedule and help our State transportation departments meet their financial obligations.

I am hopeful the Senate will continue to work in the spirit of bipartisanship on the bill so we can quickly move to a conference committee and eventually have a bill signed into law before the current program expires.

We must do this. American travelers and businesses and pilots deserve the predictability and stability that comes with passing this bill.

Mr. President, I yield the floor. I believe Senator CASEY wishes to address the Senate. I yield to my colleague.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I thank my colleague from Kansas.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 516, 519 through 524, 526 through 536, 542 through 564, and all nominations on the Secretary's desk in the Foreign Service, Air Force, Army, Coast Guard, Marine Corps, and Navy; that the nominations be confirmed en bloc; the motions to reconsider be laid upon the table en bloc; that no further motions be in order; that the President be immediately notified of the Senate's action; and that the Senate resume legislative session; that any statements relating to any of these nominations be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Rebecca A. Gregory, of Texas, to be United States Attorney for the Eastern District of Texas for the term of four years.

DEPARTMENT OF STATE

Patricia M. Haslach, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as United States Senior Coordinator for the Asia-Pacific Economic Cooperation (APEC) Forum.

Joxel Garcia, of Connecticut, to be Representative of the United States on the Executive Board of the World Health Organization.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

Samuel W. Speck, of Ohio, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

DEPARTMENT OF STATE

Scot A. Marciel, of California, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for East Asian and Association of Southeast Asian Nations (ASEAN) Affairs.

Yousif Boutrous Ghafari, of Michigan, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Slovenia.

Kurt Douglas Volker, of Pennsylvania, a Career Foreign Service Officer of Class One, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador Extraordinary and Plenipotentiary.

Robert J. Callahan, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Nicaragua.

Heather M. Hodges, of Ohio, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Ecuador.

Barbara J. Stephenson, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Panama.

William Edward Todd, of Virginia, a Career Member of the Senior Executive Service, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Brunei Darussalam.

Hugo Llorens, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Honduras.

Nancy E. McEldowney, of Florida, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Stephen George McFarland, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Guatemala.

Peter E. Cianchette, of Maine, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Costa Rica.

Frank Charles Urbancic, Jr., of Indiana, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Barbara McConnell Barrett, of Arizona, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Finland.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, for the term of four years.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Bruce A. Litchfield

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General C. D. Alston
Brigadier General Brooks L. Bash
Brigadier General Michael J. Basla
Brigadier General Paul F. Capasso
Brigadier General Floyd L. Carpenter
Brigadier General David J. Eichhorn
Brigadier General Gregory A. Feest
Brigadier General Burton M. Field
Brigadier General Randal D. Fullhart
Brigadier General Bradley A. Heithold
Brigadier General Ralph J. Jodice, II
Brigadier General Duane A. Jones
Brigadier General Frank J. Kisner
Brigadier General Jay H. Lindell
Brigadier General Darren W. McDew
Brigadier General Christopher D. Miller
Brigadier General Harold W. Moulton, II
Brigadier General Stephen P. Mueller
Brigadier General Ellen M. Pawlikowski
Brigadier General Paul G. Schafer
Brigadier General Stephen D. Schmidt
Brigadier General Michael A. Snodgrass
Brigadier General Mark S. Solo

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. Dana T. Atkins

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Scott G. West

The following named officer for appointment in the United States Army 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. Walter L. Sharp

The following named officer for appointment in the United States Army 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

Lt. Gen. Ann E. Dunwoody

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Gen. David D. McKiernan

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. Robert L. Caslen, Jr.

The following named officer for appointment in the United States Army 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. Mitchell H. Stevenson

The following named officer for appointment in the United States Army 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. Frank G. Helmick

IN THE MARINE CORPS

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brigadier General Randolph D. Alles
Brigadier General Joseph F. Dunford, Jr.
Brigadier General Anthony L. Jackson
Brigadier General Paul E. Lefebvre
Brigadier General Richard P. Mills
Brigadier General Robert E. Milstead, Jr.
Brigadier General Martin Post
Brigadier General Michael R. Regner

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Darrell L. Moore

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Keith J. Stalder

The following named officers for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James M. Lariviere
Col. Kenneth J. Lee

The following named officer for appointment in the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Brig. Gen. Joseph F. Dunford, Jr.

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John M. Paxton, Jr.

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Dennis J. Hejlik

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Richard F. Natonski

The following named officer for appointment to the grade of lieutenant general in the United States Marine Corps while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Duane D. Thiessen

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. John M. Bird

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral

Rear Adm. (lh) Victor C. See, Jr.

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

To be rear admiral (lower half)

Captain Douglass T. Biesel
Captain Barry L. Bruner
Captain Jerry K. Burroughs
Captain James D. Cloyd
Captain Thomas A. Cropper
Captain Dennis E. Fitzpatrick
Captain Michael T. Franken
Captain Bradley R. Gehrke
Captain Robert P. Girrier
Captain Paul A. Grosklags
Captain Sinclair M. Harris
Captain Margaret D. Klein
Captain Patrick J. Lorge
Captain Brian L. Losey
Captain Michael E. McLaughlin
Captain William F. Moran
Captain Samuel Perez, Jr.
Captain James J. Shannon
Captain Clifford S. Sharpe
Captain Troy M. Shoemaker
Captain Dixon R. Smith
Captain Robert L. Thomas, Jr.
Captain Douglas J. Venlet

The following named officer for appointment in the United States Navy to the grade indicated under title 10, U.S.C., sections 5133 and 5138:

To be rear admiral

Rear Adm. (lh) Carol I. Turner

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1382 AIR FORCE nominations (2230) beginning DAVID M. ABEL, and ending MICHAEL M. ZWALVE, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2008.

PN1466 AIR FORCE nominations (19) beginning SUSAN S. BAKER, and ending JON C. WELCH, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1467 AIR FORCE nominations (65) beginning DAVID A. BARGATZE, and ending AARON E. WOODWARD, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1469 AIR FORCE nominations (34) beginning MARK E. ALLEN, and ending CHARLES E. WIEDIE JR., which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1470 AIR FORCE nominations (18) beginning KERRY M. ABBOTT, and ending WILLIAM F. ZIEGLER III, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1471 AIR FORCE nominations (23) beginning RICHARD T. BROYER, and ending BRIAN K. WYRICK, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1472 AIR FORCE nominations (1019) beginning JOHN T. AALBORG JR., and ending MICHAEL A. ZROSTLIK, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1526 AIR FORCE nominations (118) beginning DAVID L. BABCOCK, and ending WAYNE A. ZIMMET, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1551 AIR FORCE nomination of Howard P. Blount III, which was received by the Senate and appeared in the Congressional Record of April 7, 2008.

PN1552 AIR FORCE nomination of Errill C. Avecilla, which was received by the Senate and appeared in the Congressional Record of April 7, 2008.

PN1553 AIR FORCE nomination of Mark Y. Liu, which was received by the Senate and appeared in the Congressional Record of April 7, 2008.

PN1554 AIR FORCE nominations (2) beginning BRYCE G. WHISLER, and ending TIMOTHY M. FRENCH, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2008.

PN1555 AIR FORCE nominations (3) beginning PHIET T. BUT, and ending MICHAEL J. MORRIS, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 2008.

IN THE ARMY

PN1473 ARMY nominations (174) beginning MARIO AGUIRRE III, and ending SCOTT B. ZIMA, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1474 ARMY nominations (187) beginning BARRY L. ADAMS, and ending TIMOTHY M. ZEGERS, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1475 ARMY nominations (45) beginning KEVIN S. ANDERSON, and ending RUFUS WOODS III, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1476 ARMY nominations (61) beginning ROBERT B. ALLMAN III, and ending RICHARD F. WINCHESTER, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1527 ARMY nomination of Barry L. Shoop, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1528 ARMY nomination of Brian J. Chapuran, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1529 ARMY nomination of Gregory T. Reppas, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1530 ARMY nomination of Vanessa M. Meyer, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1531 ARMY nominations (2) beginning THOMAS E. DURHAM, and ending DANIEL P. MASSEY, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1532 ARMY nominations (3) beginning CHARLES L. GARBARINI, and ending JUAN GARRASTEGUI, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1533 ARMY nominations (2) beginning MILTON M. ONG, and ending MATTHEW S. MOWER, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1534 ARMY nomination of Craig A. Myatt, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1556 ARMY nomination of John C. Kolb, which was received by the Senate and appeared in the Congressional Record of April 7, 2008.

PN1568 ARMY nomination of Kenneth D. Smith, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1569 ARMY nomination of John M. Hoppmann, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1570 ARMY nominations (38) beginning AMY M. BAJUS, and ending ROBERT P. VASQUEZ, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

IN THE COAST GUARD

PN1561 COAST GUARD nomination of Trevor M. Hare, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1562 COAST GUARD nomination of Susan M. Maitre, which was received by the Senate and appeared in the Congressional Record of April 15, 2008.

IN THE FOREIGN SERVICE

PN1452 FOREIGN SERVICE nominations (138) beginning Andrew Townsend Wiener, and ending Troy A. Lindquist, which nominations were received by the Senate and appeared in the Congressional Record of March 5, 2008.

IN THE MARINE CORPS

PN1571 MARINE CORPS nominations (3) beginning DAVID G. MCCULLOH, and ending PAUL W. VOSS, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

IN THE NAVY

PN1251 NAVY nomination of Thomas M. Cashman, which was received by the Senate and appeared in the Congressional Record of January 23, 2008.

PN1302 NAVY nomination of Kelly R. Middleton, which was received by the Senate and appeared in the Congressional Record of February 5, 2008.

PN1477 NAVY nomination of Theresa A. Fraser, which was received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1478–1 NAVY nominations (23) beginning LEE R. RAS, and ending ELIZABETH M. SOLZE, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 2008.

PN1535 NAVY nomination of Aaron J. Beattie IV, which was received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1536 NAVY nominations (3) beginning KRISTIAN E. LEWIS, and ending LUTHER P. MARTIN, which nominations were received by the Senate and appeared in the Congressional Record of March 31, 2008.

PN1587 NAVY nominations (3) beginning SAMUEL G. ESPIRITU, and ending PAUL G. SCANLAN, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

PN1588 NAVY nominations (31) beginning TERRY L. BUCKMAN, and ending THOMAS M. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of April 15, 2008.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

EXTENDING THE PROGRAMS UNDER THE HIGHER EDUCATION ACT OF 1965

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 2929, introduced earlier today by Senator KENNEDY.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2929) to temporarily extend the programs under the Higher Education Act of 1965.

There being no objection, the Senate proceeded to consider the bill.

Mr. CASEY. Mr. President, I ask unanimous consent that the bill be read three times and passed; the motion to reconsider be laid upon the table, with no intervening action or debate; and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2929) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2929

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

SECTION 1. EXTENSION OF HIGHER EDUCATION PROGRAMS.

(a) EXTENSION OF PROGRAMS.—Section 2(a) of the Higher Education Extension Act of 2005 (Public Law 109–81; 20 U.S.C. 1001 note) is amended by striking ''April 30, 2008'' and inserting ''May 31, 2008''.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the Higher Education Extension Act of 2005 as amended by this Act, shall be construed to limit or otherwise alter the authorizations of appropriations for, or the durations of, programs contained in the amendments made by the Higher Education Reconciliation Act of 2005 (Public Law 109–171) or by the College Cost Reduction and Access Act (Public Law 110–84) to the provisions of the Higher Education Act of 1965 and the Taxpayer-Teacher Protection Act of 2004.

RECESS

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate now stand in recess until 2:15 p.m.

There being no objection, the Senate, at 12:24 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

FAA REAUTHORIZATION ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A motion to proceed to the bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GASOLINE PRICES

Mr. BARRASSO. Mr. President, today I rise to speak about the price of gasoline and the price of diesel fuel, which is affecting every driver in America. My principal message is that Washington policies should not drive up the prices at the pump. At an absolute minimum, Federal practices should not be making prices any worse.

According to the American Automobile Association, the average retail price for regular unleaded gasoline is $3.60 a gallon. The average price of diesel fuel is $4.24 a gallon. This is before this summer's driving season has even started.

Consumers all across America are hurt by the inflationary pressures at the pump. My constituents in Wyoming know firsthand the huge impact that $110 or $120 per barrel of oil has on their wallets. I visit with them every weekend. The price at the pump in Casper, WY, just 3 weeks ago was $2.91. This past weekend, it was $3.31. Wyoming ranks at the top of all States in terms of vehicle miles traveled on a per capita basis. Because of my State's sparse population and great distances, that means it is not uncommon to commute 20, 50, or even 100 miles round trip to work, to school, or just to buy groceries.

Today's current oil prices are primarily due to supply and demand fundamentals. At close examination, there

are really several different underlying contributors to today's high prices: rising world demand, especially in India and China; geopolitical tensions in the Middle East, in Venezuela, in Nigeria; limited options for acquiring additional supply; the weakness of the U.S. dollar; environmental regulations; and perhaps even excessive market speculation and manipulation. Recognizing this, Federal Government practices should not—should not—drive prices even higher. That is why I am announcing legislation today, S. 2927, that provides for a temporary suspension of Federal oil purchases for the Strategic Petroleum Reserve.

This Strategic Petroleum Reserve was initially created in the mid-1970s. It was set up to protect the Nation from oil supply disruptions that followed the Arab oil embargo. I support the goal of protecting America's energy security. The Strategic Petroleum Reserve has served our Nation well. This legislation, though, says enough is enough. At today's high prices, this legislation tells the Government to stop putting any more oil into the Strategic Petroleum Reserve—to stop doing it whenever the average price of gasoline is over $2.50 a gallon. This chart clearly shows when we went above the red line, above $2.50, and when it has come below and when it is above. This has been in the last 3 years. This legislation also tells the Government to stop putting oil into the Strategic Petroleum Reserve when the price of diesel fuel exceeds $2.75 a gallon.

Currently, the United States is buying about 70,000 barrels, 70,000 barrels of oil each and every day to save and inject underground. The Government keeps buying it every day, regardless of price. When the prices of fuel go up, people try to use less. They carpool, they use public transportation. Not the U.S. Government—70,000 barrels every day regardless of need, regardless of price. The Strategic Petroleum Reserve already contains 700 million barrels of oil.

The Administrator of the Energy Information Administration recently testified to the Senate Energy and Natural Resources Committee. He said taking this much oil out of the market every day does drive up the price for American drivers. He wasn't sure of the amount. He estimated it could be $2 per barrel of oil, maybe a nickel per gallon. A private analyst has argued that continuing to fill the Strategic Petroleum Reserve could add as much as 10 percent to the price of gasoline—10 percent. While there appears to be a disagreement on the magnitude, it is clear that when the Government is competing with the American driver, it does have an impact. Every day, the Government is pulling 70,000 barrels of crude oil from the market. This is oil which could otherwise be used by airlines, by trucks, or by our neighbors.

My bill would also impose fiscal responsibility on future oil purchases. When the Federal Government buys oil at today's prices, it is an expensive proposition for all taxpayers. At current prices, it will cost over $8 million a day for the Government to purchase these 70,000 barrels of oil. Well, that equates to about $250 million a month, nearly $3 billion a year. The impact to the Treasury and to the American driver is real. Currently, the goal is to fill the Strategic Petroleum Reserve with up to 1.5 billion—billion—barrels of oil. At the current rate of putting in 70,000 barrels a day, it will take another 30 years to achieve this level—70,000 barrels a day for 30 years.

I recognize that a temporary suspension by itself is not going to bring down the price of gasoline to $2.50 or even $3 a gallon overnight. But I made a commitment to the people of Wyoming. I made a commitment to do what I can to help when it comes to Washington policies that just don't seem to make sense. As a physician, I took an oath to do no harm. As a Senator, I am committed to a philosophy of Government accountability and fiscal responsibility.

In addition to temporarily stopping the stockpiling of oil at these high prices, there is a second component to this bill: commonsense steps for fiscal responsibility. This legislation includes simple recommendations put forth by the Government Accountability Office.

This bill would require dollar cost averaging when it comes to purchasing oil in the future. We could save taxpayers money if we just purchased the same dollar amount of oil each month rather than the same volume of oil each month. This means you end up buying more oil when the prices are low and less oil when the prices are high. The practice works for individual investors. It is what millions of Americans do every month with their retirement plans.

There is an article in this week's Fortune magazine. It is entitled ''Where to Put Your Money Now.'' The article says: With the markets giving off so many mixed signals, use dollar cost averaging. The Federal Government should operate with that same prudence. If the Department of Energy had used this approach in recent years, it could have saved American taxpayers over $590 million.

The Federal Government could also save taxpayer dollars by storing heavier grades of crude oil. The Government Accountability Office has pointed out that such a strategy would be more cost-effective and provide more refiners with the kind of oil the refiners can actually use.

These are two fundamental steps to improve Government accountability and fiscal responsibility. Many of us complain about Government waste. In this legislation, we have a chance to do something about it.

I fully recognize that our energy problems are complex. This body recently adopted new corporate average fuel economy requirements to improve long-term efficiency in our cars and in our trucks. Increased energy efficiency and conservation must be an important part of any long-term energy solution. Other policies worthy of debate include expanded domestic production of energy, and we have also held hearings on excessive speculation and market manipulation. More recently, some have called for a holiday on the Federal gasoline tax. All of these efforts are worthy of debate. A temporary halt on adding more oil to the Strategic Petroleum Reserve is really the low-hanging fruit. If we can't agree on these simple steps for fiscal responsibility, how will we come to an agreement on the more complex solutions to energy security?

I urge my colleagues on both sides of the aisle to support this legislation without delay. With gasoline prices at an alltime high, the American driver—the American driver—should not have to compete with Washington policies that are driving up the price at the pump.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I wish to take some time today to address a certain portion of H.R. 2881. Before I begin those remarks, I also wish to mention that there are a number of communities in Virginia that experienced some pretty devastating weather effects yesterday as a result of high winds and tornadoes. I want the people in those communities to know we have been in continuous contact from my office with the Governor's office and we have people from our office down in these communities, and we are committed to ensuring that appropriate governmental assistance be made available and remain available until the effects of this unfortunate weather occurrence are remedied.

I wish to thank the chairman for bringing this bill to the floor, and in general, I support the bill. Our Nation's air traffic control systems are in serious need of modernization. We all know that. This bill in most ways is the right step in addressing those challenges. But I would like to take a few minutes today to talk about an issue that is vitally important to a lot of communities in and around Reagan National Airport in northern Virginia.

I am deeply troubled by a provision in this bill that would add 20 additional slots at Reagan National, including several potential amendments that could further harm that airport as well as Dulles International Airport and their neighboring communities.

We should recall that in 1987, Congress created the Metropolitan Washington Airports Authority in order to run Reagan National and Washington Dulles International Airports. The creation of the Airports Authority established a professional organization to operate the airports efficiently and represented a commitment to the surrounding communities regarding aircraft noise and traffic. I think that

bears repeating. Congress made a commitment to the residents of Alexandria, Arlington, and Fairfax County on the operation of Reagan National Airport when it transferred authority on these issues over to the Airports Authority. Those commitments were codified by Congress in the so-called perimeter and slot rules. Changes to these rules threaten to seriously degrade service to the airports, and they break the promises that were made to these surrounding communities.

In an ideal world, it sounds appealing to have more flights to Reagan National Airport, but the fact is that there are basic physical constraints to that airport that simply cannot be ignored. If anyone has ever tried to fly out of Reagan National during peak hours, they know that parking can be extraordinarily difficult, that ticket counters can be incredibly congested, and that the number of gates that park the jets is limited. I am told that an increase of just four airplane slots, for example, could result in an additional 400 to 500 passengers going through this airport an hour.

Nearly 10 years ago, the Airports Authority rebuilt much of Reagan National, transforming it into one of the most efficient airports in the Nation, as the facilities constructed were matched to the number of flights established by law. Any increase in the number of flights will overburden critical airport facilities and infrastructure, causing serious disruptions. New flights, obviously, would create greater demand for parking at a time when parking is difficult, affect gate access, and all these other areas I mentioned before.

When the Airports Authority upgraded their facilities in the 1990s, it did so with these slot and perimeter restrictions in mind. These were carefully crafted rules that work in harmony to manage this airport's capacity. Adding more flights would quickly exceed the physical capacity of the airport.

Importantly, the slot rules created an airport in balance with its surrounding neighborhoods. Because Reagan National is convenient to many air passengers, it is appreciated and well used. But this convenience comes at a heavy price for many of the airport neighbors in the form of aircraft noise and related traffic situations on the roads in these areas. Adding flights beyond what was agreed to in this legislation breaks the bond that was created with the neighbors of the airports. It unfairly burdens them for the sake of the convenience of others.

I note that the city of Alexandria, Arlington County, the McLean Citizens Association, the Mount Vernon Citizens Association, the Washington Council of Governments, and Virginia Governor Tim Kaine all oppose these changes.

I am particularly concerned that there is a tipping point with these matters. We have to be concerned about quality of life in these communities as we measure them against the convenience of using the airport.

It strikes me that the desire to change the slot and perimeter rules at Reagan National is not being driven by market demand but rather by a few airlines seeking a competitive advantage over others. By allowing existing rules to be altered further for a select class of airlines, Congress would be allocating this scarce resource for the convenience of a few and, again, in contradiction to the larger community need.

The bottom line question is, How many more additional aircraft and how much more noise should local citizenry have to endure before we have crossed this important threshold?

Congress added 24 new slots in 2000 and another 22 slots in 2003. If we continue to allow more flights this year, how many more are we going to have to continue to allow the next time this bill comes up?

The communities of Northern Virginia should not have to continually suffer for the convenience of a relative few.

I close by saying that the Congress made a commitment to these Virginia communities when it ceded control to the Airports Authority. It should honor those commitments. Let's allow the Airports Authority to run Washington's airports. I urge my colleagues to reject any changes to the slot and perimeter rules at Reagan National.

Mr. President, I yield the floor, and 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. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that following my remarks, Senator SCHUMER from New York be allowed to speak for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. Mr. President, before us is H.R. 2081, which is the reauthorization of the Federal Aviation Administration and, of course, that is the authority tied directly to America's airlines and the body of public policy under which they operate. It comes at a time when all of us are frustrated by what was once a great American industry, and that, of course, is the airline industry. We set the records, we established the world standards in all respects to aviation, and now our industry is in great trouble. It is in great trouble for a lot of reasons, but one of the underlying reasons today is the substantial cost in aviation fuel that all of these large carriers must acquire on a daily basis and the inability to simply pass it through to the consumer.

Of course, that is exactly what is going on in nearly every industry in America today. We are experiencing an energy shock to our pocketbook—whether it be my private pocketbook or an Idahoan's private pocketbook or a corporate private pocketbook—in a way that leaves us with no ability to assume it, to consume it in a way that does not damage our choices on staying alive as a major air carrier or our choice as a consumer where we put our money—with what few discretionary dollars we have left.

In that context, it is so easy to blame somebody else for a problem that largely this Congress has observed, talked about, and denied action on for nearly 20 years. Those of us on energy committees in the Congress who said the answer to a looming problem was going to be conservation, new technology, increased development, and production of existing energy sources over the last two decades—and we have largely denied ourselves those options—are now today wringing our hands in frustration about the phenomenal cost of energy to the American consumer.

So what do we do? We reach out to blame someone when we cannot find it easy to blame ourselves. So to whom do we turn? We say it has to be ExxonMobile's fault; look at all of their profits. Or it has to be Chevron's fault or it has to be Marathon's fault or, if you read in the paper today, British Petroleum has record profits, a 12-percent increase in return on investment. Gosh, we have to blame those big oil companies because surely they are in control of the market, surely they demand the price, and it seems it has to be their fault.

I have brought before us today a chart that might change our minds just a little bit. When we talk about ExxonMobile as it relates to their position in the world, well, my goodness, they don't control the oil supply of the world. They have a very small piece of it. Chevron, oh, my goodness, they don't control the oil supply of the world. They have a very small piece of it.

Who owns the oil of the world today from which we buy? Not U.S. companies but world countries—Saudi Arabia, Saudi Armco, the largest producer by a magnitude of three or four times. Then walk right on down to 11, 12 of the leading major producers are not companies, they are countries, and it does not happen to be the United States of America that is in that top 12 group. We should be, but we are not because we have denied ourselves the ability to develop our oil reserves in Alaska, offshore United States, offshore west coast, offshore east coast, oh, all in the name of the environment even though it is our technology today that is the world-class, environmentally proven and sound technology for deep sea oil development. So then we blame corporate America for our own fault. Now our consumers are angry. And listen to the speeches given

on the floor of this body accusing or blaming someone else for the problem we, in large part, created.

What are we experiencing today? I believe we are experiencing something that is simply called petronationalism. The Saudis have it figured out. They got the oil, we got the bucks; they sell us their oil, they get our bucks. That is pretty simple, isn't it? Sixty-four percent of the energy consumed out of the pump at the local gas stations on the corners of America today comes from somewhere else in the world, not the United States. We are spending over $1 billion a day somewhere else in the world to buy their oil. And if Americans want to be mad, they ought to be mad at their politician or politicians who, for the last 20 years, have denied the reality of the marketplace, all in the name of being supergreen or all in the name of just not liking big corporations, and so we couldn't let the Exxons, the Chevrons, or the Marathons do something about it.

Several years ago, I met with the president of American Oil before it merged. He was opining that they were never going to develop in the United States anymore because they could not afford to because of the regulations and the cost to produce a barrel of oil in the United States when they could go to the Caspian area of Central Europe or when they could go to Saudi Arabia or anywhere else in the Middle East. So today we suffer the reality of our own politics, and we ought to be able to do something about it.

Some of you who might have been listening a few moments ago heard the Senator from Wyoming making good common sense that we ought to quit buying oil out of this current market and putting it in our Strategic Petroleum Reserve. We have enough there for the time being in case something happened in the Middle East that created a crisis. It would not last very long because we would suck it out of the ground and put it in our pumps to avoid an oil shock. But the reality is quite simple. When you have a world with a growing demand for the consumption of oil and its products and you are not producing more, the price is going to go up.

Ten years ago the Chinese were not in the market. Ten years ago the Indians were not in the market. They are in the market today and they are increasing their demand out of the world's supply at a rate of 8 or 9 percent per year.

Is the world's supply increasing? No, it is not. Is the world's refining capacity increasing? Very little. So Americans are competing against the Chinese and the Indians and everybody else for their gallon of gas. That is the reality of the market today.

Oil is not a national commodity. It is a world commodity. As the dependency went up 60 percent over the last three decades, the overall consumer demand went up. Do ExxonMobil and Chevron and every other American company control it? No, they do not. Foreign nations control it and they are getting wealthy off of American's great ability to create wealth. If we do not get this under control as quickly as possible, we will simply spend ourselves broke and the rest of the world will have all of our money and then—guess what. They are now coming to the great banks of our country and saying: We see you have a financial problem. We would like to buy an interest in your bank and give you a big chunk of cash that we got by selling you oil.

They no longer own their oil because they sold it to us and we burned it. But they have our money and they are now coming back and buying our financial institutions. Isn't that an interesting cycle? The wealth we once sent overseas to Saudi Aramco and to all of these other national companies is now coming back to the United States in the form of them owning our financial institutions. Does that make good sense?

Right now we are going to look for any amount of cash we can get to bolster our financial institutions that are in trouble—possibly because of the housing industry or some other kind of large investment. So you might say that is a pretty good deal. I suggest the bad deal started 20 years ago when we began to progressively deny our country and its companies the right to produce and supply the marketplace. That is what we have done. Today we are paying the price.

I am going to be spending a good deal of time over the next several months talking about every segment of the energy portfolio of our country, not only gas and oil but electricity in all other forms and conservations and photovoltaics, wind, and cellulosic. All of that is going to be terribly important for the American consumer in the years ahead.

The bad news is what we have to say to the American consumer today is none of it is going to be ready for 4 or 5 or 6 or 8 or 10 years. In the meantime, your energy bill is going to become an ever larger part of your overall cost of living and your family budget. There is not much a politician can do about it because they have already damaged the marketplace in which you have to live.

I yield the floor.

The PRESIDING OFFICER. By unanimous consent, the Senator from New York is recognized.

Mr. SCHUMER. Before I get into the substance of my remarks on Medicaid regulation, I compliment my colleague on his speech. I do not agree with all of it; I agree with some. I note one of the reasons he pointed out on his chart is it was foreign countries that owned most of our oil supply. That is true. I would note and commend to him to look at the Saudis, who have the largest number of oil fields and are the largest producer. Actually at a time of increasing demand, as my colleague from Idaho well knows, Saudi Arabia has cut back on production. It was higher in 2005 than it was in 2006, and it was higher in 2006 than it was in 2007. I will be coming to the floor, either later today or, more likely, tomorrow, to talk about that.

The Saudis are, No. 1, the short-term answer. We can talk about increasing production here, whether it is alternative energy or fossil fuels. We can talk about increasing conservation. They are vital, necessary, and cannot be avoided. They are long-term answers. But the quickest short-term answer to the problem would be for the Saudis to increase production.

They have cut back. They talk a good game. We see pictures of President Bush arm in arm with the Saudi leader, the Saudi King, yet we get nothing in return. Yet we are considering selling them some of the most advanced weapons we have. So stay tuned tomorrow, where some of us are going to be talking about that and augmenting in a certain way what the Senator from Idaho was talking about.

MORATORIUM ON MEDICAID REGULATIONS

Mr. President, today I rise to speak about the moratorium on Medicaid regulations. Last week the House passed a bipartisan bill with overwhelming support to block the ill-advised Medicaid cuts the Bush administration has proposed. The House bill introduced by Chairman JOHN DINGELL passed by a vote of 349 to 62. By definition, that had to have a majority of both parties—128 Republicans and every Democrat voted for this bill. It was an incredible victory—at least a first step toward a victory for American patients who are served by hospitals, for hardworking physicians and other health providers as well as case managers and social workers who do so much to help those in need. It would extend all the way to those who work in hospitals at 2 a.m., sweeping the floors, mopping, to make sure the hospital is spick and span for the next morning.

Later today Majority Leader HARRY REID will ask for unanimous consent that H.R. 5613, protecting the Medicaid Safety Net Act—the same bill as passed the House—be approved. I hope my colleagues on the other side of the aisle will go along with this vitally needed piece of legislation. The bill is now on the Senate calendar, thanks to the majority leader and Chairman BAUCUS. Many of us on this side and I believe many on the other side hope we will have a chance to take it up this afternoon. These proposed Medicaid rules the administration proposed could not come at a worse time. State budgets are already worsening due to the weakening of the economy, and few States can absorb these massive and unvetted cuts. The administration did not look here or look there at specific places where they might save. Oh, no, it was a meat-ax, an almost across-the-board cut at a time when our hospitals, our economy, and most of all our people who are sick cannot take it.

If the Congress does not act, the States will face terrible choices—to cut

their Medicaid Programs or cut other programs to free up more funds for Medicaid. In a sense it will undo much of the stimulus package, putting money in the hands of people so they can spend it and then requiring the States to cut back.

We need a moratorium so the next administration can make things right. We need a moratorium so this administration will not be able to succeed in its meat-ax approach to health care and to Medicaid in particular.

Let me tell you a little more about the eight Medicaid regulations this administration has proposed. I am sure many of my colleagues on both sides of the aisle have heard from their hospitals, their Governors, and constituents, that these rules are a disaster for our health care system.

The expiration of moratoria on two regulations, GME—that stands for graduate medical education—and the IGT, intergovernmental transfers, is fast approaching. It reaches us on May 25, 2008. That is a little less than a month away.

We have two additional moratoria that are expiring on June 30: the ''rehabilitation'' and ''school-based health'' rules. Then, if that is not enough, there are at least four other rules that have no moratoria, and they go into effect shortly, piling on the people and an industry that at this point is in bad enough shape.

What would happen if we didn't pass H.R. 5613 is that our States, our hospitals, our public providers who do so much important work for American patients would be devastated. Right now they are in a terrible state of panic—and that is not an exaggeration—over these proposed changes that will cost billions more dollars.

Like so many of my colleagues, I believe the integrity of the Medicaid Program is extremely important, but I think a large majority of the Senate agrees these rules go way too far and will end up hurting patients and the very system that serves them. With close to 50 million Americans uninsured in my own State of New York, the estimate is there are over 2 million adults and kids who do not have health insurance. We are penny wise and pound foolish to allow reductions in the critical safety net funding that currently exists.

The Medicaid GME, or graduate medical education rule, is one I am particularly worried about. This proposal represents a major shift in administration policy. By proposing not just to cut but to eliminate Medicaid GME, the Government is essentially forcing the Medicaid Program to shirk its responsibility to cover its share of training physicians. The GME regulation would pull the Federal rug out from underneath the Medicaid support for training physicians at a time when across the country, in rural and urban areas alike, we are experiencing a shortage of physicians in every specialty and in primary care.

For example, a community in New York State's southern tier, the area that borders Pennsylvania, experienced a 20-percent decline in general surgeons from 2002 to 2006. In 6 rural counties in the Mohawk Valley, there was a 33-percent loss in general surgeons over that same time period.

The impact of the GME proposal is estimated to be a $3 billion loss over 5 years to New York State teaching hospitals alone. The public hospitals in New York State have told me how devastating the cuts would be if these rules are implemented.

For instance, Coney Island Hospital, a hospital that tends to the poor, tells me they would no longer be able to offer smoking cessation programs for pregnant mothers. What a terrible shame. What a wrongheaded approach. These hospitals are using these funds in a cost-effective way that will improve health, but this administration is saying no to them and no to patients.

We talked about the sacredness of life, and we know a baby in vitro should be given, if not a head start, at least an equal chance. But if that baby's mother is smoking, the health of that child is impaired.

''Smoking cessation programs work. Let's cut them out.''

No rationale, no discussion saying they do not work, just cut them. That is wrong. Prevention is important. Yet these rules make prevention efforts, such as smoking cessation programs, impossible.

They also hurt medical and dental residents. I recently heard from a dentist trainee, a dentist who was training in a New York public hospital, who said the wait for an appointment is already way too long. With these unwise regulations, that wait increases tenfold, and what was originally a minor dental treatment could end up a huge problem and end up costing the Federal Government and the State government more.

This dental trainee said these rules will increase emergency visits for situations that could have been prevented. It will increase unnecessary antibiotic prescriptions and reduce our ability to reach out and educate the community about dental care.

One of the hallmarks, and why the European systems are more cost efficient, is they focus more on education and prevention. We are cutting it out here. Instead of moving it forward and becoming more cost efficient by focusing on prevention, we are saying, Prevent it? Why would we want to do that?

We should be expanding prevention and expanding dental care in the early phase, not rolling it back.

With health care costs rising and health care reform the No. 1 issue on our constituents' minds, how can we allow these rules to go forward and make things so much worse? We need to vote on this legislation. We need to take this important step for health care.

I urge my colleague, the minority leader, to let this bill move forward. I urge all of my colleagues to do what the House did, a broad, bipartisan vote in favor.

We need to take this important step for health care. The list of supporters of the bill H.R. 5613 is a virtual who's who of health care: the American Medical Association, the American Hospital Association, the National Governors Association, the National Association of Mental Illness, the American Federation of Teachers, the National PTA, and the list goes on and on. More than 2,000 national and local groups have called for passage.

I urge all Members of the Senate to join the list of supporters when Senator REID asks for unanimous consent later this afternoon to allow us to move to H.R. 5613. I hope that will be met by unanimous accord on the other side. Our health care system demands no less.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SANDERS). Without objection, it is so ordered.

ENERGY INCENTIVES

Mr. CARPER. Mr. President, there has been a fair amount of discussion here on the floor today about what to do with respect to rising costs of gasoline and a discussion about what we should do in response to this runup of prices. I heard the Presiding Officer speak earlier today—I thought with passion and with wisdom—on an appropriate course of action. I wish to mention a few things that I think we ought to do.

No. 1, we should be investing tax dollars in basic research and development to make a reality the lithium ion battery that is going to provide power for a flex-fuel plug-in hybrid vehicle called the Chevrolet Volt over the next 24 months or so, a vehicle that will run for 40 miles on a charge of its battery and use auxiliary power on board the vehicle to raise fuel efficiency well beyond that, maybe as high as 70, 80 miles per gallon. That is what we ought to be doing, and we are.

Another thing we ought to be doing is using the Government's purchasing power to help commercialize the new technologies. Whether it is flex-fuel plug-in hybrids, whether it is very low emission diesels, whether it is fuel cell-powered vehicles, we should be using the Government's purchasing power to bring them to the marketplace. And we are doing that too. This year, there is a requirement that 70 percent of the cars, trucks, and vans the Federal Government purchases, both on the civilian side and on the military side, have to be advanced-technology vehicles.

That includes vehicles purchased by the Postal Service.

We also ought to be providing tax credits to encourage consumers to buy highly energy efficient hybrid vehicles, highly efficient, low-emission, diesel-powered vehicles when those are produced and when they come to the marketplace. And we are doing that. That is part of our law. We provide a tax credit for folks who buy highly energy efficient hybrids and very low emission diesels, a tax credit that is worth up to close to $3,500 per vehicle. When the Chevrolet Volt or other flex-fuel vehicles, plug-in hybrids come on the marketplace in the next couple of years, we should provide an even greater tax credit to encourage American consumers to purchase those.

Several years ago, we voted here in this Chamber to create a commission. We create a lot of commissions around here. But this was an infrastructure commission, a transportation infrastructure commission. It was part of our major 5-year, 6-year bill that we pass every so often on transportation projects, a lot of it roads, highways, and so forth, but transit is included in there too.

When we passed the last bill, several years ago we said we want to create this commission, and we want the commission to go out and look at our infrastructure needs, transportation infrastructure needs across the country, quantify those for us and tell us what you think it is going to cost to bring our roads, highways, bridges, and transit systems to a state of good repair, and tell us how you think we ought to pay for those improvements. That commission was formed, worked hard for a year or so, and then came back to report back to us earlier this year as to how bad the situation is and what it is going to cost to fix it. They came back and said: We need to spend, to bring us out of the 20th century and into the 21st century, something like $225 billion a year—$225 billion a year; I think that is what they suggested—over 50 years, over the next 50 years. They called for actually increasing the gasoline tax by I think a nickel a year for 5 years, 6 years, something like that.

We have seen suggested to us a number of ideas for providing for a holiday for the gasoline tax, to suspend collecting the gasoline tax in this country, maybe for the summer. Now we are hearing from people: Let's extend it not for 3 months over the summer but for 3 months beyond that—which, ironically, would take us through the election, just past the election.

Let's think about that. In a day and age when we know our roads, highways, bridges, and our transit systems are falling further and further out of a state of good repair, making our transportation system and our economy even less efficient, we know we are not raising enough money to begin to catch up with the backlog, much less to address the new needs. The notion of diminishing the revenues that are available to try to improve our transportation system suggests to me that we are focused more maybe on the election than we are on the needs of our country.

A friend of mine used to say: Leadership is staying out of step when everybody else is marching to the wrong tune. Leadership is staying out of step when everyone else is marching to the wrong tune.

I used to say, when I was Governor of Delaware: Things worth having, whether it is health care, whether it is education, whether it is transportation—roads, highways, bridges—if they are worth having, we ought to pay for them. If we are not willing to pay for them, we should not have as many of them.

I mentioned a few minutes ago how we are providing tax credits to encourage consumers in this country to buy more energy-efficient vehicles. Wonder of wonders, the big three are beginning to produce them. After years of building these behemoths and the gas guzzlers, Ford and Chrysler are actually displaying and engineering and selling vehicles that Americans ought to be buying. The quality is vastly improved over what it was 10 or 20 years ago. I will mention a couple of them.

GM sells hybrid vehicles, not just the big SUVs like the Tahoe and the Yukon but also midsized sedans like the Saturn Aura and the Chevrolet Malibu, both of which were actually ''Cars of the Year'' this year and last year. Ford has a number of hybrid products on the road as well, not just the Escape but another as well. Chrysler joins the parade this summer by launching the hybrid Dodge Durango and the hybrid Chrysler Aspen. I understand from a friend of mine who is driving the Chrysler Aspen that in the city it is getting about 22 miles a gallon and on the highway it is expected to get close to 30 miles a gallon. Is that where we want to be and need to be? No, but that is a huge difference over the vehicles it replaces. Chrysler is launching, this fall, in the 2009 model year, very low emission, highly energy efficient diesel-powered vehicles.

We are, through our Tax Code, encouraging Americans not just to buy Toyota Priuses and Hondas but to buy hybrids, low-emission diesels that are manufactured by Ford, Chrysler, and GM. They are making them and we ought to buy them, and in doing that we begin to reduce the demand for oil that threatens to engulf us.

I ride the train back and forth most days. I live in Delaware, and I go back and forth. As my colleague, the Presiding Officer, knows, I go back and forth almost every night to Delaware. A strange thing is going on with respect to passenger rail ridership in this country.

I used to serve on the Amtrak board when I was Governor of Delaware, and every year we would see ridership go up by a couple of percentage points. We would struggle, try to raise money out of the fare box to pay for the system and the expansion of the system. Well, the first quarter of this fiscal year, ridership at Amtrak is up 15 percent. Revenues are up by 15 percent. People are starting to realize that maybe it makes sense to get out of our cars, trucks, and vans and take the train or take transit. Transit ridership is up again this fiscal year more dramatically than it has been in some time.

Americans are beginning to literally buy homes in places that are closer to opportunities for transit—for rail, for bus, for subways, for the metro systems. As we have seen the drop in home prices across the country—in some cases, very dramatic—among the surprises, at least for me, is to see housing prices stable and in some cases actually going up in places where people can buy a home and live and get to work or wherever they need to go to shop without driving to get there.

I don't know how gullible we think the American voters are to suggest to them that we are going to have this holiday on gas taxes, Federal gas taxes, for 3 months or for 6 months, maybe to get us through the next election, and then when the elections are over we will go ahead and reinstate the gasoline tax to what it has been even though in doing that we might be depleting further the money available for transportation improvements. I don't know how foolish we think the American voters are. They are a lot smarter than that. They are a lot smarter, maybe, than we give them credit for being.

I think in this country people are crying out for leadership. They are calling out for Presidential leadership, whether it is from our side of the aisle or the Republican side. People want leaders who are willing to stay out of step when everybody else is marching to the wrong tune, and I would suggest that the wrong tune is to suspend the Federal gasoline tax and at the same time not replace the dollars that would otherwise go into the transportation trust fund to fix our dilapidated, our decaying transportation system. Voters in this country deserve better leadership from us. I am determined, I am committed to making sure we provide and pay for that.

Before I close, there are a lot of good ideas for things we ought to do. I mentioned, tongue in cheek, that we ought to provide more R&D investment for a new generation of lithium batteries for plug-in hybrid vehicles. I say, tongue in cheek, we ought to use the Government purchasing power to commercialize advanced technology vehicles. We are doing that. I said with tongue in cheek we ought to provide tax credits to encourage people to buy highly efficient hybrid vehicles and very low diesel-powered vehicles that are efficient. We are doing that.

There other things we need to do too. We need to invest in rail service. We can send from Washington, DC, to Boston, MA, a ton of freight by rail on 1

gallon of diesel fuel. I will say that again. We could send from Washington, DC, to Boston, MA, a ton of freight by rail on 1 gallon of diesel fuel. But we as a government choose not to invest in freight rail and, frankly, to invest very modestly in passenger rail. It is a highly energy-efficient way to move people and goods.

One of my colleagues spoke a little bit ago and talked about why, as has Senator DORGAN, at a time when gasoline prices and fuel prices are so high, when the cost of a barrel of oil is 120 bucks a barrel, we are buying oil and putting it in the Strategic Petroleum Reserve when we are almost up to 100 percent capacity. That is a good question. It is foolish for us to continue to buy as much oil as we are right now to further drive up prices. We should stop filling the Strategic Petroleum Reserve as long as prices are at this level. One of my colleagues raised the question of speculators. If you go back a year ago, almost a year ago from today, the cost of a barrel of oil was something akin to $60, $63 a barrel. The price today is about $53 more than that. We have seen an increase of probably 75 percent in the price of a barrel of oil from last year to this. As somebody who studied some economics when I was in school, I believe in the law of supply and demand. But the law of supply and demand is not driving up the price of a barrel of oil from roughly $65 a barrel a year ago to almost twice that today. Speculation is going on that I don't fully understand. Maybe others do, but I don't. But I know something beyond the law of supply and demand is driving these prices of oil through the roof.

The investigative committees in this Congress, along with the Government Accountability Office and the administration, need to be all over that. Find out what is causing it and how we can stop it. It is difficult for the Congress. We write a lot of laws. I don't know how we can repeal the law of supply and demand, but more than the law of supply and demand is in effect in driving up oil prices.

Some have said: Why don't we have a holiday for the gas tax for this summer or for 3 months or 6 months and replace that with some kind of windfall profit tax on the oil and gas industry. I would suggest, if we are going to take away some tax advantages enjoyed by the oil and gas industry, the smarter thing is for us to use the revenues that would be generated in that way to extend the soon-to-be-expiring tax credits for the production of electricity from wind, solar, geothermal. Those tax credits expire at the end of the year. Businesses, individuals who are thinking of putting in place systems, small and large, to provide for alternative energy need some certainty. They need to know what the Tax Code is going to be. The sooner the better. To be fiscally responsible, we can't extend the tax credits without paying for them. The extension of the tax credits reduces revenue to the Treasury and makes the deficit bigger. We need to pay for it. I would suggest, if we look carefully at some of the tax credits enjoyed by the oil and gas industry, we could probably find something there that is not fair or reasonable or productive. I suggest we use those revenues, not to offset the revenues that would be lost from suspending the Federal gasoline tax until after the election but to use those revenues to make sure we extend tax credits for renewable energy, wind, solar, geothermal, and so forth.

I will have a chance to come back later in the week and talk about this some more. Sometimes we underestimate the wisdom of the voters. I think it was Thomas Jefferson who said: If you tell the American people the truth, they won't make a mistake. I will do my dead level best to make sure, during the course of the debate on this notion of waiving the gasoline tax or having a holiday on the gasoline tax until after the election, I am going to make sure, I hope with a number of my colleagues, the American people understand the truth and the full picture and that they will make the right decision. Hopefully, we will too.

I yield the floor.

Mrs. HUTCHISON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SUNUNU. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

Mr. SUNUNU. Madam President, I rise this afternoon to speak for a few minutes on the bill before the Senate, the FAA modernization bill. It is an extremely important reauthorization. At the end of the day, as we pass this legislation, it will be the kind of bill that we look back on and wonder why we were not able to work out the differences a little bit faster, and get it signed into law a little bit more quickly because this is a bill that is of great importance to our transportation infrastructure, to those who rely on the aviation system every day for business travel, for family travel, and for their jobs, their livelihood.

This is an important piece of legislation because it lays the foundation for modernization of our aviation infrastructure and the technology, the air traffic control systems that we depend on every day to keep our skies safe. Technology continues to evolve, that is a good thing. It improves efficiency, improves safety, and can really have a positive impact in the skies. But at the same time, we all understand that technology costs money. To purchase new systems, to install them, to train our traffic controllers to make sure they are in the strongest possible position to use that equipment costs money.

There is no question that one of the debates that delayed this legislation was over how to fund the infrastructure improvements that are in the bill, not whether to fund, and I suppose that is good news. There was general consensus that there needed to be a strong and clear funding commitment, but there was some debate over the exact mechanism.

I certainly want to give credit to Chairman BAUCUS and Chairman INOUYE of the Finance and Commerce Committees; the Ranking Member GRASSLEY and Vice Chairman STEVENS; and, of course, Senator HUTCHISON and Senator ROCKEFELLER for the work they did on the Aviation Subcommittee.

There was a lot of disagreement as to whether we should create a new fee system, whether we should create a new bureaucracy for assessing fees on general aviation. I am pleased to see that we did not go that route. We have a system for collecting aviation taxes in place, taxes on aviation fuel and jet fuel. There was a recognition on all sides that that tax burden needed to be increased to keep pace with the needs of the aviation system. It is an efficient system. It is one that works. It is one that is well understood. I think it would have been a mistake to try to create a new bureaucracy when we have such a system in place.

So this legislation will increase the taxes on general aviation jet fuel pretty significantly from about 22 cents a gallon to 36 cents a gallon, but there is a recognition that so long as that money stays in the aviation trust fund, so long as it is used to upgrade the aviation system, it will be well spent.

This tax increase on general aviation jet fuel will provide nearly $290 million annually in additional funding for the NextGen air traffic system, and that is something to be commended. It addresses the impact of air traffic growth because it increases the system's capacity and, at the same time, improves the efficiency and, of course, our focus at all times has to be safety.

One of the points that is most impressive about our aviation system, both on the commercial aviation and general aviation side, over the last couple of decades is the improvement in safety. The improvement in performance and safety per thousand miles flown or 100,000 miles flown has been significant, and everyone benefits from that improvement. Consumers benefit from a safer system and, of course, a safer system, a safer workplace, a safer environment is less costly and less expensive.

This legislation also provides increases to the Aviation Improvement Program, AIP. That is a program that is important to airports, large and small, across the country. In New Hampshire, the Manchester Airport has undergone tremendous levels of growth during the past decade, and much of that improvement, infrastructure, and investment at Manchester has been

funded through the AIP, including the airport's noise reduction enhancements.

Today in New Hampshire, everyone benefits from the improvement in that infrastructure, the expansion at Manchester. The improvement in efficiency, not just in New Hampshire but across northern New England, creates a different choice for consumers, for businesses, and for tourism as well. That makes a difference, a real difference, in our northern New England economy.

This bill is not perfect. Rarely does anyone stand on the floor of the Senate and announce that a piece of legislation is perfect, but it is a good bipartisan effort. We will have opportunities to improve it, perhaps on the Senate floor during this debate, perhaps in conference, but it is important that we not bog down this legislation with amendments that will derail the bill, that will kill the bill, that will create a controversy that will make it difficult, if not impossible, to complete work on it in the coming weeks. It is a bill that needs to get done. It is a bill that needs to be sent to the President, not least of all so that the funding commitment for new technology can be implemented as quickly as possible.

Madam President, I again commend the work of the Senator from Texas as the ranking member of the Subcommittee on Aviation. I serve with her on the Commerce Committee, and I have really enjoyed working on this legislation. We had an exciting markup, to say the least, several months ago, but I am pleased to see we have been able to work through those differences and bring a very strong product to the floor.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I commend the Senator from New Hampshire. He was, indeed, a very important part of the negotiations on this bill. It is a complicated bill. He represents a State that has general aviation. It is very important to the service in his State. He spoke up for that service. In fact, in the bill, there are some very important components that are strong for general aviation, and also cities that have lost service in the past after deregulation we want to try to help get back in service with some incentives for service by smaller, maybe startup airlines.

The Senator from New Hampshire, Mr. SUNUNU, has been a very important part of helping us negotiate this bill that we have brought to the floor.

I know my chairman, Senator ROCKEFELLER, is going to be here soon. I hope we will be able to come to closure on the aviation part of this bill. I have very strong concerns about some of the provisions in the Finance Committee part that is going to be put into this bill. I hope the Finance Committee will work with us to take away some of the extraneous tax provisions that have nothing to do with aviation so that we can pass a good, solid bill that addresses aviation safety, which every consumer is interested in doing, that addresses the need for better service to our smaller communities, that increases the modernization of our air traffic control system, and that assures that passengers are taken care of when there are inordinate delays, and especially when they are on an airplane, maybe sitting on a runway for several hours at a time, and there are some very important parts of the bill that address the rights of passengers and the needs of passengers.

I hope we can get an aviation bill passed. I hope we can move out the extraneous provisions out and let the Finance Committee do those separately, which they certainly have the capability to do. But I do not want to hold up this good consumer bill.

I look forward to working with my colleagues, Senator ROCKEFELLER, Senator INOUYE, and Senator STEVENS on the committee, and Senator SUNUNU who just spoke, to get a good bill on which we can then go to conference with the House.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GREGG. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FEDERAL DEFICIT

Mr. GREGG. Madam President, I rise to speak briefly about where we are headed as a government and specifically what we are passing on to our children, which is regrettably a lot more debt than they deserve. This year the Federal deficit is projected to be close to $400 billion. That is up from last year, where it was under $200 billion. That is not a good trend, to be driving up the deficit.

It is also not a good trend to be putting on the books program after program which will end up costing our children a lot of money, and which we borrow from our children to pay for.

This bill, which is brought forward today, has in it, unfortunately, a couple of items—at least one specifically—actually a couple that are questionable, in which we are spending money which could much better be used to reduce the debt on our children. As I said, this year alone we are going to add $400 billion of debt to our children's backs. Probably the most significant in this account is something that has nothing to do with air transportation. You can call it the train to nowhere or the fast track to waste. It is the train they are proposing to build somewhere in New York to go somewhere in New York which is going to cost $1.7 billion.

Clearly this is not the right bill for that proposal. But even if it were the right bill, this would be not an appropriate proposal. This is a situation where folks from New York, who are good and decent people, have decided to raid the Federal Treasury to get some money to pay for something—in a very questionable way, by the way; by basically waiving FICA taxes, which they are not paying to begin with, for town employees—State employees. They have decided to raid the Federal Treasury for the purposes of building this train to nowhere.

We have seen this before, these specific projects, which benefit a specific place, which are not defensible. This certainly falls into that category. But in the broader context it becomes even less defensible because we are facing such a large deficit. We are not only facing this very significant deficit of almost $400 billion, we are constantly adding to that deficit. There are now, within the framework of the walls of this Capitol building—there are not four walls, there are lots of different walls in this Capitol building, but within this Capitol there is a series of ideas which is being promoted, which is also on a fast track, regrettably, a fast track of spending, which is also going to end up ballooning that deficit further than $400 billion.

There is, for example, a proposal being floated which has merit in concept but, when it comes to paying for it, nobody is willing do that, which will cost close to $60 billion. That is a proposal to dramatically expand the GI bill, as it is known. There is a proposal to expand unemployment insurance, even in States where unemployment has not hit numbers where it represents an immediate problem. Traditionally, unemployment under 6 percent or 5.5 percent is deemed to be full employment. In much of this country today, many States have their unemployment rates under 5.5 percent. But there is a proposal to expand the number of weeks a person can claim unemployment, even in States where there is essentially a number that represents full employment and that is going to cost $15 billion.

There are proposals in the farm bill, which has all sorts of gimmicks and all sorts of machinations to cover its costs and claim that it is paid for, which will cost billions and billions of dollars. The farm bill itself is a $285 billion bill. Huge expenditures are coming down the pike here, which are going to have to be paid for by our children.

There are proposals for further relief for Katrina of $5 billion. There are food stamp proposals of billions of dollars. There are Byrne grants, competitiveness grants, county payments, Bureau of Prisons—all of these ideas are floating around this Capitol as ideas on which we should spend more money. Most of them have good and reasonable arguments behind them. But the problem is they also, almost in every case, end up passing more debt on to our children.

In many instances, especially the train to nowhere in New York, you cannot justify it. It is wasteful spending at the expense of our children and it is inappropriate because this debt is building up and up. As a result, paying off this debt is going to mean the taxes on our children are going to have to go up and up as they move into their earning years.

The practical effect of that is that the next generation, our kids and our children's children, are not going to be able to afford as high quality a lifestyle as our generation has because they will have to be paying so much to support the Federal Government and the debts of the Federal Government. They will not be able to afford to send their kids to college, assuming college is even affordable at that time. They will not be able to buy that first home. They will not be able to live the high quality of lifestyle that has become the nature and character of American life, because the cost of the government, which we have incurred today, will have to be paid for by them tomorrow.

It is not fair. It is not right. It used to be around here people talked about the deficit a lot. They used to point to it as a failure of our Government and there used to be genuine efforts to try to reduce the deficit—on the spending side of the ledger from our side of the aisle and on the other side of the aisle by raising taxes. But that discussion has waned. There is no focus right now on the deficit, I suspect in large part because we now have a Democratic Congress and deficit spending is justifiable if it meets an interest group's claims that they have a right to this money or they believe should have a program, such as the train to nowhere in New York, which is promoted by our colleagues from the other side of the aisle who represent New York.

In the end, if we do not return to the basic concept that every family in America has to confront, which is you need to pay your bills as they come in and you cannot put too much money on the credit card because that means down the road you are not going to be able to pay that credit card and you are going to have to suffer significant contraction as a family—if we do not face up to that real fact of day-to-day existence that most Americans must realize, as far as how their spending meets their income, or if we do not as a government face up to that, we are going to fundamentally undermine our Nation. We are certainly going to do significant damage to our children and their future.

We talk a lot now about the weakness of the dollar and how that has caused the price of gasoline to jump dramatically, which it has. The weak dollar has caused energy costs and costs of commodities which are not produced in the United States to be driven up in large part because the dollar has weakened so much. One of the drivers of the weak dollar is a belief in the international community that we are not going to put our fiscal house in order, that we are going to continue to run deficits that are excessive, and that is what we are doing as a Congress.

We have some responsibility here. You can't make great progress unless you begin somewhere. A good place to begin might be to take this $1.7 billion that is proposed in this bill to spend for the train to nowhere, or the fast track to waste, and eliminate that program and take the revenues that are alleged to be used to offset that program and use them to reduce the debt on our children's heads. Reduce that debt by $1.7 billion. That is progress. Granted, in the overall scheme of things it is not a huge amount of money compared to the total debt that is being incurred, even this year, the $400 billion, but you have to start somewhere. This would be a good place to start.

Let's stop the wasteful spending which is adding to the Federal debt, which inevitably will undermine the quality of life of this Nation and especially pass on to our children obligations which there is no reason we should ask them to bear.

I yield the floor and 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. DURBIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, when the Senate considers the Federal Aviation Administration Authorization Act, I will offer a bipartisan amendment to strike section 808 of the substitute to this bill. The section I wish to strike would impose a significant competitive disadvantage on airlines that have done the most to protect their employees and provide for the secure retirement of those employees and current retirees. It would increase the pension obligations of these airlines above what is required of the airlines they compete with. It is fundamentally unfair. Such a move would undermine the ability of these airlines to maintain their commitments to their workers, particularly in today's struggling economy.

In 2006, with several airlines facing the prospect of bankruptcy, the Pension Protection Act adjusted how struggling airlines that had frozen their defined benefit pension plans could calculate their pension obligations. Those airlines were allowed to devote significantly less funding than their competitors toward payments to their pension plans. Understand, airlines facing bankruptcy that were on the cusp of losing defined benefit retirement plans were given better treatment under the Tax Code than those that didn't file bankruptcy and tried to keep their word to their employees under their defined benefit plans. Airlines that maintained their pension plans weren't given this benefit. As a result, American, Continental, Hawaiian, Alaskan, and US Airways were placed at a significant competitive disadvantage, only because they continued to offer their workers defined benefits for retirement. Those are the benefit plans, incidentally, that workers like the most. They are the ones that guarantee what you will receive when you retire, as opposed to a defined contribution plan, for example, that says a certain amount of money will be set aside, and maybe it will earn a lot before you retire, maybe it will not. The defined benefit plans—which, incidentally, Federal employees and Members of Congress have—are the best. These airlines that had similar plans for their employees and retirees and avoided bankruptcy were put at a disadvantage. The airlines facing bankruptcy, throwing away their pension plans, and changing them, were given a better break under the Tax Code than those that continued in business, avoiding bankruptcy and keeping their word to their employees and retirees.

In 2007, I joined with Senator HARRY REID, adding language to the Iraq supplemental that tried to address this unfairness and inequity. Under the 2006 law, airlines that had prohibited new workers from participating in their defined benefit plan were allowed to assume a rate of return of 8.85 percent on their pension investments. The 2007 law allowed the other airlines, those that had maintained the previous defined benefit commitment, to assume an 8.25-percent return. I know these numbers probably in the course of the speech don't impress you, but they should. It makes a significant difference of how much money an airline has to put in the pension plan, and the Tax Code, the law of our land, requires it. Airlines that had frozen their plans were allowed to amortize their plan shortfalls over 17 years; in other words, those that were facing bankruptcy and walking away from many aspects of their pension plans were able to take a longer period of time to pay out what was necessary to bring their plans up to solvency. The 2007 law gave airlines with defined benefit plans only 10 years, not 17. Therefore, airlines that are offering their workers defined benefits retirement face a competitive disadvantage.

The 2007 law I mentioned earlier partially closed the gap. Section 808 of this FAA reauthorization bill would tilt the playing field away from the airlines that already face this competitive disadvantage because they offer the very best pension benefits to their employees.

What it comes down to is this: Airlines are declaring bankruptcy in every direction. Some are reporting record losses. Last week, American Airlines reported a loss of $328 million in the first quarter, virtually all of it attributable to increases in jet fuel. A few days later, United Airlines, another

major airline based in my home State of Illinois, announced first quarter losses, if I am not mistaken, of nearly $500 million and the need to lay off some 1,000 employees. Now comes this FAA reauthorization bill, and it includes a provision that will create an economic burden and hardship on some of these airlines that are struggling to survive. Could this Senate pick a worse time to hammer away at these airlines, when they are struggling to deal with jet fuel costs that are going through the roof and an uncertain economy facing a recession? If there was ever a bad idea, this is it.

Mr. ROCKEFELLER. Will the Senator yield for 15 seconds?

Mr. DURBIN. I am happy to yield.

Mr. ROCKEFELLER. I thank the Senator.

Madam President, I ask unanimous consent that all postcloture time be yielded back and that the motion to proceed be agreed to and the motion to reconsider laid upon the table; that once the bill is reported, the Senator who is now speaking be recognized to offer a substitute amendment; that upon reporting of that amendment, no further amendments be in order during today's session and that there be debate only today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, will the Senator from Illinois further yield?

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. I want to say I am in complete agreement with what the Senator from Illinois has said. I know he is going to finish his statement, but he is making exactly the point I think needs to be made in this debate.

We will have an amendment tomorrow. Senator DURBIN and I are going to cosponsor an amendment that would fix the issue about which he is speaking. The idea that we would pass an FAA reauthorization that would modernize our facilities, that would put more safety precautions in place, that would give passengers more rights and, oh, by the way, would also bankrupt some of our airlines in the meantime is ridiculous.

The bill will be so good. Senator ROCKEFELLER has done a great job. We have compromised. We have worked on a bipartisan basis. Then, all of a sudden, we see this pension issue rise up that would put one, maybe two airlines into bankruptcy, and then we have taken away all the advantages of this very good bill.

I commend the Senator from Illinois. I look forward to working with him tomorrow on an amendment—or whenever we are designated to put our amendment in place—and hope the balance we had is restored in the pension issues so that airlines that are offering defined benefit plans—which are so rare these days—will still be able to offer employees that, even at a greater cost.

I look forward to working with my colleague from West Virginia to make sure this very good bill goes forward without the bad tax provisions and the pension provision that was added, not by our committee, but by the Finance Committee.

I thank the Senator for yielding. I look forward to working with the Senator to fix this pension issue.

Thank you, Madam President.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I thank the Senator from Texas for joining me in offering this amendment. This is a bipartisan amendment. We urge our colleagues: Take a close look at this. At the end of the day, if we pass this FAA modernization bill and force more airlines into bankruptcy because of this provision, is that our goal?

We have lost so many airlines already, and now a major airline, such as American Airlines, which avoided bankruptcy and managed to keep its promise to its employees and retirees, and has provided significant funding for its pension, is going to be penalized by this bill.

Ask the people whose pensions are affected, those members of unions who are supporting our efforts to stop this change in the law. I cannot understand the motivation behind this change.

When this was originally considered a few years back, there was another group in charge in Congress and a chairman of the House Ways and Means Committee who singled out several airlines that were not facing bankruptcy and created a disadvantage for them. We tried to remedy it last year, and we got a temporary fix in there. And here they come again: this group that wants to keep changing this law, penalizing these airlines—at absolutely the worst possible moment. Wouldn't it be ironic if this were passed and the airlines that worked the hardest to avoid bankruptcy, the airlines that worked the hardest to keep the defined benefit plans—absolutely the gold standard when it comes to retirement—wouldn't it be ironic if the language of this bill ended up capsizing these airlines at this precarious moment in our economic history.

I am going to urge my colleagues: Take a close look at this. Ask yourselves: If the beneficiaries of these retirement plans oppose this change, if the airlines oppose this change, if there is no argument to be made as to why you would treat these airlines differently than those that have faced massive changes in their pension plans, why in the world would we want to pass this amendment?

At the end of the day, I want to make sure we have FAA modernization. But I also want to make sure there are airlines still serving America in every corner of America so our people have a chance to travel for business, for leisure, whatever it might be.

I urge my colleagues: Please take a close look at this. I hope they will consider supporting the Durbin-Hutchison amendment when it is offered tomorrow morning. It will be the first item of business. I hope we can entertain a debate and move to its consideration at an early time.

There is no reason to delay this. The sooner we remove this cloud from these airlines that have worked so hard to stay in business and avoid bankruptcy the better.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, all postcloture time is yielded back.

The motion to proceed is agreed to, and the motion to reconsider is laid on the table.

The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I thank the Senator from Illinois for allowing himself to be interrupted twice, and I wish him a good evening.

Madam President, I wish to talk, with your permission, for about 25 to 30 minutes on what I consider to be the core problem we face; and it is the real condition that people need to know about the American aviation industry.

FAA REAUTHORIZATION ACT OF 2007

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2881) to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 4585

(Purpose: In the nature of a substitute)

Mr. ROCKEFELLER. Madam President, I call up my amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY, proposes an amendment numbered 4585.

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER (Mr. SALAZAR). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, as I was indicating, I do not think most of our colleagues—they pick on certain subjects within aviation that are of interest that have hot buttons to them—look at the general situation of where the U.S. commercial aviation industry is, how bad its situation is, and I think it is time to tell the truth about that before we begin the debate on this bill.

After posting nearly $35 billion in cumulative net losses from 2001 through 2005, over the past 2 years, American commercial air carriers were able to recover financially for a brief period from the effects of September 11's grounding and subsequent adjustments. That is understandable.

Domestic airlines earned an estimated net profit of roughly $3.8 billion last year, more than twice the $1.7 billion net profits they achieved in 2006. That would appear to be going in the right direction. This year, however, marks a turning point, which I fear will be a sustained downturn in the industry's long-term outlook. Within the past week alone, we saw the Nation's third largest carrier—Delta—announce a first quarter loss of $6.4 billion. On that same day, the Nation's fifth largest airline—Northwest Airlines—posted a quarterly loss of $4.1 billion.

This month, we witnessed four of our airlines—Frontier Airlines, Aloha Airlines, ATA Airlines, and Skybus Airlines—forced to declare bankruptcy. Four airlines collapse in 1 month, and two airlines announce a combined loss of $10.5 billion in one single quarter. I think this underscores the dangerous direction in which I believe our aviation industry is now truly heading.

It is clear that in 2008 this industry is moving through what could be one of the most tumultuous periods it has ever experienced in our history. The recent window of profitability that commercial aviation experienced now seems to have closed. A worrying question for all of us—and for the future of our economy—is whether these losses will come to characterize its long-term financial outlook. I fear it will.

The challenges confronting our Nation's aviation market have now sharply affected a variety of consumers and stakeholders. Airline companies have been posting multibillion dollar losses this quarter alone. Tired and frustrated passengers are being caught up in the thousands of flights that have been canceled or delayed due to a number of things, including safety issues. A quarter of the airline industry's entire workforce have lost their jobs since the year 2000. I will repeat that: One quarter of the airline industry's entire workforce have lost their jobs since 2000. The air traffic control system remains outdated. As I indicated, we are trying to catch up with Mongolia. And management problems continue to beset the industry's overseer, the Federal Aviation Administration.

Compounding all of these difficulties is the reality that the industry is operating against a backdrop of a weaker American economy and general turmoil in global credit markets. Aside from all this, however, there remains one factor that has done more to change the face of the commercial aviation sector than any other; that is; the escalating cost of its lifeblood. We call it the price of oil.

To illustrate this dramatic spike in costs, it is worth recalling that back in 2000 the price of oil stood at $30 a barrel. Recently, oil prices have been approaching $120 a barrel. But this does not necessarily reflect the true cost to the airlines, as there is a difference between the price of oil and the price of jet fuel, what the industry refers to as the ''crack spread.'' This means that, for example, on April 18, 2008, when oil was trading at nearly $116 a barrel, the price of jet fuel per barrel was trading at nearly $144—$116 for a barrel of oil becomes $144 for airplanes.

Such a dramatic increase in the industry's largest single cost clearly illustrates the extent of the problem it must absorb. With oil prices alone having risen 75 percent in the past year, it is somewhat unsurprising that the move toward further consolidation is gaining in speed.

It seems increasingly inevitable that the Delta-Northwest merger proposal will unleash a wave—a further wave—of industry consolidation. I note that various airlines have been considering a number of possible pairings for some time now.

In September 2005, US Airways and America West Airlines merged. In 2007, US Airways pursued an unsuccessful bid for Delta, and Midwest Airlines was purchased jointly by Texas Pacific Group and Northwest.

Numerous reports also indicate that further consolidation between United Airlines and Continental Airlines is likely—we will see—to happen as a consequence of the move by Delta and Northwest to consolidate—the domino theory.

With the emphasis on pursuing market share prior to 9/11, the big air carriers are now focused on route and flight profitability and are less willing to fly half-empty planes to keep their nationwide networks competitive. In an effort to improve their financial standings and compete with smaller carriers, many legacy airlines—commercial airlines—have aggressively sought to cut costs by reducing labor expenditures and by decreasing capacity through cuts to flight frequency, use of smaller aircraft, or the elimination of service altogether to some communities.

The major U.S. carriers have shown much more capacity discipline over the past few years and have retired, to their credit, many older, inefficient aircraft. Available seat miles—which is a term of art: a measure of capacity—increased only 0.3 percent in 2006, down from a 3.3-percent increase in 2005, and an 8.7-percent increase in 2004. As a result, load factors have increased by more than 10 percent since 2000, bringing in more revenue per operation. Profitability. Statistics from the Air Transport Association show that the legacy carriers' combined fleet was 2,860 aircraft in 2006, an 18-percent reduction from almost 3,500 planes at the end of 2000. So it has gone from 3,500 planes in 2000 to 2,800 aircraft in 2006. That is clearly a trend.

In West Virginia, aviation represents about $3.4 billion of the State's gross domestic product. To us, that is a rather huge figure. It employs over 50,000 people in our State. So the State has a direct interest in the impact any consolidation within the industry may have on services. I know the Presiding Officer knows that feeling.

I have said before that while I am not unilaterally opposed to consolidation, I do believe every transaction has to be considered on its own merits. With regard to Delta-Northwest as a merger, I believe it is critical that the Federal agencies examine the fine details of the merger thoroughly before approving it.

Now, this is of particular concern to me because Delta and Northwest provide critical air services to my State of West Virginia that allow businesses in our State to be connected with the rest of the world. I have said in the past, and I reiterate here today, that air services to small communities in my State and across the country depend on network carriers that use hub-and-spoke operations. There are no other sustainable options available to us. None. We have very few private aircraft, and obviously they are not available for commercial use. Low-cost carriers are not going to serve West Virginia's communities because we do not have the volume of passengers to work with their business models.

My State needs healthy network carriers if we are to attract new air services. At present, low-cost carriers are not going to fill the service void in our markets. It disturbs me, then, that since March 13 of this year alone, American air carriers have exited from 86 routes throughout the country, my guess would be all of them rural. I fear these airlines plan to exit many other routes in the future.

It was to ensure West Virginians continued access to adequate air services that I helped to create and expand the Small Community Air Service Development Program and the Essential Air Service Program. Both of these arrangements provide a Federal subsidy for air carriers to operate out of very rural areas. From my perspective, an adequate air service in West Virginia is not just a convenience but it is a flatout economic necessity for our survival.

The airline industry is not only about the viability of the companies that it comprises. It is important that we not forget the increasingly large number of American passengers who underwrite the industry by consuming its services each year. Passenger traffic demand has now surpassed pre-9/11 levels, with total passenger enplanements of 745 million in 2006, nearly 12 percent higher than the 666 million passengers who enplaned in 2000. The FAA's most recent forecast estimates passenger enplanements will grow to 794 million in 2008.

We are all aware and have probably often experienced ourselves the delays and the cancellations that seem to be a growing feature of this industry. Air carriers and their passengers continue to be plagued by severe weather problems—which seem more than normal each year—and an air traffic control system that lacks the necessary capacity to handle demand effectively. That is why, when we talk about building an air traffic control system, which is at

least up to Mongolia—and as I said this morning, that is a little bit of an exaggeration because they had no air traffic, and so they started with what we want to move to. They started with what they should have started with, and that is digital GPS.

These conditions produced near gridlock at several key gateway airports throughout the country this past summer which almost matched the record delays reached in the summer of 2000. Congestion and delay problems cost the airlines and passengers billions of dollars each year in lost productivity, canceled flights, and, obviously, fuel expenses.

The severe congestion and delay problems that continue to plague air carriers and their passengers further exacerbate the high cost, therefore, of fuel. Inclement weather, an out-of-date air traffic control system, and management problems keep planes in the sky longer, which only increases fuel-burn. Due to these conditions, only 69 percent of reported commercial airline operations arrived at their destination on time during June and July of 2007.

I am pleased we have been able to work with the FAA on several efforts currently underway to address these problems, including a continuous focus on expanding infrastructure and adopting operational procedures, such as the implementation of reduced separation requirements and programs such as this fascinating acronym, the Area Navigation and Required Navigation Performance program, that permit more precise navigation of aircraft. But, you see, that is very difficult to do with x ray, with ground radio. That is why we need an air traffic control system which is modern, as every other modern country in the world has. Furthermore, since many of these delays originate in the New York City airspace, the FAA has committed itself to taking a number of specific steps to relieve congestion there—and I applaud them for that—including airspace redesign and the opening of military airspace to create additional capacity during particularly congested times.

All of these efforts are a part of a longer term endeavor to solve these problems by modernizing the entire air transportation system through the implementation of the Next Generation Air Transportation System, the system I have been talking about a good deal. I am confident we can continue to pursue a workable strategy to increase the capacity of the National Airspace System to keep pace with projected growth and demand for air travel while ensuring that we continue to operate the world's safest aviation system. But then again, you always have to look underneath the figures.

The pending Delta-Northwest merger could represent an absolute watershed moment in aviation industry history which would have a dramatic and wide-ranging impact on the industry, passengers, employees, and our national economy. This merger is emblematic of the aviation sector's future, in my judgment. We must acknowledge that a greater degree of consolidation is becoming simply unavoidable due to pressing economic factors, and we have no excuse to not manage these changes responsibly.

I will always remain a fierce defender of West Virginia's right to adequate and reliable air services. That is why I went there in the first place. That is why I am there. I fight for fairness, and we don't have it in aviation, and I fear losing more of it. Even in these new challenging times for the sector, I will continue to ensure that my State is not adversely affected by this consolidation or any consolidation.

Finally, I am concerned that even when the aviation industry did return to profitability over the past 2 years, services in my State did not dramatically improve or expand. They weren't investing. Now that the sector looks to be heading toward a more decidedly bleak future over a prolonged period, our efforts need to be redoubled so as to ensure crucial air services to small and rural communities everywhere are rightfully defended.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Mr. President, today we debate the FAA reauthorization, and it is a debate that probably should have been joined a long time ago. This is a piece of legislation that has been kicking around here for a long time. I serve on the Senate Commerce Committee. I know both the House and the Senate reported bills out many months ago. We are finally now getting a bill on to the floor for debate. It is important we do this.

This is legislation that is critical to the infrastructure that supports our aviation industry, which is a critical industry to America's competitiveness, and if we look at what is happening in the airlines these days, obviously, we need to do everything we can to make sure we have a viable and effective aviation industry and commercial airlines are able to operate and provide the services to travelers who need to get, every single day, to places both here at home and around the world to conduct business and to recreate.

In the course of this debate, I cannot help but be struck by the fact that I do not see there is anything we can do in the FAA reauthorization that addresses what fundamentally is probably plaguing the airline industry more than anything else, and that is the high cost of energy.

I am looking at some information, graphs, some data. We can look at this graph for January of 2004 and see where the cost of crude oil and the cost of fuel for the airlines, for the aviation industry, was then and where it is today. Follow the red line, the way it tracks up. That spikes up. That is almost a straight vertical line.

If we take another graph which shows what the consumption of fuels is in the airline industry, the green line—you probably, Mr. President, cannot see this; it is too far away, but the green line shows consumption has been fairly static in terms of the amount of fuel that is used. But if we look at the expense or the cost of the fuel, it has increased at a sharp and dramatic rate.

My point very simply is that we cannot affect, I do not think, in a very substantial way, what is plaguing and ailing the airline industry and a lot of other industries in this country absent addressing the fundamental cost issue of energy independence.

If we look at where we are as a nation today and where we were 30 years ago, not much has changed. I remember as someone growing up during the oil embargoes and what we were experiencing in the late 1970s and a real concern at the time about our dependence, overdependence, dangerous dependence on foreign sources of energy. At that time it was 55, 60 percent. Here we are 30 years later and we are more than ever dependent on foreign sources of energy. Mr. President, 60 to 65 percent of our petroleum comes from outside the United States. We have very little control over the supply. The only way we fix that, the only way we can impact energy costs in this country in a meaningful way is to increase supply.

We can talk a lot about a lot of issues with regard to this problem, this challenge we face as a country. There are some things we can do to impact the demand side, too, and we did that in the Energy bill last year. We increased for the first time in a very long time fuel economy standards so now automobiles are going to be built to standards that will require more miles per gallon than they currently get. That will help control, to some degree, the demand side. Obviously, I think individual consumers in this country, drivers in this country, are going to begin to take steps to reduce the amount of fuel they consume because it is impacting so adversely their pocketbooks on a daily basis.

But there is not anything we can do totally on the demand side to get us out of this mess we are in. We have to do some things to impact supply. I can't help but think that if we had taken some of these steps years ago, back in 1995 or thereabouts when President Clinton vetoed legislation that would have allowed oil exploration on the North Slope of Alaska—at the time it was argued, oh, it will take 5 to 10 years for us to develop this resource and when we do, it will not be that much anyway. It is only 1 million or 1½ million barrels a day, and that is not that significant in the overall scheme of things. Here we are 10 years

later. If we had done that then, this would be fully developed, we would have the barrels of oil on a daily basis, the daily equivalent of what we get from Saudi Arabia, available to meet our demand in this country.

It has probably been, since that time, half a dozen times we voted on that. In the House of Representatives, I don't know how many votes we had over there that would have allowed authorized exploration for oil on the North Slope of Alaska. We have had that vote in the Senate, since I have been here, on at least one occasion, maybe two times, where we were a couple votes short of reaching that magic 60-vote threshold that would allow us to move forward and explore some of these opportunities that we have to grow our supply, our domestic supply of energy.

Because he had listened to this debate for some time—I have been in the Congress, now, for the better part of 10 years and always was interested when the debate would come to the floor of the House or the Senate and you would hear both sides come to the floor and make their arguments—I actually went up to Alaska and visited the section 1002 area where it is proposed we develop this oil resource. We landed in Barrow, AK, in February, a couple years ago. It was 38 below. We visited a couple of the existing sites at Prudhoe Bay and then we went over to section 1002, which is the vast area we are talking about for development. What struck me is we are talking about a 2,000-acre footprint that would be used to access the oil below the surface, and with modern technology, you can actually get to those reserves below the surface with horizontal or directional drilling, with a minimal footprint on the surface, and it would be done during certain parts of the year where it wouldn't impact wildlife or anything.

Incidentally, there were caribou everywhere. Anybody who is worried about the caribou on the North Slope of Alaska, they have nothing to worry about because, if anything, it has been increased since the activity that has taken place up there.

But this particular area is a very isolated, remote area on the North Slope of Alaska. The estimates run from somewhere between 6 billion and 16 billion barrels of oil beneath the surface or, as I said, the daily equivalent of about 1.5 million barrels a day, which is comparable to what we get from Saudi Arabia.

To put it in perspective, a 2,000-acre footprint, for those who come from my part of the country who have an agricultural background, that is the equivalent of three sections of farm ground. That in an area of some 19.2 million acres in what they call ANWR, this refuge area. But if you look at the State of Alaska in its totality, Alaska, believe it or not, is 7.5 times the size of the State of South Dakota. You could put South Dakota geographically into Alaska 7.5 times. That is how vast this area is up there. It is part of our country, part of an area that has enormous resources below the surface that could be very meaningful in terms of addressing America's energy needs.

When you visit that area, you cannot help but be struck with, No. 1, how supportive the governmental leadership is in that area—the Governor, the State legislature, in many respects most of the local citizens. There are always those who are opposed to this type of development. We heard from them as well. But overwhelmingly, the majority of people in that area want to see this development.

Here we are again facing a crisis as we head into the summer driving season, travel season, vacation season. Families are looking, making plans. In my State of South Dakota, farmers are getting into the field, and they are having to deal with the input costs associated with high fuel costs, diesel costs. This is an economic issue that affects literally every American but particularly those middle-income Americans and those who this summer are looking at making plans to travel. They are going to be facing $3.50 gasoline, perhaps higher than that. Who knows how high that is going to go?

My point very simply is we should have been taking these steps many years ago. We are now paying a price for inaction on the part of this Congress when it comes to the things we can do to add to supply in this country, to make sure we are taking full advantage of the domestic resources we have right here at home so we do not have to continue to allow other countries around the world to hold us over a barrel when it comes to our energy needs.

The other thing we ought to have been doing—again this is something that is long overdue—is developing more refinery capacity. We are pretty much maxed out. We have not built a new refinery since 1976. They will tell you they have added or expanded existing refineries, and all that is true, but at the end of the day we have not done very much in terms of addressing the refinery shortage we have in this country either. So when it comes to raw resources such as the oil, petroleum resources below the surface on the North Slope of Alaska, when it comes to the ability to refine that into gasoline, we have some deficiencies that are of our own making. I regret the fact that we were not able to find the votes in this body to do these types of things many years ago, when today it would make a big difference in the challenge we face.

The other issue, the other point I will make—because I think it gets back at this issue of how doing some of these things, although at the time they may have seemed to be not that substantial, could make a difference at the margin—is what has happened with renewable energy in this country. We are now generating about 7.5, almost 8 billion gallons of renewable fuel or ethanol in America today. One would think perhaps, when you use 140 billion gallons of gasoline on an annual basis, that that is not that big of a dent. But there was a study done by Merrill Lynch, it was reported in the Wall Street Journal a few weeks back, that were it not for ethanol, the price per barrel of oil and the price per gallon of gasoline would actually be 15 percent higher than it is today. So even though it is 7.5 billion gallons out of a 140-billion-gallon annual demand for gasoline, it is affecting the price because it is impacting supply in a positive way.

In the same way, if we had opened the North Slope of Alaska when we had an opportunity to do so, we would have that 1½ million barrels a day coming into this country, which also would significantly impact the supply in a way that would begin to bring down prices. The only way we are going to bring downward pressure on prices is to increase supply. That is why I have been such a big advocate for renewable energy.

We are at 7.5 billion gallons today. The Energy bill that passed last year calls for 36 billion gallons of renewable fuel by the year 2022. I think we can reach that. We are not going to reach it with corn-based ethanol. We have to diversify the production of ethanol in this country with other forms of biomass, whether that is by woodchips out of our forests, whether it is by switchgrass, which we have an abundance of on the prairies of South Dakota—but there are a lot of opportunities for what we call the next generation, for cellulosics, to meet the demands for energy in this country. I think we should be moving full steam ahead when it comes to support for renewables so we can lessen the demand on foreign energy and we can become more energy efficient here at home and develop the supplies of fuel we have.

That being said, even if we get to 36 billion gallons of renewable fuels, we still will be way short of what we need. We are going to need a mix of fuels. We are going to rely on some of those traditional sources of fuel such as petroleum. Coal-to-liquid holds great promise in terms of being able to be used as a fuel, and coal is something we have in infinite amounts. We ought to be developing these types of resources. I think we also ought to be allowing States that want to, particularly some States in the upper Midwest, where ethanol is produced, to go to higher blends. We are at 10 percent ethanol today. There are States I think would like to go to higher blends. We ought to allow them, particularly when the studies are concluded by the Department of Energy and the EPA, which are determining the impact on drivability, materials compatibility, emissions—all those sorts of things. When they come back, which I believe they will, and conclusively determine that going to higher blends would not in any way adversely impact any of those metrics I mentioned, we ought to be moving to higher blends of ethanol because I think that also will help take pressure off oil prices as we continue to use more and more renewable energy.

These are all parts of a solution. We need supply. But we have not taken the necessary steps to add to supply. If not now, I don't know when. When we get prices such as we are seeing, and the impact that is having on transportation industries such as aviation, such as trucking, such as agriculture, these are impacts on our economy that are only going to bring great economic strain to many industries and a loss of jobs.

We can do something about it. We ought to be doing something about it. We need to now authorize, even though we have had many opportunities to do it in the past—we ought to do it on the North Slope of Alaska and offshore and other places where we have these reserves. We ought to allow refineries to be built. We tried to get legislation through that would allow refineries to be built on BRAC bases; in other words, bases that were closed through the BRAC process, and it was blocked by the Democrats on the Environment and Public Works Committee.

Even when it came to the renewable fuel standard last year, that passed through the Senate and House and ultimately was signed into law, there is a deficiency there as well which has come to light now and a change that was made at the very 11th hour by the Speaker of the House that prevents biomass, residual types of biomass such as slash piles that are generated in our national forests, to be used to make cellulosic ethanol.

That makes absolutely no sense. We have waste products in our forests that add to fuel loads that create fire hazards. All we are simply saying is these types of products could be used to make next-generation biofuels and help grow our supply of renewable energy, and that was stripped out, at the 11th hour, by the House in the conference.

That is very unfortunate because it is steps such as that, it is steps such as blocking legislation that would allow for expedited permitting of refineries on BRAC bases, it is things such as blocking a vote on opening the North Slope of Alaska to oil exploration—those are the types of things that are stopping us. Those are the types of steps and maneuvers in the Senate and the House that are stopping us from adding to the supply of energy so we can do something about it, so we can impact, in a meaningful and positive way, the high prices that are affecting consumers across this country.

I wish to make one observation as well with regard to renewable energy because ethanol has come under a lot of criticism of late, much of it I think inspired by opponents of ethanol, such as oil companies. People are talking about the high cost of food, and food prices have gone up in this country. But if you think about it, the amount of corn that goes into a box of corn flakes, for example, it is about a nickel. If you think about what impacts the cost of the things we buy at the grocery store, transportation has a profound impact on the cost because you have transportation, you have packaging, processing—all those things which are very energy intensive. So when you have high energy prices, high fuel prices such as we are facing today, that has more to do with the costs of food than the cost for a bushel of corn is ever going to have, when it comes to corn flakes or when it comes to popcorn or many of the other things that are being mentioned now by some of these groups opposing ethanol.

I also would point out what I mentioned earlier and that is that were it not for ethanol—this again was reported upon by the Wall Street Journal a few weeks back, a study done by Merrill Lynch—oil prices, per-barrel oil prices and per-gallon gasoline prices would be about 15 percent higher. Couple that with the fact that a high commodity price means the Federal taxpayers under our farm programs are not making payments to producers to the tune of a savings of about $8 billion last year, according to the USDA, and there are lots of impacts that are not being mentioned by those who are specifically singling out ethanol and criticizing ethanol for the increase and runup in food costs.

Add to that or couple that with this piece of data that comes out of the USDA, that $8 billion in savings in taxpayer payments would be made under farm programs that were not made, that didn't go out this last year because of high product prices. That is a substantial savings to the taxpayers of this country. Again, couple that with the fact that ethanol has contributed 15 percent reduction in the overall costs of fuel in this country, ethanol is having the impact we hoped it would by increasing supply and taking pressure off the price at the pump in this country.

High fuel costs, high food costs, all these things are impacting consumers across this country. We cannot solve that problem. We cannot solve the problem of the airlines until we do something to develop our domestic resources right here at home.

We have some supplies, some reserves underground even in places that previously had not been contemplated as a source of energy, in places such as the Dakotas where we are now finding there are some reserves down there, that with prices being what they are may be economically recoverable. We should be doing everything we can to develop domestic resources, whether it is on the North Slope of Alaska, whether it is offshore, whether it is in the Dakotas, in the form of oil below the surface, or corn that grows above the surface that is renewable that we can use every single year. We need to be developing resources right here at home that will lessen our dependence upon foreign sources of energy and do something to take the pressure off these high gas prices we are seeing today that are affecting every single American.

I hope we will pass a comprehensive energy bill, one that includes increasing our supply, one that finally, once and for all, will allow us to get to that 6 to 16 billion barrels of oil beneath the surface on the North Slope of Alaska, which is widely supported by the political leadership in Alaska, the local citizenry there, that increases the amount of renewable energy we use in this country by allowing States that choose to increase and go to higher blends, perhaps to 20 percent or 30 percent ethanol. These are all things we could and should be doing today—allowing refineries to be built on bases that have been closed, and allowing for expedited permitting when it comes to constructing those refineries. These are all things that ought to be part of this energy solution. I think people are going to hold this Congress accountable if we do not take steps in that direction. My hope would be that before we move out of here before the next break—we have got a break coming up in a couple of weeks—we will take some action that will do something meaningful to lower energy prices for people in this country, increase our supply to build new refineries, to support the increased use of renewables. Those are all things that will happen and provide solutions and meaningful relief to the hard-working people in this country who are now faced with much higher gasoline prices.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from North Dakota.

ENERGY

Mr. DORGAN. Mr. President, I know a couple of my colleagues will be coming to the floor, specifically Senator CANTWELL will be coming to the floor, to speak about some energy issues in a moment. When she does, I will relinquish the floor.

I wanted to make a couple of comments. I listened with interest to my colleague from South Dakota making comments about the energy situation. We agree on much of what he has said and disagree on perhaps some amount of it. But renewable fuels, ethanol, providing renewable energy, all of that is very important.

The area where we would perhaps not agree is ANWR, which in my judgment ought to be a last resort rather than a first resort. But I might say to my colleague from South Dakota that particularly with respect to the Outer Continental Shelf, if you measure where oil exists, the best resources and reserves of oil and gas on the Outer Continental Shelf first are in the Gulf of Mexico; second, off California; third, off Alaska.

One of the things we have recently done on a bipartisan basis in this Congress was to pass something called Lease 181, which opened up a portion of the Gulf of Mexico for development of oil and gas. I was one of the four Senators who led the effort on that. I was pleased to do that because we are now

producing and are going to be producing more oil and more natural gas from one of the most productive areas in the eastern Gulf of Mexico. So production is certainly one of the areas we ought to be concerned about, as the Senator indicated. Production, conservation, efficiency, and renewables, all of these are important elements of an energy policy.

No one has ever accused this Congress of speeding. I understand that. This system is not established to be necessarily efficient. It has checks and balances, which makes it very hard to get things done. But there is an urgency at this point, an urgency for families, for farmers, for truckers, yes, for businesses and airlines with respect to what is happening with the price of gasoline.

There are a lot of reasons for all of this, and I am not here to try to ascribe blame, I am here to say: Let's fix some of these things. I am going to offer an amendment, by the way, to the FAA reauthorization bill, that deals with something that as of today I note that 67 Members of the Senate have agreed to.

Some while ago, I introduced the notion of prohibiting the further movement of oil underground into the Strategic Petroleum Reserve. I have introduced legislation on that matter. Long ago I introduced it, had discussions with the Energy Committee about it. I had 51 Senators sign a letter to the President to say: Stop putting oil underground when the price of oil is $115, $120 a barrel. Stop taking oil out of supply and putting it underground into the Strategic Petroleum Reserve. It is already 97 percent full. Why would we take oil out of supply to put upward pressure on prices, on both oil and gasoline, at a time when oil is at a record high? That makes no sense. Let us use at least some reservoir of common sense. Fifty-one Members of the Senate signed my legislation, signed the letter to the President in support of my legislation.

Today, 16 members of the minority signed a letter to the President. They have also introduced legislation. So 51 and 16, 67 members agreed, that includes the person who spoke on the floor today. Senator MCCAIN has called for the identical policy. That is 67. That is veto proof. If 67 Members of this Senate say to this President and this administration: Stop sticking oil under the ground, nearly 70,000 barrels of sweet light crude every day—that is the most valuable subset of oil. We have had testimony before the Energy Committee that suggests it has put as much as a 10-percent increase on the price of a barrel of oil or a gallon of gasoline. And while families and farmers and truckers and airlines and all of these businesses are trying to figure out how on Earth do we pay this fuel bill, and while we see the damage and the dislocation of this country's economy because of it, this administration merrily goes along sticking oil underground. It is unbelievable. At the very least you ought to expect some common sense here.

Now, what has gotten us into this mess? Well, let me describe what is happening with Saudi Arabia. And if ever we should wonder about the danger of being overly dependent on oil from off this country's shores, this is the chart that shows why.

The Saudis, who have the largest reserve of oil in the world by far, have reduced their production by 800,000 barrels a day since 2005. They have reduced production by 800,000 barrels a day. That is part of the problem. So we sit here in the United States with a prodigious need for energy to make this economy work. And, by the way, as an aside, I have said before: We stick straws in this planet and suck oil out of the planet. We suck out 86 million barrels of oil a day. One-fourth of it is required here in the United States of America. We use one-fourth of everything that is produced every day in this world, on this planet. One-fourth of that oil is used here in the United States. We have an enormous appetite. So we need to conserve; we need more efficiency in the use of energy. We have done some things in that area. The CAFE standards increased fuel efficiency by 10 miles per gallon over 10 years. We have done some things in a range of these areas, but we are far too dependent on foreign sources of oil. When the Saudis decide they are going to cut back oil production by 800,000 barrels a day, and they say to us: Oh, by the way, with our strategic relationship, we want you to sell us precision munitions, it seems to me we ought to not be arming to the teeth the Middle East.

But aside from that, strategic partnerships run both ways. You cut your oil production by 800,000 barrels over 2 years; and by the way, we would like some strategic weapons for our strategic need in the region—it does not seem to me that is the way a partnership should work.

But let me describe with a couple of charts what is happening with this strategic reserve. Here we see that oil prices have nearly doubled in 1 year. There is no natural reason for that. The supply-demand relationship in the marketplace does not justify this. The marketplace simply is not working.

We have these people who shake the cymbals and worship at the altar of the marketplace. By the marketplace, that is the greatest allocation of goods and services known to mankind. Well, I believe it is a great allocator of goods and services. I used to teach economics in college briefly, and I understand the marketplace. But the marketplace needs a referee from time to time because sometimes the marketplace does not work; the arteries get clogged, it does not work.

So here is what has happened in a year. Oil prices nearly doubled in a year. Now, my colleagues have used quotes, and I have used many quotes. I am going to use one by Mr. Gheit, because Mr. Gheit said it all. He said: There is no shortage of oil.

Who is Mr. Gheit? He has worked for 30 years for Oppenheimer and Company, the top energy analyst for Oppenheimer. He said:

> There is no shortage of oil. I am absolutely convinced that oil prices shouldn't be a dime above $55 a barrel.

Oil speculators, including the largest financial institutions in the world—he said:

> I call it the world's largest gambling hall. It is open 24/7. Unfortunately it is totally unregulated. This is like a highway with no cops and no speed limit and everybody is going 120 miles per hour.

What is he talking about? He is talking about hedge funds neck deep in the futures market. He is talking about investment banks neck deep in the futures market. Is this because hedge funds and investment banks want to wallow in oil? Do they want to bathe in oil? Do they want to take it home and store it in their garage? They do not want to see oil. They want to speculate and make money.

They have made a lot of money. People who never had it are buying things from people who never will get it. So they are making money on both sides of the transaction.

Now, what does that do when you have this kind of unbelievable speculation? It causes the runup of prices in a very dramatic way. There is a trader named Andrew Hall. I would not know him from a cord of wood; never met him, never will, I suppose. He earned $250 million on the commodity market over the past 5 years, one-quarter of a billion dollars. He was betting. All of this is betting. He is betting long term, short term. He is not somebody who takes oil as a commodity; he just bets.

There are a couple of things we ought to do. I will be very brief. One, in order to be engaged in the futures market, as I have said before, if you want to speculate in the commodities future market for oil, for example, you only require 5 to 7 percent down; only 5 to 7 percent margin. You can control $100,000 worth of oil with $5,000 to $7,000 of your own money.

If you wanted to wager, that is a good way to do it, I suppose. If you want to do it in the stock market, to do this on margin, it takes 50 percent to buy in the stock market. But if you go to the commodities market, you can speculate to your little heart's content with 5 to 7 percent. That makes no sense. It ought to be 25 percent, in my judgment, or perhaps if you want to buy oil futures, you ought to take possession of the oil.

But one way or another, when you have a market that is not working, and you have speculation running out of control, I think there is an obligation on the part of this Congress to address that. Because that speculation is driving up the price of oil, and driving the price of gasoline well up beyond where the fundamentals would suggest. It injures the American drivers, consumers,

business, and it injures this country's economy.

The second point I indicated I was going to make is on the Strategic Petroleum Reserve. This chart shows what the Strategic Petroleum Reserve looks like. These are holes in the ground, and we shove oil down those holes. We save it for a rainy day; it's 97 percent filled at this point. We are putting just under 70,000 barrels a day every day underground right now.

Sixty-seven Members of the Senate as of today have expressed themselves publicly. They think it is the wrong thing to do. They think this administration is making a mistake and they ought to stop it. Now, why do people say that? Because they know if we stop taking that 70,000 barrels of sweet light crude and sticking it underground, it will be part of the inventory out there, and they know that would put downward pressure on gas prices and downward pressure on oil prices. That is why 67 people have come to this conclusion.

The question is: What do we do to try to stop this? Well, when you put oil underground, you drive up to the gas station, you see the effects of this kind of policy. The question is: What do we do to put some downward pressure on prices? Stop filling the Strategic Petroleum Reserve and stop it now.

There is a bill on the floor of the Senate, the FAA reauthorization bill. I am part of the committee that has produced this bill. We need to modernize the system for aviation in this country. It is desperately in need of modernization. It is going to cost some money to do that, but we do not have much choice. We have had, I think, four airlines declare bankruptcy in the last month and a half.

A substantial part of it, announced by every one of those airlines, had to do with the price of jet fuel.

I am going to offer, as an amendment on this bill, legislation that would call a halt to filling the Strategic Reserve. To stop taking oil and sticking it underground, and put some downward pressure on jet fuel prices, downward pressure on gasoline prices. Some say this doesn't fit on this bill. It does. Fuel prices are why three or four airlines have gone bankrupt in the last month and a half.

I will be over here tomorrow speaking about this topic because I believe strongly that we should do something about this issue.

My colleague Senator BYRD used to talk about Aesop's fly. He described the fable Aesop's fly who was sitting on the axle of a chariot who would observe: My, what dust I do raise. There are some here in the Congress who have that notion, that if you just make a little bit of noise and have a little bit of activity, you can claim a lot of success. The fact is, that is not what the American people want this time. They want this Congress to understand the urgency, understand the problem, understand what it is doing to this country's families, and do something about it. When you have speculation that runs out of control, this Congress has a responsibility to do something. We can't have someone else do it, we can't wait for somebody else. It won't get done. If we don't do it, it won't happen.

These are two steps I believe we ought to take: No. 1, increase the margin requirement and stop the speculation in the futures market to begin to put downward pressure on prices; No. 2, stop putting oil underground when prices are at a record high and put downward pressure on prices. If we did both of those things, I am convinced we would bring oil and gas prices back down and we would provide some relief to the American driver and to the American economy.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. CANTWELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. I come to the floor this evening to talk about the energy crisis, the price of oil, and how consumers are seeing the impacts of high oil prices in their everyday lives. The high price of oil is impacting businesses and many consumers can't afford to take family vacations and trips, dragging down our economy over all, and dragging us further into an economic downturn.

What I have heard today on the Senate floor from many of my colleagues is accusations and claims about what is going on and what might have transpired on various issues that might have caused the high price of gasoline and certainly the price of crude oil, which is now well over $100 a barrel. I think it is important to think about what Congress has already done and to make sure we are telling consumers what needs to be accomplished to solve the problem.

What we are hearing from analysts on Wall Street is that this issue is going to continue to exacerbate, and that oil prices will continue to rise. When we think about oil futures all the way out to 2015, still being over $100 a barrel, and oil futures impacting the physical price, it raises a lot of concerns about how the economy can sustain such a high price of fuel.

Let's start with some basics about supply and demand because many of my colleagues on the other side of the aisle have talked about the fact that they think oil supply hasn't been there, that growth in the numbers of people in India, China, other countries, is exacerbating the problem.

While we have seen growth in demand from other countries, this chart—starting in 1980, going all the way to 2006, and showing some numbers until 2008; the orange line is demand, and the yellow line is supply—except for some anomalies here, shows that supply and demand have kept pace. So anybody who wants to say this is all about supply and demand hasn't looked at a chart such as this showing that these lines pretty much track each other. What it tells us is that we have to look at other fundamental things that are happening in the marketplace and not just make accusations about what is going on.

In fact, if you want to look at the high price of gasoline, you can't say it is just an increase in demand. During the summer season, motor gasoline consumption in the United States is actually projected to decline by four-tenths of a percent, and it is projected to decline by three-tenths for the whole year. We are actually seeing a decline in demand. Obviously, that is not a surprise. Given the high price of fuel, people are not able to afford to continue their normal habits. But the issue isn't that the price is being driven up simply because there is this increase in demand. The high price of gasoline also isn't about the fact that there are low inventories. Some people have wanted to say this issue is about low inventories. When you look at what the industry says, here is an oil analyst who basically says that gasoline inventories are higher than the historical average at this time of the year. So there is really no need to worry about tight supply. Here is an oil analyst saying that.

It points, again, to other questions about what is going on. Some people have said: Let's blame it on renewables. Many Democrats have been big supporters of renewable energy, big supporters of getting alternatives into the marketplace, because we believe if you get alternative fuel into the marketplace, it will lower the demand on normal fossil fuel and create some competitive advantages. I know there are some people—a Governor—basically saying: You ought to repeal the whole RFS. You ought to get rid of this issue as it relates to having a renewable fuels standard. Here is the Wall Street Journal report from Merrill Lynch saying that without biofuels, the price would be even higher, and that basically oil and gasoline prices would be 15 percent higher if biofuels weren't helping to increase the output. So it is wrong to say that somehow our focus on renewable fuels has exacerbated the situation when, in fact, it has done nothing but help the situation. In fact, I love that this Texas A&M study basically found that ethanol has increased in excess of what our renewable fuels standard was, indicating that relaxing the standard would not cause a contraction in the industry, nor would it cause a reduction in the price of corn.

The issue today is where do we go for solutions. Part of the issue is that many of my colleagues are saying it is all about more supply of fossil fuel for the United States. We have had this debate so many times in the Senate. We

have had a debate about whether the United States, with 3 percent of the world's oil reserve, really is going to make a dent in increasing supply and giving consumers a chance to get off fossil fuels. We are going to have a big debate about global warming and its impact and whether we should even keep our focus on fossil fuel or accelerate getting off of it.

Many times today, even down at the Rose Garden, we hear the word ''ANWR'' again, and how ANWR was the secret recipe for lowering gas prices in America. I obviously don't support opening up drilling in the Arctic Wildlife Refuge because it is a wildlife refuge. But I certainly don't support it when even our own Energy Information Administration has said that drilling in the Arctic Wildlife Refuge would only reduce gasoline prices by a penny per gallon and only 20 years after we got to peak production. So at a penny per gallon, if people use 400 to 500 gallons of fuel, we are talking about a few dollars of savings there over many, many months. So the notion that ANWR would be some way of solving our problems just isn't true.

I know a lot of people have talked about refinery capacity, and I think you need to talk to the oil companies about refinery capacity and why they have not expanded. I know my colleague Senator BOXER has been out here many times talking about how she had to stop consolidation in her State because they didn't want to keep a refinery open. But I know this: We know it is not environmental regulation. In fact, according to this CEO of an oil company:

> We are not aware of any environmental regulations that would prevent us from expanding our refinery capacity or siting a new refinery.

So we know it is not about environmental regulations. That is not what is stopping them either.

Some people have said: Don't take the tax incentives away from the oil industry; don't do that because somehow that is what is keeping the industry afloat. The industry is making record profits. They are making so much profit they don't even know what to do with the profit. They are buying back their own stock.

We know this: We know the President of the United States, George W. Bush, said:

> With $55 oil, we don't need incentives for oil and gas companies to explore.

It is way above $55 a barrel. So I take him at his word that we don't need incentives to continue to explore at that level.

Let's talk about what is the issue. Let's talk about what is the problem we need to solve, for which we need to be responsible to consumers, to businesses, to the economy, and to make sure we continue to deal with this threatening crisis.

I know one oil analyst who looked at these markets. And maybe the man on the street, if you ask him, he thinks something is going on in the oil market. He doesn't think it is about supply and demand. He didn't happen to see that first chart I put up, but he knows something is going on because he sees the irregularity of prices. But this analyst said: Unless the U.S. Government steps in to rein in speculators' power in the market, prices will just keep going up. Basically he is saying that speculators have too much power in the market right now, and unless the Government does its job, the prices are going to keep going up. So it is time for us to act. It is time for us to get smart about this.

It reminds me of the debate we had when the Enron crisis hit the electricity markets. It probably took well into 2001, when many people said: Do you know what, this is all about environmental regulation, or, this is about not enough refineries, and it is about the fact that there is a supply shortage. They came up with all these things.

So as 2002 rolled around and as more and more investigation was done, we found out that, no, it was actually manipulative schemes by various individuals within a very large organization—actually several organizations—that purposely manipulated the electricity markets. They did this so they could short supply and drive up the price.

Now, Congress acted in 2005. We said—after we found out all the facts, we heard all the terms: Death Star, Get Shorty, all the various schemes that had been manipulated—we kept thinking: How could this happen when we had a Federal Power Act that said, on the wholesale rate of electricity and natural gas, you have to have just and reasonable pricing. We thought that is a clear enough message for people. But, in fact, it was not. It was not a clear enough message. It cost my State billions. It cost California's economy billions. So what did we do? Congress made it illegal to use manipulative devices or contrivances in the electricity or natural gas physical markets, and we greatly increased the penalties for market transparency violations.

Now, why did we go to the extent of doing this? We could not believe that such activities were in some way a gray area and that somehow people were still confused post-Enron that this kind of activity was OK. Some people said: Well, you already have the electricity and natural gas markets under the Federal Energy Regulatory Commission. What else do you need?

But I was very proud that Congress passed this legislation. Since that law has been on the books, since 2005, the Federal Energy Regulatory Commission, as it relates to electricity and natural gas markets, has been aggressive about pursuing this power and using it.

What have been the results? Well, the result has been making market manipulation illegal when it comes to oil and natural gas, so that they have had 64 investigations, 14 settlements, $48 million in civil penalties, two ongoing market manipulation cases that could net over $450 million in civil penalties, and a dramatic increase in self-reporting and self-policing. It is like one of my staffers said: If you want people to straighten up, let them know there is going to be a cop on the beat. Let them know there is going to be someone investigating these activities and we are not going to tolerate it, and people will start obeying the law. So we did that.

In 2007, we decided that if this kind of pervasive activity was still continuing in the natural gas and electricity markets—if that was still happening—maybe there was some correlation here with what was happening in the oil markets, because clearly, after looking at all those charts we just went through about supply and demand, and everything else, we could not understand what was happening. We have had oil company executives tell us that the price of oil today should be at somewhere between $50 and $60 a barrel given where supply and demand is. Oil company executives are throwing up their arms saying: We don't know why the price of oil is well over $100 a barrel. So we, in the Energy bill in 2007, passed a law saying it is time to make the same laws we have for natural gas and electricity apply to oil markets. We said that any person who uses, directly or indirectly, ''any manipulative or deceptive device or contrivance'' in connection with the wholesale purchase of crude oil or petroleum distillates—that that was illegal and that Congress made violations subject to penalties of up to $1 million a day. That is $1 million a day because we believe, if you are doing these kinds of activities, every day that you have engaged in those activities you should pay a fine for that.

Now, where are we today with this authority? Because some people say: Well, you passed a law. Is it working? This law does not really go into effect until the Federal Trade Commission adopts rules and puts them into action. That is what we are waiting for now. My colleagues on the Commerce Committee have urged the FTC to hurry about this task, that it is so important to our economy and to consumers to hurry about this task. I know Senator REID has encouraged them, Speaker PELOSI has encouraged them. So we are in the process now of hoping that the FTC will implement this rule and give proper notice but start the process because once the marketplace knows—just as they did in natural gas and electricity—that these kinds of activities will not be tolerated, we might be able to make a dent in what is happening with this excessive speculation in the energy markets.

Well, let's look at what exactly the market manipulation behavior is that we are concerned about. We basically have said we are interested in whether companies have manipulated the supply, whether they have given false reporting, whether they have cornered

the market, and whether they have engaged in any kind of rogue trading. Those are the things we are concerned about.

Well, let's talk about supply manipulation for a second because that is something for which people might say: Well, it is just about supply and demand, and how do you pass a law about supply and supply manipulation? Believe it or not, there are good Federal statutes on the books starting with a lot of case law and a lot of history. What we are saying is, we do not want any artificial influencing of supply in the energy markets. We do not want someone creating something that is not a normal part of business but is artificially used to create a shortage—for example, diverting or exporting marginal supply in tight markets. That is, we know the market is tight on oil. You can go back to that chart on supply and demand. They pretty much track very closely. So it is a tight market. When you have an event like Katrina, it is even tighter.

Our question is, Did somebody export supply outside the country just to create a shortage in the United States and drive up the price? Have we had hedge funds holding crude oil ships off the coast just so the price will go up for a few more days?

That is the second point: holding supply deliveries temporarily to boost prices. We have people now who are major players in the oil market who really are not the end users of crude oil supply. They are just big financial movers in the marketplace. They are not taking the delivery of oil because they are out there delivering it to various jobbers or what have you. They are there for a financial investment.

In fact, we want to know if some of these inventory management strategies that have basically reduced physical supply—and basically everybody just trades their reserves on paper, and everybody just trades the paper around, where that, in fact, does not have much transparency to it. So we do not know how much that creates that management system in and of itself. Where we used to have 30 days of crude oil supply, thereby, the market was not so tight. Now we have this paper inventory system. We do not know what that really means. We do not know how much supply is really in reserve. Is that being used to manipulate supply?

Then, obviously, what we saw—I just think back to the Enron days when people said: Oh, no, no one would ever shut down a powerplant just to short supply. They would never do something like that. It must all be about the fact that really something was wrong. Well, we found out that there were purposeful shutdowns of various powerplants to short the market and to drive up the price. So we want to know if there are unnecessary and untimely ''maintenance'' shutdowns just to impact supply in the marketplace of oil.

We also want to know whether there is false reporting because false reporting can lead to misleading or inaccurate statements that also can hinder the marketplace.

Part of this legislation we passed in this bill is to say, in 2007, that if you gave false information, that was also subject to civil penalties of up to $1 million a day because part of this—the same in the Enron case—is it was very hard to understand these schemes. If it was not for videotapes that were put together, we would have never known exactly how these schemes would have worked just by looking at the books. So we want the Government to look at some of this information and if there are manipulative schemes. But if they provide false information, we believe that also should be a penalty.

Now, we know that in one case of natural gas—El Paso Merchant Energy—they reported nonexistent trades to reporting firms while at the same time failing to maintain certain records. They basically created false information about the trades that were going on. The result was six traders were convicted for false reporting and attempting to manipulate the energy market.

Now, the reason why this is so important to the subject we are debating today is that manipulation has happened in natural gas, and why this is so important now is because in the oil markets, and particularly in the oil futures market, we do not even have the same transparency in reporting requirements that we do with other commodities like natural gas. We have given them an exemption in the Enron loophole that was done in 2000 as part of the Commodity Exchange Act, so they do not have those reporting requirements. So we cannot even go and get some of this information to know that something like what was happening with El Paso Energy is transpiring in the oil markets, as it did in the natural gas markets.

So it is one of the reasons why we want to close the Enron loophole and to say that the trading of energy futures, which definitely impacts the price of oil today—and we will get to that on another day out here on the floor, about how the energy futures price impacts oil today, we will get to that, but for today we just know that if you do not have reporting, then there is no way—whether it is the SEC or the CFTC or FERC or the FTC—no one has any ability to get access to the information.

We also know that we want cornering the market to be illegal. Cornering the market would be exploiting the market power through excessive mergers like natural monopolies or blocking new entrants to basically corner the marketplace. We know this is something about which we have a great deal of concern. We know British Petroleum attempted to do this. Basically, they purchased excess propane in Texas, within the pipelines, to hold it from the market and then sell it high. We know they did that in trying to corner the market. The end result was that the Department of Justice and the CFTC ended up with a settlement case against them in the number of $303 million. So we know these things are happening in other energy markets, and we know they are a problem in the—potentially a problem—in the oil markets today.

We also know rogue trading is potentially a problem as well.

Mr. President, I am not going to take much more time on this issue as it relates to the high price of gasoline. I plan to continue to come out to the floor to talk about this issue about the need for the CFTC to promulgate this rule and get on about investigating the oil markets and to make sure consumers are protected.

I talked about what I think the rule needs to do. It needs to prohibit the manipulation of supply and to have a strong statute and penalty for falsifying information. It has to have a prohibition on cornering the market.

I believe that rogue trading is something else we are seeing in the marketplace. We need to have a prohibition on that. People might ask: What is that? It is employing manipulative trading schemes such as buying or selling large volumes of stock or futures contracts with the intention of influencing prices.

You can imagine, if somebody has a large position in one of these energy supplies or stocks, that basically ends up impacting the marketplace. We actually found this with the Amaranth case, in the area of natural gas. Amaranth sold large volumes of what is called next month natural gas delivery in the last 30 minutes of the market. What they did is basically crashed the close of the market. By selling large amounts of futures contracts for delivery of natural gas at the close of the market they manipulated the price and benefitted their large positions in other financial derivatives, and that ended up impacting the physical price of natural gas. The good news is the FERC, because of the 2005 law we passed, was on the beat, doing its job. Unfortunately, consumers paid something akin to $9 billion in increased natural gas costs before the FERC could get this situation under control. Now they are in the enforcement phase of a $291 million civil penalty against Amaranth. We know these situations are happening with rogue trading.

We know of another case that is similar to rogue trading and price manipulation, where Marathon Oil allegedly attempted to sell oil delivery contracts below the market prices in order to basically lower the market price, benefitting them as a net purchaser of foreign crude oil. So there ended up being an investigation by the CFTC, and today they are in a $1 million settlement with the CFTC on that issue.

All these issues, I believe, need to be investigated in the oil markets. They need to have a strong statute passed by the CFTC, similar to in 2005 for electricity and natural gas, where we can

see the results of the investigation, we can see that a Federal agency is doing its job; we need to do the same thing with the oil market.

In fact, there are five things I think we need to do that would help protect consumers from high prices of gasoline. Our economy and consumers cannot afford much more.

We need to close the Enron loophole, in which that 2000 law said that online trading promulgated by Enron, they said, they don't have the same transparency, don't have to open their books or allow people to see what they are doing. We know for other commodities the Securities and Exchange Commission and CFTC look at those things to make sure there is not a manipulation in the marketplace. We cannot even get these because we gave them an exemption. That needs to be repealed. We need to require oversight of all oil futures markets. That is, as I said, the oil futures price affects the physical price of oil. If people are going to buy oil futures well into 2015 at over $100 a barrel, it is going to impact the physical price of oil today. If you can buy oil at over $116 in the oil futures, it is hard to believe that oil is going to drop much below that in the physical market. But these are markets—unlike, again, our commodities in the United States, on NYMEX or the mercantile exchange, such as corn or soybean futures, this is an exchange the United States doesn't have any regulatory impact on. We don't have the ability to look at those books, any enforcement mechanisms. We don't have the ability to protect consumers on that kind of speculation if there is manipulative activity going on.

As I said, we need to get the CFTC to finish their work. This is so important that I think the Department of Justice should coordinate all these agencies because there are futures activities, there is a physical market, and there is the falsification of information. What happened with Enron is the Department of Justice created a task force, called the Enron Task Force. It coordinated these agencies and got to the bottom of what was happening with the electricity markets and the manipulation. I think the Department of Justice should create an Oil Market Fraud Task Force to do the same thing.

Lastly, I know my colleagues will talk about this on the floor—to make price gouging a Federal crime. There are 28 States in our country that have the ability, in an emergency, to make a declaration in the event of a natural disaster, or huge anomalies in the market, and help stabilize the situation with executive power. I am willing to give that same executive power to the President of the United States. I hope he would use it.

In conclusion, there is a lack of transparency in energy trading markets. We need to fix that. This is one of the CFTC Commissioners who said:

> I am generally concerned about a lack of transparency and the need for greater oversight and enforcement of the derivatives industry.

He is basically talking about this offshore exchange, where we don't have the same kind of oversight that we do. In fact, I said earlier that we have more regulation of hamburger and the future of beef than we have of oil. I will tell you that oil is critically important to our economy, and it needs to have the same kind of transparency and oversight as other futures commodities.

Last, I will reiterate that even on Wall Street, even the analysts who know what is going on in the marketplace, who know these prices are outrageous, not based on supply and demand, are saying:

> Unless the U.S. Government steps in to rein in speculators' power in the market, prices will just keep going up.

An energy analyst said that this month.

It is clear the marketplace even thinks there is too much speculative power, and the answer is for us to do our jobs—for the FTC to do their job, to get the help of DOJ, and for us to make sure we are doing our job on oversight in giving consumers protection. But I think there are very few people in America who do not think these prices are out of control, that it is not normal market forces, it is not normal supply and demand, and if it keeps careening out of control, it is going to wreck our economy. It is certainly wrecking consumers' pocketbooks right now.

I hope we will take action. I hope the Federal agencies will get on their feet and be aggressive about protecting consumers on this important issue. I know we will continue to talk about this on the floor as we continue to pass legislation that does protect America from these out-of-control gasoline prices.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, Senator COBURN has agreed to come to the floor. I have a couple unanimous consent requests. He wanted to be present when I made these.

UNANIMOUS CONSENT REQUESTS—S. 579

Mr. President, every year, hundreds of thousands of women in America are diagnosed with breast cancer. Breast cancer will strike approximately one in eight American women in their lifetime, with a new case diagnosed every 2 minutes in America. This year alone, it is estimated that 250,000 women will be diagnosed with breast cancer, and 40,000 of them will die.

We have made remarkable progress in breast cancer diagnosis and treatment, but we still do not know the cause of breast cancer. There are theories but no one really knows. Scientists have identified some risk factors. Those factors help explain fewer than 30 percent of the cases.

This legislation that I am going to ask unanimous consent for in just a few minutes, the Breast Cancer and Environmental Research Act, would establish a national strategy to study the possible links between breast cancer and the environment and would authorize funding for such research.

Eminent scientists believe the breast cancer that is being found, discovered in America, very likely is the result of something in the environment. Resulting discoveries could be critical to improving our knowledge of this complex illness which could lead to better prevention and treatment and even perhaps one day a cure.

Although we first introduced this legislation in 2000, and despite strong bipartisan support—right now we have 68 Senators supporting this legislation and are cosponsors of it, Democrats and Republicans—Congress has yet to act and send this bill to President Bush. Last session, the bill was reported out of the HELP Committee, but one of our colleagues prevented final Senate passage. This session we have worked in good faith to address any concerns that have been raised about this legislation. As a result, this act was once again reported out of the HELP Committee, and as I have indicated, it is sponsored by 68 Senators.

It is long past time for the Senate to take up and pass this broadly supported bipartisan legislation. Too many women and their families have waited too long for Congress to act. I tried recently, last week, to pass this legislation by unanimous consent, but one Senator objected to my request. In response to that objection, I then offered a time agreement that would allow for 2 hours of debate on this bill with two amendments on each side. I think this is a fair offer for legislation that over two-thirds of this body have cosponsored. This offer was rejected.

I urge that we have this matter move forward. I urge my colleague to reconsider this offer and end the opposition to this matter—opposition to even debating this legislation which enjoys such broad bipartisan support. It is time to offer more than words of encouragement to those affected by breast cancer. Our wives, mothers, sisters, daughters, and friends have waited long enough.

I therefore ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 628, S. 579, the Breast Cancer and Environmental Research Act; that the committee-reported substitute be agreed to; the bill, as amended, be read three times and passed, and a motion to reconsider be laid upon the table; and that any statements be printed at the appropriate place in the RECORD as if given with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I will not take the time now to go into detail. I will wait until the Senator from Washington finishes her speech.

I will say I have a personal involvement with this issue. My sister has breast cancer. My sister-in-law has breast cancer. My most cherished person in the world besides my wife and children and grandchildren died of breast cancer. She was a breast cancer nurse specialist. I understand the disease. We spend more on breast cancer research than any other cancer in this country today. We spend $100 million on environmental causes related to breast cancer research.

I don't object to us spending money on breast cancer research. I object to us making the decisions about what the scientists know we should do versus what the politicians want us to do. So I will spend some time after the Senator from Washington State speaks outlining in detail my opposition to putting one cancer ahead of the other 70, No. 1; and one disease that—specifically, we are going to put one specific disease and one ideology of a specific disease ahead of all of the others, and I will outline that in detail.

On the basis of that, I will object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I understand the objection, but I would hope everyone within the sound of my voice understands the lack of logic to the statement just made by my friend, the Senator from the State of Oklahoma. If he has problems with this legislation, why would he prevent the whole Senate from taking it up? Why wouldn't he come to the floor as legislators are supposed to do rather than some guerilla attack and not allowing this to come up, recognizing if I bring this to the floor, it takes time.

Now, I don't understand why, if he has all of these great ideas as to what should or shouldn't be done. Let's bring this to the floor, offer an amendment, offer two amendments. Why stop this matter from being legislated?

So I understand. I can't wave a medical degree, but I can wave the fact that this legislation is important to many people in America today, and this legislation gives them hope that something can be done to find a cause and hopefully a cure. If my friend is so certain of his position, he should be able to offer an amendment and prevail in that regard.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 628, S. 527, the Breast Cancer Research Act that was just spoken about, at a time to be determined by me following consultation with the Republican leader, and that the bill be considered under the following limitations: that other than the committee-reported substitute, the only first-degree amendments be four amendments—two for each leader—that are relevant to the provisions of the underlying bill and substitute; that there be a time limit of 1 hour for general debate on the bill and 1 hour on each amendment; with all time equally divided and controlled between the leaders or their designees; that upon the disposition of all amendments, the use or yielding back of all time, the substitute, as amended, if amended, be agreed to; the bill, as amended, be read a third time with no intervening action or debate; and the Senate proceed to a vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. COBURN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. I would like to ask the majority leader a question. Are you aware of the thousands of studies that have already been published—

Mr. REID. Of the what?

Mr. COBURN. Are you aware of the thousands of studies that have already been written on this subject?

Mr. REID. I say to my friend, I am not aware of the thousands of studies. I am aware of the need to move forward with this legislation. I would say to my friend, if, in fact, there are thousands—and I don't in any way doubt the word of my friend—then why should that be a basis for stopping us to legislate on this issue?

We have 68 Senators who believe this legislation is important. If you, the Senator from Oklahoma, have a cause that this legislation is ill-founded, people are—I have changed my position on legislation before, and I can't understand why you would stand in the way of allowing this legislation to be legislated. That is what we do here. We are legislators.

So, no, I am not familiar with the thousands of studies.

Mr. COBURN. Mr. President, I appreciate the majority leader's response to my question. The reason is because the policy is wrong. We passed the NIH Reform Act just to eliminate this sort of issue because what we know is, out of the 2,037 diseases, we don't know which one to fund properly. We don't know which one to spend the most money on, but peer-reviewed science does. So what we have decided is, because we have a very effective lobbying group on this because it does impact hundreds of thousands of women, we are going to step right back in the middle of the NIH reform and say we didn't need it.

So the policy of us directing spending on research when we don't have the knowledge base to know that is the right thing to do—and the researchers agree with this, that we don't have the knowledge—in the context of all of the other 2,037 diseases, I will object to moving forward on this because the policy is wrong. It is not about debating it. I am happy to debate it all you want. But the policy is wrong.

Who says that the women who died of breast cancer this year are more important than the same number of people who died from lung cancer that is not related to smoking? Are we going to say that? Should we tell the NIH everything they should do, every amount of money, every disease we should decide, based on the effective lobbying of people who are absolutely affected—there is no question about that—but should we make that decision? The answer is no, we shouldn't. We should let the experts, not the Senators, not the Representatives, but the scientific experts make those decisions. We have given that charge to the NIH. That is what we ought to do. They would more sooner come to a cure and solve the problem than with us micromanaging the NIH.

With that, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I first got interested in diseases of women a number of years ago when in my Las Vegas office three women came to see me. They didn't want to be there. They were embarrassed for being there. They had a condition. It is called interstitial fasciitis. I had never heard the words before, and it is still hard for me to say these words after all of these years. But I looked into this. The NIH and the scientific community and the country thought this was a psychosomatic disease; that this was something these women had in their head; that even though each of them described the pain the same—like slivers of glass being shoved up and down their bladder—it was all in their head.

I had the good fortune of having a woman, who is an orthopedic surgeon, who had this same condition, and she said: This is not in my head, it is in my bladder, and something should be done to study this. We have begged the NIH to do it. We have had others that we have asked to do it, and they are not doing anything: You, Senator REID, should have something done about this.

And we did this. We established a registry. We did that by legislation. As a result of that, now almost 50 percent of the people who have that disease have medicine to take that takes away their symptoms, the pain. It is pretty good.

Have we cured the disease? No, we haven't. But progress has been made because, as policymakers, that is what we do. We set policy. The NIH is a body of this legislature, this Congress, and we have an obligation and a right to direct them to do things. Now, they do good work. They do very good work. But there are other things that we think they should be doing.

Who cares about this, my friend asks? Well, who is lobbying for this, he asks? Two hundred and fifty thousand women who are going to get the disease this year are the lobbyists. They don't come here, all of them, and 40,000 to 250,000 are going to die. Now, is every penny of this money that we want to appropriate going to hit the mark and do the right thing? Maybe not, but it is going to lead to some discoveries that

will help this disease and probably other diseases.

So I say, I am disappointed and we are going to continue to work this issue. This issue is not going to go away. It is not only this Senator but 67 other Senators and others who will support this when and if we get this to the floor. So I appreciate the courtesy of my friend from Oklahoma. He is a gentleman. I disagree with him on occasion, but I appreciate his statement.

UNANIMOUS CONSENT REQUEST—H.R. 5613

Mr. REID. We have more than 50 million low-income people—about 1 out of 6 Americans—depend on Medicaid for their health care. These are the poorest of the poor.

This administration has issued a series of regulations that will undermine the Medicaid safety net and create barriers for accessing care for the poorest of the poor.

These regulations, touted by the administration as ''savings,'' would not lower health care costs.

Instead States—already facing tough economic times, strained budgets, and increased demand for services such as Medicaid—will either have to raise revenues elsewhere or be forced to cut services to our Nation's most vulnerable at a time when they need help the most.

Each regulation has different impact on individuals, providers, communities, and States. They include, among other things, detrimental provisions, such as limiting services for people with disabilities; preventing children from receiving health care during the schoolday; cutting payments to public hospitals and other safety net providers for such undertakings as emergency rooms, burn units, and trauma centers.

The administration claims these regulations are necessary to fight fraud and waste in the Medicaid Program. But in a recent hearing on the Medicaid Program, the General Accounting Office testified it did not recommend the administration's proposed changes. They would not help.

We are committed to ferreting out any fraud that may exist in the Medicaid Program. But regulations that harm our most vulnerable and place greater burden on fiscally strapped States are clearly not the way to accomplish this end.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 719, H.R. 5613—which, I might add, passed the House by a huge vote—a bill to protect the Medicaid safety net; that the bill be read the third time and passed and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection.

Mr. COBURN. Mr. President, there is $38 billion worth of fraud in Medicaid. We are on an unsustainable course as a nation. We have $74 trillion worth of unfunded liabilities. When we talk about controlling spending and earmarks, we always hear it is a mandatory program.

Finally, not all of what the administration has done do I absolutely agree with but on key points I do. These rules will make a difference. If we are interested in fraud, let's write the regulations to get out the fraud. That hasn't been the offer. All we are willing to do as a body is say to the administration you have ideas that will get rid of $42 billion worth of fraud over 5 years, but we don't like it because we are feeling pressure from the State Medicaid directors, when we know States game Medicaid. A great example: There is nothing in this to stop any Medicaid Program from taking a child from school to the doctor, but it does stop the 500-some-odd million dollars being spent on transporting schoolchildren back and forth to school who don't have a medical appointment. So what we have is a system that has been gamed. We have allowed it.

Now the administration put something forward which we don't like and which we ought to negotiate with them to change, rather than saying you are not going to do any of it. The fact is the unfunded liabilities associated with the Medicaid Program are about $12 trillion. We are going to do something—just forget it.

I applaud the administration for making an effort to try to fix some of this. But to say you cannot do any of it, when some of it is very badly needed, is wrong. So unfortunately, Mr. Leader, I have to object again.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, as I indicated in the last piece of legislation we tried to move forward on, would my friend allow us to bring it to the floor and debate the issue and offer amendments to it?

Mr. COBURN. I am objecting not solely for myself. I am happy to work on trying to put together a proposal with the administration that would make a difference and then bring it to the floor.

Mr. REID. How long do you think that would take?

Mr. COBURN. Two weeks.

Mr. REID. I appreciate that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington State is recognized.

Mr. COBURN. May I inquire how much longer the Senator is going to be?

Ms. CANTWELL. Three or four minutes.

Mr. COBURN. Mr. President, I ask unanimous consent that I be recognized following the Senator from Washington.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CANTWELL. Mr. President, I say to the majority leader, I appreciate what he said on behalf of women. Washington State has one of the highest rates of breast cancer in the Nation. We have a very good detection program and good survival rates. We don't know the cause of it, but we know it is very important to continue the research.

I know that in 1992, the so-called year of the woman, when we had one of the largest classes of women elected to the Congress, we saw an increase in women's health research. Why? Because women were in the Congress to say it was important to us to not have the research directed in a way that favored some of the particular programs that were about men's health.

So I thank my colleague. The majority leader is right to say we have to respond to our constituents who are concerned about this issue and want to give attention to it. Clearly, women's health research hasn't gotten all the attention it deserves in the past.

Mr. REID. Will the Senator yield?

Ms. CANTWELL. Yes.

Mr. REID. Does the Senator acknowledge that with diseases such as interstitial fasciitis, more than 90 percent of the people who have that disease are women? Women-related diseases have not gotten the attention they deserve, and one reason is because the legislature has been dominated by men.

Ms. CANTWELL. That is what we found in the 1990s, in that we didn't have enough representation to ask the hard questions, to say our constituents were not being heard on this issue and to raise this in various committees. Frankly, that was the time period when, for the first time, we had a woman on every committee in the House of Representatives. Once we got women on every committee, we asked the hard questions and increased the percentage of women's health research.

I think it is a very poignant point to the fact that, while NIH does good work, we have to respond to our constituency and, certainly, there can be discrepancies and issues that the larger public should have a say in as to health research.

The PRESIDING OFFICER. The Senator from Oklahoma.

CANCER RESEARCH

Mr. COBURN. Mr. President, I wish to spend a few minutes answering the question as to why would one Senator, in the light of all the other Senators who have cosponsored this bill, stand and block a bill that 60 some Senators want to see passed? I think it is a great time for us to define what is wrong in our country today.

What is wrong is we think about the next election far off and more often than we think about the next generation. I want us to cure breast cancer as badly as anybody else. The point Senator REID did not tell you is we are already spending $100 million on this very subject, the environmental connection to breast cancer. We are also spending more on breast cancer research than we are any other cancer, and yet it is not the leading cause of death.

We are going to have 160,000 people die this year from lung cancer, the

same number who are going to die from breast cancer, 40,000 of which have no relationship to smoking, but you do not see anybody on the floor telling the NIH to do a study between the environmental effects and nonsmoking-related lung cancer.

The reason it is important is a little example of penicillin. It is a great example. We stumbled onto that through the science of microbiology, but we would never have gotten there if we had told the NIH: Study scarlet fever and find a cure; study strep tonsillitis and find a cure; study syphilis and find a cure; study gonorrhea, and we had gone four or five different ways. The point I am making is basic research is what we ought to be doing.

In the mid-nineties, I was one of the strong advocates for increasing the size of the NIH budget. It ought to be twice what it is today. The reason it is not $60 billion a year instead of $29 billion is because we will not fix the waste in Medicaid of $42 billion over 5 years, we will not fix the $90 billion in fraud in Medicare, we will not fix the $8 billion that was paid out by the Pentagon for performance bonuses that nobody earned last year, we will not fix the $50 billion that is associated with waste within the Pentagon. Nobody will fix it. We had one wheelchair that was sold multiple times for $5 million to Medicare in Florida alone—one wheelchair. We will not do the hard work that creates the long-term best interest for our country, but we will certainly respond to—granted, very real issues, but in an inappropriate way that does not get us where we want to go.

The NIH budget spends more on breast cancer research than any other research. We are going to spend $100 million on research on the link between breast cancer and the environment. Plus, the Defense Department is going to spend another $138 million, and the Centers for Disease Control and Prevention combined is greater than $1 billion. There is not any other disease we do that on right now. Yet we are going to tell them to do more of the same they are already doing, and we are never going to think about the other people with other diseases, the other 2,037 diseases that are not as well organized and have nowhere close to the same investment at NIH.

The point is, the hardcore, heavy-duty, peer-reviewed science ought to guide us, not emotion, not my poor cousin Sharon Wetz who died 6, 7 years ago of breast cancer, not my sister who has breast cancer, not my sister-in-law who has breast cancer. What we ought to be doing is what is in the best overall good for this country as a whole. And if we need to spend more money on breast cancer, then the way to do that is to get rid of some of the waste and double NIH, but any dollar we spend on breast cancer is a dollar we are not going to spend on colon cancer, it is a dollar we are not going to spend on thyroid cancer, it is a dollar we are not going to spend on lymphoma, because we are going to take it away.

In this bill, it says this should not interfere with peer-reviewed research. If that is the case, then this will never get appropriated. So either this bill is about doing research or it is about a press event for a politician. I will tell you, I think it is the latter.

In 2006, we modernized the NIH to keep exactly this thing from not happening. We took away all the silos. We gave the Director the power and the authority to start making great decisions based on what the raw science was telling him so when we invest in raw science, we magnify the potential benefits that come from it. Now we are going to go back and say we are going to start picking diseases; we are going to start managing it. Why do we need a staff at NIH? Let's let the Senate pick every disease and how much we are going to spend on every one of them; we obviously are qualified.

We are not qualified.

I find it amazing—I do not doubt Senator REID's story, but as a surgical resident in 1984, I was doing cystoscopies and diagnosing interstitial cystitis. We didn't think it was psychosomatic. We knew it was a real disease 3 years before Senator REID came to the Senate.

The question politicians ought to be asking is what is NIH doing? Where is the oversight on what they are doing? Find out what they are doing. How does their work rank in comparison to the other disease initiatives at NIH? We have not had a hearing on that issue.

The HELP Committee has had hearings on multiple speciality disease bills. So we are back into answering a real need, but maybe it is not the best priority. What if we spent the same money we are going to spend on this disease and we got a breakthrough that cured all cancers, but because we decided we were going to reconnect with one specific aspect of one potential risk for one cancer, we missed it?

The wisdom of this body has to be to think in the big picture and in the long term. I have diagnosed breast cancer over 500 times in my medical practice. It is a gut-wrenching, life-changing disease. Fortunately, we have had great improvements in it and our diagnostic skills are getting better, especially with digital MRI on breast examination. Early diagnosis has an impact, but what we do and how we do it is going to matter.

I will put forward that Senator REID can bring this bill to the floor, and if he brings it and we take the time—and I am more than happy to take 4 or 5 days to talk about how we should work at NIH, and I am happy to do that—and the bill will pass, but then are we going to do the same thing with every other disease the HELP Committee brought out? There are about eight other bills just like this bill. We are going to tell NIH: You have to spend this money here, you have to do it here. Regardless of what the raw molecular science says, regardless of what the peer-reviewed literature says, we are going to tell them what to do. Consequently, we are going to delay scientific discovery.

My opposition is not that I don't want to cure breast cancer. My opposition is not that I don't want us to find a cure. I want to find a cure for all of them. I am a two-time cancer survivor. I would love to prevent colon cancer. I don't like walking around with half a colon. There are a lot of consequences to it. I don't like having melanoma and having half my neck taken away. I don't like it, but I don't want colon cancer to displace possible cures for everybody and in the best interest of this country.

Will I object? Every time I come to the floor I will object because I think the ultimate underlying policy is wrong. The way we solve breast cancer in this country is double the NIH funding and let science drive the way we need to go. The way we double NIH funding is get rid of the $300 billion waste, fraud, and abuse that is in the discretionary budget every year which most of us don't have the courage to attack because it might gore somebody's ox.

To those who have breast cancer, as a physician and somebody who has been through cancer, I know your fear. I have been there. I have experienced the questions. I have experienced the chemotherapy. I have experienced the losing of 30 or 40 pounds. I have experienced the nausea and vomiting that is persistent with you for 4 or 6 months. Most of all, what I have experienced is, we have a great health care system and great research in this country that is saving a lot of lives. If we will get our hands out of it as politicians, they will be able to save a whole lot more lives than when we put our hands into it and tell them what they must and shall do.

I thank the good Lord for the time he has given me. I am 5 years out this month from colon cancer. There is no guarantee, but while I am alive, I am going to do things that are in the best long-term interest of our research for health care, that give us the most life for the dollars that we invest. If that is pleasing politically, great. If it is displeasing politically, it is OK too. What is important is we are good stewards—not just with the money but with the direction to allow science to lead us to cures.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MENENDEZ. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

MORNING BUSINESS

Mr. MENENDEZ. Mr. President, I ask unanimous consent the Senate proceed

to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

CORPORAL BENJAMIN K. BROSH

Mr. SALAZAR. Mr. President, I rise today to honor the life of Army Corporal Benjamin Brosh, of the 2nd Battalion, 327th Infantry Regiment, 1st Brigade Combat Team, 101st Airborne Division, out of Fort Campbell, KY. Corporal Brosh was killed last week in Balad, Iraq, when a car packed with explosives detonated near his position at Forward Operating Base Anaconda. He was 22 years old.

Corporal Brosh has roots in Mississippi and Colorado, where his mother still lives and where he loved to ski. Those who knew him remember his energy, sense of humor, his love for his family, and his commitment to the Army and to the soldiers with whom he served.

He entered the Army in 2006, shortly after experiencing and enduring the devastation that Hurricane Katrina wrought on his community. The storm stirred Benjamin to understand his gift for helping others in times of need. Although the storm had badly damaged his own crabbing business, which he had built out of his childhood love for fishing, Benjamin spent the days and weeks after the storm helping his family and friends dig out from the wreckage. ''He just worked like a Trojan, and didn't want anything from it,'' recalls a family friend whose home Benjamin cleared of mud and debris.

He carried his dreams of helping others into the Army and then to Iraq, where, amid the violence of firefights and roadside bombs, he remained focused on doing what he could to help ordinary Iraqis rebuild their lives. Benjamin's father recalls how much he enjoyed delivering soccer balls to Iraqi children and then challenging them to a pickup game. In a war zone wrought with confusion and tragedy it is hard to imagine a gesture of humanity more powerful than that of an American soldier joining with Iraqi kids in a soccer match.

Corporal Brosh's passion for assisting others was matched only by his commitment to protecting the soldier next to him. He was a pillar of his unit, sustaining his fellow soldiers with his good spirits, optimism, and courage. He dispensed advice and encouragement and, ultimately, offered his life to protect his unit.

The words we offer to honor Corporal Brosh cannot begin to describe the heroism of his daily work or the depth of his character and convictions. From his memory, though, we draw a model for service and duty to which we can all aspire.

At a 1963 gathering remembering the life of the poet Robert Frost, President John F. Kennedy reminded the crowd that, ''A nation reveals itself not only by the men it produces, but also by the men it honors, the men it remembers.''

Our Nation tends to recognize those men and women of wide acclaim, with whose accomplishments we are already familiar. This, however, is a time of heroes. Over a million and a half Americans have left their families for deployments to Iraq and Afghanistan. Benjamin Brosh, a young man who learned his power to help others in the wake of Hurricane Katrina, gave even more than most. He lent his character, he lent his optimism, and he lent his life to his country. If a nation, as President Kennedy suggests, reveals itself by the citizens it produces, then Corporal Brosh is America at our finest. He is a patriot and a hero.

To Benjamin Brosh's parents, James and Barbara, and to all his friends and family, our thoughts and prayers are with you. I hope that, in time, your grief will be assuaged by the pride you must feel in Benjamin's service and by the honor he bestowed upon his country. This Nation will never forget him.

SERGEANT DAVID ''DJ'' STELMAT

Mr. GREGG. Mr. President, I rise today to honor U.S. Army Sergeant David Stelmat of Littleton, NH. On March 22, 2008, Sergeant Stelmat was tragically taken from us, along with two fellow soldiers from the North Carolina Army National Guard's 1132 Military Police Company, when his humvee encountered an improvised explosive device in Bagdad, Iraq. At only 27 years old, SGT David Stelmat, or DJ as he was known to his friends and family, will always be remembered as an adventurous, fun-loving young man who enjoyed the outdoors.

The attacks of September 11, 2001, were the worst our Nation has ever experienced. Terrorists hijacked commercial airplanes, turned them into weapons, and brutally steered them into the World Trade Center Towers in New York, the Pentagon only miles from here, and the last plane lost on a field in Pennsylvania as a result of the heroic stance of the passengers aboard. It has become part of New Hampshire lore that in the wake of this tragedy, when our Nation was looking to heal itself, DJ, a 1998 graduate of Profile High School, along with a friend, climbed to the top of the Old Man of the Mountain and placed an American flag in the iconic profile. Pictures of DJ's action quickly spread and served as a patriotic symbol of our State and our country.

Upon returning home from military service to our Nation as part of the infantry in Afghanistan, DJ attended the New Hampshire Technical Institute in his ardent desire to become an emergency medical technician. I am sure that this patriotic need to help our Nation heal after September 11 came from the same source of motivation which led to his burning desire to achieve his goal of military service as a combat medic.

In January 2006, DJ joined the New Hampshire National Guard's 237th Military Police Company. In August of that year he completed training as a health care specialist. After receiving training, he deployed with the 1132nd Military Police Company. As a testament to his service, Sergeant Stelmat's awards include a Bronze Star, Purple Heart, Army Good Conduct Medal, National Defense Service Medal, Iraq Campaign Medal, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with ''M'' device, Army Service Ribbon, Overseas Service Ribbon, Combat Action Badge, Expert Rifle Weapons Qualification Badge, and an Overseas Service Bar.

My deepest sympathy, condolences and prayers go out to DJ's loved ones, especially his parents. The service and sacrifice of Sergeant Stelmat remind me of the words of another son of New Hampshire, Daniel Webster, who said, ''What a man does for others, not what they do for him, gives him immortality.'' As combat medic, there is no doubt but that DJ put his country and his fellow soldiers before himself. For this selflessness, we are eternally grateful. May God bless U.S. Army Sergeant DJ Stelmat.

COMMEMORATION OF THE 265TH ANNIVERSARY OF THE BIRTH OF THOMAS JEFFERSON

Mr. WARNER. Mr. President, on April 13, 2008, America celebrated the 265th anniversary of the birth of Thomas Jefferson, who first served as Vice President and then subsequently was elected as the Nation's third President in 1801. He deemed his proudest achievement to be the ''Father of the University of Virginia.''

As part of the national celebration, President and Mrs. Bush invited distinguished scholars and others to pay tribute to the extraordinary achievements of this great American. I was privileged to attend along with John Casteen, current president of the University of Virginia, and many other invited guests from the Commonwealth of Virginia.

Given the importance of this occasion and the respectful tributes delivered by the President, the First Lady, and two eminent scholars, I wish to record this event for the American people.

TRIBUTE TO BARB HESS

Mr. GRASSLEY. Mr. President, I would like to take a few moments to pay tribute to a remarkable teacher who has touched the lives of countless students in Davenport, IA. Miss Barb Hess is retiring after 46 years teaching various social studies courses at Davenport Central High School.

Many of us can think back to one favorite teacher who stands out amongst all the rest; who because of a unique combination of personality and teaching skills, was able to spark an interest in a certain subject or learning in general. Miss Hess has been such a teacher

for an extraordinary number of students. Her profound impact on her students and on Central High is attested to by her colleagues who wrote me an impassioned letter recounting her impressive career, as well as by a great many of her former students, including a member of my staff.

In the classroom, Miss Hess commands respect and maintains discipline with only a few softly spoken but firm words, making clear that appropriate behavior is expected. She holds high academic expectations for her students, challenging them to achieve their potential. Her courses, many of which she developed herself, push students to think deeply and critically. Her students know that she expects papers to demonstrate clear writing with well reasoned arguments backed by solid research. In a time of much discussion about lack of rigor in high school coursework, Miss Hess's classes stand out as an example of rigorous preparation for higher education and other life-enriching opportunities.

Her high expectations for her students are a natural outgrowth of the high expectations she sets for herself. Although Miss Hess holds both a bachelor's and a master's degree from Drake University, she has never ceased to enhance her own knowledge of the subjects she teaches. She can always spot plagiarism, often because she is intimately familiar with the original source.

Outside the classroom, Miss Hess has been the adviser for the student council starting in 1974 and has advised numerous other student groups and organizations. In fact, she has organized, advised, or assisted with more functions at Davenport Central over the years than can be tallied. Barb Hess has been a loyal ''Blue Devil'' since her student days, consistently supporting sports teams, fine arts events, and other extracurricular activities over the years.

Barb Hess is a fixture at Davenport Central High School, having achieved near legendary status among those familiar with the school. Her imprint on the institution will continue to be felt very strongly. Her imprint on the lives of her students will be even more enduring. The best teachers combine extensive content knowledge with a certain intangible ability to connect with students and to inspire them to excel in school and life. Miss Hess's ability to care about each student as an individual, and unique talent for bringing out the best in students of all kinds, places her among the best of the best. She will be missed in her classroom at Central High, but her legacy of improving the lives of generations of students will last forever. I thank Barb Hess for her years of service to Iowa's youth and I wish her the very best in her retirement.

NORTH KOREA

Mr. BROWNBACK. Mr. President, the guard told the story of a father, a mother, a son, and a daughter who were stripped naked and led into a room together. The room was made of glass, ten feet wide, nine feet long, and seven feet high. Leading into the glass room where the family stood was a metal injection tube. Outside the room, a group of scientists waited with pens and note pads. The guard recalls that the gas began to flow through the tube into the glass room. At first, the gas collected along the floor. The family stood together in the middle of the room. Then, as the cloud of gas rose from the floor of the chamber, the son and the daughter began to vomit and then to die. The mother and father tried to save them. They stood as high as they could to gasp the last clean breaths of their lives, to breathe that air into the lungs of their children, and to preserve their lives for a few more moments. Soon, the parents, too, began to vomit and die. One by one, all four succumbed and collapsed into the cloud of gas. Eventually, the father, the mother, the son, and the daughter all lay dead on the floor of the gas chamber.

The story I have just told you did not happen decades ago in Nazi Germany. It happened recently, and there is every reason to believe that things just like it may continue to this day, perhaps at this very moment. They happened in a country with which our diplomats are talking about granting full diplomatic relations and all of the mercantile and diplomatic privileges of membership in the civilized world.

This story happened to forgotten people, in a forgotten part of a forgotten country. You have probably never heard of it, yet it is the scene of crimes against humanity whose scale and depravity rival those of Mauthausen, Tuol Sleng, or Srebrenica. The place is called ''Camp 22.'' It lies in the far northeastern corner of North Korea.

Camp 22 is not history than we can condemn from the safe distance of time. Yet too many of us refuse to confront it, perhaps because we are afraid that confronting the crimes of Camp 22 would also require us to confront its moral imperatives. We cannot say that we act according to our values when we invite mass murder into the community of civilization, with all of its diplomatic and mercantile privileges. It is to horrors like these that we must say ''never again,'' and mean it, and act.

It is a massive place, perhaps hundreds of square miles in area. Former guards say that 50,000 men, women, and children are confined there. Camp 22 is a killing field where guards murder children for scavenging garbage to eat, where prisoners are publicly stoned to death and disemboweled, and where entire families are slaughtered for no more reason than to serve as examples for other prisoners. It is a place where torture, starvation, and disease kill 20 percent of the prisoners every year, and where children die because their parents are accused of thought crimes.

Camp 22 is only one of an archipelago of concentration camps in North Korea. The U.S. Committee for Human Rights in North Korea estimates that 400,000 people have been murdered in these camps. Survivor Kang Chol Hwan describes spending ten years in another camp, Camp 15, where each spring brought a grim new harvest of deaths from starvation and disease.

The only people who have ever seen Camp 22 are its guards, its victims (none of whom has ever escaped), and the thousands of dead whose corpses and bones are strewn in its hills, fields, and ravines. Kim Jong Il's regime still denies that these camps exist. No foreigner has ever been permitted to go near them. Until North Korea allows us to go to the camps to prove or disprove these reports, we cannot know for certain what is happening there. Still, commercially available satellite imagery allows us to look upon Camp 22 for ourselves and verify what the survivors tell us in detail. Google Earth has made witnesses of us all. In these times, anyone with an Internet connection can look down into hell at Camp 22 and witness Holocaust Now.

I would like to thank the Rev. Chun Ki Won, whom many have dubbed the ''Schindler of the East.'' Reverend Chun himself has led hundreds to safety and himself spent nearly nine months in a Chinese prison when he was caught trying to get into Mongolia with a group of refugees. The floor charts of satellite photos I am about to show were vetted by refugees, both victims and guards, he is in touch with in Korea and elsewhere. They identified the details of these gulags and confirmed their existence.

I want to show you Camp 22 today. I want you to see its fence lines, its gates, and moats. I want you to see the huts where its prisoners live, the coal mines where men are worked to death, and the forests and fields where the dead are discarded. I want you to be haunted by these things when you consider how we should deal with Kim Jong Il's regime, and when you are deciding what kind of a country we will be. I ask that you hear what I have to say while there is still time to stop this, and before our government surrenders the last pressure it may have to stop it. In Camp 22, it is forbidden to mourn the dead. Mourning them will not bring them back, but it may save others who still suffer.

Using Google Earth's highest resolution, it is possible to trace the camp's circumference perhaps hundreds of square miles. Unfortunately, only the western half of the camp can be seen in publicly available high-resolution imagery. The alleged gas chamber is outside of this area.

Tracing the camp's boundaries is not difficult. The camp is surrounded by electrified barbed wire fences from which vegetation has been cleared away. The sharp corners in the fence lines make them impossible to confuse with roads. At regular intervals, there are guard towers or distinctive guard posts.

In North Korea, fence lines like these are the distinctive mark of concentration camps, with a few exceptions, such as Kim Jong Il's palaces, and certain nuclear sites. For example, there is the fence line of Camp 14, the so-called ''life imprisonment zone'' at the headwaters of the Taedong River, from which no prisoner is supposed to leave, dead or alive.

Another camp that can be identified by its fenceline is Camp 15, made infamous by Kang Chol Hwan in his gulag memoir, ''The Aquariums of Pyongyang.'' Kang was sent to that camp at the age of nine. It was not until his release 10 years later that he learned why he and his family were sent there. His grandfather had come under suspicion for having lived for many years in Japan. Kang and his family were arrested one night and taken to Camp 15 in accordance with the North Korean doctrine that class enemies must be rooted out for three generations.

Former guard Kwon Hyuk claims that the fences around Camp 22 are 2½ meters high, and electrified with 3,300 volts of electricity. He also says the camp is surrounded by spiked moats in places. Photographs from Google Earth also reveal trenches, railroad gates, and guard posts. In some pictures, you can even make out what appear to be clusters of people in the camps.

The farmers who live outside the gates of the camps cannot pretend not to know what goes on beyond the fence. One recent defector, who lived in this area, described living near Camp 22 to his English teacher, who wrote about them in the Washington Post. According to this young North Korean refugee, because food and alcohol are scarce in the countryside, the camp guards sometimes went to his house to drink, usually heavily. In their intoxication, the guards would confess to their sense of remorse.

When American soldiers and news cameras reached the gates of Dachau in 1945, we and millions of men and women of conscience throughout the world made a simple, solemn promise: ''never again.'' Who among us today questions the righteousness of that promise? And who among us doubts that much of its meaning lies buried in the mass graves of Tuol Sleng, Rwanda, and Darfur? Why have we not done better? Perhaps the civilized world erred by making a promise it could not keep. We cannot solve all of the world's problems or suppress the worst impulses of humanity. Still, ''never again'' was, and is, a promise worth keeping if we read it as a promise, first, to speak the truth; second, to do no harm; and third, to find ways within our means to stay the hand of the murderer.

We find ourselves in the possession of information not unlike that which was in our possession in 1943. Our government had aerial photographs of Auschwitz, Dachau, and Buchenwald, too, and the accounts of the survivors were there for us to act on or disbelieve. Perhaps all of the evils of Camp 22 and these other camps are fictions. If that is so, let Kim Jong Il open them to the eyes of the world. Let him refute me and all of us who believe that it is beneath our nation to collaborate with evil of this depth.

I am aware that some in Washington, including many in our State Department, would prefer to hear even less discussion of the atrocities in North Korea for the sake of a diplomatic process that has taken decades to get us nowhere. I was deeply ashamed this year when I read in the Washington Post of how our State Department's East Asia Bureau had tried to pressure the authors of this year's human rights country reports to airbrush the section on North Korea, invoking ''the Secretary's priority on the Six-Party talks'' and asking the authors to ''sacrifice a few adjectives for the cause.'' Perhaps this diplomat was guided by a sincere but mistaken belief that there will be time to deal with North Korea's atrocities when its disarmament is negotiated first. For those who are suffering and dying in these camps, this year, there may not be a next year.

With all due respect to Secretary Rice, I have come to doubt that our State Department is as serious about ending these atrocities as it is about pretending that we have progressed toward disarming North Korea. Why, more than 3 years after this Congress unanimously passed the North Korean Human Rights Act, are American consulates in China and other countries still refusing to let North Korean refugees in their gates? Under Assistant Secretary of State Christopher Hill, who tells us that he intends to make human rights one of many issues to be addressed through a ''normalization working group'' within the six-party talks, now says that America can raise its objections to these atrocities ''in the context of two states that have diplomatic relations.'' Some of us had observed years ago that Ambassador Lefkowitz, our Special Envoy for Human Rights in North Korea, has been sidelined and silenced. Recently, we watched with embarrassment how he was treated when he dared to make the obvious connection between Kim Jong Il's malice toward his own people and his malice toward us.

After all, the basis of any negotiated disarmament or peace must be a shared interest in the preservation of human life. What does it tell us that Kim Jong Il holds human life in such low regard as to run places like Camp 22, and then lie so flagrantly as to deny its very existence? What lessons can we take from the fact that he left two and a half million North Koreans to starve to death while he expended his nation's depleted resources on nuclear weapons and luxuries for himself and the elites? What does it tell us that, according to multiple witnesses, this regime kills newborn babies of refugee women returned from China in the name of protecting North Korea's racial purity? Does this regime value human life including North Korean life—as we value it? If not, isn't it reasonable to conclude that neither a desire for peace nor good faith will motive Kim Jong Il to keep this latest agreement?

And finally, what does it tell us that China, the guarantor of that agreement and host for the six-party talks, greenlighted North Korea's nuclear test in 2006? Or that it has just announced a new plan to undermine the U.N. sanctions that followed that test by letting the regime's officials hold accounts in Chinese banks, in Chinese currency? Or that it has flagrantly violated the U.N. Refugee Convention for years by offering bounties to people who catch and turn in North Korean refugees, so that it can string them together like fish on lines, with wires through their wrists and noses, as it leads them back to the death camps and firing squads? Or that it has bullied the UNHCR into refusing asylum to North Korean refugees? And what do we have to say about China's efforts to cleanse its territory of North Korean refugees to ensure that this year's Olympic games will be free of the wretched refuse of its tyrannical satellite?

Do not misunderstand my words. I am certainly not advocating war. After all, if we wish to rid the world of this repellent regime, we need only stop sustaining it. Kim Jong Il has already ruined North Korea's economy. He cannot sustain his misrule without the cash he receives from other nations, through aid, trade, and crime. Recent reports by economists and NGO's tell us that North Korea's regime has never been in greater economic distress, and that it has lost even the capacity to feed its elite. As Kim Jong Il shows stubborn contempt for our diplomatic efforts, we must relearn the lesson that diplomacy only influences evil men when it is backed by pressure. In the case of North Korea, the threat of economic pressure will gain power in the coming months . . . but only if we do not throw it away.

Nor do I fail to grasp that our idealism must sometimes find ways to conform to our immediate interests. But those who say that America should stand only for its pecuniary interests and abandon its values have forgotten how America built the treasures it now seeks to protect. We have always been a nation of ideas of values. What else unites us? We differ in our ethnicities, faiths, and even in the climates and cultures of our vast country's regions. If our values no longer guide us, we are nothing more than another color on the chessboard, and we have ceased to be a beacon for the world's hopes, a model for its development, and a magnet for its talents. What a tragedy that would be for a nation that, as De Tocqueville said, is great because it is good. I do not say that we are perfect; after all, our tendency to revel in our own imperfections has made our society far more just and good. And with

greatness, and with goodness, come obligations to conform the pursuit of our interests to the pursuit of our values.

Here is an occasion when our values and our interests both demand that Kim Jong Il be given a stark choice: transparency or extinction. Let us resolve that we will not allow Kim Jong Il to plunge North Korea into famine again this year. Let all nations of conscience join to deny the Kim Jong Il the means—through trade or unrestricted aid—to perpetuate his rule and his luxurious lifestyle while the North Korean people suffer and starve. America should stand ready to help the people of North Korea, if and only if we can verify that every last citizen, soldier, peasant, and prisoner—including the prisoners in Camp 22—can share equally in the aid we should offer generously. If Kim Jong Il refuses the just terms on which we must condition our assistance, then why should we extend the misery of his people by delaying his meeting with the ash heap of history? That is why I am resolved to oppose, to the last breath in my body, adding this country to the list of Kim Jong Il's benefactors and abettors until the prisoners of Camp 22 are fed, healed, housed, and freed.

ADDITIONAL STATEMENTS

COMMENDING HAWAII'S LEXUS ENVIRONMENTAL CHALLENGE CHAMPIONS

• Mr. AKAKA. Mr. President, I congratulate the Dream Team, a team of eight students from Farrington High School in Honolulu, HI, for winning the grand prize in the 2007 to 2008 Lexus Environmental Challenge. The Lexus Environmental Challenge is a multiphased national competition between 350 middle and high schools from across the country. The challenge addressed issues from global warming awareness to informing communities about the critical importance of water conservation.

Over the course of 7 months, the Dream Team competed against 350 middle and high school teams from across America in challenges addressing local environmental issues. The Dream Team was one of 55 teams invited to compete in the final global challenge where students were asked to develop a program that could potentially change the world. For their final global challenge, the Dream Team took advantage of Hawaii's ethnic diversity to educate people around the world about the benefits of clean renewable energy by creating a video message in 11 different languages ranging from French to Samoan to Tagalog and Arabic.

The members of Farrington High School's Dream Team include Genevieve Cagoan, Robin John Delim, Carmina Figuracion, Robin Monzano, Minh Trang Nguyen, Herald Nones, Maria Sheville Lee, and Princes Rosit. The team was led by Ms. Bebi Davis, a Farrington High School chemistry teacher who was the team's adviser.

The grand prize for the Lexus Environmental Challenge is $75,000. Ms. Davis will receive $7,000 for various classroom projects, Farrington High School will receive $15,000, and the remaining $53,000 will be split equally among the eight members of the Dream Team.

I congratulate the Farrington High School Dream Team for its great accomplishment in capturing the 2007 to 2008 Lexus Environmental Challenge grand prize. I wish all of them the best in their future endeavors, and I urge them to continue to set an example for future generations. I extend the same congratulations to all students and advisers who participated in the 2007 to 2008 Lexus Environmental Challenge.•

50TH ANNIVERSARY OF THE SOUTHEASTERN COLORADO WATER CONSERVATION DISTRICT

• Mr. ALLARD. Mr. President, on April 29, 1958, the District Court in Pueblo, CO, established the Southeastern Colorado Water Conservancy District. That action resulted in a firm water supply for the Arkansas River Basin, providing much-needed supplemental water to communities which are home to the wonderful people of this region.

The Arkansas River Basin includes communities whose livelihoods have always depended on water: farming, ranching, steel manufacturing, small businesses. The economic tide in this region has ebbed and flowed during that 50-year period, but its riches lie not in dollars but in its people.

The Southeastern Colorado Water Conservancy District has served the region and people honorably and with diligence. The district works hard to help the Arkansas Valley realize the importance and value of a well-managed water supply.

Currently, the district is spearheading a plan to at last construct the Arkansas Valley Conduit, originally authorized as part of the Fryingpan-Arkansas Project. The conduit was deemed necessary five decades ago, and the need for clean and safe water supplies for the people of the valley has only increased as water quality is threatened and federally acceptable standards have increased. But the Lower Arkansas Valley, which this project will serve, needs assistance in providing that safe water supply and in meeting those standards.

This Arkansas Valley Conduit is a top priority to me as I near the end of my tenure in the Senate. As one of the final components of the Fryingpan-Arkansas Project and as a major goal of the now 50-year-old Southeastern Colorado Water Conservancy District, I congratulate the district on their hard work to make this project feature a reality, and thank them for all they have accomplished in their half century of commitment to the Arkansas Valley.•

PRUDENTIAL SPIRIT OF COMMUNITY AWARD WINNERS

• Mr. CARPER. Mr. President, I wish today to honor this year's Delaware winners of the Prudential Spirit of Community Award in recognition of their exemplary volunteer service. Congratulations to Anna Schuck of Wilmington, Matthew Waldman of Delmar, Alexandra Browne of Wilmington, and Taylor Folt, also of Wilmington.

I strongly believe that volunteerism is one of the cornerstones of American society. As shown on numerous occasions, volunteering is not only good for the community; it is an enriching and rewarding experience for the volunteer, as well. Anna, Matthew, Alexandra and Taylor all exemplify this spirit of involvement and giving back to their communities. They serve as models of selflessness and examples of how rewarding volunteering can be both personally and to the community they serve.

The Prudential Spirit of Community Awards was created by Prudential Financial and the National Association of Secondary School Principals to inspire and encourage youth volunteerism. Since being founded in 1995, these awards have honored more than 80,000 young volunteers at the local, State and, national levels.

Delaware winner Anna Schuck founded the H.U.G. Club, for ''Helping the Underprivileged Globally,'' at her school, coordinating fundraising events including ''Rock Uganda,'' a series of seven concerts. Her efforts helped to raise $14,500 to provide necessities for a school in Uganda.

Middle school winner Matthew Waldman has participated in a variety of volunteer activities, including a charity antique show, bell ringing for the Salvation Army, and a Humane Society walk. Matthew has also organized dances instead of birthday parties, asking attendees to donate food and other items instead of bringing gifts.

High school Distinguished Finalist Alexandra Browne spent 2 years coordinating events and fundraisers, recruiting volunteers and overseeing other logistics as chair of her school's Relay for Life fundraising event. The event, which raised more than $60,000, donates to cancer research, education, and patient support.

Middle school Distinguished Finalist Taylor Folt spent a month of her summer vacation teaching English and American History to students in India, as well as helping them with maintenance tasks around their campus.

Congratulations to this year's honorees, Anna, Matthew, Alexandra, and Taylor, who personify the spirit of giving back. These outstanding young volunteers are an inspiration to me and, I hope, to many others throughout Delaware.•

CONGRATULATING DAVENPORT UNIVERSITY

• Mr. LEVIN. Mr. President, I congratulate Davenport on the recent successes of their Athletic Department and student athletes. The men's hockey team won their first American Collegiate Hockey Association, ACHA, Division II National Championship with a 5–2 victory over Indiana University. The women's basketball team won the Wolverine Hoosier Athletic Conference Championship, WHAC, and made it to the Sweet 16 of the National Association of Intercollegiate Athletics, NAIA, Division II National Tournament. These are both extraordinary feats considering the Athletic Department at Davenport University was formed only 6 years ago. Both programs were honored in a celebration at Davenport University on March 26, 2008. These accomplishments bring great joy and satisfaction to all those associated with Davenport University and across the State of Michigan.

The hockey team's National Championship came after a third consecutive appearance in the ACHA Division II Final Four. The championship game ended an exciting week in Fort Myers, FL. Outscoring their five opponents by a combined total of 40–7, the Panthers dominated with their strong offensive attack. Under the leadership of head coach Paul Lowden, the team finished the season with a 35–11–4 record and won their third straight Great Midwest Hockey League, GMHL, regular season and tournament titles.

Each player of the Davenport University team made significant contributions to the winning season, including Alex Mikla, Wes Baughman, Pat Collar, Justin Poorman, Bill McSween, Jon Stolarz, Jeremy Bultema, Justin Welker, Eric Troup, Will Collar, Rick Gadwa, Dayne Gluting, Chad Anguilm, Bobby Collar, Jeff Kraemer, Adam Tomacari, Kevin Doyle, Adam Thomas, Kevin Moodie, Chris Joswiak, Scott Knight, Chad Rutzel, Eddie Wheeler, Jared Mailloux, Chris Green, Brit Ouelette, Brett Hagen, Luke Bonnewell, Kenny Jacobs, Jason Kraemer, Jonah Rogowski, Ben Duthler, head coach Paul Lowden, and assistant coaches Phil Sweeney, Jamie Bradford, and Joe Messina.

After only six seasons at Davenport University, head coach Paul Lowden was named the 2008 ACHA Men's Division II Coach-of-the-Year. He was honored with this award at the American Hockey Coaches Association Coach-of-the-Year Celebration this past weekend. Coach Lowden was also selected by the ACHA as the inaugural head coach for the Men's Division II Select Team. The select team traveled to Europe this winter and finished with a perfect 5–0-0 record.

The Lady Panthers basketball team, under the leadership of head coach Mark Youngs, earned their second consecutive Wolverine Hoosier Athletic Conference title. Senior Jeanette Woodberry, who was named both the WHAC Player of the Year and a First Team All-American, led the team to victory. Sara Haverdink and Kristin Bergsma were both named to the NAIA Academic All-American team. The basketball team finished this outstanding season with a record of 28–6 overall and 13–1 in their conference.

Teamwork, determination and a commitment to excellence by each member of this basketball team led to their success. The members include Lyndsey Shepherd, Megan Peters, Sara Haverdink, Andrea Kimm, Brittany Lyman, Kristin Bergsma, Kristi Boehm, Lynne Blomberg, Kayla Chapman, Jeanette Woodberry, Emily Rosenzweig, Kallie Benike, Sylvia Welch, Shannon Slattery, Stephani Roles, along with head coach Mark Youngs, and assistant coaches Kelly Wandel, Shannon Callaghan, and Alicia Barczak.

I am proud to recognize the outstanding achievements of the Davenport University Athletic Department. Their student athletes compete admirably in athletics and in the classroom, and maintain an average GPA of 3.22. I extend my best wishes to the players, coaches, families, and the University community that supported them throughout this triumphant season.

I know my colleagues in the Senate join me in congratulating Coach Lowden, Coach Youngs, and the Davenport University Panthers.•

HONORING LEIGH ANNE GILBERT

• Mr. MARTINEZ. Mr. President, I wish to recognize the efforts of a Floridian who has worked to make a difference in an underserved part of our world. Leigh Anne Gilbert, who recently returned to her hometown of Orlando, has spent the past 3 years establishing the Rainbow Primary Neighborhood School in Masthan Nagar, Hyderabad, India.

After her husband's job relocated the couple to an undeveloped part of India, Leigh Anne recognized the need to serve her new community and began work on a school to serve the area's children. Through the support of charitable organizations, Leigh Anne raised the funds necessary to charter and construct the Rainbow Primary Neighborhood School, which now serves more than 300 impoverished children living in the small Indian village.

Leigh Anne was responsible for bringing together all those involved in building and operating the school—the designers, construction workers, local government, teachers, and staff. She even recruited the services of the Naandi Foundation—a worldwide charitable organization fighting poverty and malnourishment—which delivers meals to the school and provides the students health care. Work on the school began in early 2007 and it was completed in March of this year.

The effort tested Leigh Anne's physical and mental fortitude as she worked tirelessly for the past 3 years to bring all the partners to the table. The project required patience, persistence, and cooperation from government officials, community leaders, and charity organizations. On Web posts, Leigh Anne reflected on the project and offered words of advice to those pursuing similar ventures: ''The number one lesson learned: Get partners—rugged, go-to, and knowledgeable partners—then leverage the partnerships to meet needs. None of us can go it alone.''

On behalf of Florida and the people of the United States, I would like to honor Leigh Anne Gilbert for the tremendous example she has set and the good work she has accomplished.•

SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT

• Mr. SALAZAR. Mr. President, today I wish to recognize the 50th anniversary of the establishment of the Southeastern Colorado Water Conservancy District.

In the post-World War II era, communities large and small in the United States envisioned a period of growth and prosperity. Enthusiasm in the Arkansas Valley of Colorado was also high, but one limitation loomed large: the water needed to build and sustain that growth was simply not available.

The regional water users' group decided to pursue a bold vision: the Fryingpan-Arkansas Project, a complex diversion, storage, and delivery system, would move water from the western slope of the Rockies to the growing population on the eastern slope. The project itself is as complex as the politics of water in the West. It features both western slope and eastern slope facilities, some of them at elevations above 14,000 feet, and multiple dams, reservoirs, tunnels, and conduits.

Fifty years ago today, on April 29, 1958, a Pueblo, CO, district court established under the provisions of Colorado law the Southeastern Colorado Water Conservancy District. This administrative organization embodied the goals of the regional water users' group, which had proven adept at promoting the Fryingpan-Arkansas Project through the memorable and highly visible sale of small golden frying pans.

The original supporters of the Fryingpan-Arkansas, many of whom eventually served as board members of the district, were committed to seeing its promise made true. Their stalwart efforts led to the authorization of the Fryingpan-Arkansas in 1962, and the Southeastern District has been managing the project continuously since that time. They fought year after year to see this multipurpose project appropriated and constructed. Their success brought the additional water that the valley and its people had hoped for, and many of them lived to see it provide benefits to the Arkansas Valley. President John F. Kennedy's visit to Pueblo in 1962 to commemorate the start of

construction of Pueblo Dam, the largest component of the Fry-Ark Project, remains one of the most memorable events in the history of southern Colorado.

Those of us in the West know that the development and responsible management of water is critical to people, to agriculture, to business and to the future. The Southeastern District has worked day in and day out for over five decades to ensure that the project's purpose is fulfilled. They work tirelessly in partnership with the people of the Arkansas Valley, with their Federal partner, the Bureau of Reclamation, and adroitly navigate the rules and regulations of Colorado water law to serve the people who depend on this water.

I commend the Southeastern Colorado Water Conservancy District for its diligence, and I commend the many distinguished people of the Arkansas Valley who have guided the district during its first 50 years as members of its board of directors. They established a tradition of vision, leadership, and distinction that will serve the people of southeastern Colorado well into their next 50 years.●

RECOGNIZING MIKE GEISEN

● Mr. SMITH. Mr. President, I wish to congratulate Mike Geisen for winning the National Teacher of the Year Award. The National Teacher of the Year Program was founded in 1952 by the Council of Chief State School Officers. By rewarding teachers who have affected their students and communities positively, the program focuses public attention on some of the philosophies, methods, and wisdom behind successful teaching. It has been delightful to learn of Mike's contributions, and I am thrilled that he will be traveling around the world to share his insights as Teacher of the Year.

Mike Geisen teaches seventh grade science at Crook County Middle School in Prineville, OR, but his colleagues and students would call that an understatement. Crook County Middle School principal Rocky Miner observed that before Mike assumed chairmanship of the school's science department, students' science test scores had stagnated, with about 55 percent of students meeting or exceeding State standards. Less than 2 years after Mike took the job, 72 percent of Crook County students were meeting or exceeding State standards.

It is clear that other educators have noticed Mike's successes and are starting to seek his advice. In October of last year, Oregon State superintendent Susan Castillo presented him with the Oregon Teacher of the Year Award. A month later, Mike spoke at the Oregon School Boards Association Conference in Portland about the need for schools to shift their attention to skills—such as collaboration, innovation, and adaptability that are more relevant in a globalized economy.

There is no question that Mike can teach and that he can raise test scores, but his focus is not directed at the statistical indications of success as a teacher. In his application for the National Teacher award, Mike wrote the following about America's youth: ''These young people are our equals. They are not simply numbers, conglomerations of hormones, or future products. All the latest programs, fads, and statistics are meaningless to a child who isn't cared for on a deeper level. Whether you are a teacher or parent, businessperson or retired, young or old: reach deep down into each child with humor, love, and compassion and they will learn from you. They will learn much more than just how to read and write; they will learn they are wonderfully human.''

Mike Geisen, or Mr. G, I thank you for your unique contributions. You are truly an inspiration to us all. As Henry Brooks Adams once remarked, ''A teacher affects eternity; he can never tell where his influence stops.'' Mr. G, your influence will no doubt continue for generations.●

HONORING LOUISIANA HONORAIR

● Mr. VITTER. Mr. President, today I acknowledge and honor a very special group, the Louisiana HonorAir. Louisiana HonorAir is a not-for-profit group that flies as many as 200 World War II veterans a year up to Washington, DC, free of charge. On May 3, 2008, a group of 95 veterans will reach Washington as part of this very special program.

I want to take a moment to thank all the brave veterans visiting our Capital City this trip:

Eldon L. Adams; Pat W. Aertker; Kent L. Babb; Luca Barbato; Brant Barnett; Lennie J. Benoit; Nesby J. Bergeron; Warren J. Bourgeois; Edward Breaux; Norman A. Briggs; Lloyd O. Bruchhaus; Edward G. Burleigh; Ralph D. Caillier; Norman W. Cameron; Robert T. Casanova; Viel P. Caswell; Reece J. Chenevert; Albert L. Clifton; William L. Clifton; Vincent C. Cuccio.

Thomas C. Darbonne; Charles W. Derbes, Sr.; Charles R. Doucet; Lloyd J. Doucet; Walter H. Duhon; Andrew V. Fontenot; Joseph F. Fontenot; James R. Gibson; Ernest J. Glavaz; Raphael I. Guidry; Clyde L. Hahn, Sr.; Marion T. Harmon; Didier J. Hebert, Jr.; Osburn Hebert; Herbert J. Hernandez; Richard M. Hollier; Hubert J. Hulin; Isaac Huval, Sr.; Edward B. Jennings; Norvell C. Johniken.

Raymond Kidder, Jr.; Ruth M. Kilgore; Percy J. Lalonde; John G. Lambousy; Isaac W. Lantz; Antoine C. LeBlance; Emile J. LeBlanc; Vealy J. Leger; Joseph H. LeGrand; Daniel J. Lejeune; Lionel Lejeune; James R. LeMaire; Bernard Libersat, Jr.; James C. Martien, Jr.; Robert McDaniel; Humer L. Miller; Eugene O. Munson; Francis Myers; James R. Odom.

Theodore R. Poynter; Joseph R. Prejean; Jack M. Proffitt; David R. Pulver; Johnny M. Rabalais; Aldon J. Richard; Erman L. Richard; Winson Richard; Roy J. Roberie; Arthur L. Rozas; Eddie E. Salassi; Joseph San Filippo; LeeRoy J. Savoie; Lawrence Schambaugh; Clanice J. Schexnyder; Gordon L. Sibille; Ellis Soileau; Louis Soileau; Wallace R. Stelly; Nolan J. Stephens.

Harold L. Stevens; Joe P. Stevens; George Stout; Clarence Tauzin, Sr.; George J. Tellifero; Edward A. Thistewaite; Dallas E. Thomason; Mitchelle Trahan; Idolphus C. Turnley, Jr.; Harris J. Veillon; Charles C. Verzwyvelt; Dudley Vice; Stanley R. Wall; Edward R. williams; Charles C. Willoughby; Richard G. Wilson.

While visiting Washington, DC, these veterans will tour Arlington National Cemetery, the Iwo Jima Memorial, the Vietnam Memorial, the Korean Memorial, and the World War II Memorial. This program provides many veterans with their only opportunity to see the great memorials dedicated to their service.

Thus, today, I ask my colleagues to join me in honoring these great Americans and thanking them for their devotion and service to our Nation. ●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mrs. Neiman, 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.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

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 Johnathan 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.''

At 5:12 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that in accordance with the request of the Senate, the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment, and all accompanying papers are hereby returned to the Senate.

ENROLLED BILL SIGNED

At 7:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4169. An act to authorize the placement in Arlington National Cemetery of an American Braille tactile flag in Arlington National Cemetery honoring blind members of the Armed Forces, veterans, and other Americans; to the Committee on Veterans' Affairs.

H.R. 5492. An act to authorize the Board of Regents of the Smithsonian Institution to construct a greenhouse facility at its museum support facility in Suitland, Maryland, and for other purposes; to the Committee on Rules and Administration.

H.R. 5493. An act to provide that the usual day for paying salaries in or under the House of Representatives may be established by regulations of the Committee on House Administration; to the Committee on Rules and Administration.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 209. Concurrent resolution expressing the sense of Congress that the Museum of the American Quilter's Society, located in Paducah, Kentucky, should be designated as the ''National Quilt Museum of the United States''; to the Committee on Energy and Natural Resources.

MEASURES DISCHARGED

The following measure was discharged from the Committee on Health, Education, Labor, and Pensions by unanimous consent, and referred as indicated:

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 Small Business and Entrepreneurship.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 5715. An act to ensure continued availability of access to the Federal student loan program for students and families.

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1922. To designate 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 Conservation System, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–6005. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that has been identified as Navy case number 07–05; to the Committee on Appropriations.

EC–6006. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act that has been identified as case number 05–01; to the Committee on Appropriations.

EC–6007. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13413 of October 27, 2006, relative to the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC–6008. A communication from the Special Counsel, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Regulatory Review Amendments'' (RIN1557–AC79) received on April 24, 2008; to the Committee on Banking, Housing, and Urban Affairs.

EC–6009. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Grants to States for Operation of Qualified High Risk Pools'' (RIN0938–AO46) received on April 24, 2008; to the Committee on Finance.

EC–6010. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to post-liberation Iraq for the period of February 15, 2008, through April 15, 2008; to the Committee on Foreign Relations.

EC–6011. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development, transmitting, pursuant to law, the report of action on a nomination for the position of Assistant Administrator, received on April 24, 2008; to the Committee on Foreign Relations.

EC–6012. A communication from the General Counsel, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of a rule entitled ''Participant's Choices of TSP Funds'' (5 CFR Part 1601) received on April 24, 2008; to the Committee on Homeland Security and Governmental Affairs.

EC–6013. A communication from the Director, Administrative Office of the U.S. Courts, transmitting, pursuant to law, a report relative to the applications for the interception of wire and other communications during fiscal year 2007; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–322. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to ensure that insurance companies comply with HB 1–A and pass savings on to policyholders; to the Committee on Banking, Housing, and Urban Affairs.

POM–323. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to pass legislation allowing counties additional flexibility related to deferral of property taxes, to the Committee on Homeland Security and Governmental Affairs.

POM–324. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to place a constitutional amendment on the statewide ballot

intended to strengthen the prohibition on unfunded mandates; to the Committee on Homeland Security and Governmental Affairs.

POM–325. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to pass legislation increasing statutory fees for service of process; to the Committee on the Judiciary.

POM–326. A resolution adopted by the Commission of the City of Miami of the State of Florida urging Congress to support the re-enactment of the Federal Assault Weapons Ban; to the Committee on the Judiciary.

POM–327. A resolution adopted by the Coconut Creek City Commission of the State of Florida urging Congress to re-enact the Federal Assault Weapons Ban; to the Committee on the Judiciary.

POM–328. A resolution adopted by the Board of County Commissioners of Miami-Dade County of the State of Florida urging the Florida Legislature to strengthen laws related to assault weapons; to the Committee on the Judiciary.

POM–329. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to take actions necessary to call a constitutional convention to propose an amendment to include the Posse Comitatus Act as a constitutional prohibition; to the Committee on Armed Services.

HOUSE CONCURRENT RESOLUTION NO. 38

Whereas, the United States Constitution provides that, on the application of the legislatures of two-thirds of the several states, the congress shall call a convention for the purpose of proposing an amendment or amendments to the United States Constitution, which amendment or amendments when so proposed by such a convention must be ratified by the legislatures of, or conventions in, three-fourths of the states to become valid; and

Whereas, the Posse Comitatus Act, 18 U.S.C. 1385, was originally passed in 1878 to remove the Army from civilian law enforcement and to return it to its role of defending the borders of the United States; and

Whereas, the Posse Comitatus Act provides that whoever, except in cases and under circumstances expressly authorized by the constitution or act of congress, willfully uses any part of the Army or the Air Force as a posse comitatus or otherwise to execute the laws shall be fined or imprisoned. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to call a convention pursuant to Article V of the United States Constitution for the sole purpose of proposing an amendment to add the Posse Comitatus Act to the United States Constitution. Be it further

Resolved, That the Congress of the United States is hereby requested to provide as the mode of ratification that said amendment shall be valid to all intents and purposes and become a part of the Constitution of the United States when ratified by the legislatures of three-fourths of the several states. Be it further

Resolved, That the Legislature of the Louisiana does hereby memorialize the presiding officers of the legislative bodies of the several states to apply to the Congress of the United States to call a convention for the sole purpose of proposing this amendment to the Constitution of the United States. Be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation and to the presiding officers of each house of the legislative bodies of the several states of the Union.

POM–330. A concurrent resolution adopted by the Senate of the State of Louisiana urging Congress to provide refundable credits received by Louisiana homeowners to offset Louisiana Citizens Property Insurance Assessments; to the Committee on Banking, Housing, and Urban Affairs.

SENATE CONCURRENT RESOLUTION NO. 11

Whereas, the Legislature of Louisiana in Act No. 4 of the Second Extraordinary Session of the Louisiana Legislature provided relief to Louisiana homeowners from the large assessments levied on their homeowner's insurance premiums by the Louisiana Citizens Property Insurance Corporation as provided by law; and

Whereas, the levy of such assessments was made necessary by the unprecedented and widespread damage and destruction caused to homes by hurricanes Katrina and Rita; and

Whereas, the assessments on all homeowners were necessary for them to provide protection and coverage for their neighbors; and

Whereas, the Internal Revenue Service is threatening to force these already burdened citizens to report the amounts received as credits as income for federal tax purposes, raising the possibility that they will likely owe significant federal taxes. Therefore, be it

Resolved, That the Legislature of Louisiana memorializes the commissioner of the Internal Revenue Service and the Congress of the United States to take every action to provide that the amounts received by Louisiana homeowners to offset Louisiana Citizens Property Insurance Assessments on their homeowner's insurance premiums because of the unprecedented damage and destruction of homes in the recent hurricanes shall not be considered as income for federal tax purposes. Be it Further

Resolved, That a copy of this Resolution shall be transmitted to the commissioner of the Internal Revenue Service, the secretary of the United States Senate, the clerk of the United States House of Representatives, and to each member of the Louisiana delegation to the United States Congress.

POM–331. A resolution adopted by the Legislature of the State of New York urging the New York State Congressional delegation to oppose S. 40/H.R. 3200; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATIVE RESOLUTION NO. 4858

Whereas, regulation, oversight, and consumer protection have traditionally and historically been powers reserved to state governments under the McCarran-Ferguson Act of 1945; and

Whereas, state legislatures are more responsive to the needs of their constituents and the need for insurance products and regulation to meet their state's unique market demands; and

Whereas, many states, including New York, have recently enacted and amended state insurance laws to modernize market regulation and provide insurers with greater ability to respond to changes in market conditions; and

Whereas, state legislatures, the National Conference of Insurance Legislators (NCOIL), the National Association of Insurance Commissioners (NAIC), and the National Conference of State Legislatures (NCSL) continue to address uniformity issues between states by the adoption of model laws that address market conduct, product approval, agent and company licensing, and rate deregulation; and

Whereas, initiatives are being contemplated by certain members of the United States Congress that have the potential to destroy the state system of insurance regulation and create an unwieldy and inaccessible federal bureaucracy—all without consumer and constituent demand; and

Whereas, such initiatives include S. 40/H.R. 3200—the National Insurance Act of 2007—proposed optional federal charter legislation that would bifurcate insurance regulation and result in a quagmire of federal and state directives that would promote ambiguity and confusion; and

Whereas, S. 40/H.R. 3200 would allow companies to opt out of state insurance regulatory oversight and evade important state consumer protections; and

Whereas, the mechanism set up under S. 40/H.R. 3200 does not, and cannot by its very nature, respond, as state regulation does, to states' individual and unique insurance markets and constituent concerns; and

Whereas, S. 40/H.R. 3200 has the potential to compromise state guaranty fund coverage, and employers could end up absorbing losses otherwise covered by these safety nets for businesses affected by insolvencies; and

Whereas, S. 40/H.R. 3200 would ultimately impose the costs of a new and needless federal bureaucracy upon businesses and the public; and

Whereas, many state governments derive general revenue dollars from the regulation of the business of insurance, including nearly $14 billion in premium taxes generated in 2006; in fiscal year 2005–06, insurance taxes generated $987 million in the State of New York: Now, therefore, be it

Resolved, That the Congress of the United States be and hereby is respectfully memorialized by this Legislative Body to express its strong opposition to S. 40/H.R. 3200 and any other such federal legislation that would threaten the power of state legislatures, governors, insurance commissioners, and attorneys general to oversee, regulate, and investigate the business of insurance, and to protect consumers; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to the President of the Senate of the United States, the Speaker of the House of Representatives, and to each member of the Congress of the United States from the State of New York.

POM–332. A joint resolution adopted by the Legislature of the State of Idaho urging Congress to take action to help stop children and employees from accessing Internet pornography; to the Committee on Commerce, Science, and Transportation.

HOUSE JOINT MEMORIAL NO. 7

Whereas, the Internet has been an extremely important means of exchanging information, and is relied upon in Idaho for business, education, recreation and other uses; and

Whereas, many Internet sites contain material that is pornographic, either obscene or inappropriate for children, and a majority of these sites originate within the United States but outside of the state of Idaho; and

Whereas, the availability of Internet pornography on the job costs Idaho employers significant numbers of work hours, strains employers' computer equipment, reduces productivity and leads to potentially hostile work environments for men and women; and

Whereas, while the custody, care and nurturing of children resides primarily with parents, the widespread availability of Internet pornography and the ability of children to circumvent existing filtering technology defeat the best attempts at parental supervision or control; and

Whereas, Internet pornographers are using evolving techniques to lure Idaho children

and others into viewing and purchasing pornographic material, defying existing technology designed to block adult content; and

Whereas, current methods for protecting computers and computer networks from unwanted Internet content are expensive, block more than the intended content and are easily circumvented; and

Whereas, because children, employees and others may seek out pornography, warnings and other labels meant to help avoid inadvertent hits on pornographic sites may simply increase the likelihood that these sites will be visited; and

Whereas, credit card verification systems burden credit card companies, are expensive and time consuming to establish and maintain and these systems inhibit legal speech, and other forms of age verification have not been practicable; and

Whereas, prior congressional attempts to address children's access to Internet pornography have been held unconstitutional or otherwise have not passed constitutional scrutiny and have not been based on technology that allows individual Internet users to select what kind of Internet content enters their homes and workplaces; and

Whereas, protecting the physical and psychological well-being of Idaho's children by shielding them from inappropriate materials is a compelling interest of the Legislature of the State of Idaho; and

Whereas, although the state of Idaho has taken rigorous action in an attempt to shield Idaho's children from obscenity and other inappropriate adult content, it cannot effectively curb the programs with Internet pornography within its borders without the support of the United States government; and

Whereas, the United States remains in control of the Internet through the Department of Commerce and the National Telecommunications and Information Association; and

Whereas, the United States has the ability to create appropriate policies and enforcement tools to effectively deal with these issues: Now, therefore, be it

Resolved, by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we strongly urge the United States Congress to take action to help stop children and employees from accessing Internet pornography and that legislation be enacted to facilitate a technology-based solution that allows parents and employers to subscribe to Internet access services that exclude adult content. Be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–333. A resolution adopted by the Senate of the State of New Jersey urging Congress to enact legislation concerning public disclosure of companies outsourcing jobs; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 24

Whereas, in recent years, a number of companies have replaced highly-skilled workers from New Jersey with lower-paid, foreign laborers, in a practice known as outsourcing; and

Whereas, these outsourcing trends coincide with the U.S. job market's longest slump since the 1930s; and

Whereas, many white-collar occupations, including technology and computer specialists, financial analysts, accountants, office support, and call-center employees are among the most vulnerable to outsourcing; and

Whereas, the preservation of jobs in New Jersey is of critical importance to the economic well-being of the State; and

Whereas, the economic dislocation caused by a company outsourcing jobs threatens the health, safety, and welfare of the people in this State; and

Whereas, Forrester Research, Inc. predicts that 3.3 million U.S. jobs will be sent offshore by 2015, accounting for 2 percent of the entire workforce and $136 billion in wages; and

Whereas, numerous citizens in the State of New Jersey are unaware that in many circumstances they are not conducting business with a U.S. company but are communicating with a third-party contractor in another country via telephone or Internet; and

Whereas, a public list disclosing companies which outsource or are planning to outsource, would help provide a public awareness to discourage outsourcing practices and enable local and state governments to prepare incentives for companies to retain essential U.S. jobs, now, therefore, be it

Resolved, by the Senate of the State of New Jersey:

1. The Congress of the United States is respectfully memorialized to enact legislation requiring annual publication of a list disclosing companies planning or currently in the practice of outsourcing U.S. jobs to other countries.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the presiding officers of the United States Senate and the House of Representatives, and to each member of Congress elected from the State of New Jersey.

S. RES. 24

This resolution memorializes Congress to enact legislation requiring annual publication of a list disclosing companies planning or currently in the practice of outsourcing U.S. jobs to other countries.

A large number of companies across the nation and in New Jersey have replaced highly skilled and educated workers with lower-paid, foreign laborers. This practice is referred to as ''outsourcing'' or ''offshoring.'' Outsourcing U.S. jobs is growing at an alarming rate. Forrester Research, Inc. predicts that 3.3 million U.S. jobs will be sent offshore by 2015. The federal government does not maintain a list of companies that currently, or plan to, outsource jobs to other countries. Enacting legislation requiring publication of such a list not only raises public awareness, but also allows state and local governments to prepare initiatives targeted to keep companies from outsourcing critical U.S. jobs.

POM–334. A resolution adopted by the Senate of the State of New Jersey urging the establishment of a funding program for local communities establishing ''quiet zones'' along certain light rail lines; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 13

Whereas, the Federal Railroad Administration (FRA) in the United States Department of Transportation published a final rule on April 27, 2005, which was subsequently amended on August 17, 2006, concerning the use of locomotive horns at highway-rail grade crossings; and

Whereas, the final amended rule requires that locomotive horns be sounded at every public highway-rail grade crossing, with certain exceptions, including those areas designated ''quiet zones''; and

Whereas, certain light rail lines which operate on railroad freight tracks, such as the River LINE in southern New Jersey, must comply with the stringent requirements of the FRA regarding the establishment of ''quiet zones'' by implementing supplementary safety measures, such as the installation of four-quadrant gates and lights at all public crossings, and conduct a diagnostic team review, which may involve the expenditure of hundreds of thousands of dollars by local communities for the safety equipment and engineering studies required to qualify for a ''quiet zone'' designation; and

Whereas, the cost of these measures must be undertaken by local communities, rather than the State, without any funds specifically provided for this purpose by the federal government; and

Whereas, it is in the public interest for the Government of the United States to establish a funding program to defray the costs incurred by local communities to establish ''quiet zones'' along these light rail lines: Now, therefore, be it

Resolved, by the Senate of the State of New Jersey:

1. This House respectfully requests the Government of the United States to establish a funding program to defray the safety equipment and engineering costs incurred by local communities to establish ''quiet zones'' along light rail lines operating on railroad freight tracks.

2. Duly authenticated copies of this resolution, signed by the President of the Senate and attested by the Secretary thereof, shall be transmitted to the Vice-President of the United States, the Speaker of the United States House of Representatives, every member of Congress elected from this State, the Secretary of Transportation of the United States and the Administrator of the Federal Railroad Administration in the United States Department of Transportation.

POM–335. A concurrent resolution adopted by the Senate of the State of Mississippi urging Congress to support passage of the Secure Rural Schools and Community Self-Determination Act; to the Committee on Energy and Natural Resources.

SENATE CONCURRENT RESOLUTION 556

Whereas, in December 2000, the Secure Rural Schools and Community Self-Determination Act, a Federal act, was signed into law; and

Whereas, the Secure Rural Schools and Community Self-Determination Act provides federal funds to counties and school districts with national forest lands located within the county boundaries; and

Whereas, 33 counties have substantial tracts of land in public ownership which can neither be developed nor taxed to generate revenue from economic activity or taxation; and

Whereas, these counties have United States National Forests within its boundaries and have received critical funds for roads and schools based on revenues generated from these forests; and

Whereas, the payments provided to these counties have been a consistent and necessary source of funding for the schools, teachers and students; and

Whereas, in December 2007, the United States Congress removed the reauthorization of the Secure Rural Schools and Community Self-Determination Act from the Energy Legislation to which it was attached. This legislation was subsequently passed and signed into law without reauthorization for the Secure Rural Schools and Community Self-Determination Act; and

Whereas, the funding provided through the Secure Rural Schools and Community Self-

Determination Act will significantly contribute to the local economy of these counties by providing the necessary funds for schools and roads, which is vital for sustained economic development; and

Whereas, these counties depend on the funding from the Secure Rural Schools and Community Self-Determination Act and unless the funding is secured through legislation as deemed appropriate by the Mississippi congressional delegation, these counties will lose critical funding that it has received for decades; now, therefore, be it

Resolved, by the Senate of the State of Mississippi, the House of Representatives concurring therein, That we, the members of the Legislature of the State of Mississippi, respectfully request that the United States Congress pass the Secure Rural Schools and Community Self-Determination Act so that these Mississippi counties may continue to adequately maintain the roads and schools and sustain economic development in the state; and be it further

Resolved, That the Secretary of the Senate is directed to transmit copies of this resolution to President George W. Bush, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, the Governor of the State of Mississippi, each member of the Mississippi congressional delegation, and that copies be made available to members of the Capitol Press Corps.

POM–336. A resolution adopted by the California State Lands Commission urging the federal government to adopt policies that address climate change; to the Committee on Environment and Public Works.

RESOLUTION

Whereas, California's 1,100 mile coastline, with its beautiful beaches, wild cliffs, abundant fish stocks and fragile environment is a national treasure and a valuable state resource, which is at the heart of a tourist industry that generates nearly five billion dollars in state and local taxes each year; and is central to the state's forty-six billion dollar ocean economy; and

Whereas, the California State Lands Commission has jurisdiction over the state-owned tide and submerged lands from the shoreline out three nautical miles into the Pacific Ocean, as well as the lands underlying California's bays, lakes, and rivers; and

Whereas, the Commission is charged with managing these lands pursuant to the Public Trust Doctrine, a common law precept that requires these lands be protected for public use and needs involving commerce by means of navigation, fisheries, water related recreation and environmental protection; and

Whereas, the impacts of climate change will profoundly affect the public trust values of the lands under the Commission's jurisdiction and the utility of these lands to the public and the environment; and

Whereas, climate change is expected to cause oceans to rise by 18 to 59 centimeters by the end of this century according to a 2007 report by the United Nations Intergovernmental Panel on Climate Change (some other estimates are higher); and

Whereas, over the course of the 21st century, temperatures are projected to increase by 3 to 10 degrees Fahrenheit, causing ocean temperature to increase, which could cause more intense storms to hit California; and

Whereas, these climate change effects would dramatically alter the environment of the California ocean and coast, reducing beaches and wetlands and damaging important infrastructure, including the ports that contribute to California's role in the global economy; and

Whereas, of the world's annual human generated emissions of greenhouse gases, which are the cause of climate change, California emits 1.4%, and the United States emits almost 25%; and

Whereas, California has taken the lead nationally on the issue of climate change and passed AB 32 in 2006, which requires the California Air Resources Board to adopt regulations by 2011 to reduce greenhouse gas emissions in California to 1990 levels by 2020;

Whereas, while California has adopted the most innovative and proactive program in the United States for fighting climate change, the federal government has refused to take similar actions to control greenhouse gas emissions and has refused to ratify the Kyoto Treaty, a worldwide agreement to begin to reduce these harmful emissions; and

Whereas, on December 21, 2005, California displayed its leadership on the issue of climate change when the California Air Resources Board sent a request to the U.S. Environmental Protection Agency (U.S. EPA) for a waiver under the Clean Air Act that would allow California to adopt stricter vehicle greenhouse gas regulations on new vehicles than the regulations imposed by the federal government; and

Whereas, the Clean Air Act specifically allows California to request a waiver from the national emission standard for new motor vehicle engines and impose stricter emission standards than the federal government; and

Whereas, Congress granted California the ability to impose stricter emission standards under the Clean Air Act because it recognized the State's unique problems and pioneering efforts with regard to air emissions; and

Whereas, for the past 30 years the U.S. EPA has granted California more than 40 such waivers, while previously denying none; and

Whereas, on February 29, 2008, the U.S. EPA, for the first time in the history of the Clean Air Act, denied California's December 21, 2005 request to impose stricter emission standard for new motor vehicle engines than those imposed by the federal government; and

Whereas, the U.S. EPA denied California's request for waiver even though it recognized that ''global climate change is a serious challenge'' and that ''the conditions related to global climate change in California are substantial;'' and therefore be it

Resolved by the California State Lands Commission, That it encourages the U.S. EPA to reconsider and reverse its February 29, 2008 decision that denied California its request for a waiver under the Clean Air Act and precluded the State from imposing strict vehicle greenhouse gas regulations on new vehicles; and

Resolved, That the California State Lands Commission strongly supports federal policy making that follows the leadership of California in reducing greenhouse gas emissions to combat the causes of climate change; and be it further

Resolved, That the Commission's Executive Officer transmit copies of this resolution to the Administrator of the U.S. EPA, to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, and to each Senator and Representative from California in the Congress of the United States.

POM–337. A resolution adopted by the Legislature of the State of Louisiana urging Congress to take the actions necessary to provide the state of Louisiana with one-hundred-year flood protection; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 39

Whereas, in the aftermath of the flooding and devastation caused by Hurricane Betsy in 1965, the Congress promised the citizens of southeast Louisiana Category 3 Hurricane Protection, for which the local citizenry contributed significant cost-share funding; and

Whereas, the United States Army Corps of Engineers before Hurricane Katrina informed Louisiana that it was protected against a hurricane likely to come no more frequently than once in two hundred years; and

Whereas, improvements along the entire Mississippi River system, including its tributaries, and the construction of flood protection reservoirs in states more than one thousand miles from the Gulf Coast deprived the Mississippi River of enormous amounts of sediment needed to sustain coastal lands in Louisiana; and

Whereas, southeast Louisiana has played a major role in the shipping and oil and gas industries, benefitting the quality of life and economy of the nation as a whole; and

Whereas, the activities of these industries along Louisiana's coast and the construction of the Mississippi River Gulf Outlet, in conjunction with the engineering of the entire Mississippi River system that provided economic benefit and flood protection hundreds of miles upriver from Louisiana which deprived Louisiana of the natural load of sediment, has led directly to the disappearance of two thousand one hundred square miles of Louisiana's coastal lands; and

Whereas, these benefits to the rest of the nation have substantially reduced natural barriers to storm surge and thus enormously increased the vulnerability of Louisiana to hurricanes far beyond what it would otherwise be; and

Whereas, on August 29, 2005, Hurricane Katrina devastated southeast Louisiana by overtopping levees and breaching floodwalls, with high winds, torrential rains, and flooding causing catastrophic damage to public and private properties in southeast Louisiana, severely impacting the population, local economy, and tax base of these parishes, and reducing the funding capabilities of their respective levee districts; and

Whereas, true one-hundred-year protection for southeast Louisiana must be approached from a regional perspective with a contiguous system that eliminates all gaps; and

Whereas, in the aftermath of Hurricane Katrina, one-hundred-year protection for southeast Louisiana was reevaluated by the United States Army Corps of Engineers and approved by Congress; however, the current local cost-share requirement for this protection is estimated to be a minimum of one billion six hundred million dollars for southeast Louisiana, and without payment of this substantial sum, this much-needed protection will not be constructed or will be substantially delayed, jeopardizing the safety and property of the people of southeast Louisiana; and

Whereas, since much of southeast Louisiana is still rebuilding and attempting to bring in new development, intervention is required on the federal level to address local cost-share and other local responsibilities in order to construct this much-needed protection; and

Whereas, the secretary of the United States Army Corps of Engineers has the discretion to allow local cost share to be paid over a thirty-year period, and this discretion has been applied in situations not as exigent as Louisiana's situation. Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States and the Louisiana congressional delegation to take such actions as are necessary to appropriate one hundred percent federal share for one-hundred-year flood protection for southeast Louisiana. Be it further

Resolved, That in the event one hundred percent federal cost participation is not authorized, the Congress is hereby urged and requested to take the following actions:

(1) Authorize one-hundred-year flood protection for southeast Louisiana at no greater than historic share percentages.

(2) Authorize local cost-share participation to be paid over a thirty-year period.

(3) Authorize credit for past contributions.

(4) Authorize credit for operations and maintenance expenses paid by local government prior to completion of projects by the United States Army Corps of Engineers.

(5) Authorize credit to local levee districts at fair market value for borrow materials provided to the United States Army Corps of Engineers; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–338. A concurrent resolution adopted by the Legislature of the State of Louisiana urging Congress to appropriate sufficient funds to construct one-hundred-year flood protection for southeast Louisiana; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 22

Whereas, in the aftermath of the flooding and devastation caused by Hurricane Betsy in 1965, the Congress of the United States promised the citizens of southeast Louisiana that they would have Category 3 hurricane protection, for which the local citizenry contributed significant cost-share funding; and

Whereas, the United States Army Corps of Engineers before Hurricane Katrina informed Louisiana that it was protected against a hurricane likely to come no more frequently than once in two hundred years; and

Whereas, levee improvements along the entire Mississippi River system, including its tributaries, and the construction of flood protection reservoirs in states more than one thousand miles from the Gulf Coast deprived the Mississippi River of enormous amounts of sediment needed to sustain coastal lands in Louisiana; and

Whereas, southeast Louisiana has played a major role in the shipping and oil and gas industries which provide benefits to enhance the quality of life and the stability of the economy of the nation as a whole; and

Whereas, the activities of these industries along Louisiana's coast in addition to the construction of the Mississippi River Gulf Outlet, in conjunction with the engineering of the entire Mississippi River, have led directly to the disappearance of well over two thousand one hundred square miles of Louisiana's coastal lands; and

Whereas, the benefits that have been derived by the rest of the nation from Louisiana's working coast and waterways have, in turn, substantially reduced Louisiana's natural barriers to storm surge and thus enormously increased the state's vulnerability to the impacts from hurricanes far beyond what it would otherwise have been; and

Whereas, on August 29, 2005, Hurricane Katrina devastated southeast Louisiana with high winds, torrential rains, and flooding which caused the overtopping of levees and breaching of floodwalls, causing catastrophic damage to public and private properties throughout southeast Louisiana, severely impacting the population, the local economy, and the tax base of these parishes, reducing the level of revenue collected by their respective levee districts; and

Whereas, true one-hundred-year protection for southeast Louisiana must be approached from a regional perspective with a contiguous system that eliminates all gaps; and

Whereas, in the aftermath of Hurricane Katrina, one-hundred-year flood and hurricane protection for southeast Louisiana was reevaluated by the United States Army Corps of Engineers and approved by Congress; however, the current local cost-share requirement for this protection is estimated to be a minimum of one billion six hundred million dollars for just the projects in southeast Louisiana, and without payment of this substantial sum this much-needed protection will not be constructed or will be substantially delayed, jeopardizing the safety and property of the people of southeast Louisiana; and

Whereas, since much of southeast Louisiana is still rebuilding and attempting to bring in new development, intervention is required on the federal level to address local cost-share and other local responsibilities in order to construct this much-needed protection; and

Whereas, the secretary of the Army has the discretion to allow local cost-share to be paid over a thirty-year period, and this discretion has been applied in situations not as exigent as Louisiana's: Now, therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the Congress of the United States and Louisiana's congressional delegation to ensure the appropriation of a one hundred percent federal share for one-hundred-year flood protection for southeast Louisiana; and be it further

Resolved, That in the event one hundred percent federal cost participation is not authorized, the Congress of the United States is hereby requested and urged to take the following actions:

(1) Authorize one-hundred-year flood protection for southeast Louisiana at a historic share percentage.

(2) Authorize that local cost-share participation may be paid over a thirty-year period.

(3) Authorize match credit for past expenditures and construction.

(4) Authorize cost-share credit for operations and maintenance expenses paid by local government prior to completion of projects by the United States Army Corps of Engineers.

(5) Authorize cost-share credit to local levee districts at fair market value for borrowed materials provided to the Corps; and be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1760. A bill to amend the Public Health Service Act with respect to the Healthy Start Initiative.

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. SCHUMER (for himself, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. DURBIN, Mr. KERRY, and Mr. MENENDEZ):

S. 2928. A bill to ban bisphenol A in children's products; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 2929. A bill to temporarily extend the programs under the Higher Education Act of 1965; considered and passed.

By Mr. CASEY:

S. 2930. A bill to amend title 37, United States Code, to extend to members with dependents the second basic allowance for housing for members of the National Guard and Reserve and retired members without dependents who are mobilized in support of a contingency operation, and for other purposes; to the Committee on Armed Services.

By Ms. SNOWE (for herself, Ms. STABENOW, and Mr. JOHNSON):

S. 2931. A bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program; to the Committee on Finance.

By Mrs. MURRAY (for herself and Mr. BURR):

S. 2932. A bill to amend the Public Health Service Act to reauthorize the poison center national toll-free number, national media campaign, and grant program to provide assistance for poison prevention, sustain the funding of poison centers, and enhance the public health of people of the United States; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. CONRAD, and Mr. KOHL):

S. 2933. A bill to improve the employability of older Americans; to the Committee on Finance.

By Mr. MENENDEZ:

S. 2934. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide a plot allowance for spouses and children of certain veterans who are buried in State cemeteries; to the Committee on Veterans' Affairs.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. REED, and Mr. SCHUMER):

S. 2935. A bill to prevent the destruction of terrorist and criminal national instant criminal background check system records; to the Committee on the Judiciary.

By Mrs. DOLE:

S. 2936. A bill to amend title XXI of the Social Security Act to reauthorize the State Children's Health Insurance Program, to limit income eligibility expansions under that program until the lowest income eligible individuals are enrolled, and for other purposes; to the Committee on Finance.

By Mr. TESTER:

S. 2937. A bill to provide permanent treatment authority for participants in Department of Defense chemical and biological testing conducted by Deseret Test Center and an expanded study of the health impact of Project Shipboard Hazard and Defense, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. GRAHAM (for himself, Mr. BURR, Mr. MCCAIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. CORNYN, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. MARTINEZ, Mr. STEVENS, Mr. COCHRAN, Ms. COLLINS, Mr. BARRASSO, Mr. DOMENICI, Mrs. DOLE, Mr. WICKER, Mr. ISAKSON, and Mr. INHOFE):

S. 2938. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 539. A resolution to authorize testimony and legal representation in State of Maine v. Douglas Rawlings, Jonathan Kreps, James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick; considered and agreed to.

By Ms. MIKULSKI (for herself and Mr. CARDIN):

S. Res. 540. A resolution recognizing the historical significance of the sloop-of-war USS *Constellation* as a reminder of the participation of the United States in the transatlantic slave trade and of the efforts of the United States to end the slave trade; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. BROWN, Ms. KLOBUCHAR, and Mr. HAGEL):

S. Res. 541. A resolution supporting humanitarian assistance, protection of civilians, accountability for abuses in Somalia, and urging concrete progress in line with the Transitional Federal Charter of Somalia toward the establishment of a viable government of national unity; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. INHOFE, his name was withdrawn as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 45

At the request of Mr. ENSIGN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 45, a bill to amend title XVIII of the Social Security Act to make a technical correction in the definition of outpatient speech-language pathology services.

S. 211

At the request of Mrs. DOLE, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 579

At the request of Mr. REID, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 911

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) 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. 994

At the request of Mr. TESTER, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 994, a bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes.

S. 1075

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1075, a bill to amend title XIX of the Social Security Act to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes.

S. 1410

At the request of Mr. COLEMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids.

S. 1445

At the request of Mr. KENNEDY, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 1445, a bill to amend the Public Health Service Act to direct the Secretary of Health and Human Services to establish, promote, and support a comprehensive prevention, research, and medical management referral program for hepatitis C virus infection.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1743

At the request of Mr. HATCH, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 1743, a bill to amend the Internal Revenue Code of 1986 to repeal the dollar limitation on contributions to funeral trusts.

S. 1760

At the request of Mr. BROWN, the name of the Senator from Connecticut (Mr. DODD) 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. 1779

At the request of Mr. TESTER, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1779, a bill to establish a program for tribal colleges and universities within the Department of Health and Human Services and to amend the Native American Programs Act of 1974 to authorize the provision of grants and cooperative agreements to tribal colleges and universities, and for other purposes.

S. 1838

At the request of Mr. CORNYN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1838, a bill to provide for the health care needs of veterans in far South Texas.

S. 2002

At the request of Mr. HATCH, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2002, a bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2144

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. 2144, a bill to require the Secretary of Energy to conduct a study of feasibility relating to the construction and operation of pipelines and carbon dioxide sequestration facilities, and for other purposes.

S. 2161

At the request of Mr. ISAKSON, the names of the Senator from Tennessee (Mr. CORKER) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 2161, a bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of independent pharmacies and health plans and health insurance issuers (including health plans under parts C and D of the Medicare Program) in the same manner as such laws apply to protected activities under the National Labor Relations Act.

S. 2173

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms.

COLLINS) was added as a cosponsor of S. 2173, a bill to amend the Elementary and Secondary Education Act of 1965 to improve standards for physical education.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2369

At the request of Mr. BAUCUS, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 2369, a bill to amend title 35, United States Code, to provide that certain tax planning inventions are not patentable, and for other purposes.

S. 2465

At the request of Mr. KENNEDY, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 2465, a bill to amend title XIX of the Social Security Act to include all public clinics for the distribution of pediatric vaccines under the Medicaid program.

S. 2495

At the request of Mr. BIDEN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2495, a bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures.

S. 2498

At the request of Mr. DOMENICI, the names of the Senator from Kentucky (Mr. MCCONNELL), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs. HUTCHISON), the Senator from Idaho (Mr. CRAIG), the Senator from Alabama (Mr. SESSIONS), the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mrs. DOLE), the Senator from Texas (Mr. CORNYN), the Senator from Maine (Ms. SNOWE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Georgia (Mr. ISAKSON), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), the Senator from Colorado (Mr. ALLARD), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oregon (Mr. SMITH), the Senator from Wyoming (Mr. ENZI), the Senator from Missouri (Mr. BOND), the Senator from Mississippi (Mr. COCHRAN), the Senator from Nevada (Mr. ENSIGN), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Maine (Ms. COLLINS), the Senator from Minnesota (Mr. COLEMAN), the Senator from Virginia (Mr. WARNER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from South Dakota (Mr. THUNE), the Senator from Mississippi (Mr. WICKER), the Senator from North Carolina (Mr. BURR), the Senator from Indiana (Mr. LUGAR), the Senator from Ohio (Mr. VOINOVICH), the Senator from Oklahoma (Mr. INHOFE) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 2498, a bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010.

S. 2569

At the request of Mrs. BOXER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2569, a bill to amend the Public Health Service Act to authorize the Director of the National Cancer Institute to make grants for the discovery and validation of biomarkers for use in risk stratification for, and the early detection and screening of, ovarian cancer.

S. 2598

At the request of Mr. DORGAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2598, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve.

S. 2630

At the request of Mr. KENNEDY, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 2630, a bill to amend the Public Health Service Act to establish a Federal grant program to provide increased health care coverage to and access for uninsured and underinsured workers and families in the commercial fishing industry, and for other purposes.

S. 2686

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Vermont (Mr. SANDERS) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2686, a bill to ensure that all users of the transportation system, including pedestrians, bicyclists, and transit users as well as children, older individuals, and individuals with disabilities, are able to travel safely and conveniently on streets and highways.

S. 2689

At the request of Mr. SMITH, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2689, a bill to amend section 411h of title 37, United States Code, to provide travel and transportation allowances for family members of members of the uniformed services with serious inpatient psychiatric conditions.

S. 2758

At the request of Ms. MURKOWSKI, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2758, a bill to authorize the exploration, leasing, development, production, and economically feasible and prudent transportation of oil and gas in and from the Coastal Plain in Alaska.

S. 2760

At the request of Mr. LEAHY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2760, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the National Guard, enhancement of the functions of the National Guard Bureau, and improvement of Federal-State military coordination in domestic emergency response, and for other purposes.

S. 2766

At the request of Mr. NELSON of Florida, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2766, a bill to amend the Federal Water Pollution Control Act to address certain discharges incidental to the normal operation of a recreational vessel.

S. 2819

At the request of Mr. ROCKEFELLER, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Wisconsin (Mr. KOHL) and the Senator from Connecticut (Mr. LIEBERMAN) 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. 2874

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor 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. 2883

At the request of Mr. ROCKEFELLER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2883, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Mother's Day.

S. 2912

At the request of Mr. LAUTENBERG, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Washington (Mrs. MURRAY) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 2912, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 2917

At the request of Mr. CORNYN, the name of the Senator from Arizona (Mr.

KYL) was added as a cosponsor of S. 2917, a bill to strengthen sanctions against the Government of Syria, to enhance multilateral commitment to address the Government of Syria's threatening policies, to establish a program to support a transition to a democratically-elected government in Syria, and for other purposes.

S. 2927

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 2927, a bill to increase the supply and lower the cost of petroleum by temporarily suspending the acquisition of petroleum for the Strategic Petroleum Reserve and to amend the Energy Policy and Conservation Act to include additional acquisition requirements for the Reserve.

S. RES. 537

At the request of Mr. LEAHY, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. Res. 537, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself, Ms. STABENOW, and Mr. JOHNSON):

S. 2931. A bill to amend title XVIII of the Social Security Act to exempt complex rehabilitation products and assistive technology products from the Medicare competitive acquisition program; to the Committee on Finance.

Ms. SNOWE. Mr. President, I rise to introduce the Medicare Access to Complex Rehabilitation and Assistive Technology Act of 2008. I am pleased to be joined by my colleague from Michigan, Senator STABENOW. Today, we unite to ensure access to medical equipment for severely disabled Medicare beneficiaries who seek to lead independent and productive lives.

In the 2003 Medicare Modernization Act, MMA, Congress directed the Centers for Medicare and Medicaid Services to proceed with a durable medical equipment competitive bidding demonstration project. The purpose of this demonstration was to determine whether competitive bidding can be used to provide quality medical equipment at prices below current Medicare Part B reimbursement rates. The bidding will result in a new fee schedule for some selected DME services, replacing Medicare's current fee schedule. In other words, competitive bidding will change how Medicare covers medical equipment and also determine which suppliers may participate in providing such equipment to beneficiaries.

It is critical to note that the Medicare competitive bidding program was designed to produce cost savings—both for Medicare and for beneficiaries in the form of lower copayments for medical equipment. The competitive process of submitting bids to supply particular services and products would reduce the price Medicare currently reimburses for these items.

Although competitive bidding may reduce the cost of some health services, this system will likely prove unworkable in certain circumstances. For example, many rural areas across the country may not have the health care infrastructure to support a competitive acquisition program. Small suppliers who service individuals residing in areas of low population density may be outbid by larger, distant providers, leading to limited access to medical equipment for Medicare beneficiaries living in these locations.

Another unique circumstance for which competitive bidding is inappropriate regards complex rehabilitation and assistive technology for individuals with significant and distinctive needs. Under the competitive acquisition program, thousands of individuals who require customized medical equipment may be forced to use ill-fitting products that will inevitably increase discomfort, further limit functional ability, and may even cause loss of function for these individuals who seek independence and mobility in their lives.

Let me give an example of how the competitive bidding program will hamper the ability of Medicare beneficiaries to access necessary rehabilitative and assistive technology. If a Medicare beneficiary has been diagnosed with muscular dystrophy and uses a power wheelchair due to the loss of muscle tone in the body, a wheelchair that is tailored to the individual is imperative for several reasons. Power wheelchairs that are not adapted to the particular needs of the individual lead to more than mere discomfort, but also can further worsening health. For instance, individuals with muscular dystrophy may have wheelchairs that allow them to change positioning in order to breathe more comfortably. In addition, these wheelchairs may also be adapted to accommodate other necessary medical equipment, such as breathing ventilators. Yet with Medicare competitive bidding, the process will likely yield more uniform wheelchairs, leaving severely impaired beneficiaries with limited options to meet their needs.

Our bill will remove complex rehabilitation and assistive technology products from the Medicare competitive bidding program. In a program intended to reduce costs through competition among suppliers providing medical products, it is simply untenable to include such sophisticated and personalized equipment. We all agree that we must address Medicare spending, but restricting access to necessary products for the beneficiaries that most require them is not the way to approach this issue—and may in fact increase costs.

I urge my colleagues to join with Senator STABENOW and myself in supporting the Medicare Access to Complex Rehabilitation and Assistive Technology Act of 2008 to support Medicare beneficiaries in receiving the specialized medical equipment they so critically need.

Ms. STABENOW. Mr. President, I am pleased to join my colleague, Senator OLYMPIA SNOWE, in introducing the Medicare Access to Complex Rehabilitation and Assistive Technology Act. This legislation will ensure Medicare beneficiaries who need complex rehabilitation and assistive technology will continue to receive the highest level of service and support necessary to maintain their independence. I am also pleased to be joined by my good friend, Senator TIM JOHNSON, in this effort.

Competitive bidding, while well-intentioned, does not work well for items that must be customized for individuals with complex and specialized needs. Unlike some of the items being considered by CMS for competitive bidding, complex rehab technologies are not the sort of products that are easily interchangeable. For example, individuals with neuromuscular diseases—such as multiple sclerosis, ALS, cerebral palsy, or Parkinson's disease—or conditions such as spinal cord injuries may require specialized services because of the profound and sometimes progressive nature of these conditions. Patients' access to assistive technology products for their unique needs could be in jeopardy.

I am pleased that our legislation has the support of numerous patient advocacy organizations. As co-chair of the Senate Parkinson's Caucus, I have seen firsthand how assistive technology can make a difference in helping a loved one achieve independence over a disease or disability. The legislation we are introducing today will ensure that the wonders of medical technology will continue to be available to the Medicare beneficiaries who need them the most.

By Mr. SMITH (for himself, Mr. CONRAD, and Mr. KOHL):

S. 2933. A bill to improve the employability of older Americans; to the Committee on Finance.

Mr. SMITH. Mr. President, on behalf of Senators CONRAD and KOHL, I introduce the Incentives for Older Workers Act of 2008.

The United States is about to experience an unprecedented demographic shift with the aging of the baby boomer generation. According to the U.S. Census Bureau, in 1980, individuals age 50 and older represented 26 percent of the population. By 2050, this is expected to rise to 37 percent. In my home State of Oregon, residents age 65 and older are expected to comprise 25 percent of the State population by 2025. This will make Oregon the fourth oldest State in the country.

The aging of our population will have a significant impact on many aspects

of our society, including our labor market. A 2007 Conference Board study reports that current retirement trends could create a U.S. labor shortage of 4.8 million workers in 10 years. According to Dr. Preston Pulliams of Portland Community College, 53 percent of Oregon businesses report that it is extremely or very likely that their organization will face a shortage of qualified workers during the next 5 years as a result of the retirement of baby boomers.

The Incentives for Older Workers Act will help mitigate the effects of our aging workforce by providing incentives to older Americans to stay in the workforce longer, encouraging employers to recruit and retain older workers, and eliminating barriers to working longer. For example, the current Work Opportunity Tax Credit allows employers credits against wages for hiring individuals from one or more of nine targeted groups, such as recipients of public assistance and high risk youth. Our bill would extend that credit for employers that hire older workers.

In addition, Social Security benefits are increased if retirement is delayed beyond full retirement age. Increases based on delaying retirement no longer apply when people reach age 70, even if they continue to delay taking benefits. Our bill would allow people to earn delayed retirement credits up until age 72, instead of age 70.

To collect, organize and disseminate information on older worker issues, the bill also would create a National Resource Center on Aging and the Workforce within the U.S. Department of Labor. This center would act as a national information clearinghouse on workforce issues, challenges and solutions for older workers.

The bipartisan Incentives for Older Workers Act will provide seniors with the flexibility and opportunity to continue working in retirement if they choose to. I look forward to working with my colleagues to enact these important reforms. 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. 2933

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 ''Incentives for Older Workers Act''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Prohibition of benefit reduction due to phased retirement.
Sec. 3. Allowance of delayed retirement social security credits until age 72.
Sec. 4. Reduction in social security benefit offset resulting from certain earnings.
Sec. 5. National Resource Center on Aging and the Workforce.
Sec. 6. Civil service retirement system computation for part-time service.
Sec. 7. Workforce investment activities for older workers.
Sec. 8. Eligibility of older workers for the work opportunity credit.
Sec. 9. Normal retirement age.

SEC. 2. PROHIBITION OF BENEFIT REDUCTION DUE TO PHASED RETIREMENT.

(a) PROHIBITION OF BENEFIT REDUCTION DUE TO PHASED RETIREMENT.—

(1) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204(b)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054(b)(1)) is amended by adding at the end the following:

''(I)(i) Notwithstanding the preceding subparagraphs, in the case of a participant who——

''(I) begins a period of phased retirement, and

''(II) was employed on a substantially full-time basis during the 12-month period preceding the period of phased retirement,

a defined benefit plan shall be treated as meeting the requirements of this paragraph with respect to the participant only if the participant's compensation or average compensation taken into account under the plan with respect to the years of service before the period of phased retirement is not, for purposes of determining the accrued benefit for such years of service, reduced due to such phased retirement

''(ii) For purposes of this subparagraph, a period of phased retirement is a period during which an employee is employed on substantially less than a full-time basis or with substantially reduced responsibilities, but only if the period begins after the participant reaches age 50 or has completed 30 years of service creditable under the plan.''.

(2) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 411(b)(1) of the Internal Revenue Code of 1986 (relating to accrued benefits) is amended by adding at the end the following:

''(I) ACCRUED BENEFIT MAY NOT DECREASE ON ACCOUNT OF PHASED RETIREMENT.—

''(i) IN GENERAL.—Notwithstanding the preceding subparagraphs, in the case of a participant who—

''(I) begins a period of phased retirement, and

''(II) was employed on a substantially full-time basis during the 12-month period preceding the period of phased retirement,

a defined benefit plan shall be treated as meeting the requirements of this paragraph with respect to the participant only if the participant's compensation or average compensation taken into account under the plan with respect to the years of service before the period of phased retirement is not, for purposes of determining the accrued benefit for such years of service, reduced due to such phased retirement.

''(ii) PERIOD OF PHASED RETIREMENT.—For purposes of this subparagraph, a period of phased retirement is a period during which an employee is employed on substantially less than a full-time basis or with substantially reduced responsibilities, but only if the period begins after the participant reaches age 50 or has completed 30 years of service creditable under the plan.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits payable after the date of enactment of this Act.

SEC. 3. ALLOWANCE OF DELAYED RETIREMENT SOCIAL SECURITY CREDITS UNTIL AGE 72.

(a) IN GENERAL.—Paragraphs (2) and (3) of section 202(w) of the Social Security Act (42 U.S.C. 402(w)) are each amended by striking ''age 70'' and inserting ''age 72''.

(b) EFFECTIVE DATES.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 4. REDUCTION IN SOCIAL SECURITY BENEFIT OFFSET RESULTING FROM CERTAIN EARNINGS.

(a) IN GENERAL.—Section 203(f)(3) of the Social Security Act (42 U.S.C. 403(f)(3)) is amended by striking ''in the case of any individual'' and all that follows through ''in the case of any other individual''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 5. NATIONAL RESOURCE CENTER ON AGING AND THE WORKFORCE.

(a) ESTABLISHMENT.—The Secretary of Labor shall award a grant for the establishment and operation of a National Resource Center on Aging and the Workforce to address issues on age and the workforce and to collect, organize, and disseminate information on older workers.

(b) ACTIVITIES.—The Center established under subsection (a) shall—

(1) serve as a national information clearinghouse on workforce issues, challenges, and solutions planning for older workers that would serve employers, local communities, and State and local government organizations, as well as other public and private agencies, including providing for the cataloging, organization, and summarizing of existing research, resources, and scholarship relating to older workforce issues;

(2) identify best or most-promising practices across the United States that have enjoyed success in productively engaging older Americans in the workforce;

(3) create toolkits for employers, trade associations, labor organizations, and nonprofit employers that would feature a series of issue papers outlining specific tasks and activities for engaging older individuals in select industries;

(4) distribute information to government planners and policymakers, employers, organizations representing and serving older adults, and other appropriate entities through the establishment of an interactive Internet website, the publications of articles in periodicals, pamphlets, brochures, and reports, as well as through national and international conferences and events; and

(5) provide targeted and ongoing technical assistance to select units of government, private corporations, and nonprofit organizations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be available in each fiscal year to carry out this section.

SEC. 6. CIVIL SERVICE RETIREMENT SYSTEM COMPUTATION FOR PART-TIME SERVICE.

Section 8339(p) of title 5, United States Code, is amended by adding at the end the following:

''(3)(A) In the administration of paragraph (1)—

''(i) subparagraph (A) of such paragraph shall apply to any service performed before, on, or after April 7, 1986;

''(ii) subparagraph (B) of such paragraph shall apply to all service performed on a part-time or full-time basis on or after April 7, 1986; and

''(iii) any service performed on a part-time basis before April 7, 1986, shall be credited as service performed on a full-time basis.

''(B) This paragraph shall be effective with respect to any annuity entitlement to which is based on a separation from service occurring on or after the date of the enactment of this paragraph.''.

SEC. 7. WORKFORCE INVESTMENT ACTIVITIES FOR OLDER WORKERS.

(a) STATE BOARDS.—Section 111(b)(1)(C) of the Workforce Investment Act of 1998 (29 U.S.C. 2821(b)(1)(C)) is amended—

(1) in clause (vi), by striking ''and'' at the end;

(2) by redesignating clause (vii) as clause (viii); and

(3) by inserting after clause (vi) the following:

''(vii) representatives of older individuals, who shall be representatives from the State agency (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) in the State or recipients of grants under title V of such Act (42 U.S.C. 3056 et seq.) in the State; and''.

(b) LOCAL BOARDS.—Section 117(b)(2)(A) of such Act (29 U.S.C. 2832(b)(2)(A)) is amended—

(1) in clause (v), by striking ''and'' at the end; and

(2) by adding at the end the following:

''(vii) representatives of older individuals, who shall be representatives from an area agency on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)) in the local area or recipients of grants under title V of such Act (42 U.S.C. 3056 et seq.) in the local area; and''.

(c) RESERVATION OF FUNDS FOR OLDER INDIVIDUALS.—Section 134 of such Act (29 U.S.C. 2864) is amended by adding at the end the following:

''(f) RESERVATION FOR OLDER INDIVIDUALS FROM FUNDS ALLOCATED FOR ADULTS.—

''(1) DEFINITION.—In this subsection, the term 'allocated funds' means the funds allocated to a local area under paragraph (2)(A) or (3) of section 133(b).

''(2) RESERVATION.—The local area shall ensure that 5 percent of the allocated funds that are used to provide services under subsection (d) or (e) are reserved for services for older individuals.''.

SEC. 8. ELIGIBILITY OF OLDER WORKERS FOR THE WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Section 51(d)(1) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended—

(1) by striking ''or'' at the end of subparagraph (H),

(2) by striking the period at the end of subparagraph (I) and inserting '', or'', and

(3) by adding at the end the following new subparagraph:

''(J) a qualified older worker.''.

(b) QUALIFIED OLDER WORKER.—Section 51(d) of the Internal Revenue Code of 1986 is amended—

(1) by redesignating paragraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively, and

(2) by inserting after paragraph (10) the following new paragraph:

''(11) QUALIFIED OLDER WORKER.—The term 'qualified older worker' means any individual who is certified by the designated local agency as being an individual who is age 55 or older and whose income is not more than 125 percent of the poverty line (as defined by the Office of Management and Budget), excluding any income that is unemployment compensation, a benefit received under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.), a payment made to or on behalf of veterans or former members of the Armed Forces under the laws administered by the Secretary of Veterans Affairs, or 25 percent of a benefit received under title II of the Social Security Act (42 U.S.C. 401 et seq.).''.

(c) EFFECTIVE DATE.—The amendments made this section shall apply to amounts paid or incurred after the date of the enactment of this Act to individuals who begin work for the employer after such date.

SEC. 9. NORMAL RETIREMENT AGE.

(a) AMENDMENT TO INTERNAL REVENUE CODE OF 1986.—Section 411of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

''(f) SPECIAL RULE FOR DETERMINING NORMAL RETIREMENT AGE FOR CERTAIN EXISTING DEFINED BENEFIT PLANS.—

''(1) IN GENERAL.—For purposes of subsection (a)(8)(A), an applicable plan shall not be treated as failing to meet any requirement of this subchapter, or as failing to have a uniform normal retirement age for purposes of this subchapter, solely because the plan has adopted the normal retirement age described in paragraph (2).

''(2) APPLICABLE PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'applicable plan' means a defined benefit plan that, on the date of the introduction of the Incentives for Older Workers Act, has adopted a normal retirement age which is the earlier of—

''(i) an age otherwise permitted under subsection (a)(8)(A), or

''(ii) the age at which a participant completes the number of years (not less than 30 years) of benefit accrual service specified by the plan.

A plan shall not fail to be treated as an applicable plan solely because, as of such date, the normal retirement age described in the preceding sentence only applied to certain participants or to certain employers participating in the plan.

''(B) EXPANDED APPLICATION.—If, after the date described in subparagraph (A), an applicable plan expands the application of the normal retirement age described in subparagraph (A) to additional participants or participating employers, such plan shall also be treated as an applicable plan with respect to such participants or participating employers.''.

(b) AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 204 of the Employee Retirement Income Security Act of 1974 is amended by redesignating subsection (k) as subsection (l) and by inserting after subsection (j) the following new subsection:

''(k) SPECIAL RULE FOR DETERMINING NORMAL RETIREMENT AGE FOR CERTAIN EXISTING DEFINED BENEFIT PLANS.—

''(1) IN GENERAL.—For purposes of section 3(24), an applicable plan shall not be treated as failing to meet any requirement of this title, or as failing to have a uniform normal retirement age for purposes of this title, solely because the plan has adopted the normal retirement age described in paragraph (2).

''(2) APPLICABLE PLAN.—For purposes of this subsection—

''(A) IN GENERAL.—The term 'applicable plan' means a defined benefit plan that, on the date of the introduction of the Incentives for Older Workers Act, has adopted a normal retirement age which is the earlier of—

''(i) an age otherwise permitted under section 2(24), or

''(ii) the age at which a participant completes the number of years (not less than 30 years) of benefit accrual service specified by the plan.

A plan shall not fail to be treated as an applicable plan solely because, as of such date, the normal retirement age described in the preceding sentence only applied to certain participants or to certain employers participating in the plan.

''(B) EXPANDED APPLICATION.—If, after the date described in subparagraph (A), an applicable plan expands the application of the normal retirement age described in subparagraph (A) to additional participants or participating employers, such plan shall also be treated as an applicable plan with respect to such participants or participating employers.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to years beginning before, on, or after the date of the enactment of this Act.

By Mr. LAUTENBERG (for himself, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. LEVIN, Mr. LIEBERMAN, Mr. WHITEHOUSE, Mr. REED, and Mr. SCHUMER):

S. 2935. A bill to prevent the destruction of terrorist and criminal national instant criminal background check system records; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce the Preserving Records of Terrorist and Criminal Transactions, or PROTECT Act of 2008. I am proud to be joined by cosponsors Senators FEINSTEIN, LEVIN, LIEBERMAN, MENENDEZ, REED, SCHUMER, and WHITEHOUSE.

In 1994, we passed the Brady Law, which requires criminal background checks for all guns sold by licensed firearm dealers. In the 14 years since it was enacted, the Brady law has prevented more than 1.5 million felons and other dangerous individuals from buying guns. I am proud to say that more than 150,000 of those denials have been to convicted domestic abusers because of a law I wrote in 1996.

Every time a Brady background check is conducted, the FBI's National Instant Criminal Background Check System—or NICS—creates an audit log. The audit log includes information about the purchaser, the weapon, and the seller.

The information could be extremely valuable to the FBI. The agency could use it to help determine whether gun dealers are complying with the background check requirements, to help law enforcement fight crime by figuring out whether a criminal has been able to buy a gun, or even to help prevent terrorist attacks.

Yet, despite this information's value in fighting crime and terrorism, the FBI destroys the background check data.

In most cases, the audit log is destroyed within 24 hours after the sale is allowed to go through. That's because every year since 2004, a rider has been attached to appropriations bills mandating that the FBI destroy the background check record within 24 hours of allowing the gun sale to proceed. That means that the purchaser's name, social security number, and all other personally identifying information are purged from the system within 24 hours.

Once this information is destroyed, the FBI can no longer run searches using a person's name. So if a local law enforcement agency were to call the FBI to see if a criminal on the loose had purchased any guns recently, the FBI would not be able to search its database using the suspect's name if the gun was purchased two months, two weeks, or even two days earlier.

This destruction requirement hinders the FBI's ability to help the Bureau of Alcohol, Tobacco, Firearms, and Explosives verify that gun dealers are conducting background checks properly.

Before the destruction requirement, ATF could compare the NICS records to the paper records that gun dealers are required to keep on file to determine whether the dealers were submitting all the required information.

The destruction requirement also prevents the FBI from determining whether a felon, fugitive, or other person who is prohibited from having a gun was able to purchase one in violation of the law, and to retrieve guns from people who are prohibited from having them. The FBI has only three days to conduct background checks, and sometimes receives information after already approving a sale that the purchaser was legally prohibited from having a firearm. But without the background check information at hand, the FBI has no way of retrieving guns from these dangerous people who never should have been allowed to purchase them in the first place.

Prior to the 24–hour destruction requirement, the Government Accountability Office found that over a 6-month period the FBI used retained Brady background check records to initiate 235 actions to retrieve illegally possessed guns. According to GAO, 228—97 percent—of those retrieval actions would not have been possible under a 24-hour destruction policy. Those are hundreds of guns in the hands of felons, fugitives and other dangerous people. We have the power to stop them, and we should use it.

Up until now, I have been talking about dangerous people who are prohibited from having guns under current federal law, such as felons, fugitives, and convicted domestic abusers. But there is one category of very dangerous people who are allowed to purchase firearms under current federal law-known and suspected terrorists. It is hard to believe, but nothing in our federal gun laws prevents known and suspected terrorists from purchasing guns.

And we know that terrorists exploit this Terror Gap in our gun laws. In a 2005 report that Senator Biden and I requested, GAO found that during a four-month period in 2004, a total of 44 firearm purchase attempts were made by known or suspected terrorists. In 35 of those cases, the FBI authorized the transactions to proceed because FBI field agents were unable to find any disqualifying information within the federally prescribed three-day background check period. I have introduced another bill—the Denying Firearms and Explosives to Dangerous Terrorists Act S. 1237—to close this Terror Gap, and I urge my colleagues to support that bill as well.

Not only do our current laws allow terrorists to buy guns, but the FBI also destroys the background check records from terrorist gun purchases within 90 days. That means that a joint terrorism task force conducting a terror investigation over the course of months or even years cannot call the FBI to find out if the target of the investigation—someone who is on the terror watch list—purchased firearms last year.

The PROTECT Act would address both of these record retention problems by preserving records that are critical to effective background checks, law enforcement, and terrorism prevention. Specifically, it would:

(1) require the FBI to retain for 10 years all background check records involving a valid match to a terror watch list; and

(2) require the FBI to retain for at least 180 days all other background check records.

This is a common-sense public safety measure. At a time when 32 people are murdered as a result of gun violence every day in the United States and we are fighting against terrorism, the last thing we should be doing is prematurely destroying a valuable anti-crime and anti-terrorism tool that we have at our fingertips.

At a Commerce, Justice, Science and Related Agencies Appropriations Subcommittee hearing last year, I asked FBI Director Robert Mueller if he thought that background check records should be retained for more than 24 hours. He replied, ''[T]here is a substantial argument in my mind for retaining records for a substantial period of time.'' That's what this bill would do, and I hope my Senate colleagues will join me in passing it swiftly.

By Mr. GRAHAM (for himself, Mr. BURR, Mr. MCCAIN, Mr. CHAMBLISS, Mr. LIEBERMAN, Mr. CORNYN, Mr. ALEXANDER, Mrs. HUTCHISON, Mr. MARTINEZ, Mr. STEVENS, Mr. COCHRAN, Ms. COLLINS, Mr. BARRASSO, Mr. DOMENICI, Mrs. DOLE, Mr. WICKER, Mr. ISAKSON, and Mr. INHOFE):

S. 2938. A bill to amend titles 10 and 38, United States Code, to improve educational assistance for members of the Armed Forces and veterans in order to enhance recruitment and retention for the Armed Forces, and for other purposes; to the Committee on Veterans' Affairs.

Mr. MCCAIN. Mr. President, I am very pleased to join today with Senator LINDSEY GRAHAM, the Ranking Member of the Personnel Subcommittee of the Senate Armed Services Committee, and Senator RICHARD BURR, the Ranking Member of the Senate Veterans Committee, in introducing the Enhancement of Recruitment, Retention, and Readjustment Through Education Act. This legislation, which is designed to greatly enhance veterans' education benefits, is also cosponsored by Senators CHAMBLISS, LIEBERMAN, CORNYN, ALEXANDER, HUTCHISON, MARTINEZ, STEVENS, COCHRAN, COLLINS, BARRASSO, DOMENICI, DOLE, WICKER, and ISAKSON.

Mr. President, America has an obligation to provide unwavering support to America's veterans, servicemembers, and retirees. Men and women who have served their country deserve the best education benefits we are able to give them, and they deserve to receive them as quickly as possible. And that is what our legislation is designed to accomplish.

The Enhancement of Recruitment, Retention, and Readjustment Through Education Act would increase education benefits for servicemembers, veterans, and members of the Guard and Reserve. It would help facilitate successful recruitment efforts and, importantly, encourage continued service in the military by granting a higher education payment for longer service. It also provides a transferability feature to allow the serviceman and woman to have the option of transferring education benefits to their children and spouses. In developing this legislation, the one theme we heard from almost every veterans' services organization is the need for such a transferability provision.

As my colleagues know, our proposal is not the only measure that has been offered to increase GI education benefits, and I want to commend the efforts of Senators WEBB, HAGEL, WARNER and others on their work to bring this important issue to the forefront in the Senate, by the introduction of S. 22. Each of us supports a revitalized GI program. While I don't think anyone disagrees with the overall intent of S. 22, I believe we can and should do more to promote recruitment and retention of servicemen and women and to ensure that veterans and their families receive the education benefits they deserve, and in a timely manner. But I remain very hopeful that we can all work together in a bipartisan manner to ensure that Congress enacts meaningful legislation that will be signed into law as soon as possible.

Unlike S. 22, our legislation builds on the existing Montgomery GI Bill educational benefits to ensure rapid implementation. Unlike S. 22, our bill focuses on the entire spectrum of military members who make up the All Volunteer Force, from the newest recruit to the career NCOs, officers, reservists and National Guardsmen, to veterans who have completed their service and retirees, as well as the families of all of these individuals.

The legislation would immediately increase education benefits for active duty personnel from $1100 to $1500 a month. To encourage careers in the military, the education benefits would increase to $2000 a month after 12 or more years of service. Further, it would allow a servicemember to transfer 50 percent of benefits to a spouse or child starting after 6 years of service, and after 12 years of service, 100 percent may be transferred to a spouse or dependent children. This is a key pro-retention provision. In addition, our bill would provide $500 annually for college books and supplies while our servicemembers are going to school.

The bill also would increase from $880 to $1200 per month the education benefits for Guard and Reserve members called to active duty since September

11, 2001. Further, it would gradually increase benefits to $1600 per month for those members of the Guard and Reserves who serve in the Selected Reserve for 12 years or more and who continue serving in the Selected Reserve.

Servicemembers who enlist after they have already received post-secondary education degrees should also be allowed to benefit under an improved GI Bill and be allowed to use their education benefits to repay Federal student loans. Under our bill, servicemembers could use up to $6,000 per year of Montgomery G.I. Bill education benefits to repay Federal student loans. And, it doubles from $317 to $634 the education benefits for other members of the Guard and Reserves.

Our bill also recognizes the sacrifice of all who have served in the Global War on Terror, including members of the Guard and Reserve who are serving on active duty and deploying at historic rates by doubling the educational assistance for members of the Selected Reserve and, again, making the educational benefits transferable to family members.

Finally, I do think it is important that the Administration's views on this important issue are taken into account. That is why earlier this month, Senator LEVIN and I wrote to the Department of Defense seeking views on proposals to modernize the GI Bill.

Again, it is my hope that the proponents of the pending veteran's education benefits measures can join together to ensure that Congress enacts meaningful legislation that the President will sign. Such legislation should address the entire spectrum of the All Volunteer Force. It must be easily understood and implemented and responsive to the needs not only of veterans, but also of those who are serving in the active duty forces, the Guard and Reserve, and their families. Their exemplary service to our nation, and the sacrifice of their families, deserves no less.

Mr. President, I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, April 29, 2008.

Hon. JOHN MCCAIN,
Ranking Member, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR SENATOR MCCAIN: you earlier asked for my views on S. 22. Since your request, two other bills have been introduced (H.R. 5684 and, in the Senate, the Enhancement of Recruitment, Retention, and Readjustment Through Education Act of 2008). I welcome the opportunity to outline the criteria the Department has established to evaluate specific proposals, with the ultimate objective of strengthening the All-Volunteer Force, as well as properly recognizing our veterans' service.

Our first objective is to strengthen the All-Volunteer force. Accordingly, it is essential to permit transferability of unused education benefits from service members to family. This is the highest priority set by the Service Chiefs and the Chairman of the Joint Chiefs of Staff, reflecting the strong interest from the field and fleet. Transferability supports military families, thereby enhancing retention. Second, any enhancement of the education benefit, whether used in service or after retirement, must serve to enhance recruiting and not undercut retention.

Third, significant benefit increases need to be focused on those willing to commit to longer periods of service—hence the Department's interest in at least six years of service to be eligible for transferability. Re-enlistments (and longer service) are critical to the success of the All-Volunteer Force. Fourth, the program should provide participants with benefits tailored to their unique situation, thereby broadening the population from which we retain and recruit. This includes those whose past educational achievements have resulted in education debt through student loans, and those seeking advanced degrees and who may have earned undergraduate degrees with Department of Defense support.

As you may well appreciate, a key issue is the determination of the benefit level for the basic GI bill program. The Department estimates that serious retention issues could arise if the benefit were expanded beyond the level sufficient to offset average monthly costs for a public four-year institution (tuition, room, board, and fees). These costs are presently estimated at about $1,500 according to the National Center for Education Statistics. This would still entail a substantial increase to the present benefit value of $1,100.

An important corollary to the GI Bill is the recognition that today, remaining in the military is entirely consistent with the attainment of education goals. Unlike the past, our nation now encourages the fulfillment of college aspirations while serving, thus dealing with readjustment through up front programs, rather than only after discharge. DoD invests about $700 million annually to offer funded, education tuition assistance for our servicemen and women while serving. More than 400,000 members of the armed forces took advantage of such tuition assistance last year.

In conclusion, for all these reasons, the Department does not support S. 22. This legislation does not meet, and, in some respects, is in direct variance to the Department's above-stated objectives and supporting criteria.

Thank you for the opportunity to comment. We look forward to working closely with the Congress to strengthen the All-Volunteer force through a balanced program of recruiting, retention and education benefits, and to recognize the service of our veterans.

Sincerely,

ROBERT M. GATES

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 539—TO AUTHORIZE TESTIMONY AND LEGAL REPRESENTATION IN STATE OF MAINE V. DOUGLAS RAWLINGS, JONATHAN KREPS, JAMES FREEMAN, HENRY BRAUN, ROBERT SHETTERLY, AND DUDLEY HENDRICK

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 539

Whereas, in the cases of State of Maine v. Douglas Rawlings (CR 09–2007–441), Jonathan Kreps (CR–2007–442), James Freeman (CR–2007–443), Henry Braun (CR–2007–444), Robert Shetterly (CR–2007–445), and Dudley Hendrick (CR–2007–467), pending in Penobscot County Court in Bangor, Maine, a defendant has subpoenaed testimony from Carol Woodcock, an employee in the office of Senator Susan Collins;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved That Carol Woodcock is authorized to testify in the cases of State of Maine v. Douglas Rawlings, Jonathan Kreps James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick, except concerning matters for which a privilege should he asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Carol Woodcock, and any other employee of the Senator from whom evidence may be sought, in the actions referenced in section one of this resolution.

SENATE RESOLUTION 540—RECOGNIZING THE HISTORICAL SIGNIFICANCE OF THE SLOOP-OF-WAR USS ''CONSTELLATION'' AS A REMINDER OF THE PARTICIPATION OF THE UNITED STATES IN THE TRANSATLANTIC SLAVE TRADE AND OF THE EFFORTS OF THE UNITED STATES TO END THE SLAVE TRADE

Ms. MIKULSKI (for herself and Mr. CARDIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 540

Whereas, on September 17, 1787, the Constitution of the United States was adopted, and article I, section 9 declared that Congress could prohibit the importation of slaves into the United States in the year 1808;

Whereas, in 1794, the United States Congress passed ''An Act to prohibit the carrying on the Slave Trade from the United States to any foreign place or country'', approved March 22, 1794 (1 Stat. 347), thus beginning the efforts of the United States to halt the slave trade;

Whereas, on May 10, 1800, Congress enacted a law that outlawed all participation by people in the United States in the international trafficking of slaves and authorized the United States Navy to seize vessels flying the flag of the United States engaged in the slave trade;

Whereas, on March 2, 1807, President Thomas Jefferson signed into law ''An Act to prohibit the importation of slaves into any port or place within the jurisdiction of the United States, from and after the first of January, in the year of our Lord one thousand eight hundred and eight'' (2 Stat. 426);

Whereas, on January 1, 1808, the prohibition on the importation of slaves into the United States took effect;

Whereas, on March 3, 1819, Congress authorized the Navy to cruise the coast of Africa to suppress the slave trade, declaring that Africans on captured ships be placed under Federal jurisdiction and authorizing the President to appoint an agent in Africa to facilitate the return of captured Africans to the continent;

Whereas, in 1819, the Royal Navy of Great Britain established the West Coast of Africa as a separate naval station and actively plied the waters in pursuit of slave ships, and Great Britain negotiated with many other countries to obtain the right to search vessels suspected of engaging in the slave trade;

Whereas, on May 15, 1820, Congress declared the trading of slaves to be an act of piracy and that those convicted of trading slaves were subject to the death penalty;

Whereas the Webster-Ashburton Treaty between Great Britain and the United States, signed August 9, 1842, provided that both countries would maintain separate naval squadrons on the coast of Africa to enforce their respective laws against the slave trade;

Whereas, in 1843, the newly formed United States African Squadron sailed for Africa and remained in operation until the Civil War erupted in 1861;

Whereas, in 1859, the USS *Constellation*, the last all-sail vessel designed and built by the United States Navy, sailed to West Africa as the flagship of the United States African Squadron, which consisted of 8 ships, including 4 steam-powered vessels suitable for chasing down and capturing slave ships;

Whereas, on December 21, 1859, the USS *Constellation* captured the brig *Delicia* after a 10-hour chase, and although the *Delicia* had no human cargo on board upon capture, the crew had been preparing the ship to take on slaves;

Whereas, on the night of September 25, 1860, the USS *Constellation* spotted the barque *Cora* near the mouth of the Congo River and, after a dramatic moonlit chase, captured the slave ship with 705 Africans crammed into her permanent ''slave deck'';

Whereas after capturing the *Cora*, a detachment of the *Constellation*'s crew sailed the surviving Africans to Monrovia, Liberia, a colony founded for the settlement of free African Americans, which became the destination for all Africans freed on slave ships captured by the United States Navy;

Whereas, on May 21, 1861, the USS *Constellation* captured the brig *Triton*, and although the *Triton* did not have Africans captured for slavery on board when intercepted by the *Constellation*, a search confirmed that the ship had been prepared to take on slaves;

Whereas the *Triton*, registered in Charleston, South Carolina, was one of the first Union naval captures of the Civil War;

Whereas, from 1859 to 1861, the USS *Constellation* and the United States African Squadron captured 14 slave ships and liberated nearly 4,000 Africans destined for a life of servitude in the Americas, a record unsurpassed by the squadron under previous commanders; and

Whereas, on September 25, 2008, the USS *Constellation* Museum will hold a ceremony to commemorate the bicentennial of the abolition of the transatlantic slave trade aboard the same ship that, 148 years before, forced the capitulation of the slave ship *Cora* and freed the 705 Africans confined within: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the historical and educational significance of the USS *Constellation*, a 153-year-old warship berthed in Baltimore, Maryland, as a reminder of both the participation of the United States in the slave trade and the efforts of the United States Government to suppress the inhumane practice;

(2) applauds the preservation of the historic vessel and the efforts of the USS *Constellation* Museum to engage people from all over the world with this vital part of our history; and

(3) supports the USS *Constellation* as an appropriate site for the Nation to commemorate the bicentennial of the abolition of the transatlantic slave trade in 2008.

SENATE RESOLUTION 541—SUPPORTING HUMANITARIAN ASSISTANCE, PROTECTION OF CIVILIANS, ACCOUNTABILITY FOR ABUSES IN SOMALIA, AND URGING CONCRETE PROGRESS IN LINE WITH THE TRANSITIONAL FEDERAL CHARTER OF SOMALIA TOWARD THE ESTABLISHMENT OF A VIABLE GOVERNMENT OF NATIONAL UNITY

Mr. FEINGOLD (for himself, Mr. COLEMAN, Mr. BROWN, Ms. KLOBUCHAR, and Mr. HAGEL) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 541

Whereas, despite the formation of the internationally recognized Transitional Federal Government (TFG) in 2004, there has been little improvement in the governance or stability of southern and central Somalia, and stability in the northern region of Puntland has deteriorated;

Whereas governance failures in Somalia have permitted and contributed to escalating violence, egregious human rights abuses, and violations of international humanitarian law, which occur with impunity and have led to an independent system of roadblocks, checkpoints, and extortion that hinders trade, business, and the delivery of desperately needed humanitarian assistance;

Whereas the Government of Ethiopia intervened in Somalia in December 2006 against the Islamic Courts Union (ICU) and continues to serve as the primary security force for the TFG in Somalia;

Whereas a United Nations Monitoring Group on Somalia report presented to the United Nations Security Council on July 20, 2007, alleged that Eritreans have provided arms to insurgents in Somalia as part of a long-standing dispute between Ethiopia and Eritrea that includes a series of interlocking proxy wars in the Horn of Africa;

Whereas the United Nations estimates that, as of April 2008, 2,000,000 people in Somalia need humanitarian assistance or livelihood support for at least the next 6 months, including 745,000 people who have fled ongoing insecurity and sporadic violence in Mogadishu over the past 16 months, adding to more than 275,000 long-term internally displaced Somalis;

Whereas, despite Prime Minister Nur Hassan Hussein's public commitment to humanitarian operations, local and international aid agencies remain hindered by extortion, harassment, and administrative obstructions;

Whereas, in March 2008, United Nations Secretary-General Ban Ki-moon presented his report on Somalia based on recent strategic assessments and fact-finding missions, which offered recommendations for increasing United Nations engagement while decreasing the presence of foreign troops, including the establishment of a maritime task force to deter piracy and support the 1992 international arms embargo;

Whereas the United States Government has allocated nearly $50,000,000 to support the African Union Mission in Somalia (AMISOM) and continues to be the leading contributor of humanitarian assistance in Somalia, with approximately $140,000,000 provided in fiscal year 2007 and fiscal year 2008 to date, but still lacks a comprehensive strategy to build a sustainable peace;

Whereas, over the last 5 years, the Senate has repeatedly called upon the President through resolutions, amendments, bills, oversight letters, and hearings to develop and implement a comprehensive strategy to contribute to lasting peace and security throughout the Horn of Africa by helping to establish a legitimate, stable central government in Somalia capable of maintaining the rule of law and preventing Somalia from becoming a safe haven for terrorists;

Whereas a February 2008 Government Accountability Office (GAO) report entitled, ''Somalia: Several Challenges Limit U.S. and International Stabilization, Humanitarian, and Development Efforts'', found that United States and international ''efforts have been limited by lack of security, access to vulnerable populations, and effective government institutions'' as well as the fact that the ''U.S. strategy for Somalia, outlined in the Administration's 2007 report to Congress on its Comprehensive Regional Strategy on Somalia, is incomplete'';

Whereas the recent designation by the Department of State of Somali's al Shabaab militia as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189) and as a specially designated global terrorist under section 1(b) of Executive Order 13224 (September 23, 2001) highlights the growing need for a strategic, multifaceted, and coordinated approach to Somalia; and

Whereas it is in the interest of the United States, the people of Somalia, and the citizens and governments of neighboring and other interested countries to work towards a legitimate peace and a sustainable resolution to the crisis in Somalia that includes civilian protection and access to services, upholds the rule of law, and promotes accountability: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States remains committed to the people of Somalia and to helping build the institutions necessary for a stable nation free from civil war and violent extremism;

(2) the President, in partnership with the African Union, the United Nations, and the international community, should—

(A) provide sufficient humanitarian assistance to those most seriously affected by armed conflict, drought, and flooding throughout Somalia, and call on the Transitional Federal Government to actively facilitate the dispersal of such assistance;

(B) ensure accountability for all state, non-state, and external parties responsible for violations of human rights and international humanitarian law in Somalia, including through the deployment of United Nations human rights monitors and the establishment of a United Nations Commission of Inquiry to investigate abuses;

(C) call on all parties to recommit to an inclusive dialogue, with international support, in the interest of promoting sustainable peace and security in Somalia and across the Horn of Africa;

(D) urge the Government of Ethiopia, in coordination with the United Nations Political Office in Somalia, to develop a clear timeline for the responsible withdrawal of its

armed forces from Somalia, to honor its obligation under the Geneva Conventions to ensure protection of civilians under its control, and to observe the distinction between civilians and military combatants and their assets;

(E) urge the Government of Eritrea to play a productive role in helping to bring about stability to Somalia, including ceasing to provide any financial and material support, such as arms and ammunition, to insurgent groups in and around Mogadishu and throughout the region; and

(F) call on all countries in the region and wider international community to provide increased support for AMISOM and ensure a robust civilian protection mandate;

(3) to achieve sustainable peace in the region, the Transitional Federal Government, including the newly appointed Prime Minister and his Cabinet, should—

(A) take necessary steps to protect civilians from dangers related to military operations, investigate and prosecute human rights abuses, provide basic services to all the people of Somalia, and ensure that humanitarian organizations have full access to vulnerable populations;

(B) recommit to the Transitional Federal Charter;

(C) set a detailed timeline and demonstrate observable progress for completing the political transition laid out in the Transitional Federal Charter by 2009, including concrete and immediate steps toward scheduling elections as a means of establishing a democratically elected government that represents the people of Somalia; and

(D) agree to participate in an inclusive and transparent political process, with international support, towards the formation of a government of national unity based on the principles of democracy, accountability, and the rule of law.

Mr. FEINGOLD. Mr. President, one month ago I urged greater U.S. and international action to end the horrific violence plaguing Somalia and to press for a political solution that will lead to a sustainable peace in this war-torn country and stability for the volatile Horn of Africa region. Today, relentless violence in Somalia's capital, Mogadishu, is worsening the humanitarian and human rights crisis faced by hundreds of thousands of Somali civilians, while Islamist militias have gained substantial territorial control in south and central Somalia and Somali pirates are wreaking havoc off the country's coast. In the past few days, a range of actors from the UN's Under Secretary-General for Humanitarian Affairs to Human Rights Watch, and even Pope Benedict, have issued urgent appeals for an end to the lawless violence in Somalia.

Today, I am introducing a resolution that will add the U.S. Senate to the list of those calling for the protection of civilians and a recommitment to the ideals and implementation of the 2004 Transitional Federal Charter. The resolution I am introducing—along with Senators COLEMAN, BROWN, and KLOBUCHAR—acknowledges the good work the U.S. has done, including the allocation of nearly $50 million to support the African Union peacekeepers in Somalia. The U.S. continues to be the leading humanitarian contributor, with more than $140 million in humanitarian assistance since the Ethiopians went into Somalia in December 2006.

This most recent ''emergency'' response to the situation in Somalia has now gone on for sixteen months and yet conditions on the ground have deteriorated significantly, with some experts claiming Mogadishu is worse now than it has been since the civil war began in the early 1990s. It is clear our current policy towards Somalia is not working—and we can no longer rely on temporary measures to stitch the crisis together.

This new Senate resolution aims to refocus U.S. and international attention on the medium- and long-term priorities, namely, our commitment to helping Somalis build the institutions and conditions necessary for a stable nation free from civil war and violent extremism. The resolution reflects information gleaned from a hearing I held last month in the Senate Subcommittee on African Affairs, in which expert witnesses stressed the need for an inclusive regional political process that facilitates dialogue and accountability.

I will continue to demand a U.S. and international strategy to bring stability and security to Somalia until there is evidence that an effective plan exists and is being implemented in a consistent and coordinated fashion. For the sake of the people of Somalia and the reputation of the U.S. and the international community—not to mention our own national security—it is vital to reinvigorate a political process and stimulate legitimate progress towards that end. Given our historic role on the Horn of Africa and the critical national security concerns emanating from this part of the world, I encourage my colleagues to join me in calling upon the U.S. administration, other foreign donors, the Transitional Federal Government of Somalia, and other leaders in the region to end Somalia's descent into instability by facilitating political negotiations to address the need for accountability and the rule of law, and to prevent future suffering.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4579. Mr. WYDEN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table.

SA 4580. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4581. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4582. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4583. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4584. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2881, supra; which was ordered to lie on the table.

SA 4585. Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2881, supra.

SA 4586. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2881, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 4579. Mr. WYDEN (for himself and Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AIR CARRIERS REQUIRED TO HONOR TICKETS FOR SUSPENDED SERVICE.

(a) IN GENERAL.—Each air carrier that provides scheduled air transportation on a route shall provide, to the extent practicable, air transportation to passengers ticketed for air transportation on that route by any other air carrier that suspends, interrupts, or discontinues air passenger service on the route by reason of insolvency or bankruptcy of the other air carrier.

(b) PASSENGER OBLIGATION.—An air carrier is not required to provide air transportation under subsection (a) to a passenger unless that passenger makes alternative arrangements with the air carrier for such transportation not later than 60 days after the date on which that passenger's air transportation was suspended, interrupted, or discontinued (without regard to the originally scheduled travel date on the ticket).

SA 4580. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. DEFINITION OF FABRICATED.

As used in section 21.191(g) of title 14, Code of Federal Regulations, the term ''fabricated'' means ''to assemble from parts''.

SA 4581. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable

funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC, ———. GAO STUDY OF AIR CARRIER FUELS AND FUEL-EFFICIENCY.

(a) IN GENERAL.—Within 30 days after the date of enactment of the Aviation Investment and Modernization Act of 2008, the Comptroller General shall initiate an investigation of—

(1) the prospects for using alternative fuels for jet aircraft in the United States air carrier fleet;

(2) the prospects for increasing the fuel efficiency for the United States air carrier fleet; and

(3) the effect of crude oil prices on the U.S. air carrier industry.

(b) REPORT.—No later than July 1, 2009, the Comptroller General shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure containing the Comptroller General's findings and recommendations.

SA 4582. Mr. SCHUMER (for himself, Mrs. CLINTON, Mr. LAUTENBERG, Mr. MENENDEZ, Mrs. MURRAY, and Ms. CANTWELL) submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 834 and insert the following:

SEC. 834. EXEMPTION OF CERTAIN COMMERCIAL CARGO FROM THE HARBOR MAINTENANCE TAX.

(a) IN GENERAL.—Section 4462 is amended by redesignating subsection (i) as subjection (j) and by inserting after subsection (h) the following new subsection:

''(i) EXEMPTION FOR CERTAIN SHORT SEA SHIPPING CARGO.—

''(1) IN GENERAL.—No tax shall be imposed under section 4461(a) with respect to commercial cargo contained in intermodal cargo containers and loaded by crane on a vessel, or commercial cargo loaded on a vessel by means of wheeled technology—

''(A) that is loaded at a port in the United States mainland and unloaded at another port in the United States mainland after transport solely by coastal route or river or unloaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System, or

''(B) that is loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States mainland.

''(2) UNITED STATES MAINLAND.—For purposes of this subsection, the term 'United States mainland' has the meaning given such term in subsection (b).

''(3) GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM.—For the purposes of this subsection, the term 'Great Lakes Saint Lawrence Seaway System' means the waterway between Duluth, Minnesota and Sept. Iles, Quebec, encompassing the five Great Lakes, their connecting channels, and the Saint Lawrence River.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SA 4583. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SPECIAL RULE FOR NEW ORLEANS AND LAKE CHARLES AIRPORTS.

(a) IN GENERAL.—Section 40117 is amended by adding at the end the following:

''(o) SPECIAL RULE FOR NEW ORLEANS AND LAKE CHARLES AIRPORTS.—

''(1) AUTHORITY TO RECOVER LOSSES RESULTING FROM HURRICANES KATRINA AND RITA.—Subject to the requirements of this subsection, for Louis Armstrong New Orleans International Airport and Lake Charles Regional Airport, the recovery of covered losses shall be treated as an eligible airport-related project under subsection (a)(3).

''(2) COVERED LOSSES DEFINED.—In this subsection, the term 'covered losses' means losses, including operating expenses, that—

''(A) are incurred by an airport referred to in paragraph (1) in the period beginning August 29, 2005, and ending December 31, 2008;

''(B) are directly and substantially related to the continued operation of the airport following Hurricanes Katrina and Rita; and

''(C) have not been recovered from another source.

''(3) AMOUNT AND DURATION OF CHARGES.—The Secretary may approve an application that an eligible agency has submitted under subsection (c) for authority to use not more than ½ of the collected passenger facility charge to finance the recovery of covered losses.

''(4) LIMITATION.—Notwithstanding any other provision of this subsection, the Secretary shall not approve an application that an eligible agency has submitted under subsection (c) for authority to use not more than ½ of the collected passenger facility charges to finance the recovery of covered losses by an airport if the Secretary and the eligible agency agree that covered losses incurred by the airport have been or will be recovered from another source.

''(5) REPORTING REQUIREMENTS.—As part of an application that an eligible agency submits under subsection (c) for authority to use not more than ½ of the collected passenger facility charge to finance the recovery of covered losses, the Secretary may require the submission of such information as the Secretary considers necessary—

''(A) to verify the covered losses;

''(B) to ensure the covered losses are directly and substantially related to the continued operation of the airport following Hurricanes Katrina and Rita; and

''(C) to ensure that the covered losses have not been recovered from any other funding source.

''(6) COMMUNITY DISASTER LOAN REPAYMENTS.—A passenger facility charge collected pursuant to this subsection shall not be treated as revenue of a local government for purposes of cancellation of repayment of all or any part of a community disaster loan made to the local government under section 417(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184(c)).''.

(b) SPECIAL RULE RELATING TO COMMUNITY DISASTER LOANS.—A passenger facility charge collected under section 40117 of title 49, United States Code, and any amounts borrowed from the Federal Aviation Administration using passenger facility revenues as collateral shall not be treated as revenue of a local government for purposes of cancellation of repayment of all or any part of a community disaster loan made to the local government under section 417(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5184(c)).

SA 4584. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. POLLOCK MUNICIPAL AIRPORT, LOUISIANA.

(a) FINDINGS.—Congress makes the following findings:

(1) Pollock Municipal Airport located in Pollock, Louisiana (in this section referred to as the ''airport''), has never been included in the National Plan of Integrated Airport Systems pursuant to section 47103 of title 49, United States Code, and is therefore not considered necessary to meet the current or future needs of the national aviation system.

(2) Closing the airport will not adversely affect aviation safety, aviation capacity, or air commerce.

(b) REQUEST FOR CLOSURE.—

(1) APPROVAL.—Notwithstanding any other provision of law, requirement, or agreement and subject to the requirements of this section, the Administrator of the Federal Aviation Administration shall—

(A) approve a request from the town of Pollock, Louisiana, to close the airport as a public airport; and

(B) release the town from any term, condition, reservation, or restriction contained in a surplus property conveyance or transfer document, and from any order or finding by the Department of Transportation on the use and repayment of airport revenue applicable to the airport, that would otherwise prevent the closure of the airport and redevelopment of the facilities to nonaeronautical uses.

(2) CONTINUED AIRPORT OPERATION PRIOR TO APPROVAL.—The town of Pollock shall continue to operate and maintain the airport until the Administrator grants the town's request for closure of the airport.

(3) USE OF PROCEEDS FROM SALE OF AIRPORT.—Upon the approval of the request to close the airport, the town of Pollock shall obtain fair market value for the sale of the airport property and shall immediately upon receipt transfer all such proceeds from the sale of the airport property to the sponsor of a public airport designated by the Administrator to be used for the development or improvement of such airport.

(4) RELOCATION OF AIRCRAFT.—Before closure of the airport, the town of Pollock shall provide adequate time for any airport-based aircraft to relocate.

SA 4585. Mr. ROCKEFELLER (for himself, Mr. INOUYE, Mr. BAUCUS, and Mr. GRASSLEY) proposed an amendment to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008

through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; as follows:

Strike out 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 ''Aviation Investment and Modernization Act of 2008''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Amendments to title 49, United States Code.
Sec. 3. Effective date.

TITLE I—AUTHORIZATIONS AND FINANCING

Sec. 101. Operations.
Sec. 102. Air navigation facilities and equipment.
Sec. 103. Research and development.
Sec. 104. Airport planning and development and noise compatibility planning and programs.
Sec. 105. Other aviation programs.
Sec. 106. Delineation of next generation air transportation system projects.
Sec. 107. Funding for administrative expenses for airport programs.

TITLE II—AIRPORT IMPROVEMENTS

Sec. 201. Reform of passenger facility charge authority.
Sec. 202. Passenger facility charge pilot program.
Sec. 203. Amendments to grant assurances.
Sec. 204. Government share of project costs.
Sec. 205. Amendments to allowable costs.
Sec. 206. Sale of private airport to public sponsor.
Sec. 207. Pilot program for airport takeover of air navigation facilities.
Sec. 208. Government share of certain air project costs.
Sec. 209. Miscellaneous amendments.
Sec. 210. State block grant program.
Sec. 211. Airport funding of special studies or reviews.
Sec. 212. Grant eligibility for assessment of flight procedures.
Sec. 213. Safety-critical airports.
Sec. 214. Expanded passenger facility charge eligibility for noise compatibility projects.
Sec. 215. Environmental mitigation demonstration pilot program.
Sec. 216. Allowable project costs for airport development program.
Sec. 217. Glycol recovery vehicles.
Sec. 218. Research improvement for aircraft.

TITLE III—FAA ORGANIZATION AND REFORM

Sec. 301. Air Traffic Control Modernization Oversight Board.
Sec. 302. ADS–B support pilot program.
Sec. 303. Facilitation of next generation air traffic services.
Sec. 304. Clarification of authority to enter into reimbursable agreements.
Sec. 305. Clarification to acquisition reform authority.
Sec. 306. Assistance to other aviation authorities.
Sec. 307. Presidential rank award program.
Sec. 308. Next generation facilities needs assessment.
Sec. 309. Next generation air transportation system planning office.
Sec. 310. Definition of air navigation facility.
Sec. 311. Improved management of property inventory.
Sec. 312. Educational requirements.
Sec. 313. FAA personnel management system.
Sec. 314. Rulemaking and report on ADS-B implementation.
Sec. 315. FAA task force on air traffic control facility conditions.
Sec. 316. State ADS-B equipage bank pilot program.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

Sec. 401. Airline contingency service requirements.
Sec. 402. Publication of customer service data and flight delay history.
Sec. 403. EAS connectivity program.
Sec. 404. Extension of final order establishing mileage adjustment eligibility.
Sec. 405. EAS contract guidelines.
Sec. 406. Conversion of former EAS airports.
Sec. 407. EAS reform.
Sec. 408. Clarification of air carrier fee disputes.
Sec. 409. Small community air service.
Sec. 410. Contract tower program.
Sec. 411. Airfares for members of the armed forces.
Sec. 412. Expansion of DOT airline consumer complaint investigations.
Sec. 413. EAS marketing.
Sec. 414. Extraperimetal and intraperimetal slots at Ronald Reagan Washington National Airport.
Sec. 415. Establishment of advisory committee for aviation consumer protection.
Sec. 416. Rural aviation improvement.

TITLE V—AVIATION SAFETY

Sec. 501. Runway safety equipment plan.
Sec. 502. Aircraft fuel tank safety improvement.
Sec. 503. Judicial review of denial of airman certificates.
Sec. 504. Release of data relating to abandoned type certificates and supplemental type certificates.
Sec. 505. Design organization certificates.
Sec. 506. FAA access to criminal history records or database systems.
Sec. 507. Flight crew fatigue.
Sec. 508. Increasing safety for helicopter emergency medical service operators.
Sec. 509. Cabin crew communication.
Sec. 510. Clarification of memorandum of understanding with osha.
Sec. 511. Acceleration of development and implementation of required navigation performance approach procedures.
Sec. 512. Enhanced safety for airport operations.
Sec. 513. Improved safety information.
Sec. 514. Voluntary disclosure reporting process improvements.
Sec. 515. Procedural improvements for inspections.
Sec. 516. Independent review of safety issues.
Sec. 517. National review team.
Sec. 518. FAA Academy improvements.
Sec. 519. Reduction of runway incursions and operational errors.

TITLE VI—AVIATION RESEARCH

Sec. 601. Airport cooperative research program.
Sec. 602. Reduction of noise, emissions, and energy consumption from civilian aircraft.
Sec. 603. Production of clean coal fuel technology for civilian aircraft.
Sec. 604. Advisory committee on future of aeronautics.
Sec. 605. Research program to improve airfield pavements.
Sec. 606. Wake turbulence, volcanic ash, and weather research.
Sec. 607. Incorporation of unmanned aerial systems into FAA plans and policies.
Sec. 608. Reauthorization of center of excellence in applied research and training in the use of advanced materials in transport aircraft.
Sec. 609. Pilot program for zero emission airport vehicles.
Sec. 610. Reduction of emissions from airport power sources.

TITLE VII—MISCELLANEOUS

Sec. 701. General authority.
Sec. 702. Human intervention management study.
Sec. 703. Airport program modifications.
Sec. 704. Miscellaneous program extensions.
Sec. 705. Extension of competitive access reports.
Sec. 706. Update on overflights.
Sec. 707. Technical corrections.
Sec. 708. FAA technical training and staffing.
Sec. 709. Commercial air tour operators in national parks.
Sec. 710. Phaseout of stage 1 and 2 aircraft.
Sec. 711. Weight restrictions at teterboro airport.
Sec. 712. Pilot program for redevelopment of airport properties.
Sec. 713. Air carriage of international mail.
Sec. 714. Transporting musical instruments.
Sec. 715. Recycling plans for airports.
Sec. 716. Consumer information pamphlet.

TITLE VIII—AMERICAN INFRASTRUCTURE INVESTMENT AND IMPROVEMENT

Sec. 800. Short title, etc.

Subtitle A—Airport and Airway Trust Fund Provisions and Related Taxes

Sec. 801. Extension of taxes funding Airport and Airway Trust Fund.
Sec. 802. Extension of Airport and Airway Trust Fund expenditure authority.
Sec. 803. Modification of excise tax on kerosene used in aviation .
Sec. 804. Air Traffic Control System Modernization Account.
Sec. 805. Treatment of fractional aircraft ownership programs.
Sec. 806. Termination of exemption for small aircraft on nonestablished lines.
Sec. 807. Transparency in passenger tax disclosures.
Sec. 808. Required funding of new accruals under air carrier pension plans.

Subtitle B—Increased Funding for Highway Trust Fund

Sec. 811. Replenish emergency spending from Highway Trust Fund.
Sec. 812. Suspension of transfers from highway trust fund for certain repayments and credit.
Sec. 813. Taxation of taxable fuels in foreign trade zones.
Sec. 814. Clarification of penalty for sale of fuel failing to meet EPA regulations.
Sec. 815. Treatment of qualified alcohol fuel mixtures and qualified biodiesel fuel mixtures as taxable fuels.
Sec. 816. Calculation of volume of alcohol for fuel credits.
Sec. 817. Bulk transfer exception not to apply to finished gasoline.
Sec. 818. Increase and extension of Oil Spill Liability Trust Fund tax.
Sec. 819. Application of rules treating inverted corporations as domestic corporations to certain transactions occurring after March 20, 2002.
Sec. 820. Denial of deduction for punitive damages.
Sec. 821. Motor fuel tax enforcement advisory commission.
Sec. 822. Highway Trust Fund conforming expenditure amendment.

Subtitle C—Additional Infrastructure Modifications and Revenue Provisions
Sec. 831. Restructuring of New York Liberty Zone tax credits.
Sec. 832. Participants in government section 457 plans allowed to treat elective deferrals as Roth contributions.
Sec. 833. Increased information return penalties.
Sec. 834. Exemption of certain commercial cargo from harbor maintenance tax.
Sec. 835. Credit to holders of qualified rail infrastructure bonds.
Sec. 836. Repeal of suspension of certain penalties and interest.
Sec. 837. Denial of deduction for certain fines, penalties, and other amounts.
Sec. 838. Revision of tax rules on expatriation.

SEC. 2. AMENDMENTS TO TITLE 49, 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 a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 3. EFFECTIVE DATE.

Except as otherwise expressly provided, this Act and the amendments made by this Act shall take effect on the date of enactment.

TITLE I—AUTHORIZATIONS AND FINANCING

SEC. 101. OPERATIONS.

(a) IN GENERAL.—Section 106(k)(1) is amended by striking subparagraphs (A) through (D) and inserting the following:

''(A) $8,726,000,000 for fiscal year 2008;

''(B) $8,990,000,000 for fiscal year 2009;

''(C) $9,330,000,000 for fiscal year 2010; and

''(D) $9,620,000,000 for fiscal year 2011.''.

(b) SAFETY PROJECT.—Section 106(k)(2)(F) is amended by striking ''2007'' and inserting ''2011''.

SEC. 102. AIR NAVIGATION FACILITIES AND EQUIPMENT.

Section 48101(a) is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) $2,572,000,000 for fiscal year 2008;

''(2) $2,923,000,000 for fiscal year 2009, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund;

''(3) $3,079,000,000 for fiscal year 2010, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund; and

''(4) $3,317,000,000 for fiscal year 2011, of which $400,000,000 is derived from the Air Traffic Control System Modernization Account of the Airport and Airways Trust Fund.''.

SEC. 103. RESEARCH AND DEVELOPMENT.

Section 48102 is amended—

(1) by striking subsection (a) and inserting the following:

''(a) IN GENERAL.—Not more than the following amounts may be appropriated to the Secretary of Transportation out of the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502) for conducting civil aviation research and development under sections 44504, 44505, 44507, 44509, and 44511 through 44513 of this title:

''(1) $140,000,000 for fiscal year 2008.

''(2) $191,000,000 for fiscal year 2009.

''(3) $191,000,000 for fiscal year 2010.

''(4) $194,000,000 for fiscal year 2011.'';

(2) by striking subsections (c) through (h); and

(3) by adding at the end the following:

''(c) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—The Administrator of the Federal Aviation Administration shall establish a program to utilize undergraduate and technical colleges, including Historically Black Colleges and Universities, Hispanic Serving Institutions, tribally controlled colleges and universities, and Alaska Native and Native Hawaiian serving institutions in research on subjects of relevance to the Federal Aviation Administration. Grants may be awarded under this subsection for—

''(1) research projects to be carried out at primarily undergraduate institutions and technical colleges;

''(2) research projects that combine research at primarily undergraduate institutions and technical colleges with other research supported by the Federal Aviation Administration;

''(3) research on future training requirements on projected changes in regulatory requirements for aircraft maintenance and power plant licensees; or

''(4) research on the impact of new technologies and procedures, particularly those related to aircraft flight deck and air traffic management functions, and on training requirements for pilots and air traffic controllers.''.

SEC. 104. AIRPORT PLANNING AND DEVELOPMENT AND NOISE COMPATIBILITY PLANNING AND PROGRAMS.

Section 48103 is amended by striking paragraphs (1) through (4) and inserting the following:

''(1) $3,800,000,000 for fiscal year 2008;

''(2) $3,900,000,000 for fiscal year 2009;

''(3) $4,000,000,000 for fiscal year 2010; and

''(4) $4,100,000,000 for fiscal year 2011.''.

SEC. 105. OTHER AVIATION PROGRAMS.

Section 48114 is amended—

(1) by striking ''2007'' in subsection (a)(1)(A) and inserting ''2011'';

(2) by striking ''2007,'' in subsection (a)(2) and inserting ''2011,''; and

(3) by striking ''2007'' in subsection (c)(2) and inserting ''2011''.

SEC. 106. DELINEATION OF NEXT GENERATION AIR TRANSPORTATION SYSTEM PROJECTS.

Section 44501(b) is amended—

(1) by striking ''and'' after the semicolon in paragraph (3);

(2) by striking ''defense.'' in paragraph (4) and inserting ''defense; and''; and

(3) by adding at the end thereof the following:

''(5) a list of projects that are part of the Next Generation Air Transportation System and do not have as a primary purpose to operate or maintain the current air traffic control system.''.

SEC. 107. FUNDING FOR ADMINISTRATIVE EXPENSES FOR AIRPORT PROGRAMS.

(a) IN GENERAL.—Section 48105 is amended to read as follows:

''§ 48105. Airport programs administrative expenses

''Of the amount made available under section 48103 of this title, the following may be available for administrative expenses relating to the Airport Improvement Program, passenger facility charge approval and oversight, national airport system planning, airport standards development and enforcement, airport certification, airport-related environmental activities (including legal services), and other airport-related activities (including airport technology research), to remain available until expended—

''(1) for fiscal year 2008, $80,676,000;

''(2) for fiscal year 2009, $85,000,000;

''(3) for fiscal year 2010, $89,000,000; and

''(4) for fiscal year 2011, $93,000,000.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 481 is amended by striking the item relating to section 48105 and inserting the following:

''48105. Airport programs administrative expenses.''.

TITLE II—AIRPORT IMPROVEMENTS

SEC. 201. REFORM OF PASSENGER FACILITY CHARGE AUTHORITY.

(a) PASSENGER FACILITY CHARGE STREAMLINING.—Section 40117(c) is amended to read as follows:

''(c) PROCEDURAL REQUIREMENTS FOR IMPOSITION OF PASSENGER FACILITY CHARGE.—

''(1) IN GENERAL.—An eligible agency must submit to those air carriers and foreign air carriers operating at the airport with a significant business interest, as defined in paragraph (3), and to the Secretary and make available to the public annually a report, in the form required by the Secretary, on the status of the eligible agency's passenger facility charge program, including—

''(A) the total amount of program revenue held by the agency at the beginning of the 12 months covered by the report;

''(B) the total amount of program revenue collected by the agency during the period covered by the report;

''(C) the amount of expenditures with program revenue made by the agency on each eligible airport-related project during the period covered by the report;

''(D) each airport-related project for which the agency plans to collect and use program revenue during the next 12-month period covered by the report, including the amount of revenue projected to be used for such project;

''(E) the level of program revenue the agency plans to collect during the next 12-month period covered by the report;

''(F) a description of the notice and consultation process with air carriers and foreign air carriers under paragraph (3), and with the public under paragraph (4), including a copy of any adverse comments received and how the agency responded; and

''(G) any other information on the program that the Secretary may require.

''(2) IMPLEMENTATION.—Subject to the requirements of paragraphs (3), (4), (5), and (6), the eligible agency may implement the planned collection and use of passenger facility charges in accordance with its report upon filing the report as required in paragraph (1).

''(3) CONSULTATION WITH CARRIERS FOR NEW PROJECTS.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was submitted in a prior year shall provide to air carriers and foreign air carriers operating at the airport reasonable notice, and an opportunity to comment on the planned collection and use of program revenue before providing the report required under paragraph (1). The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum include—

''(i) that the eligible agency provide to air carriers and foreign air carriers operating at the airport written notice of the planned collection and use of passenger facility charge revenue;

''(ii) that the notice include a full description and justification for a proposed project;

''(iii) that the notice include a detailed financial plan for the proposed project; and

''(iv) that the notice include the proposed level for the passenger facility charge.

''(B) An eligible agency providing notice and an opportunity for comment shall be deemed to have satisfied the requirements of this paragraph if the eligible agency provides such notice to air carriers and foreign air carriers that have a significant business interest at the airport. For purposes of this subparagraph, the term 'significant business interest' means an air carrier or foreign air carrier that—

''(i) had not less than 1.0 percent of passenger boardings at the airport in the prior calendar year;

''(ii) had at least 25,000 passenger boardings at the airport in the prior calendar year; or

''(iii) provides scheduled service at the airport.

''(C) Not later than 45 days after written notice is provided under subparagraph (A), each air carrier and foreign air carrier may provide written comments to the eligible agency indicating its agreement or disagreement with the project or, if applicable, the proposed level for a passenger facility charge.

''(D) The eligible agency may include, as part of the notice and comment process, a consultation meeting to discuss the proposed project or, if applicable, the proposed level for a passenger facility charge. If the agency provides a consultation meeting, the written comments specified in subparagraph (C) shall be due not later than 30 days after the meeting.

''(4) PUBLIC NOTICE AND COMMENT.—

''(A) An eligible agency proposing to collect or use passenger facility charge revenue for a project not previously approved by the Secretary or not included in a report required by paragraph (1) that was filed in a prior year shall provide reasonable notice and an opportunity for public comment on the planned collection and use of program revenue before providing the report required in paragraph (1).

''(B) The Secretary shall prescribe by regulation what constitutes reasonable notice under this paragraph, which shall at a minimum require—

''(i) that the eligible agency provide public notice of intent to collect a passenger facility charge so as to inform those interested persons and agencies that may be affected;

''(ii) appropriate methods of publication, which may include notice in local newspapers of general circulation or other local media, or posting of the notice on the agency's Internet website; and

''(iii) submission of public comments no later than 45 days after the date of the publication of the notice.

''(5) OBJECTIONS.—

''(A) Any interested person may file with the Secretary a written objection to a proposed project included in a notice under this paragraph provided that the filing is made within 30 days after submission of the report specified in paragraph (1).

''(B) The Secretary shall provide not less than 30 days for the eligible agency to respond to any filed objection.

''(C) Not later than 90 days after receiving the eligible agency's response to a filed objection, the Secretary shall make a determination whether or not to terminate authority to collect the passenger facility charge for the project, based on the filed objection. The Secretary shall state the reasons for any determination. The Secretary may only terminate authority if—

''(i) the project is not an eligible airport related project;

''(ii) the eligible agency has not complied with the requirements of this section or the Secretary's implementing regulations in proposing the project;

''(iii) the eligible agency has been found to be in violation of section 47107(b) of this title and has failed to take corrective action, prior to the filing of the objection; or

''(iv) in the case of a proposed increase in the passenger facility charge level, the level is not authorized by this section.

''(D) Upon issuance of a decision terminating authority, the public agency shall prepare an accounting of passenger facility revenue collected under the terminated authority and restore the funds for use on other authorized projects.

''(E) Except as provided in subparagraph (C), the eligible agency may implement the planned collection and use of a passenger facility charge in accordance with its report upon filing the report as specified in paragraph (1)(A).

''(6) APPROVAL REQUIREMENT FOR INCREASED PASSENGER FACILITY CHARGE OR INTERMODAL GROUND ACCESS PROJECT.—

''(A) An eligible agency may not collect or use a passenger facility charge to finance an intermodal ground access project, or increase a passenger facility charge, unless the project is first approved by the Secretary in accordance with this paragraph.

''(B) The eligible agency may submit to the Secretary an application for authority to impose a passenger facility charge for an intermodal ground access project or to increase a passenger facility charge. The application shall contain information and be in the form that the Secretary may require by regulation but, at a minimum, must include copies of any comments received by the agency during the comment period described by subparagraph (C).

''(C) Before submitting an application under this paragraph, an eligible agency must provide air carriers and foreign air carriers operating at the airport, and the public, reasonable notice of and an opportunity to comment on a proposed intermodal ground access project or the increased passenger facility charge. Such notice and opportunity to comment shall conform to the requirements of paragraphs (3) and (4).

''(D) After receiving an application, the Secretary may provide air carriers, foreign air carriers and other interested persons notice and an opportunity to comment on the application. The Secretary shall make a final decision on the application not later than 120 days after receiving it.''.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCES.—

(A) Section 40117(a) is amended—

(i) by striking ''FEE'' in the heading for paragraph (5) and inserting ''CHARGE''; and

(ii) by striking ''fee'' each place it appears in paragraphs (5) and (6) and inserting ''charge''.

(B) Subsections (b), and subsections (d) through (m), of section 40117 are amended—

(i) by striking ''fee'' or ''fees'' each place either appears and inserting ''charge'' or ''charges'', respectively; and

(ii) by striking ''FEE'' in the subsection caption for subsection (l), and ''FEES'' in the subsection captions for subsections (e) and (m), and inserting ''CHARGE'' and ''CHARGES'', respectively.

(C) The caption for section 40117 is amended to read as follows:

''§ 40117. Passenger facility charges''.

(D) The chapter analysis for chapter 401 is amended by striking the item relating to section 40117 and inserting the following:

''40117. Passenger facility charges.''.

(2) LIMITATIONS ON APPROVING APPLICATIONS.—Section 40117(d) is amended—

(A) by striking ''subsection (c) of this section to finance a specific'' and inserting ''subsection (c)(6) of this section to finance an intermodal ground access'';

(B) by striking ''specific'' in paragraph (1);

(C) by striking paragraph (2) and inserting the following:

''(2) the project is an eligible airport-related project; and'';

(D) by striking ''each of the specific projects; and'' in paragraph (3) and inserting ''the project.''; and

(E) by striking paragraph (4).

(3) LIMITATIONS ON IMPOSING CHARGES.—Section 40117(e)(1) is amended to read as follows: ''(1) An eligible agency may impose a passenger facility charge only subject to terms the Secretary may prescribe to carry out the objectives of this section.''.

(4) LIMITATIONS ON CONTRACTS, LEASES, AND USE AGREEMENTS.—Section 40117(f)(2) is amended by striking ''long-term''.

(5) COMPLIANCE.—Section 40117(h) is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

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

''(3) The Secretary may, on complaint of an interested person or on the Secretary's own initiative, conduct an investigation into an eligible agency's collection and use of passenger facility charge revenue to determine whether a passenger facility charge is excessive or that passenger facility revenue is not being used as provided in this section. The Secretary shall prescribe regulations establishing procedures for complaints and investigations. The regulations may provide for the issuance of a final agency decision without resort to an oral evidentiary hearing. The Secretary shall not accept complaints filed under this paragraph until after the issuance of regulations establishing complaint procedures.''.

(6) PILOT PROGRAM FOR PFC AT NONHUB AIRPORTS.—Section 40117(l) is amended—

(A) by striking ''(c)(2)'' in paragraph (2) and inserting ''(c)(3)''; and

(B) by striking ''date that is 3 years after the date of issuance of regulations to carry out this subsection.'' in paragraph (7) and inserting ''date of issuance of regulations to carry out subsection (c) of this section, as amended by the Aviation Investment and Modernization Act of 2008.''.

(7) PROHIBITION ON APPROVING PFC APPLICATIONS FOR AIRPORT REVENUE DIVERSION.—Section 47111(e) is amended by striking ''sponsor'' the second place it appears in the first sentence and all that follows and inserting ''sponsor. A sponsor shall not propose collection or use of passenger facility charges for any new projects under paragraphs (3) through (6) of section 40117(c) unless the Secretary determines that the sponsor has taken corrective action to address the violation and the violation no longer exists.''.

SEC. 202. PASSENGER FACILITY CHARGE PILOT PROGRAM.

Section 40117 is amended by adding at the end thereof the following:

''(n) ALTERNATIVE PASSENGER FACILITY CHARGE COLLECTION PILOT PROGRAM.—

''(1) IN GENERAL.—The Secretary shall establish and conduct a pilot program at not more than 6 airports under which an eligible agency may impose a passenger facility charge under this section without regard to the dollar amount limitations set forth in paragraph (1) or (4) of subsection (b) if the participating eligible agency meets the requirements of paragraph (2).

''(2) COLLECTION REQUIREMENTS.—

''(A) DIRECT COLLECTION.—An eligible agency participating in the pilot program—

''(i) may collect the charge from the passenger at the facility, via the Internet, or in any other reasonable manner; but

''(ii) may not require or permit the charge to be collected by an air carrier or foreign air carrier for the flight segment.

''(B) PFC COLLECTION REQUIREMENT NOT TO APPLY.—Subpart C of part 158 of title 14, Code of Federal Regulations, does not apply to the collection of the passenger facility charge imposed by an eligible agency participating in the pilot program.''.

SEC. 203. AMENDMENTS TO GRANT ASSURANCES.

Section 47107 is amended—

(1) by striking ''made;'' in subsection (a)(16)(D)(ii) and inserting ''made, except that, if there is a change in airport design standards that the Secretary determines is beyond the owner or operator's control that requires the relocation or replacement of an existing airport facility, the Secretary, upon the request of the owner or operator, may grant funds available under section 47114 to pay the cost of relocating or replacing such facility;'';

(2) by striking ''purpose;'' in subsection (c)(2)(A)(i) and inserting ''purpose, which includes serving as noise buffer land;'';

(3) by striking ''paid to the Secretary for deposit in the Fund if another eligible project does not exist.'' in subsection (c)(2)(B)(iii) and inserting ''reinvested in another project at the airport or transferred to another airport as the Secretary prescribes.''; and

(4) by redesignating paragraph (3) of subsection (c) as paragraph (4) and inserting after paragraph (2) the following:

''(3) In approving the reinvestment or transfer of proceeds under paragraph (2)(C)(iii), the Secretary shall give preference, in descending order, to—

''(i) reinvestment in an approved noise compatibility project;

''(ii) reinvestment in an approved project that is eligible for funding under section 47117(e);

''(iii) reinvestment in an airport development project that is eligible for funding under section 47114, 47115, or 47117 and meets the requirements of this chapter;

''(iv) transfer to the sponsor of another public airport to be reinvested in an approved noise compatibility project at such airport; and

''(v) payment to the Secretary for deposit in the Airport and Airway Trust Fund established under section 9502 of the Internal Revenue Code of 1986 (26 U.S.C. 9502).''.

SEC. 204. GOVERNMENT SHARE OF PROJECT COSTS.

(a) FEDERAL SHARE.—Section 47109 is amended—

(1) by striking ''subsection (b) or subsection (c)'' in subsection (a) and inserting ''subsection (b), (c), or (e)''; and

(2) by adding at the end the following:

''(e) SPECIAL RULE FOR TRANSITION FROM SMALL HUB TO MEDIUM HUB STATUS.—If the status of a small hub primary airport changes to a medium hub primary airport, the United States Government's share of allowable project costs for the airport may not exceed 95 percent for 2 fiscal years following such change in hub status.''.

(b) TRANSITIONING AIRPORTS.—Section 47114(f)(3)(B) is amended by striking ''year 2004.'' and inserting ''years 2008, 2009, 2010, and 2011.''.

SEC. 205. AMENDMENTS TO ALLOWABLE COSTS.

Section 47110 is amended—

(1) by striking subsection (d) and inserting the following:

''(d) RELOCATION OF AIRPORT-OWNED FACILITIES.—The Secretary may determine that the costs of relocating or replacing an airport-owned facility are allowable for an airport development project at an airport only if—

''(1) the Government's share of such costs is paid with funds apportioned to the airport sponsor under sections 47114(c)(1) or 47114(d)(2);

''(2) the Secretary determines that the relocation or replacement is required due to a change in the Secretary's design standards; and

''(3) the Secretary determines that the change is beyond the control of the airport sponsor.''; and

(2) by striking ''facilities, including fuel farms and hangars,'' in subsection (h) and inserting ''facilities, as defined by section 47102,''.

SEC. 206. SALE OF PRIVATE AIRPORT TO PUBLIC SPONSOR.

Section 47133(b) is amended—

(1) by resetting the text of the subsection as an indented paragraph 2 ems from the left margin;

(2) by inserting ''(1)'' before ''Subsection''; and

(3) by adding at the end thereof the following:

''(2) In the case of a privately owned airport, subsection (a) shall not apply to the proceeds from the sale of the airport to a public sponsor if—

''(A) the sale is approved by the Secretary;

''(B) funding is provided under this title for the public sponsor's acquisition; and

''(C) an amount equal to the remaining unamortized portion of the original grant, amortized over a 20-year period, is repaid to the Secretary by the private owner for deposit in the Trust Fund for airport acquisitions.

''(3) This subsection shall apply to grants issued on or after October 1, 1996.''.

SEC. 207. PILOT PROGRAM FOR AIRPORT TAKEOVER OF AIR NAVIGATION FACILITIES.

(a) IN GENERAL.—Chapter 445 is amended by adding at the end the following new section:

''§ 44518. Pilot program for airport takeover of terminal area air navigation equipment

''(a) IN GENERAL.—Subject to the requirements of this section, the Administrator of the Federal Aviation Administrator may carry out a pilot program under which the Administrator may transfer ownership, operating, and maintenance responsibilities for airport terminal area air navigation equipment to sponsors of not more than 10 airports.

''(b) TERMS AND CONDITIONS OF TRANSFER FOR AIRPORT SPONSORS.—As a condition of participating in this pilot program the sponsor shall agree that the sponsor will—

''(1) operate and maintain all of the air navigation equipment that is subject to this section at the airport in accordance with standards established by the Administrator;

''(2) permit the Administrator or a person designated by the Administrator to conduct inspections of the air navigation equipment under a schedule established by the Administrator; and

''(3) acquire and maintain new air navigation equipment as needed to replace facilities that have to be replaced at the end of their useful life or to meet new standards established by the Administrator.

''(c) TERMS AND CONDITIONS OF TRANSFER FOR THE ADMINISTRATOR.—When the Administrator approves a sponsor's participation in this pilot program, the Administrator shall—

''(1) transfer, at no cost to the sponsor, the title and ownership of the air navigation equipment facilities approved for transfer under this program; and

''(2) transfer, at no cost to the sponsor, the government's property interest in the land on which the air navigation facilities transferred under paragraph (1) are located.

''(d) TREATMENT OF AIRPORT COSTS UNDER PILOT PROGRAM.—Upon transfer by the Administrator, any costs incurred by the airport for ownership and maintenance of the equipment transferred under this section shall be considered a cost of providing airfield facilities and services under standards and guidelines issued by the Secretary under section 47129(b)(2) and may be recovered in rates and charges assessed for use of the airfield.

''(e) DEFINITIONS.—In this section:

''(1) SPONSOR.—The term 'sponsor' has the meaning given that term in section 40102.

''(2) TERMINAL AREA AIR NAVIGATION EQUIPMENT.—The term 'terminal area air navigation equipment' means an air navigation facility under section 40102, other than buildings used for air traffic control functions, that exists to provide approach and landing guidance to aircraft.

''(f) GUIDELINES.—The Administrator shall issue advisory guidelines on the implementation of the program. The guidelines shall not be subject to administrative rulemaking requirements under subchapter II of chapter 5 of title 5.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by inserting after the item relating to section 44517 the following:

''44518. Pilot program for airport takeover of terminal area air navigation equipment.''.

SEC. 208. GOVERNMENT SHARE OF CERTAIN AIR PROJECT COSTS.

Notwithstanding section 47109(a) of title 49, United States Code, the Federal government's share of allowable project costs for a grant made in fiscal year 2008, 2009, 2010, or 2011 under chapter 471 of that title for a project described in paragraph (2) or (3) of that section shall be 95 percent.

SEC. 209. MISCELLANEOUS AMENDMENTS.

(a) TECHNICAL CHANGES TO NATIONAL PLAN OF INTEGRATED AIRPORT SYSTEMS.—Section 47103 is amended—

(1) by striking ''each airport to—'' in subsection (a) and inserting ''the airport system to—'';

(2) by striking ''system in the particular area;'' in subsection (a)(1) and inserting ''system, including connection to the surface transportation network; and'';

(3) by striking ''aeronautics; and'' in subsection (a)(2) and inserting ''aeronautics.'';

(4) by striking subsection (a)(3);

(5) by striking paragraph (2) of subsection (b) and redesignating paragraph (3) as paragraph (2);

(6) by striking ''operations, Short Takeoff and Landing/Very Short Takeoff and Landing aircraft operations,'' in subsection (b)(2), as redesignated, and inserting ''operations''; and

(7) by striking ''status of the'' in subsection (d).

(b) UPDATE VETERANS PREFERENCE DEFINITION.—Section 47112(c) is amended—

(1) by striking ''separated from'' in paragraph (1)(B) and inserting ''discharged or released from active duty in'';

(2) by adding at the end of paragraph (1) the following:

''(C) 'Afghanistan-Iraq war veteran' means an individual who served on active duty, as defined by section 101(21) of title 38, at any time in the armed forces for a period of more than 180 consecutive days, any part of which occurred during the period beginning on September 11, 2001, and ending on the date prescribed by Presidential proclamation or by law as the last date of Operation Iraqi Freedom.''; and

(3) by striking ''veterans and'' in paragraph (2) and inserting ''veterans, Afghanistan-Iraq war veterans, and''.

(c) ANNUAL REPORT.—Section 47131(a) is amended—

(1) by striking ''April 1'' and inserting ''June 1''; and

(2) by striking paragraphs (1) through (4) and inserting the following:

''(1) a summary of airport development and planning completed;

''(2) a summary of individual grants issued;

''(3) an accounting of discretionary and apportioned funds allocated;

''(4) the allocation of appropriations; and''.

(d) SUNSET OF PROGRAM.—Section 47137 is repealed effective September 30, 2008.

(e) CORRECTION TO EMISSION CREDITS PROVISION.—Section 47139 is amended—

(1) by striking ''47102(3)(F),'' in subsection (a);

(2) by striking ''47102(3)(F),'' in subsection (b);

(3) by striking ''47102(3)(L), or 47140'' in subsection (b) and inserting ''or 47102(3)(L),'';

(4) by striking ''47103(3)(F), in subsection (b);

(5) by striking ''47102(3)(L), or 47140,'' in subsection (b) and inserting ''or 47102(3)(L),''.

(f) CORRECTION TO SURPLUS PROPERTY AUTHORITY.—Section 47151(e) is amended by striking ''(other than real property that is subject to section 2687 of title 10, section 201 of the Defense Authorization Amendments and Base Closure and Realignment Act (10 U.S.C. 2687 note), or section 2905 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),''.

(g) AIRPORT CAPACITY BENCHMARK REPORTS; DEFINITION OF JOINT USE AIRPORT.—Section 47175 is amended—

(1) by striking ''Airport Capacity Benchmark Report 2001.'' in paragraph (2) and inserting ''2001 and 2004 Airport Capacity Benchmark Reports or of the most recent Benchmark report.''; and

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

''(7) JOINT USE AIRPORT.—The term 'joint use airport' means an airport owned by the United States Department of Defense, at which both military and civilian aircraft make shared use of the airfield.''.

(h) CARGO AIRPORTS.—Section 47114(c)(2)(A) is amended by striking ''3.5 percent'' and inserting ''4.0 percent''.

(i) USE OF APPORTIONED AMOUNTS.—Section 47117(e)(1)(A) is amended—

(1) by striking ''35 percent'' in the first sentence and inserting ''$300,000,000'';

(2) by striking ''and'' after ''47141,'';

(3) by striking ''et seq.).'' and inserting ''et seq.), and for water quality mitigation projects to comply with the Act of June 30, 1948 (33 U.S.C. 1251 et seq.) approved in an environmental record of decision for an airport development project under this title.''; and

(4) by striking ''such 35 percent requirement is'' in the second sentence and inserting ''the requirements of the preceding sentence are''.

(j) USE OF APPORTIONED AMOUNTS.—An amount apportioned under section 47114 of title 49, United States Code, or made available under section 47115 of that title, to the sponsor of a reliever airport the crosswind runway of which was closed as a result of a Record of Decision dated September 3, 2004, shall be available for project costs associated with the establishment of a new crosswind runway.

(k) USE OF PREVIOUS FISCAL YEAR'S APPORTIONMENT.—Section 47114(c)(1) is amended—

(1) by striking ''airport due to an employment action, natural disaster, or other event unrelated to the demand for air transportation at the affected airport.'' in subparagraph (E)(iii) and inserting ''airport—

''(I) if it is included in the essential air service program in the calendar year in which the passenger boardings fall below 9,700;

''(II) if at the airport the total passenger boardings from large certificated air carriers (as defined in part 241 of title 14, Code of Federal Regulations) conducting scheduled plus nonscheduled service totals 10,000 or more in the calendar year in which the airport does not meet the criteria for a primary airport under section 47102 of this title; or

''(III) if the documented interruption to scheduled service at the airport was equal to 4 percent of the scheduled flights in calendar year 2006, exclusive of cancellations due to severe weather conditions, and the airport is served by a single air carrier.'';

(2) by redesignating subparagraphs (F) and (G) as (G) and (H), respectively, and inserting after subparagraph (E) the following:

''(F) For fiscal years 2009 through 2012, with regard to an airport that meets the criteria described in paragraph (E)(iii), if the calendar year passenger boardings for the calculation of apportionments under this section fall below 10,000 passenger boardings, the Secretary may use the passenger boardings for the last fiscal year in which passenger boardings exceeded 10,000 for calculating apportionments.''.

(l) Section 47102(3) is amended by adding at the end the following:

''(M) construction of mobile refueler parking within a fuel farm at a nonprimary airport meeting the requirements of section 112.8 of title 40, Code of Federal Regulations.''.

(m) Section 47115(g)(1) is amended by striking ''of—'' and all that follows and inserting ''of $520,000,000. The amount credited is exclusive of amounts that have been apportioned in a prior fiscal year under section 47114 of this title and that remain available for obligation.''.

(n) Section 47114(c) is amended by adding at the end thereof the following:

''(3) AIRPORTS SERVED BY LARGE CERTIFICATED CARRIERS.—

''(A) APPORTIONMENT.—The Secretary shall apportion to the sponsor of an airport that received scheduled air service from a large certificated air carrier (as defined in part 241 of title 14, Code of Federal Regulations) an amount equal to the minimum apportionment specified in paragraph (1) of this subsection.

''(B) LIMITATION.—The apportionment under subparagraph (A) shall be made available to an airport sponsor only if—

''(i) the large certificated air carrier began scheduled air service at the airport in May 2006 and ceased scheduled air service at the airport in October 2006; and

''(ii) the Secretary determines that the airport had more than 10,000 passenger boardings in the preceding calendar year, based on data submitted to the Secretary under part 241 of title 14, Code of Federal Regulations.''.

(o) Subparagraph (H) of section 47114(c)(1), as redesignated by subsection (k)(2) of this section, is amended—

(1) by striking ''FISCAL YEAR 2006'' in the subparagraph heading and inserting ''FISCAL YEARS 2008 THROUGH 2011.—'';

(2) by striking ''fiscal year 2006'' and inserting ''each of fiscal years 2008 through 2011''; and

(3) by striking clause (i) and inserting the following:

''(i) the average annual passenger boardings at the airport for calendar years 2004 through 2006 were below 10,000 per year;''; and

(4) by striking ''2000 or 2001;'' in clause (ii) and inserting ''2003''.

(p) Section 47114 is amended by adding at the end thereof the following:

''(g) APPROACH LIGHTING SYSTEM.—Any amount apportioned for airport 03-02-0133 under the National Plan of Integrated Airport Systems may be utilized in any fiscal year for approach lighting systems including a medium intensity approach lighting system with runway alignment lights.''.

SEC. 210. STATE BLOCK GRANT PROGRAM.

Section 47128 is amended—

(1) by striking ''regulations'' each place it appears in subsection (a) and inserting ''guidance'';

(2) by striking ''grant;'' in subsection (b)(4) and inserting ''grant, including Federal environmental requirements or an agreed upon equivalent;'';

(3) by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following:

''(c) PROJECT ANALYSIS AND COORDINATION REQUIREMENTS.—Any Federal agency that must approve, license, or permit a proposed action by a participating State shall coordinate and consult with the State. The agency shall utilize the environmental analysis prepared by the State, provided it is adequate, or supplement that analysis as necessary to meet applicable Federal requirements.''; and

(4) by adding at the end the following:

''(e) PILOT PROGRAM.—The Secretary shall establish a pilot program for up to 3 States that do not participate in the program established under subsection (a) that is consistent with the program under subsection (a).''.

SEC. 211. AIRPORT FUNDING OF SPECIAL STUDIES OR REVIEWS.

Section 47173(a) is amended by striking ''project.'' and inserting ''project, or to conduct special environmental studies related to a federally funded airport project or for special studies or reviews to support approved noise compatibility measures in a Part 150 program or environmental mitigation in a Federal Aviation Administration Record of Decision or Finding of No Significant Impact.''.

SEC. 212. GRANT ELIGIBILITY FOR ASSESSMENT OF FLIGHT PROCEDURES.

Section 47504 is amended by adding at the end the following:

''(e) GRANTS FOR ASSESSMENT OF FLIGHT PROCEDURES.—

''(1) The Secretary is authorized in accordance with subsection (c)(1) to make a grant to an airport operator to assist in completing environmental review and assessment activities for proposals to implement flight procedures that have been approved for airport noise compatibility planning purposes under subsection (b).

''(2) The Administrator of the Federal Aviation Administration may accept funds from an airport sponsor, including funds provided to the sponsor under paragraph (1), to hire additional staff or obtain the services of consultants in order to facilitate the timely processing, review and completion of environmental activities associated with proposals to implement flight procedures submitted and approved for airport noise compatibility planning purposes in accordance with this section. Funds received under this authority shall not be subject to the procedures applicable to the receipt of gifts by the Administrator.''.

SEC. 213. SAFETY-CRITICAL AIRPORTS.

Section 47118(c) is amended—

(1) by striking ''or'' after the semicolon in paragraph (1);

(2) by striking ''delays.'' in paragraph (2) and inserting ''delays; or''; and

(3) by adding at the end the following:

''(3) be critical to the safety of commercial, military, or general aviation in transoceanic flights.''.

SEC. 214. EXPANDED PASSENGER FACILITY CHARGE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.

Section 40117(b) is amended by adding at the end the following:

''(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

''(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the

Secretary may authorize a passenger facility charge imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

''(i) the Secretary determines that the building is adversely affected by airport noise;

''(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

''(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

''(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

''(v) the project otherwise meets the requirements of this section for authorization of a passenger facility charge.

''(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.''.

SEC. 215. ENVIRONMENTAL MITIGATION DEMONSTRATION PILOT PROGRAM.

(a) PILOT PROGRAM.—Subchapter I of chapter 471 is amended by adding at the end thereof the following:

''§ 47143. Environmental mitigation demonstration pilot program

''(a) IN GENERAL.—The Secretary of Transportation shall carry out a pilot program involving not more than 6 projects at public-use airports under which the Secretary may make grants to sponsors of such airports from funds apportioned under paragraph 47117(e)(1)(A) for use at such airports for environmental mitigation demonstration projects that will measurably reduce or mitigate aviation impacts on noise, air quality or water quality in the vicinity of the airport. Notwithstanding any other provision of this subchapter, an environmental mitigation demonstration project approved under this section shall be treated as eligible for assistance under this subchapter.

''(b) PARTICIPATION IN PILOT PROGRAM.—A public-use airport shall be eligible for participation in the pilot.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the pilot program, the Secretary may give priority consideration to environmental mitigation demonstration projects that—

''(1) will achieve the greatest reductions in aircraft noise, airport emissions, or airport water quality impacts either on an absolute basis, or on a per-dollar-of-funds expended basis; and

''(2) will be implemented by an eligible consortium.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the United States Government's share of the costs of a project carried out under this section shall be 50 percent.

''(e) MAXIMUM AMOUNT.—Not more than $2,500,000 may be made available by the Secretary in grants under this section for any single project.

''(f) IDENTIFYING BEST PRACTICES.—The Administrator may develop and publish information identifying best practices for reducing or mitigating aviation impacts on noise, air quality, or water quality in the vicinity of airports, based on the projects carried out under the pilot program.

''(g) DEFINITIONS.—In this section:

''(1) ELIGIBLE CONSORTIUM.—The term 'eligible consortium' means a consortium that comprises 2 or more of the following entities:

''(A) Businesses incorporated in the United States.

''(B) Public or private educational or research organizations located in the United States.

''(C) Entities of State or local governments in the United States.

''(D) Federal laboratories.

''(2) ENVIRONMENTAL MITIGATION DEMONSTRATION PROJECT.—The term 'environmental mitigation demonstration project' means a project that—

''(A) introduces new conceptual environmental mitigation techniques or technology with associated benefits, which have already been proven in laboratory demonstrations;

''(B) proposes methods for efficient adaptation or integration of new concepts to airport operations; and

''(C) will demonstrate whether new techniques or technology for environmental mitigation identified in research are—

''(i) practical to implement at or near multiple public use airports; and

''(ii) capable of reducing noise, airport emissions, or water quality impacts in measurably significant amounts.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47142 the following:

''47143. Environmental mitigation demonstration pilot program''.

SEC. 216. ALLOWABLE PROJECT COSTS FOR AIRPORT DEVELOPMENT PROGRAM.

Section 47110(c) of title 49, United States Code, is amended—

(1) by striking ''; or'' in paragraph (1) and inserting a semicolon;

(2) by striking ''project.'' in paragraph (2) and inserting ''project; or''; and

(3) by adding at the end the following:

''(3) necessarily incurred in anticipation of severe weather.''.

SEC. 217. GLYCOL RECOVERY VEHICLES.

Section 47102(3)(G) is amended by inserting ''including acquiring glycol recovery vehicles,'' after ''aircraft,''.

SEC. 218. RESEARCH IMPROVEMENT FOR AIRCRAFT.

Section 44504(b) is amended—

(1) by striking ''and'' after the semicolon in paragraph (6);

(2) by striking ''aircraft.'' in paragraph (7) and inserting ''aircraft; and''; and

(3) by adding at the end thereof the following:

''(8) to conduct research to support programs designed to reduce gases and particulates emitted.''.

TITLE III—FAA ORGANIZATION AND REFORM

SEC. 301. AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.

Section 106(p) is amended to read as follows:

''(p) AIR TRAFFIC CONTROL MODERNIZATION OVERSIGHT BOARD.—

''(1) ESTABLISHMENT.—Within 90 days after the date of enactment of the Aviation Investment and Modernization Act of 2008, the Secretary shall establish and appoint the members of an advisory Board which shall be known as the Air Traffic Control Modernization Oversight Board.

''(2) MEMBERSHIP.—The Board shall be comprised of 7 members, who shall consist of—

''(A) the Administrator of the Federal Aviation Administration and a representative from the Department of Defense;

''(B) 1 member who shall have a fiduciary responsibility to represent the public interest; and

''(C) 4 members representing aviation interests, as follows:

''(i) 1 representative that is the chief executive officer of an airport.

''(ii) 1 representative that is the chief executive officer of a passenger or cargo air carrier.

''(iii) 1 representative of a labor organization representing employees at the Federal Aviation Administration that are involved with the operation, maintenance or procurement of the air traffic control system.

''(iv) 1 representative with extensive operational experience in the general aviation community.

''(3) APPOINTMENT AND QUALIFICATIONS.—

''(A) Members of the Board appointed under paragraphs (2)(B) and (2)(C) shall be appointed by the President, by and with the advice and consent of the Senate.

''(B) Members of the Board appointed under paragraph (2)(B) shall be citizens of the United States and shall be appointed without regard to political affiliation and solely on the basis of their professional experience and expertise in one or more of the following areas and, in the aggregate, should collectively bring to bear expertise in—

''(i) management of large service organizations;

''(ii) customer service;

''(iii) management of large procurements;

''(iv) information and communications technology;

''(v) organizational development; and

''(vi) labor relations.

''(4) FUNCTIONS.—

''(A) IN GENERAL.—The Board shall—

''(i) review and provide advice on the Administration's modernization programs, budget, and cost accounting system;

''(ii) review the Administration's strategic plan and make recommendations on the nonsafety program portions of the plan, and provide advice on the safety programs of the plan;

''(iii) review the operational efficiency of the air traffic control system and make recommendations on the operational and performance metrics for that system;

''(iv) approve procurements of air traffic control equipment in excess of $100,000,000;

''(v) approve by July 31 of each year the Administrator's budget request for facilities and equipment prior to its submission to the Office of Management and budget, including which programs are proposed to be funded from the Air Traffic control system Modernization Account of the Airport and Airway Trust Fund;

''(vi) approve the Federal Aviation Administration's Capital Investment Plan prior to its submission to the Congress;

''(vii) annually approve the Operational Evolution Plan;

''(viii) approve the Administrator's selection of a Chief Operating Officer for the Air Traffic Organization and on the appointment and compensation of its managers; and

''(ix) approve the selection of the head of the Joint Planning Development Office.

''(B) MEETINGS.—The Board shall meet on a regular and periodic basis or at the call of the Chairman or of the Administrator.

''(C) ACCESS TO DOCUMENTS AND STAFF.—The Administration may give the Board appropriate access to relevant documents and personnel of the Administration, and the Administrator shall make available, consistent with the authority to withhold commercial and other proprietary information under section 552 of title 5, cost data associated with the acquisition and operation of air traffic control systems. Any member of the Board who receives commercial or other proprietary data from the Administrator shall be subject to the provisions of section 1905 of title 18, pertaining to unauthorized disclosure of such information.

''(5) FEDERAL ADVISORY COMMITTEE ACT NOT TO APPLY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board or such rulemaking committees as the Administrator shall designate.

''(6) ADMINISTRATIVE MATTERS.—

''(A) TERMS OF MEMBERS.—Members of the Board appointed under paragraph (2)(B) and (2)(C) shall be appointed for a term of 4 years.

''(B) REAPPOINTMENT.—No individual may be appointed to the Board for more than 8 years total.

''(C) VACANCY.—Any vacancy on the Board shall be filled in the same manner as the original position. Any member appointed to fill a vacancy occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for a term of 4 years.

''(D) CONTINUATION IN OFFICE.—A member of the Board whose term expires shall continue to serve until the date on which the member's successor takes office.

''(E) REMOVAL.—Any member of the Board appointed under paragraph (2)(B) or (2)(C) may be removed by the President for cause.

''(F) CLAIMS AGAINST MEMBERS OF THE BOARD.—

''(i) IN GENERAL.—A member appointed to the Board shall have no personal liability under State or Federal law with respect to any claim arising out of or resulting from an act or omission by such member within the scope of service as a member of the Board.

''(ii) EFFECT ON OTHER LAW.—This subparagraph shall not be construed—

''(I) to affect any other immunity or protection that may be available to a member of the Board under applicable law with respect to such transactions;

''(II) to affect any other right or remedy against the United States under applicable law; or

''(III) to limit or alter in any way the immunities that are available under applicable law for Federal officers and employees.

''(G) ETHICAL CONSIDERATIONS.—Each member of the Board appointed under paragraph (2)(B) must certify that he or she—

''(i) does not have a pecuniary interest in, or own stock in or bonds of, an aviation or aeronautical enterprise, except an interest in a diversified mutual fund or an interest that is exempt from the application of section 208 of title 18;

''(ii) does not engage in another business related to aviation or aeronautics; and

''(iii) is not a member of any organization that engages, as a substantial part of its activities, in activities to influence aviation-related legislation.

''(H) CHAIRMAN; VICE CHAIRMAN.—The Board shall elect a chair and a vice chair from among its members, each of whom shall serve for a term of 2 years. The vice chair shall perform the duties of the chairman in the absence of the chairman.

''(I) COMPENSATON.—No member shall receive any compensation or other benefits from the Federal Government for serving on the Board, except for compensation benefits for injuries under subchapter I of chapter 81 of title 5 and except as provided under subparagraph (J).

''(J) EXPENSES.—Each member of the Board shall be paid actual travel expenses and per diem in lieu of subsistence expenses when away from his or her usual place of residence, in accordance with section 5703 of title 5.

''(K) BOARD RESOURCES.—From resources otherwise available to the Administrator, the Chairman shall appoint such staff to assist the board and provide impartial analysis, and the Administrator shall make available to the Board such information and administrative services and assistance, as may reasonably be required to enable the Board to carry out its responsibilities under this subsection.

''(L) QUORUM AND VOTING.—A simple majority of members of the Board duly appointed shall constitute a quorum. A majority vote of members present and voting shall be required for the Committee to take action.

''(7) AIR TRAFFIC CONTROL SYSTEM DEFINED.—In this subsection, the term 'air traffic control system' has the meaning given that term in section 40102(a).''.

SEC. 302. ADS–B SUPPORT PILOT PROGRAM.

(a) IN GENERAL.—Chapter 445, as amended by section 207, is amended by adding at the end the following:

''§ 44519. ADS–B support pilot program

''(a) IN GENERAL.—The Secretary may carry out a pilot program to support non-Federal acquisition of National Airspace System compliant Automatic Dependent Surveillance-Broadcast (ADS–B) ground stations if—

''(1) the Secretary determines that acquisition of the ground stations benefits the improvement of safety or capacity in the National Airspace System;

''(2) the ground stations provide the required transmit and receive data formats consistent with the National Airspace System architecture at the appropriate service delivery point; and

''(3) the ground stations acquired under this program are supplemental to ground stations established under programs administered by the Administrator of the Federal Aviation Administration.

''(b) PROJECT GRANTS.—

''(1) For purposes of carrying out the pilot program and notwithstanding the requirements of section 47114(d), the Secretary may make a project grant out of funds apportioned under section 47114(d)(2) to not more than 10 eligible sponsors to acquire and install ADS–B ground stations in order to serve any public-use airport.

''(2) The Secretary shall establish procurement procedures applicable to grants issued under this section. The procedures shall permit the sponsor to carry out the project using Federal Aviation Administration contracts. The procedures established by the Secretary may provide for the direct reimbursement (including administrative costs) of the Administrator by the sponsor using grant funds under this section, for the ordering of such equipment and its installation, or for the direct ordering of such equipment and its installation by the sponsor, using such grant funds, from the suppliers with which the Administrator has contracted.

''(c) MATCHING REQUIREMENT.—The amount of a grant to an eligible sponsor under subsection (b) may not exceed 90 percent of the costs of the acquisition and installation of the ground support equipment.

''(d) DEFINITIONS.—In this section:

''(1) ADS–B GROUND STATION.—The term 'ADS–B ground station' means electronic equipment that provides for ADS–B reception and broadcast services.

''(2) ELIGIBLE SPONSOR.—The term 'eligible sponsor' means a State or any consortium of 2 or more State or local governments meeting the definition of a sponsor under section 47102 of this title.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 445 is amended by inserting after the item relating to section 44518 the following:

''44519. ADS–B support pilot program.''.

SEC. 303. FACILITATION OF NEXT GENERATION AIR TRAFFIC SERVICES.

Section 106(l) is amended by adding at the end the following:

''(7) AIR TRAFFIC SERVICES.—In determining what actions to take, by rule or through an agreement or transaction under paragraph (6) or under section 44502, to permit non-government providers of communications, navigation, surveillance or other services to provide such services in the National Airspace System, or to require the usage of such services, the Administrator shall consider whether such actions would—

''(A) promote the safety of life and property;

''(B) improve the efficiency of the National Airspace System and reduce the regulatory burden upon National Airspace System users, based upon sound engineering principles, user operational requirements, and marketplace demands;

''(C) encourage competition and provide services to the largest feasible number of users; and

''(D) take into account the unique role served by general aviation.''.

SEC. 304. CLARIFICATION OF AUTHORITY TO ENTER INTO REIMBURSABLE AGREEMENTS.

Section 106(m) is amended by striking ''without'' in the last sentence and inserting ''with or without''.

SEC. 305. CLARIFICATION TO ACQUISITION REFORM AUTHORITY.

Section 40110(c) is amended—

(1) by inserting ''and'' after the semicolon in paragraph (3);

(2) by striking paragraph (4); and

(3) by redesignating paragraph (5) as paragraph (4).

SEC. 306. ASSISTANCE TO OTHER AVIATION AUTHORITIES.

Section 40113(e) is amended—

(1) by inserting ''(whether public or private)'' in paragraph (1) after ''authorities'';

(2) by striking ''safety.'' in paragraph (1) and inserting ''safety or efficiency. The Administrator is authorized to participate in, and submit offers in response to, competitions to provide these services, and to contract with foreign aviation authorities to provide these services consistent with the provisions under section 106(l)(6) of this title. The Administrator is also authorized, notwithstanding any other provision of law or policy, to accept payments in arrears.''; and

(3) by striking ''appropriation from which expenses were incurred in providing such services.'' in paragraph (3) and inserting ''appropriation current when the expenditures are or were paid, or the appropriation current when the amount is received.''.

SEC. 307. PRESIDENTIAL RANK AWARD PROGRAM.

Section 40122(g)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (G);

(2) by striking ''Board.'' in subparagraph (H) and inserting ''Board;''; and

(3) by inserting at the end the following new subparagraph:

''(I) subsections (b), (c), and (d) of section 4507 (relating to Meritorious Executive or Distinguished Executive rank awards), and section subsections (b) and (c) of section 4507a (relating to Meritorious Senior Professional or Distinguished Senior Professional rank-awards), except that—

''(i) for purposes of applying such provisions to the personnel management system—

''(I) the term 'agency' means the Department of Transportation;

''(II) the term 'senior executive' means an Federal Aviation Administration executive;

''(III) the term 'career appointee' means an Federal Aviation Administration career executive; and

''(IV) the term 'senior career employee' means an Federal Aviation Administration career senior professional;

''(ii) receipt by a career appointee of the rank of Meritorious Executive or Meritorious Senior Professional entitles such individual to a lump-sum payment of an amount equal to 20 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan; and

''(iii) receipt by a career appointee of the rank of Distinguished Executive or Distinguished Senior Professional entitles the individual to a lump-sum payment of an amount equal to 35 percent of annual basic pay, which shall be in addition to the basic pay paid under the Federal Aviation Administration Executive Compensation Plan.''.

SEC. 308. NEXT GENERATION FACILITIES NEEDS ASSESSMENT.

(a) FAA CRITERIA FOR FACILITIES REALIGNMENT.—Within 9 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration, after providing an opportunity for public comment, shall publish final criteria to be used in making the Administrator's recommendations for the realignment of services and facilities to assist in the transition to next generation facilities and help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(b) REALIGNMENT RECOMMENDATIONS.—Within 9 months after publication of the criteria, the Administrator shall publish a list of the services and facilities that the Administrator recommends for realignment, including a justification for each recommendation, and a description of the costs and savings of such transition.

(c) REALIGNMENT DEFINED.—As used in this section, the term ''realignment'' includes any action which relocates or reorganizes functions, services, and personnel positions but does not include a reduction in personnel resulting from workload adjustments.

(d) STUDY BY BOARD.—The Air Traffic Control Modernization Oversight Board established by section 106(p) of title 49, United States Code, shall study the Administrator's recommendations for realignment and the opportunities, risks, and benefits of realigning services and facilities of the Federal Aviation Administration to help reduce capital, operating, maintenance, and administrative costs with no adverse effect on safety.

(e) REVIEW AND RECOMMENDATIONS.—

(1) After receiving the recommendations from the Administrator pursuant to subsection (b), the Board shall provide opportunity for public comment on such recommendations.

(2) Based on its review and analysis of the Administrator's recommendations and any public comment it may receive, the Board shall make its independent recommendations for realignment of aviation services or facilities and submit its recommendations in a report to the President, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure.

(3) The Board shall explain and justify in its report any recommendation made by the Board that is different from the recommendations made by the Administrator pursuant to subsection (b).

(4) The Administrator may not consolidate any additional approach control facilities into the Southern California TRACON, or the Memphis TRACON until the Board's recommendations are completed.

SEC. 309. NEXT GENERATION AIR TRANSPORTATION SYSTEM PLANNING OFFICE.

(a) IMPROVED COOPERATION AND COORDINATION AMONG PARTICIPATING AGENCIES.—Section 709 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended—

(1) by inserting ''(A)'' after ''(3)'' in subsection (a)(3);

(2) by inserting after subsection (a)(3) the following:

''(B) The Administrator of the Federal Aviation Administration, the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Secretary of Commerce, the Secretary of Homeland Security, and the head of any other Department or Federal agency from which the Secretary of Transportation requests assistance under subparagraph (A) shall designate an implementation office to be responsible for—

''(i) carrying out the Department or agency's Next Generation Air Transportation System implementation activities with the Office; and

''(ii) liaison and coordination with other Departments and agencies involved in Next Generation Air Transportation System activities; and

''(iii) managing all Next Generation Air Transportation System programs for the Department or agency, including necessary budgetary and staff resources, including, for the Federal Aviation Administration, those projects described in section 44501(b)(5) of title 49, United States Code).

''(C) The head of any such Department or agency shall ensure that—

''(i) the Department's or agency's Next Generation Air Transportation System responsibilities are clearly communicated to the designated office; and

''(ii) the performance of supervisory personnel in that office in carrying out the Department's or agency's Next Generation Air Transportation System responsibilities is reflected in their annual performance evaluations and compensation decisions.

''(D)(i) Within 6 months after the date of enactment of the Aviation Investment and Modernization Act of 2008, the head of each such Department or agency shall execute a memorandum of understanding with the Office and with the other Departments and agencies participating in the Next Generation Air Transportation System project that—

''(I) describes the respective responsibilities of each such Department and agency, including budgetary commitments; and

''(II) the budgetary and staff resources committed to the project.

''(ii) The memorandum shall be revised as necessary to reflect any changes in such responsibilities or commitments and be reflected in each Department or agency's budget request.'';

(3) by adding at the end of subsection (a) the following:

''(5) The Director of the Office shall be a voting member of the Federal Aviation Administration's Joint Resources Council and the Air Traffic Organization's Executive Council.'';

(4) by striking ''beyond those currently included in the Federal Aviation Administration's Operational Evolution Plan'' in subsection (b);

(5) by striking ''research and development roadmap'' in subsection (b)(3) and inserting ''implementation plan'';

(6) by striking ''and'' after the semicolon in subsection (b)(3)(B);

(7) by inserting after subsection (b)(3)(C) the following:

''(D) a schedule of rulemakings required to issue regulations and guidelines for implementation of the Next Generation Air Transportation System within a timeframe consistent with the integrated plan; and'';

(8) by inserting ''and key technologies'' after ''concepts'' in subsection (b)(4);

(9) by striking ''users'' in subsection (b)(4) and inserting ''users, an implementation plan,'';

(10) by adding at the end of subsection (b) the following:

''Within 6 months after the date of enactment of the Aviation Investment and Modernization Act of 2008, the Administrator shall develop the implementation plan described in paragraph (3) of this subsection and shall update it annually thereafter.''; and

(11) by striking ''2010.'' in subsection (e) and inserting ''2011.''.

(b) SENIOR POLICY COMMITTEE MEETINGS.—Section 710(a) of such Act (49 U.S.C. 40101 note) is amended by striking ''Secretary.'' and inserting ''Secretary and shall meet at least once each quarter.''.

SEC. 310. DEFINITION OF AIR NAVIGATION FACILITY.

Section 40102(a)(4) is amended—

(1) by striking subparagraph (B) and inserting the following:

''(B) runway lighting and airport surface visual and other navigation aids;'';

(2) by striking ''weather information, signaling, radio-directional finding, or radio or other electromagnetic communication; and'' in subparagraph (C) and inserting ''aeronautical and meteorological information to air traffic control facilities or aircraft, supplying communication, navigation or surveillance equipment for air-to-ground or air-to-air applications;'';

(3) by striking ''another structure'' in subparagraph (D) and inserting ''any structure or equipment'';

(4) by striking ''aircraft.'' in subparagraph (D) and inserting ''aircraft; and''; and

(5) by adding at the end the following:

''(E) buildings, equipment and systems dedicated to the National Airspace System.''.

SEC. 311. IMPROVED MANAGEMENT OF PROPERTY INVENTORY.

Section 40110(a)(2) is amended by striking ''compensation; and'' and inserting ''compensation, and the amount received may be credited to the appropriation current when the amount is received; and''.

SEC. 312. EDUCATIONAL REQUIREMENTS.

The Administrator of the Federal Aviation Administration shall make payments to the Department of Defense for the education of dependent children of those Federal Aviation Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and meet the eligibility requirements of section 2164(c) of title 10, United States Code.

SEC. 313. FAA PERSONNEL MANAGEMENT SYSTEM.

Section 40122(a)(2) is amended to read as follows:

''(2) DISPUTE RESOLUTION.—

''(A) MEDIATION.—If the Administrator does not reach an agreement under paragraph (1) or subsection (g)(2)(C) with the exclusive bargaining representatives, the services of the Federal Mediation and Conciliation Service shall be used to attempt to reach such agreement in accordance with part 1425 of title 29, Code of Federal Regulations. The Administrator and bargaining representatives may by mutual agreement

adopt procedures for the resolution of disputes or impasses arising in the negotiation of a collective-bargaining agreement.

''(B) BINDING ARBITRATION.—If the services of the Federal Mediation and Conciliation Service under subparagraph (A) does not lead to an agreement, the Administrator and the bargaining representatives shall submit their issues in controversy to the Federal Service Impasses Panel in accordance with section 7119 of title 5. The Panel shall assist the parties in resolving the impasse by asserting jurisdiction and ordering binding arbitration by a private arbitration board consisting of 3 members in accordance with section 2471.6(a)(2)(ii) of title 5, Code of Federal Regulations. The executive director of the Panel shall request a list of not less than 15 names of arbitrators with Federal sector experience from the director of the Federal Mediation and Conciliation Service to be provided to the Administrator and the bargaining representatives. Within 10 days after receiving the list, the parties shall each select 1 person. The 2 arbitrators shall then select a third person from the list within 7 days. If the 2 arbitrators are unable to agree on the third person, the parties shall select the third person by alternately striking names from the list until only 1 name remains. If the parties do not agree on the framing of the issues to be submitted, the arbitration board shall frame the issues. The arbitration board shall give the parties a full and fair hearing, including an opportunity to present evidence in support of their claims, and an opportunity to present their case in person, by counsel, or by other representative as they may elect. Decisions of the arbitration board shall be conclusive and binding upon the parties. The arbitration board shall render its decision within 90 days after its appointment. The Administrator and the bargaining representative shall share costs of the arbitration equally. The arbitration board shall take into consideration the effect of its arbitration decisions on the Federal Aviation Administration's ability to attract and retain a qualified workforce and the Federal Aviation Administration's budget.

''(C) EFFECT.—Upon reaching a voluntary agreement or at the conclusion of the binding arbitration under subparagraph (B) above, the final agreement, except for those matters decided by the arbitration board, shall be subject to ratification by the exclusive representative, if so requested by the exclusive representative, and approval by the head of the agency in accordance with subsection (g)(2)(C).

''(D) ENFORCEMENT.—Enforcement of the provisions of this paragraph, and any agreement hereunder, shall be in the United States District Court for the District of Columbia.''.

SEC. 314. RULEMAKING AND REPORT ON ADS-B IMPLEMENTATION.

(a) REPORT.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure detailing the Administration program and schedule for integrating ADS-B technology into the National Airspace System. The report shall include—

(1) Phase 1 and Phase 2 activity to purchase and install necessary ADS-B ground stations; and

(2) detailed plans and schedules for implementation of advanced operational procedures and ADS-B air-to-air applications.

(b) RULEMAKING.—Not later than 12 months after the date of enactment of this Act the Administrator shall issue guidelines and regulations required for the implementation of ADS-B, including—

(1) the type of avionics (e.g., ADS-B avionics) required of aircraft for all classes of airspace;

(2) a schedule outlining when aircraft will be required to be equipped with such avionics;

(3) the expected costs associated with the avionics; and

(4) the expected uses and benefits of the avionics.

SEC. 315. FAA TASK FORCE ON AIR TRAFFIC CONTROL FACILITY CONDITIONS.

(a) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a special task force to be known as the ''FAA Task Force on Air Traffic Control Facility Conditions''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Task Force shall be composed of 11 members of whom—

(A) 7 members shall be appointed by the Administrator; and

(B) 4 members shall be appointed by labor unions representing employees who work at field facilities of the Administration.

(2) QUALIFICATIONS.—Of the members appointed by the Administrator under paragraph (1)(A)—

(A) 4 members shall be specialists on toxic mold abatement, ''sick building syndrome,'' and other hazardous building conditions that can lead to employee health concerns and shall be appointed by the Administrator in consultation with the Director of the National Institute for Occupational Safety and Health; and

(B) 2 members shall be specialists on the rehabilitation of aging buildings.

(3) TERMS.—Members shall be appointed for the life of the Task Force.

(4) VACANCIES.—A vacancy in the Task Force shall be filled in the manner in which the original appointment was made.

(5) TRAVEL EXPENSES.—Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(c) CHAIRPERSON.—The Administrator shall designate, from among the individuals appointed under subsection (b)(1), an individual to serve as chairperson of the Task Force.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) STAFF.—The Task Force may appoint and fix the pay of such personnel as it considers appropriate.

(2) STAFF OF FEDERAL AGENCIES.—Upon request of the Chairperson of the Task Force, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Task Force to assist it in carrying out its duties under this section.

(3) OTHER STAFF AND SUPPORT.—Upon request of the Task Force or a panel of the Task Force, the Administrator shall provide the Task Force or panel with professional and administrative staff and other support, on a reimbursable basis, to the Task Force to assist it in carrying out its duties under this section.

(e) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information (other than information required by any statute of the United States to be kept confidential by such department or agency) necessary for the Task Force to carry out its duties under this section. Upon request of the chairperson of the Task Force, the head of that department or agency shall furnish such information to the Task Force.

(f) DUTIES.—

(1) STUDY.—The Task Force shall undertake a study of—

(A) the conditions of all air traffic control facilities across the Nation, including towers, centers, and terminal radar air control;

(B) reports from employees of the Administration relating to respiratory ailments and other health conditions resulting from exposure to mold, asbestos, poor air quality, radiation and facility-related hazards in facilities of the Administration;

(C) conditions of such facilities that could interfere with such employees' ability to effectively and safely perform their duties;

(D) the ability of managers and supervisors of such employees to promptly document and seek remediation for unsafe facility conditions;

(E) whether employees of the Administration who report facility-related illnesses are treated fairly;

(F) utilization of scientifically-approved remediation techniques in a timely fashion once hazardous conditions are identified in a facility of the Administration; and

(G) resources allocated to facility maintenance and renovation by the Administration.

(2) FACILITY CONDITION INDICES.—The Task Force shall review the facility condition indices of the Administration for inclusion in the recommendations under subsection (g).

(g) RECOMMENDATIONS.—Based on the results of the study and review of the facility condition indices under subsection (f), the Task Force shall make recommendations as it considers necessary to—

(1) prioritize those facilities needing the most immediate attention in order of the greatest risk to employee health and safety;

(2) ensure that the Administration is using scientifically approved remediation techniques in all facilities; and

(3) assist the Administration in making programmatic changes so that aging air traffic control facilities do not deteriorate to unsafe levels.

(h) REPORT.—Not later than 6 months after the date on which initial appointments of members to the Task Force are completed, the Task Force shall submit to the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the activities of the Task Force, including the recommendations of the Task Force under subsection (g).

(i) IMPLEMENTATION.—Within 30 days after receipt of the Task Force report under subsection (h), the Administrator shall submit to the House of Representatives Committee on Transportation and Infrastructure and the Senate Committee on Commerce, Science, and Transportation a report that includes a plan and timeline to implement the recommendations of the Task Force and to align future budgets and priorities of the Administration accordingly.

(j) TERMINATION.—The Task Force shall terminate on the last day of the 30-day period beginning on the date on which the report under subsection (h) is submitted.

(k) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Task Force.

SEC. 316. STATE ADS-B EQUIPAGE BANK PILOT PROGRAM.

(a) IN GENERAL.—

(1) COOPERATIVE AGREEMENTS.—Subject to the provisions of this section, the Secretary of Transportation may enter into cooperative agreements with not to exceed 5 States for the establishment of State ADS-B equipage banks for making loans and providing other assistance to public entities for projects eligible for assistance under this section.

(b) FUNDING.—

(1) SEPARATE ACCOUNT.—An ADS-B equipage bank established under this section

shall maintain a separate aviation trust fund account for Federal funds contributed to the bank under paragraph (2). No Federal funds contributed or credited to an account of an ADS-B equipage bank established under this section may be commingled with Federal funds contributed or credited to any other account of such bank.

(2) AUTHORIZATION.—There are authorized to be appropriated to the Secretary $25,000,000 for each of fiscal years 2009 through 2013.

(c) FORMS OF ASSISTANCE FROM ADS-B EQUIPAGE BANKS.—An ADS-B equipage bank established under this section may make loans or provide other assistance to a public entity in an amount equal to all or part of the cost of carrying out a project eligible for assistance under this section. The amount of any loan or other assistance provided for such project may be subordinated to any other debt financing for the project.

(d) QUALIFYING PROJECTS.—Federal funds in the ADS-B equipage account of an ADS-B equipage bank established under this section may be used only to provide assistance with respect to aircraft ADS-B avionics equipage.

(e) REQUIREMENTS.—In order to establish an ADS-B equipage bank under this section, each State establishing such a bank shall—

(1) contribute, at a minimum, in each account of the bank from non-Federal sources an amount equal to 50 percent of the amount of each capitalization grant made to the State and contributed to the bank;

(2) ensure that the bank maintains on a continuing basis an investment grade rating on its debt issuances or has a sufficient level of bond or debt financing instrument insurance to maintain the viability of the bank;

(3) ensure that investment income generated by funds contributed to an account of the bank will be—

(A) credited to the account;

(B) available for use in providing loans and other assistance to projects eligible for assistance from the account; and

(C) invested in United States Treasury securities, bank deposits, or such other financing instruments as the Secretary may approve to earn interest to enhance the leveraging of projects assisted by the bank;

(5) ensure that any loan from the bank will bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible;

(6) ensure that the term for repaying any loan will not exceed 10 years after the date of the first payment on the loan; and

(7) require the bank to make an annual report to the Secretary on its status no later than September 30 of each year for which funds are made available under this section, and to make such other reports as the Secretary may require by guidelines.

TITLE IV—AIRLINE SERVICE AND SMALL COMMUNITY AIR SERVICE IMPROVEMENTS

SEC. 401. AIRLINE CONTINGENCY SERVICE REQUIREMENTS.

(a) IN GENERAL.—Chapter 417 is amended by adding at the end the following:

''SUBCHAPTER IV—AIRLINE CUSTOMER SERVICE

''§ 41781. AIRLINE CONTINGENCY SERVICE REQUIREMENTS.

''(a) IN GENERAL.—Not later than 60 days after the date of enactment of the Aviation Investment and Modernization Act of 2008, each air carrier shall submit a contingency service plan to the Secretary of Transportation for review and approval. The plan shall require the air carrier to implement, at a minimum, the following practices:

''(1) PROVISION OF FOOD AND WATER.—If the departure of a flight of an air carrier is substantially delayed, or disembarkation of passengers on an arriving flight that has landed is substantially delayed, the air carrier shall provide—

''(A) adequate food and potable water to passengers on such flight during such delay; and

''(B) adequate restroom facilities to passengers on such flight during such delay.

''(2) RIGHT TO DEPLANE.—

''(A) IN GENERAL.—An air carrier shall develop a plan, that incorporates medical considerations, to ensure that passengers are provided a clear timeframe under which they will be permitted to deplane a delayed aircraft. The air carrier shall provide a copy of the plan to the Secretary of Transportation, who shall make the plan available to the public. In the absence of such a plan, except as provided in subparagraph (B), if more than 3 hours after passengers have boarded a flight, the aircraft doors are closed and the aircraft has not departed, the air carrier shall provide passengers with the option to deplane safely before the departure of such aircraft. Such option shall be provided to passengers not less often than once during each 3-hour period that the plane remains on the ground.

''(B) EXCEPTIONS.—Subparagraph (A) shall not apply—

''(i) if the pilot of such flight reasonably determines that such flight will depart not later than 30 minutes after the 3 hour delay; or

''(ii) if the pilot of such flight reasonably determines that permitting a passenger to deplane would jeopardize passenger safety or security.

''(C) APPLICATION TO DIVERTED FLIGHTS.—This section applies to aircraft without regard to whether they have been diverted to an airport other than the original destination.

''(b) POSTING CONSUMER RIGHTS ON WEBSITE.—An air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall publish conspicuously and update monthly on the Internet website of the air carrier a statement of the air carrier's customer service policy and of air carrier customers' consumer rights under Federal and State law.

''(c) REVIEW AND APPROVAL; MINIMUM STANDARDS.—The Secretary of Transportation shall review the contingency service plan submitted by an air carrier under subsection (a) and may approve it or disapprove it and return it to the carrier for modification and resubmittal. The Secretary may establish minimum standards for such plans and require air carriers to meet those standards.

''(d) AIR CARRIER.—In this section the term 'air carrier' means an air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation.''.

(b) REGULATIONS.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate such regulations as the Secretary determines necessary to carry out the amendment made by subsection (a).

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by adding at the end the following:

SUBCHAPTER IV. AIRLINE CUSTOMER SERVICE

''41781. Airline contingency service requirements.''.

SEC. 402. PUBLICATION OF CUSTOMER SERVICE DATA AND FLIGHT DELAY HISTORY.

Section 41722 is amended by adding at the end the following:

''(f) CHRONICALLY DELAYED FLIGHTS.—

''(1) PUBLICATION OF LIST OF FLIGHTS.—An air carrier holding a certificate issued under section 41102 that conducts scheduled passenger air transportation shall publish and update monthly on the Internet website of the air carrier, or provide on request, a list of chronically delayed flights operated by the air carrier.

''(2) DISCLOSURE TO CUSTOMERS WHEN PURCHASING TICKETS.—An air carrier shall disclose the following information prominently to an individual before that individual books transportation on the air carrier's Internet website for any flight for which data is reported to the Department of Transportation under part 234 of title 14, Code of Federal Regulations, and for which the air carrier has primary responsibility for inventory control:

''(A) The on-time performance for the flight if it is a chronically delayed flight.

''(B) The cancellation rate for the flight if it is a chronically canceled flight.

''(3) CHRONICALLY DELAYED; CHRONICALLY CANCELED.—The Secretary of Transportation shall define the terms 'chronically delayed flight' and 'chronically canceled flight' for purposes of this subsection.''.

SEC. 403. EAS CONNECTIVITY PROGRAM.

Section 406(a) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking ''may'' and inserting ''shall''.

SEC. 404. EXTENSION OF FINAL ORDER ESTABLISHING MILEAGE ADJUSTMENT ELIGIBILITY.

Section 409(d) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) is amended by striking ''September 30, 2007.'' and inserting ''September 30, 2011.''.

SEC. 405. EAS CONTRACT GUIDELINES.

Section 41737(a)(1) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (B);

(2) by striking ''provided.'' in subparagraph (C) and inserting ''provided;''; and

(3) by adding at the end the following:

''(D) include provisions under which the Secretary may encourage carriers to improve air service to small and rural communities by incorporating financial incentives in essential air service contracts based on specified performance goals; and

''(E) include provisions under which the Secretary may execute long-term essential air service contracts to encourage carriers to provide air service to small and rural communities where it would be in the public interest to do so.''.

SEC. 406. CONVERSION OF FORMER EAS AIRPORTS.

(a) IN GENERAL.—Section 41745 is amended—

(1) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively; and

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

''(c) CONVERSION OF LOST ELIGIBILITY AIRPORTS.—

''(1) IN GENERAL.—The Secretary shall establish a program to provide general aviation conversion funding for airports serving eligible places that the Secretary has determined no longer qualify for a subsidy.

''(2) GRANTS.—A grant under this subsection—

''(A) may not exceed twice the compensation paid to provide essential air service to the airport in the fiscal year preceding the fiscal year in which the Secretary determines that the place served by the airport is no longer an eligible place; and

''(B) may be used—

''(i) for airport development (as defined in section 47102(3)) that will enhance general aviation capacity at the airport;

''(ii) to defray operating expenses, if such use is approved by the Secretary; or

''(iii) to develop innovative air service options, such as on-demand or air taxi operations, if such use is approved by the Secretary.

''(3) AIP REQUIREMENTS.—An airport sponsor that uses funds provided under this subsection for an airport development project shall comply with the requirements of subchapter I of chapter 471 applicable to airport development projects funded under that subchapter with respect to the project funded under this subsection.

''(4) LIMITATION.—The sponsor of an airport receiving funding under this subsection is not eligible for funding under section 41736.''.

(b) CONFORMING AMENDMENT.—Section 41745(f), as redesignated, is amended—

(1) by striking ''An eligible place'' and inserting ''Neither an eligible place, nor a place to which subsection (c) applies,''; and

(2) by striking ''not''.

SEC. 407. EAS REFORM.

Section 41742(a) is amended—

(1) by adding at the end of paragraph (1) ''Any amount in excess of $50,000,000 credited for any fiscal year to the account established under section 45303(c) shall be obligated for programs under section 406 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 40101 note) and section 41745 of this title. Amounts appropriated pursuant to this section shall remain available until expended.''; and

(2) by striking ''$77,000,000'' in paragraph (2) and inserting ''$125,000,000''.

SEC. 408. CLARIFICATION OF AIR CARRIER FEE DISPUTES.

(a) IN GENERAL.—Section 47129 is amended—

(1) by striking the section heading and inserting the following:

''§ 47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees'' ;

(2) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the subsection caption for subsection (d);

(3) by inserting ''AND FOREIGN AIR CARRIER'' after ''CARRIER'' in the paragraph caption for subsection (d)(2);

(4) by striking ''air carrier'' each place it appears and inserting ''air carrier or foreign air carrier'';

(5) by striking ''air carrier's'' each place it appears and inserting ''air carrier's or foreign air carrier's'';

(6) by striking ''air carriers'' and inserting ''air carriers or foreign air carriers''; and

(7) by striking ''(as defined in section 40102 of this title)'' in subsection (a) and inserting ''(as those terms are defined in section 40102 of this title)''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by striking the item relating to section 47129 and inserting the following:

''47129. Resolution of airport-air carrier and foreign air carrier disputes concerning airport fees.''.

SEC. 409. SMALL COMMUNITY AIR SERVICE.

(a) PRIORITIES.—Section 41743(c)(5) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''fashion.'' in subparagraph (E) and inserting ''fashion; and''; and

(3) by adding at the end the following:

''(F) multiple communities cooperate to submit a region or multistate application to improve air service.''.

(b) EXTENSION OF AUTHORIZATION.—Section 41743(e)(2) is amended by striking ''2008'' and inserting ''2011''.

SEC. 410. CONTRACT TOWER PROGRAM.

(a) COST-BENEFIT REQUIREMENT.—Section 47124(b)(1) is amended—

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

(2) by adding at the end the following:

''(B) If the Secretary determines that a tower already operating under this program has a benefit to cost ratio of less than 1.0, the airport sponsor or State or local government having jurisdiction over the airport shall not be required to pay the portion of the costs that exceeds the benefit for a period of 18 months after such determination is made.

''(C) If the Secretary finds that all or part of an amount made available to carry out the program continued under this paragraph is not required during a fiscal year, the Secretary may use during such fiscal year the amount not so required to carry out the program established under paragraph (3) of this section.''.

(b) FUNDING.—Subparagraph (E) of section 47124(b)(3) is amended—

(1) by striking ''and'' after ''2006,''; and

(2) by inserting ''$8,500,000 for fiscal year 2008, $9,000,000 for fiscal year 2009, $9,500,000 for fiscal year 2010, and $10,000,000 for fiscal year 2011'' after ''2007,''; and

(3) by inserting after ''paragraph.'' the following: ''If the Secretary finds that all or part of an amount made available under this subparagraph is not required during a fiscal year to carry out this paragraph, the Secretary may use during such fiscal year the amount not so required to carry out the program continued under paragraph (b)(1) of this section.''.

(c) FEDERAL SHARE.—Subparagraph (C) of section 47124(b)(4) is amended by striking ''$1,500,000.'' and inserting ''$2,000,000.''.

(d) SAFETY AUDITS.—Section 41724 is amended by adding at the end the following:

''(c) SAFETY AUDITS.—The Secretary shall establish uniform standards and requirements for safety assessments of air traffic control towers that receive funding under this section in accordance with the Administration's safety management system.''.

SEC. 411. AIRFARES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—The Congress finds that—

(1) the Armed Forces is comprised of approximately 1,400,000 members who are stationed on active duty at more than 6,000 military bases in 146 different countries;

(2) the United States is indebted to the members of the Armed Forces, many of whom are in grave danger due to their engagement in, or exposure to, combat;

(3) military service, especially in the current war against terrorism, often requires members of the Armed Forces to be separated from their families on short notice, for long periods of time, and under very stressful conditions;

(4) the unique demands of military service often preclude members of the Armed Forces from purchasing discounted advance airline tickets in order to visit their loved ones at home; and

(5) it is the patriotic duty of the people of the United States to support the members of the Armed Forces who are defending the Nation's interests around the world at great personal sacrifice.

(b) SENSE OF CONGRESS.—It is the sense of Congress that each United States air carrier should—

(1) establish for all members of the Armed Forces on active duty reduced air fares that are comparable to the lowest airfare for ticketed flights; and

(2) offer flexible terms that allow members of the Armed Forces on active duty to purchase, modify, or cancel tickets without time restrictions, fees, and penalties.

SEC. 412. EXPANSION OF DOT AIRLINE CONSUMER COMPLAINT INVESTIGATIONS.

(a) IN GENERAL.—The Secretary of Transportation shall investigate consumer complaints regarding—

(1) flight cancellations;

(2) compliance with Federal regulations concerning overbooking seats flights;

(3) lost, damaged, or delayed baggage, and difficulties with related airline claims procedures;

(4) problems in obtaining refunds for unused or lost tickets or fare adjustments;

(5) incorrect or incomplete information about fares, discount fare conditions and availability, overcharges, and fare increases;

(6) the rights of passengers who hold frequent flier miles, or equivalent redeemable awards earned through customer-loyalty programs; and

(7) deceptive or misleading advertising.

(b) BUDGET NEEDS REPORT.—The Secretary shall provide, as an annex to its annual budget request, an estimate of resources which would have been sufficient to investigate all such claims the Department of Transportation received in the previous fiscal year. The annex shall be transmitted to the Congress when the President submits the budget of the United States to the Congress under section 1105 of title 31, United States Code.

SEC. 413. EAS MARKETING.

The Secretary of Transportation shall require all applications to provide service under subchapter II of chapter 417 of title 49, United States Code, include a marketing plan.

SEC. 414. EXTRAPERIMETAL AND INTRAPERIMETAL SLOTS AT RONALD REAGAN WASHINGTON NATIONAL AIRPORT.

(a) BEYOND PERIMETER EXEMPTIONS.—Section 41718 (a) is amended by striking ''24'' and inserting ''36''.

(b) WITHIN PERIMETER EXEMPTIONS.—Section 41718 (b) is amended by striking ''20'' and inserting ''28''.

(c) LIMITATIONS.—Section 41718(c) is amended—

(1) by striking ''3 operations.'' in paragraph (2) and inserting ''5 operations. Operations conducted by new entrant and limited incumbent air carriers shall be afforded a scheduling priority over operations conducted by other air carriers granted exemptions pursuant to section 41718 with the highest scheduling priority afforded to beyond-perimeter operations conducted by new entrant and limited incumbent air carriers.'';

(2) by striking ''six'' in paragraph (3)(A) and inserting ''8'';

(3) by striking ''ten'' in paragraph (3)(B) and inserting ''12''; and

(4) by striking ''four'' in paragraph (3)(C) and inserting ''8''.

SEC. 415. ESTABLISHMENT OF ADVISORY COMMITTEE FOR AVIATION CONSUMER PROTECTION.

(a) IN GENERAL.—The Secretary of Transportation shall establish an advisory committee for aviation consumer protection to advise the Secretary in carrying out air passenger service improvements, including those required by chapter 423 of title 49, United States Code.

(b) MEMBERSHIP.—The Secretary shall appoint members of the advisory committee comprised of one representative each of—

(1) air carriers;

(2) airport operators;

(3) State or local governments who has expertise in consumer protection matters; and

(4) a nonprofit public interest group who has expertise in consumer protection matters.

(c) VACANCIES.—A vacancy in the advisory committee shall be filled in the manner in which the original appointment was made.

(d) TRAVEL EXPENSES.—Members of the advisory committee shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with subchapter I of chapter 57 of title 5, United States Code.

(e) CHAIRPERSON.—The Secretary shall designate, from among the individuals appointed under subsection (b), an individual to serve as chairperson of the advisory committee.

(f) DUTIES.—The duties of the advisory committee shall include—

(1) evaluating existing aviation consumer protection programs and providing recommendations for the improvement of such programs, if needed; and

(2) providing recommendations to establish additional aviation consumer protection programs, if needed.

(g) REPORT.—Not later than February 1 of each of the first 2 calendar years beginning after the date of enactment of this Act, the Secretary shall transmit to Congress a report containing—

(1) the recommendations made by the advisory committee during the preceding calendar year; and

(2) an explanation of how the Secretary has implemented each recommendation and, for each recommendation not implemented, the Secretary's reason for not implementing the recommendation.

SEC. 416. RURAL AVIATION IMPROVEMENT.

(a) COMMUNITIES ABOVE PER PASSENGER SUBSIDY CAP.—

(1) IN GENERAL.—Subchapter II of chapter 417 is amended by adding at the end the following:

"§ 41749. Essential air service for eligible places above per passenger subsidy cap

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for an air carrier to provide air transportation to a place described in subsection (b).

''(b) PLACE DESCRIBED.—A place described in this subsection is a place—

''(1) that is otherwise an eligible place; and

''(2) for which the per passenger subsidy exceeds the dollar amount allowable under this subchapter.

''(c) DECISIONS.—Not later than 90 days after receiving a proposal under subsection (a) for compensation for an air carrier to provide air transportation to a place described in subsection (b), the Secretary shall—

''(1) decide whether to provide compensation for the air carrier to provide air transportation to the place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the per passenger subsidy; and

''(B) the dollar amount allowable for such subsidy under this subchapter.

''(d) COMPENSATION PAYMENTS.—

''(1) IN GENERAL—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the place.

''(e) REVIEW—

''(1) IN GENERAL—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION—The Secretary may make appropriate adjustments in the type and level of air service to a place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION—An air carrier providing air transportation to a place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the air carrier provides notice of the intent of the air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT—The chapter analysis for chapter 417 is amended by adding after the item relating to section 41748 the following new item:

''41749. Essential air service for eligible places above per passenger subsidy cap.''.

(b) PREFERRED ESSENTIAL AIR SERVICE.—

(1) IN GENERAL.—Subchapter II of chapter 417, as amended by subsection (a), is further amended by adding after section 41749 the following:

"§ 41750. Preferred essential air service

''(a) PROPOSALS.—A State or local government may submit a proposal to the Secretary of Transportation for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place.

''(b) PREFERRED AIR CARRIER DESCRIBED—A preferred air carrier described in this subsection is an air carrier that—

''(1) submits an application under section 41733(c) to provide air transportation to an eligible place;

''(2) is not the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(3) is an air carrier that the affected community prefers to provide air transportation to the eligible place instead of the air carrier that submits the lowest cost bid.

''(c) DECISIONS—Not later than 90 days after receiving a proposal under subsection (a) for compensation for a preferred air carrier described in subsection (b) to provide air transportation to an eligible place, the Secretary shall—

''(1) decide whether to provide compensation for the preferred air carrier to provide air transportation to the eligible place; and

''(2) approve the proposal if the State or local government or a person is willing and able to pay the difference between—

''(A) the rate of compensation the Secretary would provide to the air carrier that submits the lowest cost bid to provide air transportation to the eligible place; and

''(B) the rate of compensation the preferred air carrier estimates to be necessary to provide air transportation to the eligible place.

''(d) COMPENSATION PAYMENTS—

''(1) IN GENERAL—The Secretary shall pay compensation under this section at such time and in such manner as the Secretary determines is appropriate.

''(2) DURATION OF PAYMENTS—The Secretary shall continue to pay compensation under this section only as long as—

''(A) the State or local government or person agreeing to pay compensation under subsection (c)(2) continues to pay such compensation; and

''(B) the Secretary decides the compensation is necessary to maintain air transportation to the eligible place.

''(e) REVIEW—

''(1) IN GENERAL—The Secretary shall periodically review the type and level of air service provided under this section.

''(2) CONSULTATION—The Secretary may make appropriate adjustments in the type and level of air service to an eligible place under this section based on the review under paragraph (1) and consultation with the affected community and the State or local government or person agreeing to pay compensation under subsection (c)(2).

''(f) ENDING, SUSPENDING, AND REDUCING AIR TRANSPORTATION—A preferred air carrier providing air transportation to an eligible place under this section may end, suspend, or reduce such air transportation if, not later than 30 days before ending, suspending, or reducing such air transportation, the preferred air carrier provides notice of the intent of the preferred air carrier to end, suspend, or reduce such air transportation to—

''(1) the Secretary;

''(2) the affected community; and

''(3) the State or local government or person agreeing to pay compensation under subsection (c)(2).''.

(2) CLERICAL AMENDMENT—The chapter analysis for chapter 417, as amended by subsection (a), is further amended by adding after the item relating to section 41749 the following new item:

''41750. Preferred essential air service.'.

(c) RESTORATION OF ELIGIBILITY TO A PLACE DETERMINED BY THE SECRETARY TO BE INELIGIBLE FOR SUBSIDIZED ESSENTIAL AIR SERVICE.——Section 41733 is amended by adding at the end the following new subsection:

''(f) RESTORATION OF ELIGIBILITY FOR SUBSIDIZED ESSENTIAL AIR SERVICE—

''(1) IN GENERAL—If the Secretary of Transportation terminates the eligibility of an otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c), a State or local government may submit to the Secretary a proposal for restoring such eligibility.

''(2) DETERMINATION BY SECRETARY—If the per passenger subsidy required by the proposal submitted by a State or local government under paragraph (1) does not exceed the per passenger subsidy cap provided under this subchapter, the Secretary shall issue an order restoring the eligibility of the otherwise eligible place to receive basic essential air service by an air carrier for compensation under subsection (c).'.

(d) OFFICE OF RURAL AVIATION.—

(1) ESTABLISHMENT—There is established within the Office of the Secretary of Transportation the Office of Rural Aviation.

(b) FUNCTIONS—The functions of the Office are—

(1) to develop a uniform 4-year contract for air carriers providing essential air service to communities under subchapter II of chapter 417 of title 49, United States Code;

(2) to develop a mechanism for comparing applications submitted by air carriers under section 41733(c) to provide essential air service to communities, including comparing—

(A) estimates from air carriers on—

(i) the cost of providing essential air service; and

(ii) the revenues air carriers expect to receive when providing essential air service; and

(B) estimated schedules for air transportation; and

(3) to select an air carrier from among air carriers applying to provide essential air

service, based on the criteria described in paragraph (2).

(e) EXTENSION OF AUTHORITY TO MAKE AGREEMENTS UNDER THE ESSENTIAL AIR SERVICE PROGRAM.—Section 41743(e)(2) is amended by striking ''2008'' and inserting ''2011''.

(f) ADJUSTMENTS TO COMPENSATION FOR SIGNIFICANTLY INCREASED COSTS—Section 41737 is amended—

(1) by striking ''and'' after the semicolon in subsection (a)(1)(B);

(2) by striking ''provided.'' in subsection (a)(1)(C) and inserting ''provided; and'';

(3) by adding at the end of subsection (a)(1) the following:

''(D) provide for an adjustment in compensation, for service or transportation to a place that was an eligible place as of November 1, 2007, to account for significant increases in fuel costs, in accordance with subsection (e).''; and

(4) by adding at the end thereof the following:

''(f) FUEL COST SUBSIDY DISREGARD.—Any amount provided as an adjustment in compensation pursuant to subsection (a)(1)(D) shall be disregarded for the purpose of determining whether the amount of compensation provided under this subchapter with respect to an eligible place exceeds the per passenger subsidy exceeds the dollar amount allowable under this subchapter.''.

(f) CONTINUED ELIGIBILITY.—Notwithstanding any provision of subchapter II of chapter 417 of title 49, United States Code, to the contrary, a community that was receiving service or transportation under that subchapter as an eligible place (as defined in section 41731(a)(1) of such title) as of November 1, 2007, shall continue to be eligible to receive service or transportation under that subchapter without regard to whether the per passenger subsidy required exceeds the per passenger subsidy cap provided under that subchapter.

TITLE V—AVIATION SAFETY

SEC. 501. RUNWAY SAFETY EQUIPMENT PLAN.

Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall issue a plan to develop an installation and deployment schedule for systems the Administration is installing to alert controllers and flight crews to potential runway incursions. The plan shall be integrated into the annual Federal Aviation Administration operational evolution plan.

SEC. 502. AIRCRAFT FUEL TANK SAFETY IMPROVEMENT.

Not later than December 31, 2008, the Federal Aviation Administration shall issue a final rule regarding the reduction of fuel tank flammability in transport category aircraft.

SEC. 503. JUDICIAL REVIEW OF DENIAL OF AIRMAN CERTIFICATES.

(a) JUDICIAL REVIEW OF NTSB DECISIONS.—Section 44703(d) is amended by adding at the end the following:

''(3) JUDICIAL REVIEW.—A person substantially affected by an order of the Board under this subsection, or the Administrator when the Administrator decides that an order of the Board will have a significant adverse impact on carrying out this part, may obtain judicial review of the order under section 46110 of this title. The Administrator shall be made a party to the judicial review proceedings. The findings of fact of the Board in any such case are conclusive if supported by substantial evidence.''.

(b) CONFORMING AMENDMENT.—Section 1153(c) is amended by striking ''section 44709 or'' and inserting ''section 44703(d), 44709, or''.

SEC. 504. RELEASE OF DATA RELATING TO ABANDONED TYPE CERTIFICATES AND SUPPLEMENTAL TYPE CERTIFICATES.

Section 44704(a) is amended by adding at the end the following:

''(5) RELEASE OF DATA.—

''(A) Notwithstanding any other provision of law, the Administrator may designate, without the consent of the owner of record, engineering data in the agency's possession related to a type certificate or a supplemental type certificate for an aircraft, engine, propeller or appliance as public data, and therefore releasable, upon request, to a person seeking to maintain the airworthiness of such product, if the Administrator determines that—

''(i) the certificate containing the requested data has been inactive for 3 years;

''(ii) the owner of record, or the owner of record's heir, of the type certificate or supplemental certificate has not been located despite a search of due diligence by the agency; and

''(iii) the designation of such data as public data will enhance aviation safety.

''(B) In this section, the term 'engineering data' means type design drawings and specifications for the entire product or change to the product, including the original design data, and any associated supplier data for individual parts or components approved as part of the particular aeronautical product certificate.''.

SEC. 505. DESIGN ORGANIZATION CERTIFICATES.

Section 44704(e) is amended—

(1) by striking ''Beginning 7 years after the date of enactment of this subsection,'' in paragraph (1) and inserting ''Effective January 1, 2013,'';

(2) by striking ''testing'' in paragraph (2) and inserting ''production''; and

(3) by striking paragraph (3) and inserting the following:

''(3) ISSUANCE OF CERTIFICATE BASED ON DESIGN ORGANIZATION CERTIFICATION.—The Administrator may rely on the Design Organization for certification of compliance under this section.''.

SEC. 506. FAA ACCESS TO CRIMINAL HISTORY RECORDS OR DATABASE SYSTEMS.

(a) IN GENERAL.—Chapter 401 is amended by adding at the end thereof the following:

''§ 40130. FAA access to criminal history records or databases systems

''(a) ACCESS TO RECORDS OR DATABASES SYSTEMS.—

''(1) Notwithstanding section 534 of title 28 and the implementing regulations for such section (28 C.F.R. part 20), the Administrator of the Federal Aviation Administration is authorized to access a system of documented criminal justice information maintained by the Department of Justice or by a State but may do so only for the purpose of carrying out its civil and administrative responsibilities to protect the safety and security of the National Airspace System or to support the missions of the Department of Justice, the Department of Homeland Security, and other law enforcement agencies. The Administrator shall be subject to the same conditions or procedures established by the Department of Justice or State for access to such an information system by other governmental agencies with access to the system.

''(2) The Administrator may not use the access authorized under paragraph (1) to conduct criminal investigations.

''(b) DESIGNATED EMPLOYEES.—The Administrator shall, by order, designate those employees of the Administration who shall carry out the authority described in subsection (a). Such designated employees may—

''(1) have access to and receive criminal history, driver, vehicle, and other law enforcement information contained in the law enforcement databases of the Department of Justice, or of any jurisdiction in a State in the same manner as a police officer employed by a State or local authority of that State who is certified or commissioned under the laws of that State;

''(2) use any radio, data link, or warning system of the Federal Government and of any jurisdiction in a State that provides information about wanted persons, be-on-the-lookout notices, or warrant status or other officer safety information to which a police officer employed by a State or local authority in that State who is certified or commission under the laws of that State has access and in the same manner as such police officer; or

''(3) receive Federal, State, or local government communications with a police officer employed by a State or local authority in that State in the same manner as a police officer employed by a State or local authority in that State who is commissioned under the laws of that State.

''(c) SYSTEM OF DOCUMENTED CRIMINAL JUSTICE INFORMATION DEFINED.—In this section the term 'system of documented criminal justice information' means any law enforcement databases, systems, or communications containing information concerning identification, criminal history, arrests, convictions, arrest warrants, or wanted or missing persons, including the National Crime Information Center and its incorporated criminal history databases and the National Law Enforcement Telecommunications System.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 401 is amended by inserting after the item relating to section 40129 the following:

''40130. FAA access to criminal history records or databases systems.''.

SEC. 507. FLIGHT CREW FATIGUE.

(a) IN GENERAL.—Within 3 months after the date of enactment of this Act the Administrator of the Federal Aviation Administration shall conclude arrangements with the National Academy of Sciences for a study of pilot fatigue.

(b) STUDY.—The study shall include consideration of—

(1) research on fatigue, sleep, and circadian rhythms;

(2) sleep and rest requirements recommended by the National Transportation Safety Board; and

(3) international standards.

(c) REPORT.—Within 18 months after initiating the study, the National Academy shall submit a report to the Administrator containing its findings and recommendations, including recommendations with respect to Federal Aviation Regulations governing flight limitation and rest requirements.

(d) RULEMAKING.—After the Administrator receives the National Academy's report, the Federal Aviation Administration shall consider the findings of the National Academy in its rulemaking proceeding on flight time limitations and rest requirements.

(e) IMPLEMENTATION OF FLIGHT ATTENDANT FATIGUE STUDY RECOMMENDATIONS.—Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a process to carry out the recommendations of the CAMI study on flight attendant fatigue.

SEC. 508. INCREASING SAFETY FOR HELICOPTER EMERGENCY MEDICAL SERVICE OPERATORS.

(a) COMPLIANCE WITH 14 CFR PART 135 REGULATIONS.—No later than 18 months after the date of enactment of this Act, all helicopter emergency medical service operators shall comply with the regulations in part 135 of

title 14, Code of Federal Regulations whenever there is a medical crew on board, without regard to whether there are patients on board the helicopter.

(b) IMPLEMENTATION OF FLIGHT RISK EVALUATION PROGRAM.—Within 60 days after the date of enactment of this Act, the Federal Aviation Administration shall initiate, and complete within 18 months, a rulemaking—

(1) to create a standardized checklist of risk evaluation factors based on its Notice 8000.301, issued in August, 2005; and

(2) to require helicopter emergency medical service operators to use the checklist to determine whether a mission should be accepted.

(c) COMPREHENSIVE CONSISTENT FLIGHT DISPATCH PROCEDURES.—Within 60 days after the date of enactment of this Act, the Federal Aviation Administration shall initiate, and complete within 18 months, a rulemaking—

(1) to create standardized flight dispatch procedures for helicopter emergency medical service operators based on the regulations in part 121 of title 14, Code of Federal Regulations; and

(2) to require such operators to use those procedures for flights.

(d) IMPROVING SITUATIONAL AWARENESS.—Any helicopter used for helicopter emergency medical service operations that is ordered, purchased, or otherwise obtained after the date of enactment of this Act shall have on board an operational terrain awareness and warning system that meets the technical specifications of section 135.154 of the Federal Aviation Regulations (14 C.F.R. 135.154).

(e) IMPROVING THE DATA AVAILABLE TO NTSB INVESTIGATORS AT CRASH SITES.—

(1) STUDY.—Within 1 year after the date of enactment of this Act, the Federal Aviation Administration shall complete a feasibility study of requiring flight data and cockpit voice recorders on new and existing helicopters used for emergency medical service operations. The study shall address, at a minimum, issues related to survivability, weight, and financial considerations of such a requirement.

(2) RULEMAKING.—Within 2 years after the date of enactment of this Act, the Federal Aviation Administration shall complete a rulemaking to require flight data and cockpit voice recorders on board such helicopters.

SEC. 509. CABIN CREW COMMUNICATION.

(a) IN GENERAL.—Section 44728 is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

''(f) MINIMUM LANGUAGE SKILLS.—

''(1) IN GENERAL.—No certificate holder may use any person to serve, nor may any person serve, as a flight attendant under this part, unless that person has the ability to read, speak, and write English well enough to—

''(A) read material written in English and comprehend the information;

''(B) speak and understand English sufficiently to provide direction to, and understand and answer questions from, English-speaking individuals;

''(C) write incident reports and statements and log entries and statements; and

''(D) carry out written and oral instructions regarding the proper performance of their duties.

''(2) FOREIGN FLIGHTS.—The requirements of paragraph (1) do not apply to service as a flight attendant on a flight operated by a certificate holder solely between points outside the United States.''.

(b) ADMINISTRATION.—The Administrator of the Federal Aviation Administration shall work with certificate holders to which section 44728(f) of title 49, United States Code, applies to facilitate compliance with the requirements of section 44728(f)(1) of that title.

SEC. 510. CLARIFICATION OF MEMORANDUM OF UNDERSTANDING WITH OSHA.

(a) IN GENERAL.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) establish milestones, in consultation with the Occupational Safety and Health Administration, through a report to Congress for the completion of work begun under the August 2000 memorandum of understanding between the 2 Administrations and to address issues needing further action in the Administrations' joint report in December 2000; and

(2) initiate development of a policy statement to set forth the circumstances in which Occupational Safety and Health Administration requirements may be applied to crewmembers while working in the aircraft cabin.

(b) POLICY STATEMENT.—The policy statement to be developed under subsection (a)(2) shall satisfy the following principles:

(1) The establishment of a coordinating body similar to the Aviation Safety and Health Joint Team established by the August 2000 memorandum of understanding that includes representatives designated by both Administrations—

(A) to examine the applicability of current and future Occupational Safety and Health Administration regulations;

(B) to recommend policies for facilitating the training of Federal Aviation Administration inspectors; and

(C) to make recommendations that will govern the inspection and enforcement of safety and health standards on board aircraft in operation and all work-related environments.

(2) Any standards adopted by the Federal Aviation Administration shall set forth clearly—

(A) the circumstances under which an employer is required to take action to address occupational safety and health hazards;

(B) the measures required of an employer under the standard; and

(C) the compliance obligations of an employer under the standard.

SEC. 511. ACCELERATION OF DEVELOPMENT AND IMPLEMENTATION OF REQUIRED NAVIGATION PERFORMANCE APPROACH PROCEDURES.

(a) IN GENERAL.—The Administrator of the Federal Aviation Administration shall set a target of achieving a minimum of 200 Required Navigation Performance procedures each fiscal year through fiscal year 2012, with 25 percent of that target number meeting the low visibility approach criteria.

(b) USE OF THIRD PARTIES.—The Administrator is authorized to provide third parties the ability to design, flight check, and implement Required Navigation Performance approach procedures.

SEC. 512. ENHANCED SAFETY FOR AIRPORT OPERATIONS.

From amounts appropriated for fiscal years 2009 through 2011 pursuant to section 48101(a) of title 49, United States Code, the Secretary shall make available such sums as may be necessary for use in relocating the radar facility at National Plan of Integrated Airport Systems airport number 54-0026 to improve the safety, efficiency, and security of air traffic control, navigation, low altitude communications and surveillance, and weather. The Administrator of the Federal Aviation Administration shall ensure that the radar is relocated before September 30, 2011.

SEC. 513. IMPROVED SAFETY INFORMATION.

Not later than December 31, 2008, the Administrator of the Federal Aviation Administration shall issue a final rule in docket No. FAA-2008-0188, *Re-registration and Renewal of Aircraft Registration*. The final rule shall include—

(1) provision for the expiration of a certificate for an aircraft registered as of the date of enactment of this Act, with re-registration requirements for those aircraft that remain eligible for registration;

(2) provision for the periodic expiration of all certificates issued after the effective date of the rule with a registration renewal process; and

(3) other measures to promote the accuracy and efficient operation and value of the Administration's aircraft registry.

SEC. 514. VOLUNTARY DISCLOSURE REPORTING PROCESS IMPROVEMENTS.

Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) take such action as may be necessary to ensure that the Voluntary Disclosure Reporting Process requires inspectors—

(A) to evaluate corrective action proposed by an air carrier with respect to a matter disclosed by that air carrier is sufficiently comprehensive in scope and application and applies to all affected aircraft operated by that air carrier before accepting the proposed voluntary disclosure; and

(B) to verify that corrective action so identified by an air carrier is completed within the timeframe proposed; and

(C) to verify by inspection that the carrier's corrective action adequately corrects the problem that was disclosed; and

(2) establish a second level supervisory review of disclosures under the Voluntary Disclosure Reporting Process before any proposed disclosure is accepted and closed that will ensure that a matter disclosed by an air carrier—

(A) has not been previously identified by a Federal Aviation Administration inspector; and

(B) has not been previously disclosed by the carrier in the preceding 5 years.

SEC. 515. PROCEDURAL IMPROVEMENTS FOR INSPECTIONS.

(a) EMPLOYMENT BY INSPECTED AIR CARRIERS.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall initiate a rulemaking proceeding to revise its post-employment guidance to prohibit an inspector employed by an air carrier the inspector was responsible for inspecting from representing that air carrier before the Federal Aviation Administration or participating in negotiations or other contacts with the Federal Aviation Administration on behalf of that air carrier for a period of 2 years after terminating employment by the Federal Aviation Administration.

(b) INSPECTION TRACKING.—Within 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall implement a process for tracking field office review of air carrier compliance with Federal Aviation Administration air worthiness directives. In tracking air worthiness directive compliance, the Administrator shall ensure that—

(1) each air carriers under the Administration's air transportation oversight system is reviewed for 100 percent compliance on a 5-year cycle;

(2) Compliance reviews include physical inspections at each applicable carrier of a sample of the aircraft to which the air worthiness certificate applies; and

(3) the appropriate local and regional offices, and the Administrator, are alerted whenever a carrier is no longer in compliance with an air worthiness directive.

SEC. 516. INDEPENDENT REVIEW OF SAFETY ISSUES.

Within 30 days after the date of enactment of this Act, the Comptroller General shall initate a review and investigation of air safety issues identified by Federal Aviation Administration employees and reported to the Administrator. The Comptroller General shall report the Government Accountability Office's findings and recommendations to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure on an annual basis.

SEC. 517. NATIONAL REVIEW TEAM.

(a) IN GENERAL.—Within 180 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a national review team within the Administration to conduct periodic, random reviews of the Administration's oversight of air carriers and report annually its findings and recommendations to the Administrator, the Senate Commerce, Science, and Transportation Committee, and the House of Representatives Committee on Transportation and Infrastructure.

(b) INSPECTOR GENERAL REPORTS.—The Inspector General of the Department of Transportation shall provide progress reports to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the review teams and their effectiveness.

(c) ADDITIONAL SAFETY INSPECTORS.—From amounts appropriated pursuant to section 106(k)(1) of title 49, United States Code, the Administrator of the Federal Aviation Administration may hire a net increase of 200 additional safety inspectors.

SEC. 518. FAA ACADEMY IMPROVEMENTS.

(a) REVIEW.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall conduct a comprehensive review and evaluation of its Academy and facility training efforts.

(b) FACILITY TRAINING PROGRAM.—The Administrator shall—

(1) clarify responsibility for oversight and direction of the Academy's facility training program at the national level;

(2) communicate information concerning that responsibility to facility managers; and

(3) establish standards to identify the number of developmental controllers that can be accommodated at each facility, based on—

(A) the number of available on-the-job-training instructors;

(B) available classroom space;

(C) the number of available simulators;

(D) training requirements; and

(E) the number of recently placed new personnel already in training.

SEC. 519. REDUCTION OF RUNWAY INCURSIONS AND OPERATIONAL ERRORS.

(a) PLAN.—The Administrator of the Federal Aviation Administration shall develop a plan for the reduction of runway incursions by reviewing every commercial service airport (as defined in section 47102 of title 49, United States Code) in the United States and initiating action to improve airport lighting, provide better signage, and improve runway and taxiway markings.

(b) PROCESS.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a process for tracking and investigating operational errors and runway incursions that includes—

(1) identifying the office responsible for establishing regulations regarding operational errors and runway incursions;

(2) identifying who is responsible for tracking and investigating operational errors and runway incursions and taking remedial actions;

(3) identifying who is responsible for tracking operational errors and runway incursions, including a process for lower level employees to report to higher supervisory levels; and

(4) periodic random audits of the oversight process.

TITLE VI—AVIATION RESEARCH

SEC. 601. AIRPORT COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 44511(f) is amended—

(1) by striking ''establish a 4-year pilot'' in paragraph (1) and inserting ''maintain an''; and

(2) by inserting ''pilot'' in paragraph (4) before ''program'' the first time it appears; and

(3) by striking ''program, including recommendations as to the need for establishing a permanent airport cooperative research program.'' in paragraph (4) and inserting ''program.''.

(b) AIRPORT COOPERATIVE RESEARCH PROGRAM.—Not more than $15,000,000 per year for fiscal years 2008, 2009, 2010, and 2011 may be appropriated to the Secretary of Transportation from the amounts made available each year under subsection (a) for the Airport Cooperative Research Program under section 44511 of this title, of which not less than $5,000,000 per year shall be for research activities related to the airport environment, including reduction of community exposure to civil aircraft noise, reduction of civil aviation emissions, or addressing water quality issues.

SEC. 602. REDUCTION OF NOISE, EMISSIONS, AND ENERGY CONSUMPTION FROM CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Administrator of the Federal Aviation Administration shall establish a research program related to reducing civilian aircraft source noise and emissions through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation of educational and research institutions or private sector entities that have existing facilities and experience for developing and testing noise, emissions and energy reduction engine and aircraft technology, and developing alternative fuels.

(b) ESTABLISHING A CONSORTIUM.—Within 6 months after the date of enactment of this Act, the Administrator shall designate, using a competitive process, an institution, entity, or consortium described in subsection (a) as a Consortium for Aviation Noise, Emissions, and Energy Technology Research to perform research in accordance with this section. The Consortium shall conduct the research program in coordination with the National Aeronautics and Space Administration and other relevant agencies.

(c) PERFORMANCE OBJECTIVES.—By January 1, 2015, the research program shall accomplish the following objectives:

(1) Certifiable aircraft technology that increases aircraft fuel efficiency by 25 percent relative to 1997 subsonic aircraft technology.

(2) Certifiable engine technology that reduces landing and takeoff cycle nitrogen oxide emissions by 50 percent, without increasing other gaseous or particle emissions, over the International Civil Aviation Organization standard adopted in 2004.

(3) Certifiable aircraft technology that reduces noise levels by 10 dB (30 dB cumulative) relative to 1997 subsonic jet aircraft technology.

(4) Determination of the feasibility of use of alternative fuels in aircraft systems, including successful demonstration and quantification of benefits.

(5) Determination of the extent to which new engine and aircraft technologies may be used to retrofit or re-engine aircraft so as to increase the level of penetration into the commercial fleet.

SEC. 603. PRODUCTION OF CLEAN COAL FUEL TECHNOLOGY FOR CIVILIAN AIRCRAFT.

(a) ESTABLISHMENT OF RESEARCH PROGRAM.—From amounts made available under section 48102(a) of title 49, United States Code, the Secretary of Transportation shall establish a research program related to developing jet fuel from clean coal through grants or other measures authorized under section 106(l)(6) of such title, including reimbursable agreements with other Federal agencies. The program shall include participation by educational and research institutions that have existing facilities and experience in the development and deployment of technology that processes coal to aviation fuel.

(b) DESIGNATION OF INSTITUTION AS A CENTER OF EXCELLENCE.—Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall designate an institution described in subsection (a) as a Center of Excellence for Coal-to-Jet-Fuel Research.

SEC. 604. ADVISORY COMMITTEE ON FUTURE OF AERONAUTICS.

(a) ESTABLISHMENT.—There is established an advisory committee to be know as the ''Advisory Committee on the Future of Aeronautics''.

(b) MEMBERSHIP.—The Advisory Committee shall consist of 7 members appointed by the President from a list of 15 candidates proposed by the Director of the National Academy of Sciences.

(c) CHAIRPERSON.—The Advisory Committee members shall elect 1 member to serve as chairperson of the Advisory Committee.

(d) FUNCTIONS.—The Advisory Committee shall examine the best governmental and organizational structures for the conduct of civil aeronautics research and development, including options and recommendations for consolidating such research to ensure continued United States leadership in civil aeronautics. The Committee shall consider transferring responsibility for civil aeronautics research and development from the National Aeronautics and Space Administration to other existing departments or agencies of the Federal government or to a non-governmental organization such as academic consortia or not-for-profit organizations. In developing its recommendations, the Advisory Committee shall consider, as appropriate, the aeronautics research policies developed pursuant to section 101(d) of Public Law 109–155 and the requirements and priorities for aeronautics research established by title IV of Public Law 109–155.

(e) REPORT.—Not later than 12 months after the date on which the full membership of the Advisory Committee is appointed, the Advisory Committee shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House Committees on Science and Technology and on Transportation and Infrastructure on its findings and recommendations. The report may recommend a rank ordered list of acceptable solutions.

(f) TERMINATION.—The Advisory Committee shall terminate 60 days after the date on which it submits the report to the Congress.

SEC. 605. RESEARCH PROGRAM TO IMPROVE AIRFIELD PAVEMENTS.

(a) CONTINUATION OF PROGRAM.—The Administrator of the Federal Aviation Administration shall continue the program to consider awards to nonprofit concrete and asphalt pavement research foundations to improve the design, construction, rehabilitation, and repair of airfield pavements to aid in the development of safer, more cost effective, and more durable airfield pavements.

(b) USE OF GRANTS OR COOPERATIVE AGREEMENTS.—The Administrator may use grants or cooperative agreements in carrying out this section.

SEC. 606. WAKE TURBULENCE, VOLCANIC ASH, AND WEATHER RESEARCH.

Within 60 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall—

(1) initiate evaluation of proposals that would increase capacity throughout the air transportation system by reducing existing spacing requirements between aircraft of all sizes, including research on the nature of wake vortices;

(2) begin implementation of a system to improve volcanic ash avoidance options for aircraft, including the development of a volcanic ash warning and notification system for aviation; and

(3) establish research projects on—

(A) ground de-icing/anti-icing, ice pellets, and freezing drizzle;

(B) oceanic weather, including convective weather;

(C) en route turbulence prediction and detection; and

(D) all hazards during oceanic operations, where commercial traffic is high and only rudimentary satellite sensing is available, to reduce the hazards presented to commercial aviation.

SEC. 607. INCORPORATION OF UNMANNED AERIAL SYSTEMS INTO FAA PLANS AND POLICIES.

(a) RESEARCH.—

(1) EQUIPMENT.—Section 44504 is amended—

(A) by inserting ''unmanned and manned'' in subsection (a) after ''improve'';

(B) by striking ''and'' after the semicolon in subsection (b)(6);

(C) by striking ''aircraft.'' in subsection (b)(7) and inserting ''aircraft; and''; and

(D) by adding at the end of subsection (b) the following:

''(8) in conjunction with other Federal agencies as appropriate, to develop technologies and methods to assess the risk of and prevent defects, failures, and malfunctions of products, parts, and processes, for use in all classes of unmanned aerial systems that could result in a catastrophic failure.''.

(2) HUMAN FACTORS; SIMULATIONS.—Section 44505(b) is amended—

(A) by striking ''and'' after the semicolon in paragraph (4);

(B) by striking ''programs.'' in paragraph (5)(C) and inserting ''programs; and''; and

(C) by adding at the end thereof the following:

''(6) to develop a better understanding of the relationship between human factors and unmanned aerial systems air safety; and

''(7) to develop dynamic simulation models of integrating all classes of unmanned aerial systems into the National Air Space.''.

(b) NATIONAL ACADEMY OF SCIENCES ASSESSMENT.—

(1) IN GENERAL.—Within 3 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall enter into an arrangement with the National Academy of Science for an assessment of unmanned aerial systems that shall include consideration of—

(A) human factors regarding unmanned aerial systems operation;

(B) ''detect, sense and avoid technologies'' with respect to both cooperative and non-cooperative aircraft;

(C) spectrum issues and bandwidth requirements;

(D) operation in suboptimal winds and adverse weather conditions;

(E) mechanisms for letter others know where the unmanned aerial system is flying;

(F) airworthiness and system redundancy;

(G) flight termination systems for safety and security;

(H) privacy issues;

(I) technologies for unmanned aerial systems flight control;

(J) technologies for unmanned aerial systems propulsion;

(K) unmanned aerial systems operator qualifications, medical standards, and training requirements;

(L) unmanned aerial systems maintenance requirements and training requirements; and

(M) any other unmanned aerial systems-related issue the Administrator believes should be addressed.

(2) REPORT.—Within 12 months after initiating the study, the National Academy shall submit its report to the Administrator, the Senate Committee on Commerce, Science, and Transportation, and the House of Representatives Committee on Transportation and Infrastructure containing its findings and recommendations.

(c) PILOT PROJECTS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall establish 3 2-year cost-shared pilot projects in sparsely populated, low-density Class G air traffic airspace to conduct experiments and collect data in order to accelerate the safe integration of unmanned aerial systems into the National Airspace System as follows:

(A) 1 project shall address operational issues required for integration of Category 1 unmanned aerial systems.

(B) 1 project shall address operational issues required for integration of Category 2 unmanned aerial systems.

(C) 1 project shall address operational issues required for integration of Category 3 unmanned aerial systems.

(2) USE OF CONSORTIA.—In conducting the pilot projects, the Administrator shall encourage the formation of consortia from the public and private sectors, educational institutions, and non-profit organization.

(3) REPORT.—Within 60 days after completing the pilot projects, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure setting forth the Administrator's findings and conclusions concerning the projects.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator for fiscal years 2008 and 2009 such sums as may be necessary to conduct the pilot projects.

(d) FAA TASK LIST.—

(1) STREAMLINE UNMANNED AERIAL SYSTEMS CERTIFICATION PROCESS.—Within 30 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop and transmit an unmanned aerial systems ''roadmap'' to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(2) UPDATE POLICY STATEMENT.—Within 45 days after the date of enactment of this Act, the Administrator shall issue an updated policy statement on unmanned aerial systems under Docket No. FAA-2006-25714; Notice No. 07-01.

(3) ISSUE NPRM FOR CERTIFICATES.—Within 90 days after the date of enactment of this Act, the Administrator shall publish a notice of proposed rulemaking on issuing airworthiness certificates and experimental certificates to unmanned aerial systems operators for compensation or hire. The Administrator shall promulgate a final rule 90 days after the date on which the notice is published.

(4) NOTICE TO CONGRESS ON BASING UNMANNED AERIAL SYSTEMS REGULATIONS ON ULTRALIGHT REGULATIONS.—Within 90 days after the date of enactment of this Act, the Administrator shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the potential of using part 103 of title 14, Code of Federal Regulations (relating to Ultralight Aircraft), as the regulatory basis for regulations on lightweight unmanned aerial systems.

(e) CONSOLIDATED RULEMAKING DEADLINE.—No later than April 30, 2010, the Federal Aviation Administration and other affected Federal agencies shall have initiated all of the rule makings regarding vehicle design requirements, operational requirements, airworthiness requirements, and flight crew certifications requirements necessary for integrating all categories of unmanned aerial systems into the national air space, taking into consideration the recommendations the Administrator receives from the National Academy of Sciences report under subsection (b), the unmanned aerial systems ''roadmap'' developed by the Administrator under subsection (d)(1), the recommendations of the Radio Technical Committee Aeronautics Special Committee 203 (RTCA-SC 203), and the data generated from the 3 pilot projects conducted under subsection (c).

SEC. 608. REAUTHORIZATION OF CENTER OF EXCELLENCE IN APPLIED RESEARCH AND TRAINING IN THE USE OF ADVANCED MATERIALS IN TRANSPORT AIRCRAFT.

Section 708(b) of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 44504 note) is amended by striking ''$500,000 for fiscal year 2004'' and inserting ''$1,000,000 for each of fiscal years 2008 through 2012''.

SEC. 609. PILOT PROGRAM FOR ZERO EMISSION AIRPORT VEHICLES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47136 the following:

''§ 47136A. Zero emission airport vehicles and infrastructure

''(a) IN GENERAL.—The Secretary of Transportation shall establish a pilot program under which the sponsor of a public-use airport may use funds made available under section 47117 or section 48103 for use at such airports or passenger facility revenue (as defined in section 40117(a)(6)) to carry out activities associated with the acquisition and operation of zero emission vehicles (as defined in section 88.120-94 of title 40, Code of Federal Regulations), including the construction or modification of infrastructure to facilitate the delivery of fuel and services necessary for the use of such vehicles. Any use of funds authorized by the preceding sentence shall be considered to be an authorized use of funds under section 47117 or section 48103, or an authorized use of passenger facility revenue (as defined in section 40117(a)(6)), as the case may be.

''(b) LOCATION IN AIR QUALITY NONATTAINMENT AREAS.—

''(1) IN GENERAL.—A public-use airport shall be eligible for participation in the pilot program only if the airport is located in an air quality nonattainment area (as defined in section 171(2) of the Clean Air Act (42 U.S.C. 7501(2))).

''(2) SHORTAGE OF CANDIDATES.—If the Secretary receives an insufficient number of applications from public-use airports located in such areas, then the Secretary may consider applications from public-use airports that are not located in such areas.

''(c) SELECTION CRITERIA.—In selecting from among applicants for participation in the program, the Secretary shall give priority consideration to applicants that will achieve the greatest air quality benefits measured by the amount of emissions reduced per dollar of funds expended under the program.

''(d) FEDERAL SHARE.—Notwithstanding any other provision of this subchapter, the Federal share of the costs of a project carried out under the program shall be 50 percent.

''(e) TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—The sponsor of a public-use airport carrying out activities funded under the program may not use more than 10 percent of the amounts made available under the program in any fiscal year for technical assistance in carrying out such activities.

''(2) ELIGIBLE CONSORTIUM.—To the maximum extent practicable, participants in the program shall use an eligible consortium (as defined in section 5506 of this title) in the region of the airport to receive technical assistance described in paragraph (1).

''(f) MATERIALS IDENTIFYING BEST PRACTICES.—The Secretary may develop and make available materials identifying best practices for carrying out activities funded under the program based on projects carried out under section 47136 and other sources.''.

(b) REPORT ON EFFECTIVENESS OF PROGRAM.—Not later than 18 months after the date of enactment of this section, the Secretary of Transportation shall transmit a report to the Senate Committee on Commerce, Science, and Transportation the House of Representatives Committee on Transportation and Infrastructure containing—

(1) an evaluation of the effectiveness of the pilot program;

(2) an identification of all public-use airports that expressed an interest in participating in the program; and

(3) a description of the mechanisms used by the Secretary to ensure that the information and know-how gained by participants in the program is transferred among the participants and to other interested parties, including other public-use airports.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47136 the following:

''47136A. Zero emission airport vehicles and infrastructure''.

SEC. 610. REDUCTION OF EMISSIONS FROM AIRPORT POWER SOURCES.

(a) IN GENERAL.—Subchapter I of chapter 471 is amended by inserting after section 47140 the following:

''§ 47140A. Reduction of emissions from airport power sources

''(a) IN GENERAL.—The Secretary of Transportation shall establish a program under which the sponsor of each airport eligible to receive grants under section 48103 is encouraged to assess the airport's energy requirements, including heating and cooling, base load, back-up power, and power for on-road airport vehicles and ground support equipment, in order to identify opportunities to reduce harmful emissions and increase energy efficiency at the airport.

''(b) GRANTS.—The Secretary may make grants under section 48103 to assist airport sponsors that have completed the assessment described in subsection (a) to acquire or construct equipment, including hydrogen equipment and related infrastructure, that will reduce harmful emissions and increase energy efficiency at the airport. To be eligible for such a grant, the sponsor of such an airport shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require.''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 471 is amended by inserting after the item relating to section 47140 the following:

''47140A. Reduction of emissions from airport power sources''.

TITLE VII—MISCELLANEOUS

SEC. 701. GENERAL AUTHORITY.

(a) THIRD PARTY LIABILITY.—Section 44303(b) is amended by striking ''December 31, 2006,'' and inserting ''December 31, 2012,''.

(b) EXTENSION OF PROGRAM AUTHORITY.—Section 44310 is amended by striking ''March 30, 2008.'' and inserting ''October 1, 2017.''.

SEC. 702. HUMAN INTERVENTION MANAGEMENT STUDY.

Within 6 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a Human Intervention Management Study program for cabin crews employed by commercial air carriers in the United States.

SEC. 703. AIRPORT PROGRAM MODIFICATIONS.

The Administrator of the Federal Aviation Administration—

(1) shall establish a formal, structured certification training program for the airport concessions disadvantaged business enterprise program; and

(2) may appoint 3 additional staff to implement the programs of the airport concessions disadvantaged business enterprise initiative.

SEC. 704. MISCELLANEOUS PROGRAM EXTENSIONS.

(a) EXTENSION OF METROPOLITAN WASHINGTON AIRPORTS AUTHORITY.—Section 49108 is amended by striking ''2008,'' and inserting ''2011,''.

(b) MARSHALL ISLANDS, FEDERATED STATES OF MICRONESIA, AND PALAU.—Section 47115(j) is amended by striking ''2007,'' and inserting ''2011,''.

(c) MIDWAY ISLAND AIRPORT.—Section 186(d) of the Vision 100—Century of Aviation Reauthorization Act (17 Stat. 2518) is amended by striking ''October 1, 2007,'' and inserting ''October 1, 2011,''.

SEC. 705. EXTENSION OF COMPETITIVE ACCESS REPORTS.

Section 47107(s) is amended by striking paragraph (3).

SEC. 706. UPDATE ON OVERFLIGHTS.

(a) IN GENERAL.—Section 45301(b) is amended to read as follows:

''(b) LIMITATIONS.—

''(1) IN GENERAL.—In establishing fees under subsection (a), the Administrator shall ensure that the fees required by subsection (a) are reasonably related to the Administration's costs, as determined by the Administrator, of providing the services rendered. Services for which costs may be recovered include the costs of air traffic control, navigation, weather services, training, and emergency services which are available to facilitate safe transportation over the United States, and other services provided by the Administrator or by programs financed by the Administrator to flights that neither take off nor land in the United States. The determination of such costs by the Administrator is not subject to judicial review.

''(2) ADJUSTMENT OF FEES.—The Administrator shall adjust the overflight fees established by subsection (a)(1) by expedited rulemaking and begin collections under the adjusted fees by October 1, 2009. In developing the adjusted overflight fees, the Administrator shall seek and consider the recommendations, if any, offered by the Aviation Rulemaking Committee for Overflight Fees that are intended to ensure that overflight fees are reasonably related to the Administrator's costs of providing air traffic control and related services to overflights. In addition, the Administrator may periodically modify the fees established under this section either on the Administrator's own initiative or on a recommendation from the Air Traffic Control Modernization Board.

''(3) COST DATA.—The adjustment of overflight fees under paragraph (2) shall be based on the costs to the Administration of providing the air traffic control and related activities, services, facilities, and equipment using the available data derived from the Administration's cost accounting system and cost allocation system to users, as well as budget and operational data.

''(4) AIRCRAFT ALTITUDE.—Nothing in this section shall require the Administrator to take into account aircraft altitude in establishing any fee for aircraft operations in en route or oceanic airspace.

''(5) COSTS DEFINED.—In this subsection, the term 'costs' means those costs associated with the operation, maintenance, debt service, and overhead expenses of the services provided and the facilities and equipment used in such services, including the projected costs for the period during which the services will be provided.

''(6) PUBLICATION; COMMENT.—The Administrator shall publish in the Federal Register any fee schedule under this section, including any adjusted overflight fee schedule, and the associated collection process as a proposed rule, pursuant to which public comment will be sought and a final rule issued.''.

(b) ADMINISTRATIVE PROVISION.—Section 45303(c)(2) is amended to read as follows:

''(2) shall be available to the Administrator for expenditure for purposes authorized by Congress for the Federal Aviation Administration, however, fees established by section 45301(a)(1) of title 49 of the United States Code shall be available only to pay the cost of activities and services for which the fee is imposed, including the costs to determine, assess, review, and collect the fee; and''.

SEC. 707. TECHNICAL CORRECTIONS.

Section 40122(g), as amended by section 307 of this Act, is further amended—

(1) by striking ''2302(b), relating to whistleblower protection,'' in paragraph (2)(A) and inserting ''2302,'';

(2) by striking ''and'' after the semicolon in paragraph (2)(H).

(3) by striking ''Plan.'' in paragraph (2)(I)(iii) and inserting ''Plan; and'';

(4) by adding at the end of paragraph (2) the following:

''(J) sections 6381 through 6387, relating to Family and Medical Leave.''; and

(5) by adding at the end of paragraph (3) ''Notwithstanding any other provision of law, retroactive to April 1, 1996, the Board shall have the same remedial authority over such employee appeals that it had as of March 31, 1996.''.

SEC. 708. FAA TECHNICAL TRAINING AND STAFFING.

(a) STUDY.—

(1) IN GENERAL.—The Comptroller General shall conduct a study of the training of airway transportation systems specialists of the Federal Aviation Administration that includes—

(A) an analysis of the type of training provided to such specialists;

(B) an analysis of the type of training that such specialists need to be proficient in the maintenance of the latest technologies;

(C) actions that the Administration has undertaken to ensure that such specialists

receive up-to-date training on such technologies;

(D) the amount and cost of training provided by vendors for such specialists;

(E) the amount and cost of training provided by the Administration after developing in-house training courses for such specialists;

(F) the amount and cost of travel required of such specialists in receiving training; and

(G) a recommendation regarding the most cost-effective approach to providing such training.

(2) REPORT.—Within 1 year after the date of enactment of this Act, the Comptroller General shall transmit a report on the study containing the Comptroller General's findings and recommendations to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(b) STUDY BY NATIONAL ACADEMY OF SCIENCES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall contract with the National Academy of Sciences to conduct a study of the assumptions and methods used by the Federal Aviation Administration to estimate staffing needs for Federal Aviation Administration air traffic controllers, system specialists, and engineers to ensure proper maintenance, certification, and operation of the National Airspace System. The National Academy of Sciences shall consult with the Exclusive Bargaining Representative certified under section 7111 of title 5, United States Code, and the Administration (including the Civil Aeronautical Medical Institute) and examine data entailing human factors, traffic activity, and the technology at each facility.

(2) CONTENTS.—The study shall include—

(A) recommendations for objective staffing standards that maintain the safety of the National Airspace System; and

(B) the approximate length of time for developing such standards.

(3) REPORT.—Not later than 24 months after executing a contract under subsection (a), the National Academy of Sciences shall transmit a report containing its findings and recommendations to the Congress.

(c) SAFETY STAFFING MODEL.—Within 18 months after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall develop a staffing model for aviation safety inspectors. In developing the model, the Administrator shall consult with representatives of the aviation safety inspectors and other interested parties.

SEC. 709. COMMERCIAL AIR TOUR OPERATORS IN NATIONAL PARKS.

(a) SECRETARY OF THE INTERIOR AND OVERFLIGHTS OF NATIONAL PARKS.—

(1) Section 40128 is amended—

(A) by striking paragraph (8) of subsection (f);

(B) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(C) by striking ''National Park Service'' in subsection (a)(2)(B)(vi) and inserting ''Department of the Interior''; and

(D) by striking ''National Park Service'' in subsection (b)(4)(C) and inserting ''Department of the Interior''.

(2) The National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note) is amended—

(A) by striking ''Director'' in section 804(b) and inserting ''Secretary of the Interior'';

(B) in section 805—

(i) by striking ''Director of the National Park Service'' in subsection (a) and inserting ''Secretary of the Interior'';

(ii) by striking ''Director'' each place it appears and inserting ''Secretary of the Interior'';

(iii) by striking ''National Park Service'' each place it appears in subsection (b) and inserting ''Department of the Interior'';

(iv) by striking ''National Park Service'' in subsection (d)(2) and inserting ''Department of the Interior''; and

(C) in section 807—

(i) by striking ''National Park Service'' in subsection (a)(1) and inserting ''Department of the Interior''; and

(ii) by striking ''Director of the National Park Service'' in subsection (b) and inserting ''Secretary of the Interior''.

(b) ALLOWING OVERFLIGHTS IN CASE OF AGREEMENT.—Paragraph (1) of subsection (a) of section 40128 is amended—

(1) by striking ''and'' in subparagraph (B);

(2) by striking ''lands.'' in subparagraph (C) and inserting ''lands; and''; and

(3) by adding at the end the following:

''(D) in accordance with a voluntary agreement between the commercial air tour operator and appropriate representatives of the national park or tribal lands, as the case may be.''.

(c) ADDITIONAL EXEMPTIONS TO AIR TOUR MANAGEMENT PLANS.—Subsection (a) of section 40128 is further amended by adding at the end the following:

''(5) WAIVER FOR NATIONAL PARKS WITH 100 OR FEWER COMMERCIAL AIR TOUR OPERATIONS PER YEAR.—

''(A) IN GENERAL.—Subject to subparagraph (B), and without further administrative or environmental process, the Secretary may waive the requirements of this section with respect to a national park over which 100 or fewer commercial air tour operations are conducted in a year.

''(B) EXCEPTION TO WAIVER IF NECESSARY TO PROTECT PARK RESOURCES.—

''(i) IN GENERAL.—The Secretary may not waive the requirements of this section if the Secretary determines that an air tour management plan is necessary to protect park resources and values.

''(ii) NOTICE AND PUBLICATION.—The Secretary shall inform the Administrator in writing of the determinations under clause (i), and the Secretary and the Administrator shall publish in the Federal Register a list of the national parks that fall under this subparagraph.

''(6) WAIVER WITH RESPECT TO VOLUNTARY AGREEMENTS.—

''(A) IN GENERAL.—The Secretary may waive the requirements of this section if a commercial air tour operator enters into a voluntary agreement with a national park to manage commercial air tour operations over the national park.

''(B) PURPOSE OF VOLUNTARY AGREEMENTS.—A voluntary agreement described in subparagraph (A) shall seek to protect park resources and visitor experiences without compromising aviation safety, and may—

''(i) include provisions described in subparagraph (B) through (E) of subsection (b)(3);

''(ii) include provisions to ensure the stability of, and compliance with, the provisions of the voluntary agreement; and

''(iii) set forth a fee schedule for operating over the national park.

''(C) CONSULTATION.—Before entering into a voluntary agreement described in subparagraph (A), a national park shall consult with any Indian tribe over whose tribal lands a commercial air tour operator may conduct commercial air tour operations pursuant to the voluntary agreement.

''(D) REVIEW AND APPROVAL BY THE SECRETARY AND THE ADMINISTRATOR.—

''(i) REVIEW.—Before executing a voluntary agreement described in subparagraph (A), a national park shall submit the voluntary agreement to the Secretary and the Administrator for review and approval.

''(ii) APPROVAL.—Not later than 60 days after receiving the agreement from the national park, the Secretary and the Administrator shall inform the national park of the determination of the Secretary and the Administrator regarding the approval of the agreement.

''(E) RESCISSION OF VOLUNTARY AGREEMENT.—

''(i) BY THE SECRETARY.—The Secretary may rescind a voluntary agreement described in subparagraph (A) if the Secretary determines that the agreement does not adequately protect park resources or visitor experiences.

''(ii) BY THE ADMINISTRATOR.—The Administrator may rescind a voluntary agreement described in subparagraph (A) if the Administrator determines that the agreement adversely affects aviation safety or the management of the national airspace system.

''(iii) EFFECT OF RESCISSION.—If the Secretary or the Administrator rescinds a voluntary agreement described in subparagraph (A), the commercial air tour operator that was a party to the agreement shall operate under the requirements for interim operating authority of subsection (c) until an air tour management plan for the national park becomes effective.''.

(d) MODIFICATION OF INTERIM OPERATING AUTHORITY.—Subsection (c)(2)(I) of section 40128 is amended to read as follows:

''(I) may allow for modifications of the interim operating authority without further environmental process, if—

''(i) adequate information on the existing and proposed operations of the commercial air tour operator is provided to the Administrator and the Secretary by the operator seeking operating authority;

''(ii) the Administrator determines that the modifications would not adversely affect aviation safety or the management of the national airspace system; and

''(iii) the Secretary agrees that the modifications would not adversely affect park resources and visitor experiences.''.

(e) REPORTING REQUIREMENTS FOR COMMERCIAL AIR TOUR OPERATORS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, each commercial air tour conducting commercial air tour operations over a national park shall report to the Administrator of the Federal Aviation Administration and the Secretary of the Interior on—

(A) the number of commercial air tour operations conducted by such operator over the national park each day;

(B) any relevant characteristics of commercial air tour operations, including the routes, altitudes, duration, and time of day of flights; and

(C) such other information as the Administrator and the Secretary may determine necessary to administer the provisions of the National Parks Air Tour Management Act of 2000 (49 U.S.C. 40128 note).

(2) FORMAT.—The report required by paragraph (1) shall be submitted in such form as the Administrator and the Secretary determine to be appropriate.

(3) EFFECT OF FAILURE TO REPORT.—The Administrator shall rescind the operating authority of a commercial air tour operator that fails to file a report not later than 180 days after the date for the submittal of the report described in paragraph (1).

(4) AUDIT OF REPORTS.—Not later than 2 years after the date of the enactment of this Act, and at such times thereafter as the Inspector General of the Department of Transportation determines necessary, the Inspector General shall audit the reports required by paragraph (1).

(f) COLLECTION OF FEES FROM AIR TOUR OPERATIONS.—

(1) IN GENERAL.—The Secretary of the Interior may assess a fee in an amount determined by the Secretary under paragraph (2) on a commercial air tour operator conducting commercial air tour operations over a national park.

(2) AMOUNT OF FEE.—In determining the amount of the fee assessed under paragraph (1), the Secretary shall consider the cost of developing air tour management plans for each national park.

(3) EFFECT OF FAILURE TO PAY FEE.—The Administrator of the Federal Aviation Administration shall revoke the operating authority of a commercial air tour operator conducting commercial air tour operations over any national park, including the Grand Canyon National Park, that has not paid the fee assessed by the Secretary under paragraph (1) by the date that is 180 days after the date on which the Secretary determines the fee shall be paid.

(g) AUTHORIZATION OF APPROPRIATIONS FOR AIR TOUR MANAGEMENT PLANS.—

(1) IN GENERAL.—There are authorized to be appropriated $10,000,000 to the Secretary of the Interior for the development of air tour management plans under section 40128(b) of title 49, United States Code.

(2) USE OF FUNDS.—The funds authorized to be appropriated by paragraph (1) shall be used to develop air tour management plans for the national parks the Secretary determines would most benefit from such a plan.

(h) GUIDANCE TO DISTRICT OFFICES ON COMMERCIAL AIR TOUR OPERATORS.—The Administrator of the Federal Aviation Administration shall provide to the Administration's district offices clear guidance on the ability of commercial air tour operators to obtain—

(1) increased safety certifications;

(2) exemptions from regulations requiring safety certifications; and

(3) other information regarding compliance with the requirements of this Act and other Federal and State laws and regulations.

(i) OPERATING AUTHORITY OF COMMERCIAL AIR TOUR OPERATORS.—

(1) TRANSFER OF OPERATING AUTHORITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a commercial air tour operator that obtains operating authority from the Administrator under section 40128 of title 49, United States Code, to conduct commercial air tour operations may transfer such authority to another commercial air tour operator at any time.

(B) NOTICE.—Not later than 30 days before the date on which a commercial air tour operator transfers operating authority under subparagraph (A), the operator shall notify the Administrator and the Secretary of the intent of the operator to transfer such authority.

(C) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall prescribe regulations to allow transfers of operating authority described in subparagraph (A).

(2) TIME FOR DETERMINATION REGARDING OPERATING AUTHORITY.—Notwithstanding any other provision of law, the Administrator shall determine whether to grant a commercial air tour operator operating authority under section 40128 of title 49, United States Code, not later than 180 days after the earlier of the date on which—

(A) the operator submits an application; or

(B) an air tour management plan is completed for the national park over which the operator seeks to conduct commercial air tour operations.

(3) INCREASE IN INTERIM OPERATING AUTHORITY.—The Administrator and the Secretary may increase the interim operating authority while an air tour management plan is being developed for a park if—

(A) the Secretary determines that such an increase does not adversely impact park resources or visitor experiences; and

(B) the Administrator determines that granting interim operating authority does not adversely affect aviation safety or the management of the national airspace system.

(4) ENFORCEMENT OF OPERATING AUTHORITY.—The Administrator is authorized and directed to enforce the requirements of this Act and any agency rules or regulations related to operating authority.

SEC. 710. PHASEOUT OF STAGE 1 AND 2 AIRCRAFT.

(a) IN GENERAL.—Subchapter II of chapter 475 is amended by adding at the end the following:

"§ 47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with Stage 3 noise levels

''(a) PROHIBITION.—Except as provided in subsection (b), (c), or (d), a person may not operate a civil subsonic turbojet with a maximum weight of 75,000 pounds or less to or from an airport in the United States unless the Secretary of Transportation finds that the aircraft complies with stage 3 noise levels.

''(b) EXCEPTION.—Subsection (a) shall not apply to aircraft operated only outside the 48 contiguous States.

''(c) OPT-OUT.—Subsection (a) shall not apply at an airport where the airport operator has notified the Secretary that it wants to continue to permit the operation of civil subsonic turbojets with a maximum weight of 75,000 pounds or less that do not comply with stage 3 noise levels. The Secretary shall post the notices received under this subsection on its website or in another place easily accessible to the public.

''(d) LIMITATION.—The Secretary shall permit a person to operate Stage 1 and Stage 2 aircraft with a maximum weight of 75,000 pounds or less to or from an airport in the contiguous 48 States in order—

''(1) to sell, lease, or use the aircraft outside the 48 contiguous States;

''(2) to scrap the aircraft;

''(3) to obtain modifications to the aircraft to meet stage 3 noise levels;

''(4) to perform scheduled heavy maintenance or significant modifications on the aircraft at a maintenance facility located in the contiguous 48 states;

''(5) to deliver the aircraft to an operator leasing the aircraft from the owner or return the aircraft to the lessor;

''(6) to prepare or park or store the aircraft in anticipation of any of the activities described in paragraphs (1) through (5); or

''(7) to divert the aircraft to an alternative airport in the 48 contiguous States on account of weather, mechanical, fuel air traffic control or other safety reasons while conducting a flight in order to perform any of the activities described in paragraphs (1) through (6).

''(e) STATUTORY CONSTRUCTION.—Nothing in the section may be construed as interfering with, nullifying, or otherwise affecting determinations made by the Federal Aviation Administration, or to be made by the Administration, with respect to applications under part 161 of title 14, Code of Federal Regulations, that were pending on the date of enactment of the Aircraft Noise Reduction Act of 2006.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 47531 is amended by striking ''47529, or 47530'' and inserting ''47529, 47530, or 47534''.

(2) Section 47532 is amended by striking ''47528-47531'' and inserting ''47528 through 47531 or 47534''.

(3) The chapter analysis for chapter 475 is amended by inserting after the item relating to section 47533 the following:

''47534. Prohibition on operating certain aircraft weighing 75,000 pounds or less not complying with stage 3 noise levels''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 5 years after the date of enactment of this Act.

SEC. 711. WEIGHT RESTRICTIONS AT TETERBORO AIRPORT.

On and after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration is prohibited from taking actions designed to challenge or influence weight restrictions or prior permission rules at Teterboro Airport in Teterboro, New Jersey.

SEC. 712. PILOT PROGRAM FOR REDEVELOPMENT OF AIRPORT PROPERTIES.

(a) IN GENERAL.—Within 1 year after the date of enactment of this Act, the Administrator of the Federal Aviation Administration shall establish a pilot program at up to 4 public-use airports for airport sponsors that have submitted a noise compatibility program to the Federal Aviation Administration, from funds apportioned under section 47504 or section 40117 of title 49, United States Code, in partnership with affected neighboring local jurisdictions, to support joint planning, engineering design, and environmental permitting for the assembly and redevelopment of property purchased with noise mitigation funds or passenger facility charge funds, to encourage airport-compatible land uses and generate economic benefits to the local airport authority and adjacent community.

(b) NOISE COMPATABILITY MEASURES.—Section 47504(a)(2) is amended—

(1) by striking ''and'' after the semicolon in subparagraph (D);

(2) by striking ''operations.'' in subparagraph (E) and inserting ''operations;''; and

(3) by adding at the end the following:

''(F) joint comprehensive land use planning including master plans, traffic studies, environmental evaluation and economic and feasibility studies, with neighboring local jurisdictions undertaking community redevelopment in the area where the land or other property interests acquired by the airport operator pursuant to this subsection is located, to encourage and enhance redevelopment opportunities that reflect zoning and uses that will prevent the introduction of additional incompatible uses and enhance redevelopment potential; and

''(G) utility upgrades and other site preparation efforts.''.

(c) GRANT REQUIREMENTS.—The Administrator may not make a grant under subsection (a) unless the grant is made—

(1) to enable the airport operator and local jurisdictions undertaking the community redevelopment effort to expedite redevelopment efforts;

(2) subject to a requirement that the local jurisdiction governing the property interests in question has adopted zoning regulations that permit airport compatible redevelopment; and

(3) subject to a requirement that, in determining the part of the proceeds from disposing of the land that is subject to repayment or reinvestment under section 47107(c)(2)(A) of title 49, United States Code, the total amount of the grant issued under

this section shall be added to the amount of any grants issued for acquisition of land.

(d) DEMONSTRATION GRANTS.—

(1) IN GENERAL.—The Administrator shall provide grants under subsection (a) for demonstration projects distributed geographically and targeted to airports that demonstrate—

(A) a readiness to implement cooperative land use management and redevelopment plans with the adjacent community; and

(B) the probability of clear economic benefit to the local community and financial return to the airport through the implementation of the redevelopment plan.

(2) FEDERAL SHARE.—

(A) Notwithstanding any other provision of law, the Federal share of the allowable costs of a project carried out under the pilot program shall be 80 percent.

(B) In determining the allowable costs, the Administrator shall deduct from the total costs of the activities described in subsection (a) that portion of the costs which is equal to that portion of the total property to be redeveloped under this section that is not owned or to be acquired by the airport operator pursuant to the noise compatibility program or that is not owned by the affected neighboring local jurisdictions or other public entities.

(3) MAXIMUM AMOUNT.—Not more than $5,000,000 in funds made available under section 47117(e) of title 49, United States Code, may be expended under the pilot program at any single public-use airport.

(4) EXCEPTION.—Amounts paid to the Administrator under subsection (c)(3)—

(A) shall be in addition to amounts authorized under section 48203 of title 49, United States Code;

(B) shall not be subject to any limitation on grant obligations for any fiscal year; and

(C) shall remain available until expended.

(e) USE OF PASSENGER REVENUE.—An airport sponsor that owns or operates an airport participating in the pilot program may use passenger facility revenue collected under section 40117 of title 49, United States Code, to pay any project cost described in subsection (a) that is not financed by a grant under the program.

(f) SUNSET.—This section, other than the amendments made by subsections (b), shall not be in effect after September 30, 2011.

(g) REPORT TO CONGRESS.—The Administrator shall report to Congress within 18 months after making the first grant under this section on the effectiveness of this program on returning Part 150 lands to productive use.

SEC. 713. AIR CARRIAGE OF INTERNATIONAL MAIL.

(a) CONTRACTING AUTHORITY.—Section 5402 of title 39, United States Code, is amended by striking subsections (b) and (c) and inserting the following:

''(b) INTERNATIONAL MAIL.—

''(1) IN GENERAL.—

''(A) Except as otherwise provided in this subsection, the Postal Service may contract for the transportation of mail by aircraft between any of the points in foreign air transportation only with certificated air carriers. A contract may be awarded to a certificated air carrier to transport mail by air between any of the points in foreign air transportation that the Secretary of Transportation has authorized the carrier to serve either directly or through a code-share relationship with one or more foreign air carriers.

''(B) If the Postal Service has sought offers or proposals from certificated air carriers to transport mail in foreign air transportation between points, or pairs of points within a geographic region or regions, and has not received offers or proposals that meet Postal Service requirements at a fair and reasonable price from at least 2 such carriers, the Postal Service may seek offers or proposals from foreign air carriers. Where service in foreign air transportation meeting the Postal Service's requirements is unavailable at a fair and reasonable price from at least 2 certificated air carriers, either directly or through a code-share relationship with one or more foreign air carriers, the Postal Service may contract with foreign air carriers to provide the service sought if, when the Postal Service seeks offers or proposals from foreign air carriers, it also seeks an offer or proposal to provide that service from any certificated air carrier providing service between those points, or pairs of points within a geographic region or regions, on the same terms and conditions that are being sought from foreign air carriers.

''(C) For purposes of this subsection, the Postal Service shall use a methodology for determining fair and reasonable prices for the Postal Service designated region or regions developed in consultation with, and with the concurrence of, certificated air carriers representing at least 51 percent of available ton miles in the markets of interest.

''(D) For purposes of this subsection, ceiling prices determined pursuant to the methodology used under subparagraph (C) shall be presumed to be fair and reasonable if they do not exceed the ceiling prices derived from—

''(i) a weighted average based on market rate data furnished by the International Air Transport Association or a subsidiary unit thereof; or

''(ii) if such data are not available from those sources, such other neutral, regularly updated set of weighted average market rates as the Postal Service, with the concurrence of certificated air carriers representing at least 51 percent of available ton miles in the markets of interest, may designate.

''(E) If, for purposes of subparagraph (D)(ii), concurrence cannot be attained, then the most recently available market rate data described in this subparagraph shall continue to apply for the relevant market or markets.

''(2) CONTRACT PROCESS.—The Postal Service shall contract for foreign air transportation as set forth in paragraph (1) through an open procurement process that will provide—

''(A) potential offerors with timely notice of business opportunities in sufficient detail to allow them to make a proposal;

''(B) requirements, proposed terms and conditions, and evaluation criteria to potential offerors; and

''(C) an opportunity for unsuccessful offerors to receive prompt feedback upon request.

''(3) EMERGENCY OR UNANTICIPATED CONDITIONS; INADEQUATE LIFT SPACE.—The Postal Service may enter into contracts to transport mail by air in foreign air transportation with a certificated air carrier or a foreign air carrier without complying with the requirements of paragraphs (b)(1) and (2) if—

''(A) emergency or unanticipated conditions exist that make it impractical for the Postal Service to comply with such requirements; or

''(B) its demand for lift exceeds the space available to it under existing contracts and—

''(i) there is insufficient time available to seek additional lift using procedures that comply with those requirements without compromising the Postal Service's service commitments to its own customers; and

''(ii) the Postal Service first offers any certificated air carrier holding a contract to carry mail between the relevant points the opportunity to carry such excess volumes under the terms of its existing contract.

''(c) GOOD FAITH EFFORT REQUIRED.—The Postal Service and potential offerors shall put a good-faith effort into resolving disputes concerning the award of contracts made under subsection (b).''.

(b) CONFORMING AMENDMENTS TO TITLE 49.—

(1) Section 41901(a) is amended by striking ''39.'' and inserting ''39, and in foreign air transportation under section 5402(b) and (c) of title 39.''.

(2) Section 41901(b)(1) is amended by striking ''in foreign air transportation or''.

(3) Section 41902 is amended—

(A) by striking ''in foreign air transportation or'' in subsection (a);

(B) by striking subsection (b) and inserting the following:

''(b) STATEMENTS ON PLACES AND SCHEDULES.—Every air carrier shall file with the United States Postal Service a statement showing—

''(1) the places between which the carrier is authorized to transport mail in Alaska;

''(2) every schedule of aircraft regularly operated by the carrier between places described in paragraph (1) and every change in each schedule; and

''(3) for each schedule, the places served by the carrier and the time of arrival at, and departure from, each such place.'';

(C) by striking ''subsection (b)(3)'' each place it appears in subsections (c)(1) and (d) and inserting ''subsection (b)(2)''; and

(D) by striking subsections (e) and (f).

(4) Section 41903 is amended by striking ''in foreign air transportation or'' each place it appears.

(5) Section 41904 is amended—

(A) by striking ''**to or in foreign countries**'' in the section heading;

(B) by striking ''to or in a foreign country'' and inserting ''between two points outside the United States''; and

(C) by inserting after ''transportation.'' the following: ''Nothing in this section shall affect the authority of the Postal Service to make arrangements with noncitizens for the carriage of mail in foreign air transportation under subsections 5402(b) and (c) of title 39.''.

(6) Section 41910 is amended by striking the first sentence and inserting ''The United States Postal Service may weigh mail transported by aircraft between places in Alaska and make statistical and administrative computations necessary in the interest of mail service.''.

(7) Chapter 419 is amended—

(A) by striking sections 41905, 41907, 41908, and 41911; and

(B) redesignating sections 41906, 41909, 41910, and 49112 as sections 41905, 41906, 41907, and 41908, respectively.

(8) The chapter analysis for chapter 419 is amended by redesignating the items relating to sections 41906, 41909, 41910, and 49112 as relating to sections 41905, 41906, 41907, and 41908, respectively.

(9) Section 101(f) of title 39, United States Code, is amended by striking ''mail and shall make a fair and equitable distribution of mail business to carriers providing similar modes of transportation services to the Postal Service.'' and inserting ''mail.''.

(9) Subsections (b) and (c) of section 3401 of title 39, United States Code, are amended—

(A) by striking ''at rates fixed and determined by the Secretary of Transportation in accordance with section 41901 of title 49'' and inserting ''or, for carriage of mail in foreign air transportation, other air carriers, air taxi operators or foreign air carriers as permitted by section 5402 of this title'';

(B) by striking ''at rates not to exceed those so fixed and determined for scheduled United States air carriers'';

(C) by striking ''scheduled'' each place it appears and inserting ''certificated''; and

(D) by striking the last sentence in each such subsection.

(10) Section 5402(a) of title 39, United States Code, is amended—

(A) by inserting " 'foreign air carrier'. " after " 'interstate air transportation', " in paragraph (2);

(B) by redesignating paragraphs (7) through (23) as paragraphs (8) through (24) and inserting after paragraph (6) the following:

"(7) the term 'certificated air carrier' means an air carrier that holds a certificate of public convenience and necessity issued under section 41102(a) of title 49;"; and

(C) by redesignating paragraphs (9) through (24), as redesignated, as paragraphs (10) through (25), respectively, and inserting after paragraph (8) the following:

"(9) the term 'code-share relationship' means a relationship pursuant to which any certificated air carrier or foreign air carrier's designation code is used to identify a flight operated by another air carrier or foreign air carrier;".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2008.

SEC. 714. TRANSPORTING MUSICAL INSTRUMENTS.

(a) IN GENERAL.—Subchapter I of chapter 417 is amended by adding at the end thereof the following:

"§ 41724. Musical instruments

"(a) IN GENERAL.—

"(1) SMALL INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a violin, guitar, or other musical instrument in the aircraft cabin without charge if—

"(A) the instrument can be stowed safely in a suitable baggage compartment in the aircraft cabin or under a passenger seat; and

"(B) there is space for such stowage at the time the passenger boards the aircraft.

"(2) LARGER INSTRUMENTS AS CARRY-ON BAGGAGE.—An air carrier providing air transportation shall permit a passenger to carry a musical instrument that is too large to meet the requirements of paragraph (1) in the aircraft cabin without charge if—

"(A) the instrument is contained in a case or covered so as to avoid injury to other passengers;

"(B) the weight of the instrument, including the case or covering, does not exceed 165 pounds;

"(C) the instrument can be secured by a seat belt to avoid shifting during flight;

"(D) the instrument does not restrict access to, or use of, any required emergency exit, regular exit, or aisle;

"(E) the instrument does not obscure any passenger's view of any illuminated exit, warning, or other informational sign;

"(F) neither the instrument nor the case contains any object not otherwise permitted to be carried in an aircraft cabin because of a law or regulation of the United States; and

"(G) the passenger wishing to carry the instrument in the aircraft cabin has purchased an additional seat to accommodate the instrument.

"(3) LARGE INSTRUMENTS AS CHECKED BAGGAGE.—An air carrier shall transport as baggage, without charge, a musical instrument that is the property of a passenger traveling in air transportation that may not be carried in the aircraft cabin if—

"(A) the sum of the length, width, and height measured in inches of the outside linear dimensions of the instrument (including the case) does not exceed 120 inches; and

"(B) the weight of the instrument does not exceed 100 pounds.

"(b) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to implement subsection (a).".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 417 is amended by inserting after the item relating to section 41723 the following:

"41724. Musical instruments".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect 30 days after the date of enactment of this Act.

SEC. 715. RECYCLING PLANS FOR AIRPORTS.

(a) AIRPORT PLANNING.—section 47102(5) is amended by striking "planning." and inserting "planning and a plan for recycling and minimizing the generation of airport solid waste, consistent with applicable State and local recycling laws, including the cost of a waste audit.".

(b) MASTER PLAN.—Section 47106(a) is amended—

(1) by striking "and" at the end of paragraph (4);

(2) by striking "proposed." in paragraph (5) and inserting "proposed; and"; and

(3) by adding at the end the following:

"(6) if the project is for an airport that has an airport master plan, the master plan addresses—

"(A) the feasibility of solid waste recycling at the airport;

"(B) minimizing the generation of solid waste at the airport;

"(C) operation and maintenance requirements;

"(D) the review of waste management contracts;

"(E) the potential for cost savings or the generation of revenue; and

"(F) training and education requirements.".

SEC. 716. CONSUMER INFORMATION PAMPHLET.

Within 6 months after the date of enactment of this Act, the Secretary of Transportation shall develop and make available to the public in written and electronic form a consumer and parental information pamphlet that includes—

(1) a summary of the unaccompanied minor policies of major air carriers serving United States airports;

(2) a summary of such carriers' policies pertaining to passenger air travel by children aged 17 and under;

(3) recommendations to parents about who the appropriate authorities are to notify if a minor is traveling unsupervised and without parental consent on a major air carrier; and

(4) any additional recommendations the Secretary deems appropriate or necessary.

TITLE VIII—AMERICAN INFRASTRUCTURE INVESTMENT AND IMPROVEMENT

SECTION 800. SHORT TITLE, ETC.

(a) SHORT TITLE; AMENDMENT OF 1986 CODE.—This title may be cited as the "American Infrastructure Investment and Improvement Act of 2008".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

Subtitle A—Airport and Airway Trust Fund Provisions and Related Taxes

SEC. 801. EXTENSION OF TAXES FUNDING AIRPORT AND AIRWAY TRUST FUND.

(a) FUEL TAXES.—Subparagraph (B) of section 4081(d)(2) is amended by striking "June 30, 2008" and inserting "September 30, 2011".

(b) TICKET TAXES.—

(1) PERSONS.—Clause (ii) of section 4261(j)(1)(A) is amended by striking "June 30, 2008" and inserting "September 30, 2011".

(2) PROPERTY.—Clause (ii) of section 4271(d)(1)(A) is amended by striking "June 30, 2008" and inserting "September 30, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 802. EXTENSION OF AIRPORT AND AIRWAY TRUST FUND EXPENDITURE AUTHORITY.

(a) IN GENERAL.—Paragraph (1) of section 9502(d) is amended—

(1) by striking "July 1, 2008" in the matter preceding subparagraph (A) and inserting "October 1, 2011", and

(2) by striking the semicolon at the end of subparagraph (A) and inserting "or the Aviation Investment and Modernization Act of 2008;".

(b) CONFORMING AMENDMENT.—Paragraph (2) of section 9502(e) is amended by striking "July 1, 2008" and inserting "October 1, 2011".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2008.

SEC. 803. MODIFICATION OF EXCISE TAX ON KEROSENE USED IN AVIATION.

(a) RATE OF TAX ON AVIATION-GRADE KEROSENE.—

(1) IN GENERAL.—Subparagraph (A) of section 4081(a)(2) (relating to rates of tax) is amended by striking "and" at the end of clause (ii), by striking the period at the end of clause (iii) and inserting ", and", and by adding at the end the following new clause:

"(iv) in the case of aviation-grade kerosene, 35.9 cents per gallon.".

(2) FUEL REMOVED DIRECTLY INTO FUEL TANK OF AIRPLANE USED IN NONCOMMERCIAL AVIATION.—Subparagraph (C) of section 4081(a)(2) is amended to read as follows:

"(C) TAXES IMPOSED ON FUEL USED IN COMMERCIAL AVIATION.—In the case of aviation-grade kerosene which is removed from any refinery or terminal directly into the fuel tank of an aircraft for use in commercial aviation by a person registered for such use under section 4101, the rate of tax under subparagraph (A)(iv) shall be 4.3 cents per gallon.".

(3) EXEMPTION FOR AVIATION-GRADE KEROSENE REMOVED INTO AN AIRCRAFT.—Subsection (e) of section 4082 is amended—

(A) by striking "kerosene" and inserting "aviation-grade kerosene",

(B) by striking "section 4081(a)(2)(A)(iii)" and inserting "section 4081(a)(2)(A)(iv)", and

(C) by striking "KEROSENE" in the heading and inserting "AVIATION-GRADE KEROSENE".

(4) CONFORMING AMENDMENTS.—

(A) Clause (iii) of section 4081(a)(2)(A) is amended by inserting "other than aviation-grade kerosene" after "kerosene".

(B) The following provisions are each amended by striking "kerosene" and inserting "aviation-grade kerosene":

(i) Section 4081(a)(3)(A)(ii).

(ii) Section 4081(a)(3)(A)(iv).

(iii) Section 4081(a)(3)(D).

(C) Section 4081(a)(3)(D) is amended—

(i) by striking "paragraph (2)(C)(i)" in clause (i) and inserting "paragraph (2)(C)", and

(ii) by striking "paragraph (2)(C)(ii)" in clause (ii) and inserting "paragraph (2)(A)(iv)".

(D) Section 4081(a)(4) is amended—

(i) in the heading by striking "KEROSENE" and inserting "AVIATION-GRADE KEROSENE", and

(ii) by striking "paragraph (2)(C)(i)" and inserting "paragraph (2)(C)".

(E) Section 4081(d)(2) is amended by striking "(a)(2)(C)(ii)" and inserting "(a)(2)(A)(iv)".

(b) RETAIL TAX ON AVIATION FUEL.—

(1) EXEMPTION FOR PREVIOUSLY TAXED FUEL.—Paragraph (2) of section 4041(c) is amended by inserting "at the rate specified in subsection (a)(2)(A)(iv) thereof" after "section 4081".

(2) RATE OF TAX.—Paragraph (3) of section 4041(c) is amended to read as follows:

''(3) RATE OF TAX.—The rate of tax imposed by this subsection shall be the rate of tax in effect under section 4081(a)(2)(A)(iv) (4.3 cents per gallon with respect to any sale or use for commercial aviation).''.

(c) REFUNDS RELATING TO AVIATION-GRADE KEROSENE.—

(1) KEROSENE USED IN COMMERCIAL AVIATION.—Clause (ii) of section 6427(l)(4)(A) is amended by striking ''specified in section 4041(c) or 4081(a)(2)(A)(iii), as the case may be,'' and inserting ''so imposed''.

(2) KEROSENE USED IN AVIATION.—Paragraph (4) of section 6427(l) is amended—

(A) by striking subparagraph (B) and redesignating subparagraph (C) as subparagraph (B), and

(B) by amending subparagraph (B), as redesignated by subparagraph (A), to read as follows:

''(B) PAYMENTS TO ULTIMATE, REGISTERED VENDOR.—With respect to any kerosene used in aviation (other than kerosene to which paragraph (6) applies), if the ultimate purchaser of such kerosene waives (at such time and in such form and manner as the Secretary shall prescribe) the right to payment under paragraph (1) and assigns such right to the ultimate vendor, then the Secretary shall pay (without interest) the amount which would be paid under paragraph (1) to such ultimate vendor, but only if such ultimate vendor—

''(i) is registered under section 4101, and

''(ii) meets the requirements of subparagraph (A), (B), or (D) of section 6416(a)(1).''.

(3) AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—Subsection (l) of section 6427 is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) REFUNDS FOR AVIATION-GRADE KEROSENE NOT USED IN AVIATION.—If tax has been imposed under section 4081 at the rate specified in section 4081(a)(2)(A)(iv) and the fuel is used other than in an aircraft, the Secretary shall pay (without interest) to the ultimate purchaser of such fuel an amount equal to the amount of tax imposed on such fuel reduced by the amount of tax that would be imposed under section 4041 if no tax under section 4081 had been imposed.''.

(4) CONFORMING AMENDMENTS.—

(A) Section 4082(d)(2)(B) is amended by striking ''6427(l)(5)(B)'' and inserting ''6427(l)(6)(B)''.

(B) Section 6427(i)(4) is amended—

(i) by striking ''(4)(C)'' the first two places it occurs and inserting ''(4)(B)'', and

(ii) by striking '', (l)(4)(C)(ii), and'' and inserting ''and''.

(C) The heading of section 6427(l) is amended by striking ''DIESEL FUEL AND KEROSENE'' and inserting ''DIESEL FUEL, KEROSENE, AND AVIATION FUEL''.

(D) Section 6427(l)(1) is amended by striking ''paragraph (4)(C)(i)'' and inserting ''paragraph (4)(B)''.

(E) Section 6427(l)(4) is amended—

(i) by striking ''KEROSENE USED IN AVIATION'' in the heading and inserting ''AVIATION-GRADE KEROSENE USED IN COMMERCIAL AVIATION'', and

(ii) in subparagraph (A)—

(I) by striking ''kerosene'' and inserting ''aviation-grade kerosene'',

(II) by striking ''KEROSENE USED IN COMMERCIAL AVIATION'' in the heading and inserting ''IN GENERAL''.

(d) TRANSFERS TO THE AIRPORT AND AIRWAY TRUST FUND.—

(1) IN GENERAL.—Subparagraph (C) of section 9502(b)(1) is amended to read as follows:

''(C) section 4081 with respect to aviation gasoline and aviation-grade kerosene, and''.

(2) TRANSFERS ON ACCOUNT OF CERTAIN REFUNDS.—

(A) IN GENERAL.—Subsection (d) of section 9502 is amended—

(i) in paragraph (2) by striking ''(other than subsection (l)(4) thereof)'', and

(ii) in paragraph (3) by striking ''(other than payments made by reason of paragraph (4) of section 6427(l))''.

(B) CONFORMING AMENDMENTS.—

(i) Section 9503(b)(4) is amended by striking ''or'' at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting a comma, and by inserting after subparagraph (D) the following:

''(E) section 4081 to the extent attributable to the rate specified in clause (ii) or (iv) of section 4081(a)(2)(A), or

''(F) section 4041(c).''.

(ii) Section 9503(c) is amended by striking the last paragraph (relating to transfers from the Trust Fund for certain aviation fuel taxes).

(iii) Section 9502(a) is amended—

(I) by striking ''appropriated, credited, or paid into'' and inserting ''appropriated or credited to'', and

(II) by striking '', section 9503(c)(7),''.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2008.

(f) FLOOR STOCKS TAX.—

(1) IMPOSITION OF TAX.—In the case of aviation fuel which is held on January 1, 2009, by any person, there is hereby imposed a floor stocks tax on aviation fuel equal to—

(A) the tax which would have been imposed before such date on such fuel had the amendments made by this section been in effect at all times before such date, reduced by

(B) the sum of—

(i) the tax imposed before such date on such fuel under section 4081 of the Internal Revenue Code of 1986, as in effect on such date, and

(ii) in the case of kerosene held exclusively for such person's own use, the amount which such person would (but for this clause) reasonably expect (as of such date) to be paid as a refund under section 6427(l) of such Code with respect to such kerosene.

(2) LIABILITY FOR TAX AND METHOD OF PAYMENT.—

(A) LIABILITY FOR TAX.—A person holding aviation fuel on January 1, 2009, shall be liable for such tax.

(B) TIME AND METHOD OF PAYMENT.—The tax imposed by paragraph (1) shall be paid at such time and in such manner as the Secretary of the Treasury shall prescribe.

(3) TRANSFER OF FLOOR STOCK TAX REVENUES TO TRUST FUNDS.—For purposes of determining the amount transferred to the Airport and Airway Trust Fund, the tax imposed by this subsection shall be treated as imposed by section 4081(a)(2)(A)(iv) of the Internal Revenue Code of 1986.

(4) DEFINITIONS.—For purposes of this subsection—

(A) AVIATION FUEL.—The term ''aviation fuel'' means aviation-grade kerosene and aviation gasoline, as such terms are used within the meaning of section 4081 of the Internal Revenue Code of 1986.

(B) HELD BY A PERSON.—Aviation fuel shall be considered as held by a person if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury or the Secretary's delegate.

(5) EXCEPTION FOR EXEMPT USES.—The tax imposed by paragraph (1) shall not apply to any aviation fuel held by any person exclusively for any use to the extent a credit or refund of the tax is allowable under the Internal Revenue Code of 1986 for such use.

(6) EXCEPTION FOR CERTAIN AMOUNTS OF FUEL.—

(A) IN GENERAL.—No tax shall be imposed by paragraph (1) on any aviation fuel held on January 1, 2009, by any person if the aggregate amount of such aviation fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this subparagraph.

(B) EXEMPT FUEL.—For purposes of subparagraph (A), there shall not be taken into account any aviation fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (6).

(C) CONTROLLED GROUPS.—For purposes of this subsection—

(i) CORPORATIONS.—

(I) IN GENERAL.—All persons treated as a controlled group shall be treated as 1 person.

(II) CONTROLLED GROUP.—The term ''controlled group'' has the meaning given to such term by subsection (a) of section 1563 of the Internal Revenue Code of 1986; except that for such purposes the phrase ''more than 50 percent'' shall be substituted for the phrase ''at least 80 percent'' each place it appears in such subsection.

(ii) NONINCORPORATED PERSONS UNDER COMMON CONTROL.—Under regulations prescribed by the Secretary, principles similar to the principles of subparagraph (A) shall apply to a group of persons under common control if 1 or more of such persons is not a corporation.

(7) OTHER LAWS APPLICABLE.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of the Internal Revenue Code of 1986 on the aviation fuel involved shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section.

SEC. 804. AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.

(a) IN GENERAL.—Section 9502 (relating to the Airport and Airway Trust Fund) is amended by adding at the end the following new subsection:

''(g) ESTABLISHMENT OF AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—

''(1) CREATION OF ACCOUNT.—There is established in the Airport and Airway Trust Fund a separate account to be known as the 'Air Traffic Control System Modernization Account' consisting of such amounts as may be transferred or credited to the Air Traffic Control System Modernization Account as provided in this subsection or section 9602(b).

''(2) TRANSFERS TO AIR TRAFFIC CONTROL SYSTEM MODERNIZATION ACCOUNT.—On October 1, 2008, and annually thereafter, the Secretary shall transfer to the Air Traffic Control System Modernization Account from amounts appropriated to the Airport and Airway Trust Fund under subsection (b) which are attributable to taxes on aviation-grade kerosene an amount equal to $400,000,000.

''(3) EXPENDITURES FROM ACCOUNT.—Amounts in the Air Traffic Control System Modernization Account shall be available subject to appropriation for expenditures relating to the modernization of the air traffic control system (including facility and equipment account expenditures).''.

(b) CONFORMING AMENDMENT.—Section 9502(d)(1) is amended by striking ''Amounts'' and inserting ''Except as provided in subsection (g), amounts''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 805. TREATMENT OF FRACTIONAL AIRCRAFT OWNERSHIP PROGRAMS.

(a) FUEL SURTAX.—

(1) IN GENERAL.—Subchapter B of chapter 31 is amended by adding at the end the following new section:

"SEC. 4043. SURTAX ON FUEL USED IN AIRCRAFT PART OF A FRACTIONAL OWNERSHIP PROGRAM.

''(a) IN GENERAL.—There is hereby imposed a tax on any liquid used during any calendar quarter by any person as a fuel in an aircraft which is—

''(1) registered in the United States, and

''(2) part of a fractional ownership aircraft program.

''(b) AMOUNT OF TAX.—The rate of tax imposed by subsection (a) is 14.1 cents per gallon.

''(c) FRACTIONAL OWNERSHIP AIRCRAFT PROGRAM.—For purposes of this section—

''(1) IN GENERAL.—The term 'fractional ownership aircraft program' means a program under which—

''(A) a single fractional ownership program manager provides fractional ownership program management services on behalf of the fractional owners,

''(B) 2 or more airworthy aircraft are part of the program,

''(C) there are 1 or more fractional owners per program aircraft, with at least 1 program aircraft having more than 1 owner,

''(D) each fractional owner possesses at least a minimum fractional ownership interest in 1 or more program aircraft,

''(E) there exists a dry-lease exchange arrangement among all of the fractional owners, and

''(F) there are multi-year program agreements covering the fractional ownership, fractional ownership program management services, and dry-lease aircraft exchange aspects of the program.

''(2) MINIMUM FRACTIONAL OWNERSHIP INTEREST.—The term 'minimum fractional ownership interest' means, with respect to each type of aircraft—

''(A) a fractional ownership interest equal to or greater than 1/16 of at least 1 subsonic, fixed wing or powered lift program aircraft, or

''(B) a fractional ownership interest equal to or greater than 1/32 of a least 1 rotorcraft program aircraft.

''(3) DRY-LEASE EXCHANGE ARRANGEMENT.—A 'dry-lease aircraft exchange' means an agreement, documented by the written program agreements, under which the program aircraft are available, on an as needed basis without crew, to each fractional owner.

''(d) TERMINATION.—This section shall not apply to liquids used as a fuel in an aircraft after September 30, 2011.''.

(2) CONFORMING AMENDMENT.—Section 4082(e) is amended by inserting ''(other than an aircraft described in section 4043(a))'' after ''an aircraft''.

(3) TRANSFER OF REVENUES TO AIRPORT AND AIRWAY TRUST FUND.—Section 9502(b)(1) is amended by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively, and by inserting after subparagraph (A) the following new subparagraph:

''(B) section 4043 (relating to surtax on fuel used in aircraft part of a fractional ownership program),''.

(4) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 31 is amended by adding at the end the following new item:

''Sec. 4043. Surtax on fuel used in aircraft part of a fractional ownership program.''.

(b) FRACTIONAL OWNERSHIP PROGRAMS TREATED AS NON-COMMERCIAL AVIATION.—Subsection (b) of section 4083 is amended by adding at the end the following new sentence: ''Such term shall not include the use of any aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(c) EXEMPTION FROM TAX ON TRANSPORTATION OF PERSONS.—Section 4261, as amended by this Act, is amended by redesignating subsection (j) as subsection (k) and by inserting after subsection (i) the following new subsection:

''(j) EXEMPTION FOR AIRCRAFT IN FRACTIONAL OWNERSHIP AIRCRAFT PROGRAMS.—No tax shall be imposed by this section or section 4271 on any air transportation by an aircraft which is part of a fractional ownership aircraft program (as defined by section 4043(c)).''.

(d) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsections (a) shall apply to fuel used after December 31, 2008.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall apply to uses of aircraft after December 31, 2008.

(3) SUBSECTION (c).—The amendments made by subsection (c) shall apply to taxable transportation provided after December 31, 2008.

SEC. 806. TERMINATION OF EXEMPTION FOR SMALL AIRCRAFT ON NONESTABLISHED LINES.

(a) IN GENERAL.—Section 4281 is amended to read as follows:

"SEC. 4281. SMALL AIRCRAFT OPERATED SOLELY FOR SIGHTSEEING.

''The taxes imposed by sections 4261 and 4271 shall not apply to transportation by an aircraft having a maximum certificated takeoff weight of 6,000 pounds or less at any time during which such aircraft is being operated on a flight the sole purpose of which is sightseeing. For purposes of the preceding sentence, the term 'maximum certificated takeoff weight' means the maximum such weight contained in the type certificate or airworthiness certificate.''.

(b) CONFORMING AMENDMENT.—The item relating to section 4281 in the table of sections for part III of subchapter C of chapter 33 is amended by striking ''on nonestablished lines'' and inserting ''operated solely for sightseeing''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after December 31, 2008.

SEC. 807. TRANSPARENCY IN PASSENGER TAX DISCLOSURES.

(a) IN GENERAL.—Section 7275 (relating to penalty for offenses relating to certain airline tickets and advertising) is amended—

(1) by redesignating subsection (c) as subsection (d),

(2) by striking ''subsection (a) or (b)'' in subsection (d), as so redesignated, and inserting ''subsection (a), (b), or (c)'', and

(3) by inserting after subsection (b) the following new subsection:

''(c) NON-TAX CHARGES.—

''(1) IN GENERAL.—In the case of transportation by air for which disclosure on the ticket or advertising for such transportation of the amounts paid for passenger taxes is required by subsection (a)(2) or (b)(1)(B), it shall be unlawful for the disclosure of the amount of such taxes on such ticket or advertising to include any amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261.

''(2) INCLUSION IN TRANSPORTATION COST.—Nothing in this subsection shall prohibit the inclusion of amounts not attributable to the taxes imposed by subsection (a), (b), or (c) of section 4261 in the disclosure of the amount paid for transportation as required by subsection (a)(1) or (b)(1)(A), or in a separate disclosure of amounts not attributable to such taxes.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable transportation provided after December 31, 2008.

SEC. 808. REQUIRED FUNDING OF NEW ACCRUALS UNDER AIR CARRIER PENSION PLANS.

(a) IN GENERAL.—Section 402(a) of the Pension Protection Act of 2006, as amended by section 6615(a) of the U. S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28), is amended—

(1) in paragraph (2)—

(A) by striking ''to its first taxable year beginning in 2008'',

(B) by striking ''for such taxable year'' and inserting ''for its first plan year beginning in 2008'', and

(C) by striking ''and by using, in determining the funding target for each of the 10 plan years during such period, an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve)'', and

(2) by adding at the end the following new flush matter:

''If the plan sponsor of an eligible plan elects the application of paragraph (2), the plan sponsor may also elect, in determining the funding target for each of the 10 plan years during the period described in paragraph (2), to use an interest rate of 8.25 percent (rather than the segment rates calculated on the basis of the corporate bond yield curve). Notwithstanding the preceding sentence, in the case of any plan year of the eligible plan for which such 8.25 percent interest rate is used, the minimum required contribution under section 303 of such Act and section 430 of such Code shall in no event be less than the target normal cost of the plan for such plan year (as determined under section 303(b) of such Act and section 430(b) of such Code). A plan sponsor may revoke the election to use the 8.25 percent interest rate and if the revocation is made, the revocation shall apply to the plan year for which made and all subsequent plan years and the plan sponsor may not elect to use the 8.25 percent interest rate for any subsequent plan year.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which such amendments relate.

Subtitle B—Increased Funding for Highway Trust Fund

SEC. 811. REPLENISH EMERGENCY SPENDING FROM HIGHWAY TRUST FUND.

(a) IN GENERAL.—Section 9503(b) is amended—

(1) by adding at the end the following new paragraph:

''(7) EMERGENCY SPENDING REPLENISHMENT.—There is hereby appropriated to the Highway Trust Fund $3,400,000,000.'', and

(2) by striking ''AMOUNTS EQUIVALENT TO CERTAIN TAXES AND PENALTIES'' in the heading and inserting ''CERTAIN AMOUNTS''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 812. SUSPENSION OF TRANSFERS FROM HIGHWAY TRUST FUND FOR CERTAIN REPAYMENTS AND CREDIT.

Section 9503(c)(2) is amended by adding at the end the following new subparagraph:

''(D) TEMPORARY SUSPENSION.—This paragraph shall not apply to 85 percent of the amounts estimated by the Secretary to be attributable to the 6-month period beginning on the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008.''.

SEC. 813. TAXATION OF TAXABLE FUELS IN FOREIGN TRADE ZONES.

(a) TAX IMPOSED ON REMOVALS AND ENTRIES IN FOREIGN TRADE ZONES.—

(1) IN GENERAL.—Subsection (a) of section 4083 (relating to definitions) is amended by adding at the end the following new paragraph:

''(4) UNITED STATES.—The term 'United States' includes any foreign trade zone or bonded warehouse located in the United States.''.

(2) CONFORMING AMENDMENT.—Section 4081(a)(1)(A) (relating to imposition of tax) is amended—

(A) in clause (i), by inserting ''in the United States'' after ''refinery''; and

(B) in clause (ii), by inserting ''in the United States'' after ''terminal''.

(b) TREATMENT OF TAXABLE FUEL IN FOREIGN TRADE ZONES.—Paragraph (2) of section 81c(a) of title 19, United States Code, is amended by inserting ''(other than the provisions relating to taxable fuel (as defined under section 4083(a) of the Internal Revenue Code of 1986))'' after ''thereunder''.

(c) EFFECTIVE DATES.—

(1) SUBSECTION (a).—The amendments made by subsection (a) shall apply to removals and entries after December 31, 2008.

(2) SUBSECTION (b).—The amendment made by subsection (b) shall take effect on January 1, 2009.

SEC. 814. CLARIFICATION OF PENALTY FOR SALE OF FUEL FAILING TO MEET EPA REGULATIONS.

(a) IN GENERAL.—Subsection (a) of section 6720A (relating to penalty with respect to certain adulterated fuels) is amended by striking ''applicable EPA regulations (as defined in section 45H(c)(3))'' and inserting ''the requirements for diesel fuel under section 211 of the Clean Air Act, as determined by the Secretary,''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any transfer, sale, or holding out for sale or resale occurring after the date of the enactment of this Act.

SEC. 815. TREATMENT OF QUALIFIED ALCOHOL FUEL MIXTURES AND QUALIFIED BIODIESEL FUEL MIXTURES AS TAXABLE FUELS.

(a) IN GENERAL.—

(1) QUALIFIED ALCOHOL FUEL MIXTURES.—Paragraph (2) of section 4083(a) (relating to gasoline) is amended—

(A) by striking ''and'' at the end of subparagraph (A),

(B) by redesignating subparagraph (B) as subparagraph (C), and

(C) by inserting after subparagraph (A) the following new subparagraph:

''(B) includes any qualified mixture (as defined in section 40(b)(1)(B)) which is a mixture of alcohol and special fuel, and''.

(2) QUALIFIED BIODIESEL FUEL MIXTURES.—Subparagraph (A) of section 4083(a)(3) (relating to diesel fuel) is amended by striking ''and'' at the end of clause (ii), by redesignating clause (iii) as clause (iv), and inserting after clause (ii) the following new clause:

''(iii) any qualified biodiesel mixture (as defined in section 40A(b)(1)(B)), and''.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to fuels removed, entered, or sold after December 31, 2008.

SEC. 816. CALCULATION OF VOLUME OF ALCOHOL FOR FUEL CREDITS.

(a) IN GENERAL.—Paragraph (4) of section 40(d) (relating to volume of alcohol) is amended by striking ''5 percent'' and inserting ''2 percent''.

(b) CONFORMING AMENDMENT FOR EXCISE TAX CREDIT.—Section 6426(b) (relating to alcohol fuel mixture credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

''(5) VOLUME OF ALCOHOL.—For purposes of determining under subsection (a) the number of gallons of alcohol with respect to which a credit is allowable under subsection (a), the volume of alcohol shall include the volume of any denaturant (including gasoline) which is added under any formulas approved by the Secretary to the extent that such denaturants do not exceed 2 percent of the volume of such alcohol (including denaturants).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2008.

SEC. 817. BULK TRANSFER EXCEPTION NOT TO APPLY TO FINISHED GASOLINE.

(a) IN GENERAL.—Subparagraph (B) of section 4081(a)(1) (relating to tax on removal, entry, or sale) is amended by adding at the end the following new clause:

''(iii) EXCEPTION FOR FINISHED GASOLINE.—Clause (i) shall not apply to any finished gasoline.''.

(b) EXCEPTION TO TAX ON FINISHED GASOLINE FOR PRIOR TAXABLE REMOVALS.—Paragraph (1) of section 4081(a) is amended by adding at the end the following new subparagraph:

''(C) EXEMPTION FOR PREVIOUSLY TAXED FINISHED GASOLINE.—The tax imposed by this paragraph shall not apply to the removal of gasoline described in subparagraph (B)(iii) from any terminal if there was a prior taxable removal or entry of such fuel under clause (i), (ii), or (iii) of subparagraph (A). The preceding sentence shall not apply to the volume of any product added to such gasoline at the terminal unless there was a prior taxable removal or entry of such product under clause (i), (ii), or (iii) of subparagraph (A).''.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to fuel removed, entered, or sold after December 31, 2008.

SEC. 818. INCREASE AND EXTENSION OF OIL SPILL LIABILITY TRUST FUND TAX.

(a) INCREASE IN RATE.—

(1) IN GENERAL.—Section 4611(c)(2)(B) (relating to rates) is amended by striking ''5 cents'' and inserting ''10 cents''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply on and after the first day of the first calendar quarter beginning more than 60 days after the date of the enactment of this Act.

(b) EXTENSION.—

(1) IN GENERAL.—Section 4611(f) (relating to application of Oil Spill Liability Trust Fund financing rate) is amended by striking paragraphs (2) and (3) and inserting the following new paragraph:

''(2) TERMINATION.—The Oil Spill Liability Trust Fund financing rate shall not apply after September 30, 2018.''.

(2) CONFORMING AMENDMENT.—Section 4611(f)(1) is amended by striking ''paragraphs (2) and (3)'' and inserting ''paragraph (2)''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

SEC. 819. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

''(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

''(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

''(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

''(A) IN GENERAL.—If—

''(i) paragraph (1) does not apply to a foreign corporation, but

''(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008.

''(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

''(i) the corporation shall be treated, as of the close of its first taxable year ending after the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

''(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

''(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

''(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

''(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 820. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking ''If'' and inserting:

''(1) TREBLE DAMAGES.—If'', and

(C) by adding at the end the following new paragraph:

''(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).''.

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting ''OR PUNITIVE DAMAGES'' after ''LAWS''.

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

''SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

''Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.''.

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

''(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.''.

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

''Sec. 91. Punitive damages compensated by insurance or otherwise.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 821. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.

(a) IN GENERAL.—Section 11141 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users is amended to read as follows:

''SEC. 11141. MOTOR FUEL TAX ENFORCEMENT ADVISORY COMMISSION.

''(a) ESTABLISHMENT.—There is established a Motor Fuel Tax Enforcement Advisory Commission (in this section referred to as the 'Commission').

''(b) MEMBERSHIP.—

''(1) APPOINTMENT.—The Commission shall be composed of 14 members, of which—

''(A) 1 shall be appointed by the Administrator of the Federal Highway Administration as a representative of the Federal Highway Administration,

''(B) 1 shall be appointed by the Inspector General for the Department of Transportation as a representative the Office of Inspector General for the Department of Transportation,

''(C) 1 shall be appointed by the Secretary of Transportation as a representative of the Department of Transportation,

''(D) 1 shall be appointed by the Secretary of Homeland Security to be a representative of the Department of Homeland Security,

''(E) 1 shall be appointed by the Secretary of Defense to be a representative of the Department of Defense,

''(F) 1 shall be appointed by the Attorney General to be a representative of the Department of Justice,

''(G) 2 shall be appointed by the Chairman of the Committee on Finance of the Senate,

''(H) 2 shall be appointed by the Ranking Member of the Committee on Finance of the Senate,

''(I) 2 shall be appointed by Chairman of the Committee on Ways and Means of the House of Representatives, and

''(J) 2 shall be appointed by Ranking Member of the Committee on Ways and Means of the House of Representatives.

''(2) QUALIFICATION FOR CERTAIN MEMBERS.—Of the members appointed under subparagraphs (G), (H), (I) and (J)—

''(A) at least 1 shall be representative from the Federation of State Tax Administrators,

''(B) at least 1shall be a representative from any State department of transportation,

''(C) at least 1 shall be a representative from the retail fuel industry, and

''(D) at least 1 shall be a representative from industries relating to fuel distribution (such a refiners, distributors, pipeline operators, and terminal operators).

''(3) TERMS.—Members shall be appointed for the life of the Commission.

''(4) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

''(5) TRAVEL EXPENSES.—Members of the Commission shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

''(6) CHAIRMAN.—The Chairman of the Commission shall be elected by the members.

''(c) DUTIES.—

''(1) IN GENERAL.—The Commission shall—

''(A) review motor fuel revenue collections, historical and current;

''(B) review the progress of investigations;

''(C) develop and review legislative proposals with respect to motor fuel taxes;

''(D) monitor the progress of administrative regulation projects relating to motor fuel taxes;

''(E) evaluate and make recommendations to the President and Congress regarding—

''(i) the effectiveness of existing Federal enforcement programs regarding motor fuel taxes,

''(ii) enforcement personnel allocation, and

''(iii) proposals for regulatory projects, legislation, and funding.

''(2) REPORT.—Not later than September 30, 2009, the Commission shall submit to Congress a final report that contains a detailed statement on the findings and conclusions of the Commission, together with recommendations for such legislation and administrative action as the Commission considers appropriate or necessary.

''(d) POWERS.—

''(1) HEARINGS.—The Commission may hold such hearings for the purpose of carrying out this Act, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this Act. The Commission may administer oaths and affirmations to witnesses appearing before the Commission.

''(2) OBTAINING DATA.—The Commission may secure directly from any department or agency of the United States, information (other than information required by any law to be kept confidential by such department or agency) necessary for the Commission to carry out its duties under this section. Upon request of the Commission, the head of that department or agency shall furnish such nonconfidential information to the Commission. The Commission shall also gather evidence through such means as it may determine appropriate, including through holding hearings and soliciting comments by means of Federal Register notices.

''(3) 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.

''(4) GIFTS.—The Commission may accept, hold, administer, and utilize gifts, donations, and requests of property, both real and personal, for the purposes of aiding or facilitating the work of the Commission. Gifts and bequests of money, and the proceeds from the sale of any other property received as gifts or bequests, shall be deposited in the Treasury in a separate fund and shall be disbursed upon order of the Commission. For purposes of Federal income, estate, and gift taxation, property accepted under this section shall be considered as a gift or bequest to or for the use of the United States.

''(e) SUPPORT SERVICES.—

''(1) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Secretary of Transportation shall provide to the Commission administrative support services necessary to enable the Commission to carry out its duties under this Act.

''(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) VOLUNTARY SERVICES.—

''(A) IN GENERAL.—Notwithstanding the provisions of section 1342 of title 31, United States Code, the Commission is authorized to accept and utilize the services of volunteers serving without compensation. The Commission may reimburse such volunteers for local travel and office supplies, and for other travel expenses, including per diem in lieu of subsistence as authorized by section 5703, United States Code.

''(B) TREATMENT OF VOLUNTEERS.—A person providing volunteer services to the Commission shall be considered an employee of the Federal Government in the performance of those services for the purposes of the following provisions of law:

''(i) chapter 81 of title 5, United States Code, relating to compensation for work-related injuries;

''(ii) chapter 171 of title 28, United States Code, relating to tort claims; and

''(iii) chapter 11 of title 18, United States Code, relating to conflicts of interest.

''(4) CONSULTATION.—Upon request of the Commission, representatives of the Department of the Treasury and the Internal Revenue Service shall be available for consultation to assist the Commission in carrying out its duties under this section.

''(5) COOPERATION.—The staff of the Department of Transportation, the Department of Homeland Security, the Department of Justice, and the Department of Defense shall cooperate with the Commission as necessary.

''(f) INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission.

''(g) TERMINATION.—

''(1) IN GENERAL.—The Commission shall terminate on the date that is 90 days after the date on which the Commission submits the report required under subsection (c)(2).

''(2) RECORDS.—Not later than the date on which the Commission terminates, the Commission shall transmit all records of the Commission to the National Archives.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 822. HIGHWAY TRUST FUND CONFORMING EXPENDITURE AMENDMENT.

(a) IN GENERAL.—Subsections (c)(1) and (e)(3) of section 9503 are each amended by inserting '', as amended by An Act to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes,'' after ''Users''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of An Act to authorize additional funds for emergency repairs and reconstruction of the Interstate I-35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

Subtitle C—Additional Infrastructure Modifications and Revenue Provisions

SEC. 831. RESTRUCTURING OF NEW YORK LIBERTY ZONE TAX CREDITS.

(a) IN GENERAL.—Part I of subchapter Y of chapter 1 is amended by redesignating section 1400L as 1400K and by adding at the end the following new section:

''SEC. 1400L. NEW YORK LIBERTY ZONE TAX CREDITS.

''(a) IN GENERAL.—In the case of a New York Liberty Zone governmental unit, there

shall be allowed as a credit against any taxes imposed for any payroll period by section 3402 for which such governmental unit is liable under section 3403 an amount equal to so much of the portion of the qualifying project expenditure amount allocated under subsection (b)(3) to such governmental unit for the calendar year as is allocated by such governmental unit to such period under subsection (b)(4).

''(b) QUALIFYING PROJECT EXPENDITURE AMOUNT.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualifying project expenditure amount' means, with respect to any calendar year, the sum of—

''(A) the total expenditures paid or incurred during such calendar year by all New York Liberty Zone governmental units and the Port Authority of New York and New Jersey for any portion of qualifying projects located wholly within the City of New York, New York, and

''(B) any such expenditures—

''(i) paid or incurred in any preceding calendar year which begins after the date of enactment of this section, and

''(ii) not previously allocated under paragraph (3).

''(2) QUALIFYING PROJECT.—The term 'qualifying project' means any transportation infrastructure project, including highways, mass transit systems, railroads, airports, ports, and waterways, in or connecting with the New York Liberty Zone (as defined in section 1400K(h)), which is designated as a qualifying project under this section jointly by the Governor of the State of New York and the Mayor of the City of New York, New York.

''(3) GENERAL ALLOCATION.—

''(A) IN GENERAL.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly allocate to each New York Liberty Zone governmental unit the portion of the qualifying project expenditure amount which may be taken into account by such governmental unit under subsection (a) for any calendar year in the credit period.

''(B) AGGREGATE LIMIT.—The aggregate amount which may be allocated under subparagraph (A) for all calendar years in the credit period shall not exceed $2,000,000,000.

''(C) ANNUAL LIMIT.—

''(i) IN GENERAL.—The aggregate amount which may be allocated under subparagraph (A) for any calendar year in the credit period shall not exceed the sum of—

''(I) the applicable limit, plus

''(II) the aggregate amount authorized to be allocated under this paragraph for all preceding calendar years in the credit period which was not so allocated.

''(ii) APPLICABLE LIMIT.—For purposes of clause (i), the applicable limit for any calendar year in the credit period is $169,000,000 and in the case of any calendar year after 2020, zero.

''(D) UNALLOCATED AMOUNTS AT END OF CREDIT PERIOD.—If, as of the close of the credit period, the amount under subparagraph (B) exceeds the aggregate amount allocated under subparagraph (A) for all calendar years in the credit period, the Governor of the State of New York and the Mayor of the City of New York, New York, may jointly allocate to New York Liberty Zone governmental units for any calendar year in the 5-year period following the credit period an amount equal to—

''(i) the lesser of—

''(I) such excess, or

''(II) the qualifying project expenditure amount for such calendar year, reduced by

''(ii) the aggregate amount allocated under this subparagraph for all preceding calendar years.

''(4) ALLOCATION TO PAYROLL PERIODS.—Each New York Liberty Zone governmental unit which has been allocated a portion of the qualifying project expenditure amount under paragraph (3) for a calendar year may allocate such portion to payroll periods beginning in such calendar year as such governmental unit determines appropriate.

''(c) CARRYOVER OF UNUSED ALLOCATIONS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), if the amount allocated under subsection (b)(3) to a New York Liberty Zone governmental unit for any calendar year exceeds the aggregate taxes imposed by section 3402 for which such governmental unit is liable under section 3403 for periods beginning in such year, such excess shall be carried to the succeeding calendar year and added to the allocation of such governmental unit for such succeeding calendar year. No amount may be carried under the preceding sentence to a calendar year after 2025.

''(2) REALLOCATION.—If a New York Liberty Zone governmental unit does not use an amount allocated to it under subsection (b)(3) within the time prescribed by the Governor of the State of New York and the Mayor of the City of New York, New York, then such amount shall after such time be treated for purposes of subsection (b)(3) in the same manner as if it had never been allocated.

''(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) CREDIT PERIOD.—The term 'credit period' means the 12-year period beginning on January 1, 2009.

''(2) NEW YORK LIBERTY ZONE GOVERNMENTAL UNIT.—The term 'New York Liberty Zone governmental unit' means—

''(A) the State of New York,

''(B) the City of New York, New York, and

''(C) any agency or instrumentality of such State or City.

''(3) TREATMENT OF FUNDS.—Any expenditure for a qualifying project taken into account for purposes of the credit under this section shall be considered State and local funds for the purpose of any Federal program.

''(4) TREATMENT OF CREDIT AMOUNTS FOR PURPOSES OF WITHHOLDING TAXES.—For purposes of this title, a New York Liberty Zone governmental unit shall be treated as having paid to the Secretary, on the day on which wages are paid to employees, an amount equal to the amount of the credit allowed to such entity under subsection (a) with respect to such wages, but only if such governmental unit deducts and withholds wages for such payroll period under section 3401 (relating to wage withholding).

''(e) REPORTING.—The Governor of the State of New York and the Mayor of the City of New York, New York, shall jointly submit to the Secretary an annual report—

''(1) which certifies—

''(A) the qualifying project expenditure amount for the calendar year, and

''(B) the amount allocated to each New York Liberty Zone governmental unit under subsection (b)(3) for the calendar year, and

''(2) includes such other information as the Secretary may require to carry out this section.

''(f) GUIDANCE.—The Secretary may prescribe such guidance as may be necessary or appropriate to ensure compliance with the purposes of this section.

''(g) TERMINATION.—No credit shall be allowed under subsection (a) for any calender year after 2025.''.

(b) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—Section 1400K(b)(2)(A)(v), as redesignated by subsection (a), is amended by striking ''the termination date'' and inserting ''the date of the enactment of the American Infrastructure Investment and Improvement Act of 2008 or the termination date if pursuant to a binding contract in effect on such enactment date''.

(c) CONFORMING AMENDMENTS.—

(1) Section 38(c)(3)(B) is amended by striking ''section 1400L(a)'' and inserting ''section 1400K(a)''.

(2) Section 168(k)(2)(D)(ii) is amended by striking ''section 1400L(c)(2)'' and inserting ''1400K(c)(2)''.

(3) The table of sections for part I of subchapter Y of chapter 1 is amended by striking ''1400L'' and inserting ''1400K''.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to periods beginning after December 31, 2008.

(2) TERMINATION OF SPECIAL ALLOWANCE AND EXPENSING.—The amendment made by subsection (b) shall take effect on the date of the enactment of this Act.

SEC. 832. PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.

(a) IN GENERAL.—Section 402A(e)(1) (defining applicable retirement plan) is amended by striking ''and'' at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting '', and'', and by adding at the end the following:

''(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(b) ELECTIVE DEFERRALS.—Section 402A(e)(2) (defining elective deferral) is amended to read as follows:

''(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

''(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

''(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 833. INCREASED INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) (relating to imposition of penalty) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$250,000'' and inserting ''$3,000,000''.

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking ''$15'' and inserting ''$50'',

(ii) by striking ''in lieu of $50'' and inserting ''in lieu of $250'', and

(iii) by striking ''$75,000'' and inserting ''$500,000''.

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking ''$30'' and inserting ''$100'',

(ii) by striking ''$50'' and inserting ''$250'', and

(iii) by striking ''$150,000'' and inserting ''$1,500,000''.

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking ''$100,000'' and inserting ''$1,000,000'', and

(ii) by striking ''$250,000'' and inserting ''$3,000,000'',

(B) in subparagraph (B)—

(i) by striking ''$25,000'' and inserting ''$175,000'', and

(ii) by striking ''$75,000'' and inserting ''$500,000'', and

(C) in subparagraph (C)—

(i) by striking ''$50,000'' and inserting ''$500,000'', and

(ii) by striking ''$150,000'' and inserting ''$1,500,000''.

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking ''$100'' in paragraph (2) and inserting ''$500'',

(B) by striking ''$250,000'' in paragraph (3)(A) and inserting ''$3,000,000''.

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking ''$50'' and inserting ''$250'', and

(B) by striking ''$100,000'' and inserting ''$1,000,000''.

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking ''$100'' in paragraph (1) and inserting ''$500'', and

(B) by striking ''$100,000'' in paragraph (2)(A) and inserting ''$1,000,000''.

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking ''$50'' and inserting ''$250'', and

(2) by striking ''$100,000'' and inserting ''$1,000,000''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2009.

SEC. 834. EXEMPTION OF CERTAIN COMMERCIAL CARGO FROM HARBOR MAINTENANCE TAX.

(a) IN GENERAL.—Section 4462 is amended—

(1) by redesignating subsection (i) as subsection (j), and

(2) by inserting after subsection (h) the following new subsection:

''(i) EXEMPTION FOR CERTAIN CARGO TRANSPORTED ON THE GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM.—

''(1) IN GENERAL.—No tax shall be imposed under section 4461(a) with respect to—

''(A) commercial cargo (other than bulk cargo) loaded at a port in the United States located in the Great Lakes Saint Lawrence Seaway System and unloaded at another port in the United States located in such system, and

''(B) commercial cargo (other than bulk cargo) unloaded at a port in the United States located in the Great Lakes Saint Lawrence Seaway System which was loaded at a port in Canada located in such system.

''(2) BULK CARGO.—For purposes of this subsection, the term 'bulk cargo' shall have the meaning given such term by section 53101(1) of title 46, United States Code (as in effect on the date of the enactment of this section).

''(3) GREAT LAKES SAINT LAWRENCE SEAWAY SYSTEM.—For purposes of this subsection, the term 'Great Lakes Saint Lawrence Seaway System' means the waterway between Duluth, Minnesota and Sept. Iles, Quebec, encompassing the five Great Lakes, their connecting channels, and the Saint Lawrence River.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 835. CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

(a) IN GENERAL.—Subpart H of part IV of subchapter A of chapter 1 (relating to credits against tax) is amended by adding at the end the following new section:

''SEC. 54A. CREDIT TO HOLDERS OF QUALIFIED RAIL INFRASTRUCTURE BONDS.

''(a) ALLOWANCE OF CREDIT.—If a taxpayer holds a qualified rail infrastructure bond on 1 or more credit allowance dates of the bond occurring during any taxable year, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to such dates.

''(b) AMOUNT OF CREDIT.—

''(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified rail infrastructure bond is 25 percent of the annual credit determined with respect to such bond.

''(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified rail infrastructure bond is the product of—

''(A) the credit rate determined by the Secretary under paragraph (3) for the day on which such bond was sold, multiplied by

''(B) the outstanding face amount of the bond.

''(3) DETERMINATION.—For purposes of paragraph (2), with respect to any qualified rail infrastructure bond, the Secretary shall determine daily or cause to be determined daily a credit rate which shall apply to the first day on which there is a binding, written contract for the sale or exchange of the bond. The credit rate for any day is the credit rate which the Secretary or the Secretary's designee estimates will permit the issuance of qualified rail infrastructure bonds with a specified maturity or redemption date, without discount and without interest cost to the qualified issuer.

''(4) CREDIT ALLOWANCE DATE.—For purposes of this section, the term 'credit allowance date' means—

''(A) March 15,

''(B) June 15,

''(C) September 15, and

''(D) December 15.

Such term also includes the last day on which the bond is outstanding.

''(5) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed or matures.

''(c) LIMITATION BASED ON AMOUNT OF TAX.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

''(1) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

''(2) the sum of the credits allowable under this part (other than this subpart, subpart C, and section 1400N(1)).

''(d) QUALIFIED RAIL INFRASTRUCTURE BOND.—For purposes of this section—

''(1) IN GENERAL.—The term 'qualified rail infrastructure bond' means any bond issued as part of an issue if—

''(A) the bond is issued by a qualified issuer pursuant to an allocation by the Secretary to such issuer of a portion of the national qualified rail infrastructure bond annual limitation under subsection (f)(2) by not later than the end of the calendar year following the year of such allocation,

''(B) 95 percent or more of the proceeds of such issue are to be used for capital expenditures incurred for 1 or more qualified projects,

''(C) the qualified issuer designates such bond for purposes of this section and the bond is in registered form, and

''(D) the issue meets the requirements of subsection (h).

''(2) QUALIFIED PROJECT; SPECIAL USE RULES.—

''(A) IN GENERAL.—The term 'qualified project' means a project eligible under section 26101(b) of title 49, United States Code (determined without regard to paragraph (2) thereof), which the Secretary determines was selected using the criteria of subsection (c) of such section 26101 by the Secretary of Transportation, that makes a substantial contribution to improving a rail transportation corridor for intercity passenger rail use.

''(B) CERTIFICATION REQUIRED REGARDING CERTAIN PROJECTS.—The Secretary shall not consider a project to be a qualified project unless an applicant certifies to the Secretary that—

''(i) if a project involves a rail transportation corridor which includes the use of rights-of-way owned by a freight railroad, the applicant has entered into a written agreement with such freight railroad regarding the use of the rights-of-way and has received assurances that collective bargaining agreements between such freight railroad and its employees (including terms regarding the contracting of work performed on such corridor) shall remain in full force and effect during the term of such written agreement,

''(ii) any person which provides railroad transportation over infrastructure improved or acquired pursuant to this section, is a rail carrier as defined by section 10102 of title 49, United States Code, and

''(iii) the applicant shall, with respect to improvements to rail infrastructure made pursuant to this section, comply with the standards applicable to construction work in such title 49, in the same manner in which the National Railroad Passenger Corporation is required to comply with such standards.

''(C) REFINANCING RULES.—For purposes of paragraph (1)(B), a qualified project may be refinanced with proceeds of a qualified rail infrastructure bond only if the indebtedness being refinanced (including any obligation directly or indirectly refinanced by such indebtedness) was originally incurred after the date of the enactment of this section.

''(D) REIMBURSEMENT.—For purposes of paragraph (1)(B), a qualified rail infrastructure bond may be issued to reimburse for amounts paid after the date of the enactment of this section with respect to a qualified project, but only if—

''(i) prior to the payment of the original expenditure, the issuer declared its intent to reimburse such expenditure with the proceeds of a qualified rail infrastructure bond,

''(ii) not later than 60 days after payment of the original expenditure, the qualified issuer adopts an official intent to reimburse the original expenditure with such proceeds, and

''(iii) the reimbursement is made not later than 18 months after the date the original expenditure is paid.

''(E) TREATMENT OF CHANGES IN USE.—For purposes of paragraph (1)(B), the proceeds of an issue shall not be treated as used for a qualified project to the extent that a qualified issuer takes any action within its control which causes such proceeds not to be used for a qualified project. The Secretary shall prescribe regulations specifying remedial actions that may be taken (including conditions to taking such remedial actions) to prevent an action described in the preceding sentence from causing a bond to fail to be a qualified rail infrastructure bond.

''(e) MATURITY LIMITATIONS.—

''(1) DURATION OF TERM.—A bond shall not be treated as a qualified rail infrastructure bond if the maturity of such bond exceeds the maximum term determined by the Secretary under paragraph (2) with respect to such bond.

''(2) MAXIMUM TERM.—During each calendar month, the Secretary shall determine the

maximum term permitted under this paragraph for bonds issued during the following calendar month. Such maximum term shall be the term which the Secretary estimates will result in the present value of the obligation to repay the principal on the bond being equal to 50 percent of the face amount of such bond. Such present value shall be determined without regard to the requirements of paragraph (3) and using as a discount rate the average annual interest rate of tax-exempt obligations having a term of 10 years or more which are issued during the month. If the term as so determined is not a multiple of a whole year, such term shall be rounded to the next highest whole year.

''(3) RATABLE PRINCIPAL AMORTIZATION REQUIRED.—A bond shall not be treated as a qualified rail infrastructure bond unless it is part of an issue which provides for an equal amount of principal to be paid by the qualified issuer during each 12-month period that the issue is outstanding (other than the first 12-month period).

''(f) ANNUAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—

''(1) NATIONAL ANNUAL LIMITATION.—There is a national qualified rail infrastructure bond annual limitation for each calendar year. Such limitation is $900,000,000 for 2009, 2010, and 2011, and, except as provided in paragraph (3), zero thereafter.

''(2) ALLOCATION BY SECRETARY.—The national qualified rail infrastructure bond annual limitation for a calendar year shall be allocated by the Secretary among qualified projects in such manner as the Secretary determines appropriate.

''(3) CARRYOVER OF UNUSED LIMITATION.—If for any calendar year, the national qualified rail infrastructure bond annual limitation for such year exceeds the amount of bonds allocated during such year, such limitation for the following calendar year shall be increased by the amount of such excess. Any carryforward of a limitation may be carried only to the first 2 years following the unused limitation year. For purposes of the preceding sentence, a limitation shall be treated as used on a first-in first-out basis.

''(g) CREDIT TREATED AS INTEREST.—For purposes of this title, the credit determined under subsection (a) shall be treated as interest which is includible in gross income.

''(h) SPECIAL RULES RELATING TO EXPENDITURES.—

''(1) IN GENERAL.—An issue shall be treated as meeting the requirements of this subsection if, as of the date of issuance, the qualified issuer reasonably expects—

''(A) at least 95 percent of the proceeds of the issue are to be spent for 1 or more qualified projects within the 5-year period beginning on the date of issuance of the qualified rail infrastructure bond,

''(B) a binding commitment with a third party to spend at least 10 percent of the proceeds of the issue will be incurred within the 6-month period beginning on the date of issuance of the qualified rail infrastructure bond, and

''(C) such projects will be completed with due diligence and the proceeds from the sale of the issue will be spent with due diligence.

''(2) EXTENSION OF PERIOD.—Upon submission of a request prior to the expiration of the period described in paragraph (1)(A), the Secretary may extend such period if the qualified issuer establishes that the failure to satisfy the 5-year requirement is due to reasonable cause and the related projects will continue to proceed with due diligence.

''(3) FAILURE TO SPEND REQUIRED AMOUNT OF BOND PROCEEDS WITHIN 5 YEARS.—To the extent that less than 95 percent of the proceeds of such issue are expended by the close of the 5-year period beginning on the date of issuance (or if an extension has been obtained under paragraph (2), by the close of the extended period), the qualified issuer shall redeem all of the nonqualified bonds within 90 days after the end of such period. For purposes of this paragraph, the amount of the nonqualified bonds required to be redeemed shall be determined in the same manner as under section 142.

''(i) SPECIAL RULES RELATING TO ARBITRAGE.—A bond which is part of an issue shall not be treated as a qualified rail infrastructure bond unless, with respect to the issue of which the bond is a part, the qualified issuer satisfies the arbitrage requirements of section 148 with respect to proceeds of the issue.

''(j) SPECIAL RULES RELATING TO POOL BONDS.—No portion of a pooled financing bond may be allocable to loan unless the borrower has entered into a written loan commitment for such portion prior to the issue date of such issue.

''(k) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

''(1) BOND.—The term 'bond' includes any obligation.

''(2) POOLED FINANCING BOND.—The term 'pooled financing bond' shall have the meaning given such term by section 149(f)(4)(A).

''(3) QUALIFIED ISSUER.—The term 'qualified issuer' means 1 or more States or an interstate compact of States.

''(4) STATE.—The term 'State' includes the District of Columbia and any possession of the United States.

''(5) S CORPORATIONS AND PARTNERSHIPS.—In the case of a qualified rail infrastructure bond held by an S corporation or partnership, the allocation of the credit allowed by this section to the shareholders of the corporation or partners of such partnership shall be treated as a distribution.

''(6) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified rail infrastructure bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

''(7) REPORTING.—Issuers of qualified rail infrastructure bonds shall submit reports similar to the reports required under section 149(e).

''(8) TERMINATION.—This section shall not apply with respect to any bond issued after December 31, 2013.''.

(b) REPORTING.—Subsection (d) of section 6049 (relating to returns regarding payments of interest) is amended by adding at the end the following new paragraph:

''(9) REPORTING OF CREDIT ON QUALIFIED RAIL INFRASTRUCTURE BONDS.—

''(A) IN GENERAL.—For purposes of subsection (a), the term 'interest' includes amounts includible in gross income under section 54A(g) and such amounts shall be treated as paid on the credit allowance date (as defined in section 54A(b)(4)).

''(B) REPORTING TO CORPORATIONS, ETC.—Except as otherwise provided in regulations, in the case of any interest described in subparagraph (A), subsection (b)(4) shall be applied without regard to subparagraphs (A), (H), (I), (J), (K), and (L)(i) of such subsection.

''(C) REGULATORY AUTHORITY.—The Secretary may prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which require more frequent or more detailed reporting.''.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subpart H of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

''Sec. 54A. Credit to holders of qualified rail infrastructure bonds.''.

(2) Section 54(c)(2) is amended by inserting '', section 54A,'' after ''subpart C''.

(d) ISSUANCE OF REGULATIONS.—The Secretary of Treasury shall issue regulations required under section 54A of the Internal Revenue Code of 1986 (as added by this section) not later than 120 days after the date of the enactment of this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

SEC. 836. REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Section 6404 is amended by striking subsection (g).

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

(2) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendments made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of the Small Business and Work Opportunity Tax Act of 2007.

SEC. 837. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

''(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

''(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to—

''(A) the violation of any law, or

''(B) an investigation or inquiry into the potential violation of any law which is initiated by such government or entity.

''(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

''(A) the taxpayer establishes—

''(i) constitutes restitution (or remediation of property) for damage or harm caused by, or which may be caused by, the violation of any law or the potential violation of any law, or

''(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

''(B) is identified as an amount described in clause (i) or (ii) of subparagraph (A), as the case may be, in the court order or settlement agreement, except that the requirement of this subparagraph shall not apply in the case of any settlement agreement which requires the taxpayer to pay or incur an amount not greater than $1,000,000.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation unless such amount is paid or incurred for a cost or fee regularly charged for any routine audit or other customary review performed by the government or entity.

''(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

''(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

''(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

''(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

''(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.''.

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

''SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

''(a) REQUIREMENT OF REPORTING.—

''(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

''(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

''(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

''(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

''(2) SUIT OR AGREEMENT DESCRIBED.—

''(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

''(i) it is—

''(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

''(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

''(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

''(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

''(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

''(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

''(B) the date specified by the Secretary.

''(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

''(1) the name of the government or entity, and

''(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

''(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.''.

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

''Sec. 6050W. Information with respect to certain fines, penalties, and other amounts.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 838. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

''SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

''(a) GENERAL RULES.—For purposes of this subtitle—

''(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

''(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

''(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

''(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

''(3) EXCLUSION FOR CERTAIN GAIN.—

''(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

''(B) ADJUSTMENT FOR INFLATION.—

''(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

''(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

''(b) ELECTION TO DEFER TAX.—

''(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

''(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

''(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

''(4) SECURITY.—

''(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

''(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

''(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

''(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

''(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

''(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

''(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

''(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

''(1) any deferred compensation item (as defined in subsection (d)(4)),

''(2) any specified tax deferred account (as defined in subsection (e)(2)), and

''(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

''(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

''(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

''(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

''(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment

under the preceding sentence when such item would be so includible.

''(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

''(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

''(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

''(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

''(A) the payor of such item is—

''(i) a United States person, or

''(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

''(B) the covered expatriate—

''(i) notifies the payor of his status as a covered expatriate, and

''(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

''(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

''(A) any interest in a plan or arrangement described in section 219(g)(5),

''(B) any interest in a foreign pension plan or similar retirement arrangement or program,

''(C) any item of deferred compensation, and

''(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

''(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

''(6) SPECIAL RULES.—

''(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

''(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

''(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

''(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

''(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

''(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

''(B) no early distribution tax shall apply by reason of such treatment, and

''(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

''(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

''(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

''(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

''(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

''(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

''(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

''(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

''(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

''(A) rules similar to the rules of subsection (d)(6) shall apply, and

''(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies.

''(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

''(1) COVERED EXPATRIATE.—

''(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

''(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

''(i) the individual—

''(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

''(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

''(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

''(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

''(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

''(2) EXPATRIATE.—The term 'expatriate' means—

''(A) any United States citizen who relinquishes his citizenship, and

''(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(3) EXPATRIATION DATE.—The term 'expatriation date' means—

''(A) the date an individual relinquishes United States citizenship, or

''(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

''(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

''(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

''(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

''(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

''(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

''(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

''(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

''(h) OTHER RULES.—

''(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

''(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

''(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

''(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by

an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

''(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

''(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.''.

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

''CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

''Sec. 2801. Imposition of tax.

''SEC. 2801. IMPOSITION OF TAX.

''(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

''(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

''(2) the value of such covered gift or bequest.

''(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

''(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds $10,000.

''(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

''(e) COVERED GIFT OR BEQUEST.—

''(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

''(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

''(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

''(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

''(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

''(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

''(3) TRANSFERS IN TRUST.—

''(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

''(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

''(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

''(B) FOREIGN TRUSTS.—

''(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

''(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

''(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

''(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).''.

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

''CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.''.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

''(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

''(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

''(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.''.

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

''(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.''.

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

''An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.''.

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting ''or 877A'' after ''section 877(b)'' in subsection (a), and

(2) by inserting ''or 877A'' after ''section 877(a)'' in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

''Sec. 877A. Tax responsibilities of expatriation.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act, regardless of when the transferor expatriated.○

SA 4586. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. EXTENSION OF GRANT AUTHORITY FOR COMPATIBLE LAND USE PLANNING AND PROJECTS BY STATE AND LOCAL GOVERNMENTS.

Section 47141(f) is amended by striking ''September 30, 2007'' and inserting ''September 30, 2011''.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 10:30 a.m., in room 253 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, April 29, 2008 at 10 a.m. in room 406 of the Dirksen Senate Office Building to conduct a hearing entitled ''Oversight on EPA Toxic Chemical Policies.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate

on Tuesday, April 29, 2008, at 10 a.m., in room 215 of the Dirksen Senate Office Building, to hear testimony on ''Oversight of Trade Functions: Customs and Other Trade Agencies.''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 2:30 p.m. to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled ''When a Worker is Killed: Do OSHA Penalties Enhance Workplace Safety?'' on Tuesday, April 29, 2008. The hearing will commence at 10 a.m. in room 430 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CASEY. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate, to conduct a hearing entitled ''Living on the Street: Finding Solutions to Protect Runaway and Homeless Youth'' on Tuesday, April 29, 2008, at 10 a.m., in room SD–226 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CASEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 29, 2008, at 2:30 p.m., to hold a closed mark-up.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 4 p.m., in closed session to mark up the emerging threats and capabilities programs and provisions contained in the National Defense Authorization Act for fiscal year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the Session of the Senate on Tuesday, April 29, 2008, at 9:30 a.m., in closed session to mark up the personnel programs and provisions contained in the National Defense Authorization Act for Fiscal year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 3 p.m., in closed session to mark up the Readiness and Management Support Programs and provisions contained in the National Defense Authorization Act for fiscal year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEA POWER

Mr. CASEY. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 29. 2008, at 2:30 p.m., in closed session to mark up the Seapower Programs and Provisions contained in the National Defense Authorization Act for Fiscal Year 2009.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE, AND THE DISTRICT OF COLUMBIA

Mr. CASEY. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, April 29, 2008, at 9:30 a.m. to conduct a hearing entitled, ''The Impact of Implementation: A Review of the REAL ID Act and the Western Hemisphere Travel Initiative.''

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 4040

Mr. MENENDEZ. Mr. President, with respect to H.R. 4040, which passed the Senate on March 6, 2008, I now ask unanimous consent the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and that the Chair be authorized to appoint conferees.

There being no objection, the Presiding Officer (Mr. BROWN) appointed Mr. INOUYE, Mr. PRYOR, Mrs. BOXER, Ms. KLOBUCHAR, Mr. STEVENS, Mrs. HUTCHISON, and Mr. SUNUNU conferees on the part of the Senate.

DISCHARGE AND REFERRAL—S. 2902

Mr. MENENDEZ. Mr. President, I ask unanimous consent the Committee on Health, Education, Labor and Pensions be discharged from further consideration of S. 2902, and the bill be referred to the Committee on Small Business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMEMORATING THE LIFE AND WORK OF DITH PRAN

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 716, S. Res. 515.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 515) commemorating the life and work of Dith Pran.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 515) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 515

Whereas, between 1975 and 1979, Dith Pran dedicated his life and journalistic career to preventing genocide by exposing the atrocities perpetrated by the Khmer Rouge regime in his native Cambodia;

Whereas Dith Pran, the subject of the Academy Award-winning film ''The Killing Fields'', survived the genocide in Cambodia in which up to 2,000,000 men, women, and children, including most of Dith Pran's extended family, were killed by the Khmer Rouge;

Whereas Dith Pran assisted many of his fellow journalists who were covering the impending takeover of Cambodia by the Khmer Rouge to escape unharmed from the country when the capital of Cambodia, Phnom Penh, fell to the Khmer Rouge in 1975;

Whereas Dith Pran was subsequently imprisoned by the Khmer Rouge, and for 4 years endured forced labor, beatings, and unconscionable conditions of human suffering;

Whereas, in 1979, Dith Pran escaped from forced labor past the Khmer Rouge's ''killing fields'', a term Mr. Dith created to describe the mass graveyards he saw on his 40-mile journey to a refugee camp in Thailand;

Whereas Dith Pran, in the words of New York Times Executive Editor Bill Keller, ''reminds us of a special category of journalistic heroism, the local partner, the stringer, the interpreter, the driver, the fixer, who knows the ropes, who makes your work possible, who often becomes your friend, who may save your life, who shares little of the glory, and who risks so much more than you do'';

Whereas Dith Pran moved to New York in 1980 and devoted the remainder of his life and journalistic career to advocating against genocide and for human rights worldwide;

Whereas Dith Pran educated people around the world about the horrors of genocide in general, and the genocide in Cambodia in particular, through his creation of the Dith Pran Holocaust Awareness Project;

Whereas, in 1985, Dith Pran was appointed a United Nations Goodwill Ambassador by the United Nations High Commissioner for Refugees;

Whereas Dith Pran lost his battle with cancer on March 30, 2008, leaving behind a world that better understands the tragedy of the genocide in Cambodia and the need to prevent future genocides, largely due to his compelling story, reporting, and advocacy;

Whereas Dith Pran said, ''Part of my life is saving life. I don't consider myself a politician or a hero. I'm a messenger. If Cambodia is to survive, she needs many voices.''; and

Whereas the example of Dith Pran should endure for generations: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) Dith Pran is a modern day hero and an exemplar of what it means to be a citizen of the United States and a citizen of the world;

(2) the United States owes a debt of gratitude to Dith Pran for his tireless work to prevent genocide and violations of fundamental human rights; and

(3) teachers throughout the United States should spread Dith Pran's message by educating their students about his life, the genocide in Cambodia, and the collective responsibility of all people to prevent modern-day atrocities and human rights abuses.

REGARDING THE POLITICAL SITUATION IN ZIMBABWE

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 533 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 533) expressing the sense of the Senate regarding the political situation in Zimbabwe.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 533) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 533

Whereas, on March 29, 2008, parliamentary and presidential elections were held in Zimbabwe amid widespread reports of voting irregularities in favor of the ruling Zimbabwe African National Union-Patriotic Front (ZANU–PF) party and President Robert Mugabe, including, according to the Department of State, ''production of far more ballots than there were registered voters...[and] the allowance of police in polling places'';

Whereas official results showed that the opposition Movement for Democratic Change (MDC) won a majority of seats in the parliamentary elections, and independent monitors concluded based on initially posted results that MDC leader Morgan Tsvangirai received substantially more votes than President Mugabe in the presidential election;

Whereas, as of April 24, 2008, the Zimbabwe Electoral Commission has still not released the results of the presidential election, despite calls to do so by the African Union (AU), the European Union, the Government of South Africa, the Southern African Development Community (SADC), United Nations Secretary-General Ban Ki Moon, and the United States;

Whereas, on April 19, 2008, the Zimbabwe Electoral Commission officially commenced recounting ballots cast in 23 parliamentary constituencies, primarily in districts that did not support candidates affiliated with ZANU–PF;

Whereas, on April 21, 2008, British Foreign Secretary David Miliband stated that the ongoing recount was potentially a ''charade of democracy'' that ''only serves to fuel suspicion that President Mugabe is seeking to reverse the results that have been published, to regain a majority in parliament, and to amplify his own count in the presidential election,'' and accused him of trying ''to steal the election'';

Whereas, the Government of Zimbabwe has arrested numerous members of the media and election officials, and over 1,000 Zimbabweans have reportedly been fleeing into South Africa every day, while forces loyal to the government have engaged in a brutal and systematic effort to intimidate voters;

Whereas, on April 20, 2008, the MDC released a detailed report showing that more than 400 of its supporters had been arrested, 500 had been attacked, 10 had been killed, and 3,000 families had been displaced, and Human Rights Watch reported on April 19, 2008, that ZANU–PF is operating ''torture camps'' where opposition supporters are being beaten;

Whereas United States Ambassador to the United Nations Zalmay Khalilzad stated on April 16, 2008, that he was ''gravely concerned about the escalating politically motivated violence perpetrated by security forces and ruling party militias'';

Whereas, while there is currently no international embargo on arms transfers to Zimbabwe, a Chinese ship carrying weapons destined for Zimbabwe was recently prevented from unloading its cargo in Durban, South Africa, and has been denied access to other ports in the region due to concerns that the weapons could further destabilize the situation in Zimbabwe;

Whereas Secretary of State Condoleezza Rice stated on April 17, 2008, that President Mugabe has ''done more harm to his country than would have been imaginable...the last years have been really an abomination...,'' and called for the AU and SADC to play a greater role in resolving the crisis;

Whereas, the Department of State's 2007 Country Report on Human Rights Practices stated that, in Zimbabwe, ''the ruling party's dominant control and manipulation of the political process through intimidation and corruption effectively negated the right of citizens to change their government. Unlawful killings and politically motivated abductions occurred. State sanctioned use of excessive force increased, and security forces tortured members of the opposition, student leaders, and civil society activists''; and

Whereas annual inflation in Zimbabwe is reportedly running over 150,000 percent, unemployment stands at over 80 percent, hunger affects over 4,000,000 people, and an estimated 3,500 people die each week from hunger, disease, and other causes related to extremely poor living conditions: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) to support the people of Zimbabwe, who have been subjected to incredible hardships, including violence, political repression, and severe economic deprivation, in their aspirations for a free, democratic, and more prosperous future;

(2) to call for an immediate cessation of politically motivated violence, detentions, and efforts to intimidate the people of Zimbabwe perpetrated by Zimbabwe's security forces and militias loyal to ZANU–PF;

(3) that the Zimbabwe Electoral Commission should immediately release the legitimate results of the presidential election and ratify the previously announced results of the parliamentary elections;

(4) that President Robert Mugabe should accept the will of the people of Zimbabwe in order to effect a timely and peaceful transition to genuine democratic rule;

(5) that regional organizations, including SADC and the AU, should play a sustained and active role in resolving the crisis peacefully and in a manner that respects the will of the people of Zimbabwe;

(6) that the United Nations Security Council should be seized of the issue of Zimbabwe, support efforts to bring about a peaceful resolution of the crisis that respects the will of the people of Zimbabwe, and impose an international arms embargo on Zimbabwe until a legitimate democratic government has taken power;

(7) that the United States Government and the international community should impose targeted sanctions against additional individuals in the Government of Zimbabwe and state security services and militias in Zimbabwe who are responsible for human rights abuses and interference in the legitimate conduct of the elections in Zimbabwe; and

(8) that the United States Government and the international community should work together to prepare a comprehensive economic and political recovery package for Zimbabwe in the event that a genuinely democratic government is formed and commits to implementing key constitutional, economic, and political reforms.

ORDERS FOR WEDNESDAY, APRIL 30, 2008

Mr. MENENDEZ. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. tomorrow, Wednesday, April 30; that 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 use later in the day, and the Senate then resume consideration of H.R. 2881, the FAA reauthorization bill, with Senator DURBIN recognized to offer an amendment; that at 10:40 a.m., the Senate recess until 12 noon for the joint meeting of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MENENDEZ. Mr. President, as a reminder, at 11 a.m. tomorrow, there will be a joint meeting of Congress with the Prime Minister of Ireland, Bertie Ahern. Senators attending the meeting should gather in the Senate Chamber at 10:30 a.m. and proceed as a body to the Hall of the House at 10:40 a.m.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. MENENDEZ. If there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 7:36 p.m., adjourned until Wednesday, April 30, 2008, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

ERIC J. BOSWELL, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF STATE (DIPLOMATIC SECURITY), VICE RICHARD J. GRIFFIN, RESIGNED.

ERIC J. BOSWELL, OF THE DISTRICT OF COLUMBIA, TO BE DIRECTOR OF THE OFFICE OF FOREIGN MISSIONS, AND TO HAVE THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE, VICE RICHARD J. GRIFFIN, RESIGNED.

PATRICIA MCMAHON HAWKINS, OF VIRGINIA, 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 TOGOLESE REPUBLIC.

THE JUDICIARY

PAUL G. GARDEPHE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE CHARLES L. BRIEANT, JR., RETIRED.

CLARK WADDOUPS, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH, VICE PAUL G. CASSELL, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. MARTIN NEUBAUER

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. KENNY C. MONTOYA

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIGADIER GENERAL STEPHEN E. BOGLE
BRIGADIER GENERAL JAMES G. CHAMPION
BRIGADIER GENERAL JOSEPH J. CHAVES
BRIGADIER GENERAL MYLES L. DEERING
BRIGADIER GENERAL THOMAS C. LAWING
BRIGADIER GENERAL MARK E. ZIRKELBACH

To be brigadier general

COLONEL ROMA J. AMUNDSON
COLONEL MARK E. ANDERSON
COLONEL ERNEST C. AUDINO
COLONEL DAVID A. CARRION-BARALT
COLONEL JEFFREY E. BERTRANG
COLONEL TIMOTHY B. BRITT
COLONEL LAWRENCE W. BROCK III
COLONEL MELVIN L. BURCH
COLONEL SCOTT E. CHAMBERS
COLONEL DONALD J. CURRIER
COLONEL CECILIA I. FLORES
COLONEL SHERYL E. GORDON
COLONEL PETER C. HINZ
COLONEL ROBERT A. MASON
COLONEL BRUCE E. OLIVEIRA
COLONEL DAVID C. PETERSEN
COLONEL CHARLES W. RHOADS
COLONEL RUFUS J. SMITH
COLONEL JAMES B. TODD
COLONEL JOE M. WELLS

CONFIRMATIONS

Executive nominations confirmed by the Senate Tuesday, April 29, 2008:

DEPARTMENT OF STATE

PATRICIA M. HASLACH, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HER TENURE OF SERVICE AS UNITED STATES SENIOR COORDINATOR FOR THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM.

JOXEL GARCIA, OF CONNECTICUT, TO BE REPRESENTATIVE OF THE UNITED STATES ON THE EXECUTIVE BOARD OF THE WORLD HEALTH ORGANIZATION.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

SAMUEL W. SPECK, OF OHIO, TO BE A COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA.

DEPARTMENT OF STATE

SCOT A. MARCIEL, OF CALIFORNIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR EAST ASIAN AND ASSOCIATION OF SOUTHEAST ASIAN NATIONS (ASEAN) AFFAIRS.

YOUSIF BOUTROUS GHAFARI, OF MICHIGAN, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SLOVENIA.

KURT DOUGLAS VOLKER, OF PENNSYLVANIA, A CAREER FOREIGN SERVICE OFFICER OF CLASS ONE, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

ROBERT J. CALLAHAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF NICARAGUA.

HEATHER M. HODGES, OF OHIO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ECUADOR.

BARBARA J. STEPHENSON, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PANAMA.

WILLIAM EDWARD TODD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BRUNEI DARUSSALAM.

HUGO LLORENS, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HONDURAS.

NANCY E. MCELDOWNEY, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

STEPHEN GEORGE MCFARLAND, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF GUATEMALA.

PETER E. CIANCHETTE, OF MAINE, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF COSTA RICA.

FRANK CHARLES URBANCIC, JR., OF INDIANA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CYPRUS.

BARBARA MCCONNELL BARRETT, OF ARIZONA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF FINLAND.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROBERT G. MCSWAIN, OF MARYLAND, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

REBECCA A. GREGORY, OF TEXAS, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. BRUCE A. LITCHFIELD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL C. D. ALSTON
BRIGADIER GENERAL BROOKS L. BASH
BRIGADIER GENERAL MICHAEL J. BASLA
BRIGADIER GENERAL PAUL F. CAPASSO
BRIGADIER GENERAL FLOYD L. CARPENTER
BRIGADIER GENERAL DAVID J. EICHHORN
BRIGADIER GENERAL GREGORY A. FEEST
BRIGADIER GENERAL BURTON M. FIELD
BRIGADIER GENERAL RANDAL D. FULLHART
BRIGADIER GENERAL BRADLEY A. HEITHOLD
BRIGADIER GENERAL RALPH J. JODICE II
BRIGADIER GENERAL DUANE A. JONES
BRIGADIER GENERAL FRANK J. KISNER
BRIGADIER GENERAL JAY H. LINDELL
BRIGADIER GENERAL DARREN W. MCDEW
BRIGADIER GENERAL CHRISTOPHER D. MILLER
BRIGADIER GENERAL HAROLD W. MOULTON II
BRIGADIER GENERAL STEPHEN P. MUELLER
BRIGADIER GENERAL ELLEN M. PAWLIKOWSKI
BRIGADIER GENERAL PAUL G. SCHAFER
BRIGADIER GENERAL STEPHEN D. SCHMIDT
BRIGADIER GENERAL MICHAEL A. SNODGRASS
BRIGADIER GENERAL MARK S. SOLO

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. DANA T. ATKINS

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. SCOTT G. WEST

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. WALTER L. SHARP

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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

LT. GEN. ANN E. DUNWOODY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. DAVID D. MCKIERNAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. ROBERT L. CASLEN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. MITCHELL H. STEVENSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY 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. FRANK G. HELMICK

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL RANDOLPH D. ALLES
BRIGADIER GENERAL JOSEPH F. DUNFORD, JR.
BRIGADIER GENERAL ANTHONY L. JACKSON
BRIGADIER GENERAL PAUL E. LEFEBVRE
BRIGADIER GENERAL RICHARD P. MILLS
BRIGADIER GENERAL ROBERT E. MILSTEAD, JR.
BRIGADIER GENERAL MARTIN POST
BRIGADIER GENERAL MICHAEL R. REGNER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DARRELL L. MOORE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. KEITH J. STALDER

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES M. LARIVIERE

COL. KENNETH J. LEE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

BRIG. GEN. JOSEPH F. DUNFORD, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN M. PAXTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DENNIS J. HEJLIK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD F. NATONSKI

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL IN THE UNITED STATES MARINE CORPS WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DUANE D. THIESSEN

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. JOHN M. BIRD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) VICTOR C. SEE, JR.

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPTAIN DOUGLASS T. BIESEL
CAPTAIN BARRY L. BRUNER
CAPTAIN JERRY K. BURROUGHS
CAPTAIN JAMES D. CLOYD
CAPTAIN THOMAS A. CROPPER
CAPTAIN DENNIS E. FITZPATRICK
CAPTAIN MICHAEL T. FRANKEN
CAPTAIN BRADLEY R. GEHRKE
CAPTAIN ROBERT P. GIRRIER
CAPTAIN PAUL A. GROSKLAGS
CAPTAIN SINCLAIR M. HARRIS
CAPTAIN MARGARET D. KLEIN
CAPTAIN PATRICK J. LORGE
CAPTAIN BRIAN L. LOSEY
CAPTAIN MICHAEL E. MCLAUGHLIN
CAPTAIN WILLIAM F. MORAN
CAPTAIN SAMUEL PEREZ, JR.
CAPTAIN JAMES J. SHANNON
CAPTAIN CLIFFORD S. SHARPE
CAPTAIN TROY M. SHOEMAKER
CAPTAIN DIXON R. SMITH
CAPTAIN ROBERT L. THOMAS, JR.
CAPTAIN DOUGLAS J. VENLET

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 5133 AND 5138:

To be rear admiral

REAR ADM. (LH) CAROL I. TURNER

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH DAVID M. ABEL AND ENDING WITH MICHAEL M. ZWALVE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH SUSAN S. BAKER AND ENDING WITH JON C. WELCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID A. BARGATZE AND ENDING WITH AARON E. WOODWARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH MARK E. ALLEN AND ENDING WITH CHARLES E. WIEDIE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH KERRY M. ABBOTT AND ENDING WITH WILLIAM F. ZIEGLER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH RICHARD T. BROYER AND ENDING WITH BRIAN K. WYRICK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN T. AALBORG, JR. AND ENDING WITH MICHAEL A. ZROSTLIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH DAVID L. BABCOCK AND ENDING WITH WAYNE A. ZIMMET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2008.

AIR FORCE NOMINATION OF HOWARD P. BLOUNT III, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATION OF ERRILL C. AVECILLA, TO BE MAJOR.

AIR FORCE NOMINATION OF MARK Y. LIU, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH BRYCE G. WHISLER AND ENDING WITH TIMOTHY M. FRENCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2008.

AIR FORCE NOMINATIONS BEGINNING WITH PHIET T. BUI AND ENDING WITH MICHAEL J. MORRIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 7, 2008.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH MARIO AGUIRRE III AND ENDING WITH SCOTT B. ZIMA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

ARMY NOMINATIONS BEGINNING WITH BARRY L. ADAMS AND ENDING WITH TIMOTHY M. ZEGERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

ARMY NOMINATIONS BEGINNING WITH KEVIN S. ANDERSON AND ENDING WITH RUFUS WOODS III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

ARMY NOMINATIONS BEGINNING WITH ROBERT B. ALLMAN III AND ENDING WITH RICHARD F. WINCHESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

ARMY NOMINATION OF BARRY L. SHOOP, TO BE COLONEL.

ARMY NOMINATION OF BRIAN J. CHAPURAN, TO BE MAJOR.

ARMY NOMINATION OF GREGORY T. REPPAS, TO BE MAJOR.

ARMY NOMINATION OF VANESSA M. MEYER, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH THOMAS E. DURHAM AND ENDING WITH DANIEL P. MASSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2008.

ARMY NOMINATIONS BEGINNING WITH CHARLES L. GARBARINO AND ENDING WITH JUAN GARRASTEGUI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2008.

ARMY NOMINATIONS BEGINNING WITH MILTON M. ONG AND ENDING WITH MATTHEW S. MOWER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2008.

ARMY NOMINATION OF CRAIG A. MYATT, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF JOHN C. KOLB, TO BE COLONEL.

ARMY NOMINATION OF KENNETH D. SMITH, TO BE MAJOR.

ARMY NOMINATION OF JOHN M. HOPPMANN, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH AMY M. BAJUS AND ENDING WITH ROBERT P. VASQUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

IN THE COAST GUARD

COAST GUARD NOMINATION OF TREVOR M. HARE, TO BE LIEUTENANT.

COAST GUARD NOMINATION OF SUSAN M. MAITRE, TO BE LIEUTENANT COMMANDER.

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ANDREW TOWNSEND WIENER AND ENDING WITH TROY A. LINDQUIST, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 5, 2008.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH DAVID G. MCCULLOH AND ENDING WITH PAUL W. VOSS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

IN THE NAVY

NAVY NOMINATION OF THOMAS M. CASHMAN, TO BE CAPTAIN.

NAVY NOMINATION OF KELLY R. MIDDLETON, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF THERESA A. FRASER, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH LEE R. RAS AND ENDING WITH ELIZABETH M. SOLZE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 11, 2008.

NAVY NOMINATION OF AARON J. BEATTIE IV, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH KRISTIAN E. LEWIS AND ENDING WITH LUTHER P. MARTIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 31, 2008.

NAVY NOMINATIONS BEGINNING WITH SAMUEL G. ESPIRITU AND ENDING WITH PAUL G. SCANLAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

NAVY NOMINATIONS BEGINNING WITH TERRY L. BUCKMAN AND ENDING WITH THOMAS M. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 15, 2008.

EXTENSIONS OF REMARKS

IN RECOGNITION OF DR. BARBARA WARREN'S 20TH ANNIVERSARY AT THE LGBT CENTER

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. NADLER. Madam Speaker, I rise today in recognition of Dr. Barbara Warren who is celebrating 20 years of service, dedication and hard work at the Lesbian, Gay, Bisexual and Transgender Center in New York City.

Dr. Warren joined the staff of the center in 1988 as a psychologist and only healthcare professional within the staff of six. Today, the Center has a staff of nearly 80 with a third of those in service to health programs created under her leadership. Dr. Warren is one of the greatest resources to be found at the Center, a font of information and a tireless worker for the LGBT Community and all New Yorkers.

Dr. Warren has created numerous health programs, many the first of their kind, which now serve as examples both nationally and internationally. This array of programs include programs concerning HIV/AIDS, Crystal Meth, Bereavement, Alcohol, Substance and Tobacco Abuse, the Lesbian Cancer Initiative, the Gender Identity Project and the new Center CARE Recovery. Center CARE Recovery is the first licensed, outpatient LGBT-specific alcohol and substance abuse recovery program in New York State. Additionally, Dr. Warren created the Center Youth Program, Youth Enrichment Services (YES), 18 years ago, the first LGBT Youth program in the country, which has grown today to serve countless youth from all over the New York Metro area.

Barbara has been active for many years in helping to secure critically important funding for LGBT social service programs through the New York State Network of Lesbian, Gay, Bisexual and Transgender Health and Human Services Providers, the National Association of LGBT Community Centers and the Harry Benjamin International Gender Dysphoria Association, and is also a Faculty Member at the New York State Academy of Addiction Studies and at the graduate programs of Fordham University, Hunter College, Columbia University and Yeshiva University.

Dr. Warren was the principal writer of the official state-sponsored (NYS Office of Alcohol and Substance Abuse Service's Training for Counselors) training curriculum, which addresses sensitivity to LGBT-specific needs.

Today I rise to recognize and congratulate Dr. Barbara Warren for 20 years of outstanding and dedicated service to the people of New York and for her groundbreaking work in the field of LGBT Social Services which has set the standard for such programs both nationally and internationally.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Ms. DELAURO. Madam Speaker, due to medical reasons I missed a series of procedural votes. Had I been present, I would have voted "aye" on Rollcall numbers 192, 193, 194 and 195.

RECOGNIZING NORTHWEST FLORIDA WAVES UNIT 52

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to honor the Northwest Florida Women Accepted for Volunteer Emergency Services, WAVES, Unit 52 and recognize its members' past, present, and future service to our country.

Women had been serving the war effort for years before they became an official addition to the United States Navy in 1956. Tens of thousands of officers and enlisted women contributed significantly to the Allied success of WWII. After their role in the Navy was legitimized, WAVES National was formed to connect former servicewomen and enable them to share their stories and experiences.

It is with grateful appreciation that I address this organization of valiant women whose participation in the military has evolved from the unprecedented to the exemplary. At a time when the role of women in the war effort was limited, members of WAVES transgressed societal norms by dutifully and commendably serving in the Navy and uniting against the Axis Power. Now, over sixty years later, women serve in every branch of our armed forces. Heroic accounts detailing the patriotism of women both on the battlefield and behind the line have altered the perception of women's role in the military and redefined the archetypal soldier.

The Northwest Florida WAVES Unit 52 consists of 43 members, half of whom served in WWII. Their mission is to encourage "patriotism, loyalty, and devotion to God, country and family." Membership is limited to women and includes those who have served or are currently serving in the Navy, Naval Reserve or other military Sea Services. Additional service is allotted to the community as members engage in various activities that benefit the surrounding area.

The women of Waves Unit 52 have dedicated their lives to preserving the security of every American citizen. In conjunction with National Military Appreciation Month, we recognize the initial women of WAVES for employing a bold determination to serve in the war effort and celebrate the outstanding service of all the women who decorate its membership. The women of WAVES have exuded exceptional patriotism and valor and the First District of Florida is honored to house this exemplary organization.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize Northwest Florida WAVES Unit 52 for its honorable service and dedication.

COAST GUARD AUTHORIZATION ACT OF 2008

SPEECH OF

HON. DONNA M. CHRISTENSEN

OF VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 2008

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2830) to authorize appropriations for the Coast Guard for fiscal year 2008, and for other purposes:

Mrs. CHRISTENSEN. Mr. Chairman, I rise in support of H.R. 2830, "The Coast Guard Authorization Act" and would like to commend Chairman OBERSTAR and Ranking Member MICA for their work on the bill and their efforts in bringing it to the House floor today. The development of this bill has been a long process and a collaborative effort. We are pleased that it is before the House for passage. I would also like to commend Chairman THOMPSON, my colleagues on the Homeland Security Committee and staff for their work on the Port Security section of this legislation. I would like to thank Chairman CUMMINGS and Ranking Member LATOURETTE for theirs on Deepwater and their support of the Port Security provisions in H.R. 2830.

The United States Coast Guard has a broad and important role in homeland security, law enforcement, search and rescue, marine environmental pollution response, and the maintenance of river, Intracoastal and offshore aids to navigation. Yet it has been grossly underfunded and therefore understaffed and underresourced. This bill provides much needed resources and capacity building to effectuate these changes without compromising security. In addition to increasing funding by $8.4 billion and the bill provides a much needed increase from 1,500 coast guard personnel to 47,000.

There are many important provisions in the bill but I am particularly pleased with the provisions to improve Port Security, particularly for the Virgin Islands and the Caribbean. Section 419 of the bill authorizes the Secretary of Homeland Security to station additional Coast Guard assets in the U.S. Virgin Islands for port security and other purposes. Currently, the Virgin Islands are without a coast guard cutter and have to depend on Puerto Rico for use of their vessel. This provision is a step forward in establishing a permanent Coast Guard unit in the Virgin Islands.

Another very important issue to the Virgin Islands and the Caribbean is cruise security. It

is estimated that 10.6 million Americans took a cruise from a U.S. port in 2007. These ports include locations in the U.S. Virgin Islands, Puerto Rico and points throughout the Caribbean. H.R. 2830 includes incident notification requirements that would enhance cruise ship security. This provision would make our ports more secure and thus more attractive to cruise ship travelers.

Enhancing Port Security has been a priority for the Homeland Security Committee and The Coast Guard Authorization Act of 2007 will give the Coast Guard much needed reform as well as strengthen our homeland security, protection of the marine environment and maritime safety. It reflects our commitment to improving port security.

We all remember with gratitude the stellar work of the U.S. Coast Guard during Hurricane Katrina. Were it not for them many more lives would have been lost. This bill is a down payment on the gratitude we owe them for this and their work in the waters of our Nation. I encourage my colleagues to support the bill and urge its final passage.

CONGRATULATING THE WINONA STATE UNIVERSITY MEN'S COLLEGE BASKETBALL TEAM

HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mrs. BACHMANN. Madam Speaker, I rise to congratulate the Winona State University Men's College Basketball team, winners of the NCAA Division 11 College Basketball Championship. A proud Warrior myself, I am honored to recognize the accomplishments of the team and its talented members, and to acknowledge the contributions they make to the University and its surrounding community.

I am especially proud of 3 Warriors from Minnesota's Sixth District: Mr. Ryan Gargaro, Mr. Travis Whipple, and Mr. Max Hintz, all of Woodbury. Their tireless hard work and dedication to their teammates and their University set a great example for all Winona State students.

Senior Ryan Gargaro and junior Travis Whipple are also to be commended for their brilliance off the court. Ryan was named to the 2005–2006 and 2006–2007 NSIC All-Academic Teams. Travis was also named to the 2006–2007 Team, and will be a key leader as he returns next season. Max Hintz is a freshman, and our eyes will be on him as he explores his great promise in the years to come.

Madam Speaker, it is my honor as a Winona State University Alum to congratulate the Men's College Basketball team on its second NCAA Division II Championship in its last 3 seasons. The contributions of its players and these Woodbury residents to the program and the greater University community will serve as a constant reminder to prospective and current students of the true pride and honor that goes in to being a Winona State Warrior.

COPPER SALMON WILDERNESS ACT

SPEECH OF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. WU. Mr. Speaker, I rise today in support of H.R. 3513, the Copper Salmon Wilderness Act. This bill, introduced by my friend, colleague and Dean of the Oregon delegation, Mr. DEFAZIO, would set aside nearly 13,000 acres in the headwaters of the Elk River on the southern coast of Oregon, and designate more than 11 additional miles of the river as either wild or scenic under the Wild and Scenic Rivers Act.

The Copper Salmon area contains one of the Nation's largest remaining stands of low-elevation old-growth forest and in the north fork of the Elk, one of the healthiest salmon, steelhead, and cutthroat trout runs in the continental United States.

Mr. Speaker, I cannot talk about the health of this great river without calling attention to the fact that the Pacific Coast salmon fishermen face one of the largest salmon fishery closures ever recorded in the United States. It is legislation like this that makes us realize the importance of looking into the future and to move in a direction that not only protects the fish, but also the local economy by providing habitat for more fish to flourish and survive into adulthood.

Mr. Speaker, it was poor natural resource management that has helped to create our recent salmon disasters and this bill offers a chance to head in another direction. The Oregon delegation and their friends in California and Washington have worked hard, and worked collectively to make sure that both salmon and our fishermen are protected.

I would like to thank you, Mr. Speaker, for your assistance in the past for disaster relief funds for our 1,200 salmon fishermen. I ask that you keep a watchful eye this season as the salmon fishermen of the Pacific face another closed season, another disaster declaration, and lost revenue.

TRIBUTE TO CAPTAIN JACK B. HOWEY

HON. MICHAEL A. ARCURI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ARCURI. Madam Speaker, I rise today in recognition of Captain Jack B. Howey, a member of my Veterans Advisory Committee who passed away on April 14, 2008.

Captain Howey had 9 years of enlisted service and 18 years of commissioned service in the Active Duty Army, the Army Reserve and the New York Army National Guard. A veteran of the Korean War, he served as an advisor to the South Korean Army. He retired in 1974 from the 204th Engineer Battalion of the New York Army National Guard.

As the Director of the Tioga County Veterans Service Agency and as a member of my Veterans Advisory Committee, he worked diligently to ensure that fellow veterans were getting all the benefits that they deserved in the quickest way possible. He particularly focused on ensuring that veterans had adequate transportation so that they could get to hospitals and outpatient clinics for medical treatment. He also shared his hard work with others by writing articles in the Owego Pennysaver to alert veterans of any news that might be of use to them.

Captain Howey was born on October 24, 1928 in Oneonta, New York, to the late Morris and Eva Burrell Howey. He leaves behind his wife, Audrey; sister, Maureen; son, Clark; stepdaughters Tammy and Ellen; and stepsons Mark, Tom and Henry. He is also survived by his grandchildren: Maria, Randi, Chance, Andrew, Amanda and Justin, and great-grandchildren: Christian, Justin and Shea.

He was involved in many organizations, including serving as past commander and lifelong member of the Owego Veterans of Foreign Wars Post No. 1371 and as a member of the American Legion, Quiet Birdmen, Binghamton Hanger and Harris Hill Soaring Corporation. In addition to his work for veterans, Captain Howey was also an avid pilot who worked as a pilot instructor and examiner.

His exceptional dedication to veterans, as well as his own faithful service to his country and community, is to be commended. I express my deepest sympathies to Captain Howey's family, and the entire Tioga County community, for their loss.

IN RECOGNITION OF SGT. KEVIN HALL AND THE POLICE UNITY TOUR

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. WALSH of New York. Madam Speaker, I rise today to recognize Sgt. Kevin Hall of the Webster Police Department and the Police Unity Tour.

On May 9, 2008, Sgt. Hall will begin a trek to Washington, DC, consisting of 300 miles. He will stop in Liberty Park, New Jersey where he will join about 1,000 officers and continue to our Nation's capitol. The tour will finish in Washington, DC where groups from the north, south and west will converge. On Monday, May 12, the contingent of officers will bicycle to the National Law Enforcement Memorial, to honor all officers who died in the line of duty. This bicycle tour also marks the start of Law Enforcement Week.

Sgt. Kevin Hall has always strived to cheerfully serve and protect his fellow citizens and I am proud to recognize him today. I congratulate Sgt. Hall on joining this important group and I wish him the best in his training and journey. On behalf of the people of the 25th District of New York, I thank Officer Hall for his dedicated service that has been a strong pillar in the community.

RECOGNITION OF DR. ROBERT FRALEY OF ST. LOUIS, MISSOURI AS RECIPIENT OF THE NATIONAL ACADEMY OF SCIENCES' AWARD FOR THE INDUSTRIAL APPLICATION OF SCIENCE

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. AKIN. Madam Speaker, I rise today in recognition of Dr. Robert Fraley who was a recent recipient of the National Academy of Sciences' Award for the Industrial Application of Science.

Every three years, the National Academy of Sciences recognizes one individual for original scientific work of both intrinsic scientific importance and with significant, beneficial applications in industry. This year, Dr. Fraley was honored with this important distinction for developing technologies that have enabled the production of the world's first transgenic crops. These modified plants have increased productivity, reduced chemical use, and profoundly changed global agriculture.

Since the 1980s, Dr. Fraley has been involved in agricultural biotechnology. Often referred to as the father of agricultural biotechnology, Dr. Fraley currently oversees Monsanto's integral crop and seed agribusiness biotechnology and research.

Throughout his distinguished career, Dr. Fraley has contributed to various significant agricultural development activities including authoring more than 100 publications and patent applications relating to technical advances in agricultural biotechnology. In 1999, Dr. Fraley received the National Medal of Technology from President Clinton and was awarded the National Award for Agricultural Excellence in Science by the National Agri-Marketing Association in 1995. Dr. Fraley has also been awarded the Monsanto Edgar M. Queeny Award in recognition of the discovery, development and successful commercialization of Roundup Ready® crops as well as the Monsanto Thomas and Hochwalt Award for recognition of the advances made in basic research in plant biology.

Dr. Fraley is a shining example of the innovative ideas and great leadership that we have in Missouri. I thank Dr. Fraley for his service to the St. Louis community and beyond. I ask that my colleagues join me in congratulating him on this important honor.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ANDREWS. Madam Speaker, I was not present on April 23, 2008. Had I been present, I would have voted "yea" on the following rollcall votes: rollcall 209, rollcall 210, rollcall 211, rollcall 212, rollcall 213, rollcall 214, rollcall 215, rollcall 217, and rollcall 219.

I would have voted "nay" on the following: rollcall 208 and rollcall 216.

TEACH ABOUT THE GENOCIDE OF ROMA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, I closely monitor incidents of racism and intolerance in the OSCE region. Today, I rise to address the need to foster greater knowledge of the genocide of Roma. I am moved to do so by some recent developments in the Czech Republic.

Too little is known, and too little is understood, about the genocide of Roma during World War II—and that ignorance manifests itself in many ways.

Last year, a tape recording emerged of a local housing committee meeting in the town of Ostrava in the eastern part of the Czech Republic, On this tape recording was the voice of Senator Liana Janackova. who was serving as a local mayor at the time the recording was made. And on this tape recording, Senator Janackova is heard to say: "Unfortunately, I am a racist. I disagree with the integration of Gypsies so that they would live across the area. Unfortunately, we have chosen the Bedriska (colony) and so they will stay there, with a high fence and with electricity." She was also heard to say that she had no place to move the Roma and would therefore like to dynamite them away.

News reports say that the Senator has since apologized and called her remarks "silly" and explained that they were not directed against all Roma, just some Roma.

Last week, this case was back in the news because the Czech Senate declined to lift Senator Janackova's immunity, a necessary step for prosecutors to charge her under the Czech Republic's laws that make defamation of a nation, ethnic group, race or faith a crime.

There has already been considerable criticism of the Czech Senate's 54 to 13 vote. According to news reports, those who voted against lifting Senator Janackova's immunity argued that she didn't make those remarks with a racist intent. Senator Janackova declared herself to be a racist and talked about dynamiting members of the Czech Republic's most persecuted minority, but they didn't think she had a racist intent. Frankly, I'm having a little trouble following that logic.

The fact is, this case illustrates one of the many ways in which hate speech laws stray from their original purpose and, often, don't work the way they were intended.

Now, I am not an advocate of hate speech laws as a means to address racism and intolerance. It is perhaps worth recalling that just a few years ago in the Czech Republic, a Romani woman cursed the wall that had been built in Usti nad Labem to separate Roma from non-Roma. In an extraordinary miscarriage of justice, she was convicted of hate speech for doing so. If not pardoned by Václav Havel, she would've gone to prison. And Romani activist Ondrej Gina was threatened with hate speech charges for saying his town was racist.

From where I stand, there are just too many cases where people are charged under hate speech laws not because they have fomented racial hatred, but because they have offended the national or local government's political sensitivities.

So I am not here to make the case for prosecuting people for the content of their speech, or to argue that Senator Janackova should go to jail for what she said. Instead, I rise today to recommend that Senator Janackova visit the Romani camp at Auschwitz.

During World War II, Roma were targeted for death by the Nazis based on their ethnicity. At least 23,000 Roma were brought to Auschwitz—including many from the concentrations camps at Lety and Hodonin. Almost all of them perished in the gas chambers or from starvation. exhaustion, or disease. Some Ronia also died at the hands of sadistic SS doctors, like Joseph Mengele. In fact, a young Czech woman, Dina Babbitt-Gottlieb, also interned at Auschwitz, was forced to paint portraits of Roma for Mengele, who particularly liked to conduct gruesome medical experiments on Roma.

On the night of August 2nd and 3rd, 1944, the order was given to liquidate the Romani camp at Auschwitz. In a single evening, 2,897 Romani men, women and children were killed in gas chambers. In the end, almost the entire Romani population of the Czech lands was exterminated during the Nazi occupation.

I don't know Senator Janackova. But I'd bet she has not been to the Romani camp at Auschwitz. Maybe she has not even been to the Museum of Roma Culture in Brno. Maybe she could view the collection of photographs of Czech Romani Holocaust victims that have been displayed in Prague. Maybe she could even help secure the resources to remove the pig farm from the site of the Lety concentration camp, as called for by many Romani activists and some government officials.

So I'm not calling for Senator Janackova go to jail. But I would like it if she could visit the Romani camp at Auschwitz. I think she would learn a lot there—she might even learn that words can have real consequences.

GREAT LOSS OF ALFRED BARNES

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Ms. CASTOR. Madam Speaker, I rise today in honor of a great educator and leader, Alfred "Al" Barnes. The Tampa Bay community suffered a great loss on April 22, 2008 when he passed away.

Mr. Barnes grew up in the North Boulevard Homes in West Tampa and graduated from Middleton High School in 1956. He went on to Fort Valley State College on a full football scholarship, where he completed his Bachelor of Science. Upon graduation, Mr. Barnes began his career in education. His first assignment was as a P.E. teacher at the all-black Progress Village Elementary. But as segregation ended and Tampa worked to integrate its schools, Mr. Barnes was transferred to the then all-white Riverhills Elementary in 1965. It was a difficult time to be a black man in a white school, but Mr. Barnes' dedication to children and love of teaching moved him onward. In 1969 he became Tampa's first black varsity coach at Hillsborough High School, and for 25 years, he was the human relations specialist at Plant High School, helping at risk students.

Over his 40-year career in education. Mr. Barnes taught generations of Tampa students about acceptance and understanding, and his efforts are well remembered by them today. As Olga Barnes, his wife of 45 years puts it. "The children fell in love with him, and he fell in love with them." Tampa Mayor Pam Iorio, Mr. Barnes' former student, considers him a role model and appointed him to the Tampa Sports Authority. Carlye Morgan, a member of my staff in DC, is a graduate of Plant and was a member of the Student Advisory Committee, a student club that Mr. Barnes started to promote race relations and leadership at the school. She remembers his capacity to bring students of all backgrounds together to work on common goals. "He gave me the chance to be a leader at my school and taught me the power of mutual respect and acceptance. And students knew he was the type of teacher they could always come to if they needed help."

Outside of school. Mr. Barnes loved to scour flea markets for jewelry. A pocket watch and antiques collector, neighbors and friends rarely saw him without a healthy dose of his latest finds glittering back at them. As a member of First Baptist Church of College Hill, his collection of African artifacts was always a hit with the congregation during Black History Month.

Madam Speaker. Al Barnes will he greatly missed by me and my community. Tampa is a more loving and accepting place because of his dedication to our children. My thoughts are with Olga, his children Alfred and Zane, and his grandchildren, Luisa, Angelita, Andy, Brian, Kayla, and Kelsey.

HONORING GREENE COUNTY

HON. DAVID DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday April 29, 2008

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I rise today to pay tribute to Greene County and Greeneville, Tennessee. Both celebrated their 225th anniversary on April 26.

Greene County was originally formed by the North Carolina Legislature on April 26, 1783 and just two years later, it because part of the state of Tennessee during the split of the State of Franklin. Today it still shares the pristine mountains, abundant history, and rich culture that it did 225 years ago.

Greene County has become a thriving tourist destination with its abundant history and the many restorations throughout the county.

Located in the foothills of the Smoky Mountains, Greene County is one of the largest counties in Tennessee and hosts Greeneville; Tennessee's second oldest town.

Our 17th President, Andrew Johnson, who took the presidency after Abraham Lincoln, also calls Greene County home and is where he was finally laid to rest in 1875.

Celebrated hero, American folklore legend, and former Member of the United States House of Representatives, Davy Crockett was born in Greene County.

Tusculum College, which calls Greene County home, was founded in 1794 and is Tennessee's oldest college. Tusculum also is the oldest educational institution to be affiliated with the Presbyterian Church.

Greene County's Civil War ties are abundant and the county played a pivotal role in the Civil War. The county was mostly made up of Unionist sympathizers and the Greeneville Convention of 1861 was Tennessee's largest and most important pro-Union meeting in the weeks prior to the Civil War. Furthermore, after the Confederate loss at the battle of Knoxville in 1863, General James Longstreet intended to stay the winter in Greeneville.

Greene County's historic production of burley tobacco led to prosperity in the late nineteenth century. After years of being one of the region's most important tobacco markets, the University of Tennessee Extension Service has invested in an experimental farm just outside of Greeneville which provides students with unique learning opportunities.

I would like to honor all who have had a hand in shaping the historic past of Greene County and those who will continue to shape Greene County for many years to come. Madame Speaker, as you can see, history, heritage, and culture are major characteristics of the First District, Greene County, and Greeneville. I ask my colleagues to honor and share Greene County and Greeneville's 225th anniversary celebration here today.

CONGRATULATING BRIDGER HIGH SCHOOL

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. REHBERG. Madam Speaker, I rise today to recognize Bridger High School of Bridger, Montana for their 2008 Grammy Signature School Enterprise Award. With this prestigious award for academic excellence in music, Bridger High School receives a $5,000 grant to use for improvement in their music department. These funds will also help this school's music department improve the quality of their program to a level that will allow them to compete for Grammy Signature School status in years to come.

The Grammy Signature School program was created by the Grammy Foundation in 1998. Through a stringent application process that begins in September with notifying over 20,000 schools nation-wide each school year, public high schools from a variety of large, small, urban, and rural districts are encouraged to send information regarding each school's music program. After each application is reviewed, finalists are chosen and then required to submit additional documentation including recordings of school concerts and programs. The Grammy screening committee then reviews each finalist to determine the winners. Bridger High School is the first school in Montana history to win the Enterprise Award.

Bridger, Montana is a small agricultural community of approximately 750 residents located in south-central Montana. Bridger High School is part of a K-12 school with 199 students. The music department has one teacher, Mrs. Michel Sticka. Since Mrs. Sticka joined the staff six years ago, the music department has grown from a handful of students to the exceptional program it is today. The fact that Mrs. Sticka has built this music program from the ground up is phenomenal, especially considering the relatively small size of the school. Her music program consists of a high school choir, band, pep band, and jazz band, as well as a junior high cadet jazz band, 5th grade band and 6th–8th grade music.

All Montanans can be proud of this outstanding contribution to music education. The hard work and dedication of Mrs. Sticka and her students is certainly well-deserving of the 2008 Grammy Signature School Enterprise Award.

I ask that Mrs. Michel Sticka, Bridger High School, and the high school music students be added in my comments today.

Music Teacher: Mrs. Michel Sticka

Superintendent: Mr. John Ballard

Students: Benton Asbury, Katryna Asbury, Samantha Bobby, Jon Bostwick, Devon Cabellero, Jenny Cooke, Jessica Denney, Karissa DeRudder, Sommer Dykstra, Rebekah Edelman, Hayden Forsythe, Hannah Goetz, Jacey Griswold, Elliott McCarthy, Forrest McCarthy, Kimberly McClurg, Heidi Mudd, Wendi Mudd, Taran Murray, Lenore Pierson, Cole Schwend, Edward Stevenson, Andrea Sticka, Bailee Vaughn, Ryan Witt, Kyla Young, Tyler Young, Brittany Zentner.

RECOGNIZING DARKNESS TO LIGHT OF CHARLESTON, SOUTH CAROLINA DURING NATIONAL CHILD ABUSE PREVENTION MONTH

HON. HENRY E. BROWN, JR.

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. BROWN of South Carolina. Madam Speaker, as you know, April is Child Abuse Prevention Month. I would like to take this opportunity to tell you about an organization in my home town of Charleston, South Carolina that was started just eight years ago to prevent one of the most horrific aspects of child abuse: child sexual abuse.

Statistics show that one in four girls and one in six boys will be sexually abused by the age of 18. Further, 90 percent of child sexual abuse offenders are in an authority position over the children they are abusing, making it difficult for children to speak out or confront the abuse.

Ms. Anne Lee of Charleston founded Darkness to Light™ in 1999 with the core belief that adults should be responsible for the care and protection of children. Darkness to Light seeks to reduce the incidence of child sexual abuse by shifting the responsibility from children to adults. Their Stewards of Children™ training program teaches adults to prevent, recognize and react responsibly to child sexual abuse. It was recently named "Crime Prevention Program of the Year" by the National Crime Prevention Association.

This training program is being utilized by youth-serving organizations, as well as individuals and businesses who want to respond to the epidemic nature of this problem. Darkness to Light also offers Stewards program in a fully interactive, on-line format.

To date, over 120,000 adults in 47 U.S. States and territories—as well as nine foreign countries—have completed the Stewards of Children training. I commend Anne Lee and all of her colleagues for creating this important child protection program, and I encourage you all to visit the Darkness to Light website at

wwwD2L.org to get the necessary information to protect children from child sexual abuse.

HONORING THE EAGLE SCOUTS OF BOY SCOUT TROOP 10 OF LOWER MAKEFIELD

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor the 10 recipients who have achieved the rank of Eagle from Boy Scout Troop 10 in Lower Makefield, Pennsylvania. This troop has a long and notable history of improving Bucks County through various service projects and community outreach programs.

On May 4, 2008, 10 members of the Boy Scout Troop 10 will receive their Eagle Badge at the Troop's Eagle Court of Honor ceremony. Becoming an Eagle Scout is the highest honor a Boy Scout can receive and reflects the high expectations the Boy Scouts of America have of their members. Only about 5 percent of Boy Scouts will go on to receive their Eagle Scout rank. This award reflects proficiency in several areas such as leadership and outdoor skills as well as years of dedication and hard work serving one's community.

The dedication of Troop 10 to the principles of scouting is evident in the hard work and dedication the Scouts showed in completing their various Eagle Scout service projects. Max Lee Telsey, Assistant Quartermaster, worked on several construction projects to improve the Cornerstone Church in Philadelphia. Stuart Nyal Taylor, Senior Patrol Leader, restored a historically accurate fence at Pennsbury Manor. Benjamin Lawrence Caggia, Assistant Senior Patrol Leader and Troop Guide, spray painted house numbers on the street curbs for emergency service responders in the Heather Ridge and Yardley Run neighborhoods. Owen Lynn, Assistant Senior Patrol Leader, assembled and delivered 346 meals for Aid for Friends. Jacob Robert Vandenburg, also an Assistant Senior Patrol Leader, constructed a shelving unit for the American Red Cross's new Disaster Services readiness storage unit in Lower Bucks County. Jared Michael Slaweski, Troop Guide and Quartermaster, renovated a community nature trail and worked on bridge and sign construction for Lower Makefield Township. Ryan Mathew Bender, Quartermaster, designed and built an outdoor family recreation area at the Bucks County Housing Group. Andrew Maxwell Sing, Quartermaster and Troop Scribe, installed shelves in the childcare supply closet, reconditioned a resident bathroom and organized the donation room for the Levittown American Red Cross Shelter. Robert James Pennington, Troop Guide, reconditioned a community nature trail for Lower Makefield Township. Colin Steuart Johnston, Quartermaster, organized and collected $1,500 worth of snacks for the healthy snack food drive for the American Red Cross of Lower Bucks County.

Boy Scout Troop 10 of Lower Makefield and its 10 recipients of the rank of Eagle are exceptional examples of how a group of dedicated individuals can truly better the lives of those around them. The outstanding work of Troop 10 and the Eagle Scouts has significantly improved the Bucks County community. Madam Speaker, I am proud to represent Boy Scout Troop 10 and grateful for the opportunity to recognize those attaining the rank of Eagle Scout.

IN RECOGNITION OF NEW YORK ARTISTS EQUITY ASSOCIATION'S 60TH ANNIVERSARY

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. NADLER. Madam Speaker, I rise today in recognition of New York Artists Equity Association (NYAEA), now celebrating its 60th anniversary.

NYAEA's advocacy for legislation on behalf of visual artists is matched only by its dedication to the development of the visual arts in our communities, placing the New York artistic world in the context of the larger society, as a necessary component that enriches all of our lives.

Significantly, the Association promotes emerging American and international artists in its Broome Street Gallery. In 2006, the organization established the Jacob and Gwendolyn Lawrence Awards Fund, which finances solo exhibitions for emerging and under-recognized artists. I had the pleasure of meeting Jacob Lawrence, a renowned artist and past president of NYAEA at their 50th anniversary celebration, when Al Hirschfeld honored me by putting both of us in one of his drawings.

Madam Speaker, I particularly commend NYAEA, under the leadership of its Executive Director, Regina Stewart, for supporting visual artists at a time when they receive no help from the government. The Association provides referrals, legal services, and health care to visual artists in need, helping to ensure economic stability for those artists who might otherwise be forced to abandon their talents due to economic difficulties. New York Artists Equity Association works to preserve endangered visual art work, helping to assure the survival of our rich artistic past.

I am proud that NYAEA is in my Congressional District, and that its work reaches far beyond my District to help visual artists in the larger community. I wish to thank the Association for all it has done to advocate for the visual arts, and I also want to thank one of the Association's Past Vice Presidents, Doris Wyman, who serves on my Arts Advisory Committee, for her tireless advocacy. Because of my on-going work with this fine organization and their leadership, I know of their constant efforts and I commend them.

For 60 years, NYAEA has been a passionate advocate for visual artists. I salute New York Artists Equity Association for helping to assure a stable artistic community—one that is, and always must be, recognized as vital to our heritage and culture.

HONORING THE RECORDING FOR THE BLIND AND DYSLEXIC FOR THEIR OUTSTANDING SERVICE TOTHE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Ms. DELAURO. Madam Speaker, as we celebrate National Volunteers Week, I rise today to recognize the outstanding efforts of the Recording for the Blind and Dyslexic—a national non-profit, volunteer organization that, for 60 years, has been the leading producer of accessible education materials for students with disabilities. I would like to extend a special note of thanks and appreciation to the Connecticut chapter led by my good friend, Anne Fortunato.

''Education is a right, not a privilege.'' That was the mantra of Anne T. Macdonald, founder of the Recording for the Blind and Dyslexic. Shortly after the end of World War II, letters began flooding the New York Library's Women's Auxiliary from soldiers who had lost their sight during combat but were eager to move forward with their lives. The new GI bill guaranteed them a college education but among the many obstacles they faced was access to college textbooks. These veterans were hoping for any assistance the auxiliary could provide and they developed a creative solution that continues to benefit others today.

The women transformed the attic of the New York Library into a recording studio where volunteers began recording textbooks for the servicemen. In just 3 short years demand had grown so much the organization was incorporated as the Nation's only nonprofit to record textbooks. The following year, Anne Macdonald traveled across the country to organize recording studios in other communities. Today, there are a total of 30 studios nationwide and the organization has expanded its mission to provide education materials for students of all ages coping with various disabilities.

One of those studios is the Connecticut unit located in New Haven which was established in 1959 and has since become a model for other communities. The Connecticut unit has been a leader for the organization since their inception. A testament to the quality of production, shortly after their establishment the Connecticut unit was selected by the national headquarters for a very special and prestigious project—the recording of the complete works of nine American authors including Samuel Clemens, Stephen Crane, Ralph Waldo Emerson, Nathaniel Hawthorne, William Dean Howells, Washington Irving, Herman Melville, Henry David Thoreau, and Walt Whitman.

Today, the Connecticut unit specializes in the production of science and technology books. Led by Anne Fortunato, a respected advocate and distinguished leader in education, the Connecticut unit operates a studio with six soundproof booths and utilizes over 160 volunteers along with a small paid staff to record books for hundreds of Connecticut residents and thousands of people across the country. I have been a proud supporter of the Connecticut unit for more than a decade and it is always an honor for me to go to the studio each year to record pieces on their behalf.

Their work and that of the other studios across the country are making all the difference—ensuring that a quality education is an opportunity for all and truly making education a right and not a privilege.

This week, as we recognize the invaluable contributions made to all of our communities by volunteers, I am proud to stand and pay tribute to the Recording for the Blind and Dyslexic and the hundreds of individuals who volunteer their time to make their mission possible. There are no words of praise that can describe the extraordinary impact of this organization. There is no doubt that their good work will continue to open the doors of opportunity to others for generations to come.

HONORING THE LIFE OF BRENDA BUSH

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the life of Northwest Florida's beloved Brenda Bush.

A native of Andalusia, Alabama. Brenda Bush moved to Crestview, Florida, located in Florida's First Congressional District, in 1986—a place where her footsteps were planted and will never wash away.

Mrs. Bush was an active member in the business, civic, and church communities. In 1993, Brenda Bush was elected to the Crestview City Council, where she continually served her community with passion and commitment to excellence. Mrs. Bush was also a member of the Okaloosa County League of Cities, Northwest Florida League of Cities, Okaloosa-Walton Transportation Planning Organization, and Economic Development Council. An active member of First Baptist Church of Crestview, Mrs. Bush served on various committees and as a Sunday school teacher. She was a member of the North Okaloosa Unit of the American Cancer Society, Woman's Club of Crestview, and Crestview Area Chamber of Commerce. Her service to the Northwest Florida community was not uncommon to all who knew her and all who were blessed by her presence, as it played a role in her daily life.

To some Brenda Bush will be remembered as a public servant and dear colleague, and to others an educator and volunteer. She will long be remembered by her family and friends as a woman of strong Christian faith, a loving and compassionate mother, grandmother, wife, and companion; and we will all remember her passion and generosity. Mrs. Bush touched a number of lives. We will forever be grateful and forever be inspired by her life.

Mrs. Bush is survived by her husband, Jim, three children, and three grandchildren. To her family and friends, I would like to offer my sincere condolences. Northwest Florida has suffered a great loss.

Madam Speaker, on behalf of the United States Congress, I am proud to honor the life of Brenda Bush and her living legacy.

TRIBUTE TO MR. ROLAND ROEBUCK

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mrs. CHRISTENSEN. Madam Speaker, I rise to congratulate Mr. Roland Roebuck, on the occasion of his retirement. Mr. Roebuck is a Virgin Islander who has served the Government of the District of Columbia, his adopted community, in an exemplary manner, for 25 years. Roland, or Rolando, as those in the Hispanic community affectionately refer to him, has been an advocate for the social, economic and political causes of people of color.

Roland grew up on St. Croix, the protégé of a Puerto Rican mother and a Crucian father, where he was able to bridge the two cultures and gain the best of both worlds.

Later, he served in the U.S. Air Force, giving back to the Nation that he loves, before furthering his education and earning a Bachelor of Arts degree from the University of the District of Columbia.

In 1984, Roland joined the District of Columbia Government and worked in various positions over the years. He excelled in ensuring that the rights of Latinos were protected and facilitated the understanding of their cultures and more.

As a guardian of culture, Roland travelled around the world, giving lectures and workshops in understanding the lives of others who were different. As a former board member of the St. Croix Landmark Society, he used the opportunity to dialogue with the people of Denmark, a country that sold the then Danish Virgin Islands to the United States for $25, 000,000 in 1917, to preserve and incorporate their influences on the lives of Virgin Islanders. He assisted in developing an archival program that has allowed my constituents to search their genealogical connections and get a sense of their ancestry.

Roland is a dependable, compassionate person, who truly cares about those with whom he has come in contact. His responsiveness to those who seek his knowledge and wisdom, speak to his dedication. He is always there, giving support to his family, friends and community and he has left a fitting legacy in the Government of the District of Columbia that others will do well to exemplify.

Madam Speaker, on behalf of myself and my family, my entire staff and the communities of the United States Virgin Islands and the District of Columbia, let me express our gratitude to Roland for his many contributions over the years. We know that he will continue to work on behalf of his many causes as he begins his retirement. Roland, thank you for a job well done.

HONORING THE YOUTH EDUCATIONAL SERVICES OF HUMBOLDT COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. THOMPSON of California. Madam Speaker, I rise today to recognize the 40th Anniversary of Youth Educational Services, an innovative community-based organization at Humboldt State University in Humboldt County, California.

Youth Educational Services (YES) trains students for volunteer positions throughout the community, encouraging leadership, communication and interpersonal skills. This well-directed service aids students in becoming successful in all aspects of program direction and management. The skills developed at YES open up a variety of future career opportunities and many students who once served as volunteers have gone on to have a positive impact in Humboldt County and around the world.

Over the past 40 years, YES has created over 70 volunteer programs that address the diverse needs of local residents and provide students with a myriad of service-learning opportunities. Their efforts facilitate active student participation in social change by addressing the needs of the local community.

A wide range of local organizations began as programs at Youth Educational Services, contributing to the overall health of our community. Outstanding examples include, Humboldt Open Door Clinic, which provides high quality, affordable, accessible health care and education to the county; Humboldt State University's Campus Center for Appropriate Technology, an on-campus educational center for sustainable technology and resource conservation; and 4–H Trail, a therapeutic horseback riding program for children with disabilities.

Madam Speaker, it is appropriate that we recognize the Youth Educational Services program at Humboldt State University for their outstanding achievements and contributions to the community over the last 40 years.

HONORING THE 75TH ANNIVERSARY OF THE SOUTH BEND SYMPHONY ORCHESTRA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. DONNELLY. Madam Speaker, I rise today to honor the 75th anniversary of the South Bend Symphony Orchestra. The South Bend Symphony Orchestra has been an integral part of cultural growth in the South Bend community since its inception in 1932. Thanks to the efforts of the orchestra's first president and concept manager Ella May Morris, people from around the world have enjoyed the opportunity to hear the South Bend Symphony perform for over seven decades.

I should first pay tribute to the tireless efforts of Maestro Tsung Yeh, the music director and conductor of the symphony orchestra. His nineteen-year tenure at the South Bend Symphony Orchestra helped it become an outstanding orchestra. Maestro Yeh is praised around the world for conducting the South Bend Symphony and at venues in Singapore.

I also recognize the group of talented musicians that comprise the South Bend Symphony Orchestra. These professional musicians moved to our community from the finest music schools and conservatories around the world. We are grateful for their gifts to the community.

Finally, I thank the South Bend community for continually supporting the South Bend Symphony Orchestra. I am proud to be a member of a community that invests in maintaining cultural diversity through continued patronage of the arts.

The South Bend Symphony Orchestra has achieved a memorable milestone. I offer my congratulations to the musicians, Maestro Tsung Yeh, the symphony's board, the many financial donors, and the greater South Bend community for helping the orchestra complete 75 wonderful years.

A TRIBUTE TO OUR TROOPS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. WILSON of South Carolina, Madam Speaker, poet and capitol tour guide Albert C. Caswell has penned a number of heartfelt tributes to our military, and recently he wrote a piece dedicated to the "magnificent men and women who've given their lives to keep freedom alive."

ALL THEY ASK

(By Albert Carey Caswell)

A young man or woman goes off to war this day,
Followed with them by so many splendidly fine heroes on their ways. . .
Courageously fine Men and Women, with 'oh so such magnificent hearts so very brave!
But, all they ask. . .
As they do not cry, nor do they complain. . .
Knowing full well, that they may never so see their loved ones again!
With but just one final kiss, with just one final hug goodbye . . . wishing somehow to so remain!
But, all they ask. . .

As there they go, upon their most courageous ways. . .
All heading, straight out into that dark face of hell . . . as do they!
America's finest, her greatest of all patriots . . . all of whom, to us the word heroism is portrayed!
But all they ask. . .

Splendidly fine heroes, who are but willing to die. . .
Who go where Angels so fear to tread, and do not ask why. . .
With 'oh such brave hearts, who so dare to take up our beloved nation's battle cry!
But, all they ask. . .

Army, Navy, Coast Guard, Air Force and Marines,
All with 'oh so such heroic hearts, there as seen . . . who just like all of us, all have the same such dreams!
Who all have families so beloved, all within their hearts of love . . . carried with them where they so convene.
But, all they ask. . .

As this the burden they so gladly take,
While, so very unselfishly their own lives they so forsake!
As this their gifts to God and Country, are of the greatest sacrifices . . . let none this so mistake!
But, all they asked. . .
For they are not looking for money, nor are they fame. . .
Nor, do they even so care if you but so remember their most magnificent names. . .
All for love of country, so stands the reason why . . . all of these most splendid heroes here so came!
But, all they ask. . .

For all they want and all they ask!
Is but, for you to stand behind them forever there steadfast!
And as the battle rages on, all they pray for is for your support to carry on . . . and to last!
That's, all they asked!

A young Hero died today. . .
While, it was he or she . . . who here so showed us all the way!
And now, as they lower this Most Splendid Hero . . . this Most Magnificent Patriot into their grave. . .
But, did you give them all that they asked . . . is that but what you gave?
That's all they asked!

INTRODUCTION OF THE PROTECTING AMERICANS FROM UNSAFE FOREIGN PRODUCTS ACT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I rise today to introduce the Protecting Americans from Unsafe Foreign Products Act.

I have been alarmed by the steady stream of defective, foreign-manufactured products flooding our marketplace. From the millions of toys recalled because of lead paint to heparin, the tainted blood thinner that caused at least 81 deaths and scores of injuries, it has become increasingly clear that our health and welfare have been compromised by foreign-made products.

I am also concerned that foreign manufacturers have gained an unfair advantage over U.S. manufacturers because foreign manufacturers have avoided liability for defective products in our marketplace. Because of the difficulties associated with serving process on and establishing jurisdiction over foreign manufacturers, many Americans harmed by defective foreign-made products never get their day in court. That is why I am introducing the Protecting Americans from Unsafe Foreign Products Act. This legislation would help eliminate the unfair competitive advantage enjoyed by foreign manufacturers and ensure that they can be held accountable for injuries consumers suffer as a result of defective products.

The legislation amends current law to facilitate service of process on foreign manufacturers by permitting service on manufacturers wherever they reside, are found, have an agent, or transact business. Service of process and personal jurisdiction is proper so long as one of the following two criteria is met: (1) the manufacturer knew or reasonably should have known that the product or component would be imported for or use in the U.S.; or (2) the manufacturer had contacts with the U.S. whether or not such contacts occurred in the place where the injury occurred.

Given the increase of imported products that do not meet U.S. standards for health, safety, and quality, and the fact that neither the Consumer Product Safety Commission nor the Food and Drug Administration have effectively prevented the importation of defective products, more consumers have become endangered. This legislation will improve accountability of foreign manufacturers and promote consumer safety, and I urge all my colleagues to join as cosponsors.

PERSONAL EXPLANATION

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. PUTNAM. Madam Speaker, on Tuesday, April 22, 2008, I was not present for three votes. Please let the record show that had I been here, I would have voted: "Yea" on 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; "yea" on H.R. 5151—Wild Monongahela Act: A National Legacy for West Virginia's Special Places; and "yea" on H.R. 831—Coffman Cove Administrative Site Conveyance Act.

IN RECOGNITION OF NEW YORK COUNTY LAWYERS' ASSOCIATION CENTENNIAL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. NADLER. Madam Speaker, I rise today in recognition of the New York County Lawyers' Association (NYCLA) which is celebrating 100 years of hard work and dedication in providing services to the legal profession and the public of New York City.

The New York County Lawyers' Association was founded one hundred years ago for the purpose of combating systemic exclusion of lawyers from bar membership on the basis of race, religion, ethnicity and sex.

In the past century, the Association has grown to 10,000 members, earning national prestige for its commitment to promoting the public interest. The NYCLA has continuously pursued the administration of justice through reforms in the law, by elevating standards of integrity and professionalism in the legal field, and by providing free legal services for those in need.

Over its long history, the NYCLA has sponsored countless initiatives that have contributed to the improvement of New York's justice system. The Association has played a major role in the reduction of court congestion, the rehabilitation of delinquent children, the implementation of anti-discriminatory provisions of the Internal Revenue Code, and the attainment of higher compensation for attorneys representing the indigent.

NYCLA has also issued many highly influential reports and resolutions to call attention to shortages of our legal system. These include calling for measures to reduce false confessions in criminal trials, ensuring right to counsel for residential tenants in Housing Court who cannot afford representation, and securing just compensation for judges.

The Association further offers a variety of meaningful Pro Bono Projects that provide

counseling and representation to the low-income, indigent and other persons in need. Included among these are projects that provide assistance to lay guardians with low assets, basic estate-planning documents to low-income persons, and counseling in the areas of family, employment, consumer bankruptcy and landlord/tenant law.

Consistently, the Association has worked to meet the changing needs of legal practice in the 21st century. The Association's highly acclaimed Continuing Legal Education Institute offers attorneys a variety of educational programs. NYCLA also facilitates public awareness and education on a wide array of issues through its forums and lecture series.

Today I rise to recognize and congratulate The New York County Lawyers' Association for 100 years of outstanding and dedicated service to the people of New York and for its groundbreaking work in furthering the administration of justice.

TRIBUTE TO THE WINONA STATE UNIVERSITY WARRIORS

HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. WALZ of Minnesota. Madam Speaker, it is with great pleasure that I congratulate the Winona State University Men's Basketball team for winning the 2008 National Collegiate Athletic Association Division II Men's Basketball National Championship with a victory over Augusta State University (Ga.) by a score of 87–76 in Springfield. Massachusetts.

This victory, which came 1 month ago on March 29, 2008, marked the second national championship for the Warriors in 3 years.

This team's accomplishments are almost too many to list. This was their third straight trip to the national championship. They have won the North Central Region title nine times in a row. They have won three straight Northern Sun Intercollegiate Conference titles.

In 2006–07, they broke the NCAA Division II consecutive win record by winning 57 straight games.

In 2008, the Warriors finished the season with a record of 38–1, an NCAA Division II record for most victories in a season by an NCAA Men's Basketball Team. Over the past 3 years, they have posted an overall record of 105–6.

The Warriors were coached to these accomplishments, as well as their second national championship, by head coach Mike Leaf, who has been named the Northern Sun Intercollegiate Conference Coach of the Year four times.

This team was led by five seniors—John Smith, Jonte Flowers, Quincy Henderson, Shane Neiss and Brent Riese—who accrued a record of 129–17 in their 4 years together.

Following the 2008 Championship game, Jonte Flowers was named the 2008 NCAA Division II Elite Eight Tournament's Most Outstanding Player, while John Smith was named the NCAA Division II Player of the Year by three separate publications.

Congratulations to the Warriors! I look forward to your next National Championship!

CONGRATULATING AUSTIN J. BURKE, RECIPIENT OF THE 2008 AMERICANISM AWARD FROM B'NAI B'RITH AMOS LODGE 136, SCRANTON, PA

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. KANJORSKI. Madam Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to Mr. Austin J. Burke, president of the Greater Scranton Chamber of Commerce, recipient of this year's Americanism Award from B'nai B'rith Amos Lodge 136 in Scranton.

The Americanism Award honors outstanding community leaders for their dedicated public service. Mr. Burke was selected for this honor by past Americanism Award recipients and representatives of various service and community organizations including the United Way of Lackawanna County, Scranton Rotary and Lions Clubs and UNICO.

Mr. Burke has worked in the community development arena since 1972. He was named president of the Greater Scranton Chamber of Commerce in 1981. At the Chamber, he has worked with area leaders to craft responses to community needs with programs like Skills in Scranton and Leadership Lackawanna. Throughout the country, Austin is recognized as one of the most successful economic development leaders, and we are indeed fortunate that he chose to dedicate his career to serving Greater Scranton.

He was an incorporator of Montage Mountain Inc. and worked to bring Steamtown National Historic Site to Scranton. He has participated in national convocations including the White House Roundtable, the U.S. Chamber Business Civic Leadership Conference and the American Assembly: Retooling for Growth.

Mr. Burke is also a board member of the International Economic Development Council, Commonwealth Financing Authority and the Ben Franklin Technology Development Authority.

He is the chairman of the Lackawanna County Workforce Investment Board, a past chairman of the Scranton Area Foundation and a member of the board of trustees of Marywood University. He is also a former trustee and chairman of the Facilities Committee of the University of Scranton which awarded him an honorary Doctor of Laws degree in 1998.

A veteran of the United States Air Force, Mr. Burke received his bachelor's degree in economics from Dickinson College where he was elected to Phi Beta Kappa. He is a graduate of the Chamber of Commerce Institute for Organization Management.

On a personal note, let me express my appreciation for the extraordinary friendship that Austin has extended to me over the years. I am grateful for his partnership in service to Northeastern Pennsylvania.

A resident of Archbald, PA, Mr. Burke resides with his wife, Marianne.

Madam Speaker, please join me in congratulating Mr. Burke on this auspicious occasion. Mr. Burke's extraordinary contributions to his community have earned him a reputation as a leader among leaders and his efforts have greatly improved the quality of life throughout the northeastern Pennsylvania region.

RECOGNIZING THE 60TH ANNIVERSARY OF THE FOUNDING OF THE MODERN STATE OF ISRAEL

SPEECH OF

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 22, 2008

Mr. AL GREEN of Texas. Mr. Speaker, I support H. Con. Res. 322, a resolution recognizing the 60th anniversary of the founding of the modern State of Israel, which occurred on May 14, 1948. On November 29, 1947, the United Nations General Assembly voted to partition the British Mandate of Palestine and create a Jewish state. On May 14, 1948, the people of Israel proclaimed the establishment of the sovereign and independent State of Israel. That date marked the success of a continuous struggle for a homeland for the world's Jewish population and laid the foundation for a free and independent state and a symbol of joy and protection for a people that have been—for too long—on the receiving end of oppression, discrimination, and injustice.

Since its independence, Israel has bravely defended itself from repeated attacks. Over the last 60 years, the modern State of Israel has built a nation, forged a new and dynamic democracy, and created a thriving economic, political, cultural and intellectual society. The people of Israel have established a pluralistic, democratic political system, including freedom of speech, association, and religion; a free press; free and open elections; the rule of law; and a fully independent judiciary. Their efforts and achievements have led the American people to feel a strong affinity for the Israeli people based on common values and shared cultural heritage.

This week, Jewish people around the world are celebrating the Jewish holiday of Passover. Passover commemorates the Exodus from Egypt and the liberation of the Israelites from slavery. It is traditional for a Jewish family to gather on the first night of Passover for a special dinner called a Seder. While many Jewish holidays revolve around the synagogue, the Seder is conducted in the family home. It is customary to invite guests, especially strangers and the needy to share with their fellow human beings the story of struggle, poverty, oppression, and survival. I had the pleasure of attending a Seder in Houston with Pastor Kirby John Caldwell and his wife Suzette.

The story of Passover should have a special meaning this year to those who seek to support individuals around the world who suffer from poverty, slavery, and injustice. Let the celebration of the founding of Israel be a symbol to the world of how a people who have experienced oppression and violence can rise to be strong, free and independent.

I am proud to support H. Con. Res. 322, a resolution recognizing the 60th anniversary of the founding of the modern State of Israel.

HONORING WAWONA MIDDLE SCHOOL

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. RADANOVICH. Madam Speaker, I rise today to congratulate Wawona Middle School upon celebrating their 50th anniversary. The school will celebrate the anniversary with current and former staff and students at an open house to be held on Tuesday, April 22, 2008.

Originally named Wawona Junior High School, Wawona first opened its doors for the 1957–1958 school year, and became part of the Bullard Unified School District. Due to the location of the school, Wawona was named for an important area of the southern part of Yosemite National Park. ''Wawona'' is a local Indian name meaning ''big tree.'' The people that helped to build Wawona were Superintendent Westin M. Alt, President of the Board of Trustees Carroll H. Baird and board members Harry Bud Buck, Dr. William Adams Jr., Dr. William Beatty, Jr. and Robert McMahan.

Wawona Middle School is now part of Fresno Unified School District. The school was originally located on the outskirts of Fresno, but today it is in the middle of an urban sprawl. As the area has grown and developed, so has the school. In 2000, Wawona began looking into developing a Pre-International Baccalaureate Middle Years Programme to enhance the academic program of the school. This program started in 2003 with about sixty sixth grade students and has grown in size each year since. For the 2006–2007 school year, Wawona Middle School had 870 sixth, seventh and eighth grade students enrolled in the school.

Madam Speaker, I rise today to commend and congratulate Wawona Middle School on 50 years of dedicated service to providing a solid education to the students of Fresno. I invite my colleagues to join me in wishing Wawona Middle School many years of continued success.

TRIBUTE TO DR. FRANK BROWN

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. WESTMORELAND. Madam Speaker, on behalf of the people in Georgia's 3rd Congressional District, I rise today to pay tribute to the distinguished service of Dr. Frank Brown, longtime president of Columbus State University.

The longest-serving president in the University System of Georgia will retire this spring after 20 years at the helm. While his time on the job draws short, his legacy at CSU stretches long.

During Dr. Brown's tenure, Columbus State has experienced extraordinary growth and progress. He transitioned the school from a college to a university that now boasts more than 50 undergraduate programs and more than 35 master's or specialist's programs. The school's expansion includes numerous new academic facilities, new housing for more than 1,200 students and a clock tower that has become a symbol of the university and the center of campus life. The school also has developed a downtown campus called RiverPark that houses 350 students and the arts, theater and music departments.

The academic caliber of the university has grown also under Dr. Brown's leadership. The D. Abbott Turner College of Business is now among only about 27 percent of business schools in the country accredited by the Association to Advance Collegiate Schools of Business; and the College of Education was recently re-accredited by National Council for Accreditation of Teacher Education. Additionally, the nursing, art, theater, music and counseling programs have all achieved national accreditation in their disciplines, a mark of clear distinction in academic circles.

The most recent indication of the university's level of respect may be the success of CSU's capital campaign, An Investment in People. When the campaign was first being considered in the late 1990s, many considered the originally proposed goal of about $35 million too ambitious. At its conclusion, the campaign exceeded $100 million, thanks to an unbelievably supportive community, a wide-reaching team of dedicated volunteers and the partnerships established over the years.

The success of CSU under Dr. Brown has benefited the community of Columbus at large, according to Chamber of Commerce President Mike Gaymon. ''Thanks to Frank's leadership, the university has expanded to bring three of its schools downtown to make art, music and theater a major part of UpTown Columbus,'' Gaymon said. ''Dr. Brown has led a renaissance at CSU.''

Dr. Brown's good works off campus complement his accomplishments on campus. He was the 1994 volunteer of the year for the Lung Association of Georgia and he's also contributed his time to the American Red Cross. He's a member of the Columbus First Baptist Church and the Columbus Rotary Club, and he's been involved with the Greater Columbus Chamber of Commerce, the United Way, the Georgia Council on Economic Education and the Boy Scouts of America.

When announcing his retirement from Columbus State, Dr. Brown said the time was simply right for a new leader to build on the successes of the past 20 years. Admirers of Dr. Brown will no doubt feel a certain pity for the successor who must fill such big shoes.

Over the past generation, our state of Georgia has moved from the backwaters to the forefront of the American higher education systems. It has been the leadership, intelligence, dedication and perseverance of educators such as Dr. Frank Brown that have lifted higher education in Georgia to standards of excellence.

More than the students and alumni at Columbus State University owe Dr. Frank Brown a debt of gratitude. His contributions are felt positively throughout the Greater Columbus area. Upon his retirement, we can look back and pay him the ultimate compliment: He dedicated his career to a worthwhile endeavor, and he left it better off than how he found it. In Frank Brown's case, he left it immeasurably better than he found it. For that, we thank him and we praise him. As he moves on into another phase of life we wish health and happiness to him and his wife Jo Ann.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. WELLER of Illinois. Madam Speaker, I rise today to enter into the record votes I would have cast had I been present for rollcall votes 205 through 233: I was absent on Tuesday, April 22nd, Wednesday, April 23rd, and Thursday, April 24th due to personal reasons.

If I were present I would have voted, ''yea'' on rollcall vote 205, ''yea'' on rollcall vote 206, ''yea'' on rollcall vote 207, ''nay'' on rollcall vote 208, ''yea'' on rollcall vote 209, ''yea'' on rollcall vote 210, ''nay'' on rollcall vote 211, ''nay'' on rollcall vote 212, ''yea'' on rollcall vote 213, ''yea'' on rollcall vote 214, ''yea'' on rollcall vote 215, ''yea'' on rollcall vote 216, ''yea'' on rollcall vote 217, ''nay'' on rollcall vote 218, ''nay'' on rollcall vote 219, ''yea'' on rollcall vote 220, ''yea'' on rollcall vote 221, ''yea'' on rollcall vote 222, and ''yea'' on rollcall vote 223.

CELEBRATING THE LIFE AND COURAGE OF MARVIN JOHNSON

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. NADLER. Madam Speaker, I rise today to honor the lifelong work of a true fighter for civil liberties and civil rights, Marvin Johnson. Sadly, Marv passed away on March 21, after a long battle with complications from diabetes. It is a personal loss to those who knew him as a friend and colleague, and a loss to the many Americans who will never know how tirelessly he fought for their rights, sometimes against great odds, and often for the truly unpopular cause.

At the time of his passing, Marv was the first amendment counsel at the American Civil Liberties Union's Washington Legislative Office, a position he held for 8 years. During that time, he led many of the fights to protect the first amendment and our fundamental freedoms. He fought to ensure that all Americans enjoyed their freedom of expression, not only in print or in the public square, but also in ways that the framers never could have imagined—on television or on the internet.

Marv also wrote two reports detailing the dangers of domestic spying by Federal law enforcement, including an examination of the tactics used by our Government against Dr. Martin Luther King, Jr. As we now struggle to regain these precious constitutional rights, Marv's work has become even more important. As Marv wrote, ''American citizens must once again be confident they may exercise their constitutionally protected right to protest government policy without becoming targets of government scrutiny.''

Marv was also an outstanding resource. His vast knowledge and sound judgment were always ready to aid us in our work. As the Chair of the Subcommittee on the Constitution, Civil Rights, and Civil Liberties, I always valued Marv's views, even on those occasions where we disagreed.

Prior to his time in Washington, Marv was the Executive Director of the ACLU of Wyoming and before that, he was its board chair.

During his tenure as executive director a notorious hate crime was committed against a young gay man, Matthew Sheppard. That vicious murder is now infamous. Marv Johnson led the Wyoming LGBT and civil liberties communities during that difficult time. Marv also successfully resolved numerous first amendment cases in Wyoming, and he has a long list of legislative accomplishments.

Before his time at the ACLU of Wyoming, Marv worked as an attorney in private practice. He also served in the Air Force as a Judge Advocate General, including two years as the Chief of Military Justice for F.E. Warren Air Force Base.

Marv Johnson is survived by his wife Billie Ruth Edwards, who has also devoted her life to fighting for civil liberties. My deepest sympathies go out to her.

Madam Speaker, those of us who had the privilege of knowing Marv Johnson and working with him will remember his dedication to justice and human rights, his legal and political acumen, and his capacity for hard work. We will also remember his personal decency and good humor which seemed always there just when we needed it most. America is a better Nation because people like Marv are willing to fight for what is right even when that is profoundly unpopular. He enriched the lives of those who knew him. We will all miss his sharp wit and deep-rooted passion for liberty and freedom. I can think of no better way to remember and honor him than to continue his work with the same fearless passion he brought to everything he did.

A TRIBUTE TO HONOR THE COMMANDING OFFICER AND CREW OF THE USS ''NORTH CAROLINA''

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to Commander Mark E. Davis, as well as the officers and crew of the USS *North Carolina*, as the first to serve on the newest attack submarine, which will be commissioned by the United States Navy in Wilmington, North Carolina, this weekend. This strong, state-of-the art warrior joins an impressive group of ships on deployment protecting our Nation and defending our freedoms and national security interests.

As a senior member of the U.S. House Committee on Armed Services and a long time supporter of our great Nation's military and those who have served our country, it is my honor to recognize that this submarine joins a distinguished list of five military ships named ''North Carolina''—four from the U.S. Navy and one from the Civil War. The USS *North Carolina* represents a long-standing commitment and tradition of service in our Nation's armed services by the citizens of North Carolina.

The people of southeastern North Carolina are honored to welcome and host Commander Davis and his crew for the commissioning festivities for this new vessel and hope they will consider the coastline of this state as a special home for them. I am especially appreciative of the Secretary of the Navy, the Honorable Dr. Donald C. Winter, for granting my request for this commissioning to occur in North Carolina and his willingness to be our honored guest speaker for this historic occasion. This, in fact, will not only be the first submarine, but also the first warship, ever commissioned in the ''Tar Heel State.'' The State of North Carolina and this Nation are deeply proud of the personal talent and ability represented by the officers and crew of this new submarine. It is their spirit, service, and sacrifice for which we all are extremely grateful.

Madam Speaker, may we also never forget the bravery and dedication of those who have served before, as well as those who currently serve—and those who will serve our country—and may we continue to receive inspiration from their courageous words and deeds. May God's blessings be with the USS *North Carolina*, her officers, and her crew as she begins her time in service to this wonderful Nation—the United States of America!

TRIBUTE TO DOUGLAS M. TREADWAY, PH.D.

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to Dr. Douglas M. Treadway, who is retiring as president/superintendent of the Ohlone Community College District based in Fremont, California. Dr. Treadway assumed his duties at Ohlone on July 1, 2003. He is retiring on May 16, 2008, at which time his friends, admirers and colleagues will pay tribute to his exemplary leadership in education.

Dr. Treadway holds a Ph.D. in counseling psychology from Northwestern University and pursued postdoctoral study at Harvard University. In addition to his chief executive officer career, he has served on the faculties of Northwestern University, the University of Hawaii and Oregon State University. He is the author of 20 research and scholarly publications in the fields of higher education, community and human development.

Prior to his tenure at Ohlone College, Dr. Treadway served 9 years as president/superintendent of Shasta College in Redding, California. He has held other higher education executive officer positions including: chancellor of the North Dakota University System, president of Southwest Minnesota State University and president of Western Montana State College.

During his time as president/superintendent of Ohlone College, enrollment has grown by 10 percent, with a total enrollment at the college exceeding 19,000 students annually.

Under his visionary leadership, the Ohlone College Newark campus was developed on vacant land to become a 135,000 square-foot Center for the Health Sciences and Technology, enrolling close to 3,000 students during its first semester.

As one of the founders of the American Association of Sustainability in Higher Education, Dr. Treadway lead Ohlone to adopt an environmental sustainability policy that has resulted in LEED platinum certification for the Ohlone College Newark Center from the U.S. Green Building Council.

Dr. Treadway's community and professional service is exemplary. He has devoted many hours providing leadership in education and making a difference through his involvement in community service organizations.

Maximizing human potential in teaching, learning and leadership has been the hallmark of Dr. Treadway's work during his tenure in education. He has achieved a level of excellence and commitment that is a model of success. I wish Dr. Treadway every success with his well-deserved retirement.

CORN-BASED ETHANOL CAUSES FOOD SHORTAGES

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. POE. Madam Speaker, as a growing number of political leaders jump on the ethanol bandwagon, people across the world are dying of starvation. The increasing shift of America's agricultural industry from food production to biofuel production is contributing to mass food shortages on a global scale. Riots have broken out in Haiti, Egypt, Burkina Faso, and Cameroon as food prices soar to unprecedented levels.

According to the U.N., ''it takes 232 kg of corn to fill a 50-liter car tank with ethanol. That is enough to feed a child for a year''. Contrast that against the fact that, ''if every bushel of U.S. corn, wheat, rice and soybean were used to produce ethanol, it would only cover about 4% of U.S. energy needs on a net basis''.

Why are we wasting our resources here? Ethanol is not even proven to be environmentally friendly. In fact, a recent article from the AP stated that, ''The widespread use of ethanol from corn could result in nearly twice the greenhouse gas emissions as the gasoline it would replace because of expected land-use changes''.

We need to wake up and take a real look at current energy policy and actually consider the consequences of simply hopping on every global warming fad that comes along. Responsibility and foresight are critical to the decisions this Congress makes. This current ethanol policy needs to be changed.

And that's just the way it is.

IN RECOGNITION OF THE MATER DEI HIGH SCHOOL CAR TEAM

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate the Mater Dei High School Car Team from Evansville, Indiana. The students won the Shell Eco-Marathon fuel efficiency competition in Fontana, California.

The Shell Eco-Marathon challenges students to design and build vehicles that push the energy efficiency envelope. The competition is also designed to raise awareness about the importance of technology and innovation in finding solutions to the energy challenges we face.

Mater Dei entered two vehicles in the competition and placed first and third, beating more than 80 teams. The first-place vehicle

achieved an impressive 2,843 miles per gallon, breaking a number of the team's personal records.

At a time when prices are skyrocketing at the pump, America must look for ways to reduce our reliance on foreign oil and put our country on a permanent path toward energy independence. Increasing the fuel efficiency of automobiles is a critical step, and I commend the members of the Mater Dei Car Team for their ingenuity and dedication to this important goal. These students represent the future engineers and scientists who can help lead the way in addressing the energy challenges we face.

THE HUNGER CRISIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. KUCINICH. Madam Speaker, approximately 11 percent of our Nation's households are "food insecure," meaning hungry or at risk of hunger. This includes over twelve million children. According to a recent study from the Center for Community Solutions, portions of my district, including Lakewood, Fairview Park and Parma, have experienced a 74 percent increase in participation in the Food Stamp Program between 2002 and 2007.

In March 2008, the World Food Programme (WFP) of the United Nations issued an emergency appeal to member nations asking for $500 million to help close the funding gap created by increasing food and fuel prices. The United States Agency for International Development (USAID) echoed a similar plea in March saying that an additional $200 million was needed to meet emergency food aid needs.

Unrest has broken out around the globe due to rising food costs. In Cameroon, where food costs have increased by 50 percent over the last year, 4 days of rioting ended with a death toll of at least 40 people. Violent demonstrations have broken out in Senegal, a country that imports the majority of its food, over the rising prices of rice and milk. In Yemen, multiple days of rioting, spurred by a doubling of wheat prices over a 2 month period, culminated in one hundred arrests.

A new study released by the international NGO, GRAIN, states that "[f]armers across the world produced a record 2.3 billion tons of grain in 2007, up 4% on the previous year . . . the bottom line is that there is enough food produced in the world to feed the population."

The following article by Anuradha Mittal raises valid questions that we must address in our fight against global hunger:

[From the Oakland Institute Reporter]

DANGEROUS LIAISONS: A BATTLE PLAN FROM THE UNITED NATIONS AND THE INTERNATIONAL FINANCIAL INSTITUTIONS TO FIGHT GLOBAL HUNGER

(By Anuradha Mittal)

UN agencies are meeting in Berne to tackle the world food price crisis. Heads of International Financial Institutions (IFIs), including Robert Zoellick, President of the World Bank (former U.S. trade representative) and Pascal Lamy, WTO's Director General, are among the attendees. Will the "battle plan" emerging from the Swiss capital, a charming city with splendid sandstone buildings and far removed from the grinding poverty and hunger which has reduced people to eating mud cakes in Haiti and scavenging garbage heaps, be more of the same—promote free trade to deal with the food crisis.

The growing social unrest against food prices has forced governments to take policy measures such as export bans, to fulfill domestic needs. This has created uproar among policy circles as fear of trade being undermined sets in. "The food crisis of 2008 may become it challenge to globalization," exclaims The Economist in its April 17. 2008 issue. Not surprisingly then, the "Doha Development Round" which has been in a stalemate since the collapse of the 2003 WTO Ministerial in Cancun, largely due to the hypocrisy of agricultural polices of the rich nations, is being resuscitated as a solution to rising food prices.

Speaking at the Center for Global Development, Zoellick passionately argued that the time was "now or never" for breaking the Doha Round impasse and reaching a global trade deal. Pascal Lamy has argued, "At a time when the world economy is in rough waters, concluding the Doha Round can provide strong anchor." Dominique Strauss-Kahn, Managing Director of the IMF, has claimed, "No one should forget that all countries rely on open trade to feed their populations. Completing the Doha round would play a critically helpful role in this regard, as it would reduce trade barriers and distortions and encourage agricultural trade."

Preaching at the altar of free market to deal with the current crisis requires a degree of official amnesia. It was through the removal of tariff barriers, through the international trade agreements, that allowed rich nations such as the U.S. to dump heavily subsidized farm surplus in developing countries while destroying their agricultural base and undermining local food production. Reduction of rice tariffs from 100 to 20 percent in Ghana under structural adjustment policies enforced by the World Bank, rice imports increased from 250,000 tons in 1998 to 415,150 tons in 2003, with 66 percent of rice producers recording negative returns leading to loss of employment. In Cameroon, poultry imports increased by about six-fold with the lowering of tariff protection to 25 percent while import increases wiped out 70 percent of Senegal's poultry industry.

Developing countries had an overall agricultural trade surplus of almost US $7 billion per year in the 1960s. According to the Food and Agricultural Organization (FAO), gross imports of food by developing countries grew with trade liberalization, turning into a food trade deficit of more than US $11 billion by 2001 with cereal import bill for Low Income Food Deficit Countries reaching over $38 billion in 2007/2008.

Erosion of agricultural base of the developing countries has increased hunger among their farmers while destroying their ability to meet their food needs. The 1996 World Food Summit's commitment to reduce the number of hungry—815 million then—by half by 2015 had already become a far-fetched idea by its 10th anniversary. U.N. Special Rapporteur on the Right to Food, Jean Ziegler, reported last June that nearly 854 million people in the world—one in every six human beings—are gravely undernourished.

So on who's behalf are the heads of the IFIs promoting the conclusion of the Doha Round and further liberalization of agriculture. While Investors Chronicle in its April 2008 feature story, "Crop Boom Winners" explores how investors can gain exposure to the dramatic turnaround in food and farmland prices, a new report from GRAIN, Making a Killing, from the Food Crisis, shows Cargill, the world's biggest grain trader, achieved an 86 percent increase in profits from commodity trading in the first quarter of 2008: Bunge had a 77 percent increase in profits during the last quarter of 2007; ADM, the second largest grain trader in the world, registered a 67 percent increase in profits in 2007. Behind the chieftains of the capitalist system are powerful transnational corporations, traders, and speculators who trade food worldwide, determine commodity prices, create and then manipulate shortages and surpluses to their advantage, and are the real beneficiaries of international trade agreements.

The vultures of greed are circling the carcasses of growing hunger and poverty as another 100 million join the ranks of the world's poorest—nearly 3 billion people who live on less than $2 a day. Agriculture is fundamental to the well-being of all people, both in terms of access to safe and nutritious food and as the foundation of healthy communities, cultures, and environment. The answer to the current crisis will not come from the WTO or the World Bank, but lies in the principles of food sovereignty that can ensure food self-sufficiency for each nation. It is time for the developing countries to uphold the rights of their people to safe and nutritious food and break with decades of ill-advised policies that have failed to benefit their people.

SUNSET MEMORIAL

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. FRANKS of Arizona. Madam Speaker, I stand once again before this House with yet another Sunset Memorial. It is April 29, 2008, in the land of the free and the home of the brave, and before the sunset today in America, almost 4,000 more defenseless unborn children were killed by abortion on demand. That's just today, Madam 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 12,881 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, Madam 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.

Madam 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.'' Madam 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. Madam 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.

Madam 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 12,881 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, Madam 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 29, 2008, 12,881 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.

PAYING TRIBUTE TO SISTER ROBERT JOSEPH BAILEY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. PORTER. Madam Speaker, it is my distinct pleasure to rise today to honor Sister Robert Joseph Bailey by entering her name in the CONGRESSIONAL RECORD, the official record of the proceedings and debates of the United States Congress since 1873. Today I pay tribute to Sister Robert Joseph Bailey for her life and accomplishments, and applaud her for having an elementary school named in her honor by the Clark County School District.

Sister Robert was born as Margaret Bailey on April 22, 1923 in Detroit, Michigan. When she entered the Dominican Order of Sisters in 1940, she chose the name Robert Joseph, in honor of her favorite younger brother. She graduated in 1941 with a bachelor's degree from Sienna Heights College, and began sharing her gift of teaching in various schools throughout the country. In 1951, Sister Robert moved to Henderson, where she was assigned to teach 4th and 5th grade at St. Peter's School. She taught at St. Peters for nine years.

After leaving St. Peter's, Sister Robert went on to what is now known as the Rose de Lima Campus of the St. Rose Dominican Hospitals where she assumed responsibility of dietary services, and eventually turned to community education. During her 37 years at St. Rose, she implemented several community outreach programs dedicated to children throughout the community. She initiated the Positive Impact on Reading Program in which volunteers visit local elementary schools to spend time interactively reading with children. Sister Robert visited many of the schools in the Henderson community and delivered special presentations on a variety of topics such as health, nutrition, hygiene, safety, and even how to be a good babysitter. She also initiated a hotline for children who were home alone and lonely. Typically, these children could call the hospital and talk to a volunteer for as long and often as needed.

Madam Speaker, I am proud to honor Sister Robert Joseph Bailey for her accomplishments throughout the Henderson community. The programs that Sister Robert initiated came as a result of her concerns for the education, health, and comfort of others. Her legacy is an inspiration to the members of the school community, and I applaud the Clark County School District for naming an elementary school in her honor.

A TRIBUTE TO WINDELL DANIELS

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. McINTYRE. Madam Speaker, last week the City of Wilmington, North Carolina, lost one of its most beloved leaders and doers—Windell Daniels. I had the distinct honor to give remarks at his funeral and wanted all my colleagues here in the U.S. Congress and indeed the entire nation to know what a lasting impact this one man made on so many.

Luke, Chapter 6, Verse 38 says, ''Give and it will be given back to you: good measure, pressed down, shaken together, and running over will be put into your bosom. For with the same measure that you use, it will be measured back to you.''

Wilma, Euran, and Jay—your husband and your father lived a life of giving.

And in his eternal resting place with God, his soul has been replenished with the overflowing blessings of the joy, peace, and love that he shared with so many throughout his extraordinary life.

My friends, Windell Daniels was a humble hero. A humble hero that lived his life the best way he knew how—by serving others. A humble hero that had unfinished business here on earth. And a humble hero that would now tell each of us to keep building the bridge he had begun and keep giving to others.

Only a handful of people come into one's life and touch it in dramatic fashion. Some are flickers of light, and others are consistent glows. Windell Daniels was one of those very few consistent glows—indeed, he was a beacon.

As we celebrate the wonderful life of this friend to all, let us be challenged by Windell's work, will, and wisdom that inspired us all.

First, it was his work. Windell did his good deeds by stealth—never advertising all the assistance he gave. But look around here today and look around this beautiful city—and you see many people, places, and organizations that have been on the receiving end of his gentle kindness.

From his work at the Wilmington Housing Authority to provide the most basic of services to those in need—a home, to his work at UNCW to help our young people receive a quality education; from his work at the Greater Wilmington Chamber of Commerce to help expand the economic opportunity for all, to his work to help address the homeless challenge; and from his work and service as a Marine in Vietnam; to his efforts to promote the beautiful historic port city—Windell Daniels gave his time, talents, and treasures.

Second, in addition to his work, it was Windell's will to make this community better that set him apart. It was a will that found a way—not an excuse. It was a will that asked not, ''What is in this for me? Instead, how is this going to affect others?''

It was a will that when he gave his commitment to get something done, he did it wholeheartedly. It was a will that—with Windell—you knew exactly where you stood with him. And he stood with you. And it was a will that graced our life more than he could have ever imagined!

Third, with his work and his will, it was Windell's wisdom that so many sought after. From business executives to community leaders to educators, Windell was a solid sounding board because his wisdom was so keen. Some of you may not know this, but Windell and I worked together every year for the last twelve years to promote our celebration of Black History Month for all of southeastern North Carolina. And many of you know that he was the coordinator of the many, many volunteers who are getting ready for the commissioning of the USS *North Carolina* submarine next weekend; and he was already coordinating with my office an effort to honor Wilmington in a special Coast Guard Day celebration scheduled later this summer.

His was wisdom that was a fount of knowledge, know-how, and knack to get it done! That's why he was so involved, because everyone valued his opinion and respected his advice. We have lost a man far too soon—that no one can replace anytime soon.

But through Windell Daniels' work, will, and work, we have been given much that will live on for generations and generations.

As Windell approached those glorious lights of Heaven Tuesday night, I have no doubt that the good Lord was there with open arms saying, ''Well done, good and faithful servant.''

Thank you, and may God bless the life of Windell Daniels and of his family and friends.

RECOGNIZING THE HISTORIC ALAMEDA THEATER RESTORATION PROJECT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. STARK. Madam Speaker, I rise today to pay tribute to the historic Art Deco Alameda Theater, in Alameda, California. The theater first opened in 1932 and boasted one of the largest screens in the Bay Area. Designed by the prominent San Francisco architect, Timothy L. Pflueger, the theater opened shortly after another one of Pflueger's historically significant theaters, the Paramount in Oakland, California.

The 2 theaters share many of the same finishes and details. The Alameda Theater building was under private ownership and in continuous operation as a cinema until 1979. It has undergone a number of adverse changes to its interior finishes since that time. The deteriorating theater sat vacant or underutilized until the City of Alameda acquired the property in July 2006 and commenced restoration efforts in November 2006.

The Alameda Theater restoration project is the signature component of a larger downtown revitalization project in the city's Park Street Historic District. A newly built movie Cineplex will be a part of the Alameda Theater complex and all patrons will enter through the historic Art Deco Alameda Theater lobby to access all the screens in the Cineplex.

The Alameda Theater restoration project is a public/private partnership that resulted in the blend of a new theater complex and the saving of a historic treasure in the City of Alameda.

The City will celebrate the reopening of the Alameda Theater at a gala on May 21st and a civic ceremony on May 24th. I am confident theater goers will appreciate the restored historic Art Deco Alameda Theater and will enjoy the entertainment benefits it will bring for years to come. Congratulations to the city of Alameda and all who had a hand in the development and completion of the historic Alameda Theater Restoration Project.

LOU BRISSIE: A HERO ON THE BASEBALL AND BATTLE FIELDS

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. KINGSTON. Madam Speaker, I submit the following for the RECORD.

[From the Savannah Morning News, April 29, 2008.]

(By Nathan Dominitz)

Former major league all-star pitcher Lou Brissie can tell stories about his ballpark encounters with the likes of Babe Ruth, Ted Williams, Connie Mack and Satchel Paige.

Monday night and [Tuesday], people are sharing stories about Brissie, Savannah's own living legend for his starring role on the 1947 South Atlantic League championship team.

''We didn't measure speed in those days, but I know he must have thrown close to 100 miles an hour,'' said longtime friend Bill Hockenbury, an all-star third baseman on the 1947 Savannah Indians, a Class A affiliate of the then-Philadelphia Athletics. ''I'm serious. He just reared back and threw that ball.''

Brissie, now 83, might have enough power in his left arm to throw out the first pitch [Tuesday] night at Grayson Stadium, where the Savannah Sand Gnats will retire his No. 3 jersey before the 7 p.m. game against the Hickory Crawdads. The first 1,000 fans receive a replica Brissie jersey T-shirt courtesy of the Philadelphia Athletics Historical Society.

There was a ''Lou Brissie Day'' scheduled in 2007, but it was rained out, rescheduled and rained out again late last season in Savannah. Brissie didn't think a higher power was sending a message.

''No, he speaks plainer than that,'' said Brissie, a North Augusta, S.C., resident for the last 30-plus years with his wife, Diana.

The Sand Gnats also organized a banquet in his honor Monday night at the Riverfront Marriott. Again it rained, but thankfully this event was indoors. Attendees received the T-shirt as well as a figurine of Brissie pitching. Brissie's own story is worthy of a movie, and indeed it was re-enacted decades ago for a television program starring former pro athlete Chuck Connors, famous as ''The Rifleman.'' Brissie also is the subject of an ongoing book project.

TRUE GRIT

The dramatic elements are there. A teenage pitching prospect enlists in the U.S. Army during World War II. On a battlefield in Northern Italy in 1944, the corporal nearly has his left leg blown off when an artillery shell lands at his feet.

''I broke an ankle and my feet. My leg was shattered in 30 pieces between the knee and the ankle,'' said Brissie, who would receive two Purple Heart medals and a Bronze Star during his military service.

Amputation was an option, but Brissie knew that would end hopes of a baseball career. He persuaded doctors to save the leg, and credits a military surgeon, Capt. Wilbur Brubaker, for doing the incredible.

''I was just a guy with a dream,'' said Brissie, who would spend parts of seven seasons in the majors with the Athletics and Indians, including an appearance in the 1949 All-Star Game. ''I think I was just blessed from Day One. There weren't guys who attain the major leagues who were as fortunate and blessed as I was.''

Brissie, through 23 surgeries and countless setbacks, would pitch again—eventually for the Philadelphia Athletics, who originally signed him in 1940 and resigned the 6-foot-4, 210-pound lefty in 1946.

He was assigned to Savannah, posting a 23–5 record, 1.91 ERA and SAL record 278 batters in 254 innings. He wore a brace on his left leg, which was about 1½ inches shorter than the right. He also had the admiration of his teammates, who saw his daily routine of playing with a leg that under the bandages ''looked like a piece of tissue paper,'' Hockenbury said.

''He was our hero,'' recalled Hockenbury, a World War II veteran and one of half a dozen Indians to eventually make it to the big leagues. ''He was great. He was our leader. He was our superstar.''

HOME-FIELD ADVANTAGE

Savannah responded, packing Grayson Stadium when Brissie pitched and often when he didn't, Hockenbury said.

''We had great community support,'' Brissie said. ''The fans were just tremendous. We had community business support. I think it was the ideal time after World War II and before television.''

The talented team, playing in a league stocked with future major leaguers, had the unity necessary for success over the long summer months.

''In all of that time, I never heard two guys have a bad word or get upset,'' Brissie said. ''Everybody was for everybody else. It's really one of my greatest memories.''

The retiree makes weekly visits to a Veterans Administration hospital and speaks with injured servicemen. He shares motivational stories and asks them not to give up their dreams.

''You've got to live each day and look for something better, and it will show up,'' he said.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. BECERRA. Madam Speaker, on Wednesday, March 12, 2008, Friday, March 14, 2008, Wednesday, April 8, 2008 and Monday, April 14, 2008, I was unable to cast my floor vote on rollcall votes 133, 146, 169, 170, 171, 172, 183, 184 and 185.

Had I been present for the votes, I would have voted "aye" for rollcall votes 133, 146, 170, 171, 183, 184 and 185 and "nay" on rollcall votes 169 and 172.

''OPERATION HOLIDAY CHEER''

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ALLEN. Madam Speaker, I would like to take this opportunity to congratulate the Kiwanis Club of Gorham, Maine for acknowledging the courage and sacrifices of the children of Maine's military families through their program entitled "Operation Holiday Cheer."

Kiwanis is an organization dedicated to service to children and youth through initiatives intended to improve the quality of life of children in communities around the world. Currently, Kiwanis has over 500,000 members internationally, representing 96 countries with 34 clubs in Maine.

On July 17, 2007, the Kiwanis Club of Gorham, later joined by the Kiwanis Clubs of Maine, launched Operation Holiday Cheer, a program to provide a holiday gift to each participating child of Maine's military families, including, Army, Navy, Air Force, Marine Corp, Coast Guard, Reserves and National Guard. Over 9,000 children in Maine have a parent serving in the military.

In executing Operation Holiday Cheer, the Kiwanis organization acquired, wrapped and distributed a holiday gift to each participating military child in over 140 cities and towns throughout the State of Maine. Included with each gift was a hand-written note thanking the child and his or her family which read, "On behalf of the Kiwanis Clubs of Maine and the people of the State of Maine, we would like to offer you this token of our appreciation for your sacrifice. You are the child of a Maine military family and the bravery that you show every day by sharing your parent to help protect our country is being recognized and honored. You should be extremely proud of your

service to our country and you should know that we, the Kiwanis and the people of Maine, stand proudly and beside you. We wish you and your family a Happy Holiday Season.''

I extend my appreciation to the Kiwanis Clubs of Maine for their thoughtfulness in bringing some cheer to the lives of thousands of Maine children whose parents are serving our country. As they seek to expand this program throughout New England and to New York in 2008, I wish them all the best.

RECOGNIZING DENIM DAY IN NJ 2008

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ROTHMAN. Madam Speaker, I rise to support the efforts of the Young Women's Christian Association, YWCA, of Bergen County Rape Crisis Center to designate April 28, 2008 as Denim Day in New Jersey. This day-long observance is an important opportunity to raise awareness about sexual violence and end the 'blame-the-victim' mentality about rape that continues to impede justice for those attacked.

Unfortunately, appalling misconceptions about rape and sexual violence still exist and were on full display in the Italian Supreme Court decision that launched International Denim Day in 1998. In that case, the justices overturned a rape conviction because the woman wore jeans. They reasoned that the victim must have helped her attacker remove her jeans because they were ''tight,'' thereby implying her consent. After the decision, women in the Italian Parliament protested by wearing jeans to work the next day.

Those Italian legislators were right to protest such an awful decision and inspired people around the world to speak out against similar injustices. We must do everything possible as a community and as a Nation of laws to stop rape and sexual assault and help survivors. That includes educating young men and women about consent, making clear that rape is the responsibility of the offender, not the victim, and eliminating the fear of shame and blame that prevents an estimated 9 in 10 rape victims from reporting an attack.

Today, on the first annual Denim Day in NJ, I commend the ongoing efforts of the YWCA of Bergen County Rape Crisis Center to accomplish these goals. I stand united with the YWCA, survivors of sexual assault, and their loved ones in observing this important day.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. RYAN of Wisconsin. Madam Speaker, I was absent for legislative business conducted on April 24, 2008, to attend the funeral of a fallen soldier who lost his life in support of Operation Iraqi Freedom. As a result, I missed rollcall votes 220 through 223.

Had I been present, I would have voted:

''Aye'' on rollcall vote 220—the Poe Amendment to H.R. 2830;

''Aye'' on rollcall vote 221—the McNerny Amendment to H.R. 2830;

''Aye'' on rollcall vote 222—the Motion to Recommit H.R. 2830 with instructions; and

''Aye'' on rollcall vote 223—Passage of H.R. 2830.

A TRIBUTE TO DR. DARRELL PAGE OF BLADEN COMMUNITY COLLEGE

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. McINTYRE. Madam Speaker, I rise today to pay tribute to Dr. Darrell Page of Dublin, North Carolina for his 11 years of service as President of Bladen Community College in Bladen County. Dr. Page's leadership, integrity, and insight have made a tremendous difference at this community college and in his community.

Samuel Logan Bringle, the legendary leader in the Salvation Army, once said some very important words that reflect the character and life of Darrell Page. He said, ''The final estimate of a man will show that history cares not one iota about the title he has carried or the rank he has borne, but only about the quality of his deeds and the character of his heart.'' Indeed, Dr. Page has reflected this through his sacrifice and commitment.

During Dr. Page's tenure at the college, many positive developments and advancements have occurred. Student enrollment has more than doubled, total budget at the school has tripled, and the college has achieved Superior Performance status five of the past 6 years. In addition, Bladen Community has become a state leader in distance education. Furthermore, as a devoted husband, father, and friend, Darrell Page has truly been a foundation on which Bladen Community College and Bladen County have continued to thrive. Service to others has been the embodiment of his life—service that sets a path for others to follow and that we all should emulate.

In celebrating Dr. Page's upcoming retirement this June, let each of us remember the words of our third President of the United States, Thomas Jefferson, who said, ''To do our fellow man the most good, we must lead where we can, follow where we cannot, and still go with him, always watching for that favorable moment to help him another step forward!''

We thank Darrell, on behalf of the citizens of Dublin, Bladen County, Bladen Community College, and the State of North Carolina, for always looking for that favorable moment and always helping his fellow citizens. May God's strength, joy and peace be with him always.

A PROCLAMATION HONORING NICK JACKSON FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. SPACE. Madam Speaker:

Whereas, Nick Jackson showed hard work and dedication to the sport of basketball; and

Whereas, Nick Jackson was a supportive team player; and

Whereas, Nick Jackson always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Nick Jackson on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

HELEN KOVAK—A JEWEL OF SOUTHEAST TEXAS

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. POE. Madam Speaker, today I am proud to recognize a lifelong volunteer and inspiration to the Beaumont community, Helen Kovak.

Mrs. Kovak is a pillar of the Beaumont community, and has a heart the size of Texas. For almost her entire life, she has given to back to the community she holds so dear. Her friends have even described her as, ''the best volunteer in the world; always ready to do whatever it takes to get the job done.''

Mrs. Kovak has served in a number of areas, one of which is the political arena, where she has been volunteering since the day she could vote. She is responsible for starting one of the first direct mail campaigns, which she carried out from her home, way back when Goldwater was running for office, and she serves as a Precinct Chairman for the Republican Party to this day.

A graduate of the University of Texas, Mrs. Kovak still sports a UT sticker on the back of her VW Beetle. She celebrated her 90th birthday on April 26th, and at a recent party with friends she stressed that people should appreciate what they have and ''live each day to the fullest, because you never know when it's gonna end.''

I am proud to recognize this gem of Southeast Texas on her 90th birthday. She is a true inspiration to us all.

CONGRATULATING THE STUDENT ENGINEERS AT THE UNIVERSITY OF EVANSVILLE FOR WINNING NASA'S 15TH ANNUAL GREAT MOONBUGGY RACE

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. ELLSWORTH. Madam Speaker, I rise today to congratulate the student engineers at the University of Evansville for winning first place in NASA's 15th Annual Great Moonbuggy Race.

The race is held each year to honor the ingenuity and creative problem-solving of the designers of the original lunar rover used during the Apollo Moon missions in the 1970s.

The University of Evansville team defeated 24 teams to win the college division competition. Their moonbuggy completed a half-mile

course designed to replicate lunar ground conditions in 4 minutes and 25 seconds.

These students represent America's next generation of scientists, mathematicians, and engineers. I have no doubts that their ingenuity, creativity, and dedication to discovery will result in creative solutions to many of the challenges America faces after they leave the University of Evansville. Congratulations!

SEWAGE CRISIS NOW ADDED TO THE HUMANITARIAN DEBACLE IN GAZA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. KUCINICH. Madam Speaker, since late January 2008, the 1.5 million person population in Gaza has been enduring an Israeli-imposed blockade. The blockade effectively restricts the entry of food, clean water, fuel, and medical supplies. The lack of basic goods has severely deteriorated Gaza's health, economy, and social fabric.

The World Bank reports that since Hamas ousted Fatah from Gaza last June, 90 percent of businesses have shut down costing workers more than 100,000 jobs. Due to the closure of Gaza's borders and its inability to import raw materials, farmers and businesses are unable to produce and export their goods leaving nearly half a million people without an income.

According to Oxfam, today 80 percent of Gaza's population is dependent on food aid. On April 24th, the United Nations, UN, announced the suspension of their food aid program to 650,000 Gazans, 56 percent of whom are children, due to a lack of fuel for their trucks. These restrictions exacerbate an already dire humanitarian crisis in which 17.5 percent of children under the age of five suffer from chronic malnutrition.

Water and wastewater systems have also become a casualty of the blockade. Gaza's water and wastewater system is heavily reliant on diesel-powered generators. Due to the restrictions on the entry of diesel into Gaza, many water pumps do not have the power to provide running water. Additionally, the sewage system dates back to 1967 and was meant to provide for a population one-third the size of Gaza's Population. The lack of clean water and an adequate sewage system has led to a sanitary water crisis in Gaza.

According to a recent UN publication, seventy-five percent of Gaza's drinking water is polluted. The lack of clean water and a proper sewage system has caused infestations of small organisms such as amoeba that have led to several ailments including abdominal colic, diarrhea, and constipation. The sewage crisis has also led to overflow. On March 27, 2007, a wall of human waste overflowed into Gaza's residential areas and caused the death of children and elderly people.

According to the United Relief Works Agency, UNRWA, "Gaza is on the threshold of becoming the first territory to be intentionally reduced to a state of abject destitution, with the knowledge, acquiescence and, some would say, encouragement of the international community."

Israel must protect its citizens and ensure their security, but pursuant to the Fourth Geneva Convention, Israel also has a legal duty to provide Gazans with food, clean water, electricity, and medical care. I urge the U.S. Administration to help end the humanitarian crisis in Gaza and ensure the health, safety, and security for Palestinians and Israelis.

NEW BRIDGING INDUSTRY AND GOVERNMENT TOUGH HI-TECH RESEARCH ON ENERGY EFFICIENCY (BIG THREE) ACT OF 2008

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. KNOLLENBERG. Madam Speaker, I rise today to introduce the New Bridging Industry and Government Through Hi-Tech Research on Energy Efficiency (BIG THREE) Act of 2008. This important legislation is a bold step to foster innovation, create and retain high-paying jobs, and promote efficient and alternative fuel technology to ensure that automakers meet the increased Corporate Average Fuel Economy, CAFE, standards.

It is impossible to overlook the importance of the automotive industry to the U.S. economy. Our history and our heritage as a nation are deeply rooted in the automotive industry, which has greatly improved the quality of life in our time. Nearly 400,000 Americans jobs are provided directly by the automotive industry on assembly lines, in research facilities, and offices across the country. Additionally, approximately 3.5 million other jobs are supported by the automotive industry through parts suppliers, hospitals, schools, and police stations that serve them. That means that every automotive job equals nearly 9 other jobs for U.S. workers.

It is also impossible to ignore the current struggles of the automotive industry. When Congress enacted energy legislation that increased CAFE standards to 35 miles per gallon by 2020, it placed the burden of cost on the auto industry to meet the aggressive efficiency targets. Increased CAFE standards represent only the latest hurdle thrown at the automotive industry from Washington, with little help delivered to assist the industry's pursuit of higher efficiency and lower emissions. During a time of an economic slowdown, Washington should take steps to protect these valuable jobs, not jeopardize them.

CAFE will cost the domestic automotive industry an estimated $85 billion to research, develop, and implement the efficient and alternative fuel technology required to meet the aggressive new standards. For an industry that already spends approximately $16 billion per year on research and development, finding the extra funds to develop this technology without compromising drivers' safety will be extremely difficult. This means that the increased costs will have to be passed on to the consumer, with some estimating that it will cost an extra $6,000 per car to meet CAFE standards.

Instead of throwing the automotive industry up the creek without a paddle,

Washington should play a part in increasing energy efficiency. Energy security is an issue of national security and must be addressed over the short term and the long term. This requires a comprehensive strategy and steadfast dedication to meet our goal.

That is why I have introduced this legislation, which will help automakers meet the new regulations, help make our country a leader in alternative fuel technologies, and help stimulate our slowing national economy. Michigan's economy has been in unique and deep trouble for some time.

The first step in my plan is to permanently extend the research and development tax credit at 20 percent and make it fully refundable for expenditures that help meet the new CAFE standards. Automakers and suppliers have not been able to take advantage of the tax credit because they have not made substantial profits in recent years. Allowing an industry that currently invests significant funding in advanced research and development to take advantage of the tax credit will help defray the costs of increased research and development. This will enable them to reinvest these funds and create more high-paying jobs in the U.S.

The New BIG THREE Act will also invest significant Federal funding in research and development of leap-ahead technologies that will help us meet the new CAFE standards. Advanced battery technology is one of the most promising ways to dramatically increase fuel efficiency. However, there is no domestic production of advanced battery technology that is applicable to vehicles. By investing $750 million over 5 years to research and develop advanced battery technology, my bill will help ensure that America is the epicenter of hybrid and plug-in electric vehicles that will help reduce our dependence on oil.

Hydrogen fuel cell technology has always been regarded as the long-term goal of extremely low-emission transportation. The New BIG THREE Act will invest $250 million over 5 years to install hydrogen fuel pumps in commercial gas stations in at least two pilot regions. By establishing a hydrogen infrastructure, we can promote use of currently available hydrogen vehicles and provide an incentive to produce more of these leap-ahead vehicles. The New BIG THREE Act will also invest $150 million over 3 years for the Federal Government to purchase hydrogen vehicles in order to reduce the emissions of our fleets and demonstrate the viability of the technology.

The New BIG THREE Act also has a provision that will affect short-term efforts to increase fuel efficiency. Clean diesel technology is one of the best ways to reduce emissions in the short term, and utilizing biodiesel is a promising way to reduce our dependence on Middle East oil. However, not all current biodiesel blends are compatible with all biodiesel engines. My bill will direct the Environmental Protection Agency to make a harmonized national standard for biodiesel composition.

Finally, my comprehensive plan will establish the Interagency Group on CAFE Standards, which will make sure Federal agencies work together and that all money spent on auto-related projects is used wisely and most effectively.

Ultimately, my plan is about jobs and our economy. The New BIG THREE Act is about working with one of our most important industries to create and retain good jobs, allow the industry to be competitive in the global market, and help move to a cleaner and more efficient line of American cars. The strong position of the Federal Government created by CAFE on

all of these issues mandates a strong commitment to make sure the goals are accomplished. I hope you will help American manufacturing succeed by supporting this important legislation.

COMMENDING THE ACCOMPLISHMENTS OF STUDENTS FROM SOUTH TEXAS HIGH SCHOOL FOR HEALTH PROFESSIONS

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. HINOJOSA. Madam Speaker, I rise today to commend the students of South Texas High School for Health Professions in Mercedes, Texas for once again excelling in the Health Occupations Students of America state competition. This year 13 Med High students scored first or second among all Texas students in competitions testing their knowledge of subjects ranging from nutrition to personal care to first aid techniques. The hard work of these South Texas high school students is to he commended, as is their involvement with HOSA.

As our Nation struggles to find and train a sufficient number of health care workers to meet the needs of our aging population, HOSA has endeavored to play a leading role in training high school and post-secondary students for futures in health care careers. To date, over 90,000 students have participated in the HOSA program through approximately 2,600 secondary and post-secondary chapters across the country.

By expanding the number of students receiving training and instruction in health care careers, our Nation would be investing in the futures of both our students and our communities. This Congress, I have introduced H.R. 3618, the Safe Schools and Health Care Professional Pipeline Act, to facilitate the expansion of health care and medical education in our secondary and post-secondary institutions. This bill will create a pipeline of trained students into the health professions, where they will be able to provide for the medical needs of their communities. By introducing these students to health care careers at an early age, our high schools and universities will join in our effort to sustain an adequate supply of medical professionals while developing the skills of our young people.

Madam Speaker, I urge my colleagues to join me in commending the accomplishments of the students of Med High and in supporting the Safe Schools and Health Care Professional Pipeline Act.

A TRIBUTE TO STAFF SERGEANT EMANUAL PICKETT

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 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 6 children. He was the loving father of 3 children—2 daughters, ages 17 and 10, and a 14-year-old son. Over his lifetime, Emanuel earned countless friends. Because of his 13 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.

A PROCLAMATION HONORING GERRY JASPER FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. SPACE. Madam Speaker:

Whereas, Gerry Jasper showed hard work and dedication to the sport of basketball; and

Whereas, Gerry Jasper was a supportive team player; and

Whereas, Gerry Jasper always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Gerry Jasper on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

TRIBUTE TO MARGARETE WALDEN

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. McDERMOTT. Madam Speaker, this past Sunday, April 27, 2008, Margarete Walden of the 7th Congressional District in Washington State, was announced the national winner of the Student Conservation Association and Mazda North American Operation's Conservation in Action multimedia contest. The contest was designed to create new, practical solutions to our Nation's most urgent environmental issues.

Margarete Walden's winning essay, titled The Pen Pal Project: A Kyoto Protocol for the Individual Citizen, develops an action-oriented environmental solution. Implemented on the classroom level, American students would be paired with students from a developing country and would be responsible for lowering their carbon footprint to below per capita 1990 levels by the end of the school year. This pen pal partnership is modeled on the Kyoto Protocol so that the pairs can work together to meet their target while learning about international environmental politics. The project's main goal would be to provide students with a practical opportunity for action on global warming in the short term that would lead to a lifestyle change of great benefit to the environment in the long term.

Today, I am proud to welcome Miss Walden to our Nation's capital where she will receive her cash prize and the 2008 fuel efficient Mazda 3 sedan.

Margarete Walden reminds our Nation that every citizen must be leaders in the incessant challenge to improve old models of conservation.

RECOGNIZING DARRELL R. GREEN AS THE RECIPIENT OF THE CARE AWARD

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize Darrell R. Green, an NFL Hall of Famer, seven-time All-Pro defensive back for the Washington Redskins and founder of the Darrell Green Youth Life Foundation, upon his receiving the Commonwealth Academy Recognition for Educators, CARE, Award.

Mr. Green is being honored for his visionary leadership in establishing the Darrell Green Youth Life Foundation, which provides support services to young people facing challenging life circumstances. Through his foundation, Mr. Green has opened the Youth Life Learning Center in the District of Columbia and affiliate centers in Richmond, Virginia, and Nashville, Tennessee. These centers provide comprehensive after-school and summer programs for at-risk teens and pre-teens. They offer academic enrichment and remedial education in the areas of reading, language arts, mathematics, supplemental services, mentoring and character development. In addition to providing these services, Mr. Green's foundation

has created a National Training Institute where community leaders can learn how to launch similar programs in their own neighborhoods.

A native of Houston, Texas, Darrell Green had an illustrious career with the Washington Redskins. He was a seven-time All-Pro defensive back, played in three Super Bowls and retired in 2002 after a heralded 20-year career. A top draft choice out of Texas A&I University, Darrell understood the power of an education, going back to school to complete his undergraduate degree which he earned in 1998 from St. Paul's College in Lawrenceville, Virginia. In 1999, Marymount University recognized Green for his extraordinary humanitarian work and conferred upon him the honorary degree of doctor of humane letters.

Mr. Green has been breaking ground his entire life. At an early age he faced some very challenging circumstances. But, with the support of his high school coach and faith community, Darrell was able to overcome those obstacles, rising to become a celebrated pro athlete. This personal experience is what prompted him to create the foundation, so that at-risk young people can receive the support they also need to succeed.

I am delighted to be presenting the prestigious CARE award to Darrell Green, an outstanding community leader who has worked tirelessly to enhance the lives of young people. I ask my colleagues to join me in congratulating Darrell on this award and for his ongoing commitment to improving the lives of others.

PERSONAL EXPLANATION

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. HIGGINS. Madam Speaker, last week I regrettably missed a number of votes to attend to a family emergency. Had I been present for these votes, I would have voted as indicated below.

On Roll #213, the Matheson of Utah Amendment, I would have voted ''aye.''

On Roll #214, the Capito of West Virginia Amendment, I would have voted ''aye.''

On Roll #215, the Foster of Illinois Amendment, I would have voted ''aye.''

On Roll #216, the Motion to Recommit with Instructions, I would have voted ''no.''

On Roll #217, final passage of H.R. 5819, I would have voted ''aye.''

On Roll #218, on Ordering the Previous Question, I would have voted ''aye.''

On Roll #219, on agreeing to H. Res. 1126, I would have votes ''aye.''

On Roll #220, the Poe of Texas Amendment, I would have voted ''aye.''

On Roll #221, the McNerney of California Amendment, I would have voted ''aye.''

On Roll #222, the Motion to Recommit with Instructions, I would have voted ''no.''

On Roll #223, final passage of H.R. 2830, I would have voted ''aye.''

HONORING NATIONAL MINORITY CANCER AWARENESS WEEK

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. BACA. Madam Speaker, I ask unanimous consent to revise and extend my remarks to recognize National Minority Cancer Awareness Week.

Cancer continues to devastate American families throughout the United States. The Congressional District I represent lies in the Cancer belt of California, with increase in the number of cases diagnosed every day. Minorities in my area continue to be significantly impacted and every day are faced with the question of what to do and how to pay for costly treatments.

National Minority Cancer Awareness Week is recognized on the third week of April to raise awareness of the alarming incidence and effects cancer has amongst the minorities. This awareness contributes to much needed outreach education to those most affected.

High cancer rates among minorities are a widely known fact, and sadly due in large part to the health disparities in access to high quality prevention, early detection and treatment services.

In Congress, I have continued my efforts in combating Breast Cancer by partnering with Senator DIANNE FEINSTEIN in reauthorizing the Breast Cancer Research Stamp for another two years. Without research we are all in the dark. Thanks to this stamp, research for breast cancer has increased by over $50 million.

Increasing awareness is vital at a time when we are facing cuts in Medicaid funding to States, and a shortage of funding to important programs like S–CHIP and WIC. Families need to realize that cancer does strike disproportionately in the minority community.

Sadly, many patients find out about a cancer diagnosis after it is too late. This is especially tragic when we know that only about 5 percent of all cancers are strongly hereditary, most cancers result in damage (mutation) to genes that occur during one's lifetime, according to the American Cancer Society.

African Americans have the highest death rate for all cancers than any other group. In fact, African American men are twice as likely to die from prostate cancer as white men. The American Cancer Society also reports that an estimated 152,000 African Americans will be diagnosed and more than 62,000 African Americans will die from cancer this year.

For Hispanics in the United States, the data is just as alarming. Cancer is the second leading cause of death for Hispanics in the United States. Moreover, cancer rates are higher for Hispanics for the cancers of the stomach, liver, cervix, and gallbladder.

These are alarming statistics that are only a reflection of the devastating effects of cancer in our minority communities. Cancer touches the lives of not just only the patients, but the family as well.

American families are the backbone of our society, it is essential that we help them in any way we can. Increased research and educational outreach is the first step.

We are all facing the detrimental effects of the skyrocketing gas prices and a devastating number of foreclosures; these families affected with cancer especially need our help. No one should have to choose between paying for medicine and paying for gas to get to a doctor's appointment.

A TRIBUTE TO COMMISSIONER R.E. ''GENE'' BROWN

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 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.

A PROCLAMATION HONORING SHANE YORK FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. SPACE. Madam Speaker:

Whereas, Shane York showed hard work and dedication to the sport of basketball; and

Whereas, Shane York was a supportive team player; and

Whereas, Shane York always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Shane York on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

TRIBUTE TO THE 50TH ANNIVERSARY OF THE SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT

HON. JOHN T. SALAZAR

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. SALAZAR. Madam Speaker, I rise today to honor the occasion of the 50th Anniversary of the Southeastern Colorado Water Conservancy District. All of us have in our districts special places and special people. The Arkansas Valley is very near to me because of the grit of its people and its genuine effort to sustain its culture and rural economy.

More than half a century ago, this region was optimistic about its future. The Valley knew that if it worked hard, it could prosper. But the people in the Valley also knew that they needed more water in order to do so. It was then that they envisioned a project which would bring them supplemental water for farms and ranches and small businesses and industry like the steel mill.

The people came together to push such a project, which came to be known as the Fryingpan-Arkansas because it moved water from the Fryingpan River watershed to the Arkansas River basin. In fact, the people needed to lobby Washington on behalf of the project, and they sold small golden fryingpans to raise money to send citizen lobbyists to Washington to tell the story of their need and their dream.

The Southeastern Colorado Water Conservancy District was eventually formed by these local activists, if you will. It was created under Colorado statute and designated by the Pueblo, Colorado district court. Its mission was to develop, in partnership with the Bureau of Reclamation, the multi-purpose project we now know.

I want to congratulate the District on its 50 years of dedicated work. Not only does it manage this complex project with its many diversion, conveyance and storage features; it promotes conservation programs, administers a valuable winter water storage program, and manages return flows for augmentation purposes.

The District and its many distinguished board members who have served the District and the Valley over 50 years are to be commended for their important efforts as they celebrate their golden anniversary today.

COMMENDING THE STATE OF KANSAS

HON. NANCY E. BOYDA

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mrs. BOYDA of Kansas. Madam Speaker, I would like to commend the state of Kansas for passing the Interstate Compact on Educational Opportunity for Military Children Kansas (Kansas House Bill 2714).

Military parents, like all parents, want a high-quality education for their children. Due to the nature of their jobs, which often require frequent moves, military families are too often faced with extra challenges. The enactment of the Interstate Compact on Educational Opportunity for Military Children is truly a hallmark for the state of Kansas. It will remove the educational barriers military children often face when parents must move to another state or are deployed.

The bill creates a pact with other states to streamline the school transfer process. It includes many creative solutions such as allowing students to use hand-carried records, rather than waiting on schools to transfer records, and requiring districts that do transfer records to do so within 10 days. it also gives extra excused absences to children with a parent who is deploying or returning and lets students enroll in advanced courses and special education programs previously enrolled in. Further, it provides schools with the choice to enroll students into extracurricular programs midseason and waive prerequisites

Provisions in the bill will apply to children of active members of the military, including those members severely injured and medically discharged and those retired for a period of up to one year after retirement.

The U.S. Department of Defense Office of Personnel and Readiness, in cooperation with the Council of State Governments and Advisory Group, have embraced the compact and look forward to working with other states as they develop similar programs.

This compact celebrates our nation's defenders and I ask my colleagues in Congress to congratulate the fine state of Kansas and to encourage their states to join the Compact.

A TRIBUTE TO STANLEY F. BATTLE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. TOWNS. Madam Speaker, I rise today in recognition of Stanley F. Battle, who on July 1, 2007, assumed the position of chancellor of North Carolina Agricultural and Technical State University.

A native of Springfield, Massachusetts, Dr. Battle majored in sociology at Springfield College, graduating in 1973. After completing a master's degree in social work from the University of Connecticut in 1975, he earned a master's degree in public health (1979) and a doctorate in social welfare policy (1980) from the University of Pittsburgh. He later completed the Institute for Educational Management at Harvard University and the Millennium Leadership Institute of the American Association of State Colleges and Universities.

Dr. Battle began his academic career at the University of Minnesota in 1980, serving as an assistant professor in the School of Social Work with an adjunct appointment in the School of Public Health. Four years later, he moved to Boston University, holding joint appointments in the Schools of Social Work and Public Health. He was named a professor in the University of Connecticut School of Social Work in 1987, where he was promoted to associate dean for research and development in 1991.

In 1993, Battle was recruited to Eastern Connecticut State University as associate vice president for academic affairs. Five years later, he joined the University of Wisconsin-Milwaukee as the Sullivan-Spaights Distinguished Professor in UWM's School of Social Welfare and Education. In that role, he established scholarships, a summer research institute focused on issues pertaining to adolescent fathers, and a mentoring institute for adolescent African American males. In 2000, he was promoted to vice chancellor of student and multicultural affairs at UMW, a post he held until being named president of Coppin State in 2003.

Throughout his career, Dr. Battle has remained committed to scholarly endeavor, community involvement and collaboration. Battle has numerous awards and honors and is an accomplished teacher, researcher, and speaker. He is also the author or co-author of 11 books and more than 60 articles and book chapters, primarily focusing on social issues involving the African American community.

Battle and his wife, Judith Lynn Rozie-Battle, an attorney, have one daughter, Ashley Lynn, a graduate of Mount Holyoke College who is now pursuing a master's degree from the Columbia School of Journalism.

RECOGNIZING THE SOUTHEASTERN COLORADO WATER CONSERVANCY DISTRICT

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mrs. MUSGRAVE. Madam Speaker, Fifty years ago today, the Southeastern Colorado Water Conservancy District was formed by a district court in Pueblo, Colorado. Its charge was to develop and administer the Fryingpan-Arkansas Project.

My Congressional District includes the Lower Arkansas Valley, which both the Project and the District serve. Supplemental water is provided for agricultural, municipal and industrial purposes with the hope of sustaining the livelihood of the people of this region.

The Arkansas Valley is not a wealthy region, but its people are rich in their determination and their love for the Valley. After World War II, this area like many others, saw a future of growth and enhancement, but it needed more to obtain those goals.

The Southeastern District and the many wonderful Valley residents who have served on its Board of Directors over the 50 years of its existence have served us well. The Fryingpan-Arkansas Project is an important tool in the area's efforts to survive both economically and culturally. While the Arkansas

Basin experiences its highs and lows, often influenced by the availability of water in any given year, the Basin recognizes the value of the Project and the District which manages it capably and effectively.

I want to thank the Southeastern District for its efforts and congratulate them on their half a century of success.

A PROCLAMATION HONORING MATT BLAKE FOR WINNING THE OHIO DIVISION IV STATE BASKETBALL CHAMPIONSHIP

HON. ZACHARY T. SPACE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mr. SPACE. Madam Speaker:

Whereas, Matt Blake showed hard work and dedication to the sport of basketball; and

Whereas, Matt Blake was a supportive team player; and

Whereas, Matt Blake always displayed sportsmanship on and off of the court; now, therefore, be it

Resolved, that along with his friends, family, and the residents of the 18th Congressional District, I congratulate Matt Blake on winning the Ohio Division IV State Basketball Championship. We recognize the tremendous hard work and sportsmanship he has demonstrated during the 2007–2008 basketball season.

IN TRIBUTE TO THE AIGEN HAIFA CHAPTER OF AMERICAN FRIENDS OF MAGEN DAVID ADOM

HON. DEBBIE WASSERMAN SCHULTZ

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2008

Mrs. WASSERMAN SCHULTZ. Madam Speaker, I rise today to pay tribute to the Aigen Haifa Chapter of American Friends of Magen David Adom. Magen David Adom is Israel's equivalent to the Red Cross.

The chapter based out of Sunrise, Florida, is celebrating the 60th anniversary of the state of Israel. Since its formation in 1992, the chapter has raised several million dollars. This money has gone to buy 11 ambulances that cost anywhere between $70 and $100 thousand. The money also helps build blood centers in Israel which supply 95 percent of the blood in the state to among others, hospitals and the military.

Over the last three years, the chapter has been short handed. Many of us remember the destruction by Hurricane Wilma in 2005. This group felt it first hand, more than 50 of its 120 members have left and not returned to the area. But that has not stopped them from taking money out of their own pockets to donate to the state of Israel. On several occasions, a former member has passed away, and willed money to the organization so they could help their brothers and sisters in Israel.

Madam Speaker, this group exemplifies some of the best that this country has to offer. I thank you for giving me the opportunity to tell all of America about some of the women and men in my district who work to make positive changes in the lives of others.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S3459–S3552

Measures Introduced: Eleven bills and three resolutions were introduced, as follows: S. 2928–2938, and S. Res. 539–541. **Pages S3507–08**

Measures Reported:

S. 1760, to amend the Public Health Service Act with respect to the Healthy Start Initiative, with an amendment in the nature of a substitute. **Page S3507**

Measures Passed:

Authorizing Legal Representation: Senate agreed to S. Res. 539, to authorize testimony and legal representation in State of Maine v. Douglas Rawlings, Jonathan Kreps, James Freeman, Henry Braun, Robert Shetterly, and Dudley Hendrick. **Pages S3461–62**

Higher Education Act Extension: Senate passed S. 2929, to temporarily extend the programs under the Higher Education Act of 1965. **Page S3475**

Commemorating Dith Pran: Senate agreed to S. Res. 515, commemorating the life and work of Dith Pran. **Pages S3549–50**

Political Situation in Zimbabwe: Committee on Foreign Relations was discharged from further consideration of S. Res. 533, expressing the sense of the Senate regarding the political situation in Zimbabwe, and the resolution was then agreed to. **Page S3550**

Measures Considered:

FAA Reauthorization Act: Senate began consideration of H.R. 2881, to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2011, to improve aviation safety and capacity, to provide stable funding for the national aviation system, after agreeing to the motion to proceed to its consideration, and taking action on the following amendment proposed thereto: **Pages S3475–84, S3484–96**

Pending:

Rockefeller Amendment No. 4585, in the nature of a substitute. **Pages S3484–96**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 9:30 a.m., on Wednesday, April 30, 2008, and that Senator Durbin be recognized to offer an amendment. **Page S3550**

Consumer Product Safety Modernization Act—Conferees: Senate insisted on its amendment and requested a conference with the House on H.R. 4040, to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, and the Chair appointed the following conferees: Senators Inouye, Pryor, Boxer, Klobuchar, Stevens, Hutchison, and Sununu. **Page S3549**

Independent Office of Advocacy and Small Business Regulatory Reform Act Referral—Agreement: A unanimous consent agreement was reached providing that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 2902, 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 that the bill be referred to the Committee on Small Business and Entrepreneurship. **Page S3549**

Nominations Confirmed: Senate confirmed the following nominations:

Patricia M. Haslach, of Oregon, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, for the rank of Ambassador during her tenure of service as United States Senior Coordinator for the Asia-Pacific Economic Cooperation (APEC) Forum.

Rebecca A. Gregory, of Texas, to be United States Attorney for the Eastern District of Texas for the term of four years.

Yousif Boutrous Ghafari, of Michigan, to be Ambassador to the Republic of Slovenia.

Robert G. McSwain, of Maryland, to be Director of the Indian Health Service, Department of Health and Human Services, for the term of four years.

Kurt Douglas Volker, of Pennsylvania, to be United States Permanent Representative on the

Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador.

Joxel Garcia, of Connecticut, to be Representative of the United States on the Executive Board of the World Health Organization.

Robert J. Callahan, of Virginia, to be Ambassador to the Republic of Nicaragua.

Heather M. Hodges, of Ohio, to be Ambassador to the Republic of Ecuador.

Barbara J. Stephenson, of Florida, to be Ambassador to the Republic of Panama.

William Edward Todd, of Virginia, to be Ambassador to Brunei Darussalam.

Hugo Llorens, of Florida, to be Ambassador to the Republic of Honduras.

Samuel W. Speck, of Ohio, to be a Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Scot A. Marciel, of California, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for East Asian and Association of Southeast Asian Nations (ASEAN) Affairs.

Nancy E. McEldowney, of Florida, to be Ambassador to the Republic of Bulgaria.

Stephen George McFarland, of Texas, to be Ambassador to the Republic of Guatemala.

Peter E. Cianchette, of Maine, to be Ambassador to the Republic of Costa Rica.

Frank Charles Urbancic, Jr., of Indiana, to be Ambassador to the Republic of Cyprus.

Barbara McConnell Barrett, of Arizona, to be Ambassador to the Republic of Finland.

25 Air Force nominations in the rank of general.

7 Army nominations in the rank of general.

17 Marine Corps nominations in the rank of general.

26 Navy nominations in the rank of admiral.

Routine lists in the Air Force, Army, Coast Guard, Foreign Service, Marine Corps, Navy.

Pages S3473–75, S3551–52

Nominations Received: Senate received the following nominations:

Eric J. Boswell, of the District of Columbia, to be an Assistant Secretary of State (Diplomatic Security).

Eric J. Boswell, of the District of Columbia, to be Director of the Office of Foreign Missions, and to have the rank of Ambassador during his tenure of service.

Patricia McMahon Hawkins, of Virginia, to be Ambassador to the Togolese Republic.

Paul G. Gardephe, of New York, to be United States District Judge for the Southern District of New York.

Clark Waddoups, of Utah, to be United States District Judge for the District of Utah.

1 Air Force nomination in the rank of general.

27 Army nominations in the rank of general.

Page S3551

Messages from the House: **Pages S3502–03**

Measures Referred: **Page S3503**

Measures Placed on the Calendar: **Page S3503**

Executive Communications: **Page S3503**

Petitions and Memorials: **Pages S3503–07**

Additional Cosponsors: **Pages S3508–10**

Statements on Introduced Bills/Resolutions: **Pages S3510–16**

Additional Statements: **Pages S3500–02**

Amendments Submitted: **Pages S3516–48**

Authorities for Committees to Meet: **Pages S3548–49**

Adjournment: Senate convened at 10 a.m. and adjourned at 7:36 p.m., until 9:30 a.m. on Wednesday, April 30, 2008. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S3550.)

Committee Meetings

(Committees not listed did not meet)

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Personnel met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2009.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on SeaPower met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2009.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Readiness and Management Support met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of the proposed National Defense Authorization Act for fiscal year 2009.

AUTHORIZATION—DEFENSE

Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the

subcommittee, of the proposed National Defense Authorization Act for fiscal year 2009.

SUBPRIME HOME LENDING

Committee on Commerce, Science, and Transportation: Subcommittee on Interstate Commerce, Trade, and Tourism concluded a hearing to examine improving consumer protections in subprime home lending, after receiving testimony from Lydia B. Parnes, Director, Bureau of Consumer Protection, Federal Trade Commission; Connecticut Attorney General Richard Blumenthal, Hartford; Kathleen E. Keest, Center for Responsible Lending, Durham, North Carolina; and Ira J. Rheingold, National Association of Consumer Advocates, and Bill Himpler, American Financial Services Association, both of Washington, D.C.

EPA'S TOXIC CHEMICAL POLICIES

Committee on Environment and Public Works: Committee concluded an oversight hearing to examine the Environmental Protection Agency's toxic chemical policies, focusing on current Toxic Substances Control Act implementation and risk assessment issues, after receiving testimony from Jim Gulliford, Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances, Environmental Protection Agency; John B. Stephenson, Director, Natural Resources and Environment, Government Accountability Office; Linda C. Giudice, University of California, San Francisco, Department of Obstetrics, Gynecology, and Reproductive Sciences; Annette Gellert, WELL Network, Tiburon, California; V.M. DeLisi, Fanwood Chemical, Inc., Fanwood, New Jersey, on behalf of the Synthetic Organic Chemical Manufacturers Association; Laura M. Plunkett, Integrative Biostrategies, LLC, Houston, Texas; and Lynn R. Goldman, Johns Hopkins University Bloomberg School of Public Health, Baltimore, Maryland.

REAL ID ACT

Committee on Homeland Security and Governmental Affairs: Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia concluded a hearing to examine the REAL ID Act (Public Law 109–13) and the Western Hemisphere Travel Initiative, focusing on its implementation, including S. 717, to repeal title II of the REAL ID Act of 2005, to restore section 7212 of the Intelligence Reform and Terrorism Prevention Act of 2004, which provides States additional regulatory flexibility and funding authorization to more rapidly produce tamper-and counterfeit-resistant driver's licenses, and to protect privacy and civil liberties by providing interested stakeholders on a negotiated rulemaking with guidance to achieve improved 21st century licenses to improve national security, after receiving testimony from Stewart Baker, Assistant Secretary of Homeland Security for Policy; Derwood K. Staeben, Senior Advisor, Western Hemisphere Travel Initiative, Bureau of Consular Affairs, Department of State; State Representative Donna Stone, Delaware General Assembly, Dover, on behalf of the National Conference of State Legislatures; and David Quam, National Governors Association, Caroline Fredrickson, American Civil Liberties Union, Roger J. Dow, Travel Industry Association of America (TIA), Sophia Cope, Center for Democracy and Technology, and Angelo I. Amador, United States Chamber of Commerce, and Americans for Better Borders Coalition (ABB), all of Washington, D.C.

WORKPLACE SAFETY

Committee on Health, Education, Labor, and Pensions: Committee concluded a hearing to examine the Occupational Safety and Health Administration, focusing on penalties related to workplace safety, after receiving testimony from Peg Seminario, AFL–CIO, Washington, D.C.; David M. Uhlmann, University of Michigan Law School Environmental Law and Policy Program, Ann Arbor; Ron Hayes, FIGHT Project, Fairhope, Alabama; George Jenson, Jenson Fire Protection, Ellicott City, Maryland; and Donald Coit Smith, Temple, Texas.

RUNAWAY AND HOMELESS YOUTH

Committee on the Judiciary: Committee concluded a hearing to examine living on the street, focusing on finding solutions to protect runaway and homeless youth, including the Runaway, Homeless, and Missing Children Protection Act (P.L. 108–96), after receiving testimony from Mark Redmond and Michael Hutchins, both of Spectrum Youth and Family Services, Burlington, Vermont; Victoria A. Wagner, National Network for Youth, Washington, D.C.; Jerome Kilbane, Covenant House, Pennsylvania, Philadelphia; and Djimon Hounsou, Los Angeles, California.

BUSINESS MEETING

Select Committee on Intelligence: Committee met in closed session to consider pending intelligence matters.

Committee recessed subject to the call.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 15 public bills, H.R. 5911–5925; and 13 resolutions, H. Con. Res. 336–338, and H. Res. 1155, 1158–1166, were introduced. **Pages H2852–53**

Additional Cosponsors: **Pages H2853–55**

Reports Filed: Reports were filed today as follows:

H. Res. 964, to promote the safe operation of 15 passenger vans, with amendments (H. Rept. 110–608);

H.R. 3490, to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs and to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria, with an amendment (H. Rept. 110–609);

H.R. 3522, to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly (H. Rept. 110–610);

S. 2457, to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe (H. Rept. 110–611);

H. Res. 1156, providing for consideration of the Senate amendment to the bill (H.R. 493) to prohibit discrimination on the basis of genetic information with respect to health insurance and employment (H. Rept. 110–612); and

H. Res. 1157, providing for consideration of the bill (H.R. 5522) to require the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust (H. Rept. 110–613). **Pages H2851–52**

Speaker: Read a letter from the Speaker wherein she appointed Representative Rick Larsen to act as Speaker pro tempore for today. **Page H2765**

Recess: The House recessed at 12:48 p.m. and reconvened at 2 p.m. **Page H2768**

Chaplain: The prayer was offered by the guest Chaplain, Dr. William Lloyd Birch, retired Baptist minister, Florence, South Carolina. **Page H2768**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Providing for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe: S. 2457, to provide for extensions of leases of certain land by Mashantucket Pequot (Western) Tribe—clearing the measure for the President; **Pages H2769–70**

Ratifying a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly: H.R. 3522, to ratify a conveyance of a portion of the Jicarilla Apache Reservation to Rio Arriba County, State of New Mexico, pursuant to the settlement of litigation between the Jicarilla Apache Nation and Rio Arriba County, State of New Mexico, to authorize issuance of a patent for said lands, and to change the exterior boundary of the Jicarilla Apache Reservation accordingly; **Pages H2770–71**

Tuolumne Me-Wuk Land Transfer Act of 2007: H.R. 3490, amended, to transfer administrative jurisdiction of certain Federal lands from the Bureau of Land Management to the Bureau of Indian Affairs, to take such lands into trust for Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria; **Page H2771**

Honoring the life and legacy of Chief Standing Bear, a pioneer in civil rights for Native Americans, on the 100th anniversary of Chief Standing Bear's death: H. Res. 1043, to honor the life and legacy of Chief Standing Bear, a pioneer in civil rights for Native Americans, on the 100th anniversary of Chief Standing Bear's death; **Pages H2772–73**

Consolidated Natural Resources Act of 2008: S. 2739, to authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and to amend the Compact of Free Association Amendments Act of 2003, by a ⅔ yea-and-nay vote of 291 yeas to 117 nays, Roll No. 226—clearing the measure for the President; **Pages H2773–H2814, H2830**

Supporting the goals and ideals of Financial Literacy Month 2008: H. Res. 1079, to support the goals and ideals of Financial Literacy Month 2008, by a ⅔ yea-and-nay vote of 402 yeas to 2 nays, Roll No. 224; **Pages H2814–20, H2828–29**

Financial Consumer Hotline Act of 2007: H.R. 4332, to amend the Federal Financial Institutions Examination Council Act to require the Council to

establish a single telephone number that consumers with complaints or inquiries could call and be routed to the appropriate Federal banking agency or State bank supervisor, by a ⅔ yea-and-nay vote of 408 yeas to 1 nay, Roll No. 225;

Pages H2820–21, H2829–30

Expressing the sense of the House of Representatives that there should be established a National Watermelon Month: H. Res. 578, amended, to express the sense of the House of Representatives that there should be established a National Watermelon Month; **Pages H2821–23**

Expressing support for designation of March 11, 2008, as "National Funeral Director and Mortician Recognition Day": H. Res. 892, amended, to express support for designation of March 11, 2008 as "National Funeral Director and Mortician Recognition Day"; **Pages H2823–24**

Agreed to amend the title so as to read: "Expressing support for designation of a 'National Funeral Director and Mortician Recognition Day'.". **Page H2824**

Expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008: H. Res. 1073, to express the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 5 through 11, 2008; **Pages H2824–25**

Expressing the sense of the House of Representatives that there should be established a National Letter Carriers Appreciation Day: H. Res. 49, to express the sense of the House of Representatives that there should be established a National Letter Carriers Appreciation Day; and **Pages H2825–27**

Corporal Bradley T. Arms Post Office Building Designation Act: H.R. 5631, to designate the facility of the United States Postal Service located at 1155 Seminole Trail in Charlottesville, Virginia, as the "Corporal Bradley T. Arms Post Office Building". **Pages H2827–28**

Privileged Message: The House received a privileged message from the Senate requesting that the House return to the Senate the bill H.R. 493, to prohibit discrimination on the basis of genetic information with respect to health insurance and employment. **Page H2828**

Recess: The House recessed at 4:18 p.m. and reconvened at 6:30 p.m. **Page H2828**

Intent to Offer Motion to Instruct Conferees: Representative Flake gave notice of his intent to offer a motion to instruct conferees on H.R. 2419, Food and Energy Security Act of 2007. **Page H2828**

Intent to Offer Motion to Instruct Conferees: Representative Ryan (WI) gave notice of his intent to offer a motion to instruct conferees on H.R. 2419, Food and Energy Security Act of 2007 **Page H2830**

Senate Messages: Message received from the Senate today and messages received from the Senate by the Clerk and subsequently presented to the House today appear on pages H2768 and H2828.

Senate Referrals: S. 2829 was referred to the Committee on the Judiciary; S. Con. Res. 74 was referred to the Committee on Foreign Affairs; and S. 2929 was held at the desk. **Page H2850**

Quorum Calls—Votes: Three yea-and-nay votes developed during the proceedings of today and appear on pages H2828–29, H2829, and H2830. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 10:24 p.m.

Committee Meetings

MILITARY INTELLIGENCE PROGRAM

Committee on Appropriations: Subcommittee on Defense/Select Intelligence Oversight Panel met in executive session to hold a hearing on the Military Intelligence Program. Testimony was heard from James R. Clapper, Jr., Under Secretary, Intelligence, Department of Defense.

HEPARIN DISASTER

Committee on Energy and Commerce: Subcommittee on Oversight and Investigations held a hearing entitled "The Heparin Disaster: Chinese Counterfeits and American Failures." Testimony was heard from Janet Woodcock, M.D. Director, Center for Drug Evaluation and Research, FDA, Department of Health and Human Services; and public witnesses.

OVERSIGHT—DEFENSE DEPARTMENT ACQUISITIONS

Committee on Oversight and Government Reform, and the Subcommittee on National Security and Foreign Affairs held a joint hearing on Oversight of Defense Department Acquisitions. Testimony was heard from Michael J. Sullivan, Director, Acquisition and Sourcing Management, GAO; and from the following officials of the Department of Defense: David Patterson, Principal Deputy Under Secretary for Comptroller; and James Finley, Deputy Under Secretary, Acquisition and Technology.

MISCELLANEOUS MEASURES; RECRUITING AND RETAINING FEDERAL EMPLOYEES

Committee on Oversight and Government Reform: Subcommittee on Federal Workforce, Postal Service and the District of Columbia approved for full Committee action the following bills: H.R. 5550, amended, To amend title 5, United States Code, to increase the maximum age to qualify for coverage as a ''child'' under the health benefits program for Federal employees; and H.R. 5912, To amend title 39, United States Code, to make cigarettes and certain other tobacco products nonmailable, and for other purposes.

The Subcommittee also held a hearing on Catching Up Benefits That Will Help Recruit and Retain Federal Employees. Testimony was heard from Greg Long, Executive Director, Federal Retirement Thrift Investment Board; Daniel A. Green, Deputy Associate Director, Employee and Family Support Policy, Strategic Human Resources Policy Division, OPM; and public witnesses.

COMBUSTIBLE DUST EXPLOSION AND FIRE PREVENTION ACT OF 2008

Committee on Rules: Granted, by voice vote, a structured rule. The rule provides one hour of general debate on H.R. 5522, the Combustible Dust Explosion and Fire Prevention Act of 2008, equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against the amendment in the nature of a substitute except for clause 10 of rule XXI.

The rule makes in order only those amendments printed in the Rules Committee report. The amendments made in order 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 a division of the question in the House or in the Committee of the Whole. All points of order against the amendments except for clauses 9 and 10 of rule XXI are waived. The rule provides one motion to recommit with or without instructions. The rule provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker. Testimony was heard by Chairman George Miller of California, and Representatives McKeon and Wilson of South Carolina.

SENATE AMENDMENT—GENETIC INFORMATION NONDISCRIMINATION ACT OF 2008

Committee on Rules: Granted, by a voice vote, a rule making in order a motion by the Chairman of the Committee on Education and Labor to concur in the Senate amendment. The rule waives all points of order against the motion except clause 10 of rule XXI. The rule provides that the Senate amendment and the motion shall be considered as read. The rule provides one hour of debate on the motion with 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Education and Labor; 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee Energy and Commerce; and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee Ways and Means. The rule further provides that the Chair may postpone further consideration of the motion to a time designated by the Speaker. Testimony was heard by Chairman George Miller of California and Representative McKeon.

GLOBAL WARMING'S IMPACT ON OCEANS

Select Committee on Energy Independence and Global Warming: Held a hearing entitled ''Rising Taxes, Rising Temperatures: Global Warming's Impact on the Oceans.'' Testimony was heard from public witnesses.

Joint Meetings

EUROPE'S BLACK POPULATION

Commission on Security and Cooperation in Europe: Commission concluded a hearing 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, after receiving testimony from Joe Frans, United Nations Working Group on People of African Descent, former Swedish Parliamentarian, Stockholm, Sweden; Gary Younge, The Guardian, New York, New York; Allison Blakeley, Boston University, Boston, Massachusetts; Philomena Essed, Dutch Equal Treatment Commission, Berkeley, California; and Clarence Lusane, American University, Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D508)*

S. 793, to provide for the expansion and improvement of traumatic brain injury programs. Signed on April 28, 2008. (Public Law 110–206)

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 30, 2008

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Energy and Water Development, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the Department of Energy and the U.S. nuclear weapon nonproliferation efforts, 9:30 a.m., SD–192.

Subcommittee on Defense, to hold closed hearings to examine the National Reconnaissance Office (NRO)/Space Programs, 10:30 a.m., S–407, Capitol.

Subcommittee on Financial Services and General Government, to hold hearings to examine proposed budget estimates for fiscal year 2009 for the Consumer Product Safety Commission, 3 p.m., SD–192.

Subcommittee on Legislative Branch, 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, 3:30 p.m., SD–138.

Committee on Armed Services: Subcommittee on Strategic Forces, closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009, 9:30 a.m., SR–232A.

Subcommittee on Airland, closed business meeting to mark up those provisions which fall under the subcommittee's jurisdiction of the proposed National Defense Authorization Act for fiscal year 2009, 10 a.m., SR–222.

Full Committee, closed business meeting to mark up the proposed National Defense Authorization Act for fiscal year 2009, 2:30 p.m., SR–222.

Committee on 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, 3:30 p.m., SD–366.

Committee on the Judiciary: Subcommittee on the Constitution, to hold hearings to examine secret law and the threat to democratic and accountable government, 9 a.m., SD–226.

Special Committee on Aging: to hold hearings to examine making government a model for hiring and retaining elderly workers, 3 p.m., SH–216.

House

Committee on Appropriations, Subcommittee on Financial Services and General Government, on the District of Columbia, 2:30 p.m., 2359 Rayburn.

Committee on Education and Labor, to mark up H.R. 3021, 21st Century High-Performance Public School Facilities Act, 10 a.m., 2175 Rayburn.

Committee on Financial Services, to continue markup of 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, 9:30 a.m., 2128 Rayburn.

Committee on Foreign Affairs, to mark up the following measures: the Security Assistance and Arms Export Control Reform Act of 2008; H.R. 3658, To amend the Foreign Service Act of 1980 to permit rest and recuperation travel to United States territories for members of the Foreign Service; H.R. 5834, North Korean Human Rights Reauthorization Act of 2008; H.R. 1011, Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace and good governance in Chad, as well as in the wider region that includes the northern region of the Central African Republic and the Darfur region of Sudan; H. Res. 1063, Marking the 225th anniversary of the Treaty of Paris of 1783, which ended the Revolutionary War with the Kingdom of Great Britain and recognized the independence of the United States of America, and acknowledging the shared values and close friendship between the peoples and governments of the United States and the United Kingdom of Great Britain and Northern Ireland; H. Res. 1109, Honoring the memory of Dith Pran by remembering his life's work and continuing to acknowledge and remember the victims of genocides that have taken place around the globe; H.R. Con. 317, Condemning the Burmese regimes's undemocratic constitution and scheduled referendum; H. Con. Res. 318, Supporting the goals and ideals of the International Year of Sanitation; and a resolution Honoring the Seeds of Peace for its 15th anniversary as an organization promoting understanding, reconciliation, acceptance, coexistence, and peace in the Middle East, South Asia, and other regions of conflict, 1:30 p.m., 2172 Rayburn.

Committee on Homeland Security, to mark up the following bills: H.R. 1333, Civil Air Patrol Homeland Security Support Act of 2007; H.R. 4183, National Urban Search and Rescue Response System Act of 2007; and H.R. 5890, Citizen and Community Preparedness Act of 2008, 2 p.m., 311 Cannon.

Committee on the Judiciary, to mark up the following bills: H.R. 4279, Prioritizing Resources and Organization for Intellectual Property Act of 2007; H.R. 5690, To exempt the African National Congress from treatment as a terrorist organization for certain acts or events, provide relief for certain members of the African National Congress regarding admissibility, and for other purposes; H.R. 1650, Railroad Antitrust Enforcement Act of 2007; H.R. 5593, Congressional Review Act Improvement Act; and H.R. 4044, National Guard and Reservists Debt Relief Act of 2008, 10:15 a.m., 2141 Rayburn.

Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law, hearing on Wasted Visas, Growing Backlogs, 2:30 p.m., 2141 Rayburn.

Committee on Natural Resources, to mark up the following bills: H.R. 3323, Goleta Water Distribution System Conveyance Act of 2007; H.R. 2649, To make amendments to the Reclamation Projects Authorization and Adjustment Act of 1992; H.R. 4841, Soboba Band of Luiseno Indians Settlement Act; H.R. 5618, National Sea Grant College Program Amendments Act of 2008; H.R. 1464, Great Cats and Rare Canids Act of 2007; H.R. 1771, Crane Conservation Act of 2007; H.R. 5540, Chesapeake Bay Gateways and Watertrails Network Continuing Authorization Act; H.R. 3667, Missisquoi and Trout Rivers Wild and Scenic River Study Act of 2007; and H.R. 3930, Lesser Prairie Chicken National Habitat Preservation Area Act of 2007; 1 p.m., 1324 Longworth.

Committee on Oversight and Government Reform, Subcommittee on National Security and Foreign Affairs, hearing on Oversight of Missile Defense (Part 3): Questions for Missile Defense Agency, 10 a.m., 2154 Rayburn.

Committee on Science and Technology, hearing on E-Waste: Can the Nation Handle Modern Refuse in the Digital Age? 10 a.m., 2318 Rayburn.

Committee on Small Business, hearing entitled ''The Effect of the Credit Crunch on Small Business Access to Capital,'' 10 a.m., 1539 Longworth.

Committee on Transportation and Infrastructure, Subcommittee on Economic Development, Public Buildings, and Emergency Management, hearing on Saving Lives and Money through the Pre-disaster Mitigation Program, 9 a.m., 2167 Rayburn.

Subcommittee on Water Resources and Environment, hearing on Proposals for a Water Resources Development Act of 2008, 2 p.m., 2167 Rayburn.

Committee on Veterans' Affairs, to mark up the following measures: H.R. 2790, 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, Veterans Substance Use Disorders Prevention and Treatment Act of 2008; H.R. 5856, Department of Veterans Affairs Medical Facility Authorization and Lease Act; H.R. 3681, Veterans Benefits Awareness Act of 2007; H.R. 3889, 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; 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. 4884, Helping Our Veterans to Keep Their Homes Act of 2008; H.R. 4889, The Guard and Reserves Are Fighting Too Act of 2008; H.R. 5664, To amend title 39, 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; H.R. 5684, Veterans Education Improvement Act of 2008; H.R. 5826, Veterans' Compensation Cost-of-Living Adjustment Act of 2008; and H.R. 5892, To amend title 38, United States Code, to direct the Secretary of Veterans Affairs to ensure the accurate and timely delivery of compensation to veterans and their families and survivors, and for other purposes, 10 a.m., 334 Cannon.

Permanent Select Committee on Intelligence, executive, hearing on the DNI Budget Wrap-up, 1 p.m., H–405 Capitol.

Subcommittee on Terrorism, Human Intelligence, Analysis and Counterintelligence, executive, briefing on Hot Spots, 10 a.m., H–405 Capitol.

Next Meeting of the SENATE

9:30 a.m., Wednesday, April 30

Senate Chamber

Program for Wednesday: Senate will continue consideration of H.R. 2881, FAA Reauthorization Act, and Senator Durbin will be recognized to offer an amendment.

(At 11 a.m., Senate will meet with the House of Representative in the House Chamber to receive a message from His Excellency Bertie Ahern, the Prime Minister of Ireland.)

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 30

House Chamber

Program for Wednesday: Joint Meeting with the Senate to receive His Excellency Bertie Ahern, Prime Minister of Ireland. Consideration of the following suspensions: (1) H.R. 1195—To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections; (2) H. Con. Res. 308—Authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; (3) H. Res. 444—Supporting the goals and ideals of National Aviation Maintenance Technician Day, honoring the invaluable contributions of Charles Edward Taylor, regarded as the father of aviation maintenance, and recognizing the essential role of aviation maintenance technicians in ensuring the safety and security of civil and military aircraft; (4) H. Res. 964—Promoting the safe operation of 15-passenger vans; (5) H.R. 1777—Need-Based Educational Aid Act of 2007; (6) H. Con. Res. 330—Supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; (7) H. Res. 1096—Commending the University of Kansas Jayhawks for winning the 2008 National Collegiate Athletic Association Division I basketball championship; (8) H. Res. 1130—Recognizing the roles and contributions of America's teachers to building and enhancing our Nation's civic, cultural, and economic well being; (9) H. Res. 1100—Congratulating the University of Iowa Hawkeyes Wrestling Team on Winning the 2008 NCAA Division I National Wrestling Championships; (10) H. Res. 1119—Supporting the goals and ideals highlighted through National Volunteer Week; and (11) H. Res. 1149—Expressing support for the designation of April 2008 as National Sarcoidosis Awareness Month, and supporting efforts to devote new resources to research the causes of the disease, environmental and otherwise, along with treatments and workforce strategies to support individuals with sarcoidosis. Consideration of H.R. 5522—Worker Protection Against Combustible Dust Explosion and Fire Act of 2008 (Subject to a Rule).

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